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FEATURES OF PROVIDING THE RIGHT TO PROFESSIONAL ADVANCED EDUCATION FOR PEOPLE WITH DISABILITIES: ADMINISTRATIVE AND LEGAL ASPECT

The purpose of the research is the specifics of ensuring the right to vocational higher education for persons with disabilities: the administrative and legal aspect in foreign countries, in particular the experience of three European countries that entered the top ten according to the results of the international study PISA-2018: Estonia, Finland and Poland.. Main content. It considers the experience of building an education management system on a democratic basis, in cooperation between government bodies and society. It is determined that education in the studied countries is one of the priorities of the state and society. Methodology: The methodological basis of the research consists of comparative legal and system analyses, a formal legal method, interpretation method, hermeneutical method and methods of analysis and synthesis. Conclusions. Similar approaches to administration and financing were identified. A trend characteristic of all countries is clarified: the state guarantees free education, including science, and ensures equal access to quality education and science. Mechanisms for financing education, science, and the main sources of funding inherent to each country were defined.

Thus, the experience of the European Union countries, which were included in the top 10 best countries according to the PISA-2108 international survey showing the best performance (Estonia, Poland, Finland) for the administration of education and science based on such indicators as management, financing, public involvement in the process of managing education and science, was analyzed. This approach made it possible to identify the main approaches to the administration of education and science at the local level that can be implemented in Ukraine, namely: involvement of local self-government bodies in the selection of teaching staff; financial autonomy of educational institutions; replenishment of the school budget through the provision of additional paid services; reducing education costs by attracting outsourcing companies; motivating highly qualified teachers to work in rural educational establishments; creation of a national register that would contain a comprehensive about educational institutions; maintenance by communities of underfilled educational institutions.

Key words: *legal regulation, prior higher education, education, science, legal support, persons with disabilities.*

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ОСОБЛИВОСТІ ЗАБЕЗПЕЧЕННЯ ПРАВА НА ФАХОВУ ПЕРЕДВИЩУ ОСВІТУ ОСОБАМ З ІНВАЛІДНІСТЮ: АДМІНІСТРАТИВНО-ПРАВОВИЙ АСПЕКТ

Метою дослідження є особливості забезпечення права на фахову передвищу освіту особам з інвалідністю: адміністративно-правовий аспект в зарубіжних країнах, зокрема досвід трьох європейських країн, які увійшли до першої десятки за результатами міжнародного дослідження PISA-2018: Естонії, Фінляндії та Польщі. Основний зміст. Розглянуто досвід побудови системи управління освітою на демократичних засадах, у взаємодії органів влади та суспільства. Визначено, що освіта в досліджуваних країнах є одним із пріоритетів держави та суспільства. Методологія: Методологічну основу дослідження складають порівняльно-правовий та системний аналізи, формально-правовий метод, метод інтерпретації, герменевтичний метод та методи аналізу та синтезу. висновки. Були визначені подібні підходи до адміністрування та фінансування. З'ясовується характерна для всіх країн тенденція: держава гарантує безкоштовну освіту, в тому числі наукову, забезпечує рівний доступ до якісної освіти і науки. Визначено механізми фінансування освіти, науки та основні джерела фінансування, притаманні кожній країні.

Так, досвід країн Європейського Союзу, які увійшли до ТОП-10 країн за міжнародним дослідженням PISA-2108, демонструючи найкращі показники (Естонія, Польща, Фінляндія) для управління освітою і наукою за такими показниками. як управління, фінансування, залучення громадськості до процесу управління освітою і наукою, проаналізовано. Такий підхід дав змогу визначити основні підходи до управління освітою і наукою на місцевому рівні, які можуть бути реалізовані в Україні, а саме: залучення органів місцевого самоврядування до підбору педагогічних кадрів; фінансова автономія закладів освіти; поповнення шкільного бюджету за рахунок надання додаткових платних послуг; зниження витрат на освіту шляхом залучення аутсорсингових компаній; мотивація висококваліфікованих педагогів до роботи в сільських навчальних закладах; створення національного реєстру, який містить би вичерпну інформацію про навчальні заклади; утримання громадами неукомплектованих закладів освіти.

Ключові слова: *правове регулювання, попередня вища освіта, освіта, наука, правове забезпечення, особи з інвалідністю.*

Introduction. The issue of world experience in decentralizing education management at the local level, as well as ensuring the organization of participation of citizens in solving local matters was covered in works of domestic and foreign scholars such as T. Ivanova, V. V. Kravchenko and others (Kravchenko, 2007). However, the issue of education and science management in foreign countries remains not sufficiently studied.

In a developed civil society, power is dependent on citizens, because the public has influence on the planning of the work of government bodies and decision-making (Villasmil Espinoza et al., 2022). At the same time, authorities are establishing a

close relationship with the public, monitor public opinion, and ensure timely public awareness of their activities (Kravchenko, 2007). In the education management system, the influence of the community is felt the most.

Based on the results of the PISA-2018 international survey, Estonia, Finland and Poland ranked among the top 10 countries with the best performance (Schleicher, 2018). They are among the few European countries that received such high ratings. Estonia is a country of the former Soviet Union, which joined the European Union in 2004. Finland's experience is the basis for the educational reform of the "New Ukrainian School".

It is one of the OECD countries that has managed to minimize the difference between rural and urban schools (Schleicher, 2018). Poland is a strategic partner of Ukraine, similar in administrative and territorial structure. Let us focus on some aspects in the field of education in these countries, in particular, on the powers of the local self-government authorities in the field of education; basic approaches to financing pre-school and general secondary education institutions; and the participation of the public in the management of education at the local level.

Results of the research. Estonia. The management of education in Estonia is decentralized, that is the distribution of powers between the state, local authorities and the school is clearly defined. The local government, municipality/town are primarily responsible for the availability of general education (from preschool to general secondary education), for compulsory school attendance by students, maintenance of preschool institutions and schools. Local authorities are the founders of municipal schools, whose main powers include: planning educational development programs within the framework of their administrative jurisdiction and their implementation; creating, reorganizing and closing municipal educational institutions and ensuring their economic support and financing; appointing/dismissing heads of educational institutions under their jurisdiction; transportation for students and teachers; providing medical care and nutrition for children at schools; registration of persons with special needs and organizing training for them (Tylchuk et al., 2022).

The state guarantees free general secondary education. For this purpose, funds are allocated from the state budget in the form of an educational subvention for both municipal and private educational institutions. These expenses are used for the salaries of teachers and heads of educational institutions, as well as for the improvement of their qualifications, for textbooks and teaching aids, student nutrition. To a large extent, the calculation of the educational subvention is influenced by the number per class. In addition, the state finances the costs associated with the establishment of boarding schools. The remaining expenses of schools are covered by the school governing body (that is, usually a local government or, with private schools, a private legal entity). Municipal schools are financed from local budgets (communal services, cleaning of schools, work of social workers and psychologists, repair of premises, etc.). The ratio of expenditures from the state budget and local budgets for general

secondary education account for 42 % and 58 %, respectively (Matviichuk et al., 2022).

In order to replenish the local budget of local self-government bodies, founders of educational institutions may provide additional paid services (gym/pool subscription), as well as rent out premises (gyms, swimming pools, etc.) after the scheduled time (Tytysh, 2016). Educational institutions may receive charitable contributions or financial assistance.

To save money, most municipalities have solved the issues of transportation, cleaning and food by attracting outsourcing companies: for example, local governments conclude a contract for the transportation of students to an educational institution with a local company that transports passengers at a certain time, with buses traveling along a certain route. Thus, local self-government bodies do not face the issue of maintaining buses, hiring drivers and paying for their work (Tytysh, 2016).

In Estonian schools, there are pedagogical councils of teachers that are authorized to decide on issues related to teaching and upbringing at school. A permanent body that provides support in the activity of an educational institution and provides proposals to local self-government bodies to resolve issues related to a preschool institution or school is a board of trustees of an educational institution. This council consists of representatives of the educational institution administration, pedagogical council, student council, parents, graduates of the educational institution. The head of the educational institution is accountable to the board of trustees. The activity of the board of trustees is determined by the charter of the educational institution (Kobrusieva et al., 2021).

Schools also have student self-government bodies, that is student councils that have the right to independently decide and organize issues of school life. A representative of the student council participates in the activities of the pedagogical council.

The board of trustees, student council, pedagogical council, invited experts together with the management of the school develop and approve a school development plan (for a minimum of 3 years), where the goals and recommendations for school development are defined (Leheza et al., 2020).

A special feature of the Estonian educational system is the web-based national ENIS (Estonian Education Information System) register, which collects data on the Estonian educational system. The Estonian Education Information System contains information about educational institutions, students, teachers (their salaries as well), curricula, rights to study and documents certifying education.

Finland. At the municipal level, the main task of the authorities (municipalities or joint municipal authorities) is to ensure an opportunity for all children of preschool and school age, including children with special needs, to learn according to their abilities. Pre-school education (one year before school) and basic education (9 years of education) are mandatory. Municipalities are empowered: to allocate funding for education; to form the learning content through local curricula (within the framework of the national basic curriculum); to select staff; to ensure practical learning conditions, efficiency and quality of education; to provide transportation for students; to manage educational institutions; to provide learning in two languages (if necessary, in Swedish); to organize and conduct a competitive selection of heads of educational institutions. Municipalities are responsible for the organization of educational support and education for children with special needs according to their specific situation (Law of Finland, 2022).

In addition to organizing the educational process, each local government is generally responsible for student welfare services, which include: free school meals; free health care in the school; free dental care; free services of social workers and school psychologists. Local authorities have no legislative obligations to organize general secondary education and vocational education and training, but they are required to contribute to their financing.

Finnish municipalities can delegate part of their powers to educational institutions, in particular, the selection of the staff and management of the school budget; determination of teaching methods, teaching materials and textbooks (Law of Finland, 2022). The financial autonomy of schools varies from one municipality to another. The municipal department of education decides the level of autonomy of schools that may have a budget.

In Finland, each municipality is required to provide basic services: medical, social, and educational (pre-school and basic education). Funding for basic services is distributed between the state and municipalities. The share of funding is divided approximately as follows: 75 % is for a municipality, and 25 % is for the state.

The state covers the costs of school meals and the transportation for students, as well as medical services. Municipalities receive part of the funds from the state, but the largest source of income is tax revenues, since municipalities have the right to collect taxes. State funding is not allocated purposefully. Therefore, municipalities have full autonomy in deciding on the distribution of costs between different basic services, such as

medical, social and educational. The calculation of necessary expenses for basic education in Finland is carried out using the formula, which includes key indicators: the cost of education per student; the number of residents of the municipality aged 6 and 15 years old. The remoteness of location of the municipality, demographic factors (population density, age range, incidence of disease of the population in each district) are also taken into account. Funding for private education is determined according to the same criteria as public education (Halaburda et al., 2021).

The Finnish government program "Right to learning is an equal start to learning paths for 2020-2022" covers preschool and basic education, which includes projects that will improve the quality of education and equality in access to education. The program aims at reducing differences in learning outcomes related to children's social and economic background, gender, and immigration (Law of Finland, 2022).

Poland. The lowest level of administrative division is gmina. The powers of gminas include: the creation and management of community kindergartens, primary schools; the maintenance of buildings of pre-school and primary education institutions; the organization of student transportation; the appointment to the position of a head of an educational institution under the jurisdiction of a local government. It should be noted that the primary school in Poland is an 8-year school divided into two stages: the first stage provides for studying in grades 1–3, and the second stage for studying in grades 4–8. The pedagogical supervision of these educational institutions is the responsibility of their leaders. The gmina, like the county, may establish and manage public teacher training centers and institutes, as well as educational resource centers, within the limits of its powers (Tytysh, 2016). The county is responsible for the last three years of study in secondary schools, vocational and special schools.

Conclusions. Thus, the experience of the European Union countries, which were included in the top 10 best countries according to the PISA-2108 international survey showing the best performance (Estonia, Poland, Finland) for the administration of education and science based on such indicators as management, financing, public involvement in the process of managing education and science, was analyzed. This approach made it possible to identify the main approaches to the administration of education and science at the local level that can be implemented in Ukraine, namely: involvement of local self-government bodies in the selection of teaching staff; financial autonomy of educational

institutions; replenishment of the school budget through the provision of additional paid services; reducing education costs by attracting outsourcing companies; motivating highly qualified teachers to work in rural educational establishments; creation of a national register that would contain a comprehensive about educational institutions; maintenance by communities of underfilled educational institutions.

Promising areas for further research is the study of the experience of education management

at the local level in Asian countries, which top all rankings in international studies of the quality of education and science.

A significant number of PISA member countries implement special measures to maintain educational institutions with unfavorable learning conditions. Thus, the practice of additional financing of such projects or motivating teachers with the highest level of qualification to work in such institutions is common.

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