



INSTYTUT SPRAW PUBLICZNYCH
THE INSTITUTE OF PUBLIC AFFAIRS



Institutul de Politici Publice

Fellowship Program for Moldovan Public Policy Analysts

Policy Papers 05/07

**COOPERATION AMONG PUBLIC ADMINISTRATION, HIGHER
EDUCATION INSTITUTIONS AND CIVIL SOCIETY IN REFORMING
HIGHER EDUCATION SYSTEM IN LINE WITH EUROPEAN
STANDARDS**

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The papers in the series have been written by policy analysts as a result of study visits to Warsaw in the framework of a fellowship programme, co-ordinated by the Institute of Public Affairs, Warsaw and the Institute for Public Policy, Chisinau co-financed by the Polish aid programme 2007 of the Ministry of Foreign Affairs. The opinions are those of the author.



Executive summary

One of the problems of the Moldovan education policy is the fact that the Ministry of Education uses mainly direct instruments to manage and reform higher education without or with merely declarative and ineffective involvement of the main stakeholders. This policy affects the development of the higher education system (HES), raises concerns related to human rights as well as criticisms and doubts in the capacity and real intentions of the Ministry capacities. Moreover, this style of reform does not correspond to the general European trends of development.

The objectives of this paper are to compare the ways in which the public administration, higher education institutions and civil society cooperate in reforming higher education systems in accordance with contemporary requirements of European development in Poland and Moldova; to underline similarities and differences; to show priorities of democratic management governance in higher education for reform effectiveness; and to underline the policy options.

Studying Polish experience, we can find some options for Moldovan higher education (HE) Policy. The paper contains recommendations needed to achieve real results in reforming HE System according to the general European trends of knowledge based economy.

1. Introduction and context of the problem

Education is one of the most powerful instruments for reducing poverty and inequality and lays foundation for sustained economic growth. Higher education has the mission to create the intellectual capacity to produce the knowledge. Statistics show that one third of the employees in Europe work in knowledge intensive sectors and these sectors create the half of new jobs.

In 2000 at the summit in Lisbon the European Council established an ambitious goal for the European Community – to become the most effective knowledge-based competitive economy in the world. The universities and Ministries of Education of the whole Europe, through participation in the Bologna Process are engaged in the process of the development of knowledge based on European economy, by creating the common European Higher Education Area and reforming HE Systems.

One of the problems facing all governments in their educational policies is the question how to ensure cooperation between public administration, higher education institutions and civil society in reforming the higher education system in accordance with contemporary requirements of the European development

Theoretically speaking, the state authorities can use different instruments in HE policy. Direct instruments – orders, decisions and indications are easier to apply for the government but are less democratic. Using indirect methods as legislation, financial regulations is more hard to realize but also more democratic.

Poland has the experience of socialist governance of the higher education when a bureaucratic centralized apparatus was set up and higher education development was planned by the state. Poland has old university traditions and is the first country worldwide which established the

Ministry of Education. In this respect it has long-standing experience of interaction between public institutions and universities. At the same time Poland has undergone democratic changes and has a unique experience of development of higher education sector since 2005. Poland is engaged in the general European process of higher education reform, being a member of the European Union and of the Bologna process (from 1990). Taking into consideration the EU requirements in higher education reform Poland adopted the Law on Higher Education 2005 and the Education Strategy for 2007-2013.

Studying the experience of Poland in reforming HE System and ensuring the cooperation between public administration, higher education institutions and civil society cooperation in reforming higher education system in accordance with contemporary requirements of European development we can find many solutions for the Moldovan HE policy problems.

To underline the **policy options** and **show priorities** of democratic management in higher education reform, in accordance with contemporary requirements of European development, we compare public administration, higher education institutions and civil society cooperation in three main aspects important for HE development and reform in Poland and Moldova:

- transition period challenges and changing HE legislation;
- the main stakeholders' participation into HE reform,
- funding and European support for education reform in Poland and Moldova.

The study illustrates different governmental approaches to similar problems in Poland and Moldova, which lead to different level of Public Administration, HEI's and civil society cooperation to solve the policy problems, leading to different results.

We used information and statistical data from the available international and national reports (related mainly to the period of 1990-2005). Usefully information, publications, materials and consultations for this paper was provided by the experts in the field of HE development in course of the author's study visit to Poland. The current Poland and Moldovan legislation in the field of HE is consulted and quoted.

The conclusions and policy options are presented into the last part of the paper.

2. Transition period challenges and changing the legislation

2.1. Poland

The development of Higher Education in Poland was deeply intertwined with the general process of democratizing the Polish society. Decentralization and privatization have created the conditions for free development and diversification of the higher education institutions.

The transition of the economic and political system in Poland has become a promising challenge for higher education graduates, and a threat for less well educated. Tertiary school graduates' faster adaptation arises out of a better understanding of new rules under a democratic system and market economy. Poland UNDP National Human Development Report (1998) shows that "financial benefits from education in Poland have increased since 1989. They are two or three times higher than in countries with a similar income level, but very considerable according to the level and field of studies and the labor market sector. As far as the area of studies is concerned, the biggest profit for society and individual come from

studying economics and law; the smallest when graduating from social studies and arts studies”

Poland registered one of the interesting phenomenon of market self-development of higher education without the state support (in this period the state financing of Higher education remained at the level of 1990 and decreased). From 1990 -2003 the number of higher education institutions increased from 112 to 377 and the number of students increased in that period from 403 800 to 1 800 500.

On the other hand the Higher Education System of Poland confronted the problems of quality assurance, migration of teacher staff from one Higher education Institution to another and abroad, lack of resources for development (the biggest source was the tuition fee paid by the students).

The basis for the education legislation in Poland was the real society democratization, local administration decentralization and market reforms.

The fundamental right for education is guaranteed by the Polish Constitution adopted in 1997. Art 70, § 1.

1990 Act on the Education System gives equal rights for public and private HE institution to exist and to function autonomously.

The 1995 Amendment to the Act on Education System on the education system introduced changes in financing independent schools: primary schools receive a subsidy from the local community budget, secondary and tertiary schools from the state budget.

Responding to the necessity of assuring the quality of higher education and establishing the European standards in national education amendments were introduced, establishing State Accreditation Committee.

The Law on Higher Education adopted in 2005 was elaborated by the Ministry of Education with the participation of state universities to accomplish all conditions of European integration in Higher Education. The Law is very detailed, reflecting all requirements of Bologna process, the interests of state universities, and containing provisions that encourage the participation of all stakeholders of Higher Education Process reform. This Law became the legal framework for the implementation of Higher Education Development according to the Polish Strategy of Education for the 2007-2013.

After two years of Law implementation some problems in Higher Education System reform have been observed. They could be avoided if the process of law elaboration had involved to a greater extent a number of stakeholders, such as:

- the private Higher Education Institutions,
- Student association and councils (the students interests are underrepresented in the law),
- civil society representatives teaching and academia associations (the higher academia positions and grades established by law do not correspond to the European standards),
- bodies responsible for the Bologna process implementation (the problem of double diploma granted to the participants of undergraduate and postgraduate university programmes).

The Education Strategy for 2007-2013 was elaborated according to the requirements of Lisbon Strategy and Bologna Process requirements and was adopted after the Law on Higher Education (LoHE) was elaborated. The Strategy implementation and the continuous reform according to the Bologna Process can require the LoHE amendment.

In Poland every new draft Law related to Higher Education is submitted for opinions and comments to several organizations representing academy (General Council for Higher Education, Conferences of Rectors) and other HE partners (trade unions which operates within the education system as well as to employees organizations: The Confederation of Private Employers, the Confederation of Polish Employers, Business Centre Club and over).

2.2. Moldova

Before 1991 the Educational System in Moldova was as centralized and bureaucratic as in Poland before 1989. Higher education was governed by the Ministry of Education following the requirements of planned economy and the instructions of the Communist party.

The transition of higher education development in Moldova was quite similar to that of Poland. Little public resources were disbursed for the development of HEI, while the number of private HEI and paid courses at the public HEI increased and the number of students grew continually. Responding to the demands of transition to market economy, similarly to Poland, interest grew in law and economy specialities.

From 1991-2003 the number of higher education institutions increased. If until 1991 there were 8 state universities in the biggest Moldovan cities (Chisinau, Balti, Tiraspol), by 2002 the number of legally operating university level HEIs rose to 49. After the amendments to the legislation were introduced in 2003, a number of private universities were closed. According to the latest statistical data, in the academic year 2006-2007 there were 31 HEIs in Moldova - 17 state and 14 private. Between 2001 and 2007 the number of students increased from 86,400 to 128,000. As in Poland HEIs developed mainly without state support. From the state budget are financed only state universities for teachers' salaries and stipends for students.

As in Poland Moldovan HES confronted the problems of quality assurance, migration of teacher staff from one HEI to another, lack of resources for development. $\frac{3}{4}$ of all Moldovan students from state and private universities pay fees for study.

The fundamental human right for education is guaranteed by the Constitution of Republic of Moldova adopted in 1994 (art 35).

According to the Law on Education (LoE) 1995 – the education became a national priority. This law introduced the notion of private educational institution and established the rules of starting a HEI. Private HEI's can be set by the authorization from the Chamber of License.

For several times from 1997-2004 the LoE 1995 was amended to assure the quality of higher education. Accreditation Committee was established. In 2003 by LoE 1995 amendments for private Higher Educational Institutions (to have a building in property, and an amount of 1 million Moldovan lei on the account).

From 2005 Moldova was accepted into the Bologna Process and now is in the process of elaboration the Educational Code including the Law on Higher Education.

The new Law on Higher Education is in the process of elaboration, but this process is not clear and transparent. Without an Educational Strategy the government tries to elaborate an educational Code including the Law on Higher Education. Some irregular seminars organized by the Ministry of Higher Education, Council of Rectors and Institute for Public Policies discussed some problems of Bologna Process implementation in Moldovan higher Education but the Project of Law on Higher Education was not public discussed. The project was changed for many times and appeared in different variants in unofficial sources. The final Law draft is unknown and is not public. This situation excludes the possibility of the participation of the main stakeholders in elaborating the law.

3. The main stakeholders and their participation in higher education reform

3.1. Poland

The systemic changes in the Polish society in the 1990s have influenced and changed the role of state in Polish education System. The Polish higher education system and its instruments have adjusted to the market environment. The state has withdrawn from direct interventions and has come to manage independent actors. New actors emerged in particular within the private sector (non public HEI and private enterprises) and civil society (different non/governmental organizations with educational goals, think tanks and students associations). The management of tertiary education in Poland is based mainly on indirect legal and financial instruments, and to a lesser extent on directives and instructions (PR p. 77).

Ministry of Education. According to the LoHE of 2005, the Polish Ministry of Education determines by way of regulations the general framework for the functioning of the system; has the control function supervising the TEI's compliance with the law and lays down the rules for distributing the state budget funds between TEIs. In Poland there are three basic aspects of tertiary education where public authorities are clearly more involved: increasing broadly defined access to higher education, preventing a decline in the quality of teaching and implementing the Bologna Process (PR, p.79). The Ministry often issues regulations and decisions after considering proposals and opinions of the national level functioning collective bodies (GCHE) and independent experts.

General Council for Higher Education (GCHE) is an elected advisory body which can initiate policy discussions at national level. GCHE represents the range of academic staff and students. Trade unions representatives sit as non voting observers. Employers, the business community and other stakeholders of higher educational process are not represented in this Council. The GCHE may be invited by the Ministry to provide advice on a wide range of issues, and must be consulted by the Ministry on matters including proposed legislation, the national budget for tertiary education, international agreements and proposals for new fields of study. The GCHE plays a major role in designing development strategies and "shaping" the tertiary education system. It is financed by the state.

Central Commission for Academic Degrees and Titles (CCADT) is responsible for ensuring the appropriate quality of academic staff.

Universities and HEIs. Polish Universities have the experience of medieval and modern autonomy and good academically traditions of corporative governance and recognizing the place of universities in the process of society development. These traditions were changes in socialist times by the defining role of state in education and by distributive function of the ministries. After 1989 the new economical and political conditions push universities to revise their role and reaffirm their autonomy.

Analysis of the LoHE 2005 shows that TEIs are autonomous in all their activities governed by the freedom of teaching, research and artistic creation. Central and local authorities can take decisions concerning TEIs only in cases provided by the LoHE. Polish TEIs may establish admission requirements, including the students' enrolment level (except for medical studies), study plans and curricula in accordance with programme requirements laid down by the Ministry, and issue national tertiary education diploma.

It should be underlined that the TEIs enjoy a considerable financial autonomy at the central institutional level. TEIs are allowed to pursue economic activity and manage the revenues from this activity (e.g. tuition fees for extramural programmes) independently. TEI was not required to return the state-budget funds not used in a given year (PR p.81).

State Accreditation Committee (SAC). According to the LoHE 2005, the SAC is a non-elected body whose members are appointed by the Ministry from among candidates proposed by the GCHE, CRASP, CRNUHEI, Student's Parliament of the Republic of Poland, the Senates of TEIs, scientific and professional associations, as well as employees organisations. It is financed by state.

Conference of Rectors of Academy Schools in Poland (CRASP) and Conference of Rectors of Non University Higher Education Institutions (CRNUHEI) – national level functioning bodies. CRASP and CRNUHEI have similar functions to represent the interests of HEIs to support the development of higher education and research, to consult public authorities and to make proposals concerning tertiary education development and reform, to provide assistance to students, to draft state budget for tertiary education and draft education legislation.

Senates, councils and other TEIs management bodies. The Senates are academic management bodies of the TEIs. They comprise the rectors, heads of elected TEIs bodies and structural divisions and students representatives. According to the LoHE the public Polish universities must have such a body, and 20% of places in the Senate must be given for students. Senates from their rectors can provide proposals for CRASP and CRNUHEI. TEIs' Councils as distinct from Senates can include representatives of TEIs environment: local government units, employers, representatives of professional associations, graduates and over stakeholders. The faculties are relatively independent TEIs bodies that have large financial and academically possibilities for activity.

Student's Parliament of the Republic of Poland represents the student's community before different public authorities and gives opinions on legislation concerning students. The Parliament strives to ensure different benefits for students (lower prices for transport, etc)

Student's self government structures and organizations from TEI's are involved in management TEI's and solve problems of related to students' life.

Scientific and professional associations. Representatives of academic trade unions are represented as advisors at GCHE without the right to vote. University research bodies (Centre for Science Policy and Higher Education of the Warsaw University) do research, producing studies on the general trends of HE development and experts from these centers elaborate the country reports and recommendations for HE policy improvement and implementation of reforms. Only a small number of these associations has really participated in the debates on and elaboration of the Law on Higher Education.

Business. The organizations representing the business or employers (The Confederation of Private Employers, Confederation of Polish Employers, and Business Centre Club) are consulted in the elaboration of HE legislation and in matters related to labor market. The private business in general is interested in upgrading the level of employees' skills and knowledge, as these factors increasingly determine the competitiveness of companies. The passivity of business in helping reform the Polish education sector primarily results from their lack of experience and difficulty in assessing for future demand for education. The exceptions are large foreign-owned companies, which employ high-quality specialists and run employee training programmes as part of the companies' development strategies.

3.2 Moldova

The systemic reforms in Moldova were not as deep and irreversible as in Poland. The republic has encountered considerable problems in changing the economy to a market one, in human rights protection and democratization of the society. Taking into consideration this background the roles of different stakeholders differ from those of the similar Higher Educational reform stakeholders from Poland.

Ministry of Education. According to the LoE 1995 the Ministry of Education co-ordinates the development of HE Policy. The Ministry elaborates strategies and policy plans, decides on financing of state universities, sets the educational standards, evaluates and accredits the HEI, coordinates the research activities and financial activities of subordinated institutions, signs international agreements, elaborates and approves the statutes of HEIs, recognizes the foreign studies documents.

From 2003 according to the amendments to the LoE of 1995 the Ministry distributes the State "order" established by a government decision each year for all fields of study without any previously established rules or algorithms.

The Ministry of Education is the main promoter of Higher Education Reform and tries to assume the whole responsibility for this using the direct management instruments - directives, recommendations and orders. On the other hand Ministry consists of a limited number of persons who find it very hard to deal all responsibilities and manage all necessary transformations for reforming the higher education system.

Higher Education Institutions. The Moldovan Universities were created in the Soviet period and till 1991 had only the experience of the central state governance. After 1991 they faced the same challenges as the Polish state universities– the lack of financing and the necessity to solve all the problems on their own. According to the Law on Education of 1995 the state universities can obtain the autonomous statute in the manner established by the Government. Obtaining the autonomy statute they have the right to conduct and organize study and research and to manage the funding obtained from the state budget or from other legal

sources. In reality they are not allowed to have their own admittance requirements different from the admittance regulations laid down and changed each year by the Ministry. They are not allowed to establish the level of enrollment.

All LoE requirements related to the management, quality assurance (accreditation procedure) are the same for state and private HEIs. The amendments to the LoE 1995 changed the statute of private HEI, requiring all of them to reregister as non-profit HEIs. The statutes of HEIs are approved by the Ministry.

National Commission for Accreditation was established in 1997 according to the Law on accreditation and evaluation of educational institutions of the Republic of Moldova. It has the responsibility to control and accredited public and private higher education institution. The members are appointed by the Ministry from the list of university teachers and researchers recommended by all universities and independent experts in different fields of studies. NCA is financed from the sources paid by the HEIs for accreditation. According to the amendments to the law on evaluation and accreditation all Moldovan HEIs are accredited by the state Department of Accreditation and Evaluation, which is a structural division of the Ministry of Education.

Council of Rectors is a non governmental organisation created in Moldova according to the requirements of Bologna process and designed as a body for permanent consultations between rectors and Ministry of Education. The Council includes rectors of public and private HEIs. Some of the Council's initiatives were supported by the Ministry (e.g., the resolution to join the Bologna Process), while some other have not been taken into consideration. According to the President of the Council of Rectors, the Rector of State University of Moldova, „the rectors find out about the adoption of some normative acts related to higher education from TV”.

Students' Republican Senate of the Republic of Moldova was constituted at the initiative of the Ministry of Education for promotion the state policy in higher education through students' senates. Designed to be formed from the permanent representatives of the students bodies of Moldovan universities, it is convoked mainly at the initiative of Ministry to inform on the new state objectives in education or youth policy.

Student's Association of Republic of Moldova, Association of Students from Transnistria ASTRA and other students and youth organizations represent the interests of students but are not active in the elaboration of HE development policy.

NGOs. A limited number of NGOs in Moldova deal with problems of higher education. Institute for Public Policy (IPP) is one of the Moldovan think tanks seriously involved in the debate over HE reform and design of educational policy. The IPP organized and managed seminars and workshops on the Bologna Process reforms for Moldovan HEIs and Public Administration. Another organization dealing with HE Reform is The Centre for University Strategies and Technology Pro Bologna which realized a successful project - **www.almamater.md** site, focusing on the reform of HES in Moldova in line with the requirements of the Bologna Process.

Scientific and professional associations are mainly passive in the process of HE Reform.

Business. The banks and big foreign companies support different university activities or students. Examples include Moldcell (Turkish-owned telecommunication company), which supports the best students establishing the annual stipend and enrolling into service, and the Union Fenosa, supporting Spanish language studies etc. Some business representatives provide places for students' internships on the basis of contract with universities.

4. Funding and European support to the educational reform

4.1. Poland

Public spending on tertiary education grew by 66% in real terms between 1995 and 2002. However, given the substantial growth in enrolments of 97% (the highest in OECD area) public spending on institutions per tertiary student decreased by 16% during the period. In 2002 30.3% of funding for tertiary education came from private households.

HEIs derive their revenues from three major sources: government subsidies, student tuition fees and external sources (research contracts, projects, services). The government subsidies to public institutions are made up of four main components: funding for teaching activities; funding for financial support of students; funding for research; specific purpose subsidies (they often relates to the improvement of infrastructure). Private TEIs have access to some public funding (for financial assistance of their students and research). HEIs are autonomous to decide how to spend the public subsidies.

Banks support HE development by crediting students and HEIs as institutions. In 2004- 2005, 196,000 students (11% of students population) took out a loan over the course of their studies.

The LoE of 2005 provides the legal basis for establishment by TEIs of academic business incubators and technology transfer Centers. These can provide new sources for funding development and cooperation with business. Polish TEIs are also eligible for funding from dedicated European funds for their Research and Technology Centers. .

From the very beginning of 1990s the Polish HE System has been included in Programs designed to support the integration of Central and Eastern European Countries with the European Union. Tempus, Socrates, Leonardo Programs facilitate the transfer of personnel, students and good models of education, university organization, foreign language teaching and library development. Between 1990 and 1996 almost 11,000 Polish academics and more than 7,500 students were included in different programs and underwent training in EU countries. Now as a member of EU Poland has access to all European programs and funds aiming to support Higher Education development and reform.

The perspective of European Integration stimulated the process of interaction between all stakeholders of HE Process in their trend to adapt the Polish Educational System to European requirements, to make it competitive and attractive for European colleagues.

If government financial support in transition period permits higher education to survive, the citizen's support (mainly expressed in tuition fees for studies) and European support (through different funds, programs and projects) allow the higher education to develop and reform.

4.2. Moldova

Since 1991 the funding for education has continually decreased (from 10% of consolidated national budget in 1997 to 4.7 % in 2000). Budget funds are available only for state HEIs and cover only a part of teachers' salaries and students' stipends. All other expenses including HEIs development and reform implementation are covered by HEIs from non-budgetary sources: tuition fees, projects, donations. All Moldovan state universities introduced the fees for studies. More than 2/3 of students in state universities study pay tuition fees. 78, 5 % from total number of students pay tuition fees.

The private universities from the beginning were self-financing and the LoE 1995 does not provide any possibilities for budget funding of private HEIs (not for students, not for teaching, not for development, not for research).

The higher education reform in Moldova was supported in the frame of European Union Programs designed for CIS and now in the frame of Neighborhood Policy.

TEMPUS – Moldova joined the TEMPUS programme in 1994.

The process of HE reforming was supported mainly by this programme. Total budget allocated by TEMPUS programme for Moldova from 1994-2006 was 8,155 million EURO.

ERASMUS-Mundus program was opened for Moldovan participants recently. Youth and Jean Monnet Programs are also available for Moldovan participants in the framework of the European Neighborhood Policy.

5. Case study: Public administration, HEI's and civil society interaction to solve the problem of "extra-production" of specialists in economy and law

5.1. Poland

In spite of the fact, that in 2001 economists was the largest group of unemployed graduates registered in the Polish national Labor Office, followed by specialists in marketing and trade, teachers, political scientists and lawyers. Polish Ministry of education does not try to limit the places for these specialities. Since 2000 there had been a decrease in the proportion of students in these areas. Other fields of study increased in popularity in recent years – information technology, international relations, management and production, engineering, sociology, tourism and leisure, medicine.

Polish researchers (UNDP 1998 Report on Poland) demonstrated that financial benefits from education in Poland increased since 1989. Higher education qualification provided the highest growth in benefits from investment in education. The social profit rate from investment in higher education rose in Poland by 30% between 1992 and 1994. The biggest benefits for both society and individual come from studying economics and law: the smallest when graduating from social studies and art studies. Half of the graduates of the low profit studies were teachers.

The analyses of the Polish researchers indicate that they understand and acknowledge the phenomenon of market demand for the specialities of economics and law. They also admit that the Polish Ministry of Education is not involved in the process of market "regulation" and are not afraid of the process of increased interest for Higher Education and increased number of economy and law specialists.

Polish legislation contains clear rules and provisions about the standards of enrolling the new students. The level of enrolment depends on the ratio of students to teachers, and the part time students to the number of full time. The more high qualified professors are assigned more students, and the school can take on more part-time students with the higher number of the more full time students (but no more than ½ of the full time number)

Polish Universities plan by themselves the places for students in Law and Economics Departments (according to the LoHE 2005 provisions) and are responsible for the quality of the graduates. Some institutions, which have taken the opportunity granted by the 2005 legislation created the offices to promote and administer contacts with employers and established advisory councils which included external stakeholders such as local authorities and business representatives. The most institutions have Career offices and all of these forms the National Network of Career Offices.

The 2005 LoHE created the legal basis for deeper cooperation of all stakeholders (especially business) in Higher Education Reform. Local authorities and business representatives can be included in TEI's structures providing different linkages with labor market and HEIs can develop different activities (consultations, research projects, internships and others) in cooperation with these partners.

5.2. Moldova

As in Poland, the growing interest in the fields of economics and law was registered in Moldova in the transition period. In 2006, 22.8 % of all university graduates have diploma in economy and 20.3% graduates in law.

The Moldovan Ministry of Education supports the policy of distributing and limiting the places for these fields of study. The government's argument for the limitation is that the Moldovan job market hasn't enough places for such a big number of university graduates in Law and Economy. There are not data available in Moldova to prove this position.

Universities accepted this Ministry distribution because of lack of autonomy and mechanism of influencing the government decisions. Teachers and rectors of different universities have criticized this admission plans as "wrong" and affecting financial situation and universities development (rector of ASEM- Academy of Economic Studies, Rector of Balti State University "Aleco Russo", rector of University "Perspectiva INT"). At the last meeting (October 2007) Council of Rectors started a proposal to change the existing legislation for provide fiscal facilities to business representatives for students practice. The civil society representatives, NGO experts (IDIS Viitorul, AETI), also criticized the state admissions policy, pointing out that it violates the constitutional right for education.

The representatives of the Republican Student's Senate of Republic of Moldova have raised concerns, related to the modification of existing legislation and the draft of new legislation on admittance to HE. One representative participating at the second meeting wrote about the decision of the senate to amend existing legislation and to exclude the notion of "plan" from the draft legislation on HE. Another representative report that the draft was not discussed because the students doesn't know the draft legislation

Ministry of Education, accepting the government plan ("order") for admission, performing the "distribution" function and exercising direct management of the problem of enrolling in

HEIs, provoked criticism and doubts in reforms and the Ministry's goodwill in the process of HEI reforming. Moreover, the Ministry has lost all its potential partners with whom it can cooperate (and it should cooperate by democratic standards) in the problem solution.

Although there are apparent similarities between the main stakeholders of education reform in Poland and in Moldova, **they** have in fact **different roles in the process**. The Ministry of Education plays the main role in the reform in both cases. In the case of Poland each partner has their own role defined by Law and each participant has the responsibility for achieving the goals in the reform of tertiary education. In the case of Moldova the whole responsibility is assumed by the Ministry and the main stakeholders, with sporadic and little exception, only passively react to the Ministry's initiatives.

6. Conclusions

Socialist past was quite similar for HE development in Poland and Moldova

- Planned economy, planned admission
- Direct governance of Higher education by the Ministry of Education
- Quality standards established and controlled by state
- Lack or inexistence of university autonomy
- State (public) financing of HE

Passing the transition period to market economy and democratic governance, Polish and Moldovan Higher Education Systems have faced similar problems, too:

- Growing demand of higher education -growing number of students
- Growing number of different Higher Education institutions – different by programs offered (university, post-university), by ownerships (public, private)
- Growing conflict between quantitative development trend and the need to maintain quality standards
- Lack of public financing
- Lack of legal provisions and legal basis for HE development and reform according European standards

Trying to solve these problems Polish and Moldovan public authorities used different instruments of problem management and have different results.

- The basis of Poland educational reform was the structural reform, the democratization, real decentralization, privatization and market economy. The European integration was the big challenge for Poland pushing to reform the educational system and Poland received considerable European support in the process of this reform. During the transition period the problems of higher education system in Poland and in Moldova were very similar but the state authorities play different roles in this processes. The Polish state authorities accepted the new, democratic role of state based on managing autonomy and choice (a task much more difficult than direct management). The state creates regulatory measures and frameworks for the activities of much more independent entities. The Law on Higher Education provided an incentive for the cooperation among the main stakeholders of education process. The Polish state does not lose the key role in the reform of the regulation process while it gains genuine partners in the process of HE development and reform in line with general European trends.

- Moldovan authorities in the process of Higher Educational reform returned to the direct management of the reform. They act by direct directives with higher education institutions, make non transparent changes of educational legislation, and are continually changing the framework for HEIs activity. The Moldovan education legislation reinforces the regulatory role of the Ministry. The cooperation between public administration and HEIs and civil society in reforming HES is poor and sporadic. This manner of governing the higher education reform produces more problems than solutions.
- For example, the central planning of admission to all the HEIs in Moldova affects the fundamental right to education and limits the access of people to higher education, destroys the incipient autonomy of public universities and of the private sector in Higher Education.

7. Recommendations

To achieve real results in reforming HE System according to the general European trends of knowledge based economy:

- Moldovan Public authorities should avoid the direct management of problems and abusive application of directives, instructions, orders accepting the “management of autonomies”
- The basis for each decision must be the deep analysis of situation, statistical data, information and the process of consultations and public dissections
- The legislation should comprise the clear rules for student admittance.
- An elected advisory body which can initiate policy discussions at national level should be created (like Polish GCHE but with larger representation of the main stakeholders of HE process – civil society, business, trade unions). This body ought to be consulted by the Ministry on matters including proposed legislation and national budget for tertiary education.
- The Law on Higher Education should be based on the Educational Strategy aligned with the trends of European development.
- Elaboration of the Law on Higher education should be transparent: the draft must be published on the ministry site, the proposal for changes must be public and discussed, and the final draft proposed to the parliament must be public.
- The Law on Higher education should provide the ground for cooperation for all participants of higher education process
- The autonomy of universities should be encouraged not by defining the fields of autonomy but by limiting the competence of the central authorities in regulating the whole activities of HES. This will give the possibility to share the responsibilities and to manage the problems.
- Government should, through finance and contracts, stimulate HEI to open courses and programs that are or will be needed on the job market.
- Participation of all stakeholders should be encouraged in financing of the reform by including them in HEI’s management bodies, giving them tax relief.

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Terms and abbreviations

Because of some differences between the terms and notions interpretation in different countries we prepare a list of terms and abbreviations as it used in Poland and Moldova in matters related to Higher Education Reform.

Contemporary requirements of European Development – related to HE development issues its knowledge based economy, Lisbon Strategy, Bologna Process requirements.

BP - Bologna Process – reform of Higher education systems of European countries to create European Higher Education Area with compatible period of studies, comparable diplomas, academia mobility, high quality standards of education.

Civil society – academic, professional and over NGO’s dealing mainly with education matters and HES reform

HEI/TEI - Higher Education Institution/Tertiary Education Institution – public or private university level institution providing I, II and in some cases III cycle study programs

Higher Education Reform – Changes operated mainly in the frame of Bologna Process requirement

HES - Higher Education System

Higher Education Reform – changes operated mainly in the frame of Bologna Process requirements

LoHE 2005 - Law on Higher Education of Poland adopted in 2005.

LoE 1995 – Law on Education adopted in Moldova

ME – Ministry of Education

Public Administration – mainly Ministry of Education and central and local authorities dealing with education