

## **THE LEGAL FRAMEWORK FOR RUSSIAN NON-STATE HIGHER EDUCATION**

Non-state higher education in Russia is governed by two main federal laws, neither of which is mostly about such education: 1. The law “On Education” of July 10, 1992, amended on January 13, 1996 and on November 16, 1997, and 2. law No. 125-FL, of August 22, 1996, “On Higher and Professional Education.” While the first law introduces a legal framework for all levels of education in general, the second makes specific reference solely to higher education.

The first law, “On Education,” provides for the founding and functioning of educational institutions of various legal organizational forms, including state, municipal, and non-state, and indeed introduces the term ‘non-state educational institutions.’ These are described as ones established by private, civil (public), or religious entities, and they are stipulated to be non-profit organizations. No clear-cut distinction between ‘private’ and ‘non-state’ is outlined. A major part of this law is dedicated to the mechanisms of quality assurance through the system of licensing, attestation, and accreditation of educational institutions. The second law, “On Higher and Professional Education,” further develops the legal regulatory framework for non-state higher education by stipulating the conditions of its financing. Non-state institutions may be financed by their founders, by income generated by the institutions themselves, or by combined means of the founders and institutions. The law also accords higher education a status of high national priority and declares the promotion of non-state higher education to be a factor contributing to the advancement of higher education.

The adoption of these laws in the 1990s was driven by the imperative to reflect and solidify the socioeconomic and organizational changes in education and in society at large and to impose regulation and accountability upon rapid and somewhat chaotic developments in education. The unanticipated rapid growth of private initiatives in education, along with organizational crisis within the public sector of education, was one of the reasons for the promulgation of these laws.

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What follows below are English translations of several full legal articles and some selected excerpts from the two laws, all dealing specifically with non-state higher education. The translations of the full and abridged articles are by PROPHE Collaborating Scholar Dmitry Suspitsin. Articles marked with an asterisk are abridged articles with excerpts directly referencing non-state education, and those without such a sign represent articles shown in full. The full Russian texts of both the laws can be found on the official web site of the Russian Ministry of Higher and Professional Education at the following web locations: <http://www.ed.gov.ru/ministry/pravo/z13883.html>; <http://www.ed.gov.ru/ministry/pravo/fz125.html>.

### **Law “On Education” (1992 and amended in 1996 and 1997)**

#### Article 11\*: The founder (founders) of educational institutions

1. *The founder (founders) of an educational institution, hereinafter ‘founder’, may include the following entities:*
  - 1) *state and local government bodies;*
  - 2) *domestic and foreign organizations of all forms of ownership, their associations and unions;*
  - 3) *domestic and foreign public and private foundations;*
  - 4) *public and religious organizations registered in the Russian Federation;*
  - 5) *citizens of the Russian Federation and foreign citizens.*

#### Article 11<sup>1</sup>: Non-state educational organizations

1. *Non-state educational organizations may be created in the legal organizational forms stipulated by civic laws of the Russian Federation for non-profit organizations.*
2. *The operation of non-state educational organizations not covered by this law is governed by other laws of the Russian Federation.*

#### Article 12\*: Educational institutions

3. *The legal organizational forms of educational institutions may be state, municipal, and non-state (private organizations and organizations established by civil and religious entities).*

#### Article 36: Governance and administration of non-state educational institutions

1. *A non-state educational institution is governed directly by its founder (founders) or by a board of trustees formed by the founder (founders).*
2. *The responsibilities of the board of trustees and the scheme of internal administration of a non-state educational institution, as well as the procedure of appointment or election of its leader and the rights and responsibilities of this leader, are determined by the founder (the*

*board of trustees) of the non-state educational institution in agreement with the collective of this institution and are stated in the charter of this institution.*

Article 46: Tuition- and fee-based activity of the non-state education institution

1. *A non-state educational institution has the right to charge tuition and fees related to instruction and other educational services, including instruction within the limits of state educational standards.*
2. *Tuition- and fee-based activity of such an educational institution is not considered to be profit seeking if the income generated through such activity is entirely directed towards covering the expenses incurred by instruction (including salaries) and towards investing in instruction and education infrastructure.*
3. *The relationships between a non-state educational institution and its students and parents (students' legal representatives) are governed by a contractual agreement that determines the level of education, duration of education, tuition and fees, and other conditions.*

**Law “On Higher and Professional Education” (1996)**

Article 2\*: State policy and guarantee of rights of Russian citizens with respect to higher and professional education

3. *The State provides for the priority of the development of higher and professional education by means of:*
  - 6) *Promoting the creation and functioning of non-state higher education institutions.*

Article 28\*: Financing of higher education institutions

2. *The activity of non-state higher education institutions is financed by their founder (founders) in accordance with an agreement between them [translator's note: “them” refers to the institution and the founder] . According to the agreement between the institution and the founder (founders), this activity may be partially or fully financed by the institution itself.*