

Bulgarian Higher Education Law and Its Relationship to Private Institutions

(Summary and Commentary by Snejana Slantcheva)

The Bulgarian system of higher education is guided by the 1995 Higher Education Act, which replaced the 1958 Higher Education Act (in effect throughout the communist period and amended several times up until 1990) as well as the 1990 Act on Academic Autonomy of Institutions of Higher Education (the first stage in post-communist attempts to transform the legal base of Bulgarian higher education). The 1995 Higher Education Act has subsequently been amended on numerous occasions, most recently in May 2002). The 1995-2002 legislation has introduced important reforms. A brief summary of some major legal provisions and reforms follows. Viewers can also turn to the full text of the 1995 Act (translated by APIS at <http://nrcvg.hrhc.bg/NRCVVG%20Docs/HIGHER%20EDUCATION%20ACT.doc>). PROPHE endeavors to stick with the official translation and its language. As the reader will note in the translation of the 1995 Act, changes and amendments after 1995 are noted at the beginning of each paragraph; those changes that were adopted in late 1999 and after are translated by Snejana Slantcheva and included with gray highlighting in the text, see <http://www.albany.edu/~prophe/data/BulgariaHEAct.doc>).

With respect to private higher education, the legislation from 1995 on has been somewhat supportive of existing institutions. The 1995 Higher Education Act recognized private institutions in the higher education system. This recognition came after private universities were already established. Moreover, private universities were recognized as institutions that would have different structures and modes of operation – an issue further strengthened by the 1999 Amendments with the recognition of the department as a basic institutional unit. The legal acts also created requirements for the establishment of other private institutions, which include a project as well as a founding act. A paradox created legally and dealt with on an individual basis is that, in attempts to

receive national accreditation, private institutions are required to comply with all state standards. As in other countries, this requirement has presented numerous difficulties for the institutions and their distinctive structures, forms of governance, and programs. Should private institutions fail to file an application for accreditation or be rejected for accreditation, the state stops future student admissions. Another paradox, retained by the present government and supported by the 2002 Amendments to the Act, lies in the fact that the government still sets the total number of student enrollments not only for public universities but also for private institutions. Thus, accommodation and facilitation have been accompanied by controls in Bulgaria's legal framework for private higher education.

I. The 1995 Higher Education Act:

- creates Uniform State Requirements for course content and a State Register of Specialties listing nationally approved specializations (art. 9 and 10);
- establishes a National Evaluation and Accreditation Agency (NEAA) to assess the level of institutional and program compliance with state requirements (art. 11);
- recognizes private institutions of higher education (art. 15) and the different institutional structures and modes of operation that exist (art. 36);
- authorizes institutions of higher education to form their own out-of-budget funds and make decisions upon their use (art. 21);
- defines in detail the structure, form, and organization of the study process (arts. 39–42);
- introduces the bachelor-master-doctor structure of higher education (art. 42).

II. Major Post-1995 Amendments and Additions

A. The 1999 Amendments

- requires the development of internal systems (including student opinion) to evaluate the quality of education and academic staff (art. 6);

- demands a minimum number of permanent habilitated¹ staff in the composition of mostly all university structures (art. 17 and 26)²;
- authorizes the Rector's Council to represent officially the interests of the institutions of higher education before the state bodies (art. 23);
- recognizes the department as one of the basic institutional units together with the faculty, institute, and college (art. 25);
- creates the Control Council as an organ for the internal monitoring of institutional activities (art 34a);
- incorporates the "specialist" degree (awarded by colleges) into the higher education system as the first level of higher education (art. 42); thus the Bulgarian higher education degree system is composed of four consecutive levels: specialist, bachelor, master, and doctor;
- provides for more flexibility in the educational process (such as the possibility of a second parallel specialization) and demands arrangements alleviating student continuation in higher degree levels and transfers between specializations, institutional units, and institutions (art. 42);
- eliminates fee-paying programs and introduced mandatory tuition fees for all students (art. 95).

B. The 2002 Amendments:

- create a Classifier of the fields in higher education institutions and vocational schools (art. 9);
- replace the "Unified State Requirements" with "State Requirements" for most specializations except for the 'regulated professions' such as law, medicine, and architecture (art. 9);

¹ Habilitation denotes a professional step in academia that corresponds to the titles of docent (associate professor) and professor and is expressed in the right to offer a course in a given discipline (and read lectures); habilitation is achieved by faculty members after the completion of a major research work or creative activity.

² For instance, 70 percent of the lectures in each specialization must be conducted by habilitated professors. In addition, each department is required to employ at least 40 staff members on permanent contracts, of which 20 must be habilitated. Department Councils are required to include between 25 and 35 members, of which no less than two-thirds must be habilitated.

- provide that the level of student enrollments should be determined centrally only for the institution and not for each specialization (although the Ministry Council will still determine the overall number of students admitted to private universities) (art. 9);
- enhance the capacities of higher education institutions with the highest accreditation marks to offer master and doctoral programs (art. 21);
- give students more flexibility in choosing their specialization in masters and doctoral programs (art. 42);
- allow institutions of higher education to appeal before the court in case they are not satisfied with their accreditation grades (art. 81 and 82).