

TATYANA N. TROSHKINA

Reform of Russian Education and the New Law on Education of 2012

Introduction

In the Russian Federation the state of education directly impacts both public social policy and the national strategy for economic development. In modern society, virtually all aspects of public life and social development, namely, the economy, public security, science and technology, culture and the environment, depend on the level and quality of education.

Clearly, such a significant segment of social life should have an adequate legal base. However, for years there was a mismatch between the socio-political significance of education, its special role in the process of economic modernization in Russia, on the one hand, and the state of the normative-legal base regulating relations in the sphere of education, on the other hand.

The Law of the Russian Federation “On Education”¹ adopted in 1992 needed serious reform by the late 90s. An ever-increasing number of amendments made the Russian legislation on education unsystematic and self-contradictory. Perhaps the single greatest reason that forced the government to start the development of the new basic law on education was the fact that the previous law had been adopted to regulate the Soviet model of education. A series of education reforms in the late 1990s and the beginning of the 2000s led to a radical change in the focus of normative-legal regulation, and it was necessary to pass the new basic law in order to adapt educational legislation to the new educational environment in Russia².

1 The Law of the Russian Federation of July 10, 1992, No. 3266–1 “On Education”.

2 Confirmed by the following studies: V. V. Spasskaya, *Legal regulation of educational relations: theoretical and legal research*, Moscow 2007; V. M. Syryh, *Legal education: Myths and Realities*, „Yearbook of the Russian educational legislation” vol. 3, 2008, p. 31–50; A. N. Kozyrin., D. V. Korf, A. A. Yalbulganov, *Education Management: Comparative Analysis of Russian and foreign legislation*, “Reforms and Law” vol. 3 2010, p. 17–31; A. N. Kozyrin, *School and modern problems of systematization of educational legislation*, „Reforms and Law” vol. 1, 2009, p. 27–41.

Initially, the authors of the new law went the way of codification and started to elaborate upon the Education Code of the Russian Federation³. On the initiative of the Government of the Russian Federation, the draft code was developed and then submitted for public discussion. However, it was decided later to refuse enactment of the Code. The draft Federal Law “On Education in the Russian Federation” was developed, providing foundations and general principles for regulating educational relations, and therefore norms regulating relations in the individual subsystems of education, namely, pre-school, general, secondary vocational and higher education.

The new law on education attracted greater attention from the public and political parties than had ever been paid to any other draft law. The number of amendments proposed during the course of public discussion was estimated at thousands.

Finally, the new law on education was adopted⁴ at the end of 2012. The Federal Law of December 29, 2012 “On Education in the Russian Federation”⁵, starting from its enforcement on September 1, 2013, has become the foundation for formatting the reformed education legislation in conformity with the social and economic environment of the XXI century, and the obligations assumed by Russia in the process of integrating into the European educational space, particularly by joining the Bologna process.

The Law on Education of 2012 and Reforming Education Legislation

The supreme position in the hierarchy of the sources of Russian education law belongs to the Constitution of the Russian Federation. The supreme legal force of the Constitution in legal regulation of education is determined by, firstly, the constitutional provision, according to which

the Constitution of the Russian Federation shall have the supreme juridical force, direct action and shall be used on the whole territory of the Russian Federation; laws and other legal acts adopted in the Russian Federation shall not contradict the Constitution of the Russian Federation⁶.

3 The problems of the educational law are investigated in the following researches: A. P. Berdashkevich, A. V. Kalinin, *Codification of legislation in the field of education: problems and prospects*, Moscow 2007; A. N. Kozyrin, *Modern problems of systematization of educational legislation*, „Yearbook of the Russian educational legislation” vol. 8, 2008, p. 28–36.

4 Federal Law of December 29, 2012, No. 273-FZ, Collection of legislation of the Russian Federation, 2012, No. 53, Article 7598.

5 Hereinafter: the Law on Education of 2012.

6 Article 15 of the Constitution of the Russian Federation.

Secondly, the force of the Constitution is conditioned by the goals and objectives of education legislation, which are determined in the Law on Education of 2012.

The aim of education legislation is the establishment of state guarantees and mechanisms for the realization of human rights in education, and the enforcement and protection of the constitutional right of citizens of the Russian Federation to education is among its main objectives.

The constitutional basis of education law is determined in Article 43, which provides for the right of every Russian citizen to education; Article 72 referring general education issues to the joint jurisdiction of the Russian Federation and the constituent entities of the Russian Federation; as well as Article 114 defining that the Government of the Russian Federation shall ensure implementation of uniform state policy in the sphere of education.

The constitutional provisions of education law may be elaborated upon through the decisions issued by the Constitutional Court of the Russian Federation.

The fundamental law, on the basis of which education legislation is being designed, is the Federal Law “On Education in the Russian Federation” adopted in 2012. According to the Preamble, the Law:

- Establishes the legal, organizational and economic basis of education in the Russian Federation;
- Establishes the basic principles of state policy of the Russian Federation on education;
- Determines general rules for the functioning of the education system and implementation of educational activity;
- Defines the legal status of participants in educational relations.

The Law on Education of 2012 is not a single legal source regulating relations in the sphere of education at the federal level.

Besides the abovementioned law, the core federal laws adopted in order to regulate relations in education (for example, the Federal Law on the Moscow State University and Saint-Petersburg State University⁷), as well as a whole number of non-core laws are related to the sources of Russian educational law.

“Non-core” laws shall be adopted in order to regulate various relations and may contain separate provisions concerning education issues. These laws may be grouped as follows:

- Federal laws regulating fundamental organizational matters in the sphere of education: “On Languages of the Peoples of the Russian Federation”, “On the Freedom of Conscience and Religious Associations”, “On National Cultural Autonomy” and other laws;

⁷ Federal Law of November 10, 2009, No. 259-FZ “On the Moscow State University named after M. V. Lomonosov and the Saint Petersburg State University”, Collection of legislation of the Russian Federation, 2009, No. 46, Article 5418.

- Federal laws, which contain provisions regulating specific types of education: military education (“On Military Duty and Military Service”), sports training (“On Physical Training and Sport in the Russian Federation”), professional education of persons sentenced to imprisonment (the Criminal Executive Code of the Russian Federation) and other federal acts;
- Federal laws, which set the incentives for participants in educational relations: “On Additional Guarantees of Social Support to Orphaned Children and Children Left without Parental Care”, “On the Social Protection of Disabled Persons in the Russian Federation”, “On the Alternative Civil Service” and others;
- Federal laws regulating labor relations and determining the procedure for social maintenance of participants in educational relations: “On the Procedure for Establishing the Amounts of Grants and Social Payments in the Russian Federation”, the Labor Code of the Russian Federation and others;
- Federal laws regulating relations in the sphere of the economy and education finances: the Civil Code of the Russian Federation; the Tax Code of the Russian Federation, the Budget Code of the Russian Federation and others;
- Federal laws determining criminal and administrative offences in the sphere of education: the Criminal Code of the Russian Federation, the Code on Administrative Infractions.

In addition to federal laws, the composition of education legislation also includes subordinate legal acts, to which the decrees of the President of the Russian Federation and decisions of the Government of the Russian Federation are attributed. They develop, complement and concretely define the provisions of education legislation.

The largest group of subordinate acts regulating educational relations is comprised of the orders of the Ministry of Education and Science of the Russian Federation and orders issued by other ministries engaged in educational matters (the Ministry of Health of the Russian Federation with regard to medical education).

The education legislation of the Russian Federation includes not only federal acts, but also acts of the constituent entities of the Russian Federation regulating educational relations on the territory of the respective constituent entity. Currently, regional legislation on education is undergoing significant changes due to the adoption of the Federal Law on Education of 2012. This law (Article 108), particularly, indicates that the constituent entities are to bring their regional legislation into conformity with the Law on Education of 2012 by January 1, 2014.

Education legislation is one of the largest branches of Russian legislation, which consolidates hundreds of normative acts adopted both at federal and regional levels. In order to ensure the internal integrity of legislation, and the consistency of all its constituent acts, Article 3 of the Law on Education of 2012 establishes an important legal principle,

according to which provisions of other federal, regional and municipal acts regulating educational relations shall, firstly, conform to provisions of the Law of 2012, and, secondly, may not restrict the rights and lower the level of guarantees provided in comparison with the standards established by the Federal Law of 2012.

Thus, the norms contained in the Law of 2012 are the primary basis for all acts included in the legislation on education. They shall prevail over all other sources of educational law, except for the Constitution of the Russian Federation and international treaties ratified by the Russian Federation⁸.

Numerous acts constituting Russian education law and adopted prior to the Law on Education of 2012 entering into force will continue to act in the areas in which they do not contradict the provisions of the Law on Education, and will be gradually updated to comply with the innovations of the Law of Education of 2012. The abovementioned innovations are considered in the subsequent part of the present article.

Innovations of the Law on Education of 2012 and Reform of the Education System in the Russian Federation

Definitions used in the Law on Education

Article 2 of the act contains a glossary of concepts used in the law. Definitions of the 34 terms, including the concepts of “Inclusive education”, “Conflict of interest of a pedagogical employee”, “Special needs pupil”, “Supervision and child care” and other definitions are provided by the law.

It should be noted that there are changes in the wording of some definitions applied earlier, for example, the concept of an “Educational establishment” was changed to the concept of an “Educational organization”⁹.

Realization of the principle of general access and free education

In accordance with Federal State Education Standards, the Law on Education establishes access to public and free pre-school, primary general, basic general and secondary general education, secondary vocational education, and, on a competitive basis, to free higher education should the citizen be receiving education at this level for the first time (Article 66)¹⁰.

8 *Vid. A. N. Kozyrin, T. N. Troshkina, Legal regulation of relations in education: scientific and practical commentary of Article 4 of the Federal Law „On Education in the Russian Federation”, „Yearbook of the Russian educational legislation” vol. 8, 2013, p. 7–28.*

9 This obliged educational institutions to introduce appropriate amendments into their Charters within three months of their entry into the force law.

10 Receiving paid education must not replace education, which is financed from the budget. Otherwise educational organization is obliged to refund the amount paid to the student or his parents

Article 11 defines the content of the “Federal State Education Standards” concept, namely, procedures for elaboration, endorsement and amendment of the standards. These standards establish the structure of the basic educational syllabi, conditions of implementation and other norms, and, respectively, the list of subjects compulsory for studying and the volume of tuition load of students to be provided for free.

The innovation following the above-mentioned principle is that now, according to Article 67 Part 4, the local education administration shall determine a school in each district, which shall provide education to children living in the given territory. The administration of an educational organization may refuse to accept a child into the first grade only in the case of a complete absence of vacancies¹¹.

Forms of acquiring education

In Article 17, the lawmaker stipulates that education shall be acquired in educational organizations, as well as outside of them, in the following forms:

- in educational organizations: on a full time basis, by part-time study, on a basis of a combination of full time and part-time education;
- outside of organizations: home education and self-education¹².

According to Article 34 part 3 of the Law on Education, persons acquiring education through the form of home education and self-education have the right to pass intermediate and state final assessments in educational organizations.

It is permitted to combine the various forms of acquiring education.

New concepts are also introduced by the law, namely, “Experimental activity”¹³, which means the opportunity to introduce new educational technologies, and “Innovative activity”¹⁴ which means activity aimed at the improvement of personnel, legal, training and other support activities for the system of education.

Levels of education

The Law on Education is expected to be a fundamental act covering in detail all levels of the education system¹⁵.

(Part 2, Article 101).

11 In this case an education authority body shall inform parents on vacancies in other schools located in the district.

12 Previously, when defining education outside of an educational organization, the term “external studies” was applied (Paragraph 9, Article 6 of the Federal Law On the Higher and Post-Graduate Vocational Education). Regulations on external studies in state, municipal higher educational institutions of the Russian Federation approved by the Order of the Ministry of Education of Russia of October 14, 1997, No. 2033, have not been abolished and still apply.

13 Article 20.

14 Article 20.

15 In connection with its adoption, the following federal laws are to be recognized as expired: “On Education”, “On the Minimum Wage”, “On Higher and Post-Graduate Higher Vocational

Article 10 of the analyzed act divides education into general, vocational, further general education and professional training. This gradation is established to ensure the realization of the right to education throughout life (continuous education)¹⁶.

General education and vocational training will now be implemented on different levels.

The following levels belong to general education:

- pre-school education;
- primary general education;
- basic general education;
- secondary general education.

Accordingly, pre-school education has become the first level in the system of continuous education. The pre-school level does not stipulate any final exams or other forms of assessment of children's knowledge. Learning in pre-school educational organizations will be totally free, but the supervisory care, as before, will be paid for by parents (persons acting in loco parentis) (Part 2, Article 65)¹⁷.

The founders of pre-school educational organizations are allowed to set the level of tuition fees to be charged from parents (persons acting in loco parentis). But the inclusion of expenditures connected with the implementation of the pre-school curriculum, as well as expenses related to the maintenance of the property of educational organizations in the amount of payment for supervisory care is not allowed.

The same article provides for compensation for parents (persons acting in loco parentis) at an amount to be established by normative legal acts of the constituent entity of the Russian Federation, but not less than 20% of the average size of parental payment for the first child, not less than 50% for the second child, and not less than 70% for the third and subsequent children.

As we have already noted, organizations providing general education, basic general education and secondary general education, implement educational syllabi within the framework of the state's standards free of charge. However, for implementation of supervision and care of pupils in extended-day groups, the founder of an educational organization is entitled to set a fee charged to the parents, and its size. The same applies to educational organizations with boarding schools.

Education". In addition, certain sample provisions issued in the form of governmental decisions are no longer in force, and those that have not expired were brought into compliance with the new law.

16 The system of education creates conditions for continuous education through implementation of the general educational curricula and additional educational programs, providing the opportunity for simultaneous development of several educational curricula, and accounting for a possessed level of education, qualifications, experience during acquisition of education (part 7, Article 10).

17 The system of benefits is saved (for example, benefits for children from poor families).

The following levels of vocational training have been established in the Russian Federation (Item 5, Article 10):

- secondary vocational training;
- higher education: baccalaureate;
- higher education: the specialist system and the master's degree;
- higher education: preparing highly-qualified staff.

It should be noted that vocational schools refer to the system of secondary vocational education as the first stage of preparing highly-qualified staff. According to the Law on Education, secondary vocational education is to be generally accessible.

The changes also affected higher education with regards to the number of persons acquiring such education at the expense of budget allocations (Article 100): it is enlarged and will constitute not less than eight hundred students per ten thousand people in the age range from 17 to 30 years¹⁸.

One innovation is the fact that post-graduate study is included in the number of educational programs of higher education (sub-item "b", par. 2, part 3, Article 12; parts 4–6, Article 69)¹⁹. Due to this change, the Regulations on the terms and conditions of admission to studies can also be applied to post-graduate training²⁰.

Further education includes further education for children and adults and further professional education.

The procedure for awarding academic degrees

The Law on Education includes no provisions regulating the awarding of academic titles (previously regulated by Article 22 of the Law on Higher and Postgraduate Professional Education). Currently, the legal regulation is based on the Provisions on the procedure for awarding academic degrees, approved by the Decision of the Government of the Russian Federation of March 29, 2002, No. 194.

Norms of the Law on Education related to postgraduate vocational training, are not applied to the procedure of awarding scientific degrees, and are not included in the concept of "educational relations", and therefore the provisions of Article 4, 41 of the Federal Law of August 23, 1996, No. 127-FZ "On the Science and the State Policy in Science and Tech-

18 In comparison with the previous standards, the numbers have increased more than four times (was: not less than 170 students per every 10 thousand people residing in the Russian Federation)

19 The old law referred post-graduate studentship to post-graduate vocational education (Item 2, Article 25 of the Law on Education of 1992, item 4, Article 11, Item 2, Article 19, Article 21 of the Law on Higher and Post-Graduate Professional Education).

20 For example, according to part 4, Article 78 of the Law on Education, foreign citizens who are compatriots living abroad have the right to acquire post-graduate vocational education on the same terms as Russian citizens, provided they comply with requirements established by Article 17 of the Federal Law of May 24, 1999, No. 99-FZ "On the State Policy of the Russian Federation towards Compatriots Living Abroad".

nology” are used, as well as the Provisions adopted in accordance with the abovementioned norms, namely, “On the procedure for awarding academic degrees” approved by the Decision of the Government of the Russian Federation on January 30, 2002, No. 74; “On the specifics of awarding academic degrees to persons using information in their work which is classified” approved by the Decision of the Government of March 3, 2012, No. 185.

Implementation of educational programs using various techniques

According to the Law on Education, for implementing educational programs it is permissible to use various methods and techniques, including distance-learning and e-learning, as well as online collaboration (networking) between educational organizations²¹.

Article 16 defines the content of the “Electronic learning” and “Distance educational techniques” concepts and grants educational organizations the right to use these methods²².

Disciplinary responsibility of trainees

Earlier legislation did not specify the list of disciplinary punishments that could be applied to trainees, only mentioning expulsion from the higher educational organization (Item 9, Article 16 of the Law on Higher and Postgraduate Professional Education).

The Law on Education (Part 4, Article 43) contains a full list of disciplinary punishments that may be imposed on the trainees: 1) notification, 2) reproof and 3) expulsion from the educational organization.

The procedure for application and remission of the disciplinary actions is set by the Ministry of Education and Science of the Russian Federation (part 12, Article 43)²³.

When applying a disciplinary punishment, an opinion of the council of students should be taken into consideration (part 7, Article 43). The student (parents, legal representatives of juveniles) may appeal against the imposition of the disciplinary action not only to a court, but also to the Commission for the settlement of disputes between participants in educational relations (part 11, Article 43).

Commission for the settlement of disputes between participants in educational relations

Part 3, Article 45 of the law envisages the creation of commissions in educational organizations for the settlement of disputes between participants in educational relations²⁴.

21 Persons acquiring education may assimilate educational curricula with the use of resources of several educational and other organizations.

22 Organizations are entitled to provide education via the use of various databases, and through distance learning.

23 The Procedure for enforcement and remission of disciplinary punishment approved by the Order of the Ministry of Education and Science of March 15 2013, No. 185 currently applies.

24 The possibility of the creation of separate commissions in the branches of educational organizations is not settled by the Law on Education.

In accordance with part 6, Article 45, of the Law on Education, the procedure for creation, organization of work, making decisions and their execution by the commission for the settlement of disputes between participants in educational relations, shall be established by a local normative act of the educational organization. Such a local normative act must take into account the opinions of the students' councils and representative bodies of the employees of the organization.

The Law on Education does not determine the order which should be applied to appeal of the commission's decisions (action proceedings or proceedings in cases arising from public legal relations).

The definition of the competence of such a commission provided in the law is quite vague: it is possible to appeal against decisions on impositions of disciplinary punishments (Part 11, Article 43) and to consider issues concerning the establishment of the presence (absence) of a conflict of interests of a pedagogical employee (Item 2, Part 1, Article 45). Hence, it follows that they consider disputes over relations that can be attributed to public law relations, and, respectively, a judicial appeal against the commission's decisions is also a dispute arising from public legal relations. The court's code of practice has not been accumulated yet, however, if the courts follow the foregoing considerations, cases of appeal against decisions of the commissions for the settlement of disputes between participants in educational relations will come within the auspices of Chapters 23 and 25 of the Civil Procedure Code of the Russian Federation²⁵.

Rules for obligatory consideration of appeals

The innovation of the Law on Education provided in Item 1, part 1, Article 45, is the rule prescribing obligatory consideration of appeals from trainees (parents, legal representatives of juvenile trainees) on enforcement of disciplinary punishments against the staff of educational organizations, who infringe and (or) encroach upon the rights of students (parents, legal representatives of juvenile pupils). Such appeals are subject to review by the administration of an educational organization with the involvement of trainees (parents, legal representatives of juvenile trainees).

The possibility of application (even subsidiary) of the Federal Law of May 02, 2006, No. 59-FZ "On the Procedure for Consideration of Appeals from the Citizens of the Russian Federation" to consideration of such appeals is not determined. This eliminates the possibility of direct application of the procedure and terms established by the above-mentioned law. However, it is not ruled out that courts and other state bodies (including public prosecution bodies) will apply such provisions by further analogy.

²⁵ A special three-month period for applying to a court (Article 256, the Civil Procedure Code of the Russian Federation); the burden of proof lies on the interested person (Article 249 of the Civil Procedure Code of the Russian Federation); the court is not bound up with the arguments of the application and shall have the right to check the legality of the contested decision in full.

Special status of the pedagogical employee

For the first time, the legal status of the pedagogical employee has been secured legislatively (Article 47). It includes a complex of rights and freedoms (including academic rights and freedoms), rights of labor, social guarantees and compensations, limitations, obligations and responsibilities, which are established by the legislation of the Russian Federation and legislation of the constituent entities of the Russian Federation. Teachers are given the right to receive further vocational training in their primary specialization not less than once in a three year period. According to the document, they have the right to annual general extended paid leave, durational leave of up to one year not less than every ten years of continuous pedagogical experience, and early old age retirement. Rural teachers have the right to compensation for expenses for housing and communal services.

It has been institutionalized that the salaries of teachers cannot be less than the average salary for their respective regions of the Russian Federation.

It is also determined that a pedagogical employee of an educational organization is not entitled to provide paid educational services to trainees acquiring education in the given organization if it leads to a conflict of interests of the pedagogical employee²⁶ (part 2, Article 48).

Education credit

Article 104 of the Law on Education regulates such a service as “Education credit”. The parents (legal representatives) of a juvenile trainee or the trainee himself, having attained the age of 18 years, may receive credit from a bank or other credit institution to pay for tuition, meals, accommodation, purchase of textbooks and other daily living needs for the period of tuition.

Change of conditions for granting accommodation in a dormitory

Part 1, Article 39, of the Law on Education prescribes educational organizations, if they have an appropriate specialized housing fund, to provide for every trainee assimilating with the general educational curriculum who needs accommodation, living space in a dormitory²⁷.

Some categories of persons are endowed priority in receiving dormitory accommodation (part 5, Article 36; part 4, Article 36).

²⁶ Conflict of interests of a pedagogical employee is determined as a situation where, during implementation of the professional activity of the employee, a personal interest occurs in obtaining financial and other benefits that affects or may affect proper performance of professional duties by the pedagogical employee due to a conflict between his personal interests and the interests of trainees or parents (legal representatives) of juvenile trainees.

²⁷ Rental agreements for dormitory accommodation provided for in Article 105 of the Housing Code of the Russian Federation shall be concluded with the student.

The Law on Education does not bind the provision of dormitory accommodation with the fact of the trainee's residing outside of the settlement, in which an educational organization is located.

Performance monitoring of higher educational organizations

Performance monitoring of universities becomes annual and mandatory for both public and private higher educational organizations (Article 97).

Monitoring of the education system is a systematic standardized observation of the state of education and the dynamics of its results, conditions of implementation of educational activity, student bodies, academic and other achievements of trainees, professional achievements of graduates from organizations engaged in educational activities, the state of a network of educational organizations.

The monitoring of the education system is carried out by federal state bodies and executive bodies of the constituent entities of the Russian Federation performing public administration in the sphere of education as well as local self-government bodies administering education.

The procedure for implementation of the monitoring of the education system, as well as the list of information mandatory for monitoring shall be established by the Government of the Russian Federation.

In the autumn of 2012, the Ministry of Education and Science carried out its first monitoring of higher educational organizations. The 541 state universities and their 994 branches participated in the observation. Based on its results, about 30 universities and 262 branches were recognized as inefficient and in need of reorganization²⁸.

Informational openness of educational organization

Educational organizations create open and public informational resources containing information about their activity, and ensure access to such resources by placing them in the information and telecommunication networks, including the official Internet web-sites of educational organizations.

Article 29 of the Law on Education contains the updated list of information to be disclosed on the web-site of an educational organization. So, now, in addition to information on the structure of teaching staff with an indication of the level of education and qualifications, the professional experience of pedagogical employees should also be posted.

Special rights for admission to education

Article 71 establishes the rule concerning special rights that can be granted to citizens for entering education on baccalaureate and specialist curricula: admission without tak-

²⁸ The information is available at the official web-site of the Ministry of Education and Science: <http://минобрнауки.рф/>

ing an entrance examination; enrollment within the limits of a settled quota under the conditions of successfully passing entrance tests; the priority right to be enrolled under the condition of successful passing of entrance exams and *ceteris paribus*; admission to preparatory departments of federal state higher educational organizations for acquiring education at the expense of federal budget allocations; other special rights.

The same article contains the list of persons enjoying special rights to enter educational organizations for baccalaureate and special programs, as well as the procedure and basis for granting the rights.

The innovation is the legislative confirmation of the following features:

- a citizen is able to enjoy the special right to admission to preparatory departments of federal state higher educational organizations only once;
- the establishment of quotas on the enrollment of disabled children, invalids of the I and II groups, invalids since childhood, disabled persons due to war injuries or diseases obtained during military service, who, according to the conclusion of the federal establishment of medical and social examination, are not contraindicated to study in the respective educational organizations, to baccalaureate and specialist curricula for being educated at the expense of budget allocations.

Individual approach to trainees

The Law on Education is focused on different educational needs and sets an individual approach to every child's learning.

In support of this we could state the rules determining the right of trainees to individual learning schemes and academic freedoms (Article 34).

The Law gives priority to inclusive education, which supposes educating special needs children in general educational organizations, not in specialized ones. At the same time, they have the equal right to be trained in specialized organizations.

The Law contains a number of provisions concerning acquiring education by gifted (talented) children, for example, special rules for admission to higher educational organizations (Article 71).

Competencies of educational organizations

The competency of an educational organization includes the establishment of clothing requirements for trainees: the organization may introduce a school uniform of a certain model (part 1, Article 38).

General education organizations in rural areas

It is prohibited to make decisions concerning the restructuring or closing of general education organizations in rural settlements, if the decisions are not based on the accounted opinion of the inhabitants of the given settlements (Article 22).

Testing of schoolchildren

Attention should be drawn to the fact that certain rules for the testing of schoolchildren are determined now by legislation. So, the state testing of year 9 pupils becomes compulsory (Article 59), and this was not introduced spontaneously, but based on the results of a long-term experiment conducted in certain regions since 2002. Regional authorities are responsible for the organization and conducting of tests, as well as for the processing of results. Elaboration of control and measurement materials takes place at the federal level.

There are also changes in the validity term for the certificate giving the results of the uniform state examination. The certificates are valid for four years following the year of their obtainment (Item 2, Article 70).

Conclusion

Adoption of the Federal Law “On Education in the Russian Federation” does not mean the end of the reform of the Russian system of education, which has lasted for over ten years. The Law on Education passed in 2012 marks the beginning of the new stage of education legislation development, during which the hundreds of normative legal acts currently in force at federal, regional and municipal levels must be brought into compliance with the new legal regulations²⁹. A significant number of normative regulations must be adopted by the Government of the Russian Federation and the Ministry of Education and Science to elaborate upon the rules of the Law of 2012 and eliminate emerging gaps in the legislation.

Obviously, this stage of modernization of the Russian legislation on education and bringing it into compliance with the basic Law of 2012 will last several years, during which an additional burden will fall on the legal service of the Ministry of Education and Science, which has already begun to explain and comment on the provisions of the new Law on Education.

²⁹ Vid. V. M. Syryh, *Federal Law „On Education in the Russian Federation” as a forerunner of the Russian Code of education: a step forward, three back*, „Yearbook of the Russian educational legislation” vol. 8, 2013, p. 67–97; O. I. Selivyorstova, *Federal Law «On Education in the Russian Federation»: positive trends of the legal regulation* „Yearbook of the Russian educational legislation” vol. 8, 2013, p. 98–109.

SUMMARY

Reform of Russian Education and the New Law on Education of 2012

The article analyses the innovations of the Law on Education adopted in 2012, which is expected to become the basis for creating modernized education legislation that will allow the needs of the social and economic environment of the XXI century and the obligations engaged by Russia during the process of integration with the European educational space to be met.

Keywords: Education law; sources of education law; legal regulation of relations in the sphere of education; education legislation

