OECD Reviews of Integrity in Education: Ukraine 2017

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Foreword

The OECD Reviews of Integrity in Education: Ukraine 2017 *identifies integrity risks and violations in the education sector, with the aim of spurring discussion and reflection, and identifying policy pointers that will permit further improvements to the integrity in education in Ukraine. This work builds upon similar integrity assessments previously undertaken in support of education authorities elsewhere, including in Serbia and Tunisia.*

This integrity review examines key integrity challenges in Ukraine's education system. It identifies policy shortcomings that create incentives for integrity violations, and open opportunities for schools, teachers and families to act on these incentives. The integrity review presents policy options to reduce the risk of integrity violations and restore public trust in a merit-based education system that provides equal opportunities for all. The primary audience of this report are policy makers, opinion leaders and educators in Ukraine.

The integrity violations analysed in this report were identified through consultations with key stakeholders from government and civil society organisations throughout Ukraine. These areas of focus were chosen for examination because they are integrity problems that are widespread, entrenched, systemic and important to the citizens of Ukraine, and they span the nation's education sector from early childhood education and care through to higher education. The findings and recommendations in this report are the work of an OECD review team comprised of Andrew McQueen (OECD), Kateryna Obvintseva (OECD), Tünde Kovács-Cerović (University of Belgrade), Caroline Macready (independent consultant), Mihaylo Milovanovitch (Center for Applied Policy), and Muriel Poisson (International Institute for Educational Planning, IIEP-UNESCO). Mihaylo Milovanovitch served as rapporteur for the review team.

The analysis of the review team is based upon a review of the legal and regulatory framework of Ukraine; collection and analysis of education data; site visits to education institutions; and focus groups with students, teachers and administrators in five regions of Ukraine. Site visits were undertaken in October and November 2015. In March 2016, the team held a seminar in Kyiv to present initial findings to a range of stakeholders and build consensus on ways to address the key challenges.

The OECD Reviews of Integrity in Education: Ukraine 2017 *was financed by the Open Society Foundations Education Support Program and Eurasia Program Reserve Fund, under the direction of Kate Lapham, ESP Senior Program Manager, and Olena Sydorenko-Szabo, ESP Program Officer, working in partnership with the International Renaissance Foundation (Ukraine) and the Institute of Education Development (Ukraine). Both Ms. Lapham and Ms. Sydorenko-Szabo also provided very helpful comments on the report. The OECD wishes to thank IIEP-UNESCO for making available the participation of Muriel Poisson, who brought the IIEP's long-standing knowledge and expertise in the field of ethics and corruption in education to this work.*

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Within the OECD Secretariat, the preparation of the report was co-ordinated by Thomas Weko with analytical support from Kateryna Obvintseva. Helpful comments and advice were provided by the Directorate for Education and Skills (Paulo Santiago); the Directorate for Enterprise and Financial Affairs (Olga Savran, Olga Olson, Andrii Kukharuk); the Directorate for Public Governance and Territorial Development (Adam Ostry, Yukihiko Hamada); and the Global Relations Secretariat (William Tompson, Gabriela Miranda). Christine Pizziol-Grière provided editorial support for the production of this publication. Célia Braga-Schich and Eleonore Morena provided administrative and editorial support to the project.

This report is the responsibility of the OECD review team. While the team benefitted greatly from contributions by national experts and documents provided by Ukraine's Ministry of Education and Science, as well as meetings with a wide range of stakeholders, any errors or misinterpretations in this report are its responsibility.

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Abbreviations and acronyms

CEQA	Centre for Education Quality Assessment
ECEC	Early Childhood Education and Care
ECTS	European Credit Transfer System
EIT	External Independent Testing
EU	European Union
EUR	Euro
GDP	Gross Domestic Product
GPA	Grade Point Average
HE	Higher Education
HEI	Higher Education Institution
IRF	International Renaissance Foundation
ISCED	International Standard Classification for Education
MoES	Ministry of Education and Science
NAQA	National Quality Assurance Agency for Higher Education
OECD	Organisation for Economic Co-operation and Development
PISA	OECD Programme for International Student Assessment
SLC	School Leaving Certificate
UAH	Ukrainian Hryvnia
UNESCO	United Nations Educational, Scientific and Cultural Organization
USD	United States Dollar

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Introduction

Integrity in education and its review

High levels of spending and the important life consequences of schooling decisions make education vulnerable to *integrity violations* – actions by students, families, educators and public officials that infringe generally accepted values and legal norms in the pursuit of undue advantage. Integrity violations can take many forms, ranging from misuse of resources, assets and authority, to cheating and plagiarism.

National anti-corruption strategies typically propose measures that target highly visible and often criminal manifestations of misconduct. They rarely consider sector-specific forms of corruption in education, or shortcomings in education policies that drive demand and create opportunities for integrity violations.

This integrity review is designed to identify how public policies create incentives and opportunities for education providers and learners to engage in integrity violations. The reviews are not meant to point to the wrongdoing of any particular individual or organisation, or to support enforcement actions. Rather, they recommend ways to strengthen integrity and prevent corruption in education through institutional reforms and better education policies. Improvement is the purpose of the present report as well. It aims at identifying failures in the education system of Ukraine that create risks of misconduct, spurring discussion and reflection, and identifying policy options that permit further improvements.

In the chapters that follow, the report makes a distinction between integrity risks and violations. Integrity *risks* exist when incentives to violate laws, regulations and norms are strong – while rules, monitoring and sanctions are not. Integrity *violations* – also described as *malpractices* – occur when families, educators and officials act on these incentives, and it is possible to observe improper conduct. Evidence of integrity violations can often be difficult to obtain, and where it is lacking the report notes the presence of integrity risk, as opposed to violations.

Country background

Ukraine is faced with demographic and economic challenges that shape its opportunities for education reform. Its population of 45.4 million (2014) has declined significantly in recent decades and, owing to falling fertility rates, it is projected to decline further to 35.1 million in 2050 (UN, 2015). Large decreases in the size of its school-age population will continue to occur, creating the need for national and municipal leaders to reduce the supply of educational programmes and size of the school network, as their counterparts elsewhere in the region have done, including Lithuania and the Slovak Republic.

Ukraine's economic growth has been highly uneven since its independence in 1991, and lower than that of many former Soviet republics. The failure to introduce structural economic and institutional reforms, curb corruption and reduce dependency on external energy resources has made the country vulnerable to external shocks and hampered economic growth. In 1990, Ukraine's per capita gross domestic product (GDP) of USD 1 570 was among the highest of the former Soviet republics and only 8% lower than Poland's. In 2014, Ukraine's per capita GDP of USD 3 082 was the fifth lowest among former the Soviet republics and is 4.6 times lower than that of Poland (World Bank, 2016).

More than two decades after independence, Ukraine engaged in wide-scale reforms spurred by the Euromaidan Revolution of 2014. Its reform initiatives now cover a broad range of policy areas including: anti-corruption, public procurement, decentralisation, law enforcement, deregulation and private sector development, healthcare, taxation, state administration, the financial sector, education, the energy sector, state-owned enterprises, agriculture, the justice system and national security. Anti-corruption and education sector reforms have centred on the adoption of new legislation, and the implementation of these and other reforms has proceeded slowly.

Integrity climate in Ukraine

Corruption is widely regarded to be a major barrier to Ukraine's economic and social development and affects citizens' trust in government institutions. The 2015 Transparency International Integrity System Assessment of Ukraine identified corruption as a "systemic problem at all levels of public administration" and observed that "both petty and grand corruption is still flourishing" (Transparency International, 2015). Opinion polls show that Ukrainians, too, are concerned about high levels of corruption in their country. The 2013 Rating Group Ukraine survey concludes that unemployment (53% of respondents) and corruption (51%) are considered to be the top problems (Rating Group Ukraine, 2013). Other national and international measurements of corruption perceptions (Table 1) show that corruption permeates daily life in Ukraine, and this perception has not improved in the last few years. Corruption is widely perceived to exist in spite of the recent government's efforts to introduce anti-corruption legislation and bodies.

Education is a critical part of the public sector in Ukraine, whether measured in expenditure, public employment or citizens served. Public education expenditures comprised 5.9% of Ukraine's GDP in 2014, and public and private spending on education together equal to 6.9% of GDP or USD 9 211 million (SSSU, 2014). Millions of Ukrainians participate in education as students, teachers or parents. The programmes and schools students enter and HEIs they attend have important consequences for the lives of Ukrainians, opening opportunities for social standing and entry to careers.

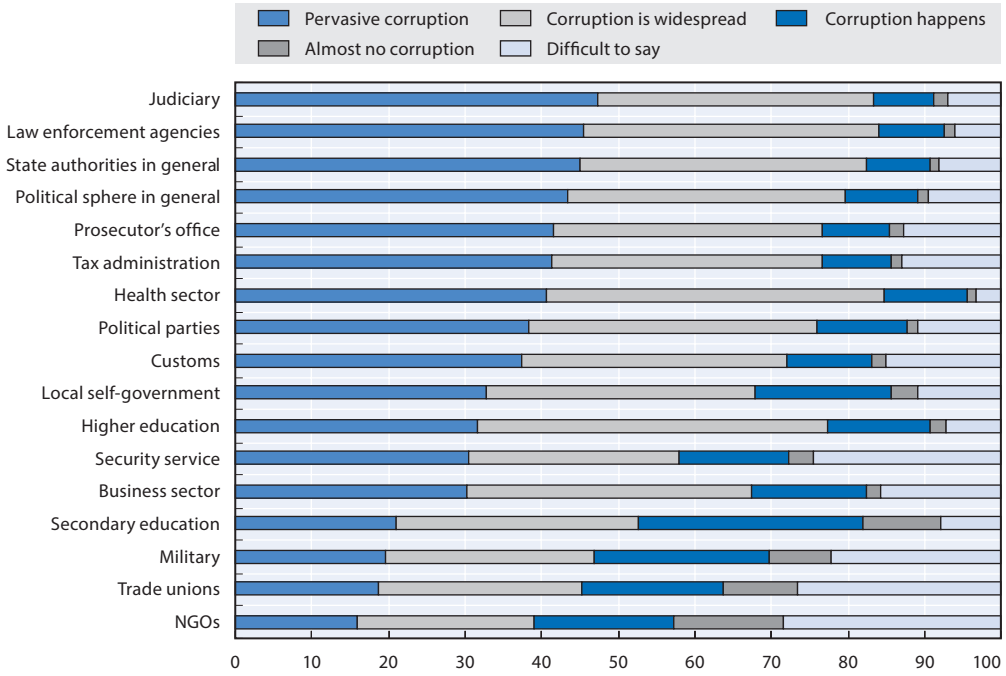
Education in Ukraine is a sector often perceived to be marked by corruption. According to the results of a 2013 survey conducted by Razumkov Centre, state authorities in general and judiciary and law enforcement agencies in particular are widely believed to be very corrupt. Among public services, respondents believe that corruption is pervasive or widespread in health (85%), higher education (77%) and secondary education (53%) (see Figure 1).

Table 1. **International assessments of corruption in Ukraine**

Indicator	2010	2011	2012	2013	2014	2015
Corruption Perceptions Index (1)	Rating: 134/178 Score: 2.4/10	Rating: 152/183 Score: 2.3/10	Rating: 144/176 Score: 26/100	Rating: 144/177 Score: 25/100	Rating: 144/177 Score: 25/100	Rating: 130/168 Score: 27/100
Freedom House, Nations in Transit, "Corruption" Indicator (2)	5.75	5.75	6.00	6.00	6.25	6.00
World Bank "Control of corruption" Indicator (3)	17.1	17.5	15.8	12.0	14.9	-
World Economic Forum "Irregular payments and bribes" Indicator (4)	-	2010-11 Rating: 127/151 Score: 2.8/7	2011-12 Rating: 133/151 Score: 2.7/7	2012-13 Rating: 130/151 Score: 2.8/7	2013-14 Rating: 118/151 Score: 3/7	-

1. The Corruption Perceptions Index ranks countries based on how corrupt a country's public sector is perceived to be. It is a composite index, drawing on corruption-related data from expert and business surveys carried out by a variety of independent and reputable institutions. In 2010-11, scores ranged from 0 (highly corrupt) to 10 (very clean). In 2012-15, scores range from 0 (highly corrupt) to 100 (very clean).
2. The rating reflects the consensus of Freedom House, its academic advisers and the author(s) of the *Nations in Transit* report. The ratings are based on a scale of 1 to 7, with 1 representing the highest level of democratic progress and 7 the lowest.
3. Control of Corruption captures perceptions of the extent to which public power is exercised for private gain, including both petty and grand forms of corruption, as well as "capture" of the state by elites and private interests. Percentile rank indicates the country's rank among all countries covered by the aggregate indicator, with 0 corresponding to lowest rank, and 100 to highest rank. Percentile ranks have been adjusted to correct for changes over time in the composition of the countries covered by the World Governance Indicators.
4. Average score across the five components of the following Executive Opinion Survey question: "In your country, how common is it for firms to make undocumented extra payments or bribes connected with (a) imports and exports; (b) public utilities; (c) annual tax payments; (d) awarding of public contracts and licenses; (e) obtaining favorable judicial decisions? In each case, the answer ranges from 1 [very common] to 7 [never occurs]".
Source: Transparency International (2015), *National Integrity System Assessment: Ukraine 2015, Transparency International Ukraine*, *ftp://91.142.175.4/nazk_files/doslidzhennya/42.pdf*; Transparency International (2016), *Corruption Perceptions Index 2015*, *www.transparency.org/cpi2015#results-tableh*; World Bank (2016), *World Bank Open Data*, *http://data.worldbank.org/*; Freedom House (2016), *Nations in Transit*, *https://freedomhouse.org/sites/default/files/FH_NIT2016_Final_FWeb.pdf*; World Economic Forum (2016), *The Global Competitiveness Report 2015-2016*, *www3.weforum.org/docs/gcr/2015-2016/Global_Competitiveness_Report_2015-2016.pdf*.

Figure 1. **Scale of corruption in different sectors according to Ukrainians (%)**



Source: Razumkov Centre (2013), *Opinion Poll "To What Extent Is the Corruption Widespread in the Following Sectors?" 2013*, *www.razumkov.org.ua/ukr/poll.php?poll_id=903*.

Anti-corruption reforms

One of the main demands put forward by the Euromaidan Revolution of 2014 was to make the fight against corruption a top priority of the new government.

In late 2014, the Parliament of Ukraine adopted an Anti-Corruption Strategy for 2014-17 and a package of anti-corruption legislation. Governmental deliberations in the development of these laws included public consultations and a close collaboration with the civil society, both of which represented an important step forward. The new legislation laid the foundation for enhancing integrity in the public service, the establishment of new anti-corruption bodies, the co-ordination of anti-corruption policy development and implementation, and the reform of judicial and prosecutorial systems. In 2016 all state procurements were to be transferred to ProZorro, a new web-based electronic platform; a reform expected to make the public procurement process more transparent. Finally, Ukraine harmonised its criminal law in line with international standards criminalising all corruption violations (OECD, 2015).

The new legislative reforms also established the National Agency for Corruption Prevention (NACP) and the National Anti-Corruption Bureau (NABU). The NACP is the central executive body in charge of the development and implementation of the state anti-corruption policy. It reports to the Cabinet of Ministers of Ukraine and is controlled by the parliament. The NABU, which started its activities in December 2015, is a state law enforcement agency in charge of "prevention, detection, suppression, investigation and solving of corruption offenses under its competence, as well as prevention of committing the new ones" (OECD, 2015).

Although the Ukrainian public perceives education to be corrupt, the anti-corruption reforms to date have not focused on the sector in a systematic way. Examining the integrity in education in Ukraine to put forward recommendations for action is therefore an important and overdue task.

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Executive summary

Ukraine has embarked upon an ambitious process of political reform with special urgency and prominence since the Euromaidan Revolution of 2014. Efforts are underway to increase transparency, accountability and integrity across the government, from public procurement and tax administration to energy and healthcare. Notwithstanding many accomplishments, integrity problems persist in Ukraine's education system, and they are harmful to the nation's society and economy. Public and family spending on education is wasted, trust in educational credentials is undermined and family wealth and connections often provide unmerited preference to schooling opportunities.

The motives of education actors are seldom ill-intended. Often they believe that the education system is performing poorly, and that circumventing rules is the best - or only - solution to their needs. Parents may conclude that regular instruction in class is badly deficient, and that bribing teachers for additional lessons is the only way their children can obtain instruction that allows them to thrive. Poorly maintained school buildings and classrooms may spur principals to admit additional children in return for payments allocated to school renovation. Widespread failure to ensure fair competition for places in graduate programmes may motivate students to offer gifts and favours to faculty who select entrants.

This report was undertaken to identify integrity challenges and policy options for further reforms. Drawing upon consultations with stakeholders from government and civil society, the review team identified nine integrity challenges: access to pre-school education through informal transactions; misappropriation of parental contributions to schools and pre-schools; access to school education through informal transactions; undue recognition of learning achievement in primary and secondary education; private supplementary tutoring; corrupt influence in textbook procurement; corrupt access to higher education; academic dishonesty in higher education; and undue recognition of academic achievement in higher education. Detailed recommendations specific to each of these challenges are provided. Taken together, the recommendations point to three broad strategies policy makers, educators and civic organisations can employ to further strengthen integrity in education. Adopting policies that reduce incentives and opportunities for educational malpractice is a first step towards the long-term goal of building an education system that is marked by trust, openness, and transparency.

Reform policies that incentivise integrity violations

Violations of educational integrity - unmerited grades, misappropriated school funds, or gifts provided in return for preferential entry to selective school programmes - are rooted, in part, in poorly designed policies that create incentives for misconduct among educators and learners. For example, some cities in Ukraine lack a supply of pre-school places sufficient to meet demand, creating incentives for families to bypass prioritisation rules through gifts

or family connections. In higher education, student work may be intentionally mismarked and plagiarised work accepted partly because institutional funding formulae and faculty compensation policies penalise stringent grading and the dismissal of students. It is difficult for policy makers and integrity advocates to swiftly change norms about acceptable conduct. However, they can adopt policies that encourage the right incentives and reform those that do not. Pre-school places can be increased to meet demand. Funding formulae can be modified, so that higher education institutions are not penalised when enforcing standards of academic integrity among their students.

Balancing autonomy with accountability to reduce integrity violations

Educational reforms that provide teachers and administrators with wider professional autonomy, along with increased opportunities to monitor and contest decisions, can achieve a balance between professional autonomy and accountability that substantially improves education integrity. For example, public schools in Ukraine routinely use parental donations to advance their educational mission, but they fail to record those donations to avoid losing flexibility in allocating resources and avoid unnecessarily burdensome reporting requirements. Educators are circumventing the system to achieve legitimate educational purposes. Policy makers can provide schools with more flexible use of extra-budgetary funds from parental contributions while, at the same time, establishing a legal right for parental donors and other responsible bodies to oversee how donations are managed and used; this would allow them to detect the misappropriation of school funds.

Where a framework of rules is absent - but needed - the review advises adopting a balanced approach between public accountability and professional autonomy. For example, fee-based private supplementary tutoring by teachers in Ukraine is widespread and unregulated. Teachers sometimes tutor their own students for fees, creating incentives for them to offer preferential treatment to the students they tutor, and to penalise those they do not. The review points to a policy framework that provides flexible accountability for teachers: authorise teachers to provide private tutoring while forbidding them to tutor their own students. This authorisation should be balanced with a requirement that tutors register in a simple web-based system and legal framework that defines the obligations of tutors to students, and allows unauthorised tutoring to be reported and penalised.

Increased professional autonomy cannot always be linked to increased scrutiny and public accountability, and it is sometimes risky and inadvisable. Here, as the review proposes, educational integrity is best achieved through impartiality, by designing policies that narrow or eliminate discretion. For example, it recommends ending the involvement of principals in the selection among applicants for pre-school places, making electronic queueing fully decisive instead. Also, where demands for public schools providing specialised secondary programmes is greater than study places, the review proposes the introduction of rule-based and impartial assignment methods.

Build capacity for integrity

A capacity for integrity can be built in education institutions and their practices. An effective way to build this capacity is to expand external reference points and validation of teaching and learning. This can be done through the wider use of benchmarking, peer review and externally set examinations – and supported through improved training and support.

Student work in Ukraine may be subject to mismarking by teachers, from primary school through advanced degree programmes. Some mismarking is intentional and done in the hope of obtaining preferment from learners. Opportunities for mismarking can be substantially reduced with external validation. Teachers in Ukraine can be provided much improved guidance and training with respect to marking procedures and assessment criteria. External moderation of marking can be used to provide more impartial and consistent marking. The wider use of low-stakes, external and independent assessment in primary and secondary schools can be used to create external reference points for teacher grading that families and school principals can use to monitor marking practices. The wider use of external and independent subject-based examinations for entry to higher education advanced-degree programmes, first proposed for legal studies, could sharply reduce favouritism now widespread in master's degree entry. Equally important, it would raise confidence in higher education qualifications and boost their portability.

Additionally, the report advises, policy makers should take account of how improved training and support for teachers can be used to strengthen integrity. For example, classroom teachers in Ukraine were invited to select textbooks – though with limited guidance and too many options - and many coped with this added responsibility by taking guidance from publishers. Better support for teachers - improved guidance on how to choose among texts, dedicated review time and simplified options - can lead to a textbook selection process that is fully independent and fair.

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Assessment and recommendations

Integrity violations in education can be deeply harmful to the students they serve, and to the wider society and economy. Public funds and family spending are misused, access to learning opportunities may be denied or unfairly awarded, the quality of teaching and learning is diminished, and trust in reliability of education credentials and the institutions that award them is undermined. Nations are deprived the full rewards that a high-performing education system can offer – social inclusion, civic trust, and economic productivity.

Integrity violations are unfortunately common in Ukraine's education system. Nine out of ten parents of school-age children contribute to school and class funds – which operate on a cash basis, beyond public accounting scrutiny and at high risk of misappropriation through fraudulent billing. Assignments in basic schools may often be mismarked – in return for gifts and bribes. Textbook procurement has been exposed in the past to fraud. Serious conflicts of interest in basic education arise as teachers engage, for pay, in tutoring students from their courses whose work they mark. The price at which marks on assignments can be purchased may be posted on the doors of higher education faculty. Professors who choose not to take bribes from students are popularly known as "white crows" – to signify their rare conduct.

This integrity review was undertaken to identify integrity risks and challenges in Ukraine's education sector, to spur discussion and reflection, and to identify policy options that permit further improvements to the integrity in education in Ukraine. The review recognises the important work that political leaders in Ukraine, supported by civil society organisations and international partners, have done to strengthen the integrity in education in Ukraine and aims to assist its further development. Drawing upon consultations with stakeholders from government and civil society organisations throughout Ukraine, the review identified nine integrity challenges facing the nation's education system, ranging from access to pre-school education through informal transactions to academic dishonesty and undue recognition of achievement in higher education. These challenges, and the review's recommendations to address them, are described below.

Access to pre-school education through informal transactions

Initial access to pre-school education is marked by informal transactions between parents and the principals of pre-schools, in which personal relationships and financial support for pre-schools are used to gain access to early childhood care and education (ECEC).

Substantive and technical limitations in the online system for pre-school enrolment (e-queue) create opportunities for integrity violations. Shortages in enrolment capacity result from deficiencies in the co-ordination and planning of the pre-school network, and from outdated and cumbersome procedures for licencing of ECEC providers that prevent the efficient use of existing infrastructure and create incentives for integrity violations.

To address these problems, the report recommends improving the functionality of the e-queue system and ending the involvement of pre-school principals in the selection among ranked candidates for places. The report also recommends expanding enrolment capacity by liberalising accreditation standards and by introducing additional sources of funding for public pre-schools.

Misappropriation of parental contributions to schools and pre-schools

Parental donations to schools and pre-schools are an important source of education financing in Ukraine, in which 90% of parents with school children report they have participated. Parental donations to schools are at high risk of misuse through fraudulent invoicing, which allows the difference between misstated and actual prices to be captured for personal benefit. This risk arises from strong incentives for education providers to bypass formal requirements for management of parental donations – combined with weak budget oversight of schools, and the absence of a parental right to require an account of how school funds are used. The report recommends expanding the legal rights of parents to oversee how donations are managed and used; improving the transparency of budget allocations and strengthening internal audit on a local level of governance; strengthening the role and capacity of the School Inspectorate to reduce opportunities for misappropriation; and widening opportunities for schools to make flexible use of extra-budgetary resources from parental contributions.

Access to school education through informal transactions

Irregularities exist in access to public schools offering primary and secondary education programmes in Ukraine. Aptitude-based entry examinations are administered by schools that are proscribed by law from doing so, and schools that are authorised to administer admission exams may use them to advantage some children over others.

These practices are facilitated by deficient admission regulations and ineffective monitoring of compliance, and by the merger of schools of different levels, which transform primary and pre-school institutions into “shadow” entry points to the elite schools with which they are merged.

The report recommends deferring early student selection to upper secondary education and reinforcing comprehensive schooling on lower levels. It advises reconsideration of the current school admission policy and eliminating the conditions that permit shadow entry to elite schools. The report also suggests improving the balance between supply and demand, which will help to ease the pressure on sought-after schools.

Undue recognition of learning achievement in primary and secondary education

School teachers sometimes intentionally over-mark or under-mark student work in the expectation of obtaining money, gifts or services for themselves or their school. Serious weaknesses in the assessment of learning outcomes, combined with a culture of acceptance of gifts, provide teachers with opportunities to mismark - and parents with the expectation that marks are negotiable. All sides involved have reasons to engage in the integrity violation: parents in the conviction that better marks can secure admission to good higher education, schools because of their dependence on parental contributions and teachers because of their unsatisfactory income.

The report recommends ways to improve classroom assessment, including the wider and earlier use of low-stake, external assessments; raising awareness about the limited importance of school marks for admission to higher education institutions (HEI); and the adoption of marking moderation. The report notes that incentives for malpractice might be diminished if teacher salaries were raised, but only after evaluation of actual teacher income and working conditions to determine what changes to compensation would be fair and effective.

Private supplementary tutoring

Teachers in Ukraine often provide fee-based private supplementary tutoring to their own students. This practice – which is not prohibited or regulated - creates undesirable incentives. Teachers may offer preferential treatment in class to the students they tutor, or teach and mark poorly those they do not to create demand for their tutoring services. The report focuses on the conditions that lead families to seek private tutoring, and teachers to provide it. It recommends a range of measures to prevent tutoring that gives rise to conflicts of interest, including prohibiting teachers from tutoring their own students for a fee; introducing an obligation for tutors to register; providing better-quality feedback to parents on the learning progress; strengthening confidence that the External Independent Testing (EIT) can be mastered with the help of regular schooling; and evaluating teacher compensation.

Corrupt influence in textbook procurement

Reforms to textbook procurement have been adopted, but there remain shortcomings in procurement that expose the process to the risk of corrupt influence. The report identifies weaknesses in recent reforms to the textbook acquisition process that have permitted continued integrity breaches, such as publicising the names of those chosen to evaluate textbooks, exposing them to influence by textbook publishers and authors. Reducing opportunities and incentives for corrupt influence in textbook acquisition can be achieved through improvements to the confidentiality and conflict of interest regulations that govern expert staff in screening textbooks for review, and by providing improved guidance and support to teachers who choose among texts, including dedicated review time and simplified options from which to choose.

Corrupt access to higher education

Integrity violations occur as students seek to gain access to graduate and undergraduate programmes in public higher education in Ukraine. The report examines integrity violations in access to master degree programmes, such as bribes and examination fraud, which are enabled by a decentralised admission process that is not guided by policy, open to scrutiny or subject to review. Opaque access to dormitories, based on a wide range of inconsistently used criteria, is a second area of concern.

Students have an incentive to engage in these integrity violations because of the anticipated returns to master's degree programmes, which they believe to be substantial. Teachers and HEI administrators' incentive to seek informal payments and enrol high numbers of master's students is tied to the prospect of more funding for the HEI, additional personal income and academic prestige.

The report recommends consolidating an effective system of higher education quality assurance and designing minimum standards and a unified procedure for admission to graduate programmes. Undergraduate degrees awarded within a quality assurance framework can be joined to external, independent graduate admission tests, which provide a basis for entry that is not prone to abuse. Additionally, it proposes improvements to the process through which dormitory places are allocated.

Academic dishonesty - cheating and plagiarism in higher education

Higher education in Ukraine is marked by academic dishonesty in which learners misrepresent the work they have completed and the knowledge they have acquired through cheating, plagiarism or the purchase of work performed by others. Acts of academic dishonesty in Ukraine are facilitated by gaps in law and regulation that permit its continuation, by the absence of widely-shared ethical norms concerning academic dishonesty, and by the limited capacity of higher education institutions to assess and detect its presence.

The report recommends making fraud detection a regular part of assessing a wide and representative range of academic work within academic programmes, and assisting higher education institutions in developing their capacity to detect dishonesty. Additionally, the scope of regulations against academic dishonesty should be broadened to include a wider selection of forms of academic dishonesty, for example cheating, and should underline that compliance is the responsibility of teachers and students alike.

Undue recognition of academic achievement in higher education

Undue recognition of academic achievement is widespread in higher education, and it is manifested in over-marking in return for payment and services, marking students based on the work done by other people, assessment in absentia and nepotism.

Teachers and students have clear incentives to engage in over-marking: teachers are reluctant to invest in rigorous and time-consuming assessment because it could jeopardise their routine of holding multiple jobs, while students are keen to benefit from over-marking, and have weak intrinsic motivation to study and low awareness of and attachment to norms of academic integrity. Opportunities for malpractice are facilitated, in part, by opaque assessment principles and by assessment criteria that are not disclosed to students.

The report recommends that HEIs make their assessment procedures and criteria transparent, and that they introduce an assessment appeals process, the operation of which is subject to review by the higher education quality assurance body. To reduce incentives for malpractice, the report recommends revising HEI funding methodology to remove incentives for over-marking.

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Chapter 1

Access to pre-school education through informal transactions in Ukraine

The focus of the chapter is on initial access to pre-school education. It examines informal transactions between parents and the principals of pre-schools, in which personal relationships and financial support for pre-schools are used to gain access to early childhood care and education.

Substantive and technical limitations in the online system for pre-school enrolment (e-queue) create opportunities for integrity violations. Shortages in enrolment capacity result from deficiencies in the co-ordination and planning of the pre-school network, and from outdated and cumbersome procedures for licencing of early childhood education and care (ECEC) providers that prevent the efficient use of existing infrastructure and create incentives for integrity violations.

To address these problems, the chapter recommends improving the functionality of the e-queue system and ending the involvement of pre-school principals in the selection among ranked candidates for places. The chapter also recommends expanding enrolment capacity by liberalising accreditation standards and by introducing additional sources of funding for public pre-schools.

Regulatory and policy background

Pre-school education and care is provided through a network of approximately 15 000 pre-school institutions, which may be founded by the national government, local governments or private entities (Verkhovna Rada of Ukraine, 2001). Nearly all pre-schools in Ukraine are public; established by local governments and owned by them (Table 1.1). At the end of 2014, 98% of pre-schools (14 705 out of 15 002) were established and directed by local governments.

Table 1.1. **Number of pre-school institutions and enrolment, by type of pre-school ownership (2014)**

	Public: state	Public: local government	Private entities	Total
Pre-school facilities, *units*	97	14 705	200	15 002
Enrolment, *persons*	12 502	1 271 950	10 439	1 294 891

Source: SSSU (2015), *Pre-school Education in Ukraine in 2014*, *www.ukrstat.gov.ua/druk/publicat/kat_u/2015/bl/03/bl_dosh_14.zip*.

Children can be enrolled in several types of pre-schools (Table 1.2): nursery-pre-schools (*ясли-садки*) for children until the age of 6 or 7; pre-schools for children aged 3 to 7 (*дитячий садки*); and pre-schools combined with primary or secondary schools (*навчально-виховні комплекси*).

Table 1.2. **Types of pre-school institutions in Ukraine by enrolment age (2014)**

Type	Age range *(years)*	Enrolment in 2014 *(thousands of persons)*
Nursery – pre-school (*ясла-садок*)	0 to 6 -7	1 018
Pre-school (*дитячий садок*)	3 to 7	162
Pre-schools combined with primary and/or secondary schools (*навчально-виховні комплекси*)	3 to graduation	116
Total		1 295

Source: SSSU (2015), *Pre-school Education in Ukraine in 2014*, *www.ukrstat.gov.ua/druk/publicat/kat_u/2015/bl/03/bl_dosh_14.zip*; Verkhovna Rada of Ukraine (2001), *Закон України Про дошкільну освіту* [*Law on Pre-school education*], Verkhovna Rada of Ukraine, Kyiv.

In Ukraine the legal framework and general policy for pre-school education is set by the central government. Local governments are responsible for funding and organising the provision of pre-school education within the framework of state policies. Official government statistics indicate that 95% of pre-school funding is allocated by local governments with the remaining funds provided by households and the central government (SSSU, 2014). The range of local government responsibilities for pre-school education is wide, and includes maintaining a census of the pre-school-aged population; overseeing the compliance of pre-school institutions with rules and regulations; supporting the development and implementation of the pre-school education content and training of teachers; the selection and appointment of principals; the licencing of private pre-school institutions; and the attestation of pre-schools. Local governments certify the providers of pre-school education

and care at least once every ten years, doing so according to the rules set by the central government (Verkhovna Rada of Ukraine, 2001).

Responsibility for the management of pre-school institutions rests with the principal, the pedagogical council, which is a collegial management body chaired by the principal and comprising members of staff, and the board which consists of staff members and parent representatives (Verkhovna Rada of Ukraine, 2001). Formally, the pre-school institution is governed by its board in between general meetings. In practice, the school principal and local educational authority provide strategic direction and leadership.

The conditions of access to pre-school education are stipulated in the 2003 Regulation of the Cabinet of Ministers of Ukraine. To enrol their child in a pre-school facility, parents submit a written application to the pre-school of their choice together with birth and medical certificates. Upon submission of these documents, the pre-school principal is free to take a decision on who will be admitted. There is no limitation to the number of pre-schools to which parents can apply.

In an effort to limit arbitrary decisions about access and provide pre-schools which experienced capacity shortages with a tool to manage excess applications, the Ministry of Education and Science (MoES) issued recommendations in 2013 on the creation of a unified system of electronic registration of children of pre-school age (e-queue system) – managed locally but following common rules of queueing and admission, and accessible through a central portal. The recommendations are general, non-binding and invite *oblasts*, country's primary administrative units, and cities in Ukraine to establish local electronic registration platforms and procedures by adhering to some general principles, such as data reliability, consistency and data protection (MoES, 2013).

The MoES recommendations for the e-queue system did not provide guidance on the entry criteria that local governments were to implement with the adoption of e-queue. However, the local admission systems in major cities such as Kyiv and Lviv and in some smaller ones, exhibit a high degree of uniformity, and are accessible through a central portal. These systems require parents to register their children by submitting information about their choice of pre-school, time of enrolment and type of programme. All supporting documents need to be compiled by the family until a predefined period of time before the deadline for enrolment, by which time pre-school principals select from those high in the queue list a subset of children that indicated their pre-school as a choice, and invite them to submit complete documentation and then enrol. The rank of an application in the waiting list depends on the total waiting time: the longer the waiting time, the higher the priority of the application.

Two systems of access to pre-school now co-exist: the "traditional" school-based process based on the Regulation of 2003, and the integrated electronic queueing system. The electronic queue has been partially implemented - in places with sufficient capacity to develop the required software solutions and under pressure to deal with a surge in applications for limited pre-school places. Pre-schools in smaller cities and rural areas continue to rely on the traditional system of managing applications and deciding on access.

A. Description of integrity risk and violation

The Law on Pre-school Education guarantees all families access to publicly provided early childhood education and care: *"Citizens of Ukraine regardless of race, colour, political, religious and other beliefs, sex, ethnic and social origin, property, residence, language or other signs have equal rights to pre-school education"*.

Where the supply of places does not meet demand, the law's promise of equitable access is at risk of being violated through informal transactions that provide parents or caregivers preferential placement in sought-after public pre-schools, where places are scarce. The scarcity exists especially in urbanised areas and can be examined by looking to the ratio of enrolments to the number of funded places or "over-enrolment". In 2015 there were 117 children enrolled for 100 funded places, and in some *oblasts*, such as Lviv and Ivano-Frankivsk, there are 1.3 to 1.4 children enrolled per funded place (SSSU, 2016a). However, over-enrolment is an imperfect measure of scarcity, since it fails to measure those who wish to enrol but could not do so, and who are queuing for places – estimated to be approximately 100 000 children nationally.

The scarcity of enrolment capacity creates opportunities for those who control entry, such as school principals, to seek unauthorised contributions to their school. While occurrence of integrity violations and assessment of frequency could not be directly observed by the review team, the risk of such malpractices exists and is confirmed by abundant anecdotal evidence.

Notes from focus groups in a major study of pre-school education in Ukraine from 2013 provide clues about the type of informal transactions that could affect access to sought-after pre-schools. Pre-school principals may seek informal and non-regulated financial or in-kind contributions by parents in return for either moving families to the front of the e-queue or admitting them to their centre, or in places still without an e-queue system by simply granting access. Families may respond in a range of ways, from bribery, disguised as one-off "help" for the pre-school institution, to the use of "connections" (Box 1.1). Some of the pre-school and school principals that met with the review team during the site visits noted that pre-school access can also be provided in exchange for long-term commitment to supporting the pre-school through parental contributions.

Box 1.1. **Focus group accounts of informal transactions for pre-school access**

The 2013 study of the European Research Association (ERA) confirms that the access to pre-school education is a major concern as pre-school institutions are overloaded. During ERA focus group discussions, parents reported that to secure a pre-school admission, they are required to make considerable financial contributions. "In case of refusal, the child will likely not be registered. Fees may be formal or informal, ranging between around UAH 1000 to UAH 2000 as a single fee, without taking into account further charges for various needs of the pre-school".

Most parents perceive this both as a bribe and as a necessary contribution for the needs of their child and pre-school, as they are aware of the lack of funding from the state ("It's not a bribe, it is like: 'Can you help our pre-school?'. "No?" "Then excuse us, we have no place. When you help us, we will take you.").

Another possible way to enrol a child in a state pre-school is by relying upon family or professional connections. "I had no money so I generally had a very serious approach to this issue. I took advantage of the status of my colleague, an educator. I found a workaround". "They ask themselves: where do you work. I think this is the first question they ask themselves".

Source: Quote from focus group discussions held in 2013 for the pre-school education study by the European Research Association (ERA, 2013).

While these contributions are perceived as a bribe by parents (ERA, 2013), school leaders and teachers report that the parental contributions are used to augment public funding by providing for additional materials and supplies, in particular for maintenance of infrastructure, procurement of goods and capital investment. However, these contributions are not publicly recorded and audited, and therefore they may also be used for the private benefits of school principals or staff.

Where electronic queueing has been implemented, the only authorised way for parents to secure a pre-school place is to register in the queue as soon as possible, as early as right after the birth of their child. However, the e-system has limitations that allow the queue to be bypassed through faster, more effective - and potentially fraudulent - strategies.

A major way for families to bypass the queue is to abuse an admission quota reserved in each pre-school for children from so-called "privileged categories" (*діти пільгових категорій*). The central portal of the e-queue system names three such categories: children of military personnel, children affected by the Chernobyl disaster and children of military prosecutors. This list can be complemented by local governments, such as in Lviv or in Khmelnytskyi *oblast*, to include internally displaced families, children with disabilities who are fit to attend regular pre-school or children of large families. If children from these categories are in the e-queue list for a given pre-school institution, its principal must give them priority when compiling the admission list for the year. However, principals are not obliged to verify the authenticity of accompanying documentation and they are not accountable for the compilation of lists with children entitled to preferential access. The MoES, too, expressed a concern that the list of exceptions to the local e-queue procedure might be too broad and that evidence of membership in a preferred category might be too easily obtained.

Another opportunity to bypass the queue is through exploitation of digital vulnerabilities of the e-queue system, which in some cities has allowed some applicants in the e-queue to override the automatic first come, first serve principle. A recent example comes from Lviv, where in 2015 irregularities in the online registration procedure have forced the city authorities to annul applications and issue an official communication, inviting parents to register again in the following year (Box 1.2).

Box 1.2. **Instruction about the cancellation of e-queue applications due to irregularities, City of Lviv**

"Dear parents!

Please be informed that the electronic applications of all children born in 2015 with the date of registration of 28.04.2015 were removed because they were all registered illegally due to deficiencies in the electronic network of the pre-school education department.

According to clause 12 of the Rules of Procedure No. 160 setting regulations of accountability and transparency in the admission of children to pre-schools in Lviv, as approved by the Board of Education on 28 April 2015, parents can register their newly born children again from 1 January following the year of birth."

Source: Instruction of the Department of Education of Lviv from 21 September 2015, No4-2601-1837, *http://osvita.lviv.sch.in.ua/informaciya_pro_zaklad/doshkillya/*.

B. Factors that create opportunities for the violation

Limitations of the e-queue system

The e-queue system makes it more difficult to secure undue preferential access and represents an improvement over prior procedures, but it has limitations that make it prone to abuse. Four limitations are noteworthy.

First, the introduction of the e-system is not obligatory. Its implementation is based on the willingness and capacity of *oblasts* and their local authorities to follow the normative guidance by the MoES. There are no consequences if municipalities do not adopt this guidance.

A second limitation is that in cities where e-queueing has been implemented, it is not impervious to all types of manipulation. As the experience of Lviv (Box 1.2) indicates, those who manage these applications – and those who have the skills to locate gaps in their security - can exploit them to their advantage.

A third limitation of e-queuing is that it is only as effective as the underlying principles of prioritisation that it implements. Since registration and the order of application are the only principles of prioritisation, advantage is given to children registered at birth, while those families who wait until care is needed are further down the queue. The system also treats children born earlier in the calendar year more favourably than those born later. Furthermore, parents can change priority during the waiting period without the system reacting accordingly, or decide to keep the child in the pre-school for an additional year, which again will have an impact on those still waiting for a place.

Box 1.3. **Locally defined, diversified criteria for pre-school access in EU countries**

In countries of the European Union, selection criteria for pre-school access are often left for the local level of government or school principals to define, following recommendations from the central authorities. Local governments may take into account not only the "first come, first serve" principle but also parents' employment status, family status or socio-economic status. Most countries give priority to working parents, but some also refer to parents who are actively seeking employment or to parents who are in education or training. When taking family status into account, countries often give priority to orphans, children from single-parent families, large families as well as to siblings of children already in the setting. Steering documents also refer to other criteria, prioritising children with disabilities, special needs or health problems of certain ethnic groups.

Source: Eurydice and Eurostat (2014), *Key Data on Early Childhood Education and Care in Europe*, *http://dx.doi.org/10.2797/75270*.

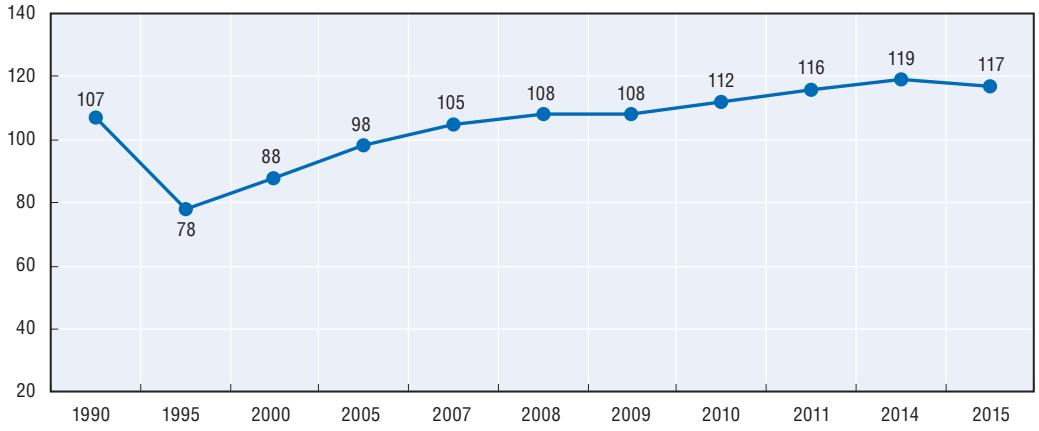
Finally, e-queueing requires principals to select from among candidates shortlisted from the queue, giving them a continuing power to override the process and engage in favouritism – rather than automatically ranking applicants and allocating them to different pre-schools according to their wish lists.

C. Factors that create incentives for the violation

Shortage of places in pre-school education

An upward pre-school enrolment trend since 2005, and the failure to invest in a commensurate increase in enrolment capacity where it was most needed – in urban centres - has led to "acute shortage" of pre-school places (ERA, 2013). Between 2005 and 2015, the average occupancy of pre-schools in Ukraine grew from 98 children per 100 places, to 117 per 100 places. (Figure 1.1) The averages mask the real extent of the challenge found in places such as Lviv (144 per 100 places in 2014), Volyn (139 per 100 in the same year) and Rivne (136 per 100) (SSSU, 2016a).

Figure 1.1. **Occupancy of pre-schools, by enrolment per 100 places (1990-2015)**



Source: ERA (2013), *Діагностика сектору дошкільної освіти в Україні* [*Diagnosis of the Pre-school Education Sector in Ukraine*], European Research Association; SSSU (2016a), *Дошкільна освіта України* [*Pre-school Education in Ukraine in 2015*], *www.ukrstat.gov.ua/druk/publicat/kat_u/2016/bl/06_2/bl_dnz_15.zip*.

Prior to 2002, Ukraine experienced a steep decline in the number of youth. In response to this decline and amid recommendations of fiscal austerity, the number of pre-school facilities maintained by local governments decreased from 24 500 in 1990 to 15 100 in 2005 (SSSU, 2011). Some facilities were given by educational authorities to be used for other governmental functions, such as pension offices or tax offices. Facilities of other pre-schools were converted to commercial purposes unrelated to pre-school education. For example, during the site visits for this review, the city authorities in Lviv noted that approximately 50% of pre-school facilities in Lviv were sold or rented out between 1991 and 1996. The authorities also remarked that the buildings that were rented have been modified to an extent where a retrieval for use as pre-schools would require capital investment, which might be as costly as constructing a new building.

As a consequence, in urban areas the number of children in pre-schools exceeded the number of available places. The number of places in pre-school institutions increased from 1 056 000 in 2005 to 1 105 029 in 2015. However, this still left Ukraine a total of 186 178 places short of satisfying demand in 2015. According to the information provided by the Ministry of Education and Science, in 2014 there were 90 000 children waiting for a place in a public pre-school, 15 000 in Kyiv alone.

High stakes of securing a place in public pre-school institutions

One sign of shortage can be found in a practice that parents described to the review: parents register children in the e-queue system at birth to increase the chances of enrolment when the time comes for the child to enter pre-school care. Parents sometimes compete for pre-school places for four reasons.

First, access to a sought-after pre-school can secure access to sought-after, prestigious primary and secondary schools. As will be discussed in Chapter 3 on school access, pre-schools are increasingly operated by selective primary and secondary schools, and parents enrol their children in such pre-schools with a view to gaining entry to an elite school early on and avoiding the risks of selection that would occur with a later entry.

Second, enrolment in pre-school education is also an important source of support for working mothers. The economic circumstances of families in Ukraine force both parents to work, sometimes in multiple jobs. Especially in cities, where families cannot rely on family members (grandparents) for support, placement in a day-care facility becomes a critical priority.

Third, motivation to secure a place in a high-quality public pre-school is reinforced by the high price of private alternatives, which can be as high as UAH 12 000 per month (more than two times the average household total income of UAH 5 122) (SSSU, 2016b), and the unreliable quality of unlicensed private pre-schools, which the review team was informed are widespread and considerably more affordable. Providing unauthorised and informal contributions to public pre-schools to secure a place in a good public pre-school is a much less expensive option than private pre-school and a better investment.

Last but not least, pre-school education is emotionally charged. It is the first separation for the child from the family, thus parental anxiety and care for the child's wellbeing is typically higher than for the next stages in the education trajectory, which increases readiness to agree to informal requests in exchange for access.

Failures in planning the network of pre-schools

Inadequate supply of pre-school places has also resulted from failures in the planning of the network of public pre-school providers, and from outdated licensing requirements that were, until 2016, limiting the expansion of enrolment capacity.

There are two key dimensions of deficient planning at local and national levels of decision-making. First, the existing stock of pre-school facilities may not be well managed. In 2014, 356 pre-school facilities were idle, and a third of these had been idle for longer than 10 years (SSSU, 2015). Plan to "re-activate" them were either not in place, or were too expensive to implement. Second, new housing compounds and districts have been approved and built without expanding the network of pre-schools to the new residential districts. Developers are legally obligated to pay impact fees to municipal budgets for the support of the social infrastructure, including schools. However, they have either ignored these obligations or paid impact fees at a rate that adds less additional capacity than new housing demands.

Outdated licensing requirements that limit enrolment capacity

Pre-school institutions in Ukraine operated according to space requirements that, by contemporary international standards, were excessive. These standards unnecessarily constrained the enrolment capacity of public pre-schools, significantly contributing to the lack of capacity and competition for access. New regulations adopted in May 2016 substantially relaxed these constraints and should provide, in time, significantly increased flexibility in provision.

Box 1.4. **Space requirements for pre-school institutions in the OECD**

In OECD countries in general, space requirements are set in square meters per child. Indoor space requirements are largest for family day care, followed by childcare centres and pre-school. The OECD average for regulated indoor space per child is set at 2.9 m² per child for pre-school, while it is 3.6 m² for care centres. The OECD average outdoor space requirement per child is 7 m² in pre-school, while it is 8.9 m² in childcare. In Ukraine in 2014, the average indoor space per child in pre-school institutions for the youngest learners (0-3) was more than twice the international average - 7.37 m² for the age group 0-3. For children 3 years and older Ukraine had an indoor space requirement of about 1.5 times the international average (5.83 m² vs. 3.6 m²).

Source: OECD (2011), *Encouraging Quality in Early Childhood Education and Care (ECEC) International Comparison: Minimum Standards*, *www.oecd.org/education/school/48483436.pdf*; SSSU (2016a), *Дошкільна освіта України* [*Pre-school Education in Ukraine in 2015*], *www.ukrstat.gov.ua/druk/publicat/kat_u/2016/bl/06_2/bl_dnz_15.zip*.

Private pre-schools could also potentially ease the pressure on pre-school facilities. However in Ukraine, the network of private pre-schools is very small – in 2015 there were only 177 private pre-schools (SSSU, 2016a). The reasons lay in burdensome procedures for licencing, difficulties finding appropriate facilities that meet ECEC standards, and high initial investment costs combined with the fact that high admission and monthly fees limit the number of families using this service. As a result, 70% of private pre-schools close in the first year of operation (ERA, 2013).These factors keep the number of legally operating private pre-schools low and allow them to charge very high fees. They also stimulate the proliferation of numerous small-scale, unlicensed alternatives that are considerably more affordable but also not subject to any form of quality control.

D. Policy options

Closing the opportunities for malpractice

Improve the functionality and reach of the e-queue system

An important short-term goal should be to address shortcomings of the electronic queuing system. These improvements should include:

- Adopting software improvements that make the e-queue application more secure.
- Moving to a fully algorithm-based system of assigning children to pre-school places, so that pre-school principals cannot influence the allocation of places.
- Diversifying the criteria for waiting list priority in addition to the time of registration in the e-queue. The criteria should be adopted by each *oblast* in accordance with its specifics and needs, following framework guidelines to be developed by the MoES. As a minimum, the guidelines should determine what criteria are acceptable and how they are documented.

Eliminating the incentives for malpractice

Liberalise accreditation standards and procedures to expand ECEC enrolment capacity

The review team recommends reassessing the accreditation of pre-school institutions by liberalising the licensing standards in view of lowering the cost of building new public pre-schools, reducing the resource burden of operating existing ones, and legalising the reportedly widespread, but informal provision of private pre-school services.

The liberalisation concerns in particular the requirements with respect to space per child and in-house preparation of food. If children are cared for in one multipurpose room rather than two separate rooms, there should be no impact on the quality of care and child wellbeing - while the physical capacity of pre-schools would nearly double. Another bottleneck highlighted during the team's meetings is the requirement that food be prepared at each facility rather than catered. The requirement to maintain an operational kitchen in each facility also reduces the space available for pre-school groups, and fails to take advantage of flexibility and economies associated with outsourcing. Similarly, the requirement for own playground and garden especially limits the possibilities for organising new pre-school facilities in metropolitan areas of cities.

Provisions adopted in May 2016 have already liberalised some of the standards with respect to pre-school accreditation and provide much-needed flexibility in the use of space. It is important to ensure that the conditions created by these new standards lead to an increase in capacity for pre-school provision, and that public and private pre-schools enjoy greater flexibility in structuring the services they offer.

Create conditions for the sustainable funding of ECEC expansion

The plans to expand ECEC provision shared with the review team continue to rely on public funding, despite a widespread concern that resources are not readily available and that local authorities might have other, more imminent funding priorities.

The review advises developing a plan for the diversification of funding sources of public pre-schools, for instance through the promotion of public-private partnerships. This should be preceded by careful consideration of conditions under which such partnerships can take place, and a special focus on alternative forms of ownership and/or management of pre-schools.

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ANNEX 1.A1

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Chapter 2

Misappropriation of parental contributions to schools and pre-schools in Ukraine

This chapter examines parental donations to schools and pre-schools, an important source of education financing in Ukraine in which 90% of parents with school children report they have participated. Parental donations to schools are at high risk of misuse through fraudulent invoicing, which permits the difference between misstated and actual prices to be captured for personal benefit. This risk arises from strong incentives for education providers to bypass formal requirements for management of parental donations – combined with weak budget oversight of schools, and the absence of a parental right to require an account of how school funds are used. The chapter recommends expanding the legal rights of parents to oversee how donations are managed and used; improving the transparency of budget allocations and strengthening internal audit on local level of governance; strengthening the role and capacity of the School Inspectorate to reduce opportunities for misappropriation; and widening opportunities for schools to make flexible use of extra-budgetary resources from parental contributions.

Regulatory and policy background

Sources and destination of school and pre-school funding

Public pre-schools and schools in Ukraine are budget organisations (*бюджетні установи*): non-profit entities that are funded by their founders and owners - state and local governments. In 2014/15, the majority of pre-schools and schools were owned and funded by local authorities (*rayons* and cities), which also provided most of the funding for these levels of education (Table 2.1). There were also 200 private pre-schools and 167 private schools.

Table 2.1. **Pre-school and school institutions by ownership and primary source of funding (2014)**

Founder and owner	Primary source of funding	Pre-school education		School education	
		Number of institutions	Spending (1) (UAH million)	Number of institutions	Spending (1) (UAH million)
State government	Central budget	97	65	348	534
Local governments	Local budgets	14 705	15 121	17 111	42 229
Private entities	Private sources	200	..	167	..

.. : not available
1. Data on expenditure in current prices for 2014. Public expenditure only.
Source: SSSU (2015a), *General Education Institutions in Ukraine in the Beginning of the School Year 2014/15*, State Statistics Service of Ukraine, Kyiv; SSSU (2015b), *Pre-school Education in Ukraine in 2014*, State Statistics Service of Ukraine, Kyiv; SSSU (2016), *National Education Accounts of Ukraine*, State Statistics Service of Ukraine, Kyiv; MoES (2016), *Statistical Data for General Education Schools in Ukraine for 2014/15 and 2015/16, http://mon.gov.ua/activity/education/zagalna-serednya/statistichni-dani-pro-zagalnoosvitni-navchalni-zakladi-ukrayini-za-2014/2015-ta-2015/2016-n.-r.html*

The Budget Code stipulates that the education funding obligations state and local authorities are contingent on the availability of resources. In Ukraine, this conditionality is commonly introduced in periods of crisis (CEDOS, 2015) and at the time of this integrity review was still in force. To ensure that budget resources meet funding needs, the legislation sets a hierarchy of spending priorities that is binding on decisions about resource allocations for publicly funded (budget) organisations, irrespective of their origin (public or private). Salaries and salary-related expenses are protected expenditure items: they have the highest allocation priority and are guaranteed by the state. Next in priority are the communal and other operating expenses of schools and pre-schools such as water and electricity, followed by maintenance and other current expenditure items, and finally capital expenditure.

Local authorities can receive support from the central budget if local revenues, comprising of personal income tax, land payments, non-tax revenues, local taxes and levies, are insufficient to meet budget needs and ensure compliance with these allocation priorities. Central government support for education is provided through targeted transfers to the local budgets in the form of educational subventions. The subvention is earmarked primarily for salaries and the current (running) expenses of general education schools of all types. Its amount is calculated according to a formula that takes into account the number of students enrolled, the class size, and correction coefficients for factors such as location, type of school, and special categories of students. When introduced in 2015, the subvention accounted for 41% of total public spending on education (UAH 43.4 billion) and for 48% of all targeted transfers from the

central to the local budgets (Annex 2.A1, ref. 1). For comparison, in 2014/15, local authorities spent a total of UAH 65 billion on education, 88% of which was spent on pre-school and school education (SSSU, 2016).

Schools and pre-schools are also allowed to accept support from private sources of funding. These include parental and other charitable contributions (allowed for both schools and pre-schools), money for meals (allowed for pre-schools only), revenues from fee-based education services (allowed to schools only), and renting of premises and leasing of equipment (allowed to schools only). In 2014/15, private sources accounted for 5.4% of total expenditure on public primary and secondary schools (UAH 2 419 million) and 3.5% of total expenditure on public pre-schools (UAH 547 million) (Table 2.2).

Table 2.2. **Private expenditure on pre-school, primary and secondary education (2014/15)**

	Private expenditure		
	Permissible sources	UAH million	Percentage of total expenditure
Public pre-schools	Parental and other charitable contributions	547	3.5
Public schools	Parental and other charitable contributions Fee-based services Lease of equipment and premises	2 419	5.4

Source: SSSU (2016), *National Education Accounts of Ukraine*, State Statistics Service of Ukraine, Kyiv.

Parental contributions to schools and pre-schools are defined as charitable donations of natural or legal persons that can be provided in cash or in kind (services, goods), and are a widespread form of private support for education in Ukraine. According to surveys of 357 parents in 2014 and 1 001 parents in 2015, over 90% of respondents in each survey reported providing regular donations to the schools of their children (ERA, 2014; IED, 2015).

Funds may be solicited for the benefit of the school or of the student's class. A survey from 2014 revealed that the family donations were used primarily for repair and maintenance of classrooms and school buildings, procurement of a wide range of equipment and materials, and other amenities, including gifts to teachers (Figure 2.1).

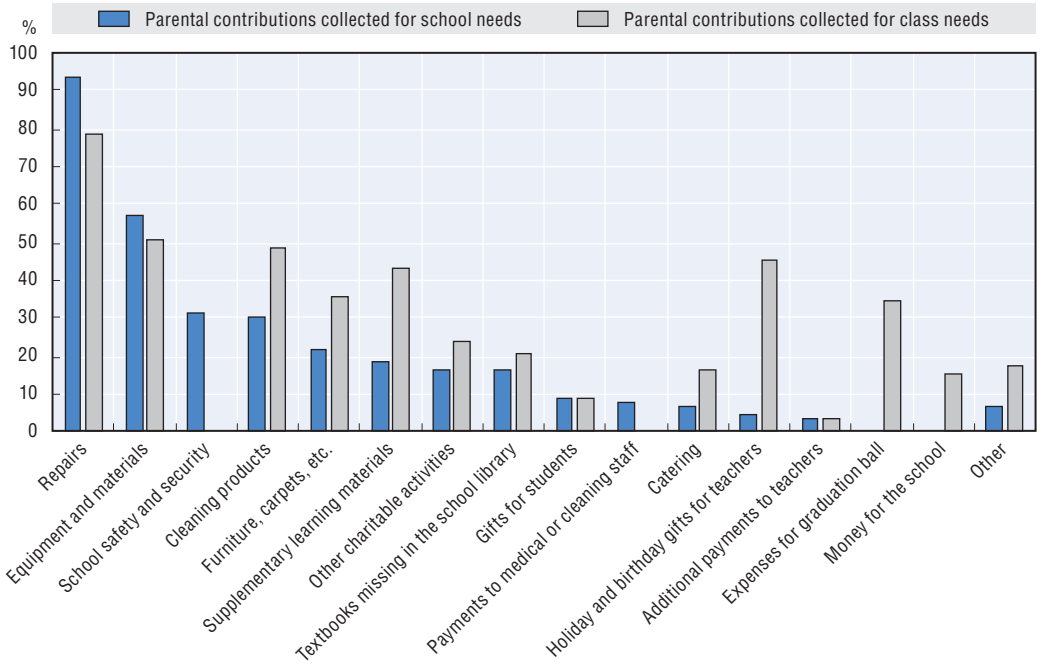
Data on private expenditure on education obtained through household surveys in the official statistics of Ukraine confirms that households invest predominantly in the operating expenses of education institutions. This suggests that public funding in this area is not sufficient to meet all needs. Table 2.3 presents spending on education by expenditure groups defined in the national statistical classification and shows that in 2014/15, over 71% of household expenditure on education was absorbed by the current (or operating) costs of education providers, including for materials and inventory (Table 2.3).

Budget process and management of extra-budgetary funds

The budget process in Ukraine follows four main stages: preparation of draft budgets; drafting and adoption of the Law on the State Budget and of the local budgets; execution and budget adjustments; and performance review.

As part of the annual process of the preparation of local budgets and the national budget, all budget organisations (including schools and pre-schools) are requested to prepare a draft budget estimate (*кошторис*) of their expenses and revenues ahead of the fiscal year, and send it to the financial department of the local authorities responsible for their funding. The estimates by the schools are then used to prepare a budget projection of local funding needs in education for further use by the Ministry of Education and Science (MoES) when negotiating the sector budget with the Ministry of Finance.

Figure 2.1. **Services and items procured with parental contributions by share of parental survey responses**



Source: ERA (2014), *School Funds: Peculiarities of Establishment and Expenditure*, European Research Association, Kyiv.

Table 2.3. **Household spending on public education by national expenditure group (2014)**

Expenditure items and groups	Household expenditure on public education	
	In UAH million	As share of total (%)
Salaries, salary charges, materials and inventory, R&D	11 035	71.6
Medication and medical materials	0	-
Meals	2 550	16.6
Communal expenses, loans, travel, capital expenditure	235	1.5
Payment of services (except for communal services)	1 225	8
Other expenditures	0	-
Textbooks and office materials	358	2.3
Subsidies and current transfers, financial aid, scholarships, etc.	0	-

Source: Order of the Ministry of Finance (MoF) No. 495 of 25 November 2008; Order of the MoF No. 333 of 12 March 2012; SSSU (2016), *National Education Accounts of Ukraine*, State Statistics Service of Ukraine, Kyiv.

On the expenditure side of their budget estimates, education institutions declare their forecast of payroll expenses (*тарифікаційні списки*) by describing their teaching workforce: number of staff, professional categories, workload (teaching hours) and compensation payments. They also include cost estimates along the lines of expenditure groups presented in Table 2.3: for maintenance and repair works, purchase of equipment and materials, communal expenses and capital investment needs.

Typically, the financial department can propose adjustments to certain expenditures to bring the draft estimate in line with the availability of funds, after which the education institution amends the draft and, upon approval of its board, submits the final estimate to the local financial department (Shukevich, 2012). This permits school and pre-school authorities to anticipate costs that will not be covered by the authorities to which they are subordinated.

Regulations on managing monetary contributions to the school and pre-school budget

The obligations of education providers regarding the use and management of parental contributions vary, depending on whether the contributions are provided in cash or in kind.

Schools and pre-schools are obliged to register and handle parental contributions in cash as "designated amounts" (*суми за дорученням*) – extra-budgetary funds received from natural and legal persons for a specific purpose. Extra-budgetary funds must be kept and tracked separately from revenues coming from the public education budget and are thus accredited to a separate part of the school and pre-school budget. The Budget Code of Ukraine requires that revenues from public sources be accounted for in the so-called "general fund" (*загальний фонд*) part of the budget, while parental contributions are to be listed in its "special fund" (*спеціальний фонд*).

Schools and pre-schools that wish to collect/generate extra-budgetary income must not only register the extra revenues in the special fund section of their budget but also deposit them in a dedicated account with the State Treasury. They can do this either by requesting their own account with the local branch of the State Treasury, in which case they must take responsibility for the accounting and budget-conforming use of the resources and hire a school accountant, or by delegating responsibility to the local education authorities, which provide them with centralised accounting services and manage the budget resources on their behalf (including approval of how they are spent). In both scenarios, the principal of the education institution is responsible for the proper use of funds in conformity with the laws and regulations, and the intended use of funds must be recorded in the budget estimate of the school or pre-school and approved by the financial department of the local education authorities.

Regulations on managing in-kind contributions to schools and pre-schools

In-kind contributions from natural and legal persons are subject to the rules and regulations applicable to goods and services purchased with funds from the public budget. They must be marked in the budget estimates of schools and pre-schools and appear in their balance sheets, with an indication of the value of donations. The monitoring of receipt and use of in-kind donations is the responsibility of the local education authorities, as described in the next section.

Budget control and audit

The budget control and audit of schools and pre-schools is a shared responsibility between the education institutions themselves, the local financial authorities (in this case – the financial departments of the local education authorities) on behalf of the Ministry of Finance, the State Treasury, the State Financial Control, and the Accounting Chamber of Ukraine. The national audit and control arrangements also include an obligation for all executive authorities and their local subsidiaries (budget organisations, local authorities and line ministries), to establish units of internal audit and define procedures for their functioning.

The **principals of education institutions** vouch for the correctness of their school budget and use of school assets, which includes funds disbursed by the education authorities as well as donations. They are also responsible for the initial authorisation of expenditures from the special accounts with the State Treasury in case the school or pre-school has one, as well as for concluding and monitoring the execution of contracts with service providers.

The **equivalent of internal audit in schools and pre-schools** takes place in the form of meetings of school boards and boards of trustees, members of which are the school

leadership, teachers, the local authorities, representatives of parents, civil society, supporters of the school and, in secondary education, also students. The mandate of a school board can vary depending on the statute that each institution adopts for itself, but among its main tasks (Shukevich, 2012) is to discuss, agree on, and monitor the funding and other material needs of the institution, including the annual budget estimate and requests for extra-budgetary support, that is, from parental contributions.

Local financial departments are responsible for ensuring that education institutions are in compliance with the budget regulations on behalf of the Ministry of Finance at all stages of the budget process. They are also in charge of assessing the functioning of internal control and audit in the budget organisations and local executive bodies.

The **State Treasury** is responsible for verifying the correctness of accounting records format used in the local budgets and whether spending is in line with the commitments in the budget. The State Treasury is also in charge of monitoring and evaluating the work of chief accountants of budgetary organisations. The **State Financial Control** on the other hand is tasked, among other things, with the control of effectiveness and purposefulness of spending, which includes the credibility of funding need estimates in the budget proposals, the purposefulness of long-term spending obligations, and the effectiveness and focus of internal audits. Finally, the **Accounting Chamber** exercises overall control of compliance with the budget legislation, including the use and effective management of budget resources on all levels of governance, which encompasses the targeted transfers to the local budgets, that is, the education subvention.

A. Description of integrity risk and violation

Misappropriation is an offence that can be broadly defined as the embezzlement of assets (funds) by someone who does not own them but is entrusted with their management or control (Theoharis, 2015). Defined as a crime in the Criminal Code of Ukraine, this offence is commonly perpetrated through trickery and deceit with the help of misappropriation schemes[1] (Albrecht et al., 2010).

Despite a complex and seemingly comprehensive legislative framework, the management of extra-budgetary resources from parental contributions is an area plagued by irregularities and at risk of misappropriation. The range of problems reported in public discussions across the country and described to the review team in meetings with parents and civil society organisations include arbitrary (unjustified) requests for donations by schools and pre-schools, lack of transparency and absence of reporting on the use of these donations, and subsequent misappropriation.

Comments made during site visits (one of which is described in Box 2.1) suggest that procurement fraud schemes, such as the use of parental contributions for procurement at inflated prices in order to take and/or give kickbacks, are possibly among the most common forms of misappropriation. The integrity review team was repeatedly told of cases where schools and pre-schools appear to have engaged or recommended suppliers who will:

- present parents with bills for more than the actual cost of the goods and services they supply, and pass on (some of) the difference to the school; or
- present parents with bills for the full retail price of goods on which a discount is normally offered, and pass the value of the discount to the school; or
- present parents with bills for goods or services that were not delivered at all (or, if delivered, had already been paid for from the school budget allocated by the local financial department), and pass (some of) the parental payment back to the school.

Box 2.1. **First-hand account of a vendor of foreign-language handbooks for school use**

Our company sells authentic textbooks for foreign language teaching, published by leading European publishing houses. Authentic means that the books are produced by publishing houses from the country where the language taught in the handbook is an official language. Most of these books are sold to pupils and students of state educational institutions – schools, HEIs, colleges. The demand is high because, compared to handbooks for foreign language teaching published in Ukraine, which are cheaper, the quality of the authentic ones is better.

In recent years the sale of books to primary and secondary public schools became an area developing in a wrong direction. Even though the final consumer is the pupil (represented by his/her parents), in most of the cases the key contact person for the sale is a representative of the school – teacher or school principal/deputy principal. Because the purchase is a wholesale purchase, a discount on the retail price of 10% to 20%, which is a unified rate in all of Ukraine, can be offered. We noticed that this discount almost never reaches the final customers. Instead, the parents pay the full retail price, while the discount remains with the school staff representative who organised the purchase. The average value of a purchase for all classes of a school for one year of study is USD 5 000 to USD 10 000, which means that the amount of discount can be around USD 500 to USD 1 000. This money is de facto being embezzled by the school.

For the last year, we have been trying to find ways to change this situation. It was clear that the first step should be to have the representatives of parents' councils as key contacts instead of school representatives. This was difficult to implement, among other things because teachers cannot be entirely ignored in the process of purchase as they are the ones who decide which book is appropriate and needed, and communicate their expert suggestions to the parents. Without the prospect of financial gains and direct involvement, teachers were, however, reluctant to select and recommend our books. Therefore, we have been working on rebuilding our relationship with them, offering non-monetary benefits, such as methodological aid – seminars, additional materials etc. – instead of accepting their involvement in the purchase process as agents. Another major obstacle we have is that, for fear of losing business, the majority of other companies are not willing to follow our example and change their usual ways.

Our main achievement so far is creating an online resource (*www.halinbook.com*) where parents can get all the information about the textbooks they need (adapted for a person without professional knowledge), receive information about discounts available to wholesale purchasers and additional materials available for free, and place their order directly. Though it is possible to order books through this website, it is not meant to be primarily an online store. We see it rather as an instrument to help parents obtain a full picture of the process of handbook purchase and have an insight into its real cost.

Nationwide, the market of authentic handbooks is organised as follows: there are companies which import books (mostly based in Kyiv), and regional distributors that buy books from them and resell in their regions. We are one of those regional distributors, representing only the western region of Ukraine (Lviv *Oblast*). The baseline is the same for all the local distributors, as are the ways these businesses were developed over the years. So you can say that the problem described here is the same anywhere else in the country.

Source: Written account of a bookstore owner in the capital of a major region in Ukraine.

In resorting to such schemes, all of which involve false invoicing and are therefore unlawful, education institutions employ common forms of procurement fraud (Kramer, 2012) in which the primary recipients of diverted funds are the school administrators negotiating the kickbacks and receiving the money contributed by the parents, as well as the vendors supplying the goods and services purchased with the parents' money.

Local and central education authorities have also expressed concern that parental contributions to school and class funds are not recorded or used. For instance, an instruction by the authorities of the city of Kyiv to the heads of education departments and school principals from June 2016 condemns the joint actions of those collecting charitable contributions and principals of education institutions, which "harm the reputation of education professionals" and "push the schools towards money-making" (Kyiv City Council, 2016). Among the reasons for concern stated in the instruction letter were numerous complaints by parents, misappropriation of over UAH 2 million in undeclared parental contributions by a public pre-school, and the discovery of money from parental contributions in the safe of a school principal. In response to allegations of irregularities and misappropriation, some *oblasts*, such as Kherson *oblast*, have put a temporary ban on the collection of parental contributions and initiated the creation of special commissions for monitoring the proper handling of donations to education institutions.

The misappropriation risk is acknowledged also by the MoES, which wrote in 2012 to heads of local education departments, schools and pre-schools, expressing concern about the misuse of parental contributions. It called the failure to register and use the contributions in accordance with the laws a "gross violation" of regulations resulting from the weakness of compliance control, and recommended that the management of donations be brought in conformity with regulations.

B. Factors that create opportunities for the violation

No proper documentation and management of parental contributions

An essential factor that facilitates the misappropriation schemes described in the preceding sections is the failure of schools to acknowledge and properly record the receipt of parental donations.

Parents typically contribute to school and class funds in cash, and the funds that they provide are not recorded in ways that conform to legal requirements and provide a basis for public accountability. Some 72% of parents reported that their contributions for the class were collected in cash during the parent-teacher meetings, and 25% of them gave the money to their children to transmit to their teachers (ERA, 2014). Around 51% of the 1 001 parents of school children surveyed in 2015 stated that their donations to the schools were not officially registered and countersigned, as the law requires them to be (IED, 2015).

These findings reflect reluctance by education providers to declare the extra income, which is confirmed through another, earlier survey on school autonomy in 542 schools across Ukraine. Only 5% of these schools reported to have opened an account for extra-budgetary funds with the State Treasury. According to the survey analysis, the low share suggests unwillingness of school authorities to raise and manage extra income in the way prescribed by the legislation (Barmatova et al., 2013).

Because schools do not register the parental contributions – and because regulations do not define parental rights and obligations – parents cannot compel the schools to provide them with information about the exact way funds they have donated have been used.

The information they might be receiving at class meetings, or meetings of the school boards of which they are members, is not official.

Limited parental responsibility and involvement

The Law of Ukraine, *On Charitable Activities and Donations*, stipulates that benefactors and beneficiaries are the two key roles in the process of giving and accepting donations. Parents can fundraise and give donations to schools and pre-schools as individuals (benefactors) or through charitable organisations, and public education institutions can receive them as the beneficiaries.

Each of these roles comes with responsibilities concerning the management of donations. Many laws and bylaws define the responsibilities and obligations of education providers as recipients of donations, and those of authorities in charge of oversight. They put the burden of responsibility for the proper handling of charitable contributions on the education institutions, and do not define responsibilities and rights of parents as benefactors.

The role of parents is mentioned in only a few of these laws and bylaws, and is limited to a description of options: benefactors can indicate the purpose of donations if they wish to (Annex 2.A1, ref. 2 and 3); parents are recommended to organise themselves in charitable organisations (Annex 2.A1, ref. 4) and as benefactors they have a legally guaranteed possibility to do so (Annex 2.A1, ref. 3); they could also conclude donation contracts for monetary donations that exceed a certain threshold (which is set higher than the average annual parental contribution reported in surveys (ERA, 2014).[2] In 2013, only 14% of the schools participating in the school autonomy survey were receiving their donations through a parental charity organisation. The remaining ones were relying on individual parental donations (Barmatova et al., 2013), which are difficult to record and track.

The principal focus of regulations is the recipients of donations, not the donors. This limits the ability of authorities to hold parents accountable as benefactors - for instance, to require that they properly document their donations in a contract with schools and pre-schools and state a purpose for their donation. Furthermore, the legislation does not provide parents with any rights vis-à-vis the education providers they support – for example, the right to request information from schools about the use of contributions. The only right donors have is to redirect their donation to another beneficiary.

This situation may encourage a culture of ignorance and disengagement among parents. Many of them, for instance, are unaware of basic details concerning their contributions to schools. For instance, in the parental survey of 2015, some 65% of respondents did not know whether they as parents were organised in a charity or are contributed as individuals (IED, 2015). Some 42% stated that they had never heard of rules and regulations governing school funds and parental contributions. Additionally, 40% responded that they were not (or not really) interested in learning how to make school funds and parental donations more transparent and accountable (Figure 2.2).

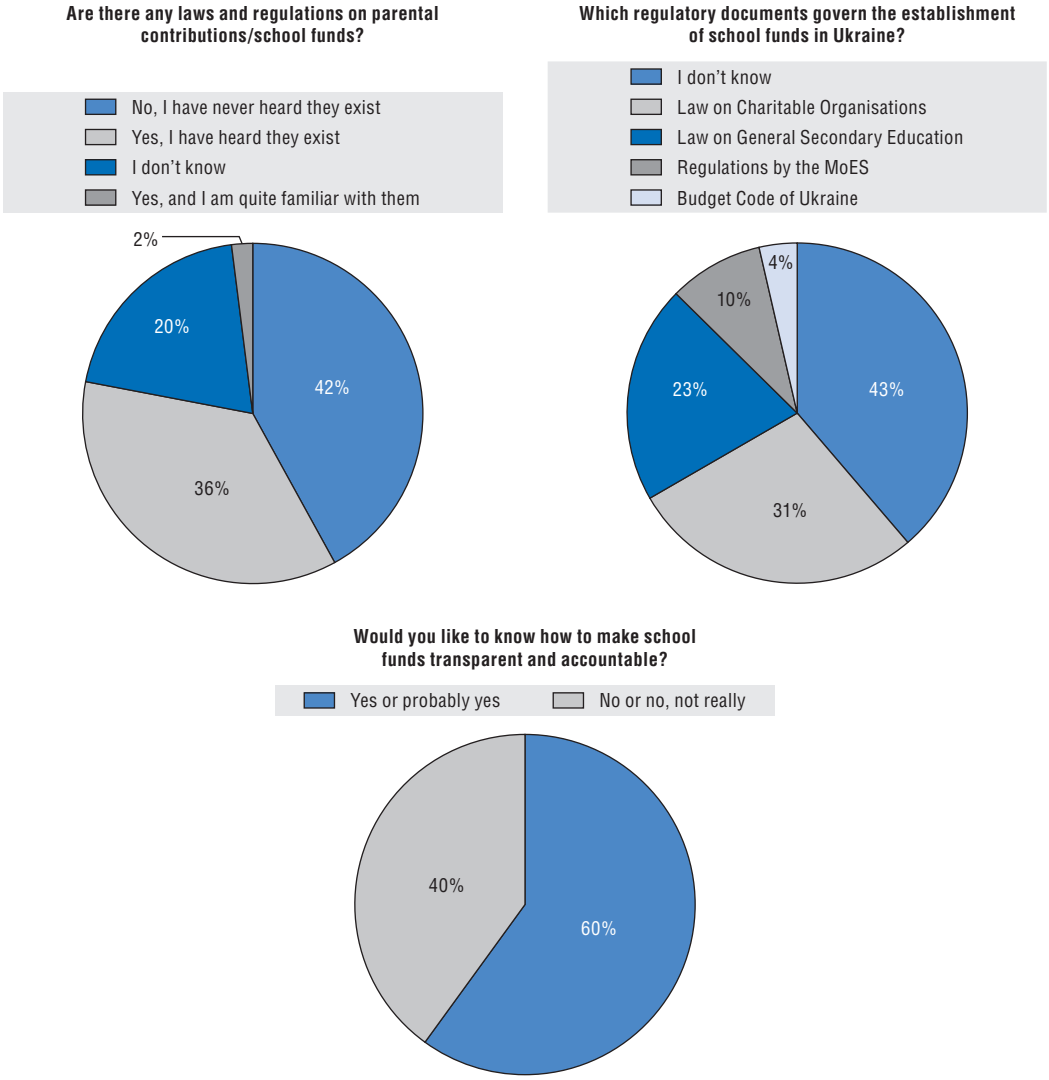
Impunity and fragmentation of oversight

The responsibility for oversight of schools and pre-schools in Ukraine is shared between multiple institutions, which leads to a fragmentation of control and allows irregularities with parental contributions to remain undetected. The principal division is between the budget and educational aspects of school and pre-school oversight. Educational oversight centres on compliance of schools and pre-schools with the state educational standards and the norms

of education provision. Budget oversight is about compliance with budget regulations, which schools as budget organisations are obliged to respect. Different institutions are responsible for these two oversight dimensions. The bodies in charge of overseeing the work of schools are not charged with the control of their budgets and have limited competence to exercise such control. In turn, the bodies mandated with budget oversight and competent to exercise it have limited exposure and access to the sector of education.

Educational oversight is in the competence of the MoES, which exercises control of the education process through the State Inspectorate (*Державна інспекція навчальних закладів України - ДІНЗ*) and local education authorities acting on its behalf. The main instrument of control is the attestation of education providers that takes place every ten years. Routine and extraordinary inspections are possible as well but have the same focus on compliance with educational norms and standards.

Figure 2.2. **Parental awareness of charity regulations and interest in transparency**



Source: ERA (2014), *School Funds: Peculiarities of Establishment and Expenditure*, European Research Association, Kyiv.

Theoretically, the direct involvement of oversight authorities in education is possible on a case-by-case basis through the State Inspectorate, which has the right to reach out to any state body in the course of its inspection activities. However, since its work is primarily focused on compliance with educational norms and standards, it does not typically look into the administrative and budgetary dimension of school and pre-school operations, and its staff might not have the training and/or experience required to perform such a task.

Ensuring compliance with budget regulations is a responsibility shared among the financial departments of local authorities, the State Treasury, the State Financial Control and the Accounting Chamber. Financial oversight bodies other than local financial departments, which are directly involved with the schools when they assess and approve the annual school budgets, have little or no exposure to the education sector. They perform their control functions on the basis of aggregate information on education spending on local level that is not meant to provide detail on daily budget-related activities in individual schools and pre-schools. This prevents financial oversight bodies from detecting whether schools are handling extra-budgetary resources in the way they should. In addition, as parental contributions rarely appear in the official accounts with which these bodies work – such as budgets, account statements, contracts for goods and services – misappropriation goes undetected.

Lack of transparency in decisions about allocating local budgets for education

Schools justify the collection of parental contributions with a narrative about shortage of public funding for education in general and for certain budget items in particular. When asked to identify the main obstacles to improving education, 71% of 311 school principals and 56% of 499 teachers stated that a decline in maintenance and maintenance supplies is among the biggest problems facing education in the country (IED, 2015). Representatives of schools and some pre-schools during the site visits also explained the need for school funds by pointing to a lack of public funding and an alleged tendency of education authorities to increasingly marginalise the sector by not investing in it.

National data from 2012 on education expenditure show that Ukraine spends a considerable proportion of its national wealth and government budget on education, above the average of OECD countries (MoF Ukraine, 2014; SSSU, 2016; OECD, 2015b). Primary, secondary, and post-secondary non-tertiary education in 2014, for instance, claimed the equivalent of 4.3% of GDP (SSSU, 2016), compared to 3.7% of GDP in the OECD on average (OECD, 2015b).

Despite generous allocations on national level, at the local level there are perceptions of funding shortages for schools and pre-schools. The local financial departments can play an important role as providers of information in this respect, but their contribution is hampered by weaknesses in mechanisms (i.e. internal audit) that are meant to safeguard the reliability and independence of information they collect and provide (OECD, 2015a). Recent legislative amendments have kept the local budgets “off limits” for independent audit control (OECD, 2015a).

Schools and pre-schools do not seem to request information about the allocation decisions of local education authorities. In-depth discussions with principals of two elite schools from different parts of Ukraine suggest that, from a school leader’s point of view, it is quicker, easier and more promising to point to resource shortages and seek parental donations than to negotiate funding needs with the local authorities, inquire about their allocation decisions or improve their school’s efficiency (for instance by clearing up the payroll of obsolete or unnecessary compensation payments and bonuses).

C. Factors that create incentives for the violation

Administrative burden and limits to school autonomy

Complying with budgeting requirements about parental funds poses administrative challenges for schools, and many schools have chosen to avoid declaring the parental contributions in the way prescribed by the laws.

For schools and pre-schools, the management of extra-budgetary income in conformity with the regulations means to declare the income by including it in their budget estimate as revenue, committing the revenue to expenditures, depositing the revenue on a special account with the State Treasury (directly or through the accounting office of the local education authorities) and spending it in accordance with that expenditure commitment. Introduced in 2011 as an important step towards more school autonomy in the management of resources, these requirements pose a considerable administrative challenge for the education providers and provide them with reasons to avoid declaring the parental contributions in the way prescribed by the laws.

Limited capacity for school autonomy

The first administrative challenge is that most schools lack the accounting capability needed to open a dedicated account with the Treasury. Two years after the introduction of the autonomy reform of 2011, 83% of the schools did not have an accountant, the accounting functions of 77% were still managed centrally, by their local education authorities rather than at the school level (Table 2.4), and on average, 71% of school principals have never participated in training or any introductory activities on school autonomy (Barmatova et al., 2013).

Table 2.4. **Schools with centralised accounting surveyed in 2013, by school type**

School type	Centralised accounting (%)
General education schools (Levels I-III)	91
General education schools (Levels I-II)	90
Specialised schools	64
Gymnasiums, Lyceums, Collegiums	62

Source: Barmatova, I.V. et al. (2013), *Management of Education and School Autonomy: The School Perspective, http://don.kievcity.gov.ua/files/2014/5/7/Anketa_dyrektory.pdf*.

Rigidity of budget commitments

The second administrative challenge is the rigidity of commitments in the school and pre-school budgets. Whether a school or pre-school has a centralised or autonomous accounting, their budget estimates are prepared once a year, with the exception of payrolls costs, which are updated before each school term. Schools and pre-schools must declare budgetary and extra-budgetary amounts in the special funds of their budget estimates, and these estimates must be approved by their founders and primary funders, typically local authorities. Once approved, the commitments are supposed to hold throughout the school year and be spent "strictly in accordance with the commitments" (Annex 2.A1, ref. 5). For schools that have declared their income from parental donations, this arrangement restricts flexibility in using the resources for school needs that might emerge after the school budget has been approved. In addition, education providers with centralised accounting must have the accuracy of their spending certified before left-overs in the special funds can be carried over to the next fiscal year (Annex 2.A1, ref. 5).

Furthermore, the use of parental contributions is subject to the hierarchy of spending priorities that is binding also for the use of public resources. When planning their budget allocations and the use of extra-revenues from the special fund, schools and pre-schools are obliged to give priority to outstanding payments related to the core functions of their institutions – protected expenditure items (salaries) and other costs for which the resources in the general fund are insufficient. In practice, however, education providers have little incentive to comply. Failure to plan and use extra revenues in this way does not jeopardise the payment of core items such as salaries, because they are guaranteed by the state. By not disclosing their extra revenues, schools and pre-schools benefit in two ways: they have added flexibility in the use of resources, and an opportunity to have the public budget of the central government cover unmet payroll expenses.

Burdensome procurement approval procedures

Finally, education providers that wish to procure goods and services with money from their special funds must go through a public procurement procedure if the value of intended purchase is above a certain amount and is at least partially financed from public sources. As some principals during the site visits for this review admitted, the approval of procurement plans and the procurement itself can be a cumbersome and slow process with an unclear outcome. It is better to "arrange things" directly – thereby obtaining flexibility through informal procurement that comes with funds managed outside the stipulated school budget and accounting rules.

D. Policy options

Closing of opportunities

Parental contributions dominate public discussions about irregularities in education, and there are conflicting interpretations of what the problem is and what should be done to address it. During the site visits, almost every interview counterpart with stakes in pre-school, primary and secondary education had strong views on the issue, as well as proposals for change. This integrity review adopts a practical approach to parental contributions: they are longstanding and widespread, and recommendations should focus on helping design regulations that are more successful at achieving transparency and preventing their misuse.

Promote parental involvement in oversight

Parental involvement in oversight of how parental donations are managed and used should be expanded. An important step in this direction is to define their rights of access to information about donations and the conditions of participation in decisions about their collection and use (for instance by strengthening the role of school boards and making parental organisations obligatory). It is also essential to create conditions for shared responsibility for donations, including parental liability for irregularities.

These revisions should be accompanied by capacity-building campaigns to raise awareness about parental rights and obligations, the significance of regular parental involvement in decisions about the use of resources and parental competence to understand the relevant regulations.

Improve transparency of budget allocation decisions on local level

As previous OECD monitoring activities have advised, mechanisms of control and audit should be made more relevant and effective at local level. This means, for instance, extending the powers of the Accounting Chamber to encompass audit of local (city and

rayon) budgets. Transparency should be increased also by publicly disclosing audit findings and recommendations. If the broader public and the media have access to this information on a regular basis, they can help create additional pressure in favour of more transparency about resource allocations at local level. This in turn should help to reveal the extent to which demand for parental support for schools and pre-schools is driven by shortages or inefficient allocation decisions.

As part of a broader reform of the public finance control system in Ukraine, a new generation of financial inspections and audit is planned to help address such concerns and tasks (OECD, 2015a). This requires a strong and genuinely independent infrastructure for internal audit, capable of detecting irregularities in "real time" and reporting on risk. It also requires commitment and co-operation from the public officials being inspected and audited.

Reduce fragmentation of oversight by strengthening the role and capacity of the School Inspectorate

The current split between administrative and educational oversight is counterproductive and should be replaced by a stronger and explicit mandate for the School Inspectorate to be involved in administrative and budget oversight of schools, if necessary in partnership with the national bodies in charge of public finance control. This will require an increase in the capacity of the School Inspectorate that allows it to further develop and strengthen the co-ordination role that it can (and should play) in efforts to prevent irregularities and corruption in education. The two distinct types of inspections should nevertheless be retained: administrative inspections for compliance with regulations and educational inspections for improvement of educational processes.

Eliminating incentives for malpractice

Allow and support more flexible use of extra-budgetary resources

Simplify the administrative burden on education providers for the management of extra-budgetary revenues from parental contributions. Do this by reducing the number of laws and bylaws that apply to this area, and by allowing schools and pre-schools to manage monetary donations outside of the State Treasury system. Education institutions should be able to open their own bank accounts in commercial banks, in exchange for stronger accountability and external control through independent audits and clear penalties for abuse. Such accounts could be under the joint auspices of the school board (for instance, parents and school administration) and would allow for more flexibility to respond to needs that emerge in the course of the school year.

Decisions in this direction will require at least two further reforms.

First, promote and support a gradual shift away from the currently prevalent centralised accounting arrangements. In the long run give permission for schools that wish to do so, to step away from the principle of hierarchy of resource allocations and have full freedom to manage their budgets, including autonomy to decide on their own which expenditure items (except base salaries) should be given priority.

Secondly, the successful transition to more school autonomy will require training and capacity-building for school leaders and administrators. The training programmes must be designed and offered only after there is a decision on the shape and extent of the next generation of school autonomy reforms, and they should be offered both as pre-service and in-service training.

Notes

1. Misappropriation scheme is a fraud in which a perpetrator employs trickery or deceit to steal or misuse an organisation's resources. Assets of the organisation are taken to directly benefit the individuals committing the fraud, and are taken through trickery or deceit, rather than by force (Albrecht et al., 2010).
2. The threshold is the fifty-fold of the minimum taxable income - Article 719.5 of the Civil Code of Ukraine No. 40-44 (435-IV) of 16 January 2003. The average annual parental contribution is between UAH 100 and UAH 500. According to the Law of Ukraine on the State Budget 2016, the minimum taxable income in 2016 was UAH 18 528 per year.

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ANNEX 2.A1

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2. Order of the Cabinet of Ministers of Ukraine No. 1222, of 4 August 2000.
3. Law of Ukraine on Charitable Activities and Organisations No. 25 of 5 July 2012.
4. Letter of the Ministry of Education and Science of Ukraine No. 1/9-272 of 9 April 2012.
5. Order of the Ministry of Finance No. 63 of 11 August 1998.

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Chapter 3

Access to school education through informal transactions in Ukraine

This chapter focuses on irregularities in access to public schools that provide primary and secondary education programmes. These irregularities include the administration of aptitude-based entry examinations by schools that are proscribed by law from doing so, and the preferential treatment of applicants by schools that are authorised to administer admission exams but wish to advantage some children over others.

These practices are facilitated by deficient admission regulations and ineffective monitoring of compliance, and by the proliferation of mergers of schools of different levels, which transform primary and pre-school institutions into "shadow" entry points to the elite schools with which they are merged. The chapter focuses on schools that resort to illicit selection procedures to manage shortage in enrolment capacity or to boost their reputation for quality and exclusiveness.

The chapter recommends deferring early student selection to upper secondary education and reinforcing comprehensive schooling on lower levels. It advises reconsideration of the current school admission policy and investment in eliminating the conditions promoting the shadow entrance system. The chapter also suggests improving the balance between supply and demand, which will help to ease the pressure on sought-after schools.

Regulatory and policy background

Ukraine has a diversified system of primary and secondary schooling. It comprises general education institutions providing education at International Standard Classification for Education (ISCED) levels 1 (primary education), 1 and 2 (first level of secondary education) and 1 to 3/3B (complete secondary education). Most schools are general primary and secondary schools (neighbourhood schools), some of which are recognised as specialised by offering in-depth teaching in a selected subject (such as foreign language, mathematics, etc.). Ukraine also has gymnasiums (ISCED levels 2-3), lyceum schools (ISCED level 3 with classes specialised in different subjects), collegiums (ISCED level 3 schools providing specialised education, mostly in arts) and educational complexes, which combine different types of schools providing education at various levels of accreditation, in any combination, including pre-school and boarding school (Annex 3.A1, ref. 1). The structure of the general public education system and the number of institutions as of the beginning of 2015/16 is depicted in Table 3.1.

Table 3.1. **Number of schools by type and ISCED level (2015/16)**

Type of school	Education levels				
	I (primary)	II (lower secondary)	III (upper secondary)	Total public	Total private
General school				17 031	170
- General school level I	1 533 (+29 private)				
- General school combined level I & II	4 512 (+12 private)				
- General school combined level I, II & III	10 598 (+124 private)				
- General school combined level II & III		54 (+3 private)			
- Boarding school	334				
New type of schools				4 167	103
- Gymnasium		474 (+22 private)			
- Lyceum			304 (+16 private)		
- Collegium			42 (+2 private)		
- Educational complex (i.e. combining a gymnasium and a lyceum)	3 347 (+63 private)				

Note: General schools provide all three levels of general education; "Incomplete general education institutions" - levels I and II; and "Complete general education institutions" – levels I-III.
Source: SSSU (2016), *Загальноосвітні навчальні заклади України початок 2015/16 навчального року* [*Secondary Schools in Ukraine in 2015/2016*], State Statistics Service of Ukraine, Kyiv.

In 2015/16, neighbourhood schools offering complete school education accommodated most of the enrolment (2.4 million students), followed by educational complexes (0.5 million) and gymnasiums (258 thousand students). Table 3.2 shows enrolment in general education by ISCED level and type of school.

Table 3.2. **Enrolment in general education by ISCED level and type of school (2015/16)**

School type	Enrolment
Neighbourhood schools *(including specialised schools)*	
ISCED 1	47 939
ISCED 1-2	240 116
ISCED 1-3	2 440 946
ISCED 2-3	10 850
Gymnasiums	258 386
Lyceums	139 976
Collegiums	27 918
Complexes	539 251

Source: SSSU (2016), *Загальноосвітні навчальні заклади України початок 2015/16 навчального року* [*Secondary Schools in Ukraine in 2015/2016*], State Statistics Service of Ukraine, Kyiv.

General secondary schools are neighbourhood schools required by law to enrol all children living in their catchment area and applying to the school. These schools are not permitted to administer admission exams unless they have the status of "specialised institutions", i.e. specialised in one or several subjects, in which case they are authorised to assess the psychological readiness for children about to enter Year 1 (Table 3.3). The results of these assessments guide decisions on which children can be admitted or deferred (Annex 3.A1, refs. 2 and 3).

Unlike neighbourhood schools, the "new type of schools" - gymnasiums, lyceums and collegiums - are allowed to implement competitive admission procedures in line with a framework Order on Competitive Admission issued by the Ministry of Education and Science (MoES) (Annex 3.A1, ref. 1). The order stipulates that all decisions are taken on school level: schools set up admission committees that develop the competition rules, and these are approved by the principal and the school's council. The competition rules are announced two months prior to school admission, the subjects and questions that will be assessed are made public one month prior to the competition. The competition is supervised by an official from the administration (*rayon* or *oblast*). Students are ranked according to their results, and there is an opportunity for test-takers to file a complaint. The complaints are processed by a committee at school level and only as a second step is a *rayon* or *oblast* level committee involved. It is the responsibility of the school principal to ensure the regularity of the entire admission procedure.

Finally, access to educational complexes is regulated by "borrowing" the rules of admission to the types of schools and levels of education that are included in the complex. For instance, a complex that comprises a gymnasium and a regular (neighbourhood) primary school is permitted to organise a competition for entry to the first year of the gymnasium (Year 5), but it is explicitly prohibited to be selective with access to Year 1 of its primary school (Annex 3.A1, ref. 1).

Box 3.1 and Table 3.3 provide an overview of entry points to schooling that can be selective, and summarise the basic conditions for the competition.

Box 3.1. **Regulation of access requirements to different schools**

PROVISIONS on secondary educational institution:

No. 18. Enrolment of pupils (trainees) to all forms of public schools of the Ist-IIIrd levels takes place without holding competitions and, as a rule, must be in accordance with the catchment area.

No. 19. Enrolment of pupils to specialised schools (classes) with an in-depth study of certain subjects, gymnasiums (residential gymnasiums), lyceums (residential lyceums), collegiums (residential collegiums) of state and public ownership is performed on a competitive basis, as established by the Ministry of Education and Science.

Source: Order of the Cabinet of Ministers of Ukraine No. 778 of 27 August 2010.

Table 3.3. **Number and kind of examinations allowed for competitive enrolment**

Type of educational institution	Year of first time enrolment	Number of competitions
Specialised neighbourhood school	Year 1	One (assessment interview to determine psychological readiness for schooling)
Gymnasium	Year 5 of general secondary school	Maximum two (including interview)
Lyceum	Year 10 of regular school	Maximum three (including interview)
Collegium	Year 10 of regular school	Maximum three (including interview)

Source: Order of the Ministry of Education and Science of Ukraine No. 389 of 19 June 2003, registered in the Ministry of Justice of Ukraine on 04 July 2003 as No. 547/7868, Kyiv, Ukraine.

A. Description of integrity risk and violation

Ukraine has public policies that support equitable education opportunities, including wide access to early childhood education and care, and publicly provided general primary and secondary schools (neighbourhood schools) that offer a common curriculum. However, equitable schooling may be put at risk through public policies that permit "new types of schools" to select students, and by weak enforcement of limitations governing pupil selection in specialised neighbourhood schools.

Parents in Ukraine value enrolment in a good school. Good schools, it is widely believed, lead to better opportunities for higher education, better jobs, and to better lives. Parents who participated in interviews for this review were convinced of the importance of choosing a school with the right reputation and track record of success. They considered that not all schools in the country were good enough to meet the aspirations they held for their children. The schools that parents most highly regard are "new schools": gymnasiums, lyceums, collegiums and specialised neighbourhood schools. Below them in the status hierarchy are general education schools that provide what parents believe to be clear signals of quality – such as above average physical infrastructure and teaching staff who have successfully trained winners of academic competitions (Olympiads).

According to parents (and teachers in some of the schools in question), another challenge is that the number of school places is sometimes mismatched to demand, especially in urban centres and new neighbourhoods. For example in Kyiv student numbers exceed school building capacity by 10% (Kyiv City Administration, 2015). Parents wish to obtain schooling that is both physically accessible (within their catchment area) and high quality. The result is that many families, in particular in Kyiv and other urban centres, aspire to enrol the children in a limited number of sought-after schools, and admission to schooling becomes

a high-stakes event which can be, and often is, at risk of malpractice involving different forms of informal payments or favours to school staff for preference in admission.

To manage demand that outstrips the supply of places, while keeping up a standard of work, schools in demand - both new elite schools and those that emulate them or otherwise experience capacity shortages - have introduced unauthorised or improperly preferential entry procedures. The admission regulations and procedures, whether based on formal knowledge tests or psychological assessments, are susceptible to manipulations that secure preferential access through informal transactions. These transactions range from direct bribes to subtler forms, such as commitment to long-term support of the school in the form of parental contributions.

The risk of informal transactions for access is described below and evidence of violations taking place is provided to the extent it is available. The risk includes the opening of shadow entry points to elite schools at lower levels of education in "satellite" institutions that are part of educational complexes. Also, illicit testing is used for admission to neighbourhood schools, which includes knowledge-based testing that is claimed to be psychological assessment of school readiness. This has the effect of further disadvantaging children who have not been able to attend pre-school and provides incentives for pre-school programmes to introduce academic requirements for access before it is age-appropriate, thus opening even more possibilities for abuse.

Shadow entry to elite schools in educational complexes

Elite schools - gymnasiums, collegiums and lyceums - have been established in the process of diversification of school education in Ukraine after 1990, alongside the comprehensive general (Years 1-11) schools inherited from Soviet times (Annex 3.A1, refs. 4 and 5) (Razumkov Center, 2002). These schools are in the minority (see Table 3.1), and they are believed by parents to be higher-quality elite schools granting better chance of access to prestigious HEIs. Analysis of standardised higher education institution (HEI) entry examination results (External Independent Testing or EIT) shows that among the 100 schools with top EIT results in 2013, 58 were gymnasiums and 39 were lyceums (Bakhmatiuk, 2013). However, these results may principally result from stringent criteria for admission to these schools, rather than the quality of instruction and the "value-added" that they contribute.

In recent years, an increasing number of elite schools have transformed themselves into educational complexes by opening new classes below their official grade of entry, at lower secondary, primary or even pre-school level. According to parental accounts, enrolment in the pre-school and primary school classes offered by the elite institutions (mostly gymnasiums and lyceums) effectively ensures placement later in the "parent" institution which operates it: children who have been with the school since pre-school or first year would have a better chance of succeeding on the admission exams as they are familiarised with these exams, know the teachers who assess them and can count on their preferential treatment. One principal of a sought-after mathematical lyceum noted that in the past years the average share of external students he was admitting to Year 10 each year was around 2%, because "externals were simply not as well prepared as our kids".

The prospect of preferential access to a gymnasium or a lyceum means that, in practice, the pre-schools and primary/lower secondary schools that are joined with elite institutions are shadow entry points to these institutions. Despite being part of an elite educational complex, however, these schools and pre-schools have the status of regular, neighbourhood providers and are not permitted to organise selective admission. This leaves their leadership

and teachers unprotected against the integrity risks that come with their role as a gateway to sought-after schooling – risks in the form of pressure and temptation to participate in informal transactions in exchange for preferential access.

Illicit testing for entry to neighbourhood schools

Neighbourhood schools are not permitted to be selective (Annex 3.A1, ref. 6) except for the psychological assessments of school readiness that specialised neighbourhood schools can administer. Both neighbourhood and specialised schools, however, can circumvent the regulations and manipulate admission decisions with the help of unauthorised forms of testing.

On some site visits the review team was told of regular neighbourhood schools that resorted to ad-hoc admission tests to assess the capacity and motivation of prospective students. In addition to being illegal, these tests infringe the right of access of children from the catchment area of the schools administering the tests. Practices such as this may underlie survey results showing that 12% of the parents believe their children were illegally denied admission to school (ERA, 2013).

A second form of illicit testing occurs when specialised neighbourhood schools turn the psychological school readiness assessment into a competitive test of aptitude and knowledge, and use the results to justify decisions about admission. Apart from being illegal, samples of such tests shown to the integrity review team appeared, on their face, to be inappropriately complex for children of school entry age. More than one-quarter (27%) of the parents in the 2013 survey confirmed that their children had experienced disproportionate knowledge requirements for admission (ERA, 2013). A first-hand experience with such a test from parental point of view is presented in Box 3.2 and confirms the observations. It also suggests that the test results might be used to justify arbitrary decisions about admission.

Box 3.2. **A parent's description of testing for admission in lieu of psychological assessment**

"In our school (with in-depth study of English after Year 4) the maximum score for entry is 130, and for a child to be accepted to Year 1, he/she must reach at least 100 points.

The first step was an interview, in which my daughter was asked to tell about her family, parents, etc. After that there was a meeting with the school psychologist on general topics. Most kids (mine too) pass this stage without much difficulty.

After that, there was a test in English. My child was shown 5 cards with pictures of animals and objects, which were named in English. She then had to remember them and name them in English as well - each correct name brought her one point. Next came the game "catch the word" (the child needs to clap his/her hands when hearing a certain word). Many children fail to score here, because the words are unfamiliar English words and, as a rule, they either miss them, or just clap at the end of each.

The third stage of the admission test was a conversation with a teacher of general subjects. The questions and tasks were very diverse: to read a text, solve a problem in one or two steps, name five common and five distinctive features of objects (for instance, we had to find commonalities and differences between a book and a notebook).

Box 3.2. **A parent's description of testing for admission in lieu of psychological assessment** *(cont.)*

However, there were numerous tasks to which it is not easy for a child to answer, either because the question is not easy to understand, or because it takes time to find an answer. For instance, one of the questions was (literal formulation): What is in the middle of Kyiv? The children I know of (mine included) responded "A monument", but the right answer would have been the letter "I". Another such example is the question: What is the opposite meaning of the word "earth"? Also, there were a lot of questions with unusual logic, for instance: There are five burning candles, and two went out. How many candles were left? Children would begin to count and say "three" but this is the wrong answer, because there are still five candles. There were also questions using or requiring words which were too complicated to be part of the child's vocabulary at that age. For instance, children were asked to name geometric figures such as parallelepiped, the names of which they couldn't know.

Many well-trained kids do not gain the required number of points to pass. Interestingly, in the class of my daughter some of the children who obviously passed do not know the alphabet… And one of her classmates did not pass, but was enrolled nevertheless…"

Source: Written account by a parent from the city of Kyiv, provided to the review team.

B. Factors that create opportunities for the violation

Hybrid primary and secondary institutions

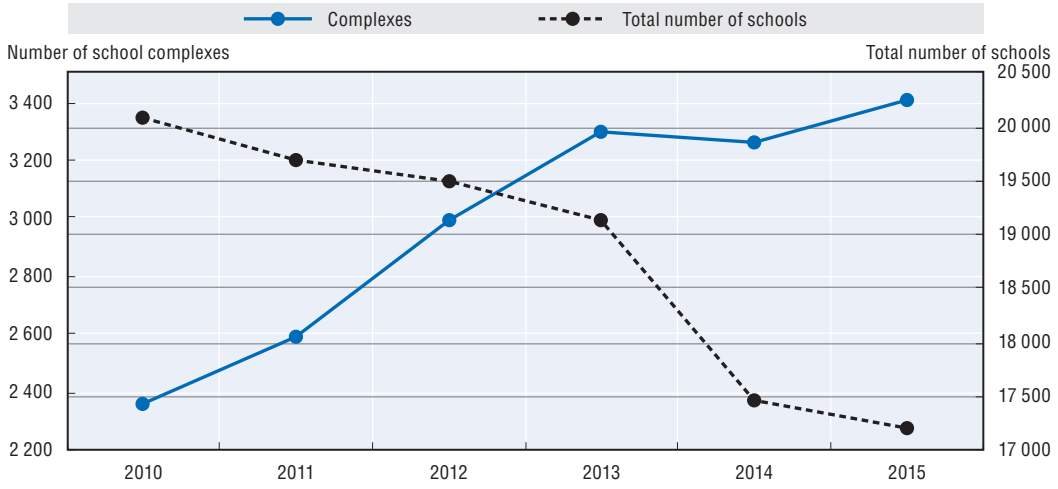
In Ukraine, the Soviet practice of mixing two levels of education in a single institution has been reduced by introducing three types of elite schools with relatively short education cycles: gymnasiums, lyceums and collegiums (Annex 3.A1, refs. 4 and 5).

At the same time, to expand their enrolment capacity and further boost their significance as providers, these new institutions have recently started to re-introduce multi-level, multi-type schooling by merging into educational complexes with primary classes and pre-schools. According to information provided by the State Inspectorate, in 2016, about 90% of the elite schools were also managing a pre-school or a primary school.

Official statistics suggest that this is part of a broader trend, in which more and more educational institutions across Ukraine are being hybridised (see Figure 3.1). The number of students in these institutions has been rising since 2010,[1] opposite to the downward trend in enrolment in the school system as a whole (Figure 3.2).

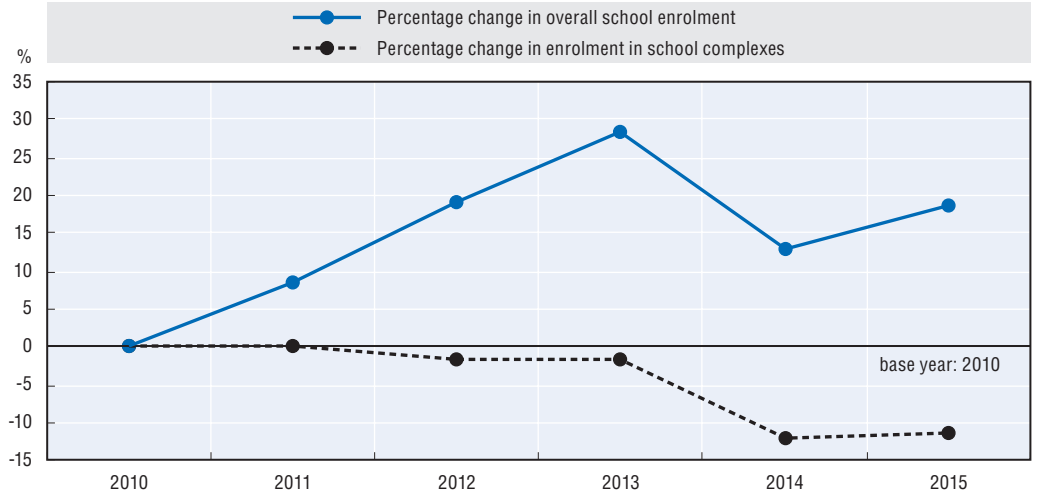
Enrolling one's child in an elite school at an early grade level of an "elite" educational complex is an attractive option for parents. They believe it creates a competitive advantage in gaining access to a gymnasium or a lyceum by increasing prospects of a selective entrance process. In the current regulatory environment, the proliferation of such institutions widens opportunities for malpractice in access, reduces the number of vacancies at the official entry level as schools give priority to their own students from earlier years, and keeps the choice of school for primary and pre-school enrolment a high-stakes event for the parents, with all the associated integrity risks.

Figure 3.1. **Total number of schools and educational complexes in Ukraine (2010-15)**



Source: SSSU (2016), *Загальноосвітні навчальні заклади України початок 2015/16 навчального року* [*Secondary Schools in Ukraine in 2015/16*], State Statistics Service of Ukraine, Kyiv.

Figure 3.2. **Changes in overall school enrolment and in enrolment in school complexes (2010-15)**



Source: SSSU (2016), *Загальноосвітні навчальні заклади України початок 2015/16 навчального року* [*Secondary Schools in Ukraine in 2015/16*], State Statistics Service of Ukraine, Kyiv.

Inadequate regulation of entrance examinations by education authorities

Psychological testing, especially at early school entrance ages and in competitive or discriminatory educational contexts, can be used to support unfair treatment, bias and discrimination. The complex tests of knowledge and cognitive skills described in Box 3.2 provide still wider opportunities for schools to take into account the social and economic status of parents, and to turn to informal transactions as a basis for admission.

The regulations developed by the Ministry of Education and Science governing the use of admissions examinations (Box 3.3) provide limited and inadequate guidance to local governments and schools. They do not address validity, reliability and fairness of admission

examinations. Further, they establish oral interviews as a dominant element of examination at all levels, although oral interviews pose a high risk of unreliability, especially if they are administered in ways that are arbitrary or unprofessional (Mathers et al., 2002; Berwick and Ross, 2009).

Box 3.3. **Ministry Order on content of competitive admission procedures**

3.2. The interview with the child, who enters Year 1 of specialised school, shall include completion of special diagnostic tasks in order to examine the level of the child's general development, his functional readiness to systematic studying and ability to learn disciplines according to the institution's specialisation. It is not allowed to examine the child's knowledge and skills beyond the extent of these requirements.

3.4. The competition for the pupils (trainees), who enter Year 1 of gymnasium (which corresponds to Year 5 of basic school), is held on the subjects, according to the institution's specialisation in oral or written form (interview, dictation, testing, written paper, recitation by exam papers, etc.).

3.5. The competition for the pupils (trainees), who enter Year 1 of lyceum or collegiums (which corresponds to Year 10 of high school) is held on the subjects, according to the institution's specialisation in oral or written form (interview, dictation, testing, including computer testing, written paper, recitation by exam papers, defence of creative work, etc.).

Source: Order of the Ministry of Education and Science of Ukraine No. 389 of 19 June 2003, registered in the Ministry of Justice of Ukraine on 04 July 2003 as No. 547/7868, Kyiv, Ukraine.

The order also leaves unregulated the quality of the examination material, the composition of the commission or the person in charge of preparing the test and holding the examination, as well as the procedure for the evaluation of exams. As a result, schools can and do develop their own rules of competitive enrolment with little guidance, and they are permitted wide opportunities to exercise preferential treatment in the selection of pupils.

Ineffective monitoring and enforcement of regulations by local authorities

According to the framework Order No. 389 (Box 3.3) regulating competitive admission examinations, ensuring fair and transparent examination procedure is the principal's responsibility, while the "appropriate educational authority is charged with supervising the arrangement" (Annex 3.A1, ref. 1) and holding of the competition, as well as annulling the results in case the procedures are breached and conducting a repeated competition. These regulations make it impossible for illegal tests to be administered or examinations with major integrity flaws to be held without the knowledge and consent of the *rayon* authorities.

Why might *rayon* authorities tolerate tests and examinations that are inconsistent with central government guidance on the use of competitive admission procedures? First, *rayon* authorities are well aware that elite institutions (and well-regarded neighbourhood schools) have a surplus of applicants and recognise that admissions procedures – even if flawed – provide a means of balancing supply and demand. Second, it is difficult to monitor fairness in admission to school. The guidance available to *rayon* authorities – to allow testing that "examines the level of a child's general development, its functional readiness to systematic studying and ability to learn disciplines according to specialisation of the institution" but to disallow testing of a "child's knowledge and skills beyond the extent of these requirements" – is extremely difficult to implement. Confidently and rigorously

distinguishing between "readiness for study and ability to learn disciplines" and testing that is "beyond these requirements" would require that officials evaluate the alignment between each school's curriculum and its assessments, a task for which few, if any, municipalities are prepared. Lastly, even if *rayon* officials had the incentive and the capacity to monitor fairness in admission procedures, they lack the authorisation to take action: the regulatory framework set by the ministry does not identify penalties that *rayon* officials should apply in the event of schools failing to comply with this regulation.

C. Factors that create incentives for the violation

Selection of students as means to cope with shortages in enrolment capacity

The distribution of school enrolment capacity in urban centres does not consistently align to population and enrolment demand. Aligning supply to demand is difficult for a range of reasons. Reliable local population data with which to plan school capacity are lacking. Decisions taken by property developers can cause unplanned rises in student numbers. A recent interview with a decision-maker from the municipal administration of the city of Kyiv illustrates these points (Box 3.4).

Box 3.4. **Planning problems with school network**

"An important problem is the lack of accurate statistics; without them, no clear-cut planning is possible. I have to note that in spite of the downward demographic tendency in Ukraine in general, the population in the capital is constantly growing; therefore, the number of children in the city is also increasing. According to official statistics, the population of our city increased due to natural growth and migration. However, these data have nothing in common with the reality. The city's educational establishments [schools] report that the number of children grew by 11 000 in 2014 alone. And these children came here with their parents. Ukraine does not have accurate official data on population in the capital, either adults or children. How do we develop the city infrastructure and proceed with socially important construction if we don't have any statistics, accurate or approximate?

Presently, four big residential housing objects (307 500 m² in total) are constructed in the neighbourhood of Patrice Lumumba, Ivan Kudrya and Henri Barbusse streets. At the same time, the developers have not planned any construction of new pre-schools and schools! As for the pre-schools and schools located the closest to the neighbourhood, their capacity is already exceeded.

…Such actions of the developers cause social tension and lack of places in pre-schools and schools. However, normally it is the educational community that bears the blame.… In 2014, the Ministry for Education carried out some research and created the register of the most rampant cases of developers (development projects) ignoring their obligations. The impunity of such organisations is unbelievable. For example, there is the construction of residential housing in Svyatoshinsky district right next to specialised school No. 317; the hostile takeover of land allocated for construction of a school in Desnyansky district (40 Drayzera str.), and other cases."

1. According to Norms on Town, Urban and Rural Settlements Planning No. 44 of 17 April 1992, the development of social infrastructure in the course of implementation of residential construction projects is the responsibility of the local authorities, which levy a tax for this purpose on the construction companies.

Source: MoES (2015), Osvita Ukraini N. 25. [website], *http://lib.pedpresa.ua/10777-osvita-ukrayiny-25-za-2015-rik.html* (accessed on 20 January 2017).

At the time of this review there were no systematic data on the extent to which the enrolment capacity of neighbourhood schools was strained. However, the first-hand account described in Box 3.4 points to difficulties which neighbourhood schools in bigger cities in Ukraine are exposed to, particularly in Kyiv. Faced with more applicants than they can enrol, they are left with no alternative but to limit access. They do this either by disregarding the rule that they must accept all children from their respective catchment area, or by violating rules prohibiting entrance examinations.

Selection of students as means to boost school reputation, resources and success

All schools aim to ensure a working environment in which they can function successfully. Gymnasiums, lyceums, colleges and specialised general education schools operate in a highly favourable environment based on their permission to select students. Teachers work with selected students who are often from more affluent backgrounds. These students are typically better prepared and invested with higher expectations and thus more successful than the typical student. This in turn has a positive impact on the teachers' career advancement, as one of the requirements of advancement is to demonstrate the success of students in student competitions. Additionally, these schools are supported by well-to-do parents, who can provide generous contributions to the school and class funds.

For the neighbourhood schools that are not granted permission to select their students through entrance examinations, but enjoy a reputation that is good enough to allow them to be selective, the teaching and learning environment of elite schools is something to aspire to. To emulate the selection procedures of elite schools is an important step in this direction. During the site visits, parents from Kyiv shared their experiences with entry tests to non-elite but "good" regular schools that were disproportionately difficult for children at the beginning of schooling, and told of results that are routinely being manipulated in favour of families who are well-off, or well-connected, or both.

D. Policy options

Addressing undue preference in school admission should be part of a wider discussion within Ukraine about the school system that it wants: whether it wishes to have an approach to schooling that is largely comprehensive, highly selective or a system balanced between these two principles.

Selective education systems establish differentiated schooling to which children are assigned based on meeting (or not) selective criteria connected to ability at an early age. After selection, students are provided different study programmes with different curricula and final qualifications. Selective schooling exists, for example, in German-speaking countries, the Flemish Community of Belgium and the Netherlands (Hanushek and Wössmann, 2006). Comprehensive schooling keeps cohorts of learners together in the same school for longer periods, typically until age 15 or later. Schools and teachers support a wide range of student abilities, and ability grouping is implemented within the same school or even the same class, which allows students to shift among difficulty levels. Comprehensive schooling is implemented across OECD member countries, including in Canada, Finland, Japan, Norway and Sweden.

Some of the highest-performing OECD education systems have developed comprehensive education systems that provide high-quality opportunities to the vast majority of students, compensating for disadvantages caused by students' family backgrounds and personal circumstances (OECD, 2010). Other countries that had implemented early tracking have

revised their policies to allow for longer comprehensive education rather than early tracking. This permits greater permeability between educational tracks or the implementation of selection procedures that are consistent, transparent and minimise bias (OECD, 2013a).

Research evidence and international experience indicate that the types of practices described in this chapter – student selection at pre-school or primary school levels; the selection students on the basis of assessments that have not been carefully validated; and the implementation of local selection procedures that are inconsistent, open to bias and beyond scrutiny or documentation – lead to disparities in learning opportunities and outcomes, and, on average, to poor levels of performance in the education system (OECD, 2012).

This report recommends that Ukraine reinforce comprehensive schooling on lower levels and defer early student selection to 'elite schools' by eliminating a shadow entrance system. Specifically, this includes the reassessment and where necessary the redefinition of school catchment areas, regulating the practice of hybridisation of education institutions, and enforcing the existing ban on administering admission tests except for the senior years of specialised schools.

Closing the opportunities for malpractice

Reassess and redefine the catchment areas of neighbourhood schools

School authorities should establish well-defined catchment areas for neighbourhood schools, make this information publicly available and easily accessible to parents and other interested stakeholders, and use these areas as the basis for pupil assignment. Where the demand for places exceeds supply, authorities should adopt fair and impartial procedures for assignment of study places. Examples of such procedures include assigning priority by date of birth, or an automatised, random process (see Box 3.5 for examples).

Box 3.5. **Ballot and lottery schemes as a solution to school enrolment problems**

In a recent research, the RAND Europe Corporation documents how some countries resort to lottery and ballot schemes to manage bottlenecks and other distortions in admission to schools and HEIs. In the Netherlands, New Zealand, Sweden, the United Kingdom and the United States, for instance, such schemes were established to ease oversubscription in schools and HEIs, and also as a remedy for a growing problem of social selectiveness in admission decisions.

In New Zealand and the United States, lottery schemes are part of wider school choice, charter school, or voucher programmes. In New Zealand and Sweden, the use of lottery systems is part of reform aimed at increasing competition between schools and raising the standard of overall schooling. In some cases, lottery schemes had specific purposes aside from the management of oversubscription. In Chicago, the introduction of lottery schemes is related to specific desegregation goals. In Milwaukee, the use of lotteries aimed to give better educational opportunities to pupils from low-income families.

The RAND research concludes that evidence of the positive impact of such measures on mitigating social inequality and promoting student achievement is still scarce, and where it is available it is still inconclusive. However, the RAND report also notes that ballot and lottery schemes are growing in importance as a solution to enrolment challenges in different countries, and that they offer clear technical advantages.

Source: RAND Europe (2007), *The Use of Lottery Systems in School Admissions*, *www.rand.org/content/dam/rand/pubs/working_papers/2007/RAND_WR460.pdf*.

Regulate the "shadow" entry to elite schools

Both pre-school and primary school admission to the educational complexes of elite schools should be regulated in a uniform way through secondary legislation by the MoES. Pre-schools that are part of elite schools should be included into the electronic queuing system. First-cycle classes in elite secondary schools should have the status of specialised general education schools in order to be able to manage enrolment.

Strengthen school entrance procedures for all schools

The selective school entrance procedures for all schools that qualify to administer them should be strengthened in respect of content and procedure. These recommendations do not constitute an endorsement for widening – or even maintaining – the scope of selective entrance in secondary schooling. Rather, they focus on raising the transparency, fairness and integrity of pupil selection now taking place.

Regarding the **content**, the competitive enrolment should not rest on interviews, but rather be based upon standardised school readiness tests. The quality of these tests can be ensured through a repository of testing items, developed and managed centrally (for instance by the Centre for Education Quality Assessment, which is also in charge of the External Independent Testing or EIT), and put at the disposal of schools to choose from according to their needs. For the non-standard elements of admission exams, such as interviews, there should be clear marking criteria. The records and results of admission tests should be stored, and publicly available for inspection and analysis

Alternatively, an independent external examination could be developed by central authorities. An education bill under consideration by the parliament in 2016 pointed in this direction, proposing an external, independent examination for all graduates after Year 9 to monitoring educational progress. These examination results could be used for admission to selective public schools.

Regarding the **procedure**, the order setting the admission rules (Annex 3.A1, ref. 1) should be revised, ensuring higher transparency and integrity of the entrance procedures. The enforcement of all regulations of entrance examination need to be strengthened with the engagement and supervision of the State Inspectorate over the *rayon* staff engaged in supervising the process. This engagement could also include training, sampling and auditing local authorities to ensure the provisions are enforced.

There should also be a simple and widely understood procedure for families to appeal pupil assignment decisions that are not made in compliance with these rules – first to local authorities, then national authorities (such as an ombudsman or school inspectorate).

Finally, financial penalties for local government failure to enforce these regulations (such as reduction in state subsidy) should be established.

These recommendations do not constitute an endorsement for widening – or even maintaining – the scope of selective entrance in secondary schooling. Rather, they focus on raising the transparency, fairness and integrity of pupil selection now taking place.

Eliminating the incentives for malpractice

The motivation of schools to manage the mismatch between an insufficient supply of and a high demand for quality education, as well as the elite schools' motivation for pre-selection of wealthy students through shadow entry procedure, is not likely to diminish without a better balance between supply and demand. This balance will help to ease pressure

on sought-after schools. One means to achieve this is to provide more and better-quality information about schools to parents and school planners. Another is to improve the link between urban development and school capacity.

Improve information about school quality

Parents in Ukraine need more reliable and objective information about the quality of schools. Better information will help them make decisions on which school their child should attend, permit them to more regularly and knowledgeably follow quality developments at their child's school, and diminish opportunities and incentives for unauthorised student selection.

Changes to the Law on Education have been proposed that may establish new arrangements for the assurance of quality in schooling. In adopting such arrangements, policy makers should give special attention to the development of school inspection activities that support the provision of a fuller and more reliable picture of school quality to families than is presently available. This would include, for example, school-level reports with reliable information about the student selection policies and practices; instructional practices and quality; student, parent and staff satisfaction; and standardised assessments of learning outcomes. Standardised assessments should be part of a school-level report only if quality assurance authorities, working in collaboration with assessment experts, develop measures of school performance that also take into account the contribution of factors that are not related to the school, such as the family background and characteristics of students entering their school (i.e. value-added measures of school performance).

Development of these capabilities can draw upon a wide international experience with the establishment of school inspectorates, of school-based reporting, and of quality assurance more generally – that draws upon the work of the Standing International Conference of Inspectorates (SICI), the OECD, and the many European nations with experience of school inspectorates – both those with long-established inspectorates (e.g. England, the Netherlands) and nations more newly established inspectorates, such as the Czech and Slovak Republics (OECD, 2013b).

Revise standards for urban planning and housing development

Ukraine's standards for housing development, adopted in 1992, put the burden of creating additional school placement capacities on city and *rayon* authorities, who are to do so with funding from annual taxes levied on the construction companies. These taxes are levied independently of the type and place of projects these companies are implementing. As the record of school crowding indicates, this arrangement does not work well to balance residential development and school capacity. Consideration of policy options for improved co-ordination is needed.

School infrastructure should be included in the urban planning and in construction project approval criteria, taxes levied should be linked to particular projects, and construction companies should be provided tax incentives to invest in educational infrastructure in the residential areas they construct.

Note

1. The drop in enrolment between 2013 and 2014 is due to the fact that from 2014 onwards, the national statistics do not include Crimea and parts of the Donbas and Luhansk *oblasts*.

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ANNEX 3.A1

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2. Article 18 of the Law on General Secondary Education of 1999, prohibiting the introduction of knowledge tests for admission to school and MoES Order No. 204 of 7 April 2005.
3. Letter of the Ministry or Education and Science of Ukraine "Щодо роз'яснення порядку приймання дітей до першого класу" [To explain the procedure of accepting children into first year], No. 1/9-71 of 14 February 2015, *http://osvita.ua/legislation/Ser_osv/45970/*.
4. Order of the Ministry of Education and Science of Ukraine No. 217 of 20 July 1995.
5. Order of the Ministry of Education and Science of Ukraine No. 778 of 27 August 2010.
6. Article 1, point 1, Order of the Ministry of Education and Science of Ukraine No. 204 of 7 April 2005.

References cited as sources of boxes and tables:

Box 3.1:

Order of the Cabinet of Ministers of Ukraine No. 778 of 27 August 2010.

Box 3.3 and Tables 3.1 and 3.3:

Order of the Ministry of Education and Science of Ukraine No. 389 of 19 June 2003, registered in the Ministry of Justice of Ukraine on 04 July 2003 as No. 547/7868, Kyiv, Ukraine.

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Chapter 4

Undue recognition of learning achievement in primary and secondary education in Ukraine

The chapter examines undue recognition of learning achievement of students in Ukraine: intentional over-marking or under-marking by teachers for personal gain, such as money, gifts or services to the teacher or the school.
Serious weaknesses in the assessment of learning outcomes, combined with a culture of acceptance of gifts, provide teachers with opportunities to mismark - and parents with the expectation that marks are negotiable. All sides involved have reasons to engage in the integrity violation: parents in the conviction that better marks can secure admission to good higher education, schools because of their dependence on parental contributions and teachers because of their unsatisfactory income.
The chapter recommends ways to improve classroom assessment, including wider and earlier use of low-stake, external assessments; raising awareness about the limited importance of school marks for admission to higher education institutions (HEI); and the adoption of marking moderation. The report notes that incentives for malpractice might be diminished if teacher salaries were raised, but only after evaluation of actual teacher income and working conditions to determine what changes to compensation would be fair and effective.

The statistical data for Israel are supplied by and under the responsibility of the relevant Israeli authorities. The use of such data by the OECD is without prejudice to the status of the Golan Heights, East Jerusalem and Israeli settlements in the West Bank under the terms of international law.

Regulatory and policy background

At the time of this integrity review, the learning achievement of school students was assessed in three ways:

- By classroom teachers on a continuous basis in every year, at the end of each semester, and at the end of the school year, as stipulated in the 1999 Law on Secondary Education.
- At the end of primary (Year 4) lower secondary (Year 9) and upper secondary (Year 11) education through a state final exam (*державна підсумкова атестація*) set by the Ministry of Education and Science (MoES) and administered by the schools, which after Years 9 and 11 provides students with a School Leaving Certificate (SLC) (Annex 4.A1, ref. 1).
- Through an external standardised HEI entry test at the end of Year 11 (External Independent Testing – EIT or *зовнішнє незалежне оцінювання*), administered by the Ukrainian Centre for Education Quality Assessment (CEQA) and its regional centres on behalf of the MoES. Since 2014, the EIT has also replaced the exit exam (state final exam) at the end of schooling. Thus, since 2014 the EIT results count for HEI admission and as the final marks for the School Leaving Certificate for all Ukrainian school leavers.

Additionally, central and regional inspections can administer external diagnostic tests to monitor quality in the education system, which do not have an impact on the school career of students. Table 4.1 presents a summary of all forms of assessment of learning achievement in schools in Ukraine.

In classroom assessment, teachers mark performance in each subject on a 12-point scale established by the MoES: marks 1-3 are unsatisfactory and marks 10-12 very good/outstanding. The transition of students between all levels of school education is based on the results of biennial and annual assessments administered by the teachers.

Table 4.1. **Overview of forms of learning assessment by education level**

Assessment form	Primary	Lower secondary	Upper secondary	Description
Classroom assessment	Yes	Yes	Yes	All students are registered and their marks appear in a class register book. In addition, all students have a personal journal to ensure self- and parent monitoring.
Examinations	Yes	Yes	Yes	School leaving examinations set by the MoES, and then administered and evaluated by the schools, leading to a School Leaving Certificate after Years 9 and 11.
External Independent Testing	No	No	Yes	External written examinations in the form of multiple choice tests, leading to a school-leaving certification that qualifies students for HEI admission.
Regional / national assessment	Yes	Yes	Yes	Periodically, central and regional inspections of attainments take place at all school levels in the form of tests for diagnostic purposes. They have no impact on the school career of students.
Subject Olympiads	No	Yes	Yes	School-based, municipal, regional and national competitions between individual students organised in all school subjects.

Source: Law of Ukraine on Education No. 34 (1060-XII) of 1991; Law of Ukraine on General Secondary Education No. 28 (651-XIV) of 1999; Hrynevych, L. (2009), "Ethical issues and examination systems in Ukraine", in *Transparency in Education in Eastern Europe*, *http://unesdoc.unesco.org/images/0018/001864/186429E.pdf*.

The grade averages achieved in the last few school years, and particularly in the final year, are reflected in each student's School Leaving Certificate (SLC), which is a requirement for progression to post-secondary, non-tertiary or tertiary education. However, for students aspiring to HEI, the marks achieved in the External Independent Testing (EIT) introduced in 2008 have become much more important than high school certificate marks. Ukraine's Law on Higher Education of 2014 limits the weight that can be given to the SLC marks to a maximum of 10% of the composite score that determines which students are given places at HEIs applied for, and which of the accepted students will get state funding. Also, starting with the 2015/16 academic year, all school leavers must take the EIT in 3 subjects (Ukrainian language and literature, foreign language and either mathematics or history). These examination results count as the final marks for the School Certificate for all Ukrainian school leavers, and, for those apply to an HEI, as part of their entrance examination scores.

A. Description of integrity risk and violation

Every country's school system aims to equip students with the knowledge and skills they need for adult life, work and further learning. More than years of schooling, it is learning - or the acquisition of competencies - that improves individual productivity and earnings, with gains for aggregate income in the economy.

Every country trusts its schools to ensure that students master its curriculum and achieve the required standards. Teaching students is not enough; schools also need to prove to stakeholders - national and local government, parents and students themselves – that students have learnt and have achieved desired outcomes. A reliable and effective measurement (assessment) of student progress is paramount for monitoring individual and school system success. It can also be used for improving education quality. The results can guide the design and implementation of programmes to improve teaching and learning in classrooms. They can also be used – and increasingly are used – for holding school leaders, teachers and education policy-makers accountable to stakeholders.

A precondition for trust in the value and reliability of assessment results is that student outcomes are assessed fairly and honestly, without bias or favour. Stakeholders expect to see good student learning rewarded with good marks, poor student learning reflected in lower marks. Biased assessment undermines faith and trust in education and its outcomes, and is therefore especially harmful.

Undue recognition of learning achievement occurs where an assessor knowingly gives a student higher marks than their work merits, or where the recognition due to a deserving student is knowingly withheld. Teachers in any country may over-mark or under-mark individual students for a range of reasons. Some of them might be technical. For instance, if the assessment system that teachers are required to operate is flawed and produces invalid or unreliable results, unfair marking will be unintentional and random, and teachers will not be to blame. Other reasons might be due to personal reasons and incompetence. If individual students are unfairly marked because of the teacher's personal likes, dislikes or prejudices, combined with ignorance of how to set appropriate standards or assess performance against them, this indicates a lack of professionalism and personal integrity and reflects badly on the teacher, the school and the education system concerned; but the teacher is not necessarily acting corruptly.

Corrupt actions imply that trusted authority is misused for personal benefit (OECD, 2015a). Therefore, a risk of over-marking or under-marking as an integrity violation is present *only where the marker mismarks knowingly, and in the hope or expectation of personal gain*.

Disparities in student marking

Recent studies conducted by the Ukrainian Centre for Education Quality Assessment (CEQA) show that undue recognition in the form of over-marking is wide-spread, and that there are considerable disparities in the results of classroom-based assessment of students across Ukraine. The studies compare EIT scores, which are external and criterion-referenced, to SLC marks, which are school-based and norm-referenced. Specifically, the Centre has examined the relationship between high levels of achievement in SLC marks that result in gold and silver medals for students, and EIT results.

Based on students' academic performance, schools decide to award medals at a joint meeting of the Teachers' Council and the School Council; the decision is approved by the school principal and agreed with the local education administration. Students are eligible to receive a gold or silver medal if they obtain an SLC average score between 10 and 12 (on a 12-point scale) in their final year. Gold medal winners must have at least 10 in all subjects, while silver medal winners may have marks of 9 in one or two subjects. Until 2014 and the new Law on Higher Education that made SLC marks more important than medals, high school medals facilitated access to higher education.

The analysis shows that the percentage of school leavers awarded gold and silver medals has grown every year in recent years as the importance of SLC average for HEI entrance increased. In 2009, when HEI entry depended exclusively on the results of the EIT, and SLC scores could not be taken into account, 4.5% of school leavers were medal-winners. In 2010, when the system changed and SLC scores were taken into account alongside EIT results, the medal-winner percentage jumped to 6.2%. By 2014, the national percentage of medal-winners had reached 8%, though it varied between regions, from 3.5% in Kyiv to 14% in Ternopil. (CEQA, 2014). These figures and other evidence presented below, invite the conclusion that between 2009 and 2014 SLC marks were progressively inflated as schools marked favoured students more and more generously to improve their chances of HEI entry.

The CEQA research provides more evidence along these lines. Table 4.2 shows the EIT scores of medal-winning students across Ukraine in 2014. These highest-performing students have a 10-12 SLC average score (on a 12-point scale) which corresponds to approximately 175-200 EIT average (on a 200-point scale). The average national score for all 193 117 EIT test-takers in 2014 was 149.5 (CEQA, 2014). The data shows that more than 50% of all medal-winning students scored less than 175 points and almost 3% scored lower than the national average, which suggests that some schools heavily over-mark their students.

Table 4.2. **External Independent Testing (EIT) scores of gold and silver medal-winning students (2014)**

	Number	Percentage	Cumulative percentage
Students awarded medals who also sat the EIT: *of which*	19 394	100	
Number scoring 190-200 points	1 731	8.9	190 and above: 8.9
Number scoring 175-189 points	7 890	40.7	175 and above: 49.6
Number scoring 150-174 points	9 216	47.5	150 and above: 97.1
Number scoring 124-149 points	557	2.9	124 and above: 100
Number scoring 100-123 points	1	0	123 and below: 0

Source: CEQA (2014), *Comparison of Measurement of Outcome of Academic Achievement Obtained by Standardised Rating and Subjective Criteria-based Assessment of 2014 Graduates Awarded Gold and Silver Medals: Statistical and Analytical Report*, Ukrainian Centre for Education Quality Assessment, Kyiv.

Where does over-marking most frequently occur? Important discrepancies between the expected medal-level performance and the actual EIT score are recorded in 16 regions of Ukraine scoring below the national average of medal-winners (Table 4.3). With only one exception (Lviv), the largest deviation from the national average is observed in the rural areas of all *oblasts*.

Table 4.3. **Average EIT scores of medal-winning high school students in urban and rural areas (2014)**

Region	Average EIT score - region	Percentage of medal-winning EIT takers – urban areas	Average EIT score – urban areas	Deviation from the national average – urban areas	Percentage of medal-winning EIT takers – rural areas	Average EIT score – rural areas	Deviation from the national average – rural areas
Ukraine national average (all EIT takers)	**149.5**						
Chernivtsi	166.9	43	173.9	-0.3	57	161.7	-12.5
Zhytomyr	170.9	51	174.9	0.7	49	166.7	-7.5
Kirovohrad	171.3	63	173.8	-0.4	37	167.1	-7.1
Kherson	172.2	54	177.1	2.9	47	166.5	-7.7
Khmelnytskyi	172.2	58	175.4	1.2	42	167.7	-6.5
Zakarpattia	172.2	44	177.3	3.1	56	168.1	-6.1
Vinnytsia	172.2	51	175	0.8	50	169.4	-4.8
Odesa	172.3	59	175.7	1.5	41	167.4	-6.8
Poltava	172.7	63	174.2	0	38	170.1	-4.1
Zaporizhia	172.8	69	175.2	1	32	167.6	-6.6
Kyiv region	172.9	56	175.7	1.5	44	169.2	-5
Ternopil	173.2	50	176.5	2.3	50	169.9	-4.3
Mykolaiv	173.3	59	177.4	3.2	41	167.4	-6.8
Ivano-Frankivsk	173.5	42	179.4	5.2	58	169.3	-4.9
Dnipropetrovsk	173.6	79	175	0.8	21	168.2	-6
Luhansk	173.7	78	174.4	0.2	22	170.9	-3.3
Ukraine national average (medal-winning EIT takers)	174.2						
Volyn	174.9	48	178	3.8	52	172.2	-2
Kharkiv	175.1	73	176.9	2.7	27	170.3	-3.9
Chernyhiv	175.5	61	178.4	4.2	39	170.9	-3.3
Cherkasy	176	63	177.5	3.3	37	173.6	-0.6
Donetsk	176.4	84	177.6	3.4	16	169.9	-4.3
Sumy	176.7	67	178.7	4.5	33	172.5	-1.7
Rivne	177	47	180.7	6.5	53	173.8	-0.4
Lviv	179.2	64	181.4	7.2	36	175.4	1.2
Kyiv city	179.9	100	179.9	5.7	x	x	x

x : not applicable

Source: CEQA (2014), *Comparison of Measurement of Outcome of Academic Achievement Obtained by Standardised Rating and Subjective Criteria-based Assessment of 2014 Graduates Awarded Gold and Silver Medals: Statistical and Analytical Report*, Ukrainian Centre for Education Quality Assessment, Kyiv.

The CEQA regional analysis by type of schools also shows that lyceum and specialised school medal-winners score closer to national average than medal-winners from general secondary schools where negative deviations from national average are the largest. These results suggest that over-marking is most widespread in general secondary schools.

Table 4.4 offers another comparison of teacher assessment and external assessment based on assessment results in Ukrainian Language and Literature in the Khmelnytskyi region. In each *rayon*, city and town - 26 in all - the researchers identified how many of the students who were given the highest marks (10-12) by their teachers achieved a corresponding

score in the EIT, between 175 and 200. Similarly, they calculated how many of the students given the lowest marks (1-3) by their teachers achieved correspondingly low scores (100-123) in the EIT. They then calculated the ratio of students with high/low EIT scores to high/low SLC scores to reach the percentage "consistently assessed" by their teachers.

Table 4.4. **Ratio of students with high EIT scores to students with high SLC scores in Ukrainian language and literature, Khmelnytskyi *oblast* (2015)**

Rayon/city	High mark			Low mark		
	SLC 10-12 (number of pupils)	EIT (175-200) (number of pupils)	Consistently assessed by schools (EIT/SLC) (%)	SLC under-achievers (number of pupils)	EIT rate (number of pupils)	Consistently assessed by schools (SLC/EIT) (%)
Bilohiria	25	9	36	10	48	20.8
Vinkivtsi	44	10	22.7	4	19	21
Volochysk	65	19	29	2	43	4.6
Horodok	59	13	22	9	61	14.9
Derazhnia	38	7	18.4	7	35	20
Dunaivtsi	98	24	24.5	2	59	3.4
Iziaslav	56	27	48.2	13	68	19.1
Kamianets-Podilskyi	32	8	25	5	54	9.3
Krasyliv	88	20	22.7	14	91	15.4
Letychiv	33	9	27.3	6	57	10.5
Nova Ushytsia	19	4	21.1	4	30	13.3
Polonne	75	22	29.3	6	56	10.7
Slavuta	24	3	12.5	24	78	30.8
Starokostiantyniv	16	6	37.5	14	54	25.9
Stara Syniava	26	4	15.4	6	44	13.6
Teofipol	30	15	50	3	17	17.6
Chermerivtsi	13	11	84.6	16	26	61.5
Khmelnytskyi	12	4	33.3	20	60	33.3
Shepetivka	25	7	28	36	83	43.4
Yarmolyntsi	26	16	61.5	0	1	
Khmelnytskyi city	429	244	56.9	23	97	23.7
Kamianets-Podilskyi city	78	86	90,7	2	16	12.5
Shepetivka town	98	55	56.1	6	44	13.6
Slavuta town	30	28	93.3	24	37	64.9
Netishyn town	55	34	60	3	19	15.8
Starokostiantyniv town	83	42	50.6	7	33	21.2
Average	1 577	727	46	266	1 230	22

Source: Fasolia, O.I. (2016), Presentation by the Education Department Director of Khmelnitsky Region, given at a Meeting of Collegium of Oblast State Administration, 26 January 2016.

School-based assessment leads to many more high scores than external, independent assessment. In 25 of the 26 *rayons* or cities presented in the table, the number of students with high SLC results far outnumbered the number with high EIT results: on average, high SLC results were twice as common as high EIT results. Conversely, school-based assessment leads to far fewer poor results than does external assessment. Comparison of EIT and SLC results showed classroom-based over-assessment in every *oblast/rayon*. On average, schools awarded only 22% of students who obtained poor EIT results similarly low SLC results. More than three out of four students who obtain passing scores subsequently received unsatisfactory EIT results.

How much of the undue recognition is intentional and thus an integrity violation?

Is over-marking or under-marking the result of *teachers mismarking knowingly and in the hope or expectation of personal gain?* Teachers and school principals with whom the review team met were not willing to admit to taking bribes or to acknowledge that corrupt undue recognition happened at their school. However, they rarely, if ever, denied that it happened elsewhere in Ukraine. At some meetings with the review team teachers admitted to being offered bribes by parents.

In interviews carried out during the site visits, the team was able to collect anecdotal evidence from NGOs and parental groups about common forms of undue recognition for personal benefit in Ukrainian schools. They offered these examples:

- *A teacher gives a student higher marks than their work merits because the student's family have given or promised money, gifts or services to the teacher and/or the school.*
- *Because the student's family has given or promised money, gifts or services, the teacher allows the student to submit work that is not all his/her own: the work has been 'improved' by cheating, plagiarism or direct help from the teacher.*
- *A teacher gives a student unduly low marks and informs parents that the student's work is of a lower standard or their chances in the EIT poorer than is actually the case, in order to induce the parents to offer money, gifts or services, in exchange for which the teacher will give the student special help. This may involve giving the student extra help and attention in school (during the hour per week each subject teacher is required by national rules to devote to helping struggling students catch up, or at the end of the school day): or it may involve private tuition out of school (see Chapter 5). Whichever form of help is given, the teacher shows the parents that their child is 'improving' by awarding higher school marks after receiving the reward.*
- *A teacher gives unduly low marks to children of parents who have not, or not yet, paid them (in gifts or by engaging them as private tutors), by giving those children less help and support in class. This reduces the likelihood that those children will realise their potential in end-of-term or end-year tests. If a parent then decides to pay, the teacher gives the child more help and marks their work more generously.*
- *One parent representative reported that teachers at her child's school fiercely resisted an offer by parents to install CCTV in classrooms to help resolve complaints of unfairly low marking of students whose families were unable or unwilling to make financial contributions.*

At the stakeholder seminar in Kyiv in March 2016, which gathered a representative selection of stakeholders from the education system to respond to preliminary results from this review, there was consensus that the undue recognition of student achievement was grounded in the desire of teachers to obtain material benefit.

B. Factors that create opportunities for the violation

Weaknesses in the system for assessing learning achievement

Classroom-based assessment in Ukraine falls short of international good practice and its deficiencies create opportunities for widespread irregularities in the assessment of the learning achievement of students. The analysis in this section reviews assessment practices in Ukraine against the background of international practice and identifies four deficiencies that put valid, reliable, and unbiased marking especially at risk by creating opportunities for integrity violations.

Box 4.1. **Key assessment concepts**

Summative assessment of students, or assessment *of* learning, aims to summarise what has been learnt so far, in order to record, mark or certify achievements. Its purpose is to monitor educational outcomes, often for purposes of external accountability, and usually results in a test score. Because they result in a test score, students and parents care a lot about the outcomes: summative tests tend to be "high stakes". **Formative assessment** or assessment *for* learning – which includes diagnostic testing - is a range of formal and informal assessment procedures conducted by teachers during learning in order to modify teaching and learning activities to improve student attainment. It usually results in qualitative feedback focusing on what is good about a piece of work and why it is good; also what is not so good and how the work could be improved. The results of formative assessments are "low stakes" or "no stakes".

Summative assessments can be conducted internally or externally. **Internal summative assessment**, or school-based assessment, is designed and marked by the students' own teachers as part of regular classroom instruction. **External, or standardised, summative assessment** is designed and marked outside schools to ensure that the questions, test conditions, scoring and marking are consistent and comparable among students. External summative assessments (if properly designed) are more likely to be valid – a highly valid assessment ensures that all relevant aspects of student performance are covered by the assessment – and reliable – a highly reliable assessment ensures that the assessment is accurate and will produce consistent results, whoever is the assessor and whatever the assessment occasion.

Source: Elaborated by the authors based on OECD (2013b), *Synergies for Better Learning: An International Perspective on Evaluation and Assessment*, *http://dx.doi.org/10.1787/9789264190658-en*.

The first weakness of classroom assessment in Ukraine is that it relies exclusively on internal summative assessments by classroom teachers throughout primary and secondary schooling (see Box 4.1 for definitions). Assessment items (tasks) are set by classroom teachers, administered by teachers, and marked by classroom teachers based on guidelines provided by the Ministry of Education and Science (MoES). While its subjects and format are set by the MoES on the basis of the national curriculum, the content of tasks is determined by each school separately, and the marking is done by the class teachers in their respective subjects, without a reference to nationally-normed criteria or competency framework. Classroom assessments in Ukraine take place frequently, so there are many occasions on which undue recognition of learning achievement could occur. In secondary schools, tests to measure and compare student performance typically take place not only at the end of every term, but several times during each term.

In the majority of OECD member countries, school students take at least one external test or examination, either during their school career or as a school-leaving test. The first opportunity that students in Ukraine have to learn about their performance through an external, standardised and nationally normed test is at the conclusion of their schooling when they take the EIT.

External and independent assessments are useful at the time of school leaving or when a high-stakes decision, such as HEI entry, must be taken; however, their principal benefit is to earlier stages of schooling. The information that external examinations provide helps to ensure the integrity, reliability and comparability of school-based assessment. In countries where students have both internal and external summative assessments during their

school careers, it is possible for students and families to compare the marks awarded to each student in their internal and external assessments, to identify significant differences in how they performed in the two assessments, and to seek explanations for any differences found. Teachers benefit from the assessments, since they are provided reliable benchmarks on student progress within the curriculum, and a framework that they can use to develop and calibrate their classroom-based assessment activities.

The great majority of OECD countries have national summative assessments with no stakes for students, and these assessments are intended either to provide formative and diagnostic information to teachers, or to monitor the overall performance of the education system. Out of 36 OECD education systems studied, 29 had such assessments at primary level and 27 had such assessments at lower secondary level (OECD, 2013b).

Box 4.2. **Assessment of student achievement in the United Kingdom**

In the United Kingdom (England), pupils aged 10-11 in their last year of primary school are assessed by their teachers, and also take national standardised tests in English and mathematics. Both assessments measure the mastery of the national curriculum and national curriculum level reached using the same criteria and the same marking scale.

Teachers look at and learn from any differences between their own assessments of each pupil and how that pupil performed in their test. Did the teacher's assessment over-rate or under-rate the pupil? Did the teacher fail to prepare the pupil for some topic or problem that came up in the test? Or, did that pupil just have a bad day, or a personal problem, and perform atypically in the test? Because the test is external and standardised and national, teachers and schools can also compare their pupils' test results with those of pupils in other primary schools locally, regionally and nationally, and look at and learn from any differences.

The second weakness and source of opportunity for assessment malpractice is that national guidance on classroom-based assessment is too general to signal clearly to teachers which marks students should be given in every set of circumstances. The MoES guidance, which teachers use when assessing, is not comprehensive or specific enough to ensure that teachers will interpret it in the same way, and that different teachers will award the same mark to any given piece of work. The guidance gives a broad description of each point on the 12-point marking scale, and broad criteria for performance at each point on that scale, but is too short and general to work effectively as a marking handbook. The MoES also developed indicative requirements for the assessment of students in primary and lower secondary education. It is more specific than the guidance but does not cover all levels of education and is not linked to educational programmes and standards. Overall, subject teachers need much more detail if they are to understand clearly which mark is appropriate for the work they must assess. They need to know what learning objectives a pupil in their class should have achieved by every point at which they are to be assessed. They need to be told how to judge whether and to what extent those learning objectives have been achieved. They also need to be equipped with clear information and examples, so that they can relate their students' achievements precisely to the points on the scale and distinguish clearly and fairly between each point.

Teachers' professional judgment is not able to fill in the gaps in assessment guidance. As the OECD study *Synergies for Better Learning* noted,

"While most countries regulate the use of a particular marking scale […], especially in secondary education, this does not mean that the meaning of a particular mark is necessarily equivalent across schools. Even if schools use the same marking scale, they may have different marking criteria. It is difficult to ensure that the marks awarded in one school align with similar marks in another school. In addition, the same teacher will not necessarily be consistent in the application of criteria across students and over time. Such inequity in marking becomes problematic when […] marks are used for high-stakes decisions" (OECD, 2013b).

It is particularly problematic where, as in Ukraine, marking may be influenced by the potential for personal benefit.

The third weakness and source of opportunity is that teachers are insufficiently trained in assessment to compensate for the lack of specificity in the guidance. Initial teacher training does not provide them with the solid grounding in assessment principles and supervised practice that is needed if summative assessments are to be valid and reliable. The review team interviewed teachers who had recently completed a refresher training course undertaken every fifth year. They reported that the refresher course module on assessment had enabled them to understand the national guidance, and that before coming on the course they had not understood it. Refresher training seemed to have succeeded where initial teacher training failed. However, it was unfortunate that these teachers had been assessing students without understanding what the national assessment guidance required them to do, for at least their first five years in the profession. The review team was not able to judge whether the teachers' confidence in their new knowledge survived their first experiences of student assessment after the course.

The fourth weakness is that there is limited cross-checking or validation of teacher-based assessments within the education system, for example, by requiring senior colleagues within the school, or external moderators, to check or counter-sign all "high stakes" internal summative assessments. There is not a well-established arrangement through which external moderators test, replicate, and validate internal summative assessments, as is implemented in some other schooling systems (see Box 4.3).

In Ukraine, teachers – subject to the school principal's review - are the sole and final arbiters of their students' marks. School principals and local education inspectors may make classroom visits to observe teachers. However, these visits are not focused on validating marking practices, and provide weak checks on mismarking. Leaving assessments in the hands of a single teacher exposes students to the risk of mismarking that arise both from error and corrupt practice. Experience and seniority alone – without external validation - provide no assurance of reliability.

These deficiencies, taken together, make it likely that large numbers of students will be given marks higher or lower than their learning deserves. Some mismarking will be unintentional and unconscious: the teachers concerned wish to assess their pupils fairly, but cannot, because the national assessment system does not give them the necessary training, guidance, information, support and supervision. However, every one of these deficiencies opens the door to deliberate mismarking and presents corruptible teachers with opportunities to reap personal benefits by manipulating students' marks. Moreover, the many separate assessments currently required during a school career leave a permanently open window of opportunity for corrupt bargains. A teacher who wishes to seek or receive donations and favours in return for better marks or extra help has the opportunity to do so at least every term.

Box 4.3. **Consistent and reliable marking through moderation**

A key way to increase the reliability of assessment and marking is to systematically implement moderation procedures that aim to ensure the quality and comparability of assessment judgement. This may involve teachers cross-marking each other's assessments or discussing student performance in groups, or a competent external organisation systematically checking school-based marking. While in many settings moderation occurs informally within and between schools and may not be documented, some education systems have introduced systematic arrangements for moderation. This is particularly the case in education systems where centrally developed examinations with high stakes for students are corrected and marked locally by teachers.

- **France:** Teachers examine their own students through continuous classroom assessment, while teachers from another school are responsible for marking written examinations leading to diplomas or certification.
- **Denmark:** Centrally appointed external examiners correct examination papers and are assisted through national guidance materials such as performance criteria, exemplars, rubrics and keys. There is also moderation of marking by external examiners who attend oral examinations.
- **The Netherlands:** Examinations are corrected by the students' own teacher and moderated by a teacher from another school using a central scoring protocol. The school boards are responsible for the proper handling of the procedures. In case of disagreement, external moderation by a competent body is provided.
- **Queensland, Australia:** The examination system is school-determined and based, but achievement standards and scoring are externally moderated. Moderation processes for the Senior Certificate (Year 12) involve subject-based panels of expert teachers providing advice to schools on the quality of their assessment programme and their judgements of quality of student performance based on sample portfolios. The system involves follow-up with schools where panels identify issues regarding assessment and standards. There is negotiation of the final results to be recorded on the Senior Certificate (Sebba and Maxwell, 2005 in Santiago et al., 2011). Similarly, procedures adopted by educational jurisdictions and particular schools for moderating internal summative teacher judgements (so-called A-E ratings) also facilitate common understanding of year level proficiency standards and foster the development of professional learning communities that can provide crucial support for improving opportunities for student learning and building teacher capacity.
- **New Zealand:** An external moderation system is also in place to ensure the dependability of internal assessments in Years 11-13. The New Zealand Qualifications Authority directly checks the quality of internal assessment through a sampling approach. Schools are required to submit 10% of internally assessed student work for NZQA moderation to make sure the assessment is appropriately aligned with standards. The moderation process does not affect the marks assigned to assessment samples by teachers, but is intended to provide feedback to teachers and to inform future assessment policy development at the system level.

Source: adapted from OECD (2013b), *Synergies for Better Learning: An International Perspective on Evaluation and Assessment*, *http://dx.doi.org/10.1787/9789264190658-en*; Santiago, P. et al. (2011), *OECD Reviews of Evaluation and Assessment in Education: Australia 2011*, *http://dx.doi.org/10.1787/9789264116672-en*; Nusche, D. et al. (2012), *OECD Reviews of Evaluation and Assessment in Education: New Zealand*, *http://dx.doi.org/10.1787/9789264116917-en*.

A tradition of gift-giving and a culture of acceptance

The citizens of Ukraine have a low opinion of the probity of staff working in the public sector. Transparency International's *Corruption Perception Barometer 2013* (Transparency International, 2013) found that 82% of respondents in Ukraine thought that public officials and civil servants in general were corrupt/extremely corrupt; 69% considered that education systems were corrupt/extremely corrupt; and 37% said they had actually paid a bribe to 1 of 8 services in the previous 12 months, among which education. The 2015 Corruption Perception Survey (Razumkov Centre, 2015) found that 20.9% of the population considered school education to be "absolutely corrupted"; 31.8% considered it to have "widespread corruption"; and 29.3% thought it had "certain cases of corruption". Just 10.1% thought it had no corruption, while 7.9% found it difficult to answer the question.

Parents with means, who believe that payments to teachers - like payments elsewhere in the public sector - will improve their children's marks and prospects, are often willing to offer substantial amounts of money to teachers and school leaders. This follows a well-established pattern of paying a bribe for a public service which might otherwise be difficult to obtain. The vast majority of parents in public schools make regular payments to their children's class teachers and school administrators through so-called "class" and "school" funds, discussed in detail in Chapter 2. In a recent survey of parents, 91% said that such funds existed in their children's schools; 68% said that their schools had both class and school funds; 47% of respondents recognised contributing to the class and 41% to school funds each month. While the primary purpose of these funds is to meet the costs of school operation, 45% of the parents surveyed said that class funds were also spent on buying gifts for, or making additional payments to, the class teacher. A smaller proportion of respondents suggested that payments were made to teachers from school funds (ERA, 2014).

This practice is supported by a well-established tradition of giving gifts to those who are in a position to benefit the giver, as a sign of recognition. This is a practice particularly well established in educational institutions. School teachers often receive presents or useful services from pupils and their parents. These gifts may be unsolicited or may be a one-off exchange between a parent and a teacher.

Gift-giving is particularly likely to be associated with undue recognition of learning achievement if it happens at the end of the term, the school year or the student's last year at school. These are all times when students have their performance assessed and receive marks from their teachers. For teachers or others who wish to manipulate marking for personal gain, the class or school fund provides a perfect means of collecting substantial sums or services from a parent without arousing suspicion. Similarly, substantial gifts of money or services can be portrayed as a simple and natural mark of the parent's gratitude. A non-governmental organisation worker told the review team that he, like all the parents in his child's class, had been asked for a "gift" of UAH 3 000 on his child's graduation. Though this was a large amount of money, he had not found the request surprising or unreasonable, given the importance of graduation and the tradition of gift-giving in Ukrainian society.

C. Factors that create incentives for the violation

Parental information and motivation

Most Ukrainian parents want their children to go to HEIs after leaving school (IED, 2015). They are right in believing that their children's academic performance is important to getting there. The marks achieved in school-based tests are important to the prospects of Ukrainian

students of all ages. Low marks in the early years of education limit a student's chances of entering or remaining in a specialised or elite secondary school that selects its pupils by ability.

Without high marks, students will not be eligible for prizes and awards, such as entering for scholarships and Olympiads; certificates from such competitions improve a student's chances of entering a prestigious HEI. The SLC is a requirement for progression to vocational or higher education. Good SLC marks help a student's chances of entering a good HEI with a state-funded place, though the most recent (2014) Law on Higher Education states that they may not count for more than 10% of the composite score. Poor school marks are a signal that students may not pass the EIT or not well enough to attend the HEI they prefer, or that they may not qualify for a state-funded place.

Parents are strongly motivated to have their children earn high marks, but they are not always well-informed about entry requirements for higher education, and thus many overestimate the importance of school marks. Asked what they believed to be of crucial importance when seeking admission, survey respondents gave the answers in Table 4.5.

Table 4.5. **Survey of parents' opinions on the key requirement for entry to higher education**

Question: What, in your opinion, is of crucial importance when school leavers seek enrolment in higher education institutions (*give only one answer, the most significant*)	(%)
Results of External Independent Testing (EIT)	34.3
Grade point average (GPA) of School Leaving Certificate (SLC)	18.4
Marks received by passing preliminary examinations which will be carried out by higher education establishments	19.1
Motivational essay	2.1
Results of interview in higher education establishments	8.8
Other	0.3
Difficult to say	17.0

Source: IED (2015), *Середня освіта в Україні: думка вчителів та батьків* [*Secondary Education in Ukraine: Attitudes of Teachers and Parents*], *http://iro.org.ua/ua/main/research/23*.

The correct answer is "results of External Independent Testing (EIT)", but only one in three parents (34.3%) gave this answer. An EIT pass is the only mandatory requirement for HEI entry, and has been since 2008. To sit the EIT a school leaver must have a School Leaving Certificate (SLC) to show that they have completed school education, but even the lowest average SLC marks do not prevent students from sitting the EIT and getting into the HEI of their choice if they do well. Good SLC grade averages may help a student get into a competitive HEI, other things being equal. However, they are not as relevant as they used to be before Ukraine's 2014 Law on Higher Education limited the weight that can be given to SLC marks to a maximum of 10% of the composite score. It is therefore remarkable that 18.4% of parents, answering a survey in 2015, thought that the SLC grade point average (GPA) was more important than the results of EIT testing.

A factor that contributes to the misperceptions might be the regular changes in the EIT since its inception: in the way its results are used for admission to HEI; the relative weight of school graduation results in the composite score; and the selection of subjects that are available and/or mandatory for testing (Kovalchuk and Koroliuk, 2014). For instance, in 2008 and 2009, the EIT results were counted toward both school-leaving *and* higher education admission examinations; in 2010 they were counted only toward admission examination and students had to take a separate examination to graduate from high school; and until 2014 the relative weights of the SLC, the EIT, and the HEI admission examinations were

changing before each admission campaign. To reflect these adjustments, the website of the Centre for Education Quality Assessment, the entity that manages the EIT, even features a section devoted to the "specifics" of the EIT in that year. Each year, the part of the website of the MoES that is devoted to the HEI admission campaign also provides an update in the way HEIs can use the EIT results.

Perceptions of inadequate compensation of teachers

Low salaries of teachers are a common explanation for the problems in the education system in Ukraine, including for those concerning malpractice. When the survey *School and Reform 2015* (IED, 2015) asked "Which current problems of secondary education in Ukraine do you consider are most serious and require to be solved?" - allowing respondents to give more than one answer - 87.9% of school principals and 62.1% of teachers mentioned "Low salary, reduction in educationalist social status". Asked what high priority steps should be taken to improve secondary education, 52.1% of parents said "Increase teachers' remuneration", as did 80.4% of teachers and 90.2% of school principals.

Teachers in Ukraine interviewed by the review team also consistently discussed remuneration and agreed that the statutory pay of education professionals, while adequate for a single person to live on, was inadequate to support a family. A group of trainee teachers, asked how they expected to survive on their salary once they became teachers, mentioned options such as working in a private school, giving private tuition, doing extracurricular work on an international project or going abroad to work, or having another part-time occupation, such as growing vegetables or running a small business.

The salary regulations allow one to calculate the statutory salary of teachers in Ukraine at different points of their career. Statutory salaries are scheduled salaries determined by official pay scales. The statutory salaries of educators in Ukraine are lower than the salaries of workers in other sectors of the economy with comparable levels of educational attainment. In the second half of 2016, the starting and mid-career[1] salaries of teachers in primary and secondary schools in Ukraine were 30% and 40% of the average income of workers in finance, insurance, scientific and technical professions respectively. The statutory income of new teachers was 60% lower than average income in the civil service and that of mid-career teachers was only half of that average income (Table 4.6).

Viewed in comparison to teachers elsewhere in Eastern and Central Europe the statutory salaries of starting and mid-career teachers in Ukraine are low (see Figure 4.1). After adjusting for differences in purchasing power, the annual statutory salary of teachers in Ukraine in 2013 was USD 5 517 in the beginning of their career and USD 6 282 after 15 years of service (mid-career). The country with the next lowest level of teacher income is Hungary, where the annual starting salary was USD 10 647 and USD 13 061 after 15 years in the profession, while the OECD average starting salary was USD 31 013, and USD 42 825 for mid-career teachers.

Increases in teacher pay are a recurrent theme in policy discussions in Ukraine. Over the past decade the salaries of education professionals have been raised several times, and at the time of this integrity review further raises were under discussion. Increased teacher salaries do not offer, however, a clear path to improvements in integrity in education. There are two reasons for this.

Table 4.6. **Ratios of monthly teachers' salaries to the earnings of tertiary-educated workers (2016)**

Monthly salary by sector	UAH (current prices)	Ratio of starting salary (primary and secondary education) to other salaries	Ratio of mid-career salary (primary and secondary education) to other salaries
Monthly income in the education sector:			
Starting teacher salary in primary and secondary education	2 050	1	1.1
Salary of mid-career teachers (1)	2 334	0.9	1
Starting salary in tertiary education (2)	3 057	0.7	0.8
Top of the salary scale in tertiary education (3)	4 313	0.5	0.5
	UAH (current prices)	Ratio of starting salary (primary and secondary education) to salaries in selected sectors	Ratio of mid-career salary (primary and secondary education) to salaries in selected sectors
Average monthly income of workers with tertiary education in (4):			
Finance and insurance	9 858	0.2	0.2
Professional, scientific and technical professions	7 291	0.3	0.3
Civil service, including defence	5 134	0.4	0.5
Industry	5 524	0.4	0.4
Average for selected sectors	6 952	0.3	0.4
Average household income in 2015	5 232	0.4	0.4

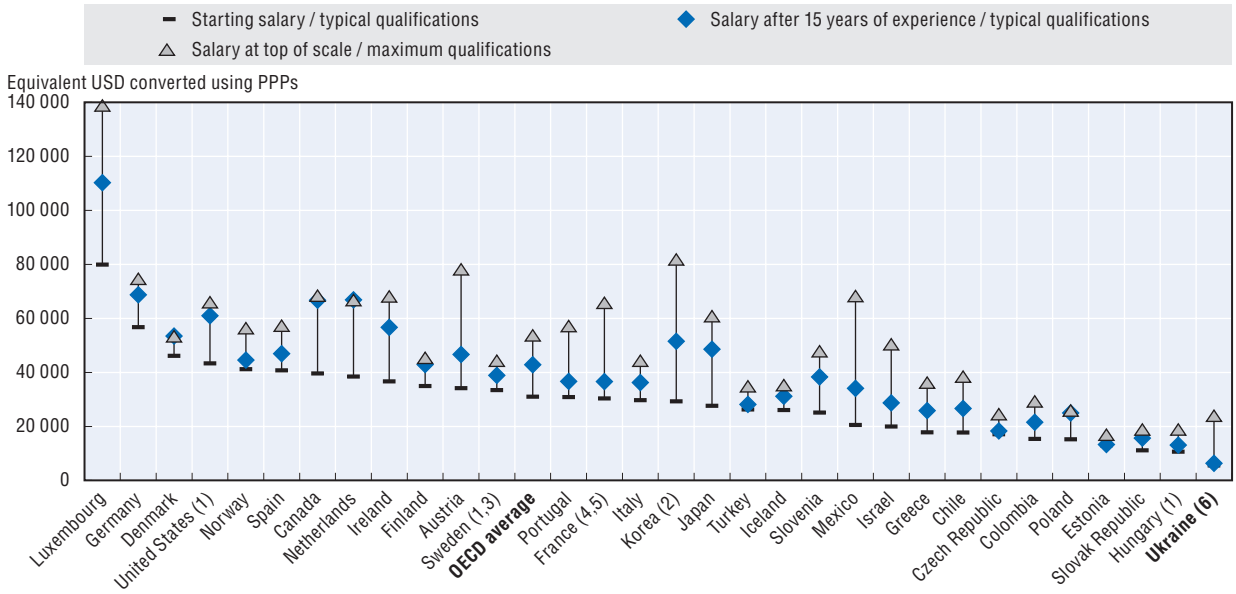
1. Professional category 1 or 15 years of experience.
2. Remuneration category 15.
3. Remuneration category 20.
4. Data for the period January-June 2016.
Source: SSSU (2016), National Education Accounts of Ukraine, State Statistics Service of Ukraine, Kyiv; Decree of the Cabinet of Ministers of Ukraine No. 102 of 15 April 1993, with amendments; Decree of the Cabinet of Ministers of Ukraine No. 1298 of 30 August 2002; Decree of the Cabinet of Ministers of Ukraine No. 373 of 23 March 2011; Decree of the Ministry of Education and Science of Ukraine No. 557 of 26 September 2005, with amendment No. 991 of 17 August 2016.

First, there is no direct and simple link between low teacher salaries and the willingness of teachers to engage in – or refrain from - malpractice, such as intentional mismarking. Teachers and school leaders may act with integrity despite having a financial incentive to the contrary. Conversely, even well-compensated teachers who work in schools where leaders create performance pressures backed by a culture of fear, intimidation and retaliation may engage in "organised and systemic wrongdoing", such as manipulation of test results (New York Times, 2015).

Second, there is no official information on how many teachers in Ukraine earn the low statutory salaries shown in Figure 4.1, and thus for how many teachers an increase in salary might change their incentives to engage in malpractice. Government policy (Annex 4.A1, refs. 2 and 3) permits teachers to earn supplementary monthly compensation for additional tasks such as checking homework, or managing a school museum. Table 4.7 lists a common combination of such supplementary tasks and additional payments. These calculations demonstrate that teacher compensation can be increased to levels well above the statutory salary shown in Figure 4.1 – and above the top of the teacher salary scale in some OECD member states, including Estonia, Hungary and the Slovak Republic. Not every teacher can benefit from supplementary payments, but most of the additional tasks for which these payments are provided are available at almost every school in the country.

Figure 4.1. **Teachers' salaries at different points in their careers in lower secondary education, in selected OECD countries and Ukraine (2013)**

Annual salaries in equivalent USD, converted using PPPs for private consumption



Note: Countries are ranked in descending order of starting salaries for lower secondary teachers with typical qualifications.
1. Actual base salaries.
2. Salaries at top of scale and typical qualifications, instead of maximum qualifications.
3. Salaries at top of scale and minimum qualifications, instead of maximum qualifications.
4. Includes average bonuses for overtime hours.
5. The typical qualifications of starting teachers differs substantially from the typical qualifications of all the current teachers.
6. Data could not be verified as being based on full-time equivalents. Salary at top of the pay scale includes a selection of typical compensation payments for additional work and specific working conditions for teachers with a senior professional category who work double the minimum standard workload (*stavka*) of 18 hours.

Source: OECD (2015b), *Education at a Glance 2015: OECD Indicators*, *http://dx.doi.org/10.1787/eag-2015-en*; Ukraine Decree of the Cabinet of Ministers of Ukraine No. 102 of 15 April 1993, with amendments; Decree of the Cabinet of Ministers of Ukraine No. 1298 of 30 August 2002; Decree of the Cabinet of Ministers of Ukraine No. 373 of 23 March 2011; Decree of the Ministry of Education and Science of Ukraine No. 557 of 26 September 2005, with amendment No. 991 of 17 August 2016.

Official statistics on public education spending records only aggregate expenditure on salaries from the national budget for education. There is no data on how much teachers actually earn in Ukrainian schools – how many of the teachers are compensated for what additional work, how many teachers work more than the standard number of hours and thus can earn more, and what additional bonuses they might be receiving from parents. A recent survey of teachers revealed large differences in their self-reported official monthly income, from as low as UAH 1 000 to as high as UAH 5 000 (IED, 2015).

Dependence on parental contributions

The public schooling system of Ukraine makes extensive use of financial support of households. Household contributions are obtained through school and class funds, collected on a voluntary basis and managed ad-hoc or through charitable organisations established and run by parents for the school (ERA, 2014). School administrations look regularly to students' parents to cover unfunded school costs. The item for which parents paid the most in 2014 was the cost of procuring materials, equipment and inventory (62%) (SSSU, 2016). Some 87% of 357 parents surveyed in 2014 in selected *oblasts* in Ukraine stated that they paid for maintenance services, 54% claimed to have also contributed to the purchase of

materials and technical equipment, 29% helped procure furniture and carpets, 40% bought hygiene and cleaning products, and 31% acquired textbooks and learning materials for the school libraries (ERA, 2014). The near-universality of these funds helps to explain why only 7.9% of parents surveyed in School and Reform 2015 (IED, 2015) absolutely agreed with the statement "secondary education in Ukraine gives everyone equal opportunities to study for free". Some 91% of parents say that school funds and/or class funds exist in their children's schools (ERA, 2014).

Table 4.7. **Potential impact of supplementary activities and compensation payments on the salary of a senior teacher (2016)**

Types of compensation payments	Average compensation as percentage of monthly salary
Responsibility for ICT equipment (e.g. computers)	7.5
Chairing of methodical, subject matter and other commissions	12.5
Responsibility for specialised classrooms	12.7
Extracurricular activities with up to 30 classes	15
Management of after-school activities and teaching	15
Grading of exams and homework (2)	17.5
Classroom management	22.5
Additional compensation for every 700 students in schools with enrolment above 1 000	5
Work in a major national education institution	5
Total compensation in percentage of monthly salary	112.7
Calculation	**Multiplication factors and final amounts (in UAH)**
Salary base (UAH)	1 185
x Additional workload (*stavka*) (1)	1.0
x Coefficient multiplier for highest professional category	2.12
= Monthly salary (UAH)	2 512
x 2011 increase (20%) (2)	3 015
x Compensation payments (chairing, classroom management) (%)	112.7
= Final monthly salary before tax (UAH)	**6 411**
Average monthly statutory salary of mid-career teachers (3)	2 334

1. Calculated on the basis of a senior professional teacher with one standard workload (*stavka*).
2. The 20% increase for all wages of teachers in all types of educational institutions, according to the Decree of the Cabinet of Ministers of Ukraine No. 373 of 23 March 2011, is granted only if there is sufficient funding for the given year.
3. Professional category 1.
Source: Decree of the Cabinet of Ministers of Ukraine No. 102 of 15 April 1993, with amendments; Decree of the Cabinet of Ministers of Ukraine No. 1298 of 30 August 2002. Decree of the Cabinet of Ministers of Ukraine No. 373 of 23 March 2011. Decree of the Ministry of Education and Science of Ukraine No. 557 of 26 September 2005, with amendment No. 991 of 17 August 2016.

Schools, principals and teachers are dependent on the financial contributions, practical help and goodwill of their students' parents. The support parents provide can play a valuable role in helping them achieve their educational mission. School leaders and teachers therefore believe it is important to keep parents happy, and to convince parents that their children are being well taught. Giving children high marks and glowing progress reports preserves parental goodwill and trust in the school. That being so, teachers and principals have strong incentives to give undue or undeserved recognition of learning achievement. They are also less likely to see undue recognition for financial gain as corrupt where they think they are acting "for the sake of the school".

D. Policy options

Closing the opportunities for malpractice

Improve the assessment of student achievement through three types of reforms

Review and improve the national assessment framework and guidance. The first step towards a better assessment practice in the nation's schools is to review and improve the national assessment framework and guidance. This should be led by the MoES, working in collaboration with the central School Inspectorate and representatives of classroom teachers. If teachers are to assess and mark students' work with accuracy, reliability, and without bias, they need well-specified procedures and assessment criteria (OECD, 2013b). An improved national assessment framework should be developed for Ukraine, which should include the elements described below.

- Accurate and reliable assessment requires learning objectives that describe what pupils should know and be able to do, in each subject, by the end of each school year. Ideally, these learning objectives should be closely aligned to the requirements of the national curriculum (as they are, for example, in England). They should also be SMART objectives: Specific, Measurable, Achievable, Relevant and Time-limited.
- There should also be success criteria for each curriculum subject for each school year. Success criteria, which should be clear and comprehensive, enable teachers to judge whether, and to what extent, learning objectives have been met.
- Assessment would benefit from a marking scale with enough points to enable teachers to distinguish between pupils whose performance is measurably, verifiably different but no more.
- It is also important to provide examples of the performance against learning objectives to be expected at each scale point, so that teachers can judge how far learning objectives have been met, and can do so reliably and consistently. As an accompanying measure, it is important to give more time and attention to assessment and marking skills in teacher training, both in initial teacher training and in continuing professional development.
- Provide pre-service and in-service training for teachers in formative/diagnostic assessment, as well as summative assessment, so that they can be continually assessing each pupil's classroom performance in relation to their learning objectives and identifying areas in which pupils need extra help to catch up, between tests.
- Schools should be organised, resourced and have time in their curriculum to provide extra individualised help where necessary. This will also help to reduce the perceived need for private tutoring (discussed in detail in Chapter 5).
- Reducing opportunities for mismarking requires greater involvement of parents. The new system should include arrangements for class teachers to give parents regular feedback on their children's progress and performance, and discuss with them what can be done to address any learning problems. Teachers should share with parents how their child's test performance compares with that of classmates and with expected standards, and do this in writing, within a common format.

Make wider and earlier use of low-stakes, external and independent assessment to improve the consistency and integrity of marking

Second, the review team recommends the wider and earlier use of low-stakes, external and independent assessment. End-year tests at the end of primary school and the end of lower secondary school should be replaced by common national tests, set and marked by external test developers. External independent testing would identify where teachers are over-marking or under-marking certain pupils, in a way that further assessments by the same teacher cannot. It would identify students falling behind their peers while there is still time for the school system to take remedial action (avoiding the need to resort to private tutoring). It would also identify students whose potential has been underestimated. Promising directions with respect to assessment are under consideration: the MoES proposed in 2016 to introduce an EIT at the end of Year 9, after the completion of lower secondary education.

In addition, student achievement information from external independent testing can be used to inform other education policies. Comparable information can be used to: design and implement programmes to improve teaching, learning and teacher training programmes; identify struggling students so that they can get the support they need; and provide suitable help and training to low-performing teachers and schools. It can also be used to hold school leaders, teachers and education policy-makers accountable to students and their parents; to those who fund education; to those who take on school leavers (employers, HEIs, colleges); and to the general population (OECD, 2013b).

Improvements in the assessment system that follow these lines will also strengthen the capacity of schools to resist parental pressure to treat students more favourably. The successful implementation of these suggestions will lead to a more reliable and trusted assessment system.

Support the adoption of marking moderation to achieve more consistent and reliable marking

There are many varieties of moderation in use throughout the OECD, as Box 4.3 illustrates. The ministry, in consultation with education stakeholder throughout the country, should draw upon international practice to develop a model of moderation that is adapted to the needs and circumstances of Ukraine. In doing so, it should ensure that moderation is used as a means by which to improve the consistency and integrity of marking, and to support teacher professional development. Linking moderation to teacher careers and compensation should, however, be avoided.

Eliminating the incentives for malpractice

Raise awareness about the EIT and the SLC

Parents often misperceive how school assessment results matter for successful graduation and admission to higher education, Reducing misperceptions through better communication, well ahead of the graduation and HEI admission, can help to curb parental motivation to influence classroom assessment results through gifts and favours. Parental misperception can also be reduced by minimising the frequency of changes to the EIT and how it is used for admission. Where changes are unavoidable, they should be better communicated than at present.

Focus on teacher working conditions and on developing reliable information on earnings before adopting changes to compensation

Across-the-board salary increases for school teachers might reduce incentives for them to accept gifts and payments that compromise the integrity of learning assessment. However, without improvements to other working conditions and appropriate information about current teacher incomes, this could be a very costly and ineffective initiative. Before adopting any changes to teacher compensation levels, two prior actions are needed.

First, a careful and public review of teacher's working conditions should be carried out. While the level of teacher compensation can be a factor influencing the behaviour of teachers, many other factors have an impact on the readiness of education professionals to engage in malpractice. These may include deficiencies in the system of teacher appraisal, unsatisfactory conditions of work and lack of employment security. Adding higher levels of compensation to a framework of teacher appraisal and advancement that helps to sustain malpractice in student assessment would be a costly and ineffective measure.

Second, authorities should develop accurate and reliable information about the *actual* incomes of teachers. The MoES - with the help of cities, *rayons* and municipalities - should establish the actual income of teachers in Ukrainian schools, including compensation payments and the extra bonuses they might be receiving with the help of parents. This will permit them to assess whether an increase in teacher pay could be funded through a fairer and more efficient distribution of salary resources rather than an undifferentiated salary increase. This will help to make a stronger case for adjustments in teacher pay, not necessarily by means of across-the-board salary increases, but through a more realistic, fair and efficient distribution of resources that are already earmarked for wages.

Note

1. Salary progression in Ukraine depends on the professional category of teachers. The professional categories are "specialist", "second category specialist (teacher)", "first category specialist" and "highest category specialist". Every five years, teachers must undergo a mandatory review, at which point they have the opportunity (but not the obligation) to apply for the next professional category (MoES Order No. 930 of 6 October 2010). The calculations in this chapter are based on the assumption that mid-career teachers in Ukraine (15 years of experience) will have typically progressed to the level of "first category specialist".

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ANNEX 4.A1

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Decree of the Ministry of Education and Science of Ukraine No. 557 of 26 September 2005 with amendment No. 991 of 17 August 2016.

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Chapter 5

Private supplementary tutoring in Ukraine

Teachers in Ukraine often provide fee-based private supplementary tutoring to their own students. This practice – which is not prohibited or regulated - creates undesirable incentives. Teachers may offer preferential treatment in class to the students they tutor, or teach and mark poorly those they do not to create demand for their tutoring services. This chapter focuses on the conditions that lead families to seek private tutoring, and teachers to provide it. It recommends a range of measures to prevent tutoring that gives rise to conflicts of interest, including prohibiting teachers from tutoring their own students for a fee; introducing an obligation for tutors to register; providing better-quality feedback to parents on the learning progress; strengthening confidence that the EIT can be mastered with the help of regular schooling; and evaluating teacher compensation.

Regulatory and policy background

Private supplementary tutoring is instruction in subjects of relevance to student progression and graduation which is provided for a fee and takes place outside of regular school hours (Bray and Lykins, 2012). The purpose could be to better prepare for assessment and examination, understand specific parts of the curriculum or excel in academic competitions.

In Ukraine, assessment results at the transition points between educational levels shape the educational careers of students and their prospects for admission to higher education. According to recent data, supplementary tutoring accounts for a considerable part of parental investment in ensuring successful transition and is provided mostly by school teachers. In 2016, household expenditure on private tutoring was equivalent to 24% of the average household income (SSSU, 2016a; Civic Network Opora, 2016). Grade repetition was less common in Ukraine than in any country reporting lower secondary education data to United Nations Educational, Scientific and Cultural Organization (UNESCO) in 2013. The ultimate purpose of the extra classes is not principally to prevent grade repetition in primary and secondary schooling, but to increase the chances of admission to the best possible HEIs and study programmes.

Private supplementary tutoring in Ukraine takes place within the regulatory and policy context of staff policy, in particular the duties and responsibilities associated with the employment status of teachers who provide the tutoring services; school organisation, in particular organisation of the school day and teaching workload; and within a framework of learning assessment that assigns (or admits) students to different schools or educational programmes. These framework conditions are described below.

Employment status of teachers

Teachers in Ukraine are public employees, employed by the founder of the educational institution in which they teach (*rayon* or city, *oblast* or the MoES) in accordance with the Law on General Secondary Education (Annex 5.A1, ref. 1), the Law on Education (Annex 5.A1, ref. 2) and the Labour Code of Ukraine (Annex 5.A1, ref. 3).

The legislation stipulates a number of responsibilities that come with the profession and its employment status, all of which focused on fulfilling the professional obligations of teachers in school, for the most part during regular school hours, and their duty to meet their work obligations as employees according to the Labour Code. The regulations feature also some limited notions of ethics, but in declarative form only. For example, Article 56 of the Law on Education stipulates a duty to adhere to ethical standards and high morals, without further detail on what these standards are. At the time of this integrity review, Ukraine was recognised for its progress in developing conflict of interest regulations for the public sector. However, none of these regulations specifically covered public employees, such as teachers. A draft code of ethics for teachers was published by the MoES for a public discussion in 2011, but the document was not approved. In 2016 an Education Workers Code of Ethics was

drafted by the Institute of Education Content Modernisation, but had not been adopted at the time the integrity review was completed.

Teaching workload

The workload of teachers is determined by two pieces of legislation: The Labour Code of Ukraine, which stipulates a reduced working week for teachers at all levels of education (36 hours instead of the standard 40 hours) (Annex 5.A1, ref. 4); and the Law on General Secondary Education, which determines that one standard workload (*stavka*) comprises 18 hours. The maximum standard workload of teachers may not exceed the maximum number of hours per week stipulated in the Labour Law: two *stavka* totalling 36 hours per week. Roughly half of these hours are spent teaching. Time spent outside of lessons is not regulated by law.

Many teachers are likely to have time to participate in tutoring. While there are no official statistics about the average number of working hours teachers have in Ukraine, the review team was told in stakeholder meetings that it is uncommon for teachers to have a 36-hour workload. For teaching-intensive subjects such as Ukrainian language, for which the school programme establishes a high number of hours per week, principals commonly split the available hours among several teachers, especially in bigger schools with more classes. For other subjects that have lower priority and less weekly hours, such as law or technical drawing, schools might require less than the 18 hours per week of one standard workload, especially in schools with less enrolment and fewer classes.

For teachers who teach less than the norm, these arrangements lead to the availability of time outside the classroom. While the job of a teacher normally requires preparation before and after class, work with colleagues and parents, and dealing with administrative tasks, this non-teaching time is not regulated, and may be used for different activities, including for private tutoring. In addition, the school year in Ukraine is relatively brief, containing 160-165 days of instruction, as compared to the OECD average of 184 days, providing additional time to support tutoring activities (UNESCO, 2011; OECD, 2016).

The framework of student assessments in Ukraine

As preceding chapters have described, there are three types of assessments of student knowledge in Ukraine that have consequences for the eligibility of students to progress to higher levels and different types of pre-tertiary education (e.g. academic, general secondary or vocational), and to higher education. These assessments are: (1) the continuing assessments by school teachers; (2) state final exams at the end of Year 4, 9 and 11 (developed and delivered by schools within guidelines set by the Ministry of Education); and (3) the External Independent Testing (EIT) at the end of Year 11, an externally developed and administered assessment.

The average results of the continuing assessments by school teachers in the years preceding the state final exams are decisive for progression to the next-highest level of education, except to Years 5 and 10, and for graduation. The successful transition at these points of the student career depends on the state final examination, which is the official "gateway" to gymnasiums (first-time enrolment in Year 5), and lyceums and collegiums (first-time enrolment in Year 10). The EIT is paramount for access to higher education institutions (HEI), and its scores can be combined with the results of the state attestation after Year 11 into a composite score for competitive admission to higher education. All are important for progression through the education system and for HEI access.

Table 5.1. **Overview of responsibility for end-of-year assessments in general education**

Transition from	Assessment used
Year 1 to 2	Teacher
Year 2 to 3	Teacher
Year 3 to 4	Teacher
Year 4 to 5	State examination
Year 5 to 6	Teacher
Year 6 to 7	Teacher
Year 7 to 8	Teacher
Year 8 to 9	Teacher
Year 9 to 10	State examination
Year 10 to 11	Teacher
End of Year 11	State examination
HEI Entry	EIT

Source: Law of Ukraine on Education No. 34 (1060-XII) of 1991; Law of Ukraine on General Secondary Education No. 28 (651-XIV) of 1999; Decree of the Cabinet of Ministers of Ukraine No. 1095 of 25 August 2004; Order of the Ministry of Education and Science of Ukraine No. 1547 of 30 December 2014, registered in the Ministry of Justice of Ukraine on 14 February 2015 as No. 157/26602, Kyiv, Ukraine.

Continuing assessments, the state final exams and the EIT assessments share some important common traits.

First, they all evaluate the subject-matter knowledge covered in the school curriculum during regular school hours. This means that the content of tutoring in preparation for these assessments is aligned with the curriculum, which in turn raises the prospective "market" value of school teachers as private tutors (Borodchuk, 2011).

Second, state exams and the EIT cover a selection of core subjects within the curriculum. Teachers in specialties that are compulsory or widely examined are more likely to be sought after as tutors than others. As shown in Table 5.2, Ukrainian language and literature is a high priority, since it is obligatory in both the state final school-leaving exam and the higher education entrance examination, the EIT. Students are also required to examine in mathematics or history of Ukraine, as well as one foreign language. Examination in other school subjects depends upon the student's choice of higher education programme.

Table 5.2. **Subjects included in EIT assessment in Ukraine (2016)**

Subject	Obligatory in the state final (school-leaving) exam (Y/N)	Obligatory in the EIT (higher education entrance) (Y/N)
Ukrainian language and literature	Y	Y
History of Ukraine Mathematics	Y (history or mathematics)	Y (history or mathematics)
Foreign language	Y	Y
Geography Physics Chemistry Biology	N	3 to 4 additional subjects, depending on HEI programme

Note: For those graduating high school in 2016, final exams in in Ukrainian language and literature, mathematics, or history of Ukraine) are conducted in the form of EIT. The final marks in these subjects are taken into account as the HEI entrance EIT score. The final exam in a foreign language is also mandatory since 2016, however only the students who took the approbation exam in the form of an EIT in April 2016 could use their mark as the final exam mark in foreign language. All other students had to take the school final exam in a chosen foreign language. The final exam mark in foreign language goes to the School Leaving Certificate. The students applying to higher education also took regular EITs in a chosen foreign language.
Source: Order of the Ministry of Education and Science of Ukraine No. 94 of 2016, *http://osvita.ua/legislation/Ser_osv/50034/*.

A. Description of integrity risk and violation

Private supplementary tutoring (PST) is a widespread practice in Ukraine, as in many other former socialist countries and countries in Southern Europe, as well as in East Asia (ESP, 2006; Dang and Rogers, 2008). There is a range of opinions among professionals about private tutoring. Some claim that is unethical behaviour of teachers. Others welcome it and see it as a sign of parental interest in providing a higher quality of education for their children (Długosz, 2016). Still others treat it simply as a business opportunity, part of a broader, supplementary teaching industry, like in Japan and South Korea (Dang and Rogers, 2008; OECD, 2014). Private tutoring commonly signals shortcomings in education quality, such as lower quality of teaching in school, a consequence of an overburdened curriculum, or the result of a mismatch between the content of standardised tests and the curriculum. Private tutoring is also a problem pertinent to equity: research shows that the percentage of children that use private tutoring is highest among families that have higher education levels, a better socio-economic background, high educational aspirations and integrity (Bray, 2007; Długosz, 2016; Milovanovitch et al., 2015; Bray and Kwo, 2014).

Private supplementary tutoring can have different purposes – for instance, remedial or enrichment out-of-school learning - and take place in different formats and intensity, e.g. provided steadily during the academic year on afternoons and evenings, concentrated before examinations, or during weekends and vacations; from one hour weekly to several hours daily (OECD, 2013).

Supplementary tutoring in Ukraine is mainly provided by school teachers, and it can be an important family outlay. Among those families who purchased private tutoring in 2016, their expenditures were equivalent to 24% of the average Ukrainian household income (SSSU, 2016a; Civic Network Opora, 2016).

In one of its forms, private supplementary tutoring can also be a particular and immediate integrity concern. When provided by teachers *to their own students for a fee*, usually outside regular school hours, it can endanger the integrity of teachers by putting them in a situation of conflict of interest, affecting their impartiality and professionalism. Tutoring organised in this way can result in teachers offering preferential treatment to the students they tutor when teaching and assessing during regular schooling. It can also tempt teachers to under-teach on purpose to create demand for their tutoring services in view of generating a personal benefit.

There is evidence to suggest that this particular form of private supplementary tutoring is putting the integrity of teachers and classroom learning in Ukraine at risk. Nearly seven in ten (69%) upper-secondary school graduates resorted to tutoring in 2015 (Długosz, 2016). Most of them (73%) did so in order to achieve the best possible results at the exit exam (a combination of the state final exam and the EIT), and 61.7% were motivated by their wish to be admitted to a particular HEI. Private tutoring for reasons not related to transition to higher education was considerably less common. Only 17% of respondents indicated that they had problems with learning and took remedial classes, for 16.3% private tutoring served an enrichment purpose, and 6.3% were tutored following their parents' wish (Table 5.3).

Successful graduation and transition to higher education was also confirmed as a primary motive in a 2015/16 survey of full-time HEI students, 46% of whom stated that in their preparation for the standardised test, they used the services of private tutors (CEDOS, 2015). According to another 2016 survey of 2 086 high school graduates who took the EIT, some 36% had a tutor in preparation for the exam.

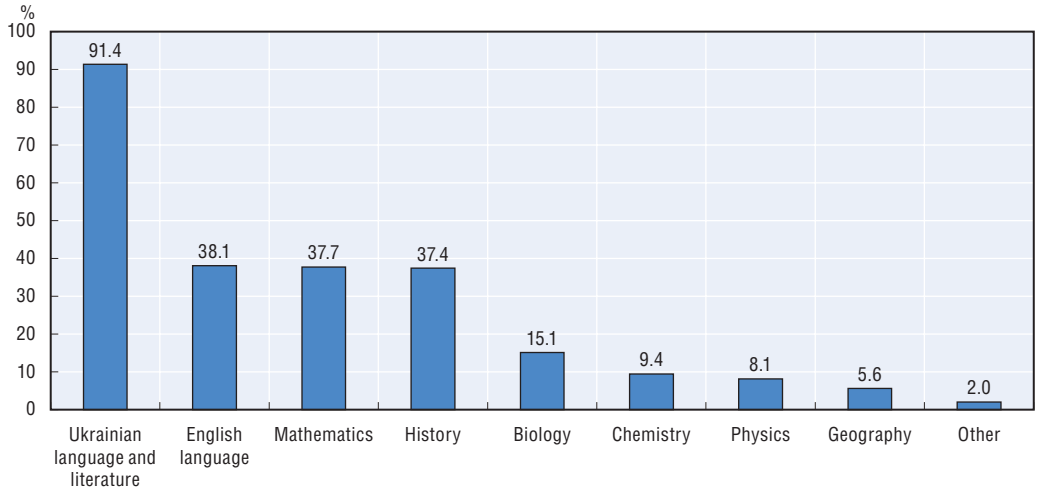
Table 5.3. **Reasons for resorting to private supplementary tutoring**

Reason	Share of respondents (%)
I want to achieve as high as possible a result in the graduation exam	73
I want to get to my desired HEI	61.7
I was not learning fluently and therefore I lack knowledge	17
I want to know more than I was taught at school	16.3
Parents' influence	6.3
The teachers were teaching insufficiently, they did not care	5.3
Other	3
Teacher's suggestion	1.3
Most of my friends take private lessons	0

Note: Respondents could select more than one answer.
n = 584
Source: Długosz, P. (2016), "Private lessons as an instrument for middle class status struggle in post-socialist societies: Poland and Ukraine case studies", *www.economics-sociology.eu/files/16_228_Dlugosz.pdf*.

The vast majority of those who report using private tutoring services to prepare for the EIT (91.4%) did so in order to prepare for the test in Ukrainian language and literature – the only obligatory subject in both the state final exam at the end of Year 11 and the EIT. The second most frequent subject was English language (38.1%), followed by mathematics (37.7%) and history (37.4%) (Figure 5.1). Close to half of the students (46%) took classes in more than one subject (CEDOS, 2015).

Figure 5.1. **Prevalence of private tutoring for the EIT, by subject tutored (2016)**



Note: n = 2086, of whom 36% had attended private tutoring.
Source: Civic Network Opora (2016), Опитування: Як ставляться до зовнішнього незалежного оцінювання його учасники? [Survey: What Do the EIT Participants Think about the EIT], *www.oporaua.org/novyny/42752-opytuvannia-yak-stavliatsia-do-zovnishnoho-nezalezhnoho-otsiniuvannia-ioho-uchasnyky*.

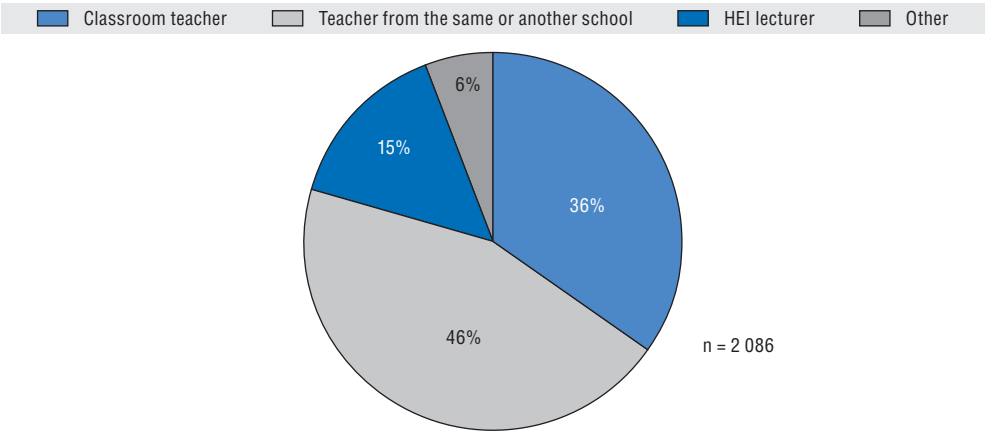
Prior to the introduction of the External Independent Testing, HEI professors held a nearly monopolistic position in the delivery of private tutoring. Private tutors who are also members of the admission committee were especially popular among HEI applicants. There is evidence that a payment of USD 2 000 to USD 4 000 to a private tutor who was also a professor at a leading HEI could help gain admission to the programme where he taught (Osipian, 2009).

The introduction of the EIT has reduced the comparative advantage of HEI lecturers as private tutors and opened the tutoring market to secondary school teachers (Borodchuk, 2011).

The share of students, who in various surveys reported that secondary school teachers were providing them with private supplementary tutoring, increased from 34% in 2006 to 53% in 2011, and to almost 80% in 2016 (Borodchuk, 2011; Civic Network Opora, 2016).

Figure 5.2 provides a detailed breakdown of the private tutoring workforce, and shows that a sizeable share of tutoring by school teachers - 36% - is of a risky form, in which teachers are providing private tutoring to their own students (Civic Network Opora, 2016).

Figure 5.2. **Who are the private tutors of school children (2016)?**



Note: Figures do not add up to 100 due to rounding.

Source: Civic Network Opora (2016), Опитування: Як ставляться до зовнішнього незалежного оцінювання його учасники? [Survey: What Do the EIT Participants Think about the EIT], *www.oporaua.org/novyny/42752-opytuvannia-yak-stavliatsia-do-zovnishnoho-nezalezhnoho-otsiniuvannia-ioho-uchasnyky*.

The extent to which teachers and their regular classes are exposed to integrity risk through private tutoring depends on the subject they teach. In 2015/16, some 46% of the students who attended private tutoring classes in world history did so with their classroom teachers, followed by those who had extra lessons in geography (33.2%) and those numerous ones who took classes in Ukrainian language and literature (29.4%) (Table 5.4).

Table 5.4. **Private tutoring by classroom teachers and teachers from the same school, by subject tutored (2016)**

Subject	Tutoring by student's own classroom teacher (%)	Turoring by a different teacher from the same school (%)
World history	45.9	11.7
Geography	33.2	4.5
Ukrainian language and literature	29.4	7.8
History of Ukraine	26.6	9.4
Biology	26.1	6.9
Physics	25.4	5.3
Mathematics	23.5	8.8
Chemistry	22.7	20.6
English language	19.3	7.4
German language	0	0
Russian language	0	0
French language	0	0

Source: Civic Network Opora (2016), Опитування: Як ставляться до зовнішнього незалежного оцінювання його учасники? [Survey: What Do the EIT Participants Think about the EIT], *www.oporaua.org/novyny/42752-opytuvannia-yak-stavliatsia-do-zovnishnoho-nezalezhnoho-otsiniuvannia-ioho-uchasnyky*.

The recipients of private tutoring are not representative of Ukrainian students. Rather, research into the demand side of private tutoring in Ukraine reveals that students from more affluent backgrounds are more likely to obtain private tutoring than students from less well-off families (Borodchuk, 2011). This is consistent with findings from other countries, where students from richer households are more likely to attend tutoring classes than those who come from more modest backgrounds (Dang and Rogers, 2008; Borodchuk, 2011).

B. Factors that create opportunities for the violation

Absence of regulations against conflict-of-interest forms of private tutoring

Countries commonly introduce provisions that regulate external professional engagements of civil servants and public employees to ensure that conflicts of interest do not arise. If these rules were applied to teachers, they would prohibit them from teaching their own students after school for a fee (Bray, 2009). In Ukraine, however, private tutoring is an unregulated domain. There are no laws against it or in its favour, no differentiation between permissible or undesired types of tutoring, and no limitations to the conditions under which teachers can provide this service and to whom. The rights and obligations of school teachers do not prohibit them from providing paid tutoring services to students from their class.

This situation is part of a broader challenge with the scope of conflict-of-interest regulations in Ukraine, which exclude certain categories of employees in the public sector. Whether employed as civil servants, public officials or public employees (as is the case in Ukraine), teachers in public education are entrusted with "public duties on behalf of the State" (OECD, 2005) and are expected by the public to perform them without taking undue advantage of their position.

A recent report from the third round of monitoring of Ukraine under the Istanbul Anti-Corruption Action Plan, conducted in 2014 by the Anti-Corruption Network for Eastern Europe and Central Asia of the OECD, concluded that the definition and mechanism to resolve conflict of interest in Ukraine was greatly improved through adoption of the new legal framework for prevention of corruption (OECD, 2015). The report also acknowledged that an institutional mechanism for enforcement of conflict of interest rules was also put in place: according to the new Law on Prevention of Corruption (Article 11), the National Agency for Prevention of Corruption is responsible for monitoring and control over implementation of legislation on ethical behaviour, the prevention and settlement of conflicts of interest in the activities of persons authorised to perform the functions of the state or local self-government *and persons equated to them*.

Unfortunately, these positive legislative and institutional developments address potential conflict of interest issues only of persons holding administrative management positions in public educational establishments, and cannot be applied to other public employees, including regular teachers in Ukraine.

Box 5.1. **Conflict of interest in the public domain: key international standards and recommendations**

In discussions of conflict of interest and its prevention in the public sector, the OECD too applies the term "public official" generically to any kind of official who performs public functions.

Public officials have been entrusted with power to carry out actions and decisions in the public interest. But they are also human beings, with legitimate private interests. It is not only natural that public officials will happen to be in situations where their private interests conflict with the public interest. At the same time citizens have, rightly, expectations of impartiality of public officials and of those who carry out public functions and services. This underscores the importance of avoiding even situations in which there is an apparent conflict of interest.

Various international organisations, including the OECD, have been working on this issue and have agreed that a situation of conflict of interest is indeed a risk, and as such it must be adequately managed. The last 15 years have seen attempts by the Council of Europe, the United Nations and the OECD to define what constitutes conflict of interest and how it should be properly managed.

Article 8 of the Council of Europe Model Code of Conduct for Public Officials (Committee of Ministers Recommendation No. R (2000) 10) states that the public official should not allow his or her private interest to conflict with his or her public position, and that it is his or her responsibility to avoid such conflicts of interest, whether real, potential or apparent.

OECD Guidelines for Managing Conflict of Interest in the Public Service, approved by the OECD Council in 2003, defines a conflict of interest as a "conflict between the public duty and private interest of public officials, in which public officials have private-capacity interests which could improperly influence the performance of their official duties and responsibilities". The Guidelines also define "an apparent conflict of interest", which exists "where it appears that a public official's private interests could improperly influence the performance of their duties but this is not in fact the case", and "a potential conflict of interest", which arises "where a public official has private interests which are such that a conflict of interest would arise if the official were to become involved in relevant (i.e. conflicting) official responsibilities in the future".

The same standard has been also enshrined in Article 7 of the UN Convention Against Corruption, which requires that "Each State Party shall, in accordance with the fundamental principles of its domestic law, endeavour to adopt, maintain and strengthen systems that promote transparency and prevent conflicts of interest".

Source: Council of Europe (2000), *Recommendation No. R (2000) 10 of the Committee of Ministers to Member States on Codes of Conduct for Public Officials*, *www.coe.int/t/dghl/monitoring/greco/documents/Rec(2000)10_EN.pdf*, OECD (2004), *Managing Conflict of Interest in the Public Service: OECD Guidelines and Country Experiences*, *http://dx.doi.org/10.1787/9789264104938-en*; United Nations (2004), *United Nations Convention against Corruption*, *www.unodc.org/documents/brussels/UN_Convention_Against_Corruption.pdf*.

C. Factors that create incentives for the violation

Parental mistrust in the adequacy of classroom teaching

Parents have no direct exposure to the teaching and learning process at school, and their main source of official feedback about the effectiveness of learning in class are the teachers – through the marks they give and through regular, collective meetings with parents (usually once a month). The absence of more differentiated and structured, formative feedback about student performance leaves room for teachers to control the

messages to parents about the assessment results of their children and the underlying reasons of performance below expectations.

Private supplementary tutoring is motivated, in part, by parental doubts about the effectiveness of instruction provided during regular school hours. In a 2006 survey, some 60% of parents claimed that teachers did not provide enough knowledge to the students during regular class, making it necessary for them to pay for private tutoring (Hrynevych et al., 2006). Doubts about the quality of instruction continue. A 2015 survey indicated that 75% of parents considered the quality of education provided in public secondary schools to be of either low or medium quality (IED, 2015).

This parental attitude towards tutoring by school teachers was noted during the site visits for this review as well. Parents stated that the tutoring help of school teachers serves an enrichment purpose. They also said that it is needed to compensate for the limited effectiveness of learning in class – because of overpopulated classrooms, overburdened curriculum and the short attention span of their children.

Perceptions of testing and curriculum mismatch

Those who designed the EIT assessment believe it to be well-aligned to the school curriculum. However, parents and students with whom the review team met believe otherwise. They argued that the two are not well aligned, and that private tutoring is needed to prepare for the EIT. EIT takers in 2016 who received tutoring did not feel confident enough to take the test with their knowledge from school and without additional preparation in the form of private supplementary tutoring. Only a quarter of the approximately 750 graduates who took the EIT in 2016 with the help of a tutor and were surveyed on the day of their test felt confident that they would have managed successfully even without additional help. In the view of 45%, private tutoring was a must, and a further 30% were not certain how successful they would have been without tutoring (Civic Network Opora, 2016).

Professionals from several highly regarded HEIs and some teacher training institutes suggested to the review team there is a gap between the EIT and what is taught at school, but that it is not related to a mismatch in content. Rather, it stems from the format of the EIT, which is less familiar to students than other assessment formats. Indeed, it is the first (and last) time in the educational career of students when they experience an assessment in the format of a multiple-choice test, with consequences for their educational career.

That the one-off character of EIT-testing experience is a source of uncertainty was confirmed, in part, by the accounts of students noted during the site visits. Some suggested that much of the tutoring effort is invested in learning how to translate the broad knowledge in the school curriculum - from the diverse ways in which it was transmitted by teachers and in textbooks in the course of schooling - into the EIT "one-size-fits-all" multiple choice format.

Limited remedial assistance provided in school

Remedial teaching and other types of assistance that could reduce the need for private tutoring are absent from schools in Ukraine, or provided in inappropriate ways. Schools typically allocate one period per week per obligatory subject for remedial courses. In principle, students can come to ask questions about the lectures and obtain supplementary explanation of course materials. Parents noted that the question-and-answer format of these classes can intimidate children and make them reluctant to show their knowledge gaps, especially if the teacher-student communication is authoritarian or "dictatorial". In special circumstances, typically when children have been sick, teachers can provide additional

tuition of 20 to 30 minutes for extra help after the class. In case this is not enough, the usual practice is that the student is encouraged to seek private tutoring. Furthermore, the remedial classes are set in the school timetable but outside regular time when students may be too tired to attend and ask questions.

Financial incentives for teachers to undertake tutoring

When salaries are especially low, teachers often take on additional work – including private tutoring (UNESCO, 2015). In Ukraine, low teacher salaries can be an important source of incentives for education professionals to engage in additional income-generating activities, such as private supplementary tutoring. This is particularly true for teachers whose contracted workload is less than a full working week, who do not receive additional compensation for other (e.g. administrative) obligations in the school, and whose subject is in demand for private tutoring because it is part of the EIT.

To illustrate the strength of incentives for teachers to undertake private tutoring, Table 5.5 shows the potential monthly income of a mid-career teacher (professional category 1 or 15 years of experience) who teaches one standard workload, who receives only a statutory salary (without supplemental payments for extra work) and who tutors three students per month. It also compares teacher income to earnings of workers with a comparable level of qualifications. A category 1 statutory salary of UAH 2 334 without private tutoring is well below the average wage in the public sector, below the average household income and well below the income of tertiary education graduates employed in other sectors of the economy. Providing private tutoring to three students at the average rate of UAH 1 024, the monthly cost of tutoring reported by EIT participants in 2016 (Civic Network Opora, 2016), can boost teacher income to levels considerably closer to the average household income of professional, scientific and technical professions.

Table 5.5. **Potential monthly income of mid-career teachers providing private tutoring**

Description	UAH (current prices)
Theoretical monthly income of a mid-career teacher who tutors	**5 946**
Of which:	
Statutory salary (mid-career, category 1)	*2 334*
Average cost of private tutoring per month (3 students x UAH 1 204 per month)	*3 612*
Average monthly income of workers with tertiary education	**6 952**
Of which:	
Finance and insurance	9 858
Professional, scientific and technical professions	7 291
Civil service, including defence	5 134
Industry	5 524
Average household income in 2015	**5 232**

Note: Reference year for average monthly income of workers with tertiary education: January-June 2016. Reference year for average monthly cost of private tutoring: 2016; Reference year for salaries of teachers: 2016.

Source: Data on average monthly cost of private tutoring provided by survey respondents in 2016: Civic Network Opora (2016), Опитування: Як ставляться до зовнішнього незалежного оцінювання його учасники? [Survey: What Do the EIT Participants Think about the EIT], *www.oporaua.org/novyny/42752-opytuvannia-yak-stavliatsia-do-zovnishnoho-nezalezhnoho-otsiniuvannia-ioho-uchasnyky*); all other data: Decree of the Cabinet of Ministers of Ukraine No. 102 of 15 April 1993, with amendments; Decree of the Cabinet of Ministers of Ukraine No. 1298 of 30 August 2002; Decree of the Cabinet of Ministers of Ukraine No. 288 of 6 April 2016; SSSU (2016a), *National Education Accounts of Ukraine*, State Statistics Service of Ukraine, Kyiv); SSSU (2016b), *Expenditure and Resources of Households in Ukraine: 4th Quarter of 2015*, *https://ukrstat.org/uk/druk/publicat/kat_u/2016/bl/05/bl_vrdu15_pdf.zip*).

D. Policy options

It is neither feasible nor necessary to abolish private supplementary tutoring. However, there are several measures that could reduce its frequency, and reduce the likelihood that conflicts of interest arise from teachers providing private tutoring to their classroom students. The measures that could do so are well known and have been put forward in the past. In 2006 a study concluded that the Ukrainian government had "taken a laissez-faire approach" towards private supplementary tutoring and that although "private tutoring is here to stay in Ukraine", "given the multitude of adverse effects of private tutoring in the Ukrainian context, it is no longer possible to ignore the tutoring phenomenon" and it urged instead a more proactive approach (Hrynevych et al., 2006). Specifically, the study recommended a mixed approach combining awareness raising, external testing, increased teacher salaries, improved quality of teaching in school, additional time in school for exam preparation, and support for the establishment of regulated institutions specialised in private tutoring (Hrynevych et al., 2006). One decade later these remain sound policy options.

Tackling the conflict-of-interest type of private tutoring discussed in this chapter would require a targeted approach. In other countries where it has been (and still is) an issue, it is addressed in two complementary ways: through regulating provision (including increasing transparency) and by decreasing demand.

Closing the opportunities for malpractice

Prohibit private supplementary tutoring by teachers to their own students

Conflict-of-interest regulations should be expanded to include all education professionals – including teachers. This could be done by expanding the applicability of provisions in the Law on Prevention of Corruption to public employees in education, in particular teachers, or by embedding conflict-of-interest provisions in the future revisions of the Law on Education and the Law on General Secondary Education, and reiterating them in the planned Education Worker's Code of Ethics.

Effectively managing conflict of interest requires establishing the right balance. A too-strict approach to controlling private interests may conflict with other rights, be unworkable or deter experienced and competent potential candidates from entering the public service. Regarding teachers and private tutoring, it would be advisable to follow the OECD's overall approach to the prevention of potential conflicts of interests, This is done by: (1) identifying risks that can create conflicts of interest; (2) reaching out to professionals at risk and other stakeholders to raise awareness about the circumstances in which conflicts can arise; (3) prohibiting the exercise of activities and entertainment of relationships that could be seen as interfering with the fulfilment of the professional obligations of teachers; and (4) ensuring effective procedures to resolve conflict of interest situations.

Studies show that a differentiated approach to regulating private tutoring achieves better results than a total ban, which is neither necessary nor feasible (Dang and Rogers, 2008). Instead, the review recommends a public examination of how to regulate tutoring and which forms should be defined as illegal, and advises that one prohibited form be the conflict-of-interest type of tutoring. Analysis of legal frameworks focusing on private tutoring in six countries in Europe and Asia holds some policy options that may be helpful

for the authorities in Ukraine. For example, Lithuania has integrated a regulation on private supplementary tutoring in its primary legislation, in the 2003 Law on Education which:

- provides a comprehensive definition of a private tutor (described as a 'freelance teacher')
- sets detailed registration procedures
- determines the obligations for private tutors, including observation of teacher ethics, learners' safety, and an appropriate location for tutoring
- allows for some teachers to tutor in mainstream schools, but forbids teachers to tutor their own students (Bray, 2009).

Box 5.2. **Options for regulating private supplementary tutoring**

Different types of regulations are necessary for different types of actors in the tutoring industry. Among those actors are teachers in regular schools who also provide, or wish to provide, supplementary tutoring. Based on an overview of approaches to regulating the role of teachers in private supplementary tutoring in a number of countries with a tradition of private supplementary tutoring, Bray and Kwo distinguish between four basic scenarios with reference to provision of tutoring by teachers who are already employed in schools:

Prohibition. Teachers may be prohibited from providing private tutoring to their own students, other students in their schools and/or students from other schools. Examples of countries that have opted for this scenario are Korea and Japan.

Discouragement. Practices may be governed by codes of ethics rather than by regulations, with strong signals that teachers should not undertake private tutoring (e.g. Georgia, People's Republic of China (hereafter China)).

Permission if approved. Permission may be granted at the school level or by the wider education authorities, on a range of conditions (e.g. Singapore).

Laissez faire. The school and education authorities do not have policies on the matter, leaving decisions to the teachers themselves and to their clients (e.g. Hong Kong, China, Macau, China, the Philippines and Thailand).

Source: Bray, M. and O. Kwo (2014), "Regulating private tutoring for public good: Policy options for supplementary education in Asia", *CERC Monograph Series in Comparative and International Education and Development*, No. 9, Comparative Education Research Centre, Hong Kong.

Regulating tutoring in this way is not a "quick fix" and will require the definition of administrative consequences for non-compliance, e.g. professional downgrading, fines or dismissal, as well as persistence in developing a culture of compliance, and capacity for its monitoring and enforcement by schools and education authorities. It will also be important to combine these measures with efforts to reducing incentives of all sides involved for engaging in private supplementary tutoring, as discussed in the next section. Specifically, the review team recommended that a code of ethics or primary education legislation include:

- a comprehensive definition of a private tutor
- the development of a simple, web-based registration process for private tutors
- requirements concerning the obligations for private tutors, including observation of teacher ethics, learners' safety, and an appropriate location for tutoring

- provisions that forbid teachers from tutoring their own students, while authorising them to tutor students attending other schools, students they previously taught, and others for whom no conflict of interest exists
- a process that permits local education authorities to be notified of non-compliance and penalties associated with non-compliance (e.g. loss of supplementary activities or rank).

In addition to this, public awareness measures should be introduced to communicate about the new rules on private supplementary tutoring to teachers' own students, to inform all stakeholders who can be impacted by new rules.

Eliminating the incentives for malpractice

Strengthen confidence in the ability of students to take the EIT through regular schooling

Demand for private tutoring in Ukraine is stimulated by the conviction of parents and students that the EIT cannot be mastered without supplementary preparation. Similar views are common in other education systems with a strong tradition of out-of-school preparation for external tests, in particular in Asia (Bray and Lykins, 2012). Without underestimating the complexity and requirements of the EIT, the review team advises taking steps to strengthen family confidence in the ability of students to master the test through regular schooling.

First, steps should be taken to address the perceptions of mismatch between the EIT and the school curriculum. Parents and students expressed to the review team that what is taught and required at school is not closely aligned to the EIT. This view was not shared by EIT developers. However, these parental perceptions matter, since they underpin demand for additional tutoring.

To that end, the Centre for Education Quality Assessment (CEQA) should ensure that regular and publicly observable efforts are in place to safeguard the alignment of the EIT with the content of schooling, and communicate the results of these efforts to the public. This will help counter the perception of gaps that call for "mending" through private tutoring. This recommendation is particularly important in the light of school reforms in Ukraine started after the Euromaidan Revolution of 2014, which might lead to changes in the curriculum.

Second, teachers should be encouraged to use elements of multiple-choice testing in their regular classroom assessments throughout all years of schooling. This will require careful planning and long-term supporting measures, such as the creation by the CEQA of a publicly accessible database of testing items for teachers to draw from, training of teachers in the EIT-like assessment techniques, and the use of results for formative purposes. In the long run, these measures will help students to familiarise themselves with the format of tests such as the EIT in the course of their regular schooling without forcing them to "learn for the test".

Finally, school principals and teachers should strongly encourage students to take advantage of publicly-provided opportunities to prepare for the EIT. These include web-based practice versions of the EIT test, and a trial EIT offered by the CEQA. This will help students to familiarise themselves with multiple choice-based test formats early on, and develop and test their skills.

Focus on the working conditions of teachers and evaluate the need for change in their compensation

The review team acknowledges the potential of higher wages to reduce incentives for malpractice, including those for private tutoring that leads to conflict of interest, but it also suggests the MoES exercise caution before deciding on across-the-board salary increases. Without a proper evaluation of the working conditions of teachers and determining their actual level of income, higher salaries could become a costly and unsustainable solution with little effect on tutoring practices.

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ANNEX 5.A1

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Chapter 6

Corrupt influence in textbook procurement in Ukraine

This chapter scrutinises recent reforms in textbook procurement and examines shortcomings which expose the procurement process to the risk of corrupt influence. It identifies weaknesses in recent reforms to the textbook acquisition process that have permitted continued integrity breaches, such as publicising the names of those chosen to evaluate textbooks, exposing them to influence by textbook publishers and authors. Reducing opportunities and incentives for corrupt influence in textbook acquisition can be achieved through improvements to the confidentiality and conflict of interest regulations that govern expert staff in screening textbooks for review, and by providing improved guidance and support to teachers who choose among texts, including dedicated review time and simplified options from which to choose.

Regulatory and policy background

The adoption of new state standards for primary and secondary education in 2011 (Annex 6.A1, ref. 1) triggered changes to curriculum and study plans, and required the gradual acquisition of new textbooks for all compulsory subjects in all years of primary and secondary school. After three rounds of textbook procurement between 2012 and 2014 and the Euromaidan Revolution of 2014, the textbook tendering process was overhauled in an attempt to eliminate concerns over the quality of textbooks and corruption in their acquisition. The new competition procedures were designed to be more participatory, transparent, and abuse-proof (Annex 6.A1, ref. 2), and much of the handling of documentation and communication was transferred into a public system of electronic management of textbook proposals and evaluation procedures. Nonetheless, the procurement of textbooks in 2014-15 using these new arrangements revealed some important shortcomings in the reform implementation. They prompted the Ministry of Education and Science (MoES) to improve the implementation planning for the 2015-16 edition of the tendering process, in time for the procurement cycle for Year 8. The next sub-sections describe the most up-to-date competition procedures for tendering of textbooks in Ukraine. These procedures were meant to guide the procurement cycle in 2016, and they form the basis for the integrity analysis in this chapter.

Summary of the competitive process for textbook acquisition

Since 2015, public procurement in Ukraine is being gradually transferred to a centralised, electronic system (*ProZorro*) to simplify the procurement procedures and make the procurement process more transparent and resistant to abuse (Annex 6.A1, ref. 3). The procurement reform covers all public sectors, including education, but it does not include the procurement of school textbooks. The procurement of textbooks follows a separate set of rules and has its own trajectory of improvement, with specific challenges.

There are three main stages of a typical procurement process: pre-tendering, which includes assessment of needs, planning and preparation for tendering process; the tender itself, including announcement, evaluation and award; and post-tendering (post-award), the stage at which the contract with the supplier is managed, the order is placed and the payment for the services is processed (OECD, 2009).

These stages describe the competitive process of procuring textbooks in Ukraine as well, which takes place in two phases. In the first phase, publishers are invited to submit an electronic version of their textbook proposals to the MoES for evaluation. The proposals, which must be provided in paste-up layout, are uploaded in an online, publicly accessible Repository. This requirement of paste-up layout is traditional for state procurement for textbooks but tends to be burdensome for independent authors and small publishers who cannot afford to risk money in advance of procurement for layout and illustrations. The MoES charges external teams of experts with the evaluation of the drafts in the Repository and provides a seal of approval to those that correspond to all content and layout-related requirements. In the second phase, teachers are invited to log into the Repository, evaluate the approved textbook proposals and select one per subject for their school. Through its

regional education departments, the MoES collects these orders and funds the printing and delivery of the selected textbooks, sharing half of the financial burden with the local authorities (cities and *rayons*) (Annex 6.A1, ref. 4). Table 6.1 shows an overview of these key steps.

Table 6.1. **Key stages in the competition for textbook procurement in Ukraine (2016)**

Procurement stage	Textbook procurement	Description
Pre-tendering	Phase I	– Announcing a tender – Setting up competition commissions for each subject – Setting up an appeals commission – Setting up evaluation teams and defining evaluation requirements – Preparation of supporting materials for evaluators and tender participants
Tendering	Phase I and II	– Invitation to tender – Collection of textbook proposals – Evaluation of textbook proposals by experts – Evaluation of approved proposals by teachers – Choice of textbooks by teachers (award)
Post-award	Phase II	– Collection of orders – Order of textbooks and print – Delivery

Source: Orders of the Ministry of Education and Science of Ukraine No. 1359; No. 9; No. 12; and No. 5.

Procedural details and distribution of responsibilities

Pre-selection – preparation

The textbook procurement competitions are initiated and announced by the MoES. Before bidders (publishers) can submit their textbook proposals, the MoES, together with the Institute for Modernisation of the Content of Education (Institute), a body under the MoES authority, issues a list of subjects and names of textbooks that need to be procured for the year. Together with the Academy of Sciences (Academy), a self-governing state research body, the MoES develops the official text of the tender to be published, and jointly with the Institute it prepares methodical-instructional materials that will guide the evaluation of textbooks. All materials must be published on the website of the MoES (Annex 6.A1, ref. 4).

In parallel, the Institute compiles a pool with names of individuals who are willing and able to participate in evaluating the initial textbook proposals. These individuals can be proposed by the MoES, the Academy of Sciences, the Academy of Pedagogical Sciences, and civil society organisations. Each evaluator can evaluate a maximum of two textbook proposals, and each proposal is evaluated by not more than one team comprising two evaluators. The names of experts appointed as evaluators are published on the website of the MoES. The evaluation teams for each textbook proposal are set up by the MoES ahead of the evaluation, and must consist of one teacher, one methodology supervisor and one scientist.

To avoid conflict of interest, the new procurement regulations prohibit employees of the MoES, the Institute for Modernisation of Educational Content, authors/co-authors, and publishers or staff working in the publishing houses submitting the proposals, to participate as evaluators. If an evaluator discovers his/her assignment to a textbook proposal prepared by a bidder with whom there is an affiliation, he/she must, in written form, declare it as a conflict of interest within three days (Annex 6.A1, ref. 5).

Before they can start evaluating, the evaluators must undergo training and receive guidance from the Institute in the form of methodological materials and tools. In 2015, these tools included 14 criteria for evaluating the layout and content of textbooks (Annex 6.A1, ref. 5). In 2016, the criteria were organised in three groups: relevance to the curriculum; relevance to the aims and tasks of education; and criteria to analyse the structural elements of the textbook, such as age-appropriateness of illustrations and text, methodological soundness and gender sensitivity. Further improvements proposed in 2016 stipulated that the evaluation should also verify that the textbook proposals are not discriminatory. The MoES and the Institute are responsible also for the development of methodical-instructional materials to help teachers select their textbooks from the electronic Repository.

Finally, the Institute is responsible for setting up Competition Commissions for each subject, an Appeals Commission, verifying the technical readiness of the electronic systems, assuring the completeness of methodical-instructional materials that will guide the work of the evaluators, and for training evaluators of textbook proposals.

After these preparatory steps are completed, the authors of textbooks are invited to submit their proposals, together with a description of their draft and a full list of people involved in the preparation and submission. The drafts are uploaded in the Repository and remain publicly accessible throughout the process.

Phase I – evaluation

The experts must present the results of their evaluation in the form of a report. The evaluation reports do not have a predefined structure, but they must be detailed, assess the textbook proposals against predefined criteria and conclude with a judgment about the textbook proposal (approved/not approved). Starting from 2016, evaluators are also obliged to provide recommendations on how to improve the textbook proposals that they assess (Annex 6.A1, ref. 4). The evaluation reports must also be certified by the head of the institution where the evaluator is employed. When all evaluation reports are collected, the Institute processes the results and uploads the approved textbooks for schools to choose from in the next phase of tendering.

Phase II – first round (award)

The teachers of subjects and years covered in the tender are given an opportunity to become acquainted with the approved textbook proposals, consult with their colleagues and agree on the choice of textbooks. Their recommendations are communicated to the principal of their school, who fills out a textbook order form in which they indicate which of the approved textbooks in the Repository they wish to order. By selecting a textbook, teachers in practice decide which bidder will be awarded a contract, which is a central decision in the procurement process (OECD, 2009).

Phase II – second round (contracting)

In the second round of Phase II, the textbook order forms are submitted to the city or *rayon* education departments responsible for the school. The orders are then sent to the Institute, which passes them on to the MoES for the post-award phase, which includes the printing and distribution of the textbooks. The choices of schools are posted on the Repository website.

The special role of competition commissions

The national Competition Commissions are established for each subject or subject area covered to monitor compliance with the rules of the tendering process. The tasks of the Commissions include: verifying that the evaluation experts have submitted their evaluation according to the rules; summarising the evaluation results; and preparing the justification for approval or rejection of the textbook proposal. The Commissions also review the aggregate orders received from the schools through the city and *rayon* education departments and assess which ones are ordered in sufficient quantities (over 2 000 copies) for print. The size of the order is the only criterion that is taken into consideration; otherwise they are obliged to follow the choices of schools, no matter how diverse these might be. Books ordered below the threshold of 2 000 are not procured at public expense, but parents are free to purchase them privately (Annex 6.A1, ref. 4).[1] The work and decisions of the Commission are documented in protocols, which are published on the website of the MoES.

Opportunity to appeal

The Institute for the Modernisation of Content of Education is also responsible for setting up an Appeals Commission. The decisions of this Commission are public and its members are bound by conflict of interest regulations – they cannot be members of the evaluation teams or in any way affiliated with the bidders submitting the textbook proposals. In Phase I of the textbook competition, participants can appeal after the publication of assessment results. The Commission then decides whether there are sufficient grounds to consider the appeal or not. The Commission must take a decision within a day from the submission of a complaint. In case of infringement of rules and procedures, the tender procedure can be cancelled.

A. Description of integrity risk and violation

Public procurement is among the government activities most vulnerable to fraud and corruption (OECD, 2009). A recent anti-corruption monitoring report on Ukraine notes that between 2010 and 2014, about 75% of funds allocated for procurement in that country have been defrauded (UNIAN Information Agency, 2014; OECD, 2015).

The procurement of textbooks is a sector-specific form of public purchase, but it is exposed to similar integrity risks like procurement in other domains of the public sector. In Ukraine it was plagued by irregularities as well. In 2014, the National Accounting Chamber concluded that about 35% of the additional cost of textbook procurement in 2013/14, or UAH 26.8 million, was used inefficiently because the MoES allowed single source procurement (contracts awarded without competition), and failed to safeguard the quality of textbooks and competitive nature of tendering. Other irregularities reported by news organisations included exclusion of qualified bidders by preventing their manuscripts from participating in tenders, problems with the quality of textbook content, inflated prices, and bid rigging in view of awarding contracts to publishing companies close to those in charge of the textbook procurement process.

To make the tendering process more abuse-resistant and restore trust in its outcomes, one of the early actions of the new government in 2014 was to introduce the procurement rules described in the introductory section of this chapter. They were first applied in 2015 for the procurement of textbooks for Years 4 and 7 and revealed weaknesses at the tendering stage of procurement, which affected the integrity of procurement at the stages of textbook evaluation and of selection of textbooks by teachers. The weaknesses put these two key stages of tendering at risk of corrupt influence, and require attention, as described in the next sub-sections.

Risk of corrupt influence on expert evaluators in procurement phase I

Corrupt influence can be manifested in different ways, including qualifying an unqualified bidder, improper contract awards, paying too much or buying inappropriate items, or accepting low quality or non-compliant goods and services, etc. (Kramer, 2012). The evaluation of bids is considered a particularly vulnerable step in the procurement process (OECD, 2007a).

Official statements by the MoES and media reports indicate that problems arose with the process of textbook evaluation during the 2015 procurement. The selection of evaluators and the quality of their judgments led to results that left the door open to public speculations about incompetence and corrupt influence. The Competition Commissions determined that many positive evaluations by experts were not properly justified. Furthermore, only about 10% of more than 180 textbook proposals were proposed for rejection, which the MoES interpreted as a sign that the evaluation had effectively failed its task of screening the proposals. In 2016 only 22 of 199 proposals (11%) were rejected. In an official statement, the ministry acknowledged the failure of the evaluation component of the procurement campaign in 2015 and pointed out that it was due to the unprofessional behaviour of evaluators: "Despite … maximum transparency during the competition, there was a manifest problem with the expert evaluations. Parts of the evaluations were both unfair and unprofessional…" (MoES, 2015a).

This is an important failure for a reform project that - judging by the supporting materials and legislation - was otherwise carefully planned and regulated. It points towards possible difficulties of ensuring that the evaluators – one of two key groups of players in the new textbook procurement cycle - are of good quality and not susceptible to outside influence.

The problems experienced in the selection process arose, in part, from the design of the process itself. The names of evaluators selected for each subject are made public ahead of the evaluation. This put them at risk of influence by textbook publishers and authors, who could identify who the evaluators of their textbook draft are and try to influence their decisions. Some of the education professionals whom the review team met were textbook authors and publishers, and they suggested that in 2015, publishing houses, especially bigger ones with means and good networks, might have done just that. In the words of one lecturer who is also an author of textbooks in mathematics: "Some publishers were trying to influence in favour of their books, especially those evaluators who were teachers".

Risk of corrupt influence on teachers in procurement phase II

The newly introduced responsibility of teachers for the selection of textbooks to be procured created another source of integrity risk. The new regulations stipulated that teachers were to be the main actors at this stage of tendering, while the role of school principals and regional education authorities in the textbook selection is limited to safeguarding compliance with selection procedures.

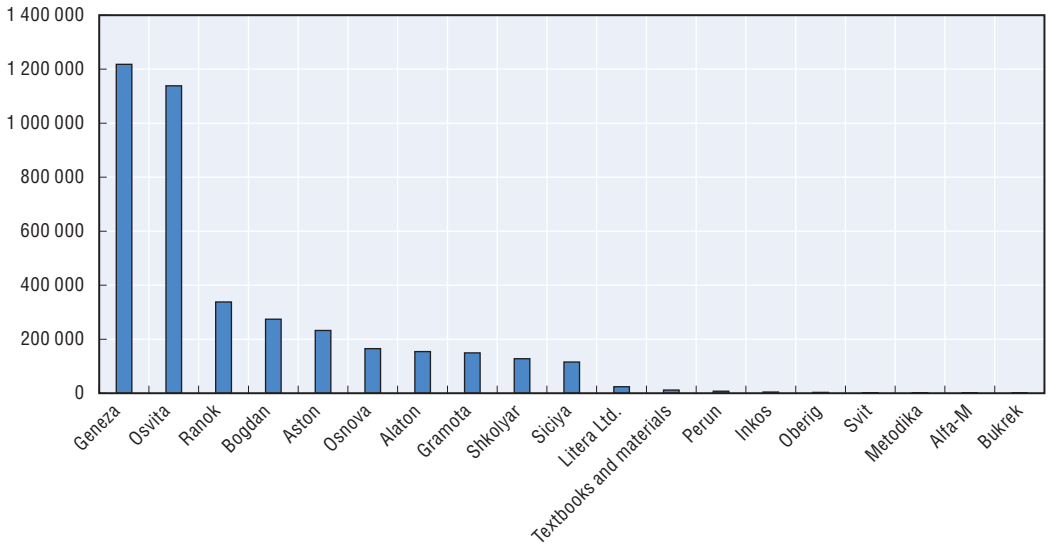
Award decisions are key decisions of procurement that have consequences for the overall fairness of the procurement process (OECD, 2009). They are also an area of multiple risks of corruption which emerge at the stage of evaluation and manifest themselves in the

results of the approval and award decisions (OECD, 2007a). The integrity and transparency of decisions at this stage requires proper documentation, but also knowledge, diligence, good criteria for the selection and - most importantly - impartiality.

The site visits for this review included discussions with numerous teachers, in their schools and in teacher training institutes. Some of them admitted to having relied on the opinions and suggestions of third parties in making their choices, including city and *rayon* education authorities and their methodologists, senior teachers or the principal of their school. In practice, they delegated the responsibility of contract award decision.

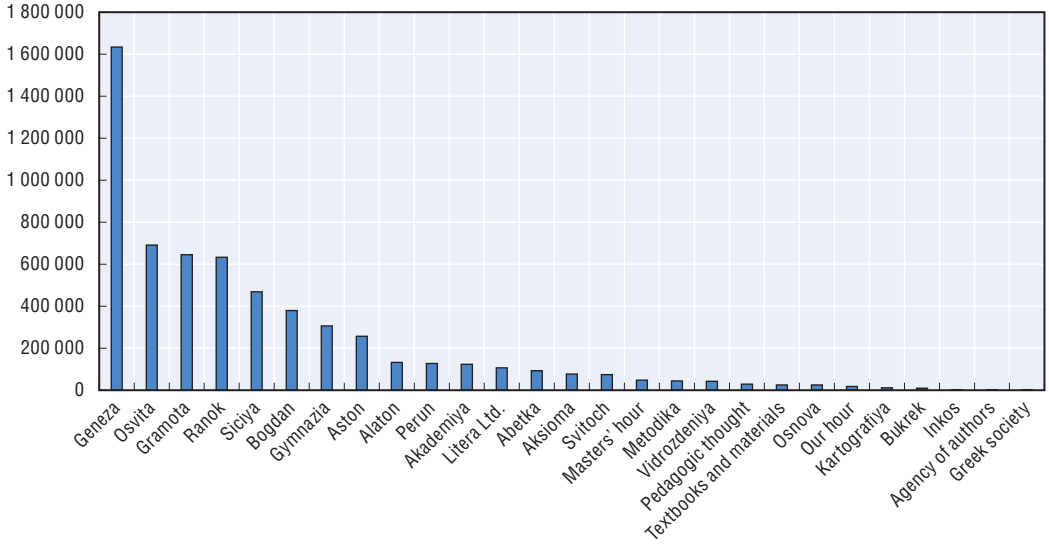
For bidders who wished to influence the decision of teachers in favour of a textbook, this meant that the tasks of influencing teacher choices could effectively be focused on school principals and education authorities. In the words of a person who was closely involved in the textbook procurement process, "Publishers reached out to the schools and promised textbook discounts, and tried to exert influence on the methodologists in the education departments, who in turn advise the teachers". In 2015, decisions under the new *reformed* process continued to favour the two publishing companies that dominated the market between 2011 and 2014 (Figures 6.1 and 6.2), and which were involved in irregularities criticised by the Accounting Chamber. Some of these irregularities, such as sub-standard quality of textbooks, were decried in 2014 by teachers themselves. Aware of such practices, in 2016 the MoES through its textbook Repository portal published a warning against lobbying by parties not participating in the selection process, for the choice of particular textbooks. The warning reminded participants that it is illegal, and warned against the circulation of lists with recommended textbooks to choose from.

Figure 6.1. **Total number of textbooks ordered for Year 4 in schools with Ukrainian language, by publisher (2015)**



Source: MoES (2015b), Результати конкурсного відбору підручників для учнів 4 та 7 класів загальноосвітніх навчальних закладів станом на 13 травня 2015 року [Results of the Competitive Selection of Textbooks for Students in Years 4 and 7 of Secondary Schools as of May 13, 2015], *http://mon.gov.ua/usi-novivni/povidomlennya/2015/06/12/rezultati-konkursnogo-vidboru/*.

Figure 6.2. **Total number of textbooks ordered for Year 7 in schools with Ukrainian language, by publisher (2015)**



Source: MoES (2015b), Результати конкурсного відбору підручників для учнів 4 та 7 класів загальноосвітніх навчальних закладів станом на 13 травня 2015 року [Results of the Competitive Selection of Textbooks for Students in Years 4 and 7 of Secondary Schools as of May 13, 2015], *http://mon.gov.ua/usi-novivni/povidomlennya/2015/06/12/rezultati-konkursnogo-vidboru/*.

B. Factors that create opportunities for the violation

Deficient provisions on confidentiality and conflict of interest

The desire of regulators to make each step in the textbook procurement process as transparent and participatory as possible is commendable. However, some provisions may have done more harm than good. Specifically, the publication of names of evaluators ahead of the evaluation of textbook proposals opened an opportunity for bidders to identify the evaluators of their textbooks, providing them an opportunity to influence the evaluation process.

A related shortcoming that reinforced opportunity for corrupt influence was the failure of regulations (Annex 6.A1, refs. 4 and 6) guiding this stage of procurement to make the disclosure of conflict of interest mandatory. Conflict of interest regulations required evaluators to declare conflicts of interest present at the time when evaluators were nominated. This excluded conflict of interest situations that might have emerged at a later stage, for instance as a result of experts becoming affiliated with a bidder in the course of evaluation of a textbook proposal. The regulations also failed to establish the liability of evaluators who chose to become influenced by publishers and did not clarify who was responsible for declaring the conflict of interest.

Limited guarantees of independence for teachers selecting the textbooks

The role that the new regulations have given to teachers in the textbook procurement process provides them with the opportunity to select the textbook option that is best for them, which promotes diversity and the relevance of teaching materials (Erickson and Formalont, 1979; Watts-Taffe, 2006).

Box 6.1. **The United States' experience with rules on disclosure of conflict of interest**

Amendments were introduced to the US procurement legislation following scandals involving intermediaries and consultant companies that were paid to obtain proprietary information on contracts. Participants in the procurement process must now:

1. Certify that they have no knowledge of or did not improperly release procurement information.
2. Attend training sessions and certify attendance of those sessions.
3. Provide financial disclosure requirements (to rule out conflict of interest). Since this is a voluntary effort, officials can of course withhold information. Companies must also certify that they did not receive nor solicit procurement information. These steps have been helpful to accredit knowledge and build cases regarding corrupt activities involving the improper release of procurement information.

Source: OECD (2007b), *Bribery in Public Procurement: Methods, Actors and Counter-measures*, *http://dx.doi.org/10.1787/9789264013964-en*.

By involving its teachers in textbook selection, Ukraine is following the example of many OECD countries. Across the OECD, in 2012 close to 65% of 15-year-olds attended schools whose principals reported that they and/or teachers had considerable responsibility for selecting which textbooks are used in the school. In some countries, for instance the Czech Republic, Italy, New Zealand, Sweden and the United Kingdom, that share was well above 90% (OECD, 2013).

However, there are several reasons why teachers in Ukraine find it difficult to act effectively on the role they have been assigned. First, MoES regulations fail to guide the teachers' choices towards independence and impartiality. The supporting materials do not outline what types of co-operation, consultation, and support are permissible for teachers, and which ones represent an integrity risk. Furthermore, the involvement of regional education authorities in the collection and processing of textbook preferences opens an informal channel of influence that can jeopardise the impartiality of teacher choices as well. The paper format of submission, as requested in the latest version of the regulations, adds to this problem. It allows education authorities to identify what textbook a teacher has chosen, and hold him/her accountable for that choice, which might not correspond to their interests, expectations and (informal) agreements.

C. Factors that create incentives for the violation

Choice of textbooks as additional workload

A survey of 499 teachers from 2015 revealed widespread dissatisfaction with the production and content quality of textbooks. Some 54% of the teachers surveyed stated that they are not satisfied with the quality of textbooks they work with, and 42% indicated that the improvement of teaching materials is among the three most significant factors for improving the quality of teaching (IED, 2015).

The choice of new and better textbooks is an important opportunity for teachers to improve their work, at least for those who are dissatisfied with the quality of their teaching materials. Teachers who were willing to share their experience with the new opportunity to select textbooks in 2015 admitted, however, that they were overwhelmed by the amount of

time and effort required to assess textbook proposals and make an informed choice. They reported a wide gap between the time needed and the time they had at their disposal to read through the manuscripts and reach a decision. For Year 7 for instance, in some subjects the number of textbooks to choose from was as high as 18 (Table 6.2). According to a teacher from a group undergoing professional development in one of the cities visited by the review team, reading through textbook drafts can only take place in the time outside of teaching hours, but this time is increasingly limited because of administrative and volunteer work, and rising demand for student consultations.

Table 6.2. **Number of textbook proposals for teachers to choose from in Year 7, by subject (2015)**

Subject	Number of textbook proposals
Ukrainian language and literature	18
Literature	13
Russian	10
English	9
History	9
Geography	9
Physics	9
Chemistry	9
Geometry	8
Algebra	7
Biology	7
History	6
Informatics	5
German	5
Spanish	2

Source: Center for Educational Communications (2015), Репозитарій навчального контенту [Repository of Educational Content], *http://ua.lokando.com/portal/statpage.php?id=common&page=textbooks-2015* (accessed 15 December 2016).

Research and experience show that individuals who must make complex decisions under constraints rely heavily upon shortcuts or heuristics to simplify their decision problem, taking cues from known and trusted sources of advice (Gigerenzer and Todd, 1999; Nevid, 2013). The experience with the failed evaluation stage of the 2015 procurement round shows that there are limits to the amount of time and effort teachers can realistically invest in such tasks in addition to their regular workload and supplementary activities.

The better the quality and more limited the quantity of textbooks approved for procurement, the more likely it is that the teachers themselves - and not substitutes - will be choosing the new textbooks. If time and cognitive burden persists, teachers are likely to informally delegate their responsibility or accept shortcuts in the form of recommendations from outside their school.

D. Policy options

Closing the opportunities for malpractice

Improve confidentiality and conflict of interest regulations

Integrity in public procurement requires that countries balance public access to information and legitimate confidentiality in the submission and evaluation of tenders (OECD, 2009). The publication of names of evaluators prior to completing evaluation of the

textbook proposal is a source of integrity risk, since it creates opportunities for unauthorised contacts and influence. The procurement process should be revised to keep names of evaluators confidential until the evaluation is completed. Evaluators should be publicly associated with the proposals they have evaluated only in case of an appeal.

Furthermore, a mandatory disclosure of conflict of interest among evaluators should be introduced. This will ensure that evaluators remain liable for their affiliations even if these emerge after the nomination, in the course of textbook evaluation. It is also desirable to ensure that there are clearly defined consequences for non-compliance, such as the exclusion of publishers who violate these rules from the tender.

Provide comprehensive guidance on the selection of textbooks by teachers

Since teachers are provided with limited guidance about what counts as permissible or acceptable practice, it would be useful for the Institute to develop (and the MoES to approve) guidance for teachers on the integrity of the textbook selection process, which defines what co-operation, consultation and external support is permissible, and what should not be allowed (e.g. informal lists with "best of" books to choose from), as well as the consequences in case of non-compliance. In addition, the submission of choices by schools should be done in electronic form directly to the central site managing the procurement of textbooks instead of in paper form through the local education authorities. This will help to limit the leverage of local education authorities and the number of potential sources of undue influence.

Eliminating the incentives for engaging in malpractice

Create dedicated teacher time for textbook review

While engaging teachers in textbook selection is, in principle, good practice, teachers must be appropriately supported in meeting this responsibility. To that end, the MoES should expand Phase II of the textbook procurement procedure, by decreeing that the choice of textbooks takes place in the form of a fixed selection period, with a firm starting and ending day. The purpose should be to create dedicated time for the selection of textbooks that does not overlap with the other, regular obligations of teachers and provides them with sufficient time to focus on the important task of selecting their textbooks. Selections could take place once a year until 2019, outside of the time allocated for teaching in class, last longer than was the case so far (for instance, several weeks) and be scheduled to deliver results in time for the timely procurement of the textbooks.

Present teachers with feasible choices

With the help of the Institute for Modernisation of Educational Content, the MoES should invest in improving the effectiveness of evaluation of textbook proposals. They should ensure that the number of approved textbooks from which teachers choose is feasible to cope with within their time and capabilities. This could be achieved for instance by setting a maximum number of textbook proposals per subject that can pass the evaluation process. At the same time, introducing a more differentiated system of evaluation criteria would help to justify the ceiling. The maximum number of proposals per subject should be commensurate with the time that teachers are realistically expected to have during the selection campaign.

Box 6.2. **Aspects of teacher participation in textbook selection in the United States evaluation committees**

In the USA, most of the work of evaluating textbooks is done by evaluation committees. In adoption states and in large school districts, there usually is an effort - at least a purported one - to compose a committee that is representative of the state or district as a whole, although it appears that committees often are homogeneous. Research [...] suggests that ideal committee membership includes teachers who are knowledgeable in the subject matter content and pedagogy, from diverse ethnic backgrounds, and educated and experienced in teaching a wide variety of students. Parent participation on the committee would represent the diversity within the student population.

Compensation

The volunteer status of the committee is not commensurate with what often is an overwhelming task. Providing payment for committee service might enhance the pool of teachers interested in participating and might increase the quality of their participation.

Evaluation criteria

Criteria for evaluation vary widely. Most school districts incorporate a uniform evaluation form, checklist, or rubric, while others allow evaluators to frame their evaluations entirely on their own. Most sets of criteria for evaluation focus on accuracy of content; scope, sequence, and pacing of content; usability for teachers; and alignment with state or district curriculum or testing benchmarks. It is recommendable to use evaluation tools that require more than a checkmark. In some cases, evaluation forms are designed to require reviewers to comment or rate materials on quality. In others, reviewers are checking for the existence of certain characteristics rather than the quality of these characteristics. Forms also vary in level of detail. Some provide general guidelines left to the individual interpretation of committee members, while other forms are more specific. The more powerful tools require the reviewer to rate or write.

Time for preparation and review

Preparing the reviewers to evaluate textbooks effectively is critical. It is not uncommon for evaluation committee members to have no prior experience and receive no formal training. Training should not be limited to an orientation. It also should include a review of the latest research in the subject of study. It is also imperative that sufficient time be provided for the review to enable reviewers to read and evaluate entire units of study. It is better for individual reviewers to evaluate small sections in depth and "planfully" than for reviewers, overwhelmed with the charge of reading several complete texts, to engage in the "flip test". Of course, the ideal is for individuals to read entire texts in a systematic manner.

Source: Watts-Taffe, S. (2006), "Textbook selection and respect for diversity in the United States" in E. Roberts-Schweitzer (ed.), *Promoting Social Cohesion through Education: Case Studies and Tools for Using Textbooks and Curricula*, World Bank, Washington, DC.

Note

1. According to a proposed amendment of the regulations, the threshold shall be raised to 40 000 nationwide orders per book.

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ANNEX 6.A1

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2. Order of the Ministry of Education and Science of Ukraine No. 1149 of 7 October 2014.
3. Law of Ukraine on Public Procurement No. 9 (922-VIII) of 15 December 2015.
4. Order of the Ministry of Education and Science of Ukraine No. 1361 of 25 December 2015.
5. Order of the Ministry of Education and Science of Ukraine No. 9 of 12 January 2015.
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Order of the Ministry of Education and Science of Ukraine No. 1359 of 10 November 2016.

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Order of the Ministry of Education and Science of Ukraine No. 5 of 6 January 2015.

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Chapter 7

Corrupt access to higher education in Ukraine

This chapter focuses on integrity violations that occur as students seek to gain access to graduate and undergraduate programmes in public higher education in Ukraine. It examines integrity violations in access to master's degree programmes, such as bribes and examination fraud, which are enabled by a decentralised admission process that is not guided by policy, open to scrutiny or subject to review. An opaque access to dormitories, based on a wide range of inconsistently used criteria, is a second area of concern.

Students have an incentive to engage in these integrity violations because of the anticipated returns to master's degree programmes, which they believe to be substantial. Teachers and higher education institution (HEI) administrators' incentive to seek informal payments and enrol high numbers of master's students is tied to the prospect of more funding for the HEI, additional personal income and academic prestige.

The chapter recommends consolidating an effective system of higher education quality assurance and designing minimum standards and a unified procedure for admission to graduate programmes. Undergraduate degrees awarded within a quality assurance framework can be joined to external, independent graduate admission tests, which provide a basis for entry that is not prone to abuse. Additionally, it proposes improvements to the process via which dormitory places are allocated.

Regulatory and policy background

The Law of Ukraine on Education states that the citizens of Ukraine have the right to free education in public education institutions (Annex 7.A1, ref. 1), and the Law on Higher Education reiterates that the citizens of Ukraine have the right to be enrolled in public and municipal higher education institutions on the basis of competitive selection, provided it is the first-time degree the applicant is seeking through support from the public budget. The applicants are free in their choice of a higher education institution, mode of study and specialty (Annex 7.A1, ref. 2).

In academic year 2015/16, there were 288 higher education institutions accredited to provide degrees at International Standard Classification for Education (ISCED) levels 5, 6, 7 and 8. Of these institutions, 80 were private, 12 were owned by municipalities and 196 were owned by the state. This network of institutions enrolled approximately 1.4 million students. Just over two-thirds of them (68%) attended regular classes in public HEIs (daytime, in-person classes) (Table 7.1). About half of all students (49%) studied without tuition fees, and the remaining share was enrolled on a fee-paying basis (SSSU, 2016).

Table 7.1. **Number of higher education institutions and students in Ukraine (2015/16)**

	Total	Public - state	Public - local	Private
Number of institutions	288	196	12	80
Student enrolment *of which enrolled in:*	1 375 160	1 234 728	24 537	115 895
Regular classes	938 214	863 675	18 893	55 646
Evening classes	1 964	1 649	-	315
Distance learning	434 982	369 404	5 644	59 934

Source: SSSU (2016), *Основні показники діяльності вищих навчальних закладів України на початок 2015/16 навчального року* [*Key Performance Indicators of Higher Education in Ukraine at the Beginning of the Academic Year 2015/16*], *http://ukrstat.gov.ua/druk/publicat/kat_u/2016/bl/01/BL_VNZ_15_pdf.zip*.

Prospective students have a choice of four degree programmes: junior bachelor, bachelor, master and PhD (Table 7.2). The admission requirements are announced by the Ministry of Education and Science (MoES) annually for the next academic year (Annex 7.A1, ref. 2). Below is an outline of criteria and procedures for access to each level.

Table 7.2. **Degree programmes in higher education in Ukraine, by ISCED level and duration**

Degree programme	ISCED level	Duration
Junior bachelor	ISCED 5	2-3 years
Bachelor	ISCED 6	3-4 years
Master	ISCED 7	1.5-2 years
Doctoral	ISCED 8	4 years

Source: SSSU (2016), *Основні показники діяльності вищих навчальних закладів України на початок 2015/16 навчального року* [*Key Performance Indicators of Higher Education in Ukraine at the Beginning of the Academic Year 2015/16*], *http://ukrstat.gov.ua/druk/publicat/kat_u/2016/bl/01/BL_VNZ_15_pdf.zip; Article 5, Law of Ukraine on Higher Education of 1 July 2014.*

Access to bachelor's programmes

The 2014 Law on Higher Education and 2016 regulations for HEI admission (Annex 7.A1, ref. 3) identify five groups of criteria for admission to bachelor degree (and junior bachelor) programmes (Annex 7.A1, ref. 4):

1. completed secondary education (School Leaving Certificate grade point average [GPA])
2. results of the External Independent Testing (EIT) of knowledge and skills in a selection of subjects
3. results of admission exams for specialties determined to require aptitude and talent (such as sports, arts, architecture)
4. results from national knowledge competitions (Olympiads)
5. membership in a class of applicants who enjoy preferential access.

Criteria 1 and 2 are mandatory for all applicants, regardless of the specialty and HEI to which they apply, except for applicants who enjoy preferential access. Higher education institutions can employ criteria 3 for a narrow selection of specialties, which require additional testing of aptitude and knowledge, such as arts, architecture and sports. The achievement of applicants who are winners of competitions is taken into account through criteria 4, which awards additional points to the overall score of the applicant. Finally, the competitive principle of admission (including the EIT) can be waived for certain categories of applicants who enjoy preferential access, such as military personnel, students with disabilities, victims of the Chernobyl disaster, or other categories defined on the level of the higher education institution, and explicitly for members of the national Olympic teams of Ukraine. Admission for all categories with privileged access is limited to 5% of all study places per year (Annex 7.A1, refs. 5 and 6).

Within limits, higher education institutions are free to determine the relative weight of each admission criterion in the overall admission score of applicants. The weight of EIT results in each subject tested for admission by the higher education institution (of which Ukrainian is obligatory) cannot be less than 20% of the overall score (HEIs are free to determine how many EIT subjects are required for admission); the weight of the School Leaving Certificate (SLC) cannot exceed 10% of the admission score; and the weight of admission examinations for the specialties requiring aptitude and talent cannot be more than 25%, except for architecture and building, and arts and culture, where it can be up to 50%. In 2015, enrolment on bachelor level in architecture/building and arts/culture was only 4% of total enrolment (SSSU, 2016). Criteria 4 may weigh up to 5% of the total admission score (Annex 7.A1, refs. 5 and 6).

The most important element in the admission score are the results of the EIT, which at the time of this integrity review was considered to be the most reliable and abuse-proof form of knowledge assessment in Ukraine (see also Box 7.2). Administered by the Ukrainian Centre for Education Quality Assessment on behalf of the MoES, in 2016 the test was taken by 267 172 school graduates in 12 subjects through a network of 1 100 regional and local testing centres (CEQA, 2016).

When applying to higher education institutions (and registering for the EIT), prospective students must indicate their preferences for institutions and specialties, and list them in order of priority. The chance of being admitted to the desired institution and course of study depends on the admission score of other applicants to the same institution and course. If the admission score is lower than needed, applicants may still qualify for access to their second, third, fourth, or lower choice, or for study on a fee basis.

Access to master's and PhD programmes

Access to master's and PhD programmes depends on the graduation results from the bachelor diploma and entrance examinations, the criteria for which HEIs may set on their own. The heads of higher education institutions are responsible for ensuring objectivity and openness of the admissions process (Annex 7.A1, ref. 5). To promote academic mobility, the regulations (Annex 7.A1, refs. 3 and 5) also stipulate that candidates may come from different higher education institutions and specialties, upon successfully passing additional entrance examinations and under consideration of the bachelor's degree programme grade point average (GPA).

Access to student dormitories

The Law on Education guarantees the rights of students to support infrastructure, such as student dormitories (Annex 7.A1, ref. 7). This right is confirmed also in the Law on Higher Education, which stipulates that students enrolled full-time are eligible for placement in student dormitories and distance students can use dormitories during examinations (Annex 7.A1, ref. 8).

Beyond these stipulations of rights, regulations for admission to student dormitories have not yet been developed and approved. The only regulatory document that concerns access to dormitories, MoES Order No. 1004 of 13 November 2007 "On Approval of Regulations for Student Dormitories", was non-binding and was recently abolished. HEIs are also permitted to charge up to 40% of the minimum student stipend as fees for student dormitories (Annex 7.A1, ref. 9).

A. Description of integrity risk and violation

When corrupt access to higher education programmes occurs, students obtain a higher education place or related advantages to which they are not entitled on merit. The access can be secured through different means, including bribery, fraud, misrepresentation, cheating, exploiting personal connections or other illegitimate means. This might typically involve someone else – often a member of HEI staff - granting the higher education place or related advantages because of financial or other inducements.

A higher proportion of school leavers go to HEI in Ukraine than in most OECD member countries. The gross enrolment ratio in tertiary education in 2012-13 was 79% in Ukraine, compared to 72% in Poland, 60% in France, Germany and the United Kingdom and 57% in Hungary (IED, 2015a).[1] When a recent survey asked parents of Ukraine school children 'Are you planning for your child to study in a higher educational establishment after leaving school?', only 8% of parents said 'No' or 'Probably not' (IED, 2015b).

Table 7.3 shows the number of places at Ukrainian HEIs, the number of state-funded places, and the numbers of students studying, at bachelor's, master's and PhD level respectively, in 2014.

In 2014 there were 1.27 million places nominally available on bachelor's degree courses and 690 000 for master's courses. Some 70% of the available bachelor's places and only 50% of the available master's places were filled. There is no shortage of places for those who are prepared to bear their own study costs and go to any HEI that will admit them. However, many Ukrainian school leavers would find it difficult or impossible to get through a HEI course without financial support. As a result, there is competition for state-funded places at all degree levels. Students admitted to these places have their tuition fees of UAH 6 000 to UAH 12 000 a year paid for by the state. Around 75% of those with state-paid tuition also

receive a small monthly stipend – slightly more than UAH 800 - to maintain themselves while studying. There is also strong competition for entry to the most prestigious HEIs, disciplines and specialties within disciplines.

Table 7.3. **Higher education places and enrolments in Ukraine (2014)**

Description	Bachelor's degree	Master's degree or equivalent
Total number of licensed study places	1 267 751	690 651
Of which state-funded places	*117 868*	*101 447*
Total number enrolled	882 256	346 428
Enrolment in percentage of all places available (%)	70	50
Enrolled in a state-funded place	109 155	99 345
Enrolment in percentage of all state-funded places available (%)	93	98
Total number of bachelor's degree graduates in 2013	328 775	x
State-funded bachelor's degree graduates in 2013	122 125	x

x : not applicable
Note: The figures exclude Crimea and the regions of Luhansk and Donetsk, but all national universities and research institutes formerly in these areas have been moved to areas controlled by the government of Ukraine.
Source: Center for Educational Policies (2014), Інформаційна система «Конкурс» Міністерства освіти і науки України. Вступна кампанія 2014 [Information system "Competition" of the Ministry of Education and Science of Ukraine. Admission Campaign 2014], *www.vstup.info/2014/* (accessed 15 December 2016); SSSU (2015a), *Key Performance Indicators of Higher Education in Ukraine at the Beginning of the Academic Year 2014/15*, State Statistics Service of Ukraine, Kyiv.

Risk of integrity violations in access to bachelor's degrees

Prior to 2008 an estimated one-third of HEI students provided bribes to be admitted to HEI (Osipian, 2009). The Government of Ukraine has made efforts to end this, and for bachelor's degree admissions it has had considerable success. The biggest contributor to that success has been External Independent Testing (EIT), introduced in 2008 as a legal requirement for admission to HEI. Since then, it has won the trust of students and educators alike. In a recent survey of 2 086 EIT takers in 2016, only 6% expressed distrust in the test (Civic Network Opora, 2016).

Breaches of EIT security during testing are very rare, and the scoring of results is considered reliable. Recently the only case of a large-scale breach of test integrity was uncovered. It was a scheme for the manipulation of results after the test, before they were recorded in the EIT database. About 2 000 students had benefited from this scheme since 2008. The discovery triggered a criminal investigation against the former leadership of the Centre for Education Quality Assessment (CEQA), and at the time of this integrity review some of those students have already lost their study places on the state budget (*Censor.net*, 2016).

EIT results are not, however, the only factor taken into account for bachelor's degree entry. One HEI may calculate applicants' composite entry scores in different ways than another, using different factors and giving them different weights. HEIs have applied these rules without independent supervision. In interviews during the site visits, students and representatives of student organisations raised concerns that rules are not always applied fairly and impartially to students.

Concerns were also expressed about the continued use of School Leaving Certificate grade averages in candidates' composite scores for access to bachelor's programmes, which are considerably less trusted than EIT results. A recent report notes that when the overall SLC grade average became an official part of the composite score in 2010 this had a distorting effect on schools' behaviour, inflating SLC grade averages, and annually increasing the number of applicants whose SLC average exceeded their average EIT test score by 50 points or more (Zhiliaev et al., 2015).

Stakeholders with whom the review team met were also worried about special groups that can obtain places in bachelor's degree programmes without needing to pass the EIT. Under the 2014 Law on Higher Education, two groups are exempt from competition altogether. These are: 1) members of Ukraine's national teams who participated in international Olympiads (specified by MoES); and 2) Olympic Games and Paralympic champions and prize-winners (if they are applying for specialties in the field of physical education and sport). According to an order of the MoES of 2015 (No. 1085 of 15 October), some categories of applicants can be admitted on the basis of an oral interview only. The categories include victims of the Chernobyl disaster, victims of the Euromaidan Revolution who have suffered injuries, and veterans of war. Other special groups are given the option of "competition according to the results of preliminary exams… in higher educational institutions". This alternative competition is generally much easier to pass than the EIT, though the numbers of alternative competitors each HEI can accept may be limited by quotas. The special groups include people with illnesses that can make it difficult for them to pass the EIT; orphaned children; and, as stated in the Law of Ukraine on the Status of Veterans of War and Their Social Protection, participants in military actions and those who defended the "independence, sovereignty and territorial integrity of Ukraine" (Annex 7.A1, ref. 10).

The principal integrity risk that arises is that individuals can obtain these privileges by presenting false documentation to support a fraudulent claim to be in one of the special groups. Some interlocutors during the site visits noted that there are documented cases of parents disowning their child several months before HEI enrolment so that he or she can claim the privileges available to an orphan, and that the documentation to prove attestations of illness or disability can be bought.

Risk of integrity violations in access to master's degrees

Most young Ukrainians who received bachelor's degrees in recent years went on to study for master's degrees. The number of those admitted to a state-funded place in a master's programme (99 345) was equal to 81% of the state-funded graduates with a bachelor's degree (122 125) (Table 7.3). While entry into bachelor's degree programmes is based largely on results of external independent testing, entry to master's programmes depends entirely on the decision of the HEI to which the candidate applies.

On several occasions during the interviews for this integrity review participants noted that this is an integrity risk area. Participants in a focus group of master's students from different universities in Kyiv reported that they knew of cases where bachelor's degree GPAs or exam results were misrepresented to secure access to the post-graduate programmes. They also reported that university leadership sometimes offers places on master's programmes as gifts to friends, or as bribes to secure political patronage or favours, such as the support of student leaders.

Such claims are echoed in news articles, some of which describe in detail typical problems around access, such as bribes and examination fraud (Pravda, 2015). In a sign of recognition of the presence of such irregularities, in January 2016 the Cabinet of Ministers of Ukraine issued an order in which it recognised the need to apply the "positive experience" of "overcoming corruption risk" by introducing the External Independent Testing for first time access to higher education, to also "secure transparent access to master's programmes". The order confirmed that the Cabinet accepted a proposal by the MoES to pilot standardised testing for access to master's programmes in law.

Risk of integrity violations in access to student dormitories

The allocation of places in student dormitories was often identified during our site visits as an area where corrupt access is commonplace, in part because it is not regulated – or, if regulated, only at the level of individual institutions. In the 2015 survey of student opinions on corruption in higher education by the Democratic Initiatives Foundation, 6.4% of all students said that they personally had paid a bribe to obtain a dormitory place, up from 5.2% in the 2011 survey (Sydorchuk, 2015). In discussions with the Commission of the Ukrainian Parliament on Science and Education during the site visits for this review, it was also stated that the shortage of dormitory places had been a major problem for decades; that allocation of those places had become a paying business in the 1990s; and that the corruption problems were not yet resolved. Some interviewees during the site visits indicated that irregularities, including bribery and corruption sometimes occurred, displacing the allocation criteria, according to which the HEI allegedly operated. The media and social media contain frequent examples and calls for action against the problems.

Box 7.1. **Corrupt allocation of places in student dormitories, as described by a student representative**

To get and keep a dormitory place at one HEI, students have to pay substantial bribes to the dormitory manager. The dormitory manager rents his/her position from the administration of the HEI, which receives a share of the bribes he/she receives from students. The students' union has an oversight role, but does nothing about the corrupt payments because the student union leaders are also involved in the corruption, receiving permanent rooms in the dormitory as their reward. Dormitory placeholders who refuse to pay bribes, or try to stop doing so, are penalised: their room is reallocated to someone else, they are made to move to a worse room, or they are required to move out of the dormitory for a temporary reason, like room redecoration, which turns into permanent exclusion.

Source: Interview led by the OECD integrity review team.

Access to prestigious or high-earning specialisations

Another access-related area where malpractice can still flourish is the allocation of specialties, or specialisations, particularly in prestigious disciplines like medicine and law, where future earnings prospects vary considerably depending on the specialisation entered. Evidence of this can be found in a recent paper authored by three teachers at Kyiv-Mohyla University, entitled "*Never ending story of brifts in health care in Ukraine… but does one part of the story start at medical university?*" (Stepurko et al., 2015).[2]

The paper notes that in Ukraine the general public regard medical and health services as even more corrupt than education (77% to 69%). This perception is linked to the fact that the incomes of doctors in the most prestigious medical specialisations are swelled by generous patient payments or brifts. The most prestigious and profitable medical specialisations are gynaecology and surgery; at the other end of the prestige scale are non-profitable specialisations such as care of patients with tuberculosis or paediatrics in a state hospital.

Prospective students choose their future professional pathway or medical specialisation after two to three years of higher education study. Interviewees in the study by Stepurko et al. described how they brought their entire available social and financial capital to bear to obtain a "specialty for profit" that would guarantee them a stable future career, personal wealth and prosperity; they discussed choosing a specialty in terms of "investment" and

"return expectations". Higher education in these specialisations is effectively open only to the children or relatives of medical leaders (such as professors, chief doctors and health care decision-makers at the regional or national level), or those who are prepared to pay universities a great deal of money to enter them, or both (Stepurko et al., 2015).

At present there is no similar evidence for other disciplines, but where some discipline and some specialities offer much higher prospective income (official and unofficial) than others, there is a risk of integrity violations in access to those specialties.

B. Factors that create opportunities for the violation

The closing opportunities for corrupt access to bachelor's degrees

Access to places in bachelor's degree programmes now depends for the most part on a standardised test set and marked by an independent body (CEQA). Because the EIT is a fair and genuine competition (see Box 7.2) and because the CEQA has no stakes in any of the HEIs and their admission decisions, corruption opportunities are rare or absent from bachelor's degree entry.

At the time of this integrity review (2015-16), some limited opportunities for corrupt access were still present, but they were already being targeted by improved regulations and distribution of responsibilities. One of these opportunities was the freedom of HEIs to define what the overall admission score of prospective students is composed of beyond the EIT results, and how the different elements are weighted. This presented them with certain opportunities to interpret and manipulate the overall score in support of selected candidates or groups of candidates, for instance of those from more affluent backgrounds. This practice will be far less likely in future. From 2016 onwards, three legal changes will have taken effect.

First, the 2014 Law on Higher Education (HE) as amended in 2015 requires HEIs to publish their admission rules on their websites. In particular, they must publish exactly how they build up applicants' composite entry scores, what factors are used and what weightings apply. This is not a guarantee of fair and impartial application of the rules, but it should give applicants the basis for challenging apparent misapplication.

Second, the provisions in Article 44 of the 2014 Law on HE require HEI admissions rules to conform to clear and specific rules in future, which leaves little room for misinterpretation. MoES letter No. 1/9-615 of 22 December 2015 to heads of higher educational institutions set out the formula each HEI should use in 2016 to calculate the composite score for each applicant. At least 85% of the composite score must be derived from the applicant's scores in 3 or 4 EIT subjects, to be specified by the HEI to fit the requirements of each programme. A weighting of at least 20% must be given to each of these EIT subjects (except for applications for disciplines requiring creative or physical abilities that have been assessed through a separate national competition. In this case, the result of the national competition has a weight of 25%-50%, and the requirement for EIT subjects to be weighted at least 20% applies to only two EIT subjects). The applicant's School Leaving Certificate (SLC) grade average cannot be weighted more than 10% and "special achievements" (in high-level competitions outside the school or HEI coursework in science, technology and mathematics) cannot be weighted more than 5%.

Finally, the 2014 Law on Higher Education transferred from individual HEIs to the MoES the responsibility for allocation of state-funded places in bachelor's degree programmes. From 2016 onwards, applicants seeking a state-funded place (i.e. virtually all applicants) will declare their enrolment preferences to the CEQA, which acts on behalf of the ministry

and is charged with the allocation of study places following an externally defined algorithm. Students will be allowed to apply to up to 15 HEIs and will be requested to list them in order of preference. The CEQA will then list the applicants in the order of their priorities and admission score, calculated according to the admission rules of each institution. This development is significant because it effectively closes the opportunity to manipulate the allocation of state-funded places to students.

Box 7.2. **External Independent Testing - a Ukrainian success story**

The introduction of standardised testing was at the centre of official efforts to stop the rampant corruption in first-time HEI access. The external independent testing (EIT), which in 2015 involved written standardised tests in 12 school subjects, succeeded in that, for several reasons.

The tests are designed and developed, and the nationwide testing process managed, by the Ukrainian Centre for Education Quality Assessment (CEQA), an arm of the Ministry of Education and Science (MoES). They are **of good quality, valid and reliable**. EIT tests are prepared by professional test developers. They are designed to establish that the core elements of the national curriculum in each test subject have been mastered in the depth necessary for HEI study. The test development process described to the integrity review team is in line with international best practice. Individual questions and whole papers are tried out on groups of recent school leavers before use in the national tests. Research carried out from October 2009 to March 2010, when the test was quite new, confirmed the effectiveness of the external assessment model that is used. The research also found that educators, secondary school students and HEI students were positive about using EIT as a HEI admission procedure, and that trust in the EIT results, and their acceptance as fair, were high and growing over time (Kovtunets et al., 2010). Schools visited by the team were satisfied that the tests constituted a fair evaluation of their students' readiness to enter HEI.

The testing process is highly secure. The CEQA, which is responsible for the EIT, has gone to great lengths to make testing cheat-proof. The agency employs no outside staff in any part of the test development or production process. Papers are printed and printing quality checked in the agency's own offices. Entrance to the production and printing areas is tightly controlled, and the printer cannot see the test questions. There are checks to ensure that the sealed packages handed to the carrier contain the original papers. Carriers are specialised, carefully chosen and monitored: no test papers have ever been lost or stolen on the way to test centres.

Students who have registered on line to take the test get a letter of invitation telling them which test centre, room and desk to report to, and must bring their personal invitation and some ID. Every test room of 15 students is supervised by two teachers, neither of whom teaches the test subject. Test papers are given to invigilators two hours before the exam starts, still in their sealed envelopes; the seal must be verified as unbroken by one of the students taking the test (decided by desk number) and then opened in front of all the test-takers. Students must leave all personal belongings outside the room; only pens may be brought in. Staff from the agency may make unannounced appearances in test rooms; if they find anything out of order the results of every student in the room are invalidated.

When the test ends, completed papers are sent to the CEQA regional offices, where papers are verified, marked and transferred to the central office. Appeals are considered in a different region; the central office makes the final decision. Results only become official once on the CEQA central database; only the central office staff can put them there and see what is on the database.

The tests enjoy high levels of support among students and parents. A survey of students and their parents in October 2013 showed that 65% approved of the new system and, when asked about their personal experiences, 68% were satisfied with the way their tests were administered (Klein, 2014). In addition, 58% believed that the new admission system reduced corruption. The way the authorities have handled the recent discoveries of manipulation of test results, described in the previous section, testifies to a strong commitment to preserving the integrity of the EIT.

The impact of over-stated or corruptly obtained School Leaving Certificates on HEI admission has been limited by two recent developments. In 2015, it became mandatory for all school leavers, not just those intending to go to HEI, to take the EIT tests in Ukrainian language and literature, and *either* maths *or* Ukrainian history (whichever the student chose as their second mandatory subject). In addition, EIT test results replaced school grade averages on the final version of each student's SLC for their two mandatory subjects. Furthermore, the 2014 Law on HE limits the weight that can be given to SLC grades in composite HEI entry scores to not more than 10%.

The only remaining opportunity for corrupt access is through claiming a special status (orphans, Olympiad winners, etc.) with the help of forged proof establishing membership in one of the categories with preferential access. Those with whom the review team met were particularly concerned about the possibility of applicants misrepresenting their status as war veterans. The definition of "participants in military actions" is very wide, including individuals on non-compulsory military service and those involved in mass actions of civic protest, which can facilitate the fraud. The risk (if any) would pay off. These individuals, and in some circumstances their children, not only bypass EIT competition but are given a variety of "targeted support" once at HEI: free or part-paid tuition, preferential long-term credits, bursaries, free accommodation in a student dormitory, free textbooks and free Internet.

Flawed competition for access to master's degrees

Unlike state-funded places on bachelor's degrees, state-funded places on master's degrees do not depend on the results of independent and objective testing and are not allocated by an independent agency. Decisions on who gets the state-funded master's degree places are made entirely within the HEI to which the student has applied.

According to the focus group of master's students organised for the purpose of this review, master's programme students take two tests for entry: an English proficiency test and a comprehensive test in the selected specialty. To enter a programme for specialists, only the comprehensive test in the selected specialty is required. The comprehensive test in the specialty is set and marked by the HEI offering the programme. Because competition for master's entry is decentralised and unguided by national standards - and not subject to external validation and review - it provides significant opportunities for integrity violations.

The focus group participants who took tests for master's degree entry said that their test papers were generally of poor quality, with many elementary errors in the questions. Some HEIs set the same test questions year after year, just changing the order of their appearance in the paper, which made the tests easy to prepare for. Consequently, the students did not feel that their tests were very challenging or that the results were particularly significant in decisions on whether or not to admit them. Furthermore, papers for competitive entry are set and marked by HEI personnel, who may not be impartial.

For a minority of programmes, according to the focus group, HEIs set no entrance tests at all. They took into account only the final exam/graduation thesis result and grade point average from the student's bachelor's degree. As discussed later in this report, neither the bachelor's degree final mark nor the bachelor's degree GPA can be regarded as independent or objective criteria.

The Government and Parliament of Ukraine recognise that arrangements for admitting students to master's degrees fall short of fair and open competition (Annex 7.A1, ref. 11). The 2014 Law on Higher Education (Articles 44-45) required entrance exams to be used for admission to all master's programmes. The same articles contain special provisions for

admission to master's programmes in the medical, pharmaceutical and veterinary fields. The law proposes that the bachelor's degree system will, in future, apply to these master's programmes. Access will depend on the results of external standardised assessment. The CEQA will award state-funded places according to external assessment results, published admission criteria and candidates' preferences.

The CEQA has been asked to develop a test for master's degree entry, although only for the field of law at this time. The Centre has agreed to do so, but has asked for a delay to allow time to recruit suitable test developers. The field of law is a distinctive case: there are only 3 000 places on master's degrees in law across the whole of Ukrainian higher education, and a bachelor's degree from any discipline can be presented as an entry qualification, creating a particularly large imbalance between demand and supply, and strong incentives for integrity violations.

Opportunities for corrupt access to student dormitories

Places in student dormitories, like places to study prestigious specialties, are examples of valuable goods and opportunities in the gift of individual HEIs. The combination of a valuable commodity that is in limited supply, autonomous and discretionary decision-making, and the absence of independent monitoring provide wide scope for corruption. Because allocation criteria are not set by the MoES, widely varying criteria are used by different HEIs to allocate student dormitory places. There is also no standard way of organising the business of allocation; it is delegated to a wide range of individuals, from HEI employees to student representatives. Administrators from one HEI told the review team that their allocation criterion was how far away students lived. At another institution the review team was told that priority access was given to orphans, children from single-parent families and children from families with more than three children, and then places were allocated on the basis of family income, having asked students' parents to show evidence of their earnings.

Culture of acceptance of gifts and bribes

Following the break-up of the Soviet Union, poorly funded HEIs and poorly paid HEI staff came to regard it as essential to their institution's survival - and therefore justifiable - to obtain extra money from any available source, particularly from students seeking admission. Klein noted:

> *"In times of transition and economic crisis of the 1990s and early 2000s, public higher education budgets were radically cut; faculty's salaries decreased below the subsistence level; and wage delays were commonplace. Informal payments and duties compensated [for] the absence of formal funding and became institutionalised at many HEIs. At certain prestigious institutions, bribes up to USD 10 000 were demanded for admission, adding up to an annual admission corruption volume of approximately USD 200 million"* (Klein, 2014).

Though the introduction of the EIT in 2008 cut off the supply of funds previously paid for entry to bachelor's degree, entry to master's and doctoral degrees remained only nominally subject to competition, allowing previous systems of payment for admission to continue.

Habits formed pre-2008 persist today, not least because many of today's senior faculty and senior administrators were studying or starting their teaching careers in those days. In interviews during the site visits, it was repeatedly stated that professors and department heads tend to be the leaders in corruption, pressurising junior teachers to follow their corrupt practices. Younger teachers who enter the HEI system intending to deal honestly with their students are often pressured by their senior colleagues to co-operate with existing dishonest practices and to not "rock the boat".

Very few HEIs and senior HEI staff in Ukraine are regarded - by students and by their peers - as corruption-free. Asked whether there are HEIs that come close to this ideal state, most counterparts in the interviews for this review pointed out the Kyiv-Mohyla Academy as a good practice example (Box 7.3).

Box 7.3. **Kyiv-Mohyla Academy**

Kyiv-Mohyla Academy is the only public HEI that all stakeholders with whom the review team met identified as mostly free of corruption.

The institution has three distinct features that likely help it operate with integrity: a tradition of international exposure and partnerships; academic staff which identify with the institution and its historic mission; and a preselection of outstanding students.

Since its re-establishment in 1991 (the university dates back to the year 1615), Kyiv-Mohyla has been modelled after North American universities, offering bachelor's and master's degrees, engaging in partnerships abroad, and adopting international standards. It is one of the few HEIs in Ukraine whose degrees are recognised outside Ukraine. Furthermore, the staff of the university seems to share a sense of mission and civic responsibility. The university was involved in the Orange Revolution of 2004, and in 2014 its rector became the first Minister of Education after the Euromaidan Revolution. Finally, the university is sought after, but small, and the threshold of admission to most of its programmes is very competitive. The students who pass that threshold are top high school graduates.

C. Factors that create incentives for the violation

Students' incentives: degree inflation

The desire of Ukrainian students to continue beyond bachelor's degree study – and the willingness of higher education institutions to enrol them – is rooted in basic features of demand and supply in the nation's system of higher education.

Vocational education is not well regarded by students and parents, and the economic returns to it are negligible (Coupé and Vakhitova, 2011). HEI education is viewed as a necessary, if not sufficient, condition for advancement, and virtually all families aspire for their children to obtain a HEI degree. Tertiary enrolment has soared over the past 15 years - from a 52% enrolment rate in 2001 to over 80% in 2013 (Figure 7.1).

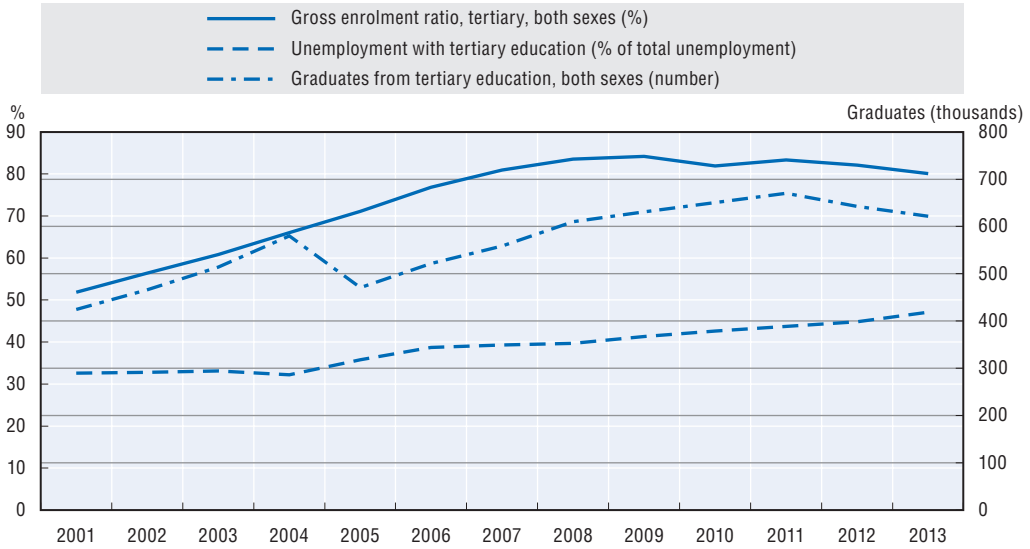
Though students often view the quality of higher education provision as uneven – or unsatisfactory – they are keen to study beyond the bachelor's degree level (IRF, 2013). This derives in part from a perception generally shared among students and faculty in Eastern Europe - and Ukraine - that the bachelor's degree is not a completed education, and that social recognition, employment prospects and labour market outcomes are improved with the completion of a master's degree. With subsidies available to half of master's degree and 85% of PhD students, the direct outlays associated with further study are often small and the benefits potentially significant.

HEIs' incentives: academic standing and public funding

Most students are keen to continue their studies, and most higher education institutions are eager to have them do so. The number of graduate and postgraduate students is considered to be a proxy for research potential and academic standing; it helps each HEI argue in its

own favour when negotiating the annual allocation of budget places (Stadny et al., 2014). While overall enrolment in higher education has fallen sharply since 2005, graduate and postgraduate enrolments were on the rise until 2010, and the downward trend has been much slower (Table 7.4).

Figure 7.1. **Tertiary education in Ukraine: trends in enrolment, graduation and unemployment (2001-13)**



Source: UNESCO-UIS (2016), Education Database, UNESCO Institute for Statistics, *http://data.uis.unesco.org/#* (accessed on 15 December 2016); World Bank (2016), Development Indicators, *http://databank.worldbank.org/data/home.aspx* (accessed on 15 December 2016).

Table 7.4. **Students enrolled in tertiary education (all levels) and in PhD programmes in Ukraine (2005-13)**

Year	Total enrolment	Change to 2005 (%)	Enrolment in PhD programmes	Change to 2005 (%)	PhD enrolment as share of total (%)
2005	2 203 800	-	31 181	-	1.4
2006	2 318 600	5.2	32 666	4.8	1.4
2007	2 372 500	7.7	33 915	8.8	1.4
2008	2 364 500	7.3	34 820	11.7	1.5
2009	2 245 200	1.9	35 578	14.1	1.6
2010	2 129 800	-3.4	36 214	16.1	1.7
2011	1 954 800	-11.3	35 823	14.9	1.8
2012	1 824 900	-17.2	35 454	13.7	1.9
2013	1 723 700	-21.8	33 313	6.8	1.9

Source: SSSU (2015b), Вищі навчальні заклади [Higher Education Institutions (database)], *www.ukrstat.gov.ua/operativ/operativ2005/osv_rik/osv_ru/vuz_rik_r.htm* (accessed 15 December 2016).

The reluctance of institutions to restrict access to their graduate programmes has a financial aspect too. Public funding is allocated in the form of subsidies for study places (Stadny et al., 2014; Annex 7.A1, ref. 12) and accounts for most of spending on higher education (71% in 2014) (SSSU, 2014). A sizeable share of the subsidised study places are allocated to postgraduate programmes: from 51% of place allocations in 2008 to as high as 60% in 2011 (Table 7.5).

Table 7.5. **State subsidy for higher education, by share of subsidised places in bachelor's and master's programmes (2007-14)**

Year	Bachelor's (%)	Master's and equivalent (1) programmes (%)
2007	48	52
2008	49	51
2009	45	55
2010	45	55
2011	40	60
2012	45	55
2013	47	53
2014	54	46

1. Includes programmes offered on the basis of bachelor's degrees leading to the degree of "Specialist".

Source: Stadny, Y. et al. (2014), *Державне фінансування підготовки кадрів у вищій освіті: досвід та виклики* [*Public Funding for Training in Higher Education: Experience and Challenges*], *http://iro.org.ua/uploads/Report_CSR_finance_HEI.pdf*.

HEIs have little incentive to introduce more selective, fairer and more transparent admission to these programmes, and they risk an adverse impact on enrolment and their public subsidy. Most of them are struggling to attract students to fill their oversized capacities. Rather, they have a strong financial incentive to allow as many students as possible to enrol in their master's programmes, and to avoid rigorous selection procedures that would put them at a disadvantage *vis-à-vis* institutions which opt to continue granting access without restrictions and safeguards against corruption.

D. Policy options

Closing the opportunities for malpractice

Develop and consolidate an effective system of higher education quality assurance

The 2014 Law on Higher Education mandated the establishment of a new body, the National Quality Assurance Agency for Higher Education (NAQA). The NAQA's purpose is to fulfil the government's vision of a European-style Quality Assurance Agency that ensures the quality of the system. The 2014 Law describes the role, functions and composition of the NAQA, and when the body should be in place: two months after the law came into force, September 2014. This deadline was missed, and establishment of the Agency has been delayed due to difficulties constituting the NAQA's 25-person governing body.

There are varying mechanisms for the assurance of quality across the OECD. However, policy makers should be mindful that effective systems of quality assurance share two characteristics. First, they achieve a balance among the perspectives of the academics and administrators, students and graduates, employers and civil society organisations. Second, they focus broadly on quality, not only of inputs, but also of institutional processes (such as marking) and student outcomes (such as learning and employment outcomes) (OECD, 2008). Achieving greater integrity in higher education – in access (Chapter 7), student academic honesty (Chapter 8), in the marking of student work (Chapter 9) – depends crucially on the development of effective quality assurance institutions and practices in Ukraine.

Countries differ in how they use higher education quality assurance to achieve integrity in admission to advance degree programmes in higher education institutions. Some countries, such as those participating in the European Higher Education Area – EHEA of the Bologna Process, do not have external, independent admission tests to ensure integrity in advanced degree admissions. They rely instead on the academic credentials of

undergraduate applicants (i.e. bachelor's diplomas, course certificates, etc.), and safeguard the reliability of these credentials through internal and external quality assurance. HEIs in other countries, such as Australia, Colombia, Mexico, Turkey and the United States use the results of external, independent graduate admission tests such as the *Graduate Record Examination* (GRE) or the *Graduate Management Administration Test* (GMAT) for their advanced degree admission decisions, in addition to undergraduate degrees awarded within a quality assurance framework.

Ukraine appeared in 2016 to be taking preliminary steps to implement both of these approaches in parallel. As a signatory of the Bologna Process, the MoES has mandated the NAQA with defining quality assurance guidelines and standards, as well as with the evaluation of quality assurance systems already in place (Annex 7.A1, ref. 13). At the same time, the MoES has initiated the development of a unified test for admission to graduate studies in law, as a precursor to external testing for a wider selection of master's programmes. First piloted in 2016 in nine HEIs, the legal studies graduate admission testing could become a model for entry into other regulated professions, such as medicine. At the time of this review the NAQA had not yet commenced with its work.

Both reform initiatives should be fully implemented, and both should be part of a wider national graduate framework. This framework should both define a procedure and minimum standards for Ukrainian higher education institutions to follow in admission to master's programmes. The framework should stipulate, for example, a set of obligatory criteria for admission (such as graduate admission test, minimum grade average in the undergraduate degree, relative weight of the various requirements for admission in the aggregate score of candidates, etc.), but otherwise leave the development of detail to HEIs. A robust quality assurance body should be mandated with responsibility for the development of the framework, the provision of guidance on how to comply with it and monitor compliance with it.

Mandate a standard system for allocating dormitory places, and monitor whether HEIs are adhering to it

The MoES can reduce opportunities for corruption in the allocation of dormitory places by requiring that all institutions allocate their places in the same way, using the same order of priority, unless they have a permission to follow a different order. For example, HEIs evacuated from the occupied regions of Luhansk and Donetsk might be authorised by the MoES to give students from those regions top priority. A standard system would be more consistent, predictable and transparent to students than the current system, and less vulnerable to abuse by HEI staff.

The standard order of priority for allocation of places should be decided by the MoES after consultation with all HEIs. It could propose, for example: (1) "special group" students who did not have to pass the EIT, such as orphans, those with disabilities or those returning from military service; (2) students from the occupied territories who have competed successfully for a place; (3) socio-economically vulnerable groups, such as those from large families; (4) students from beyond daily travelling distance, in ascending order of certificated family income; and (5) students living within daily travelling distance, in ascending order of certificated family income.

To ensure that students are fully informed of housing opportunities, all higher education institutions should be required to publish their system for allocating dormitory places in their published admission criteria. This would be particularly important for any HEI that

has made a case to the MoES to vary from the standard system. Adherence to the published system should be monitored, for example, by the National Quality Assurance Agency for Higher Education assessors during higher education quality assessments. If published and standardised allocation criteria are put in place, the ministry can also work with institutions to create a student appeal process. The existence of an appeal process could provide a robust means for ensuring compliance with published allocation priorities.

Eliminating the incentives for malpractice

Reduce excess capacity and reassess state support for graduate programmes

In 2014-15 the total number of places available in master's programmes was twice that of bachelor's graduates, and the number of state-funded places in master's programmes was sufficient to support 83% of bachelor's graduates who studied with state support. This high proportion of state-funded places available in postgraduate programmes gives bachelor's graduates a strong incentive to try to enter higher degrees, reinforces their perception that an undergraduate degree is not sufficient for successful transition to employment and contributes to their readiness to enrol at any price. This situation has an impact on HEIs too, encouraging them to consider and manage their postgraduate offer as a lucrative channel of state funding, and not so much as an investment in academic values and excellence.

The MoES has recently reduced the size of the higher education sector by withdrawing the accreditation of HEIs which were found to be of sub-standard quality. The process was accelerated by more rigorous standards of quality introduced with the 2014 Law on Higher Education, and a new, reform-oriented leadership in the MoES. Between 2010 and 2015, the number of HEIs dropped from 813 to 659, with most closures taking place after 2014 and targeting public higher education institutions, particularly branch campus locations (Table 7.6).

Table 7.6. **Number of HEIs closed in the period 2010-15**

	2010-13	2014-15
Number of institutions closed	46	108
of which		
Public	28	84
Private	18	24

Source: SSSU (2016), *Основні показники діяльності вищих навчальних закладів України на початок 2015/16 навчального року* [*Key Performance Indicators of Higher Education in Ukraine at the Beginning of the Academic Year 2015/16*], *http://ukrstat.gov.ua/druk/publicat/kat_u/2016/bl/01/BL_VNZ_15_pdf.zip*.

The optimisation of the nation's network of higher education institutions provides an opportunity to reassess the allocation of state subsidy for master's programmes, curb oversupply and also differentiate support according to the type of master's programmes in demand. This should be done in favour of expanding state-funded access to better quality, sought-after programmes on both bachelor's and master's levels, including such in demand by the labour market. Demand for sought after programmes is likely to surge once a new MoES proposal for a reform of higher education financing, which envisages a voucher system in which students who qualify for state study support in a given subject select their HEI and programme.

Notes

1. Gross enrolment ratio is the total enrolment in a specific level of education, regardless of age, expressed as a percentage of the eligible official school-age population corresponding to the same level of education in a given school year (UNESCO-UIS, 2009).
2. The paper uses the term 'brifts' to encompass both bribes and gifts with a corrupt purpose, since these are often difficult to differentiate.

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ANNEX 7.A1

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1. Article 3, Law of Ukraine on Education of 23 May 1991.
2. Article 4, Law of Ukraine on Higher Education of 1 July 2014.
3. Order of the Ministry of Education and Science of Ukraine No. 1085 of 15 October 2015.
4. Article 44, the Order of the Ministry of Education and Science of Ukraine No. 1085 of 15 October 2015.
5. Article 44, Law of Ukraine on Higher Education of 1 July 2014.
6. Part 12 of the Order of the Ministry of Education and Science of Ukraine No. 1085 of 15 October 2015.
7. Article 51, Law of Ukraine on Education of 23 May 1991.
8. Article 54, Law of Ukraine on Higher Education of 1 July 2014.
9. Order of the Ministry of Education and Science of Ukraine No. 284/423/173 of 28 March 2011.
10. Article 7, Law of Ukraine on the Status of Veterans of War and Their Social Protection of 1993.
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Article 5, Law of Ukraine on Higher Education of 1 July 2014.

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Chapter 8

Academic dishonesty - cheating and plagiarism in Ukrainian higher education

This chapter examines academic dishonesty in higher education, an integrity violation in which the learner misrepresents - through cheating, plagiarism or the purchase of work performed by others - the work they have completed or the knowledge and skills they have acquired. Acts of academic dishonesty in Ukraine are facilitated by gaps in law and regulation that permit its continuation, by the absence of widely shared ethical norms concerning academic dishonesty, and by the limited capacity of higher education institutions to assess and detect its presence.

The chapter recommends making fraud detection a regular part of assessing a wide and representative range of academic work within academic programmes, and assisting higher education institutions in developing their capacity to detect dishonesty. Additionally, the scope of regulations against academic dishonesty should be broadened to include a wider selection of forms of academic dishonesty, for example cheating, and should underline that compliance is the responsibility of teachers and students alike.

Regulatory and policy background

Legislative safeguards against academic dishonesty

The adoption of a new Law on Higher Education in 2014 brought significant improvements in the regulatory framework regarding prevention of academic dishonesty. Several articles of the law refer specifically to this issue (see the extracts listed in Box 8.1). Article 32 stipulates that "higher education institutions shall be obliged to take actions, including those that involve the introduction of relevant advanced technology solutions, to prevent and disclose academic plagiarism in research and the academic work of pedagogical, research, academic and other staff as well as higher education learners and bring them to disciplinary liability".

The law also suggests measures to that end: an obligation to publish PhD theses on line; the use of antiplagiarism software by HEIs; the possibility for the Ministry of Education and Science (MoES) to revoke degrees and diplomas if they are found to have been plagiarised; and the possibility to remove higher education institution (HEI) staff from the academic councils of HEIs if caught in plagiarism. Higher education institutions have also been invited to develop adequate antiplagiarism regulation documents as part of their regulations and charter.

Box 8.1. **Extracts from the 2014 Law on Higher Education referring to plagiarism**

Article 6 on attestation of higher education learners. Point 5: 'Discovery of academic plagiarism in a dissertation (research report) submitted for defence shall lead to non-award of the research degree sought. Discovery of academic plagiarism in a defended dissertation (research report) shall constitute grounds for cancelling the decision of the specialised academic council on research degree and correspondent diploma award'.

Article 16 on system of quality assurance stipulates an obligation to ensure that 'an effective system is in place to prevent and disclose academic plagiarism in research and scientific works produced by the faculty and learners of higher education institutions'.

Article 32 on principles of operations, main rights and responsibilities of a higher education institution reads: 'Higher education institutions shall be obliged to take actions, including those that involve the introduction of relevant advanced technology solutions, to prevent and disclose academic plagiarism in research and the academic work of pedagogical, research, academic and other staff as well as higher education learners and bring them to disciplinary liability as stipulated by the correspondent regulation and charter of a higher education institution'.

Article 69 on Intellectual property rights and their protection. Point 6: 'Higher education institutions shall take actions to prevent academic plagiarism, i.e. publication (in part or in full) of research outputs achieved by other individuals as results of own research and/or reproduction of published texts produced by other authors without appropriate reference'.

Source: Law of Ukraine on Higher Education of 1 July, 2014.

During its visits to HEIs in Lviv and Kyiv, the review team was given an overview of actions recommended by the MoES. These included the introduction of computerised tests for entry into bachelor's programmes and also into master's programmes on a pilot basis; the use of antiplagiarism software by HEIs; the publication of PhD theses before their defence through the HEI web platform; and checking for the absence of plagiarism in PhD theses by the MoES examinations board after their defence.

At the time of writing this integrity report, plagiarism was the only form of academic dishonesty specifically referred to in legislation. Other forms of dishonesty, such as cheating, were covered only indirectly in statements about the professional duty of academic staff to adhere to ethical standards, which HEIs must define for themselves. Cheating of students is not referred to in the legislation. The Criminal Code of Ukraine criminalises fraud (e.g. cheating is a form of fraud), but its provisions are limited to cases of fraud committed on a large scale, repeatedly and/or with the purpose of taking possession of property.

Institutional safeguards against academic dishonesty

The detection and prevention of academic dishonesty (plagiarism) is the responsibility of several institutions: the Attestation Board of the MoES, the National Quality Assurance Agency for Higher Education (NAQA), and the Academic Councils of HEIs. There is also a possibility for involvement by the Ministry of Justice in case of infringement of intellectual property rights.

Through its Attestation Board, the MoES is responsible for confirming the decisions of Academic Councils about awarding of academic degrees. After confirmation, the Academic Councils must award the degree within two weeks and submit the award decisions to the MoES Attestation Board for final approval. The Attestation Board is also responsible for complaints and appeals.

The Academic Councils are collegial governing bodies with a five-year mandate and their tasks include evaluation of academic and research performance, and the award of academic titles upon approval/decision by the Attestation Board of the MoES. In case of irregularities, including those concerning plagiarism, the MoES can require the Academic Councils to reassess decisions about degrees that were already awarded or revoke the degree. The MoES also has the right to dissolve an Academic Council in case the latter has awarded a degree based on a plagiarised dissertation. It can suspend Academic Council members for a period of two years and revoke for a period of one year the accreditation of the higher education institution to grant degrees in the faculty and specialty affected by plagiarism.

Finally, it is envisaged that the NAQA will define and monitor criteria of higher education quality and research accomplishments, as well as of the systems of internal quality control at HEIs, and that it will have an Ethics Committee to deal with issues of academic dishonesty. The Agency will also be responsible for the revocation of academic degrees, including in cases of plagiarism.

A. Description of integrity risk and violation

Academic integrity is the foundation of academic achievement (Milovanovitch et al., 2015). Academic dishonesty erodes this foundation by diminishing trust in the value of higher education and its outcomes.

Academic dishonesty comprises a wide range of fraudulent means to obtain a good mark on academic work. In Ukraine, the most common risk of academic dishonesty comes in the form of plagiarism, including the use of commercially sold papers and theses, and cheating.

Among Ukrainian students surveyed in 2014, 61% stated that students in their departments take their exams independently, that is, by relying on their knowledge only. The remaining respondents admitted that "alternative" ways are being used, occasionally or regularly. In the same respondent group, 55% claimed that students in their departments also prepare their written assignments (course works, diploma theses, term papers) independently, by authoring the content themselves. For 37%, this is the case only occasionally, and for 8% it is never the case (Table 8.1).

Academic staff and students with whom the review team met during site visits described routine cheating during the HEI studies as "very common", confirming these survey findings.

Table 8.1. **Prevalence of academic dishonesty in exam situations (cheating) and in written assignments (plagiarism)**

Survey questions	Student responses (n = 1928)		
	Independently (%)	Sometimes independently, sometimes not (%)	Not independently (%)
How does the majority of students in your department usually take their exams?	61	32	8
How do students in your department complete their written assignments?	55	37	8

Note: The figures show an average share from all HEI departments that participated in the survey: medicine, economic studies, law, technical sciences, pedagogy, transport, natural sciences, agriculture, social sciences, humanities and construction.
Source: IED (2015), *Академічна культура українського студентства: основні чинники формування та розвитку [Academic Culture of Ukrainian Student Community: Primary Factors of Formation and Development], http://iro.org.ua/uploads/96491691.pdf*.

Risk and patterns of cheating

The most frequent form of cheating is the preparation of cheat sheets, named by 67% of the teachers and an equal share of students in the already quoted survey (IED, 2015). Access to the Internet during exam sessions is the second most frequent way of gaining undue advantage. This was pointed out by 50% of the students and 44% of the teachers. Slightly more than a third of respondents in each group noted that other conventional ways, such as copying off from other students, are common as well (Table 8.2).

Table 8.2. **Common forms of academic dishonesty according to students and teachers**
Question: "If students of your department do not sit their exams independently, what do they mostly do?"

Forms of cheating	Students (n = 1928) (%)	Teachers (n = 347) (%)
Prepare crib notes based on lecture and other materials provided by the teacher	67	67
Use Internet access during exams to find the responses	50	44
Prepare crib notes using the material found on the web	42	38
Copy off from other students	35	36
Negotiate a mark with the teacher or administrative staff for service or reward (1)	16	7
Use other technical means for obtaining responses in real time (e.g.mobile phones)	10	25
Buy ready-made crib notes	8	9
Other	1	1

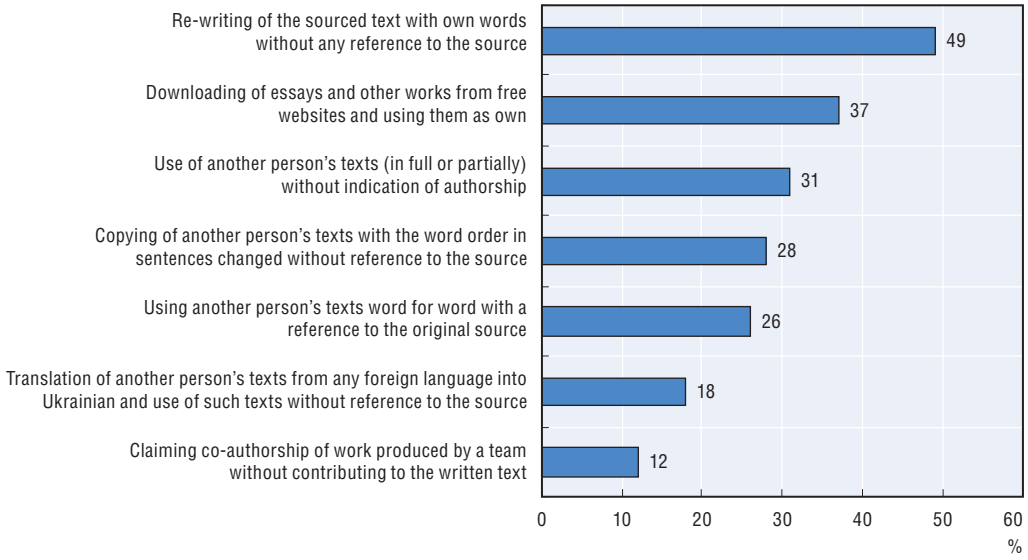
Note: Respondents could indicate more than one answer.
1. See Chapter 9 for a discussion on this form of malpractice.
Source: IED (2015), *Академічна культура українського студентства: основні чинники формування та розвитку [Academic Culture of Ukrainian Student Community: Primary Factors of Formation and Development], http://iro.org.ua/uploads/96491691.pdf*.

Risk of plagiarism and false authorship

Plagiarism generally can be defined as "an act of fraud that involves buying, stealing or borrowing someone's ideas and passing them off, deliberately or accidentally, as one's own" (Todorova, 2009). During meetings with education stakeholders, participants reported that plagiarism is not only widespread but that it is an integral part of the academic culture of the Ukrainian academic community. Survey data confirm this. Plagiarism in some form is practised by 93% students, and "on average, no less than 50% of dissertations do not meet minimum standards of academic quality, or are plagiarised, or both" (IED, 2015).

Detailed distinctions may be drawn among different practices and their incidence measured. Analysis from the East-Ukrainian Foundation for Social Research provides a mapping of its various forms, and a survey of its incidence by type.

Figure 8.1. **Various forms of plagiarism**

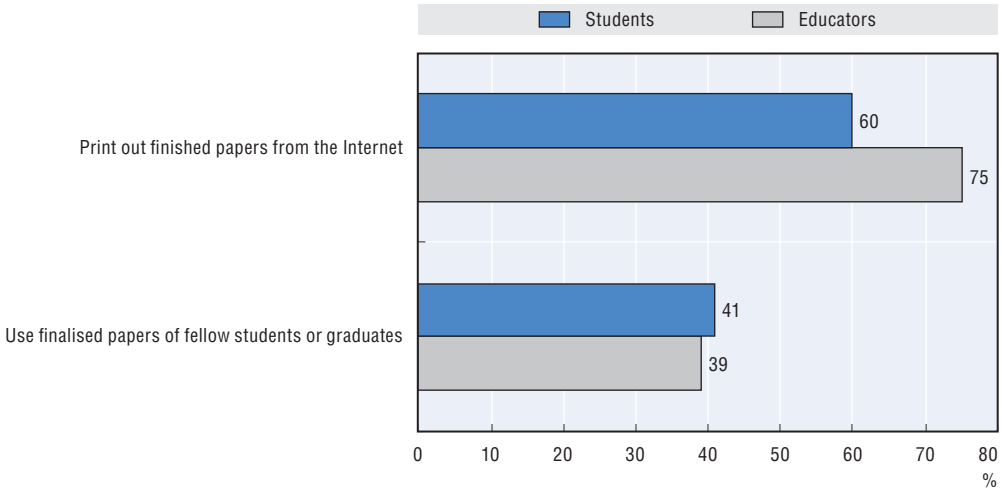


Source: IED (2015), *Академічна культура українського студентства: основні чинники формування та розвитку [Academic Culture of Ukrainian Student Community: Primary Factors of Formation and Development], http://iro.org.ua/uploads/96491691.pdf*.

According to the interviews during the site visits for this review, plagiarising existing academic works from the Internet without indicating proper bibliographical references is the most common form of copying used by students. This is substantiated by the results of a survey on the academic culture of Ukrainian students, which asked educators and students: "if the students of your department do not complete their written assignment independently, how do they complete it most often?". The most frequently cited method, mentioned by 75% of educators and 60% of students, was the submission of academic papers printed off the Internet, while 39% of students and 41% of educators also mentioned that students complete their assignments by appropriating the work of fellow students or graduates (see Figure 8.2).

Attempts have recently been made to address the issue of plagiarism in master's and PhD theses. Some HEI departments mentioned to the review team that they systematically send master's theses to their administrations to have them checked for plagiarism using specific software. Moreover, all PhD theses are now sent to the Ministry of Education and Sciences (MoES) examinations board for verification after their defence. If plagiarism is detected, the diploma is not awarded; otherwise, "after six or ten months, the thesis gets approved by the board and then you can pick up your diploma" (student interview).

Figure 8.2. **Various sources of copying**



Source: IED (2015), *Академічна культура українського студентства: основні чинники формування та розвитку [Academic Culture of Ukrainian Student Community: Primary Factors of Formation and Development], http://iro.org.ua/uploads/96491691.pdf*.

However, antiplagiarism software products are not capable of detecting plagiarism of papers written in foreign languages. They also cannot be used to tackle the issue of academic staff resorting to plagiarism in their own academic work and research articles, nor do they prevent other forms of fraud in paper authorship, such as research supervisors claiming co-authorship of papers written by their students.

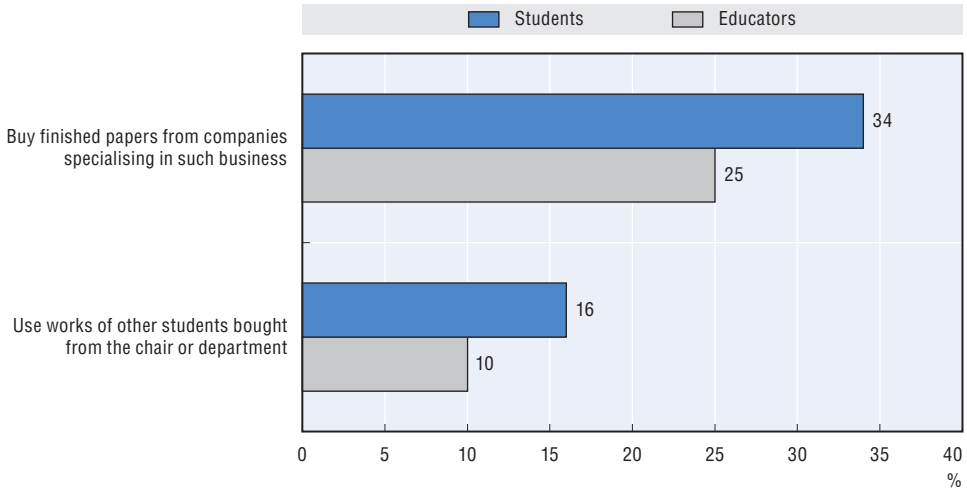
A form of plagiarism that appears to be widely practiced in Ukraine is false authorship: the purchase of essays, term papers, and even theses, from private companies, academic staff or other students. During the interviews conducted by the review team, one student from Lviv National University reported that:

> *…There are private agencies selling theses, diplomas and course papers for students. Some students also do it for others. It is a very widespread practice and is not easily detectable. These agencies have staff that draft research theses and course papers. One can access them via their advertisements on electronic media, order the thesis and get it in a couple of days, or one or two weeks if it is a bigger commission.*

A survey conducted by the East-Ukrainian Foundation for Social Research in 2015 showed that this phenomenon is not as widespread as other forms of plagiarism. Still, according to its results, 34% of students and 24% of educators listed the buying of finalised papers from companies who specialised in this market among the methods used by students who do not complete their written assignments independently (IED, 2015). The purchase of the works of other students seems to be a less extensive practice (see Figure 8.3). This is in line with the results of another survey conducted by the Ilko Kucheriv Democratic Initiatives Foundation, according to which 22% of students said they had bought reports, term papers or graduation theses; this figure was 21.4% in 2011 (Sydorchuk, 2015).

The same survey shows that there can be wide variations from one subject to another. For example, 59% of law students indicated that they bought papers from specialised companies, versus 36% in economics and 11% in medicine. The cost of such practices also seems to vary greatly according to the type of paper in question.

Figure 8.3. **Buying finished papers from companies or other students**



Source: IED (2015), *Академічна культура українського студентства: основні чинники формування та розвитку [Academic Culture of Ukrainian Student Community: Primary Factors of Formation and Development], http://iro.org.ua/uploads/96491691.pdf.*

During a focus group discussion held in June 2015 as part of the integrity review, some of the 25 participating master's students admitted having already bought papers. The average price in social sciences was between UAH 300 and UAH 400; while technical papers could cost between UAH 500 and UAH 700. Five out of 25 students had purchased graduation theses, with a price starting at UAH 3 000. Technical theses were said to be more expensive because of their level of complexity, as they involve calculations and graphs.

B. Factors that create opportunities for the violation

Several shortcomings in the system can help explain the development of academic dishonesty on a wide scale. Five of them are described in more detail below: limits to existing legislation; absence of clear ethical norms; vulnerable assessment procedures; unequal detection capacity; and impunity for acts of academic dishonesty. Many of these practices and associated attitudes first develop in primary and secondary schooling, and their successful prevention requires equally comprehensive solutions.

Limitations in legislation, enforcement and compliance capacity of higher education institutions

In Ukraine, plagiarism is the only form of academic dishonesty that is regulated. However, the issue of academic dishonesty is much broader since it also includes problems of copying, cheating, and the purchase of term papers and theses. These are neither defined nor considered, not even in the form of a recommendation for tertiary institutions to include in their internal regulations and/or codes of professional behaviour.

Where laws do exist, they may not be enforced. False authorship through the purchase of essays, term papers and theses acquired from private specialised companies is not a law enforcement priority. In 2015, Deputy Minister Andriy Hevko noted the reluctance of public authorities "to deal with businesses that contribute to the spread of plagiarism by writing reports, theses and dissertations for fee on demand" (UCMC, 2015). He pointed

out that, in 2014, the MoES had given all the contact information of these companies to the Ministry of Internal Affairs, the Prosecutor General's Office, and the Security Service, asking them to put an end to their activities, but "no one wanted to work on the matter. The police do not want to deal with these cases" (UCMC, 2015). A possible explanation for this reluctance is the difficulty to establish the guilt of such companies. Strictly speaking, they are not responsible for the way their "products" are being used by those who buy them. Besides, plagiarism is defined as an administrative and not a criminal offence. Thus, the primary responsibility for the enforcement of anti-plagiarism regulations is with the education sector itself.

Regulations are explicit about the consequences of plagiarism for those holding the bogus credentials and the bodies involved in awarding them, but they do not clarify which of the three entities concerned – the Academic Councils, the Attestation Board of the MoES and the future National Agency – has the burden of proof in case of suspicion that a dissertation has been plagiarised, and what is the formal procedure for determining whether this is the case. The handling of a recent case with a high profile PhD holder, whose dissertation was allegedly plagiarised, reveals the difficulty of arriving at unbiased decisions in the current set-up. After initially determining that the text was indeed plagiarised, the Attestation Board of the MoES had to drop the case because an evaluation carried out on behalf of the Academic Council that was accused of tolerating plagiarism established that there were no irregularities (Zerkalo Nedeli, 2016).

Opportunity for academic dishonesty arises also from the limited capacity of higher education institutions to implement antiplagiarism regulations. Several HEIs, such as Kyiv-Mohyla Academy National University, Kyiv Polytechnic University, and the Kharkiv National University have developed such antiplagiarism regulations and are using anti-plagiarism software. This was not the case for all the HEIs visited by the review team, due to limited financial resources and IT capabilities. The HEIs that reported using plagiarism detectors had IT departments that bore responsibility for acquisition and maintenance of software. According to interviews during one campus visit, the purchase of antiplagiarism software is just the first step to combatting plagiarism. Its effective use also requires the purchase modules for Ukrainian language, training staff to work with the application and investing in integrating the software into the routine of evaluating written assignments.

Absence of clear ethical norms

Few HEIs have adopted a charter of ethics, code of conduct or ethical guidelines that would help address the issue of academic dishonesty in a comprehensive way. The adoption of antiplagiarism software is important but not enough to promote the development of a culture of honesty among the academic community. In the absence of clear ethical norms, and of adequate training based on these norms, the adoption of good practice relies very much on the good will and commitment of individual teachers. Interlocutors during the site visits for this review noted that some supervisors provide information to students about plagiarism as from the second year of a bachelor's degree. However, this is not a current practice in all HEIs, although it should be the responsibility of every teacher. The recently established NAQA could play a key role in ensuring that the necessary standards are in place in every higher education institution; but since it is not yet operational, it is not of help at this stage.

Assessment procedures that are vulnerable to dishonesty

The review team discussed assessment methods used by lecturers with academic staff at major universities and pedagogical institutes, and with master degree students. In these meetings academics and students noted that assessment methods used by lecturers created opportunities for students to engage in academic dishonesty. First, professors have limited time to prepare and conduct assessments properly, due to heavy workload (see also Chapter 9 for a discussion on lecturers' workload). Second, assessments are devised and marks are awarded by professors individually. Professors are under no obligation to have their assignments and marking schemes either checked or validated by senior professors within the HEI or by external moderators. Third, professors receive no guidance or training regarding assessment methods. In addition, assessment practices concentrate on testing the reproduction of theoretical knowledge rather than problem-solving or other skills and competencies which require the application of theoretical knowledge, making cheating easier and more difficult to detect. Finally, exams are sometimes poorly managed: students' own teachers invigilate, and the strictness of controls varies from one invigilator to another. The problem is particularly acute for large-scale exams determining the admission to master's programmes – even though some HEIs said that they have introduced security measures, such as the mobilisation of invigilators from different faculties.

Unequal detection capacity

Measures have been introduced in recent years to help limit and detect academic dishonesty. However, the enforcement of these measures appears to be quite uneven among Ukrainian higher education institutions. In some HEIs, both bachelor's and master's theses are checked on a systematic basis. In other, smaller institutions, only master's theses are checked on a systematic basis. In yet other HEIs, antiplagiarism software is regarded as quite expensive, and does not appear to be in use so far. Differences in plagiarism detection appear within HEIs, as well as between them. Students from one of the Pedagogical Universities visited by the review team said that anti-plagiarism software is used only "by modern teachers; old teachers don't use it. They consider that it is enough to read the paper. Only 30% of teachers use the software. They need to be computer literate".

To standardise the use of antiplagiarism software among higher education institutions, a consortium of HEIs would need to be set up to reduce development and implementation costs. A delegation from a Polish private company that commercialises an antiplagiarism software met the Minister of Education and Science in September 2015, and rectors and vice-rectors of universities in Kyiv and Lviv (the National University of Kyiv-Mohyla Academy, Taras Shevchenko National University of Kyiv, the Ukrainian Catholic University, Ivan Franko National University of Lviv and the Lviv Polytechnic National University), providing evidence that large-scale adoption may occur.

This, however, will not solve issues related to the limitations of anti-plagiarism software. Some students mentioned, for instance, that existing software cannot detect plagiarism of texts translated from a foreign language into Ukrainian. As a result, translated papers or articles go unnoticed. More broadly, international experience shows that the use of antiplagiarism software has limited impact if it is not combined with other measures, including raising the awareness of academic staff and of students on the issue of plagiarism, training them on how adequately to reference bibliographical sources in their writings, and supporting the advisory role of supervisors.

Providing access to the electronic archives of PhD theses also constitutes a move forward in the detection of plagiarism. According to the 2014 Law on Higher Education:

> *Dissertations of persons seeking doctor of philosophy degrees and dissertations (or research reports in the event of defending research achievements published in the form of a monograph or body of articles published in national and/or international reviewed specialised journals) of persons seeking doctorates of sciences, and also opponents' reviews shall be made publicly available on the official websites of the corresponding higher education institutions (research institutions) as defined by the law (Article 6.5).*

All the academic staff with whom the integrity review team met confirmed that HEIs have now to publish PhD theses on their websites, which, if fully implemented, allows the academic community and other stakeholders to have access to and check their content. However, a recent ranking of HEI transparency in Ukraine indicates that a sizeable share of Ukrainian HEIs – one-fifth - still does not comply with this requirement (CEDOS, 2016). When operational, the NAQA should be able to verify how well the requirement is implemented in practice. The next step could consist of providing public access to the central database maintained by the Ukrainian Institute of Scientific, Technical and Economic Information (UkrSTE), which includes 130 000 theses defended since 1991, most of which are in electronic form (UCMC, 2015).

Sense of impunity for acts of academic dishonesty

Sanctions for acts of academic dishonesty appear to be uneven across HEIs, and also across faculties and academic departments. Students interviewed by the integrity review team emphasised that "respect for academic integrity is the responsibility of each teacher. Some check, others don't. Sanctions depend on teachers. Some give minus marks to students that have cheated or plagiarised their work". For students who are caught, consequences may be limited or non-existent.

As regards dissertations, several HEIs have introduced more systematic checks for plagiarism of master's theses. Supervisors send the document to the administrative department to be verified, but if the document is found to be plagiarised students are only asked to improve it – they are not sanctioned. Students actually *do* get sanctioned by the MoES examinations board, if their PhD thesis is found to be plagiarised after the defence. In this case, their PhD diploma is cancelled (Article 6.5 of the 2014 Law on Higher Education). The MoES examinations board meets every two months. Interviewees mentioned that two PhDs were cancelled during the last session of the examinations board.

In sum, sanctions against academic dishonesty seem to be limited principally to cases of plagiarism of PhD theses, and applied by the central ministry rather than by the HEIs themselves, who continue to play a limited role in applying sanctions against students found cheating or plagiarising. This was emphasised by the minister of education himself in his speech on December 2014: "We have organised quality checks of the theses and dissertations in question and the facts have been confirmed. Once the NAQA is operational, its mission will be the monitoring of plagiarism, but today it is the task of the ministry to curb the temptation to resort to plagiarism'" (Science Consultation Center, 2014).

C. Factors that create incentives for the violation

A weakly developed culture of academic honesty

Most people interviewed by the integrity review team referred to a long tradition of some forms of cheating. Discussions with lecturers and students also revealed the high degree of tolerance of the academic community towards plagiarism. One lecturer explained that

"if students are able to find relevant information on the Internet, that's already an achievement. He or she should get some points"; and that "if students cheat for their homework, help each other, or buy the answers, one should understand that they want a higher mark".

A 2014-15 study on the academic culture of the Ukrainian academic community also emphasised that certain forms of academic dishonesty, in particular copying and plagiarism, are entrenched to an extent where they have become a "student tradition" (IED, 2015). Todorova proposed that "the Ukrainian understanding of plagiarism proves to be much narrower than that of the West", and that such a situation has to do with a "trust in published sources rooted in Soviet times", a low ability to evaluate the quality of information, and the absence of distinction between data in the public domain and information that is someone's intellectual property.

Moreover, students seem to be quite indifferent to the misbehaviour of other students, and also reluctant to signal it to professors or HEI authorities. One of the students interviewed by the integrity review team regarding the purchase of master's theses accordingly said that "students do not report about others. They don't care about others. That's personal business. You choose what to do. You want to get a diploma, and that's it".

Weak intrinsic motivation among students

Research shows that there is a connection between the motivation of students to study and academic integrity (Heuser and Drake, 2011). Those who manage to enrol in fields of study in which they are genuinely interested are less inclined to academic dishonesty, while those who are only interested in an academic credential are less likely to invest an effort in academic rigour and the advancement of knowledge in their chosen field (Milovanovitch et al., 2015). An assessment report prepared on behalf of the civil society sector in Armenia found that "personal motivation" to study has the strongest negative relationship to cheating behaviours of students, followed by "aim to obtain a mark", "inaptitude" and lack of "general motivation". Students who were academically dishonest were predominantly students lacking intrinsic motivation to study (Milovanovitch et al., 2015).

In Ukraine, candidates with poor general knowledge are encouraged to select subjects for the external standardised test where they have a greater chance of getting a good score, even if the subject matter does not interest them. The situation is even trickier for small HEIs that fail to attract the best students. Several interviewees remarked that higher education institutions with a lower-quality intake faced "demand for low-quality education" from those who choose to study there.

In 2015, close to 2 000 students were asked about their reasons to enter higher education, and given an opportunity to select multiple answers from among fourteen options (Table 8.3). Only one of those options described an intrinsic motive to study ("to obtain knowledge and become a good professional"). All others related to extrinsic reasons, such as finding a job, better salary, reputation or status, parental or peer pressure, etc. Somewhat surprisingly, only 62% of the student respondents declared an intrinsic motivation to study by selecting the corresponding option. For 38%, extrinsic motives were the sole reason to enrol in higher education. The share of educators who believed that their students are enrolled because of interest in knowledge was even lower, 43% - the majority believed that their students are driven by extrinsic motivation (IED, 2015).

Table 8.3. **Students' reasons for entering a higher education establishment**

Reason	Precentage according to students	Percentage according to educators
To obtain knowledge and become a good professional	62	43
It is easier to find a good job with a higher education degree	50	54
Higher education degree provides an opportunity for a better salary	38	25
Higher education gives an opportunity for independent life	33	19
Higher education is prestigious	28	38
To enjoy student life	16	10
Higher education is an opportunity to go abroad	15	12
To improve my social status	14	18
My parents insisted	9	42
To avoid military service	8	17
To live in a big city	7	13
Many friends went to a HEI	4	18
To postpone seeking work	4	5
To find a life partner	4	4

Source: IED (2015), *Академічна культура українського студентства: основні чинники формування та розвитку [Academic Culture of Ukrainian Student Community: Primary Factors of Formation and Development], http://iro.org.ua/uploads/96491691.pdf*.

Curriculum content and overload

Student surveys in Ukraine indicate that the "pressure of needless subjects of the course" (32.4%) and "lack of the time required for studying – I need to earn money" (27.9%) lead to corrupt student practices. Syllabuses appear to be often overloaded, out-of-date and unconnected to the needs of the labour market. In a 2013 survey, students referred to: obsolete courses that do not meet modern requirements; the poor state of classrooms, technical equipment and laboratories; overload of class hours and courses; high student/teacher ratios, etc. (IRF, 2013). Low academic interest combined with curriculum overload and poor preparation for exams leads students (especially those working part time) to engage in fraudulent practices to fulfil course requirements. Moreover memorisation and reproduction of existing knowledge - as opposed to competency-based learning - makes it easier and more tempting for students to cheat on exam questions.

D. Policy options

Closing the opportunities for malpractice

Repeated statements by the highest authorities in the country about the need to fight academic dishonesty, together with the new Law on Higher Education that refers explicitly to academic dishonesty, help create an enabling environment to tackle the issue (see Box 8.2). A comprehensive strategy to promote academic honesty will be required to accomplish the law's goals and the aspirations of public authorities. The recommendations below aim to support a comprehensive strategy.

Make fraud detection a regular part of assessing academic work

Assessment involves judgement of academic performance against predetermined criteria and the provision of a corresponding mark (SHU, 2016). Identifying potential plagiarism and other forms of cheating should become a regular practice in assessing academic achievement. This is consistent with the recommendation of the European Network on Quality Assurance in Higher Education (ENQA), according to which academic fraud should be a focus of internal

quality assurance. Regulations now in place require that high-stakes written assignments such as master's theses and PhD dissertations be subject to antiplagiarism controls. It is important to extend Ukraine's quality assurance system to include an obligation to assess a broad and representative range of aspects of students' academic work and achievement; this obligation should cover the issue of cheating as well.

Box 8.2. **Extract from a speech by the Minister of Education Serhiy Kvit**

A separate important part of the Ministry [of Education] is activity involved in the fight against plagiarism and other forms of academic dishonesty. For the first time in the history of independent Ukraine, each meeting of the certifying board of the Ministry of Education and Science finishes with degree deprivation of some members of the academic community in whose works plagiarism has been found. Now it is important to encourage intolerance of academic dishonesty in the scientific community, while teaching the skills necessary to write rigorous academic works, conduct research and to cite the sources from which these ideas come. This endeavour must not only focus on the punitive aspect of academic integrity, but it must also teach and encourage integrity in our academic institutions.

Source: Kvit, S. (2015), Ukrainian Education: the State of Reform, *http://kvit.ukma.edu.ua/2015/12/ukrainian-education-the-state-of-reform/*.

Increase capacity for detecting academic dishonesty

The report recommends that the NAQA, in collaboration with civil society organisations active in promoting academic transparency and integrity, develop a toolkit on academic integrity that would include web-based resources, posters, training materials and videos, to be used for awareness campaigns and training courses at the HEI level.

It is difficult to prevent companies that sell written assignments and theses from operating. Forcing them underground can increase the risk of academic dishonesty. The MoES through the NAQA should establish and maintain a database of private companies that sell written assignments and theses. Keeping an up-to-date database on the content they offer instead can make anti-plagiarism software more effective by feeding relevant, paid content in Ukrainian and Russian language that may not be identified by fraud detection software used in Ukraine's higher education institutions.

Finally, the use of antiplagiarism software is of limited impact if it is not combined with other measures, including raising the awareness of academic staff and of students on the issue of plagiarism, training them on how adequately to reference bibliographical sources in their writings, supporting the advisory role of supervisors. To reduce the incidence of academic dishonesty, this review recommends, in addition, regular exchanges between advisers and students, close monitoring of students' work, scientific advising, proofreading and checking academic papers. In the same vein, it would be helpful to finalise work on the national repository of academic texts, which the review team was informed is in preparation by the MoES.

Eliminating the incentives for malpractice

Improve regulations on academic dishonesty to include cheating

The scope of regulations against academic dishonesty should be broadened to include a wider selection of forms of academic dishonesty, in particular cheating, and regulations should underline that compliance is the responsibility of teachers and students alike.

The adjustment of scope should be undertaken on the level of primary legislation (Law on Higher Education), which currently covers only plagiarism but not cheating. The preparation of supporting regulations must be with the MoES, but monitoring of compliance and guidance on how to comply should be with the NAQA.

Furthermore, the review team recommends that the NAQA define the key stages in the process of identifying and following up on potential plagiarism and other forms of cheating. The stages and principles of this process should be made binding for all accredited higher education institutions. There should be clear definitions of consequences for non-compliance for institutions (such as the withdrawal of accreditation) and individual learners (administrative sanctions, including to dismissal). Box 8.3 provides an example from the "Quality Code" of the UK Quality Assurance Agency for Higher Education.

Box 8.3. **An example from the UK Quality Code for Higher Education**

Identification of cheating is achieved in a range of ways appropriate to the nature of the assessment task.

In the case of plagiarism this may include the use of electronic submission and software that is able to help identify matches between the content of assessed work and existing material, thus assisting in the identification of plagiarism.

Higher education providers implement clear processes through which instances of unacceptable practice can be reported by anyone with relevant knowledge. These processes facilitate the gathering of evidence and provide students, who are believed to have engaged in unacceptable practice, with the opportunity to put their case, test the evidence and offer any explanation or mitigation. The outcomes of such cases are evidence-based and supported by clear reasons.

Penalties for proven cases of unacceptable practice are clear, proportionate and consistently and equitably applied. Students are made aware that in some subjects, certain forms of unacceptable practice can have severe consequences for their career prospects, for example, denial of entry into a particular profession because of the element of dishonesty and/or unethical behaviour attached to certain practices. Effective processes for identifying potential cases and (where appropriate) for applying penalties may also have a deterrent effect, especially if the potential consequences of unacceptable practice are well publicised.

Students must also be given a possibility to appeal against decisions relating to unacceptable academic practice.

Source: QAA (2012), The UK Quality Code for Higher Education, *www.qaa.ac.uk/assuring-standards-and-quality/the-quality-code*.

Require higher education institutions to design, adopt and promote a charter of ethics

Each HEI should be obligated to design and adopt an integrity charter that clearly sets out the norms and standards of behaviour applying to the academic community, and links to the relevant regulations. The charter and its preparation should involve all stakeholders in a participatory way, to promote ownership. The availability of an integrity charter and its compliance with minimum standards of quality and comprehensiveness (to be defined by the NAQA) should be a mandatory requirement for the accreditation and re-accreditation of higher education institutions.

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Chapter 9

Undue recognition of academic achievement in Ukrainian higher education

This chapter examines undue recognition of academic achievement in higher education. Undue recognition is widespread and it is manifested in over-marking in return for payment and services, marking students based on the work done by other people, assessment in absentia and nepotism.

Teachers and students have clear incentives to engage in over-marking: teachers are reluctant to invest in rigorous and time-consuming assessment because it could jeopardise their routine of holding multiple jobs, while students are keen to benefit from over-marking, and have weak intrinsic motivation to study and low awareness of and attachment to norms of academic integrity. Opportunities for malpractice are facilitated, in part, by opaque assessment principles and by assessment criteria that are not disclosed to students.

The chapter recommends that higher education institutions (HEIs) make their assessment procedures and criteria transparent, and that they introduce an assessment appeals process, the operation of which is subject to review by the higher education quality assurance body. To reduce incentives for malpractice, the chapter recommends revising HEI funding methodology to remove incentives for over-marking.

Regulatory and policy background

Assessment of academic achievement in Ukraine serves two purposes. First, it is used to attest that students have met the requirements for an academic degree at the end of the study cycle. Second, it is used to track and assess progress in the disciplines included in their individual study plans, for formative and summative purposes.

The attestation for the award of academic credentials is regulated on the level of primary and secondary legislation. The continuous and end-of-term assessment of academic achievement is regulated on the level of HEIs as part of their internal quality assurance systems, but follows common principles introduced in the course of Bologna Process and European Higher Education Area (EHEA) reforms. These are summarised in a set of methodological recommendations by the MoES.

The regulations on how to attest student knowledge contain instructions on both the process and format of examinations. The recommendations on continuous and end-of-term assessment of achievement are limited mainly to suggestions on the use of marking scales and the accumulation of points for the final, end-of-term mark. Both assessment contexts are outlined below.

Attestation of students for end-of-cycle credentials (diplomas)

The Law on Higher Education establishes five types of academic credentials: junior bachelor's diploma; bachelor's diploma; master's diploma; PhD diploma; and Doctor of Sciences diploma. The attestation requirements for each depend on the state higher education standards for the respective discipline. The standards also stipulate the number of credits and provide a description of the study content in the form of learning outcomes.

The law also establishes a principle of publicity, binding for attestations at all levels in disciplines. This means that the defence must be public and that audio and video recordings are permitted. The attestation is carried out by an examination board according to rules approved by the Academic Council of the institution.

The attestation commonly takes place in the form of a written dissertation and oral defence. Instead of defence, the attestation for master's diplomas can also be organised in the form of a single state qualification examination. For PhD diploma, the attestation is always carried out by an Academic Council in the higher education institution. PhD candidates have the right to select their Academic Council.

Continuous and end-of-term assessment of achievement

The results of continuous and end-of-term assessment of academic achievement matter for the academic career of students in different ways. All diplomas, be they bachelor, master or PhD, are provided with a Diploma Supplement, which lists end-of-term marks of the diploma holders in all courses they attended. The supplement also lists the courses and

the number of European Credit Transfer System (ECTS) credits attained. The marks from the continuous assessment are recorded as well and contribute to the end-of-term mark. End-of-year marks matter also for the accumulation of credits and progression towards the attestation.

The end-of-year marks depend on the results of continuous assessment throughout the academic year and on end-of-year exams, which can come in different forms, depending on the course. HEIs are free to design a curriculum for each of their programmes and the scope and credits of each course, the sequence in which courses are delivered and the form of delivery, i.e. lectures, practical seminars, laboratory and individual lessons, practical exercises, consultations, independent tasks, etc., the schedule of studies, and forms of formative and summative assessment for each.

Despite the potential for a diversity of assessment forms and approaches, students and administrators of the HEIs visited by the integrity review team suggested that faculties in general adhere to the credit-modular system piloted in 2004 and recommended by the MoES in 2010, which follows the Bologna Process and European Higher Education Area (EHEA) principles and recommendations. The exams come in written form (tests, written assignments) and oral form (usually one-on-one), the choice of which depends on the predominant format of the course (lecture, seminar, individual or group work class, lab exercise, consultation, etc.).

Whatever the format of assessment chosen, the MoES guidance stresses that students should be informed in advance about the learning objectives and assessment requirements. In addition, the recommendation is to use an extended scale of assessment with the marks "excellent", "very good", "good", "satisfactory", "acceptable", the negative evaluation is "unsatisfactory", and "not acceptable", apply it in all assessment settings, and record the results in the student books and all other academic records. HEIs should consider defining their marking systems in a policy document. This document should describe how the marking scale corresponds to the points-based scale of the European Credit Transfer System (ECTS), and the maximum and minimum scores for each course element that is assessed (e.g. maximum score of 100 points for the core part of the course and 20 additional points for meeting optional requirements) (Table 9.1).

Table 9.1. **Example No. 1 of matching marking systems**

Points range on the cumulative marking scale	Mark correspondence on the enhanced marking scale
90 and above	excellent
80-89	very good
65-79	good
55-64	satisfactory
50–54	acceptable
35-49	unsatisfactory
1–34	not acceptable

Source: Recommendation of the Ministry of Education and Science of Ukraine No. 1-9/119 of 26 February 2010.

Because a 5-point marking scale is used by the MoES to establish student scholarship awards, ministry guidance recommends that HEIs outline how the marking system translates into a 5-mark scale (Table 9.2).

Table 9.2. **Example No. 2 of matching marking systems**

Evaluation of enhanced scale	Equivalent estimates for the five-point scale
excellent	5
very good	4.5
good	4
satisfactory	3.5
acceptable	3
unsatisfactory	2
not acceptable	1

Source: Recommendation of the Ministry of Education and Science of Ukraine No. 1-9/119 of 26 February 2010.

A. Description of integrity risk and violation

Undue recognition occurs when an assessor knowingly gives a student higher marks than their work merits, or where the recognition due to a deserving student is knowingly withheld, in the expectation of personal gain.

Recognition of merit-based achievement is a cornerstone of trust in education – trust in the quality of its graduation credentials, and in its ability to foster excellence, preserve equity and safeguard the integrity of its staff (Milovanovitch et al., 2015). Students and their families expect to see good learning rewarded with good marks, poorer outcomes reflected in lower marks. Potential employers need to be sure that an applicant with a graduation certificate really has all the knowledge and skills that their course programme claims to have given them. HEIs need to believe in the quality of the credentials presented by graduates of other HEIs applying for academic posts or to enter higher degrees. The international reputation of Ukraine's higher education system depends on overseas counterparts being able to believe in the quality of Ukrainian higher education degrees. The faith and trust of all these stakeholders is at risk if assessment of learning and academic achievement is not based on merit.

Marks in return for payments, services and favours

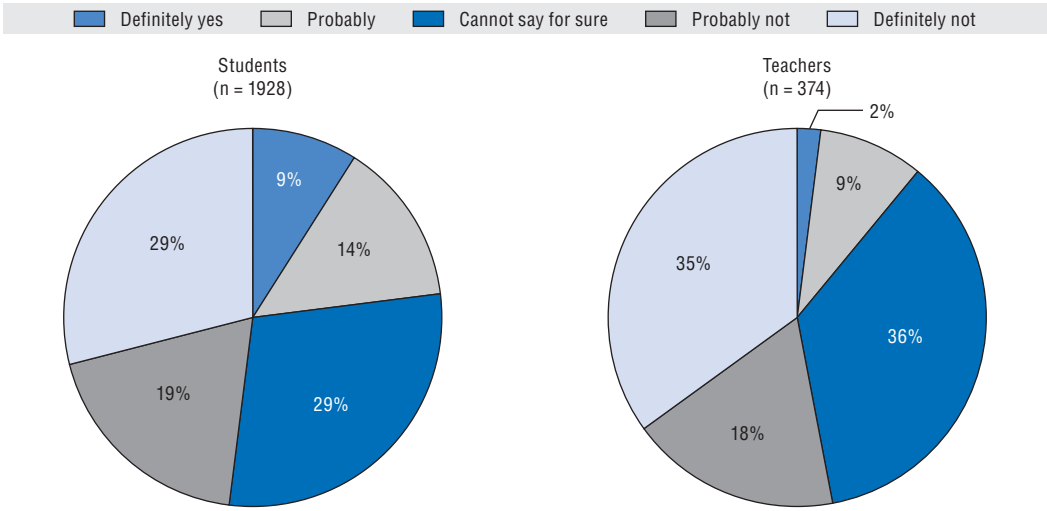
The most common source of risk to evaluation results in Ukraine is payments in exchange for marks, whether on assignments, papers, or theses and dissertations.

A Ukrainian civil society portal, Profrights.org, provides the information on 33 reported violations (as of 18 August 2016) during examinations in higher education that occurred in 2015 and 2016 (Profrights.org, 2016). All cases reported on this portal are verified against official records such as announcements and decisions of law enforcement bodies. These data seem to reflect only a small portion of the total scope of the problem. A recent study of the academic culture in Ukraine concludes that bribed or unfair evaluation potentially affects as many as half of all HEI students and teachers in the country (Figure 9.1).

Through interviews, focus groups and the collection of written accounts during the site visits, the integrity review team collected accounts of bribed evaluation of academic achievement. They confirm survey findings and point towards a professional environment in which manipulation of evaluation results is a common practice (Box 9.1).

Students are often the initiators in the exchange of benefits for marks. More than half of the 445 students (55%) and 41 teachers (51%) in the 2015 survey on academic culture in Ukraine pointed out that the initiative to bribe comes from the students (Table 9.3).

Figure 9.1. **Students' and teachers' answers to the question: "Are there any cases of bribed evaluation in your department?"**



Source: IED (2015), Академічна культура українського студентства: основні чинники формування та розвитку [Academic Culture of Ukrainian Student Community: Primary Factors of Formation and Development], *http://iro.org.ua/uploads/96491691.pdf*.

Table 9.3. **Breakdown of answers to the question of who initiated the evaluation bribe**

Response option	Share of students who selected the answer (%)	Share of teachers who selected the answer (%)
Mostly students	55	51
Sometimes students, sometimes teachers	31	37
Mostly teachers	14	12

Source: IED (2015), Академічна культура українського студентства: основні чинники формування та розвитку [Academic Culture of Ukrainian Student Community: Primary Factors of Formation and Development], *http://iro.org.ua/uploads/96491691.pdf*.

In some situations, payments are extorted by withholding due recognition for (possibly) genuine student achievements. Serhiy Kvit, Rector of Kyiv-Mohyla University, has observed, "Previously, bribes were mainly paid to get applicants enrolled at universities; now they are paid to ensure students stay there. Passing a test costs on average UAH 50 and the successful defence of coursework costs UAH 2 000 (USD 245 at the exchange rate on that day)" (Kvit, 2013).

This form of corruption, where all students must make the same payment to take a necessary step towards their degree, arises at the HEI's or the teacher's initiative. It is unlawful unless mandated in national law or the HEI's own published statutes (at the time of this review there were no such provisions). It is an instance of due recognition withheld, because students will not pass unless they pay, however deserving they may be. The deserving student who does not pay will fail the exam and be expelled, while a far less deserving student with less knowledge, or who has made little effort to acquire knowledge, will pass the exam and stay at the HEI.

Box 9.1. **Examples of bribed academic evaluation in Ukraine**

At many HEIs a standard scale of payments operates for particular classes or across the whole HEI (e.g. a fixed amount for a C, double that amount for a B, triple that amount for an A). Some HEIs request payments in USD or EUR. At one HEI, the most expensive exam to pass is Criminal Law (USD 800). Payment scales may be covert (not written down anywhere, but communicated to all students by teachers or other students) or overt. At three national HEIs in Kyiv, price lists for marks, written papers and absence from studies can be found posted on the door of the Dean's office.

Lecturers at Kyiv-Mohyla, which enjoys a reputation of educational integrity, described how colleagues from other HEIs could not believe that payment for marks was unknown there and made persistent efforts to discover the payments required to pass courses.

At some HEIs, teachers ask students to pay their fee for the exam in the form of gifts, sometimes very expensive ones. This ensures that teachers are not seen to accept money directly.

At another HEI, subject teachers were told exactly what marks to give each student, which strongly suggests that administrators had taken bribes to ensure good marks for some or all.

Payment for marks is particularly likely to occur in the case of distance learners, a little-researched group who cannot be made subject to attendance checks.

Refusal to pay bribes can extend the time it takes to obtain a PhD from 3-4 years to 10-15 years.

Doctoral students must present gifts to secure a research supervisor. The supervisor then expects other favours of the student, such as writing scholarly articles to be published in the supervisor's name. The student's HEI typically expects them to provide various unpaid services, such as delivering lectures and seminars as cover for absent teachers, translating and interpreting. PhD theses must be put to a preliminary defence where a student presents the results of his/her findings and answers questions from other researchers: the student is expected to offer and pay for a buffet reception afterwards. After the preliminary defence the corrected paper is given to three experts, professors in the field of study. It is expected that the paper will be accompanied by gifts, to secure favourable reviews from the experts. Then PhD students must secure a date for their defence from the appropriate Research Council; to save themselves a very long wait for a date, students are advised to present a gift to the head of the Research Council. Then two opponents must be found for the defence. If the only suitable opponents are from out of town, the PhD student must pay for their travel and hotel bills and evening entertainment. All opponents expect the traditional 'money in an envelope' and a no-expense-spared festive dinner afterwards.

A Ukrainian PhD student writing in *Politico* magazine described how she had to place USD 200 inside the pages of her doctoral dissertation to induce her professor to acknowledge that her work was good; one friend had to pay USD 300 to pass her junior year exam; and another friend had felt obliged to pay USD 50 for every mark received.

Source: Examples from witness or focus groups interviewed by the OECD integrity review team during field work or written contributions; Mendel, I. (2016), "In Ukraine's universities, trading bribes for diplomas", *Politico, www.politico.eu/article/trading-bribes-for-diplomas-in-ukraines-universities-taxes-transparency-education-corruption/*.

Money is not the only form of "payment" for favourable evaluation of academic achievement. Teachers also accept gifts, useful services or other benefits from their students. For instance, students might be expected to purchase the teacher's books and CDs or attend additional classes (for which the teacher is paid extra) to get a mark. The pretext for the latter

form of "payment" is that the teacher cannot deliver all the information during lectures, so extra fees need to be paid to gain the necessary knowledge. Also, marks are announced to students during the special paid classes; at the regular classes, marks are not disclosed.

A 2015 student survey confirmed this: 29% of students said that they personally had given presents to teachers, and 22% had provided services to teachers or bought educational materials and books offered to them by teachers (Sydorchuk, 2015). The services and favours can include: building their teacher a garage, replacing failing parts of the teacher's car, buying sports and laboratory equipment, buying materials to repair or redecorate HEI premises (paints, linoleum, skirting boards, etc.) and bringing in stationary that their department lacks, such as office paper (IED, 2015).

Marks obtained through acceptance of false authorship

As noted in Chapter 8, false authorship is the practice of ascribing authorship which is not deserved. Between one-fifth and one-third of students buy reports, term papers or graduation theses from others and present them to the teacher as their own work. This is undoubtedly an integrity violation – cheating and plagiarism – on the part of students concerned. It is also undue recognition of achievement if the teacher knows that the work has been bought and gives the student a good mark nevertheless. By failing to carry out simple basic checks – such as comparisons with the student's previous work – that would reveal whether the work has been bought, the teacher becomes an accomplice who knowingly inflates the achievement of the student.

There is no systematic evidence on the frequency with which teachers know that papers have been bought and yet mark them at face value. In some circumstances teacher complicity is obvious, for instance when teachers encourage students to buy theses or exam papers that they themselves have written – a frequent practice, the team was told in site visits. Students also report that teachers offer – for a fee – to provide them with papers written by someone else, and which they promise to award high marks.

False authorship as a form of student cheating – and teachers' apparent willingness to ignore it – is particularly common in certain disciplines. The percentage of students who said that their papers submitted for marking were always or usually their own efforts was 77% in medicine; between 60% and 70% in natural, economic and social sciences; between 50% and 60% in humanitarian and technical sciences; but less than 50% in transport, pedagogy, agriculture, law and construction (the lowest at 35%) (IED, 2015). The 48% in pedagogy and 47% in law are particularly concerning, as both are professions where integrity and subject knowledge are vital.

Assessment in absentia

Some students, known as absentee or "ghost" students, receive marks for papers they did not present or courses they did not attend, typically as the result of bribery or nepotism. Systematic evidence from survey or administrative tools was not available to the review team. Those with whom the team met in site visits provided these examples:

- Teachers are given lists of names by the dean of their department, and are told that the students on the list must be given the best marks, even if they never attend classes or present papers.
- Students do not attend classes during semesters but come only for the examination, and still obtain minimum passing marks.

- Students attend for a short while after enrolment but then "complete" their courses by paying rather than attending.
- Students nominally attending one HEI full-time are actually part-time attenders at two HEIs, both of which will give them degrees.
- Absentee students have jobs elsewhere or run their own businesses.

Influence peddling for better marks

Influence peddling describes a situation where a person misuses his/her influence over a decision-making process to the benefit of a third party, in return for loyalty, money or any other material or immaterial undue advantage (Council of Europe, 1999; AALEP, 2015). Students in Ukraine may benefit from their affiliation with an important HEI administrator or local education official and receive more recognition than they deserve (high marks for poor work, diplomas despite non-attendance). This is for instance common with children of families, the members of which work in the same educational institution ("teacher dynasties"). As a student representative during the site visits noted, "Of course, if it is the son of my colleague, I am not going to give him a hard time".

B. Factors that create opportunities for the violation

Inadequate assessment and quality assurance systems

The practices described in this chapter arise, in part, from three connected shortcomings: lack of adequate criteria for assessing student knowledge and academic achievement, lack of transparency regarding assessment results and deficient internal quality assurance mechanisms.

Ensuring due recognition of academic achievement is based on transparent principles for assessing student performance that are consistent across higher education institutions, that all higher education students understand, and that are fairly and consistently applied. In higher education in Ukraine, a common marking scale is in use, but there are not common assessment principles, assessment criteria or assessment guidance to help higher education instructors judge what mark is appropriate in a given situation.

Students and instructors acknowledge that assessment is not highly reliable. About one-third of teachers and two-thirds of students indicate that marks do not reflect or only partially reflect the "actual knowledge" of students.

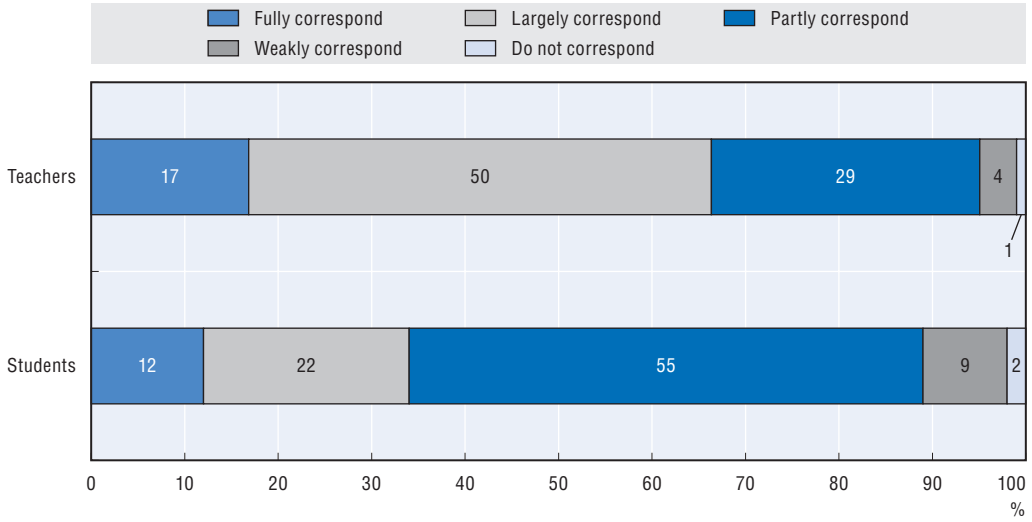
Marks and marking criteria do not have to be disclosed to students. Marks are infrequently explained to students or discussed with them, according to students with whom the integrity review team met. Some HEIs allow students to teach classes in the teacher's absence and to mark the work of fellow students. For higher degrees, marking is even more unstructured and potentially arbitrary: the review team was informed, for example, that there are no standard requirements for master's theses.

HEI procedures for student appeals against mismarking are generally inadequate, sometimes completely absent. Where appeals are allowed, the chances of a successful appeal are extremely low, because the assessment and quality criteria are not disclosed to students. In a 2011 study on the monitoring of education quality in Ukraine, only 6 of 110 HEIs reported that they made data available providing information about marking criteria and other information that students can use to evaluate the quality of the programmes they

offer (Babin et al., 2011). Where information about assessment criteria, rules and procedures exists, it is not made public (Tutko and Naumov, 2014). With no disclosure of assessment criteria, no duty to disclose and justify marks to the students concerned, and no meaningful appeal system, higher education teachers in Ukraine are free to give students any mark they choose, creating an environment that is open to abuse.

Figure 9.2. **Teachers' and students' perceptions of the reliability of assessment results in their HEI departments**

Question: "Does it happen that the students' marks do not reflect their actual knowledge? Sometimes a student with good knowledge may get a bad mark and vice versa. To what extent, in your opinion, do the evaluation results of students in your department correspond with their actual knowledge?"



Source: IED (2015), Академічна культура українського студентства: основні чинники формування та розвитку [Academic Culture of Ukrainian Student Community: Primary Factors of Formation and Development], *http://iro.org.ua/uploads/96491691.pdf*

Adopting and implementing quality assurance standards could yield improvements in the assessment practices that higher education institutions in Ukraine follow. The 2014 Law on Higher Education envisaged the establishment of a dual system of internal and external quality assurance, according to which responsibility for quality would be shared between HEIs and the new National Quality Assurance Agency for Higher Education (NAQA) that will take over the functions of the Accreditation Commission (British Council, 2015). This intention is in line with the recommendations of the European Association for Quality Assurance in Higher Education (ENQA) on student-centred learning, teaching and assessment, which are followed throughout the European Union (Box 9.2), and which the NAQA is expected to adopt.

If implemented, assessment criteria and procedures would be part of the quality assurance cycle within institutions, and these would in turn be subject to external scrutiny - by the NAQA, the public and students themselves. However, Ukraine is far from meeting these standards and guidelines. At the time of this assessment, the NAQA was not yet operational, and higher education institutions had signalled their disagreement with some of these provisions (British Council, 2015). As occasionally reported during the site visits for this assessment, HEIs were concerned about the loss of institutional autonomy.

Box 9.2. **Guidelines of the European Association for Quality Assurance in Higher Education on student-centred learning, teaching and assessment**

The ENQA guidelines require that:

- The criteria for and method of assessment as well as criteria for marking are published in advance.
- The assessment allows students to demonstrate the extent to which the intended learning outcomes have been achieved.
- Students are given feedback which, if necessary, is linked to advice on the learning process.
- Where possible, assessment is carried out by more than one examiner.
- The regulations for assessment take into account mitigating circumstances.
- Assessment is consistent, fairly applied to all students and carried out in accordance with the stated procedures.
- A formal procedure for student appeals is in place.

Source: ENQA (2009), *Standards and Guidelines for Quality Assurance in the European Higher Education Area*, *www.enqa.eu/wp-content/uploads/2013/06/ESG_3edition-2.pdf*.

Student fees and the cost of failure

The power to influence academic results is not only about certifying the aptitude and knowledge of examinees. Assessment results can also have serious financial implications for the students and their families, because they are a key determinant of study costs. Students who fail below a certain grade average might lose their state-funded study place and fall into the category of fee-paying students. Or, if they do not lose their place, they may be forced to move to a new HEI or speciality to keep their support. Furthermore, students who do not have a state-funded place but who wish to reach the threshold of success required to change from a fee-based to a budget place are also strongly incentivised to comply with requests for financial or in-kind exchanges in return for favourable marks. Survey data shows that 41% of respondents reported the primary reason for taking an exam is to secure public financial support or avoid being expelled (IED, 2015).

Poor attendance control

Some of the most extreme cases of undue recognition of academic achievement concern absentee or "ghost" students. It is the law in Ukraine that students whose attendance falls below certain limits must be expelled and not allowed to take their degrees. However, the integrity review team was advised that there is no general, universal system of recording and monitoring attendance at Ukrainian HEIs; some HEIs had no attendance controls at all until very recently, which enabled "ghosts" to be absent without their absence being noticed. The MoES intends to request higher education institutions to tighten up attendance controls in the course of improving their quality assurance arrangements; if done effectively, this particular loophole should be closed.

Toleration of degree-buying by distance learning/extramural students

The integrity review team identified no national rules or controls in place which would require distance learning students to show evidence of studying or achieving a certain standard of learning before receiving their degrees and diplomas. Students enrolled in conventional study programmes expressed to the integrity review team resentment of the ease with which these students obtain degrees even where institutional rules exist, typically

by paying in advance for a certain number of online classes which they need not complete, and/or filing an exam paper or thesis which they may not have written themselves.

"Everyone's doing it"

One of the questions in the surveys quoted in this chapter was what specifically motivated students to "buy" marks. More than 1 in 5 students (21.7%) gave as their reason or one of their reasons "everyone does it, why should I be different?". This can be a very powerful factor, particularly when the student is also under pressure from a teacher to do what "everyone does"; one in five students gave as their reason or one of their reasons "a teacher implies the importance of giving a bribe".

There seems to be an entrenched culture of corruption in many, probably the great majority, of Ukraine HEIs and, once such a culture takes root, it becomes increasingly difficult for individuals, whether students or teachers, to stand out against it. Added complications are that anyone using the argument "everyone's doing it" to persuade others to join the corrupt fraternity has an interest in exaggerating the numbers already in it; and anyone uncertain how true it is that "everyone's doing it" cannot find out, because those already acting corruptly are bound to deny that they are acting corruptly.

C. Factors that create incentives for the violation

The impact of low pay, multiple jobs and time constraints

Those who teach in Ukrainian higher education are paid, on average, much less than workers with a tertiary education employed in other sectors of the nation's economy, and less, on average, than tertiary instructors in OECD member countries. In terms of statutory pay, HEI staff in Ukraine are slightly better off than teaching staff in pre-tertiary education. The starting salary in higher education is about 1.3 times higher than that of a mid-career schoolteacher, and at the top of the salary scale, earnings are 1.2 times higher than at the beginning of the academic career (Table 9.4). However, these salaries are still considerably less than those of full-time, full-year workers with tertiary education who are employed outside of higher education. Newcomers to academia earn just 40% of the average pay in the finance and insurance sector, half of the average monthly earnings of professionals in scientific and technical professions, and 30% less than civil servants. Even at the top of their statutory pay scale, academic workers still earn less than any of the professional categories included in Table 9.4 and bring home less than the average income of a typical Ukrainian household in 2015.

Unlike teachers in schools and pre-schools, HEI staff does not have the option of compensation payments for additional activities. As already discussed, a combination of such payments can boost income substantially. The only alternative to raise their standard of living is to supplement the base salary with secondary jobs that might include, for example, fee-based expertise provision, private tutoring, authoring of textbooks, curating and editing of publications, fundraising and affiliation with non-governmental organisations.

There is no data on the extent of multiple jobholding in Ukrainian HEIs. However, all academic staff that the integrity review team met during the site visits was involved in secondary, income-generating activities, in many cases in addition to holding multiple positions in their own departments. One striking example was a senior lecturer in one of the regions visited by the review team who was in charge of research, lecturing and administration in her home HEI – and also teaching in another higher education institution, giving private classes, working on a textbook, and assessing textbook proposals for a publishing house.

Table 9.4. **Ratios of starting and top salaries with additional compensations of teachers in tertiary education to earnings for full-time, full-year workers with tertiary education in Ukraine (2016)**

Description	UAH (current prices)	Ratio of mid-career salary of teachers to other salaries in education	Ratio of starting salary in tertiary education to other salaries in education	Ratio of top salary in tertiary education to other salaries in education
Monthly income in the education sector:				
Salary of mid-career teachers (1)	2 334	**1.0**	1.3	1.8
Starting salary in tertiary education (2)	3 057	0.8	**1.0**	1.4
Top of the scale salary in tertiary education (3)	4 313	0.5	0.7	**1.0**
Average monthly income of workers with tertiary education in (4):	UAH (current prices)	Ratio of mid-career salary of teachers to salaries in selected sectors	Ratio of starting salary in tertiary education to salaries in selected sectors	Ratio of top salary in tertiary education to salaries in selected sectors
Finance and insurance	9 858	0.2	0.3	0.4
Professional, scientific and technical professions	7 291	0.3	0.4	0.6
Civil service, including defence	5 134	0.5	0.6	0.8
Industry	5 524	0.4	0.6	0.8
Average for selected sectors	**8 575**	**0.3**	**0.4**	**0.5**
Average household income in 2015	5 232	0.4	0.6	0.8

1. Professional category 1 or 15 years of experience.
2. Remuneration category 15.
3. Remuneration category 20.
4. Data for the period January-June 2016.

Source: Calculations based on SSSU (2014), Household Income Data, *https://ukrstat.org/en*; The provisions in the Decree of the Cabinet of Ministers of Ukraine No. 102 of 15 April 1993, with amendments; Decree of the Cabinet of Ministers of Ukraine No. 1298 of 30 August 2002; Decree of the Cabinet of Ministers of Ukraine No. 373 of 23 March 2011; Decree of the Ministry of Education and Science of Ukraine No. 557 of 26 September 2005, with amendment No. 991 of 17 August 2016.

The practice of multiple jobholding seems so widespread, that the additional revenue that it generates might have become something of a "compensating wage differential" - the additional amount of income that makes a job attractive despite disadvantages (Kaufman and Hotchkiss, 2005), such as low base salary and the uncertainty of time-bound contracts (1 to 7 years). Some interviews with new members of HEI staff during the site visits suggest that, in taking a decision to apply to a vacancy at a HEI and accept a subsequent job offer, young graduates are aware of their earnings outlook and, in advance of taking a decision, factor in the prospect of improving their situation through secondary jobs. One consequence of this is that academics are notoriously short of time. Multiple jobholding provides supplementary income and perhaps the sense of personal fulfilment, but it is highly time-consuming, and can present employees with conflicting demands between different jobs (ILO, 2004) and Box 9.3.

The shortage of time caused by multitasking affects the ability of HEI staff in Ukraine to meet some of their professional obligations, especially the proper preparation of lectures; keeping the content of lectures up-to-date in line with developments in their respective field; and providing consultations to students. Students during the site visits reported how their teachers often read pre-recorded lectures, the content of which has been the same for years, as visible in the notes of previous generations of students that are now used as scripts for exam preparations. This is not surprising. Beyond the initial effort of preparing them once, pre-recorded lectures do not require preparation by teachers and can be delivered by anyone - an assistant or even a student, freeing up time for other, income-generating activities.

Box 9.3. **Multiple jobholding in Eastern European HEIs**

In most Eastern European countries reviewed in the course of a 2008 OECD study of tertiary education (Croatia, the Czech Republic, Estonia, Poland and the Russian Federation), multiple jobholding was an important issue. Academics in these countries were found to often hold a position in more than one tertiary education institution in order to compensate for low salary levels. Typically, academics were employed full time at a public institution and hold a part-time, contractual position at one or more (often private) institutions. The case of Poland, for instance, was found to raise a number of issues, many of which are common to other Eastern European countries. While the possibility of multiple jobholding has helped to avoid a mass exodus from academia in search of higher salaries during the 1990s and has facilitated rapid expansion of the private tertiary education sector, there were also considerable drawbacks. Multiple jobholding had negative implications for teaching and research quality: teaching was likely to be done in repetitive ways, while research activities risked being superficial.

Source: Kwiek, M. (2003), "Academe in transition: Transformations in the Polish academic profession", *www.policy.hu/kwiek/HE%20Kwiek%202003.pdf*; OECD (2008), *Tertiary Education for the Knowledge Society: Volume 2, http://dx.doi.org/ 10.1787/9789264046535-en*.

The lack of time due to multiple jobs also affects the assessment of knowledge communicated in lectures and otherwise. Good assessment/exam sessions require time for preparation, administration and verification of results. Giving low marks and even allowing students to fail might create a need for additional rounds of exam sessions, for additional support and lecturing, and maybe even the preparation of new questions and exam materials - all of which take time. Over-marking is an effective insurance against that happening.

Policy incentives to over- or under-mark

On site visits the integrity review team heard from a HEI that the MoES requires HEI teachers to assess the work of students in their class in accordance with an enforced marking distribution, which limits the proportion of students who can get high marks in any one exam. If more students than the permitted percentage do well, then some have to be marked lower than they deserve. Further exploration established that there are a number of restrictions or pressures on HE teacher marking. Some are national while some arise from internal HEI instructions. Some push marks up, some push marks down, and some do both.

Restrictions or perceived restrictions at national level include:

- Decree of the Cabinet of Ministers of Ukraine No. 882 of 12 July 2004. This decree links awards and increases of state-funded scholarships, or stipends, to achievement of specified marks (the specified marks have been amended several times since 2004). In practice, it tends to cause under-marking, because HEIs need scholarship funds big enough to pay for all scholarships: the ministry, as budget provider, and HEI rectors, facing regular budget shortfalls, have a shared interest in limiting the calls on scholarship funds. The provisions of this decree could also facilitate withheld or undeserved recognition of academic achievement by cash-strapped and unscrupulous teachers, or those under pressure from cash-strapped and unscrupulous HEIs. An "unfavoured" student – such as

one who will not pay to keep their state scholarship – could be deprived of it by the under-marking of their work, while a favoured student – such as one who will pay - could be over-marked and take up the scholarship place withdrawn from the unfavoured student.

- Letter from MoES No. 1/9-119 of 26 February 2010. This advises HEIs to follow a normal marking distribution, as set out in an illustrative marking table in an early version of the ECTS (European Credit Transfer System) User Guide. However, the recommendation has no regulatory force; it was probably not approved due to the change of Ukrainian government in 2010; and later versions of the ECTS User Guide pulled back from suggesting that a normal marking distribution was a pre-condition for international credit transfer. In practice, this recommendation – if assumed to be binding - could cause teachers to adjust student marks either up or down, depending on how many good or weak performers are in their class.
- MoES Order No. 689 of 13 June 2012. The effect of this order is to make accreditation of HEI curricula depend on at least 50% of students getting good or excellent marks and at least 90% of students getting positive marks in their tests. Its intention is to ensure education quality. Its practical effect is to encourage teachers to over-mark some students if marking puts the HEI at risk of not reaching the accreditation threshold.
- Under present regulations, government funding for HEIs assumes a minimum student-teacher ratio of 12:1. If the ratio falls below this, funding is withdrawn. Because of this, in many HEIs, teachers are instructed, recommended or warned to avoid marking students so low that they will have to be expelled. The result is undeserved recognition of achievement.

Restrictions or pressures at HEI level vary, but the examples recorded in the course of desk research and site visits for this review are as follows:

- Some HEIs regard their state-funded students as too financially important to be allowed to fail their exams and leave. If they do, those students' places will be cut on the occasion of the HEI's next accreditation, unless alternative students can be brought in to fill their state-funded places – which is easier for some HEIs than others. At some institutions, students with state-funded places can get away with doing no work, if they pay for all the exams. Result: undeserved recognition.
- Some HEIs regard their fee-paying students, also known as "contract students", as too financially important to be allowed to fail their exams and leave. Contract students are particularly valuable to a HEI's finances if they are studying in prestigious disciplines such as law and economics; these students can be charged more than their full costs so as to cross-subsidise less prestigious but important higher-cost disciplines like physics and chemistry. Result: undeserved recognition.
- Foreign students are also very important to the finances of some HEIs. Evidence from site visits suggests that they often pay as much in USD as Ukrainian students pay in UAH. HEIs fortunate enough to have recruited them will try very hard to avoid requiring them to leave. Result: undeserved recognition.
- A final reason why teachers at public HEIs may be reluctant to fail students who deserve to be failed, is that the teachers are then obliged to offer retake exams and prepare the students for them, and the time they spend on retakes is unpaid. Result: undeserved recognition. At private HEIs, the opposite may apply. The private HEI cited above which offers fee discounts for excellent student performance allows students who fail end-of-year exams to retake them, provided they pay the full cost involved.

D. Policy options

Closing the opportunities for malpractice

Ensure transparency in marking and opportunities for appeal

The 2014 Law on Higher Education states that the functions of the NAQA should include ensuring that publicly available criteria are in place for decision-making in line with quality assurance standards and guidelines recognised for the European Higher Education Area. Section B of the 2014 law sets out the ENQA guidelines on student-centred learning, teaching and assessment. Action should now be taken to implement them, as follows.

First, every HEI should be required to publish the desired learning outcomes and success criteria for every year or semester of every programme it offers. Desired learning outcomes should be expressed in terms of what students must know and be able to do. Success criteria should enable teachers to judge whether, and to what extent, learning outcomes have been achieved; and they should be clear and comprehensive.

Second, for every year or semester of every programme it offers, every HEI should be required to publish the marking criteria it uses. These criteria should of course relate to the desired learning outcomes and success criteria of the programme. Students need to be able to read these marking criteria and understand exactly what they have to do to earn each higher mark on the marking scale. The marking criteria should also show clearly where the borderline lays between learning enough to remain on the course, and learning so little that the student deserves expulsion. This will provide clarity for students on how they will be marked and establish a basis for challenging unfair marking.

Third, teachers should routinely disclose and explain to students any mark awarded to them in any assessment and consider arguments students present in favour of a different mark. Students who remain dissatisfied should have a formal right of appeal to the HEI's central Quality Monitoring Unit.

Finally, attention must be given to students receiving undeserved high marks as a consequence of corrupt payments, favours or relationships. One way to deal with over-marking is to provide an independent and confidential channel for students to "blow the whistle" where they have evidence that unmerited marks have been awarded, for example where high marks are awarded to students who have not attended class or who have purchased their exam paper. This channel can exist within the campus and should be monitored by an external body, such as an ombudsman.

Ensure that a robust quality assurance body makes undue recognition a priority

When a robust higher education quality assurance body is in operation (i.e. the NAQA), its assessment of higher education institutions should look for the following signs of poor quality potentially related to undue recognition of academic achievement:

a. inadequate arrangements for student assessment (see the first recommendation in this section)
b. unresolved or unsatisfactorily resolved student-teacher disagreements over marks
c. absentee students: assessors could check HEI attendance records and raise queries where students have passed exams or received degrees without the required level of attendance
d. extramural (distance learning) students awarded marks inconsistent with their recorded input

e. cheating and plagiarism which, though obvious, has not been penalised or detected

f. exam papers or theses which appear to have been prepared externally or mismarked

g. close relationships between HEI personnel and students which may have affected marks

h. insufficient feedback to students, failures to involve student representatives or inattention to student complaints.

This agency should validate internal processes that higher education institutions use for marking, including mechanisms to ensure the integrity of marking.

The reports of HEIs and programmes should be made publicly available. HEI management and teachers should have the right to comment on the reports in draft and identify errors, but neither HEIs nor members of the NAQA ruling body should have the right to suppress findings or prevent publication.

Eliminating the incentives for malpractice

Remove policy incentives to over- or under-mark

Some government policies implemented in the preceding decade are no longer needed and are widely regarded by stakeholders as constraining the marks that can be given to students. None of those policies are needed at present, and this report recommends their elimination. Specifically, the integrity review team recommends that: 1) the 2004 Decree; 2) the 2010 MoES letter; and 3) the 2012 MoES Order be rescinded.

- The 2004 Decree linking state-funded scholarships to achievement of specified marks is now largely irrelevant. From 2015, Ukraine's Centre for Education Quality Assessment (CEQA) allocates state-funded places to the HEI applicants with the best EIT results. It is assumed that the CEQA also decides which students, of those allocated state-funded places, are in the top 75% and should get scholarships (stipends) as well as have their fees paid by the state. This will eliminate the need for HEIs to make or re-make decisions for the award of public scholarships based on grade point averages while students are at HEI. HEI marks are much less valid and reliable, and much more open to manipulation, than CEQA judgements based on EIT results. Those students awarded state scholarships on merit when they start HEI should expect to keep them throughout their courses, unless their performance falls below a certain threshold (which would be for the MoES to define). Moreover, the decree is incompatible with Article 62.4 of the 2014 Law on Higher Education, which makes no reference to marks, simply stating: "The size of the scholarship fund of a higher educational institution should provide for payment of academic scholarships to at least two thirds and not more than 75% of full-time state funded students [...] without taking into consideration persons receiving bursaries".
- The *2012 MoES Order* has not performed its function of ensuring education quality. The proportion of students getting high marks could only provide evidence of quality if the marks were based upon consistent, objective, and verifiable assessment standards. They are not. Instead, the order has the effect of encouraging over-marking in selected programmes and institutions.

- It would be helpful, in addition, to modify: 1) regulations that orient HEI funding only on student numbers, which in turn discourages teachers from expelling students who clearly deserve to be expelled, and 2) the regulations that deny extra pay to teachers who prepare students to retake exams they have failed. In 2016, the MoES presented a funding model for higher education that proposed that resource allocations take into consideration a broader selection of factors, for instance student choice, type and significance of the higher education institution, etc. (MoES, 2016). It is recommended to continue working on this model and pilot its applicability.
- Finally, the ministry should introduce regulations that help ensure that secondary jobs taken by employees of higher education institutions are consistent with the primary responsibility to the institution, and do not take place at the expense of proper delivery and assessment of knowledge. To be both fair and effective, the regulation of external employment must be linked to improvements in the compensation of academic staff in public higher education institutions.

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Table 9.4:

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ANNEX A

Outline of the review methodology

Approach and guiding questions

Reviews of integrity in education systems are designed to support governments and stakeholders with evidence and analysis of the policy failures that provide education participants with incentives and opportunities to engage in malpractice – in behaviours such as cheating, undue recognition of achievement, misappropriation of funds, and favouritism in staffing. They understand malpractice in education as originating in factors that create *incentives* for problematic behaviour by participants in education, and that open an *opportunity* for that behaviour, and together result in malpractice, or *integrity violations* (OECD, 2012; Milovanovitch, 2013, 2015).

Integrity violations may be reported by new organisations, by public accountability and auditing bodies, or by non-governmental organisations. Public opinion surveys frequently provide evidence of the frequency with which these violations are perceived to occur. Integrity reviews also rely upon site visits and interviews with stakeholders and civil society. Evidence is also obtained through focus groups and interviews with stakeholders and participants in the education system, and its credibility is established through the frequency and consistency with which it is reported. Evidence developed in integrity reviews serves policy analytic and improvement purposes rather than investigative purposes, and does not attempt to establish individual wrongdoing.

This analytic approach is guided by four questions which shape the structure of the review report:

1) What is the violation? The answers are provided in section A of each chapter, describing the integrity violation.
2) How does it happen? The answers are provided in section B of each chapter, describing factors and policy shortcomings that create opportunities for the violation.
3) Why does it happen? The answers are provided in section C of each chapter, describing factors and shortcomings that create incentives for the violation.
4) What can be done to prevent it from happening? The answers are listed in section D of each chapter, suggesting policy options.

Review process

The review process relies on desk research, site visits and consultations with national stakeholders to validate the findings and define options for feasible follow-up action. It follows a sequence of steps divided into three phases of implementation.

Phase 1 is devoted to an initial selection of violations for review and an inventory of integrity issues to be analysed in the course of review. The phase begins with a planning visit and the nomination of a national co-ordinator and institution (usually the Ministry of Education or a subsidiary of the ministry), followed by formation of a review team, preparation of an agenda for the site visits, and the provision of an initial selection of data and information. The latter includes translation of the documentation in the official language of the review report.

Phase 2 consists of an in-depth analysis of violations based on desk research and site visits, and preparation of a first draft of the review report, excluding recommendations. Phase 2 involves the visit of the review team to the country (see Annexes B and C), followed by continuous provision of data and information to support the subsequent analysis.

Phase 3 comprises the validation of analysis with national stakeholders, the elaboration of recommendations and finalisation of the integrity review. This phase features the organisation of a validation workshop with stakeholders and national experts, and a dissemination meeting for the final review report.

The present review was informed by the Integrity of Education Systems (INTES) methodology developed by Mihaylo Milovanovitch. This report is the result of desk research; site visits in five regions during October and November 2015; a seminar in Kyiv (March 2016) to present initial findings to a wide range of stakeholders and discuss ways to address the key challenges; and consultations within the OECD and with national authorities.

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ANNEX B

The OECD integrity review team

Mihaylo Milovanovitch (Center for Applied Policy)

Mihaylo Milovanovitch is an Education Policy and Integrity Analyst and a founding member of the Center for Applied Policy, a non-profit organisation with a focus on integrity and prevention of corruption in education. He is the author and co-author of peer reviews and thematic analyses of education policies in Central Asia, Eastern Europe, Latin America and the MENA region. His current work focuses on integrity and anti-corruption standards in education, and monitoring and modernisation of skills delivery through vocational education and training. Mihaylo is a member of the Southern Economic Association and was 2013 Network Fellow at the Edmond J. Safra Center for Ethics at Harvard University. Previously, he was a policy analyst with the OECD Directorate for Education and Skills, and co-ordinator of educational co-operation with Eastern Europe on behalf of the Federal Government of Austria and the Stability Pact for South Eastern Europe.

Tünde Kovács-Cerović (University of Belgrade)

Tünde Kovács-Cerović, PhD (University of Belgrade) is teaching Educational Psychology and Education Policy at the University of Belgrade. She served as State Secretary (2008-12) and Assistant Minister (2001-04) for education in Serbia, where she led reforms in primary and secondary education, headed the EU integration process in education, and served as main liaison person for international assistance programmes for the education sector in Serbia. Tünde initiated the first integrity review of the Serbian education system (conducted by the OECD). She contributed to Serbia's introduction of inclusive education to help integrate children from vulnerable groups into mainstream education; she was responsible for the adoption of standards for the teaching profession; and started the first Education Policy Master's Studies programme in the region. She was also involved in the establishment and initial operations of the Roma Education Fund, and has been a consultant for several international organisations. From 2007 to 2015, Tünde served as General Education Advisory Board member of the Open Society Foundations.

Caroline Macready (Caroline Macready Consulting)

Caroline Macready is owner and Director of Caroline Macready Consulting (UK). She advises on schools, vocational and higher education issues within the UK and internationally - particularly on assessing educational performance, improving education quality and systems, and the governance of education institutions. Caroline has written OECD and OECD/World Bank reports on education policies in Kazakhstan, Chile, Colombia and the Canary

Islands, and on human capital development in Central Asia, Eastern Europe and the South Caucasus, and the Middle East and North Africa. She is the author of *Who Goes Where and Why?*, a study of international student mobility, and has edited the Education Chapter of Whitaker's Almanack annually since 2010. From 1988 to 2006 she held senior posts in various UK Government Departments, including Employment, the Home Office and Education, where she developed policy and legislation on higher education and schools, advised Ministers and represented the UK Government in international negotiations.

Kateryna Obvintseva (OECD)

Kateryna Obvintseva is a Policy Analyst in the OECD Directorate for Education and Skills. She previously worked on an OECD project aimed at supporting the Government of Ukraine in designing reforms to strengthen the country's competitiveness in key sectors. Within the framework of this project, Kateryna worked on skills development in Ukraine, specifically a skills gap assessment study for the agribusiness and renewable energy sectors.

Muriel Poisson (IIEP - UNESCO)

Muriel Poisson leads the Research and Development Team at the International Institute for Educational Planning (IIEP - UNESCO). She is also the Manager of the Institute's project on Ethics and Corruption in Education. Muriel is responsible for research and training activities on a variety of topics such as the use of open education data, public expenditure tracking surveys, teacher codes of conduct and academic fraud. She has trained more than 2 000 people on how to design and implement diagnostic tools aimed at assessing distorted practices in the use of education resources, and on how to design and implement strategies to improve transparency and accountability in education. She provides technical assistance in the area of transparency and integrity planning, and she also manages the ETICO information platform, a clearinghouse for information and activities related to transparency and accountability issues in education. Muriel has authored or co-authored a number of articles and books, including: *Corrupt Schools, Corrupt Universities: What Can Be Done?*

Andrew McQueen (OECD)

Andrew McQueen is a Policy Analyst in the OECD Directorate for Education and Skills. Before arriving at the OECD, Andrew led a policy analysis team in the Economic Policy Directorate of the Canadian federal department Employment and Social Development (ESDC). His work in the department focused on broad systems issues affecting post-secondary education and training in Canada, on levers to achieve federal objectives in education and skills training, and on the evolving nature of labour market demand for skills. Before joining the Canadian federal government, Andrew was a professor at Tennessee State University in Nashville, Tennessee.

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ANNEX C

Site visits

The site visits in Ukraine took place between 26 October 2015 and 6 November 2015 and the initial results of the integrity review were discussed in a validation meeting with national and regional stakeholders on 15 and 16 March 2016.

Consistent with the approach taken in previous integrity reviews and in OECD education policy reviews, the selection of locations, organisations and persons was based upon non-probability sampling techniques. Specifically, sampling decisions were based upon these considerations:

- balanced geographical distribution (with certain areas of the country excluded due to the risk of conflict)
- balance between visits in the capital, major regional cities and smaller regional cities
- regions with different levels of economic development
- urban and rural providers
- well-performing and ill-performing institutions
- providers at all levels of education
- all groups of education participants and stakeholders: decision makers – providers (including teachers and administrators) – beneficiaries (students and parents)
- various levels of governance (central – regional – local)
- adjacent sectors, as far as relevant (i.e. employers)
- international partners
- civil society representatives.

The OECD review team met over 200 participants in Kyiv, the cities of Poltava, Lviv, Odessa and Zhytomyr, and in rural areas surrounding some of those cities. The team visited public pre-school, primary/secondary, vocational and tertiary institutions, in-service teacher training institutes, and private education providers. Members of the team held meetings with authorities responsible for education on national and regional levels (*rayons* and *oblasts*), as well as with institutions that monitor the national education system (e.g. the National Testing Center, the State School Inspectorate, the Institute for the Modernisation of Educational Content, representatives of an employers' federation). Finally, there were numerous meetings with parents, students and civil society organisations. The visits concluded with a debriefing session for the Ministry of Education and Science.

Site visits to education providers typically organised parallel meetings with teachers, principals/regional administrators and students, so that representatives from these groups could speak freely. The full programme of the site visits is provided below.

Visit programme

Monday, 26 October 2015, Poltava city and region	
09:30 - 12:45	Group 1: visit to rural school *Administration* *Teachers* *Students*
09:30 - 12:45	Group 2: visit to a teacher training institute *Administration* *School principals in training* *School teachers in training* *Pre-school teachers in training*
14:00 - 16:30	Visit to a pedagogical university *Rector* *Lecturers* *Student representatives*
17:00 - 18:30	Civil society organisation with focus on corruption, promoting engagement of civil society, and monitoring public policy
Tuesday, 27 October, Kyiv city	
09:30 - 11:30	Group 1: visit to a national university *Vice-rector* *Lecturers* *Students*
09:45 - 11:30	Group 2: visit to a national university *President* *Lecturers* *Students*
12:00 - 13:00	Parliamentary Committee on Education and Science *Head of the Committee*
13:30 - 14:30	Meeting with an independent non-profit organisation focusing on higher education policy analysis
14:30 - 16:00	Meeting with representatives of student associations
16:30 - 18:00	Meeting with an independent non-profit organisation focusing on political studies and analysis
Wednesday, 28 October 2015, Kyiv city	
09:00 - 10:30	Group 1: visit to a public pre-school institution *Principal* *Teachers* Group 2: meeting with an association of school principals
11:00 - 12:30	Visit to a specialised secondary school (lyceum) *Principal* *Teachers*
Wednesday, 28 October 2015, Lviv city	
19:00 - 21:00	Meeting with an independent advisory group on education reform, established in support of the Ministry of Education and Science

Thursday, 29 October 2015, Lviv city and region	
09:00 - 13:00	Visit to a rural school in Lviv region *Principal* *Teachers*
14:30 - 15:30	Group 1: meeting with the Lviv city education administration *Humanitarian department* Group 2: meeting with the professional association of principals Group 3: meeting with the Lviv region education administration
15:30 - 17:30	Meeting with parent organisations
18:00 - 20:00	Meeting with a civil society organisation with experience in education financing reforms in Ukraine
Friday, 30 October 2015, Lviv city	
09:30 - 11:30	Meeting in an in-service teacher training institute *Teachers in training* *School principals in training* *Administration of the institute* *Teacher trainers*
11:30 - 13:00	Meeting with an independent association of teachers
14:30 - 16:30	Visit to a national university *Rector* *Lecturers* *University administration* *Students*
17:00 - 19:00	Group 1: meeting with a civil society organisation focusing on decentralisation in education Group 2: meeting with a representative of an academic institution focused on public administration and audit of education institutions
Saturday, 31 October 2015, Odessa city	
13:00 - 14:30	Meeting with grassroots organisations active in education
Monday, 2 November 2015, Odessa city	
09:30 - 11:30	Visit to a specialised school (Gymnasium) *Principal* *Teachers*
13:30 - 15:30	Visit to a pedagogical university *Administration* *Lecturers* *Students*
16:00 - 17:30	Meeting with a civil society organisation focusing on monitoring anti-corruption policies in the public sector
Tuesday, 3 November 2015, Odessa city	
09:30 - 11:30	Visit to an in-service teacher training institute *Institute administrators* *Teachers in training* *Principals in training*
12:00 - 14:00	Meeting in the education department of Odessa region
Wednesday, 4 November 2015, Zhytomyr city and region	
10:00 - 11:00	Meeting with the Zhytomyr regional education administration
11:15 - 13:00	Visit to an urban, neighbourhood school *Principal* *Teachers* *Students*
14:00 - 16:00	Visit to a national university *Rector* *Lecturers* *Students*

Wednesday, 4 November 2015, Kyiv city	
10:00 - 12:30	Group 1: meeting in the Ukrainian Center for Educational Quality Assessment
	Group 2: meeting with the National Institute for Modernisation of Educational Content
14:00 - 16:00	Meeting on procurement reform with representatives of the National Reform Council
Thursday, 5 November 2015, Kyiv city	
09:30 - 11:00	Meeting with parent organisations
11:00 - 13:00	Group 1: visit to a private school
	School owner
	Teachers
	Group 2: meeting with the federation of employers of Ukraine
14:00 - 15:00	Meeting with the International Renaissance Foundation - Ukraine
15:00 - 16:00	Group 1: meeting with the State Accreditation Commission
	Group 2: meeting with a civil society initiative focusing on Roma education
	Group 3: meeting with a civil society organisation focusing on budgetary and socio-economic research
Friday, 6 November 2015, Kyiv city	
09:30 - 11:00	Debriefing meeting at the Ministry of Education and Science
	Deputy Minister
	Higher education department
	Secondary and pre-school education department
11:00 - 12:30	Meeting with the State School Inspectorate
14:00 - 16:00	Meeting with the resident experts in Ukraine of the OECD Anti-Corruption Network for Eastern Europe and Central Asia

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Education in Ukraine is marked by integrity violations from early childhood education and care through postgraduate study. In the past decade policy makers and civic organisations have made progress in addressing these challenges. However, much remains to be done. *OECD Reviews of Integrity in Education: Ukraine 2017* aims to support these efforts.

The review examines systemic integrity violations in Ukraine. These include: preferential access to school and pre-school education through favours and bribes; misappropriation of parental contributions to schools; undue recognition of learning achievement in schools; paid supplementary tutoring by classroom teachers; textbook procurement fraud; and, in higher education, corrupt access, academic dishonesty, and unwarranted recognition of academic work.

The report identifies how policy shortcomings create incentives for misconduct and provide opportunities for educators and students to act on these incentives. It presents recommendations to address these weaknesses and strengthen public trust in a merit-based education system. The audience of this report is policy makers, opinion leaders and educators in Ukraine.

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