

2. ORGANISATION AND GOVERNANCE

2.1. Introduction

In the Federal Republic of Germany responsibility for the education system is determined by the federal structure of the state. Unless the Basic Law (*Grundgesetz* – R1) awards legislative powers to the Federation, the Länder have the right to legislate. Within the education system, this applies to the school sector, the higher education sector, adult education and continuing education. Administration of the education system in these areas is almost exclusively a matter for the Länder. Detailed regulations are laid down in the constitutions of the Länder (R13–28) and in separate laws of the Länder on early childhood education, on the school system, on higher education, on adult education and on continuing education. Responsibility for the remuneration and pensions of civil servants (e.g. teachers, professors and junior professors) also lies with the Länder.

The scope of the Federal Government's responsibilities in the field of education is defined in the Basic Law, according to which the Federation bears responsibility particularly for the regulations governing the following domains of education, science and research:

- In-company vocational training and vocational further education
- Admission to higher education institutions and higher education degrees (here the Länder may enact laws at variance with the legislation of the Federation)
- Financial assistance for pupils and students
- Promotion of scientific and academic research and technological development, including the promotion of up-and-coming academics
- Youth welfare (in particular early childhood education and care in day-care centres and child-minding services)
- Legal protection of participants of correspondence courses
- Regulations on entry to the legal profession
- Regulations on entry to medical and paramedical professions
- Employment promotion measures as well as occupational and labour market research

Furthermore, the Federation has legislative authority over the status-related rights and duties of civil servants, as well as the legislative authority over foreign affairs.

In addition to the division of responsibilities described above, the Basic Law also provides for particular forms of cooperation between the Federation and the Länder within the scope of the so-called joint tasks (*Gemeinschaftsaufgaben*). Pursuant to Article 91b, Paragraph 1 of the Basic Law, the Federation and the Länder may mutually agree to cooperate in cases of supra-regional importance in the promotion of science, research and teaching. Additionally, pursuant to Article 91b, Paragraph 2 of the Basic Law, the Federation and the Länder may mutually agree to cooperate for the assessment of the performance of educational systems in international comparison and in drafting relevant reports and recommendations. For more detailed information on the collaboration between the Federation and the Länder in the education sector, see chapter 2.7.

2.2. Fundamental Principles and National Policies

In the Federal Republic of Germany responsibility for the education system is determined by the federal structure of the state. Under the Basic Law (*Grundgesetz* – R1) the exercise of governmental powers and the fulfilment of governmental responsibility is incumbent upon the individual Länder as far as the Basic Law does not provide for or allow for any other arrangement. The Basic Law contains a few fundamental provisions on questions of education, culture and science: thus for example it guarantees the freedom of art and scholarship, research and teaching (Art. 5, Paragraph 3), the freedom of faith and creed (Art. 4), free choice of profession and of the place of training (Art. 12, Paragraph 1), equality before the law (Art. 3, Paragraph 1) and the rights of parents (Art. 6, Paragraph 2). The entire school system is under the supervision of the state (Art. 7, Paragraph 1).

2.3. Lifelong Learning Strategy

There is general social agreement that lifelong learning including continuing education is increasingly assuming a key role in today's information and knowledge society.

In July 2004, the Federation and the Länder adopted a joint strategy for lifelong learning in Germany (*Strategie für Lebenslanges Lernen in der Bundesrepublik Deutschland*). The strategy is aimed at demonstrating how learning can be encouraged and supported for all citizens of all ages and at all stages in their lives; this takes place at different locations and teaching is offered in various forms. Lifelong learning includes all formal, non-formal and informal learning. The strategy is oriented around the various phases in a person's life, ranging from early childhood to old age, as well as around key elements for lifelong learning that represent main development focuses. Within this framework, realistic prospects are to be developed for the long-term that build on the existing educational structures, activities and experiences and define a structured framework for lifelong learning that is flexible and open for the necessary continuous further development. Development focuses of this strategy are:

- inclusion of informal learning
- self-guidance
- development of competences
- networking
- modularisation
- learning counselling
- new learning culture / popularisation of learning
- fairness of access

The relevance of these development focuses and how they form part of a strategy of lifelong learning is shown on the basis of the life phases of children, young people, young adults, adults and older people. Linking the life phases with development focuses simultaneously counteracts a separation of educational areas. Depending on their specialisation in accordance with educational policy, the framework defined with this strategy paper should be completed by Federation and Länder.

The institutions involved have reached a general consensus with regard to the necessary reforms in continuing education. The main points are as follows:

- measures to improve the transparency of the continuing education market by developing local and regional centres for continuing education as well as the further development of the continuing education InfoWeb (www.iwwb.de)
- further development of quality assurance in continuing education through recognised testing agencies and suitable certification methods
- the modularisation of study courses and the award of credit points
- promotion of participation in continuing education and of continuing education institutions that align themselves with current supply and demand
- the inclusion of lifelong learning in collectively agreed salary arrangements
- the development of scientific and academic continuing education
- new financing instruments

2.4. Organisation of the Education System and of Its Structure

The education system in the Federal Republic of Germany is divided into

- early childhood education
- primary education
- secondary education
- tertiary education
- continuing education

Early childhood education and care

Early childhood education is provided by institutions catering for children until the age of six at which they usually start school. Children of school age who have not yet attained a sufficient level of development to attend a school have a further option in some Länder, namely *Schulkindergärten* and *Vorklassen*. These institutions are either assigned to the early childhood or the primary sector according to the particular Land. Attendance is usually voluntary, although in most of the Länder in question the authorities are entitled to make it compulsory. For children of school age, the child and youth welfare sector also offers before-school and after-school care options. For details see chapter 4.

Compulsory education

As a rule, general compulsory schooling begins for all children in the Federal Republic of Germany in the year in which they reach the age of six and involves nine years of full-time schooling (ten years in Berlin, Brandenburg, Bremen and Thüringen; in Nordrhein-Westfalen, the duration of full-time compulsory education is nine years for the *Gymnasium*, and ten years for other general education schools). Those young people who do not attend a full-time general education school or vocational school at upper secondary level once they have completed their period of compulsory general schooling must still attend part-time schooling (compulsory *Berufsschule* attendance – *Berufsschulpflicht*). This usually lasts three years, according to the duration of training in a *anerkannter Ausbildungsberuf* (recognised occupation requiring formal training). For pupils who do not attend a general education school at upper secondary level or enter training, some Länder have regulations under which pupils are required to remain in full-time education and attend some sort of vocational school.

Children and young people with disabilities are also required to attend school and complete their compulsory education. On the basis of their *sonderpädagogischer Förderbedarf* (special educational needs), they are either taught in mainstream schools together with non-handicapped pupils, or in *sonderpädagogische Bildungseinrichtungen* (special schools).

Compulsory schooling involves regular attendance of lessons and other compulsory school events. Both pupils and parents are responsible for seeing that this obligation is met and training companies are also responsible for ensuring that their trainees fulfil their obligation to attend vocational school. The school head checks on attendance records and can, if necessary, enforce attendance through various measures against the pupil, parents or the training company.

Primary education

As a rule, in the year in which children reach the age of six, they are obliged to attend primary school. All pupils in Germany enter the *Grundschule* which covers grades 1 to 4. In Berlin and Brandenburg, the *Grundschule* covers grades 1 to 6. Primary education is dealt with in detail in chapter 5.

For pupils with *sonderpädagogischer Förderbedarf* (special educational needs), additionally a range of *sonderpädagogische Bildungseinrichtungen* (special schools) exists (e.g. *Förderschulen*, *Förderzentren*, *Schulen mit sonderpädagogischem Förderschwerpunkt*, *Sonderpädagogische Bildungs- und Beratungszentren*, *Schulen für Behinderte* or *Sonderschulen*). More detailed information on special needs education is available in chapter 12.3.

Transition from primary to secondary education

The transition from the *Grundschule* (primary school) to one of the different lower secondary school types where pupils remain at least until the completion of their full-time compulsory education is dealt with differently depending on Land legislation. The vote of the school which the pupil is leaving is taken as a basis for the decision or as guidance in the decision regarding the pupil's future school career. This is accompanied by detailed consultations with parents. The final decision is taken either by the parents or the school or school supervisory authority. For certain school types, it is dependent on pupils demonstrating a certain level of ability and/or on the capacity available in the desired school. For an overview of regulations specific to the various Länder with regard to the transition from the *Grundschule* (primary school) to lower secondary education, see the website of the Standing Conference of the Ministers of Education and Cultural Affairs of the Länder (*Kultusministerkonferenz – KMK*).

Secondary education

Following the primary school stage at which all children attend mixed-ability classes (grades 1 to 4, in Berlin and Brandenburg grades 1 to 6) the structure of the secondary school system (grades 5/7 to 12/13) in the Länder is characterised by division into the various educational paths with their respective leaving certificates and qualifications for which different school types are responsible, either as school types offering one course of education or as school types offering more than one course of education.

At school types offering one course of education all teaching is channelled to a specific qualification. These have traditionally been the *Hauptschule*, *Realschule* and *Gymnasium*. *Schularten mit mehreren Bildungsgängen* (schools offering more than one type of course of education) bring two or three courses of education under one umbrella. In most of the Länder they have meanwhile led to the abolition of the *Hauptschule* and *Realschule*. The various types of school will be described in more detail in chapter 6 as part of the description of secondary education.

For pupils with *sonderpädagogischer Förderbedarf* (special educational needs), additionally various types of *sonderpädagogische Bildungseinrichtungen* (special schools), have been set up within the organisational framework of general and vocational education (e.g. *Förderschulen*, *Förderzentren*, *Schulen mit sonderpädagogischem Förderschwerpunkt*, *Sonderpädagogische Bildungs- und Beratungszentren*, *Schulen für Behinderte* or *Sonderschulen*). More detailed information on special needs education at special education institutions is available in chapter 12.3.

Once pupils have completed compulsory schooling – generally when they reach the age of 15 – they move into upper secondary education. The type of school entered depends on the qualifications and entitlements obtained at the end of lower secondary education. The range of courses on offer includes full-time general education and vocational schools, as well as vocational education and training within the *duales System* (dual system). The majority of the Länder offer the following general education and vocational schools, with some forms specific to individual Länder:

General education schools:

- *Gymnasium*
- *Schularten mit drei Bildungsgängen* and *gymnasiale Oberstufe*

Vocational schools:

- *Berufsschule*
- *Berufsfachschule*
- *Fachoberschule*
- *Berufsoberschule*
- *Berufliches Gymnasium*

A description of the courses on offer at the types of school listed above is included in chapter 6 on secondary education.

Tertiary education

The tertiary sector encompasses institutions of higher education and other establishments that offer study courses qualifying for entry into a profession to students who have completed the upper secondary level and obtained a higher education entrance qualification.

The Federal Republic of Germany has the following types of higher education institutions:

- *Universitäten, Technische Hochschulen/Technische Universitäten, Pädagogische Hochschulen, Theologische Hochschulen*
- *Kunsthochschulen* and *Musikhochschulen* (colleges of art and music)
- *Fachhochschulen*

Additionally there are a number of special higher education institutions which only admit certain groups, e.g. higher education institutions of the Federal Armed Forces and *Verwaltungsfachhochschulen*, and are not considered below.

Those with a higher education entrance qualification may also choose to enter a *Berufsakademie* offered by some Länder as an alternative to higher education. At state or state-recognised *Studienakademien* (study institutions) and in companies students receive academic but, at the same time, practical career training.

The *Fachschulen* and the *Fachakademien* in Bayern are institutions of continuing vocational education that, as a rule, call for the completion of relevant vocational education and training in a *anerkannter Ausbildungsberuf* (recognised occupation requiring formal training) and relevant employment. The qualification level achieved here is comparable to the first level of the tertiary sector in accordance with the International Standard Classification of Education ISCED.

For more detailed information on tertiary education institutions, see chapter 7.

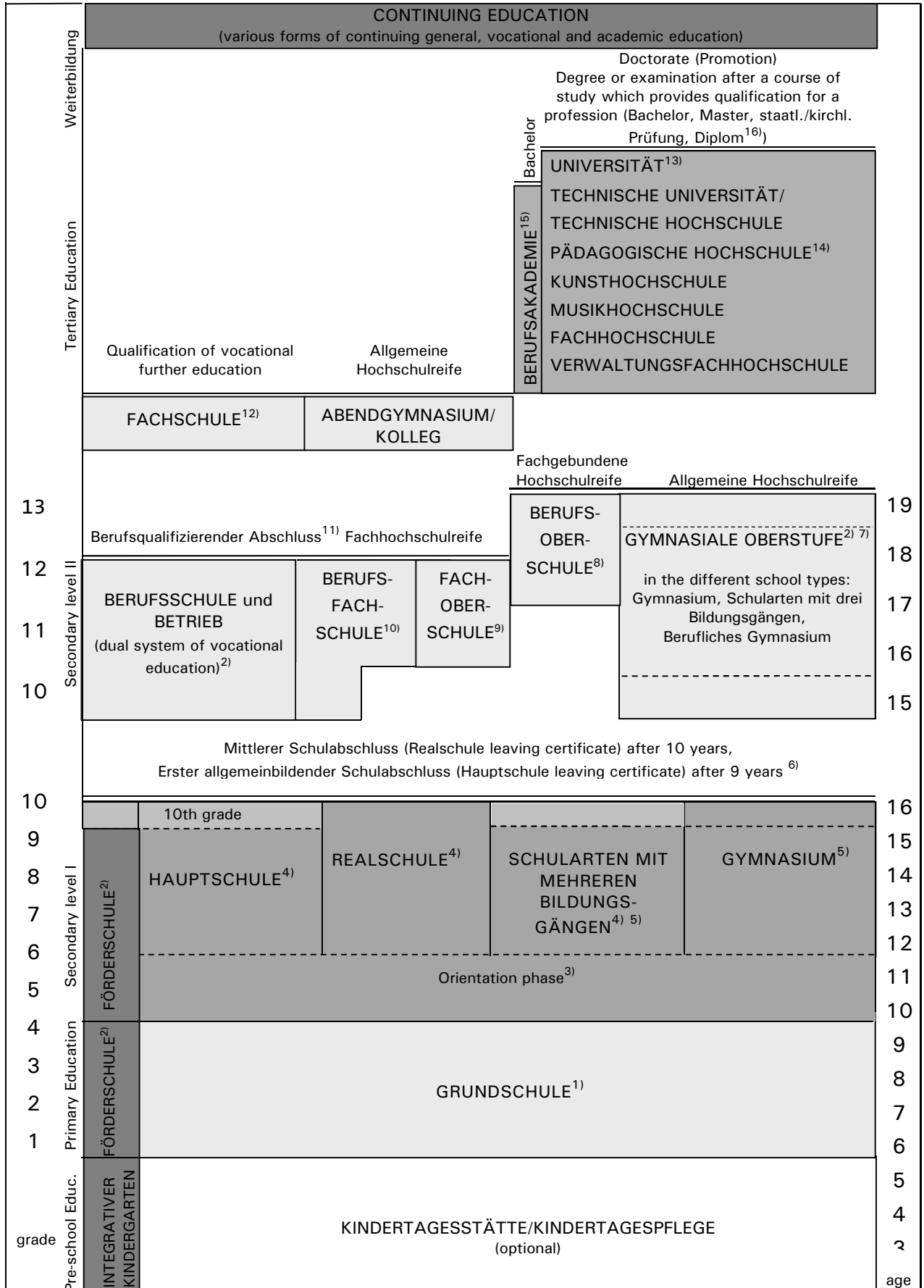
Continuing education

Continuing education and further learning are becoming increasingly important with the present demographic development. In terms of lifelong learning, institutionalised continuing vocational training addresses the further development of individual qualifications as well as individual reorientation relative to the qualification. The development, recognition and certification of competences will become more and more important in future, as will new, non-formal learning. Continuing education encompasses the general, vocational and socio-political domains in equal measure. Their interactions are on the increase, particularly in view of the development and transfer of competences in the sense of lifelong further learning.

In response to the vast range of demands made on continuing education, a differentiated structure has been developed. Continuing education is offered by municipal institutions, in particular *Volkshochschulen*, as well as by private institutions, church institutions, the trade unions, the various chambers of industry and commerce, political parties and associations, companies and public authorities, family education centres, academies, *Fachschulen*, institutions of higher education and distance learning institutions. Radio and television companies also provide continuing education programmes.

For a more detailed description of the continuing education sector, see chapter 8.

Basic Structure of the Educational System in the Federal Republic of Germany



Annotations

Diagram of the basic structure of the education system. The distribution of the school population in grade 8 as per 2014 taken as a national average is as follows: *Hauptschule* 13.3 per cent, *Realschule* 21.7 per cent, *Gymnasium* 35.8 per cent, *integrierte Gesamtschule* 13.6 per cent, types of school with several courses of education 10.1 per cent, special schools 4.5 per cent.

The ability of pupils to transfer between school types and the recognition of school-leaving qualifications is basically guaranteed if the preconditions agreed between the Länder are fulfilled. The duration of full-time compulsory education (compulsory general education) is nine years (10 years in five of the Länder) and the subsequent period of part-time compulsory education (compulsory vocational education) is three years.

- 1 In some Länder special types of transition from early childhood to primary education (*Vorklassen, Schulkindergärten*) exist. In Berlin and Brandenburg the primary school comprises six grades.
- 2 Teaching pupils with special educational needs in inclusive classes at general education schools or special education institutions with corresponding special educational focuses. Designation of schools varies according to the law of each Land. *Sonderpädagogische Bildungseinrichtungen* with a focus on “learning” (school for children with learning difficulties, *Schule für Lernbehinderte*) and *sonderpädagogische Bildungseinrichtungen* with a focus on “mental development” award school-specific qualifications.
- 3 Grades 5 and 6 constitute a phase of particular promotion, supervision and orientation with regard to the pupil's future educational path and its particular direction.
- 4 *Hauptschule* and *Realschule* only exist in any appreciable numbers in six Länder (Baden-Württemberg, Bayern, Hessen, Niedersachsen, Nordrhein-Westfalen, Schleswig-Holstein). In Bayern, the type of school comparable to a *Hauptschule* is called a *Mittelschule*. The *Hauptschule* and *Realschule* courses of education are also offered at schools with several courses of education, for which the names differ from one Land to another.
- 5 The following types of school with two courses of education bring the courses of education of *Hauptschule* and *Realschule* under one educational and organisational umbrella: *Mittelschule* (Sachsen), *Regelschule* (Thüringen), *Sekundarschule* (Bremen, Sachsen-Anhalt), *Erweiterte Realschule* (Saarland), *Verbundene Haupt- und Realschule* (Hessen), *Regionale Schule* (Mecklenburg-Vorpommern), *Realschule plus* (Rheinland-Pfalz), *Regionalschule* (Schleswig-Holstein), *Oberschule* (Brandenburg), *Mittelstufenschule* (Hessen). The *Gymnasium* course of education is also offered at schools with three courses of education. The three courses of education of *Hauptschule*, *Realschule* and *Gymnasium* are also offered at the following types of school: *Integrierte Gesamtschule*, *Kooperative Gesamtschule*, *Integrierte Sekundarschule* (Berlin), *Oberschule* (Bremen, Niedersachsen), *Stadtteilschule* (Hamburg), to some extent *Regionale Schule* (Mecklenburg-Vorpommern), *Gemeinschaftsschule* (Baden-Württemberg, Saarland, Sachsen-Anhalt, Schleswig-Holstein, Thüringen), *Sekundarschule* (Nordrhein-Westfalen).
- 6 The general education qualifications that may be obtained after grades 9 and 10 carry particular designations in some Länder. These certificates can also be obtained in institutions offering secondary education for adults known as *Zweiter Bildungsweg* and

at vocational schools or through an external examination before a state examining board.

- 7 Admission to the *gymnasiale Oberstufe* requires a formal entrance qualification which can be obtained after grade 9 or 10. Since 2012, in the majority of Länder the *Allgemeine Hochschulreife* can be obtained after the successful completion of 12 consecutive school years (eight years at the *Gymnasium*). At schools with three courses of education the *Gymnasium* course of education is not, as a rule, reduced to eight years.
- 8 The *Berufsoberschule* has so far only existed in a few Länder and offers school-leavers with the *Mittlerer Schulabschluss* who have completed vocational education and training or five years' working experience the opportunity to obtain the *Fachgebundene Hochschulreife*. Pupils can obtain the *Allgemeine Hochschulreife* by proving their proficiency in a second foreign language.
- 9 The *Fachoberschule* is a school type lasting for two years (grades 11 and 12) which admits pupils who have completed the *Mittlerer Schulabschluss* and qualifies them to study at a *Fachhochschule*. In the majority of Länder, pupils who have successfully completed the *Mittlerer Schulabschluss* and have been through initial vocational training can also enter the *Fachoberschule* directly in grade 12. The Länder may also establish a grade 13. After successful completion of grade 13, pupils can obtain the *Fachgebundene Hochschulreife* and under certain conditions the *Allgemeine Hochschulreife*.
- 10 *Berufsfachschulen* are full-time vocational schools differing in terms of entrance requirements, duration and leaving certificates. Basic vocational training can be obtained during one- or two-year courses at *Berufsfachschulen* and a vocational qualification is available at the end of two- or three-year courses. Under certain conditions the *Fachhochschulreife* can be acquired on completion of a course lasting a minimum of two years.
- 11 Extension courses are offered to enable pupils to acquire qualifications equivalent to the *Hauptschule* and *Realschule* leaving certificates.
- 12 *Fachschulen* cater for continuing vocational education (1-3 year duration) and as a rule require the completion of relevant vocational education and training in a recognised occupation and subsequent employment. In addition, the *Fachhochschulreife* can be acquired under certain conditions.
- 13 Including institutions of higher education offering courses in particular disciplines at university level (e.g. theology, philosophy, medicine, administrative sciences, sport).
- 14 *Pädagogische Hochschulen* (only in Baden-Württemberg) offer training courses for teachers at various types of schools. In specific cases, study courses leading to professions in the area of education and pedagogy outside the school sector are also offered.
- 15 The *Berufsakademie* is a tertiary sector institution in some Länder offering academic training at a *Studienakademie* (study institution) combined with practical in-company professional training in keeping with the principle of the dual system.
- 16 The reform of the study structure with the conversion to Bachelor's and Master's degrees is to a large extent complete. Only a small number of study courses lead to a *Diplom* degree.

As at December 2016

2.5. Organisation of Private Education

In all areas of education there are also, to a greater or lesser extent, privately-maintained institutions. Institutions which fall under this category are those at pre-school level, which are assigned to child and youth welfare, schools and higher education institutions, as well as adult education institutions. The fact that public-sector and privately-maintained institutions exist side by side and cooperate with each other guarantees not only choice in terms of the educational programmes available but also choice between various maintaining bodies, which promotes competition and innovation in education. Through their maintenance of educational establishments, churches and other groups within the community help shape both society and the state.

Early childhood education and care

Particularly in the Länder in western Germany, the education, socialisation and care of children up to school age takes place mainly in privately-maintained day-care centres. Social Security Code VIII (*Achtes Buch Sozialgesetzbuch – Kinder- und Jugendhilfe* – R61) gives priority to institutions run by non-public bodies (churches, welfare associations, parents associations etc.) in the interests of providing a diverse range. Public bodies (local authorities – *Kommunen*) should only establish their own institutions if non-public bodies do not offer suitable institutions or cannot set them up in time. As a result of this principle, around 66.9 per cent of day-care centres in Germany were run by non-public bodies of the child and youth welfare services in 2015.

Day-care centres for children which are funded by local authorities or non-public bodies are subject to public supervision by the responsible bodies for the public youth welfare services at Land level. This is generally exercised by the youth welfare offices of the Länder (*Landesjugendämter*). Maintaining bodies for youth welfare services from the private sector receive financial support from the Land as well as from the local authorities (*Kommunen*) to run day-care centres (e.g. for operating costs and investments). For more information on the funding of early childhood education and care see also chapter 3.2.

Privately-maintained schools

The right to establish privately-maintained schools is expressly guaranteed by the Basic Law (*Grundgesetz*, Art. 7, Paragraph 4 – R1) and, to some extent, by provisions in the constitutions of the individual Länder. This freedom to establish privately-maintained schools is combined with a guarantee of the privately-maintained school as an institution. Thus, constitutional law rules out a state monopoly of education. The proportion of privately-maintained schools varies considerably from Land to Land and between the different types of school. The main legal provisions for the establishment of privately-maintained schools are the relevant provisions in the Education Acts (R84, R86, R88, R90, R92, R95, R97, R99, R101–102, R104, R106, R112, R114–115, R117) and the special laws on privately-maintained schools (R85, R93, R96, R105, R109, R113, R119), as well as financial aid regulations in the form of laws and regulations of the Länder. Standard framework conditions in the Länder are guaranteed by an Agreement on Private Schools (*Vereinbarung über das Privatschulwesen*) of August 1951 drawn up by the Standing Conference of the Ministers of Education and Cultural Affairs (*Kultusministerkonferenz* – KMK).

Under the Basic Law, privately-maintained schools are also under the supervision of the state. When establishing a privately-maintained school, general legal requirements must be observed first of all, for instance with regard to building and fire safety regulations, health protection and protection of children and young people. The personal suitability of maintaining bodies, managers and teachers also has to be vouched for.

Primary sector

In the primary sector, privately-maintained schools may only be established on very strict conditions (Art. 7, Paragraph 5 of the Basic Law). Their establishment is permitted only where the school authority finds that they serve a special pedagogical interest or where – at the request of parents – they are to be established as *Gemeinschaftsschulen* (non-denominational schools), denominational schools or schools pursuing a certain ideology and no public-sector primary school of that type exists locally. Privately-maintained primary schools are therefore the exception; in almost all cases they are either denominational primary schools, *Freie Waldorfschulen* (Rudolf Steiner schools), reformist schools or primary schools with an integrated boarding facility.

Secondary sector

At secondary level two types of privately-maintained school are to be differentiated:

- *Ersatzschulen* (alternative schools) are, in terms of their overall purpose, to serve as a substitute for a public-sector school which already exists or is essentially provided for in a Land. They must acquire state approval. At these schools compulsory schooling can be completed. However, these alternative schools, in their capacity as, for example, denominational schools, reformist schools or boarding schools may also fulfil an educational mission of their own.
- *Ergänzungsschulen* (complementary schools) are to complement the range of courses on offer from public bodies by offering types of education which do not generally exist in public-sector schools, above all in the vocational sphere. Complementary schools merely have to notify education authorities that they plan to start up. Under certain conditions, the school authorities can, however, also prohibit the establishment and operation of a complementary school.

State approval of Ersatzschulen

The criteria for approval of *Ersatzschulen* (alternative schools) are laid down in the Basic Law (Art. 7, Paragraph 4). Such approval is given by the competent education authority of the respective Land on condition that privately-maintained schools are not inferior to public-sector schools in terms of their educational aims, their facilities and the training of their teaching staff and that they do not encourage segregation of pupils according to the means of their parents. Approval shall be withheld where the economic and legal status of the teaching staff is not adequately secured. The school supervisory authority must monitor whether the criteria on the basis of which approval was granted are being respected and can withdraw approval if these criteria are no longer being met.

The named individual prerequisites for state approval of privately-maintained schools as alternatives to public-sector schools include:

- the equivalence of educational aims:

As far as the equivalence of the educational aims of private schools and the corresponding school type in the public sector is concerned, strict adherence to the approved teaching hours and curricula of public-sector schools is not required. The private school can pursue religious or ideological educational aims and may use its own teaching methods.

- the equivalence of facilities:

This involves aspects such as school equipment on the one hand, and issues relating to school organisation on the other. Although schools must have equivalent buildings and equipment, differences are permitted in the organisation of privately-maintained schools (e.g. management by staff, particular rights of participation for pupils and parents).

- the equivalence of teacher training:

The teaching staff must have an academic education and teaching qualifications comparable to those provided by the state system of teacher training; in practice, most teachers have completed state teacher training courses.

- teachers' economic and legal security:

A contract of employment is required, covering duties, conditions for resignation or dismissal, holiday entitlement, sufficient emoluments and a right to future pension payments. In this way it should be ensured that teachers at privately-maintained schools are not in a significantly worse position than teachers at public-sector schools in terms of economic and legal security.

- no segregation of pupils according to means:

Under the Basic Law (Art. 7, Paragraph 4) pupils should be able to attend alternative schools regardless of their economic means. School fees may be charged but must be socially equitable. State-approved alternative schools therefore only charge moderate fees or guarantee relief to pupils whose parents are of limited financial means (e.g. reduction in school fees, reduction for additional siblings attending the same school). Details on the financing of privately-maintained schools may be found at chapter 3.2.

State recognition of Ersatzschulen

In almost all Länder, state approval of a private school as an *Ersatzschule* (alternative school) does not automatically give that school the right to hold examinations and award leaving certificates corresponding to the qualifications gained at public-sector schools. The pupils concerned may only receive these through an external examination, i.e. an examination before a state examining board at a public-sector school.

Only state recognition permits the alternative school to hold examinations in accordance with the regulations in force for public-sector schools and to award certificates; state recognition thus confers the legal powers enjoyed by public-sector schools on the alternative school. A prerequisite for this recognition is that the conditions already required for approval are fulfilled on a permanent basis (operation of school without complaint from school supervisory authority), and that the regulations applicable to public-sector schools are applied to the acceptance of pupils and their transfer between school grades, as well as to examinations.

Recognition also involves several additional rights and obligations for the *Schulträger* (the body maintaining the school), and for teachers, parents and pupils. These include, for example, a fundamental right to public funding from the Länder for the school. Public funding for pupils of public-sector schools is used as a yardstick for funding directed at pupils of *Ersatzschulen*. Teachers may also be granted sabbatical leave to work at recognised alternative schools and have these years included in their years of teaching service. They bear titles like those conferred on teachers in the public sector; and schools can train student teachers. On the other hand, recognised schools in some Länder are also obliged to abide by public-sector school provisions relating to *Schulordnung* (school regulations), provision governing council meetings and rights to participation.

State-recognised institutions in the tertiary sector

The Länder laws governing higher education (*Hochschulgesetze* – R126, R128, R131, R133, R135–136, R139, R141, R143, R145–146, R148, R149-152, R154, R157, R159, R162) stipulate what minimum requirements have to be satisfied if non-public institutions are to be recognised as institutions of higher education by the state.

The Länder alone are responsible for awarding recognition to non-public institutions. The Federation and the Länder have agreed that non-public institutions are to be accredited by the Science Council (*Wissenschaftsrat*). Institutional accreditation is a procedure of quality assurance which is to determine whether an institution is capable of providing study courses which according to legislation belong to the sector of higher education. Within the framework of the accreditation procedure, thus is to be examined and established whether standards of quality are fulfilled. These standards follow the requirements laid down in the Framework Act for Higher Education of the Federation and Länder laws governing higher education and should be related to the individual profile of the institution to be recognised. Official recognition by the respective Land is dependent on proof of that the non-public higher education institution is of equivalent status (not identical in form) to state higher education institutions. Therefore there is a whole list of points where the non-public institution must prove that it satisfies the demands, the standards and the performance of a comparable state institution. Furthermore, it must also be ensured that those belonging to the institution of higher education have at least a minimum level of co-determination in teaching and research matters. Recognition involves establishing the designation and organisation of the higher education institution, as well as the courses of study and examinations it plans to offer and the award of higher education degrees.

The number of state-run and state-recognised institutions of higher education and student figures is steadily increasing. As at the 2016 summer semester, according to the German Rector's Conference (*Hochschulrektorenkonferenz* – HRK), there were a total of 398 state-run and state-recognised institutions of higher education in the Federal Republic of Germany. These include 159 – mainly small – state-recognised institutions of higher education maintained privately or by the Churches.

Berufsakademien (professional academies) are governed by regulations specific to the Länder (R138, R140, R144, R153, R156, R161, R164). Whilst all professional academies are publicly maintained in Sachsen, the *Berufsakademie* laws in Hessen, Niedersachsen, Saarland and Schleswig-Holstein only provide for the existence of exclusively state-recognised professional academies, which require the approval of

the relevant Land ministry. The Hamburg *Berufsakademie* law and the Thüringen *Berufsakademie* law facilitate the establishment of state as well as state-recognised institutions. Unlike the state institutions, the non-public professional academies in Germany are not financed by the Länder.

Privately-maintained institutions providing adult education and training

The continuing education schemes on offer cover a broad spectrum of courses in continuing general, political and cultural education and continuing vocational training, which are supported by a diverse range of institutions – state and private-sector, non-profit-making and profit-oriented, in-company and public – and of institutions attached to the Protestant and Catholic Churches, the trade unions and other social groups.

2.6. National Qualifications Framework

In April 2008, the Recommendation of the European Parliament and of the Council on the Establishment of the European Qualifications Framework (EQF) entered into force. The EQF, as a reference framework for lifelong learning, maps the learning outcomes of the respective European national education systems in eight levels. It serves as a translation device between the education and qualifications systems of the EU member states and is intended to make learning outcomes from all educational sectors internationally more comprehensible and more comparable, thus promoting the mobility of employees in Europe.

The Federal Ministry of Education and Research (*Bundesministerium für Bildung und Forschung* – BMBF) and the Standing Conference (*Kultusministerkonferenz* – KMK) took up the EU Recommendation and set up a joint “Federation/Länder Coordination Group for the German Qualifications Framework” (*Bund-Länder-Koordinierungsgruppe Deutscher Qualifikationsrahmen*), which was commissioned to oversee the process of drawing up a German Qualifications Framework. This process involves a range of stakeholders from general education, higher education and vocational education and training, the social partners and other experts from research and practice, who, together with the Federation/Länder Coordination Group for the German Qualifications Framework, form the “German Qualifications Framework Working Group” (AK DQR). The results of the work are the subject of ongoing feedback to the delegates’ home institutions and committees.

In top-level talks on the DQR on 31 January 2012 the Federation, Länder, social partners and business organisations agreed on a fundamental line for the introduction of the DQR. The allocation of general school-leaving certificates has initially been deferred for a five-year trial period. Hence to begin with, only qualifications of direct relevance to the labour market have been assigned to the DQR. After a period of five years, based on competence-oriented training regulations for initial vocational education and training and competence-oriented educational standards for general school-leaving certificates, on the understanding of the equivalence of general education and vocational training, all allocations are once again to be jointly discussed and decided on. Developments on the European level are to be taken into account in this process, and potential upgrading of qualifications is to be investigated.

In June 2016, the Standing Conference approved the draft of an agreement on the DQR. The Committee for European and International Affairs (*Kommission für eu-*

ropäische und internationale Angelegenheiten – EuKiA) was asked to send the Joint Coordination Office and the GQF Working Group the assignment proposals of the Länder for general education qualifications on the DQR levels 2, 3 and 4 following conclusion of the DQR agreement.

Like the EQF, the DQR describes eight levels. In principle all DQR levels should be accessible via various educational pathways. In levels 5 to 8 the DQR opted for parallel descriptions allowing the allocation of academic and vocational qualifications. Compatibility with the Qualifications Framework for German Higher Education Qualifications (*Qualifikationsrahmen für Deutsche Hochschulabschlüsse – HQR*) adopted in 2005 is guaranteed in DQR levels 6 to 8. The DQR levels are structured differently to those of the EQF. A larger number of categories were employed for the characterisation. The DQR has four (instead of three) “pillars” (knowledge – skills – social competence – autonomy) to describe the desired learning outcomes in the German education system. It thus makes it clear that an holistic understanding of competence is of key importance in the German education system. Unlike the EQF, each level is preceded by a short text that summarises the structure of requirements of the relevant level (“level indicator”). The four pillars structure was chosen to suitably illustrate every aspect of competence. The allocation of the DQR levels to the EQF levels was carried out in the so-called referencing process. In December 2012 Germany, represented by the BMBF and KMK, successfully presented the *German EQF Reference Report* to the European Commission.

The allocation is not intended to replace the existing system of entrance qualifications and takes place in accordance with the principle that each qualification level should always be accessible via various educational pathways. The achievement of a level does not provide automatic entitlement to access the next level and is not considered in conjunction with the implications for collective wage agreements and laws relating to remuneration. The EU Directive on the Recognition of Professional Qualifications remains unaffected by the EU Recommendation.

The signing of the Joint Resolution on the DQR by the BMBF, the Federal Ministry for Economic Affairs and Energy (*Bundesministerium für Wirtschaft und Energie – BMWi*), the Standing Conference and the Conference of Ministers of Economics of the Länder (*Wirtschaftsministerkonferenz – WMK*) in May 2013, laid the foundation for the introduction of the DQR. The Annex to the Joint Resolution provides an overview of the allocations of qualifications from the formal sector, each with a reasoning geared to learning outcomes. In most cases an anchor qualification stands for one type of qualification. The exemplary reasoning is followed by a list of the qualifications which correspond to that type and are allocated in the same way.

The indication of the EQF/DQR reference level on new certificates issued for qualifications is being carried out gradually from 2014 onwards by the respective authorities (schools, chambers, etc.). In this way Germany is implementing the Recommendation of the European Parliament and of the Council on the establishment of the European Qualifications Framework (EQF), to provide certificates in the education sector with a clear reference to the appropriate EQF level.

As well as qualifications from the formal sector, in future the results of non-formal learning are also to be allocated to the DQR. An expert working group has been set up to this end. The aim is to develop procedures and criteria for the allocation of the results of non-formal learning to the DQR levels. In 2014 the recommendations of

the working group were presented for discussion to the German Qualifications Framework Working Group and in the Federation/Länder Coordination Group for the German Qualifications Framework. In a further stage it shall be possible to include informally acquired competences in the DQR too. The development of procedures required to determine and assess the results of informal learning (“validation”) is taking place outside the DQR process.

In view of the development of the DQR with its eight levels based on learning results, an orientation on competence becomes even more important in the German educational system. According to a recommendation by the Federal Institute for Vocational Education and Training (*Bundesinstitut für Berufsbildung – BIBB*) from June 2014 on the structure and organisation of competence-oriented training regulations, the orientation on and understanding of competence of the DQR in 2015 should be taken into more consideration in the training regulations. A competence-oriented presentation of the training contents based on the DQR understanding of competence should create the preconditions for general comparability and mobility.

The DQR Manual explains the DQR to all interested persons. It serves as a guide for authorities which are responsible for allocating qualifications to the DQR. It specifies the criteria and procedures for the description of qualifications for the DQR and is intended to ensure that the allocation of newly developed qualifications always follows the same criteria and procedures. It lays down binding allocations which indicate the competences acquired through a particular qualification, thereby making the allocations comprehensible, and also describes the competences and sources of information. A glossary explains the terms which are important to understand the DQR.

2.7. Administration and Governance at Central and/or Regional Level

Responsibilities of the Federal Government

Where the Federation has responsibility for education, science and research, within the Federal Government this responsibility lies primarily with the FEDERAL MINISTRY OF EDUCATION AND RESEARCH (*Bundesministerium für Bildung und Forschung – BMBF*). The FEDERAL MINISTRY FOR FAMILY AFFAIRS, SENIOR CITIZENS, WOMEN AND YOUTH (*Bundesministerium für Familie, Senioren, Frauen und Jugend – BMFSFJ*) is responsible for early childhood education and care in day-care centres and in child-minding services.

The Federal Ministry of Education and Research was created as the Federal Ministry of Education and Science in 1969 in connection with the amendment to the Basic Law (*Grundgesetz – R1*), which gave the Federation additional responsibilities in the educational sector. It was then merged in 1994 with the Federal Ministry of Research and Technology. Wherever necessary, consultations between Federation and Länder take place in the *Bundesrat*, the Joint Science Conference (*Gemeinsame Wissenschaftskonferenz – GWK*), the Standing Conference of the Ministers of Education and Cultural Affairs (*Kultusministerkonferenz – KMK*) and the Science Council (*Wissenschaftsrat*). The Federal Ministry of Education and Research is organised in one Central Directorate-General and seven further Directorates-General:

- Directorate-General 1: Policy Issues; Strategy; Digital Transformation
- Directorate-General 2: European and International Cooperation in Education and Research
- Directorate-General 3: Vocational Training; Lifelong Learning
- Directorate-General 4: Science System
- Directorate-General 5: Key Technologies – Research for Innovation
- Directorate-General 6: Life Sciences – Research for Health
- Directorate-General 7: Provision for the Future – Basic and Sustainability Research

For current information on the direction of the Ministry, see the website (www.bmbf.de).

The purview of the Federal Ministry of Education and Research embraces the Federal Institute for Vocational Education and Training (*Bundesinstitut für Berufsbildung* – BIBB). It is a major instrument for cooperation between employers, trade unions, Federation and Länder at the national level. The Vocational Training Act (*Berufsbildungsgesetz* – R79) defines the institute's responsibilities as follows:

- to carry out vocational education and training research under a pre-defined research programme;
- in accordance with the instructions of the competent federal ministry, to take part in the drafting of *Ausbildungsordnungen* (training regulations) and other ordinances, to take part in the preparation of the Report on Vocational Education and Training (*Berufsbildungsbericht*), to take part in the compilation of vocational education and training statistics, to promote pilot schemes, to take part in international cooperation in the field of vocational education and training, as well as to assume further administrative tasks of the Federation for the promotion of vocational education and training;
- in accordance with general administrative provisions of the competent federal ministry, to implement the promotion of intercompany training centres and support the planning, establishment and further development of these facilities;
- to maintain and publish the register of *anerkannte Ausbildungsberufe* (recognised occupations requiring formal training);
- to carry out the tasks described in the Law on the Protection of Participants in Distance Education (*Fernunterrichtsschutzgesetz* – R152) and to contribute to the improvement and extension of vocational distance learning through the promotion of development projects.

With the consent of the BMBF, the Federal Institute for Vocational Education and Training may conclude contracts with other parties outside the Federal Administration for the assumption of further tasks.

Vocational education and training in Germany is based on the consensus principle. Whenever major decisions on structure and substance have to be taken, such decisions are reached in a joint effort by Federation and Länder, employers and employees. These groups – as well as a representative of the municipal associations, of the Federal Employment Agency (*Bundesagentur für Arbeit*) and of the Research Council acting as advisors – are members of the Federal Institute for Vocational Education and Training's board. The scientific advisory committee is intended to promote the

quality of the Institute's research work by advising the board and the management of the Federal Institute.

Responsibilities of the Ministries of Education, Cultural Affairs and Science and cooperation at supra-regional level

Educational legislation and administration of the education system are primarily the responsibility of the Länder (cf. chapter 2.2.). This particularly applies to the school system, higher education and the adult education/continuing education sector.

Following the founding of the Federal Republic of Germany, it soon became clear that there was a basic public need for education to be coordinated and harmonised throughout the country if people were to be provided with the opportunity of mobility between the Länder in their professional and private lives. The main aim of the cooperation entered into by the Länder in 1948 with the founding of the STANDING CONFERENCE OF THE MINISTERS OF EDUCATION AND CULTURAL AFFAIRS OF THE LÄNDER IN THE FEDERAL REPUBLIC OF GERMANY (*Kultusministerkonferenz*) was to guarantee by means of coordination the necessary measure of shared characteristics and comparability in the Federal Republic of Germany's education system, an aim that is still pursued to this day.

The Standing Conference brings together the ministers and senators of the Länder responsible for education and training, higher education and research, and also cultural affairs. It is based on an agreement between the Länder and deals with policy matters pertaining to education, higher education, research and culture that are of supra-regional importance, with the aim of forming a common viewpoint and a common will as well as representing common interests. The resolutions of the Standing Conference can be adopted either unanimously, with a qualified majority or with a simple majority, depending on their content. They have the status of recommendations – with the political commitment of the competent Ministers to transform the recommendations into law, however – until they are enacted as binding legislation by the parliaments in the Länder. The resolutions are implemented in the individual Länder in the form of administrative action, ordinances or laws, with the Land parliaments playing a role in the legislative procedure.

Since February 2014 the Secretariat of the Standing Conference of the Ministers of Education and Cultural Affairs of the Länder in the Federal Republic of Germany has, through the Law on the Secretariat of the Standing Conference of the Ministers of Education and Cultural Affairs (R12), had the status of an authority of the Land of Berlin.

Cooperation within the Standing Conference has led to uniform and comparable developments in many areas of the school and higher education system. In March 1999, the Länder within the Standing Conference agreed that the collaboration would increasingly consist in the agreement of qualitative standards. As a consequence, the simultaneous reduction of detailed formal regulations is affording greater importance to the diversity and the competition between the Länder. Some of the most important results of the coordination work of the Standing Conference are detailed below.

The so-called *Hamburger Abkommen*, an agreement which was drawn up by the Standing Conference and adopted by the Prime Ministers of the Länder in 1964 (last

amended in 1971), remains the cornerstone on which the joint fundamental structures of the school system in the Federal Republic of Germany is based. It incorporates the following general provisions: the beginning and duration of full-time compulsory education, the dates for the start and end of the school year, the length of school holidays as well as the designation of the various educational institutions and their organisation (types of school etc.), the recognition of examinations and leaving certificates, and the designation of grade scales for school reports. On the basis of the *Hamburger Abkommen*, the Standing Conference has agreed further fundamental common features for the school system over the past few decades as well as mutual recognition of leaving certificates for schools in all Länder, through supplementary resolutions, which were summarised in a resolution in May 2001. Further structural development in school education in general has been stimulated by German unity, and, in particular, by the framework agreement of 1993 on types of school and courses in lower secondary education and their leaving certificates (last amended in September 2014), as well as by the framework agreement on the standards in German, mathematics and foreign languages required for the *Mittlerer Schulabschluss*, which was adopted in 1995 (since replaced by the educational standards for the *Mittlerer Schulabschluss*). In June 2000 a revised version of the agreement on the structure of the *gymnasiale Oberstufe* in the upper secondary level (*Sekundarstufe II*) of 1972 was adopted, which not only reinforces the importance of acquiring knowledge in major subjects such as German, mathematics and foreign languages in preparation for higher education, but also takes into account new educational findings in learning methods and class organisation (last amended in June 2016). With the so-called *Husumer Beschlüsse* of 1999, agreements in the four subject areas – teacher training and mutual recognition of teaching careers, equivalence of general and vocational training, the *gymnasiale Oberstufe*, i.e. upper *Gymnasium* level, and pilot projects – were changed in order to allow the individual Länder greater scope for their own decisions.

With the so-called *Konstanzer Beschluss* of October 1997, the Standing Conference has made quality development and quality assurance in schools one of its central issues. In May 2002, the Standing Conference agreed to coordinate the measures for assuring quality already implemented by the Länder and in 2003 and 2004 adopted *Bildungsstandards* (educational standards) binding for all Länder for the primary sector, for the *Hauptschulabschluss* and for the *Mittlerer Schulabschluss*. The Institute for Educational Progress (*Institut zur Qualitätsentwicklung im Bildungswesen – IQB*), which has been founded in 2004 and is jointly supported by the Länder, is to review and further develop the educational standards in cooperation with the Länder. In October 2012 the Standing Conference adopted educational standards (general higher education entrance qualification) in German and mathematics and in one advanced foreign language (English/French) for the *Allgemeine Hochschulreife* which will form the bases for the subject-specific requirements of the *Allgemeine Hochschulreife* at the start of the introductory stage for the *gymnasiale Oberstufe* in the 2014/2015 school year.

The educational standards are part of a comprehensive strategy for educational monitoring as adopted by the Standing Conference in 2006. With a view to improving the quality of school education, the Standing Conference held an intensive discourse on the overall strategy of educational monitoring in 2014. The revision of

this overall strategy was completed in June 2015. For further information on the procedures and tools of educational monitoring, see chapter 11.2.

The structural change of the employment system from an industrial society to a service and knowledge society has led to a significant increase in the vocational qualification requirements at the workplace. Against this background, comprehensive initial and continuing education has gained significant importance. The conformity in the organisation of the vocational school system and its leaving certificates which is required for the labour market and for vocational qualification has been created by the Standing Conference of the Ministers of Education and Cultural Affairs through skeleton agreements regarding the courses of education.

The expansion of vocational schools as an alternative course of education to acquire the entitlements of the general education school system was supported by the Standing Conference through resolutions on the mutual recognition of the leaving certificates and entitlements.

In the higher education sector the Standing Conference contributes, through agreements, and by effecting coordinated administrative action, to ensuring a common higher education structure and to its continued development. The Standing Conference is thereby involved in the fundamental reform process which has been taking place for several years in the German higher education sector and which covers both the research and teaching tasks of higher education institutions and the rights and obligations of members of higher education institutions, the internal organisation of higher education institutions, their legal status, and the relationship between the State and higher education institutions. Internationalisation, competition and performance orientation have become major factors in the management and funding of higher education institutions. The relationship between the State and higher education institutions is increasingly shaped by agreements on targets and performance requirements, and growing freedom on the part of the higher education institutions in evaluation and opting how to achieve targets. Performance measurement systems have an increasingly important role.

The Standing Conference contributes to this development through information exchange between the Länder, through joint recommendations on individual aspects of the structural reform of higher education and – where required for the purposes of transparency, mobility and safeguarding the performance of higher education – through cross-Länder agreements. In this process the Standing Conference works closely together with the German Rectors' Conference (*Hochschulrektorenkonferenz* – HRK) and the Federation, and with scientific organisations – particularly the German Science Foundation (*Deutsche Forschungsgemeinschaft* – DFG), the Science Council (*Wissenschaftsrat*) and the Max Planck Society.

Topics relating to the field of higher education which have been covered in depth by the Standing Conference over the past few years include the promotion of excellence, structural guidelines for the Bachelor's and Master's study courses, further development of the system of the accreditation of study courses within the framework of quality assurance across the Länder and across institutions of higher education, quality assurance in teaching, teacher training, the reinforcement of the right of higher education institutions to decide on the admission of applicants, the implementation of the dialogue-oriented service procedure (*Dialogorientiertes Serviceverfahren* – DoSV), the continuation of the follow-up of the Bologna Process for

the realisation of a European Higher Education Area and the opening up of higher education institutions to vocationally qualified applicants.

For a detailed description of the cooperation of the Ministers of Education, Cultural Affairs and Science visit the website of the Standing Conference (www.kmk.org).

Cooperation between Federation and Länder

Joint Science Conference

Pursuant to Article 91b, Paragraph 1 of the Basic Law, the Federation and the Länder may mutually agree to cooperate in cases of supra-regional importance in the promotion of science, research and teaching.

Through an administrative agreement from 11 September 2007, amended on 7 April 2015, the Bund and Länder agreed to set up a Joint Science Conference (*Gemeinsame Wissenschaftskonferenz – GWK*) on the basis of Article 91b, Paragraph 1 of the Basic Law. The GWK has replaced the former Commission of the Federation and the Länder for Educational Planning and Research Promotion (*Bund-Länder-Kommission für Bildungsplanung und Forschungsförderung – BLK*) since 1 January 2008. Members of the GWK are the Ministers and Senators of the Federation and Länder responsible for science and research as well as for finance. The GWK addresses all questions of research funding, science and research policy strategies and the science system which jointly affect the Federal Government and the Länder.

The joint promotion of science and research extends to the institutions and projects of national significance named in the Annexe to the GWK agreement.

Cooperation of the Federation and the Länder for the assessment of the performance of educational systems in international comparison

Pursuant to Article 91b, Paragraph 2 of the Basic Law, the Federation and the Länder may mutually agree to cooperate for the assessment of the performance of educational systems in international comparison and in drafting relevant reports and recommendations. Important projects in the area of cooperation between the Federation and the Länder with regard to the assessment of the performance of educational systems in international comparison and in drafting relevant reports and recommendations are discussed in meetings of the Federal Minister of Education and Research and the ministers and senators of the Länder who are responsible for education. The meetings are prepared by a control group which in turn is supported by a scientific advisory committee.

Coordinating Committee for Training Regulations and Framework Curricula in vocational training

As regards vocational education and training, the Federation is responsible for in-company vocational training, and the Länder are responsible for vocational education in schools. For vocational education and training within the *duales System*, which takes place in cooperation between school and company, the Federation and the Länder agree on fundamental issues and in particular on training rules and regulations for the learning locations. Due to the fact that the responsibility is divided, a Coordinating Committee for Vocational Education and Training was set up on the basis of an agreement entered into in 1972. This committee deals with fundamental issues relating to the coordination of in-company vocational training and vocational education in the *Berufsschule* in recognised occupations requiring formal training

(*anerkannte Ausbildungsberufe*) under Federal law. An ongoing task of the coordinating committee is the re-structuring and modernising of occupations requiring formal training, in particular the harmonising of *Ausbildungsordnungen* (training regulations) for in-company vocational training and *Rahmenlehrpläne* (framework curricula) for vocational education in schools. In the coordinating committee, the Federal Government is represented by the Federal Ministry of Education and Research, the Federal Ministry for Economic Affairs and Energy (*Bundesministerium für Wirtschaft und Energie – BMWi*), and by the Ministry responsible for the respective occupation. The Länder are represented by the members of the Committee for Vocational Education of the Standing Conference.

Science Council

Under an administrative agreement between the Federation and the Länder, the Science Council (*Wissenschaftsrat*) was established in 1957. Its tasks include the drawing up of recommendations on the content and structural development of higher education, science and research for the Federal Government and the governments of the Länder, as well as the joint promotion of the construction of facilities at institutions of higher education, including large scientific installations, in cases of supra-regional importance pursuant to Article 91b, Paragraph 1, No. 3 of the Basic Law. Furthermore, the Science Council develops position papers on the institutional accreditation of private institutions of higher education. The Science Council is made up of scientists, recognised public figures and representatives from the Federal and Länder governments.

Foreign Cultural Policy

As regards foreign cultural policy, the Federation's responsibility for foreign relations (Art. 32 of the Basic Law) must be reconciled with the internal responsibility of the Länder for education and cultural affairs (Art. 30 of the Basic Law). This partnership brings with it the rights and duties of the Länder to contribute to tasks related to foreign cultural policy. These tasks range from bilateral cooperation within the framework of cultural agreements with foreign states to multilateral cooperation at the level of the Council of Europe, UNESCO, the OECD and the OSCE and supra-national cooperation within the EU. In addition to the internal coordination of the Länder, the Standing Conference is thus also a tool for a partnership-based cooperation with the Federation, particularly with regard to foreign cultural policy, as well as international and European cooperation in the education system and in cultural affairs. For more detailed information on cooperation between the Länder and the Federation in the field of foreign cultural policy, see chapter 13.1.

The system of German schools abroad is one particular area in which the Federation and the Länder cooperate as part of Germany's foreign cultural policy. An agreement reached in 1992 between the Federation and the Länder created the Joint Committee of the Federation and the Länder on School Affairs Abroad (*Bund-Länder-Ausschuss für schulische Arbeit im Ausland – BLASchA*), which took up where the work of the Standing Conference's Committee for German Schools Abroad, convened in 1951, had left off. The Committee is responsible for cooperation between the Standing Conference (*Kultusministerkonferenz*) and the Federal Foreign Office (*Auswärtiges Amt*) in the areas of schools abroad, European Schools and the promotion of German language tuition abroad.

General administration at the level of the Länder

The Ministries of Education, Cultural Affairs and Science

The Ministries of Education, Cultural Affairs and the Ministries of Science in the Länder (which have different titles in the various Länder) in their capacity as highest authorities of a Land are responsible for education, science and culture. Their scope of responsibilities generally includes schools, higher education, research, libraries, archives, adult education, arts and culture in general, relations between the state and religious or ideological communities, (known as *Kultusangelegenheiten*), the preservation of monuments and sites and, in some Länder, also sport and youth welfare.

The Ministries of Education, Cultural Affairs and Science develop policy guidelines in the fields of education, science and the arts, adopt legal provisions and administrative regulations, cooperate with the highest authorities at national and Land level and supervise the work of authorities under their purview and of subordinated bodies, institutions and foundations. To assist the ministries in their work the Länder have established their own institutes for school education, higher and continuing education.

The respective Ministries (in Berlin, Bremen and Hamburg: Senate department) are headed by a Minister/Senator who is answerable to parliament. The Minister is usually represented by a State Secretary or State Councillor (*Staatssekretär* or *Staatsrat*) or a Director-General (*Ministerialdirektor*).

The following list shows the division of the departments in each of the Länder. For current information on ministers, see the respective website.

Baden-Württemberg

MINISTERIUM FÜR KULTUS, JUGEND UND SPORT

Thouretstr. 6
70173 Stuttgart
www.km-bw.de

MINISTERIUM FÜR WISSENSCHAFT, FORSCHUNG
UND KUNST

Königstraße 46
70173 Stuttgart
www.mwk.baden-wuerttemberg.de

Bayern

BAYERISCHES STAATSMINISTERIUM
FÜR BILDUNG UND KULTUS, WISSENSCHAFT UND KUNST

Salvatorstraße 2
80333 München
www.km.bayern.de

Berlin

SENATSVERWALTUNG FÜR BILDUNG, JUGEND UND FAMILIE

Bernhard-Weiß-Straße 6
10178 Berlin
www.berlin.de/sen/bildung

DER REGIERENDE BÜRGERMEISTER
Berliner Rathaus
Rathausstraße 16
10178 Berlin
www.berlin.de/sen/wissenschaft

Brandenburg

MINISTERIUM FÜR BILDUNG, JUGEND UND SPORT
Heinrich-Mann-Allee 107
14473 Potsdam
www.mbjs.brandenburg.de

MINISTERIUM FÜR WISSENSCHAFT, FORSCHUNG UND KULTUR
Dortustraße 36
14467 Potsdam
www.mwfk.brandenburg.de

Bremen

SENATOR FÜR KINDER UND BILDUNG
Rembertiring 8–12
28195 Bremen
www.bildung.bremen.de

SENATOR FÜR WISSENSCHAFT, GESUNDHEIT UND VERBRAUCHERSCHUTZ
Bahnhofsplatz 29
28195 Bremen
www.gesundheit.bremen.de

Hamburg

BEHÖRDE FÜR SCHULE UND BERUFSBILDUNG
Hamburger Straße 31
22083 Hamburg
www.hamburg.de/bsb

BEHÖRDE FÜR WISSENSCHAFT, FORSCHUNG UND GLEICHSTELLUNG
Hamburger Straße 37
22083 Hamburg
www.hamburg.de/bwf

Hessen

HESSISCHES KULTUSMINISTERIUM
Luisenplatz 10
65185 Wiesbaden
www.kultusministerium.hessen.de

HESSISCHES MINISTERIUM FÜR WISSENSCHAFT UND KUNST
Rheinstraße 23–25
65185 Wiesbaden
<https://wissenschaft.hessen.de>

Mecklenburg-Vorpommern

MINISTERIUM FÜR BILDUNG, WISSENSCHAFT UND KULTUR

Werderstraße 124

19055 Schwerin

www.bm.regierung-mv.de

Niedersachsen

NIEDERSÄCHSISCHES KULTUSMINISTERIUM

Schiffgraben 12

30159 Hannover

www.mk.niedersachsen.de

NIEDERSÄCHSISCHES MINISTERIUM

FÜR WISSENSCHAFT UND KULTUR

Leibnizufer 9

30169 Hannover

www.mwk.niedersachsen.de

Nordrhein-Westfalen

MINISTERIUM FÜR SCHULE UND BILDUNG

DES LANDES NORDRHEIN-WESTFALEN

Völklinger Straße 49

40221 Düsseldorf

www.schulministerium.nrw.de

MINISTERIUM FÜR KULTUR UND WISSENSCHAFT

DES LANDES NORDRHEIN-WESTFALEN

Völklinger Straße 49

40221 Düsseldorf

www.wissenschaft.nrw.de

Rheinland-Pfalz

MINISTERIUM FÜR BILDUNG DES LANDES RHEINLAND-PFALZ

Mittlere Bleiche 61

55116 Mainz

www.bm.rlp.de

MINISTERIUM FÜR WISSENSCHAFT, WEITERBILDUNG UND KULTUR DES LANDES RHEINLAND-PFALZ

Mittlere Bleiche 61

55116 Mainz

www.mwwk.rlp.de

Saarland

MINISTERIUM FÜR BILDUNG UND KULTUR

Trierer Str. 33

66111 Saarbrücken

www.saarland.de/ministerium_bildung_kultur.htm

STAATSKANZLEI DES SAARLANDES (WISSENSCHAFTSRESSORT)

Franz-Josef-Röder-Straße 21

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Thüringen

THÜRINGER MINISTERIUM FÜR BILDUNG, JUGEND UND SPORT

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The Ministries of Education, Cultural Affairs and Science have their own sections, departments and groups just like any other ministries. The allocation of specific responsibilities to the various organisational units is partly attributable to local developments and partly to ideas on cultural and educational policy. But for all their differences, the responsibilities of the Länder ministries are corresponding and their forms of organisation comparable.

Taking Brandenburg and Bayern as examples, we shall look at the functions and organisational set-up at the departmental level of the ministries responsible for education and science as at September 2016.

Ministry for Education, Youth and Sport of the Land Brandenburg

Minister: GÜNTER BAASKE

The Ministry is composed of the following departments:

- Department 1: Budget, organisation, personnel, civil service legislation, school legislation, IT, information management, statistics
- Department 2: Children, youth, sport and further education
- Department 3: School and teacher training

Ministry for Science, Research and Culture of the Land Brandenburg

Minister: DR. MARTINA MÜNCH

The Ministry is composed of the following departments:

- Department 1: Central department
- Department 2: Science and research
- Department 3: Culture

Unlike Brandenburg, Bayern has just one ministry for the areas of education and science:

Bavarian State Ministry for Education, Science and the Arts

State Minister: DR. LUDWIG SPAENLE

The Ministry is divided into the following departments:

- Department I: Central tasks, IT, inclusion
- Department II: Budget
- Department III: *Grund-, Mittel- and Förderschulen*
- Department IV: *Realschulen*, policy questions
- Department V: *Gymnasien*
- Department VI: Vocational schools
- Department VII: Universities, university medicine
- Department VIII: Universities for applied sciences
- Department IX: Research and planning
- Department X: Education, higher education legislation
- Department XI: Arts and culture

State supervision and administration in specific educational sectors

The following description of each individual educational sector provides a comprehensive view of the administration of the various educational institutions.

Pre-school institutions

The education, upbringing and supervision of children until the age of six at which they usually start school, is generally assigned to the child and youth welfare sector. On the federal level, within the framework of public welfare responsibility lies with the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (*Bundesministerium für Familie, Senioren, Frauen und Jugend – BMFSFJ*), on the level of the Länder, the Ministries of Youth and Social Affairs and, in part, also the Ministries of Education and Cultural Affairs, are the competent authorities. In some Länder, *Vorklassen* (pre-school classes) for children who are ready for school but are not yet of school age, or *Schulkindergärten* (school kindergartens) and *Vorklassen* for

children of compulsory schooling age who are not yet ready for school exist. As a rule, these institutions are accountable to the school supervisory authorities.

Public supervision (operating licence) to protect children in day-care centres maintained both by public and non-public bodies is generally exercised by the youth welfare offices of the Länder (*Landesjugendämter*) which are the responsible bodies at Land level for the public child and youth welfare services. This covers in particular compliance with the framework guidelines applicable to group size or staff-to-child ratios, staff qualifications, the space required, and standards relating to equipment, hygiene and safety.

The principles of education policy in the elementary sector are laid down in the Common Framework of the Länder for early education in the early childhood sector (*Gemeinsamer Rahmen der Länder für die frühe Bildung in Kindertageseinrichtungen*) which was resolved by the Standing Conference of the Ministers of Education and Cultural Affairs (*Kultusministerkonferenz – KMK*) and the Youth Ministers Conference (*Jugendministerkonferenz – JMK*) in 2004. On the level of the Länder, education plans specify the basic notion of education and describe the day-care centres' independent responsibility for education. The responsibility for the actual educational work performed in the individual day-care centres lies with the maintaining body.

For children under three years of age, moreover, since 2005 child-minding services have gradually been upgraded as an equal-ranking, alternative form of care and the quality of these services developed. Permits for child-minding services are issued by the local youth welfare office (*Jugendamt*) and are dependent on the establishment of the personal suitability of the childminder and also, as a rule, on evidence of a basic qualification. The legally enshrined educational mandate also extends to child-minding services.

School supervision and administration

Under the Basic Law (Art. 7 Paragraph 1) and the constitutions of the Länder (R13–28), the entire school system is under the supervision of the state. Supervision of the general and vocational school system is the responsibility of the Ministries of Education and Cultural Affairs in the Länder in their capacity as the highest educational authorities. The duties of the Ministries of Education and Cultural Affairs in the Länder and of the subordinate education authorities include the organisation, planning, management and supervision of the entire school system. The Länder sphere of influence also includes the detailed regulation of the school's mission and its teaching and educational objectives (*internal school matters*) within the framework of the education acts (R84, R86, R88, R90, R92, R95, R97, R99, R101–102, R104, R106, R112, R114–115, R117). The educational objectives presented in school legislation are given concrete shape in the curricula for which the Minister of Education and Cultural Affairs of the respective Land is responsible. In order to implement the curricula for the various subjects in the different types of school, textbooks are used as learning material in the classroom. As a rule, these books must be approved by the Ministries of Education and Cultural Affairs; the titles of approved books are regularly published in a list.

While the State is responsible for *internal school matters*, the school-maintaining bodies assume responsibility for *external school matters*. The public maintaining bodies of schools are, as a rule, the towns and cities (*Städte*) and municipalities

(*Gemeinden*) and rural districts (*Landkreise*) or municipalities with the status of a district (*kreisfreie Städte*), and to some extent also the *Länder*. Generally speaking, the school-maintaining body is responsible for external school matters, i.e. school buildings, interior fittings, the procurement and provision of learning and teaching materials, administrative staff and ongoing administration, and also bears the non-personnel costs and the costs for non-teaching staff. The school-maintaining body is also, as a rule, responsible for school organisation measures such as setting up, changing and shutting down schools.

The supervision of schools includes *Rechtsaufsicht* (legal supervision), *Fachaufsicht* (academic supervision) and *Dienstaufsicht* (supervision of the staff at public-sector schools).

Rechtsaufsicht (legal supervision) involves monitoring the lawfulness of the administration of external school matters, which is usually carried out by the *Kommunen* (local authorities) in their capacity as *Schulträger* (maintaining bodies).

Fachaufsicht (academic supervision) over teaching and educational work (internal school matters) in all public-sector schools is another responsibility of the school supervisory authorities. Academic supervision over primary schools and *Hauptschulen*, the various types of *sonderpädagogische Bildungseinrichtungen* (with the exception of residential special schools) and to some extent over *Realschulen* is exercised by the *Schulämter* (lower-level school supervisory authorities). The Ministries of Education and Cultural Affairs, sometimes the middle-level school supervisory authorities and the lower-level school supervisory authorities, supervise all other types of school and schools of particular importance.

Land authority to carry out academic supervision is derived from the state sovereignty over schools enshrined in the Basic Law. This states that the entire school system is under the supervision of the state. The supervisory authorities are awarded the power to check that schools are keeping to the prescribed curricula and *Prüfungsordnungen* (examination regulations) by visiting the school and sitting in on lessons, and to take necessary steps.

The *Fachaufsicht* is limited by the individual pedagogical responsibility of the school and the pedagogical responsibility of the teacher. In several *Länder*, the school supervisory authorities are legally required to respect the individual pedagogical responsibility of the schools.

Pedagogical responsibility – also termed pedagogical freedom or methodological freedom – includes the right of teachers to teach lessons on their own authority within the framework of the applicable legal provisions. The teacher is guaranteed this freedom in the interests of the pupils, as pupil-oriented teaching can only take place if the teacher has an adequate amount of freedom in selecting the content of lessons, teaching methods and assessment. As the case may be, the pedagogical freedom of the teacher is to be seen in relation to the requirement of acting in a professional manner, and to the pedagogical responsibility of the school. For example, the teachers are bound by the basic pedagogical concepts laid down in the school programmes.

With increasing institutional independence of schools, the role of school supervision changes as well. In all *Länder*, the school supervision is supplemented by mandatory external evaluation (*Schulinspektion*, *Schulvisitation*) which is intended to

provide the individual schools with information regarding their quality development. The state's influence on schools is increasingly exercised via the approval of *Schulprogramme* (school-specific programmes) and the determination of target agreements with the individual schools or head teachers, respectively. During this process, the personal supervision by the school supervisory authorities tends to lose importance compared to the duties of supporting and advising school development and quality management in schools. In this respect, school counselling prepares schools for new tasks and encourages them to promote the pedagogical responsibility of teachers and schools, particularly by instigating a binding agreement that governs pedagogic aims and focal points of the work involved, as well as in the development of school-specific programmes.

The school supervisory authorities in the Länder also supervise teachers and head teachers of public-sector schools. Staffing issues, management and the general behaviour of the individuals working in the school are subject to such *Dienstaufsicht* (staff supervision). In some Länder, due to the increasing responsibility of the schools, the *Dienstaufsicht* has been transferred to the head teachers.

In-company vocational training institutions

As regards vocational education and training, regulation of in-company vocational training lies within the responsibility of the Federation. Within the Federal Government, the relevant competent ministries adopt, in agreement with the Federal Ministry of Education and Research (*Bundesministerium für Bildung und Forschung – BMBF*), *Ausbildungsordnungen* (training regulations), which are drawn up by the Federal Institute for Vocational Education and Training (*Bundesinstitut für Berufsbildung – BIBB*) pursuant to directions from the competent ministries and under participation of representatives of employers and trade unions. Pursuant to a procedure agreed between the Federation and the Länder (Joint Results Protocol – *Gemeinsames Ergebnisprotokoll*), the training regulations are coordinated with the *Rahmenlehrpläne* (framework curricula) for the classes at *Berufsschulen* which have been simultaneously developed by the Länder.

A training establishment may not only be the individual training company, but also an association of several companies which cooperate in order to meet the requirements of the training regulation (network training – *Verbundausbildung*). Parts of the in-company training may be performed in institutions of the economy which are publicly promoted (*überbetriebliche Ausbildungsstätten*). Additionally, privately-maintained educational institutions may also conduct in-company training, in order to compensate for a lack of training places.

At the level of the Länder vocational training committees are set up which are composed of employers', trade unions' and ministerial representatives. They advise the governments of the Länder on vocational training matters. Their responsibilities also include the promotion of a steady quality development in vocational education and training.

Institutions in the tertiary sector

As a rule, institutions of higher education have the status of a public-law corporation and are public institutions under the authority of the Länder. They can also be established with a different legal form. Under the Basic Law, the freedom of art and scholarship, research and teaching is guaranteed (Art. 5, Paragraph 3), i.e. an auton-

omous sphere of academic self-administration is needed to guarantee freedom of scholarship. In administrative matters there is a cooperative relationship between the responsible Land ministry and the higher education institution. Within a unitary administration the latter's functions include both academic matters and governmental matters such as personnel, economic, budgetary and financial administration. Independent of this, *Rechtsaufsicht* (legal supervision) and, to a certain extent, *Fachaufsicht* (academic supervision), the power of establishment and organisation and authority over financial and staffing matters all lie with the responsible Land ministry or government.

The establishment of new study courses requires agreement with the responsible Land ministry. As a rule, the establishment of new study courses takes place within the framework of agreements on targets and performance in which the Land ministry and the higher education institution agree on developments inter alia in research and teaching. The study regulations, which are laid down for all study courses by the higher education institutions on the basis of the corresponding legal requirements, are as a rule approved by the governing boards of the higher education institutions; some must be announced to or have the approval of the responsible ministry. *Prüfungsordnungen* (examination regulations) are dealt with in different ways: as far as study courses leading to a *Staatsprüfung* (state examination) are concerned, the examination regulations are issued by the competent Land ministries or, in agreement with the Land ministry competent for the relevant state examination, by the higher education institutions. Examination regulations for *Hochschulprüfungen* (academic examinations) are, like the study regulations, drawn up and approved by the higher education institution itself but must, as a rule, be announced to or have the approval of the Land ministry responsible.

In order to guarantee standards in terms of academic content and the professional relevance of the new Bachelor's and Master's degrees, in December 1988 the Standing Conference of the Ministers of Education and Cultural Affairs adopted an accreditation procedure independent of any state approval requirements. In accordance with this resolution, the accreditation is carried out by agencies that have a mandate for a set period of time by an independent Accreditation Council (*Akkreditierungsrat*) acting for all Länder. Since 2005, the Accreditation Council has been performing its duties within the framework of the Foundation for the Accreditation of Study Courses in Germany (*Stiftung zur Akkreditierung von Studiengängen in Deutschland*). For more information on the accreditation of study courses, see chapter 11.3.

In addition to the higher education institutions to which access is open to all, there are some specialised institutions with restricted access which are maintained by the Federation and the Länder. These include the universities for the Federal Armed Forces and *Verwaltungsfachhochschulen* (*Fachhochschulen* for federal and Land public administration). Finally, Germany has church-run institutions of higher education, as well as state-recognised higher education institutions.

The general principles for the legal position of higher education institutions and for the academic and creative arts staff, including the participation of all members of these institutions in self-administration are laid down in the Framework Act for Higher Education (*Hochschulrahmengesetz* – R121). It is on the basis of these principles that the organisation and administration of higher education institutions are

regulated in detail by Länder legislation (R126, R128, R131, R133, R135–136, R139, R141, R143, R145–146, R148, R149–152, R154, R157, R159, R162) for those higher education institutions that come within the purview of each Land. The detailed state control exercised by the Länder is increasingly being replaced by the autonomous action of higher education institutions.

In the course of the reform for the modernisation of the federal system (Federalism reform I) in the year 2006, the competence of the Federation for the framework legislation governing the general principles of higher education was repealed.

The organisation and administration of *Berufsakademien* (professional academies) are governed by the *Berufsakademie* laws (R138, R140, R144, R153, R156, R161, R164) passed in the individual Länder. *Berufsakademien* can be divided into *Studienakademien* (study institutions) and, with regard to the practical part of the training offered, designated training establishments (under the terms of a dual system). The state study institutions are Land institutions and hence subject to the direct supervision of the ministry responsible for science and research. The training establishments for the practical component of training courses include private businesses, comparable establishments – particularly with regard to the liberal professions – and establishments run by maintaining bodies responsible for the provision of social tasks. The training and examination regulations for individual courses are adopted by the relevant ministry in the form of ordinances.

In addition to the state-run *Berufsakademien*, some Länder only offer privately-maintained professional academies, which, in each case, require recognition from the relevant ministry.

Institutions for continuing education

In the field of continuing education we find, more than anywhere else in the education system, a large number of different institutions and offers side by side – and also collaborating wherever necessary – run by the public and the private sector, non-profit making and commercial organisations, employers' and public institutions. The independence of institutions active in the field of continuing education, the freedom to organise courses as they see fit and to select their own staff are guaranteed as conditions essential to a continuing education set-up according with the interests of the community and its members.

The federal system in Germany means that the regulation of and assistance for general continuing education, continuing education leading to school qualifications, vocational further education at *Fachschulen* and that with an academic bias as well as, in some cases, political programmes, is in the hands of the Länder. The responsibilities of the Federation refer in particular to vocational education outside the school context, the development of new methods in continuing education through pilot projects, certain elements of political further education and statistical matters. The promotion of vocational further education under the Social Security Code III (*Sozialgesetzbuch III* – R165) is the responsibility of the Federal Employment Agency (*Bundesagentur für Arbeit*). The Upgrading Training Assistance Act (*Aufstiegsfortbildungsförderungsgesetz* – AFBG – R166) provides a comprehensive nationwide means for financing vocational career advancement training. Responsibility for further vocational training as regulated by the Vocational Training Act (*Berufsbildungsgesetz* – R79) and the Handicrafts Code (*Handwerksordnung* – R80)

lies with the Federal Ministry of Education and Research (*Bundesministerium für Bildung und Forschung* – BMBF). Further training courses for which there is a regional need only are regulated by the *competent bodies*, generally the relevant chambers (e.g. chambers of handicrafts, chambers of industry and commerce), under their own responsibility. Responsibility for the master craft examinations as regulated by the Handicrafts Code lies with the Federal Ministry for Economic Affairs and Energy (*Bundesministerium für Wirtschaft und Energie*). The funding of continuing education by all involved reflects the complex pattern of responsibility for this sector.

2.8. Administration and Governance at Local and/or Institutional Level

Administration and government at local level

Pre-school institutions

Overall responsibility for pre-school establishments at local level lies with the youth welfare offices, the responsibility for the organisation of specific educational work in day-care centres for children (*Kindertageseinrichtungen*) lies with the maintaining bodies. A special feature is the bipartite nature of the youth welfare office (*Jugendamt*), in which the tasks of the youth welfare office are performed jointly by the administration and the youth welfare committee (*Jugendhilfeausschuss*). The youth welfare committee ensures the involvement of local civil society in fundamental issues of further development of child and youth welfare.

School administration

Public-sector schools are, for the most part, state/local authority schools maintained jointly by the Land and the *Kommunen* (local authorities). The cost of the teaching staff is borne by the Land and other staff or material costs are borne by the local authority. The local authorities, which are responsible for the establishment and maintenance of schools and supply them with financing, are described as *Schulträger*, or school maintaining bodies.

Schools with a catchment area extending beyond the local authority area, e.g. schools offering specialised education in artistic subjects or sport, certain *Fachschulen* and *sonderpädagogische Bildungseinrichtungen* (special schools) are in the majority of cases state schools, i.e. they are maintained by a Land, which bears the complete staffing and material costs. In some Länder, there are also local authority schools that are established by the local authorities and, in terms of the costs of teaching staff and material costs, are supported solely by them.

In-company vocational training institutions

At the local level, the self-administrative organisations of the economy (chambers of industry and commerce, chambers of handicraft, chambers of agriculture, chambers representing the liberal professions) are responsible for consulting and supervising in-company vocational training and for intermediate and final examinations in accordance with legislation.

At the training companies the elected representatives of the employees have a say in the planning and conduct of in-company vocational training and the appointment of trainees and instructors.

Administration and government at institutional level

Early childhood education and care

Early childhood education includes all institutions run by the non-public and public child and youth welfare services which cater for children until the age of six at which they usually start school.

For children from the age of three years until they start school, the *Kindergarten* is the traditional form of institutionalised early childhood education in Germany. Responsibility for the individual *Kindergarten* lies with the maintaining bodies (e.g. churches, welfare associations, local authorities, parents associations etc.).

For children under three day-care centres for children offer unmixed crèche groups and also some mixed age groups. The target group of children under three is catered for above all by supervision and care offers in child-minding services. Childminders are self-employed, but may also be employed by private bodies or the local authority.

Children in day-care centres in the early childhood education sector are looked after by trained educational staff and by assistant staff. The trained staff include state-recognised *Sozialpädagogen* (graduate youth and community workers) and state-recognised *Erzieher* (pedagogic staff). Some Länder also have assistants who help trained educational staff in their work. These include nursery assistants and social assistants in particular. Day-care centres are generally headed by *Sozialpädagogen* or by *Erzieher*. Heads of the day-care centres also carry out some pedagogical group work.

Some of the staff (especially those in senior positions) have a degree from a *Fachhochschule* as *Sozialpädagogen* (youth and community workers). This training either comprises a three-year course of study at a higher education institution and one year of practical training or a four-year course of study with two *Praxissemester* (integrated semesters of work experience). Other academically-trained teaching staff include for instance childhood educators (*Kindheitspädagogen*). A variety of Bachelor study courses have now been established in this discipline.

More detailed information about initial education for pedagogic staff in early childhood education and care is available in chapter 9.2.

Primary and secondary education

Schools are run by a head teacher, who bears a particular title (e.g. *Rektor*). He or she is responsible for educational and pedagogical work in the school as a whole and at the same time is a member of the teaching staff. His/her responsibilities and duties are usually set out in the Education Act and in specific regulations for such posts. The head staff are required to cooperate closely with the teachers' conference and the *Schulkonferenz* (school conference) in so far as this is provided for in the primary sector by Land legislation. The head teacher, whilst being subject to the legal and administrative regulations of the school supervisory authority, is also authorised to issue instructions to the other members of the teaching staff and the non-teaching personnel within the framework of his duties relating to *Dienstaufsicht* (staff supervision) and *Fachaufsicht* (academic supervision).

The head teachers' duties include the following:

- Unless this has been entrusted to other staff members, they work out the details of the weekly timetable, supervision and stand-in schedules, endeavouring to ensure that all teachers have about the same workload. They keep track of standards in the various classes by sitting in on lessons and inspecting written work so as to ensure uniform marking standards.
- They are responsible for monitoring all pupils' school attendance and ensuring compliance with the *Schulordnung* (school regulations) and the health protection and accident prevention regulations.
- They represent the school vis-à-vis outside bodies and individuals, notably the *Schulträger* (maintaining authority) and the general public. They may require outsiders (sales representatives, traders etc.) to leave the premises in order to avoid disruptions of normal school life.
- They conduct the school's external affairs (e.g. purchase of teaching materials) in close cooperation with the *Schulträger* (the authority maintaining the school) and are bound by its instructions in this field.
- During the past years, the scope of duties of the head teacher has expanded due to measures for the legal autonomisation of schools. As such, the right and/or the obligation of the schools to pass, implement and evaluate specific *Schulprogramme* (school-specific programmes) has brought about new duties for the head teacher. As part of securing the quality of the lessons, the head teacher is additionally responsible for lesson development, staff development and organisational development as well as for the planning of further training, staff management and, where applicable, for the administration of budgetary funds.

Whenever the head teacher is prevented from carrying out his functions, all these duties become the affair of the deputy head. In some Länder, the *Kommunen* (local authorities) as the maintaining bodies are involved in the appointment of the head teacher in that they are granted the right to make proposals or asked to give their opinion. For the qualifications required for application see chapter 10.1.

The head teacher generally chairs the conference where all teachers from the whole school meet to discuss matters of shared interest (*Lehrerkonferenz*), which he or she both convenes and presides over. The principle of shared staff responsibility for education and teaching applies in all Länder. However, the responsibility of the staff body as a whole is limited by the fact that the head teacher bears sole responsibility for certain tasks, as described above.

To support the head staff, organisational and administrative tasks (e.g. planning the school timetable, taking charge of the school library) can be transferred to individual teachers. In addition, the Ministry of Education and Cultural Affairs of the Land concerned appoints teachers as consultants for individual subject areas, whose job is to advise and support schools, teachers and officials of the school supervisory authority. The classroom hours of these teachers are reduced to allow them to carry out their management functions or administrative and consultative functions.

Tertiary education

Until 1998, the way in which the higher education institutions were organised and administered by the Länder was fundamentally governed uniformly by the provisions set out in the Framework Act for Higher Education (*Hochschulrahmengesetz* –

R121) of the Federal Government. However, since the amendment of the Framework Act in 1998, organisation and administration in higher education institutions essentially falls within the remit of the Länder; this has resulted in greater diversity in the regulations of the Länder. As part of the current higher education reforms, the Länder have partly restructured the organisation and administration of their higher education institutions. The detailed state control exercised by the Länder is increasingly being replaced by the autonomous action of higher education institutions. The main aim of the reform is to strengthen the capacity to act and the achievement potential of the individual higher education institutions by the partial shifting of decision-making competences from the Land ministry and the bodies of participation to the governing board of the higher education institution or the head of the department.

Basically, higher education institutions are organised and administered as follows: Higher education institutions are governed either by a rector (or rector's body) or else by a president (or presidential body). The rector is elected from among the group of professors belonging to that institution, or selected from among external applicants. Anyone who has completed higher education and has the necessary career experience, notably in academic affairs or administration, may be nominated as a rector or president (see also chapter 10.5.). Alongside the rector or president, higher education institutions have a chancellor who is the most senior administrative officer and is responsible for the budget.

To support the governing board of the higher education institutions with external expertise, higher education councils (*Hochschulrat*) or boards of trustees (*Kuratorium*) have been established in almost all of the Länder; these include personalities from industry or academics from other institutions. Depending on the law of the respective Land, these bodies can exercise a right of veto or participation in, for example, basic budgetary issues or decisions regarding the development plans of the higher education institution. As a rule, they also have an advisory function and make recommendations.

The basic organisational unit at higher education institutions is the department (*Fachbereich*), in some Länder also known as faculty (*Fakultät*). Without impinging on the responsibility of the composite central bodies (*Kollegialorgane*), it performs the duties of the higher education institution that fall within its remit. The *Fachbereich* is responsible for ensuring that its members and scientific establishments are able to carry out the functions entrusted to them. The *Fachbereich* council is responsible for all research and teaching issues. It is chaired by the *Dekan* (dean), who must be a professor from among the council. Under recent laws the dean of a *Fachbereich* exercises a right of supervision and instruction over the professors of the department with regard to the fulfilment of teaching and examination commitments.

Higher education institutions adopt their own statutes, or *Grundordnungen* (basic constitutions) which are subject to the approval of the Ministry of Education or the Ministry of Science and Research of the Land in which they are situated. Depending on the law of the respective Land, decisions on the basic constitution and the election of the governing board of the higher education institution are taken by the senate of the higher education institution, the higher education council or the board of trustees, or a second composite central body (*Konzil* – Council, *Konvent* – Conven-

tion, *Großer Senat* – Full Senate, *Versammlung* – Assembly) in which representatives of the higher education institution, including members of staff and students, collaborate.

In some Länder the former two composite central bodies (*Kollegialorgane*) have been replaced by a single body which carries out the duties of the earlier bodies and is generally responsible for monitoring and advising the governing board of the higher education institution.

Organisation and administration of the state-run *Berufsakademien* are not subject to the provisions of the Framework Act for Higher Education or the Higher Education Acts of the Länder, but are subject to the *Berufsakademie* laws of the Länder. Accordingly, the state-run *Berufsakademien* are predominantly managed by a board of trustees, expert committees and the director of the *Studienakademie* (study institution) offering the theoretical component of training.

Internal consultation

The teachers' conference

One of the bodies of participation in the school sector is the teachers' conference (*Lehrerkonferenz*) in which the teaching staff takes decisions on instruction and education, taking care not to encroach on the freedom of the individual teacher to hold his or her lessons as he or she thinks fit. The term *teachers' conference* applies to the full conference, composed of all the teachers in a particular school, as well as to smaller conferences, made up, for example, of teachers from a particular department or responsible for one single class. It is one of the tasks of the teachers' conference to select textbooks from the lists of textbooks approved by the Ministry. In addition, the teachers' conference is also responsible for deciding on disciplinary measures, up to and including expulsion, in conflict situations. In several Länder, parents' (and sometimes pupils') representatives have a right to make their views known and take part in the deliberations of such bodies. They are not, however, as a rule, permitted to take part in discussions and decisions on what marks to award in certificates or whether pupils should or should not be moved up to the next school grade. In some Länder, parents' and, as the case may be, pupils' representatives have an advisory vote in conferences deliberating on certificates and/or on whether or not pupils should be moved up to the next grade. In the full conference, where all teachers from the whole school meet, it is generally the head teacher who presides over the conference and is responsible for the implementation of any decisions.

School conference

Besides the teachers' conference, the *Schulkonferenz* (school conference) generally exists as an additional organ governing cooperation between the head staff and teachers, pupils and parents as well as external cooperation partners, if applicable. It is constituted in different ways in the individual Länder. Sometimes teachers, parents and pupils are represented in equal numbers in the school conference, and sometimes teachers and/or parents are more strongly represented. The school conference is either chaired by the head of the school or by a member elected by the conference.

School conferences have different consulting rights and rights to participation in the various Länder. Länder legislation contains different sets of objectives for the

school conferences, but these do not represent hard and fast regulations. In most cases the *Schulkonferenz* is involved in the following areas:

- Organisation of school life and teaching: school regulations and disciplinary rules, lessons and breaks, allocation of classrooms
- Pupils' protection: road safety provisions for children on their way to and from school, school transport and prevention of accidents on the school premises
- Organisation of events outside school, but under school supervision, e.g. school partnerships and stays at residential facilities in the country, visits to factories and museums etc., school rambles

The school conference may also deal with general educational and teaching questions, e.g. the suitability of textbooks, classwork and homework requirements and the standards for the award of the different marks. The conference has the power to reach binding decisions on such matters as homework supervision, pupils' workgroups and the holding of pilot projects. In some Länder it also discusses and approves, or rejects, the organisation of the school in its present form, its division, relocation or merger with another school and construction projects as well as the school furnishings and equipment. Finally, corrective and disciplinary measures in conflict situations and counselling for parents and pupils may be dealt with.

In some Länder, the school conference has a say in the selection of the head teacher. The authority it enjoys in this respect varies between the Länder, from the right to propose a head teacher to the right to reject a particular choice. For legal reasons, however, it is the school's supervisory authority which actually appoints the head teacher.

Pupils' participation

The Länder Education Acts (R84, R86, R88, R90, R92, R95, R97, R99, R101–102, R104, R106, R112, R114–115, R117) and school participation laws (R108) recognise pupils' basic right to participation and regulate the make-up and responsibilities of the pupils' representative body. Pupils elect pupil representatives from their forms or year groups to look after their interests in accordance with the principle of representation. Pupil representatives together make up the pupil parliament (*Schülerparlament*, also known as the *Schülerrat* or *Schülerausschuss*). This body elects one or more pupil spokespersons for the whole school. In some Länder the pupil representatives are elected directly by all pupils. At local authority (*Kommunen*), town or district level, they are usually organised into local-authority, town or district pupil parliaments (*Gemeindeschülerrat*, *Stadtschülerrat*, *Kreisschülerrat*) and at Länder level into Länder pupil councils (*Landesschülerrat*). The school and the school supervisory authorities may not usually influence the choice of pupil representatives.

As well as the pupil representation organs, Land Education Acts or school constitution acts also provide for general assemblies of pupils (*Schülervollversammlungen*) either from the entire school or from different levels of the school, where it is intended that all pupils in a school or particular level of that school exchange opinions and hold talks or discussions.

Internal consultation in the tertiary sector

In their capacity as a public-law corporation and, at the same time, a public institution, institutions of higher education have the right of self-administration. Under

the Framework Act for Higher Education (*Hochschulrahmengesetz* – R121) and the Länder laws governing higher education (R126, R128, R131, R133, R135–136, R139, R141, R143, R145–146, R148, R149–152, R154, R157, R159, R162), all members of a higher education institution, i.e. all those whose main employment is at the institution and all matriculated students, are involved in the decision-making process. One or two composite central bodies are constituted to govern cooperation between the governing board of the institution and the members of that institution. For the purpose of their representation in bodies of participation, the following each form a group of their own:

- the professors
- the students
- academic staff
- the other staff members

The type and scope of participation of the groups in the higher education bodies depend on the qualifications, functions and responsibilities of the parties involved and who the decisions affect. It is the professors who have the majority of votes in those bodies composed according to the various types of member that have the power of decision-making on research, artistic development programmes and the appointment of professors. Professors have at least half of the votes in matters regarding teaching, with the exception of evaluation.

Students usually set up *Studierendenschaften* (student bodies) to look after student interests in terms of higher education policy and social and cultural matters, supra-regional and international student relations as well as those student interests relating to the responsibilities of the higher education institutions. These student bodies, of which each student automatically becomes a member upon matriculation, are self-administrative. They are represented by the student parliament (*Studierendenparlament*) and the General Student Committee (*Allgemeiner Studierendenausschuss* – AStA) at most institutions of higher education. Both are elected by the students. The *Studierendenschaft* is subject to the *Rechtsaufsicht* (legal supervision) of the governing body of the higher education institution. Students also participate in teaching evaluation.

Participation of members in the administration and organisation of the *Berufsakademien* is regulated in the *Berufsakademie* laws (R138, R140, R144, R153, R156, R161, R164) of the Länder. Under these laws, the director of the *Studienakademie* (study institution), representatives of the teaching staff, the involved training establishments, and the students are represented in the various committees, where they have a say in both fundamental and subject-related issues, as well as in the matter of coordination between the study institution and the involved training establishments.

Consultation involving players in society at large

According to the Basic Law (*Grundgesetz* – R1), the care and upbringing of children are a natural right of parents and a duty primarily incumbent on them (Art. 6, Paragraph 2). However, the state keeps watch over the exercise of parental rights. The term *parents* refers to the respective persons who have parental power, i.e. those persons whom the care and custody of the child or young person has been conferred upon.

Consultation and participation in the pre-primary sector

In the field of early childhood education and care collaboration with parents is particularly important. Social Security Code VIII (SGB VIII – child and youth welfare – R61) lays down that parents and legal guardians are to be involved in decisions on important matters relating to instruction, education and care (Section 22a, paragraph 2). This is carried out inter alia through the establishment of parents' councils (*Elternbeiräte*), which is regulated by Land law. Cooperation with the parents and legal guardians is also anchored in the education plans of the Länder. At the individual level the experts in the establishments are required to work together with the parents and legal guardians for the welfare of the children and to ensure the continuity of the education process. The concept of educational partnership (*Bildungs- und Erziehungspartnerschaft*) has therefore become firmly grounded in the professional debate.

In addition, different forms of cooperation have more recently been established between day-care centres for children and other family and child-related offers in the community with the aim of guaranteeing comprehensive support for children offering the best possible quality. One outcome of this is the further development of a growing number of day-care centres for children into family centres.

Parents' participation in the school sector

The state is fundamentally responsible for the schooling of children under Article 7, Paragraph 1 of the Basic Law. However, the state's right to regulate the education of children at school is limited by parental rights to bring up their children, without it being possible to derive specific rights to a say and rights of participation from parental rights. However, the Länder are free to equip parents' councils with rights to participation.

Parents exercise their rights, on the one hand, individually and, on the other hand, collectively through parents' groups and their representatives on other consulting and decision-making bodies at schools. The rights to a say enjoyed by the parents of primary school pupils do not fundamentally differ from those afforded parents of secondary school pupils who have not yet reached their majority.

Each of the Länder has developed its own approach to participation at school, whereby the collective participation of parents at school level and inter-school level is regulated to varying degrees and in diverse manners in the constitutions of the Länder and in the Education Acts. It is generally the case, however, that parents have an opportunity to make their views felt at two levels, the lower level being the individual class (in bodies called *Klassenelternversammlung* or *Klassenpflegschaft*) and the upper level being the school as a whole (in the *Schulelternbeirat* or *Elternvertretung*). At a higher level we find regional parents' councils at the level of the local authority or district and, higher still, the representative organs at the Land level (*Landeselternbeirat*), sometimes organised according to the different school types. Finally, the representative bodies combine to form a single federal parents' council at national level (*Bundeselternrat*), in order to provide a forum for information for parents on developments in the field of education policy and to advise parents on school-related issues.

Other social groups involved in participation in the school sector

With the exception of vocational schools there are no provisions for individuals or institutions other than teachers, parents and pupils to have a say at the school level, be it individual classes or the school as a whole.

It is not until we reach the regional level or the Land level that representatives of business, the trade unions, the churches, local authority associations, institutions of higher education, youth associations and public figures are also involved in the decision-making process. These interest groups can exert influence on school affairs of general or fundamental importance at Land level, either through the permanent advisory committees (*Landesschulbeiräte*) or through legally regulated ad-hoc questioning. At the request of their members, however, such representatives may also be invited to attend meetings of lower-level bodies for information and advice.

The expansion of all-day school types has significantly increased the trend towards involving external learning partners in the local school-based social and academic educational work. For further information on the expansion of all-day offers, see chapters 5.2. and 6.2.

External consultation in the tertiary sector

In order to support the management of the higher education institution in matters of basic relevance by means of external expertise, higher education councils (*Hochschulrat*) or boards of trustees (*Kuratorium*) have been established in almost all of the Länder and include personalities from the economy or scientists from other institutions. Depending on the law of the respective Land, these bodies can exercise a right of veto or participation in, for example, basic budgetary issues or decisions regarding the development plans of the higher education institution. As a rule, they also have an advisory function and make recommendations.

Participation and consultation involving players in the society at large in the sector of continuing education

Various forms of cooperation have evolved between continuing education institutions, organisations which maintain continuing education and social partners (local authorities and Länder authorities, companies, employers' and employees' representatives, chambers of industry and commerce and other self-governing organisations within industry). However, this does not affect the freedom of institutions to take decisions relating to the courses they organise or the teaching staff they select.

2.9. Statistics on Organisation and Governance

Children in day care 2015

	Children under the age of three		Children aged three to six	
	Number	Attendance rate	Number	Attendance rate
Germany	693,343	32.9	1,961,551	94.9

Source: Statistisches Bundesamt, Statistiken der Kinder- und Jugendhilfe. Kinder und tätige Personen in Tageseinrichtungen und in öffentlich geförderter Kindertagespflege am 01.03.2015, 2015

Vorklassen and Schulkindergärten in 2014

Type of institution	Number of institutions	Pupils
<i>Vorklassen</i>	285	10,350
<i>Schulkindergärten</i>	999	16,371

Source: Statistisches Bundesamt, Fachserie 11, Reihe 1, 2015

Privately-maintained *Vorklassen* und *Schulkindergärten* in 2014

Type of school	Number of schools	Pupils	Proportion of the total of pupils attending the respective type of institution in per cent
<i>Vorklassen</i>	31	1,029	9.9
<i>Schulkindergärten</i>	102	2,725	16.6

Source: Statistisches Bundesamt, Fachserie 11, Reihe 1.1, 2015

Primary schools – *Grundschulen* – in 2014

Number of schools	Teachers (full-time teacher units)	Pupils
15,578	165,862	2,708,752

Source: Statistische Veröffentlichungen der Kultusministerkonferenz, Nr. 209, 2016 and Statistisches Bundesamt, Fachserie 11, Reihe 1, 2015

In 2014 the ratio of pupils to teachers in *Grundschulen* (primary schools) was 16.3 pupils for each teacher, while there were 20.7 pupils per class on average.

Privately-maintained primary schools – *Grundschulen* – in 2014

Number of schools	Pupils	Proportion of the total of pupils attending the respective type of school in per cent
854	91,806	3.4

Source: Statistisches Bundesamt, Fachserie 11, Reihe 1.1, 2015

Secondary schools providing general education by selected type of school, as per 2014

Type of school	
Non-type-related <i>Orientierungsstufe</i>	1,059
<i>Hauptschulen</i>	3,039
Schools offering both <i>Hauptschule</i> and <i>Realschule</i> courses	1,802
<i>Realschulen</i>	2,313
<i>Gymnasien</i>	3,125
<i>Integrierte Gesamtschulen</i> (including primary education)	1,778
<i>Freie Waldorfschulen</i> (including primary education)	215
Total	13,331

Source: Statistisches Bundesamt, Fachserie 11, Reihe 1, 2015

Pupils at selected secondary schools providing general education, as per 2014

Lower secondary level	
Non-type related <i>Orientierungsstufe</i>	99,281
<i>Hauptschulen</i>	507,502
Schools offering both <i>Hauptschule</i> and <i>Realschule</i> courses	477,061
<i>Realschulen</i>	950,706
<i>Gymnasien</i>	1,432,720
<i>Integrierte Gesamtschulen</i>	660,295
<i>Freie Waldorfschulen</i>	41,439
Total	4,169,004
Upper secondary level	
<i>Gymnasien</i>	870,309
<i>Gymnasiale Oberstufe</i> at the <i>Integrierte Gesamtschule</i>	107,547
<i>Freie Waldorfschulen</i>	15,393
Total	993,249

Source: Statistische Veröffentlichungen der Kultusministerkonferenz, Nr. 209, 2016

Vocational schools by type of school, as per 2014

Type of school	
Part-time <i>Berufsschulen</i>	1,552
<i>Berufsprüfungsjahr</i> at school including <i>Berufsvorbereitungsjahr</i>	1,226
<i>Berufsfachschulen</i>	2,465
<i>Fachoberschulen</i>	868
<i>Berufliche Gymnasien</i>	883
<i>Berufsoberschulen/Technische Oberschulen</i>	271
Other	107
Total	7,372

Source: Statistisches Bundesamt, Fachserie 11, Reihe 2, 2015

Pupils at selected vocational schools as per 2014

Type of school	
<i>Berufsschulen</i> (part-time)	1,455,811
of which: <i>Berufsschulen</i> in the dual system	1,450,641
of which: <i>Berufsvorbereitungsjahr</i>	5,170
<i>Berufsschulen</i> (full-time)	71,618
of which: <i>Berufsvorbereitungsjahr</i>	48,291
of which: <i>Berufsprüfungsjahr</i> at school	23,327
<i>Berufsfachschulen</i>	425,846
<i>Berufsoberschule/Technische Oberschule</i>	20,750
<i>Berufliche Gymnasien</i>	189,962
<i>Fachoberschulen</i>	139,556
Other	9,044
Total	2,312,587

Source: Statistische Veröffentlichungen der Kultusministerkonferenz, Nr. 209, 2016

Trainees in the dual training system by sector, as per 2014¹

Sector	
Industry and commerce	805,398
Crafts	369,501
Agriculture	33,441
Civil service	34,713
Liberal professions	108,822
Home economics	6,675
Total	1,358,550

¹ The figures have been rounded to a multiple of 3 in each case. The overall amount may therefore differ from the sum total of the individual values.

Source: Statistisches Bundesamt, Fachserie 11, Reihe 3, 2015

Teachers at secondary schools providing general education, as per 2013 (Full-time teacher units)

Lower secondary level	
Non-school type-related <i>Orientierungsstufe</i>	7,794
<i>Hauptschulen</i>	44,637
Schools offering both <i>Hauptschule</i> and <i>Realschule</i> courses	39,322
<i>Realschulen</i>	58,303
<i>Gymnasien</i>	95,322
<i>Integrierte Gesamtschulen</i>	51,739
<i>Freie Waldorfschulen</i>	3,364
Total	300,481
Upper secondary level	
<i>Gymnasien</i>	70,622
<i>Integrierte Gesamtschulen</i>	8,725
<i>Freie Waldorfschulen</i>	1,185
Total	80,532

Source: Statistische Veröffentlichungen der Kultusministerkonferenz, Nr. 209, 2016

Teachers at selected vocational schools as per 2014

(Full-time teachers and part-time teachers counted in terms of the equivalent number of full-time teachers)

Type of school	
<i>Berufsschulen</i> (part-time)	42,048
of which: <i>Berufsschulen</i> in the dual system	41,827
of which: <i>Berufsvorbereitungsjahr</i>	221
<i>Berufsschulen</i> (full-time)	7,264
of which: <i>Berufsvorbereitungsjahr</i>	5,312
of which: <i>Berufsgrundbildungsjahr</i>	1,952
<i>Berufsfachschulen</i>	31,670
<i>Berufliche Gymnasien</i>	1,621
<i>Berufsoberschulen/Technische Oberschulen</i>	14,665
<i>Fachoberschulen</i>	7,746
Others	1,170
Total	106,184

Source: Statistische Veröffentlichungen der Kultusministerkonferenz, Nr. 209, 2016

Pupil-teacher ratio and number of pupils per class at lower secondary level 2014

Type of school	Pupils per teacher	Pupils per class
<i>Orientierungsstufe</i> independent of school type	12.7	21.1
<i>Hauptschulen</i>	11.4	19.6
Schools offering both <i>Hauptschule</i> and <i>Realschule</i> courses	12.1	21.8
<i>Realschulen</i>	16.3	25.6
<i>Gymnasien</i>	15.0	26.0
<i>Integrierte Gesamtschulen</i>	12.8	24.8
<i>Freie Waldorfschulen</i>	12.3	25.1

Source: Statistische Veröffentlichungen der Kultusministerkonferenz, Nr. 209, 2016

Pupil-teacher ratio and number of pupils per class in selected full-time vocational schools 2014

Type of school	Pupils per teacher	Pupils per class
<i>Berufsschulen in the dual system</i>	34.7	19.2
<i>Berufsvorbereitungsjahr</i>	9.7	14.0
<i>Berufsgrundbildungsjahr</i>	12.0	20.6
<i>Berufsfachschulen</i>	13.4	20.7
<i>Berufsoberschulen/Technische Oberschulen</i>	12.8	20.9
<i>Fachoberschulen</i>	18.0	22.8

Source: Statistische Veröffentlichungen der Kultusministerkonferenz, Nr. 209, 2016

Selected privately-maintained schools in the secondary sector in 2014

Type of school	Number of schools	Pupils in the secondary sector	Proportion of the total of pupils attending the respective type of school in per cent
General education schools			
<i>Orientierungsstufe</i> independent of school type	131	6,802	6.9
<i>Hauptschulen</i>	187	21,645	4.3
Schools offering both <i>Hauptschule</i> and <i>Realschule</i> courses	433	75,634	6.6
<i>Realschulen</i>	342	103,049	10.8
<i>Gymnasien</i>	527	270,526	11.7
<i>Integrierte Gesamtschulen</i> (schools including primary education)	236	46,568	5.6
<i>Freie Waldorfschulen</i> (schools including primary education)	215	82,940	100
Selected types of vocational schools			
<i>Berufsschulen</i> ¹	197	38,801	2.7
<i>Berufsfachschulen</i>	1,030	100,737	23.6

¹ Part-time *Berufsschulen* in the dual system including *Berufsgrundbildungsjahr* on a cooperative basis.

Source: Statistisches Bundesamt, Fachserie 11, Reihe 1.1, 2015

Institutions of higher education by type (as per the 2015 summer semester)

Universities and equivalent institutions	121
<i>Fachhochschulen</i>	220
Colleges of art and music	58
Total	399

Source: Hochschulrektorenkonferenz, Hochschulen in Zahlen 2015, 2015

**Institutions of higher education by type of funding
(as per the 2015 summer semester)**

state-run higher education institutions	238
non-state, state-recognised higher education institutions	161
of which private	121
of which church-maintained	40

Source: Hochschulrektorenkonferenz, Hochschulen in Zahlen 2015, 2015

**German and foreign students by type of institution of higher education¹
(as per the 2014/2015 winter semester)**

	Total	Universities and equivalent institutions	Colleges of art and music	<i>Fachhochschulen</i> including <i>Verwaltungsfachhochschulen</i>
Germans	2,377,341	1,514,836	24,753	837,752
Foreigners	321,569	218,212	10,573	92,784
Total	2,698,910	1,733,048	35,326	930,536

¹ Including those higher education institutions for which there are no detailed figures but rather key data from the previous report.

Source: Statistisches Bundesamt, Fachserie 11, Reihe 4.1, 2015

**Students by subject categories
(as per the 2014/2015 winter semester)**

Students	
Languages, the humanities	499,561
Sport, sports sciences	28,098
Law, economics and social sciences	822,745
Mathematics, natural sciences	490,433
Human medicine	157,166
Veterinary medicine	8,154
Agronomy, forestry, nutritional science	52,900
Engineering sciences	545,408
Fine arts, art studies	91,388
Other subjects and unclear	3,057
Total	2,698,910

Source: Statistisches Bundesamt, Fachserie 11, Reihe 4.1, 2015

Final examinations 2014

Examinations	
Total	460,503
<i>Diplom</i> (U) and corresponding final examinations ¹	50,675
Teaching examinations	43,291
Bachelor's degree	229,282
Master's degree	97,034
Degrees at <i>Fachhochschulen</i>	12,074
Doctoral degree	28,147

¹ Including final examinations in artistic and other subjects.

Source: Statistisches Bundesamt, Fachserie 11, Reihe 4.2, 2015

Students at *Berufsakademien* in the tertiary sector 2014

Students	9,508
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Source: Statistisches Bundesamt, Fachserie 11, Reihe 4.1, 2015

Fachschulen 2014

Schools	1,486
Pupils	193,416
Teachers	11,035

Source: Statistisches Bundesamt, Fachserie 11, Reihe 2, 2015 and Statistische Veröffentlichungen der Kultusministerkonferenz, Nr. 209, 2016

Privately-maintained *Fachschulen* 2014

Schools	521
Pupils	63,297
Proportion of the total of students attending <i>Fachschulen</i> in per cent	32.7

Source: Statistisches Bundesamt, Fachserie 11, Reihe 1.1, 2015

Participation in continuing education by sector

Proportion of people (population 18–64 years old), who in the last 12 months have participated in:	2012	2014
Type 1: in-company continuing education	35	37
Type 2: individual vocational continuing education	9	9
Type 3: non-vocational continuing education	13	12
Participation in continuing education as a whole (multiple selections)	49	51

Source: Bundesministerium für Bildung und Forschung, Weiterbildungsverhalten in Deutschland – AES 2014 Trendbericht

Participation in continuing education by subject area

Topic area	2012	2014
Languages, culture, politics	13	10
Basic education courses, literacy	1	0
Art, music, media	4	3
Languages, literature, history, religion, philosophy	7	5
Politics and society, information science	2	2
Educational science and social competence	8	9
Personal development, communication, social compe-	3	3
Teaching and training	3	3
Youth and social work	2	2
Health and sport	19	21
Medical subjects, pharmacy	5	6
Health, care, medical services	10	11
Sport	3	3
Business, labour, law	33	34
Trade, marketing, accountancy	7	6
Management, administration	5	4
Labour and organisation, working environment	9	10
Legal subjects	3	3
Personal services	2	2
Health and safety, environmental protection	6	8
Nature, technology, computers	25	23
Natural science subjects	1	1
Mathematics, statistics	1	0
Information technology	2	1
Working with computers, software topics	8	7
Engineering, technology	5	4
Manufacturing industries, construction	3	2
Agriculture, veterinary sciences	1	1
Traffic, transport	5	5
Security services	1	1
Not classifiable, or only classifiable on single digit	2	4
Total	100	100

Source: Bundesministerium für Bildung und Forschung, Weiterbildungsverhalten in Deutschland – AES 2014 Trendbericht

Volkshochschulen in 2014
Courses and enrolment by programme area

	Courses		Enrolment	
	Number	per cent	Number	per cent
Politics, social studies, environment	41,133	7.0	580,162	9.1
Humanities, design	94,092	15.9	924,940	14.4
Health education	199,037	33.7	2,383,694	37.2
Languages	179,310	30.3	1,844,494	28.8
Work, career	60,748	10.3	523,358	8.2
Basic education, school leaving qualifications	16,530	2.8	147,585	2.3
Total	590,850	100	6,404,233	100

Source: Volkshochschul-Statistik, working year 2014, 2015

Abendschulen and Kollegs in 2014

Schools	325
Students – total	52,912
at Abendhauptschulen	977
at Abendrealschulen	19,157
at Abendgymnasien	16,426
at Kollegs	16,352
Teachers – total	3,582
at Abendhauptschulen	50
at Abendrealschulen	952
at Abendgymnasien	1,152
at Kollegs	1,428

Source: Statistisches Bundesamt, Fachserie 11, Reihe 1, 2015 and Statistische Veröffentlichungen der Kultusministerkonferenz, Nr. 209, 2016

Privately-maintained *Abendschulen* and *Kollegs* 2014

Number of schools	Pupils	Proportion of the total of pupils attending the respective type of school
91	9,713	18.4

Source: Statistisches Bundesamt, Fachserie 11, Reihe 1.1, 2015

Participants in distance learning courses by subject area in 2014

Subject area	Participants ¹	
	Number	per cent
Social sciences	3,814	2.1
Education, psychology	13,285	7.3
Humanities	3,782	2.1
Languages	11,920	6.6
Business and commerce	44,998	24.9
Mathematics, natural sciences, technology	9,036	5.0
Leisure, health, housekeeping	31,407	17.4
School leaving qualifications and similar	24,042	13.3
Business managers, engineers and translators	21,813	12.1
Computer courses	15,118	8.4
Other higher education courses	1,674	0.9
Total	180,889	100

Source: Forum Distance-Learning, Fernunterrichtsstatistik 2014, 2015

Pupils with special educational support in general education schools in 2014

Focus of special education	Pupils with special educational support in			Attendance rate in per cent ¹⁾
	Mainstream schools	Special schools	Mainstream schools and special schools in total	
Learning	75,675	115,871	191,546	2.62
Sight	3,132	4,817	7,949	0.11
Hearing	7,813	10,731	18,544	0.25
Speech	23,306	31,805	55,111	0.75
Physical and motor development	10,899	24,552	35,451	0.48
Mental development	7,192	74,713	81,905	1.12
Emotional and social development	42,990	38,685	81,675	1.12
Types of special education not assigned to any other disability category	1,474	12,028	13,502	0.18
Learning, speech, emotional and social development (LSE)		11,329	11,329	0.14
Sick	911	10,463	11,374	0.16
All types of special education	173,392	334,994	508,386	7.0

¹⁾ Percentage of all pupils of compulsory schooling age (Years 1-10 including special schools)

Source: Secretariat of the Standing Conference of the Ministers of Education and Cultural Affairs

Special schools in 2014

	Number of schools	Pupils	Proportion of the total of pupils attending the respective type of school in per cent
Special schools	3,117	334,994	100
of which privately - maintained	662	70,985	21.2

Source: Statistisches Bundesamt, Fachserie 11, Reihen 1 und 1.1, 2015

3. FUNDING

3.1. Introduction

The financing of education from the public purse is currently based on the following arrangements:

- Most educational institutions are maintained by public authorities.
- They receive the greater part of their funds from public budgets.
- Certain groups undergoing training receive financial assistance from the state to provide them with the money they need to live and study.
- The public financing arrangements for the education system are the result of decision-making processes in the political and administrative system in which the various forms of public spending on education are apportioned between Federation, Länder and *Kommunen* (local authorities) and according to education policy and objective requirements.

Public spending on education

The political and administrative hierarchy in the Federal Republic of Germany is made up of three levels: 1) Federation; 2) Länder; and 3) local authorities (*Kommunen*), i.e. districts, municipalities with the status of a district and municipalities forming part of districts. Decisions on the financing of education are taken at all three levels, but over 90 per cent of public expenditure are provided by the Länder and the local authorities.

The expenditure (basic funds) of the Federation, Länder and local authorities in Germany are shown in the demarcation of the financing statistics of the public budgets. In 2012, according to the financing statistics, the public sector expended a total of Euro 112,1 billion on out-of-school youth education and day-care centres for children, general and vocational schools, higher education institutions, financial assistance for pupils and students, and other educational expenditure. This amounted to Euro 7.9 billion for the Federation, Euro 80.6 billion for the Länder and Euro 23.6 billion for the local authorities. This corresponds to 4.1 per cent of gross domestic product and 19.8 per cent of the total public budget.

Education budget

According to the International Standard Qualification of Education (ISCED), expenditure on education in Germany in 2012 totalled Euro 164.0 billion on pre-school education, schools and the associated areas, the tertiary sector, miscellaneous and other expenses. Additional German expenditure related to education amounted to Euro 17.4 billion for in-company vocational education, further education offers and the promotion of participants in continuing education. The education budget thus comprised a total Euro 181.4 billion in 2012. This corresponds to 6.6 per cent of gross domestic product. The Federation contributed a total 10.0 per cent to educational spending, the Länder 54.0 per cent, local authorities 15.1 per cent, the private sector 20.6 per cent and 0.4 per cent came from abroad.

Based on the internationally applied (ISCED) breakdown for education systems, of the overall education expenditure in Germany pre-school education accounted for Euro 21.8 billion (Federation: Euro 0.0 billion, Länder Euro 2.5 billion, local authorities Euro 14.1 billion, the private sector Euro 5.2 billion), schools and the associated

areas accounted for Euro 86.4 billion (Federation Euro 2.8 billion, Länder Euro 55.0 billion, local authorities Euro 16.9 billion, the private sector Euro 11.6 billion), the tertiary sector for Euro 33.6 billion (Federation Euro 4.2 billion, Länder Euro 23.7 billion, local authorities Euro 0.4 billion, the private sector Euro 4.7 billion, and sources from abroad Euro 0.7 billion), and miscellaneous for Euro 2.1 billion (Federation Euro 0.1 billion, Länder Euro 1.8 billion, local authorities Euro 0.2 billion). Private household expenditure on educational goods and services outside educational establishments totalled Euro 5.7 billion. The amount spent on promoting participants in ISCED courses of education was Euro 14.3 billion (Federation Euro 6.0 billion, Länder Euro 7.1 billion, local authorities Euro 1.3 billion).

Of the additional German expenditure related to education, in-company continuing education, accounted for Euro 10.6 billion (Federation Euro 0.4 billion, Länder Euro 0.8 billion, local authorities Euro 0.4 billion, the private sector Euro 9.0 billion), expenditure on further education offers Euro 6.1 billion (Federation Euro 1.5 billion, Länder Euro 0.4 billion, local authorities Euro 3.2 billion, the private sector Euro 1.0 billion) and the promotion of participants in continuing education by the Federation Euro 0.7 billion.

In 2012 the total budget for education, research and science amounted to Euro 251.9 billion. This corresponds to 9.1 per cent of gross domestic product.

In-company training within the *duales System*, which is maintained by industry and by other training companies and institutions, is mainly financed by the companies. The *Berufsschulen* (vocational schools) which are, together with the training companies, jointly responsible for education and training within the dual system receive public financing.

3.2. Early Childhood and School Education Funding

Funding

Early childhood education and care

Publicly-maintained day-care centres for children (maintained by the local authorities) are financed by the local authority (*Kommune*), by the Land (subsidies to cover personnel and material costs etc.) and through parental contributions. Meanwhile, day-care centres that are privately maintained (by churches, parents' initiatives etc.) are also financed by the local authority (*Kommune*), by the Land and through parental contributions, and, in addition, by the maintaining body's own resources. Financing by the Länder may include subsidies to cover investment, personnel and material costs etc.

In 2012, according to the financing statistics, the public sector expended Euro 19.1 billion on day-care centres. The Länder share amounted to Euro 8.5 billion or 44.5 per cent of expenditure on the primary sector and the local authority share to Euro 10.0 billion or 52.4 per cent of expenditure.

The Federation, the Länder and the local authorities agreed in 2007 to progressively establish quality and needs-oriented day-care services for children under three years of age in day-care centres and child-minding services until 2013. Since 1 August 2013 all children from the age of one have had a legal right to early-childhood education in a day-care centre or child-minding service. The Federation made a total of Euro 5.4 billion available to the Länder up to 2014 to create additional places in

day-care centres and child-minding services for children under the age of three and to finance their operation. Since 2015 the Federation is supporting the long-term operation of these newly created places with a total of Euro 845 million. The Federation has also announced another investment programme: to enable the Länder and municipalities to cope more easily with the challenges of funding crèches, day-care centres for children, schools and higher education institutions, the existing “*Kinderbetreuungsaufbau*” (childcare development) fund has been topped up with a further Euro 550 million in 2015, bringing it to Euro 1 billion, and the Länder share of turnover tax has been increased against the Federal shares in 2017 and 2018 by Euro 100 million each year.

Primary and secondary education

Financing of school education

The public-sector school system is financed on the basis of a division of responsibilities between the Länder and the *Kommunen* (local authorities). While the latter bear the costs of non-teaching staff and the material costs, the Ministries of Education and Cultural Affairs of the Länder are responsible for the teaching staff payroll. Attendance of public-sector schools is free of charge.

In order to balance out school costs between the local authorities and the Länder, for certain expenses (e.g. for transporting pupils to and from school) the local authorities receive reimbursements or lump-sum allocations from the Land budget (generally by the Ministry of Education and Cultural Affairs or by the Ministry of Finance). The Land also supports the local authorities through one-off grants, for example, contributions to school construction costs or certain subsidies for running costs.

Where schools have catchment areas extending beyond the local area, e.g. certain *sonderpädagogische Bildungseinrichtungen* (special schools) and *Fachschulen*, the Land can be the *Schulträger* (maintaining body) and therefore also responsible for funding the material costs and the non-teaching staff payroll.

In 2012, according to the financing statistics, the public sector expended Euro 58.8 billion on general and vocational schools. The Länder share amounted to Euro 48.3 billion or 82.1 per cent of expenditure, and the local authority share to Euro 10.5 billion or 17.9 per cent of expenditure.

Financing of vocational training

The *duales System* (dual system) of vocational education and training operates at two locations, namely within companies and at the *Berufsschule* (vocational school). Vocational training outside the school sector is mainly financed by companies, whose net costs are estimated at about Euro 7.7 billion in the training year 2012/2013. Public spending for vocational, inter-company and external education and training in the dual system without the spending on vocational schools, including education and training subsidies from the Federal Employment Agency (*Bundesagentur für Arbeit – BA*) and the Federal Ministry of Labour and Social Affairs (*Bundesministerium für Arbeit und Soziales – BMAS*), amounted to 2.6 billion euros in 2012. Expenditure for vocational schools, the majority of which are financed by the Länder, was about Euro 9.4 billion in 2012.

Financial Autonomy and Control

Early childhood education and care

Under the statutory provisions the maintaining bodies for day-care centres for children are free to administer their own funding.

Primary and secondary education

A process to modernise and further develop the field of public administration is currently underway, which aims to attain a more effective and efficient use of resources. The purpose of this process is, above all, to remove the heavily regulated use of resources by extending the financial autonomy of the schools. The possibility of schools managing their own budgetary funds has increased in recent years on the basis of amendments to the school legislation. In the majority of Länder, schools are already able to determine their own use of resources for one or several types of expenses (e.g. learning and teaching aids) within the budget allocated by the maintaining body. Initial approaches are also in place for the autonomous use of the personnel resources allocated.

Fees within Public Education

Early childhood education and care

Early childhood education is not a part of the state school system, and attendance of day-care centres is not, as a general rule, free of charge. To cover some of the costs, parental contributions are levied, the level of which may vary from Land to Land as well as from local authority to local authority and can depend on parents' financial circumstances, the number of children or the number of family members. In some Länder no contributions are levied for the final year in a day-care centre for children. In Rheinland-Pfalz and Berlin, the last three years in a day care facility for children before starting school are free, and in Hamburg, no parental contributions are charged for the five-hour basic care.

Primary and secondary education

Attendance of public-sector primary and secondary schools is free of charge, and there are no fees for enrolment or for report cards.

Financial Support for learners' families

Early childhood education and care

On application, financial contributions may be waived in part or in full if parents cannot afford to pay them. These would then be assumed by the local youth welfare office.

Primary and secondary education

In March 2011, with retroactive effect from 1 January 2011, the Act on the education and participation package (*Gesetz zum Bildungs- und Teilhabepaket*) entered into force. The Act grants children whose parents are in receipt of type-II unemployment benefit (*Arbeitslosengeld II*) or social security benefit (*Sozialgeld*), social assistance (*Sozialhilfe*), receive the supplementary child allowance (*Kinderzuschlag*) or housing benefit (*Wohngeld*), are legally entitled to subsidies for lunches in day-care centres for children, schools or after-school centres, to learning support, to contributions for youth sports clubs or music schools, and, where applicable, to the

costs of day trips organised by the school or day-care centre for children. The local authorities are responsible for funding and implementing the education and participation package.

Financial support for families of pupils with special educational needs

No information is available on financial support measures for families of pupils with special educational needs. Families of children with disabilities can be supported in the framework of services promoting the participation of people with disabilities.

Financial support for learners

Financial support for pupils and trainees in vocational education and training

In general, there are no provisions for financial assistance to secondary school pupils from grades 5 to 9. Some Länder have regulations allowing for the provision of financial assistance to pupils up to grade 9 who must be accommodated outside of their home.

On the basis of legal regulations on the part of the Federation (Federal Training Assistance Act – *Bundesausbildungsförderungsgesetz* – BAföG – R82), pupils from grade 10 onwards at general and vocational secondary schools are entitled under certain conditions to financial support from the state in the form of a grant, if they have no other means (mainly from their parents' income) of maintenance and financing training. For certain types of school, financial support for pupils is dependent e.g. on pupils being accommodated outside the parental home if the place of training is not accessible from there. Training assistance is paid to cover living costs and training, with the income and financial means of the pupil as well as the income of his or her parents and, if applicable, his or her spouse also being taken into account. After the basic allowances have been increased, from August 2016 pupils may – depending on whether or not they live with their parents and what type of training institution they attend – receive financial assistance of between Euro 231 and Euro 504 monthly under the terms of the Federal Training Assistance Act. In individual cases a health and long-term care insurance subsidy of Euro 86 may also be granted. The assistance provided by the state does not have to be repaid.

In 2015 more than 259,000 pupils received training assistance under the Federal Training Assistance Act. Federation and Länder expenditure on financial support for pupils under the Federal Training Assistance Act amounted to about Euro 810 million. Pupils granted support each received an average Euro 421 monthly.

Through the 25th "BAföG-Änderungsgesetz" (amending law to the Federal training assistance act) the Federation has assumed the complete funding of financial allowances in accordance with the BAföG as of 2015. The content of the BAföG also was amended at the start of the school year 2016: the grant levels and exemptions were raised by 7 percent each. The rises will also be transferred, as usual, to trainees in vocational education and training as well as participants in pre-vocational education and training measures with the amending law to the BAföG.

Besides federal training assistance, pupils are entitled under certain circumstances to benefits under the Social Security Code II (*Sozialgesetzbuch II* – basic security benefits for job-seekers – R166). Some Länder have provisions under which upper sec-

ondary pupils who have no claim to assistance under the Federal Training Assistance Act can receive financial assistance from the Land under certain conditions.

Teaching aids

So that pupils have access to all teaching aids used in lessons regardless of their economic and social circumstances, most Länder have regulations on the provision of financial assistance for pupils to purchase teaching aids (*Lernmittelhilfe*), or on their provision free of charge (*Lernmittelfreiheit*); this provision is, in part, staggered according to parents' income and number of children. Under these regulations, pupils are either exempt from the costs of teaching aids or only have to pay part of the costs. The funds are provided either by the *Schulträger* (the local authority responsible for establishing and maintaining the schools), or by the Land in question. In the majority of Länder, pupils at public-sector schools are lent textbooks and other expensive teaching aids for the time they require them. When teaching aids become the property of pupils, parents may be required to pay a portion of the costs in some cases. Parents and pupils are expected to provide their own expendable materials (exercise books, pens and pencils) and other items (e.g. drawing instruments, material for use in crafts and needlework/metalwork lessons). In some Länder schools also provide expendable materials. The precise arrangements vary from Land to Land. Some Länder expect parents to pay a portion of the cost of teaching aids themselves, either in the form of a lump sum or by buying certain items directly. Others offer pupils the option of buying their own teaching aids by making a contribution (say 50 per cent) to the cost. It is also the responsibility of the Land to decide whether pupils at privately-maintained schools are to be supplied with teaching aids free of charge.

Due to the tight budgetary situation, in several Länder, the parents' contribution towards the costs of teaching aids has been increased over the last years or teaching aids are no longer supplied free of charge (except in cases of particular hardship).

Transport to and from school

Each of the Länder has arrangements as regards the transport of pupils to and from school. There are certain differences as to who is entitled to use school transport and the scope of services provided. In all cases, however, there are comprehensive provisions for the period of compulsory full-time schooling to which the following statements refer. In general, fares are reimbursed, usually for public transport, while under certain conditions a school transport service is established in its own right. The purpose is to guarantee fair opportunities for pupils from all walks of life, between urban and rural areas, schoolchildren with and without handicaps.

It is generally the responsibility of the districts and municipalities to ensure adequate provision for transporting pupils to and from the school they attend. School transport is usually funded by the maintaining bodies or the rural or urban districts (i.e. usually the local authority). In most cases subsidies are granted by the Land in question.

School transport services must be reasonable in terms of costs for the authority which supplies the funding and offer acceptable standards to the pupils who use them. Only such pupils who live a certain distance away from their school have a right to use transport to school. There are slight differences on this between the various Länder. Two kilometres is the general minimum distance for which transport is

provided for primary school pupils, whilst from grade 5 onwards pupils living up to three or four kilometres away from school are expected to make their own way there and back. Exceptions can be made for shorter distances than these if the roads are particularly dangerous, and for handicapped pupils. Public transport is usually the cheapest solution. Where no public transport is available the local authorities provide school buses. In cases where this alternative does not make economic sense or is unreasonable for handicapped pupils, a subsidised private car or handicapped taxi service often provides the best solution. Where a pupil is unable to make his own way to school because of a physical or mental disability or strong sensory impairment, the local authority may also pay the fares of a person to accompany him. The actual form of transport between home and school always depends on local conditions and the specific cases involved. Some Länder have enacted very detailed regulations, while others leave it up to the districts and municipalities to make their own arrangements for the implementation of general guidelines.

The authorities are not obliged to provide transport for pupils to any school, regardless of distance. A right to school transport as such exists only to the *nearest school*, though the term is defined differently from one Land to the next. A partial refund of travelling costs may often be granted in cases where parents decide to send their children to a school other than that which is nearest to their home.

The assumption of travelling costs by the authorities does not mean that school transport is entirely free of charge in all Länder. In some Länder, the transport costs are assumed in full if the parental income is so low that they are considered to be living in poverty. In other Länder, parents still have to make a contribution despite being on a low income. However, in this case, the amount of the contribution depends on the parental income.

Accident insurance for pupils

In the Federal Republic of Germany accident insurance does exist for all pupils and students during lessons, on the way from home to school and back and during school functions. School functions also include any programmes immediately preceding or following timetabled lessons where the school is required to provide supervision. These also include meals provided by the school, school walking excursions, study trips within and outside Germany as well as school trips. Statutory accident insurance is normally in the hands of the local authority accident insurance association.

Private and Grant-Aided Education

Early childhood education and care

Maintaining bodies for youth welfare services from the private sector receive financial support from the Land as well as from the local authorities (*Kommunen*) to run day-care centres for children (e.g. for operating costs and investments).

Primary and secondary education

Financing of privately-maintained schools

The maintaining bodies of privately-maintained schools receive some financial support from the Länder, in various forms. The reference value is the situation pertaining to costs in the public-sector schools. All of the Länder guarantee standard financial support to schools entitled to such assistance; this includes contributions

to the standard staff and material costs. The Länder either grant a lump-sum contribution, calculated on the basis of specific statistical data and varying according to school types, or the individual school may have to set out its financial requirements and receive a percentage share in subsidies. As well as school fees and standard financial support, there are other forms of financial assistance, which may be paid together with that support, such as contributions to construction costs, contributions to help provide teaching aids to pupils free of charge, contributions to old-age pension provision for teachers, and granting sabbatical leave to permanent teachers with civil servant status while continuing to pay salaries. Parents and guardians may have school fees and transport costs reimbursed. The funds are mostly provided by the Länder, but a small proportion is provided by the local authorities. A huge number of *Ersatzschulen* (alternative schools) are maintained by the Catholic or Protestant churches, which fund their schools from their own means to the extent that sometimes little or no fees must be charged. The share of public funding in the overall financing of privately-maintained schools varies between the Länder, and also depends on the type of school (there are also numerous special provisions, for example for approved privately-maintained schools in contrast to recognised privately-maintained schools, for boarding schools and for church-run alternative schools).

3.3. Higher Education Funding

Funding

Financing of higher education institutions by the Länder

Public higher education institutions are maintained by the Länder, and therefore receive the majority of their financial backing from the Land concerned. The Länder supply these institutions with the funds they need to carry out their work from the budget of the Ministry of Education and Cultural Affairs or the Ministry of Science and Research. The financing procedure comprises several stages. First the higher education institution notifies the Land authorities of its finance requirement in the form of an estimate to be included in the budget of the Land ministry responsible for higher education. The entire budget is then compiled by the competent minister by agreement with the other responsible ministries and finally included in the budget proposals the government presents to parliament for its approval. The funds are made available once the parliament has discussed the budget and adopted it. Financing is generally oriented in accordance with the responsibilities of and services provided by the institutions of higher education in the field of research and teaching, in the promotion of up-and-coming academics and the equality of opportunity for women in science. The Land distributes and spends the funds according to requirements within the institution, a process which is again supervised by the Land. By contrast, it is not the Senator (i.e. Minister) responsible who establishes the budgetary plans of higher education institutions in Berlin but the board of trustees, made up of members of the Land government and the higher education institution as well as other external members.

In 2012, according to the financing statistics, the public sector expended Euro 24.7 billion on higher education institutions. The Länder share was Euro 20.7 billion, or 83.9 per cent of expenditure, while the Federation share was Euro 4.0 billion or 16.1 per cent of expenditure.

Financing of higher education institutions by Federation and Länder

The funds provided by the Länder from their budgets cover personnel and material costs as well as investments, in other words expenditure on property, buildings as well as for first and major equipment. As a consequence of Federalism reform I, the joint task *Extension and construction of higher education institutions, including university clinics* has ceased to exist. The Länder now have full legislative authority over the construction of higher education institutions. To compensate the ceased joint task, the Länder will receive annual contributions from the Federation's budget pursuant to Article 143c of the German Basic Law (*Grundgesetz – R1*) up until 31 December 2019. These compensation payments have initially been fixed at Euro 695.3 million to the end of 2019.

Following an amendment of the German Basic Law, the Federation and the Länder have had additional scope for action in the joint promotion of science since January 2015. Pursuant to Article 91b, Paragraph 1 of the Basic Law, in cases of supraregional importance, the Federation and the Länder may now mutually agree to cooperate in the promotion of science, research and teaching. Agreements between the Federation and the Länder which primarily concern institutions of higher education require the consent of all Länder. This means that institutions of higher education can also be supported institutionally by federal funds, whereas this only used to be possible through fixed-term programmes such as the Higher Education Pact 2020 or the Excellence Initiative.

As part of the Excellence Initiative of the Federation and the Länder for the Promotion of Science and Research in German Higher Education Institutions (*Exzellenzinitiative des Bundes und der Länder zur Förderung von Wissenschaft und Forschung an deutschen Hochschulen*) adopted in 2005, the Federation and the Länder support scientific activities of universities and their cooperation partners in the higher education sector, in non-university research as well as in the economy. In the individual lines of funding for

- graduate schools for the promotion of young scientists,
- excellence clusters for the promotion of top-class research, and
- future concepts for a project-related expansion of top-class research at universities,

a total sum of Euro 1.9 billion was made available from 2006 until 2011. In June 2009 the Federation and the Länder agreed to continue the Excellence Initiative on the basis of Article 91b, Paragraph 1, No. 2 of the Basic Law. In June 2012 the grants committee decided on support: a total of 45 graduate schools and 43 excellence clusters were successful. Eleven universities were given funding for their future concepts. Until 2017 a total of Euro 2.7 billion is available. Of these funds, 75 per cent are provided by the Federation, and 25 per cent by the Land where the respective seat is located. A policy decision taken by Chancellor Angela Merkel and the State Premiers of the Länder in December 2014 stipulates that the funds formerly provided jointly for the Excellence Initiative be provided to a least the same amount after 2017 too. In January 2016, an international and independent committee of experts appointed by the Federation and Länder submitted its report on an evaluation of the Excellence Initiative.

In June 2016, the Federation and Länder resolved a follow-up programme for the Excellence Initiative in the Joint Science Conference (*Gemeinsame Wissenschaftskonferenz – GWK*). Within the scope of the “Excellence Strategy” to encourage top-level research at universities, the Federation and Länder will provide Euro 533 million annually as of 2018 in the two funding lines “Excellence Cluster” and “Excellence University”. 75 percent of the funds will come from the Federation and 25 percent from the relevant home Land. Around Euro 385 million will be provided in the Excellence Cluster funding line to support 45 to 50 excellence clusters. The funding period is generally two times seven years. In the Excellence University funding line, annual funds of around Euro 148 million will be provided to initially support eleven excellence universities. The excellence universities will undergo an independent and external evaluation every seven years, the results of which decide whether funding is to be continued.

In addition to the Excellence Strategy, the Federation and Länder resolved two schemes in June 2016: the funding initiative “Innovative Institution of Higher Education” and the programme to support up-and-coming academics.

The initiative “Innovative Institution of Higher Education” to support the research-based transfer of ideas, knowledge and technology helps institutions of higher education that already have a coherent strategy for their interaction with business and society to raise their profile in their so-called third mission “Transfer and Innovation”. The initiative has been endowed with Euro 550 million for ten years and is aimed particularly at small and medium-sized universities as well as *Fachhochschulen*.

The goal of the programme to support up-and-coming academics that has been endowed with Euro 1 billion over a 15-year period is to make the career paths of up-and-coming academics at universities easier to plan and more transparent. It should also improve the international appeal of the German scientific system and help the universities attract and permanently retain the best junior scientists from home and abroad as far as possible. By financing an additional 1,000 tenure track professorships, the programme will make an important contribution to establishing these permanently in Germany as a separate career path alongside the conventional appointment procedure for professors. The tenure track professorships created by the programme will be retained after the programme comes to an end. The number of permanent professorships created by the programme will also be increased by 1,000.

In 2007, in order to enable institutions of higher education to cope with an increasing number of new entrants and to maintain the efficiency of research at higher education institutions, the Federation and the Länder on the basis of Article 91b, Paragraph 1, No. 2 of the Basic Law adopted the Higher Education Pact 2020 (*Hochschulpakt 2020*). Through the Higher Education Pact, the Federation and Länder will create a needs-based range of courses, thus ensuring the quantitative expansion of university education.

In December 2014, the Federation and Länder resolved the third and final phase of the Higher Education Pact. Beyond the existing agreements, a range of courses for an additional 760,000 new students is to be provided by 2020 and financed up until 2023. The Federation and the Länder are providing additional funding of over Euro 19 billion for this, including Euro 9.9 billion from the Federation and Euro 9.4 billion

from the Länder. The Higher Education Pact is in future also providing targeted financing of measures which lead students to a successful qualification. Moreover, the Länder pledge to grant more persons holding a vocational qualification access to the institutions of higher education.

In June 2010 the Federal Government and the governments of the Länder agreed to extend the Higher Education Pact to include a joint programme designed to achieve better study conditions and more quality in teaching. The Federation is making a total of around Euro 2 billion available for the Teaching Quality Pact (*Qualitätspakt Lehre*) up to and including 2020. The Land where the respective higher education institution is located ensures the overall financing. Over 90 per cent of all public-sector higher education institutions participated in the two rounds of applications in 2011. In total 186 higher education institutions from all 16 Länder are being grant-aided in the first phase of the programme. A range of measures by the higher education institutions in receipt of funding to improve staffing and the qualification of teaching staff, and to safeguard and develop high-quality teaching, aim in particular to ensure greater academic success, a successful start to studies, and a productive approach to students' diverse starting conditions. The renewal proposals of 156 institutions of higher education will be selected for the second phase of the programme up to the end of 2020.

With its funding to promote research buildings at institutions of higher education, including major equipment, the Federation aims to create the infrastructure for research of supra-regional importance. Euro 298 million has been made available for this purpose each year to 2019, currently divided into Euro 213 million for research buildings and Euro 85 million for major equipment. Research buildings are eligible for funding if they predominantly serve research of supra-regional importance and the investment costs are greater than Euro 5 million. Länder applications for the promotion of research buildings are submitted to the Federation and the Science Council (*Wissenschaftsrat*). An item of major equipment is eligible for funding if it predominantly serves research of supra-regional importance and the overall purchase costs including accessories are in excess of Euro 100,000 at *Fachhochschulen* and Euro 200,000 at other higher education institutions. The minimum limits of Euro 125,000 for universities and Euro 75,000 for the remaining institutions of higher education currently apply for Bayern, Schleswig-Holstein and Saarland. Applications for the funding of large scientific installations are submitted to the German Research Foundation (*Deutsche Forschungsgemeinschaft – DFG*) for appraisal.

Financing of research at higher education institutions by external funding

The funds allocated from the budget of the Land ministries responsible for higher education are the main source of finance for higher education institutions. However, members of the institutions engaged in research are also entitled, within the scope of their professional responsibilities, to carry out research projects which are not financed through the Land budget, but by third parties, e.g. organisations concerned with the promotion of research. In 2013, the institutions of higher education received a total of around Euro 7.1 billion in external funding.

The most important institution involved in promoting especially basic research in higher education is the German Research Foundation. It promotes research by, for example, providing individuals or institutions with financial assistance. In 2014, the Federation and the Länder supplied funds of just less than Euro 2.24 billion for

this purpose. In the second programme line of the Higher Education Pact, research projects funded by the DFG will receive full-cost funding amounting to 22 per cent of the project funds. The Federation and Länder will hereby provide up to Euro 2,174.66 million from 2016 until 2020. Of this, up to Euro 2,049.10 million will come from the Federation and up to Euro 124.56 million from the Länder.

In 2014 higher education institutions also attracted funding under the specialised programmes of the Federal Ministry of Education and Research (*Bundesministerium für Bildung und Forschung* – BMBF) amounting to just over Euro 1 billion as contributions to research promotion. This includes the lump-sum project payments amounting to 20 per cent of the funding, which the BMBF is granting to higher education institutions as part of direct research promotion.

Higher education institutions also receive funds from companies, if the companies commission them with certain research and development work. In 2013, the share of external funding from the commercial sector accounted for 19.1 per cent or Euro 1.47 billion of all external funding.

Financing of Berufsakademien

The financing for training at state-run *Berufsakademien* is met partly by the Land and partly by the training establishments. Whilst the costs for the in-company training are met by the training establishments, the state *Studienakademien* (study institutions), where students receive the theoretical part of their training, are funded in full by the Land.

Financial Autonomy and Control

The funding system of higher education in Germany is undergoing a period of change. The detailed state control exercised by the Länder is increasingly being replaced by the autonomous action of higher education institutions. The initial impact of the reform approaches will primarily make itself felt in the distribution modalities. Budget funding is hence increasingly apportioned via performance-related parameters, taking into account such criteria as the number of students within the *Regelstudienzeit* (standard period of study) and the total number of graduates or the level of external funding, known as *Drittmittel*, attracted for research purposes and/or the number of doctorates. The awarding of funds based on performance can be particularly successful in cases where the financial autonomy of higher education institutions is extended and their management structures are strengthened, as envisaged by the amendments to the Higher Education Acts in an increasing number of Länder. The relationship between the state and higher education institutions is increasingly marked by agreements on objectives and performance requirements, which define the deliverables. Higher education institutions have increasing scope as regards specific measures to implement the agreed objectives. They have also been given greater flexibility in the use of the funds thanks to the introduction of global budgets, for instance. In addition to their basic funding, higher education institutions apply for funds from public and private bodies to promote research and development and to support teaching and up-and-coming academics.

Fees within Public Higher Education

The Länder may, at their own discretion, impose study fees on students. After a number of Länder had charged general study fees in the interim, these have been abolished in all Länder.

Some Länder charge an administration fee for registration or a contribution for the use of the institution's social facilities. If the institution has an organ of student self-administration (General Student Committee – *Allgemeiner Studierendenausschuss*) within the framework of a constituted student body (*verfasste Studierendenschaft*) (in all Länder with the exception of Bayern) students also pay an additional contribution. In most Länder, fees for long-term students, study courses providing continuing education and for an additional course of study are now being charged.

In view of the strong influx of people with a refugee background, the Standing Conference of the Ministers of Education and Cultural Affairs (*Kultusministerkonferenz* – KMK) discussed ways to reduce the costs of enrolment. The resolution of the Standing Conference from May 2016 on "Access and admission to higher education for refugees – possibilities for reducing the costs of enrolment" (*"Hochschulzugang und Hochschulzulassung für Flüchtlinge – Möglichkeiten, die für die Immatrikulation fälligen Kosten zu reduzieren"*) focuses in particular on those regulations that exist in the Länder that in principle enable the reduction of public fees, contributions and charges incurred in connection with attending an institution of higher education. With this in mind, the Standing Conference asked the Länder to work towards the institutions of higher education exploiting their option to facilitate the costs connected with enrolment in favour of the needy, with special consideration for the situation of refugees, in a reasonable manner and ensuring the principle of equality.

In parts, the *Berufsakademien* also impose admission fees or contributions for the use of social facilities.

Financial Support for Learners' Families

In addition to the direct financial support available to students from low-income families through the Federal Training Assistance Act, currently all students under the age of 25 benefit through the tax allowances to which their families are entitled and which are laid down in the German Income Tax and Child Benefit Acts. If students finish studying before their 25th birthday, the financial benefits enjoyed through their family come to an end with the end of the course of study.

Financial Support for Learners

Students in the tertiary sector who have no other means (mainly from their parents' income) of maintenance and financing a course of study (*Bedarf*) can also receive financial assistance under the terms of the Federal Training Assistance Act (*Bundesausbildungsförderungsgesetz* – BAföG). Training assistance is granted to German students and also to foreign students who have a long-term prospect of remaining in Germany such as, for instance, students with a settlement permit or a perspective for permanent residency under the EU Freedom of Movement Law.

The training must as a rule be started by 30 years of age in order to be eligible for funding under the BAföG. For Master's study courses the age limit is 35 years. The duration for which such assistance is payable largely depends on the course of

study chosen. As a rule, the assistance limit corresponds to the *Regelstudienzeit* (standard period of study) according to Article 10 Section 2 of the Framework Act for Higher Education (*Hochschulrahmengesetz* – R121) or the standard period of study as stipulated in the respective examination regulations. From the fifth subject-related semester, students only continue to receive funding if they provide a certificate required for admission to examinations (*Leistungsnachweis*). The amount of the assistance in principle depends on the student's own income and financial means as well as those of his or her parents and spouse.

The financial assistance is also paid during non-lecture periods to meet students' requirements for that time. From the winter semester 2016/2017, students in higher education and at *Akademien* not living with their parents may receive up to Euro 735 per month (Euro 649 for their maintenance and accommodation, Euro 71 health insurance allowance and Euro 15 long-term care allowance), and where applicable a child-care supplement of Euro 130 per month for each child. This maximum amount also applies to students at the *Fachakademien* in Bayern and to students at the so-called *Höhere Fachschulen*, which usually require a *Mittlerer Schulabschluss* and award a higher professional qualification as well as the *Allgemeine Hochschulreife* or *Fachgebundene Hochschulreife* in some cases. Half of the amount is provided over the maximum period for which assistance is payable as a non-repayable grant, while the other half takes the form of an interest-free state loan. Repayment terms for this state loan depend on social considerations and income. For study sections which have started after February 28, 2001, only a maximum amount of Euro 10,000 must be repaid.

Those students who begin or continue their studies in another EU member state or in Switzerland are funded as well. Study periods ranging from a minimum of one semester up to one year spent abroad outside the EU and Switzerland are funded if they are beneficial to studies and can be – at least partially – counted towards the training period, or are carried out within the framework of higher education cooperation schemes. In exceptional cases funding may also continue over a longer period. Compulsory placements may be funded from a minimum of 12 weeks abroad.

In 2015 around 611,000 students received financial assistance under the Federal Training Assistance Act. Federation and Länder training assistance expenditure supporting students totalled just under Euro 2.16 billion. Students in receipt of assistance obtained an average of Euro 448 each.

Through the 25th "BAföG-Änderungsgesetz" (amending law to the Federal training assistance act) the Federation has assumed the complete funding of financial allowances in accordance with the BAföG as of 2015. The content of the BAföG has also been amended at the start of the winter semester 2016/2017: the grant levels and exemptions have been raised by 7 per cent each.

Furthermore, the support system is supplemented through the Educational Credit Programme (*Bildungskreditprogramm*) which can support pupils and students in an advanced stage of their training. This credit, which is offered by the Federal Government in conjunction with the Reconstruction Loan Corporation (*Kreditanstalt für Wiederaufbau* – KfW) and the Federal Office of Administration (*Bundesverwaltungssamt* – BVA), may be approved alongside federal training assistance payments to fund exceptional expenses which are not covered by the Federal Training Assistance Act. Borrowers can choose up to 24 equal monthly payments of Euro 100, 200 or 300

and – with a maximum credit amount of Euro 7,200 per training segment – can apply for a one-off payment of up to Euro 3,600 either instead of or alongside this, if they can demonstrate that they need this one-off payment for specific training purposes, for instance. Funding is only possible if the trainee is under 36 years old. As a rule students can only take up this credit until the end of the twelfth semester of study. The credit accrues interest as soon as it is paid out. However, interest is automatically deferred until repayment commences.

As part of the student loan programme of the Reconstruction Loan Corporation (*Kreditanstalt für Wiederaufbau – KfW*), since 2006, students of any study course are offered a loan in order to finance cost of living to the amount of Euro 100 up to 650 per month, irrespective of their income or assets.

In addition to financial assistance provided under the Federal Training Assistance Act, there are other sources of funding available to students. In some Länder, for example, the student associations at the institutions of higher education or the institutions of higher education themselves provide loans of varying amounts in cases of extreme social need. Several smaller, predominantly regional foundations, which usually have private funds at their disposal, also provide needy students with assistance. The student loan systems developed by the Länder are an additional support system for the promotion of academic studies.

Particularly gifted and dedicated students can be supported with a grant from the thirteen organisations for the promotion of young talent supported by the Federation. The organisations for the promotion of young talent reflect the diversity of German society and mirror the various ideological, religious, political, business or union-based tendencies in Germany. The oldest and biggest organisation for the promotion of young talent is the German National Scholarship Foundation, which is also partly financed by the Länder.

The German Academic Exchange Service (*Deutscher Akademischer Austauschdienst – DAAD*) offers grants for foreign students and up-and-coming academics and scientists to pursue studies or further education of limited duration at a German higher education institution. Alongside the DAAD, some Länder also have special funds for providing assistance to foreign students at the local institutions of higher education.

Since 2011, gifted and high-achieving students at German institutions of higher education have been supported with the *Deutschlandstipendium*. The grant amounts to Euro 300 a month and is paid by private sponsors (companies, foundations, private individuals) and the Federation together. In 2015, around 24,300 students received a *Deutschlandstipendium* on the basis of the Scholarships Programme Act (*Stipendienprogramm-Gesetz – R124*).

On completion of a first degree, students may also receive scholarships to support their further studies in line with the postgraduate assistance acts (*Graduiertenförderungsgesetze – R127, R130, R132, R134, R137, R142, R147, R155, R158, R160, R163*) and regulations of the Länder. The foundations for gifted students (*Begabtenförderungswerke*) also provide students who have already completed a first degree with grants to enable them to study for a *Promotion* (doctorate).

Indirect forms of financial assistance for students include reduced health insurance rates and the fact that time spent studying is partially acknowledged by the pension insurance authorities.

Students in higher education are also protected by statutory accident insurance against accidents occurring at an institution of higher education or on the way between their home and the institution. It is the Länder that are responsible for statutory accident insurance for students.

Private Higher Education

Study fees are charged at non-state-maintained higher education institutions in all Länder.

3.4. Adult Education and Training Funding

Funding

The public sector, industry, social groups, continuing education institutions and public broadcasting corporations as well as the general public bear responsibility for continuing education.

This joint responsibility is reflected by the funding principle, which obliges all the parties concerned to contribute towards the cost of continuing education in relation to their share and according to their means. Public-sector funding (local authorities, Länder, the Federal Government, the European Union) includes the following areas:

- institutional sponsorship of recognised continuing education institutions by the Länder on the basis of continuing education legislation
- institutional sponsorship of *Volkshochschulen* (local adult education centres) and sponsorship of activities of continuing cultural education by the local authorities,
- grants for adults seeking to obtain school-leaving qualifications under the Federal Training Assistance Act (*Bundesausbildungsförderungsgesetz – BAföG – R82*) and career advancement training under the Upgrading Training Assistance Act (*Aufstiegsfortbildungsförderungsgesetz – AFBG – R166*),
- continuing education for employees of the Federal Government, Länder and local authorities.

Industry provides a considerable proportion of funding for schemes under which people can obtain and improve vocational and/or working skills and qualifications. Companies spend substantial funds on continuing education for their staff.

The further education and training that is necessary for the labour market, in particular for the target groups of the unemployed and people threatened by unemployment is financed by contributions pursuant to the Social Security Code III (*Sozialgesetzbuch III – R165*) from unemployment insurance scheme funds as well as by taxes pursuant to the Social Security Code II (*Sozialgesetzbuch II – R166*), which regulates the basic social security for persons seeking employment. From this fund a total of around Euro 2.7 billion was spent on the promotion of continuing vocational training in 2015.

Social groups (churches, trade unions, and so on) also bear a proportion of the cost of running their continuing education institutions. They guarantee the widest possible access to continuing education by setting their fees at an appropriate level.

The obligation of employers to grant employees leave for training while continuing to pay their wages may be regarded as indirect funding for adult education; this is regulated in most Länder in laws on paid training leave and educational leave. The Land law rules differ depending on the purpose of the education or training (vocational, socio-political or general continuing education).

Fees Paid by Learners

Those attending continuing education courses make a contribution towards their cost. This contribution can be subsidised by tax relief and by assistance for low income groups and for special courses. For example, depending on the Land, between 28.5 and 58.2 per cent of the cost of *Volkshochschulen* courses (especially general continuing education) is covered by course fees. In particular, those on career development courses within continuing vocational training bear a large proportion of continuing education costs themselves. Additionally, costs are partly covered by enterprises within the framework of personnel development measures.

Continuing academic education at higher education institutions is funded by the fees of course members.

Financial Support for Adult Learners

Grants are provided for adults seeking to obtain school-leaving qualifications under the Federal Training Assistance Act (*Bundesausbildungsförderungsgesetz – BAföG – R82*). Training assistance under the Federal Training Assistance Act is for example granted for the attendance of *Abendschulen* or *Kollegs*, if the student has not yet exceeded the age of 30 at the beginning of the training section. Participants in courses of the so-called *zweiter Bildungsweg* may receive financial assistance of between Euro 418 and Euro 622 (in case of attendance of a *Kolleg*) monthly under the terms of the Federal Training Assistance Act. A health insurance or long-term care allowance of up to Euro 86 may also be granted and, where applicable, a child-care supplement of Euro 130 per month for each child. Training sections which are started after the student has reached the age of 30 can only be supported in certain exceptional cases.

The BAföG grant levels and exemptions were raised by 7 percent each at the start of the school year 2016.

Those who take part in career advancement training programmes under the Upgrading Training Assistance Act (*Aufstiegsfortbildungsförderungsgesetz – AFBG – R168*) have a legal right to state funding that is comparable with student funding in accordance with the Federal Training Assistance Act. The so-called Upgrading BAföG supports full-time and part-time continuing education courses offered by public and private providers that specifically prepare participants for public further training examinations pursuant to the Vocational Training Act, Handicrafts Code or equivalent qualifications pursuant to federal or state law. The professional qualification aspired to must be above the level of a skilled worker, journeyman and assistant examination or a *Berufsfachschule* qualification. The AFBG supports persons who prepare for an upgrading training qualification as a master craftsman or master tradesman in industry, Erzieher, Techniker, Fachkaufmann/-frau, Betriebswirt or one of more than 700 comparable qualifications in an eligible scheme. This grant is partly a subsidy and partly a low-interest loan from the Reconstruction Loan Corporation (KfW).

The Federation spent a total of almost Euro 182 million in 2015 for support pursuant to the AFBG. The Länder provided around Euro 51 million. Spending by the KfW for upgrading training in 2015 amounted to Euro 377 million. In 2015, around 162,000 participants were supported in upgrading training schemes, around 71,500 of whom participated in a full-time scheme and around 90,500 in a part-time scheme.

The Upgrading Training Assistance Act was amended during this legislative period. The most important changes include significant improvements to the benefits (a rise in all essential AFBG benefits, allowances, grant rates and the performance bonus), the extension of the support options as well as numerous structural modernisations. After the amended AFBG came into force on 1 August 2016, new schemes can also be supported that prepare for an upgrading training qualification for which the public examination regulations allow not only an initial education qualification but also admission to the examination through a different pre-qualification (e.g. for student dropouts or high school graduates with professional experience).

Schemes that begin after 1 August 2016 also allow support for participants who already have a Bachelor degree or comparable higher education qualification. However, this has to be their highest higher education qualification.

As part of the support programme entitled *Vocational Education and Training Promotion for Gifted Young People*, the Federal Government assisted by the *Stiftung Begabtenförderung berufliche Bildung gGmbH* (SBB) provides grants to support continuing education measures for talented young people in employment who have completed a recognised course of vocational education and training in accordance with the Vocational Training Act (*Berufsbildungsgesetz* – R79), the Handicrafts Code (*Handwerksordnung* – R80) or one of the health sector professions governed by federal law and who are younger than 25 on commencing the programme (Continued Training Scholarship). The federal government also supports gifted people with professional experience who want to start studying after several years of professional activity via the SBB (upgrading scholarships). To support the two grant programmes a total of Euro 46 million was provided to the Stiftung from the Federal Ministry of Education and Research (*Bundesministerium für Bildung und Forschung* – BMBF) in 2015. Substantial improvements to programmes that came into force for the upgrading scholarship on 1 September and that apply for the further training scholarships as of 1 January 2017 help to significantly strengthen the career prospects of persons with professional qualifications.

Individual continuing vocational education has been supported by the Federal Government since 2008 through the so-called *Bildungsprämie* (education savings plans). The *Bildungsprämie* consists of two components, a continuing education bonus (*Prämiengutschein*) and continuing training savings plans (*Weiterbildungssparen*). Individuals interested in continuing training have been eligible, if they meet certain requirements, to receive a subsidy of up to Euro 500 to fund continuing training measures (*Prämiengutschein*). The financing of continuing training measures has been simplified by an expansion of the Capital Formation Act (*Vermögensbildungsgesetz*) (i.e. *Weiterbildungssparen*). The programme's third funding period began in July 2014.