

Astract

PART-TIME ART EDUCATION

The Court examined the funding and subsidization of part-time art education (DKO). In addition to checking the compliance with standards and conditions, the examination also analysed the effects on educational supply, education participation and salary costs. The audit highlighted several violations and made it clear that the regulation is vague and that the scope of the decree is too narrow. The Court also pointed out that the treatment of part-time art education as an integral part of education, and not of artistic training implies that the applicable constitutional provisions with respect to education should be fully complied with, which at pre-sent is not the case. Furthermore, the relatively high cost a DKO student represents should be assessed.

Education

Since the 1990 reform of the DKO, there is no doubt any more that art education belongs to the sector education and not to artistic training. The Constitution contains specific provisions regarding education, which do not apply to artistic training, such as the freedom of education, the right to education and the need for a decree for adopting the regulation. The DKO complies but partially with these constitutional provisions. The fact that the increase in tuition fees has not been justified is a clear example of this. The limited legal value of the certificates delivered by the DKO and the unclear definition of the level are also a point in case.

Rationalization and programming

A decree-based regulation does not govern rationalization and educational plan-ning. Moreover, the Flemish Government's regulatory arrangements do not heed sufficiently the former provisions of the "moderation law" [law that makes the creation of a new course depend on the introduction of a rationalization plan for secondary education] and are, in certain cases, contrary to the equality principle. This regulation is slipshod and little transparent. The Court criticizes the generally lax policy regarding rationalization and programming. Several violations tend to indicate that the standards were not always established in a balanced way.

Allocation of staff

The existing decree-based regulation is little convenient and unbalanced. Admittedly, the regulation enshrined in the Government's decrees is generally clear, despite the fact that the meaning of a number of provisions is imprecise and that the regulation is not always sufficiently implemented into the decree. The number of violations is limited. According to the Court, however, there is an urgent need for a fully automated control system, which would check on a permanent basis whether the remunerated positions can be funded or subsidized and would use the number of students at a specific date as a calculation basis to assess funding and subsidization.

Lack of agreement

The rationalization and programming regulation is not entirely in line with the decree governing the allocation of staff. A dance or wordcraft course that would meet the rationalization standard is not necessarily acceptable by the yardstick of the allocation of staff. Besides, schools generally allocate somewhat less hours/teacher than they are entitled to, to the high level music courses and to the lower and intermediate level dance course or to the wordcraft course in general. They keep the remaining hours/teacher for the lower and intermediate level music courses and the higher level dance courses.

Remuneration

The remuneration regulation is very complex, more particularly because it has been repeatedly modified over time and the same applies to salary scales and certificates of competence, due to the successive transitional provisions. A random sampling revealed that at least 17 % of the

personnel files contained an error with regard to the remuneration. In most cases, it concerned a wrong pecuniary seniority with generally limited financial consequences.

Participation and supply

The participation in the DKO varies strongly according to the municipalities, ranging from less than 0,5 % to more than 5 %. In 75 % of the municipalities, a DKO supply exists. The existence of this supply is of decisive influence on the participation.

Salary costs

A scheduled one-hour lesson in the DKO costs approximately as much as an hour in the ordinary fulltime secondary education system. Admittedly, the teaching schedule in the DKO is somewhat shorter (just over 10 % of the schedule in the ordinary fulltime secondary education system). To meet this teaching schedule, the DKO allocates a number of hours/teacher equal to 19 % of the number in the ordinary fulltime secondary education system by student. The salary cost by hour/teacher, by student attending that one hour lesson, is therefore somewhat 1,8 times higher than in the ordinary fulltime secondary education system. Consequently, there is a need for an evaluation that would also help assess how heavy the teaching assignment of the teaching staff should be.

Minister's response

The Flemish Minister of Education and Training assured that he would take into consideration the various recommendations as expressed by the Court and that following the Court's performance of its audit, the art education section has already taken action to reduce the rate of errors in the remuneration files.