

JORNADAS DE LA
CONFERENCIA DE
CONSEJOS SOCIALES DE LAS
UNIVERSIDADES ESPAÑOLAS

GRAN CANARIA • 7/8/9 NOVIEMBRE 2018

Los retos inaplazables del Sistema Universitario Español:
Nueva Gobernanza, Reputación, Internacionalización y Compliance

Jornadas de la Conferencia de Consejos Sociales de Las Universidades españolas

**“Reflexiones sobre el Sistema universitario alemán.
La distribution de competencias entre el gobierno
federal y las regions”**

Gran Canaria, 8-9 November 2018

Dr. Iring Wasser, ASIIN

Features of the Spanish and German Education System

	Germany	Spain
Population/ Size/ Density of population	82.792.35 357.386 km ² 232 per km ²	46.549.045 603.700 km ² 92 per km ²
No. of students in HE	2.850.000 (94% enrolled in public universities)	1.529.730
QA Agency	- German Accreditation Council - 10 Accreditation Agencies	ANECA plus regional accreditation agencies
No. of HEIs	Public: 279 Private: 108 Overall: 397 115 Universities, 217 Universities of Applied Sciences, 57 Colleagues of Art and Music	Public: 50 Private: 33 Overall: 83
School education	(12 or 13 years)	10 years
	10.500 Bachelor (180-210 ECTS) 9.500 Master (90-120 ECTS) Together no more than 300 ECTS	2.854 Bachelor (180-240 ECTS) 3.540 Master (60-120 ECTS)

The Federal Republic of Germany



Legal Aspects of Federalism (1)

- According to the Basic law, it is the States (“Länder”) who have the general competence for carrying out public responsibilities, only a fixed number and range of duties are attributed to the Federal Government. In the area of education, one of the most important and untouchable rule is the “cultural sovereignty of the states” (“Kulturhoheit der Länder”).

Art 30:

“The exercise of governmental powers and the discharge of governmental functions shall be incumbent on the States in so far as this Basic Law does not otherwise prescribe or permit.”

Art 70. (1) “The States shall have the right to legislate in so far as this Basic Law does not confer legislative power on the Federation. **(2)** The division of competence between the Federation and the States shall be determined by the provisions of this Basic Law concerning **exclusive and concurring legislative powers**”.

- In the first phase of the newly established German State after 1949, they were practically now concurring legislative powers in the area of education.

Historical Context of German (Higher) Education (1)

- First universities in Germany established as early as 1386 University of Heidelberg, 1388 Cologne, some even note the year 1348 with the establishment of the University of Prague by Charles IV.
- 1810 founding of University of Berlin by Alexander von Humboldt („unity of teaching and research“, freedom of the arts and sciences, autonomy of universities to regulate its internal academic affairs); Prussia among first countries to establish free general school system.
- After 1871, introduction of a more centralized education system. State claims the sole right to set standards and to supervise schools, system of HE expands and diversifies (technical universities, teacher training colleges come into existence).
- During the Nazi era (1933-45), universities play a discreditable role, Nationalist Socialist ideology dominates the national education system, exodus of (Jewish) scholars.
- After the war, the Allied powers ensure that Nazi ideology is banned and establish decentralized educational systems in their respective occupation zones. When West Germany gains partial independence in 1949, its new constitution („basic law“) grants educational autonomy to the 11 state governments leading to widely varying educational (school) systems (school duration, vacation, Abiturprüfungen etc.).

Historical Context of German (Higher) Education – phases of development in the post war era (2)

- **The 1950s** mark a period of „decentralized reconstruction“. With growing number of students, the need of greater research efficiency for research, mobility exigencies, the quest for national coordination begins. On the institutional level a certain number of bodies are created: the „Standing Conference of the Ministers of Culture of the German States in 1948 (nickname „the greek turtoise“). Only with the establishment of **the German Science Council in 1957 the first institutionalized form of cooperation between the federal and the state level comes into existence** (providing advice to both on the structure and developmnet of HE and research).
- **The 1960s** are associated with a period of „system-wide initiatives“, education expeditures are increasing, financial ressorces of the German States are limited. Federal government claims responsibility for financing non-reimbursable grants for needy students and the promotion of research; Between 1969-1972 a new type of HEI (the Universities of Applied Sciences) is created.
- 1970s the period of „co-operative federalism“ begins (driving forces: „containment“ of the 1968 student revolution (“Under the gowns / is the musty odour of a thousand years“), far reaching autonomy of HEIs, heterogenity of education). A new legal category, the framework legislation is introduced.“ On the institutional level, in 1969, a Federal Ministry for Education and Science comes into existence, then a permanent Federal-State Planning Committee of Construction of HE buildings; **the 1976 Framework Act for Higher Education is passed, defining the functions of HEIs (teaching, research), guidelines for access, organization and administration**). In 1977, the national commission for curricular reforms comes into existence;

Developments in the framework law for HE

- First Framework law of HE in 1976 (very detailed)
- 1985 establishment of intermediate examinations, introduction of standard period of studies, strenghtening the roles of professors, flexibility in governance structure (rectorate or presidential constitution)
- 1998 introduction of Bachelor- and Mastercourses, all provisions related to the internal and external organization of universities are deleted)
- With the federalism reform at the beginning of the 21th century, the framework legislation powers of the Federal government are eliminated (the only thing left relates to concurring legislation in the area of access and final degrees, the States can deviate if they wish).

Legal Aspects of Federalism in Education (2)

- In summary: whereas for a long time, there were practically now concurring legislative powers in the area of education, this changed under the Great Coalition in 1966-1969), when the Basic Law was changed (by two-third majority vote) and the new articles 91a (Extension and Construction of Higher Education Institutions) and 91b (educational planning and promotion of research) were introduced. Also the Federal Level obtained the right to pass “framework legislation”.
- At the beginning of the 21st century, the **Federalism Reform I** was discussed and eventually passed with the goal to untangle the relationships between the Federal and the State Level (with meanwhile 16) states, while at the same time overcoming the stalemate with the Bundesrat (Second Legislative Chamber of the States).

Legal Aspects of Federalism in Education (3)

As a result of the Federalism Reform I

- The former joint task “Extension and Construction of HEI, including University Clinics” is stopped, the States get the sole legislative authority regarding the construction of HEIs”. As a financial compensation (“disentanglement means”), the States received annual contributions from the Federations budget in line with Art. 143c of the German Basic Law (Constitution) until the end of 2019 (around 700 million EUR annually). In 2020 they will receive a bigger share of the value added tax.
- In the Basic Law, Joint Education Planning can no longer be funded and is now called joint Educational Reporting (with an emphasis on secondary school education in the wake of the PISA study)
- The Federal government is now only entitled to fund specific projects in universities and the higher education sector in cooperation with the States.
- (On a side note: financing of “all day schools” by the Federal Government between 2004-2009 first breach into the “ban of cooperation” in the school domain)

Higher Education Projects funded by the Federal Government (1) after the Federalism Reform

- **“Excellence Initiative for the Promotion of Science and Research in German HE”**

Since 2005 the Federation and the States support scientific activities of universities. Lines of funding

- Graduate schools for the promotion of young scientists (45)
- Excellence clusters for the promotion of top-class research (43)
- Future concepts for a project-related expansion of top-class research an universities (11 universities) funded until 2017 with a total budget of EUR 2.7 billion.

- **“The Higher Education Pact”**

Adopted in 2007 by the Federation and the States on the basis of Article 91b with the goal

- to enable institutions of higher education **to cope with an increasing number of new entrants and to maintain the efficiency of research** (between 2014-2020 a range of new courses for an additional 760000 new students will be provided by an additional EUR 19 billion (split almost equally between the Federation and the States).
- In 2010 this Higher Education Pact is extended **to include a joint program to achieve better study conditions and more quality in teaching** (“Qualitätspakt Lehre”, improved staffing, better qualifications of teaching staff, measures to ensure a successful start to studies and greater academic success, s successful start to studies), funded with an additional EUR 2 billion until 2020 (almost all public HEIS participated and are being grant aided).

Higher Education Projects funded by the Federal Government (2)

- Funding to promote research buildings as well as major equipment

The Federation aims to create the infrastructure for research of supra-regional importance. Each year around EUR 300 million are earmarked

- for research building and
- major equipment.

Research buildings are eligible for funding, if they predominantly serve research of supra-regional importance and the investment costs are greater than EUR 5 million (decision taking by the German Science Council (“Wissenschaftsrat”). Major equipment can be financed in they predominantly serves research of supra regional important and the costs are in excess of EUR 100.000 at Universities of Applied Sciences and EUR 200.000 at universities.

- Program for Women Professors

Legal Aspects of Federalism in Education (3)

- Ongoing Federalism reform in 2015:
- The idea is no longer to restrict the funding to “projects” fixed in duration but to have a more permanent financing scheme. In line with this, the
 - “excellence initiative is renamed into “excellence strategy”.
 - The higher education pact is being transformed into continuous financing by the Federal government
- Currently discussions under way in connection with the “digital pact” to allow for financing of schools on the Federal level, the prerequisite being a two-third majority in parliament.

Financing schemes in the German system of higher education

Funding Schemes in German HE: “he who pays the piper calls the tune”

Public HEI are maintained by the States, the states accordingly guarantee basic funding for those universities which are situated on their territory. In total almost 90 per cent of funding for higher education institutions stems from government sources and the vast majority of that comes from the federal states (around 75%). Only around 10% comes from private sources (mostly commissioned research, to a lesser degree research funding from private donors, sponsoring, tuition fees).

As the demand for HE services has increased dramatically, enormous additional investments in teaching but also in research are needed. States, having limited options for generating their own income in the fact of rising expenditure, cannot not cope. This has led to initiatives, granting the Federal Government expanded co-funding rights. (as part of the “Federalim Reforms”).

In the past couple of years, the Federal Government has given increasing funds for a limited time; changing the funding structure of universities for the worse. Program and project funding are increased at the expense of basic funding. The German Rectors Conference has demanded a turn-out in financing schemes by advocating its “two pillars model” (first pillar: make the investments of the HE pact permanent, convert it into basic funding: second pillar: start a new funding schemes for investments in construction and renovation, digitalization, overheads, national licences.)

Thank you

Contact:

Dr. Iring Wasser
President CEENQA
Secretary General EASPA
CEO of ASIIN

Mail: gf@asiin.de

Web: www.asiin.de

phone: +49 (0)211 / 900 977 -10