

THE ESSENCE AND GOALS OF REFORMING THE EDUCATION SECTOR AT THE LOCAL LEVEL IN THE CONTEXT OF DECENTRALIZATION OF LOCAL GOVERNMENTS IN UKRAINE

The leading trends in the development of public administration, which is based on democratic principles, are the enhanced role of civil society in relevant areas. The process of reforming the education sector at the local level should be based on the creation of a new management system that would facilitate the efficient use of material resources of the area. Of course, management should be carried out at a professional level, both by representatives of public administration bodies and by entities that are direct providers of educational services. One cannot but agree that the choice and especially the implementation of the strategic course of the country's development is possible only in the presence of trained specialists – educated, cultural, socially active. It is in the field of education, which clearly functions, that a significant human potential of society is formed, able to implement the strategic plans of the country, its educational policy, to ensure the appropriate level (V. G. Bazelyuk, T. E. Boychenko, L. M. Zabrodskaya, 2014).

The first argument for decentralizing education concerns pedagogical initiative, which is to bring decision-makers and end-users of education (students and their parents) closer together by adapting educational opportunities to local needs. Local governments are improving school opportunities, can attract new residents, or at least encourage those who plan to change their place of residence.

The second argument is democracy and the nature of participatory decentralization. The increased role of the school and the local community leads to greater involvement of both teachers and parents in the functioning of education, and, as a consequence, to democratic control over the learning process. This involvement can enrich educational opportunities, and the local democratic process promotes better cooperation between the school and its social environment.

The third advantage of decentralized education is the ability to improve the allocation of budget resources and the use of school resources. This is done by reducing the costs of public bureaucracy, by reducing decision-making time, facilitating local control of public spending, more adequate choice of service providers for educational institutions. School autonomy also allows for the effective attraction of extrabudgetary funds for education.

The advantage of better distribution of funds is higher efficiency of spent funds, in accordance with the principle that we spend our own money more carefully than others. As the fund manager and its direct beneficiaries (end users) are very close to each other, better and more thorough control over the level of expenditures is possible, applying budget constraints and at the same time obtaining the best educational results.

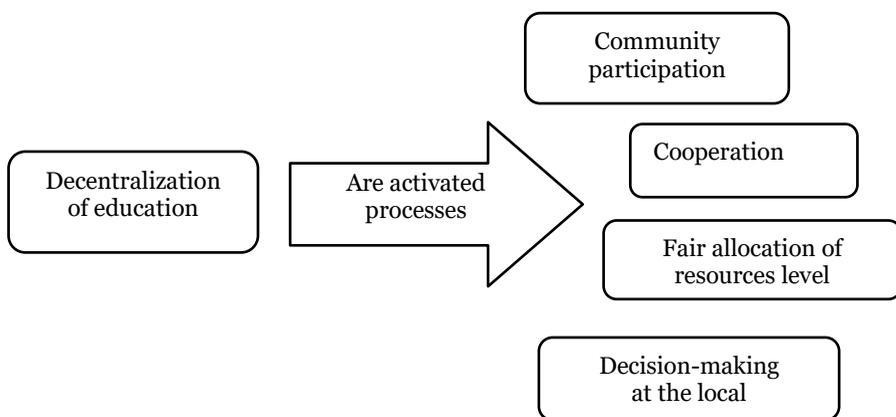


Fig. 1.3.1. Processes that intensify with the beginning of decentralization of education

Source: developed by the author

Opponents of decentralization also make many strong arguments in education. The first is the threat of increasing inequality, both territorial and social. If local authorities have full responsibility for financing education, providing and distributing it from their own internal revenues should lead to the priorities of local self-government and, consequently, different decisions on investment in education. The second important argument is that decentralization does not take into account the existence of so-called positive externalities of education, in the fact that a good education benefits society as a whole may have an advantage in funding a particular community or group of people. This may include, in particular, compulsory education and, to a lesser extent, higher education. As a result, the cost of education received by local governments may be lower than the optimal distribution from the point of view of society as a whole.

As the above arguments show, the discussion is unresolved, and probably never will be. For this reason, the movement towards

decentralization of education in Ukraine, as in other European countries, does not have a universal form.

Table 1.3.1

**Development doctrine to define the concept of decentralization
in the context of educational reform**

Author	The concept of decentralization of education
Gladka T. I.	Considers decentralization as a process of transfer of powers and budgets for their implementation from state authorities to local governments to meet the interests of residents of local communities, improve the quality of public services and enhance regional development (Kasych A. A., 2017)
Levchenko N. M., Antonova L. V.	Define the decentralization of education as a process of expanding the powers of local executive bodies in the management of educational institutions, giving them independence in addressing organizational, managerial, financial issues to ensure the quality of educational services (Levchenko N. M., Antonova L. V., Antonov A. V., 2019).
Gaevskaia L. A.	Decentralization is a principle, a way of organizing education management, in which the main powers necessary for making managerial decisions are endowed with lower levels of the hierarchical management pyramid, which opens a wide space for local initiative development, taking into account local features (Gaevskaia L. A., 2015).
Kasych A. O.	Decentralization of education is the transfer of powers and responsibilities for the management of education and financing of education to democratically elected local governments (European Charter, 1985)
Topuzov M. O.	Reforming the education sector and decentralization - the transfer of power and finances from the government as close as possible to the people – to local governments lead to modernization changes or the development of a new innovative state education policy. Decentralization in education is a component of reforms that are actively implemented in Ukraine and is seen as an effective mechanism for improving the efficiency of public administration and quality of education, closer to the real needs of society, economy, personality (Shevchenko M. M., 2011).

Source: developed by the author

At the legislative level, decentralization of power is defined as the reform of the system of government, in which part of the functions of central government are transferred to local governments to weaken centralization and expand the rights of grassroots governments in accordance with the European Charter of Local Self-Government (European Charter, 1985), as well as the full implementation of the principles of subsidiarity, universality and financial self-sufficiency of local government (Criteria for the formation, 2020).

The conceptual principles of reforming education and state educational policy in the context of decentralization are the Law of Ukraine "On Education" (On local self-government, 1997), which regulates social relations that arise in the implementation of the constitutional human right to education, rights and responsibilities of individuals and legal entities involved. in the implementation of this right, as well as determines the competence of state bodies and local governments in the field of education.

National Strategy for Education Development in Ukraine until 2021 (M. O. Topuzov, 2019), the Concept of the New Ukrainian School, the Concept for the implementation of state policy in the field of reforming general secondary education "New Ukrainian School" for the period up to 2029 (M. O. Topuzov, 2019), and other regulations, in which the priority is democratization, decentralization of education management, the transition to a decentralized state-public model of governance in education (M. M. Shevchenko, 2011).

The beginning of decentralization in Ukraine was laid in 2014 with the approval of the State Strategy for Regional Development until 2020 (Administrative law, 2010).

In 2015, the Verkhovna Rada adopted the Law of Ukraine "On Voluntary Association of Territorial Communities" (On voluntary association of territorial communities, 2015). The reform provides for the redistribution of powers and functions between the central leadership and regional authorities. The difficulties of decentralization of power in Ukraine are due to the fact that it includes reform of not only local self-government but also administrative and territorial organization, and this requires a change in state regional policy (I. Kohut, 2018)

According to the content of decentralization reform, which is based on the Concept of reforming local self-government and territorial organization of power in Ukraine, decentralization of public administration of education involves three stages: voluntary unification and consolidation of territorial communities, which will allow newly formed local governments powers and resources that previously had cities of regional importance; financial decentralization, which promotes effective local self-government and

ensuring the progressive socio-economic development of the respective territories, which will be accompanied by an increase in the resource and financial base.

For quality decentralized management in the field of education, the implementation of powers must be provided with appropriate resources; the availability of enhanced powers and opportunities, through which united territorial communities, through the use of management tools can ensure the growth of their own financial capabilities and the development of the economic and socio-cultural sector.

N. G. Protasova notes that the essence of education management is purposeful activity on creation of social-prognostic, organizational, legal, personnel, pedagogical, material-financial and other conditions necessary for optimum functioning and development of branch, realization of its purpose, realization of transition to qualitatively new condition. Management in education is considered as a subsystem of social management (N. G. Protasova, 2012).

The purpose of decentralization reform is to form effective local self-government and territorial organization of power to create and maintain a full living environment for citizens, provide high quality and affordable public services, establish institutions of direct democracy, and harmonize the interests of the state and local communities (On the National Strategy, 2013).

Given the above, it is possible to formulate the main goals of reforming the education sector at the local level.

The main goals of reforming education at the local level are:

- ensuring the productive functioning and development of the education sector;
- provision of quality educational services on the ground;
- formation of effective governing bodies in the form of local public governing bodies and territorial community;
- self-regulation and self-government in the field of financial and logistical support, due to effective mobilization and use of internal resources of the territorial community;
- expanding the relationship between local governments and the local community;
- formation of the institution of direct democracy;
- coordination of the interests of the state and the territorial community;
- increasing the level of efficiency of management decisions, etc.

Thus, the essence of reforming the education sector at the local level is aimed at improving governance, through changing the content of education

and creating an optimal network of educational institutions, through effective public administration on the ground.

In the context of reforming the educational sphere, special attention is paid to the theoretical understanding of the process of public administration, namely the definition of tasks and functions. To address this issue, it is necessary to determine the theoretical meaning of the concepts of "public administration" and "public administration of education", to define the powers of local governments in education, and to establish the basic structural elements of public administration of education.

In the theory of administrative law, management is considered as an independent type of state activity for the practical implementation of the functions and tasks of the state in the process of direct economic, socio-cultural and administrative-political construction, which has an organizing, executive, bylaws (Administrative law, 2010).

V. Averyanov defines public administration as an activity, the content of which is to implement the laws and other regulations by the authorities, by exercising organizational influence on social phenomena and processes (V. B. Averyanov, 2010).

Y. O. Vysotsky defines public administration (English public administration) – a type of state activity, the implementation of managerial organizational influence through the use of executive power through the organization of law enforcement, management functions for integrated socio-economic and cultural development of the state, its individual territories, and implementation state policy in relevant areas of public life, creating conditions for citizens to exercise their rights and freedoms (O. Y. Vysotsky, 2008)

The information and statistical bulletin of the Ministry of Education and Science of Ukraine indicates that the education system of Ukraine, like any socio-economic system, is based on three main components: the institutional component (primarily, regulatory and legal support); network of educational institutions, governing bodies in the field of education, other participants in educational activities that ensure the functioning of the system; mechanisms and tools for regulating relations between all stakeholders (Effective governance, 2020). The education system can be regulated both externally and self-governing. The development and transformation of the education system is directly related to management and therefore, the reform of the educational sphere directly depends on the latter, which constitutes the managerial relations in the field of education. Local management relations in the field of education have their own structure, which includes the following elements: subjects of management -

they are local governments and the local community; objects (educational institutions) and the content of the legal relationship, which includes the rights and responsibilities, and hence the powers of entities in the field of education.

Thus, to ensure effective state management of education in the field there is a need for research on the organization of local government in the field of education through the definition of forms and tools, mechanisms of interaction between public administration and the local community. One of the possible mechanisms to ensure effective governance at the local level is the implementation of decentralization reform.

The essence of education reform at the local level is aimed at improving governance, through changing the content of education and the development of educational institutions through effective public administration on the ground.

With the decentralization of power synchronously occurs and decentralization of education – the process of expanding the powers of local executive bodies in the management of educational institutions, giving them independence in addressing organizational, managerial, financial issues to ensure the quality of educational services (Shiyan R., 2020). If we consider public administration in terms of regulating the education system, the national doctrine has the following definitions.

So, for example, M. M. Shevchenko, considers the state management of education – the special kind of professional activity directed on the system of education for the purpose of maintenance of its vital activity, dynamic development. The essence of education management is the purposeful activity of the state to create socio-prognostic, organizational and legal, personnel, psychological and pedagogical, financial and other conditions necessary for optimal functioning and development of the industry, its goal, transition to a qualitatively new state and integration into European education. space (M. M. Shevchenko, 2011).

One cannot disagree with the opinion of M. O. Topuzov, that the state educational policy is interrelated with the state policy to support the development of depressed rural areas of Ukraine and the strategy of sustainable community development determines the justification of its constitutional principles of local government, legal, innovative philosophical, scientific, methodological, financial and economic principles and a number of processes and measures for its practical implementation (M. O. Topuzov, 2019)

L. A. Gajewska also proposes to consider public administration in the field of education through the prism of state educational policy, which is defined as a system of strategic goals and program actions of public

authorities to ensure the functioning and development of education (L. A. Gaevskaia, 2020).

The decentralization of education is based on the provisions of the European Charter of Local Self-Government and the best world standards of public relations in the field of education. A deep understanding of the possibilities of its implementation in the current institutional environment is the starting point for decisions on further education reform, adequate and without delay response to obstacles and unexpected consequences of educational policy, and hence the implementation of public administration of education (Decentralization provides opportunities, 2020).

In accordance with Article 140 of the Constitution of Ukraine, local self-government is the right of a territorial community – villagers or voluntary association in a rural community of residents of several villages, towns, cities – to decide local issues within the Constitution and laws of Ukraine. The essence of local self-government is the state-guaranteed right of the territorial community, citizens and their bodies in the interests of the population to decide within the current legislation and under their own responsibility a significant part of local issues (The Constitution of Ukraine, 1996).

The Law of Ukraine "On Local Self-Government in Ukraine" (On local self-government, 1997) stipulates that local self-government in Ukraine is a state-guaranteed right and real ability of a territorial community – villagers or voluntary association of residents of several villages, settlements, cities – independently or under the responsibility of bodies and officials of local self-government to resolve issues of local significance within the Constitution and laws of Ukraine.

According to Article 70 of the Law of Ukraine "On Education", public administration in the field of education is the interaction of public authorities, local governments with public associations, other civil society institutions in order to make effective management decisions and meet public interests in education (D. I. Dzvinchuk, 2018).

In the process of decentralization of education, the issue of qualifications plays a key role, because the territorial community has direct authority to organize the educational system in the area. Thus, in the process of decentralization in general, and as a consequence in education, it is necessary to clearly delineate the area of responsibilities and powers (G. Litvinenko, 2018)

The new Law on Education introduces important principles that determine the activities of local governments in the education sector. First, it is the responsibility and accountability of education authorities and educational institutions to society. Secondly, it is about the institutional

separation of supervisory functions and functions of ensuring the activities of educational institutions. These general principles have very important practical implications (I. Kohut, 2018).

With regard to the direct powers of local governments in the field of education, the above-mentioned Law "On Education" (On education., 2017), Article 66 defines the relevant powers of local governments at three levels of administrative-territorial organization of the state.

Local self-government is exercised by territorial communities of villages, settlements, cities both directly and through village, settlement, city councils and their executive bodies, as well as through district and regional councils, which represent the common interests of territorial communities of villages, settlements, and content. **Supplement A.** The territorial organization of self-government in Ukraine is based on the unification of national and local interests.

District, city councils and councils of united territorial communities: responsible for the quality and accessibility of educational services at various levels; contribute to the establishment and development of a network of educational institutions, providing equal conditions of development for all forms of ownership of educational institutions; if necessary, organize and finance the transfer of both students and teachers to the place of work; carry out and form the account of children of preschool and school age; disclose the financial statements of financial income and their use **Supplement B.**

As for village and settlement councils, the scope of their powers extends to ensuring state policy in the field of education and ensuring its quality in the territory under their responsibility. Village and settlement councils also establish, reorganize, restructure (change type) and liquidate educational institutions. These powers are provided by the right to approve the constituent documents of educational institutions and amendments to them, as well as monitoring their compliance. In addition, local authorities, as founders, are allowed to enter into and terminate employment contracts with the management of educational institutions, approve estimates, adopt financial statements and control the financial and economic activities of these institutions.

Thus, an example is the Department of Education and Science of the executive body of the Kyiv City Council (Kyiv City State Administration), which is a structural unit of the Kyiv City Council (Kyiv City State Administration), subordinated to the Kyiv Mayor, accountable and controlled by the Kyiv City Council. performing the functions of the state executive power interacts with the Ministry of Education and Science of Ukraine.

District and oblast councils are local self-government bodies that represent the common interests of territorial communities of villages, settlements and cities. Today, in the regime of reform, state administrations, as a body of state executive power in Ukraine, within their powers exercise executive power in the relevant administrative-territorial unit of the country, as well as exercise the powers delegated to them by the relevant council. The Council has a higher status and delegates its powers to the administration, so the structure of the administration may include both departments and divisions, which ensures the implementation of state policy in the field of education and science. In accordance with the current legislation, the creation of structural units in the field of education is provided for in the relevant councils.

The Law of Ukraine "On Local Self-Government" (On Local Self-Government, 1997) allows the councils of united territorial communities to create education management bodies. Moreover, two organizational forms of government are proposed. implementation of functions in the field of education.

The Ministry of Education and Science of Ukraine, as the central body of executive power, sent a letter to the state administrations of regional significance for № 1 / 9-633, which provided "Guidelines for developing regulations on the structural unit of education of the executive body of the united territorial community" for creation of an unambiguous method for the formation of management processes and educational units in the structure of executive bodies in the field of UTC (Education in Ukraine, 2020).

There can be two organizational and structural variants of the form of functioning of education management bodies, on which the composition and structure of local executive bodies in UTC places depend:

- 1) in the structure of the executive bodies of the council;
- 2) as a separate executive body for education management.

The organizational and legal form of governing bodies of local education depends on the rights and responsibilities of these bodies in the field of business, real assessment and the ability to solve problems that exist in a particular local community and its financial capabilities.

If we consider the organizational and legal forms of education management in UTC, we can distinguish three types:

– management, as the largest type of organizational – structural unit, should include at least two departments, whose tasks are aimed at performing one function in certain areas;

– the department, as the middle link of the system of governing bodies, acts as a structural unit with the number of employees not less than three persons, the task of which is carried out in a single area of activity;

– sector, is the smallest form of a structural unit with a staff of at least two people, whose tasks are directed to one area of activity, and the functions are not combined with the functions of other structural units (Educational policy portal of public experts, 2020).

It is important that the creation of local government bodies does not create structural units that would duplicate each other's functions, and it is necessary to avoid the creation of such large organizational structures as departments and administrations. Because for the level of UTC it will be effective to create a department or sector. But it usually has to be an individual approach to each area. Each UTC should be guided by its own needs and material capabilities (stocks, funds), given the proportionality of the workload for each staff unit in the structure of local government, taking into account their powers and tasks.

At present, most of the newly created administrative bodies of UTC function in the form of structural units (subdivisions) within the departments (divisions) of education, culture, youth, and sports. This makes it possible to coordinate and adjust expenditures from the local budget on the item of expenditures for the maintenance of staff units.

Thus, the Law "On Education" allows local governments at three levels of administrative-territorial organization of the state to create educational institutions. As the founder (founders) of an educational institution, they are endowed with a wide range of powers in relation to these institutions, namely:

- approve the constituent documents of the educational institution, their new wording and changes to them;
- conclude and terminate a fixed-term employment agreement (contract) with the head of an educational institution;
- approve the estimate and accept the financial report of the educational institution;
- exercise control over the financial and economic activities of the educational institution;
- monitor compliance with the constituent documents of the educational institution;
- ensure the creation of an inclusive educational environment, universal design and intelligent adaptation in the educational institution;
- exercise control over the prevention of privileges or restrictions (discrimination).

Thus, the reform of education at the local level continues and is an integral part of the decentralization reform, which is formed in the Concept of reforming local self-government and territorial organization of power in Ukraine. It is assumed that the new model of public administration is based on professional leaders, which increase the availability of quality,

competitive education in accordance with the requirements of innovative sustainable development of society, economy and personal development according to its individual abilities, needs based on lifelong learning.

Most scholars define the essence of decentralization as the expansion or transfer of power, along with the right to manage local budgets. The following, in turn, consider decentralization as a principle and way of organizing governance, by empowering local governments with the power necessary to make managerial decisions. At the same time, scholars focus on the transfer of responsibility, which is received by the lower level of the hierarchical pyramid of government in parallel with the powers. Modern scholars, in general, determine the ultimate recipient of managerial power - people who are embodied in local governments, because it is this form of government organization that leads to modernization changes or the development of a new innovative state educational policy.

Unity of scientific positions in the formation of the goal of decentralization, which is aimed at satisfying the interests of residents of territorial communities and to ensure the quality of educational services. We emphasize that decentralization is not the essence, but an element of the process that opens a wide space for the development of local initiative, taking into account local characteristics.

It is established that the system of powers of local governments in the field of education is to balance the powers of the territorial community – villagers or voluntary association in a rural community of residents of several villages, towns, cities – to decide local issues within the Constitution and laws of Ukraine. The essence of local self-government is the state-guaranteed right of the territorial community, citizens and their bodies in the interests of the population to decide within the current legislation and under their own responsibility a significant part of local issues.

It is established that the legislation allows local governments at three levels of the administrative-territorial structure of the state to create educational institutions. As the founder (founders) of an educational institution, they have submitted a wide range of control over these institutions, namely: they confirm the constituent documents of the educational institution, their new wording and change to them; enter into and develop a strict employment agreement (contract) with the head of the educational institution; approve the estimate and accept the financial report of the educational institution; to exercise control over financial and economic activities and compliance with the constituent documents of the educational institution; to promote the creation of an inclusive educational environment, universal design and intelligent adaptation in educational institutions; to exercise control over the prevention of privileges or restrictions (discrimination).

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