

GUARANTEES OF IMPLEMENTATION OF THE CONSTITUTIONAL RIGHT TO EDUCATION

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In this paper, we have studied guarantee of the right to education. Particular attention was paid to the principle of ensuring the quality of education. We offered to accept the Directive of the President, which would regulate the issues about responsibility of teachers and professors for their incompetence.

The right to education is an essential element of human and citizen legal status. In order for this right to be protected against illegal encroachments, the legislation of the Republic of Belarus provided guarantees of the constitutional right to education.

In this paper we will consider the guarantee of education that is provided by the Constitution of the Republic of Belarus (hereinafter - the Constitution) and the Code of Education of the Republic of Belarus (hereinafter - the Code of education). It is the norm in Part 2 of Article 49 of the Constitution, that enshrines guarantees for accessibility and free general secondary and vocational education [1].

Let's consider the principle of the accessibility of education. It should be noted that this principle finds its anchorage in paragraph 4 of Part 1 of Article 8 of the Code of Education [2]. Accessibility of education implies that every person, regardless of sex, race, nationality, age, economic status and other factors, has the right to receive an education at any educational level. In addition, every person has a right to determine for themselves the school in which he wishes to acquire knowledge, and professional direction in which he will learn. Accessibility of education also is reflected in the affordability of higher and secondary special education, because education price depends on the ability of the population to pay for this service.

The next principle is the principle of free education. This principle, as mentioned earlier, has found its reflection in Part 2 of Article 49 of the Constitution, which guarantees free general secondary and vocational education [1]. In addition, the Part 3 Article 49 provides for the right to receive free secondary and higher education [1]. Thus, "every citizen of the Republic of Belarus has the right to receive free secondary vocational and higher education on a competitive basis" [2]. Also note that the legislation provides that "foreign citizens and stateless citizens permanently residing in the Republic of Belarus, foreign citizens and stateless citizens of the Belarusian nationality permanently residing in the territory of foreign states, as well as foreign citizens and stateless citizens who have been granted refugee status in the Republic of Belarus have an equal right to education as citizens of the Republic of Belarus" [2].

In our opinion, the principle of quality assurance of education should also be noted as a guarantee of the right to education. This principle is enshrined in Paragraph 5 of Part 1 of Article 8 of the Code of Education [2], but it doesn't find its reflection in the Constitution.

The quality of education is an actual problem for the Republic of Belarus and foreign countries. Note that at present, despite the very high development of the information society and the introduction of information technologies in educational process, there is a falling quality of education that we receive. In our opinion, the main reason is the lack of legal regulations of the requirements for the quality of education. In the Republic of Belarus the basic requirements for the organization of educational process, educational standards are provided by the legislature of Belarus, but there are no requirements about the quality of education. In addition, the Code of Education has a chapter that is devoted to the responsibility of students and there is not a word - about the responsibility for the incompetence of the teaching staff or faculty members [2]. Such issues are regulated, as a rule, by local normative acts. We see a huge problem, which confirmed the relevance of the information posted on the official website of the Ministry of Education of the Republic of Belarus. They pointed out the necessity to strengthen one of the leading principles of the development of the Belarusian schools, namely, improving the quality of education for everyone [3].

In this regard, we propose to introduce measures of disciplinary responsibility, primarily for heads of educational institutions (especially universities) for incompetence of their teachers, representatives of the teaching staff. For identification competencies teachers we may begin with conducting social surveys among students, undergraduates, etc. Also we may offer to form a board of experts to verify the competence of employees by analogy with the process of assessment of students. Then according to the results of the surveys we can provide carrying out of tests, examinations for teachers, professors according to their subjects.

This offer possibly can be "introduced into the legislation" at the level of the Directive of President of the Republic of Belarus as a programmatic decree. The practice of adopting this kind of normative legal acts of the Head of State proves that such issues can be resolved. Examples can be Directive №4 "About the development

of entrepreneurial initiative and stimulating business activity in Belarus", the Directive №2 "About measures to further de-bureaucratization of the state apparatus." The same can be the directive "On measures to improve the quality of education" that we propose.

To summarize, we note that the legislation of the Republic of Belarus in the field of education should amend and supplement. If in the near future policy in the field of education does not undergo significant changes, we dare to assume that the literacy rate can be significantly reduced after 10 years. Therefore, the adoption of the Directive of the President, which we propose, is considered to be a necessary measure to improve education in general.

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