
APPLICATION OF FUNCTIONAL OVERLAPPING COMPETING JURISDICTIONS CONCEPT TO INTER-MUNICIPAL COOPERATION IN THE RUSSIAN SCHOOL SECTOR

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Purpose: the article investigates a possibility for the Russian municipalities to cooperate providing school services under the conditions of declining birth rate and state financing of school education. *Discussion:* the author makes an attempt to apply the concept of Functional Overlapping Competing Jurisdictions (FOCJ) to Russia, testing it via the interviews with local and regional authorities responsible for school administration, headmasters of schools and parents. *Results:* main FOCJ features are identified in the institutional environment of the Russian school sector. Moreover, the list of FOCJ requirements to the Russian school education sector has been elaborated and discussed in the paper.

Keywords: inter-municipal cooperation, Russian school sector, interviews, municipalities, Voronezh region.

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1. Introduction

The concept of Functional Overlapping Competing Jurisdictions (hereinafter FOCJ) was initially introduced by Swiss authors B. Frey and R. Eichenberger as a «new form of federalism» [5, 6, 7]. The definition of FOCJ compiles four features: these jurisdictions are functional since they provide different public services such as water provision, garbage collection, police and educational services, etc. They overlap geographically within same territory of one region (e. g., providers of public transportation) and compete for members as well as for clients (e.g., pupils and their parents in case of school education services). FOCJs are public units (jurisdictions) which means they have a right to levy fees for services, can have internal self-administrated management bodies and regulatory statute.

The literature devoted to FOCJs is not diverse and mostly focuses on political competition of administrative units rather than economic aspects [8, 9, 10]. Frey and Eichenberger discuss FOCJ as an instrument of shaping heterogeneous preferences of consumers and by satisfying preferences of as

many voters as possible, get re-election during the next political cycle. Hence, the authors investigate type I FOCJ which implies citizens as members who receive different public services from different jurisdictions (or municipalities). However, type I seems to be utopian and could hardly be implemented under the circumstances of modern federations like, for example, Russia. The cases of FOCJ type I could be found in Swiss cantons and in the USA special purpose districts [23, 24]. Further developments of FOCJ concept result in three more FOCJ types: type II, III and IV:

- type II FOCJ deals with municipalities as members of these jurisdictions;
- type III FOCJ includes municipalities (and/or regions), subjects of public and private law (e.i., public and private companies);
- type IV FOCJ combines governmental units (municipalities, states, etc.), public and private partnership and private persons [12].

Type II FOCJ and its integration in the economic theory is widely investigated in the works of Friedrich, Reiljan (2011), Friedrich, Eckardt (2014) [12, 14].

There is a scope of literature on FOCJ which considers functional jurisdictions as a means for cross-border cooperation between EU countries [2, 15]. Existence of FOCJ-like organisations (e.g., Hansa trade union, School boards in England) throughout history have been discussed in a number of studies [2, 3, 4, 21, 22]. Several authors investigate FOCJ implementation in particular sectors such as general education, forestry, population policy, etc. [13, 14].

There has been only a few investigation of the FOCJ as a tool for inter-municipal cooperation [1, 11]. Therefore, there is a gap in literature devoted to FOCJ.

Literature related to inter-municipal cooperation (hereinafter IMC) in Russia in its majority concludes that institute of inter-municipal cooperation is underdeveloped and underestimated in Russia [25, 30, 31, 16]. Some sources point out that the development of inter-municipal cooperation in Russia is hindered by the uncertainties and lacunas in laws concerning municipal cooperation [31, 32]. Lack of methodological support for IMC from the state as well as from the expert community, low government inclusion in the cooperation processes, lack of stimulus for municipalities to improve the management of municipal budgets are also impeding factors of the Russian municipal cooperation [29].

There is a scope of literature which describes forms and types of IMC in Russia [32]. In latter publications the following main legal forms are described: inter-municipal cooperation in the form of non-public companies, limited liability companies, autonomous non-commercial organisations and funds. Councils of municipalities of the Russian Federation subjects are established in the form of association. Nowadays municipal cooperation in Russia exists mainly in the forms of unions and associations of municipal formations sometimes based on the size of municipalities or territorial characteristics, i.e. «Association of Siberian and Far Eastern cities of Russia», «Union of the Russian science cities' development», «Association of small and medium-sized cities of Russia». These organisations

are voluntary and aimed at development of local self-government and inter-municipal cooperation. They also organise informational support for members, interactions with regional and federal authorities, exchange of experience and common preparation of projects.

Some authors [27, 28] distinguish between contractual (short-term and long-term contracts) and associative forms of municipal cooperation. The others [26, 29] add to this classification also economic forms of cooperation in the Russian municipalities including commercial and non-commercial organisations in legal forms mentioned above. These cooperation units can be established combining financial means, material and other resources for solving local issues. Representative bodies of municipalities establish these forms of cooperation in accordance with the Federal Act No. 131 «On general principals of organization of local self-governance in the Russian Federation» and other federal acts of separate company forms, e.g. Federal Act «On Limited Liability Companies». Economic forms of IMC, which FOCJs are supposed to be, are not popular in Russia. There are the following reasons: lack of traditions of collaboration between municipalities, instead, there was a tradition of a strong centralised system of municipal management for a long time, lack of information about forms and legal opportunities of inter-municipal cooperation, no trust to civil law contract as an effective means of public service provision, lack of financial resources and specially trained staff, etc. [25, 27].

However, nowadays demographic problems which exist in the Russian society should enhance the processes of inter-municipal cooperation. Indeed, depopulation affects many spheres including demand for municipal services, such as school service provision. Stagnating and even recently declining birth rate (see Figure 1) negatively affects the level of school enrolment and numbers of schools in urban and rural areas (see Figure 2). At the same time despite having an overall positive dynamics of education state financing in current prices, state expenditures in real prices are decreasing (see Figure 3). Therefore, under current demographic situation more schools tend to have small number of pupils (малокomплектные школы), especially schools in rural areas, and with decrease in financing schools will lack of material environment, trained teaching capabilities and less quality of education. Hence, in these conditions municipal cooperation would allow to reduce expenses for small schools, and creating school FOCJs in Russia is foreseen to be one of the possible solutions. To check the applicability of FOCJ concept to Russia, the author has conducted interviews pursuing the following multi-faceted tasks:

- to find out the features of FOCJ as a tool for inter-municipal cooperation in institutional environment of a school sector in Russia (Whether it's possible to establish FOCJ in Russia or not);

- to gather information on legal possibilities of municipal cooperation in a school sector, involvement of municipalities and regions in decision-making regarding cooperation, political and economic limitations of FOCJ, sector specific

conditions in Russia, budget opportunities of the municipalities and regions for establishing such a cooperation, etc.;

– to investigate the relations between municipalities of different levels and municipalities and region with respect to a school sector.

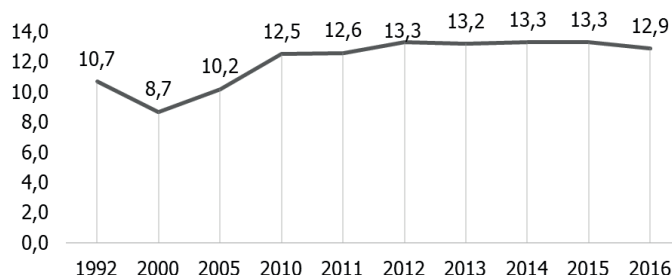


Fig. 1. Birth rate in 1992-2016 in Russia per 1000 people of population¹

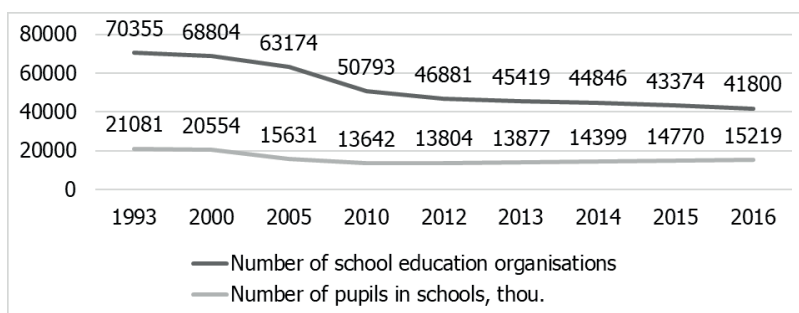


Fig. 2. Overall number of school education organizations (primary, basic, secondary) and number of enrolled pupils (thou. persons) in Russia (beginning of academic year)²

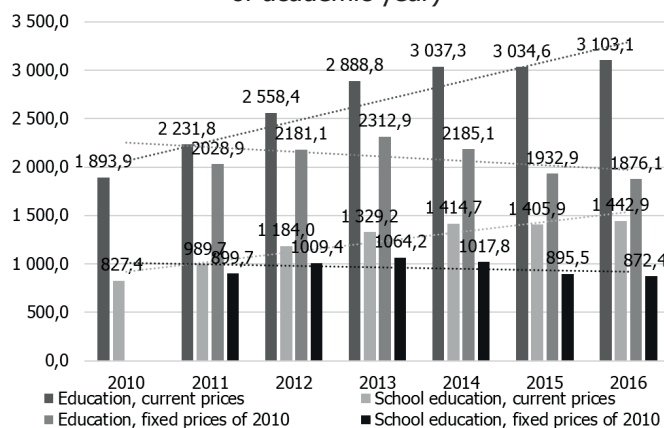


Fig. 3. Expenditure of consolidated budget of the Russian Federation and budgets of state non-budget funds, billion roubles³

¹ Compiled by the author based on Federal State Statistics Service "Russia in Figures", 2017; Federal State Statistics Service "Regions of Russia. Socio-economic indicators", 2017

² Compiled by the author based on Federal State Statistics Service "Russia in Figures", 2017; Federal State Statistics Service "Regions of Russia. Socio-economic indicators", 2017

³ Compiled by the author based on Federal State Statistics Service "Russia in Figures", 2017; Federal State Statistics Service "Regions of Russia. Socio-economic indicators", 2017

2. Methodology

To fulfil the research tasks introduced above, Voronezh region of the Russian Federation has been selected to conduct interviews and gain necessary information. This region represents socio-demographic problems, which are actual in Russia as a whole. In Voronezh region during 10 years (2005-2015) 245 schools were closed (from 1075 to 830) and 327 schools (which is 1/3 of all of them) are small schools [19]. This reflects demographic problems of decreasing population, hence the number of pupils enrolled in schools has declined in average by 33,6% in Russia and by 37,3% in Voronezh region for 10 years from 2000 to 2010, and has started increasing only since 2014 in Voronezh region. However, considering that a birth rate in the region grows insignificantly and even dropped in 2016 which corresponds to the country's trend of birth rate (Figure 1), the school enrolment rate will not so much change in Russia as well as in Voronezh region. At the same time expenditures for education and school education are increasing in current prices, but not in fixed once.

According to the Act «On the Administrative and Territorial Structure of the Voronezh Region», there are the following municipal units are included:

- 3 urban districts (Borisoglebskiy, Voronezh, Novovoronezh);
- 31 municipal areas including 28 urban settlements and 418 rural settlements.

Among 34 municipalities of the region, Khokholsky and Liskinsky municipal areas have been selected for the interviews. These municipalities are characterised by 1) decreasing population, 2) can be described as rural [17, 19] which is important for the research since so-called «small schools» (малоконплектные школы) mainly operate in rural areas. Interviews have been conducted in the areas where 3) local authorities have to deal with small schools and 4) the processes of school reorganisation and school network optimisation have taken places there recently. Moreover, 5) the institutional structure of municipal-regional subordination is unified in Russia, and regulated by the Federal Act «On local self-governance» No. 131 and with respect to school sector administration – by the Federal Act «On education in the Russian Federation» No. 273.

There are four main groups of interviewees have been selected:

- 1) school directors;
- 2) heads of education department in municipal areas (higher rank municipality);
- 3) heads of rural and urban settlements (lower rank municipalities);
- 4) representatives of parents' bodies at schools;
- 5) regional authorities who responsible for school education development, education financing and municipal relations.

The data were collected within two months in October-November 2017. Interviewees from the one group were asked same questions from the list of questions for a particular group. Before each interview all participants had

questions in advance, so they had a chance to prepare the answers. The questions have been distributed since the majority of interviewees asked about it before the interview started. Additionally, the official webpages of schools, education departments in municipality and region have been studied beforehand, so the author could get an impression and collect preliminary data.

The data was collected based on face-to-face semi-structured in-depth interviews with follow-up questions. Interviews take place in the offices of school directors, heads of regional and municipal department of education, and with parents – at schools.

The number of participants in each of 5 groups is 3 in average, and the sample is considered to be representative since after the second interview, the author noticed the answers were repeated. Out of 18 interviews 11 interviews are audio-recorded and transcribed with the help of «oTranscribe» online service by the author, the rest 7 interviews are analysed with hand notes. The permission to make an audio-record was asked in the beginning of each interview. The duration of the interviews is between 20 and 70 minutes. Each interview began with the self-introduction of the interviewer and explanation of the research objectives. Questions of interviews are organised into the following categories:

- general issues;
- legal issues;
- financial issues;
- issues related to teachers;
- issues related to school management;
- issues related to inter-municipal cooperation;
- concluding questions requiring FOCJ explanation.

At the end of the interviews every respondent was gratitude and asked about the opportunity to contact them again in case of need in clarifying questions.

The sample consists of eighteen interviews: five school directors both in budgetary and kazennyi legal form, three Heads of rural settlements, two Heads of Education Departments of Khokholsky and Liskinsky municipal areas of Voronezh region, Consultant of the Department for Licensing, Supervision and Confirmation of Documents of the Department of Education of the Voronezh Region, Specialist of pre-university education department of Voronezh State University, Chief specialist of Voronezh Institute of Education Development, Advisor of General Education Provision Office of the Department of Education, Science and Youth Policy of the Voronezh Region, two members of parent's committee, Deputy Head of the Department of Education, Science and Youth Policy of the Voronezh Region. These groups of interviewees have been targeted since they are main decision makers and participants of the Russian school system.

There are also could be limitations connected to the fact that the responses of authorities might be biased, since they may want to show they fulfil their tasks according to law representing themselves in a more favourable light. Nonetheless,

it corresponds to the aim of the interview which is not to identify the respondents' true vision rather than to understand how the different aspects of school service provision should be legally and practically organised.

The method of content analysis is implemented to analyse the interviews [18, 20]. Key answers of all groups of respondents were included under one of the above described category. Questions to different groups overlap, hence it's possible to compare answers on the same questions between groups.

3. Results

The results of the interviews must be discussed with respect to FOCJ features mentioned in the Introduction and additionally through the literature analysis [4, 5, 6, 7, 8, 9, 10]. The author has identified the characteristics of FOCJ in three main categories of interviewees:

- 1) school directors;
- 2) heads of education department in municipal areas;
- 3) representatives from the regional education department.

Table 1

FOCJ related features indicated by the interviewee groups

#	FOCJ relevant factors	School directors	Heads of Education Departments in Municipalities	Representatives from education department in the region
1	Competition for members (municipalities) and clients between FOCJs	X	X	X
2	Members can be not only municipalities, but also physical persons and Juridical persons (firms), then it's FOCJ type III and IV	X		X
3	Levy fees and contributions: users of services pay for them (no spill-overs) and members	X		
4	Members are free to enter and quit according to the statute	X	X	
5	Members have a right to vote for the FOCJ managers	X	X	X
6	Members influence decision-making bodies	X	X	
7	Private forms of companies must be applicable.	X	X	X
8	Exploitation of economies of scale		X	
9	FOCJ has a budget and financial conditions	X	X	X
10	Self – financing	X	X	X

*Source: compiled by the author

In Table 1 «X» sign means that the information about a particular FOCJ feature was discovered during the interviews with representatives of school directors, heads of education departments in municipalities and the region or from several (all) groups of interviewees simultaneously. The author has compiled Table 1 where vertically the list of FOCJ requirements is situated and horizontally

there is a category of interviewees which opens up insights on a particular FOCJ feature.

Functional Jurisdictions should compete with each other for clients and members – this aspect is important for the implementation of Functional Overlapping Competing Jurisdiction concept to the real circumstances of the Russian Federation, since functional jurisdictions by definition are competitive, and this point is confirmed through the interviews. All groups confirm that there is a competition between schools (e.g., «...we compete for better position in a school ranking with other schools in Khokhol municipal area...»).

Talking about membership of other members, interviews with one of the school directors and executive specialist in school administration in the region (Voronezh region) indirectly confirm that teaching services to school children can be provided from outside of the school, it's not restricted by the internal pool of teaching capabilities («Since we don't have it in our statute, we cannot outsource educational services from outside...» – a school director. «The teacher can work part-time in another general educational organization. In this case, a civil law contract is concluded...» – representative of the region). At the same time, two conditions must be fulfilled. First, in FOCJ statute, there should be stated that services are allowed to be provided by the third party to a school, and secondly, a civil contract must be signed between FOCJ and a legal or physical person.

FOCJ can levy taxes and fees which is fixed in its statute. Nowadays the education in the Russian schools is free of charges and all expenses related to teaching are covered from the budgets of the regions, hence local authorities are not eligible to charge parents («Municipal schools don't charge parents, only payments for meals and personal initiatives of parents and voluntary donations, sponsorship...» – a school director). In this case the financial burden after FOCJ implementation will still be on regions and municipalities as members.

One of the most important FOCJ feature is that FOCJ members (municipalities) and clients (parents with their children) are free to enter and quit school functional jurisdiction (Head of educational department in a municipal area: «...the choice of school is the right of parents. The child is enrolled in the place of residence. If there are vacant places, a child can study in another school...»; «...and we have some children from neighboring settlements...» – a school director).

Members have a right to vote for the FOCJ managers. According to the interview results, a school manager – director – is usually appointed to his/her position by the school founder (municipality). This is confirmed by all interviewee groups (e.g., «Director is appointed by the founder, municipality. There are particular requirements to the education, work experience, etc. Usually a new director is chosen from the staff members»).

FOCJ members influence decision-making bodies, hence, municipalities should have enough competences to shape policy of FOCJ director and collegiate bodies (School director:«The governing council is the most important body, it is

the collegial body, combining parents, teachers, children, representatives from the village community and from the founder»). At the same time parents might also be influential since «they are a part of a Governing Council at school and approve many decisions...» (a school director). School directors perceive the role of parents higher than heads of education departments in municipalities («The role of parents is additional, supporting...»), but they all totally agree that «parents don't influence the election of school director, since there are special requirements for the director position».

For the FOCJ private forms of companies must be applicable. Establishing school FOCJ also restricts the applicability of private forms to non-commercial ones («Any non-commercial form can provide educational services, but at the same time it is necessary to pass the licensing of the Federal Service for Supervision of Education and obtain accreditation, only in this case any legal form can conduct educational activities» – head of education department in municipal area). At the same time the regional educational department provides the information that «... the organizational and legal form of schools in the Voronezh region: municipal budgetary general education establishment, municipal state (kazennyi) general educational establishment and private general education organizations.», which also coincides with what school directors said answering his question.

Participation of several municipalities in FOCJ allows economies of scale. This is partly implemented in Russia through school districts created in municipalities («It was organized, because not every school in the rural area has... accessibility of education for each student with rational use of material, technical, human and financial resources of educational institutions...»)

Schools in Russia, similar to FOCJs, have their own budgets. School directors being the main manager administrate their budgets (a school director: «School budget is made by the director. I include that expenses, which should be covered, I consider previous year expenses, the number of children and what I plan to do next year or repair next year...»)

FOCJ implies self-financing which means that FOCJ members cover its costs by themselves. As members are municipalities, it will be still in the sphere of their obligations to finance school FOCJs. Municipalities in Russia finance school education organizations through taxes («...building maintenance costs and utility costs are carried out from local budgets...») and regional budgets' payments (Head of Education department in municipal area: «...for realization of school education programs municipalities allocate subventions from regional budgets, including labor costs, costs of textbooks, equipment for teaching aims... The amount of subventions to each municipality is calculated based on the number of students and norms according to types of educational programs and levels of study. Subvention can be increased by the integrated coefficient in case of victory in the competition and high results based on the results of the regional ranking of schools...») Schools can gain additional financing by the means of competition for grants (School director: «...additionally via participation in federal and regional

programs we may receive grants...») or «through the provision of paid additional services and other services, as well as through voluntary donations and earmarked contributions from private and legal persons...» (head of education department).

4. Conclusions

The results demonstrate that deeper insights with respect to the research problem tackling in the article are given by the school directors, heads of educational departments in the municipalities and region. Heads of rural areas and parents' representatives gave a general understanding of their roles and tasks in the administration of school education process. These conclusions are also confirmed by the document analysis of the Federal Acts and Regional Regulations on education:

- lower rank municipalities (urban and rural settlements) are not responsible for schools, hence only higher rank municipalities (municipal area and urban districts) can be members of school FOCJ in Russia;

- the most important agents/decision-makers are school directors, heads of educational departments in the municipalities and regions;

- heads of rural areas and parents' representatives gave a general understanding of their roles and tasks in the administration of school education process;

- the Federal Law No. 273 «On education in the Russian Federation» has delimited powers of all levels Federation, Regions and municipalities between them;

- education departments in municipalities are founders of schools, they decide on school reorganisation and liquidation;

- regional authorities in education don't influence schools directly, they may only can recommend strategy and policy to municipalities;

- municipal authorities consider parents' opinion in opening and closing schools;

- schools compete with each other based on ranking (for children, funding, sometimes even teachers);

- parents are free to choose a school, even in neighbouring municipality;

- school directors are appointed by the founder;

- governing councils are collegiate bodies at schools;

- there are two legal forms of municipal school in Russia – state (kazennoe) municipal establishment and budgetary municipal establishment and private education establishments;

- education expenses (labour costs, textbooks, equipment, etc.) are covered from the regional budgets based on per capita financing, building and territory maintenance – from municipal budget;

- there are no differences in financing private and public schools;

- schools manage their budget themselves;

- there are a lot of federal and regional grants and programmes for schools;
- there is no cooperation of municipalities in school service provision;
- municipalities have school districts with basic schools as technological and resource centres.

Some interview results are a matter of future discussions, they are not limited by FOCJ features described in this paper. For example, FOCJ economic requirements under the Russian school education sector's conditions must be developed further. The author hasn't elaborated through the interviews such aspects as FOCJ production conditions in Russia, FOCJ possible market forms, factor prices, special restrictions which are related to FOCJ inputs and outputs (e.g., employment cones, quality conditions, regional mobility of staff, and transportation requirements), location of FOCJs, demand risks, factor price changes, changes in techniques, etc.

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ПРИМЕНЕНИЕ КОНЦЕПЦИИ ФУНКЦИОНАЛЬНЫХ ПЕРЕСЕКАЮЩИХСЯ И КОНКУРИРУЮЩИХ ЮРИСДИКЦИЙ К МУНИЦИПАЛЬНОЙ КООПЕРАЦИИ В СФЕРЕ ШКОЛЬНОГО ОБРАЗОВАНИЯ РОССИИ

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Цель: статья посвящена анализу кооперации муниципалитетов России в сфере предоставления школьных образовательных услуг. *Обсуждение:* анализируя возможности межмуниципальной кооперации в России, автор концентрируется лишь на одной теоретической концепции – функциональные, пересекающиеся и конкурирующие юрисдикции. Данный подход предполагает создание юрисдикций (юридических лиц), самостоятельно предоставляющих школьные образовательные услуги муниципалитетам, входящим в их состав. При этом необходимость развития кооперации муниципалитетов определяется тем, что в условиях напряженной демографической ситуации в стране, ликвидации школ и сокращения численности учащихся функциональная кооперация муниципалитетов в школьном секторе позволит снизить расходы, связанные с содержанием малокомплектных школ, и повысить качество школьного образования в муниципалитетах с сокращающимся населением. *Результаты:* применимость концепции функциональных, пересекающихся и конкурирующих юрисдикций к школьному сектору России проверяется в статье с помощью метода интервью. Результаты интервью позволяют составить список характеристик функциональных юрисдикций, обязательных для российского школьного сектора. Данные характеристики создают необходимый институциональный базис для развития функциональной кооперации муниципалитетов России в школьном секторе.

Ключевые слова: межмуниципальная кооперация, школьный сектор России, метод интервью, муниципальные образования, Воронежская область.

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