

ADULT EDUCATION AND OER 2015 COUNTRY UPDATE: GERMANY

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Germany is a large EU Member State with a population of just over 80 million. It comprises sixteen states which are collectively referred to as 'Länder'. Each state has its own state constitution and is largely autonomous in regard to its internal organisation, including education. There are large differences in size and in population, from over 10 million (North Rhine-Westphalia, Bavaria and Baden-Württemberg) to under 1 million (Saarland and Bremen). This brings its own problems with inter-Land cooperation.

In the Federal Republic of Germany responsibility for the education system is divided between the Federation and the Länder. The scope of the Federal Government's responsibilities is defined in the Basic Law (**Grundgesetz**).¹ Unless the Basic Law awards legislative powers to the Federation, the Länder have the right to legislate. Within the education system, this applies to the school sector, the higher education sector, adult education and continuing education. Administration of the education system in these areas is almost exclusively a matter for the Länder. In addition to this division of responsibilities the Basic Law also provides for particular forms of cooperation between the Federation and the Länder within the scope of the so-called joint tasks (*Gemeinschaftsaufgaben*).

Early childhood education and care is not part of the state-organised school system in Germany but almost exclusively assigned to the child and youth welfare sector. On the federal level, within the framework of public welfare responsibility lies with the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (**Bundesministerium für Familie, Senioren, Frauen und Jugend** – BMFSFJ).² As a rule, in the year in which children reach the age of six, they are obliged to attend primary school. All pupils in Germany enter the Grundschule which in almost all Länder covers grades 1 to 4. Following the primary school stage, secondary education in the Länder is characterised by division into the various educational paths with their respective leaving certificates and qualifications for which different school types are responsible. Once pupils have completed compulsory schooling they move into upper secondary education. The range of courses on offer includes full-time general education and vocational schools, as well as vocational training within the *duales System* (dual system). The tertiary sector encompasses institutions of higher education and other establishments that offer study courses qualifying for entry into a profession to students who have completed the upper secondary level and obtained a higher education entrance qualification. As part of lifelong learning, continuing education is assuming greater importance and is increasingly becoming a field of education in its own right. In response to the vast range of demands made on continuing education, a differentiated structure has been developed.

1 Adult education in Germany

Adult and continuing education institutions offer a variety of courses and subject areas covering general, vocational, political and continuing academic education. The aims, content and duration of courses vary accordingly.

The original objective of *learning for learning's sake* increasingly gave way to the task of responding to the educational needs arising from the demands of the state, society and

¹ https://webgate.ec.europa.eu/fpfis/mwikis/eurydice/index.php/Germany:Legislation#Constitution_law_.2F_Federal_law

² <http://www.bmfsfj.de/>

industry. Since 1970, a more vocational slant, an emphasis on formal qualifications, systematisation and a new understanding of continuing education have been gaining importance.

Continuing education in Germany is regulated by the state to a lesser degree than other areas of education. The justification given for this is that the diverse and rapidly-changing demands on continuing education can best be met by a structure which is characterised by diversity and competition among the institutions and the range of courses and services on offer. A central principle of continuing education courses is that attendance should be voluntary.

The activities of the state in the field of continuing education are, for the most part, restricted to laying down principles and to issuing regulations relating to organisation and financing. Such principles and regulations are enshrined in the legislation of the Federal Government and the Länder. State regulations are aimed at establishing general conditions for the optimum development of the contribution of continuing education to lifelong learning.

The joint responsibilities of the Federation and the Länder include research and pilot schemes in all sectors of continuing education. In addition, Federation and Länder are responsible for statistics on continuing education and for drawing up reports on continuing education in their respective areas of responsibility. The responsibilities of the Länder include in particular the following powers to regulate and promote continuing general education; continuing education leading to school-leaving qualifications; continuing academic education at higher education institutions; continuing cultural education; some elements of continuing political education; and some elements of continuing vocational training.

The prerequisites and principles for the promotion and funding of continuing education are laid down in continuing education legislation³ and employment release legislation. Continuing and adult education legislation describes continuing education as an independent education sector which incorporates continuing general and political education and continuing vocational training and the development of which is the responsibility of the public sector. Continuing education legislation guarantees a diverse range of institutions maintained by a variety of organisations and lays down a state approval procedure for such institutions. All Land legislation includes regulations which recognise their freedom in the preparation of curricula and independence in staff selection. Each of the Länder has its own website and portal for training opportunities⁴

In 12 of the 16 Länder legislation allows employees to attend continuing education courses (paid educational leave – *Bildungsurlaub*) for several working days per year (usually five) with no loss in earnings, provided that certain conditions are fulfilled. In addition to the responsibilities which are carried jointly by the Federation and the Länder, the Federal Government's responsibilities include in particular: continuing vocational training outside the school sector; regulated further vocational training; basic regulations for the protection of those on distance learning courses which are offered under private law; some areas of continuing political education; and international cooperation in continuing education, including within the European Union.

Responsibility for the promotion of continuing vocational training under the Federal Government's Social Security Code III lies with the Federal Employment Agency (*Bundesagentur für Arbeit*). Promotion under the Social Security Code III includes the following measures:

³ https://webgate.ec.europa.eu/fpfis/mwikis/eurydice/index.php/Germany:Legislation#Continuing_education_legislation_of_the_L.C3.A4nder

⁴ <http://www.kmk.org/bildung-schule/allgemeine-weiterbildung/weiterbildung-in-den-laendern.html>

- Further vocational training: schemes to assess, maintain, extend or adapt the vocational knowledge and skills of adults who have a vocational qualification or appropriate work experience. (Upskilling courses for vocational training are normally accessed through Job Centres).
- Vocational retraining leading to a qualification in an *anerkannter Ausbildungsberuf* (recognised occupation requiring formal training): targeted mainly at unemployed people with no vocational qualifications.

With the coming into force on 1 January 1996 of the Upgrading Training Assistance Act (*Aufstiegsfortbildungsförderungsgesetz*), a new comprehensive funding instrument was created in Germany for financing training designed to lead to promotion at work. With the coming into force on 1 January 2002 of the first amendment of the Upgrading Training Assistance Act, the promotion of professional career advancement was further improved. Within the scope of the Qualification Initiative for Germany 'Getting ahead through education' (*Aufstieg durch Bildung*), promotion under the Upgrading Training Assistance Act was further extended in 2009. Under the Vocational Training Act (*Berufsbildungsgesetz*) and the Handicrafts Code (*Handwerksordnung*), responsibility for examinations in further vocational training generally rests with the chambers (e.g. chambers of handicrafts and chambers of industry and commerce). Where there is a national regulatory interest, examinations in further vocational training are regulated by ordinances of the Federal Ministry of Education and Research (*Bundesministerium für Bildung und Forschung* – BMBF). The content of examinations is laid down by regulations of the competent bodies or by ordinances passed by the Federal Government.

Flexible training allows working adults the opportunity for distance learning. Most courses are available through private organisations and offer certification. They are regulated through the Law on Protection of Participants in Distance Learning and in 2010 just over 203,000 people participated. The range of topics is wide and comprises social sciences, Education, psychology, humanities, languages, business and commerce, mathematics, science, technology, leisure, health, Housekeeping, school courses (e.g. B. High school, College student, Abitur) level courses and degree completion as a state-certified business manager, Engineer and translator, computer courses. The main focus is on the area of business and commerce with 25.3% of all participants. The use of ICT as a means for self-directed learning is increasingly important in adult education and training is increasingly important, with many courses wholly or partially online.

Lifelong learning courses are also provided through the Volkshochschule,⁵ organised both nationally, and through each Land. The main courses available are in foreign languages, humanities, business English and IT.

2 Copyright in Germany

Germany subscribes to the Berne Convention. The German the copyright law and related rights are regulated in the Urheberrechtsgesetz Act from 1965,⁶ most recently modified in 2008, to implement EU Directive 2001/29C.⁷

Copyright law in education follows the EU Directives. In 2003, Germany incorporated Article 5, Section 3 of EU Directive 2001/29/C (Making works available to the public for instruction and research. This states:

It shall be permissible for published small, limited parts of a work, small scale works, as well as individual articles from newspapers or periodicals for illustration in

⁵ <http://www.vhs.de/>

⁶ http://www.gesetze-im-internet.de/englisch_urhg/index.html

⁷ <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32001L0029&from=DE>

teaching at schools, universities, non-commercial institutions of education and further education, and at vocational training institutions, exclusively for the specifically limited circle of those taking part in the instruction, or

... exclusively for a specifically limited circle of persons for their personal scientific research to be made available to the public, to the extent that this is necessary for the respective purpose and is justified for the pursuit of non-commercial aims.

This article regulates the copyright law in German schools, so that material can be copied for instruction in schools, but cannot be used outside, e.g. on school-websites. The copyright law is very restrictively used in schools.

Creative Commons licences are used more in universities, but relatively little for schools or VET resources.

3 OER in Adult education in Germany

The lifelong learning courses provided through the **Volkshochschule**⁸ are usually classroom and textbook based. Where textbooks are not available, teachers often compile their own resources but these are rarely shared as teachers are fearful of criticism.

Distance learning courses by universities and private organizations (distance learning institutes) are unlikely to contain OER. Even if a university uses OER in its campus-based courses, these resources may not be available to distance learners, as they are not necessarily enrolled as full university students and university generated resources are not necessarily of good quality.

There has been considerable talk of a portal for OER at national level, but nothing definite has yet emerged. Dr. Dominic Orr reports through the OE Consortium that OER in Germany remains largely a grassroots phenomenon,⁹ though interest is rising. Whilst many countries have been supporting OER through policy interventions over the past 5 years or so, Germany currently has no national strategy for this area. Although interesting OER projects and initiatives are occurring and experiencing success, these – such as **Wikimedia Germany**,¹⁰ **Schulbuch-o-mat**,¹¹ **Book Sprint**,¹² **Serlo**¹³ and **Lernox**¹⁴ – are largely targeted at the schools sector. However, policy discussions on national level are progressing and it is expected that a national policy recommendation on OER will emerge in the late spring of 2015.

MFG Innovation Agency for ICT and Media¹⁵ are one of the partners in a 2014-16 Erasmus+ project **OERup!**,¹⁶ which aims to identify the current status of OER in adult education institutions, raise awareness of the value of OER, create a quality framework for OER and improve the skills of digital professionals involved in delivering adult education. The project is due to deliver a needs analysis as its first major deliverable at the end of March 2015, but this has not yet been released.

Germany has moved ahead quite rapidly in the field of MOOCs, though the pace appears to have slowed recently. The *Open Education Europa scorecard*¹⁷ records 50 MOOCs in

⁸ <http://www.vhs.de/>

⁹ <http://www.oeconsortium.org/2014/11/in-germany-oer-remains-largely-a-grass-roots-phenomenon-but-policy-interest-is-rising/>

¹⁰ <https://www.wikimedia.de/wiki/Hauptseite>

¹¹ <http://www.schulbuch-o-mat.de/>

¹² <http://www.booksprints.net/about/>

¹³ <http://de.serlo.org/>

¹⁴ <http://lernox.de/remix/>

¹⁵ <http://www.innovation.mfg.de>

¹⁶ <http://www.oerup.eu/the-project/>

¹⁷ http://openeducationeuropa.eu/en/open_education_scoreboard

August 2014, but the most recent update (February 2015) only shows 11 active ones. The extent to which the resources are OER is, however, questionable. **Iiversity**¹⁸ is the most significant provider of free online courses, all of which are mapped into ECTS.¹⁹

4 Quality for OER in Germany

The entire school system is supervised by the Federal government, with responsibility for quality assurance delegated to the Länder. Detailed provisions are set out in the Education Acts.²⁰ Quality assurance in in-company vocational training is achieved mainly through laws and regulations and through the recommendations of the board of the Federal Institute for Vocational Education and Training.²¹ The Framework Act for Higher Education²² (*Hochschulrahmengesetz*) sets out quality procedures for universities. In their laws and statutory provisions for the promotion of continuing education, Federation and Länder have formulated general minimum requirements of a structural and quantitative nature for institutions of continuing education and some Länder have adopted specific quality assurance standards in their statutory provisions. In the area of distance learning, the Law on the Protection of Participants in Distance Education²³ (*Fernunterrichtsschutzgesetz*), as well as the control by the Central Office for Distance Learning of the Länder²⁴ (**Zentralstelle für Fernunterricht der Länder**) provides further quality assurance.

However, none of these structures mention OER and quality assurance of OER is largely ignored by the current systems – it remains up to individual organisations to provide their own QA.

¹⁸ <https://iversity.org/>

¹⁹ http://ec.europa.eu/education/tools/ects_en.htm

²⁰ https://webgate.ec.europa.eu/fpfis/mwikis/eurydice/index.php/Germany:Legislation#School_legislation_of_the_L.C3.A4nder

²¹ <http://www.bibb.de/>

²² https://webgate.ec.europa.eu/fpfis/mwikis/eurydice/index.php/Germany:Legislation#Federation_3

²³ https://webgate.ec.europa.eu/fpfis/mwikis/eurydice/index.php/Germany:Legislation#Federation_4

²⁴ <http://www.zfu.de/>