

OBSERVATIONS ON DECISIONS TO ADD AN ADDITIONAL 10 POINTS TO THE RESULTS OF THE 2025 STATE MATRICULATION EXAMS (SME)

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SUMMARY

In July 2025, the SME Assessment Committees (Committees) decided to add 10 points to the final score of each graduate in the 2025 VBE, except for Lithuanian language and literature, without changing the maximum score (100 points). The decisions were taken on the grounds that the 35-point threshold is too high. The decisions have been criticised in the public sphere for potentially distorting the real achievements of graduates, creating unequal conditions for admission to Lithuanian higher education institutions or violating legal principles. The Prosecutor General's Office has started to examine whether there are grounds to apply the public interest remedies provided for in the Law on Prosecution, and a group of members of the Seimas has appealed to the Supreme Administrative Court of Lithuania regarding the legality of the 2025 SME assessment. In order to resolve the problem created by the additional 10 points added to the SME results, the Ministry of Education, Science and Sport (MESS) decided to apply corrections to the calculation of the competition score for admission to Lithuanian higher education institutions (except for the exams in Lithuanian language and literature and the native language).

Having examined the minutes of the Committee meetings, the results of the SME, the statistics provided by the National Agency for Education (NAE) on the number of pupils who took the exams before and after the addition of the extra 10 points, the results of the SME of schools from previous years, and their significance for the education system of the country, we make the following main observations:

1. **Decisions on adjustments to SME results were taken without due consideration of the legislative provisions and the potential impact of the decisions.** The Committees may have exceeded their powers (*ultra vires*) by modifying the examination assessment procedures laid down in other superior legislation. Such interventions call into question the respect of legal and educational principles, as they have undermined the abilities of pupils, created unequal competitive conditions for graduates, and the decision-making process itself has undermined the stability, predictability and reliability of the system of legal regulation and admissions to Lithuanian higher education institutions.
2. **The reasoning of the Committees' decisions on the too high threshold for the SME level of achievement is questionable.** The decision was based solely on the increase in the number of failures, without taking into account other factors such as the higher number of pupils opting for the exams or their level of preparation. The data analysis showed a strong correlation between a school's average SME and the proportion of pupils whose additional +10 points enabled them to pass the exam. This confirms that the difference in results is not only due to the change in the threshold, but also to the overall level of achievement of the pupils. In mathematics, 970 pupils (17% of the total) passed the mathematics B level exam due to the extra points, while 1 670 pupils (14%) passed the A level exam, with a higher proportion of these pupils in lower performing schools.

MAIN OBSERVATIONS

1. DECISIONS ON ADJUSTMENTS TO THE SME RESULTS WERE TAKEN WITHOUT PROPER ASSESSMENT OF THE LEGISLATIVE PROVISIONS AND THE POTENTIAL IMPACT OF THE DECISIONS

- ✓ The Committees may have acted in excess of their powers (*ultra vires*) by deciding to add an additional 10 points to the final results of the relevant SMEs, as they changed and established a different assessment procedure for the relevant SMEs from that set out in the General Curricula for Pre-primary, Primary, Basic, Secondary and Higher Secondary Education (the 'General Curricula'), approved by the MESS, and in the description of the procedure for the organisation and conduct of the State matriculation examinations¹.

The Law on Education stipulates that the body authorised by the Minister of Education, Science and Sport (the NAE) and the municipal executive authority organise tests of the achievement of learning in general education programmes, including the SME. The SME assessments are carried out in accordance with the General Curricula and Descriptions approved by the MESS. The organisation, conduct, assessment and supervision of SMEs, including their individual parts, in the subjects of the secondary curriculum are governed by the Description. A person's matriculation examination scores correspond to the threshold, satisfactory, basic or higher levels of achievement and their limits, as set out in the General Curricula approved by the Minister of Education, Science and Sport. These curricula, the Description and the Instructions for the Assessment of SME Tasks (Instructions) approved by the Director of the NAE lay down the procedures for the assessment of pupils' achievements: the assessment criteria, the point system, the assessment thresholds and their conversion into points, the levels of achievement and their limits.

In the light of the current legal framework, there are reasonable doubts as to whether the decisions taken by the Committees are in line with the purpose of their activities, the powers conferred upon them, and whether they are in line with the functions and powers assigned to the MESS and the NAE, the body authorised by it under the Law on Education, in the context of the principle of the rule of law laid down in the Law on Public Administration. This principle means that the powers to carry out public administration must be conferred on public administration bodies in accordance with the requirements laid down in this Law², and that the activities of public administration bodies must be in accordance with the legal bases set out therein. It is also questionable whether the decisions adopted by the Committees comply with the

¹ V-1187 On the Approval of the Description of the Procedure for the Organisation and Conduct of State Matriculation Examinations (consolidated version, in force from 8 February 2025 to 15 July 2025).

² Article 5(1)(1) of the Law on Public Administration.

constitutional principle of the hierarchy of legal acts, which means that it is prohibited to regulate by means of inferior legal acts those social relations which can only be regulated by means of superior ones, and whether they are in accordance with the rule of law, *inter alia*, with the principles of legitimacy and responsible government, according to which all public authorities must exercise their functions in accordance with the Constitution and the law and must duly exercise the powers granted to them by the Constitution and the law.

- ✓ According to paragraph 7.1 of the Rules of Procedure of the State Matriculation Examination Assessment Committees (the Rules), changes to the thresholds for SME achievement levels (threshold, satisfactory, basic, and higher) approved by the Minister of Education, Science and Sport in the General Curricula are delegated to the Committees. Therefore, such regulation may be considered inconsistent with the principle of the hierarchy of legal acts, where the Rules, which have lower legal force, amend the provisions of the Law on Education, which has higher legal force, and the Minister of Education, Science and Sport transfers the powers granted to him/her by law to a subordinate (accountable) entity.
- ✓ The Committees, in deciding to add an additional 10 points to the SME results, relied on paragraph 7.4 of the Rules of Procedure, which stipulates that the Committee decides on the assessment procedures for candidates' work in unregulated parts of the SME. Since the examination assessment procedures are regulated by the orders of the Minister of Education, Science and Sport, the Description and Curricula approved by him/her, as well as the instructions for the assessment of pupils' work approved by the orders of the Director of the National Examination Centre (these legal acts establish the entities assessing the examination tasks, the assessment principles, the awarding of points, the assessment process and procedures), there are reasonable doubts as to whether the Committees applied the appropriate legal basis when making their decisions. It should be noted that, according to their status and powers, the Committees may only adjust the SME assessment in the case specified in paragraph 7.3 of the Rules, i.e. the Committees may decide not to evaluate a part of the relevant SME task or a separate question (task) when the task contains a printing, reproduction, digital presentation in the electronic task completion system and/or factual error.
- ✓ The provision of paragraph 7.4 of the Rules raises doubts as to its compliance with the principles of law-making, in particular clarity and systematicity. This provision, which gives the Committees indefinite discretion to decide on the assessment procedures for candidates' work in the unregulated parts of the relevant SME, is inconsistent with the provisions of the Description and Instructions, which regulate the assessment procedures, and does not specify the cases in which it applies.
- ✓ The Committees' decisions to add an additional 10 points to the relevant SME results are questionable due to the implementation of the following legal principles:
 - equality, as unequal competitive conditions were created due to state-funded places in higher education institutions between pupils who received additional points and pupils who achieved particularly high results (95 points or more) but did not receive additional points, as well as between previous years' graduates and graduates of foreign education programs who did not receive additional points;
 - the right to higher education based on ability and differentiation of results, which are important in determining the actual academic achievements of pupils;

- legitimate expectations, legal stability, and predictability, because the Committees' decisions changing the SME exam assessment procedure were made after the SME results had been evaluated. Such decision-making may violate the logic of the temporal validity of legal norms. According to established court practice, a legal norm or decision cannot be applied to factual circumstances that arose before its entry into force or adoption without assessing the proportionality and necessity of its application in a specific case; its retroactive effect is not permitted (*lex retro non agit*).
- ✓ Although the MESS assessed the 2025 SME results adjustments, which created unequal competitive conditions for admission to Lithuanian higher education institutions in 2025, and took appropriate decisions, the decision to award an additional 10 points will have long-term consequences for the stability of the admission system to Lithuanian higher education institutions. In the future, higher education institutions and the MESS will have to decide how to ensure fair competition between different cohorts of high school graduates, and the need for constant adjustments will reduce the predictability and reliability of the system.

2. DOUBTFUL ARGUMENTS OF THE COMMITTEES' DECISIONS REGARDING THE EXCESSIVELY HIGH SME THRESHOLD ACHIEVEMENT LEVEL

The minutes of the Committees' meetings state that "<...> the threshold achievement level for the exam is too high" and in order to "ensure equal opportunities for all candidates who took the exam," it was proposed to add 10 points to the final score of each candidate (except for the Lithuanian language and literature exam).

The claim that the threshold level is too high is based on only one indicator – the increased number of pupils who failed the exam – without taking into account other factors that contributed to this: the significant increase in the number of high school graduates taking the SME in 2025, and the preparedness of pupils to take the SME. The annexes to the Committees' meetings do not provide an analysis of how much and which specific indicators (not just the percentage of those who failed) would be closer to or further from the historical dynamics of results under different decision scenarios. This is important in ensuring equal opportunities for different cohorts of high school graduates competing for study places. Furthermore, neither the Committees' decisions nor the analytical statistical information that influenced their adoption indicate what is normally done, whether alternative measures were considered and their possible impact on the structure of results and the long-term stability of the assessment system.

The decision taken by the Committees was based without assessing its impact on the consistency of the structure of achievements.

Preliminary analysis of SME results shows that, without the addition of extra points, the distribution of achievements in 2025 would have been more consistent and closer to the results of previous years than after this year's intervention.

In 2025, the number of SME exams awarded a score of 100, after adding 10 points, increased almost fourfold: the number of state matriculation exams awarded a score of 100 increased from the usual ~1,400 in 2023 and 2024 to almost 5,900. The annual growth in the number of high school graduates awarded 100 marks in different subjects ranged from 1.5 to 40 times. Without the addition of 10 extra points, the number of 100 marks would be lower (around 900) and more similar to previous years' results.

In arguing for the addition of 10 extra points, the Ministry of Education, Science and Sport indicates a lower pass rate than in previous years (without adding points), but it does not disclose the exceptional circumstance that the number of high school graduates who took exams in certain subjects increased significantly in 2025, for example: mathematics (A+B) +19 percent, history +19 percent, biology +47 percent, geography +55 percent. For comparison, the annual change in the number of SME examinees in 2024 was much smaller, with only the number of physics and chemistry SME examinees increasing significantly (13 and 31 percent, respectively) (Table 1).

By adding an additional 10 points, not only was the SME pass rate artificially improved, but the number of SME passers was also significantly increased compared to previous

years (except for mathematics SME, where the number of passers after adding 10 points became closer to 2023) (Table 2).

Although the Committees had the opportunity to assess the reasons for the SME results before making their decision, the argument chosen regarding the excessively high threshold level was not based on a detailed analysis.

The additional 10 points affected most general education institutions: the additional points for the B level SME in mathematics helped 258 schools out of 370 (70%) to pass the exam, and the proportion of pupils for whom the additional points determined whether they passed the SME ranged from 4% to 100% in schools, totaling 970 pupils (17% of all examinees). The extra points for the A level SME in mathematics helped pupils from 294 schools (82% of schools) pass the exam, a total of 1,670 pupils (14% of all examinees).

An analysis of SME results for 2023–2025 shows that the higher failure rate in 2025 was significantly influenced by the increased number of examinees in schools where pupils' SME results were lower. Correlation analysis confirmed a negative and statistically significant relationship between the average SME results of a school and the change in the number of examinees (e.g., mathematics SME: correlation coefficient $r = -0.30$; $p < 0.001$) (Fig. 1). This means that the increase in the number of students choosing to take the exam is more characteristic of schools with lower average results, but this circumstance was not taken into account when arguing for the decision to add an additional 10 points.

The analysis of the results also showed that the largest proportion of pupils who passed the exam thanks to the +10 points came from schools with lower results. A correlation analysis between the school's average SME and the proportion of pupils who passed the exam thanks to the extra points showed a strong negative correlation ($r = -0.66$), i.e., schools with lower average SME scores in previous years had more pupils who passed the exam only because of the intervention (Fig. 2).

These data confirm that differences in exam results are determined not only by the threshold for achievement, but also by structural factors such as the overall level of student achievement. The decision to adjust results based on a limited assessment of indicators and without supporting detailed analysis poses a risk to the reliability of the assessment system.



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