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Regulation of Educational Activities as a Factor in Ensuring the Quality of Higher Education under Restrictions (COVID-19)

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Abstract
The article presents the results of the study of standard-setting activities of higher education institutions (certain aspects of said activities under the conditions of the pandemic). The authors conclude that the conditions of the pandemic and the transition to remote work determined the need for corrections in the legislation governing the activities of educational institutions to maintain the level of quality of higher education. In particular, due to students' mass transition to distance learning, there is a need to create quality standards for distance education and the attestation procedure for universities using blended and distance learning.

Key-words: Distance Learning, Educational Activities, Quality of Higher Education, Standards.

1. Introduction

The introduction of restrictions associated with the COVID-19 pandemic in March 2020 has deeply affected all spheres of life of individuals and society. Such modifications acquire a special significance in the system of public administration. The aforementioned restrictions also strongly influenced the system of higher education as they have reflected on the specific characteristics of the legal status of educational organizations being a part of the public administration system. The present study focuses on presenting certain perspectives of regulating the activities of higher education

institutions in the context of restrictions introduced due to the spread of COVID-19 (Vartanova: 2020).

By the present day, the COVID-19 pandemic has to a certain degree covered all countries of the world and has penetrated virtually all spheres of public life (Alejandro: 2020). The education system is also no exception. The pandemic forced the abrupt transition to distance learning and teaching upon us which many hoped would be temporary. However, the reality of the present demonstrates that the most severe world crisis of our lives followed by dramatic economic consequences has not yet passed. As a result, over 1.5 billion students worldwide (91.3% of the total student population) (Zenkov: 2020) are cut off from their schools and universities. In the current circumstances, state authorities, heads of educational institutions, teachers, as well as students themselves, are hastily adapting to new learning conditions. The transformation of higher education has reached an unprecedented scale and affected over 4 million students and 235 thousand teachers in Russia in the 2019-2020 academic year (Shtykhno et al.: 2020).

The adaptation of various spheres of public life including education to the conditions of quarantine restrictions associated with the COVID-19 pandemic is undoubtedly arousing increased interest among researchers (Matraeva et al.: 2020; Dudin et al.: 2019, 2020). This area of research has already presented quite a lot of studies analyzing the influence of the ongoing pandemic on various aspects of educational activity. It is worthy to note studies by D.A. Shtykhno (2020), S.E. Kaplina (2020), and N.V. Nikulcheva (2020) proposing various options of organizational and legal changes in educational activities determined by the pandemic. However, a clear solution for these issues is currently lacking and new studies similar to the present one focusing on the analysis of trends in the development of education regulation in the current crisis appear highly relevant.

Research hypothesis suggests that in the context of the spread of the new coronavirus infection in the spring of 2020, an urgent need to address the regulatory issues of organizing and implementing universities' educational and management activities in terms of ensuring the quality of higher education has arisen.

2. Methods

Achieving the established study goal and objectives involves the following groups of research methods: – theoretical methods – analysis of legal, pedagogical, and methodological literature and regulatory documents concerning the problem under study; modeling the process of distance learning in educational organizations, systematization of theoretical and experimental data; classification of

selected components and characteristics; – empirical methods: observation – direct and indirect, long-term and short-term; – statistical – accumulation of empirical data (statistical material collection); identification and processing of quantitative and qualitative parameters of the experiment. The accumulation of empirical data involved using official documents from open sources such as official websites of various universities and the Ministry of Education and Science of the Russian Federation.

3. Results

The sphere of education was one of the first to experience the effect of the coronavirus pandemic and responded to the introduced restrictions by transferring all educational activities to distance format. The rapid transition to fully distance learning called for a quick response on the part of public authorities, relevant ministries, and universities and was itself made possible due to the accumulation of experience in the design and implementation of distance education technologies in Russian universities which had started in the middle of 1990s (Andreev: 2013) with the approval of the Concept of Distance Learning and the beginning of experiments in this area of study. The Ministry of Science and Higher Education of the Russian Federation promptly took control of the situation and established its management. The forced transition to using e-learning and distance learning technologies in all educational institutions of higher education of the Russian Federation started with the release of the order of the Ministry of Education and Science of the Russian Federation dated March 14, 2020 No. 398 "On the activities of organizations under the jurisdiction of the Ministry of Science and Higher Education in the context of preventing the spread of the new coronavirus infection on the territory of the Russian Federation" (Order of the Ministry of Science and Higher Education: 2020). From the first days the quarantine restrictions were introduced, the Ministry has launched a "hotline" addressing the transition to mixed and distance learning formats. On March 15 and 16, 2020, the Minister of Science and Higher Education of the Russian Federation Valery Falkov held meetings of the Working Group on the preparation of proposals for organizing the educational process in universities in the context of preventing the spread of COVID-19 in the Russian Federation (a total of eight meetings of the working groups were held) (Shtykhno et al.: 2020). The work involved the entire community of rectors, as well as the specially created Situation Center of the Ministry of Education and Science in which the Ministry constantly monitored the development of the online environment in the context of the coronavirus infection together with the country's leading universities. To ensure legislative regulation of distance learning in the event of a state of emergency, high alert, or an emergency introduced in the Russian Federation or certain

regions of the country, the State Duma of the Russian Federation considered and adopted several amendments to Article 108 of the Federal Law "On Education in the Russian Federation" (December 29, 2012) in an accelerated mode. Besides, the draft law "On Amending Article 16 of the Federal Law "On Education in the Russian Federation" in terms of defining the powers to establish the procedure for using e-learning and distance learning technologies in the implementation of educational programs" was promptly developed and submitted to the State Duma.

Such an extreme transition of higher education to distance learning amid a pandemic gave a rise to many problems.

To successfully report on the implementation of programs in the vast majority of organizations at the levels of universities, colleges, and schools, the process of switching to distance learning was reduced to an elementary level: 1) it was decided to "transfer" the educational process from in-person to distance format with the same schedule of lessons conducted in the form of video conferences; 2) it was decided to provide school and university students with a wide array of links to various Internet resources, platforms with tasks, and video tutorials for them to browse through and understand what to do and how they should be doing it themselves; 3) it was decided to organize the control of students' work in the form of recording the files sent by them to the teacher – specifically, photographs of completed assignments (for grading) (Nikulicheva et al.: 2020). However, in its vast majority, the administration of educational organizations failed to consider simple realities – a personal computer is not included in the compulsory set of supplies for school students (or university student) along with notebooks, pens, and other supplies purchased by parents and funded by payments for large families and other preferential categories allocated by public organizations (Nikulicheva et al.: 2020). Therefore, the problem of the lack of computers for all family members studying and working remotely has become very acute. Meanwhile, accessing educational portals from smartphones significantly limited the use of certain functions of these resources. The problem of equipment with computers and access to the Internet was impossible to resolve in a short period. Considering the facts that the level of Internet penetration in Russia only reaches 76% and only 72.4% of households had a personal computer in 2018 (Federal State Statistic Servise: 2019) while in rural areas, there were only 43 PCs, 54 laptops or tablets, and 107 smartphones per 100 households and in the poorest population group, the degree of equipment reached only 41 PCs, 47 laptops or tablets, and 107 smartphones per 100 households, the transition to the remote format was not always successful. However, this did not lead to the educational process being suspended or individual universities being closed down, as was the case in some countries, for example, in Brazil (Marinoni,

van't Land: 2020) where students' access to the Internet was so limited that some universities were forced to temporarily stop working.

The inequality in technical capacities in the digital sphere is accompanied by the gap in digital competence present both in teaching staff and students. The urgent transition to distance learning has demonstrated the unpreparedness of some educational process participants for the introduction and perception of non-traditional digital teaching methods. This finding can be explained both by the lack of the necessary "digital" competencies and by the absence or inadequacy of technical equipment of new "workplaces" (Shtykhno et al.: 2020). The major part of school teachers, as well as many college and university teachers, do not know how to work in the new distance environment.

A sociological survey of almost 35 thousand teachers conducted by the Russian Presidential Academy of National Economy and Public Administration in April 2020 demonstrated among other things that "the current radical transition to distance education is met by rejection (or dissatisfaction) among teachers which is associated not as much with the level of qualifications as with the disruption of the usual lifestyle and the need to perceive one's workplace differently and look for individual approaches to teaching. The distance education acceptance index demonstrates that there is currently not a single direction of training the representatives of which would support and promote distance education among teachers" (Rogozin: 2020).

The peculiarities of this transition are being actively discussed and covered by various analytical works and expert opinions. The most comprehensive work allowing to summarize the experience of numerous educational institutions is an analytical report "Lessons of the "Stress test": universities during the pandemic and after it" presented in June 2020 (Anisimov et al.: 2020) which was prepared based on studies conducted in several leading Russian universities and analyses "the readiness of the higher education system for a pandemic situation, the actions of universities and the regulator aimed at improving the work of the system, students' and teachers' attitude towards online learning formats, and support measures for them".

Based on this report, it can be concluded that overall, the Russian system of higher education remained functional under the conditions of the pandemic. Moreover, the pandemic promoted the accelerated implementation of digital technologies in the educational process. It can be stated that a digital breakthrough has taken place in higher education. At first, experts were even voicing a strong opinion that the world of higher education will not be the same after the pandemic is over. There emerged an assumption that University 3.0 will be outplaced by the desolate digital University 4.0 (Savitskaia: 2020). However, despite that the Russian education system and its main participants (students and teaching staff) have overall successfully coped with the problems they faced in the

context of the pandemic, a range of dangers of total digitalization of education which can lead to significant risks in this area has become more apparent.

We believe that one of the most significant risks is presented by the risk of a decrease in the quality of educational services, and in this regard, there arises the question of the need to create a procedure for attestation of the quality of distance educational resources of the entire higher education system.

4. Discussion

At present time, the procedures for distance education quality standardization in Russia are strictly hierarchical and include federal laws, acts of the Government of the Russian Federation, orders of the Ministry of Education and Science of the Russian Federation, departmental orders (ministries associated with basic educational programs) and, finally, local regulations which have the greatest weight. The Federal Law "On Amendments to the Law of the Russian Federation "On Education" regarding the use of e-learning, distance learning technologies" dated February 28, 2012, No. 11-FZ allowed using e-learning and distance learning technologies (DLT) in the implementation of educational programs regardless of the forms of education (Dyganova, Yavgildina: 2020; Bondarenko: 2020). In the interpretation of the law, e-learning is understood as "the organization of the educational process using the information contained in databases and used in the implementation of educational programs, information technologies and technical devices allowing to process said information, and information and telecommunication networks ensuring the transmission of information through communication lines and interaction of the educational process participants". This provision opened up prospects for a radical modernization of the extramural form of education and the introduction of e-learning and DLT in the full-time form. It should be noted that the law brought some clarity to the terminology regarding the concepts of e-learning and distance learning but did not provide criteria for the quality of e-courses. The Federal Law of the Russian Federation "On Education in the Russian Federation" dated December 29, 2012, No. 273-FZ consolidated the abovementioned formulations of e-learning and DLT and presented a new methodology for the implementation of educational programs indicating the expediency of a network form of education (Article 15). This form allows attracting the resources of several organizations carrying out educational and other (scientific, industrial, cultural, educational, medical, physical education, and sports) activities including foreign ones. Networked education is possible only with the active use of modern information technologies of which e-learning is a part.

Thus, the regulatory framework currently present in the Russian Federation only covers the most general provisions on the use of distance education in training specialists receiving higher education. However, the insufficient and unclear content and slow improvement of regulations hinder the full realization of the potential of distance education. Improving specialists' training requires developing quality standards for distance education resources and university accreditation standards accounting for the use of these resources (Bondareva et al.: 2020; Gladilina et al.: 2020; Matraeva et al.: 2020).

As an example of the use of such standards, we can review the experience of Canada as a country that occupies one of the highest places in the rating of the quality of higher education (7th place) (Humanitarian portal: 2020).

The national collection of standards "Canadian Recommended E-learning Guidelines" (CanREGS) developed in 2002 comprises quality criteria for the results of e-learning, for teaching and support in the process of e-learning at the university, and for e-learning resources – issues of the content of courses, teaching staff, teaching methods, and quality and budget expertise (Barker: 2002). In 2004, In 2004, the Open eQuality guide was developed on its basis Learning Standards manual was developed based on CanREGS and later handed over to the European Institute for Electronic Learning (EIfEL) for "open" non-commercial use by both universities and public organizations. Moreover, at the beginning of the 2000s, there were other collections of e-learning implementation standards including guidelines for the design, development, and use of e-courses, standards for the quality of education provided to students in foreign countries, collections of best practices in distance learning and continuous professional education, computer literacy standards, etc. In this context, under the auspices of QualitE-Learning Assurance Inc. together with the QualitE-Learning Assurances Services (UK), the eQcheck e-learning quality mark guaranteeing compliance with the international e-learning quality standards was created. E-learning providers all over the world have been using this mark since 2002.

Accreditation of Canadian universities is carried out using the "Principles of institutional quality assurance in Canadian higher education" document developed by the Association of Universities and Colleges of Canada, (AUCC) and applied to both in-person and electronic and distance learning formats. There are accreditation and community provincial organizations involved in regulation and planning regarding the education system including e-learning. Definition of the principles, order, and frequency of accreditation of universities, as well the revision and evaluation of the quality of individual educational programs are carried out at this level. Accredited Canadian

universities have complete autonomy in choosing the study programs and determining e-learning quality standards and regulatory framework. Relevant guides and reference books are publicly available and can be used by educators and administrators in developing, teaching, and evaluating the effectiveness of any course involving e-learning.

To date, there exist seven universities that offer exclusively distance learning and are united by the Canadian Virtual University Association (Canadian Virtual University, CVU). The Association comprises universities the programs of which align with national standards for e-learning (Canadian Virtual University: n.d.) which provides potential students with confidence in the quality of education provided there. Moreover, each university has a distance and electronic learning department. Evaluation of education quality and effectiveness conducted by the corresponding departments of distance and electronic learning is generally composed of the following elements: - mandatory internal audits of all new programs and courses, as well as courses that have been significantly changed; -evaluation of the effectiveness of the schedule and sequence of courses in the program; -internal revisions of courses by the teachers themselves; - student surveys; - revision of programs by external experts. The procedure and results of these audits are publicly available. Evaluation of the effectiveness of electronic and blended courses is conducted following the same quality standards used for courses not involving new technologies and is included in the general regulatory framework. Continuous improvement of the quality of education is ensured not only through external accreditation but also as a result of internal testing of e-courses for compliance with the appropriate standards. Universities publish collections of checklists used by teachers and administration during the development and implementation of electronic courses, as well as in online learning (The eCampus Alberta eLearning Rubric: n.d). The currently functioning Technology Training Centre and the AICT E-Learning Services provide high-quality technical support in developing, teaching, and standardization of e-courses (E-Learning at the University of Alberta: n.d). Thus, characteristic features of standardization and regulation of the quality of Canadian electronic and distance education include the presence of a broad methodological base (standards and user guides); free access to the results of the curricula audit assessment; the lack of state regulation with a high role of regional and university structures; the great role of experts and the professional community in the regulation of the normative base for distance learning and the assessment of learning outcomes.

Table 1 - Comparative Characteristics of Quality Standards for Distance Education in Russia and Canada

Criteria	Russia	Canada
Models for quality assessment and expertise of distance learning	The regulatory legal base is created at the federal level	Non-state system of normative regulation of distance education (experts, professional community)
Quality standardization system, availability of user manual	Incorporated into the general quality management system; hierarchical; carried out by the state	Functions effectively at the level of user manuals, electronic resources accreditation system
Electronic resources accreditation system	Practically absent and presented at the individual level	Developed and implemented at the level of provinces and individual universities
Blended form of learning (hybrid method, blended method)	At the stage of implementation; a definition of "digital pedagogics" is lacking	Widespread and compulsory in postgraduate education

Thus, a common feature of the implementation of distance learning in Canada and Russia is its normative basis for universities, however, the system of quality standards and certification of distance education programs is yet to be introduced in Russian education.

5. Conclusion

The mass use of distance learning methods during quarantine restrictions due to the COVID-19 pandemic has given rise to the need to address several organizational and legal problems of Russian universities. It appears that problems emerging in the process of transition to distance forms of learning can affect the quality of Russian education negatively. Therefore, their resolution has to be carried out along with the introduction of quality standards for distance learning and certification of distance education programs that have proven themselves in world practice. Thus, the hypothesis of the present study is confirmed.

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