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Volodymyr Kravets

The Law of Ukraine “On Higher Education”: Problems and Ways of Integration into the European Education Area

Higher Education System of Ukraine, which functioned in legislative coordinates, adopted during the first decade of state's independence, generally satisfied society during the next ten years, since humanization and democratization of higher education, work of private schools, leveled education, a system of licensing and accreditation of higher educational establishments, decentralization and regionalization of educational administration, a new structure of training fields of study and specialties, a great influence of public on decision-making in the sphere of education policy, etc were gradually normalized.

However, higher education and science still remain to be a sphere of economic activity, allowing Ukraine, keep a stable position right in the middle of world ratings (Global Innovation Index, development of Higher Education, Global Competitiveness Index, the availability of high-quality research institutions, scientists and engineers, etc.). *Over 20% of total funding of the scientific research sphere is provided by foreign customers. This fact states to high demand on research done by the Ukrainian specialists.* The Ukrainian science holds a great opportunity for international scientific

and technological innovative cooperation and civilized integration into the world science technological environment. Besides, Ukraine is among top 20 countries of the world by number of students and post graduate students coming from abroad.

In the meantime, there gradually developed disparities between education, science and economy in Ukraine. Degrading economy caused a considerable decrease (-37%) in *professionals' training according to innovative and creative model* (development of new technological structures). This was done in favor of *intellectually low reproductive education* (maintenance of old technological structures and provision of services), which lowered the *educational qualification of the Ukrainian nation*. Thus, at the beginning of the new millennium, there was formed an urgent need for reorientation of the national system of higher education and science to form such human resource, which would provide innovative development of the country through close cooperation of higher education, science, business and government.

The recently adopted Law "On Higher Education" has the following goals: to adjust higher education in Ukraine to the European standards, increase the competitiveness of universities and science; to increase the level of employers' demands of graduate's knowledge and skills; to develop opportunities for research work at universities; to considerably expand the autonomy of higher educational institutions of Ukraine; make clear rules for admission at universities with a clear definition of the significance of the Independent Testing System (ITS).

The main positions of the new law, as well as the changes at higher educational institutions of Ukraine, which they determine, will be mentioned in the next paragraphs.

Position 1. Ensure a fair and transparent access to higher education. Admission rules will be made at a higher educational institution, and will no longer need an approval by the Ministry of Education and Science. Number of applications for admittance will be unlimited (this position is strongly resisted by universities, though, because it will cause an enormous workload for admission committees, as well as difficulties during the admittance process, and require additional expenses). Admittance of graduates of comprehensive schools, technical schools or colleges at higher educational institutions will be carried out according to the ITS results, passed in the year of entry. According to the Law, in 2015 it became obligatory to take an ITS exam before applying for higher education.

As for ITS, the following points should be mentioned: a) ITS must be *compulsory* for all graduates, applying for a “Bachelor’s” degree; b) the minimum number of subjects for ITS is 2-3, including the Ukrainian language and literature as an obligatory one; c) Former ITS subjects “World Literature” and “World History” will be excluded from the list; d) there will not be any previously applied *restrictions as to the minimum number of ITS points* (124, 140, 170), qualifying/disqualifying a graduate for participation in an admittance competition. The new system of assessment comprises the principles in obtaining 100 points, which for all applicants will mean – “passed” or “failed”. Specific and/or additional requirements for the number of ITS certificates points may be established by universities. The applicants will be eligible for admittance competition as long as they provide ITS certificates (minimum of 2) in the subjects, required by a target university. For each subject criteria rate may vary. Universities have a right to apply a so-called “*weight coefficient*” (“coefficient of importance”), which may be used along with ITS certificate grades. For example, in the process of admission competition entrant’s score is calculated by adding the score of ITS certificates, score of creative assignments, the average score of the School Graduation certificate, and extra points, awarded to winners of Olympiads (competitions in knowledge of subjects), participants of Small Academy of Sciences (Mala Akademiia Nauk), graduates of pre-university training courses, taking into account coefficients with a sum which equals to “1”. The “weight” of each subject or extra points may vary at different universities; d) The Law gives more autonomy to the universities. In this regard, the *universities choose among the ITS subjects* the ones to be eligible in applying for a certain specialty. That’s why, the same specialty at different universities may require ITS certificates in different subjects; e) providing every graduate with an opportunity to have tests in 3 subjects (the Ukrainian Language and Literature, Mathematics, Foreign Language), each of *two differentiated levels*. A university will define kinds of ITS certificates (and the levels) to be required for this or that specialty; f) in the future, the Graduate Tests at schools and ITS exams will take place at the same time; in the process of admittance competition each ITS certificate will count at least 20% of the entrant’s final score points, School Graduation certificate – not more than 10% of the final score, awards in various Olympiads and contests – not more than 5% of the final score, creative assignments and/or physical training at some universities – not more than 50 %. By submitting the original documents an applicant confirms the destination

university and specialty and thus no longer participates in any admittance competition, since all his/her applications at this time are automatically cancelled; priorities and privileges in admission of rural youth according to the new Law are no longer provided. Perhaps it is right, especially when it becomes a feeder for educational officials. On the other hand, the target method greatly simplified employment of university graduates; in the list of documents to be attached to the application, there will no longer be a medical certificate (086-o); admission at Master's program on obtaining Bachelor's degree will be carried out according to the results of entrance examinations.

The Law gives a new, slightly different interpretation of the term *"state scholarship"* – it is not purely a means of state regulation in meeting the needs of the economy and society for qualified workers, but also a tool to enhance the educational and scientific potential of the nation, a way to ensure citizens' constitutional right to get education in accordance with their issues, interests, and, what's of biggest priority, skills.

School graduates will choose a specialty and the university at the stage of passing ITS. The rating of applicants will be made according to the ITS results. Top applicants in such rating will get the opportunity to study for free, since the state will pay the university they enter for their professional training. Thus, the ratings of professions and universities are determined automatically according to the preferences of applicants. *Higher educational establishments will compete to admit as many top students as possible, and in this way to get more funding from the state.* Herewith, private universities will also have an opportunity to get scholarships financed by the state. Up to 5% of state scholarships in every specialty will be given to school graduates who have legal privileges. In the mentioned context, there should also be mentioned some risks: – it is *not always an objective school graduate's choice*, since it is often made due to an image factor, rather than real indicators of the quality of an institution; the distribution of the quantity of state scholarships among the specialties and fields of study is centralized. Besides, *medium-term forecast of Ministry of Economy concerning the needs of the labor market are also not* objective enough, *because* they are based on current figures, which come from employment services, without taking into the account any prospects. In their turn, employers are naturally not able to predict future situation in this regard. Another weak point of the new system may be *benefits for research universities*. The questions about the amount of money, which the state will pay for one student, remain unresolved.

Position 2. Provide students and teachers with academic mobility, which universities should have guaranteed as members of the Bologna process. In this regard, the Law makes possible: 1) the choice of subjects provided by educational program and curriculum, in an amount, which is not less than 25% of ECTS credits, determined for certain level of higher education; 2) simultaneous studying at several educational programs, as well as at several universities. State scholarship can be granted only once to one and the same student; 3) academic mobility, home and abroad; 4) insurance period, according to the Law of Ukraine "On Compulsory State Pension Insurance", will include periods of full-time study at higher educational institutions, postgraduate and/or doctoral studies. This will be a case, providing the voluntary insurance payments are made; 5) participation in the formation of individual study curriculum; 6) free of charge internships at enterprises, institutions and organizations, and payment for carrying out professional duties, in accordance with the law; 7) appeal against the actions of the management of higher educational institutions, and their staff; 8) students, entering the university in 2015, will study not more than 6 subjects (now they do about 11) per semester.

Paragraphs 4, 6 and 7 of Article 62 very clearly and unambiguously declare students' rights to get a stipend and other issues in this regard. It concerns students who have their study paid by the state. Unfortunately, the appropriate working conditions for teaching and research staff have not yet been provided. Enormous workload, low salary – it all makes our professors and associate professors in advance uncompetitive in the global education and research environment. Rare exceptions still prove the rule. The law prohibits the Ministry of Science to intervene the regulation of matters within the autonomy of higher educational establishments and strongly defends the rights of teachers, such as limiting academic workload. Starting with 2015 the teachers' load will be decreased from 900 to 600 academic hours. At the same time teachers and staff salary will not be changed. This will give teachers more time for scientific work, and reduce the amount of additional subjects, which were necessary to simply "fill the missing hours".

Position 3. Decentralization of management and implementation of real academic autonomy. According to the new law, every university gets a right to implement its own educational and scientific programs. Higher educational institutions will award scientific degrees to scientists. State will only accredit specialized scientific council and examine appellations (if any) against their decisions. Universities will decide whether or not

foreign diplomas and degrees are recognized and thus valid in, for example, applying for a job at their departments. Students of higher educational institutions will be able to obtain a university and state diplomas.

Scientific Council will be able to carry out the procedure of notification. Up to now it has been very difficult to invite a visiting professor, or even a laureate of the Nobel Prize to teach at a university, since it implies a long-term bureaucratic procedure.

New mechanisms in universities' self-governance are suggested. For example, *the direct election of the rector*. Thus, all members of the staff and representatives of the student's self-governance (up to 15%) will have a right to vote. *The role of the student's government* will significantly increase. Not only will it protect the rights and interests of students, but also students will get a right to come out on strikes, suggest changes in the curriculum. The students' self-governance will get access to 0.5% of the total financial income of a university.

Position 4. Financial autonomy of universities. Under the new law universities can open their own accounts, take loans, manage property, including land. They will be able to establish Science Parks and enterprises, dealing with science and/or innovations. Universities will manage their own income, tuition, which will no longer be sent to the state or local budgets. Each university will be able to establish sustainable fund and use passive income from it, transfer money abroad to participate in scientific and educational associations.

Position 5. External independent evaluation of the quality of higher education. Along with increasing the autonomy of universities the system of independent evaluation of the results of their work will be introduced. In particular, instead of the Ministry of Education and Science of Ukraine, regulatory functions will be performed by a collective body – **the National Quality Assurance Agency for Higher Education**. The idea is that higher educational institutions should be licensed and accredited by carefully selected professionals with an impeccable reputation. For evaluation and providing a quality higher education new independent institutions will be established.

Position 6. Return science to higher educational establishments. A lot has been said about university science, but in the first 20 years of the Ukraine's independence universities, generally, didn't become powerful research centers. In such situation they will not be able to get to the top position in the international ratings. New mechanisms for fair competition in scientific work will appear on condition that, in terms of financial

autonomy, a reactor has a possibility to invite a world-known scientist for a joint scientific research, gets a right to provide a leading scientist at his/her university with a decent salary, reduce his/her teaching workload. By 2018 the state must implement a guaranteed target funding for scientific research at universities with a status of national or research ones.

Conditions of *doctoral thesis defense will be changed*. The results of scientific articles and opponents' reviews will be placed on the university's website before the thesis defense. The defense will be public, and anyone will be able to make a video or audio recording of the procedure. In accordance with paragraph 2 of Part 6 of Article 6 of the Law, detection of *academic plagiarism* in a doctoral thesis or scientific report will be a reason to cancel a decision of the Scientific Council on awarding an academic degree or diploma.

Position 7. The integration of the Ukrainian universities into the world educational environment. Ukraine should be a desirable place for studying, teaching and scientific research, but to get this we should be recognizable and use clear terminology. The law suggests removing barriers of bureaucracy in the process of foreign diplomas and academic degrees recognition, and authorizes the scientific and educational institutions to run this procedure. Thus, they will compare learning outcomes, amount of academic hours, credits etc. at other higher educational establishments, including foreign, to those in their curriculum. The prerequisites for internationalization of higher education in Ukraine are the following: an ability to accumulate and transfer credits; compatibility of curriculum; financial support. The mechanisms of internationalization are: the European system of credits' transfer and accumulation; Qualifications Frameworks in the EHEA; Supporting programs (ERASMUS, TEMPUS, ERASMUS Mundus, DORL). The advantages of internationalization of higher education are the following: increase of access to higher education, introduction of international quality standards; expanding and strengthening of international cooperation, activation of academic mobility. The forms of internationalization are: the convergence of higher education and mechanisms of international mutual recognition (ECTS, Diploma Supplements) ; integration of educational standards (cultural studies, foreign languages, comparative studies, comparative pedagogy, etc.) into the curriculum in the international dimension; institutional and program mobility - transnational education (virtual universities, joint programs, internship programs, practice, programs of summer language schools, distance learning programs, franchising programs, writing a

research work at a partner university).

Position 8. Optimization of the higher educational institutions' network. The current network is much bigger than it is needed by the state (there are 96 universities in the UK, 78 – in France, 65 – in Italy, 47 – in Spain and 325 – in Ukraine).

In the process of *natural optimization* of the network of higher educational institutions and improvement of its management it will be possible to provide a single common state approach to development of a level system of education, national system of monitoring the quality of higher education, increasing students' mobility and their competitiveness at labor market.

Position 9. Improvement of quality of educational work at universities. Higher education system in Ukraine nowadays is often called "a system of awarding diplomas to citizens", and university graduates are often called "people with a diploma", rather than "a qualified specialist". Implementation of credit and modular learning system hasn't reached any success yet. Ministry of Education and Science of Ukraine has recently canceled its Act #774 of December 12, 2005, which ordered all universities to implement credit and modular learning system in educational process of certain specialties and other documents that had been defined by this Act. The Ministry of Education and Science of Ukraine states, that final assessment is unreasonable, (especially when the study of a course ends with examination) when it is made only by summing the grades, a student gets during the term. Thus, the Ministry recommends to distribute points, which make the final grade in the way, that a number of them will be left to get at an exam. The correspondent ratio will be up to teachers. For example, test papers (seminars) will make 60% of the final grade, whereas 40% will be left for an exam.

Educational standards are treated in terms of learning outcomes. *Individual learning trajectory* – it is not a choice of certain subjects. Nowadays we talk about the European transfer and accumulation system, which consists of *credit and transfer* (transfer of educational content, transfer of the amount of training, transfer of assessment results) and *credit and accumulation* (accumulation of learning outcomes, accumulation of credits) *systems*. The processes of accumulation of learning outcomes and accumulation of credits are differentiated.

The complex of problems of higher education quality assurance, and thus the competitiveness of the Ukrainian universities involves *modern teaching methods*, including *learning through research and effective individual*

work, foundation of new, virtual laboratories, gradual decrease in reproductive component of teaching (for example, by locating educational resources in the university's intranet) and increase in requirements to students' individual work (for instance, a student must come to any kind of classes, having previously read the necessary material). In the process of the development of new elective courses, spheres of teachers' scientific interests may be taken into account, but they can not be predominant. *The curricula and programs should be focused* on a student rather than a teacher. *Such is one of the ways to apply a student-orientated approach in the curriculum formation.*

The *assessment procedures* should follow the following requirements: they should be performed by more than one teacher (especially, when this is an exam), have clear and transparent grading criteria, which are known by students in advance, consider clear regulation of student's absence for various reasons; be comparable within the University; easily be subject to internal (and, if necessary, external) expertise; provide students with feedback (every student should be able to find out what, when and how made his/her grades); formation of a set of tasks to monitor students' knowledge of subjects, studied in the previous semester(s). Thus, these tasks should check students' professional skills and competences. It is necessary to conduct *minimization of content*, which in terms of curricula, implies singling out an educational core, containing obligatory subjects, which are to be studied in any foreign country. Only in this case can mutual recognition of basic, common component of education be made. Also, national and regional components should be included into curriculum. In this regard, minimization of academic workload in development of new standards should be supplied by means of the following: a) *reduction by 3 times the number of ECTS credits for studying subjects of social and economic cycle*, reduction by their number; b) *reduce the number of theoretical disciplines of professional training*. Qualitative knowledge is not possible, if students study 10-15 courses in one term. In-class work should take approximately 15-22 hours per week (on average 3-5 hours a day), and its part reduces with the transition to senior courses (first year – 22 hours, second year – 20 hours, third year – 18 hours, fourth and fifth years – 15 hours). Another part of student's training should be done in libraries, computer classrooms, enterprises, etc. c) amount of hours in one *ECTS credit* reduces from 36 to 30; d) rejection of *disciplinary thinking* in curriculum development. In this regard, *teacher's readiness to innovative changes should be formed.*

Position 10. Improvement of licensing and accreditation system. Regulatory framework for licensing has undergone significant changes in the light of the Law. In particular, requirements for scientific work of teachers and their involvement in international research projects increased. Instead, number of required for licensing documents will be decreased.

Position 11. The development of new educational standards. In the light of the law *standards of higher education will only present learning outcomes, that is a set of graduate's knowledge, skills, and competences, expected to be formed in the course of study.*

Position 12. Transition to a new structure of professional training. Under the new law, training of specialists in higher education will be held on the following levels: 1) the initial level (short cycle) of higher education; 2) the first level (Bachelor's); 3) the second level (Master's); 4) the third level (educational and research); 5) scientific level. Accordingly, there will be 5 degrees: *Bachelor Jr.* (90-120 ECTS credits); *BA* (180-240 ECTS credits); *Master's* (90-120 ECTS credits); *PhD* and *Doctor of Sciences*. The specialist's degree will be canceled. All current PhDs (former Candidates of Sciences) will be able to obtain new, Doctor of Philosophy diplomas. Bachelor's, Master's and PhD are relevant to the European classification of scientific degrees. This fact will promote mobility of the Ukrainian students and scientists. Higher educational institutions will no longer have levels of "accreditation", since they will be divided into the following types: *universities* (universal educational establishments), *institutes, academies* (providing education in certain field(s)) and colleges (providing training for a junior bachelor's degree).

The Author

Volodymyr Kravets
Doctor of Sciences (Pedagogy), Professor,
Academician of the National Academy
of Pedagogical Sciences (NAPS) of Ukraine,
Rector, Volodymyr Hnatiuk
Ternopil National Pedagogical University,
Ternopil, Ukraine
e-mail: v.kravets@tnpu.edu.ua

Abstracts

ВОЛОДИМИР КРАВЕЦЬ. Закон України «Про вищу освіту»: шляхи інтеграції у європейський освітній простір. Проаналізовані основні позиції нового закону України «Про вищу освіту» і зміни в змісті та методах роботи національних університетів, детерміновані ним. Особлива увага приділена проблемі імплементації закону в роботі вишів, шляхам інтеграції вищої освіти у європейський освітній простір.

Ключові слова: закон, університет, якість освіти, оптимізація, стандартизація.

WOŁODYMYR KRAWEĆ. Ukraińska ustawa „O szkolnictwie wyższym”: droga integracji do europejskiej przestrzeni edukacyjnej. W artykule przeanalizowano podstawowe założenia nowej ustawy Ukrainy “O szkolnictwie wyższym”, w tym zmiany w działalności uniwersytetów narodowych. Szczególną uwagę zwrócono na problem implementacji prawa w pracy uczelni w celu integracji szkolnictwa wyższego Ukrainy do europejskiej przestrzeni edukacyjnej.

Słowa kluczowe: prawo, uniwersytet, jakość edukacji, optymalizacja, standaryzacja.

ВЛАДИМИР КРАВЕЦЬ. Закон Украины «О высшем образовании»: пути интеграции в европейское образовательное пространство. Проанализированы основные позиции нового закона Украины «О высшем образовании» и изменения в содержании и методах работы национальных университетов, детерминированные ним. Особое внимание уделено проблеме имплементации закона в работе вузов, путям интеграции высшего образования в европейское образовательное пространство.

Ключевые слова: закон, университет, качество образования, оптимизация, стандартизация.

VOLODYMYR KRAVETS. The law of Ukraine “On Higher Education”: problems and ways of integration into the European Education area. In the article the main items of the new law and the changes in the content and working methods of the Ukrainian universities determined by it are analyzed. The particular attention is paid to the problems of implementation of this law in the work of educational institutions by means of integration of the higher education into European Higher Education Area.

Key words: law, a university, the quality of education, optimization, standardization.