

**ISCKMC 2020****International Scientific Congress «KNOWLEDGE, MAN AND CIVILIZATION»****RUSSIAN LEGISLATION ON DISTANCE LEARNING IN HIGHER  
SCHOOL: TRENDS AND PROSPECTS**

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**Abstract**

The global crisis transformation caused by the COVID-19 pandemic has fundamentally changed standards and radically updated the education system around the world. Currently, almost all Russian and foreign educational organizations are involved in the learning process, which is carried out through distance learning technologies. The article analyzes the regulatory framework for the use of distance learning technologies in the implementation of higher education programs. The system of legal regulation of education includes a significant number of normative acts of various levels and directions, which constitute a multi-level and complex structure. Currently, the system of laws and other legal acts on educational activities is increasingly expanding and improving. The advantages and disadvantages of the current legislation in this area are noted. The national education system, as the main resource of social progress, should be built on the basis of progressive legislation that has absorbed the best practices of domestic and world science and practice in the field of education. That is why it is necessary to improve the norms and provisions of the main branches of law affecting the education system. The article discusses the development of the relevant local regulations by educational organizations. The conclusion is made about the need to analyze the legal regulation of distance learning in educational activities.

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*Keywords:* Legislation, legal regulation, distance learning, distance learning technologies, local statutory acts, higher education



## **1. Introduction**

The greatest risk of the 21st century is the COVID-19 pandemic, the depth and scope of which is colossal. The global crisis transformation has radically changed standards and radically updated the education system around the world. Global risks are becoming a new challenge for modern universities, and their development strategies will largely be determined by the balance between society's need to meet increasingly complex problems and improving the research and creative potential of the university as a socially oriented institution (Neborskii, 2017).

The need to improve and modernize the education system in Russia has long been beyond doubt. In modern society, practically all aspects of social development depend on the level of development of education and its quality. Reforming this system should combine the search for the optimal match between the established traditions in the domestic higher education and new trends associated with the crisis situation.

In the consolidation of the Russian society, a key role is assigned to the education system, which is designed to ensure the spiritual and moral development and upbringing of the individual in order to form his/her civic consciousness, the acceptance of universal values by the citizen. Educational institutions are called upon to educate citizens and patriots, to reveal the abilities and talents of young Russians, to prepare them for life in the high-tech competitive world. At the same time, educational institutions should constantly interact and cooperate with other subjects of socialization, relying on national values and traditions (Khunagov & Zhade, 2014).

## **2. Problem Statement**

The relevance of the problem under study is confirmed by the fact that in the light of the current situation associated with the pandemic, the entire education system was forced to adapt to new conditions and switched to the use of distance learning technologies (hereinafter referred to as DLT), introducing advanced technologies into the learning process. "A distinctive feature of education in the 21st century is the ubiquity of distance learning technologies and e-learning (Electronic Learning, E-learning) – learning using information and electronic technologies, learning using the Internet and multimedia" (Kozyrin, 2015).

One of the important aspects of the use of DT, which are implemented through information and telecommunication networks in the educational process, is its legal regulation.

## **3. Research Questions**

Legal regulation of distance learning in higher education.

1. Distance learning in higher education as an object of legal regulation.
2. Distance learning as an integral part of the modern higher education system.

#### **4. Purpose of the Study**

Analysis of the regulatory framework of education using distance learning technologies in educational institutions of higher education.

#### **5. Research Methods**

The methodological basis for the analysis of the regulatory framework for DLT was formed by the key provisions of the systemic and integrated approaches. In the context of the systems approach, SDL (hereinafter – SDL) is defined as a complex multifunctional and multi-level open-type system. Therefore, its legal regulation, which also consists of levels, which has a hierarchy and independent components, is important to view in their relationship. This makes it possible to identify not only general systemic properties, but also the qualitative characteristics of the modern regulatory framework, to determine their functional purpose. Within the framework of the integrated approach, the analysis will allow us to construct the relationship of various heterogeneous elements of the analysis: levels of the regulatory framework; types of documents; sources of rule-making. An integrated approach will ensure the integrity of the analysis process and its results, since it focuses on a comprehensive study of objects and the completeness of their content.

#### **6. Findings**

The system of legal regulation of education includes a significant number of normative acts of various levels and directions, which constitute a multi-level and complex system. The fundamental laws of the Russian Federation regulating relations arising at all levels of education, establishing the normative basis for the activities of educational institutions of all levels and types, all subjects of the educational process, as well as issues of educational policy in general, include the Constitution of the Russian Federation.

One of the significant priorities of the state policy of the Russian Federation is the construction of digital education, which is fixed in such strategic documents as: Decree of the President of the Russian Federation of 09.05.2017 No. 203 "On the Strategy for the Development of the Information Society in the Russian Federation for 2017–2030"; Resolution of the Government of the Russian Federation of 18.04.2016 No. 317 "On the implementation of the national technological initiative"; Order of the Government of the Russian Federation of July 28, 2017 No. 1632-r "On approval of the program "Digital economy of the Russian Federation" (section 2 – "Personnel and education "); Priority project in the field of "Education" "Modern digital educational environment in the Russian Federation" (approved by the Presidium of the Council under the President of the Russian Federation for Strategic Development and Priority Projects, Minutes No. 9 dated 10.25.2016).

The system-forming normative act regulating educational activities in the Russian Federation is the Federal Law of December 29, 2012 No. 273-FZ "On Education in the Russian Federation" (hereinafter – Law No. 273-FZ), one of the main principles of which is to transfer the learning process into a civilized legal format in all details and directions. The Law singles out separate norms on the use of

DLT in the educational process. It is established that when implementing educational programs using exclusively DLT in an educational institution, conditions must be created for the functioning of an electronic information and educational environment that ensures the development of educational programs by students in full, regardless of their location.

In accordance with Article 16 “Implementation of educational programs using e-learning and distance learning technologies” of Law No. 273-FZ “distance learning technologies are educational technologies implemented mainly with the use of information and telecommunication networks with indirect (at a distance) interaction of students and teachers” (Federal Law “ On Education in the Russian Federation ”).

Distance learning (hereinafter – DL) in the Russian Federation is regulated mainly by departmental regulations, that is, acts of ministries and departments. It is carried out by the competent state bodies through the adoption of appropriate regulatory legal acts. This means that these acts should not contradict the federal legislation of the Russian Federation on education, they are necessarily subject to state registration with the Ministry of Justice of the Russian Federation and are accepted only on issues specially delegated to a specific ministry (the Ministry of Science and Higher Education of the Russian Federation).

Currently, DL is one of the most popular and promising areas in the education system that requires legal regulation. For its organization, educational institutions organize special educational portals, which are resources with educational materials, assignments to be done individually, self-examination tests and many other materials. As it is known, this became possible thanks to the development of information technologies and the Internet. The basic principles on the basis of which the SDL are created are the following: accessibility of education; the use of a large amount of additional reference information; the use of new forms of presentation and organization of information, ensuring the maximum degree of its perception; reliability of knowledge certification.

Analyzing the legal foundations of DLT in Russia, we will list the main regulatory legal acts that govern this area of educational activity. The first step was the Concept for the Creation and Development of the Unified System of Distance Education (USDL), which was approved by the Decree of the State Committee of the Russian Federation for Higher Education No. 6 dated 05/31/1995. Subsequently, an instructional letter No. 41 dated 07/03/1998 “On distance learning in secondary and higher professional education” and the order of the Ministry of Education and Science of the Russian Federation “On an experiment on the use of television technologies in the system of general education” dated May 16, 2000 No. 1434.

The federal executive body responsible for the development of state policy and legal regulation in the field of education is the Ministry of Education and Science of the Russian Federation (since 2018 – the Ministry of Science and Higher Education of the Russian Federation). The main regulatory departmental acts in this direction were the Orders of the Ministry of Education of the Russian Federation: dated December 18, 2002 No. 4452 "On approval of the Methodology for the use of distance learning technologies (distance learning) in educational institutions of higher, secondary and additional professional education of the Russian Federation"; dated 19.01.2004 No. 157 "On the procedure for checking the readiness of educational institutions of secondary, higher, additional professional education

for the implementation of educational programs with the full use of distance learning"; dated 11.06.2004 № 01-17 / 05-01 "On the use of distance learning technologies in educational institutions of higher, secondary and additional professional education"; dated 06.05.2005 No. 137 "On the use of distance learning technologies"; dated 18.04.2007 No. 117 "On the Council for Distance Education Technologies at the Federal State Institution "Federal Institute for the Development of Education"; dated 23.08.2017 No. 816 "On approval of the Procedure for the application of e-learning, distance learning technologies by organizations carrying out educational activities in the implementation of educational programs".

The norms of the "Procedure for the Application of E-Learning and Distance Learning Technologies in the Implementation of Educational Programs by Organizations Engaged in Educational Activities", approved by order of the Ministry of Education and Science of the Russian Federation No. 2 dated 09/01/2014, states that educational organizations: "provide educational and methodic assistance to students, including in the form of individual consultations provided remotely using information and telecommunication technologies; independently determine the volume of the classroom load and the ratio of the volume of classes conducted through the direct interaction of the teacher with the student, and training sessions using e-learning, distance educational technologies; ensure the level of training of pedagogical, scientific, educational support, administrative and economic workers of the organization for additional professional programs corresponding to the applied technologies".

The Parliament of the Russian Federation assigns a huge role to the issues of legal regulation of education. In 2014, the State Duma of the Russian Federation held parliamentary hearings "Regulatory support for the implementation of educational programs using e-learning and distance learning technologies", the recommendations of which provide a list of regulatory legal acts governing the use of DL and DLT in educational institutions; the key tasks are outlined, "the solution of which can have a significant positive impact on the rate of development of e-learning and ensure the formation of the e-learning industry, combining the activities of educational, industrial and IT companies and providing the preparation of competitive domestic educational content, competitive domestic solutions in the field of educational technologies and educational open e-learning services at all levels of education".

Despite the fact that the regulation of the most important aspects of educational policy is carried out by a variety of regulatory legal acts of various levels, the task of systematizing educational legislation remains relevant. Currently, the system of laws and other legal acts on educational activities is increasingly expanding and improving. The latest regulatory legal act governing DLT is the order of the Ministry of Science and Higher Education of the Russian Federation dated 14.03. 2020 No. 397 "On the organization of educational activities in organizations implementing educational programs of higher education and the corresponding additional professional programs, in the context of preventing the spread of a new coronavirus infection in the Russian Federation," in which the Ministry in connection with the unfavorable situation of a new coronavirus infection (COVID- 19) recommended that universities organize student training using digital educational technologies outside the location of organizations. The order emphasizes: "when implementing educational programs, provide for the use of various educational technologies that allow for the interaction of students and teaching staff indirectly (at a distance), including using e-learning and distance educational technologies" (RF Government, 2020, para. 7).

Digitalization of all spheres of public life is becoming a serious challenge for the state as an institution of public authority (Plotichkina et al., 2020). On May 15, 2020, a draft law on distance learning was introduced to the State Duma of the Russian Federation, clarifying the powers of the Ministry of Education and the Ministry of Science and Higher Education. The bill elaborates the necessary legislative amendments for cases when distance learning is the only way to ensure the continuity of education in the context of the introduction of a high alert or emergency situation (Bill No. 957354-72).

Based on the content of the legislation in the field of DLT, it can be concluded that the fundamental features of the provision of this type of education, its support by authorities at various levels, are preserved. The laws and by-laws in force in Russia establish the legal basis for the implementation of educational programs of higher education with the use of DLT, as well as certain principles according to which they should be applied.

The analysis of the existing regulatory framework for DLT in Russian universities revealed problematic aspects associated with the inadequacy of legal norms and the weak development of the regulatory framework for DLT (regulation of requirements for educational and methodic materials, systems and process of administration of distance learning, information support for DLT, electronic libraries, training of tutors and teacher-tutors, etc.) (Avksentieva, 2014).

From the above, we can conclude that the regulatory support of an educational organization is the main component of management. The complex legal environment in which an educational institution operates requires it to monitor changes in legal norms at various levels. Timeliness, promptness, completeness and accuracy of information presentation are considered to be the basis for the quality of management decisions. Only under the condition of successful digital inclusion the possibilities of the generative space, which is the Internet, will be fully realized (Plotichkina et al., 2020).

Most of the issues related to SDL are resolved by local regulations of the university, this process should be systemic in nature, contribute to the overall process of introducing distance technologies. As it is known, local acts of an educational organization are legal documents based on legislation, officially adopted in the prescribed manner by the competent management body of the educational organization and regulating relations within the framework of this educational organization.

Laws adopted at the federal level establish the general direction of development and regulate general issues in the field of education, which are further developed in the legislative acts of the constituent entities of the Russian Federation, taking into account the peculiarities of the regions.

The Republic of Adygea has experience in implementing innovative projects in the educational sphere. In the "Strategy of the socio-economic development of the Republic of Adygea until 2030", the main goal of which is to determine the ways and means of ensuring a sustainable increase in the well-being of the residents of the Republic of Adygea, the dynamic development of the economy of the Republic of Adygea in the long term, it is emphasized that "in the field of education of the Republic of Adygea at present there is a need for online learning, this is due to the lack of qualified teachers in rural areas. Distance learning in the Republic of Adygea is also aimed at teaching disabled children who have no contraindications for this type of education".

Regulatory support of educational activities at ASU, on the one hand, performs general functions that are inherent in the federal level of the regulatory and legal framework, on the other hand, private ones, which are guided by legal regulation and streamlining of relations between the subjects of the educational process at the university.

On the basis of the Adyghe State University there is a website, which includes normative legal documentation and local acts regulating both the educational process and the activities of the educational organization as a whole. On 25.12.2019, the ASU approved the "Regulations on the electronic information and educational environment of the Adyghe State University", the main tasks of which include "ensuring the possibility of conducting all types of classes, procedures for assessing learning outcomes, the implementation of which is provided using e-learning and distance learning technologies".

By the order of the Rector of March 16, 2020 No. 45 "On the organization of the educational process of FSBEI HE "ASU "in the context of preventing the spread of a new coronavirus infection", the university switched to e-learning using distance learning technologies. The teaching staff of the university continues to conduct classes according to the approved schedule, but without contact between students and teachers in the classrooms. For the period when the threat of the spread of a new coronavirus infection exists, lectures and seminars are conducted through the use of the university electronic information and educational environment, to which students are connected through personal electronic devices.

This educational institution has accumulated specific experience in the use of DLT, the organization of which is an important component of the electronic information and educational environment. In this situation, the university has set itself the goal of modernizing the SDL, which is aimed at improving the quality of educational activities. So, the section "Electronic information educational system" (EIES) includes electronic information resources, electronic educational resources, a set of information technologies, telecommunication technologies, corresponding technological tools and ensures mastering of educational programs by students in full, regardless of their location. The section contains: SDL on the Moodle platform, which is a specialized educational process management system and is designed to organize online training in a network environment using Internet technologies; service for video conferencing and online meetings ZOOM; Google Drive services.

The site also provides access modes to the list of online courses that are free of charge, formed by the Ministry of Science and Higher Education of the Russian Federation. That is, resources and technologies are available that make it possible to master the curriculum in full, an electronic library system has been created, and access to databases and electronic archives is provided. The teachers involved in the educational process have sufficient skills in using information systems.

Since March 2020, the site contains a section "Operational information on countering the spread of coronavirus infection and organizing distance learning", which includes: orders at the university; guidelines for the prevention, diagnosis and treatment of a new coronavirus infection, developed by the Ministry of Health of the Russian Federation and Rospotrebnadzor; information related to the organization of contactless work with students at the university's EIES (Moodle system and Google Drive).

The educational institution makes its own adjustments to the implementation of the educational process using the latest technologies. On March 25, 2020, the "Procedure for conducting state final certification for bachelor's degree programs, specialist programs, master's programs, programs for training scientific and pedagogical personnel in postgraduate studies using distance educational technologies at Adyghe State University" was approved.

Nevertheless, many questions related to the legal regulation of SDL still remain unanswered. Obviously, as the forms of interaction within the framework of DL expand and become more complex, new local acts and instructions will emerge. The main task of the heads of educational organizations in these conditions is the constant monitoring of legislative innovations in this area.

The analysis of the regulatory framework for the use of DOT in the implementation of higher education programs led to the following conclusions:

1) the current regulatory legal acts endow educational organizations with sufficient powers in the use of DL and DLT in the educational process, however, in practice, the full implementation of training in this form causes difficulties;

2) at the same time, the existence of a legal opportunity to implement DL and DLT by educational organizations, the implementation of accessibility and other advantages of basic educational programs do not contribute to both reducing the costs of implementing the educational process and making a profit.

At the same time, the following issues of organizing the educational process at the university with the use of DL and DLT remain unresolved and not legally regulated:

- absence of a list of areas of training at the level of higher education, in which the organization of the educational process is unacceptable exclusively with the use of DL and DLT;
- lack of algorithms for monitoring the progress and attestation of students, as well as the problem of identifying the identity of a student passing an exam, passing or defending a course paper;
- lack of requirements for staffing and technical support of the educational process using DOT, as well as for the final certification (Khovanskaia et al., 2019).

Consequently, the spread of modern educational technologies in Russian universities primarily depends on the successful overcoming of the above factors that hinder the development of distance learning in higher education.

It should be noted that at the present stage, the needs of social development have led to an increase in the volume of educational relations, an increase in their importance, which entailed the deepening of legal regulation. Currently, the Ministry of Science and Higher Education of the Russian Federation is actively discussing the urgent need to legislatively formalize the legal status of DL.

The legislative support of the education system should be aimed at ensuring state guarantees of human rights and freedoms in the field of education and creating conditions for the realization of the right to education, as well as at the formation of a mechanism of humanity and social justice in the field of acquiring knowledge, which is rightfully considered an integral part of any civilized society. The national education system, as the main resource of social progress, should be built on the basis of progressive legislation that has absorbed the best practices of domestic and world science and practice in the field of education. That is why it is necessary to improve the norms and provisions of the main branches of law



affecting the education system. This is necessary in order to achieve their internal consistency within the complex branch of education legislation, which is in an innovative search.

The analysis of the current state of Russian legislation on education and the dynamics of its development allows us to identify both positive and negative trends in its development. According to scholars, currently there are no provisions aimed at protecting the health of students, ensuring secure data exchange when using DLT; norms governing the procedure for identifying students during the final certifying examination (Sokhan, 2016). These issues require the adoption of relevant provisions at the level of legislation and regulation in local statutory acts of educational organizations.

Contemporary universities find themselves in a difficult situation of multifactorial influence, one of such factors is global risks. The problem of choosing strategies for the development of universities in the context of global risks is predetermined by the position that universities take in relation to the purpose, organization and results of their own research and the specifics of interaction with key stakeholders. New conditions require not only an analysis of the possible consequences of this or that phenomenon, but also the development of means and technologies to mitigate its manifestations, and an increase in the level of social initiative. Universities will face a dilemma: solving local problems or problems of a global nature, the influence of which will be increasingly felt in the regions (Neborskii, 2017).

## 7. Conclusion

The rapid digitalization associated with the widespread introduction of distance education affects all spheres of society. The development of regulatory support for the SDL remains one of the urgent problems of legislation, since it is the basis for its effective functioning and development. The analysis of the legal and regulatory framework of DL shows that legislation in this area is in its development stage, new shortcomings of educational legislation emerge, which causes its insufficient effectiveness, and contribute to the emergence of a number of negative trends in the development of education. This direction of development of education and relevant legislation in Russia, taking into account the problems that have arisen, is innovative and requires scholarly study to identify ways and means of its improvement, further development of legal regulation of educational relations.

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