

INTRODUCTION OF INTERNATIONAL EXPERIENCE IN THE LEGAL REGULATION OF HIGHER EDUCATION INSTITUTIONS INTO UKRAINIAN PRACTICE



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Abstract. The article deals with the processes taking place in higher education institutions in the context of the use of international experience in the legal regulation of their economic activities. As well as finding effective measures to introduce world experience in the field of educational services is a priority in the organization of State policy in the country.

The article highlights the main factors inherent in the domestic educational sphere, identifies trends in the development of higher education in the world community and the application of the concept of the establishment of higher education, traditionally used in higher education in leading countries of the world community. It is *determined* that the effective application of the processes of the world experience of foreign countries, whose educational activities are characterized by the latest teaching methods, modernization and innovative provision, a fundamental change in the quality of educational services in Ukraine. *It has been* shown that the use of economically advantageous types of education to meet the needs of the labour market, to ensure a growing proportionality in the number of entrants without a significant increase in government spending on higher education, curriculum development teaching-oriented research can improve the existing level of vocational education. The research *highlighted* factors that have a positive impact on the formation of a single innovative process aimed at improving the economic activities of higher education institutions. It *has been established* that the implementation and improvement of economic activities should take place simultaneously at the State and local (regional) levels.

It was concluded that the process of legal regulation of the economic activity of higher education institutions should necessarily be characterized by the provision of quality educational services, effective teaching methods and upgrading to conform to new technologies, taking into account innovation.

Keywords: *higher education institution, foreign countries, innovative support, modernization of processes, education activities, professional education.*

Introduction

Drawing on international experience in the regulation of the economic activities of higher education institutions is a priority in the organization of State policy in the education. To study the effectiveness of the experience of countries whose educational activities are characterized by the latest teaching methods, modernization and innovative provision of competitive advantages of higher education institutions, priority areas for the application of such methods in domestic education have been analysed and prioritized.

Review and analysis of the recent publication. Many domestic and foreign scientists studied the world experience in educational processes, among which the work of N. Borovskaya, R. Gurevich, E. Mcguinness,

Du Yanyan and others deserves special attention. The usage of international experience in the legal regulation of the economic activities of higher education

institutions, including in education, has been neglected.

The purpose of the article is to study the international experience of the economic activities legal regulation of the higher educational institutions and to introduce such practice to the extent appropriate in Ukraine.

Research methodology. The study of the state's experience in organizing educational activities in the world is based on the use of comparative jurisprudence, systemic, statistical and analytical methods, this permitted the analysis of the legislation of such countries as the United States, Israel, Canada, China and others and the legal, socio-philosophical literature is studied, statistical data on the cost of educational services in various educational institutions are processed. The proposals on the possibility of using foreign experience in the legal regulation of educational activities in Ukraine are developed in this article.

Research results. The main objectives of higher education institutions (HEI) in foreign countries are to introduce vocational and economically advantageous types of education to meet the needs of the labour market; increasing the proportionality of enrolment without a significant increase in government spending on higher education; development of teaching-oriented curricula that involve applied research; improvement of existing vocational education. Addressing these challenges encourages the search for other tools that will facilitate the understanding of the skills information obtained.

As in other countries of the world higher education is recognized as one of the leading sectors of the social development. The strategic directions for the development of higher education are defined by the Constitution, the Education Acts, the National Doctrine for the Development of Education, the decrees of the President of Ukraine, the decisions of the Cabinet of Ministers of Ukraine (Ilchenko, Cheiko, Poltava, 2014).

In connection with integration processes and the creation of a world educational space, such a paradigm should be fundamentally relevant and broadly shared throughout the world (Ortynskiy, 2009).

Educational reforms have become central to the renewal of the world's economies: China, the USA, Canada, and others. The race for excellence in education requires investment. The level of spending on

education largely determines not only a country's economic potential but also its competitive advantage in the international arena.

One of the most important issues in the development of education remains its financing. There are various types of financial support for a student around the world. This support is provided in different ways, namely: preferential educational credit (Great Britain, Austria), grants (USA, Germany, France, Ukraine), housing subsidy for the period of full-time education (United Kingdom).

We can talk about the most common model of educational organization. So, for example, the American model assumes of course the autonomy of HEI in the virginal issues of functioning (usually by the independence professional association), built on the foundation of free and mobile coordination of educational organizations»(Baieva, 2010).

The Federal Government of the United States has no right to establish a national education system, i.e. higher education system, or to determine curricula for educational institutions (Amendment 10 to the Constitution of the United States). Relevant matters are the prerogative of the state or county government. In fact, the process of devolving administration and control to the local level was completed in 1972 when the United States Government finally decided to discontinue the provision of unearmarked funds to educational institutions (Johnstone, 2003).

The role of relevant non-State actors in the management of higher education in the United States is very significant. They are called the «second power», which, along with the «first power» (Minister of Education and other officials of the Ministry who manage the departments of the Ministry, presidents and rectors of higher education institutions») forms the Institutional and the Public Policies of higher education in the United States (Supian ed., 2009).

In fact, the subjects of control are: State authorities (federal authorities) to the minimum extent necessary, regional authorities, non-State entities (regional and professional), and the leadership of the fastest-growing higher education institutions (as subjects of the previous stage - self-control - by State and non-State actors).

As E. McGuinness proposed the type classification of the relationship between HEI

and regional authorities may also be the basis for the identification of control relationships between HEI and regional authorities in higher education (McGuinness, 2005), and control of higher education in the United States is characterized by certain specifics for the individual states, taking into account the models of relations «state power – university» and differs in character within the range – «from strict total control (high level) to position narrow, generalized (low level)».

However, despite the high level of development and educational efficiency, the education sector currently faces many challenges: the high cost of education; the predominance of private institutions over public ones; the role of limiting the function of State authorities in the formulation and implementation of funding programs, and monitoring of compliance with legislation.

Israel is another country where positive experiences of educational services can be learned, which remains the leading country in the world for the development of education. Therefore study of economic activity and the adoption of the positive experience of that State will be relevant to the current legal and regulatory framework of Ukrainian education.

Every year, Israel allocates 10% of the country's GDP to education. It's several times more than in Ukraine (Romanovskyy, 2012). Education in Israel is regulated by a complex of laws: «On compulsory education» 1949 with subsequent amendments, «On public education», 1953, «On special education» 1988 (Nemyrovskaia, 2014).

Consequently, the educational process in the Israel HEI is managed independently by the student. The system of educational services in Israel follows the Western model, more precisely, the Anglo-Saxon model. At the same time, it should be noted that Israel is a participant in the TEMPUS program (the European Union-Partner Countries Divestiture Program in higher education) but is not included in the Bologna Process: at the forums of the Bologna Process Israel is listed as a observer-country and implements European standards at his discretion. This may make it difficult for Israel diplomas to be evaluated by Western experts – the number of points achieved by a student may differ from the standards set in Europe. Despite this, education in Israel universities is considered prestigious.

The experience of Canada is interesting as it has been identified as one of the best-known significant methodological and teaching experiences, characterized by high-quality research, high-quality professionals' training (Rusnak, 2004; Shapoval, 2011; Gurevych, 2006).

It should be noted that educational services in Canada are mostly provided by public education institutions. The provision of such services should be gradual, from the lowest level (pre-school education) to the highest level (higher education). Comparing the Canadian experience with the United States private colleges and universities make up a significant proportion of educational institutions. In Canada, the situation is different, and there will be fewer than three dozen private universities.

In considering the legal framework for educational governance, Canadian universities consider the Supervisory Board to be the highest management structure. It may include not only teachers but also students. As an important authority the Supervisory Board considers the financing of the university and has the right to dismiss employees by agreement and on the recommendation of the Rector.

The provision of «financing of Canadian universities is carried out from various sources, however, by the beginning of the 90th of the last century, the state allocations amounted to almost 85% » as H. Kozlakova asserts (Kozlakova, 2011).

One of the basic documents ensuring the right to education is the Canadian Charter of Rights and Freedoms, according to which the whole educational process is oriented to the needs and interests of the student and to ensuring adequate feedback in the system of «teacher – student» (teacher assessment forms completed by students, student satisfaction survey)» (Mykytenko, 2006).

Attention is drawn to the close relationship between the education system and the labour market. This relationship exists not only in Canada but also in other countries. Program changes and new directions are frequent and mobile. Overall, in Canada, the provision of education services is characterized by a high level of requirements, both for the producer of education services and, as a result for the quality of education services as well as for the consumer.

Exploring the foreign experience of the HEI activities it is also useful to look at the organization of higher education institutions in China. The main feature of Chinese education is its historical genesis: the first «Shuyuan» (academies) appeared there almost 1,500 years ago. Today, the education system of the People's Republic of China (PRC) has changed significantly and it's closer to the European system and is represented by colleges, universities and higher schools.

Educational services in the HEI are provided for three levels, namely: the first level (four or five years) culminates in the award of a bachelor's degree, the second level (two or three years) gives the chance to become a master, and the third level is a PhD.

In general the modernization of educational content in China is influenced by political, economic, cultural reforms, as well as the introduction of new technologies in the educational process. The content of higher education in China is being updated in line with developments in science and technology and world trends in educational development. This was manifested in the emergence of new subjects (computer science, online English, film and television, modern management, modern world economics and political science, basic computer design, computer programming, etc.), new specializations (computer science teacher, economics teacher, etc.), modernization of curricula and programs, etc.

In addition to the positive trends in higher education in China there are also negative trends, among them: maintaining the excessive ideological focus of the educational process in the institutions; uneven distribution of the HEI throughout the country; gap in the provision the logistical support to the training process in humanitarian HEI. However, positive trends prevail and it can be said that the process of modernization of education in the PRC is gaining new level.

Discussion of research results. In general, studying the legal regulation of the HEI economic activities it is useful to point out the problems that hinder the application of

international experience in Ukrainian practice, namely: the different nature of the educational processes and the conditions in which they are carried out; the adaptation of one educational system to another or to its components may lead to the impossibility of practical application within the framework of existing legal regulations; rejection of the educational innovations implementation by the State, Government or educational authorities; lack of human resources to enable the practical introduction of innovative processes; lack of actual uniform standards of educational processes between Ukraine, Israel, Canada, USA, etc. in the education.

At the same time, carrying out the research of the legal regulation of the economic activities of the HEI from the standpoint of advanced educational systems, we note the following basic elements, which could be usefully implemented in Ukraine: The high percentage of GDP spent on education, the high cost of education on the market of educational services, and the possibility to choose courses of study independently within the limits of the specialization of studies, taking into account their peculiarities and proposed mandatory and selective disciplines; the student must play a core role in educational process, which pays for educational services and wishes to obtain them qualitatively; economic activity is directed to a high level of performance of the economic functions of the HEI; application of innovations in the economic activity process aimed at involving representatives of education and the authorities in the discussion and resolution of current issues; involvement of young people and students in the identification; discussion and proposals within the educational process. The combination of all of these implementation processes identified through international experience should ensure the formation of a single innovation process aimed at improving the economic activities of the HEI.

Conclusions

In the course of studying the problems of the use of international experience in the legal regulation of the economic activity of higher education institutions, it can be concluded that the provision of quality services in the educational activity becomes possible by such elements as the implementation of the 10-Top country best practices; ensuring effective teaching methods; ensuring the competitive advantage of one HEI over others and obtaining a high rating among the HEI; including efficiency in doing business and availability of investment resources.

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