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L. S. SHEVCHENKO

Doctor of Economic Sciences, Full
Professor, Head of Economic Theory
Department, Yaroslav Mudryi National
Law University, Kharkiv
e-mail: shevchenko_ls@ukr.net
ORCID ID: 0000-0002-4567-0310



ACCESSIBILITY IN HIGHER EDUCATION IN THE CONTEXT OF IMPLEMENTATION OF THE LAW OF UKRAINE «ON HIGHER EDUCATION»¹

The essence and types of accessibility in higher education are analyzed. The social, intellectual, territorial, information and technological and economic accessibility in higher education in Ukraine are investigated. The special attention is given to measures implementing the Law of Ukraine «On higher education».

Key words: higher education, accessibility in higher education.

JEL Classification: A22, H52, I23.

Problem formulation. A right to education is one of the most important constitutional rights of a human. Realization of this right forms pre-conditions for development of a person in particular and a society in general. The Constitution of Ukraine states: «Citizens have a right to gaining free higher education at

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state-owned and municipal educational establishments on a competitive basis» (Article 53, Part 4) [1].

The Law of Ukraine «On Higher Education» (Article 4, Paragraph 1) enhances this statement: «A right to higher education is guaranteed regardless of age, citizenship, a sex, a skin color, the social and property status, a nationality, a language, origin, the state of health, attitude to the religion, presence of previous convictions, and also other circumstances. Nobody can be limited to the right to gaining higher education, except cases being determined by the Constitution and the laws of Ukraine». The Article 3 of the Law «On Higher Education» recognizes the *accessibility in higher education* as one of the main principles forming the state policy in the field of higher education. At the same time, the state is obliged to extend opportunities for gaining higher education and lifelong learning, creation and providing equal conditions of access to higher education. The state have to provide disable persons with special educational and rehabilitation accompaniment and free access to infrastructure of a higher educational establishment (HEE), taking into account limitations in vital functions stipulated by the state of health [2].

Simultaneously, statements of the Constitution of Ukraine and Article 4, Paragraph 1 of the Law of Ukraine «On Higher Education» contain some legal restrictions on the right to higher education. The legal acts give an opportunity of gaining free higher education under the following conditions: a) at state-owned and municipal educational establishments; b) on a competitive basis and according to standards of higher education; c) a citizen gains a certain degree of higher education at the expanse of national or local budgets for the first time. However, the legislator specifies the following two aspects. The first aspect states that citizens of Ukraine have a right to gaining free higher education in the second specialty at state-owned and municipal HEEs if they lost the capability to perform official or functionary obligations according to a previously gained qualification for the health reasons (this fact have to be confirmed by conclusions of a medical and social expert commission) or in other cases determined by the legislation. The second aspect mentions that citizens of Ukraine, who didn't finish education on gaining a particular education degree at the expanse of a national or a local budget, have a right to gain free higher education in the same educational degree at state-owned and municipal HEEs once more if they reimburse expenses of a national or a local budget for services on training professionals according to an order determined by the Cabinet of Ministers of Ukraine.

Nevertheless, competition as an important component of gaining higher education at state-owned or municipal HEEs remains. O. Sushynskyi points out that competition to some extant stipulates a «request» for places and a respective network of state-owned or municipal educational establishments. Therefore, following

norms of the Constitution of Ukraine and the Law «On Higher Education», decrease of competition should result in declining an amount of places and a network of educational establishments. Hence, in the absence of competition, the citizens will not have an opportunity of gaining free higher education at state-owned and municipal educational establishments. That is to say, the principle of participation in competition in order to gain higher education, which is recognized by the Constitution, contradicts the principle of accessibility in higher education [3].

Moreover, there is ambiguousness of comprehension of accessibility in higher education and its types. This hinders to determine entities (public authorities), which are responsible for practical application of the mentioned norm of the Law, and ways of providing accessibility in higher education.

Analysis of recent researches and publications. In Ukraine, economic problems of accessibility in higher education are considered by O. S. Marchenko, O. Sushynskyi, I. V. Tymoshenkov, L. I. Fedulova, K. S. Chuprin, O. O. Chuprina, etc. Nevertheless, their approaches to defining the sense and legislative guaranteeing accessibility in higher education differ from each other.

Formulation of aims. The article purpose is to analyze the sense and types of accessibility in higher education, to indicate economic problems regarding implementation of respective norms of the Law of Ukraine «On Higher Education», which need immediate solution.

Main material presentation. Accessibility in higher education is a broad concept, which depends on many factors. In the broad sense of the word, it means a set of objective and subjective opportunities and skills of a human to gain higher education. Factors, which influence accessibility in higher education include: family incomes (being necessary to pay for education and keeping a student during education); family members (one-parent families, large families, and families with a large number of children have little chance); an educational level of parents; personal characteristics such as a sex, health, a religion, values, norms; a level of education and knowledge gained at school; a region of residence; a level of awareness of opportunities for studying in different specialties at different HEEs; other factors.

More frequently, scientists indicate social, intellectual (academic), territorial, information and technological, and economic (including price) accessibility in higher education.

Social accessibility in higher education means an opportunity to gain education regardless of a sex, ethnical belonging, age, a race or the social status of a human. Simultaneously, limitation of access of particular persons or entire groups of population to educational resources is an express of deprivation of an educational field, inequality of educational opportunities, and violation of social justice.

Intellectual accessibility (scholars call it *academic accessibility*) in higher education means an opportunity and abilities for mastering a certain set of knowledge, habits, and skills according to educational programs and standards of higher education by the general body of population. Natural intellectual abilities of higher educational institution applicants as well as skills formed in the process of education at secondary school are the basis of intellectual accessibility in higher education. For instance, as to results of the external independent testing of knowledge in Ukraine, in 2015 24 % of potential applicants did not cope with tasks in Mathematics, 13.3 % of the potential applicants did not carry out a test in English [5]. 22 610 persons will not get into HEEs because of lack of knowledge in the state language [6]. The results of the external independent testing (EIT) indicated a low level of education at rural schools [7].

The intellectual accessibility in higher education encompasses:

- a) academic accessibility of a particular HEE, which means an opportunity to not only enter, but also successfully graduate from the chosen HEE;
- b) academic accessibility of a particular educational program, which means an opportunity to easily understand and master a determined set of knowledge and skills, depending on specialization of a HEE (humanitarian or technical ones) and a level of education (Bachelor's or Master's ones) [8]. At the same time, as P. Safonov mentions, equality of the very intellectual capacities of humans is not of importance in the process of gaining higher education. In return, equality of efforts aimed at application of intellectual capacities is of significance. Higher education as a useful process is possible only in terms of a right of all participators of an educational process to consider each other as unequal ones according to their intellectual capacities, depending on results of their efforts and willingness of each participator to fight for recognition of own intellectual capacities [9].

Owing to permanent reduction of a network of respective educational establishments, *territorial accessibility* in education to the greater extent concerns with a level of preschool and secondary education for children from rural areas and disable persons. However, this problem is inherent to higher education. In Ukraine, a majority of HEEs are located in the city of Kyiv, Kharkiv, Lviv, Dnipropetrovsk, Donetsk, Odesa, and Zaporizhzhia regions. The smallest number of HEEs is in Volyn, Sumy, and Mykolaiv regions. This forms restrictions in the choice of educational programs of higher education. The Law of Ukraine «On Higher Education» (Article 33, Paragraph 9) contemplates a solution for this problem due to formation of branches of HEEs as separated structural units for the purpose of meeting needs of a regional market labor for respective professionals and bringing a place of education closer to a place of their residence. However, in order to achieve this goal, there is a need to approve an order of formation, reorganization, and liquidation of HEE branches. On

the contrary, there will be reduction of a number of branches in practice [10]. Territorial inaccessibility in higher education should be compensated by its *information and technological accessibility*, which means development of modern information technologies that enable to gain education at any university of the world. Such an opportunity is especially important for disable persons.

Simultaneously, *economic accessibility* in higher education moves to the front burner in the Ukrainian society. The latter emerges if an amount of financial expense of households for purchasing services of higher education is not burdensome and it does not threaten and hinder meeting other primary needs. Researchers emphasize an obvious relation between accessibility in higher education and financial opportunities of its gaining. As to the researchers, economic accessibility is a result, and an opportunity to pay is a factor influencing achievement of this result.

From our point of view, there are the following economic issues in higher education in Ukraine.

The first issue. In Ukraine, expenses for higher education are increasingly shifted from the state, rather taxpayers, to applicants (students, their parents, and philanthropists). Transition of Ukraine to large-scale higher education (a number of students of universities, academies, and institutes from 1993/94 academic year to 2007/08 academic year increased by 2.85 times) factually was financed at the expense of private funds of citizens in the form of educational fees. Taking into consideration wide social resonance of the issue, in 2004 the Constitutional Court of Ukraine explained that free higher education in Ukraine means a right of a citizen to gain education, according to higher education standards and without paying fees, at state-owned and municipal educational establishments on a competitive basis (Part 4, Article 53 of the Constitution of Ukraine) within volumes of training professionals for general social needs (state demand) [11]. All the other trainings of professionals at state-owned HEEs are carried out *for a fee*. At private HEEs, students gain education exclusively for a fee. At the same time, the government permanently reduces a number of state-funded places at HEEs. For instance, in 2015 it reduces the number by 10–12 %. According to data of CEDOS (Centre for Society Research), an amount of budget funds in 2015 was declined by 13 % for the Junior Specialist degree, by 19 % for the Bachelor's degree, by 42 % for the Educational Specialist degree, and by 13 % for the Master's degree, compared with 2014. The government reduced an amount of funds allocated for enhancement of staff qualification by 23 % [12]. As a result, in Ukraine there is strict division of students into two categories: persons studying at the expense of state funds (gaining free education) and persons studying at the expense of private funds.

The second issue. Ukraine belongs to countries with a high level of wealth differentiation and an enough high level of poverty. Periodical increases of a living

wage and a minimum wage do not provide attainment of the necessary proportion between the figures in accordance with standards of the European Social Charter. Consequently, there is lack of opportunities for potential students from low-income families, namely large and one-parent families (a single mother and children, invalids and families of invalids, and older persons), to gain higher education. The rural youth, who have neither enough money nor wide access to complementary educational services (pre-tertiary training, tutoring), are an especially vulnerable category concerning access to higher education [13]. Nowadays, a situation, when 50-60 % pupils leave school after the 9th year of studying, is inherent to the rural area. O. O. Chupryna and K. S. Chupryn point out that a low level of incomes of a significant share of the Ukrainian population restricts their opportunities to receive qualitative educational services. This escalates a problem of a considerable amount of unused human potential and strengthens lagging behind leading economies of the world [14, p. 301].

As for higher education, V. I. Sukhochev suggests to consider not only accessibility in higher education, but also accessibility of a paid educational service of a HEE, factually *price accessibility*. The latter is notable for two factors: sufficient solvency of population and appropriate prices for educational services [8]. In the European context, higher education is lower in cost in Germany (at state-owned HEEs it is free and all students get fellowships), in France, and in the Czech Republic (education is free or almost free, but you must know the language) compared with Ukraine. A number of students, who gain higher education in HEEs of Poland, Germany, and the Czech Republic increases every year.

The third issue. There are no effective and accessible financial compensators of households' expanses for education. Such compensators in foreign countries take the form of direct (granting and paying fellowships) and indirect financial aids (providing students with educational loans). In the latter case, a state places its stake on student self-financing, i.e. receiving education at students' own expense. At the same time, terms of providing educational loans (amounts of loans, a maturity date, an interest rate, age of a borrower, etc.) in developed countries widely vary depending on advantages received by an applicant of higher education. The domestic practice of providing students with state financial aids is imperfect owing to absence of methods for evaluation of a family financial position for the purpose of receiving financial aid (fellowships, subsidies, and soft loans) and a problem of honest declaration of incomes as a term of receiving of student financial aid. A tradition of philanthropic assistance for gaining higher education due to formation of various private funds at universities is legally unregulated and, consequently, undeveloped.

Moreover, there is a contradiction between the concepts of equal access and «positive discrimination» that means providing particular categories of applicants

with formalized or non-formalized preferences (subsidies) for reasons of social protection or political conjuncture, which are legally determined by a set of the Laws of Ukraine, decrees of the President of Ukraine and the Government of Ukraine. The state provides the «positive discrimination» through the Terms of Admission to Higher Educational Establishments of Ukraine. One of the possible approaches to solution of the issue is development of a new system of financing higher education. It can be based on complete and formal equality of all the categories of applicants, who have equal rights to receiving educational monetary loans. Simultaneously, the state will propose an opportunity of loan repayment on a preferential basis only for particular citizens [13].

The forth issue. There are different types of additional expenses of students related to accommodation (especially, in another city), nutrition, clothes, transport, literature, etc. The inability of a family to finance these expenses enforces students to combine education and work, to make the switch to part-time education, to interrupt education more than once, to choose the cheapest educational programs at a low-level HEE. Even those compromises do not make higher education accessible to poor households [13]. Expansion of «grey» forms of paying for educational services poses a considerable threat to accessibility in higher education.

Conclusions. We considered only several aspects of the problem of accessibility in higher education in Ukraine. Obviously, the scope of researches is significantly wider. The contemporary economy needs educated and highly qualified staff. In turn, the educational law and legislation must form all the conditions for development of the educational field and real reformation of the tertiary education.

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Л. С. ШЕВЧЕНКО

доктор економічних наук, професор, завідувача кафедрою економічної теорії Національного юридичного університету імені Ярослава Мудрого, Харків

ДОСТУПНОСТЬ ВЫСШЕГО ОБРАЗОВАНИЯ В КОНТЕКСТЕ ИМПЛЕМЕНТАЦИИ ЗАКОНА УКРАИНЫ «О ВЫСШЕМ ОБРАЗОВАНИИ»

Проанализированы сущность и виды доступности высшего образования. Исследованы социальная, интеллектуальная, территориальная, информационно-технологическая и экономическая доступность высшего образования в Украине. Особое внимание уделено мерам по имплементации Закона Украины «О высшем образовании».

Ключевые слова: высшее образование, доступность высшего образования.

Л. С. ШЕВЧЕНКО

доктор економічних наук, професор, завідувачка кафедри економічної теорії Національного юридичного університету імені Ярослава Мудрого, Харків

ДОСТУПНІСТЬ ВИЩОЇ ОСВІТИ В КОНТЕКСТІ ІМПЛЕМЕНТАЦІЇ ЗАКОНУ УКРАЇНИ «ПРО ВИЩУ ОСВІТУ»

Постановка проблеми. Норми Конституції України і ст. 4 Закону України «Про вищу освіту» містять правові обмеження щодо права на вищу освіту, надаючи можливість її безоплатного здобуття: а) у державних і комунальних ВНЗ; б) на конкурсній основі відповідно до стандартів вищої освіти; в) якщо певний ступінь вищої освіти громадянин здобуває уперше за кошти державного або місцевого бюджету. Крім того, в суспільстві має місце неоднозначне розуміння доступності вищої освіти та її видів.

Аналіз останніх досліджень і публікацій. В Україні економічні проблеми доступності вищої освіти досліджують О. С. Марченко, О. Сушинський, І. В. Тимошенко, Л. І. Федулова, К. С. Чуприн, О. О. Чуприна та ін. Проте їхні підходи до тлумачення сутності та законодавчого гарантування доступності вищої освіти мають певні відмінності.

Формулювання цілей. Мета статті — проаналізувати сутність та види доступності вищої освіти, виокремити економічні проблеми впровадження відповідних норм Закону України «Про вищу освіту», які потребують свого першочергового розв'язання.

Виклад основного матеріалу. У статті здійснено системний аналіз доступності вищої освіти в Україні. Соціальну доступність вищої освіти визначено як можливість здобуття освіти незалежно від статі, етнічної належності, віку, раси або соціального стану людини. Інтелектуальна доступність вищої освіти означає можливість і здібності до засвоєння певної сукупності знань, умінь і навичок відповідно до освітніх програм і стандартів вищої освіти основною масою населення. Територіальна доступність освіти пов'язана із задоволенням потреб регіонального ринку праці у відповідних фахівцях та наближенням місця навчання здобувачів вищої освіти до їх місця проживання. Економічна доступність вищої освіти передбачає, що розмір фінансових витрат домогосподарств на придбання послуг вищої освіти є необтяжливим для них, не ставить під загрозу і не підриває задоволення інших першочергових потреб.

В Україні існує низка нерозв'язаних економічних проблем доступності вищої освіти. Серед них: дедалі більше перекидання витрат на вищу освіту з держави (платників податків) на здобувачів освіти; обмеженість здобуття вищої освіти для потенційних студентів із родин із низьким рівнем доходів та сільської молоді; відсутність дієвих і доступних фінансових компенсаторів видатків домогосподарств на освіту; існування різних видів додаткових витрат студентів та поширення тіньових форм оплати освітніх послуг.

Висновки. Сучасна економіка потребує висококваліфікованих працівників, і освітнє право та законодавство повинні створювати всі умови для розвитку освітньої сфери, дійсного реформування вищої школи.

Коротка анотація статті

Анотація. Проаналізовано сутність та види доступності вищої освіти. Досліджено соціальну, інтелектуальну, територіальну, інформаційно-технологічну та економічну доступність вищої освіти в Україні. Особливу увагу приділено заходам з імплементації Закону України «Про вищу освіту».

Ключові слова: вища освіта, доступність вищої освіти.