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THE IMPACT OF GOVERNMENT REGULATION ON CREATING CONDITIONS TO ENSURE QUALITY OF HIGHER EDUCATION

The article outlines the key characteristics of the current development of professional higher education system in Kazakhstan, such as the factors that reduce the quality of educational services. It also evaluates the effectiveness of tools and mechanisms of the related regulation. The authors suggest the main ways of improving state regulation in higher education, allowing greater use of academic freedom principles within the university system.

Keywords: regulation; higher education; standards; qualification requirements.

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ВПЛИВ ДЕРЖАВНОГО РЕГУЛЮВАННЯ НА СТВОРЕННЯ УМОВ ДЛЯ ЗАБЕЗПЕЧЕННЯ ЯКОСТІ ОСВІТИ У ВИЩІЙ ШКОЛІ

У статті визначено ключові характеристики сучасного розвитку системи професійної вищої освіти у Казахстані, а також фактори, що знижують якість освітніх послуг. Надано оцінку ефективності інструментів та механізмів застосовуваного регулювання. Визначено основні шляхи вдосконалення державного регулювання вищої освіти, що дозволяє ширше застосовувати принципи академічної свободи у вищій школі.

Ключові слова: регулювання; вища освіта; стандарти; кваліфікаційні вимоги.

Табл. 3. Літ. 21.

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ВЛИЯНИЕ ГОСУДАРСТВЕННОГО РЕГУЛИРОВАНИЯ НА СОЗДАНИЕ УСЛОВИЙ ОБЕСПЕЧЕНИЯ КАЧЕСТВА ОБРАЗОВАНИЯ В ВЫСШЕЙ ШКОЛЕ

В статье обозначены ключевые характеристики текущего развития системы профессионального высшего образования в Казахстане и факторы, снижающие качество образовательных услуг. Дана оценка эффективности инструментов и механизмов применяемого регулирования. Определены основные пути совершенствования государственного регулирования высшего образования, позволяющие шире применять принципы академической свободы в вузовской системе.

Ключевые слова: регулирование; высшее образование; стандарты; квалификационные требования.

Introduction. Education market development is strategically important for any state. Therefore, this market to a certain extent must be subject to state regulation and control. In the context of realizing university autonomy and increasing responsibility for the quality of education services it is necessary to revise the scope of this regulation. Among the factors reducing the quality of education the following factors can be mentioned: discrepancy of regulatory legal base, weakness of innovation potential of higher education institutions, backwardness of university science as compared to the world level, outdated structure of education institutions, underfunding of universities, extremely low volume of education services export, a wide gap between training contents and the actual requirements of the labor market etc.

Since the time of credit system introduction in higher education of Kazakhstan, the country has conducted a number of gradual reforms. The impact of these reforms

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is reduced due to the lack of goal-setting development strategy. Because of frequent reshuffles and structural reforms in the Ministry of Education, policies in state regulation of education were not always consistent. It was quite typical when mistakes made by of the previous top management of higher education were repeated by the following Ministry leaders.

Recent research and publications analysis. From the point of view of the regulator, nowadays higher education has both peculiar and general system features as marked in the works of several researchers. M. Castells (2001) and J. Kauko (2013) in their works on the problems of universities functioning today noted the dynamic nature of this system which is revealed in permanent changes in system parameters: changes in the structure; strategies of universities; the need to develop new educational programs; integration into the international education sector, dictating changes etc. In this situation the applied control measures were often of belated nature (Adambekova, 2011).

J. Robertson (2009) in his studies on advantages and disadvantages of higher education system accessibility notes the importance of such characteristic. Today this affects the functioning of the system through a range of factors. The regulator is expected to provide measures promoting universities openness not hindering the integration of academic environment with employers, partners and international accreditation agencies.

The probabilistic nature of this system means it is impossible to predict the outcome of the impact on the system. The taken measures do not always reach the initially set goals (for example, the introduction of 16 credits of physical culture in Bachelor programs violates all norms of a weekly student load. Along with this, it is impossible to ensure its implementation due to professional practice).

J. Kauko (2014) considers also such a feature as complexity of the system as manifested in its hierarchical structure, variety of connections and relationships between the elements. The complex nature of higher education system is linked to its functional diversity. Teaching in itself is not sufficient. Higher education comprises educational and methodical processes, training staff for higher school through the exchange of teaching experience; education processes meeting the state youth policy; also scientific research, the results of which are introduced into education process and this is one of the main priorities for higher school; international activity of universities etc. All this requires regulation and control in each direction.

Compliance with certain standards puts universities into the framework necessary to overcome and sometimes directly violate logics and real opportunities. How effective are these regulations? In principle, the conceptuality contradicts dynamism. Kazakhstani higher education does not easily undergo reforms, since academic environment is not easy to modify, as it is able to produce quite strong and sound arguments against any changes.

V.V. Volchik and M.M. Skorev (2003) indicate sluggishness of higher education as a property that appears as the system response to external changes. It is characterized by the time elapsed since the impact on the system before receiving a response. Inertia in higher education is manifested in the slowness of its response to changes in the external environment.

Unresolved issues. This raises the question of public management methods. Issues related to specialists' qualification level remain unsolved; the given specialists are engaged in management of higher education. These are the people who have an idea of what is managed by them, and therefore have certain experience. Is it enough to be a manager and possess basic management skills and be able to apply them? This question is very important as the reform effectiveness depends on the quality and efficiency of the decisions taken. And this is important for any business. At the same time, it is important to determine what areas of universities activities require regulation in the context of university autonomy. Alongside, it is necessary to know what directions should be given to self-regulation and whether we are ready for being in charge of it on our own. Along with it, the role of accreditation organizations in the system of regulation isn't absolutely clear. There is a need to understand how efficient are the used regulation tools. Do they perform the stimulating role? Within this article it is impossible to answer all these questions, of course.

The goal of the article to investigate the main discrepancies in the system of state regulation of higher education in Kazakhstan and the ways of their removal.

Key research findings. Today, government regulation of higher education is represented by the following basic mechanisms:

- rule making mechanism: the development and adoption of legislative and regulatory legal acts in the field of education (orders of the Minister, the decisions of the Ministry Collegium etc.);
- inspecting and monitoring mechanism: the timing of the start and the end of the academic year, organization and conducting national tests, external evaluation of education achievements and monitoring by means of external evaluation of education quality and conducting attestation, scheduled audits of universities etc.;
- methodical regulating mechanism: the development and adoption of standard rules of university activity and the election of academic councils, standard curricula and standard training programs, rules for transfer and restoration of students, sabbatical rules, ongoing monitoring of progress, interim and final evaluation of students, defining the methods of students attestation, rules determining the EMU etc.;
- qualifying mechanism: creating and organizing the activities of dissertation and advisory councils, awarding academic degrees and titles, issuance of diplomas, defining the list of scientific publications etc.;
- the mechanism of the state order: distribution of grants for bachelors, masters and PhDs; "Bolashak" scholarships, identifying the priorities in scientific research, organization and coordination of projects for grant funding etc.
- Regulatory mechanism: through the system of various standards defining and regulating the activity of universities: % of teaching staff with academic degrees, the ratio of full-time lecturers and part-time lecturers, the ratio of full-time lecturers to the number of students by the level of education, standards for library equipment and the number of seats in reading rooms of university libraries etc.

If we analyze the main activities implemented by higher education institutions as compared to the functions of the Ministry of Education and Science and its departments, we get the following matrix of activities settlement (Table 1).

The presented here information enables us conclude that only a small part of university activity remains unregulated (Table 2).

Table 1. The settlement of higher education in Kazakhstan, authors' grouping

Types of university activity and its main policies	Functions of the RK MES in higher education regulation	Committees and departments of the RK MES
educational	Schedule of academic process, Orders # 152, # 125, rules of transfer and restoration, sabbaticals, admission rules, standard contract, the ratio of full-time and part-time training etc. (Standard of higher education, 23.08.2012, # 1080; Labor Code of Kazakhstan, 15.05.2007, # 251; Rules, 17.05.2013, # 499)	DHPE, CCES, DFIP, CBP and AM
methodical	Standards, SEP (plan), SEP (curricula), Order # 152, the rules of EMC activity, rules of publishing text books and teaching aids etc. (Rules, 22.11.2007, # 566; Standard of postgraduate education 23.08.2012, # 1080; Rules, 29.11.2007, # 583)	DHPE, CBP and AM
educative	The standard comprehensive plan for strengthening the education component of academic process in all educational institutions, the standard rules of internal organization of education, the RK Law "On state youth policy in the Republic of Kazakhstan", Procedure of student organizations (Decree of the President of Kazakhstan, 7.12.2010, # 1118; Labor Code of Kazakhstan, 15.05.2007, # 251)	DHPE
scientific	Competition for grant funding; identifying research priorities; percentage of teaching staff with scientific degrees, rules for state scientific technical examination, rules of defense and registration of doctoral dissertations etc. (Law of Kazakhstan, 27.07.2007, # 319-III; Law of Kazakhstan, 18.02.2011, # 407-IV)	CS, CCES, DFIP
international	Rules on organizing international cooperation, registration of international agreements etc. (Standard of higher education, 23.08.2012, # 1080; Rules, 18.03.2008, # 125)	DHPE, CBP and AM
managerial	Standard rules of university activity qualification requirements for university staff, qualification requirements (attestation and licensing), Rules of EMC activity, the election procedures for academic councils etc. For state higher schools there are rules of appointing rectors, observance of budgetary and financial discipline etc. (Labor Code of Kazakhstan, 15.05.2007, # 251; Rules, 17.05.2013, # 499; Standard of postgraduate education 23.08.2012, # 1080)	DHPE, CBP and AM, CCES
personnel	Percentage of teaching staff with scientific degrees, the ratio of full-time and part-time teaching staff, the ratio of full-time teaching staff to the number of students by levels of education, nostrification of documents etc. (Law of Kazakhstan, 18.02.2011, # 407-IV; Qualification requirements, 11.06.2012, # 778)	DHPE, CBP and AM, CCES
information	Requirements for university Internet resources, requirements for information support of education processes (Qualification requirements, 11.06.2012, # 778; Classifier, 22.06.2010, # 316)	DHPE, CCES
logistical	The standard on library equipment and the number of seats in reading rooms of university SL, square meters per student etc. (Qualification requirements, 11.06.2012, # 778; Rules, 17.02.2012, # 230)	DHPE, CCES

EMC – Education Methodology Council; the RK MES – the Republic of Kazakhstan Ministry of Education and Science; DHPE – Department of Higher and Postgraduate Education; CBP and AM – Center for the Bologna Process and Academic Mobility; CS – Committee for Science; CCES – Committee for Control of Education and Science; DFIP – Department of Finance and Investment Projects; SL – Science Library.

Table 2. **Activities free from regulation** (Adambekova, 2011)

Types of university activity	Content of activities not subject to state regulation
educational	A form of taking exams (oral, written, testing), academic policy of conducting classes
methodical	Contents of educational programs in the elective component
educative	Organization of university events
scientific	Research directions, requirements for writing diploma papers, Master theses
international	Defining partners and the content of international agreements (but in accordance with the rules)
managerial	For private universities – appointment of top management, the choice of organizational structure, university strategy etc.
personnel	Recruitment of teaching staff for programs of business education
information	Information support for education process
logistical	For private universities – purchase of literature and subscription to information databases, property acquisition

Quantitative analysis of requests coming to universities shows that in 2013 (the academic year comprised 250 working days) the university responded to 356 unscheduled requests of educational nature excluding scheduled reports.

In the process of state regulation of universities their interaction in various fields is provided. It has a definite effect on the quality of education at universities. Universities generate many external reports. However, the results of processing the data collected are not provided. It does not give universities the possibility of taking corrective measures (and neither the Ministry, nor public organizations take these measures).

It should be noted that the information submitted to various regulatory bodies and the bodies assessing the quality of education, is duplicated and could be accumulated in a single database of the Ministry or the Association of Universities. So, the information about university teachers in various forms and contents can be requested by various services of the Ministry (and even by the same departments).

Analysis of separate regulatory standards on qualification requirements to certification, licensing and accreditation shows the contradictions which universities face in implementing their activities (Table 3).

Thus, in the process of studying the effect of government regulation on higher education the following trends in its development have been identified: 1) strengthening contradictions in regulating higher education systems – the leaders do not know how to manage in a new way and subordinates do not want and cannot live under the old regime; 2) methods and instruments of regulation do not meet the requirements current perspective directions in higher education (they are not "current" as at all, coming from the depth of the Soviet past, they do not contribute to building the future); 3) the key directions of universities activity are regulated even for private universities; 4) the changing nature of regulating impact methods (in addition to state and market stimulation, the methods of social regulation are being developed and they are focused on perspective tough sanctions and do not yet serve as a stimulating lever); 5) increasing institutional and organizational diversity.

Table 3. Analysis of qualification requirements for attestation, authors' grouping

Standard	Type of activity	Assigning standard	Contradictions
Percentage of TS, having scientific degrees, by levels of education (Qualification requirements, 11.06.2012, # 778; Rules, 17.02.2012, # 230)	educational (personnel policies)	From 50 to 100% depending on the specialty and level of education	In the context of the general aging of TS and low coefficient of replenishing scientific staff, it is impossible to ensure this standard
Classroom fund (Qualification requirements, 11.06.2012, # 778)	educational	6 sq. m per 1 student	Standard is not efficient, because the question arise show this ratio is implemented by universities with smaller areas and high enrollment of students
Number of textbooks per student (Qualification requirements, 11.06.2012, # 778)	educational, logistics	140 books per 1 student, of which at least 40% as electronic media	Even 60% of the norm – 84 books per 1 student in the language of instruction, while the standard of update is 5%, which is not physically possible, as each year about 300 thousand textbooks are published, if the university contingent is 5000, 420 thousand textbooks are needed and with the update of 21 thousand.
The ratio of full-time faculty and part-time faculty (Qualification requirements, 11.06.2012, # 778; Classifier, 22.06.2010, # 316)	Educational (personnel policies)	80% of full-time faculty	This standard does not allow involvement of business practitioners in the educational process, especially for Master programs requiring more applied content of curricula
The ratio of full-time students and part-time students (Qualification requirements, 11.06.2012, # 778; Rules, 17.02.2012, # 230)	educational	Ratio of 4 part-time students to 1 full-time student	This standard does not allow developing distance learning. Universities actually violate the rules, enrolling students for distance learning as full-time students.
The ratio of full-time faculty to students (Qualification requirements, 11.06.2012, # 778; Standard, 13.07.2009, # 338)	educational (personnel policies)	Standard by education levels – the ratio of 8 Bachelor students to 1 full-time teacher	Standard is not efficient, as the question arises how this ratio would be realized by universities with fewer faculty and high enrollment of students

Current education legislation in Kazakhstan is characterized by the following features:

1. The fundamental difference of Kazakhstani legislation on education from the legislation of the Western states is that the objects of legal regulation under domestic laws are not so much educational relations of students, educational institutions and teachers at various levels of the educational system in the process of training, but the relations on managing education and its economy.

2. In education legislation the procedural forms are not developed. The regulation problem of various procedures in education is insufficiently explored. The existing legislation in this area is replete with sub-legal regulatory acts and acts of institutional nature regulating certain procedures, but not explaining the mechanism for their implementation. This generates ambiguous interpretation (which is convenient for inspectors, the so-called rulemaking).

3. All must be subject to regulation by law (academic freedom, issues of appeal, the ratio of benefits and advantages in admission to higher education institutions). Under the conditions of local rulemaking in higher education, special significance gets the realization of subjective rights of providers and consumers of educational services through non-departmental regulations and laws on the basis of which the acts of local level may be adopted. As a result, legal protection of human rights in education is made difficult.

4. Reinforcement of imperative principles in legislation related to education management and quality control of education, including direct and indirect methods of state support to national and state universities is typical nowadays. At the same time the concentration of legislative regulation falls on private higher education, while the practice of recent years demonstrates extremely unsatisfactory results of EAEA (External Assessment of Educational Achievements) in state and national universities on certain specialties.

This enables us identifying the following main areas for improvement of legislation in the field of education.

1. Taking responsibility in the field of education, the state thus emphasizes its special social value. The key objectives of legislation are the following: forming a human rights mechanism, providing adherence to the interests of students, teachers and institutions, increasing attention to management processes, formation and development of substantive procedural safeguards of consumer rights and liability of providers as participants of educational processes.

2. Under university autonomy the structure of the education system is objectively complicated; the influence of civil laws in the aspect of implementing academic freedoms is enhanced. There emerges a need to highlight specific results of the educational process that would enable evaluating the quality of graduates' training. Under these conditions, it is important to assess legal and social consequences of introduced innovations in order to prevent damage to the participants of educational processes and the system of higher education in general.

3. Improvement of legislation should be of comprehensive character including institutions into the progress of norms creation in education legislation.

Reforms in higher education regulation should be based on the following principles.

1. One of the most important tasks is clear division of powers between the three levels of education system hierarchy: state regulatory bodies of higher education (the RK MES), governmental and nongovernmental bodies which focus on assessing the quality of higher education (the Center for Bologna Process and Academic Mobility, the IAAR – Independent Agency for Accreditation and Ranking, and the IKQAAE – Independent Kazakhstan Quality Assurance Agency in Education) and universities.

At the state level, it is necessary to focus on public administration of education rather than on state regulation. In this regard it is necessary to develop and implement a new public policy in higher education. This policy should answer the following questions: what external and internal challenges arise for the country, how to answer them, using the possibilities of national science and trained human capital, what scientific schools in the country can prepare this human capital, what conditions should be created for these scientific schools so that they can perform the stated tasks. Substitution of educational policy by regulation of the current activity of universities, on the one hand, leads to a vacuum in state policy on education and science, and on the other – deprives universities of initiatives and aspiration to creative work.

The second level of hierarchy is empowered to develop higher education standards, accreditation directions, work out and implement criteria and methods for assessing the quality of education and scientific activities.

Universities must independently perform a full range of education and methodical, scientific and innovative activities. They should make decisions on important issues of social development, basing on the principles of university autonomy and academic freedom. It is very important that new knowledge, necessary for society development can be worked out only in free academic environment, in the centers for independent university thought. And the state should be interested in the existence of such centers with their independent opinions, so that they can work out this critical knowledge. Armed with them, the state guarantees further progress of society. This type of partnership between government and academic community will enable carrying out most daring and important changes. And vice versa, the relationship between government and universities, based on tough management, niggling control and regulation will lead the country to decline.

2. It is expedient to abandon the practice of issuing diplomas of the state sample to graduates of all universities. The licensed universities should be allowed to issue diplomas on their behalf, by transforming the system of accreditation into the institute of quality control of educational services, but not its guaranteeing. Being released for "free floating", each higher school will very quickly find their "niche" at the labor market. In turn, labor market will be less disoriented by the state in this regard. As for the quality of higher education, each university should solve this problem on their own, passing through national and international evaluation system in the process of Bologna reforms.

3. It is necessary to strengthen the involvement of employers in the development of training programs for universities, development and approval of professional qualification standards, formation of criteria on graduates' competence, providing places for professional practice, the development of material base, cooperation in the sphere of science and innovations. The introduction of tax and customs exemptions for uni-

versity cooperation would be justified. The university balances should necessarily be added by intangible assets produced in their scientific environment in the form of intellectual property, and it is necessary to introduce efficient mechanisms of commercializing intellectual property in the business environment. Through common participation in providing the academic component in training PhDs, real conditions for closer cooperation between universities, research institutes and the National Academy of Sciences should be created.

4. As part of higher education democratization, following the example of the developed world the principle of equality for all forms of ownership of universities should be followed. It is necessary to expand guarantees on equal access to higher education due to improved external evaluation based on creative abilities of enrollees. Together with employers, it is important to develop mechanisms to encourage the development of the continuous education system. All existing tools and mechanisms of regulation demonstrate the actual economic discrimination of education and science in Kazakhstan today: minimal (miserable) state order for bachelors, masters and doctors in economic specialties, the minimum amount of funding for research in economics etc. As a consequence, we do not have any breakthrough projects and achievements in technical sciences, and the national economy gets poorly prepared economists.

Conclusion. The investigation of government regulation influence in higher education reveals its ambiguous impact on the quality of higher education.

On the one hand, the Ministry of Education and Science has initiated reforms in higher education, and the university community is prepared to perceive these changes. This means there are positive trends: a new legislative basis is formed, there is a redistribution of administrative functions, elements of multi-channel financing are expanded, new forms of education institutions are created, the content of educational programs is updated etc. On the other hand, a number of other problems have been identified; they include insufficient funding, as well as inefficient and non-transparent mechanism for budget resources allocation, reinforcement of social differentiation in access to quality education, low level of social support for educators and students; outflow and aging teaching staff. It follows that at present the role and the responsibility of government regulation of higher education system is developing in the direction of reorientation from regulation to management with a focus on high-quality education services.

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