DRAFT LAW "ON EDUCATION": ITERATION No. 2

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On December 1, 2010, a new version of the draft federal law "On Education" was published1... According to the legislator's plan, the discussion will last for two months - until February 1, 2011. It should be noted that public discussion of the draft law "On Education" began in May 2010, when the Ministry of Education and Science of Russia published on its website the first edition of the said draft law in excess of 400 pages ...

The main complaints about the form of the original bill were its very impressive size, as well as the difficulties of perceiving the text itself due to the heavy official language with which it was written. In terms of its stylistic features, the draft law was more like a "instruction manual" than a document laying down strategic guidelines for the development of the Russian education system.

In terms of the content of the draft law, the changes concerning the elimination of primary vocational education were of utmost concern; transformation of the system of higher education: giving the college the status of an educational organization of higher education, introducing postgraduate studies into the system of higher education in terms of training scientific and pedagogical personnel and abolishing the concept of "postgraduate education" as such; the absence in the draft law of a norm regarding small schools, the closure of which by local governments is possible only by decision of the village gathering; the disenfranchised, derogatory status of the teacher; the lack of state guarantees regarding the financing of the education system, etc. In total, during the summer-autumn discussion, the Ministry of Education and Science of Russia received over 1000 comments and amendments, which, as promised,

Detailed acquaintance with the text of the amended draft law surpassed the worst fears. The bill was cut to such an extent, and very carelessly, that it hardly outlines the main contours of the reformed education system. As a result, it will be necessary to develop and approve a colossal number of normative legal acts to the basic law. The danger is that such a pipeline of bylaws can be difficult to track and verify. Their lion's share will be adopted in the regions and at the local level, so regional and local officials will have the opportunity to interpret certain

provisions of the federal law in multiple ways. Our history has repeatedly demonstrated examples of how by-laws crossed out the content of the law itself.

Without pretending to the full coverage of the proposed innovations, let us dwell in more detail on the main legislative innovations that have caused a great public outcry.

The updated version of the draft law "On Education" contains 19 chapters of 241 pages. In terms of the style of the document, it should be noted that "legal casuistry" still prevails over the main content of the law, there is a terminological overload of the text, there is a conceptual and substantive discrepancy between the chapters of the bill. A law that applies to everyone and everyone, designed to regulate one of the most important spheres of social structure, should be written in a language that is as understandable as possible for the general population.

First of all, it should be noted that the draft law does not contain norms on the content of education, referring readers to state educational standards.2... The law declares "the establishment by the state of mandatory minimum requirements for the conditions of the educational process, the level and quality of education" (subparagraph 13 of paragraph 2 of article 3). However, in the conditions of a chronic deficit of regional and local budgets, especially in relation to socially significant sectors, it is necessary that these "minimum requirements" set a high bar for the advanced development of the domestic education system.

The elimination of the initial level of vocational education is of particular concern. The authors of the bill note that this is a matter of terminology. Allegedly, primary vocational education (VET) will enter the system of secondary vocational education (SVE) as its initial stage - the training of qualified workers (at the second stage of VET, mid-level specialists will be trained).

By canceling the level of primary vocational education, the authors of the draft law forget about its social function. By the way, the vocational school contingent is a certain social section of Russian society, ignoring which is fraught with increased social risks.

In paragraph 5 of Art. 7 of the bill states that "the basic educational programs of secondary vocational education can be implemented by higher education organizations." Is there no danger in this formulation that higher education will be reduced to the level of secondary vocational education? How can we not recall the recent statement of the President of the Russian Federation that the teaching staff of universities should teach in technical schools?3

The higher education system will undergo significant changes. Higher education will represent a three-tier structure (in fact, four-tier): bachelor's degree

(qualification "Bachelor"), specialist training ("Specialist"), master's degree ("Master") and training of scientific and pedagogical personnel (after graduation (Postgraduate studies) - assignment of the qualification "Higher school teacher" or "Researcher", and after the defense of the thesis - the diploma of the candidate of sciences). Postgraduate studies (postgraduate studies) will be relegated from the level of postgraduate education to the level of higher education in terms of training scientific and pedagogical personnel. It should be noted that this innovation makes sense only if the academic degrees of candidate and doctor of science are awarded to people whose professional interests lie in the field of science and education. There was no place at all for doctoral studies in the new version of the bill. The point is that it will be excluded from the educational process, falling under the jurisdiction of the law on science.

In accordance with the bill, a college will be equated to institutions of higher education, along with an institute and a university (clause 2, article 113). In colleges, they will teach in applied bachelor's programs, in institutes - in applied and academic bachelor's programs, as well as in specialist training programs, at universities - in programs of all levels of higher education, including training scientific and pedagogical personnel and conducting fundamental and applied scientific research.

At the same time, “colleges, institutes and their branches have the right to carry out fundamental and applied scientific research mainly in one area of science or culture” (clause 4 of Art. 113). Without in any way belittling the need for the development of university science, it is still important to clearly understand that teaching and research activities are not the same thing. A significant lag in the salary of teaching staff from the average salary in the economy over the past 20 years since the acquisition of Russian sovereignty forced teachers to increase the lecture load, as a result of which old knowledge was transmitted with a catastrophic lack of time to update it. The latter, in turn, is the basis of research activities. The result was not slow to show itself - the low quality of teaching and the lack of conditions for research activities characterize the current state of the domestic higher education. Attention is drawn to the fact that, declaring the need to integrate science and education, the draft law bypasses "dead silence" the activities of the Russian Academy of Sciences.

Organizations of additional professional education will include academies, institutes of professional qualifications and centers, therefore, higher education organizations using the word "academy" in their name will be forced to re-register as institutes or universities.

It should be emphasized that the draft law lacks mechanisms for financing and preferential taxation in the education system. Moreover, one gets the impression that the implementation of state policy in the field of education entirely depends on the provisions of the Budget Code of the Russian Federation. Instead of setting in the law the minimum standard for financing education (as was the case in the early 1990s), at least which should finance not so much the functioning, but above all the advanced development of the domestic education system, the draft law, on the contrary, sets the upper threshold values in the formulations with the following content: "financial support ... is carried out within the budgetary allocations provided for in the budget of the constituent entity of the Russian Federation" (clause 12, article 12).

At best, Russian education will continue to receive funding "from what has been achieved" rather than based on the actual needs of the industry. In the light of the provisions of Federal Law No. 83-FZ of May 8, 2010 "On Amendments to Certain Legislative Acts of the Russian Federation in Connection with the Improvement of the Legal Status of State (Municipal) Institutions" , will entail a real decrease in funding.

It should be noted in the draft law a pronounced tendency to change the priorities in the implementation of state policy in the field of education: the priority of the development of higher education is giving way to secondary vocational education.

In general, one gets the impression that public discussion of the draft law "On Education" is a necessary, albeit annoying, formality that creates the illusion of public participation in the adoption of major government decisions.

In conclusion, it should be noted that the second edition of the draft law "On Education" was, on the whole, worse than the original version. Its two-fold reduction only launches the mechanism for the adoption of a huge array of by-laws, which creates ample opportunities for the arbitrariness of officials.

The draft law "On Education", designed to lay the strategic guidelines for the development of the domestic education system, puts at the forefront not the formation of the foundations for the advanced development of education, but the provisions of the Budget Code of the Russian Federation.

The draft law does not contain clearly formulated legal norms in which the development of education is recognized as the sphere of responsibility of the state.

Attention is drawn to the fact that the draft law does not contain a substantive component of the educational process, since the main attention here is fo-

cused on the organizational and legal foundations of the functioning of educational organizations.

The bill does not spell out state guarantees for financing the domestic education system, as well as mechanisms for preferential taxation of educational organizations.

To restore respect and understanding of the high social significance of the professions of educator, teacher, educator, researcher

it is impossible without fixing in the law a legal norm, according to which the wages of these categories of workers should not be lower than the level of the average wages in the economy, which, unfortunately, is absent in the text of the draft law.

Critical comments from the public regarding the cancellation of the levels of primary vocational education and postgraduate education, changes in the structure of higher education in the new version of the bill were not taken into account. Russia is one of the few countries in the world where fundamental research is carried out in all major areas of science. Traditionally, a significant part of such research is concentrated in the Russian Academy of Sciences. The latter, according to state statistics for 2008, includes 466 scientific organizations (in Russia as a whole - 3666), which employ 93.7 thousand people (in Russia - 761.2 thousand), including 54.7 thousand researchers (in Russia - 375.8 thousand). The qualification level of the Academy scientists is significantly higher than in other organizations conducting research and development. So, if in 2008

The personnel potential of the Russian Academy of Sciences is distributed as follows by fields of science: natural sciences account for 72.6% of all researchers, technical sciences - 12.8, medical - 0.4, agricultural - 0.5, public - 6.0, humanitarian - 7, 6%.

Approximately 20% of all funds allocated by the state for financing the RAS are distributed by the Presidium of the RAS and branches on a competitive basis to finance large research programs, which, as a rule, are of an interdisciplinary nature. Basic and program funding is reported to the institutions according to estimates.

In recent years, there has been an active discussion in the country about how the current forms of organization of fundamental science meet modern requirements. They revolve around the following basic questions.

What kind of fundamental science does Russia need?

How should the relationship between science and higher education be built?

Who is the main subject of scientific activity: an institute or a laboratory?

How to evaluate the effectiveness of fundamental research and what is the role of formal indicators (number of publications, citation indices, etc.) and expert assessments in this?

Should funding volumes be linked to formal indicators?

What is the best way to fund basic scientific research: by grants or by an estimate?

The generalized position of the critics of the Russian Academy of Sciences can be presented as follows. The quality of the scientific product is evidenced by the citation index and the impact factor of those scientific journals in which the scientific article was published.

Let's start with the question of the effectiveness of scientific research within the framework of the RAS. We emphasize right away that, in our opinion, any formal indicators are nothing more than raw materials for a qualified expert assessment.

Based on materials from Essential Science Indicators Russian science as a whole in terms of such an indicator as the number of publications in 1996–2005. by 1 million dollars at purchasing power parity ranked 22nd (16.6 items). At the same time, RAS published 70.7 articles and was in first place.

The situation is similar with the citation rate. In Russian science as a whole, 58.1 citations (33rd place) accounted for $ 1 million in purchasing power expenditures, while in the Russian Academy of Sciences - 269.5 citations (4th place). Finally, for the period 1998-2008. (in comparison with 1997–2007) the citation rate in Russian science increased by 7%, and in the Russian Academy of Sciences - by 16%.

We categorically disagree with the fact that Russian science today does not have the necessary human resources to implement ambitious plans. It is a big mistake to limit it to the circle of researchers who have publications in foreign journals with a high impact factor. Among other things, it should be borne in mind that scientists of the older generation were formed in different historical conditions, and it is at least unreasonable to ignore their scientific potential on the basis of such indicators.

The Russian Academy of Sciences is open for international cooperation and is ready to actively use its most advanced forms, including recruiting foreign scientists (including representatives of the Russian scientific diaspora) to work

in our institutes. However, our principled position is that the conditions of employment should depend not on the citizenship of the scientist, but on his qualifications, as well as the general rules in force in the country.

We do not share the point of view according to which the key subjects of scientific activity are laboratories, therefore, funding should be allocated between them on a grant basis. The RAS institutes are not economic superstructures over their laboratories, but full-fledged scientific structures that ensure the development of major scientific problems. Our experience shows that academic institutions are effective participants in cooperation (both among themselves and with non-academic research centers), thanks to which there is a consolidation of forces around breakthrough areas of technological progress, and important government projects are being implemented.

We believe that the existing system of basic funding for RAS institutes and distribution of funds within the Academy gives all the opportunities for the scientific community to independently determine research priorities. Of course, this does not mean that we are generally against the system of grant funding. In our opinion, it gives the best results when it is used to select potentially promising projects proposed by individual scientists or their small groups.

The RAS considers it important to restore the level of fundamental research in higher education, which fell sharply in the 1990s. At the same time, we are convinced that an attempt to solve this problem by limiting the funding of the RAS would be a big mistake. And we think that plans to transfer all fundamental research to universities are simply dangerous for the fate of Russian science. Carefully balanced development of fundamental science in the academic sector and higher education, preservation of various channels and mechanisms for financing scientific creativity will create optimal conditions for research activities.

Thus, we are convinced that the academic form of organizing science, which has developed in Russia for almost centuries, fully retains its viability. However, it does not follow from this that we do not see serious internal problems and challenges that academic science faces today and which make the task of its modernization more than urgent.

Problem number one is the unfavorable age structure of scientific personnel, which was formed as a result of the catastrophically low funding for science in the 1990s. At the end of 2008, the age structure of scientific personnel was as follows: researchers under 29 - 13.5%; 30–39 years old - 14.8; 40–49 years old - 15.5; 50-59 years old - 24.1; over 60 years - 32%. The obvious "demographic hole" in the contingent of middle-aged scientists poses a difficult task for us - to

actively involve young people in science and create conditions for the transfer of experience to them by colleagues from the older generation.

Something that can be done here. Thanks to a special project implemented in 2006–2008, the salaries of researchers from budgetary sources have increased fivefold. The average monthly salary of R&D personnel in the Russian Federation was 19,263 rubles in 2009. per month, and at the RAS - 26,963 rubles. per month. As a result, a queue of young scientists (mainly graduates of postgraduate studies from academic institutions) has emerged who associate their career aspirations with work in academic science. That is why the decision made by the government on the initiative of the President of the country to allocate funds to the Russian Academy of Sciences in 2011 to finance 1000 rates for young scientists is of great importance to us. Finally, it should be noted that

The second group of problems is connected with the fact that the provision of our scientists with modern equipment and instruments is still far from ideal. This is the problem of all Russian science. At the end of 2008, the technical equipment of one researcher in the Russian Federation was only 40 thousand rubles, and for a researcher of the Russian Academy of Sciences - 52.3 thousand rubles. Unfortunately, the solution to this problem has seriously slowed down due to the global financial crisis over the past two years. As a result, today almost three quarters of the budgetary funds allocated by the RAS are spent on paying salaries.

The third group of problems is associated with making the structure of academic organizations more flexible, strengthening competitive principles in planning scientific research and allocating budget funds.

It must be admitted that today the balance between the stability and flexibility of the structure of RAS organizations is violated. The liquidation of scientific structures (laboratories, research institutes) that have lost their scientific potential is difficult and takes place very slowly. This is partly due to institutional reasons beyond the direct control of the Academy. As an example, I will cite the fact that the bulk of the staff of academic institutions still has perpetual employment contracts, which sharply complicate the process of reasonable renewal of scientific personnel.

However, there are problems on our side as well. It is necessary to make a number of changes to the current procedure for the formation of plans for scientific research and assessment of their results. We associate increased competition in the selection of research projects to be funded and an informal approach to assessing their results with a qualitative increase in the level of expert activity within the Academy. Of course, we will track formal performance indicators,

but we will only use them as a supplementary material for expert assessments. Our skepticism about the idea of directly linking the achieved levels of such indicators with the volume of funding remains unchanged.

The fourth group of questions is related to the activities of our institutes for the commercialization of applied results accompanying fundamental research. One of the aspects of this problem concerns a clear delineation of the directions of the use of financial flows that lead to our organizations on the budget and commercial lines. A particular case of this problem is the procedure for the use of grants provided to our scientists from non-academic sources. We consider it correct to switch to the practice accepted in the world, when such grants cannot be used for the salary of the grantee, but are called upon to ensure the acquisition of the necessary equipment and devices, as well as the involvement of students and graduate students. In this case, the submission of applications for grants on planned topics by our researchers will be quite justified. This is our position. But it can only be implemented if the donor foundations amend their grant regulations accordingly.

The second, larger area of activity for the commercialization of the applied results of our institutes is associated with the creation of the so-called "innovation belt of the Russian Academy of Sciences". We propose such a mechanism for solving this problem. Within the Academy, a 100% state-owned holding company is being created, which, if necessary, establishes subsidiaries for the implementation of specific innovative projects based on the applied results of academic institutions. Such a construction translates the process of innovation into a natural commercial mode, and therefore allows attracting private capital for the implementation of large-scale projects. Among other things, if the government accepted this proposal, the Academy would receive an additional source of funding - dividends paid by the holding company.

And in conclusion, let us note the attitude of the Russian Academy of Sciences to international scientific cooperation. We consider the idea of a transition to a continuous external examination of the scientific activities of our institutes to be pure "nozdrevshchina". But we understand very well that science is international in its essence. That is why RAS actively cooperates with all major scientific organizations in the world, being a notable participant in international scientific exchanges.