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Legal Aspects Regarding Online Learning Process for Students at University and Digital Education in European Union: Different Life, Challenges and the Ability to Continue Education during the Pandemic Caused by Coronavirus (COVID-19)

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Abstract: Worldwide, the medical challenge brought by the pandemic caused by SARS-Cov-2 coronavirus (COVID-19/COronaVIrusDisease-2019) is overlapping with the challenge of continuing the educational process in schools and universities and this article highlights the situation regarding the studies at university. In Romania, the courses in school education and higher education have been suspended since March 2020, as a preventive measure against the transmission of coronavirus disease (COVID-19). After the pandemic caused by the SARS-CoV-2 coronavirus was declared, in Romania the state of emergency was established in order to limit the infection with coronavirus disease and, for this purpose, measures restricting the free movement off all persons were regulated. In this uncertain and unpredictable context regarding the evolution of the COVID-19 pandemic and its impact on education worldwide, with schools and universities affected by a level of disruption, without precedent in the past, it is essential and imperative for education to continue. This article discusses the need and the possibility of continuing the learning process even if schools and universities are closed and face to face courses are suspended, using online resources, forcing an online education, and also the juridical implications regarding the choice of this path. This article analyzes the online learning process for studies at university during COVID-19 pandemic through correlations with the Digital Education Action Plan adopted by the European Commission.

Keywords: *online learning process at university; higher education continuity; digital education; COVID-19 pandemic; coronavirus, legal decisions; Ministry of Education and Research of Romania.*

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1. Considerations regarding the international and national context regarding the coronavirus pandemic (COVID-19). Implications for the educational process in school, highlighting studies at university

After analyzing the evolution of coronavirus disease (COVID-19) and the worldwide spread, on March 11, 2020, the World Health Organization (WHO, 2020) stated that the spread of COVID-19 can be characterized as a pandemic, the first pandemic caused by a coronavirus. On March 16, 2020, the state of emergency was established in Romania (Decree no. 195/16.03.2020) in order to limit the infection with SARS-CoV-2 (Severe Acute Respiratory Syndrome- Coronavirus- 2) among people (to be extended by 30 days after April 16).

According to The National Committee for Special Emergency Situations Decision no. 6 of March 9, 2020 on approving additional measures to combat the new Coronavirus, the education process was suspended in public school units (from pre-school, primary, secondary, high school, post-secondary and professional education) initially from 11 to 22.03.2020, and then extended (until April 12, on the Romanian territory, 6,300 cases of persons infected with COVID-19 /coronavirus were confirmed, and 306 persons diagnosed with COVID-19 infection have died). On higher education, in the context of international recommendations on measures to prevent and combat the spread of COVID-19, based on the recommendation of the Ministry of Education and Research from March 10, 2020 to suspend teaching activities (based on a decision taken by the university, considering university autonomy) and to organize activities with students through online platforms, in order to limit the spread of the coronavirus, universities in Romania have decided to temporarily suspend courses, first until March 31, 2020, but the period was extended. The scenario presented by the Ministry of Education at the beginning of April 2020 estimates to resume the courses in pre-university and university education during June (Ministry of Education and Research, 2020a).

At this time, it is obvious that the coronavirus pandemic has changed education. SARS-CoV-2 brings unexpected challenges in the medical field as well as in the educational process. All over the world, countries have taken actions to mitigate the effects of the pandemic, such as suspending attendance at schools and universities in order to limit the he transmission of coronavirus disease (COVID-19/COrona VIrus Disease-2019). In the studies regarding „COVID-19 Impact on Education", UNESCO Institute for Statistics (as the official source of international data on education, reveals in the study "Global monitoring of schools closures

caused by COVID-19" that on 11 April 2020, 91.3% of total enrolled learners are affected due to school closures (188 country-wide closures) (UNESCO Institute for Statistics, 2020). UNESCO estimates that more than 1.5 billion learners (representing over 90% of the world student population) are confined to their homes and experts in lifelong learning state that the priority for every ministry of education must be to provide alternative learning solutions. The educational system in Romania will certainly be affected by the coronavirus disease, but, beyond inconvenience, we should focus on adapting the educational process both in school and in university courses, and on educational innovation.

Regarding the lasting impact on the trajectory of learning innovation and digitization, there are opinions (Atchoarena, 2020) that follow some trends for future transformations: „education pushed to change, could lead to surprising innovations"; „public-private educational partnerships could grow in importance"; „the digital divide could widen (digital divide could become more extreme if educational access is dictated by access to the latest technologies)" (Tam & El-Azar, 2020).

2. Legal Aspects Regarding Online Learning Process at University. Digital Education in European Union

The Decision of the Group of Technical-Scientific Support Regarding the Management of Highly Contagious Diseases on the Territory of Romania no. 9/10.03.2020 (approved by the Decision of the National Committee for Special Emergency Situations/CNSSU no. 7/2020) states that the education process is suspended in public school units until 31 March 2020, with the possibility of extending the duration and it is recommended the use of alternative teaching methods for education; the period was extended.

In the past, the Gradual Intersectoral Framework for combating the effects of the pandemic with the A/H1N1 virus on July 22, 2009 (issued by Government) indicated specific measures for educational institutions and units, among which the possibility of broadcasting the class hours through audio and video transmissions (e-learning system).

The Order of the Ministry of Education and Research no. 4020/ 07.04.2020 regulates that: during the state of emergency the direct didactic activity ("face-to-face" interaction) is suspended and the higher education institutions in the national education system, on the basis of the university autonomy, respecting the quality of the didactic act and assuming the public responsibility, will use alternative teaching methods for education (online

platforms); the didactic activities such as laboratories, projects, research activities which require the "face to face" interaction, will be organized in a modular system, intensively, after the cessation of the state of emergency; during the state of emergency, given the infrastructure of the universities, the student evaluation activities can be carried out online, based on a procedure approved by the university senate; for the academic year 2019-2020, during the state of emergency, the bachelor's exam and the presentation of the dissertation paper at the master's degree can be conducted online. The Ministry of Education recommends (Address no. 217/GP/ 01.04.2020) (Ministry of Education, 2020b) an additional session of exams and recovery programs in the following year to allow the completion of the studies by the students in the last year, without additional costs. The methodology for registration at the faculty allows the enrollment in university studies of the young people who want to attend university courses online.

Online communication platforms and methods used in higher education during the state of emergency and pandemic, although limited to existing resources, are adapted by teachers for the needs of the students to ensure the continuity of the learning process.

Good practice in education „encourages contact between students and faculty, develops reciprocity and cooperation among students, encourages active learning, gives prompt feedback, emphasizes time on task, communicates high expectations, respects diverse talents and ways of learning" and these standards should apply equally to both face-to-face and online teaching (Bates, 2015).

The EU's guiding principle is to consider continuous advancement of education to be very important and weidespread access to quality education is reflected into economic growth, social cohesion, research and innovation and increases prospects for personal development. Concerning digital competences and technology in education, European Commission has adopted in 2018 a Digital Education Action Plan, which indicates actions to support the development of digital competences in education and measures to help EU Member States to meet the challenges and opportunities of education in the digital age: a better use of digital technology for teaching and learning; developing digital competences and skills; improving education through better data analysis and foresight. Although digital transformation offers many opportunities currently the biggest risk is that society is not sufficiently prepared for the future.

The Treaty on the Functioning of the European Union states in article 165 (ex Article 149 TEC) that the Union shall contribute to the

development of quality education by encouraging cooperation between Member States. Digital technology changes life; concerning Europe's digital future, „A Europe fit for the digital age" is one of the six European Commission's priorities for 2019-2024.

Digital learning is considered to be a great opportunity for self-care, personal development and social inclusion during the COVID-19 pandemic (European Association for the Education of Adults. 2020a). Barriers to learning have existed for learners from vulnerable groups and adult education organisations in Europe try to continue activities to reach out to this groups (European Association for the Education of Adults, 2020b).

Online education requires a different approach and experts offer advice for professors who use this method (Bates, 2020). Continuing education during uncertainty is a challenge and it requires access to information and training, both for those about to teach online in higher education and for higher education students (Pearson, 2020).

3. Conclusions

Online teaching activity at universities replaced the suspended "face to face" courses. Romanian universities manage to support an online educational process, they have the necessary infrastructure to carry out these activities, and the professors have necessary skills to move forward with the educational process in higher education.

Educational system in Romania is facing new challenges due to COVID-19; in order to avoid disruption in learning, efforts should be intensified to support an active learning process both at school and at university, implementing online learning during pandemic, with the purpose of providing quality education during difficult times. It is important that teachers continue to support the educational process and contribute with open educational resources, to support the educational act.

Concerning UNESCO's COVID-19 Education Response and distance learning solutions, UNESCO recommends educational resources and platforms to facilitate student learning and interaction during periods of school closure (UNESCO, 2020).Concerning education in emergencies, UNESCO states that „even in critical emergency circumstances when communities have lost everything, education remains at the top of the priority list".

From my experience regarding the didactic activity carried out so far during April and March 2020 with the students from the university on online platforms, we have found that the constant activity, at high level, with the

students, responds both to the need to manage the learning content, as well as to a psychological needs, with the purpose of finding the linearity and the lost rhythm, giving the students confidence in the educational act; although initially the students were skeptical (and perhaps even reluctant) to participate to the online courses, the adaptation was was not difficult, being animated by the desire to learn and to manage the situation in the most efficient way for their development and education.

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