

DISTANCE EDUCATION IN BOLIVIA: ANALYSIS OF ITS EVOLUTION, CURRENT SITUATION AND PROPOSAL FOR IMPROVEMENT

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Abstract

The study constitutes an analysis of everything concerning distance education, from the historical situation and the situation of the laws of Mexico, Germany, Bolivia and its neighboring countries, which seeks to advocate the implementation of this mode of education as a subsystem of the Bolivian Educational System, so that it is adequately legislated and thus to avoid the various conflicts that arise in obtaining careers and specialties at undergraduate and graduate level, through the use of distance education; visualizing at all times, the contextualization of fundamental ideas. Both the bibliography consulted, as well as the valuable collaboration provided by different experts in the subject matter of the research allowed us to arrive at the foundations and doctrinal, theoretical bases in order to solve the problem posed by the development of a proposed law, which after an analysis was validated, allowing us to recommend that this proposal be submitted to the competent authorities by law, for its approval and enactment.

Keywords: Virtual needs, technological innovations, professional capacity, revalidation, implementation, repeal, education.

I. Introduction

Education worldwide is recognized as a fundamental right that must be implemented in all states, especially in those that make up the group of countries aligned with the United Nations, which emerged as a need to respond and never again commit human rights violations, as were committed during the Second World War; Since this organization is in charge of ensuring respect for human rights at the international level and within which are immersed the right to education, which seeks that the inhabitants of member countries, find an intellectual improvement, in order to be more competitive at the time of social coexistence (UN, 1948, p. 2).

From this situation, it follows that several states in the world visualize within their educational systems the existence of distance education, which seeks to reach the most remote populations of their territory or to reach sectors of the population that, for some reason, cannot attend a classroom or school-based education (Martinez, 2008, p. 21).

Now, the supreme norm that regulates the Plurinational State of Bolivia, a product of a constituent assembly and a referendum, was approved in 2009, which recognizes distance education as a necessity to be imposed in the State and is stipulated in Article 90 paragraph III, which states that the State shall seek the necessary

mechanisms to provide this education (New Political Constitution of the State, 2009, p.19).

The present work, in this sense, advocates why at once the distance system is implemented as a subsystem of education in Bolivia so that it is properly legislated and in such a way as to avoid the various conflicts that arise with obtaining careers at undergraduate and graduate levels through distance education.

1.1 Problem statement

Distance education worldwide is recognized by very few countries expressly, such as Spain, Mexico, the United States of America, Colombia, Chile, Peru, and Argentina (Development Center Study, 2015).

Distance education in Bolivia is not expressly contemplated in the university education system. However, it is recognized by the Executive Committee of universities (in practice, for the revalidation of degrees granted by this type of university) and by some state universities such as Universidad Autónoma Gabriel Rene Moreno, Universidad Autónoma Mayor de San Andrés, Universidad Amazónica de Pando, Universidad Siglo XX and expressly for teacher training through an agreement with Spain (UNED, AECI-ICI, 1992).

Bolivia recognizes the different international agreements that require the revalidation of titles at the international level. However, at the moment of carrying out or complying with them, they encounter obstacles, mainly due to the criteria of the public official who has to carry out the revalidation, since it is based on the common sense of the personnel in charge of them, making it vary from one to another.

There is defenselessness on the part of the citizens who carried out distance studies in other countries and who intend to revalidate their degrees for not being adequately regulated in something specific to guide such actions (Plurinational Constitutional Judgment, 2019).

2. Objectives

2.1 General Objective

To design a bill to implement distance education in the Plurinational State of Bolivia so that it can function independently, legally and following Bolivian practice.

2.2 Specific objectives

- 1 Describe the Plurinational State of Bolivia's educational system in the current legal system.
- 2 Identify the education system in Germany, Mexico and Bolivia's neighboring countries.
- 3 To refer to the philosophical or theoretical doctrinal bases that allow us to introduce distance education in the national educational system.
- 4 Determine the legal means to establish the belonging of distance education in the educational system of the plurinational State of Bolivia without losing its competence and independence.

3. Methodology

The methodological approach of the present research is framed in the qualitative method, non-experimental since the same does not start from a structured and pre-established design for the research development. On the contrary, the authors Blasco and Pérez (2007 p. 25) point out that qualitative research studies reality in its natural context and how it happens, drawing and interpreting phenomena according to the people involved mentioned in the Doctoral Thesis (Ramirez, 2017) and the present research starts from an analysis of what constitutes distance education and the opinion of experts in this field in order to reflect it in Bolivian education since distance education in Bolivia is not regulated. However, its implementation is currently necessary for a certain legal framework since different educational institutions use it.

3.1 Methodological design

The type of design of this research was carried out under the qualitative, non-experimental approach, for which, in the first instance, a review was made

of all the existing documentation on distance education worldwide and this data was used to obtain the opinion of different experts that allowed to arrive at coherent and concrete conclusions about the research; following the following phases:

First phase: the collection of all the necessary information that allowed the research to be carried out, determined by the researcher.

Second Phase: With the information obtained in the first phase, the information was organized and evaluated.

Third Phase: Analysis and synthesis of all the information obtained.

Fourth Phase: Interpreting the different results obtained will provide a solution to the research problem.

3.2 Collection instruments and techniques

Since the research was qualitative, the following collection instruments and techniques were used.

3.2.1 Literature review

A bibliographic review is a form of academic work consisting of conducting documentary research, compiling existing information on a topic and, in this case, on distance education and its implementation in Bolivia, for which different sources were used, such as scientific journals, articles, doctoral theses, books or texts and other academic works, which allowed to have the necessary information for the development of the research, giving a concrete vision on the subject referred to, the same that was developed in the following steps:

- First step, justification of the bibliographic review

With this first step, the authors sought to argue the reason for the documentary research, justifying the problem or research questions and whether this research is relevant and for whom, clearly stating that distance education is a very important issue for the educational development of a given country, as in this case, for Bolivia, facilitating

access to it to people who for some reason or motive did not have access to traditional or face-to-face education.

- Second step, the compilation of the bibliography

In this step, the search for all the information was initiated through the Internet, that is to say, first online and then visiting libraries from where some valuable information for the research could be extracted.

At this point, it is necessary to point out that the greatest amount of databases that the technological resource of the Internet presents was used, exploring the different academic works of the University of Jaen, finding within them various doctoral theses, which facilitated the understanding of virtual education and the use of technological means, Google Scholar was also used, which allowed access to other virtual libraries, the same that allowed the downloading of the necessary information regarding distance education. Furthermore, other internet search engines that gave access to different virtual libraries were also used, from which articles, magazines, books, texts or other academic works referred to the subject were extracted; such as Bookboon, whose platform is recognized for having a wide experience in offering books in PDF format for free and without having to register; Symbols were also used, which is an excellent web page in which people can download books in PDF format for free and without having to register, just like the previous platform.

In this way, it was possible to compile many bibliographies that referred to the subject, allowing for various information that served the purpose of the research.

- Third step, evaluation and selection of the bibliography.

All the documentation was classified according to its relevance and scientific quality in this step.

Relevance

In the first instance, the information fits perfectly with the topic of distance education and its implementation in Bolivia. Reading the introduction and conclusions of the work mentioned above for time reasons allowed to select the documentation that required analysis because it referred to our topic and also to discard the information that was not pertinent.

Quality

The authors try to keep the information search quality by using articles published in scientific journals, books and other media that are important or recognized at an international academic level. The quality of the information was also ensured by the appearance of an author in several scientific journals or that are permanently repeated as a reference in scientific articles made by other authors of the same, trying to avoid articles that have no authorship or that are from pages that are not reliable.

- Fourth step, preparation of the literature review.

In this step, the complete analysis of the information obtained was carried out, linking it with the research work and compiling the pertinent parts of the same, a situation that allowed conclusions to be reached on the different objectives outlined, whether general or specific.

3.3.2. Semi-structured interview

Another instrument used in the present research was the interview, according to what it states (Collins, Galindo, & Saucedo, 2012). Constitutes that action where the interviewee and the interviewer meet and mutually see each other, implying that two or more people meet in a particular place in order to address the topic of interest or research, that is, a face-to-face meeting in which questions and answers are generated on the topic of interest, dialoguing to determine or deepen the topic in question, managing and deepening it.

Within these interviews, two contrasting roles can be distinguished, which are:

On the one hand, the interviewer, whose function is to conduct the interview and to raise the subject of the investigation and ask the questionnaires or questions, is also the one who initiates and concludes an interview.

And on the other hand, the interviewee is the person who answers the interrogation or questions asked by the interviewer, which is characterized by being voluntary.

About the qualitative approach designed primarily to be able to obtain the data that allowed to arrive at solutions in line with the problem posed in the

research work to support the proposal; such interviews were applied to personnel of specialists on this topic in question, which meant collecting data using techniques that did not pretend to measure, nor relate numbers to measurements. In this study, a semi-structured interview with open answers was used. A semi-structured interview is that “type of interview in which the points to be discussed are known, but for which neither a specific order nor a specific script has been established beforehand” (Palacios et al., 2019). In this study, a guide of questions was elaborated before the interview, but the answers were changed according to what was required to research distance education and its implementation in Bolivia; for which a strategy of alternation between structured questions and random questions was deployed all this according to the ideas received from the interviewee.

This approach used data collection and analysis to discover and complement the questionnaire answers applied to education specialists. This instrument was carried out without numerical measurement.

4. Results

4.1 Education. Development and current situation

This section is the development of the secondary objectives proposed in this research, for which a bibliographic review was carried out in different virtual libraries, which allowed access to books, texts, scientific articles, legal regulations, results of conferences and other academic activities, which, once analyzed, were included according to the relevance and needed to have them, in order to answer the research questions that gave rise to them.

4.1.1 The Bolivian educational system and the current situation of distance education in the Plurinational State of Bolivia

The present work constitutes an analysis of education in Bolivia and the current situation of distance education, as well as its implementation in the laws of education in Bolivia, making a small

chronological description of education and how to administer it from the birth of the Republic of Bolivia, until the current Plurinational State, showing the whole system of operation and the legal gaps that are left at the time of putting distance education into operation, as well as its components, to arrive at partial conclusions.

Education in Bolivia is immersed in the Political Constitution of the Plurinational State, in its First Part, Title I, Chapter VI and for its operation, it is regulated by the Education Law No. 070 Avelino Siñani Elizardo Pérez, giving it singular and preeminent importance in the life of Bolivian society, since it constitutes an unavoidable and priority duty of the Plurinational State of Bolivia, is one of the fundamental responsibilities of the same, in order to be able to achieve the growth of its population.

Now, to analyze education in Bolivia, the authors must go back to the time of the Inca because in this era appeared the first dawn of education and then point out that during the years since its creation as the Republic of Bolivia in 1825, that is to say during its Republican life, education has been managed in very different ways and generally based on the political whims of the rulers, applying concepts and policies that, according to these authorities, could serve for the conjunctural moment and giving different forms of a solution to the educational problems that arose, so there were different laws throughout that republican life. The current system, which was also a product of the conjunctural moment, so the denomination of the Republic of Bolivia was changed to the name of Plurinational State of Bolivia, making all laws must be changed or have to adapt to the so-called process of change, which lasted almost 14 years, under the mandate of Evo Morales, coming to shape the education law No. 070 Avelino Siñani - Elizardo Pérez, on December 20, 2010. This law is currently in force.

4.1.1. Historical education development in Bolivia (Herrera Aramayo, 2018).

From the analysis of the historical development pointed out by Herrera, we can point out that education in the time of the Inca was based on three main principles, which even today is

contemplated in the constitution, being these: AMA SUA, which means do not be a thief, a very rigid principle that made the members of that society take very much into account since they were punished even with death; AMA LLULLA, which means do not be a liar, a principle that seeks that in that society the truth is sought at all costs and the principle of AMA K'JELLA, that does not be lazy, which sought that the member of that society is productive. These principles are in Quechua language. Principles deeply rooted in the time of the Inca, which was put into practice in education by the elders, who were the teachers of the youngest, transmitting all the knowledge acquired throughout their development as human beings; mainly visualizing education through oral teaching, religion, administration, everything related to government, military art and history; but education between men and women was differentiated, since the education for women was directed to education for housework as well as crafts and weaving and finally noted that there was the yachaywasi that constituted the school for youth.

Already during the colony, it was the Catholic Church that was in charge of education, instilling religious values and everything that referred to the Hispanic American values, leaving aside the principles and everything that was achieved during the Inca period; we also have to point out that this education was mainly directed to manual labor, where social classes were imposed and it was the Creole who had greater supremacy over the rest of the classes, leaving the indigenous out of education.

Once Bolivia was in the republican era, the provision of education continued with the lines left by the colonizers, in the Spanish; being directed to the upper social classes, forgetting the lower classes and indigenous people; there were only intentions of some teachers, to bring education to these social classes; this situation lasted almost until the late nineteenth century. This situation lasted practically until the end of the 19th century; since Bolivia was incorporated into the industrialization era, it required skilled labor and as our country did not have it, it was necessary to incorporate into its educational system all social classes in order to obtain that valuable labor,

developing an ideology of progress, which consequently led to the creation of the Ayllu School of Wuarisata, where it was sought to educate students in two languages, Spanish and Aymara. As a result of this, the need to speak of an inclusive national pedagogy was born, but this could only be contemplated in 1952 when the so-called Bolivian Education Code came into force, which determined the existence of two systems, urban education and rural education, thus integrating the indigenous class to the education system, becoming universal education and trying to implement innovations in line with the advances of the world system. Gender equity was introduced in 1971, when girls and boys were included in a single form of education until 1992, during the development of the so-called I National Congress of Education, it was determined that it was necessary to carry out an educational reform because education did not meet the necessary expectations for the time, which resulted in the so-called Law of Educational Reform (Law No. 1565), which was enacted in 1994, and in which a change was made, transforming education into intercultural and bilingual education based on an international globalist approach. Only in 2010 the Avelino Siñani - Elizardo Pérez Law (Law No. 070) was enacted, which is currently in force; based on a more pluralistic and participatory approach to the lower social classes, it seeks to build a better and adequate system that allows more successful management of education in Bolivia; advocating that it reaches in an equitable and egalitarian manner to all the inhabitants of the Plurinational State of Bolivia.

This law visualizes different education levels, detailed below with a brief commentary.

The Educational System in the Plurinational State of Bolivia comprises:

The Higher Education Level, which includes the university system, whether public or private; when referring to the public university system, referring to the management of undergraduate and graduate education by state universities, which are autonomous and are governed based on this principle, developing the academic and administrative part, framed in the Political Constitution of the State and the laws of the State. When talking about the private university system,

it develops its academic activities under the supervision of the Ministry of Education through the National Secretariat of Public Education. It also includes non-university education, which is the responsibility of the State.

This level is responsible for professional and technical training in the different institutes existing in our country, including postgraduate training and specialization. Within this level are the different training and specialization institutes of the Armed Forces and the National Police, as well as the different teacher training colleges, which are responsible for training teachers in both urban and rural areas.

Normally, when regulating higher education, it considers undergraduate education, which has a duration of 5 years. However, when referring to the control and regulation of postgraduate education, it recognizes Diplomas with 240 academic hours, specialties with different hourly loads from 400 to 640 academic hours, Master's Degrees with a duration of 2400 academic hours, Doctorates with a duration of 2800 academic hours and these are carried out in different universities, whether they are public or private.

On the other hand, it is necessary to point out that when they refer to non-university higher education, they are referring to those institutions that, without being universities, offer careers in which technical and technological professions are obtained, which are regulated by the Undersecretary of Science and Technology within the Vice-rectorate of Higher Education of the Ministry of Education.

As mentioned above, these are made up of all the training and specialization institutes of the Armed Forces and National Police, whose duration of studies is normally 5 years. In addition, also within these institutes are the different teacher training colleges, which are responsible for the training of different teachers at the preschool, primary and secondary levels, whether for urban or rural areas, also considering the different specialties which must be taught at the secondary level and which normally have a duration of 5 years of professional career.

Within the teacher education and training system, there is the Higher Institute of Higher Education

(ISER), which is in charge of providing different postgraduate and specialization courses for teachers in urban and rural areas, being an institution that offers these courses in person or by distance learning in collaboration with the SEBAD (Bolivian distance education system).

SEBAD is an institution of the Bolivian Ministry of Education and Culture which, with the financing and advice of Spanish cooperation, offers these possibilities: 1. Systematic and permanent training for teachers in service in rural and urban areas. 2. Professionalize interim teachers in rural areas with five and/or more years of professional practice within the time established for executing this commitment. 3. Training of human resources specialized in planning, organization and monitoring distance education actions, as well as tutoring services.

It should also be noted that the different Institutes or technological, arts, or music schools, whether they belong to the public or private sector, are within this level and are regulated by the National Secretary of Education, offering courses in the different areas required by the State, training professionals in different specialties.

Finally, it should be noted that public universities such as the Universidad Gabriel Rene Moreno, the Universidad Mayor de San Andrés, the Universidad Amazónica de Pando and the Universidad Siglo XX, have been offering postgraduate distance learning courses and they offer them according to their internal regulations, but as could be determined there is no law regulating distance learning, which provides them with the fundamental legal basis for offering such courses.

4.1.1.2 Current Legal Framework

When studying the current legal system that regulates education in Bolivia, it should be noted that it includes education as the facilitation of learning through preformation, formation, specialization and training of the different human resources available to our State, giving them skills, values, principle, through the transmission of knowledge, with trained personnel for this task, through the use of pedagogical resources and the organization that facilitates the same.

Now, when talking about the legal system that regulates education, one must visualize all the laws and norms that regulate education and for the present analysis, some articles that allow to land on what is pursued with the objectives of this research will be considered, for which, it starts from:

The Political Constitution of the Plurinational State of Bolivia, Chapter Six, Education, interculturality and cultural rights, Section I. Education (Constitución Política del Estado Plurinacional, 2017) which in the following articles states:

Article 77, paragraph I, establishes that education is a supreme purpose of the State and its primary financial responsibility, and it must support, guarantee and manage it; paragraph II establishes that education is the responsibility of the State and society, which is made up of regular education, alternative education, special education and higher education for professional training; finally, paragraph III establishes that education is made up of three institutions (public, private and under the agreement).

Article 78 states, “I. Education is unitary, public, universal, democratic, participatory, communitarian, decolonizing, and quality. II. Education is intracultural, intercultural and plurilingual throughout the education system.” (Political Constitution of the Plurinational State, 2017), in its subsection III, establishes that open, humanistic, scientific, scientific, technical and technological, productive, territorial, theoretical and practical, liberating and revolutionary, critical and supportive education constitute the foundation of it. Subsection IV, determines that it will be the obligation of the State to guarantee that this education is vocational and technical humanistic following the work and productive development of the State and for both men and women.

Article 80 states in its paragraph I that the objective of this education is to achieve the integral formation of the components of society, strengthening social and critical conscience in life and for life, visualizing that it must achieve an individual and collective formation, developing competencies and skills that link theory with practice, as well as the protection of the

environment and the territory in order to live well. Article II establishes that this education should allow the unity and identity of all its components, as well as cultural development and identity.

Article 82, paragraph I, establishes that the State must guarantee that education is provided under equal conditions for all the components of the State, as well as the permanence of the same throughout the entire process. Article II determines that the support of the State shall have an impact on those students with fewer resources so that they may have access to different levels of education. Finally, section III states that scholarships must be programmed to encourage the education of students with excellent performance and to provide for the education of children with different or natural talents.

Article 90, in its paragraph I, determines the creation of institutes by the State to guarantee technical, technological, productive, artistic and linguistic training through technical institutes. Furthermore, paragraph III states that the State shall promote the creation and organization of distance and popular non-school-based educational programs within the educational system.

From the analysis of these articles, it should be noted that in compliance with international treaties, the Plurinational State of Bolivia includes in the articles of its constitution one of the most important chapters, such as education, as a priority aspect to achieve the improvement of its people, taking the tuition of this and indicating that it is fundamental; at the same time it is noted that the Education System of Bolivia is divided into three, Regular Education, Alternative and Special Education and Higher Education for professional training and clearly states that special laws will regulate this.

Also, within this analysis, it should be noted that the constitution establishes that education is public and that it is based, among other aspects, on an open education, which clearly shows that it must reach all corners of the Plurinational State and that as it has places that are difficult to access or that as a result of the work carried out by the people of the age to acquire knowledge through their primary or secondary, professional or

postgraduate training, they need means that the State has to provide to reach the end that is equal education for all.

Finally, Article 90, paragraph III of the Political Constitution of the State that is the subject of this analysis states that the State shall “promote the creation and organization of distance and popular non-school-based educational programs” (Constitución Política del Estado Plurinacional, 2017), giving an indispensable and essential footing to include this modality of education in our Bolivian laws, in order to comply with the constitutional mandate.

When the analysis of the Education Law 070 “Avelino Siñani - Elizardo Perez” of the Plurinational State is made, in TITLE II PLURINATIONAL EDUCATIONAL SYSTEM (Education Law 070 Avelino Siñani-Elizardo Perez, 2010), among some of the articles necessary for this research, it points out:

Article 8 establishes the structure of the Plurinational Educational System, which must be made up of subsystems: a) regular education, b) alternative and special education, and c) higher vocational education.

Article 9 determines that regular education consists of systematic, regulated, compulsory and percentage education, from initial education to high school, which must allow for integral development, providing continuity in higher education and professional training, as well as its projection to the production environment, and must have an intercultural, plurilingual and intracultural character.

Article 16, paragraph I, establishes that alternative and special education must meet the educational needs and expectations of the different individuals, families, communities and organizations that need to continue their studies or require ongoing training. In paragraph II, it determines that the focus of popular and community education must be inclusive, lifelong and prioritizing people who are marginalized, excluded or discriminated. Section III states that this education must be intracultural, intercultural and multilingual. Finally, clause IV determines that it includes the areas of Alternative Education and Special Education.

Article 28 considers higher education for professional training, establishing that it constitutes a space for professional education, which seeks to satisfy the different social, economic, cultural and productive demands of the State through science, research and technology.

Article 30 is the one that determines the structure, establishing that training includes: a) Teachers. b) Technical and Technological. c) Artistic. d) University.

Article 52 is the one that states that university higher education is the one that seeks the development of scientific and technological research in professional training in order to contribute to the productive development of the State, which must be framed in the Political Constitution of the Plurinational State.

From this we can infer that the law in charge of education by order of the Political Constitution of the State is No. 070 called Avelino Siñani-Elizardo Pérez, is in charge of regulating everything related to education in our country, and following this, it gathers the education system in three subsystems, the first called regular education, the second in alternative and special education and the third in higher education of professional training.

Now, when we visualize regular education, we must point out that it is the one that is guided by a curriculum, an established organization and is comprised from preschool and school, reaching the baccalaureate finally.

Entering the second subsystem, we have to point out that it is alternative education and special education; the first refers to the training of young people and adults who have or are older than 15 years where diplomas of humanistic technical baccalaureate and as a middle technician are granted, enabling them to be able to continue their studies of professional training or training, The second one about special education, we have to point out that it is the one that tries to be inclusive, incorporating disabled people or people with special abilities to their training levels, in order to promote their aptitudes in a better way and achieve their education through these systems.

The Higher Education Subsystem of Professional Training refers to all the training provided in the different universities, whether public or private, institutes of the Armed Forces and National Police, teacher training colleges and other institutes of technical, technological and artistic training; the latter being the space in which the different professionals are trained, so that they can contribute to the development of the State with their different scientific and technological research, but as in the regular system, it does not include distance education.

In this situation, neither against nor in favor of distance education is considered, without taking into account that the same Political Constitution of the State in its Article 90, Section III, indicates that distance education programs must be considered, therefore, leaving those who studied through this system and those who, for whatever reason, cannot participate in face-to-face education defenseless.

On the other hand, it should be noted that the Plurinational State, through the Ministry of Education, achieved the issuance of Supreme Decree No. 26275 of August 5, 2001, to regulate distance or virtual education for private universities. 26275 of August 5, 2001, in order to regulate distance or virtual education for private universities, which was called the General Regulation of Private Universities and its Annex the General Regulation of Graduate Studies for Private Universities, having to clarify that it only regulates private education and not public education, it is only directed to higher education and up to the degree of master, not considering the subsequent degrees of Doctor or Postdoctoral and any other degree that is imposed later so that we will consider it in our research.

The General Regulations of Universities regarding virtual or distance education are found in Chapter XV. Semi-presential, Distance and Virtual Modalities and Chapter XVI. Virtual Private Universities.

In this Supreme Decree, there is a clear differentiation between the different modalities, indicating that when virtual education is visualized, it should be clear that there is the blended, distance and finally, the Virtual

modality, clearly indicating that the only universities that can request the authorization of these programs are the private universities considered full. These are specified in the regulations as follows (Omiste, 2003): Where it is specified in art. 65 that there are two types of private universities for the Bolivian State; the initial and the full. Establishing that the full university is one that in the first instance was constituted as initial, but for having fulfilled all the requirements that are immersed in the regulation under analysis, approved the institutional evaluation carried out, for this purpose, the parameters are found within the same regulation, on the other hand, that meet the requirements of evaluation that it has; that is to say that it must perform self-control and self-regulation.

Considering the articles that are of interest to the present investigation, it should be noted that the General Regulations of Universities contemplate:

Article 121 determines the blended learning modality, indicating that this is a modality of the teaching-learning process in which face-to-face and non-face-to-face classes are intertwined through the combined use of methodology, techniques and didactic material, in which the personal interaction in classrooms is reinforced by the use of different didactic means and the support of tutors that facilitate the student's autonomous learning.

Article 112 establishes that this is the educational modality in which there is a physical separation between teachers and students, where interaction takes place through printed, mechanical or electronic mechanisms that must facilitate and guarantee training and learning. In this modality, the objectives must be established, as well as the mechanisms of interrelation and quality control, in order to guarantee regular training activities.

Article 123 is the one that determines the virtual modality, indicating that it is the one that uses different computer platforms in the virtual environment in order to organize different training activities, where the interactivity between teachers and students and the multimedia material made available to them through the use of the Internet is developed. Pointing out that "Full private

universities may develop virtual education programs only at the postgraduate level".

Article 125 establishes that the characteristic of distance education is the distance between the teacher and the student, who has a duly programmed text or a self-instructional module at his disposal.

Article 126 determines the characteristics of the virtual modality in which it states that there is a direct relationship between student and teacher, through the use of didactic resources, in a high-tech communicational environment, in which different software is used that disguise a physical space in this computer platform or sometimes called a virtual campus, with the use of computers or other technological systems.

Article 127 establishes that the mode of graduation shall be by thesis or degree examination, there being no other mode; on the other hand, it states that these modalities shall be carried out before representatives of the state university and members of the university.

Article 128 establishes that private universities that offer this modality must have the installed capacity to develop it, which it stands out that they must have a virtual infrastructure with a computer platform.

Article 129 states that, as a technical characteristic of the virtual campus, it must allow participants in the teaching-learning process access to laboratories, study environments or fieldwork through agreements with universities or productive service companies.

Article 132 states that virtual private universities offer their activities using the interactive virtual modality through the use of the Internet, establishing that these, without prejudice to the fact that some activities may be carried out in person or at a distance.

When we analyze the General Postgraduate Regulations, which constitute an Annex, we have that:

Article 60 refers to the different agreements that private universities may make to carry out studies through the virtual modality, establishing that they may offer these courses, as long as the academic

responsibility is assumed by the foreign university and on the other hand must comply with different procedural conditions, among which are: That the time of study, must be similar to that which exists in the country that offers this course; the foreign university must guarantee the permanent quality control of the course offered; the Magister Diploma must contain all the signatures of the authorities of the country where the foreign university is from and at the same time it must be endorsed by the Ministry of Education, Culture and Sports.

From the analysis of these articles, we can point out that this regulation prohibits private universities from offering Doctorate programs in the virtual modality; for this modality, the only existing condition is that the university must carry out an adequate selection system, establishing that education in this modality must be for people with capacities that allow them to carry out the studies, conferring evaluative power to the Vice-Ministry of Higher Education, Science and Technology, to implement this type of programs, this regulation states that computers must be used as the necessary means to achieve success, clarifying that at present not only the computerized system is the only option, but also videoconferencing, use of special transmission programs such as telephones, televisions and other technological means that facilitate communication.

To conclude this analysis of the Bolivian educational system and the implementation of distance education in the Plurinational State, in order to validate and fulfill this objective “To describe the Educational System of the Plurinational State of Bolivia in the current legal system,” the following question is asked:

Do you consider that the Political Constitution of the Plurinational State allows the change of the education system in Bolivia, in order to introduce distance education?

And the result obtained is that 100% consider that the Political Constitution of the State, being a macro norm, does not consider it specifically and does not have to consider it, leaving this aspect for the specific law, as in the present case to the Education Law, so it would be very urgent and necessary its introduction to the Educational

System, since all point out that it does allow the Introduction of this Education in Bolivia.

4.1.1.3 Partial conclusions

- The Political Constitution of the State, in Article 90, Section III, contemplates non-school distance education, providing the legal argument to create new laws that allow the inclusion of distance education within the educational system of the Plurinational State.
- The Education Law No. 070 Avelino Siñani-Elizardo Pérez does not contemplate distance education within the educational system, which is a shortcoming since the Political Constitution of the State already provides for this type of education, making us see the urgent need to have it in order to be following technological advances and the needs of the population.
- Supreme Decree No. 26275, which constitutes the General Regulation of Private Universities, stipulates the operation of distance or virtual education, clarifying that these are only for the private sector and do not reach the Doctorate or postdoctorate, but that in practice, they are not fully applied and do not give it functionality, Since there are no private universities that offer this type of modality in their training programs. They only sign agreements with foreign universities that have this modality, which means that a valuable way to train the Bolivian society is lost. Hence the urgency of having a specific law for distance or virtual education.
- From the interviews conducted, it was determined that the current legal framework allows the introduction of Distance Education in our Educational System by simply passing a law that facilitates its implementation.

4.2 Determination of the Legal Means for the Implementation of Distance Education in the Plurinational State of Bolivia

The present point allows analyzing the necessary and indispensable legal means to locate exactly the distance education within the Bolivian Educational System, making an analysis of the same to arrive at conclusions that speak clearly of which is the same.

The Avelino Siñani-Elizardo Perez Law No. 070, which is the Education Law of the Plurinational State of Bolivia, does not visualize in any of its paragraphs on distance education, creating a legal vacuum in this Educational System since worldwide, it appeared as a result of the emergence of new technological means and as a need for access of the population far from the institutes or universities or because there are people who for some reason cannot access face-to-face education.

To alleviate the situation, the Ministry of Education, through a Ministerial Resolution, regulates the Distance Education Educational System. However, it can only do so for Private Universities and what is even worse, it restricts the ease of studies at the Doctorate and Postdoctoral levels, which are the instances that require more research than face-to-face classes, causing an incongruence between the rights of citizens and the interests of the State.

On the other hand, the State Universities do not have any normative framework that regulates distance education but based on world needs; they implement distance education based on university autonomy.

From this situation, it can be extracted that it is necessary to have a law that allows the implementation of distance education within the Bolivian educational system, which allows the action of this educational model independently, legally and under the Bolivian practice.

For the validation and fulfillment of this objective, the following question was asked:

Do you consider that implementing Distance Education in the Bolivian Educational System would help solve the conflicts that arise in its delivery?

All of those interviewed indicated that it is necessary to have a Draft Bill to regulate or implement distance education in the legal system of the Plurinational State of Bolivia, since, although distance education is currently in force in our State, it does not have a specific law to regulate its actions, adapting it to the current legal system.

4.3 partial conclusions

- The analysis and description of Distance Education within the Plurinational State of Bolivia in the current legal system allowed to determine that it is framed within art. 90 paragraph III of the Political Constitution of the State requires a specific law that allows it to act independently, legally and following the Bolivian practice.
- From the analysis of the education systems of Mexico and Bolivia's neighboring countries, it was determined that except for Chile, all of them have legislation referring to distance education, which allows it to function following the legal norm, independently facilitating its development and following the current needs of education, which shows that our country must have its legislation for distance education.
- From the analysis and determination of the legal means, which allows establishing the implementation of Distance Education in the Bolivian Educational System so that it can function independently, legally and following the Bolivian practice, it was determined the need to have a law that regulates the implementation of the same, so that it can act within the framework of the laws in force.
- From the analysis of the interviews, it is determined that all of the interviewees visualize the need to have a law that regulates distance education in Bolivia, which shows that it is necessary to elaborate a draft bill that allows the implementation of distance education in the Bolivian Educational System so that it is within the legal system.

4.4 Interview Validation Criteria and Indicators.

In order to carry out the validation of this research, the analysis of the instruments used to obtain data was carried out, which is the interviews; these were characterized by being open answers; considering that these are instruments for obtaining first-hand data because the people who know the subject of the research are sought, directly and personally; obtaining all the information that one requires from them.

With these interviews, detailed information on distance education and its implementation in the

Plurinational State of Bolivia was obtained from different authorities knowledgeable about the subject in question.

The analysis of the interviews allows us to explain the entire interview application process, visualizing the selection and collection of the participants, the analysis of the data obtained and the conclusions drawn from them.

These interviews were carried out with 12 authorities from different universities, both in the open system and in the traditional or on-site system, who have a track record in both fields, well recognized by the local population.

This analysis responds to a process of data reduction of all that was obtained in the information provided by the interviewees, the same that allowed arriving at a categorization in order to analyze them and reach conclusions so as to validate the interviews, which facilitated at the same time to validate the research and therefore the proposal.

4.4.1 Selection process of research participants

In order to select the participants in the different interviews for the present research, the criterion that prevailed was the experience as a university teacher in the classroom or traditional system, as a distance education teacher or as an administrator of both classroom and distance education; so that these experiences could be used to validate the General Objective which was “To design a Bill for the Implementation of Distance Education in the Plurinational State of Bolivia, so that it can function independently, legally and following Bolivian practice”.

Once the main criteria for selecting interview participants had been established, a list of the entire target population was drawn up, so that the research results could be contrasted and applied to the proposed law. From there, and taking advantage of the fact that the researcher is the Vice Rector of an Open University in Mexico with operations in Bolivia, contact was made with authorities from different universities, inviting them to collaborate in the proposed research.

In the following table, we can see the invited Sectors, the Authorities that responded and those that remained as a final and definitive sample.

Table 1. Interview Target Population and Final Sampling Selection

Entity	No. Authorities Proposals	Invited Authorities	Responding Authorities	Selected authorities
Legislative Assembly.	3	3	0	0
Ministry of Education.	3	3	3	0
Ministry of Defense.	3	3	3	0
Executive Committee of Universities of Bolivia.	3	3	3	0
Gabriel Rene Moreno Autonomous University.	8	8	7	7
Universidad Mayor de San Andrés.	8	3	0	0

School of Higher National Studies.	8	8	8	0
Open University of Tlaxcala, Mexico.	4	4	3	3
Galilea University of Aguas Calientes, Mexico.	8	2	1	1
Escudo Foundation	1	1	1	1
Totals	49	42	29	12

Source: Own elaboration

Some Authorities were reluctant to participate in the project, as they argued that they were too busy with their tasks and did not have time to participate in external projects that could take time away from their work. Another aspect that determined a lot of being unable to access the Authorities of these Institutions or that they did not want to participate

was the COVID-19 Pandemic that struck our entire planet.

The following is a summary table of the final research participants and the dates on which the interviews were conducted:

Table 2. Authorities by chronological order and identifying data for the present investigation.

Name of Entity	Authority	Name of Authority	Designation	Date of interview
	Rector	Dr. Alfonso María Alva Martínez	Subject 1	15-SEP-2019
Open University of Tlaxcala, A.C.	Vice Chancellor of Tlaxcala	Dr. Mauricio Alva Moreno	Subject 2	15-SEP-2019
	Academic Secretary of Bolivia	Dr. Ana María Cespedes Botello	Subject 3	15-MAY-2020
Gabriel Rene Moreno Autonomous University	Director of National and International Public Relations	Dr. Alberto Careaga	Subject 4	16-MAY-2020
Escudo Foundation	Chairman	Dr. Luis Sardinas	Subject 5	18-MAY-2020
Galilea University of Aguascalientes, Mexico	Vice Rector	Dr. Israel Alva Moreno	Subject 6	19-MAY-2020

Gabriel Moreno Autonomous University	Rene	Vice Rector	MsC. Ulloa	Oswaldo	Subject 7	26-FEB-2021
Gabriel Moreno Autonomous University	Rene	Dean of Law	MsC. Ulloa	Remberto	Subject 8	13-OCT-2021
Gabriel Moreno Autonomous University	Rene	President of the teachers' federation	MsC. Peña	Rosendo	Subject 9	13-OCT-2021
Gabriel Moreno Autonomous University	Rene	Chair of the Administration Area	MsC. Fuentes	Freddy	Subject 10	13-OCT-2021
Gabriel Moreno Autonomous University	Rene	Professor of the Systems Engineering Area	Eng. Juan Rubén Cabello Mérida		Subject 11	13-OCT-2021
Gabriel Moreno Autonomous University	Rene	Director of Technology and Communications	Ubaldo Perez		Subject 12	13-OCT-2021

Source: Own elaboration

The purpose of this interview was to: To know the personal opinion and criterion of professional experience about recognizing distance education in Bolivia so that it can function independently, legally and following Bolivian practice, for which the purpose was to provide elements of judgment that contribute to fix and determine basic concepts for the elaboration of a Bill for the Implementation of Distance Education in the Plurinational State of Bolivia, so that it can function independently, legally and following Bolivian practice.

In order to obtain information about this, questions were asked and explanations were requested from the participants.

The interviews were recorded and transcribed in their entirety to organize them in the categorization table found in Annex "D" of this

research and carry out the respective analysis to arrive at conclusions, which allowed the researchers to be validated.

4.4.2 Pre-interview phases

Once the authorities to be interviewed had been selected and the interview guides had been prepared, the next phase was to personally request an audience for the interviews, giving them the respective explanations about the work to be carried out; where all the people who were going to participate in the interview fulfilled the requirements established to validate our work, leaving them a copy of the Confidentiality Agreement or consent of publication of the interviews, in which we committed both parties to

use the information obtained exclusively for this research and that this information would be provided professionally and an appropriate and mutually agreed place (the same that they did not want to sign, because of the trust they had with the interviewer). The requirements were fulfilled and the twelve interviews were recorded by cell phone.

The following categories are defined for the analysis of the results of the interviews, of which for this document, the responses of the first category are indicated without affecting the conclusions and recommendations that may be made.

Future of Distance Education. The purpose of this category was to analyze the relevance of distance education in our environment shortly and its impact on Bolivian education.

Family Economy. What we wanted to obtain and observe with this category is to see the economic advantage of distance education and the alternative it offers to the population with scarce resources in our Plurinational State.

Quality of Training and Professional Capacity. In order to determine whether or not the educational proposal to be implemented in our country is competitive in the labor market and accepted by future employers.

Research and Counseling Capacity. Seeking to visualize whether regular or distance education offers better conditions or research capabilities for their students.

Problems in Recognition. Determining the conflicts that arise in distance education programs at the time of revalidation in our country or in countries where no legal framework regulates this mode of education.

Legislative Background. Trying to establish all the legal bases that allow landing to a law proposal that allows the inclusion of distance education.

Development of the Legal Norm. Everything related to the implementation or modifications to the education law to allow the implementation of distance education in our legislation.

4.3 Future Category of Distance Education

Concerning the perception of the Authorities in Education who were interviewed regarding the future of the distance education modality, it can be pointed out that (Illich, 1978) criticizes the school myth for its infantilization, despotism and hidden curriculum, inquisitorial faith and for promoting wealth for the first order countries in the first industrial era, which are now obsolete relics in a society that is moving from primitive agriculture to the era of globalization and the Internet. And the interviewees in this regard said the following:

“In Mexico, too, there is already the certainty that in the future, there will be more students in the official open system than in the system itself.” Interviewee 1.

“With the advances in technology, it is also known as online education because what is used is the internet resource, you can study from any part of the universe where you have internet”. Interviewee 2.

“We see that every day it is becoming more innovative so that all people can put in its application in their different events that they are going to take.” Interviewee 3.

“Recognizing that the distance university is effectively necessary but also that the best universities in the world are employing it, so under that theme it has been generated.” Interviewee 4.

“While distance education is a modality the way how it can be done, what we intend to say if the student cannot go to the university that the university reaches the student.” Interviewee 5.

“The distance model with the tools now that is the internet, also the fact that it is at a distance does not mean that it is open or not necessarily schooled, then this even talking about the need to regulate it because it is a reality that has to be regulated.” Interviewee 6.

“First of all, we have been working to implement and be the pioneers in the topic of distance education, at the undergraduate level in public universities, because we know that there are experiences in private universities, so we with agreements with the UNAM university in Mexico, immediately work and send our technicians so that

they can immerse themselves a little in the experience that the UNAM university has with the topic of virtual education”. Interviewee 7.

“Our university had the privilege, initiative 3, 4 years ago and even 5 years ago let’s talk about, before the pandemic, that was already working with the futuristic vision of wanting to implement virtual careers, and so it did, to the point that, we have some virtual careers in our faculty among them the law career.” Interviewee 8.

“Well, traditional education in which we are specialists, I could say, and there are no better ones than us, because we have been working in this system throughout time and our university life. However, the pandemic has forced us to look for new means, technologies, and ways of transmitting knowledge to continue fulfilling the role of universities, which is to train professionals”. Interviewee 9.

“Here in our university there are some programs that have distance education, but as I said incipiently, but this crisis of the pandemic, the health crisis that the country is experiencing, I believe that in the future we will be forced to change the model, the system for example from one to a combined one even when we manage to overcome the crisis of the pandemic I believe that many programs will migrate to an alternative such as distance education or virtual training or a combination of both blended learning”. Interviewee 10.

“The first thing we have to do is to regulate, the regulations have to be a regulatory framework, where we teachers can understand adapt and above all reinvent ourselves so that we can maintain the competitive advantage, which we maintain in the face-to-face classroom, we must also take all this to the virtual classroom.” Interviewee 11.

“The Autonomous University Gabriel Rene Moreno has been working on the issue of distance education since 2017, already, we started implementing the technological infrastructure, distance education if there is no technological infrastructure does not go, then economic resources were invested in the purchase of technological infrastructure, servers Internet

bandwidth and a whole team of teacher training.” Interviewee 12.

“In a short time there will be more students in the distance system than in the face-to-face ones, now what does the distance education system currently consist of? Interviewee 1.

“We could say that distance education has a different methodology, it is true that it is directed by a teacher, but it is more autonomous, students have to cover more in the research field and have to have a self-discipline, in which they have to have schedules, they have to have criteria to be able to differentiate the different knowledge that we have in all social networks, then and all virtual libraries and management of all tics, which this methodology presents us”. Interviewee 3.

“There should be a curriculum where the young person can develop his talent in any area, but let him develop what he likes in an autonomous way, so that he will not have a lot of work. Interviewee 4.

“The educational process, it is highly effective, but if it requires considering many aspects, it is not true, it requires developing the technical knowledge of both parents, teachers, students the situation of the equipment to see how to reach educational units of school level or higher can be done this implementation, it is especially the facilities that can provide the use of the Internet.” Interviewee 5.

“I do not know the situation in Bolivia, but I am sure that there is a great number of people who do not have access to an education because they no longer have the possibility of attending a traditional or school model and we have to respond to these people, we have to offer them, but we have to do it with quality”. Interviewee 6.

“We are doing by telling you the diffusion of these races through the neighborhoods of the sub-mayors. Yesterday I was present, for example in the village Primero de Mayo, a populous area as well as in El Torno, where with the mayors of the department of El Torno they have assumed the commitment and have been promoting the careers honestly promoting the careers and putting in their case even classrooms with computer center that allows the students who do virtual education if

they do not have computer in their homes with internet to go to this computer center to do their practices to download their material and everything necessary in order to fulfill the objective of having the material and to continue advancing". Interviewee 7.

"I think it has also shown us that virtuality is here to stay, today it is also shown that virtuality is here to stay and we have to continue with this modality, but also something else through this medium, this circumstance, this tool. We are giving the opportunity to a large number of students and people who now have the opportunity to be trained and become professionals like any of us, even if they do not have time, there is no excuse now that I do not have time, because at any time, at night, the system, the virtual media, allow the class to be recorded and the student can study, in his free time, at night, in the early morning, on weekends, so there is no excuse for not studying and training with this new form of education". Interviewee 8.

"We have resorted to many methods, such as the media, radio, television, cell phones, the zum, so that is within virtual education." Interviewee 9.

"I think and I also bet that it will have to be an alternative modality to the face-to-face modality, blended and virtual education, it will be an interesting option especially for public universities where there is a great massification, many programs have lack of infrastructure, lack of spaces to carry out the teaching-learning process and this system, taking advantage of the development of technology, will be interesting". Interviewee 10.

"For me education will improve when we have computational thinking and programming thinking where they reactivate logic and critical thinking, which is what we need most in Bolivia right now." Interviewee 11.

"The University launched three careers and in the virtual modality, which are Law, Computer Science and Public Accounting; then those three careers are already in their third year and launched two more, Social Work and Systems". Interviewee 12.

"The government itself contemplates that in the short term there will be more students in the open

system than in the school system, talking about a total of thousands and thousands of students, there will come a time when open education will surpass traditional education". Interviewee 1.

"It allows students to go wherever they are and the mere fact of wanting to increase the knowledge they have will allow them to take this modality and not attend, as in regular education, to a specific center with a limited time and schedule". Interviewee 3.

"They have the option of having the opportunity to apply for the most appropriate ones, those who can understand it, but also to orient them from the intermediate course, which is the career that is really important for them and that is a contribution to society. Interviewee 4.

"The development of virtual management, the regulations and the suggestions that they make for this process to continue and for the regulations to be beneficial for regulating the actual management of virtual education in all universities, both public and private, would be very important and of course I reiterate that the subject of virtual education is no longer a mystery or a privilege, at this moment it is available to everyone. Interviewee 7.

"Well, we have been trained in face-to-face education; however, this irregular situation that has arisen worldwide has forced almost everyone to update and immediately implement virtual education at the university, luckily for Rene Gabriel Moreno, the university". Interviewee 8.

"Hopefully this type of initiative is part of the need to improve higher education to contribute to the transformations and we know that the things that come out as an innovation proposal always seek continuous improvement, I think that is what this type of research and initiative is aimed at." Interviewee 10.

"We were overcoming the problems that arose, as I told you we did not expect to go from 300 classrooms to 8500 virtual classrooms, but we finished last semester I/2020 and now we are concluding 2020 in March to take the first semester 2021 and for that we are taking a series of precautions we are enabling larger servers and we are already in a plan with ENTEL (National

Telecommunications Company) to allocate no longer 512 megas but 1 Giga to each student and renewable every time I know it is finished and also only to use tools of the educational area such as Zoom, Google, Classroom”. Interviewee 12.

“We can see the great efficiency that open education allows, the assistance of the mass media of the networks and all the knowledge of the virtual libraries, it is a reality that we are walking towards the next governments are going to promote even more the number of students in the open system”. Interviewee 1.

“What we also have to do is to democratize the Internet so that it reaches all places with good quality and of course we also have the necessary equipment to be able to continue with this training process”. Interviewee 7.

“So the teacher will do the class as he did before and then record it and deliver it and will be able to interact online with his students, these are tools that have to be improved and in ways that, for the teacher, the change is not very traumatic, for the student and for the teacher, so all these innovations we are seeing and these pandemics, made us, made us hurry the technologies, that we move forward something that we thought of doing it three to four years from now”. Interviewee 12.

From the triangulation between the categorization, the interviews and Illich’s theory, it can be extracted that although regular education at the time served for the era in which it was lived, at present and with the current events it can be inferred that distance education will have in the near future, a greater number of students than regular education; the technological resources that are used, such as the internet, make it an option that goes with the technological advances and can be studied from anywhere in our country, where the most prestigious universities are accommodating to this modality and that it is more than a current necessity, it is a reality that cannot be left aside, without forgetting that this modality is a process that is highly effective, but requires the active and responsible participation of all members of society for it to have greater efficiency, so it is very necessary that all governments promote this modality, so that its application is appropriate to the needs of our State.

5. Conclusions and Recommendations

5.1 Conclusions

Implementing Distance Education within the Educational System of the Plurinational State of Bolivia is framed in the Political Constitution of the State, which in Article 90, Paragraph III, provides the normative legal framework.

Distance Education in Latin American countries is of recent date and has been implemented many times without a regulatory framework that allows legal action. However, it is considered necessary to reach a greater number of inhabitants of a State, trying to make education equal for all components of that society.

The philosophical and doctrinal foundations were able to demonstrate that the implementation of Distance Education is required within the Educational System of the Plurinational State in order to guarantee the rule of the Political Constitution of the State and the different Laws.

The analysis and validation of the interviews and the proposal demonstrated the need to have a specific law for the implementation of distance education, which should be carried out through a Draft Bill for the Implementation of Distance Education in the Educational System of the Plurinational State of Bolivia, allowing for the modification of the Avelino Siñani-Elizardo Pérez Education Law, using the abrogation of the aforementioned law.

5.2 Recommendations

To dictate regulatory laws to the Political Constitution of the State to fill the legal gaps left by this Supreme Law, to clarify and determine the location of Distance Education.

It is necessary to raise awareness in Latin America of the need for distance education to be recognized in all its member countries.

To carry out complementary studies that allow finding new doctrinal, philosophical foundations that allow the performance of Distance Education within the Bolivian Educational System.

Approve the Draft Bill for the implementation of Distance Education in the Educational System of the Plurinational State of Bolivia, Proposal for Research.

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