

# DISTANCE EDUCATION IN BOLIVIA: CURRENT SITUATION AND PROPOSAL FOR IMPROVEMENT

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## Abstract

The study analyzes distance education in the present and the proposals for improvement in its methodology in the Bolivian Educational System in such a way that the same is correctly legislated and to avoid the conflicts presented in the obtaining of careers and specialties at undergraduate and postgraduate level by the use of distance education for visualizing the contextualization of fundamental ideas. The bibliography allowed arrive at the foundations and doctrinal theoretical bases to give a solution to the problem raised with the elaboration of a law proposal; the same one that, after an analysis was validated, allowing to recommend that this proposal is presented to the competent authorities by law, for its approval and promulgation.

**Keywords:** Distance Education, Improvement Proposal.

## I. Introduction

The countries of the world, especially the European and North American countries, as a result of the Second World War, saw the need to establish an organization that would allow respect among its component members, establishing for this purpose the United Nations Organization (UNO) where the component members are subject to compliance with the different treaties, even in a coercive way since they created the International Criminal Court (1998, pp. 3-12).

Now, education is a human right that must be compulsorily fulfilled by a State, constituting one of the fundamental rights that are inalienable and imprescriptible, the same that is established in Article 26 of the Declaration of Human Rights, which in its first numeral determines that people worldwide have the right to education, which should be free and compulsory, at least in what

refers to elementary and fundamental education, also establishing that technical and professional education should be generalized and egalitarian, according to the merits of each one of them. In its second numeral, it establishes that the objective of education shall seek the development of the personality, as well as the strengthening of human rights and fundamental freedoms, seeking tolerance and understanding, as well as friendship among different nations, for the achievement of Peace. In its third numeral, it determines that parents are in charge of choosing the type of education their children will receive. (United Nations, 2015, p. 54).

Because of the above, it should be noted that education in its different systems is compulsory and the State must ensure that it is available to all, without discrimination of social classes. But, on the other hand, it should be noted that the State, in order to fulfill this educational function, has

different forms or educational modalities to impart education, where different forms to impart education worldwide are visualized for the present research work, saving other forms that other researchers may study. These are formal education, non-formal education and informal education, differentiating one from the other based on the particular properties that each of them present, as well as the conditions in which they are developed according to the existing social demands of a State (Martín, 2013, pp. 2-10).

In order to guide the development of this research, it will be necessary to visualize some definitions that UNESCO takes in the policies it proposes for the development of education worldwide:

**Formal education.** The highly institutionalized, chronologically graded and hierarchically structured education system extends from the early years of elementary school to the final years of university.

**Non-formal education.** Any organized, systematic educational activity outside the formal system's framework facilitates certain kinds of learning for particular subgroups of the population, both adults and children.

**Informal education.** A lifelong process in which people acquire and accumulate knowledge, skills, attitudes and modes of discernment through daily experiences and their relationship with the environment (Sirvent et al., 2006, p. 3) definitions mentioned by Elias (2018, p. 64).

On the other hand, explaining each of them, taking into account what is mentioned by Martín (2013) who makes a differentiation based on different characteristics of each of them, he points out that according to Lázaro (2001), who is mentioned by Smiter (2006), it is established that it is necessary to consider two fundamental aspects to differentiate the forms of education: the organization of education and the programming of educational actions (p. 2).

If the first criterion is considered, a differentiation between formal and non-formal forms of education can be made. Furthermore, when the second criterion is considered, education can be divided into formal and non-formal on the one hand and informal on the other.

In that sense, the present research considers that it is about distance education and its implementation in Bolivia. Therefore, the first criterion was taken to visualize the forms of education. That is to say, that of organization, where only the differentiation between formal education and non-formal education is considered, leaving aside informal education, since it does not constitute a form of education, but rather a form of teaching; because, as Trilla (2003) points out, "Formal education and non-formal education are considered as a form of education: Formal education and non-formal education differ specifically from informal education, in that the first two are organized and systematized and not so the informal ones since these refer to the teaching process that is subordinated to other types of processes that are not referred to education. In this way, it is inferred that informal education constitutes the process that occurs throughout life, where people acquire different skills, attitudes, and knowledge, through their daily life and the experience that this presents so that it would be given continuously during the life that people develop in the social relationship of the same, mentioned by Elías (2018, p. 68).

However, when differentiating between formal and non-formal education, the author mentioned above differentiates between the structural and methodological criteria. When looking at the structural criterion, the difference is that formal education is found within an order that is regulated, that is to say, that it constitutes education from the initial level to the university stage; on the other hand, non-formal education is that which is carried out outside of school, but in an organized way.

According to Trilla (2003) and Avila (2007), visualizing from a methodological point of view: when speaking of formal, it would be school-based education and when speaking of non-formal, it would be non-school-based education; when considering school-based education, it refers to education that is structured in such a way that it is characterized by being face-to-face, having distribution and grouping of the subjects that participate in this education, there are specific physical spaces to carry it out, an adequate organization of times and spaces, there are specific roles of both the one who will teach and the one

who will receive the education and the support staff, as well as following certain rules from which they cannot deviate; And when we talk about non-formal contexts, we are talking about education that departs to a greater or lesser degree from the previous or traditional way of teaching.

Within these forms of education, there can be educational modalities; these are understood as the determined way of imparting the contents within the teaching-learning process about the different administrative procedures, the use of different learning strategies and the use of different means of support. That is to say, it is how the contents of the teaching process are educated or taught, mainly due to the appearance of new technological advances, which according to Barroso (2006), is divided into Face-to-face, non-face-to-face and blended (pp. 4-6).

Face-to-face education is one where it is necessary to attend a classroom or facility specifically designed for the development of the educational process, where the teacher and the student interact directly. It is also understood as school-based education, which takes place regularly, with the presence of students in classrooms, i.e., it is known as education where the transmission of knowledge is carried out within established and duly structured parameters and where the instructor and the student must necessarily be present, and the rules of space, time and material must necessarily be complied with, (i.e., there must be a space or place in which to dictate the contents programmed in the teaching process, certain times of physical presence in the classroom must be fulfilled and in order to be able to dictate these contents, it must necessarily have the material that facilitates the teaching) this modality of education must comply with the established curriculum in order to achieve the planned objectives.

When visualizing non-presential education, it should be noted that, according to Barroso (2006), it consists of the transmission of knowledge in a more flexible way through modern digital devices; that is to say that the presence of the student is not necessary, a physical environment is not required for the teaching of the same and the interaction of the instructor and the instructed can occur, or not occur through modern technological and

communication means directly. However, these technological means are necessarily required for the interaction in an indirect way, allowing distance learning and changing the role of the educator from a protagonist to a facilitator. Therefore, the main characteristic consists in the flexibility one has to take the subjects through the current technological components (p. 6).

According to Angulo (2005), distance education was closely related to open education since the latter constituted a study modality, where those space and time limitations were not imposed because the student could study from the comfort of his home and in his available time, avoiding those rigid systems that occurred in face-to-face education. These distance education and open education systems constituted real answers to the different needs of the population that, for some reason, could not attend traditional or face-to-face education in its different levels and modalities (Pages 78-79). Thus, as Thierry (1995) states in the same work of Angulo (2005), in order to achieve the implementation of distance education, it is necessary to take into account the following aspects:

1. The need to provide education to the growing school-age populations in a given country.
2. The need to increase the training of the different educators and the need to update the different educational programs taking into account the different financing that is given in education.
3. To ensure that education provides a highly trained workforce for the development of the different countries.
4. To obtain jobs different from those traditionally offered, mainly due to the emergence of different technologies.

The worldwide antecedents of distance education date back to 1833 when for the first time in Sweden, the mail was used to exchange information and some lessons, showing that this system has more than 150 years of history in its implementation. However, in Germany, Charles Toussaint and Gustav Langenscheidt just started the so-called distance studies as a study in itself, but by correspondence, so several nations followed it in Europe and North America (Garcia, 2000, pp. 15-17).

Distance education is seen in the current times, it is previously necessary to visualize the technological needs, which arise because of the advances that occur in society, coming to satisfy those sectors that have certain limitations to attend regular or traditional education. This is because of the so-called information and communication technologies (Casso, 2012, pp. 2-4), i.e., the use of different technological means of information and communication (Tics).

Nowadays, ICTs constitute a new field of study, mainly due to the appearance of modern means and possibilities generated by these technological means, which allow satisfying learning demands that arise within society, as well as the search for their technification in the different fields they consider necessary to develop within society, fulfilling the role they have to play. Since the different advances and globalization force a society's components to be more specialized and trained. And what better option than distance education, which allows studying while one normally develops their activities, such as working? This requires the different educational units to align with the advances imposed by these technologies and not remain in the past, implementing these technological means and opening the regular system to distance education (Garcia et al., 2009).

Finally, addressing blended education, Barroso (2006) points out that it is a combination of the two modalities of education, that is, sometimes face-to-face and sometimes non-face-to-face, according to the criteria of the provider. In this way, the educational modalities that are managed worldwide are generally divided into three currents:

The first one is presented as a face-to-face education, which meets all formal education standards and seeks the exact fulfillment of its requirements, as is currently the case in the Plurinational State of Bolivia.

The second refers to education imparted through the distance learning system, where the use of technological means prevails, allowing the development of education and access to places in a given country that, for different reasons, cannot be accessed by face-to-face education.

And third, it can be pointed out that they use a hybrid system within their educational modality, that is to say, a distance part and a face-to-face part, depending on who provides the education and who wants access to these means.

Therefore, from everything observed and analyzed in this chapter, the theoretical basis of this research will be framed in the implementation of distance education as a modality of Bolivian education, where the essential legal guidelines and foundations are established for its implementation in the Plurinational State of Bolivia, so that it can be included in its educational system.

## 2. General Objective

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

## 3. Methodology

Within the analysis of the bibliography consulted, a critical and descriptive analysis of all the selected information on distance education was carried out, which implied finding and specifying all the information available on the problem posed in the research, with a triple objective (Izaguirre et al., 2010):

- To expand the background on distance education and the current state of distance education, look for different findings from previous research or the results obtained in these previous studies.
- To develop the conceptual context in which the problem of distance education and its implementation in the Plurinational State of Bolivia is inserted, allowing to know the theoretical descriptions of previous research, at the same time, visualizing the theories, models, schemes that allow its adaptation to the Bolivian educational system.
- To allow information on the research method taken into account in other investigations and the

instruments used to adapt or use them in the present investigation.

### 3.1 Validation of the proposal

The proposal was validated through the SWOT method since this analysis allows visualizing the Strengths, Opportunities, Weaknesses and Threats of the proposed law for the implementation of Distance Education in Law No. 070 “Avelino Siñani Elisardo Pérez” since for Medianero Burga (2010, p. 44, cited in MANZANO, 2015) determines that the SWOT method constitutes an analysis technique, through which it identifies and evaluates, all those positive and negative aspects, which present both the internal and external environment, in order to make the most appropriate decision of the objectives, courses of action, allocation of resources or others. The purpose of the following analysis is to determine the feasibility of the proposed law.

## 4. Results

### 4.1 The Education System and distance education in Germany, Mexico and Bolivia's neighboring countries

In the daily life, multiple transformations were made since the beginning of the world, reaching the present time, which is entirely globalized which caused that there are multiple changes in the form of education of its components, all this mainly by the emergence of different technological means of information and communications, known as ICT (Information and Communication Technologies), since these societies generated multiple needs different from those with which they were born. This led to virtual universities and the creation of distance universities to meet the emerging needs of this globalized world since it is necessary that education, despite the scarce economic resources that are invested in this sector, it is essential that it reaches the vast majority of the population, which the classroom or traditional education cannot reach.

This new context constitutes an alternative means to face-to-face education, with new resources or

means that allow the process of teaching and learning in education and the acquisition of knowledge with the use of these new technologies, information and communications, leaving behind the traditional models of learning and imposing new and novel models, which allows access to a large majority of the population, where the student is the center of education. The rest of the components, although necessary, only become mere facilitators of knowledge, imparting collaborative learning, but using technological means or better known as collaborative learning, also increased experimental research and virtual communities to proceed to the exchange of information, giving more responsibility and autonomy to the student in this learning process.

Thus, distance education had a significant advance due to the use of new technological tools, shortening the learning gaps between the different members of society and making the evolution grow at a dizzying pace, reaching education in remote places.

In this sense, Guerra, Hilbert, Jordán and Nicolai (2008), mentioned by Cano (2012), explain that the use of communication and information technologies led to the beginning of distance education or tele-education, which later evolved into electronic education or better known as e-education (eLearning), in which are included all the necessary aspects to provide education with the use of different electronic media, the training for the use of the same, as well as the adaptation of the different programs to the use of these virtual environments and the use of technological media.

#### 4.1.1 The Educational System in Germany

When the study of the German educational system is carried out, it should be noted that it has its basis in the Fundamental Law of the Federal Republic of Germany (Gies, 2019), in Title I of Fundamental Rights, in Article 7, which in its fundamental parts points out that the entire school system of this country will be under the supervision of the state; parents or authorized persons of education, have the power to decide on the participation or not of their children or represented in religious education; the latter being a subject an ordinary subject in public schools; it also guarantees the right of operation of private

schools, the same that need the authorization of operation of each component state of the Republic of Germany and finally specifies that remains in force the abolition of preparatory schools.

From this, it is important to point out that, although education is under the supervision of the Republic, each component state regulates how it is carried out, being, in the last instance the ones who decide the modalities and ways in which it is

Now, developing the educational system in Germany, Steffens (2003) points out that it is very complex since the Regions (Laender) are in control, but they must take into consideration that there are also legal regulations at the national level, which legislate some aspects and some regions; so for the regulation of the universities there is a national law, which regulates and establishes all the necessary conditions that serve as a basis for the different educational laws of the different regions.

At the same time, there are also other regulations at the national level, such as the meeting of the ministers of education of the different regions that make agreements on education, as well as the existence of different bodies that are organized jointly and by different regions. "As examples, the National Commission of Regions for Educational Planning and Research (Bund-Laender-Kommission fuer Bildungsplanung und Forschungsfoerderung) or the National Central Agency on Distance Education NCADE (Staatliche Zentralstelle fuer Fernunterricht ZFU)" (Steffens, 2003).

Entering distance education, this author classifies them into two types:

- Private distance learning institutions
- Public distance education institutions.

#### **4.1.1.1 Private Distance Education Institutions**

A rich history of distance education characterizes Germany since in 1856, Gustaf Langenscheidt, originally from the city of Berlin, began to dictate the first distance language course with the sending of correspondence of the French language; In 1895, Simon Muller entered the field of construction and design, sending letters on how to make these constructions, which were later

published in Berlin, offering courses to prepare students to take exams at the Gymnasium, which was a prerequisite for university entrance.

As a result of Germany's First and Second World Wars, distance education grew, since it was neglected by both the state and the students, increasing the need to acquire knowledge and seek a better social status. It is in this sense that some private institutions began to offer courses at both the school and professional levels, a trend that made distance education grow and by the sixties, the concern grew to become the responsibility of the ministers of culture of the different regions of Germany, They determined that a general law should regulate distance education, so in 1969 they signed a treaty between all the German regions, in which the implementation of a central agency for distance education was achieved, which was signed by all the presidents of each of the regions.

Thus, by January 1, 1979, the National Central Agency for Distance Education (NCADE) assumed the responsibility for controlling the different institutions that offer distance education privately in the field of education. On the other hand, the National Institute for Research on Professional Education (Bundesinstitut fuer Berufsbildungsforschung) is founded in Berlin. Institutions that constituted a fundamental pillar in the improvement of the quality of private distance education, being so since 1980, all private institutes, which dictate distance education classes, by the NCADE.

It should also be noted that students who take the course in these institutes receive certification from these institutes and if they wish to continue their courses through a public institution, they must take an exam in an external institution controlled by the region where they will continue their studies.

Finally, to indicate that these distance education students are distributed in different disciplines; be these in Social Sciences, Educational Sciences, Letters, Languages, Business Studies, Natural Sciences, and others that could be offered (Amtliches Mitteilungsblatt et al., 1996, p.44, mentioned in Steffens, 2003).

#### 4.1.2 The Educational System in Mexico.

The situation of education in the Federal Republic of Mexico is derived from the Political Constitution of the Mexican States, thus generating a specific law, the same that is the Federal Law of Education, that covers different points referred to the subject in question. It should be noted that since this is a Federal Country, that is to say, States constitute it. Therefore, based on this Federal Education Law, these States determine their specific laws for each State regarding Education; however, prior to these specific laws, determined that there was the National Development Plan, which is the one that visualizes what should be done with Education at the Federal Level and the Sectorial Plan.

When referring to the Political Constitution of the United Mexican States (Constitución Política de los Estados Unidos Mexicanos, 1917), Education is considered explicitly in Article 3, which among its most important parts, establishes that education is a right that everyone must have access to it, for which the State, Federal, State and Municipalities systems must promote basic education. These are preschool, primary, secondary and high school education, which shall be compulsory, and shall encourage a love for the homeland, respect for human rights, independence and justice, as well as promote awareness of international solidarity; at the same time, it is determined and established that this education must be secular, democratic, national, and must contribute to human coexistence and be of quality; For which it determines that the entity in charge of establishing the plans for basic education is the Federal Executive, also stating that all education provided by the State must be free of charge and promote and attend to all forms of education as well as scientific and technological research, and encourage the strengthening and dissemination of its culture.

The Constitution also establishes that private individuals may be in charge of providing education throughout the Republic of Mexico, in every one of its modalities and types, but that such education must be regulated by law; in this sense, one of the fundamental aspects that the State grants autonomy to universities and institutes of higher education is that they must be governed

following the principles outlined in the Constitution.

Now, the Federal Education Law is governed based on the GENERAL EDUCATION LAW (Ley General de Educación, 2019), enacted in the Official Gazette of the Federation on September 30, 2019, by Mr. President of the Republic, Andrés Manuel López Obrador, among the most fundamental aspects, determines that this law is in charge of enforcing what is stipulated in Article 3 of the Political Constitution of the State and International Treaties regulating everything related to Education, establishing that it is of public order, of social interest and that it must be complied with throughout the Territory of Mexico.

It also determines that the education provided by the Federal State, the different States and Municipalities, is regulated by the present law and it is the State who is the governing entity of the same, which must prioritize the best interest of children, adolescents and young people in the exercise of their right to education.

It also establishes that education is a means to train people so that they can develop both personally and professionally and thus contribute to the enhancement of society, for which the State must offer all people equal opportunities, equity and excellence in learning, on the other hand, it establishes that all people should attend basic education.

The purpose of education is to contribute to the development of students' capabilities, promoting respect for human dignity and respect for human rights, as well as to inculcate civility, the culture of peace, respect and tolerance, and peaceful conflict resolution, among others, in order to contribute to the welfare and development of the country. Therefore, the Secretariat shall be the one to determine the study plans and programs applicable and mandatory throughout the Mexican Republic.

Regarding the Educational System, it is established that Education in Mexico will be carried out according to an Organization, which must establish its division, divided into types, levels, modalities and educational options. The types and levels of education are basic, high

school and higher education; the levels and modalities of education used in the Mexican Education System are school-based, non-school-based and mixed; finally, when referring to educational options, it is stated that they must be determined following the law and the provisions derived from that place, including education for adults, physical education and technological education; special education and also establishing that education with particular programs or contents may be provided.

Last but not least, it is important to highlight that this law determines the validity of all studies carried out, determining that those in charge of education in Mexico must issue certificates and other certificates, such as diplomas, titles, or academic degrees, to those who complied with all the requirements to take different careers or courses, under the laws, plans and study programs approved by the competent authority, In addition, the Ministry of Public Education must promote the official validity of studies in the Mexican Republic, so that such studies may be recognized abroad, and also determines that studies that were carried out abroad but are officially valid in Mexico may be recognized in Mexico, through the respective revalidation.

In this way, the “General Education Law” clearly establishes and determines the existence of Distance Education, which would be found in the non-school and mixed modality, giving it the same hierarchy as school education, granting it the same rights and obligations, allowing access to all its levels, for which it grants the degree with official validity in the Republic of Mexico and international validity through revalidations.

When entering to see the National Development Plan (Plan Nacional de Desarrollo 2019-2024, 2019), which according to the Political Constitution of the Mexican States in its Article 26 clause A, must be carried out, this has three central axes: Policy and Government, Social Policy and Economy, with objectives and programs linked to them and Now when we refer to Education this is immersed in the axis of social policies these are immersed in the Objective that consists of it must be guaranteed that education is free, secular, inclusive, relevant and of quality in the different modalities, types and levels of the National

Education System. The plan above points out that this objective is included in the constitutional mandate, so Mexico must guarantee it to the members of its society since, currently, this right is not available to all Mexicans, considering that the plan above also visualizes education as an effective system to reduce poverty and inequality.

It also shows us in the considerations that it makes that in the access to the different study centers, there is still discrimination for cultural reasons or physical absence of educational centers in physical form in different places of the Mexican Republic, also presenting lack of presence of the federal state in mentioned sectors, which does not allow the necessary coverage to be able to palliate the deficiencies that occur in those places, without forgetting that the higher education continues seeming like a privilege for its entrance and not a right to carry out studies in the same ones.

The Plan itself (Mexico, 2019) determines that a policy of inclusion and equality is needed in terms of education in order to achieve the whole exercise of this right in all regions of Mexico, so it is proposed to grant a series of scholarships for the most marginalized populations in this regard and to comply with this policy it is proposed to observe the following strategies:

Access and educational continuity must be guaranteed in order to determine the quality and relevance of the different levels, types and modalities of the Educational System, reviewing the different plans and programs to be applied in order to strengthen teacher training, improve the equipment and infrastructure of the different educational spaces, as well as to adapt and review the institutional regulatory framework of Mexican education.

This Plan determines the direct strategies that must be applied in each of the objectives proposed in the Education Law, emphasizing the shortcomings presented throughout the evaluation in which it is seen what must be done to comply with the Political Constitution of the Mexican States.

Another important document that cannot be left aside is the AGREEMENT number 17/11/17; this document determines all the formalities and procedures that must be carried out to recognize



degrees, certificates and other documents issued by Private Universities that refer to higher education. It is constituted mainly in procedural rules for the recognition of degrees so that they have official validity and therefore are recognized throughout the territory of Mexico and can be revalidated abroad if required by the student; this regulation visualizes what constitutes education in its School, Non-school and Mixed Modality, pointing out among its most important parts that the schooling modality is that which is given in facilities and for the present agreement in special facilities of individuals, who must meet certain requirements of compliance with a curriculum, where the hours of teaching under conduction must meet certain minimum times, in order to access the degree;

- a) Higher university technician or associate professional, 1440 hours;
- b) Bachelor's degree, 2400 hours;
- c) Specialty, 180 hours;
- d) Master's degree, 300 hours, and
- e) D., 600 hours (Agreement, 2017).

The non-school-based modality may be carried out through an educational, technological platform, the use of technological means or through independent learning, but with didactic support,

The mixed mode, in which there is flexibility to combine the non-school mode with the school mode, indicates that the hours proposed under academic supervision will be 40% of those proposed for school-based education.

This agreement presents a Master Plan for Open and Distance Higher Education. Lines, in which there are strategic lines for developing these two modalities (Non-school and Mixed), give greater emphasis to distance education, as this is the most developed in Mexico.

#### **4.1.3 The Educational System in Argentina**

When analyzing Education in Argentina, to land on distance education, it is necessary to visualize the Political Constitution of the Argentine Republic and the National Education Law, which are the normative reference for the institution of education.

In this sense, the Republic of Argentina, in its Constitution, does not present any Article referring to Education, which presents it as an independent institution, visualizing it only in its Art. 14 in which the Rights are established, pointing out among others that they have the right to teach and learn, leaving the regulatory aspect to the specific laws.

Education in the Republic of Argentina is regulated by the National Education Law No. 26,206 (Ley de Educación Nacional, 2006), enacted on December 14, 2006. Among its most fundamental parts, it establishes that it regulates education as a right, stipulated in Article 14 of the Political Constitution of the State of Argentina and by the different international treaties. Furthermore, it establishes that education is a good of public knowledge, and at the same time, it is an individual and social right, which the State itself must guarantee; through the State itself, the different Provinces and the Autonomous City of Buenos Aires, which must guarantee that education is provided with equity, equality and free of charge, for which the National State must establish the policies in this regard, guaranteeing the education of all its citizens, providing them with the necessary opportunities for them to develop fully.

Some of the goals and objectives of education include (Honorable Chamber of Senators, 2006) to guarantee that the education provided is of adequate quality, with similar opportunities and regional possibilities and without social differences.

To allow education to be comprehensive and to be developed according to all the dimensions of knowledge in such a way that it allows an adequate performance in the different jobs and situations that they have to fulfill, as well as an adequate performance in the different higher studies.

His training is under the different ethical, moral and democratic values of solidarity, freedom and peaceful conflict resolution; with due respect for human rights, responsibility, honesty, and the conservation of cultural and natural heritage.

It seeks to invigorate national identity, allowing respect for cultural diversity, as well as the

peculiarities of each region, and respect for universal values and global integration.

Enable education to be inclusive through pedagogical strategies and policies that allow the participation of the most disadvantaged sectors of the Mexican State.

Avoid acts of discrimination, strengthening respect among its members without allowing acts of discrimination.

Facilitate respect for children and adolescents in the educational environment following the law.

To allow the entrance, permanence and graduation in the different educational levels and modalities, as well as the gratuity of its management.

On the other hand, when referring to the National Education System, it determines that this constitutes all the actions and services which must be duly organized, allowing access to education, all this through State institutions, clearly establishing the compulsory nature of education that goes from 5 years old to the conclusion of high school; now, in order to comply with this regulation, it establishes that education must have the same structure throughout the country and that it is composed of Initial Education, Primary Education, Secondary Education and Higher Education.

Initial Education is that which is provided from the age of 45 days of birth up to and including the age of five, where the last year is a requirement to continue their studies at the next level; Primary Education is that which begins at the age of six and its purpose is to achieve a basic education common to all Argentine citizens. Finally, secondary Education is aimed at young people and adolescents who have completed the primary level to enable them to develop their citizenship and work and continue their studies. It should be clarified that this level is divided into two cycles, the general basic cycle and the Oriented cycle, which is given according to the different areas of knowledge, society or work.

It is necessary to point out that between the Higher and Secondary levels, there is the Technical Professional education, whose purpose is the training of Technicians; it is necessary to point out

that this same law, in different chapters, establishes the existence of different types of Education, such as the Artistic, Special, permanent of young people and adults, Rural, Intercultural bilingual, in Context of deprivation of liberty, home and hospital, and Private management, which give a special and more complete characteristic to the form of education in the Republic of Argentina.

Regarding distance education this is found in this same national law of Education in Title VIII and points out, among other important parts (National Education Law, 2006), that it is a form of education that can be applied to different levels and modalities of the structure of the Argentine education system. It can be applied in formal or non-formal education, where the relationship between the learner and the educator is separated in time and space in all or part of the teaching process and also uses technological support to achieve the objectives mentioned. "The term distance education includes studies known as blended learning, assisted education, open education, virtual education and any other studies that meet the characteristics indicated above" so that it must be adapted to all that is indicated or determined by the present law and the State must establish strategies to increase its use with the necessary levels of quality for any education. Taking into account that these studies can only be accessed at 18 years of age and for rural areas from secondary school onwards, it should be considered that the degree must be adjusted to the regulations of the Federal Council of Education, with the control and veracity of all the information provided by these open education institutions falling under the responsibility of the educational authorities.

From the distance education put into practice in the Republic of Argentina, to develop this type of education, it is necessary to consider the technological advances which allow access to education from any point of the State, allowing and practically forcing the different universities of this country to update themselves and seek to combine regular education with open or virtual education.

#### 4.1.4 The Educational System in Brazil

When referring to education in Brazil, it should be noted that education is derived from the Constitution of the State Policy (Presidency of the Republic, 1988) enacted in 1988 and continues to be in force after several amendments country.

Regarding Education, it should be noted that this Constitution, in its Article 6, among other fundamental parts, establishes that Education constitutes a social right, giving it a real place in the management and organization of this country.

Now, within this same Constitution, Title VIII refers to the Social Order, which includes Chapter III, which refers to Education, Culture and Sports. Section III refers to Education, giving all the necessary emphasis to the education of its population. The Political Constitution of the Federative Republic of Brazil, 1988, states among its most fundamental parts that education is a right of Brazilian citizens, and therefore it is an obligation of the State and the family to promote it so that Brazilian citizens can exercise their citizenship and have access to work; It determines that this education will be egalitarian, free, plural, free, with a valuation of the professional, democratic and with a guarantee of quality. Furthermore, it is established that the Universities enjoy autonomy and must obey the principle of inseparability between teaching, research and dissemination.

On the other hand, it states that education must be free and compulsory in the public sector since this constitutes a subjective right, guaranteeing private education as long as it complies with all legal regulations.

It also determines that a law shall be the one to determine the national education plan of multi-year duration, which shall articulate the development of education at different levels, seeking at all times that there is no illiteracy, that education is universal, that education is of quality, seeking that it is aimed at training workers and in such a way that it promotes the humanistic, scientific and technological values of Brazil.

Now the Law that regulates education is Law No. 9.394, of December 20, 1996, as amended by Law No. 12.796, of April 4, 2013 (Law of Guidelines

and Bases of Education, 1996), where it establishes that education is that which is carried with certain training processes that occur within the family and social group life, in the different jobs, in the institutions in charge of education, in the different organizations and social movements as well as in of the civil and cultural society of Brazil, and in compliance with the Constitution of the Federative Republic of Brazil. The levels of education in Brazil are composed of basic education (which is divided into early childhood education, fundamental education and secondary education) and higher education. The duration is at least one year in early childhood education, eight years in elementary education and three years in middle school. In addition, there is also Youth and Adult education for those who did not manage to enter or could not continue their studies in elementary education; there is also professional education, which is education directed towards a specific job or science and technology so that they can develop in the productive life of the Brazilian society. Furthermore, higher education seeks to qualify in all areas of knowledge in such a way that the professional training achieves the participation of that person in the development of that country; special education, which is aimed at people with special needs at all levels of education.

It is established that the degrees granted by the Universities shall be granted and registered by them, the different Institutes or Centers of Higher Education that have official authorization to operate shall be registered by universities designated by the National Education Council and the Public Universities shall carry out the revalidation of foreign degrees.

Now, when entering into an analysis of Distance Education in Brazil, it refersing to the end of the twentieth century, since until that time, the Education Centers and Institutes did not consider Virtual or Distance Education, being this purely a traditional education and the same was stipulated in its legislation; hence it can be noted that the first beginnings of this mode of education arise only in 1904, with the teaching by correspondence, a situation that was provided by Private Institutions offering a technical professionalization and the most innovative thing without a requirement of

previous schooling having its peak precisely in the middle of this century, when the Monitor Institute was created in 1939 and the Universal Brazilian Institute in 1941, in addition to other similar Institutions that sought the professionalization of people in Open Courses by Correspondence.

With the appearance of technological means in the 1970s and 1980s, different non-governmental organizations and private foundations sought to introduce distance education in their programs, using tele-education models through satellite conferences, accompanied by printed material that facilitated the transmission of knowledge.

The implementation of distance education led to the years 1990 to 1994, when a large number of universities and training institutes sought to have a large number of subjects or distance courses through the use of different technological means, achieving the use of the computer and with this the Internet by the university population, thus promoting the implementation of a law that considers distance education in its different levels of education.

The legal framework in which distance education is governed, constitutes the Law of Guidelines and Bases of National Education N° 9.394/96 (Law of Guidelines and Bases of National Education, 1996), through which distance education is implemented as a national policy in this country as a valid and equivalent modality for all levels of education; the same is established in its Article 80, which states:

The development of distance education programs and plans should be encouraged at the different levels and modalities of education.

It must be offered by institutions specifically accredited by the State through the Union.

The union shall determine how the examinations and the registration of certificates and diplomas of the different distance education courses shall be carried out.

The modality of control and evaluation of the different distance education programs should be found within the different teaching systems, being able to be integrated with the same ones or to look for cooperation between them.

Distance education should enjoy a differentiated treatment in terms of transmission costs in the different media, whether public or private; exclusive channels should be assigned for distance education at no cost to public education.

This situation facilitates and gives a great impulse to distance education to access a large number of people who cannot attend regular education, thus allowing Brazil to be one of the countries at the forefront of this modality of education in South America.

#### **4.1.5 The Educational System in Chile**

The Political Constitution of the Republic of Chile sets the systematized text of the Political Constitution of the Republic of Chile by Decree 100 (Political Constitution of the Republic of Chile, 2020), which in its Article 19 states that education is within the Rights and Duties of Persons, leaving it established in its Item 10 and 11, noting among other things that the purpose of education is to seek that this is fully developed, in the different stages that it goes through, being a preferential right and obligation of the parents, concerning any other institution, since it gives the state only the mission of having to protect this right that parents have and to promote free kindergarten education, basic education and secondary education, as these are mandatory, so that the entire population can benefit from this system, and should also promote scientific and cultural research, to have a more developed society. On the other hand, it determines that there is freedom of education, putting as requirements for those who impart such education the duty to comply only with the limitations given in good customs, morals, public order and national security. Finally, it points out that an organic law must establish all the steps to follow in education to comply with the provisions of the Constitution.

From the Political Constitution of the Republic of Chile derives the General Law of Education (Law No. 20.370, 2009), which is the one that regulates Education in Chile in all its aspects, establishing, among other aspects, that education is the set of actions aimed at seeking the learning of the people of Chile, the same that cover all phases of the life of Chileans, in order to achieve the improvement of the same, transforming their skills and abilities

to obtain respect for all values and principles governing life in society: for this situation education should be carried out through formal or regular education is that which is structured and delivered systematically and sequentially. Therefore, it is made up of levels and modalities that ensure the unity of the educational process and facilitate its continuity throughout people's lives.

Non-formal education is any training process carried out through a systematic program, not necessarily evaluated and that can be recognized and verified as valuable learning and may eventually lead to certification.

Informal education is any process linked to the development of people in society, facilitated by the interaction of one with others and without the tuition of the educational establishment as an institutional educational agency. It is obtained in an unstructured and systematic way from the family nucleus, the media, work experience, and generally, from the environment in which the person is inserted (Ley General de Educación, 2009).

Distance education in the present legal norm is not expressly present in the articles, leaving the application of this modality of education to the best criteria of the Universities and Teaching Institutes, as long as they comply with what is stipulated in the Constitution and the National Education Law.

So Chile is one of the countries that does not contemplate within its legislation Distance Education, but there is a high degree of virtualization since there are universities that, despite being characterized by being purely face-to-face, are introducing in their different platforms the virtualization of different subjects or careers, entering the use of the Internet, to impart specific careers or subjects. Therefore, there are new universities or institutions that, without having a physical place to deliver education, are teaching careers by computer media, using different technological and non-face-to-face means.

From this situation, it can be pointed out that the search for virtualization in Chile through an approach between face-to-face and non-face-to-face modalities is becoming more and more latent

and necessary since the different Universities known as regular or traditional, see non-face-to-face education as an almost compulsory option that must be implemented in the study methods offered at all levels and forms of education, giving rise, as in the rest of the countries, to the virtualization of education in the training of professionals in society.

Thus, teaching institutions are in a period of flexibilization of their teaching methods since, at the undergraduate level, they are increasing some distance learning hours, thus practicing mixed-mode education. At the graduate level, most of the programs are taught in the non-school or mixed modality, which forced the rest to make their face-to-face programs more flexible, combining them with blended learning.

It should also be considered that non-school or virtual education in Chile is of recent appearance since it was from the year 2000 that began to appear the Institutes or Centers of Education changed their educational offerings for those in which more research is used in virtual platforms the same ones that have a close relationship with distance education.

In other words, education in Chile has been transformed, allowing a large number of students to enter higher education at a distance, thus improving the participation of groups that could not economically support face-to-face education, either for work reasons or because they were more expensive than those of the open system, reaching a great achievement in gender parity in terms of obtaining a higher education, since this modality incorporated those people who, due to distance or other problems, could not access it.

In this path of the search for Distance Education, it is necessary to point out that the pioneer in this modality in the search for Higher Education is the Catholic University, through its Distance Education Center created in 1977 to take advantage of its brand new television channel, developing training courses in various specialties, followed by other Universities and Institutes that no longer only sought technical but also professional training.

#### 4.1.6 The Educational System in Paraguay

Paraguay, in the last twenty years, has carried out a process of transformation of its education, seeking at all times to diversify their careers, as well as the creation of institutions that strengthen the teaching and especially the virtualization of the same and what is even more important imposed the trend of distance education, because of the distribution of its population in large regions, imposing models and strategies of this modality.

However, it should be noted that, in order to reach this situation, it had to go through different problems, such as the lack of technological means or the weakness of them, as well as the skepticism shown by the authorities for the implementation of the same, since by tradition it is a culture that is rooted in their traditions and customs, making it difficult at the time the provision of this mode of teaching.

These problems were overcome and the difficulties mentioned above were overcome with the appearance of different technological means and the interaction of these with the traditional methods of face-to-face education, demonstrating that there are no significant differences between face-to-face and non-face-to-face modalities and that, on the contrary, with the use of technological means it is possible to resort to a more significant number of specialists who are more qualified for the teaching of subjects that serve the training of different people.

In this way, some educational institutions noticed that distance education constituted a method to incorporate into education, especially in higher education, segments of the population that, due to distance or other reasons, could not go to face-to-face educational institutions, thus reaching a relatively large sector of this population.

Entering into the regulations governing education in Paraguay, it should be noted that this is derived from the Constitution of the Republic of Paraguay, which has a chapter on Education and Culture indicating among its most fundamental aspects (Constitution of the Republic of Paraguay, 1992), all persons have the right to receive education, which must be comprehensive and at the same time permanent, and must be carried out in the

cultural context of their society; Seeking that people develop their personality as well as the different values and moral and ethical principles, respect for the human condition of its components, instill patriotism, eradicate all forms of discrimination and achieve inclusive education, with its identity, trying at all times to eradicate illiteracy.

The State guarantees the right to education, society and the family, who must ensure that it is provided under the best possible conditions, seeking equal opportunities for members of their society in all teaching methods applied while guaranteeing private education, providing guarantees for the provision of education with freedom and only in compliance with the provisions of the laws and the constitution itself.

From this Constitution is derived the General Law of Education, which among its fundamental aspects, points out that the General Law of Education (1998) is responsible for regulating all education in Paraguay, establishing that all members of Paraguayan society have the right to receive an adequate education, The same that must be comprehensive and permanent, where the state is the one who guarantees the fulfillment of this and must be carried out in the best conditions of equality and equity, also guaranteeing the right to private education without any requirement other than adherence to the law, from which it follows that the universities must be autonomous.

Education is understood as the different steps that are taken in the transmission of knowledge within their society. That is to say, transmitting the national culture combines with the universal culture so that the human being can be consolidated in all its dimensions.

The educational system is divided into the general system, particular system and other modalities, where the general system is divided into formal, non-formal and reflex; formal education is divided into three levels, the first in the initial (which will be divided into two cycles) and basic (the same which is composed of nine grades), the second level in middle education (this constitutes the high school and will have three courses) and the third level, composed of higher education (referred to the training of undergraduate, graduate and

postgraduate). Non-formal education is the one that seeks training in the different existing jobs and trades as well as creative art, seeking that these studies are validated by formal education; finally, reflex education is the one that encourages the use of education through the different means of communication.

Entering to visualize distance education in Paraguay, it is necessary to point out that it is found in the present law in Chapter V of Title III, which among the most fundamental aspects, points out:

Access to education at all levels shall be extended to persons who, because of their working conditions, geographical location, physical handicap or age, cannot attend formal educational institutions. The Ministry of Education and Culture shall promote the use of the means provided by distance communication technology. The competent authority of telecommunications will reserve frequencies of radio, television by air, cable or other similar means to develop distance education initiatives.

The Government will promote and support private initiative for distance education and regulate the curriculum, programs and evaluation system for the official recognition of the courses and activities taught and their respective certificates and degrees (General Education Law, 1998), which gives an opening to the modern system of education, making it have a future development in this country.

#### **4.1.7 The Educational System in Peru**

The Political Constitution of Peru regulates education in Peru, being Education within articles 13 to 20 of the mentioned legal norm, where it points out among the most fundamental aspects (Political Constitution of Peru, 2019) that education seeks to achieve the development of the components of the Peruvian society in all aspects of life, guaranteed by the state the freedom of education, but being the parents in charge of this education; this education promotes the acquisition of knowledge to achieve that person is prepared to develop throughout life and to be able to face the work in which he/she will develop with solidarity and companionship, on the other hand, guarantees the right to private education, as long as they

comply with everything stated in the law; being the educational system and regime decentralized, being the state the coordinator of the different educational policies and the supervisor of the compliance of the same.

From this Supreme Legal Norm, the General Law of Education in charge of Education in the Republic of Peru is derived, which among the most fundamental things, points out (General Law of Education, 2003) that its purpose is to determine the general aspects of education and the educational system of Peru. It establishes that education is in the steps of teaching and learning, which occurs throughout life, the same that contributes to the training of all members of that society, in order to stimulate the culture, the concept of family and community, both nationally and internationally, education is a service made available to the public. When dictated by the state, this is free, where the state guarantees the provision of the same and guarantees the freedom of private education.

When education is imparted, it must visualize the formation of ethical and moral values of society, as well as civic education, which fosters a love for the homeland, and respect and knowledge of the Political Constitution, with the utmost respect for all human rights.

Something very outstanding and characteristic of Peruvian education is that it must be articulated between the public and private sectors through the state since there is autonomy in education, especially in the university sector.

Now, it should be noted that education in Peru is divided into Stages, Levels, Modalities, Cycles and Programs as follows;

- a) Stages: these are progressive periods into which the Educational System is divided, structured and developed according to the learning needs of the students.
- b) Levels: these are gradual periods of the educational process articulated within educational stages.
- c) Modality: these are educational alternatives organized as follows the specific characteristics of the people for whom this service is intended.

d) Cycles: these are educational processes developed according to the achievement of the following learning objectives.

e) Programs: a set of educational actions whose purpose is to address (General Education Act, 2003).

This structure divides the stages into Basic Education and Higher Education. Basic education includes regular basic education, divided into initial, primary, and secondary levels. Alternative basic education is given to all those who could not have access to regular education and can do it through it until they obtain the equivalent title to a high school graduate, but in what refers to a job or trade performed by the student. Special basic education is aimed at people with different abilities. And within higher education, all those undergraduate, graduate and postgraduate careers.

Entering the study of distance education in Peru, it should be noted that the development of this educational modality is born from the increase of technological means and the progress of the different means of communication, having its greatest influence on education because they try to virtualize education through the use of the Internet.

But all this has to be related to teachers' access to new technologies. When the virtualization of education was being promoted, very few teachers had computers that would allow them to take this great step towards the virtualization of education, both in the public and private sectors, which made distance education difficult.

These data constitute a reference to the situation in Peru regarding the use of technological means, which forced the Universities and Institutes in charge of education to initiate an important technological movement, starting to renew the obsolete equipment they had and creating careers that allowed them to cover the current needs of handling these technological means, such as Systems Analysts and Engineers.

It was during this decade that new private universities and institutes of higher education began to emerge that used in their advertisements the use of computer laboratories to impart knowledge about these or to impart knowledge

about foreign or native languages, going to the next level in education.

The first steps were taken mainly in the Postgraduate academic offerings offered by the Faculty of Education and the Center for Research and Educational Services of the Pontificia Universidad Católica del Perú (PUCP). This began in 1984, through printed material and trips to rural areas to distribute the material or through the use of telephones or faxes, an experience that was strengthened by expanding the academic proposals to other areas until technological platforms were used.

Since 1992, the success of education in foreign universities, with the use of virtual platforms in teaching, began to influence the delivery of education, especially in higher education, forcing the Institutes and Higher Education Centers that were purely face-to-face to seek mechanisms that can operate parallel to regular education with virtual classes, that is, new resources began to increase in classrooms, for the delivery of education.

Therefore, since the academic offer of distance education has been increasing in Peru, mainly due to the increase of the student population and universities that seek to be parallel to technological advances and social needs, more open to those who, for some reason or reason can not attend their professional training in regular or face-to-face education.

Entering the study of the normative part of distance education in Peru, it should be noted that this is found in Article 27 (General Law of Education, 2003), which determines, among its most important parts, that Distance Education is a modality used in the Peruvian Educational System, which is characterized by the interrelation between the different participants of education through different technological means either directly or indirectly, in order to achieve the training or education of the learner autonomously, in order to expand, strengthen or replace face-to-face education.

The importance of distance education has been recognized and all the support required to develop this modality has been given so that the population that cannot access regular education can have



access to professionalization through distance education.

To conclude this analysis of the Education System of Mexico and Bolivia's Neighboring Countries and to be able to validate and fulfill this Objective "To identify and describe the Education System of Mexico and Bolivia's Neighboring Countries," arises the following question:

Do you consider that it will be necessary to repeal or abrogate the laws related to the Educational System to allow the implementation of Distance Education in the Plurinational State of Bolivia, so that it can operate independently, legally and following Bolivian practice?

The result obtained is that 100% consider that it is necessary to repeal Education Law No. 070 Avelino Siñani-Elizardo Pérez to introduce in this law a Chapter or some articles that expressly visualize Distance Education so that what is being done in practice can become effective.

## 4.2 Legislative proposal

### 4.2.1 Presentation

This proposal is the result of a long and arduous investigation of the problems of the educational system and non-school distance education, to conclude in what is determined by Article 90 paragraph III of the Political Constitution of the Plurinational State of Bolivia which states "The State, through the educational system, will promote the creation and organization of distance and popular non-school educational programs, with the objective of raising the cultural level and developing the plurinational conscience of the people" (Tarquino Centellas, 2017) and Distance Education should be made effective through a legal norm that allows its implementation in such a way that it can be found in the Bolivian Educational System, but above all to be able to consider distance education in an independent and impartial way and that it has a legal framework in accordance with the technological and legal advances that occurred in our State, in such a way to be able to introduce it in the Educational System of the Plurinational State of Bolivia.

### 4.2.2 Executive summary

The present proposal constitutes a model bill that allows the Implementation of Distance Education in the Educational System of the Plurinational State of Bolivia, thus giving it the true dimension of where this modality of education is located since the Political Constitution of the State in its Art. 90 paragraph III determines that plans should be promoted that allow Distance Education; so that it is correctly located, and that it can act in an Autonomous and Independent way.

In this way, the Title that reflects this creation, the background and the statement of motives are presented, as well as a logical and coherent order of the law with its preamble, the necessary definitions, the general, special, organic, procedural and general provisions, which allow the current and future operation of this educational modality.

### 4.2.3 Guiding principles.

The principles on which the proposal is guided will be:

#### 4.2.3.1 Opening

Distance education makes it possible to guarantee the arrival of education to a large number of students who cannot access face-to-face or traditional education, allowing them to overcome personal, work, family, social, or distance limitations in our territory.

#### 4.2.3.2 Flexibility

In terms of the time or pace of learning of the participants of this form of education, the space required for their preparation, and access to information through the different existing media.

#### 4.2.3.3 Responsibility

On the part of the State in charge of education; on the part of those who offer this modality of distance education in the formulation of the curricula and the different educational programs, the way of teaching and evaluating it; as well as on the part of the learner who is responsible for his or her self-preparation within the indicated program.

#### **4.2.4 General objective of the standard-setting text**

To implement Distance Education in the Plurinational State of Bolivia in such a way that it is immersed in the current Educational System, with Openness, Flexibility, and Responsibility.

#### **4.2.5 Social impact**

Education is one of the fundamental rights that protect society, so this research shows that it is preeminent for Bolivian society because, thanks to the instruments established in this proposal, it will be possible to solve the various existing conflicts in terms of distance education, allowing compatibilize this system at the international level and therefore contribute with value and scientific rigor to shortcomings that is dysfunctional to its role. In this way, the direct beneficiary will be the Society of the Plurinational State of Bolivia since the Common Good is what is being pursued; on the other hand, it will also be to comply with Article 90, Paragraph III, which imposes the preparation of Distance Education programs to access the entire Bolivian population.

#### **4.2.6 Benefit to the state**

It is beneficial to the State because it allows the State to efficiently regulate the Educational System at the National level, giving it functionality and competencies determined in a correct way to those in charge of Education in Bolivia so that there are no problems of any kind for distance education.

In this way, the educational centers that are distance learning will gain relevance, making it recognized in the legal field and thus gaining access to the education and training of a large majority of the components of the Bolivian society.

#### **4.2.7 Area of application**

The area of application involves providing technical solutions to educational problems, which have an impact on the population of the Plurinational State that obtained some degree at a distance and facilitate those who, for some reason, can not access the classroom or traditional education that is taught in our country, in this sense the capacity and effort should be

agglutinated, oriented, supported and sustained, to create the conditions for improving education, projecting a vision of modernity necessary in modern times.

#### **4.2.8 Prospective results of the normative text within the national reality**

##### **4.2.8.1 Short term**

It will allow having a legal regulation that introduces distance education within the Educational System of the Plurinational State of Bolivia. In this way, to comply with the stipulated in Art. 90 Inc. III of the Political Constitution of the State, allowing the development of the mentioned educational modality, with all the legal aspects and following the technological advances that occurred in our State.

##### **4.2.8.2 Medium Term**

To achieve access of the population to education through the distance education modality in the most distant places from the urban centers of the Plurinational State of Bolivia, where there are no face-to-face or traditional education institutions, in order to provide education to sectors of the population that for some reason cannot participate in this type of education.

##### **4.2.8.3 Long Term**

To enter into the modernization of education at an international level, with the implementation of this educational system, trying that all the population has access to education in Bolivia and in this way to achieve that the population becomes technified and can participate in the technological advances that are taking place worldwide.

#### **4.2.9 Content and core components of the regulatory text**

The present proposal constitutes a Draft Bill of the Plurinational State of Bolivia that introduces Distance Education into the Educational System of the Plurinational State of Bolivia, indicating its Object, Purpose and Scope while repealing certain articles of the Avelino Siñani-Elizardo Pérez Law No. 070.

#### 4.2.10 Title

The draft bill for the implementation of distance education in the educational system of the Plurinational State of Bolivia.

#### 4.2.11 Background

Education is a fundamental right of all human beings, which is instituted in the Charter of the United Nations and our Constitution, fundamentally by the simple fact of being a person, so this must reach all the shelves and inhabitants of a State; becoming a fundamental priority of the same, to achieve the intellectual improvement of its population component. Now, with the new increase in technology, different States have increased distance education in order to reach places within our country, which for various reasons are not able to do it in person, making this an alternative for the technification of this component and to comply with the various international agreements that regulate education to put at the disposal of the productive system, trained people that allow the aggrandizement of the State.

On the other hand, to visualize that although in Bolivia, the supreme norm considers and visualizes distance education in a very shallow way; it is not considered in its different laws, making that there are gaps regarding this modality of education and making necessary its implementation through a specific law, which regulates the action of the same.

#### 4.2.12 Explanatory Memorandum

Due to the international normative and jurisprudential evolution in the field of education, it has been achieved that the different States that seek its development generate alternatives to incorporate distance education in their legislation to be able to testify to the members of their society.

Thus, distance education is being imposed worldwide, obtaining similar or better results than traditional or classroom education since this system seeks personal improvement and requires the effort of the components of this education, accessing those people who, for some reason, were not able to enter the traditional or classroom system.

Taking into account that education is a primary need of all States since it is a fundamental right that is found within the life in society, it becomes a need for the entire population of a country, therefore, being also necessary for its incorporation within our legal regulations.

On the other hand, it is also necessary to point out that article 90, section III of the Political Constitution of the State states, "...The State, through the educational system, will promote the creation and organization of distance and popular non-school based educational programs, to raise the cultural level and develop the plurinational conscience of the people" (New Political Constitution of the State, 2009), thus giving constitutional and legal validity to the incorporation of distance education in our country. However, since, at present, this education system is being carried out in daily practice, there is no legal framework following this reality, and there are difficulties at the time of revalidation or graduation of graduates in this way because there are no clear rules and following them, trying to impose the parameters of face-to-face education.

#### 4.2.13 Proposal development

##### 4.2.13.1 Preamble

The Fundamental Charter of the United Nations of 1948 contemplates the Declaration of Human Rights, in which Education is enshrined as a fundamental right, clearly stipulating it in Article 13; on the other hand, in 1990 in the so-called World Conference on Education, it is determined that Education constitutes a universal right. Therefore, the guardianship of it is given to the International Organizations such as the UN and the different States, indicating that these are the guarantors of its fulfillment and that they are responsible for presenting multiple options for its application and the exercise of this right.

In compliance with these agreements and international treaties, the Political Constitution of the Plurinational State, in its Article 77, among other fundamental parts, establishes that education is a supreme function of the State and that it is the first financial responsibility, which must guarantee, sustain and manage it, which indicates that it is through the different State Agencies that the Education Systems must be regulated.

Entering into distance education, we have to point out that it is included in Article 90, paragraph III, which states that programs must be carried out to allow its implementation, giving us the legal framework for the implementation of this system to be under the advances of education at regional and world level.

On the other hand, the Avelino Siñani-Elizardo Pérez Law No. 70, in none of its articles, considers distance education, leaving defenseless the people who, for one reason or another, managed to carry out these studies or, failing that, to achieve the revalidation of these degrees, leaving subject to the whims of the person in charge of the revalidations the way to carry it out, being the one who defines whether or not to grant or not to grant such revalidation.

Therefore, it should be considered when taking education to the farthest corners of our State, using all the technological means available in our country, to reach the most remote population that cannot enter the traditional or face-to-face systems for any reason.

#### 4.2.13.2 Definitions

##### EDUCATION

It is a fundamental right of the Bolivian population, which consists of imparting the necessary knowledge to this component through different educational systems, achieving their intellectual development, technology and training necessary for their coexistence within the Plurinational State of Bolivia.

##### DISTANCE

It is one of the ways to provide education throughout our national territory, without the need to attend the different classrooms of face-to-face education and through the use of technological means to reach the delivery of knowledge to the population that for various reasons could not benefit from traditional education, which is regulated according to specific regulations.

Distance Education. It constitutes the participation of the different actors of education in the teaching-learning process through the use of technological means, and not in a direct way, to achieve the autonomy of learning by the learner; being

understood as an evolved educational environment where interaction is done through technological means, being flexible and personalized.

#### 4.2.13.3 General Provisions

Article 1. (Object). To determine the basis for the implementation of Distance Education in the Educational System of the Plurinational State of Bolivia, its organization and operation.

Article 2. (Purpose). To have a law that allows Distance Education to be considered independent and impartial, to have a legal framework under the advances of the Plurinational State of Bolivia and the Political Constitution of the State, that Distance Education is not an Educational System excluded and parallel to the Bolivian Educational System. That the conflicts in the Recognition and Revalidation of this Educational System disappear, that it be autonomous, specialized and circumscribed to the purposes that justify it, that the defenselessness of the people who studied through this system disappear and finally, that Distance Education has the same treatment as face-to-face Education with no more differentiation that one is face-to-face and the other is non-face-to-face.

Article 3. (Scope). The application of the present law covers the entire territory of the Plurinational State of Bolivia and the places where it exercises jurisdiction.

The Ministry of Education and the State Universities are in charge of its implementation.

Article 4. (Nature and basis). Distance Education constitutes a form of education, without attending the different classrooms of the Traditional Educational System, following its programs and curricula that must be approved by the Ministry of Education and the different State Universities based on the University Autonomy through the use of Technological means according to the current advances.

#### 4.2.13.4 Special Provisions

Article 5. (Purpose). This law seeks to strengthen the purpose of:

a) To implement and consolidate the distance education modality in the different institutions of the Bolivian Education System, at the undergraduate and postgraduate levels of education, in the areas of higher education, science and technology, in compliance with the purpose, mission and objectives of said modality.

b) To regulate the distance education modality in the Plurinational State of Bolivia for an adequate operation within the Public or Private Centers or Institutions in charge of Education in Bolivia so that they are under the programs offered at the different levels of education, be they undergraduate, graduate, postgraduate, etc.

Article 6. (Form of Teaching). All Educational Centers or Institutions at different educational levels, according to their nature, may freely offer traditional or on-site education and distance education, simultaneously or separately, as long as they can guarantee that the quality of education and training can respond to the objectives of the Bolivian educational system, to the different needs of the scientific and technological areas and especially to the demands of society.

#### 4.2.13.5 Organizational arrangements

Article 7. (Distance Education System). Distance Education is implemented within the Educational System of the Plurinational State, taking into account the following:

Distance Education is a teaching-learning model where the interaction of the different participants of education is not in a single physical space, nor is there a personal interaction between them; that is, there is the direct interaction between teachers or tutors and the student through technological means for the delivery of classes or through work guides, with a follow-up and accompaniment of the same, to achieve self-learning by the student.

This modality is characterized by fostering a sense of responsibility on the part of all those involved in education, independence, autonomy in learning and, most importantly, the use of technological means for interaction among them.

Article 8. (Characteristics). Within this modality of distance education, it has the following most outstanding characteristics:

a) Social relevance. Because it allows to respond to the needs of the Bolivian society of access to quality education to different unprotected sectors, in order to have an equitable education, and with equal opportunities.

b) Relevance. Because it allows access to education for those people who, while meeting the academic requirements, have different difficulties in accessing it.

c) Flexibility. Both for the study and the implementation of subjects necessary for the requirements of society for the training and professionalization of its components, allowing the entry and incorporation of different scientific and technological advances.

d) Innovation and creativity. The different means of interrelation and access to information, both by students and teachers or tutors, allow new ways of access to professionalization and training.

e) Self-learning. Seeking the creation of different intellectual skills to promote self-learning, that is to say, an independent study in an independent manner and with a high sense of responsibility, managing to find the student's rhythm.

f) Communication. Through the use of technological means, and with a responsible follow-up by the teachers to the learning and self-preparation of the students, it is providing them with technical knowledge that allows them to develop autonomously, but with mediation of the person in charge of teaching and learning.

g) Technologies. The appropriate use of all modern means that have appeared for the dissemination of education facilitates the access of all interested in this modality of education.

h) Expansion of coverage. In order to have access to the different educational centers by a greater amount of the Bolivian population in order to have a broader spectrum of education.

#### 4.2.13.6 Procedural Provisions

Article 9. (Of the Institutions). The different Centers and Institutes of Education that operate in Bolivia may offer any of the modalities of education which are recognized at the national or international level, having to establish their

philosophical sense to determine the vision, mission, values, objectives and goals they pursue; its pedagogical model, the different didactic resources that will be used in the delivery of education; the modality, which may be face-to-face or distance (the latter being considered as the semi-presential, non-presential and virtual modality, clearly establishing whether this will be used exclusively or complementary.

Therefore, the different Education Centers and Institutes may offer distance education programs in compliance with the present law.

Article 10. (Requirements). The Centers of education and Institutes of education that offer distance education shall comply with all the requirements imposed for traditional education. In addition, they must establish their planning, organization, management, development and evaluation as provided by the authorities of the educational system and with the specifications demanded by this type of educational modality under the objectives outlined for the same.

Article 11. (Forms). In order to give functionality to the present law, it is determined that there is a classification of distance education under the means employed in the following manner:

a) Virtual Education. It is one of the forms of distance education, consisting of teaching by technological means (digital, electronic tools) through virtual spaces and networks where ICTs (Information and Communication Technologies) are incorporated.

b) Semi-presential education. It is that form of distance education where face-to-face education is combined with non-face-to-face education in the offer of different education programs, where there is contact between students and teachers according to the needs or characteristics of the subjects taught.

c) Open education. It constitutes that form of the distance modality in which a flexible education is used, where there is no direct contact with the teacher-student unless required by the student. It is characterized by the use of work guides, which specify the work to be done and the way to do it, as well as the evaluation modality and the student or student, through research, solves them and

returns them to the educational center; this modality, being flexible, the student sets the study rhythm and the need to contact a tutor to clarify any doubts that may arise.

Article 12. (Responsibility). All the Centers and Institutes of Education that offer distance education models must be capable of promoting the academic and Institutional sense of Education and Training, offering quality education to the Bolivian population or society, committed to delivering high-quality professionals, committed to their Society and the future of their Nation.

To this end, it must comply with the following:

The Centers or Institutes of education that consider among their offers the distance modality must have clearly defined its vision, mission and objectives that it pursues with this modality, which must be related to the use of technological means, the culture of the Bolivian society, and its projection towards the medium and long term. On the other hand, its programs should allow incorporating in the form of teaching all the necessary strategies, tending to achieve autonomous and independent learning of the students, without neglecting the follow-up or accompaniment of the different tutors in such education, trying to achieve at all times interactive participation, and a continuous evaluation.

They must also have educational platforms with adequate technologies to be able to provide distance education at all levels and teaching programs offered, which will have to guarantee that the amount of equipment and means of connectivity and communication are sufficient for the provision of the same in a coherent, equitable and adequate manner, without neglecting the maintenance that must be carried out periodically to all educational material supporting the teaching of distance education, in all its forms.

All Education Centers and Institutions that offer the distance education modality must have an interdisciplinary team of professionals specializing in distance education to comply with the pedagogical services demanded by the academic project.

The evaluation of the learning acquired by the students in each module of the study plan should

be of processes and product. Therefore, educational institutions with undergraduate and graduate distance learning programs must have the instruments to carry out an objective, valid and reliable evaluation and inform the student of his or her achievements and the aspects to overcome.

(Amendments to the Education Law) The Education Law No. 070 “Avelino Siñani-Elizardo Pérez” of December 20, 2010, is at this moment amended as follows:

**4.2.13.6.1 Subsection d) of Article 8 “Distance Education Subsystem” is increased to read as follows:**

Article 8°. (Structure of the Plurinational Educational System).

The Plurinational Education System comprises:

- a) Regular Education Subsystem.
- b) Alternative and Special Education Subsystem.
- c) Vocational Higher Education Subsystem.
- d) Distance Education Subsystem

**4.2.13.6.2 Subsection 2 of Section 83 is increased to read as follows: “Distance Education Subsystem”:**

Article 83 (Plurinational Observatory of Educational Quality).

1. The Plurinational Observatory of Educational Quality is created as a decentralized, technical, specialized, public institution, independent in terms of the process and results of its evaluations.

Supreme Decree will regulate its operation.

2. The Plurinational Observatory of Educational Quality shall be in charge of monitoring, measuring, evaluating and accrediting the educational quality of the educational system in the Regular, Alternative, Special and Distance subsystems.

Its composition comprises a Board of Directors, the Executive Director and a specialized multidisciplinary technical team.

**4.2.13.7 Final Provisions**

Article 10 (Sole Additional Provision). Everything stipulated in the present law shall enter into force as of its promulgation and publication in the legal gazette. For its regulation, Decrees and Resolutions shall be elaborated in the corresponding instances according to the provisions of the present law and following the Political Constitution of the State.

Abrogating and repealing provisions

All norms and provisions contrary to the present law are hereby repealed.

**4.2.13.8 REFERENCES**

Political Constitution of the State

Education Law No 070 “Avelino Siñani-Elizardo Pérez”.

**4.2.14 Measures to follow up on the approval of the regulatory text**

In the first instance, to approve this regulatory text at the University of Jaén.

Schedule a meeting with the Ministry of Education and obtain its approval.

Presentation to the Executive Power to be proposed by this Organ and to the Legislative Power through the Chamber of Deputies to the Education and Culture Commission, to be approved as a citizen's proposal, in compliance with Article 163 of the Political Constitution of the State.

Follow up in the Legislative Body through the Education and Culture Committee.

**5. 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 and that it 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 have legislation referring to distance education, which allows it to function following the legal norm, facilitating its development independently and under the current needs of education, which shows that the 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.

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