



## The Issue of Acceptability of the Online Education

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**Abstract:** The article identifies the state's obligations regarding online education, taking into account the essential features of traditional education, established within the UN, namely "availability", "accessibility", "acceptability" and "adaptability". It addresses the acceptability of the online education by approaching aspects such as online assessment and interaction between students and between students and teachers as perceived by students. It also gives an insight into the legal framework adopted to make education acceptable.

**Keywords:** traditional education; convention provisions; the 4-A Scheme

### 1. The State's Obligations Regarding the Right to Education

State's obligations are reflected in various ways by different international and national instruments.

Their meaning is also given by judges. Thus, the judges of the European Court of Human Rights consider the state's obligations as "positive" and "negative" and establish the concrete tasks imposed to the state (Fenton-Glynn, 2021, pp. 4-8) through the interpretation of the convention provisions.

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The UN bodies<sup>1</sup> have classified the state's obligations on the right to education into: the obligation to respect, to protect and to fulfil. Thus, respecting the right to education requires avoiding the adoption of any measure likely to affect this right. Protection involves the adoption of measures aiming to prevent the violation of this right by third parties. The fulfilment of this right involves the intervention of the state to ensure and facilitate it by adequate measures.

The first UN Special Rapporteur on the right to education, Katarina Tomasevski, made a detailed classification of these obligations, including them in 4 categories: "availability", "accessibility", "acceptability" and "adaptability". This classification is known as "the 4-A Scheme" and the four categories mentioned above acquired the status of "interrelated and essential features"<sup>2</sup> of education in all its forms and at all its levels.

At the time of publication of this classification, education was carried out, predominantly, in a traditional form, in person, and the main features highlighted by the first UN Special Rapporteur can be summarized as follows:

- **availability** refers to the existence of a sufficient number of schools (buildings, classrooms), equipped with the necessary utilities (drinking water, teaching materials, computers). It refers also to teachers having adequate training and competitive salaries at national level;
- **accessibility** is based on the principle of equality and non-discrimination. It refers to physical and economic accessibility which leads to the elimination of any administrative, legal and financial barriers;
- **acceptability** takes into account the quality of education and refers to the form and content of education, including school programs and pedagogical methods, which must be relevant, culturally appropriate and of good quality, accepted by both students and parents;
- **adaptability** means the ability of education to adapt to the constantly changing needs of society; it should also respond to the needs of specific groups (children with disabilities, children having a worker status or from the conflict zones).

After putting together the general obligations of the state and the ones summarized in "the 4-A Scheme", it can be said that "States have the obligation to respect, protect

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<sup>1</sup> Committee on Economic, Social and Cultural Rights (1999), *Implementation of the International Covenant on Economic, Social and Cultural Rights, General Comment No. 13*, (E/C.12/1999/10), p. 10.

<sup>2</sup> *Idem*, p. 2.

and fulfil each of the “essential features” (availability, accessibility, acceptability, adaptability) of the right to education”<sup>1</sup>.

The pandemic crisis caused by Covid-19 has led to a considerable increase of the use of digital technology in order to ensure pedagogical continuity during school closure. Education became “online” or “hybrid”, the latter bringing together attendance education sequences with online education sequences.

This form of teaching activity requires the state to exercise its obligations in order to guarantee the right to education. Their identification is made by transposing the existing obligations from the 4 already established categories to online education. For this purpose, it is also necessary to take into account the Romanian constitutional provisions of art. 32 para. 4, which states that the public school education is free, according to law. The specific laws speak about the free and compulsory nature of pre-university education and the free nature of university education, for the approved number of places in public universities.

Thus, in the categories of **availability and accessibility** of online education we can include everything necessary for the online school to function: digital devices (computer, laptop, etc.), internet connection, educational platforms, digital textbooks, digital educational resources, digital skills of students and teachers.

The field of **adaptability**, similar to traditional education, means the ability of online education to respond to the needs of individuals from special categories (disadvantaged or disabled people, migrants, etc.).

The category of **acceptability**, similar to traditional education, refers to the form and content of education, including school programs and pedagogical methods, as well as the freedom of parents to educate their children according to their own beliefs.

## 2. The Issue of Acceptability of the Online Education

The teaching process requires the use of appropriate pedagogical methods able to deal with aspects such as isolation, interaction, motivation, protection of personal data and cybersecurity. Those are indicators of students’ well-being and satisfaction during online classes.

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<sup>1</sup> Ibidem, p. 11

An important aspect of the teaching process, in case of conducting online teaching activities is the **evaluation of school results**. The assessment of students, aiming at determining the effectiveness of the online teaching process, has limitations due to social inequalities leading to the lack of devices, lack of the internet connection or an inadequate housing space.

A questionnaire was applied to students with an online education experience during the pandemic period (March 2020 - March 2022). Their opinion led to the identification of the regulatory needs on online education or to the validation of the adopted regulations.

The following aspects emerged from a questionnaire applied in 2024 at national level<sup>1</sup>:

- A third of respondents consider the online exam more unfair. 51% of respondents consider it neither fairer nor unfairer, 33% consider it more unfair, and 16% more fair. However, the data show the difference of opinion between the pre-university environment and the university environment: 45% of the respondents who were in the pre-university environment during March 2020 - March 2022 and 24% of those in the university environment considered the evaluations as more unfair than the exam held “in person”;

- 34% of the pre-university environment and 13% of the university environment considered that the online evaluations could not correctly evaluate the acquired knowledge, 45% of the total respondents considered that the exams, online tests evaluated the knowledge “somewhat” correctly.

In order to mitigate the disadvantages of the evaluation in the online environment, the public authorities regulated the conduct of evaluations in different acts, out of which we could mention:

- Law no. 199/2023 of higher education, that provides for the possibility of carrying out online continuous assessment and summative exam-type assessment activities; however, the law establishes the rule that the end-of-studies exams must be carried out in presence (art. 32 para. 2).

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<sup>1</sup> The questionnaire was applied in the first semester of 2024, as part of a research carried out at the University of Bucharest, to students enrolled in bachelor’s and/or master’s degrees, from state and private universities, who, in 2020- 2022 were enrolled in a form of education. Students enrolled in the first and second year were considered registered during the pandemic period in pre-university education. The sample size was 695 people.

- The ARACIS standards<sup>1</sup>, approved on 30 July 2020 provide that the summative (final) evaluation is mandatory in physical format (in person) and that the formative (continuous) evaluations should be taken into consideration in granting the final grade (pp. 34-35).

**It can be noticed that the adopted regulations take into account the limitations of online exams, about which almost a quarter of respondents believe that they cannot correctly assess the knowledge acquired and almost a third consider unfair.**

Another essential aspect of the acceptability of online education is the interaction between students and between students and teachers.

Regarding the interaction student-teacher, approximately 34% of the pre-university environment and 14% of the university environment, which means 21% of the total respondents, consider it unsatisfactory and very unsatisfactory.

Regarding the interaction between students, 47% of pre-university environment and 28% of the university environment, which means 36% of all respondents, consider it unsatisfactory or very unsatisfactory.

In order to reduce these inconveniences, the ARACIS standards provide measures to support the learning activity such as “additional assistance from teaching staff outside the university space” (ARACIS, 2022)<sup>2</sup> or measures to facilitate communication, such as the recommendation for teachers and students to keep video cameras open (ARACIS, 2022, p. 4), aiming to increase student- teacher interaction.

The same way, at the level of pre-university education system, art. 19 para. 1 of Order no. 5545/2020 stipulates the obligation of the teaching staff to systematically check the completion of tasks by the preschoolers/students and to encourage them “by providing constructive/positive feedback with a permanent focus on the process, solutions and result (...)” At the same time, art. 19 para. 1 mentions the

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<sup>1</sup> Specific standards and guide on the external evaluation of the quality of university study programs in the forms of distance education (ID) and reduced frequency education (IFR), approved by ARACIS on July 30, 2020. <https://www.aracis.ro/invatamant-la-distanta-online/>. The questions on online evaluation were taken from Granjon, Y. (2021). La perception de l'enseignement à distance par les étudiants en situation de confinement - Premières données / The Perception of Distance Education by Students in a Confinement Situation - First Data. *Distances et Médiations des Savoirs*, Vol. 33/2021, <https://journals.openedition.org/dms/6166>.

<sup>2</sup> ARACIS, (2022). Decision 85/H/05.08.2022, *Quality standards regarding the conduct of teaching, learning, research, practical applications and evaluation activities, in the form of education with frequency, through the use of specific electronic, IT and synchronous communication resources*, p. 2. <https://www.aracis.ro/wp-content/uploads/2022/08/Standarde-de-calitate-modul-mixt-05.08.pdf>.

recommendation that in the process of evaluating tasks, it should be used collaborative techniques in pairs or in small groups. This measure is likely to increase the interaction between students.

**The above data suggest the need, especially for the pre-university environment, of a direct pedagogical interaction, specific to “in person” education**

Moreover, the education process requires “cognitive, affective, volitional, behavioral (action) communication interactions” (Ionescu & Bocoş, 2008), which can be fully realized in a traditional education system.

Consequently, it can be stated that online education is more difficult to adapt to the pre-university environment and cannot replace traditional education. For this reason, it can be considered as having a complementary character, suitable for exceptional or special situations, during limited periods of time.

This fact is also mentioned by art. 18 of Law no. 198/2023 of pre-university education, which says that teaching, learning and assessment activities can also be carried out online or in a hybrid system, but only for a limited period of time and for specific situations (e.g. state of emergency).

The same way, law on pre-university education requires the physical presence of students in all its forms: education with daytime frequency, evening frequency and reduced frequency. Online teaching activities are carried out only in the exceptional circumstances mentioned above as well as in special situations (sick students (art. 72 par. 7), pregnant students and parents students (art. 76 par. 2)).

### **3. Conclusion**

Examining items such as online evaluation and interaction revealed the limitations of the online education.

From the analysis of the above items, it follows that the online education carried out during the pandemic period (March 2020 - March 2022) and considered by some “emergency remote teaching” (Hodges, Moore, Lockee, Trust & Bond, 2020) ensured a poor pedagogical continuity and “a degraded form of pedagogical interaction” (Granjon, 2021).

The opinion of the respondents shows difficulties of accepting this type of education, despite the measures adopted by public authorities.

As the pre-university pupils encountered the most difficulties during the pandemic period, it can be said that online education is less adaptable to the pre-university environment and it cannot replace “in person” education.

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\*\*\* Committee on Economic, Social and Cultural Rights, (1999), *Implementation of the International Covenant on Economic, Social and Cultural Rights*. General Comment No. 13, (E/C.12/1999/10), p. 10. <https://undocs.org/Home/Mobile?FinalSymbol=E%2FC.12%2F1999%2F10&Language=E&DeviceType=Desktop&LangRequested=False>.

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