



MINISTERUL  
EDUCAȚIEI  
CERCETĂRII  
TINERETULUI  
ȘI SPORTULUI

# LAW OF NATIONAL EDUCATION

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## TITLE I GENERAL PROVISIONS

**Art. 1** This law provides the legal framework for the exercise of the basic right to lifetime an education under the authority of the Romanian state. The law regulates the structure, the functions, the organization and functioning of the national state, private and confessional educational system.

### Art. 2

(1) The law aims at promoting an education based on values, creativity, cognitive and will capacities and action-based capacities, fundamental knowledge and skills, knowledge and abilities of direct usage, in the profession and the society.

(2) The law aims at forming by means of education the mental infrastructure of the Romanian society, in accordance with the new requirements imposed by Romania's EU membership and by the existence within the context of the globalization and sustainable generation of a highly-competitive national human resource, capable of functioning efficiently in the present and future society.

(3) The educational ideal of the Romanian school consists in the free, and harmonious of human individuality, in forming the autonomous personality and in assuming a system of values which are necessary to personal fulfilment and development, the development of the business spirit, the active participation of citizens in society, social integration and employment.

(4) The state provides Romania citizens with equal rights of access to all levels and forms of pre-university and higher education, as well as lifetime education without any form of discrimination.

(5) The citizens of the other EU states and the states belonging to the European Economical space and Swiss confederation enjoy the same rights.

(6) The rights stipulated under paragraph (4) are equally acknowledged for all under-age population who request or have received a form of protection in Romania, foreign under-age and stateless children whose residence in Romania is officially acknowledged according to the law

(7) In Romania, education is a national priority.

**Art. 3** The principles governing Romanian pre-university and higher education are:

a) The principle of fairness, according to which the access to educational opportunities is made without discrimination;

b) The principle of quality, based on which educational activities are performed according to international and national reference standards and good practice;

c) The principle of relevance, according to which education meets the need for personal development and social-economical needs;

d) The principle of efficiency, for maximum educational performance, by managing the current resources;

e) The principle of decentralization, based on which the main decisions are made by the stakeholders directly involved in the process;

f) The principle of public responsibility, based on which Educational facilities and institutions are publicly responsible for their performance;

g) The principle of the guarantee of cultural identity for all Romanian citizens and intercultural dialogue;

h) The principle of the assumption, promotion and safeguarding national identity and cultural values of the Romanian people;

i) The principle of the recognition and guarantee of rights to those belonging to national minorities, the right to keep,

develop and express their ethnical, cultural, language and religious identity;

j) The principle of ensuring equal opportunities;

k) The principle of the autonomy of the university;

l) The principle of academic freedom;

m) The principle of transparency – materializing in ensuring total visibility of decision and results, through their regular and adequate notification;

n) The principle of the freedom of thought and independence towards ideologies, religious dogmas and political doctrines;

o) The principle of social integration;

p) The principle of beneficiary-based education;

q) The principle of parent participation and responsibilities;

r) The principle of promoting education for health, including through exercise and sports;

s) The principle of the organization of confessional education according to the specific requirements of every acknowledged cult;

t) The principle of dialogue and consultation-based decisions;

u) The principle of respecting the right to opinion of students, in their capacity as direct beneficiaries of the educational system.

### Art. 4

The main purpose of the education and vocational training of children, young people and adults is to develop competences, in the form of a multifunctional and transferable set of knowledge, skills/abilities and aptitudes, necessary for:

a) Personal accomplishment and development by achieving personal life objectives, according to one's personal the interests and aspirations, and to the desire to learn throughout the whole life;

b) Social integration and active civic participation to the society;

c) Holding a job and taking part into the functioning and development of a sustainable economy;

d) Forming an outlook on life, based on human and scientific values, national and universal culture and stimulation of intercultural dialogue;

e) Education based on dignity, tolerance and observance of human fundamental rights and freedom;

f) Cultivation of sensibility towards human problems, the moral and civic values and respect for nature and natural, social and cultural environment.

### Art. 5

(1) In the field of educational and vocational training field in the national educational system, the provisions of this law prevail over any other provisions of other normative acts. If there is any conflict between them, the provisions of this law shall be applied.

(2) Any amendment or completion to this law shall come into force starting with the first day of the school or academic year following the year in which it was legally sanctioned.

(3) As an exception from the provisions of paragraph (2), the provisions of this law on the national middle or high school education final evaluations are applied starting with the students who are in the first year of middle or high school education, when the amendment or completion in question comes into force.

### Art. 6

(1) In Romania, only diplomas recognized by the Romanian State, in compliance with the applicable laws, are valid.

(2) The statute of the graduation documents issued by the Educational facilities and institutions is established by order of the Ministry of Education, Research, Youth, and Sports.

(3) The content and format of the graduation documents are set

by Government decision, at the proposal of the Ministry of Education, Research, Youth, and Sports.

#### **Art. 7**

(1) In Educational facilities and institutions and in all the facilities dedicated to vocational training and education, all the activities violating the moral standards, as well as any other activities which may endanger children's and young people's health and physical and psychical integrity are forbidden, as well as the health of the teaching staff, auxiliary staff and non-teaching staff. Political activities and religious indoctrination are also forbidden.

(2) The privatization of the public Educational facilities and institutions is forbidden.

#### **Art. 8**

A minimum of 6% of the GDP of the year in question is allotted annually from the state budget and from the budgets of the local authorities in order to finance national education. The educational institutions may also get and use their own income. A minimum of 1% of the GDP of the year in question is allotted from the state budget every year for scientific research.

#### **Art. 9**

(1) The principles for financing pre-university education are the following:

- a) The transparency of fund creation and allotment;
  - b) The even distribution of the funds committed to a quality education;
  - c) The adjustment of the volume of resources to the pursued objectives;
  - d) Predictability, by using coherent and stable financial mechanisms;
  - e) The efficient use of the resources;
- The state provides basic finance for all preschool children and pupils attending compulsory state, private and accredited religious education. The state also provides basic finance for the accredited vocational and high school state, private and religious education, as well as for state post high-school education. They shall be financed on the basis and within the limits of the standard cost per pupil or per preschool child, according to the methodology set by the Ministry of Education, Research, Youth and sports.

(2) Public education is free of charge, in compliance with the law. For certain educational activities, levels and curricula, taxes may be charged under the terms set by this law.

(3) The Ministry of Education, Research, Youth, and Sports, through its specialized body, sets the annual standard cost per pupil or preschooler, on which the fundamental financing is based. All pupils and preschoolers attending public pre-university education, as well as private compulsory pupils and preschoolers attending general compulsory education, vocational, high-school, private and religious education, accredited and regularly assessed educational institutions benefit from the amount in question, in compliance with the applicable law.

(4) Pre-university education shall be basically financed according to the "financial resource follows the pupil" principle, based on which the budgetary allowance due for a pupil or preschooler is transferred to the educational institution attended by the pupil or preschooler in question, observing the provisions of par. (2), (3) and (4).

(5) Education may be financed directly by business entities, as well as by other natural or legal persons, in compliance with the law.

(6) Education may be supported through scholarships, study loans, taxes, donations, sponsorships, own sources, and other

legal sources.

#### **Art. 10**

(1) In Romania, education is public property and is carried out, in compliance with this law, in Romanian, as well as in the languages of national minorities and international languages.

(2) In each city or town, educational institutions and study facilities with tuition in Romanian and, as the case may be, with tuition in the languages of the national minorities shall be established and shall operate, or teaching shall be provided in the maternal language in the closest town, if it is possible.

(3) Learning in the Romanian language in schools as official state language is compulsory for all Romanian citizens, irrespective of their nationality. The schooling plans must include the number of hours required and sufficient for learning Romanian. The material conditions and human resources required for the study of the Romanian language shall be provided by the public authorities.

(4) Within the national education system the official school and university documents stipulated by order of the Minister of Education, Research, Youth, and Sports, shall be prepared in Romanian. The other school and university documents may be prepared in the language in which tuition is performed.

(5) Educational facilities and institutions may perform and issue, upon request and for a charge, official translations of the documents and other school and university papers, under the provisions of the law.

#### **Art. 11**

(1) The Government supports education in Romanian in the countries where Romanian people live, in compliance with the law of the state in question.

(2) The Ministry of Education, Research, Youth, and Sports, in cooperation with the Ministry of Foreign Affairs, through the Romanian Language Institute, may organize education institutions with tuition in the Romanian Language, attached to the Romanian diplomatic offices and cultural institutions abroad, and may support lector's offices within foreign universities, as well as Romanian language, culture and civilisation courses for the children of Romanian emigrants.

#### **Art. 12**

(1) The State supports ante-preschoolers, preschoolers, pupils and students with social problems and needs, as well as those with special educational needs.

(2) The State grants social scholarships to school children and university students from disadvantaged families, as well as to those institutionalized, in compliance with the law.

(3) The State grants prizes, grants, summer camp places and other incentives to those school children and university students with exceptional academic performance, and to those with a high level of education or professional training, or high sports and cultural performance.

(4) Those school children and university students benefiting from aid scholarships may also receive performance scholarships.

(5) The State and other stakeholders support financially pupils' and students' high-performance national and international activities.

(6) The State guarantees equal right to education to all people with disabilities or with special education needs. Special and special-integrated education is part of the national pre-university system.

(7) Special and special-integrated education represents a form of education in school which is differentiated, adapted and also a form of educational, social and medical support dedicated to persons with disabilities or special educational requests.

(8) Those pupils who cannot attend an educational institution in their place of residence shall be supported by the having their transport costs refunded at the nearest educational institution or they shall receive free of charge board and lodging in boarding schools, except those attending post-high-school education.

#### **Art. 13**

(1) Lifelong education is a right guaranteed by law.  
(2) Lifelong education includes all the learning actions performed by each person throughout his/her life, starting with the early education, with the purpose of acquiring knowledge, skills/abilities and developing significant personal, civic, social, and/or vocational attitudes.

#### **Art. 14**

(1) The Ministry of Education, Research, Youth, and Sports develops, substantiates and applies national educational strategies, by consulting the main social partners (representative didactic staff associations, the National Council of Rectors, university and state, private and religious, the Council of National Minorities, unions, public administration authorities, business environment, school associations, representative parents' associations, representative educational trade unions, representative pupils' associations, representative students' associations and financing non-government associations supporting educational programmes/federations of the social services providers).  
(2) The State encourages the development of public-private partnerships, by specific measures included in Government Decisions and Minister's Orders.

#### **Art. 15**

The cults officially acknowledged by the state may request the Ministry of Education, Research, Youth and Sports the organization of a specific theological education, within the state education in the existing state universities, as faculties with double subordination, committed to the training of the religious staff and to the social and missionary activity of the cults, only for high school graduates, proportionally to the amount of every cult's members, according to the official census. This form of education shall be created, organized and shall function according to the law.

## **TITLE II: PRE-UNIVERSITY EDUCATION**

### **CHAPTER I: GENERAL PROVISIONS**

#### **Art. 16**

(1) Compulsory education is a 10-year education and includes primary and secondary education. High-school education becomes compulsory until 2020 at the latest.  
(2) The obligation to attend the 10-year daytime education ceases at 18 years old.  
(3) In order to fulfil the objectives of education and vocational training through the national education system, state high-school education is generalized and free.

#### **Art. 17**

During pre-university education, except post high-school education, children receive the child allowance granted by the Government, in compliance with the law.

#### **Art. 18**

(1) The framework schooling plans for primary, secondary, high school and vocational education, include religion as a school subject, which is part of the common pArt. Those pupils belonging to the cults acknowledged by the state, irrespective of

their number, are granted the constitutional right to participate in religion class, according to their respective religion.

(2) Subject to the written request of the pupil of age, parents or of the tutor-at-law, the pupil may be exempt from attending religion classes. In this case, the school results shall be calculated without taking this subject into account. The same goes for the pupil who, for objective reasons, was not granted the conditions for attending religion class.

(3) The subject of religion may be taught only by qualified teaching staff, according to the provisions of the present law, authorised on the basis of the protocols between the Ministry of Education, Research, Youth and Sports and the religious cults officially acknowledged by the state.

#### **Art. 19**

(1) In the national education system, State educational institutions have legal status if they are organized and activate as the case may be in one of the following situations:

a) with minimum 300 pupils;  
b) with minimum 300 pupils and preschoolers and ante-preschoolers;  
c) with minimum 150 preschoolers and ante-preschoolers;  
d) with minimum 100 pupils and/or preschoolers, in the case of special educational institutions.

(2) As an exception from the provisions of par. (1), in those administrative-territorial units, where the total number of school, preschool and ante preschool children is not in accordance with the provisions of par(1), a single educational institution with legal status is organized.

(3) As an exception from the provisions of par.(1), depending on local necessities, groups, classes or pre-university educational institutions with legal status and teaching in the Romanian language are organized at the request of the parents or legal guardians and according to the law.

(4) In order to provide equal access to vocational education and training, the local public administration authorities, with the legal endorsement of the school inspectorates, approves, in compliance with the law, the organization, functioning, and as the case may be, dissolution of certain educational structures without legal status – as parts of an educational institution with legal status – and subordinated to the same main budget administrator as the educational institution to which they belong, according to the law.

(5) In the case of the state pre-university religious educational institutions operating at the date of the coming into force of the present law, the respective cults and the Ministry of Education, Research, Youth and Sports are required, within 6 months of the coming into force of the present law, to elaborate an operational methodology approved by governmental resolution, establishing the juridical, patrimonial, financial and administrative relation.

#### **Art. 20**

(1) The local public administration authorities shall ensure the smooth delivery of pre-university education in their jurisdiction, within the terms of the law.

(2) Local authorities' failure to fulfil the obligations related to pre-university education is punishable in compliance with the applicable laws.

#### **Art. 21**

(1) The pre-university educational system is open. In pre-university education, pupils' transfer from one school to another, from one form to another, from one profile to another and from one programme to another may be performed under the terms stipulated in the methodology of the Ministry of Education, Research, Youth, and Sports.

(2) The students attending state and private preuniversity

education may transfer to other state or private educational institutions, upon the approval of the host institution.

(3) The State guarantees the right to differentiated education, based on educational pluralism, according to pupils' age and individual particularities.

(4) Pupils with outstanding school results may cover 2 years of study in one school year, upon the decision of the educational institution on the basis of a national methodology approved by order of the Ministry of Education, Research, Youth and Sports.

## CHAPTER II: STRUCTURE OF THE NATIONAL PRE-UNIVERSITY EDUCATIONAL SYSTEM

### *Section 1. General provisions*

#### **Art. 22**

(1) The national pre-university education system is constituted by all state, private and religious authorized/accredited educational institutions.

(2) Pre-university education is organized on educational levels, forms and, as the case may be, qualifications, and programmes and provides necessary conditions for obtaining key skills and progressive training.

#### **Art. 23**

(1) The national pre-university educational system includes the following levels:

a) Early education (0 – 6 years), including the ante-preschool level (0-3 years) and pre-school education (3-6 years), which includes the little group, the medium group and the big group

b) primary education which includes the preparatory grade and 1<sup>st</sup> – 4<sup>th</sup> grades;

c) the secondary education, which includes:  
- the lower secondary or middle education, which includes 5<sup>th</sup> – 9<sup>th</sup> grades,  
- the higher or high school education, which includes 10<sup>th</sup> – 12<sup>th/13<sup>th</sup></sup> high school grades, with the following programmes: theoretical vocational and technological.

d) Training, between 6 months and 2 years;

e) Tertiary non-university education, which includes post-high school education.

(2) High-school, vocational and technological education, training and high-school education are organized for specialization and qualifications set by the ministry of Education, Research, Youth and sports, according to the National Qualifications Register.

#### **Art. 24**

(1) General compulsory education is made up of primary and secondary inferior education.

(2) Technical education comprises grades 12 and 13 of high-school education, technological programme.

(3) The training and technical education is made up of: training, technical and post high-school education.

#### **Art. 25**

(1) The forms of organization of pre-university education are: daytime and evening education.

(2) Compulsory education is a daytime type of education. As an exception, in the case of the persons who have exceeded the age corresponding to the respective grade by more than 3 years, it may also be organized as evening education, based on the provisions of methodology developed by the Ministry of Education, Research, Youth, and Sports.

(3) For those children with special educational requirements or

unable to move for medical reasons, in-house education may be organized or near health care centres.

#### **Art. 26**

The Ministry of Education, Research, Youth and Sports may establish, through a government resolution, the operation of some pilot, experimental and application units within pre-university education.

### *Section 2. Ante-pre-school education*

#### **Art. 27**

(1) Ante-pre-school education is organized in crèches and, as the case may be, in kindergartens and day-care centres.

(2) The organization of the early ante-preschool education institutions, the educational content, quality standards and organization methodology for this type of education are decided by Government Decision initiated by the Ministry of Education, Research, Youth, and Sports, within 12 months of the coming into force of the present law.

(3) The public local authorities, in cooperation with school inspectorates, shall provide the teaching staff necessary for the delivery of ante-pre-school education, in compliance with the quality standards and the applicable law.

(4) The types and methods of financing early ante-preschool education services shall be regulated within maximum 12 months from the publication of this law, by Decision of the Romanian Government. Only accredited public or private early ante-preschool education service providers shall be financed from public resources.

(5) Ante-preschool education service providers shall be accredited based on a methodology developed by the Ministry of Education, Research, Youth, and Sports and the Ministry of Health.

(6) The state supports early education, as a component of lifetime education, by granting special coupons. They shall be granted from the state budget for educational purposes, according to health care legislation, depending of the family budget, through the budget of the Ministry of Labour, Family and Social Welfare.

(7) The coupons mentioned under par. (6) shall be granted according to methodological norms elaborated by a Government Resolution, at the proposal of the Ministry of Labour, Family and Social welfare.

### *Section 3. Pre-school education*

#### **Art. 28**

(1) Pre-school education is organized in kindergartens with normal, extended and weekly schedule. Kindergartens may operate as legal entities or within other school units which are legal entities.

(2) Local government authorities and school inspectorates shall provide the conditions required for the gradual generalization of pre-school education.

### *Section 4. Primary education*

#### **Art. 29**

(1) Primary education is organized and operates regularly according to a morning programme.

(2) Children reaching the age of 6 before the beginning of the school year are enrolled in the preparatory grade. At the written request of their parents, tutors-at-law, or legal sponsors, children reaching the age of 6 by the end of the calendar year may also be enrolled in the preparatory grade, if they are adequately developed from the physical and somatic point of



view.

(3) Pupils with special educational needs who reach the age of 8 before the beginning of the school year are enrolled in the preparatory grade of the special education. Upon written request of the parents, legal guardians or tutors-at-law, children who are between 6 and 8 years old at the beginning of the school year may be enrolled in the preparatory grade.

(4) The Ministry of Education, Research, Youth, and Sports may approve the organization of “The Second Chance” type educational programmes with the purpose of promoting primary education for persons who, exceed by four years the appropriate grade age, and who for various reasons, failed to graduate from this educational level before the age of 14.

### *Section 5. Middle education*

#### **Art. 30**

(1) Middle education is usually organized and operates as daytime education.

(2) The Ministry of Education, Research, Youth, and Sports, in cooperation with the public local administration authorities, through the school inspectorates, may organize “The Second Chance” type educational programmes with the purpose of promoting middle education for the persons who exceed the age corresponding to this grade by more than 4 years, and who, for various reasons, failed to graduate from lower secondary of middle school.

(3) Middle education graduates who do not accede to high-school education may graduate by the time they are 18 from at least one training programme enabling them to get a qualification according to the national qualification framework.

### *Section 6. High school education*

#### **Art. 31**

(1) High school education comprises the following programmes and qualifications:

(2) The theoretical programme, with the sciences and humanities qualifications;

(3) The technological programme, with the technical, services, natural and environmental protection qualifications;

(4) The vocational programme, with the military, theological, sports, artistic, and pedagogic qualifications.

(5) The Ministry of Education, Research, Youth, and Sports has the competence to set, through the framework schooling programmes, various specialties, within the qualifications mentioned in paragraph (1), according to the social, economic and educational dynamics.

(6) The duration of the high school education – daytime education – is 3 years, for the theoretical programme, and 3 or 4 years for the vocational programme and 4 years for the technological programme, in accordance with the frame programmes approved by the Ministry of Education, Research, Youth and Sports. For some forms of evening or low frequency education, the duration of the studies is extended by one year.

(7) High school education is usually organized and operates, as daytime education. It may also be organized and it may operate as evening or low frequency education, in the educational facilities designated by the school inspectorate, in cooperation with the local authorities.

(8) The high school education institutions are organized with one or several programmes and one or several qualifications. Within the qualifications of the technological and vocational programmes, one or more vocational qualifications or specializations may be organized, in compliance with the law.

(9) High school graduates who have acquired formal or informal professional skills may sit a qualification examination,

according to the law. those graduates who pass the qualification exam get a qualification certificate and the descriptive supplement of the certificate, according to Europass.

(10) Educational institutions in which the high school vocational and technological programmes are organized are designated by the school inspectorates, upon consulting the local authorities, by taking into account the social and economic development trends specified in the regional, county and local strategic documents.

### *Section 7. Vocational and technological education*

#### **Art. 32**

(1) High school vocational and technological education may be organized within technological or, as the case may be, vocational programme high schools, for qualifications from the periodically updated National Qualifications Register, according to the labour market demands identified by the strategic regional, county, and local training offer planning documents.

(2) High school technological and vocational education may also be organized at the request of private employers or the National Employment Agency, on the basis of schooling contracts.

(3) Graduates from 11<sup>th</sup> grade within the technological or vocational programme, who have completed the practical training period, may take an examination for the certification of their professional qualification, according to the certification level set by the national Qualifications Framework.

(4) The practical training periods may be organized, during the technological programme, at the level of the educational institution and/or at the business entities or public institutions with which the educational institutions have concluded practical training contracts or at the foreign host organization within some EU programmes – the component of the initial training. The duration of the practical training period is decided through the framework schooling plan, approved by the Ministry of Education, Research, Youth, and Sports.

(5) The business entities that provide scholarships, practical training periods for pupils, equipment for the practical training facilities, or jobs for the graduates, under the contracts concluded with the educational institutions, may benefit from fiscal advantages, in compliance with the legal provisions.

### *Section 8. Vocational education*

#### **Art. 33**

(1) Vocational education may be organized in vocational schools that may operate as independent establishments or may be subordinate to state or private technological high-schools.

(2) Vocational education is delivered based on the professional training standards approved by the Ministry of Education, Research, Youth, and Sports, upon consulting the social partners. The professional training standards are developed based on the occupational standards validated the sector committees.

(3) Vocational education graduates who pass the qualification exam get the qualification certificate and the descriptive supplement of their certificate, according to Europass.

(4) The organization and performance of the examination for the certification of the professional qualification is regulated by the Ministry of Education, Research, Youth, and Sports through specific methodology, made public at the beginning of the school year.

(5) Vocational education graduates who pass the qualification exam may accede to low-attendance high-school education.

(6) Middle education graduates who discontinue their studies may graduate, by the time they are 18, from at least one training

programme enabling them to get a qualification in accordance with the national Qualification Framework.

(7) The training programmes mentioned under par.(6) are organized through state educational institutions and are free of charge, provided trainees graduate from them by the time they are 18.

(8) The duration and contents of the training programmes are set by the educational institution, on the basis of labour standards, upon consulting with the employers.

(9) Training programmes are concluded by a qualification exam. The qualification exam is organized and takes place according to the National Qualification Authority.

(10) The State supports vocational education and high school education – the technological programme, through:

- a) Recognition within the tertiary non-university education of the skills obtained in high-school education – technological or vocational programme, on the basis of its own regulations;
- b) Partial financing for enrolment in state post-high-school educational institutions;
- c) Special scholarships and other forms of material support.

### *Section 9. Pre-university military education.*

#### **Art. 34**

(1) Defence, public order and national security preuniversity education is state education, a component of the national educational system and comprises: military high-school education and post high-school education for the training of officers, policemen and penitentiary officers.

(2) The organizational structure, programmes, professional specializations/qualifications, annual enrolment figures and selection criteria for the candidates of military pre-university defence, public order and national security education are proposed by the interested ministries and by other institutions responsible for the defence, public order and national security system according to each unit, specialization and organizational form of the Ministry of Education, Research, Youth and Sports and is approved according to the provisions of the present law that applies to the civil educational institutions.

(3) The framework plans for military high-school education are elaborated by the Ministry of Education, Research, Youth and Sports, in collaboration with the Ministry of National Defence and are approved by an order of the Ministry of Education, Research, Youth and Sports. The framework plans for post-high-school education in defence, public order and national security are elaborated by the Ministry of National Defence, the Ministry of Administration and Internal Affairs, The Ministry of Justice and other institutions responsible for the defence, public order and national security, in accordance with national standards elaborated by the institutions responsible for providing quality, and are approved by the Ministry of Education, Research, Youth and Sports.

(4) The curricula for military subjects are elaborated by the Ministry of National Defence, The Ministry of Administration and Internal Affairs, The Ministry of Justice and other institutions pertaining to the area of defence, public order and national security and are approved by the Ministry of Education, Research, Youth and Sports.

#### **Art. 35**

The Ministry of National Defence, the Ministry of Administration and Internal Affairs, the Ministry of Justice and other institutions pertaining to the area of defence, public order and national security coordinate and control pre-university military educational institutions, together with the Ministry of Education, Research, Youth and Sports, through the county/Bucharest school inspectorates.

#### **Art. 36**

The operative management of the pre-university educational institutions from the defence, public order and national security system is carried out by commanders/directors appointed by order of the leaders of the public order and national security ministries and institutions, who is also president of the Board of Directors/Board of Trustees. As far as the management activity is concerned, the commander/director is aided by the deputy commander for education/deputy director. The deputy director/commander for education is also president of the teaching board.

#### **Art. 37**

(1) The teaching staff of the pre-university educational institutions from the defence, public order and national security area is made up of the teaching staff mentioned in the present law and from the body of military, order and public security instructors.

(2) The teaching staff of the pre-university educational institutions belonging to the area of defence, public order and national security has the rights and obligations arising from the present law and from their capacity as active military staff, respectively as special civil servant.

(3) The teaching positions for the body of military instructors from the pre-university educational institutions belonging to the area of defence, public order and national security, the requirements for filling these positions, teaching norms, powers and responsibilities are established by their own instructions.

#### **Art. 38**

The financing of the pre-university education belonging to the area of defence, public order and national security is provided from budget funds by the Ministry of National Defence, the Ministry of Administration and Internal Affairs, the Ministry of Justice and other institutions responsible for the area of defence, intelligence, public order and national security.

#### **Art. 39**

The graduation and qualification certificates give their legal holders after joining the reserve the right to fill positions equivalent to those held by the graduates of similar civil educational institutions.

#### **Art. 40**

The pre-university educational institutions belonging to the area of defence, public order and national security, as well as their specializations/professional qualifications are subject to quality requirements, as well as civil educational institutions.

#### **Art. 41**

The provisions of the present law are applied to the area of defence, public order and national security by means of orders, regulations and instructions of their own.

### *Section 10. Arts and sports education*

#### **Art. 42**

(1) The arts and sports education is organized for pupils with aptitudes for these areas.

(2) The units in which state arts and sports education is organized are established by the local public administration authorities with the approval of school inspectorates in compliance with the legal provisions.

(3) In the arts and sports education:

- a) The education is usually made starting with the middle education;
- b) pupils may only be enrolled based on the evaluation of the specific aptitudes;

- c) the framework schooling plans are adapted to the specificity of this type of education;
  - d) The specialty subjects are studied according to classes, groups or individually, according to the criteria set by the Ministry of Education, Research, Youth and Sport;
  - e) The art and sports high school syllabi are in compliance with the educational objectives set for the profile in question.
- (4) For the professional sports and artistic activity, the Ministry of Education, Research, Youth, and Sports may organize, at the proposal of the local authorities, school inspectorates, the Ministry of Culture and National Assets and/or cultural public institutions school clubs and state pre-university educational institutions with integrated or additional sports or arts teaching programme.
- (5) Integrated arts and sports education is organized in the schools and high schools with arts, or sports teaching programmes, as well as classes with art or sports teaching programme, organized within the other primary, gymnasium and high school education.
- (6) The arts and sports education is organized via the regulations approved by the Minister of Education, Research, Youth, and Sports.
- (7) The educational institutions with additional sports teaching programme, referred to as school sports clubs, are established as high schools, independent or affiliated to other educational institutions with the same level.
- (8) For the smooth performance of the activity, the schools sports club may have their own sports bases and may access sports bases owned by other educational, with the agreement of the management of these educational facilities.
- (9) Pupils have free access to sports clubs in the children's palaces and clubs.
- (10) In order to ensure the proper functioning of artistic activities, middle and high-school educational units are equipped with rehearsal and show rooms or have access to the classrooms of the educational institutions of the same level, with the approval of their management.
- (11) School sports clubs may also be financed by the authorities of the local governments.
- (12) All students belonging to performance groups are recorded in a national register of sports performance, subject to the regulations approved by an order of the Ministry of Education, Research, Youth and Sports.

#### **Art. 43**

- (1) In order to support the high-performance professional sports and artistic activities, the Ministry of Education, Research, Youth, and Sports organizes sports or artistic creation camps, sports or artistic competitions, school championships, festivals, and grants scholarships and other forms of material support.
- (2) For sports activities, the Federation of the School and University Sports operates within the Ministry of Education, Research, Youth and Sports.
- (3) The Ministry of Culture and National Assets and the other interested ministries, the Romanian Olympic and Sports Committee, the national sports federations, local authorities and cultural institutions may provide financial and material support to the high performance artistic or sports activities.
- (4) The Ministry of Education, Research, Youth, and Sports cooperates with institutions, organizations, and other legal entities or individuals, with the purpose of providing the financial and material resources necessary for the smooth performance of the integrated or additional arts or sports education, as well as for the regional and national artistic and sports activities.

### ***Section 11. Post-high school education***

#### **Art. 44**

- (1) Post-high school education is organized for professional qualifications registered in the National Qualifications Register, set by Ministry of Education, Research, Youth, and Sports and approved by Government decision.
- (2) Post-high school education is part of the vocational and technical education and is partially subsidized by the State.
- (3) Post-high school education forms part of the vocational and technical education and is fully subsidized by the state.
- (4) Foreman schools are post-high school educational institutions.
- (5) Post-high school education lasts 1-3 years, according to the complexity of the qualification and to the number of required professional credits for education and professional training.
- (6) State post-high school education, organized in compliance with the provisions of this law, is financed through the local budgets of the territorial-administrative units, and from sums provided from the Government Budget incomes and from the local budget incomes. Education may also be financed by applicants, legal entities or individuals, through a contract concluded with the school that provides the education. The State supports and stimulates, financially or otherwise, post-high school education programmes, in public – private partnership.
- (7) The number of students for the State post-high school education is approved by Government Decision. As an exception, the number of students for the State post-high school education fully financed by the applicants, legal entities or individuals, is approved by the school inspectorate and is communicated by the Ministry of Education, Research, Youth, and Sports.
- (8) The admission to post-high school education is made in compliance with the general criteria set by the Ministry of Education, Research, Youth, and Sports, based on a methodology developed by the educational institution, by consulting the stakeholders.
- (9) High school graduates with or without a baccalaureate diploma may enrol for post-high school education, in compliance with paragraph (7).
- (10) The credits for education and professional training obtained during post high-school education may be recognized for graduates with a high-school diploma by universities, based on the University Senate's decisions, as study credits transferable for the level of the graduation paper.

### ***Section 12. Education for persons belonging to national minorities***

#### **Art. 45**

- (1) Persons belonging to national minorities have the right to study and receive instruction in their mother tongue, at all levels and forms of education with appropriate request, in compliance with this law.
- (2) Taking into account local needs, groups, classes, sections or school units with teaching in the languages of national minorities may be established, upon request of parents or legal guardians and in compliance with the provisions of law.
- (3) Any Romanian citizen or citizen of the EU or Swiss Confederacy may enrol and study, irrespective of their mother tongue and of the language in which he/she has previously studied, to all forms of education in the Romanian language, in the languages of the national minorities, or in international languages.
- (4) High school and vocational classes with groups of students on various qualifications may be organized within the sole units

and sections with tuition in the languages of the national from the respective city, in compliance with the law.

(5) Within a territorial –administrative unit (city, town, commune), with several educational institutions with tuition in the languages of the national minorities, at least one legal entity school operates for each maternal language, irrespective of the number of students.

(6) The sole middle schools or high schools with tuition in the languages of the national minorities from the city town or commune shall become legal entities irrespective of their number of students;

(7) Pupils belonging to the national minorities who do not have the possibility to study in their native language in their town shall be supported by receiving the cost of the transportation at the closest school with tuition in the language of the minority in question, or shall receive free board and lodging in the boarding house of the educational institution with tuition in the language of the minority in question where they are educated.

(8) National minorities have the right to a representation proportional to the number of classes in the management of the Educational facilities, of the school inspectorates or equivalent institutions, according to the professional competence criteria, in compliance with the law;

(9) In the schools with tuition in Romanian as well as in the languages of the national minorities, one of the principals shall be a teacher belonging to the minority in question, according to the professional competence criteria.

(10) In the institutions related to pre-university education, located in the counties where educational institutions operate in the language of national minorities, specialists belonging to national minorities are also employed, according to the criteria of professional competence.

(11) The teaching staff who teaches groups or classes with full tuition in the language of national minorities must prove their competence in the language of the respective minority and have the right to receive training and skills for the language in which they teach, within the country or abroad. The staff who teaches Romanian language and Literature is exempt from the obligation to prove their professional competence in the language of the respective minority.

(12) The Ministry of Education, Research, Youth, and Sports provides the didactic materials specific to the subjects taught in the maternal language;

(13) For pupils belonging to national minorities, the Ministry of Education, Research, Youth, and Sports provides the schoolbooks, which may be: books elaborated in the language of the minorities, books translated into the Romanian language or imported textbooks, approved by the Ministry of Education, Research, and Sports, for the unpublished textbooks, on account of their limited circulation.

(14) The education performed in the language of the national minorities, the internal communication, and the communication with the pupils' and preschoolers' parents may be carried out in the language in which the tuition is performed.

(15) In primary education with tuition in the languages of the national minorities, the qualifications shall be mentioned in writing and orally as well as in the language in which the tuition is performed.

(16) One research and innovation resource section in the field of education with tuition in the languages of the national minorities shall operate within the Institute of Education Sciences subordinated to the Ministry of Education, Research, Youth and Sports.

(17) For the basic financing of the pre-university educational institution with tuition in the languages of the national minorities, the standard cost per pupil and preschooler is

calculated by using a bigger coefficient based on correction factors, by taking into account tuition in the language of the national minority or teaching of the language of the national minority. In the case of such units, the linguistic and geographical isolation and the low number of pupils and preschoolers are taken into account, as well as the pupils to whom paragraph (7) refers. The same language coefficient is also applied in the case of the schools with tuition in the Romanian language with similar conditions.

#### **Art. 46**

(1) In the pre-university education with tuition in the languages of the national minorities, all the subjects are studied in the maternal language, with the exception of the Romanian language and literature.

(2) The subject "Romanian language and literature" is taught based on syllabi and schoolbooks especially elaborated for the minority in question throughout the whole pre-university school year.

(3) As an exception, in the educational institutions with tuition in the language of a national minority, following the request of the parents or legal guardians, at the request of the organization of the national minority, represented in the Romanian parliament or in case the respective minority does not have parliament representation, at the request of the Parliamentary group of national minorities, the subject Romanian language and literature shall be taught on the basis of the textbooks used in the educational institutions with tuition in Romanian.

(4) The Romanian language and literature tests are elaborated based on a special syllabus.

(5) The evaluation tests, the examination subjects of any type from the pre-university education and the term papers of the pupils attending schools with tuition in the languages of the national minorities are elaborated based on the didactic and methodological requirements set by the national curriculum.

(6) In the pre-university education, the teaching activity and the study of the maternal language and literature, history and tradition of the national minorities in question, and musical education are performed based on specific syllabi and methodologies elaborated by teams of experts in the language and culture of the minority in question and approved in compliance with the law.

(7) For the pupils belonging to national minorities who attend schools with tuition in Romanian or in another language than their maternal language, the study of the language and the literature of their mother tongue as well as the history and traditions of the respective national minority shall be approved as school subjects upon request, and according to this law. The syllabi and text books for the history and traditions of the national minority in question are approved by the Ministry of Education, Research, Youth, and Sports.

(8) In the primary, middle, and high school education with tuition in the languages of the national minorities, Romania's history and geography are taught in these languages, according to identical curricula and textbooks as for the grades with tuition in Romanian; it is compulsory to transcribe and acquire the place names and Romanian proper names.

(9) In middle education with tuition in the language of national minorities the history and traditions of the national minorities in question with tuition in the maternal language are implemented as subjects. The curricula and schoolbooks for these subjects are approved by the Ministry of Education, Research, Youth and Sports.

(10) The history curricula and school book shall reflect the history and traditions of the national minorities in Romania.

(11) In the high school and post-high school educational

institutions with tuition in the maternal language for the subjects included in the specialty modules, the specialised terminology shall also be taught and learned in Romanian.

(12) In pre-university educational institutions the entrance and graduation examinations may be taken in the language in which the subjects in question have been studied, in compliance with the law.

#### **Art. 47**

(1) Within an administrative-territorial unit –commune, town, and city –where several educational institutions operate with tuition in the Romanian language, at least one of them has juridical personality, irrespective of the number of students.

(2) Middle and high-school educational institutions with tuition in the Romanian language, which are unique within the city, town or commune are legal entities irrespective of the number of students.

### *Section 13. Special and special-integrated education*

#### **Art. 48**

(1) Special and special-integrated education, organized for persons with special educational needs or other forms of educational needs, set by an order of the Ministry of Education, Research, Youth and Sports is ensured for all the levels of the differentiated education, according the type and degree of deficiency.

(2) Special and special-integrated education is free and it is usually organized as daytime education. According to the local necessities, it may also be organized in other forms, in compliance with the applicable law.

(3) The Government elaborates specific regulations for educational and assistance services provided to children with special educational needs.

#### **Art. 49**

(1) The special education is organized, as the case may be, in special education institutions and mass education institutions.

(2) Special-integrated education may be organized in special grades and individually or in groups integrated into mass education grades. The number of the study formations of the special and special integrates education are set by the Ministry of Education, Research, Youth and Sports, depending on the type of degree of the impairment

(3) The contents of the special and special-integrated education, its didactic approaches, as well as the training of teaching staff working with children with special educational needs are set by methodologies elaborated by the Ministry of Education, Research, Youth, and Sports.

(4) The duration of the education of children with special educational needs may be longer than the duration stipulated in this law and is set, according to the degree and type of disability, by order of the Minister of Education, Research, Youth, and Sports.

#### **Art. 50**

(1) The evaluation and psycho-educational assistance and the educational and vocational guidance of children, pupils and young people with disabilities or with special educational needs are performed by the County Educational Resources and Assistance Centres (CJRAE), respective by the Bucharest Centre of Resources and Educational Assistance (CMBRAE) through the educational and vocational evaluation and guidance services, based on a methodology elaborated by the Ministry of Education, Research, Youth, and Sports. The integration in the mass education takes precedence. CJRAE also comprise inter-school speech therapy centres.

(2) The disability degree of pupils with special educational

needs is determined by the CJRAE<sup>1</sup> /CMBRAE commissions in cooperation with the commissions for child protection within the county and Bucharest Social Assistance and Child Protection Directorate.

(3) The abusive diagnosis of children according to criteria of race, nationality, language, ethnic groups, underprivileged categories, and any other type of criterion, which leads to their inclusion in special need educational classes shall be sanctioned.

(4) The professional training of pupils/young people with disabilities is performed in special and mass educational institutions, by consulting the local stakeholders.

(5) Pupils and young people with disabilities may acquire professional qualifications according to their type and degree of deficiency.

#### **Art. 51**

(1) Children, pupils and young people with disabilities or with special educational needs, integrated into the mass education receive educational assistance provided by the assistance and itinerant teaching staff, on a case-to-case basis. The educational assistance services are organized by CJRAE/CMBRAE and are regulated by specific methodologies elaborated by the Ministry of Education, Research, Youth, and Sports.

(2) Pupils with disabilities, educated in special or mass educational institutions, including those attending education in other county than their own benefit from welfare consisting in a daily food allowance, school supplies, clothing with a value equal to that provided for institutionalized children and from free accommodation in boarding schools or children homes for children with disabilities within the county/Bucharest Social Welfare and Child Protection Directorates.

#### **Art. 52**

(1) For the children, pupils and young people with chronic diseases or with illnesses requiring at least four weeks of hospitalization, groups or classes may be organized, as the case may be, within the healthcare institution in which they are hospitalized.

(2) For the children, pupils, and young people who, for medical reasons, or due to a disability, are not able to travel, home schooling is organized for a determined period.

(3) Home schooling or the set-up of classes or groups within hospitals is performed by the school inspectorate, at the proposal of CJRAE/CMBRAE, based on a framework methodology, elaborated by the Ministry of Education, Research, Youth, and Sports.

(4) The special educational institutions may be supported by social protection institutions, other private authorized institutions, national and foreign individuals and legal entities, for stimulation, compensation, and disability recovery.

#### **Art. 53**

The special education has curricula, syllabi, psycho-pedagogical assistance programmes, alternative schoolbooks and didactic methodologies, elaborated according to the type and degree of handicap, and approved the Ministry of Education, Research, Youth, and Sports.

#### **Art. 54**

(1) According to the child's progress, proposals may be made for his/her reorientation from the special school to a mass education school and vice versa.

(2) The reorientation proposal is made by the teaching staff working with the child in question and by the child's

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<sup>1</sup> *Translator's note: CJRAE – County Centre for Educational Resources and Assistance.*

parents/legal guardian and by the school psychologist. The reorientation decision is made by the expert commission of CJRAE/CMBRAE with the agreement of his/her family or of his/her legal guardian.

#### **Art. 55**

(1) The enrolment of under age children and adults institutionalized in reformatories is carried out according to the national curriculum. The human resources necessary for their enrolment are provided by the ministry of Education, Research, youth and Sports, through the school inspectorates.

(2) The Ministry of Education, Research, Youth, and Sports, in cooperation with the Ministry of Labour, Family and Social Protection, organizes sheltered workshops in order to provide vocational training to young people with disabilities and to integrate them into the active life.

**Art. 56** Upon graduation from special education, the ministry of education, Research, youth and sports collaborates with the ministry of work, family and social welfare and other governmental or non-governmental organizations in order to integrate them into active life, according to their qualifications and under the conditions of the laws in force.

#### ***Section 14. Education for children and young people able to achieve outstanding performance***

#### **Art. 57**

(1) The State supports children and young people able to achieve outstanding performance within educational institutions, as well as in centres of excellence. The centres of excellence are established with the approval of the Ministry of Education, Research, Youth, and Sports.

(2) The National Centre for Differentiated Education established by Government Decision initiated by the Ministry of Education, Research, Youth, and Sports coordinates the actions stipulated in paragraph (1).

(3) The human, curricular, informational, material and financial resources for the support of children and young people able to achieve outstanding performance are provided by the educational institutions and school inspectorates, in compliance with the methodological norms elaborated by the Ministry of Education, Research, Youth, and Sports.

(4) For the support of children and young people able to achieve outstanding performance, the Ministry of Education, Research, Youth, and Sports organizes competitions and contests, special camps, symposia and other specific activities, and grants scholarships and other forms of material support.

(5) Children able to achieve high performance, irrespective of their age, benefit from educational programmes corresponding to their learning peculiarities and orientation towards performance. These programmes are provided with the purpose of studying the subjects more thoroughly, grouping children based on their abilities, enriching the curriculum with new areas, tutoring and transferring competences, accelerating graduation according to the individual learning pace.

#### ***Section 15. "School After School" learning programme***

#### **Art. 58**

(1) Educational institutions may extend their activities with their pupils after classes, by "school after school" type programmes, according to the decision made by the board of directors.

(2) Educative, recreational and leisure time activities are provided, in cooperation with the parents' associations and with public authorities by "School after school" (school extension) activities, as well remedial learning activities, for the

consolidation of the acquired competences or for speeding up learning,. Where this is possible, the partnership may be carried out with non-governmental organizations responsible for this area.

(3) The "School after school" type programmes are organized based on a methodology approved by order of the ministry of Education, Research, Youth and Sports.

(4) The State may finance the "School after School" learning programme for children and pupils from disadvantaged groups, according to the law.

#### ***Section 16. Educational alternatives***

#### **Art. 59**

(1) Educational activities may be initiated and organized in the pre-university education system, with the approval of the Ministry of Education, Research, Youth, and Sports, based on regulations approved by Minister's Order.

(2) The accreditation and periodic evaluation of the educational alternatives are made in compliance with the law.

(3) Alternative pre-university educational institutions have organizational and functional autonomy, according to the specific alternative.

(4) Any Romanian citizen may enrol in all forms of alternative education in the Romanian language, worldwide spoken languages or national minority languages.

(5) The teaching staff who teaches alternative education groups or classes has the right to the recognition on the part of the ministry of education, research, youth and sports of their preparation and specializations carried out by the organizations, associations and federations who administer the development of the respective alternative at national level.

#### ***Section 17. Private and denominational education***

#### **Art. 60**

(1) Private and denominational education is organized based on the non-profit principle in pre-university educational institutions, at all the levels and forms, in compliance with the applicable law.

(2) Private and denominational pre-university educational institutions should meet the same performance criteria, quality standards and indicators as the State educational institutions.

(3) The private educational institutions are free and open institutions autonomous both from the organizational point of view as economically and financially and are based on the private property, guaranteed by the constitution.

(4) The Romanian Agency for Quality Assurance in Pre-university Education grants temporary operating licenses and accreditations to private and denominational pre-university educational institutions, and periodically evaluates them, in compliance with the applicable law.

(5) The private and denominational accredited educational institutions are supported by the state, and the conditions are set by governmental resolution.

(6) The state supports and coordinates private and denominational education, according to the law, and fully respects its rights.

(7) The headmasters of private educational institutions are appointed by the management of the founding legal entity and competence criteria shall be observed. The school inspectorate belonging to the respective educational institution shall be notified of the appointment.

## CHAPTER III: EDUCATIONAL NETWORK

### Art. 61

- (1) The educational network includes all the temporarily authorised or accredited educational institutions.
- (2) The State and private pre-university educational institutions network is organized by local public authorities, with the approvals of the school inspectorates. For the special high school and post-high school education, the educational network is organized by the county council, respectively by the Local Councils belonging to the districts of Bucharest, upon consulting the social partners and with the approval of the Ministry of Education, Research, Youth, and Sports.
- (3) Alternative education groups/classes belonging to state or private educational institutions may be created and operate within the educational network, according to the law.
- (4) Legal persons and individuals may establish early and primary, middle, high school and post-high school educational institutions, according to the law.
- (5) The educational institutions network is made public at the beginning of each year, for the next academic year. Enrolment figures for the state education are approved by a government resolution, until at least 6 months before the beginning of the academic year.
- (6) Educational institutions with classes set up based on partnership contracts between educational State and private accredited institutions, between them and business entities as well as between national and foreign institutions may be established and operate, in compliance with the law, within the national pre-university education system, based on inter-governmental agreements.
- (7) Pre-university educational institutions, irrespective of their type, level, form, programme, are evaluated and accredited on a regular basis, in compliance with the applicable law.
- (8) In order to ensure the quality of education, at the proposal of the public authorities and by its own initiative, the school inspectorates may request the ministry of education, Research, youth and sports to withdraw the accreditation/licence of a legal entity educational institution or one of its structures according to the legal provisions. If the Romanian Agency for Quality of Pre-university Education (ARACIP), withdraws the accreditation/operating licence of an educational institution on account of non-performance of the legal conditions, the latter ceases to operate. Students shall be assigned to other educational institutions by the local government authorities, and their interests shall be observed and all necessary logistics shall be provided.

### Art. 62

- (1) The educational institutions and local administration authorities may decide to establish school consortia with the purpose of ensuring the quality of education and optimizing the resource management.
- (2) School consortia are contractual partnerships between educational institutions, which ensure:
- (3) The free movement of the staff among the schools within the consortium;
- (4) The common use of the resources by the schools within the consortium;
- (5) More learning opportunities offered to pupils and the mutual recognition and assessment of the learning results
- (6) The general framework for the establishment, suppression, and functioning of school consortia shall be regulated by order of the Minister of Education, Research, Youth, and Sports.
- (7) The general framework for the creation, dissolution and functioning of the school consortia shall be regulated by order of the minister of education, research, youth and sports.

### Art. 63

- (1) In pre-university education, the study structures include groups, classes or grades, as follows:
  - a) ante-preschool education: the average group is made up of 7 children, but not less than 5 and not more than 9;
  - b) in pre-school education: the group with an average number of 15 preschoolers, but no less than 10 and no more than 20;
  - c) primary education: classes with an average number of 20 pupils, but no less than 12 and no more than 25;
  - d) in middle education : classes with an average number of 25 pupils, but no less than 12 and no more than 30;
  - e) high school education : classes with an average number of 25 pupils, but no less than 15 and no more than 30;
  - f) post-high school education : classes with an average number of 25 pupils, but no less than 15 and no more than 30;
  - g) special education for children with light or moderate disabilities: a group with an average number of 10 pupils, but not less than 8 and not more than 12;
  - h) Special education for pupils with serious disabilities: the group with an average number of 5 pupils, but not less than 4 and not more than 6.
- (2) as an exception from the provisions of par.(1), in those places where there is demand for the form of education in the maternal language of a national minority, the number of study formations may be lower than the minimum stipulated in the present law. The decision regarding the creation and operation of these study formations lies with the Ministry of Education, Research, Youth and Sports, upon consultation with the board of directors of the respective educational institution.

## CHAPTER IV: PRE-UNIVERSITY EDUCATION CURRICULUM

### Art. 64

- (1) Pre-university education is performed in compliance with a National Curriculum elaborated in compliance with the specific needs of the personal development, the labour market demands, and the labour requirements of each community, based the subsidiary principle.
- (2) The National Curriculum represents a consistent set of framework schooling plans and pre-university curricula and syllabi.

### Art. 65

- (1) The framework schooling plans include the compulsory and optional subjects, or training modules, as well as the minimum and maximum number of lessons for the compulsory and optional subjects, or training modules.
- (2) The common part is made up of the compulsory subjects/training modules, and the curriculum is made up of the optional subjects/training modules, upon school decision.
- (3) The syllabi establish for each subject the study field/preparation manner of the curriculum, the pursued objectives and describe their basic theoretical, experimental and practical content, offering general methodological guidance for their achievement.
- (4) The framework schooling plans and syllabi for the pre-university compulsory and optional subjects, or training modules are elaborated by competent institutions and organisms of the Ministry of Education, Research, Youth, and Sports, and are approved by order of the minister of education, research, youth and sports.
- (5) Upon school decision, the curriculum is made up both of optional subject packages, offered at national, regional and local level and also of subject packages offered at the level of the educational institutions. The board of the educational

institution, after consulting the pupils, the parents and on the basis of the available resources, sets the curriculum, on the school decision.

(6) Syllabi for the optional and discretionary subjects, or training modules are elaborated by the educational institutions, upon consulting the teacher's council, the pupils' advisory council, the parents' representative committee, as well as representatives of the local community and, as the case may be, business entities with which the educational institutions cooperate for the pupils' practical training. Syllabi are approved by the board of directors of the educational institution in question.

(7) In the case of the educational alternatives, the framework schooling plans and syllabi are elaborated, within projects, by their representatives, and are approved by the Ministry of Education, Research, Youth, and Sports.

(8) The framework schooling plans and syllabi for the national curriculum approved by the Ministry of Education, Research, Youth, and Sports shall be used in the private and denominational education, or the educational curricula and syllabi which are similar or alternative to state education, approved by the Ministry of Education, Research, Youth and Sports.

(9) The framework schooling plans and curricula for the theological and denominational education are elaborated by the Ministry of Education, Research, Youth, and Sports, in cooperation together with each religious cult and are approved by order of the Ministry of Education, Research, Youth and Sports.

(10) The framework schooling plans for the military education are elaborated by the Ministry of Education, Research, Youth, and Sports, in cooperation with the Ministry of National Defence and are approved by order of the minister of education, research, youth and Sports.

#### **Art. 66**

(1) The number of hours allocated to the subjects in the framework schooling plans is maximum 20 hours a week for the primary education, maximum 25 hours a week for the middle education, and maximum 30 hours a week for the high school education. These hours are allocated both for teaching, as well as for the classroom activity performed with the purpose of acquiring the taught content, assisted by the teaching staff, in compliance with this law.

(2) As an exception from the provisions of par.(1), the maximum numbers of hours may be exceeded by the number of hours allotted to the study of the maternal language, history, minority tradition and bilingual education.

(3) The compulsory subjects represent 80% of the framework schooling plans for the compulsory education, and 70% of the framework schooling plans for high school, within the National Curriculum.

(4) The framework schooling plans for the optional subjects represent 20% for the compulsory education, and 30% for high school.

(5) The syllabus shall cover 75% of the teaching hours within each subject, which places 25% of the time allocated for the subject in question to the teacher's disposal. According to pupils' features and the school strategy in which the subject is included, the teacher shall decide whether 25% of the time allocated to the subject is to be used for remedial learning, in the case of children with special problems, for the consolidation of pupils' knowledge, or for the stimulation of pupils able to achieve higher performance, according to individual schooling plans elaborated for each pupil.

#### **Art. 67**

(1) The national early education curriculum focuses on the physical, cognitive, emotional and social development of children and on the early correction of the development deficiencies.

(2) CJRAE, respectively CMBRAE set up early multidisciplinary intervention teams, meant to assess and monitor all the children and to detect and provide early assistance to those with disabilities or with risks in the development of their personal skills.

#### **Art. 68**

(1) The national primary and middle education national curriculum focuses on 8 categories of key skills determining the pupil's training profile:

- a) Communication competence in Romanian and maternal language, in the case of national minorities;
- b) Communication competence in foreign languages;
- c) Basic mathematics, sciences and technological sciences competences;
- d) Computer skills (using the information technology in order to acquire knowledge and solve problems);
- e) Social and civic skills;
- f) Entrepreneurial skills;
- g) Cultural expression and sensitization skills.
- h) Learning abilities.

(2) Physical education and sports in pre-university education are included in the common part of the curricula

(3) The subject Information and Communication Technologies (ICT) is an optional subject for pupils from 1<sup>st</sup> – 4<sup>th</sup> and is compulsory for pupils attending middle schools and high schools.

(4) High school education focuses on the development of key skills and on the development of the specific skills according to the programme and the profile.

(5) The curriculum for preparatory grades pursues the physical, social, emotional and cognitive development of language and communication, as well as the development of the learning abilities and attitudes, providing the key to the development of the 8 key skills.

(6) Post-high school education focuses on the development and diversification of the key skills and the formation of specific skills, depending on the programme, specialization or qualification.

#### **Art. 69**

(1) Only schoolbooks and other school supplies which are approved by the Ministry of Education, Research, Youth, and Sports may be used in public or private educational institutions.

(2) Schoolbooks are elaborated and evaluated based on the curricula approved by the Ministry of Education, Research, Youth, and Sports. The Ministry of Education, Research, Youth and Sports regulates the creation of alternative school textbooks.

(3) Teachers select and recommend to pupils to use a certain schoolbook from the list of schoolbooks approved by the Ministry of Education, Research, Youth, and Sports in the didactic process, based on the free professional initiative.

(4) Pupils and teachers of the compulsory public or private accredited educational institutions receive free schoolbooks, both for tuition in the Romanian language, as well as for the tuition in the languages of the minorities, in compliance with the law.

(5) Curricular auxiliaries include methodological guides, and didactic materials the contents of which is in compliance with the applicable legal provisions and which may be selected by teachers and used in the classroom, based on the free



professional initiative, with the purpose of improving the quality of the educational process.

#### **Art. 70**

(1) School libraries and documentation and information centres are organized and operate based on regulations elaborated by the Ministry of Education, Research, Youth, and Sports.

(2) The School Digital Library and School E-learning Platform are created and include syllabi, examples of lessons for all subjects of the school syllabi, methodological guides, examples of evaluation tests. these digital resources shall be protected by the law 8/1996 on copyrights and connected rights, with all subsequent alterations and additions. Their authors give the Ministry of Education, Research, Youth and Sports the right to publish them, so that these resources may be permanently accessible and free of charge to any pupil or teacher.

(3) Educational institutions use the E-learning School Platform with the purpose of providing assistance to pupils during or outside classes, or to pupils who, for health reasons, are not able to attend school on a temporary basis.

(4) The Ministry of Education, Research, Youth, and Sports is responsible for the creation, development, management and continuous enrichment of the Digital School Library and of School E-learning Platform.

## **CHAPTER V: SCHOOL RESULT EVALUATION**

### *Section 1. General provisions regarding evaluation.*

#### **Art. 71**

(1) The purpose of the pupils' evaluation is to guide and optimize learning.

(2) All pupils' evaluations are made based on the national evaluation standards set in the schooling programmes for each subject, or on the training method.

(3) The results of the pupils' evaluations are expressed, as the case may be, by qualifiers, in the primary education, or by marks from 1 to 10 in the secondary and tertiary non-university education, or by scores, similar to those used for the international tests.

(4) Teacher's use and compliance with the national evaluation standards shall be verified by school inspections

(5) Marking without observing and using national standards and evaluation methodologies shall be sanctioned according to the provisions of the present law

#### **Art. 72**

(1) Pupils' evaluation focuses on competences, provides pupils with real feedback and is the basis of the individual schooling plans. A sole evaluation item bank with guiding role shall be created for this purpose, in order to help teachers evaluate pupils.

(2) Pupils with learning disabilities must be provided with remedial education.

#### **Art. 73**

(1) The educational portfolio includes all the diplomas, certificates, or other documents obtained as a result of the evaluation of the competences acquired in formal, non-formal, and informal learning contexts or as a result of their participation in learning activities, in different contexts, as well as products or results of these activities.

(2) The educational portfolio is the central element of the learning evaluation. It is used starting with the preparatory grade, and represents the educational identity card.

### *Section 2. The structure and characteristics of the school evaluations*

#### **Art. 74**

(1) At the end of the preparatory grade, the responsible teacher draws up, based on a methodology elaborated by the Ministry of Education, Research, Youth, and Sports a report for the evaluation of the physical, social, emotional and cognitive development of language and communication, as well as the development of learning abilities and attitudes.

(2) At the end of 2<sup>nd</sup> grade, each school, based on a methodology elaborated by the Ministry of Education, Research, Youth, and Sports, organizes and performs the evaluation the basic skills acquired: writing – reading and mathematics. The evaluation results are used for the elaboration of the customized teaching plans. The results of the evaluation and the customized plans are communicated to the pupils' parents and are documents included in the pupil's Evaluation portfolio.

(3) At the end of 4<sup>th</sup> grade, the Ministry of Education, Research, Youth, and Sports shall perform, by sampling, a national evaluation of the basic skills acquired in the primary education cycle, using the model on international tests, in order to assess the primary education system.

(4) At the end of 6<sup>th</sup> grade, all schools shall organize and perform, based on a methodology elaborated by the Ministry of Education, Research, Youth, and Sports, the evaluation of pupils by two trans-curricular tests: language and communication, mathematics and sciences. The language and communication test shall include the Romanian language and first foreign language and for the pupils belonging to minorities which are taught in their own language also their maternal language. The results of the evaluations are used for the elaboration of customized teaching plans and for pupils' guidance towards a certain type of high school. The results of the evaluation are communicated to the pupils' parents and entered in the pupils' educational portfolio.

(5) At the end of 9<sup>th</sup> grade, based on a methodology elaborated by the Ministry of Education, Research, Youth, and Sports, the national compulsory trans-curricular evaluation of all students will be performed. The results of the evaluation are expressed as a score similar to the score used in international tests. The evaluation is made by means of the following tests:

- a) a written test in Romanian language and literature;
- b) a written test in maternal language;
- c) a trans-curricular written test on mathematics and sciences;
- d) a written test in a worldwide spoken language;
- e) a practical computer test, taken in the course of the school year;
- f) an oral trans-curricular test for the evaluation of civic and social skills, taken in the course of the year

(6) The results of the national evaluation are entered in the pupil's educational portfolio.

#### **Art. 75**

(1) Middle school graduates receive a graduation diploma, as part of the educational portfolio and the school transcript, as part of the educational portfolio.

(2) Middle school graduates may continue their studies in high school based on an educational and vocational counselling and guiding process. The number of places assigned to 10<sup>th</sup> grade is greater than or equal to the number of graduates from 9<sup>th</sup> grade.

#### **Art. 76**

(1) After graduating from middle education, pupils attend high-school or vocational education.

(2) Pupils are admitted to high school or vocational education as follows:

a) If the number of candidates does not exceed the number of places offered by the educational institution, the admission is made based on of the pupil's educational portfolio;

b) If the number of candidates exceeds the number of places offered by the educational institution, the admission is made by taking into account, to the extent of 70%, the pupil's educational portfolio (the compulsory education graduation average and the national evaluation test average obtained at the end of 9<sup>th</sup> grade) and to an extent of 30%, the mark obtained at the at the admission subject, given by the educational institution.

(3) In the case of equal averages, the differentiation is made based on the pupil's educational portfolio.

(4) The framework methodology for the organization and performance of the admission to 10<sup>th</sup> grade is elaborated by the Ministry of Education, Research, Youth, and Sports and is made public, for each generation, no later than at the beginning of 8<sup>th</sup> grade. Educational institutions have the obligation to announce the subjects chosen for this test, its curricula and organisation procedures, as well as the manner in which they make use of the educational portfolio, no later than at the beginning of 8<sup>th</sup> grade. The extra admission test shall be taken for two subjects at the most.

#### **Art. 77**

(1) High school graduates receive a graduation diploma, the school transcript, part of the educational portfolio, attesting the completion of high school studies and giving graduates the right to access post-high school education, in compliance with the law, as well as the right to take the baccalaureate examination.

(2) Those pupils who have graduated from the 12<sup>th</sup> and 13<sup>th</sup> grade shall take the national baccalaureate examination.

(3) High school graduates who take and pass the national baccalaureate examination also receive a baccalaureate diploma, which entitles them to access higher education, in compliance with the law.

(4) The national baccalaureate examination consists of taking the following tests:

A) Test A for the evaluation of the oral linguistic communication skills in the Romanian language;

B) Test B for the evaluation of the oral linguistic communication skills in the maternal language, for pupils who have studied in a language of the national minorities in high school;

C) Test C for the evaluation of the ability to communicate in an international language studied in high school. The result of the evaluation is expressed by the competence level corresponding to the common European Framework of Reference for Languages. The pupils who, throughout the pre-university education, pass internationally recognized tests for the certification of their foreign language skills, are entitled to the recognition and validation of the results obtained at such examinations, upon request and according to a methodology approved by order of the Minister of Education, Research, Youth and Sports;

D) Test D for the evaluation of the computer skills. The result of the evaluation is expressed by the level of competence, as compared to the recognized European standards used in this area. Pupils who, throughout the pre-university education, pass internationally recognized tests for the certification of their computer skills, are entitled to the recognition and validation of the results obtained at such examinations, upon request and according to a methodology approved by order of the Minister of Education, Research, Youth and Sports;

E) Written tests E for the evaluation of the skills developed throughout their high school education, as follows:

a. written test at the Romanian language and literature – a common test for all pupils from all programmes, qualifications and specializations;

b. Written test in the maternal language and literature – a common test for all pupils from all programmes, qualifications and specializations, who have studied in a language of the national minorities;

c. two written and differentiated tests, as follows:

1. For the exact sciences of the theoretical programme:

(i) mathematics;

(ii) trans-disciplinary test of sciences: physics, chemistry, biology.

2. For the humanities profile of the theoretical programme:

(i) an international language;

(ii) a trans-disciplinary test of geography, history, socio-humanistic sciences.

3. For the technological programme:

(i) disciplinary written test corresponding to the profile;

(ii) transdisciplinary test corresponding to the area of specialization.

4. For the vocational programme:

(i) practical or written test, as the case may be, characteristic of the profile or specialization;

(ii) trans-disciplinary test corresponding to the profile or specialization.

(5) The contents of the examination curricula are decided by the Ministry of Education, Research, Youth, and Sports and are communicated to the pupils at the beginning of the first high school grade, in compliance with the law. The calendar, methodology, and the manner in which the baccalaureate examination is organized and performed are decided by the Ministry of Education, Research, Youth, and Sports and are communicated to each generation at the beginning of the last high school grade.

(6) For certain programmes, qualifications, specializations, or qualifications designated by the Ministry of Education, Research, Youth, and Sports, high school graduates may take an examination for the certification of their qualification, or professional qualification, in addition to the baccalaureate examination. The content, calendar and manner in which the examination for the certification of the qualification or for the certification of the professional qualification is organized, are decided by the Ministry of Education, Research, Youth, and Sports and are communicated to each generation no later than at the beginning of the last high school grade.

(7) High school graduates who take and pass the examination for the certification of their qualification, or professional qualification also receive a qualification or professional qualification certificate, according to the level set by the National Qualifications Level and the descriptive supplement of the certificate in Europass format.

(8) The release of the qualification or professional qualification certificate does not depend on the promotion of the baccalaureate examination.

#### **Art. 78**

(1) High school graduates pass the national baccalaureate examination, if they meet all the conditions below at the same time:

a) They have taken all A,B,C and tests, stipulated under Art.77, par.(4);  
b) They have taken the E written tests stipulated under par. 77, par.(4) and got at least a 5 for each of them;

c) The arithmetic mean, calculated with two decimals, of the marks they have obtained at the E written tests stipulated under Art. 77, paragraph (4) is greater than or equal to 6.

(2) Following the promotion of the national baccalaureate examination, the high school graduate receives a baccalaureate diploma.

(3) High school graduates who have taken the A,B,C,D tests stipulated at Art.77, paragraph (4) , receive certificates attesting their language skills, or their computer skills. The release of these certificates does not depend on the promotion of the E written tests stipulated at Art. 77, paragraph (4).

(4) If pupils fail the national baccalaureate examination, the results they obtain at the A, B, C, D tests taken according to Art. 77, paragraph (4), or the results they obtain at the E written tests stipulated at Art. 77, paragraph (4) letter E), passed with a mark greater than or equal to 5, may be recognized in the next sessions, upon request.

(5) Two sessions of the national baccalaureate examination are organized during one academic year.

(6) Candidates who have graduated a pre-university educational institution may take the national baccalaureate examination and the examination for the certification of the qualification or professional qualification, without paying any taxes, at least two times. Their subsequent participation into these examinations is allowed provided they pay the taxes set by the Ministry of Education, Research, Youth, and Sports.

(7) The A, B, C, D, evaluations stipulated at Art. 77, paragraph (4) letters A), B), C) and D) are organized and performed at the level of the educational institution, during the academic year, throughout the second term, before a commission presided by the principal of the educational institution and assigned by decision of the general school inspectorate general, under the terms stipulated by a specific methodology.

(8) The E written tests of the national baccalaureate examination, stipulated at Art. 77, paragraph (4) are taken after the end of the academic year, before a commission set up by the school inspectorate.

(9) The commission mentioned under paragraph (9) is run by a president appointed by order of the Minister of Education, Research, Youth, and Sports from among the university teaching staff, holding the Ph.D. degree, or by a high school teacher with 1<sup>st</sup> teaching expertise degree and outstanding professional performance, working an educational institution from another county than the county of the pupils taking the written tests of the national baccalaureate examination.

(10) The commission mentioned under paragraph (9) is made up exclusively of teachers from other educational institutions than the educational institutions of the pupils who take the written tests of the national high-school graduation examination.

(11) The results obtained at the national high-school graduation examination are made public by being posted.

## CHAPTER VI: HUMAN RESOURCES

### *Section 1. Education beneficiaries*

#### **Art. 79**

(1) The main beneficiaries of pre-university education are ante-preschoolers, preschoolers and pupils.

(2) The secondary beneficiaries of pre-university education are the ante-preschoolers', preschoolers', and pupils' families.

(3) The local community and the society are generally the tertiary beneficiaries of pre-university education.

#### **Art. 80**

(1) Pre-university education focuses on the beneficiaries. All major decisions are taken by consulting the representatives of

the primary beneficiaries, respectively. the National Pupils' Council and other Pupils' Representative Associations and by consulting, as a rule, the representatives of the secondary and tertiary beneficiaries, i.e. the federations of the parents' associations, the business environment representatives, the representatives of the local authorities and civil society.

(2) The Ministry of Education, Research, Youth, and Sports, together with the National Pupils' Council and the representative government and non-government organizations develop a statute stipulating the pupils' rights and duties, which are approved by order of the Minister of Education, Research, Youth, and Sports. Based on this statute,, each educational institution develops its own school regulations.

#### **Art. 81**

(1) Ante-preschoolers, preschoolers and pupils from pre-university educational institutions have equal rights to education, through extra-curricular activities organized the Ministry of Education, Research, Youth, and Sports.

(2) Extra-curricular activities are performed in pre-university educational institutions, clubs, children palaces, school camps, sports, travelling and leisure bases, or other institutions accredited for this purpose.

(3) The organization, accreditation, and competences of the institutions that provide extra-curricular education are established by regulations approved by the Ministry of Education, Research, Youth, and Sports.

#### **Art. 82**

(1) Pupils attending the daytime courses of the state pre-university educational institutions may be granted high performance, merit, study, and social aid scholarships financed from the Government Budget, local budgets or from other sources.

(2) The amount of the scholarships granted from the state budget and their number are set annually by a resolution of the local council, respectively of the county council or local councils of the districts of Bucharest.

(3) The general criteria for granting scholarships are set by the Ministry of Education, Research, Youth, and Sports. The specific criteria for granting high performance, merit, study, and social aid scholarships are established annually, by the boards of directors of the educational institutions, within the limits of the allocated funds and according to the curricular activities completed by the pupils.

(4) Pupils may also benefit from scholarships on the basis of a contract concluded with business entities or other legal entities or individuals, as well as on the basis of study credits granted by the banks under the terms of the law.

(5) Pupils and foreign students attending pre-university education may be granted scholarships, under the terms of the law.

(6) Romanian pupils belonging to ethnical minorities who reside permanently abroad are granted scholarships, under the terms of the present law.

#### **Art. 83**

(1) Ante-preschoolers, preschoolers and pupils from the state and private accredited/authorized educational institutions receive free medical, speech therapy and psychological assistance in the school medical, speech therapy and psychological assistance rooms or in State polyclinics and hospitals.

(2) At the beginning of each pre-university education cycle, the Ministry of Education, Research, Youth, and Sports and The Ministry of Health examine pupils' health condition, based on a common methodology.

(3) The sanitary permit necessary for the operation of the public education institutions is free of charge.

#### **Art. 84**

(1) Pupils attending compulsory and high-school accredited/authorized education benefit from a 50% discount in the tariffs for local public above-ground and underground transport, as well as for the domestic road, railway, and naval transport during the entire calendar year.

(2) As a special protection measure, orphans, pupils with disabilities and institutionalized pupils benefit from free transportation for all means of transport stipulated under par (1) during the whole calendar year.

(3) The pupils who cannot be schooled in their town have their transport costs reimbursed from the budget of the Ministry of Education, Research, Youth, and Sports, via the educational institutions they attend, based on their annual transport ticket, for maximum 50 km or are refunded the amount representing the amount of 8 two-way tickets per semester if they live in boarding school or as tenants.

(4) Pupils benefit from 75% discount for the fees corresponding to the access to museums, concerts, theatre plays, opera, films and other cultural and sports events organized by public institutions.

(5) Romanian pupils from abroad belonging to ethnic minorities who hold a scholarship granted by the Romanian State, benefit from free access to all the events mentioned under paragraph (5).

#### **Art. 85**

(1) In justified situations, pupils attending compulsory education in another town are provided, as the case may be, transport services and board and lodging by local governments, with the support of the business entities, local communities, charitable organizations, and other legal entities and individuals.

(2) The State will subsidize all the high school attendance costs incurred by pupils coming from disadvantaged rural areas or disadvantaged socioeconomic groups, as well as by those attending vocational education. The subsidizing methods are established by Government Decision, initiated by the Ministry of Education, Research, Youth and Sports.

#### **Art. 86**

(1) When ante-preschoolers, preschoolers or pupils are entered into the Unique Enrolment Register, the educational facilities conclude an educational contract with their parents, in which the mutual obligations of the parties are stipulated. The educational contract form is approved by order of the minister of education, research, youth and sports, for each educational institution, by a decision of the board of directors.

(2) The non-observance of the provisions of the standard educational contract on the part of the educational institution is sanctioned by the school inspectorate, in accordance with the provisions of the methodology approved by order of the minister of education, research, youth and sports.

(3) The parent or tutor-at-law has the obligation to take measures in order to ensure the pupil's attendance during the compulsory education.

(4) The parent or tutor-at-law is held accountable for the damage caused by the pupil to the school assets.

#### **Art. 87**

(1) Educational institutions may receive donations from within the country and from abroad, in compliance with the law, if such donations are made with the purpose of supporting the educational policy of the national education system and if they do not contravene to the interests of the Romanian State and the applicable law.

### **Section 2. Pre-university education staff**

#### **Art. 88**

(1) Pre-university education staff includes teaching staff, auxiliary teaching staff, and administration or non-teaching staff.

(2) Associate teaching staff may operate in pre-university education.

(3) The auxiliary teaching staff is defined in compliance with the provisions of this law.

(4) The administration staff carries out their activity according to the law no53/2003 – the labour code, with all subsequent alterations and additions.

#### **Art. 89**

In the pre-university public and private education, vacant and reserved positions are filled by means of competitive examination organized at the level of the educational institution with legal status according to a framework methodology elaborated by the Ministry of Education, Research, Youth, and Sports.

#### **Art. 90**

(1) The contests organized for the occupation of teaching positions are open. Any person who meets the requirements provided by the applicable law may participate into such contest.

(2) The employment of the teaching staff from educational institution with legal status are made by the principal of the institution by means of a contract of employment with the approval of the board of directors.

#### **Art. 91**

(1) The organization and performance of the contest for the occupation of the auxiliary teaching and administration posts from an educational institution are coordinated by the principal. The board of directors of the educational institution approves the contest commissions and validates the results of the contest.

(2) The employment by means of a contract of employment of auxiliary teaching and administration staff in the educational institution with legal status are made by the principal of the institution, with the approval of the board of directors.

#### **Art. 92**

(1) The assessment of the teaching staff and auxiliary teaching staff is performed annually at the level of each pre-university educational facilities and institutions. The assessment methodology is set by order of the Minister of Education, Research, Youth, and Sports.

(2) The results of the evaluation influence the decision of the Board to grant the annual qualification and merit degree.

(3) The Ministry of Education, Research, Youth, and Sports develop the national programme for the stimulation of didactic excellence, financed from its own budget, through which didactic excellence is rewarded.

(4) The methodology used for granting the performance-based pay rise and for the implementation of the national programme for the stimulation of didactic excellence is set by the Ministry of Education, Research, Youth, and Sports.

(5) The remuneration of the teaching staff and auxiliary teaching staff from state educational institutions is made according to professional performance, in compliance with the applicable law.

(6) The salaries and bonuses of the headmasters and deputy headmasters, as well as the remuneration of the teaching staff from private educational institutions are set through negotiation between the management of the financing legal entity and the person in question, with the approval of the board of the

educational institution.

(7) County school inspectorates and the school inspectorate of Bucharest perform the regular audits of the human resources working in pre-university educational institutions. The audit results are communicated to the audited persons, to the board of directors of the educational institution and to the Ministry of Education, Research, Youth, and Sports.

### **Art. 93**

The decisions concerning the employment, justification, assessment, reward, disciplinary responsibility, and dismissal of teaching staff are made at the level of the educational institution, by its board of directors by the vote of 2/3 of its total members. The headmaster of the educational institution makes the decisions, according to the decisions of the Board. The employer is the educational institution.

## **CHAPTER VII: SYSTEM AND EDUCATIONAL FACILITIES MANAGEMENT**

### *Section 1. General Framework*

### **Art. 94**

(1) The Ministry of education, research, youth and Sports, as a specialized body of the central government, drafts and implements the national policy in pre-university education. The Ministry of Education, Research, Youth, and Sports is entitled to initiate and to act in the field of financial and human resources policy in the education system.

(2) In the field of pre-academic education, The Ministry of Education, Research, Youth, and Sports has the following tasks:

- a) drafts, applies, monitors and assesses the national educational policies;
- b) monitors external assessment;
- c) coordinates and controls the national education system;
- d) approves the structure of the pre-academic education and submits to the approval of the government the number of students, based on the proposals from the educational facilities, local authorities, economic agents, by taking into consideration the recommendations of the forecasts, centralized, approved and sent by the Bucharest/County school inspectorates;
- e) coordinates the elaboration and approves the national curriculum and the national evaluation system, and ensures and supervises their observance;
- f) evaluates, approves and purchases textbooks and provide financing according to the law;
- g) approves, as required by law, the internal regulations of the subordinated facilities and related facilities;
- h) drafts diagnosis and forecast studies in the educational field;
- i) ensures the homologation of the educational tools;
- j) ensures the organizational framework for the selection and proper training of students with special skills;
- k) ensures the specialized education and psycho-pedagogical support for the children with disabilities or special needs;
- l) analyzes the way in which social protection is implemented in the education system and proposes proper measures to the government and to the competent local authorities;
- m) coordinates, monitors and controls the qualification and initial and continuous learning process of the teaching staff for the national policies;
- n) drafts the national policies in the field of human resources;

o) is in charge of the evaluation of the national education system, based on national standards;

p) drafts, together with other interested ministries, the strategy for the collaboration with other states and with the international bodies specialized in education, professional training and scientific research;

q) sets the methods to acknowledge and validate studies, diplomas, certificates and scientific titles, issued abroad, based on internal norms, cashes taxes, in lei or in foreign currency, in order to cover the expenses caused by the approval and acknowledgement of these studies, as required by law;

r) decides the structure of the school year;

s) drafts methodologies and regulations in order to ensure a homogenous framework for the implementation of the national educational policies;

t) builds and ensures the optimum operation of the e-learning school platform, as well of the virtual school library;

u) drafts specific norms for the construction of schools and their endowment;

v) publishes and presents each year, in front of the Parliament, the report on the current status of the pre-academic education in Romania.

w) Coordinates the collection of statistics data for the national system of indicators concerning education and provides the analysis and interpretation of the data.

(3) In performing its tasks, the Ministry of Education, Research, Youth, and Sports funds, organizes and finances national councils and commissions. Their organization and functioning are set by an order of the minister of education, research, youth and sports. Moreover, the Ministry of Education, Research, Youth and sports proposes the creation of agencies to the government.

### **Art. 95**

(1) The county school inspectorates and the School inspectorate of Bucharest are decentralized public services of the Ministry of Education, Research, Youth, and Sports having legal status and the following main tasks:

a) applies, at county/Bucharest level, the policies and strategies of the Ministry of Education, Research, Youth, and Sports;

b) controls the implementation of the legislation and monitors the quality of the teaching/learning activities and the observance of the national standards/performance indicators, by school inspections;

c) controls, monitors and evaluates the quality of the educational facilities and institutions' management;

d) ensures, together with the local public administration, the education of students, and monitors their attendance during the obligatory years;

e) coordinates the admission into high-schools, the national evaluations and the county school competitions at facility level;

f) monitors the implementation of the national programs initiated in the counties by the Ministry of Education, Research, Youth, and Sports within the county, respectively Bucharest, as well as the projects of the educational institutions and those connected to them within the EU programmes in the field of education and youth;

g) mediates the conflicts and litigations between the local authority and the education facilities;

h) coordinates and controls the activities of the facilities related to the Ministry of Education, Research, Youth, and Sports in the counties/Bucharest;

- i) the county school inspectorate present an annual report regarding the education in the county, Bucharest respectively. This report is made public;
- j) approves, at the proposal of the local council or county councils the foundation of new facilities for preschool, primary and secondary education;
- k) applies the national educational policies at county/Bucharest level;
- l) provides education facilities and institutions with counselling and support in managing human resources and jobs at county level and in Bucharest;
- m) monitors the constitution, lay off and occupation of teaching positions within the education facilities;
- n) manages the database regarding the qualified teachers hired teaching staff in the education facilities and the entire database of education;
- o) submits to the approval of the Ministry of Education, Research, Youth, and Sports the educational network in their territory, proposed by the local public administrations, in compliance with the educational policy, the strategic documents regarding economic and social development at regional, county and local level, after having consulted the interested education facilities, the economic agents and social partners;
- p) Carries out regular audits of the human resources of pre-university education;
- q) Ensures the collection of statistics data for the nation system of indicators regarding education

(2) The structure of the county school inspectorates and that of the school inspectorate of Bucharest is decided by an order of the Minister of Education, Research, Youth, and Sports.

(3) The school inspectorate has a Board of Directors and a Consultative Committee and operates on the basis of an internal regulation approved by the Board of Directors, based on a master regulation approved by an order of the Minister of Education, Research, Youth, and Sports.

(4) The structure of the county school inspectorates with education in the language of national minorities, includes also school inspectors for this type of education. These school inspectors are appointed in compliance with the procedures of the present law, upon consultation with the parliamentary group of national minorities.

(5) The structure of the school inspectorates includes school inspectors for the children and young people that come from economically and socially disadvantaged environments.

## ***Section 2. The management of education facilities***

### **Art. 96**

(1) The pre-academic education facilities with legal status are managed by the board of directors and School Principals, helped, as the case may be, by deputy School Principals. In performing their tasks, the board of directors and the School Principals cooperate with the Teacher's Council, the Parents' Committee and local government authorities.

(2) In the state educational institutions, the board of directors is the management body and is made up of 7,9 or 13 members, as it follows:

- a) In the case of the middle educational institutions with only one set of grades, the board of directors is made up of 7 members: 3 members of the teaching staff, including the headmaster, 2 representatives of the parents, 1 representative of the mayor, and 1 representative of the local council. The provisions of the present Art. are applied accordingly also for pre-school and primary education;
- b) If the board of directors is made up of 9 members, 4 of them are members of the teaching staff, 1 representative of the mayor,

2 representatives of the local council and 2 representatives of the parents. The headmaster and the deputy headmaster are rightful members of the board of directors from the quota allotted to the teaching staff of the educational institution in question;

c) If the Board of Directors is made up of 13 members, 6 of them are teaching staff, 1 representative of the mayor, 3 representatives of the local council and 3 representatives of the parents. The headmaster and the deputy headmaster are rightful members of the board from the quota allotted to the teaching staff of the educational institution in question.

(3) The Board of directors is the management body of the educational institution. A representative of the pupils, acting as an observer, usually attends the meetings of the Board.

(4) After the constitution of the Board, its members appoint one of the teaching staff as chairman, by the secret vote of the majority. The chairman is appointed for one year at the most, chairs the Board meetings and signs the decisions made during this period.

(5) In the private and denominational education, the Board of directors also includes representatives of the founders. The founders appoint the person who will run the Board of directors. In the compulsory educational institutions, the board of Directors also includes a representative of the local council.

(6) The Board of directors convenes each month or when necessary at the request of the headmaster or two thirds of its members. The framework methodology for the organization and operation of the board of directors is set by an order of the minister of education, research, youth and sports.

(7) The Board of Directors has the following main tasks:

- a) adopts the draft budget and approves the budgetary allocation at the level of the educational institution;
  - b) approves the institutional development plan drafted by the School Principal of the facility;
  - c) approves the curriculum at the proposal of the teacher's council;
  - d) decides the position of the school in the relation with third parties;
  - e) organizes the exams for the position of school principal and deputy principle;
  - f) approves the employment plan of the teaching staff and auxiliary teaching staff, as well as the non-teaching employment draft;
  - g) approves the professional development programs for the teaching staff at the proposal of the Teacher's Council;
  - h) sanctions the disciplinary, ethical or professional breaches of the teaching staff, according to the law;
  - i) approves the examination commissions and validates the results of the exams;
  - j) approves the schedule of the educational institution;
  - k) assumes public responsibility for the performance of the educational institution, together with the principle;
    - l) carries out any other attributions set by the orders and methodologies of the minister of education, research, youth and sports, respectively of the Ministry of Education, Research, Youth and Sports.
- (8) The decisions of the Board of Directors are carried by the majority of the votes of the all those present, except those stipulated under Art. 93. The decisions of the board of directors concerning staff, for instance the procedures to follow in order to fill the positions, the management posts, the award of the performance grading, the restriction of the activity, the award of marks, the sanctioning and so on are carried by a secret vote. The members of the Board of Directors who have a conflict of interests shall not participate in the vote.
- (9) Decisions concerning the budget and assets of the

educational institution are carried by the majority of the total number of the Board members.

### **Art. 97**

(1) The School Principal ensures the executive management of the facility. For the facilities with teaching exclusively in the national minorities' languages, the School Principal has the obligation to know that language. For the facilities with classes with teaching in the national minority's language, one of the School Principals has the obligation to know that language. In this case, the principal is appointed after consulting the organization representing the minority in question in the Romanian Parliament, or, if the minority is not represented in the parliament, upon consultation of the parliamentary group of the national minority.

(2) The Principals of the state educational institutions have the following tasks:

- a) to legally represent the facility and to ensure its executive management;
- b) is the budget manager of the facility;
- c) assumes public responsibility for the performance of the facility it manages, together with the Board of Directors;
- d) submits the organizational and operational regulations of the educational institution to the approval of the Board of Directors;
- e) submits for approval with the Board of Directors the draft budget and the budgetary allocation;
- f) is in charge of the selection, employment, periodical assessment, training, motivation and termination of work relations of the staff in the facility;
- g) performs other tasks established by the Board of Directors, according to the legislation in force;
- h) early present a report on the quality assurance in the facility or in the institution it manages. The report is presented in front of the Parents' Committee and it is brought to the knowledge of the local authorities and the Bucharest/county school inspectorate;
- i) coordinates the collection of statistical data and sends them to the school inspectorate for the national system of indicators regarding education.

(3) The structure and the management positions of the private and denominational educational institutions, their attributions, the way they are set up and the duration of terms of office are laid down in their organizational and operational regulations, according to the provisions of the law.

(4) The headmaster of the private and denominational educational institution carries out the executive management, in strict compliance with the responsibilities and attributions imposed by the law, with the decisions of the board of directors of the educational institution in question and by observing the provisions of its organizational and operational regulations.

### **Art. 98**

(1) The Teachers' Council of the facility is completely made up of the teaching staff in that facility with legal status, is presided by a director and convenes monthly or anytime necessary, at the request of the director or of at least 1/3 of the members of the teaching staff.

(2) The Teachers' Council has the following tasks:

- a) manages and ensures the quality of the didactic act;
- b) sets the code of professional ethics and monitors its application;
- c) validates the self-evaluation papers of the employed staff of the educational institution, on the basis of which the annual mark is determined;
- d) proposes to the Board of Directors measures for the optimization of the didactic process;

- e) proposes to the Board of Directors the curriculum available for the facility;
- f) proposes to the Board of Directors the award and titles of "teacher of the year" to the staff with special results;
- g) approves the disciplinary actions against students;
- h) proposes to the Board of Directors the sanctioning of the teaching staff for bad results, breaching of the professional ethics;
- i) proposes to the Board the initiation of legal procedures in the case of the teaching staff with poor performance or responsible for the infringement of the code of ethics;
- j) proposes to the Board of Directors the training and continuous learning programs for the teaching staff;
- k) appoints the teaching staff to the Board of Directors;
- l) performs other tasks decided by the Board of Directors.

### **Section 3. Other institutions connected to pre-university education**

#### **Art. 99**

(1) The Institutions connected to the Ministry of Education, Research and Sports are: The Institution of Educational science, the homes of the teaching staff, the accredited centres for continuous education in the language of the national minorities, the National Centre for Differentiated Education, the Institution for the Financing of Pre-university Education, the children clubs and palaces.

(2) The institutions and related facilities of the pre-academic education are: The County Centre for Resources and Educational Support/the Bucharest Centre for Resources and Educational Support.

(3) The House of the Teaching Staff (CDD), acting as a legal entity, operates in each county and in Bucharest, being coordinated by the methodology of the School Inspectorate. The structure and the tasks of the House of the Teaching Staff are decided by an order of the Minister of Education, Research, Youth, and Sports.

(4) CJRAE/CMBRAE are specialized pre-university institutions, acting as legal entities and coordinated by the methodology of the school Inspectorate.

(5) The financing of the County Centre for Resources and Educational Support is appropriated from the budget of the County Council/the General Council of Bucharest.

(6) The County Centre for Resources and Educational Support organizes, methodologically coordinates, monitors and evaluates, as the case may be, at Bucharest/county level, the following educational activities and services:

- a) psycho-pedagogical/psychological support services, provided via the county centres and the psycho-pedagogical/psychological practices;
- b) speech therapy services, provide via the interschool speech therapy practices and centres;
- c) educational and professional counselling and evaluation;
- d) school mediation, provided by school mediators;
- e) consultancy services for inclusive education, provided by the inclusive education school centres.

(7) The structure, organization and operation of the County Centre of Educational Resources and Support are decided by a regulation approved by order of the minister of education, research, youth and sports.

(8) The National Centre for Differentiated Education is organized and operates according to the methodology drafted by the Ministry of Education, Research, Youth, and Sports within

12 months of the coming into force of the present law.

(9) The Institution for the Financing of the Pre-academic Education is subject to the authority of the Ministry of Education, Research, Youth and Sports. Its attributions, structure, organization and operation are set through an order of the minister of education, research, youth and sports.

#### **Art. 100**

(1) Children clubs and palaces are educational institutions for extra-curricular activities. Children palaces also have a methodological role.

(2) The National Palace of Children in Bucharest is subordinated to the Ministry of Education, Research, Youth, and Sports.

(3) Children clubs and palaces are subordinate to the school inspectorates.

(4) The organization and competencies of palaces and clubs are decided by regulations approved by an order of the minister of education, research, youth, and sports.

## **CHAPTER VIII: PRE-ACADEMIC FINANCING AND MATERIAL BASIS**

### *Section 1. General provisions*

#### **Art. 101**

(1) Pre-academic unit financing includes basic financing, complementary financing and additional financing.

(2) The state ensures the basic financing for pre-school children and obligatory school students, registered with the public and private education facilities, which are accredited and periodically assessed, as well as for the special public high-school students. Basic financing takes place based on and within the limits of the standard cost per student or child, based on the methodology drafted by the Ministry of Education, Research, Youth, and Sports.

(3) In the private pre-academic educational system, the tuition is decided by each education institution or facility, according to the legislation in force.

#### **Art. 102**

(1) The financing of the pre-academic education is ensured from public funds, within the limit of at least 6 percent of the GDP or from other sources, according to the law.

(2) The financing of the pre-academic private accredited education is done from taxes, public funds, and, in the case of preschool education and obligatory education, also from other sources, according to the law.

#### **Art. 103**

(1) The Ministry of Education, Research, Youth, and Sports has the right to initiate financial and human resources policies in the field of education, and collaborates with other ministries, local authorities, associative structures representing local authorities, parents' association, professional associations of the teaching staff, as well as with the representative trade unions.

(2) Local councils and the county council, or the local councils of the Bucharest sectors may contribute from their own budgets to the basic and complementary financing of public pre-academic education units.

#### **Art. 104**

(1) The basic financing ensures the performance if the pre-academic education process in normal conditions, in compliance with the national standards.

(2) The basic financing is ensured from the State budget, from amounts deducted from the value added tax and from other revenues to the State budget, through the local budgets, for the

following categories of costs:

- a) wage costs, bonuses, allowances and other entitlements in cash, provided by the law, and the related contributions;
- b) staff's ongoing training and assessment costs;
- c) students' periodical internal assessment costs;
- d) material and service costs;
- e) current maintenance costs.

(3) Schools' basic financing results from multiplying the standard cost per student/preschooler by specific coefficients of the schools and by the number of students and is approved by Government resolution on a yearly basis.

(4) The calculation base used for calculating the funds allocated to educational units, for the basic financing is the standard cost per student/preschooler. The standard cost per student/preschooler is determined for each educational level, channel, profile, specialty/area. The standard cost per student/preschooler is determined by the National Council for Financing State Pre-academic Education, under the conditions of this law and according to the methodological norms developed by the Ministry of Education, Research, Youth, and Sports and approved by Government resolution. The National Council for Financing State Pre-academic Education includes representatives of the Ministry of Education, Research, Youth, and Sports, of the social partners and of the associative structures of the local public government authorities. The funds for the basic financing of the educational unit are allocated based on a financing formula approved by order of the Minister of Education, which takes into account the standard cost per student/preschooler, the number of students/preschoolers attending the educational unit in question, as well as the correction coefficients depending on the students' density in the area, the severity of the disadvantages, the tuition language and other factors.

(5) The basic financing approved on an yearly basis through the government budget law is distributed on communes, towns, cities and Bucharest sectors by the public county finance directorates, or by the Bucharest public county finance directorate, with specialized technical assistance from county school inspectorates, or from the Bucharest county school inspectorate.

(6) The amounts deducted from certain government budget revenues allocated for pre-academic public school facilities as basic funding may not be enforced for the recovery of the debts set by writs of execution in charge of the local authorities.

#### **Art. 105**

(1) The complementary financing ensures capital expenditures, social expenditures and other costs associated to the public pre-university education process.

(2) The complementary financing is ensured from the local budgets of the administrative and territorial units to which the pre-university educational units are attached, from amounts deducted from the value added tax, for the following categories of expenses:

- a) investments, capital repairs, consolidations;
- b) subsidies for boarding schools and canteens;
- c) expenses for the periodic evaluation of students;
- d) expenses with the students' scholarships;
- e) expenses with the students' transportation, in compliance with the provisions of Art. 84 paragraph (1);
- f) commuting expenses incurred by the teaching staff, in compliance with the law;
- g) expenses for the periodical mandatory medical examination of the employees in the pre-academic education system, except for those who, according to law, benefit from free medical support;



- h) expenses for school competitions and extra-curricular activities organized in the educational system;
  - i) costs incurred for the provision of the health and safety at work, for the staff employed, preschoolers and students;
  - j) emergency situation management;
  - k) costs for the participation into European educational and vocational training cooperation projects.
- (3) The complementary financing approved on an yearly basis through the government budget law is distributed on communes, towns, cities and Bucharest sectors by the public county finance directorates, or by the Bucharest public county finance directorate, with specialized technical assistance from county school inspectorates, or from the Bucharest county school inspectorate.

#### **Art. 106**

The basic and complementary financing take place based on the performance contract concluded between the pre-university educational unit principal and the mayor of the settlement/sector where the education facility is located at, respectively the President of the County Council in the case of special schools.

#### **Art. 107**

- (1) The supplementary financing is granted as a global fixed amount from the budget of the Ministry of Education, Research, Youth, and Sports in order to reward the education facilities with special results in the field of inclusion or performance.
- (2) The local councils or the local councils of the Bucharest sectors and county councils, or Bucharest General Council may contribute to the supplementary financing, by giving grants to the education facilities, based on their own methodology.
- (3) The supplementary financing take place based on the performance contract concluded between the pre-university educational unit and the sponsor.

#### **Art. 108**

- (1) The public pre-academic education units may have their own revenues from specific activities, according to the law, from donations, sponsorships and other legal sources.
- (2) The revenues do not affect the basic, complementary or supplementary financing and are used based on the decisions of the Board of Directors. at the end of the budgetary year, the amounts that have not been spent are kept into the account of the educational unit that has obtained them and are carried forward for the next budgetary year.
- (3) The principal and the board of directors of educational units with legal status are responsible for observing the approved budget, in compliance with the law.

#### **Art. 109**

- (1) The Ministry of Education, Research, Youth, and Sports finances each year, from the budget for national programs, the following competitions:
  - a) Competitions between schools which are based on the institutional evaluation of two major axes in each education facility: inclusion and performance. Based on an evaluation of the two axes, there will be a classification of the schools on 5 levels ("Excellent", "Very Good", "Good", "Satisfactory", "Unsatisfactory"). The private, public or confessional school with excellence in inclusion and outstanding performance will be rewarded. The schools that receive "Satisfactory" or "Unsatisfactory" will be monitored in order to increase their performance;
  - b) based on a methodology developed by the Ministry of Education, Research, Youth, and Sports, the schools will appoint a Teacher of the Year, as a sign of Excellence in teaching. For each subject in the education plan, a Teacher of the year will be appointed, at national and county level.

- Excellence in teaching will be financially rewarded through the national incentive program for excellence in teaching;
- c) The performances of the students at the school Olympiads, artistic and technical-scientific creation Olympiads and Olympic games are financially rewarded by an order of the Minister of Education, Research, Youth, and Sports.

(2) In launching competitions, the Ministry of Education, Research, Youth, and Sports will consult the parents' associations, the teachers' professional associations, the National Student Council and the representative unions.

#### **Art. 110**

- (1) The budget of revenues and expenses is decided each year, by each pre-academic education facility, according to the methodological norms for financing pre-academic education drafted by the Ministry of Education, Research, Youth, and Sports, and is approved and applied according to the legislation in force.
- (2) The yearly surplus resulted from the revenue and expenses budget of the activities completely financed through its own revenue will be carried forward to the next year, and will be used for the same purpose or, with the approval of the Board of Directors, will be used to finance other expenses of the education facility.
- (3) The financing of the special educational facilities, of the special educational classes, of the students attending special education, of the special high-schools and of CJRAE/CMBRAE, are provided from amounts deducted from some Government budget revenues through the local budgets of the county councils and of the Bucharest sector councils, irrespective of the children's place of residence, through the performance contract.

#### **Art. 111**

- (1) From the state budget, through the budget of the Ministry of Education, Research, Youth, and Sports, the following expenses afferent to the pre-academic education facilities, including the special education, are ensured:
  - a) the fund for the financing of the national programs of the Ministry of Education, Research, Youth, and Sports, approved by Government Decision;
  - b) the local component afferent to the ongoing projects, co-financed by the Romanian Government and by international financial bodies, as well as the reimbursement of the external loans afferent to those projects;
  - c) the scholarships for the students from the Republic of Moldova, as well as the scholarships for the foreign students and for the Romanian students abroad;
  - d) the organization of evaluations, simulations and national exams;
  - e) professional training for the teaching staff and auxiliary teaching staff, for the implementation of the policies and strategies of the Ministry of Education, Research, Youth, and Sports;
  - f) the financing, based on Government decisions, initiated by the Ministry of Education, Research, Youth, and Sports, of certain annual or multi-annual programs of investments, modernization and development of the material basis of the public pre-academic education institutions, including school consolidations and refurbishments and equipping;
  - g) the financing of social protection national programs, decided by specific regulations;
  - h) the financing for the organization, for students, of competitions for their subjects and professional, technical, scientific, creative competitions and cultural-artistic festivals,

sports championships and competitions, at national and international level, as well as international school Olympiads.

(2) The financing of the expenses regarding the school inspectorates, the houses of the teaching staff, children and students' clubs and palaces, psycho-pedagogical and educational support centres and offices, school Sports clubs, is ensured from the state budget, through the budget of the Ministry of Education, Research, Youth, and Sports.

(3) The school sports clubs as well as the children and students' clubs and palaces may also be financed by the local public government authorities.

(4) The County Council, respectively the Bucharest sector local councils and the Bucharest General Council allocate, by their own decisions, funds from quotas deducted from the income tax available for them, in order to finance the public pre-academic education facilities, by complementary financing.

(5) The County Council/The Bucharest General Council ensure funds for the organization and performance of the Bucharest/county Olympiads and school competitions.

(6) Expenses afferent to the facilities granted to students related to transportation by train and subway are financed from the Ministry of Education, Research, Youth, and Sports and from other sources, by law.

### *Section 2. The material basis of the pre-academic education*

#### **Art. 112**

(1) Public educational facilities may hold and manage public goods, while the private ones are based on private property, and the religious education ones, depending on the entity that has established them, to one of the two forms of property.

(2) The land and buildings for early education facilities, preparatory schools, primary, secondary and high schools, including those for the educational levels within such schools, are a part of the local public property and are managed by the local councils. The other components of the material basis are rightfully their property and are managed by the Boards of Directors, according to the legislation in force.

(3) The land and the buildings in which the public special education facilities, the county centre for resources and educational support carry out their activity are part of the county public property, respectively Bucharest's public property, and are managed by the county council, respectively the local council of the Bucharest's districts, where they perform their activity, through the Board of Directors of those education facilities and institutions. The other component of the material basis of the public special education facilities, the school Sports clubs, the children's palaces and student's clubs, the county centre for resources and educational support are their rightful property and are managed by their Board of Directors.

(4) The land and buildings where the school inspectorates, the houses of the teaching staff, the national excellence centre, the recreational and entertainment centres, the National Children's Palace, the children's palaces and clubs, school sports clubs, as well as other facilities subordinated to the Ministry of Education, Research, Youth, and Sports carry out their activity, the current and capital expenditures of which are financed from the state budget, are part of the state public property and are managed by the Ministry of Education, Research, Youth, and Sports, through the county school inspectorates and the Board of Directors of these facilities. The other components of the material basis are rightfully owned and managed by these institutions and facilities.

(5) The buildings referred to in paragraphs (2)-(4), owned based on rental, lease of bailment contracts are not part of the public local or county property, or of the State property, their owners

being other natural persons or legal entities.

(6) The purpose of the resource base belonging to the pre-academic education institutions and facilities can be changed by the local authorities, only with the approval of the Ministry of Education, Research, Youth, and Sports. Otherwise, the modification deeds are null and void, and the deed is considered a criminal offence and is punished according to the criminal law.

#### **Art. 113**

The registration of the right of property on the immovable goods belonging to the Ministry of Education, Research, Youth, and Sports or to the education and scientific research facilities and institutions from the public education system, as well as on the goods belonging to the local and county councils and to the Bucharest General Council, where the public pre-academic education facilities carry out their activity, is done, as the case may be, in the inscription and transcription register, in land registries or in the registries for land publicity with tax exemption, provided by law.

## **TITLE III: HIGHER EDUCATION**

### **CHAPTER I: GENERAL PROVISIONS**

#### **Art. 114**

(1) This chapter regulates the structure, positions, organization and operation of the higher education in Romania.

(2) The higher education is ensured by universities, academies, institutes, higher education schools, and other such, here in after referred to as higher education institutions or universities.

(3) The higher education institutions may be public or private, or religious. They are legal persons of public utility, have a non-profit public interest character and are apolitical.

#### **Art. 115**

(1) The higher education may be provided only in higher education institutions that have obtained, according to law, a provisory operation authorization or the accreditation.

(2) The documents proving the graduation of the studies, issued in Romania, are recognized by the state only if they are issued according to the legal provisions in force, by accredited higher education institutions.

#### **Art. 116**

(1) The national higher education system includes all the accredited higher education institutions. According to the legal procedures in force, a higher education institution authorized to temporarily operate becomes a member of the national higher education system only after accreditation.

(2) The higher education institutions abroad, legally recognized as such, in the state of origin, may only organize branches on the Romanian territory, individually or by concluding partnerships with accredited Romanian higher education institutions, in compliance with the law in force on the authorization, accreditation, and on the study programme quality assurance.

(3) The Romanian higher education institutions may organize, in Romania or in other states, educational programs together with higher education institutions abroad, recognized as such by the state of origin. If such programmes are organized abroad, they must observe the legal regulations in force in Romania and in the states in question.

#### **Art.117**

The mission of the higher education is to generate and transfer knowledge to the society:

i. by basic and continuous training at academic level, for personal development, professional insertion and in order to satisfy the need for competency of the socioeconomic environment;

ii. by scientific research, innovation and technologic transfer, collective and individual creation, in the field of science and engineering, arts, literature and languages, by ensuring the sports and physical development and performance, as well as by putting to good use and disseminating their results.

#### **Art. 118**

(1) The national higher educational system is based on the following principles:

- a) the principle of university autonomy;
- b) the principle of academic freedom;
- c) the principle of public responsibility;
- d) the principle of quality assurance;
- e) the principle of equity;
- f) the principle of managerial and financial efficiency;
- g) the principle of transparency;
- h) the principle of observing the students and academic staff's rights and freedoms;
  - i) the principle of independent ideologies, religions and political doctrines;
  - j) the principle of freedom of national and international mobility for students, researchers and teaching staff;
  - k) the principle of consulting the social, partners in making decisions;
  - l) the student-oriented education principle.

(2) No age, nationality, ethical, gender, social origin, political or religious, sexual orientation or other types of discrimination are allowed in the higher education, except for those provided by law.

(3) Students with physical disabilities are entitled to access ways adapted to their condition in all the academic spaces, as well as to adequate conditions for carrying out normal academic, social and cultural activities, in higher education institutions.

(4) In the higher education, there are and may be organized theology faculties, in compliance with the provisions of Art. 15 and theological research institutes in harmony with the international ecumenical and irenic perspectives and in compliance with the legal provisions.

#### **Art. 119**

(1) The education in the higher education system is free of charge, in the limit of the positions allocated each year by the Government, the rest of the positions being available by paying the tuition. The amount of the respective tax is set by the University Senate, in compliance with the law.

(2) In the private higher education institutions, a tuition tax is charged. The amount of the respective tax is set by the Board of Directors, in compliance with the law.

(3) The higher education institutions have autonomy in deciding the quantum of the tuition taxes have the obligation to inform all the interested people on this subject, including on the university site.

#### **Art. 120**

(1) The qualifications obtained by the graduates of the educational programs are certified by diplomas, certificates and other documents issued only by accredited higher education institutions.

(2) The diplomas corresponding to the university study programmes are official documents and may only be issued by accredited institutions, for the forms of studies and programmes that are accredited or temporarily authorized. In the latter case,

in the institution that issues the diploma, there must be another accredited specialty in an area related to the authorized specialty. Not observing this provision is considered to be a criminal offence and is punished according to the law.

#### **Art. 121**

The Ministry of Education, Research, Youth, and Sports is a state authority and is qualified to follow up and control the enforcement and observance of the legal regulations in the field of higher education and, if necessary, to apply sanctions. Also, the Ministry of Education, Research, Youth, and Sports controls the way in which the universities exercise their university autonomy and their public responsibility and assume the general mission and their own mission.

#### **Art. 122**

(1) The higher education institutions have their own assets and manage them according to the law.

(2) Public and private higher educational institutions are established in compliance with the law, and with the legal provisions on the accreditation, by virtue of Government Emergency Ordinance no. 75/2005 on the quality assurance in education, approved with amendments by Law no. 87/2006.

(3) The Government has the initiative of establishing public higher educational institutions. The private or religious higher education institutions are founded at the initiative of associations, religious sect, or other education provider, acknowledged as such, in compliance with this law, referred to as founder.

#### **Art. 123**

(1) University autonomy is guaranteed by the Constitution. Academic freedom is guaranteed by law. The higher education institutions are organized and operated independent of any ideological, political or religious interference.

(2) The university autonomy gives the right to the academic community to establish its own mission, institutional strategy, structure, activities, organization and operation, and to manage their own material and human resources in strict compliance with the legislation in force.

(3) The fundamental aspects of the university autonomy are expressed in the university charter, approved by the university's senate, in strict compliance with the legislation in force.

(4) The university autonomy is exercised only with the condition of assuming public responsibility.

(5) In higher education institutions the freedom of research is ensured in terms of setting the subjects, choosing the methods and procedures and capitalizing results, in compliance with the law.

(6) In higher education institutions it is forbidden to endanger the right to free expression of scientific and artistic opinions in any way.

(7) Students' right to choose courses and specialties freely is guaranteed, in compliance with the legal provisions and with the schooling plans.

(8) The management structures and positions of the private and religious universities, the attributions, the manner of establishment as well as other considerations related to their status are set in compliance with the provisions of this law, with the approval of the founders upon their consultation and with the approval of the university's Senate.

#### **Art. 124**

(1) The public responsibility obligates any public or private higher education institution:

- a) to observe the legislation in force, its own charter and the national and European policies in the field of higher education;

b) apply and observe the regulations in force regarding quality assurance in the higher education;

c) to observe the policies regarding academic equity and ethics, included in the code of ethics and professional deontology approved by the university's Senate;

d) to ensure managerial and the efficiency in using the resources, in the case of public universities, and in spending funds from public sources, in compliance with the institutional contract;

e) to ensure transparency for all its decisions and activities, according to the legislation in force;

f) to observe the academic freedom of the teaching, non-teaching and research staff, as well as the students' rights and freedoms.

(2) In the case of religious universities, the public responsibility is extended to observing the status and the dogmatic and canonical provisions specific to the respective sect.

### **Art 125**

(1) If the obligations provided in Art. 124 are not observed, the Ministry of Education, Research, Youth, and Sports notifies the university's Senate within 30 days from the day when the offence was found. If within 3 months from such notification, the university continues not to observe the obligations provided at Art. 124, the Ministry of Education, Research, Youth, and Sports applies, within maximum 6 months from the initial notification of the university's Senate, one or several of the following measures:

a) the revocation of the rector, based on the proposal of the University Ethics and Management Council, upon consultation with the university's Senate. Within maximum 5 days from the rector's revocation, the Senate has the obligation to appoint a pro-rector who represents the university and becomes the budget manager until the confirmation of a new rector by the Minister of Education, Research, Youth, and Sports. Within 3 months from the rector's revocation, university's Senate finalizes the procedures for the appointment of a new rector, in compliance with the legal provisions in force, and submits for confirmation with the Ministry of Education, Research, Youth, and Sports the name of the new Rector;

b) the reduction or temporary or permanent elimination of the access to funding from public sources, at the proposal of the University Ethics and Management Council;

c) proposes to the Government the initiation of a law bill for the reorganization or dissolution of the higher education institution in question.

(2) The failure to fulfil the obligations provided in Art. 124 is found by the University Ethics and Management Council, including 11 members as follows: 3 representatives appointed by the National Council or Rectors, 3 representatives of the Ministry of Education, Research, Youth, and Sports, appointed by the Minister of Education, Research, Youth, and Sports, one representative appointed by the Romanian Agency for Quality Assurance in Higher Education, hereinafter referred to as ARACIS, the National Council for the Financing of Higher Education hereinafter referred to as CNFIS, the National Council For Scientific Research CNCS, the National Council for the Attestation of Academic Titles, University Diplomas and Certificates, hereinafter referred to as CNATDCU, and a representative of the national students' federations.

(3) Any natural person or physical entity can notify the University Ethics and Management Council concerning the failure to fulfil the obligations stipulated in Art. 124. Following the reception of such a notification, the University Ethics and Management Council has the obligation to investigate the

notified aspects and to answer within three months. The answers to such notifications constitute public documents and are posted on the website of the Ministry of Education, Research, Youth, and Sports.

(4) The observance by higher educational institutions of the obligations stipulated in Art. 124 and of other obligations related to public responsibility, as well as the observance by the University Ethics and Management Council of the obligations provided at paragraph (3) constitutes a public legitimate interest for any Romanian natural person or physical entity. Failure to observe such obligations can be appealed before an administrative court by any Romanian natural person or physical entity, in compliance with the law.

### **Art. 126**

(1) The academic premises is made of all the buildings, land, experimental teaching stations, research institutes, farms, botanical gardens, academic houses, academic campuses, university hospitals and clinics related endowments, used by the higher education institution, irrespective of the legal title under which this is entitled to use them.

(2) Exception to the provisions of paragraph (1) are the afferent premises and endowments belonging to the Ministry of Health, to the ministries and institutions with their own sanitary network where the higher medical education takes place, as well as the premises that belong to the sects in which religious education is performed, as well as the premises that belong to the Ministry of Defence and to the Ministry of Administration and Internal Affairs, and to the Romanian Intelligence Service, where specialized education takes place.

(3) The university premises are intangible. The access to the university premises is allowed only in the conditions provided by law and by the university charter.

### **Art. 127**

(1) The academic community is made of students, teaching and research staff auxiliary teaching and research staff.

(2) Belonging to the academic community are also people who were awarded the quality of members of the academic community by a decision of the university's Senate.

(3) The members of the academic community have the rights and obligations set out in the legal regulations in force and in the university charter.

### **Art. 128**

(1) The university charter present and reflect the major options of the academic community and are applied in all university premises.

(2) The university charter must expressly refer to, as a minimum:

a) the methods to appoint and revoke the terms of office of the university management persons or of those who are part of the university management bodies and structures, compliance with the legislation in force;

b) the university code of ethics and professional conduct;

c) the way in which the university's resources are managed and protected;

d) the conditions for the creation of the university's own funds and for their use and the independent decision regarding their purpose and the conditions for their use;

e) the conditions in which contracts with public institutions and other economic entities may be concluded for the purpose of fundamental and practical research programs or in order to raise the qualification level of the specialists with higher education studies;

f) the conditions in which the university may associate with other higher education institutions or other organizations in order to fulfil its mission;

g) the ways in which elements afferent to the material basis can be built, owned and used, elements necessary for education and scientific research;

h) the way in which the international cooperation actions take place, the conclusion of contracts and the participation to European and international organizations;

i) the collaboration between the management structures of the universities and the trade unions, of the teaching, research, technical and administrative staff and also with the legal students' organizations;

j) any other aspects considered relevant by the university Senate, which correspond to the legislation in force.

(3) The Charter is drafted and adopted by the university Senate, only after being debated with the academic community.

(4) The university Charter cannot withstand the provisions of the legislation in force. If the content of the Charter is contrary to the legal provisions, the Charter is considered null.

(5) The university Charter may only be adopted through a positive resolution of the Ministry of Education, Research, Youth, and Sports concerning the approval of the legality. The resolution concerning the approval of the legality is issued by the Ministry of Education, Research, Youth, and Sports within maximum 30 days from the date of the request made by the higher education institution.

(6) If the period provided in paragraph (5) is not observed, the university Charter is deemed as approved in compliance with the tacit approval procedure.

#### **Art. 129**

(1) The higher education institutions may establish, independently or by association, companies, foundations or associations, with the approval of the university's senate. The condition for their foundation is that one of them must contribute to the increase of the institution's performance and must not negatively affect in any way the education, research or consultancy activities.

(2) The higher education institutions may form consortia, including with the research-development units, based on a partnership agreement, according to the legislation in force.

(3) When trading companies, foundations or associations are established, the public higher educational institution may only contribute with money, patents and other industrial property rights. The university may grant by contract the right to manage and use the assets belonging to the trading companies or associations in which it owns shares, of those of the foundations established by it, with the approval of the university's Senate. The right to use and manage public property goods may not represent a contribution of the university to the share contribution of the trading company, foundation or association.

#### **Art. 130**

(1) The higher education institutions shall adopt a code of ethics and academic professional deontology. This is a part of the university charter and must include:

a) setting the situations of conflicts of interests and incompatibilities;

b) the provision that the persons who are spouses, in laws, and relatives including third degree relatives, may not hold, at the same time, positions, in such a way as to find themselves in a control, management, authority or institutional assessment position in relation to the other, at any level in the same university, and may not be appointed in Ph.D. evaluation commissions, assessment commissions or competition

commissions whose decisions affect the husbands, in-laws and relatives including third degree ones;

c) the educational, administrative and technical measures taken in order to provide for the originality of the graduation, master degree, and Ph.D. papers, scientific Art.s, or other such papers, as well as the related penalties;

(2) The Rector of the university has the obligation present a report on the university's status, on an annual basis, no later than in the first working day of the month of April of each year. The report is published on the site of the university and is sent to all the stakeholders. Such report includes at least:

a) the financial situation of the universities, on financing sources and types of expenses;

b) the situation of each study programme;

c) the situation of the university's staff;

d) the results of the research activities;

e) the situation of the quality of the activities performed in universities;

f) the situation of the observance of the academic ethics and of the ethics of the research activity;

g) the situation of the vacancies;

h) the situation of the professional insertion of the graduates from previous promotions.

(3) The annual report is a component of public responsibility and a fundamental condition in order to access funding from the state budget.

## **CHAPTER II: THE ORGANIZATIONAL STRUCTURE OF THE HIGHER EDUCATION INSTITUTIONS**

#### **Art. 131**

(1) For the organization and operation of the activities assumed in the mission, any higher education institution may comprise the following organizational components: faculties, departments, institutes, centre or laboratories, design facilities, consultancy centres, university clinics, artistic studios and workshops, theatres, museums, centres for continuous learning of the human resources, services and micro-production facilities, experimental stations, and other entities for production and know-how and technologic transfer. Technical and administrative services also operate in the structure of higher educational institutions.

(2) The higher education institution may found, for a definite , period of time and by project, independent research units in terms of budget of incomes and expenditures, having their own autonomy and statutes, approved by the senate.

(3) The components mentioned under paragraphs (1) and (2) are organized by each higher education institution, so that the institution accomplishes its mission, ensures the quality standards and criteria and efficiently manages the education, research, production and know-how and technological transfer activities and to provide adequate administrative support to the members of the university community.

#### **Art. 132**

(1) The faculty is the functional unit that drafts and manages the educational programs. The faculty corresponds to one or several fields of sciences, arts or sports.

(2) Any faculty is founded, organized, divided, merged or dissolved at the proposal and with the approval of the institution's Senate, by a decision of the Government concerning the structure of higher education institutions, initiated by the Ministry of Education, Research, Youth, and Sports on an yearly basis.

(3) In a public higher education institution, the Government,

upon consulting the university's Senate, may found and finance an education program or a faculty with the educational programs meeting the immediate needs for training and professional qualification in the fields of national interest. These educational programs are subject to the legal regulations in force regarding quality assurance in the higher education system.

(4) A faculty may include one or more departments, postgraduate schools and university extensions that are in charge of the organization of educational programs by academic education types and cycles.

(5) As an exception to the provisions of paragraph (2), for justified situation, at the proposal of the Ministry of Education, Research, Youth, and Sports, the Government may found faculties, within public universities, upon consulting the university's Senate.

#### **Art. 133**

(1) The department is the operational academic unit that ensures the generation, transfer and capitalization of knowledge in one or more fields.

(2) A department may include research centres or laboratories, artistic workshops, postgraduate schools, and university extensions.

(3) The department is founded, organized, divided, merged or dissolved by a university Senate decision, at the proposal of the Professors' Council of the faculty/faculties in which they operate.

(4) The department may organize research centres and laboratories that operate as income and expenditure units within the university.

#### **Art. 134**

The establishment of institutes, experimental stations, centres and laboratories are approved by the university's Senate in compliance with the legislation in force.

#### **Art. 135**

(1) The higher education for national minorities takes place:

a) in higher education institutions where faculties/lines/educational programs with tuition in the mother tongue operate;

b) in multicultural and multilingual higher education institutions; in this case, sections/lines with tuition in the language of the national minorities will be established;

c) in higher education institutions, groups, sections or lines with tuition in the languages of the minorities may be organized, in compliance with the law.

(2) The educational line within a multilingual and multicultural university is organized into departments. The teaching staff belonging to the educational line adopt and elaborate their own functioning regulations, which sets the choosing procedures and other aspects specific to the organizational structures of the educational line in question, in compliance with the university Charter, within 6 months from the date when this law comes into force.

(3) The study section is a form of organization of the university study in the mother tongue of national minorities, that can be institutionalized, both at the university level, as well as within a faculty through the department of the section, which includes educational programmes and the related organizational structures. The sections enjoy university autonomy for the organization of their didactic activities.

(4) In the higher education system for national minorities, cycle I ensures academic graduate studies, cycle II ensures master studies, and cycle III PhD studies, as well as postgraduate education, in the mother tongue.

(5) The basic financing is calculated with a higher coefficient for the students that attend the courses in the language of a national minority.

## **CHAPTER III: THE ORGANIZATION OF THE HIGHER EDUCATION**

### *Section 1. The Structure of the Academic Year*

#### **Art. 136**

(1) The academic year usually starts in the first working day of the month of October, and includes two semesters. A semester usually has 14 weeks of teaching activities, followed by minimum 3 weeks of examinations. The structure of the university year is approved by the university Senate. In evaluating the transferable study credits in a semester a period of minimum 17 weeks is taken into consideration..

(2) The university Senate of each higher education institution approves each year, with at least three months before the beginning of the academic year, the regulation regarding the professional activity of students, as well as the timetable of the educational activities specific to academic educational semesters.

### *Section 2. Academic Educational Programs*

#### **Art. 137**

(1) The academic educational program represents a group of teaching, learning, research, practice and evaluation curricular units planned so that they lead to an academic training certified by a diploma and a diploma supplement.

(2) The curriculum of the educational program matches the profile of the training, defined in the National Training Framework. The curriculum of an educational program is elaborated so that it maximizes the chances to obtain the desired training and is approved by the university Senate.

(3) The curriculum matching the qualification offered by the educational program is an essential aspect of the quality assurance process.

(4) The higher education educational programs are grouped by subjects and organized by 3 study cycles: graduation, master and PhD.

(5) The higher educational programs offer access to positions and professions specific to each finalized academic study cycle.

#### **Art. 138**

(1) The educational programs are organized by the higher education institutions, in compliance with the legislation in force. or each organized academic cycle, the Senate of the institution will approve internal organizational and functioning regulations, in compliance with the quality general and specific national and international standards.

(2) An educational program legally operates if it is temporary authorized or accredited by and operates according to the conditions set by the authorization, or accreditation document. The organization and execution of the educational programs that do not legally operate is sanctioned by not recognizing the studies of the beneficiaries, as well as with a criminal fine for the organizers and the immediate withdrawal of the temporary authorization or the accreditation of the educational program by the Ministry of Education, Research, Youth, and Sports.

(3) The educational programs temporary authorization and accreditation are done differently for each form of education, language and for each geographic location.

(4) For the professions regulated at European level, the national regulation cannot contradict the European one.

(5) The classification of the academic programs and fields, the

accredited and temporary authorized academic programs and fields, the geographic locations, the number of transferable study credits for each academic program, form of education or tuition language, as well as the maximum number of students who may be educated, proposed by agencies for the quality assessment that have evaluated each programme, are decided annually by Government decision, approved by the Ministry of Education, Research, Youth, and Sports by March 31<sup>st</sup>.

### *Section 3. Forms of organization*

#### **Art. 139**

The study programme forms of organization are:

- i. daily attendance studies, characterised by education and/or research activities scheduled during the whole day, specific to each cycle of university studies, approximately evenly distributed on a weekly/daily basis during the semester and implying the direct meeting, in the university space, of the students with the teaching and research staff;
- ii. low attendance studies, characterised by activities that are mainly dedicated to synthesis and practical training, scheduled in a compact and periodical way, implying the direct meeting, in the university space, of the students with the teaching and research staff, completed by other training means specific to the distance education;
- iii. distance education, characterised by the use of electronic, computerized and communication means specific to self-teaching and self-evaluation activities completed by specific tutoring activities.

#### **Art. 140**

- (1) The bachelor programs can be organized as: daily attendance, low attendance, and distance learning.
- (2) master programs can be organized as: daily attendance and low attendance.
- (3) Exception to the provisions of paragraphs (1) and (2) are the graduation and master programs for the fields regulated at EU level, which can be organized only as daily attendance courses, which can be organized only as daily attendance courses.
- (4) the PhD programs can only be organized as daily attendance courses. For the Ph.D. educational programmes, the obligations concerning the attendance are set by the management of the school that organizes the programmes in question, in compliance with a methodology developed by the Ministry of Education, Research, Youth, and Sports. The obligations concerning the attendance represent a criterion used for the assessment of the Ph.D. study schools, including for financing.
- (5) The diplomas and certificates issued by the higher education institutions, as the law requires, for the same educational programs, irrespective of the form of education graduated, are recognized. The methodology for the organization of the examinations, the assessed competences and knowledge, the correlation between the results of the studies and the grades, study diplomas of certificates must be identical for any form of education corresponding to a certain educational programme within a higher educational institution.
- (6) Only the higher education institutions that have the educational program accredited for daily attendance may organize evening classes, reduced attendance and distance learning courses.

### *Section 4. Educational Service Agreements*

#### **Art. 141**

The higher education institution signs with each registered student/post-graduate/trainee/post-PhD researcher an educational services agreement in compliance with the

provisions of the regulations for educational programs and of the legislation in force and of the legislation in force. The educational services agreement shall not be amended during the academic year.

### *Section 5. Admission to educational programs*

#### **Art. 142**

- (1) The Ministry of Education, Research, Youth, and Sports develops el the framework methodology for the organization of the admission in the Romanian public and private educational institutions on an annual basis.
- (2) Each higher educational institution elaborates and applies its own regulations for the organization of the educational programmes it provides. These regulations are developed in compliance with the framework methodology provided in paragraph (1).
- (3) The admission conditions, including the number of students must be published each year, by the university, with at least 6 months before the admission contest.
- (4) Any candidate from the member states of the European Union, from the European Economic Space and from the Swiss Confederation may take the admission exam for a public, private or confessional higher education for each educational cycle and program, in the same conditions provided by law for the Romanian citizens, as well as the tuition is concerned, too.
- (5) According to the legal provisions in force the higher education institutions may charge candidates with registration fees for the organization and execution of the admission, in the quantum approved by the university Senate. In their own methodologies, the university Senates may decide upon tax exemption or reduction.
- (6) A person may benefit from financing from the budget for a single graduation programme, for a single master's degree programme, and for a singer Ph.D. degree programme.
- (7) The person admitted to a bachelor, master or PhD educational program is a student, post-graduate respectively, during its entire presence in programme in question, from the registration moment and to the finalization of the studies or rustication, less the periods when studies are interrupted.
- (8) The higher education institutions have the obligation to reimburse, within maximum 48 hours from the submission and unconditionally, without charging any tax, the files of the rejected candidates r of those that give up their position obtained by admission, after the final results are published.

### *Section 6. Graduation examinations*

#### **Art.143**

- (1) The higher education graduation exams are:
  - a) the bachelor's degree examination, for the bachelor's degree educational studies, or a diploma exam for the engineering study areas;
  - b) the dissertation, for the masters cycle;
  - c) the defence of the PhD thesis;
  - d) the certification exam, for the specialization post-graduate educational studies;
  - e) the selection exam, which precedes the bachelor's degree examination, for the students/graduates that come from institutions or programs that are under liquidation.
- (2) The examinations mentioned under paragraph (1) are organized and carried out only by the accredited higher education units, based on an internal regulation approved by the institution's Senate and which observes the master methodology approved by the Ministry of Education, Research, Youth, and Sports within 6 months from the date this law enters in force.
- (3) The graduates from educational programmes in the

temporarily authorized higher educational institutions will graduate only within higher educational institutions which have similar study programme profiles, accredited, indicated by the Ministry of Education, Research, Youth, and Sports.

(4) The tutors of the graduation, diploma, dissertation and Ph.D. papers are responsible for the originality of their content together with their authors.

(5) It is forbidden to sell scientific papers in order to facilitate the counterfeit of the quality of graduation, diploma, dissertation or Ph.D. paper author by the buyer.

### *Section 7. Evaluations during the academic years*

#### **Art. 144**

(1) The academic success of a student during the educational program is determined through exam-type overall testing and through ongoing evaluation.

(2) The higher education institutions have examination methodologies approved by the university's Senate, which take into consideration the quality assurance and the observation of the academic ethics.

(3) Education results are graded at the examination:

a) on a scale from 10 to 1, grade 5 certifying the minimal competencies afferent to a subject and that the exam was passed;

b) with marks, as the case may be.

(4) The results of an examination or evaluation may be annulled by the faculty's Dean based on the provisions of the university Charter, if it is proved that these were obtained by fraud or by breaching the academic ethics principles. The Dean may order the reorganization of the examination.

#### **Art. 145**

The challenges submitted by the candidates to admission, examined students or by the graduates at the graduation exams are solved exclusively by the higher education institutions, according to their own institutional regulations and to the provisions of the university Charter.

### *Section 8. Diplomas*

#### **Art. 146**

The Rector may revoke an education certificate or diploma, with the approval of the university's Senate, when it is proven that this was obtained by fraud or by breaching the academic ethics principles.

#### **Art. 147**

(1) The recognition of the studies in the Romania or abroad is done based on a master methodology developed by the Ministry of Education, Research, Youth, and Sports and on specific methodologies approved by each higher education institution, approved by the university's Senate, based on European norms and on the European system for education credit accumulation and transfer, in compliance with the framework methodology.

(2) The studies delivered within an educational programme interrupted as a result of expelling or due to the breach of the ethics code of the university may not be recognized in the case of a new registration.

(3) In the case of educational programs jointly organized by two or more universities, the documents will be issued in compliance with the national norms and inter-institutional agreements.

### *Section 9. Education credits*

#### **Art. 148**

(1) The educational programs plan and organize the work load

specific to teaching, learning, application and examination activities, in compliance with the Transferable Credits European System ECTS/SECT, expressing it in education transferable credits. An education credit consists in the quantity of guided and interdependent intellectual work necessary for the individual finalization by a student of a unit of a course within an university education program, completed with the validation of the education results.

(2) The quantity of individual intellectual work of a student corresponding to an academic year, cannot be lower than 1500 classes, this corresponding to 60 transferable credits.

(3) The minimum number of credits required for the graduation from the academic year is decided by the university's Senate.

(4) The duration of the bachelor and master's degree educational programs, on specialty areas, is decided at the proposal of the Ministry of Education, Research, Youth, and Sports and approved by government decision.

(5) The total cumulated duration of the bachelor and master's degree education cycles correspond to obtaining at least 300 transferable education credits.

(6) The number of credits afferent to the PhD cycle is decided by each university based on the scientific or artistic subject.

#### **Art. 149**

(1) The number of education credits is the reference element that the universities may use in recognizing some studies or courses legally attended before in the same field in order to validate and transfer the education credits and possible continuation of the courses of an education program.

(2) For the validation, continuation and finalization of the studies or for the recognition abroad of diplomas issued prior to the transferable credit system, based on the information in the grade register, the institutions may issue, at request, documents where a number of credits can be assigned to the subjects attended by the graduate. For this operation, the higher education institutions may charge taxes operation in the quantum approved by the university's Senate.

(3) For the teaching staff in the pre-academic education, the Ministry of Education, Research, Youth, and Sports may recognize, by a specific methodology, based on ECTS/SECT, the short-term academic education, acquired in the 3-year college or in the 3-year pedagogical institute, equating it with the 1<sup>st</sup> cycle I of university education (bachelor's degree), in compliance with the law.

### *Section 10. Cycle I – Bachelor's degree educational studies*

#### **A. Organization**

#### **Art. 150**

(1) The accreditation of a bachelor degree educational study programme and the decision concerning the maximum number of students who may be educated within the programme and who may receive a graduation diploma are made by Government decision, following the external evaluation made by ARACIS or by another national or foreign agency for the quality assurance, registered in the European Register for the Quality Assurance in Higher Education (EQAR). University bachelor's degree studies correspond a number between 180 and maximum 240 transferable credits, according to ECTS/SECT and are finalized through level 6 EQF/CEC.

(2) For daily attendance, the specific duration of the bachelor's degree education program is, as the case may be, of 3-4 years and corresponds to a minimum number of 60 credits for an academic year. The duration of the bachelor's degree education for engineering is of 4 years.

(3) A minimum percentage of 5% of the number of students with daily attendance may attend, A minimum percentage of 5%



of the number of students with daily attendance may attend, 2 years in one, except for medical higher educational institutions and of the last year of studies, according to the conditions in the internal regulations for the organization and performance of the educational programmes, and to the legislation in force.

(4) During the bachelor's degree education, practice is mandatory. Universities have the obligation to provide at least 30% of the required practice places, out of which at least 50% outside universities.

(5) The bachelor's degree education with daily attendance may be financed from the state budget or a tuition fee may be charged. For the bachelor's degree education with daily attendance the Ministry of Education, Research, Youth, and Sports allocates a number of grants financed from the budget, for public universities.

(6) The university Senate may organize double specialties. The authorization and accreditation procedure of these specialties is the one provided by the law.

## **B. Admission**

### **Art. 151**

(1) The high-school graduates holders of a high-school diploma or an equivalent can participate to the cycle I education.

(2) In their own methodology, the higher education institutions can decide special facilities and conditions related to the admission of the candidates to the bachelor's degree education, who have obtained during high-school awards at the national and international school Olympiads and or other national and international contests.

## **C. Diploma**

### **Art. 152**

(1) The diploma awarded after the graduation of a bachelor's degree education is called "a bachelor's diploma" or, as the case may be, an "engineering diploma" or an urban landscaper's diploma.

(2) The bachelor's diploma, the engineering diploma or, as the case may be, the urban landscaper's diploma include all the information necessary to describe the graduated educational program, including the form of attendance and the obtained title. The bachelor's diploma, the engineering diploma or, as the case may be, the urban landscaper's diploma is accompanied by the "diploma's supplement" which is issued free of charge, in Romanian and in a commonly used foreign language.

## **Section 11. Cycle II – Master's degree education**

### **A. Organization**

#### **Art. 153**

(1) The master's degree education represents the second cycle of the higher education and are finalized through level 7 EQF/CEC and National Qualification Framework. Their regular duration is of 1-2 years and they correspond to a number of transferable credits between 60 and 120. For the professions regulated by European good practices norms or recommendations, cycle I and cycle II of university studies may be combined in a single program with a duration of 5-6 years, with daily attendance, in compliance with the conditions of this law. The degrees thus obtained are equivalent to the master's degree.

(2) D The bachelor's degree or the graduation diploma of the long-term higher education graduates from the period prior to the enforcement of the three Bologna cycles is equivalent to the master's degree.

### **Art. 154**

(1) The master's degree educational programs may be:

a) professional masters, focused mainly on forming professional competences;

b) research masters, focused mainly on forming scientific research competences. The education received during the research master is equivalent to the first year of study from the PhD education programs. The research master is exclusively at the form of education with attendance and may be organized in PH.D. schools;

c) didactic master's degree. The didactic master's degree is organized exclusively at the form of education with attendance.

(2) The higher education institutions that are accredited or temporary authorised may organize master's degree courses in a specialty area.

### **Art. 155**

(1) The accreditation of a field for the master's degree education together with the maximum number of the students that can be admitted and who can receive a graduation diploma is done by a government decision, based on an external evaluation performed by ARACIS or by another quality assurance agency from Romania or abroad, registered with the European Quality Assurance Register, hereinafter referred to as EQAR.

(2) Within the field accredited or temporarily authorised for master's degree education, the promoted educational programs are decided each year by the university senate and communicated to the Ministry of Education, Research, Youth, and Sports by 1<sup>st</sup> February of each year, in order to be published in a centralized way.

(3) Higher education institutions may conclude partnerships with business entities, professional associations and/or public institutions for the development of master's degree university studies meant to meet the requirements of the labour market.

(4) attendance the Ministry of Education, Research, Youth, and Sports allocates, for master's degree university studies at the form with attendance, a number of grants financed from the budget, for the public universities.

## **B. Admission**

### **Art. 156**

The candidates who already have a bachelor's degree or an equivalent degree can participate in master's degree education programmes.

## **C. Diploma**

### **Art. 157**

The diploma awarded after the graduation of a master's degree education program and the successful defence of the dissertation paper is called a master's degree diploma and includes all the information needed to describe the graduated program, including the form of attendance. This is accompanied by the diploma supplement which is issued free of charge, in Romanian and in another commonly used foreign language.

## **Section 12. Ciclul III - PhD education**

### **A. Organization**

#### **Art. 158**

(1) The PhD represents the third cycle of higher education and allows for a qualification of level 8 within EQF/CEC and within the National Qualification Framework. It takes place based on a Code of PhD Education, approved by government decision.

(2) The PhD educational programs may be organized by accredited or temporarily authorized Doctorate Organizing Universities. Doctorate Organizing Universities may be organized by consortiums or partnerships, or by consortiums or partnerships legally concluded between a university or a university consortium and research and development entities. Universities, or partnerships with consortiums organizing one or several accredited or temporarily approved Doctorate Organizing Universities represent Doctorate Organizing Universities, hereinafter referred to as IOSUD, recognized as such by the Ministry of Education, Research, Youth, and Sports, based on the accreditation or temporary authorization and periodic evaluation.

(3) The Romanian Academy may establish the Doctorate Organizing School of the Romanian Academy, in compliance with the provisions of this law on the authorization, accreditation and operation as higher educational institution. The Doctorate Organizing School of the Romanian Academy may be IOSUD and may organize Ph.D. degree programmes.

(4) Each Doctorate Organizing School is assessed individually, for each area, for accreditation. The assessment of the Doctorate Organizing School is made based on its performance and on the institutional capacity of IOSUD to which the Doctorate Organizing School belongs. The assessment of the Doctorate Organizing Schools is made by ARACIS or by another national or foreign agency for the quality assurance, based on the CNCS reports in the quality of the research and on the CNATDCU reports on the quality of the human resources. The criteria system and the assessment methodology are set by order of the Ministry of Education, Research, Youth, and Sports, based on joint proposals of ARACIS, CNCS and CNATDCU. Each Doctorate Organizing School is assessed periodically, every 5 years.

(5) Based on the results of the evaluation, ARACIS or the agency mentioned in paragraph (4) propose to the Ministry of Education, Research, Youth, and Sports the granting or withdrawal of the right to organize PhD education programs, as the case may be. The right to organize PhD programs is certified by an order of the Minister of Education, Research, Youth, and Sports.

(6) PhD programmes are of two types:

a) scientific PhD, which has as final result the generation of original scientific knowledge, relevant at international level, based on scientific methods, organized only for daily attendance. The scientific PhD is an essential condition for a carrier as a researcher or professor in the higher education system;

b) professional PhD, in arts and sports, which has as final result the generation of original scientific knowledge based on scientific methods and systematic reflection, on artistic creation or on Sports performance at national and international high level and which may represent a basis for the professional career in higher education and research in arts and sports.

(7) The institutions organizing PhD programs within IOSUD, organize doctoral schools by subjects or by themes or disciplinary and interdisciplinary topics.

(8) Within the IOSUD institutional framework, the PhD programs have their own specific management and administration systems for the research and educational programs, including at doctoral school level. At the level of IOSUD, the Council for University Ph.D. studies operates. At the level of each Doctorate Organizing School, the Doctorate Organizing School Council operates. These structures operate in compliance with this law and of the Code of University Ph.D. studies provided for at paragraph (1).

## **Art. 159**

(1) The University Ph.D. study programme is performed within a Doctorate Organizing School under the coordination of a Ph.D. tutor and includes:

a) a training programme based on advanced university studies, within the Doctorate Organizing School;

b) a scientific research or artistic creation individual program.

(2) In the fields of study regulated at European level, the duration of the PhD education observes the applicable regulations.

(3) The PhD education usually lasts 3 years. In special cases, the duration of the PhD education may be extended with 1-2 years, with the approval of the university senate, at the proposal of the tutor and within the limit of the available funds.

(4) A Doctorate Organizing School may recognize, according to the internal organization and functioning regulations for the Ph.D. university studies and in compliance with this law, internships prior to PhD and/or scientific research internships in Romania or abroad, that took place in prestigious universities or research centres, as well as courses belonging to the research master's degree programs.

(5) The PhD education may be interrupted due to justified reasons, in compliance with the PhD regulation of the institution. The duration of the education is prolonged with the cumulated intervals of the approved interruptions.

(6) The curriculum and the research program are decided by the Ph.D. tutor and by the doctoral school.

## **Art. 160**

(1) Education programs can be financed from the state budget, from the tuition fees or from other legal sources.

(2) Ministry of Education, Research, Youth, and Sports allocates each year, by government decision, PhD grants for the scientific and arts and Sports professional PhD, a number of Ph.D. multi-annual grants, for a minimum period of 3 years. The PhD grant includes the quantum of the individual scholarship and the costs for the advanced studies program and the costs for the research program. These grants are adjusted with proper coefficients for the subjects and professional fields of the PhD.

(3) The PhD grant are provided based on a national scientific project competition between PhD organizing schools or based on a national scientific project competition among PhD mentors, who are members of a PhD organizing school. The organized competitions are coordinated by CNCS.

(4) The annual number of PhD grants allocated to these two types of competitions mentioned in paragraph (3), as well as the competition methodology are decided by order of the Minister of Education, Research, Youth, and Sports.

## **Art. 161**

The PhD may be in Romanian, in the language of the national minorities or in a frequently used foreign language, in compliance with the education services agreement concluded between IOSUD, the PhD mentor and the student.

## **Art. 162**

(1) The PhD education may take place under a co-tutorship, in which case the students carries out his/her activity under the simultaneous guidance of a tutor in Romania and another one in a different country, or a under the guidance of two tutors from different universities in Romania, based on a written agreement between the institutions involved. PhD education under a co-tutorship may also be organized if the PhD mentors are from the same IOSUD, but have different study specialties/areas, or if one of the PhD mentors has reached the retirement age, in

compliance with the university Charter.

(2) In the context of the university mobility policies, IOSUD may employ, on a contractual basis, specialists from abroad who have the legal right to be tutors, in compliance with Art. 166, paragraph (4).

## **B. Admission**

### **Art. 163**

Only the graduates of the master's degree programs or equivalent studies have the right to participate to the admission to PhD programs.

## **C. PhD Student**

### **Art. 164**

(1) During PhD education, the student is a PhD student. PhD students are employed by IOSUD or by any of the IOSUD members as research assistants or assistant professors, on a definite period.

(2) During the entire activity, the student attending courses with daily attendance benefits from the acknowledgement of worked years and qualification and also from free medical care, without paying the contribution to the social insurance, unemployment, health and work accident and occupational diseases insurances.

(3) The PhD student may perform teaching activities, in compliance with the education services agreement, in the limit of 4-6 normal classes/week. The teaching activities that exceed this level will be paid according to the legislation in force, falling under the Labour Code, and requiring the observance of the rights and obligations of an employee and the payment of contributions due by law to the social insurance, unemployment, health and work accident and occupational diseases insurances.

### **Art. 165**

(1) According to the pension law, the PhD education is an assimilated period, and is taken into consideration when deciding the contribution rate, except for the case in which the student registers revenues for which, during this time, he/she is paying contributions to the social insurances.

(2) After defending the PhD thesis, the IOSUD issues a certificate which makes proof of the period in which the student has attended the PhD education program with regular attendance.

## **D. PhD mentor**

### **Art. 166**

(1) The following persons can be PhD mentors: those who have been granted the right to be PhD mentors before the date when this law comes in force, as well as those who have obtained the competence certificate, holding at least the position of reader/lecturer, or 3<sup>rd</sup> level scientific researcher.

(2) The competence of PhD mentor is granted by order of the Minister of Education, Research, Youth, and Sports, at the proposal, of CNATDCU for granting the competence certificate in compliance with the standards and procedures developed by the Ministry of Education, Research, Youth, and Sports. These standards are set based on evaluation criteria relevant at international level proposed by CNATDCU and approved by order of the Minister of Education, Research, Youth, and Sports. The minimal standards for the acceptance of the competence certificate file by the CNATDCU are not dependent upon the didactic position and are identical to the standards for granting the professor title.

(3) In order to coordinate PhD studies, the teaching and research

staff who have obtained such right must conclude a labour contract with a IOSUD or another IOSUD-member institution and must be a member of a PhD organizing school. The competent teaching and research and the scientific researchers who have the competence to become Ph.D tutors become PhD tutors after being authorized.

(4) The specialists who have acquired the legal right to coordinate PhD studies in higher educational or research and development institutions abroad are granted the PhD mentor competence within the Romanian IOSUD, as follows:

a) the specialists who have the competence of PhD mentor in one of the member countries of the European Union, the European Economic Area and the Swiss Confederation are automatically granted the PhD mentor competence in Romania, based on the methodology approved by order of the Minister of Education, Research, Youth, and Sports;

b) The Ministry of Education, Research, Youth, and Sports makes a list of the higher educational institutions outside the countries mentioned at letter a), which are among the most prestigious universities in the world. The specialists who have the competence of PhD mentor in one of the institutions on the list are automatically granted the PhD mentor competence in Romania, based on the methodology approved by order of the Minister of Education, Research, Youth, and Sports;

c) The specialists who have the competence of PhD mentor in foreign institutions, other than those mentioned at letter a) or b), may obtain the PhD mentor competence in Romania, either by an international mutual recognition agreement, or in compliance with the provisions of paragraph (2).

(5) A PhD mentor may guide students only with regard to the field for which he/she has obtained PhD mentorship.

### **Art. 167**

(1) A PhD mentor may perform its activity for only one IOSUD, with the exception of the PhD studies coordinated by co-tutorship.

(2) A PhD mentor may tutor maximum 8 PhD students at the same time, that find themselves in different PhD stages.

(3) For this activity, the PhD mentors will be paid according to the legislation in force.

### **Art. 168**

(1) The PhD thesis is drafted in compliance with the requirements decided by the IOSUD in the PhD regulation and in compliance with the regulations of the Code for the PhD University Studies.

(2) The commission to which the thesis is presented, hereinafter called PhD commission is proposed by the PhD mentor and approved by the IOSUD management. The PhD commission is formed of at least 5 members: the president, as IOSUD representative, the PhD mentor and 3 official Romanian or foreign referents, specialists in the area of the PhD thesis, out of whom at least 2 perform their activity outside the IOSUD in question. The members of the PhD commission have a PhD title and a teaching position of a 2<sup>nd</sup> degree senior scientific researcher or private docent, at least, or the competence of PhD mentor in Romania or abroad.

(3) The PhD thesis is defended in a public meeting before the PhD commission, after the positive evaluation of all the referents. The defence of the PhD thesis may take place in the presence of at least 4 of the 5 members of the commission, with the mandatory participation of the commission's president and PhD mentor. The public defence must include a session of questions by the members of the PhD commission and the public.

(4) Based on the public presentation of the PhD thesis and of

the official referents' reports, the PhD commission evaluates and deliberates upon the grade that the thesis receives. The grades are: „Excellent”, “Very good”, “Good”, “Satisfactory” and “Unsatisfactory”. “Excellent” is usually granted for maximum 15% of the candidates who acquire the PhD title in a certain IOSUD, in the course of an academic year.

(5) If the PhD student has observed the requirements provided in the scientific research program and the grade of the PhD thesis is “Very good”, “Good” or “Satisfactory” co the PhD commission proposes to award the PhD title, proposal that is submitted with CNATDCU for validation. Following the evaluation of the file, CNATDCU, proposes to the Minister of Education, Research, Youth, and Sports to grant or to not to grant the PhD title.

(6) If the grade is “Unsatisfactory”, the PhD commission will identify the content elements that must be remade or completed from the thesis and will request a new public defence. The second defence of the PhD thesis takes place before the same PhD commission, as in the case of the first defence. If, following the second public defence, the PhD thesis is graded “Unsatisfactory”, the PhD title is not granted, and the student shall be expelled.

(7) The PhD title is granted by an order of the Minister of Education, Research, Youth, and Sports, after the validation of the thesis by CNATDCU.

(8) If the CNATDCU does not validate the PhD thesis, IOSUD receives from the Ministry of Education, Research, Youth, and Sports a written argumentation of the invalidation, drafted based on the remarks of CNATDCU. The PhD thesis may be resent to CNATDCU within 1 year from the date the first invalidation is received. If the PhD thesis is invalidated for the second time, the PhD title is not granted, and the student shall be expelled.

(9) The PhD thesis is a public document. It is also drawn up in electronic format. In arts and sports, the PhD thesis may be accompanied by the record of the original artistic creation on electronic format. The PhD thesis and its annexes are published on a site managed by the Ministry of Education, Research, Youth, and Sports, in compliance with the applicable laws on copyright.

#### **Art. 169**

(1) The diploma bestowed after the graduation of a PhD university study programme is called a PhD diploma. The diploma that certifies that the holder has been granted and had the PhD specifies the PhD disciplinary or interdisciplinary area, for a scientific PhD; the diploma that certifies that the holder has been granted and had the PhD in a professional area specifies the professional PhD area.

(2) Following the graduation of the scientific PhD studies, IOSUD issues a diploma and grants the scientific PhD title, corresponding to the acronym Dr.

(3) Following the graduation of the professional PhD studies, IOSUD issues a diploma and grants the professional PhD title, corresponding to the acronym, Dr. P.

#### **Art. 170**

(1) In case the quality or professional ethics standards are not observed, the Ministry of Education, Research, Youth, and Sports, based on external evaluation reports drafted as the case may be, by the National Council for Titles, Diplomas and Certificates, National Research Council, the University Council of Ethics and Management or and National Council of Ethics for Research, Technological Development and Innovation, may take the following measures, alternatively or simultaneously:

- a) to withdraw the PhD mentor competence;
- b) to withdraw the PhD title;

c) to withdraw the accreditation of the doctoral organising school, which implies the withdrawal of the right to organize admissions for PhD programs in order to select new students;

(2) The doctoral organising school may be reaccredited at least 5 years after losing this competence, exclusively after resuming the accreditation process in compliance with Art. 158.

(3) The PhD mentor competence may be regained at least 5 years after losing this competence, at the IOSUD, proposal, based on an internal evaluation report validated by an external evaluation done by CNATDCU. The positive results of these procedures are prerequisites for the approval of the Ministry of Education, Research, Youth, and Sports.

(4) The PhD mentors are evaluated every 5 years. The evaluation procedures are set by the Ministry of Education, Research, Youth, and Sports, at the proposal of the CNATDCU.

## **CHAPTER IV: POST-GRADUATE EDUCATION ORGANIZATION**

### **Art. 171**

The postgraduate programs are:

- a) post-PhD programs for advanced research;
- b) postgraduate training and ongoing professional development programs.

#### *Section 1. Postgraduate programs*

### **Art. 172**

(1) The advanced research post-PhD programs:

- a) are programs dedicated to persons who have received a scientific PhD diploma with at least 5 years before being admitted into the post-PhD program and who which to improve in another institution that the one in which they have obtained the PhD title;
- b) ensures to the post-PhD researcher the institutional framework for the development of researches;
- c) have a duration of minimum 1 year;
- d) se may be financed by public institutions or economic operators;
- e) within higher educational institutions, performed in a PhD organizing school based on the research plan proposed by the post-PhD researcher and approved by the hosting institution.

(2) Within higher educational institutions, post-PhD programs may only be organized in PhD program organizing schools accredited to organize such programs. Post-PhD programs may also be organized in research and development units.

(3) The admission to the post-PhD programs is done based on the methodology drafted by the hosting institution, in compliance with the legislation in force.

(4) Post-doctoral researchers are employed by universities by concluding labour contracts on a definite period. Post-doctoral researchers are usually employed as scientific researchers or 3<sup>rd</sup> degree scientific researchers, but may also be employed in higher research positions, if they meet the required conditions.

(5) At the graduation of the postgraduate program, IOSUD or the hosting institution grants a Post-doctoral study certificate.

#### *Section 2 Training and ongoing professional development postgraduate programs*

### **Art. 173**

(1) All the institutions that are accredited at least for bachelor's degree programs in a field or profession may organize postgraduate training and ongoing professional development

programs in that field or profession.

(2) The postgraduate training and ongoing professional development programs of the accredited institutions take place based on a program regulation approved by the institution's senate and in compliance with the regulations in force.

(3) The postgraduate programs may use ECTS/SECT are finalized with a final examination for the certification of professional competences assimilated by the students during the program.

(4) The postgraduate programs can be financed from a tuition fee or from other sources.

(5) The persons with a bachelor's degree or an equivalent, at least, have the right to attend postgraduate education.

(6) When graduating from the postgraduate training and ongoing professional development programs, the organizing institution issues a certificate that certifies the professional competences specific to the program.

## **CHAPTER V: HIGHER MEDICAL EDUCATION**

### ***Section 1 Organization and operation of the higher medical education. Medical and veterinary higher education***

#### **Art. 174**

(1) University education in the field of human and veterinary medicine is performed in compliance with the general and sectoral regulations of the EU, namely:

a) 6 years of study are ensured, for a minimum of 5,500 hours of theory and practice for the specialties Medicine, at the medical study programs, Dental Medicine and Veterinary Medicine 5 years of study for the specialty of pharmacist; 4 years of study for a minimum of 4,600 hours of training for the specialty of GP medical nurses and midwives, and 3 years for other medical specialties;

b) each academic year has 60 study credits that are transferable in the ECTS/SECT, a total of 180 credits can be accumulated for the specialties studied for 3 years for a bachelor's degree, 240 credits for the specialties studied for 4 years, 300 credits for the specialty Pharmacy studied for 5 years and 360 credits for the specialties Medicine, Dental Medicine and Veterinary Medicine studied for 6 years;

c) university studies for a master's degree have 60-120 transferable ECTS/SECT credits;

d) doctoral studies total 240 transferable credits, and the advanced studies attended in PhD organizing schools total 60 credits; PhD studies may be organized in UOD and IOSUD established by consortiums between universities and hospitals or clinics.

(2) The higher education institutions in the medical and veterinary field accredited based on quality criteria, may organize forms of education provided in paragraph (1) and post-PhD and professional training programs: residency, specialization, complementary studies, for medical certificates and ongoing medical and pharmaceutical training certificates.

(3) The doctoral studies for the graduates for the graduates of human, veterinary medical and pharmaceutical school last for 4 years.

(4) The higher education institutions in the human and veterinary medical field and the public health institutions may use their own revenues for mutual interest, in order to ensure optimum conditions, or the activity, regarding the infrastructure, medical equipment and access to medical information.

(5) For the selection and promotion of the academic teaching staff in higher educational institutions with medical study programmes, criteria such as the proved medical expertise are

taken into account. In higher medical education, the teaching positions which have peer positions in the network of the Ministry of Health can only be occupied by persons who have obtained, following contests, depending on the university degree, the titles of resident doctor /dentist or specialist doctor/dentist or pharmacist/ resident pharmacist/ specialist in the area pertaining to the position.

(6) In higher medical education, post-high school studies attended may not be transformed in credits and recognised and transferred.

(7) Medical higher and post-graduate education is performed in public medical units, institutes, diagnosis and treatment centres, sections with beds, laboratories and cabinets. In compliance with the special law, university clinics may be established, with one or several clinical sections, in related specialties, in public or private institutions, in which the education and research activities of the university departments are organized.

(8) residency is the specific form of postgraduate education for graduates of programs of medicine, dental medicine and pharmacy studies providing the training necessary to obtain one of the specialties included in the nomenclature of medical specialties, medical, dental and pharmaceutical care network. The organization and financing of residency is regulated by specific laws.

(9) The admission to the residency of the medical higher education teaching staff is made under the same conditions as for any other graduate from the medical higher education.

(10) Resident doctors who are employed on assistant professor positions in the medical higher education following a contest continue their training within the residency and are paid for both activities.

(11) In higher educational institutions that organize residency training programs, a residency training department will be established. In higher educational institutions that organize medicine and pharmacy training programs, such department is subordinated to the university management.

### ***Section 2. Regulation of other specific aspects***

#### **Art. 175**

Regulations with regards to other aspects specific to performing the activities in this field shall be performed by government decision, order of the Ministry of Education, Research, Youth, and Sports, and, if that is required, by common order with the Ministry of Health and the National Sanitary Veterinary and Food Safety Authority.

## **CHAPTER VI: MILITARY HIGHER EDUCATION AND HIGHER EDUCATION OF INTELLIGENCE, PUBLIC ORDER AND NATIONAL SECURITY**

### ***Section 1. Organization and operation***

#### **Art. 176**

(1) Military higher education, higher education of intelligence, public order and national security is state education, integral part of the national education system, and includes: university education for officer police officer and other specialist training, as well as postgraduate education.

(2) The higher education institutions of the military, intelligence, public order and national security within the national education system, as well as the specialties/study programmes therein are subject to the quality assurance regulations, including those on the accreditation and authorization under the same conditions as for the higher civil

education institutions.

(3) The organizational structure, schooling number including the profiles, study programmes, number of places per year, the selection criteria of the applicants for the military higher education, and higher education of intelligence, public order and national security are set, as the case may be, by the Ministry of National Defence, Ministry of Administration and Internal Affairs, the Ministry of Justice, Romanian Intelligence Service and other institutions with competences in the fields of defence, intelligence, public order and national security, according to the specifics of each army, specialty, level, and form of organization of education, in compliance with the law.

(4) The forms of organization of education, acceptance, performing the study programmes, completing the studies, licensing and accreditation of the education institutions, in military higher education, higher education of intelligence, public order and national security is subject to the procedures and conditions applicable to the civil higher education institutions.

(5) For the military higher education, higher education of intelligence, public order and national security, as the case may be, the Ministry of National Defence, the Ministry of Administration and Internal Affairs, the Ministry of Justice, the Romanian Intelligence Service and other institutions with competences in the field of defence, intelligence, public order and national security may issue their own orders, regulations and instructions, in compliance with the law.

(6) The officers on active duty, in reserve or the retired officers, holders of a graduation diploma of the 3-year military college, may complete their studies in the civil higher education, in order to obtain the bachelor's degree in similar or related specialties to the arm/military specialty.

(7) The bachelor's, master's and PhD diplomas issued by the military higher education, higher education of intelligence, public order and national security, as well as the obtained scientific titles give the right to the rightful holders, upon entering into reserve, under the conditions of the law, take up equivalent positions with the graduates of civil education institutions, with related specialties and at the same level.

(8) The schooling plans for higher military education, intelligence and public order and national security are developed by the Ministry of National Defence, Ministry of Administration and Interior, Romanian Intelligence Service and other institutions responsible for defence, intelligence, law enforcement and national security, in accordance with national standards established by the institutions responsible for quality assurance.

### *Section 2. Management and financing of the institutions*

#### **Art. 177**

(1) The management of military higher education, higher education of intelligence, public order and national security is done under the same conditions as in the civil higher education institutions. Military higher education, higher education of intelligence, public order and national security are financed in compliance with the law.

(2) The structure and management positions of the military higher education, higher education of intelligence, public order and national security institutions are the same as in the civil higher education institutions, and are occupied under the same conditions as for the civil higher education institutions and in compliance with the procedures specified in the normative acts specific to this area.

(3) The management of the military higher education, higher education of intelligence, public order and national security

units and institutions is done by the rectors who are also the commanders of such institutions. The commander's position is occupied in compliance with the regulations of the Ministry of National Defence, the Ministry of Administration and Internal Affairs, the Romanian Intelligence Service, and other institutions in the field of defence, intelligence, public order and national security.

(4) The body of military trainers shall be set up in the military higher education, higher education of intelligence, public order and national security, by orders and instructions of the Ministry of National Defence, the Ministry of Administration and Internal Affairs, the Ministry of Justice, the Romanian Intelligence Service and other institutions with competences in the field of defence, public order and national safety.

### *Section 3. Human Resources*

#### **Art. 178**

(1) The teaching and research positions in the military higher education, higher education of intelligence, public order and national security is classified, filled and released under the same conditions as in the civil institutions of higher education. The teaching and research staff in the military higher education, higher education of intelligence, public order and national security have the same status as in the civil higher education institutions.

(2) The principle of university self-governance applies also to the military higher education, higher education of intelligence, public order and national security.

(3) The military teaching staff having held a permanent position, retired at retirement age, and with all years in job as military, may have the right to continue their teaching activity, within the same institution of higher education, in compliance with the law.

### *Section 4. Academic life*

#### **Art. 179**

Academic life in the military higher education, higher education of intelligence, public order and national security institutions is performed according to the regulations for the civil higher education institutions, adjusted to the military, intelligence, public order and national security.

## **CHAPTER VII: HIGHER ARTISTIC AND SPORTS EDUCATION**

#### **Art. 180**

Higher arts or sports education process is carried out through teaching activities and creative and performance practice.

#### **Art. 181**

Institutions temporarily authorised or accredited, in compliance with the law, may organize forms of education in the 3 university education cycles: 1<sup>st</sup> cycle – bachelor studies, 2<sup>nd</sup> cycle – master degree studies, and 3<sup>rd</sup> cycle – PhD studies, including scientific PhD and professional PhD, as well as ongoing training and professional development programs.

#### **Art. 182**

In the higher artistic and sports education, the structure of the academic year can be adjusted depending on the specific program of practical activities.

#### **Art. 183**

In the higher artistic and sports education, students' practice is performed in universities: design centres, art workshops, music studios, theatre and film production units, spaces dedicated to

sports and institutions with sports or artistic profile that are based on institutional partnership.

#### **Art. 184**

In the higher artistic and sports education, the scientific or professional PhD is a prerequisite for the teaching career.

#### **Art. 185**

The research through artistic creation, design and sports performance is carried out individually or collectively, in design centres, laboratories, art workshops, music studios, theatre and film production units, spaces dedicated to sports.

#### **Art. 186**

The quality assessment and the classification of the arts and sports universities take in consideration the specific artistic creation and sports performance criteria.

#### **Art. 187**

In the higher artistic and sports education, the competitive fund allocation is made exclusively based on specific artistic creation and sports performance criteria.

#### **Art. 188**

Other aspects specific to the activity performed in these areas shall be regulated by government decisions or orders of the minister of Education, Research, Youth, and Sports, in compliance with the provisions of the law and with the general and sectoral regulations of the European Union.

### **CHAPTER VIII: RESEARCH AND ACADEMIC CREATION ACTIVITY**

#### **Art. 189**

(1) The activity of research, innovation and artistic creation in universities is organized and operated based on the Romanian and European legislation in the field.

(2) The higher educational institutions that have undertaken a scientific research mission have the obligation of to create technical-administrative structures that facilitate the management of the research activity and the research and development projects carried out by the institution's staff. These structures serve and meet at an optimum level the requirements of the staff involved in research.

(3) The staff involved in research activities in institutes, laboratories or research centres the university benefit, within the limit of the projects they coordinate, from autonomy and personal liability, delegated by the financer, in organizing public tenders and managing the human resources required to develop the project. These activities are performed according to the legal regulations in force and are subject to internal financial control.

#### **Art. 190**

(1) At the end of each budget year the management of the university submits to the Senate a report regarding the amount allocated from the budget for research grants and the way this amount was spent.

(2) The maximum amount of allocation for grants and research contracts is set by the financer or or the contracting authority, and may not be changed during the grant or the research project.

#### **Art. 191**

(1) For the grants managed by the Ministry of Education, Research, Youth, and Sports, through the National Authority for Scientific Research, the ministry provides an advance payment of up to 90% of the grant upon signature of financing contract. For the difference, the universities can pay funds from their own incomes.

(2) The inter-institutional mobility of the research staff according to the principle: the grant follows the researcher – is granted by law and is made by methodologies developed by the contracting authorities. According to the contract with the contracting authority the holder of the grant is publicly liable for the way of managing the grant.

### **CHAPTER IX: PROMOTING QUALITY IN HIGHER EDUCATION AND RESEARCH**

#### *Section 1. General provisions*

#### **Art. 192**

(1) Ensuring the quality of higher education and university research is a fundamental obligation of the higher educational institution and a fundamental attribution of the Ministry of Education, Research, Youth, and Sports. In achieving this task, the Ministry of Education, Research, Youth, and Sports cooperated with ARACIS, other agencies enlisted in the EQAR, as well as with CNCS, CNATDCU, CEMU and other organisms with competences in this area in compliance with the legislation in force.

(2) The higher educational institution have the obligation to supply to the Ministry of Education, Research, Youth, and Sports the data requested by it in compliance with the legal provisions. Their refusal or reporting false data is in breach of the principle of public liability and leads to the penalties provided by the law.

(3) The universities that refuse to make public the data requested by the Ministry of Education, Research, Youth, and Sports or by any other natural person or legal entity, are in breach of the principle of public liability and are sanctioned in compliance with the law.

(4) Students are partners with full rights in the quality assurance process.

#### **Art. 193**

(1) Universities' assessment is made with the purpose of:

- a) temporary authorisation and accreditation;
- b) Ranking the educational programs and classifying universities.

(2) The assessment for the temporary authorisation and accreditation is made by ARACIS or by another agency registered in the EQAR and is made in compliance with the law and the international standards in the area.

(3) The assessment for the ranking of the educational programs and classifying universities is made based on an assessment methodology proposed by the Ministry of Education, Research, Youth, and Sports and approved by Government decision, within maximum 6 months from enacting this law. The application of this methodology is the responsibility of the Ministry of Education, Research, Youth, and Sports. The assessment is performed periodically.

(4) Universities are classified, based in the assessment provided at paragraph (3), in 3 categories:

- a) universities, mainly for education;
- b) universities for education and scientific research and artistic creation;
- c) universities of advanced research and education.

(5) The assessment provided at paragraph (3) is made by a consortium including: ARACIS with student representatives, CNCS, CNATDCU and an international body with competences in the education institution ranking and classification selected based on a contest .

(6) As an exception from the provisions of paragraph (5), the first assessment after enacting this law, made in compliance

with the provisions of paragraph (3), may only be made an international body with competences in the higher education institution ranking and classification or an agency for the quality assurance recorded in the EQAR, from abroad.

(7) For the bachelor's degree and master's degree programmes, public higher educational institutions are financed on a differentiated basis from public funds and based on their educational programs position into the hierarchy, according to the ranking provided in paragraph (3), based on a methodology developed by the Ministry of Education, Research, Youth, and Sports and approved through order of the Minister of Education, Research, Youth, and Sports. The PhD programs are financed in compliance with the provisions of Art. 160.

(8) The state may finance the programmes for outstanding performance in any category of university.

(9) The excellence programs provided in paragraph (8) are set based on the assessment provided at paragraph (3) bachelor's degree and master's degree programmes at the universities mentioned at Art. 160 paragraph (3), for the PhD programmes.

(10) The following are financed from public funds: bachelor's degree programmes at the public universities mentioned at point (4) lit. a), 3 bachelor's degree and master's degree programmes at the universities mentioned at paragraph (4) lit. b) and PhD, master's and bachelor's degree programmes at the universities mentioned at paragraph (4) lit. c).

#### **Art. 194**

(1) In order to promote quality and increase the efficiency of the higher education system, and in order to increase international visibility, and for the concentration of resources, public and private universities may:

a) constitute into university consortia, in compliance with the law;

b) merge into one institution of higher education, legal person.

(2) The universities that have been accredited by the date when this law is effected may initiate negotiations for setting up consortia or for merger by grouping or absorption. The Ministry of Education, Research, Youth, and Sports allocates financial resources preferentially to the financial consortiums of merged universities, in compliance with a methodology approved in this respect by order of the Minister Education, Research, Youth, and Sports at the proposal of CNFIS.

(3) The merger by grouping or the absorption by merger shall be performed with priority around the institutions from the category of advanced research and education universities and taking into account the geographical proximity.

(4) The study programmes of the higher education institutions shall be assessed periodically, upon the initiative of the Ministry of Education, Research, Youth, and Sports, or of the universities. The results of the assessment are made public for the information of the beneficiaries of education and for institutional transparency.

#### **Art. 195**

(1) Each university has the obligation to perform, at periods of 5 years, an internal assessment and classification of the departments on 5 levels of performance in research, in compliance with a framework methodology elaborated by CNCS and approved through order of the Minister of Education, Research, Youth, and Sports. results of the assessment and classification shall be made public.

(2) The university senate, upon proposal of the rector, based on the internal assessment, may decide the reorganization or dissolution of the poor performance departments or institutions, without impairing in any way the students.

#### **Art. 196**

The Romanian Government sets up the Romanian Institute of Advanced Studies, having as main objective to support the Romanian elite in the country and in the diaspora. The methodology for its establishment is developed by the Ministry of Education, Research, Youth, and Sports and is adopted by Government decision, within 12 months from enacting this law.

#### **Art. 197**

The state encourages excellence in the higher education through special financial mechanisms, existing in present law:

a) the universities are allocated, at the national level, an additional amount of minimum 30% of the amount allocated to the national public universities as basic financing, based on the quality criteria and standards set by the National Council for Financing Higher Education and approved by the Minister of Education, Research, Youth, and Sports;

b) public universities are allocated a separate fund for institutional development, from the budget allocated from by the Minister of Education, Research, Youth, and Sports. The institutional development is dedicated to the higher education institutions with the highest performance from each category and is allocated following competitive criteria based on international standards. The methodology for the allocation and use of the institutional development fund is adopted by Government decision, at the proposal of the Ministry of Education, Research, Youth, and Sports.

### *Section 2. Supporting individual excellence*

#### **Art. 198**

The forms of support for the teaching staff, students and researchers with outstanding performance include:

a) study or research grants at universities in the country or abroad, granted through competition;

b) grants for performing and completing research, including PhD thesis;

c) approval certain flexible educational routes, that allow speeding up university studies;

d) creating support instruments and mechanisms for their professional insertion in the country, so that they capitalize at a high level both their talent and those acquired by training.

## **CHAPTER X: PROMOTING THE UNIVERSITY FOCUSED ON THE STUDENT**

### *Section 1. General provisions*

#### **Art. 199**

(1) The students are regarded as partners of the higher education institutions and members of equal standing of the academic community. In the religious education, students are members of the academic community as disciples.

(2) person gains the status of student and member of a university community only upon acceptance and being registered at an accredited or temporarily higher education institution.

(3) A person can be accepted and registered as a student with two different higher education institutions at the same time, or at maximum two study programmes of the same university. Any financial aid or scholarship is granted, in compliance with the legislation in force, solely in one higher education institution, for one single study programme. In the case of the students who transfer themselves between universities of educational programmes, the subsidies follow the student.

(4) In order to test the knowledge and cognitive, artistic or Sports abilities and acceptance for a bachelor, master or PhD



degree study programme, higher education institutions organize acceptance exams for each programme and cycle of studies.

## ***Section 2. Registering the students, Single Register of Transcripts of the Universities***

### **Art. 200**

(1) A higher education institution may accept and register for a study programme only the number of students for whom they can provide optimum academic quality and comfortable living conditions in the academic space.

(2) The capacity available for enrolling students is made public by the rector of the institution of higher education through a statement given on own liability, observing the capacity of enrolling students set in compliance with Art. 138 paragraph 5.

(3) Following acceptance to a study programme, the student and the university shall conclude a contract that specifies the rights and obligations of parties.

(4) The universities that accept to their study programmes more students than their available capacity of enrolling students, approved in compliance with this law, break their public liability and shall be penalized with one or more penalties provided by present law.

### **Art. 201**

(1) The Single Register of Transcripts of the Romanian Universities, hereinafter referred to as RMUR shall be set up. RMUR is a digital database that records all students in Romania from public and private universities, accredited or with a temporary license. The Register of Transcripts of the universities become part of RMUR, ensuring a strict control of the diplomas.

(2) the Ministry of Education, Research, Youth, and Sports, at the proposal of CNFIS, shall draft a Regulation for allocating the individual register code, well as the contents of the information to be recorded into the RMUR.

(3) RMUR is an official document protected by law. Forging the records of the Register of Transcripts is a felony punished by law.

(4) RMUR, the registers of transcripts of the universities and the corresponding IT systems shall be set up in no more than two years from adopting present law.

(5) The digital database corresponding to RMUR records and keeps the record of university diplomas issued in Romania, based on the existing registers at the accredited universities.

### **Art. 202**

(1) The principles that guide the activity of students in the university communities are as follows:

a) principle of non-discrimination – based on which all students benefit of equal treatment from the higher education institution; any direct or indirect discrimination of the student is forbidden;

b) principle of right to assistance and complementary services in higher education– expressed through: counselling and informing the student by the teaching staff, besides courses, seminars or labs; counselling with regards to professional guidance; psychological counselling, email account, access to the specific database of the field and to the database concerning their personal school record;

c) principle of participation in making decisions, based on which all major decisions within the higher education institution are taken with the participation of the representatives of the students;

d) principle of freedom of talk, based on which the students have the right to express freely their academic opinion, within the education institution where they study;

e) principle of transparency and access to information, based on which the students have the right of free access, and free of charge, to information that concerns their own educational course and the life of the academic community they are part of, in compliance with the provisions of the law.

(2) In religious universities, the rights, freedom, and obligations of the students are set in compliance with the dogmatic and canonical criteria of each sect.

(3) The rights, liberties and obligations of the students are included in the Code of rights and obligations of the student, proposed by the student associations and adopted by the Ministry of Education, Research, Youth, and Sports, by order of the Minister.

(4) In religious universities, students are organized in compliance with the status dogmatic and canonical norms of the sect in question.

(5) Each University shall set up a system for applying and monitoring the observance of the Code of rights and obligations of the student. The students' associations present a yearly report with regards to the observance of the Code. The report shall be made public.

### **Art. 203**

(1) The students have the right to set up, within the public or private institutions of higher education, workshops, clubs, science or literature clubs, arts and Sports clubs, publications, in compliance with the law.

(2) Students may be elected democratically, by universal, direct and secret vote, at the level of various study formations, programmes, or cycles, both within faculties, as well as the level of the university. They are rightfully, legal representatives of students' interest, in each academic community. the higher educational institution does not get involved into the organization of the student's representatives election process.

(3) In religious universities, students are represented at the level of the academic community in compliance with the status of the specific dogmatic and canonical criteria of the respective cult.

(4) The statute of representative student may not be conditioned by the university management.

(5) Students may be represented in all the decisional and executive structures of the university.

(6) National students' federations, legally established, are bodies expressing the interests of the students in the universities, in relation to the public institutions.

(7) Students' organizations are, rightfully, legal representatives of students' interest in each academic community, where they can have legal representatives in the decisional and executive structures of the university.

(8) the Ministry of Education, Research, Youth, and Sports shall cooperate, while developing higher education, with the national student federations set up according to law, and shall permanently consult them whenever it is necessary.

(9) Students may participate in volunteer activities, for which they may get a certain number of credits, under the conditions set by the University Charter.

### **Art. 204**

(1) Students coming from low income families benefit from a system of banking study loans, guaranteed by the state, under the conditions of the laws in force, through the Agency for Loans and Scholarship Grants. Loans may cover study taxes and the cost of life during the period of study.

(2) The graduates that will practice their profession for a minimum of 5 years in rural environment shall be exempt from the payment of 75% of the loan, the respective amount being taken over by the state, in the maximum amount of 5000 lei.

(3) The Agency for Loans and Scholarship Grants proposes

appropriate regulations in order to grant credits.

#### **Art. 205**

(1) The students benefit from free health care and psychological assistance at the university medical centres and psychologists', or state medical centres and hospitals, in compliance with the law.

(2) During the academic year the students benefit from a discount of 50% of the fare of local public transport, domestic transport by road, railway and ship. Orphan students or those coming from foster care benefit from free fare on the means of transport set by order of the Minister of Education, Research, Youth, and Sports.

(3) Within the limit of the approved budget, the students benefit from free access to museums, concerts, theatre performances, opera, movies and other cultural and Sports events organized by public institutions, within the limit of the budgets.

(4) Romanian citizen students that study abroad with a scholarship granted by the Romanian state, benefit from all performances listed at point (3), which are performed in Romania.

(5) The higher education institutions have the right to grant, in addition to the approved number of students to enrol, at least one place for free of charge tuition to the graduates with a baccalaureate diploma coming from foster care, under the conditions set by the senate of the university.

(6) Candidates coming from environments with high socioeconomic risk or socially marginalized – Roma people, high school graduates in the rural environment or cities with less than 10,000 inhabitants – may benefit from a number of guaranteed budgeted places, in compliance with the law.

(7) The extracurricular – scientific, technical, cultural, artistic and Sports – activities, as well as those for the students able to give high performance, are financed from the state budget, according to the norms set by the Ministry of Education, Research, Youth, and Sports. Other sources of funding can also be used for this purpose.

(8) The provisions of point (6) apply also for art, Sports and leisure camps of students.

(9) The status of student paying the tuition fee is changed under the conditions set by the senate of the university.

(10) the Ministry of Education, Research, Youth, and Sports may grant yearly scholarships for university or postgraduate studies abroad, from funds set up for this purpose. These scholarships are granted following a competition organized at national level.

(11) Students and graduates of public and accredited private higher education institutions may take part in the competitions organized for granting the scholarships according to the provisions of point (10).

(12) The maintenance costs of boarding schools, students' homes and canteens of the universities, meant for students, are covered from the own revenues of the respective higher education institutions; and subsidies from the state budget dedicated to this purpose.

(13) The fees charged by the universities for students at the students' homes and canteens shall be at most equal to the difference between the operational costs, including the staff costs, the costs of the utilities, the costs with the raw materials and consumables and the daily maintenance costs, or the subsidies from the Government budget.

(14) In order to ensure transparency, the public state university publishes the profit and loss account for each boarding school.

(15) Subsidies may also be granted for accommodation to students who choose another form of accommodation than the students' homes of higher educational institutions.

(16) Within the limit of their own financial resources the public higher education institutions ensure meals, accommodation and transport costs for the intensive practical training of the students, for periods foreseen in the curricula, in case the practical training is realized outside of the respective university centre.

(17) All the study diplomas issued by the university, as well as those attesting the student status (certificates, books, identification cards) are issued free of charge.

#### **Art. 206**

(1) The Romanian state shall grant yearly, by government decision, a number of scholarships for the tuition of foreign students. These scholarships shall be granted only to those universities and study programmes that meet the highest quality standards, whether public or private.

(2) Universities, based on their self-governance, may decide with regards to the full amount of their revenues from enrolling foreign students.

## **CHAPTER XI: UNIVERSITY MANAGEMENT**

### *Section 1. General provisions*

#### **Art. 207**

(1) Management structures in public or private higher education institutions are:

- a) University Senate and Board of Directors at the university level;
- b) The Faculty Council;
- c) The Department Council.

(1) The management positions are the following:

- a) rector, pro-rectors, general administrative director, at university level;
- b) dean, pro-deans, at university level;
- c) head of department, at department level.

(2) IOSUD is managed by the Council for University PhD Studies, or by the director of this council. The position of Council director for University PhD Studies is assimilated to the position of pr-rector. The procedure of appointing the manager of the Council for University PhD Studies is set by the Code of University PhD Studies.

(3) At department level, the head of department and its board shall be determined by universal, direct and secret suffrage held by all teachers and researchers.

(4) At university level, the management structures and positions are established by the following procedure:

a) the composition of members of the faculty is of maximum 75% teaching and research, at least 25% students respectively. The representatives of teaching and research staff in the Faculty Council are elected by universal direct and secret suffrage by all teaching and research staff and holding permanent positions in the faculty and student representatives are elected by universal direct and secret, suffrage by the students of the faculty;

b) deans are selected through public competition organized by the new rector of the university at the level of faculties. The competition is open to people from the university or any college of its kind in the country or abroad who, based on the plenary hearing of the faculty council, received it's acceptance to take part to the contest. Faculty Council is obliged to approve a minimum of 2 candidates;

c) the dean shall appoint the pro-deans after being appointed by the Rector;

d) in multilingual and multicultural universities, at least one of the vice-deans is appointed at the proposal of the teaching staff belonging to the minority in the section

department or in the line with tuition in a language of the national minorities, according to the line of study in compliance with Art. 135 paragraph (2), except for the case when the dean works in the study section or line with tuition in the language of the national minority in question. The teaching staff working in the study section or line in question must propose at least 3 candidates.

(5) The government council of the PhD Institute is elected through the universal suffrage, direct and secret of the PhD leaders.

(6) The process of establishing and choosing the management structures and positions at the level of the university, of the faculties and departments, must observe the principle of the representativeness on faculties, departments, teaching sections/lines, programmes of studies, as the case may be, and is set by the university Charter.

(7) In the case of the confessional universities, persons are elected in management positions with the approval of the founding cult.

### **Art. 208**

(1) Academic Senate is composed of 75% teaching and research staff and 25% students' representatives. All the members of the university Senate, with no exception, will be elected by universal, direct and secret suffrage of all the teaching and research staff holding permanent positions, respectively of the students. Each faculty will have representatives in the university Senate, on representation shares stipulated in the university Charter. In the case of the confessional universities, the Senate will be organised in compliance with the statute and the specific dogmatic and canonical criteria of the founding sect.

(2) The senate's president is elected through secret suffrage; he is to lead the senate's meetings and to represent it in the relationship with the rector.

(3) The senate establishes special committees that monitor and control the activity of the executive management of the higher educational institution and of the Board of Directors. Monitoring and inspection reports are presented and discussed regularly in the University Senate's meetings, underlying the Senate's resolutions.

### **Art. 209**

(1) Public and private university rectors are appointed by one of the following methods:

a) based on public contest, according to a methodology approved by the newly elected University Senate, in compliance with this law or,

b) by universal, direct and secret suffrage of all the teaching and research staff holding permanent positions within the university and of the students' representatives from the university Senate and the councils of the faculties.

(2) The method of appointing the rector is chosen from those provided in paragraph (1), is determined with at least 6 months before the appointment of each rector, by universal, direct and secret suffrage of all the teaching and research staff holding permanent positions within the university and of the student's representatives in the university Senate and in the councils of the faculties.

### **Art. 210**

(1) In the method chosen for appointing the rector is the one based on public contest, the appointment procedure as the one presented in this Art..

(2) The newly elected University Senate establishes a selection and recruitment commission made of 50%, members of the university, and 50% scientific and academic personalities from outside the university, from the country or from abroad. Such

commissions includes at least 12 members one of whom, at least, is a representative of the students or a graduate from the university in question appointed from among the students in the Senate in compliance with the university Charter. Moreover, the newly elected University Senate develops and approves the rector notification, selection and recruitment methodology, in compliance with the law.

(3) The public contest for the appointment of the rector is performed based on the methodology provided in paragraph (2). The contest commission is the selection and recruitment commission provided in paragraph (2).

(4) On competition for filling the position of rector may attend any scientific or academic personalities from Romania and abroad, who, based on the hearing by the newly elected University Senate, were approved to take part into the contest. The approval is made solely based on the vote of the simple majority of the members of the newly elected University Senate. The newly elected University Senate has the obligation to approve at least 2 candidates. The candidates approved by the newly elected University Senate subsequently takes part into the contest organised in compliance with paragraph (3).

### **Art. 211**

(1) The rector, appointed in compliance with Art. 209, is confirmed by order of the Minister Education, Research, Youth, and Sports, within 30 days from the date of his/her selection. After issuing the confirmation order, the rector may sign any official writs, documents financial and accounting documents, diplomas and certificates.

(2) The rector confirmed by the Minister of Education, Research, Youth and Sports, based on the university's senate consultation, shall appoint the pro-rectors. In multilingual and multicultural universities at least one of the pro-rectors is appointed by the rector at the proposal of then teaching staff belonging to the national minorities in the section or line of the department with tuition in a language of the national minorities, with the exception of the case in which the rector works in the study section or line with tuition in the language of the respective national minority. The teaching staff working in the study section or line in question must propose at least 3 candidates.

(3) The Rector confirmed by the Minister concludes with the University Senate a management contract, which includes the management performance criteria and indicators and the contractual rights and obligations of the parties.

(4) The deans are selected by public contest organized by the new rector and validated by the University Senate. Candidates approved by the Council of the faculty by vote of the simple majority of its members and compliance with the specific methodology elaborated by University Senate may take part into the contest. The Council of the faculty validates at least 2 candidates.

(5) The general administrative director is kept on his/her position based on the written agreement for the executive support of the managerial plan of the new rector.

(6) The rector, the pro-rectors, the deans and the general administrative director and one student representative form the administrative board of the university.

(7) The administrative board of private universities is appointed by the founders.

### **Art. 212**

(1) The private university's confirmed rector signs an institutional contract with the Minister of Education, Research, Youth, and Sports.

(2) The rector may be dismissed by the University Senate, as specified in the contract of management and University Charter.

(3) The Minister for Education, Research, Youth, and Sports may revoke the confirming order of the rector in compliance with Art. 125.

**Section 2. The attributions of the University Senate, the rector, the administrative board, the dean and the department manager**

**Art. 213**

(1) The University Senate represents the academic community and is the highest decision-making and deliberation forum at university level.

(2) The senate's attributions are:

- a) grants academic freedom, and university autonomy;
- b) elaborates and adopts, upon debates with the academic community, the University Charter;
- c) approves the strategic plan of institutional development and operational plans, at the proposal of the Rector;
- d) approves at the Rector's proposal and in compliance with the legislation in force, the structure, the organization and functioning of the university;
- e) approves the budget and its execution;
- f) elaborates and approves: the quality assurance and academic ethics codes;
- g) adopts the student's rights and obligations code, in compliance with the provisions of the student's rights and obligations code;
- h) approves the methodologies and regulations on organization and functioning of the university;
- i) signs the management contract with the rector;
- j) controls the activity of the Rector and Board of Directors through specialised committees;
- k) validates public competitions for positions in the administrative board;
- l) approves the methodology and the results of the competitions employment of the research and teaching staff and periodically evaluates human resource;
- m) approves, at the Rector's proposal, the sanctioning of personnel with low performance according to their own methodology and to the legislation in force;
- n) other attributions, in compliance with the University Charter.

(3) The composition and size of the University Senate are established by the University Charter, so as to ensure efficient decision-making and representative academic community.

(4) The term of office of a member of the Senate is 4 years, renewable up to two times successively. For the students, the term of office is regulated by the University Charter.

(5) The senate may be convened by the Rector, at the request of at least one third of the senate's members.

(6) The rector is the legal representative of the university in relationships with third parties and executive leadership of the university. The rector is the authorizing credit officer of the university. The rector shall have the following attributions:

- a) manages the university, under the management contract's terms;
- b) negotiates and signs the institutional contract with the Ministry of Education, Youth and Sports;
- c) signs the management contract with the University Senate;
- d) proposes for approval by the Senate the structure and the regulations of functioning of the university;
- e) proposes for approval to the senate the budget draft and the report on budget execution;
- f) submits to the Senate in the month of April of each year, the report mentioned in Art. 130 paragraph (2). The senate

validates the report mentioned above, in based on the essays made by its specialized committees. These documents are public;

g) leads the administrative board;

h) performs other duties determined by the Senate, in accordance with the management contract, the University Charter and the legislation in force.

(7) The term of office of the rector is of 4 years. The term of office may be renewed at least once following a contest, in compliance with the provisions of the University Charter. A person may not be rector if the same higher educational institution for more than 8 years, irrespective of the period of his/her terms and of their interruptions.

(8) The attributions of the pro-rectors, the number and duration of their mandates are established by the University Charter.

(9) The dean represents the faculty and is responsible for its management and leadership. The dean presents an annual report to the Teachers' Council regarding the state of the faculty. The dean leads the faculty council meetings and applies the decisions of the Rector, the administrative board and the Senate. The dean attributions are determined in accordance with the University Charter and legislation in force.

(10) The faculty council is the deliberative decision-making body of the faculty. It has the following attributions:

a) approves at the proposal of the dean, the structure, organization and functioning of the faculty;

b) approves the study programmes managed by the faculty;

c) controls the activity of the dean and approves his annual reports on faculty status, quality assurance and compliance with university ethics at faculty level;

d) performs such other attributions as provided by the University Charter or approved by the senate and in accordance with existing legislation.

(11) The head of department manages the department. In exercising this function he is helped by the department board, in compliance with the University Charter. The head of department is responsible for the curriculum, the personal establishments, research and quality management, financial management of the department.

(12) The selection, hiring, evaluation, training, motivation and termination of the contractual work relations of the department's staff is the responsibility of the head of the department, of the manager of the Doctoral Organizing University or of its dean, in compliance with the provisions of the University Charter.

(13) The university board ensures, under the leadership of the rector, or of another person designated through the University Charter, in the case of the private and private confessional universities, the operational management of the university and applies the strategic decisions of the University Senate. Moreover, the board:

a) sets the budget of the institution in terms of operations;

b) approves the budget execution and the annual balance;

c) approves the proposals made for organising contests for teaching and research positions;

d) endorses the proposals of new educational programmes and submits proposals to the University Senate for the discontinuation of the educational programmes which no longer fit into the mission of the university or which are academically and financially inefficient;

e) approves the financial operations that exceed the ceilings set by the University Senate, in public universities, or by the founders, in private universities;

f) proposes to the University Senate long- and medium-term strategies of the university and policies on university areas of interest.

(14) Students have at least one representative in the ethics, accommodation, quality assurance and other social committees.

#### **Art. 214**

(1) Management functions of the rector, the pro-rector, the dean, the vice-dean, the head of department or research unit, design, or micro-production are not cumulative.

(2) In case of vacancy of a place in leadership positions partial elections are organized, for the position of head of department, or public competition is organized according to the University Charter stipulations, no later than 3 months.

(3) The number of pro-rectors and vice-deans of higher education institutions are established by the University Charter.

(4) The functions and powers of the structures and of the management positions in higher education are established by the charter of the university institution, by law. The decisions of the university senates, faculty councils and departments, shall be taken by the majority vote of the members present, if their number is at least 2 / 3 of the total number of members. Members of the management structures have equal deliberative vote.

(5) The university administrative structure is headed by a director and is organized in directions. The administrative position of general director is occupied through competition organized by the higher education institution. Chairman of the contest's commission is the rector of the institution. Compulsory, a member of the contest's commission must be a representative of the Ministry of Education, Research, Youth, and Sports. Validation of the contest is done by the university senate and the appointment in function by of the Rector.

(6) The research and development units are headed by directors of these units, in compliance with the University Charter.

(7) Under University Charter stipulations, the university may develop its advisory structure consisting of representatives of the economic environment and personalities from external academia, cultural and professional areas.

#### **Art. 215**

(1) Upon attaining the retirement age, holding leadership positions in public, private and confessional universities is prohibited, with the exception of the terms of offices in course when this law comes in effect.

(2) People who exercise an executive position or a public dignity position have positions reserved in the public educational system.

(3) Those in a position of public dignity cannot exercise any university leadership functions during the performance of official mandate.

(4) The position of rector is incompatible with holding management positions in a political party, during the execution of the term of office.

(5) Public management or dignity positions may be cumulated with teaching and/or research positions.

### ***Section 3. Role of the State in higher education***

#### **Art. 216**

(1) The State exercises his powers in higher education through Parliament, Government and the Ministry of Education, Research, Youth, and Sports.

(2) the Ministry of Education, Research, Youth, and Sports has the following main attributions:

a) proposes the national policies and strategies for higher education as part of the European Higher Education Area;

b) develops regulations for the organization and functioning of higher education system;

c) monitors directly or through competent bodies the compliance with the regulations on organization and functioning of higher education, academic research, financial management, academic ethics and quality assurance in higher education;

d) manages the periodic process carried out for the evaluation of the universities and ranking their educational studies;

e) controls the management of RMUR;

f) organizes recognition and equivalence of diplomas and certificates in compliance with the internal norms and with the European standards; draws up the methodology through which diplomas and certificates, obtained in universities of the European Union member states, of the Economic European Area, and of the Swiss Confederation, as well as in prestigious universities from other states, may be automatically recognised, based on a list approved and updated by the Ministry of Education, Research, Youth, and Sports; organizes the implicit recognition of university teaching positions and of the quality of PhD mentor, in compliance with its own methodology; collects amounts, in lei or in a foreign currency, for the recognition and validation of diplomas and certificates and for the approval of the study documents;

g) elaborates the budget draft for higher education as part of the education budget and research budget;

h) checks and manages the national system of indicators and databases suitable for monitoring and forecasting its evolution in relation to the labour market;

i) supports studies and research on higher education;

j) publishes an annual report concerning the higher education status.

#### **Art. 217**

(1) For exercising its duties, the Ministry of Education, Research, Youth, and Sports sets up experts records and is supported by specialized bodies nationwide, established based on professional prestige and moral criteria: National Council of Statistics and Forecast of Higher Education (CNSPIS), National Council for Attestation of Degrees, Diplomas and Educational Certificates (CNATDCU), National Council of Scientific Research (CNCS), Advisory Board for Research, Development and Innovation (CCCDI), National Council of Higher Education Funding (CNFIS), National Council of University Libraries (CNBU) and the University Ethics and Management Board (CEMU) and National Council of Ethics for Research, Technological Development and Innovation (CNECSDTI). The members of these bodies may be teaching staff and researchers, having at least the title of reader or 2<sup>nd</sup> degree scientific researcher, or equivalent titles received abroad, members of the Romanian Academy and of cultural institutions, as well as one member student in the CEMU and CNCU and one student who is an observer in the CNFIS, or representatives of the business environment in the CCCDI or observers in the CNFIS.

(2) The Councils mentioned in paragraph (1) have a technical secretariat that is established and operates by order of the Minister Education, Research, Youth, and Sports.

(3) The establishment, organization and operation regulations, structure and composition of the specialized organisms provided in paragraph (1) are regulated by order of the Minister Education, Research, Youth, and Sports, in compliance with the law. Their budgets are managed through the Executive Unit for the Financing of Higher Education, of Research, Development and Innovation, UEFISCDI, and is constituted on a contractual basis between the Ministry of Education, Research, Youth, and

Sports and UEFISCDI or other legally constituted sources, managed by UEFISCDI.

(4) CNCS is established through the reorganization, by order of the Minister Education, Research, Youth, and Sports, of the National Council of Research in Higher Education.

#### **Art. 218**

(1) The National's Council of Higher Education Statistics and Forecast main responsibilities are the development and continuous updating of higher education indicators for monitoring and forecasting its evolution in relation to labour market dynamics. This council publish the annual data corresponding to these indicators.

(2) The University Ethics Board is acting as a last resort in resolving academic ethics disputes and has as main duties:

a) monitoring the achievement of academic ethics at the higher education system's level;

b) auditing ethics committees of universities and presenting an annual report on academic ethics. This report is made public;

c) finds the breach of the obligations provided in this law by the higher educational institutions.

d) draws up and publishes the Reference Code of Academic Ethics and Deontology, which is a public document. In arbitrating litigations, the University Ethics and Management Board is based on the principles and procedures elaborated in this document.

(3) The and National Council of Ethics for Research, Technological Development and Innovation is the body provided by Law no. 206/2004 on the good conduct in scientific research, technological development and innovation, with the subsequent amendments and completions.

#### **Art. 219**

(1) CNATDCU has the following attributions:

a) proposes a set of necessary and mandatory minimum criteria for bestowing teaching degrees of higher education and of the professional research and professional degrees, of the PhD mentor competence and of the competence certificate, by the universities. These standards are adopted by order of the Minister Education, Research, Youth, and Sports. The minimal standards for the acceptance, by the CNATDCU, of the file submitted for obtaining the competence certificate is not dependant upon the teaching position or the professional degree of the candidate and are identical to the standards for the bestowal of the professor title.

b) proposes the methodology provided in Art. 295 paragraph (1);

c) audits annually at the request of the Ministry of Education, Research, Youth, and Sports, by his own initiative, the conduct of competitions for filling of teaching and research positions in universities. Institutional audit report is submitted to the Minister of Education, Research, Youth, and Sports, stating conclusions based on data and documents;

d) presents an annual report to the Ministry of Education, Research, Youth, and Sports on the teaching and research human resource in higher education, based on specific indicators. This report is made public;

e) other attributions set by the law or in the organisation and operation regulations.

(2) The National Council for Financing Higher Education (CNFIS) has the following main responsibilities:

a) proposes the funding university methodology and establishes the equivalent average cost per student on cycles and fields of study;

b) periodically audits, at the request of the Ministry of Education, Research, Youth, and Sports or on its own initiative,

institutional development projects and effective management of public funds of the universities and makes proposals for complementary funding to universities based on institutional projects;

c) presents to the Ministry of Education, Research, Youth, and Sports an annual report on the state of higher education financing and optimization measures to be taken. This report is made public.

(3) CNCS has the following main attributes:

a) establishes standards, criteria and indicators of quality for scientific research in higher education, approved through order of the Minister of Education, Research, Youth, and Sports;

b) periodically audits, at the request of the Ministry of Education, Research, Youth, and Sports or his own initiative, the scientific research in universities or in the research and development units;

c) manages research programmes and evaluation processes for research projects proposed for competitive financing;

d) presents to the Ministry of Education, Research, Youth, and Sports an annual report on the state of scientific research in higher education and university performance. The report made public and it shall be posted on the website of CNCS.

(4) The National Council of University Libraries has responsibilities for strategy development, regular evaluation and coordination of higher education libraries system.

#### **Art. 220**

(1) For the monitoring of the managerial efficiency, of the equity and relevance of higher education for the labour market, within maximum 12 months from enacting this law, a system of reference statistical indicators will be developed for higher education, correlated with systems of European reference statistical indicators in the area.

(2) The system of indicators will be developed by the Ministry of Education, Research, Youth, and Sports, upon consultation with the National Council of Statistics and Forecast of Higher Education, a ARACIS, CNCS, the National Council of Higher Education Funding (CNFIS), CNATDCU and the National Authority for Qualifications, which will be adopted by Government decision. The annual report on the status of higher education is based on the indicators provided in paragraph (1).

#### **Art. 221**

(1) The Ministry of Education, Research, Youth, and Sports carries out its competence in research through the National Authority for Scientific Research, in compliance with the law.

(2) In exercising his powers, the Ministry of Education, Research, Youth, and Sports works with the National Council of Rectors and, where appropriate, national and international professional and scientific representative authorities and associations, union federations at branch level and student federations legally constituted on national level. Private education representatives are social dialogue partners.

## **CHAPTER XII: THE UNIVERSITIES FINANCING AND ASSETS**

### *Section 1. General provisions*

#### **Art. 222**

(1) The public high education system is free, for the amount of students approved by the government, and charged, in the limits of the Law.

(2) In the free public high education system there are taxes for:

the overdue of the period of schooling provided by the law, admittances, registrations, re-registrations, re-examinations, and other forms of evaluation which overdue the providing of the education plans. Also activities which are not included in the education plan, compliant to the methodology approved by the university Senate.

(3) The financing of the public high education system is ensured from public funds in keeping with the following demands:

a) to consider the high education system as being public responsibility and the overall education system as being a national priority;

b) to assure higher education quality standards accordingly to the European Higher Education Area for training human resources and personal development as citizens of a democratic society based on knowledge;

c) to assure human resources professional development in accordance with labour market diversification;

d) to assure the development of higher education and scientific research and artistic creation at leading universities to integrate the global scientific life.

(1) The annual budget execution of higher education institutions is made public.

(4) Public higher education funding can be realized on contract basis and the contribution of other ministries, for those higher education institutions that prepare professionals depending on the requirements of ministries concerned and other sources, including loans and foreign aid.

(5) All resources of financing public universities are own incomes.

(6) State accredited private higher education can support accredited private higher education.

(7) Public private and confessional higher education institutions can receive donations from home and abroad, in compliance with the legislation in force.

### **Art. 223**

(1) Public higher educational institutions operate as institutions financed with funds from the state budget, extra-budgetary incomes and other sources, in compliance with the law.

(2) The incomes of such institutions are made of amounts allocated from the budget of the Ministry of Education, Research, Youth, and Sports, on a contractual basis, for the basing financing, complementary financing and supplementary financing, achieving investment objectives, funds allocated on a competitive basis for institutional development, for funds allocated on a competitive basis for inclusion, student scholarships and social protection, as well as from own incomes, interests, donations, sponsorship, and fees charged in compliance with the law, from Romanian or foreign natural persons am legal entities, as well as from other sources. Such incomes are used by higher educational institutions, under the terms of university autonomy, in order to achieve their objectives within the state policy on academic education and research.

(3) Additional financing from public funds is granted by the Ministry of Education, Research, Youth, and Sports to encourage excellence for educational institutions and programmes, both for public universities, as well as private ones. Additional financing is granted in compliance with the provisions of Art. 197 letter a).

(4) The Ministry for Education, Research, Youth, and Sports will provide basic funding for public universities through research grants based on the equivalent average cost per student, per study area, per study cycles, and per tuition language. Study grants will be allocated to priority areas that ensure sustainable development and competitive society and within the domain, to

the better placed programmes in the hierarchy of their quality, and the number of grants and studies allocated to a programme varies based on the position of the programme in this hierarchy.

(5) The base funding is carried out on a multi-annual basis, and is provided throughout an education cycle.

(6) Complementary funding is granted by the Ministry of Education, Research, Youth, and Sports through:

a) subsidies for accommodation and boarding;

b) funds allocated based on priorities and specific norms for endowments and other costs of investments and overhauls;

c) funds allocated on competitive basis for academic scientific research.

(7) University funding is based on an institutional agreement between the Ministry of Education, Research, Youth, and Sports and universities, as follows:

a) an institutional agreement for the basic financing, for the student scholarship and social protection fund, for the institutional development fund, as well as for the financing of the investment objectives;

b) a complementary agreement for the financing of overhauls, for endowments and other investment costs, as well as for subsidies for accommodation and boarding;

c) the institutional and complementary agreements are periodically audited by the Ministry of Education, Research, Youth, and Sports and by CNFIS.

(8) Academic scientific research is financed in compliance with the provisions of Ordinance no. 57/2002 on scientific research and technological development, with the subsequent amendments and completions, and with the specific laws on research and development.

(9) The funds for student scholarships and social protection are allocated according to the number of students at the system with attendance, without tuition fees.

(10) Students receive performance or merit scholarships, to encourage excellence, and social grants, to support low-income students. The minimum amount of social scholarships is proposed by CNFIS on an annual basis, by taking into account the fact that they must cover minimum food and accommodation.

(11) Universities may supplement the scholarship fund from own extra-budgetary funds.

(12) Eligible expenditure categories for each type of financing and the methodology of their distributing from complementary and supplementary financing are established by government decision on the initiative of the Ministry of Education, Research, Youth, and Sports, not later than six months after the publication of this law

(13) The rectors of public universities, by institutional agreement concluded with the Ministry of Education, Research, Youth, and Sports, are directly responsible for the institution's resource allocation, priority to the high-performance departments.

### **Art. 224**

The Romanian State may grant scholarships for the support of Romanian citizens who study in neighbouring countries and of Romanian citizens who live abroad on a permanent basis, and who wish to study within Romanian public educational facilities and institutes.

### **Art. 225**

(1) Masters and PhD programmes in science and advanced technologies, those that take place in international languages, and also co-tutoring with prestigious universities from abroad enjoy preferential financing, granted in compliance with the proposals of CNFIS.

(2) Remaining funds at the end of the year from the budget execution stipulated in the institutional agreements and also funds related to scientific research academic and extra-budgetary revenue, remain available to universities and are included in the revenues and expenditures budget of the institution, without amounts payable to the state budget and without affecting allocations from the state budget for next year.

#### **Art. 226**

- (1) Public and private universities have their own assets, which they manage in compliance with the law.
- (2) Rights of universities on their property may be real rights, where appropriate ownership rights or its separations (use, usufruct, servitude, superficies, etc.) according to the provisions of the civil code, right of use acquired by rental, lease, loan, etc. or administration rights according to law.
- (3) In the universities property may receivable may also exist, arising from contracts, conventions or judicial decision.
- (4) Public universities may have movable and immovable in their assets from the state's public or the private sector.
- (5) The subjective rights of the universities on the goods from the property of the state public sector may be rights of management, use, lease or rental according to law.
- (6) By Government decision, goods from the state public sector can be passed into private ownership of state and sent to public universities, according to law.
- (7) Public universities have ownership rights over the goods from the private property this law comes in effect. The Ministry of Education, Research, Youth, and Sports is empowered to issue certificates attesting the ownership right for public universities based on the documentation submitted by them.
- (8) Ownership right of the public universities on the goods specified in paragraph (7) is exercised in the conditions stipulated by the University Charter, observing the provisions of the common law.
- (9) Ownership right over immovable goods and other real rights of public universities are placed under real estate advertising procedure provided by special legislation in this area.
- (10) In case of dissolution of a public university, owned property, remaining after liquidation, are passed in the private property of the state.
- (11) Private universities are holding ownership rights or other real rights they have over their assets, in the conditions provided by the law.

### ***Section 2. Private higher and confessional education organization and operation***

#### **Art. 227**

- (1) Private higher educational institutions and private higher confessional educational institutions shall be:
  - a) founded at the initiative and with the material and financial resources of a foundation or association, of a religious sect or of an education provider, recognized as such in compliance with the provisions of this law;
  - b) legal entities.
- (2) Private higher educational institutions have academic autonomy, in compliance with this law, and economical and financial autonomy, having as a basis their private property guaranteed by the Constitution.
- (3) The private university and private confessional university structures, their attributions, terms of offices, and other legal aspects related to their status are set by the University Charter, endorsed by founders, and approved by the university Senate, in strict compliance with the provisions of this law.

### ***Section 3. Establishment of private higher educational institutions and private higher confessional educational institutions***

#### **Art. 228**

- (1) A private higher educational and higher confessional educational institution must follow all the temporary authorization and accreditation procedures stipulated by this law.
- (2) Private higher educational and higher confessional educational institutions are accredited in compliance with the law, initiated by the Government, at the proposal of the Ministry of Education, Research, Youth, and Sports.
- (3) The legal operation period of accredited universities shall be recognized.

### ***Section 4. Assets of private higher educational institutions and private higher confessional educational institutions***

#### **Art. 229**

- (1) The assets of private higher educational institutions and private higher confessional educational institutions consist of the initial assets of the founders, to which the assets subsequently acquired are added.
- (2) Private higher educational institutions and private higher confessional educational institutions, during their existence, dispose of the assets made available for them in compliance with the law.
- (3) All the decisions concerning the assets of private higher educational institutions and private higher confessional educational institutions are made by the Board of Directors.

### ***Section 5. Dissolution of private higher educational institutions and private higher confessional educational institutions***

#### **Art. 230**

- (1) The dissolution or liquidation of private higher educational institutions and private higher confessional educational institutions is made in compliance with the law. Founders may have the initiative to dissolve their private higher educational institutions and private higher confessional educational institutions.
- (2) If private higher educational institutions and private higher confessional educational institutions are dissolved, or liquidated their assets shall become the founders' property.
- (3) The dissolution of private universities will be made while protecting their students' interests.

### ***Section 6. Financing private higher educational institutions and private higher confessional educational institutions***

#### **Art. 231**

The financing sources of private higher educational institutions and private higher confessional educational institutions include:

- a) the amounts contributed by their founders;
- b) the tuition fee and other educational fees;
- c) sponsorships, donations, grants, financing granted on a competitive basis, exploitation of the research, development and innovation sources, and other legal sources.



## TITLE IV: THE STATUTE OF THE TEACHING STAFF

### CHAPTER I: THE STATUTE OF THE TEACHING STAFF IN THE PRE-UNIVERSITY EDUCATION

#### *Section 1. General provisions*

##### **Art. 232**

The statute regulates:

- a) the positions, the competences, the responsibilities, the specific rights and obligations of the teaching staff and the auxiliary staff, as well as of the managerial, vocational guidance and control staff;
- b) the initial and continuous training of the teaching staff and of the managerial, vocational guidance and control staff;
- c) the conditions and the methods for holding the teaching and auxiliary jobs and positions, the managerial, vocational guidance and control positions as well as the conditions and methods for the dismissal from these jobs and positions, for ceasing the activity and for retiring of the teaching and auxiliary staff;
- d) the criteria for regulating and granting distinctions and for applying the sanctions.

##### **Art. 233**

(1) The teaching staff comprises the persons in the education system responsible with training and education.

(2) The teaching staff category includes the persons with the corresponding level of education stipulated by the law, who have the capacity to fully exercise the rights, a moral behaviour according to the professional deontology and medically and psychologically able to hold their position.

##### **Art. 234**

(1) The employment and maintenance on a didactic or auxiliary position, as well as on a managerial, vocational guidance and control position are conditioned by the presentation of a medical certificate issued on a specific form prepared Ministry of Education, Research, Youth, and Sports together with the Ministry of Health. The medical incompatibilities with the didactic position are established through a protocol between the Ministry of Education, Research, Youth, and Sports and the Ministry of Health.

(2) The teaching, auxiliary teaching management, guidance and control staff who consider themselves wronged, request an expert's opinion concerning their working capacity working capacity.

(3) The jobs mentioned at paragraph (1) cannot be hold by persons who do not have this right during the period established through a final judicial decision of criminal conviction.

(4) In case of professional inaptitude of psychological behavioural nature, the management of the unit or of the educational institution may demand another full physical examination, with the consent of the board of teachers. The same applies to the managerial, vocational guidance and control positions and also to the staff in the ancillary educational institutions.

(5) The persons that perform activities incompatible with the dignity of the teaching position cannot hold teaching, managerial, vocational guidance and control positions. Such activities are:

- a) the performance of any trade activity within the educational institution or in the bordering area;

- b) the trade with obscene or pornographic written, audio or visual materials;

- c) the public performance of lubricious activities or others that involve the obscene exhibition of the body.

##### **Art. 235**

In the case of military, intelligence, public order and national security educational institutions, the following provisions are applicable:

- a) the application of the provisions of this law to the military, intelligence, public order and national security specific nature is made by own orders, regulations and instructions;

- b) the military, intelligence, public order, national security and civil teaching staff are employed from among the staff mentioned in this law and from the military, intelligence, public order and national security instructors;

- c) the military, intelligence, public order and national security teaching staff have the rights and duties arising from this law and from the quality of active militaries, respectively from the quality of civil servant with special status;

- d) for the teaching positions corresponding to the military, intelligence, public order and national security instructors, the conditions required to fill such positions, as well as the teaching workloads, competences and responsibilities are set through own instructions;

- e) the teaching staff training is made in compliance with the provisions of this law and with the specific military, intelligence, public order and national security regulations;

- f) the teaching staff, including the military, intelligence, public order and national security teaching staff may obtain the tenure and the teaching degrees in compliance with the conditions set in this law.

#### *Section 2. Initial and continuous training. Teaching career*

##### **Art. 236**

(1) The initial training for holding a teaching position includes:

- a) the initial, theoretic and specialized training in the universities during special programmes accredited in accordance with the law;

- b) a master of arts in teaching of 2 years;

- c) the practice period during one school year in an educational institution, under the coordination of a mentor teacher.

(2) As an exception from the provisions of paragraph (1), preschool education staff training is performed in pedagogical high schools.

(3) In order to acquire another specialty, graduates may follow a module of minimum 90 transferable credits attesting the obtaining of teaching competences in the fundamental area related to the specialty area mentioned on the diploma. This module may be attended in parallel with the studies for the master of arts in teaching or after the latter's completion.

##### **Art. 237**

(1) As main founder and on the basis of the analysis of the training needs in the system, the Ministry of Education, Research, Youth, and Sports establishes the curricula points and the skills in the initial theoretic and specialized training of the teaching staff.

(2) The initial theoretic and specialized and psychopedagogical training programmes are accredited and evaluated periodically by the Ministry of Education, Research, Youth, and Sports by ARACIS or by other approved bodies, in accordance with the law.

##### **Art. 238**

(1) The students and the graduates of the higher education who

choose the teaching career are obliged to graduate the two-year courses of a Master of Arts in teaching.

(2) The learning programmes of the Master of Arts in teaching are established according to the professional standards for the teaching positions and are approved by the Ministry of Education, Research, Youth, and Sports, and accredited in compliance with the law.

(3) The students who attend the courses of the Master of Arts in teaching accredited by the Ministry of Education, Research, Youth, and Sports in a public institution are granted scholarships financed by the State budget.

(4) The amount of a scholarship granted from the State budget is equal to the net income of a debutant teacher.

(5) The criteria for granting the scholarships from the State budget are established by the Ministry of Education, Research, Youth, and Sports.

(6) The graduates of the Master of Arts in teaching are issued a Master of Arts degree and a teacher certificate in the area of the graduation curriculum.

(7) The education plans of the graduation studies in the specialization: "pedagogy of the primary and pre-school education", are approved by the order of the Minister of Education, Research, Youth, and Sports.

### **Art. 239**

(1) One can register for the practice period stipulated at Art. 236, paragraph (1) letter c) only if he/she has obtained the bachelor's degree and the master degree.

(2) A permanent network of educational institutions is established for the practical training during the Master of Arts and the practice period for the initial training of the teaching staff, under the conditions established by the order of the Minister of Education, Research, Youth, and Sports and based upon framework agreements concluded between the Educational facilities/institutions that provide the initial training and the school inspectorates.

(3) On the basis of these framework agreements, the Educational facilities/institutions that provide the initial training conclude collaboration contracts for 1-4 school years with the educational institutions for establishing the conditions for the organization and development of the practice periods.

(4) The Educational facilities/institutions that provide the initial training may independently conclude partnerships with institutions that provide services in the area – counselling centres, children's clubs and palaces, speech therapy centres and nongovernmental organizations.

(5) The practical training within the studies of Master of Arts in Teaching may be performed as a practical training period abroad within a European Union programme which is the component dedicated to the initial teaching staff training – a period certified by the document EUROPASS Mobility.

### **Art. 240**

(1) One can hold a teaching position for the practice period of 1 school year under the following conditions:

a) after a competition for the vacant/reserved positions/departments;

b) through distribution by the county school inspectorate on the positions that are vacant following the contest.

(2) The persons performing the practice stage for one school year are subject to the stipulations of the present law according to the teaching position held temporarily, as well as of all the other corresponding stipulations of the current legislation.

### **Art. 241**

(1) The national exam for the permanent teacher certification is organized by the Ministry of Education, Research, Youth, and

Sports according to a methodology approved by the order of the Minister of Education, Research, Youth, and Sports and comprises:

a) stage I, eliminating – organized by the school inspectorates during the 1 school year practice period and consists of evaluating the professional activity at the level of the educational facility, the private professional portfolio and at least 2 inspections at the classroom;

b) stage II, final – organized at the end of the 1 school year practice period consists of a written exam based upon a topics and a bibliography approved by the Ministry of Education, Research, Youth, and Sports for each specialization.

(2) The teachers who graduate the exam for the permanent teacher certification are granted the title of teachers with the right to practice in the pre-university education.

(3) The teachers employed with an individual short term employment contract who have graduated the exam for the permanent teacher certification may continue to hold the teaching position/the chair position on the decision of the administrative board in the respective educational institution, in accordance with the law.

(4) The persons who do not graduate the exam for the permanent teacher certification may participate to at most two sessions of this exam on condition they perform again the 1 school year practice period prior to each exam.

(5) The practice period with the duration of 1 school year and the exam for the permanent teacher certification can be performed, respectively passed again in a time interval that does not exceed 5 years after the beginning of the first practice period.

(6) The persons who do not graduate the exam for the permanent teacher certification under the conditions of the present Art. can be employed in the national pre-university education system only for a fixed term, as debutant teacher.

### **Art. 242**

(1) The continuous development of the teaching staff includes the professional development and the career progress.

(2) The didactical qualification level II and the didactical qualification level I are exams for certifying various levels of competence achieved in the didactic career.

(3) The exam tests, the topics, the bibliography, the procedure of organization and the course of the exams for obtaining the didactical qualification levels are stipulated in the methodology prepared by the Ministry of Education, Research, Youth, and Sports.

(4) The didactical qualification level II can be obtained by the teaching staff with seniority in teaching of at least 4 years after having obtained the permanent teacher certification, if they pass the following tests:

a) a special school inspection preceded by at least two current school inspections, scheduled all along the 4 years;

b) a test on the specialization and the specialization methodology, with inter disciplinary and creativity approaches elaborated according to a topics and a bibliography approved by the Ministry of Education, Research, Youth, and Sports, for each specialization;

c) oral test on pedagogy, based upon a curriculum approved by the Ministry of Education, Research, Youth, and Sports that also includes elements of psychology and educational sociology.

(5) The didactical qualification level I can be obtained by the teaching staff with seniority in teaching of at least 4 years after having obtained the didactical qualification level II if they pass the following tests:

a) a preliminary examination based upon a topics and a bibliography approved by the Ministry of Education, Research, Youth, and Sports, for each specialization;

b) special school inspection preceded by at least two current school inspections, scheduled all along the 4 years and appreciated with maximum grades;

c) the elaboration of a methodological-scientific work under the supervision of a scientific mentor named by the competent institution in the area;

d) the presentation of the methodological-scientific work in front of the established board, according to the methodology of the Ministry of Education, Research, Youth, and Sports.

(6) In case of non graduation, the exams for obtaining the didactical qualification level II and I can be passed again at an interval of at least 2 school years.

(7) The teaching staff employed in the pre-university education that fulfils the initial training conditions and that was issued the scientific title of doctor in the specialization they teach or in the fundamental area is granted the didactical qualification level I based, compliance with the methodology elaborated by the Ministry of Education, Research, Youth and Sports.

(8) The teaching staff that obtained the permanent teacher certification or the didactical qualification level II with the average 10, may participate to the exams for the didactical qualification level II, respectively the didactical qualification level I one year earlier as compared to the period stipulated by the present law.

(9) If the teachers have acquired one or several specializations, the permanent teacher certification and the didactical qualification level II and level I obtained for one of these are recognized for any of the specializations acquired through the studies.

(10) The didactical qualification levels are granted by order of the Minister of Education, Research, Youth, and Sports.

### **Art. 243**

(1) The teaching staff that obtained the didactical qualification level I, with special performances in the didactic and management activity may be granted the title “professor emeritus” in the pre-university education system based upon the methodology elaborated by the Ministry of Education, Research, Youth, and Sports.

(2) The person who is granted the title “*professor emeritus*” enjoys the following:

a) priority for holding teaching positions by transfer consented by the involved educational units;

b) ) the statute of mentor for the continuous training of the teaching staff;

c) priority for holding teaching positions when the averages are equal;

d) a yearly bonus from the funds of the national programs initiated by the Ministry of Education, Research, Youth, and Sports;

e) delegations from the school inspectorates to solve their attributions on the territory.

### **Art. 244**

(1) The Ministry of Education, Research, Youth, and Sports establishes the objectives and coordinates the continuous training of the teaching staff on the level of the pre-university education system, according to the national strategies and policies.

(2) The units and institutions in the pre-university education establish the objectives and the continuous training depending on the needs’ analysis, including the professional training for their own employees.

(3) The accreditation and the periodical evaluation of the

providers of continuous training and of their training programs, the framework methodology for the organization and course of the continuous training are performed by the Ministry of Education, Research, Youth, and Sports, through the specialization directions.

(4) The Teaching Staff Resource Centres are centres of resources and of educational and managerial assistance for the teaching and the auxiliary staff and can be accredited as providers of continuous training.

(5) The continuous training of the teaching, managerial, vocational guidance and control staff and the professional retraining are based upon the professional standards for the teaching profession, upon quality standards and professional competences and has the following general finalities:

a) the upgrade and development of the competences in the specialization area according to the teaching position held, as well as in the psycho-pedagogy and methodology area;

b) the development of competences for the evolution in the teaching career through the system of training and didactical qualification levels;

c) the acquirement or development of managerial, vocational guidance and control competences;

d) the acquirement of new competences through training programs for new specializations and/or for holding new teaching positions, other than those held according to the initial training;

e) the acquirement of additional competences by which the category of activities that can be performed in the current activity is extended, such as computer assisted teaching, foreign languages teaching, educational counselling and career orientation, adults education and others alike;

f) the development and extension of the cross competences in the interaction and communication with the social environment and the pedagogic environment, holding responsibilities on the organization, management and improvement of the strategic performance of the professional groups, the self control and reflexive analysis of proper activities and others alike.

(6) The description of the mentioned competences as well as of their evaluation and certification methods in the system of transferable professional credits is made in the Methodology of the continuous training of the teaching, managerial, vocational guidance and control staff approved by order of the minister of Education, Research, Youth, and Sports.

### **Art. 245**

(1) The continuous training is a right and an obligation of the teaching, managerial, vocational guidance and control staff.

(2) The organization, development, evaluation and financing of the continuous training activities are established through the methodology approved by order of the minister of Education, Research, Youth, and Sports.

(3) The continuous training of the teaching, managerial, vocational guidance and control staff is performed depending on the evolutions in the area of education and professional training, including in the national curriculum as well as depending on the personal development interests and needs.

(4) The acquirement of a new specialization different from the current specialization based upon the corresponding studies is considered continuous training.

(5) Apart from one or several specializations, the teaching staff may acquire didactic competences for the disciplines in the same fundamental area as the graduation area, by training programmes by Government decision.

(6) The teaching staff, as well as the managerial, vocational guidance and control staff in the pre-university education is

obliged to participate periodically to continuous training programs so as to cumulate at least 90 professional transferable credits every 5 years, starting from the date the exam for permanent teacher certification was passed.

(7) The professional training programs enter the attributes of the higher education institutions and develop according to specific methodological norms.

(8) The acquisitions of the teaching, managerial, vocational guidance and control staff through various programs and forms of organization of the continuous training are evaluated and validated based upon the system of accumulation, recognition and equalization of the professional transferable credits elaborated by the Ministry of Education, Research, Youth, and Sports and approved by order of the Minister of Education, Research, Youth, and Sports.

#### **Art. 246**

(1) The Ministry of Education, Research, Youth, and Sports establishes the national body of experts in educational management after the selection through a job competition of the teachers that have graduated an accredited training program in the area of the educational management, with at least 60 professional transferable credits.

(2) The selection procedure and criteria are established by the methodology approved by order of the Minister of Education, Research, Youth, and Sports.

(3) Only the teachers who are members of the national body of experts in educational management can hold managerial, vocational guidance and control positions in the education units and the school inspectorates.

### ***Section 3. The teaching positions and the auxiliary positions - Conditions for holding the positions***

#### **Art. 247**

The teaching positions are:

a) in ante-preschool education: educator-child carer- one position is provided for each group of children; in institutions with extended or weekly working programme, staff's work in shifts is provided;

b) in preschool education: preschool teacher - one position is provided for each group of children; in institutions with extended or weekly working programme, staff's work in shifts is provided;

c) the primary education: teacher in the primary education - one position is provided for each class of pupils

d) in gymnasias and high schools: teacher;

e) in preschool education, or in alternative primary education for each group of class teaching positions are provided in compliance with the nature of each educational alternative;

f) in the special education and in the complex expertise commissions: home and support teacher, psycho-pedagogue teacher, psychologist teacher, psychologist, psycho-pedagogue, - speech therapist, psychologist, psycho-pedagogue, speech therapist, psychodiagnosis teacher and therapist - one job is tallied for each group/classroom; teacher, special education teacher;

g) in the psycho-pedagogy assistance centres and workrooms: psycho-pedagogue teacher, psychologist teacher, sociologist teacher, speech therapist, school counsellor,

h) in the inter school speech therapy centres and in the school workrooms: teacher-speech therapist with qualification in special psycho pedagogy, psychology or pedagogy;

i) in the Teaching Staff Resource Centres: methodologist teacher, associate professor, trainer, professional development mentor;

j) in the school sports clubs: teacher, coach, coach-teacher;

k) for extra school activities: teacher;

l) in the education units, for providing the initial training and the professional insertion of the teachers: mentor teachers;

m) in the documentation and information centres: resource teacher;

n) The associate teaching staff is the teaching staff holding permanent positions in another school, the retired teaching staff paid by the hour, or renowned specialists in the school curricula area. The associate teaching staff is taken into account for meeting the standards required for the school authorization of accreditation.

#### **Art. 248**

(1) To hold a teaching position it is necessary to perform a practice period during one school year in an education unit on the teaching position corresponding to the studies under the supervision of a mentor teacher and also to comply with the following requirements:

a) graduation of the university studies in the profile of the job, with degree;

b) graduation of the two-year Master of Arts in teaching.

(2) In order to perform the practical training periods for filling a teaching position in county school inspectorates, the mentor teacher body is established according to a methodology elaborated by the Ministry of Education, Research, Youth and Sports.

(3) The teachers who hold positions of educators (males/females), teachers (males/females), schoolmaster (males/females), foreman instructor, coach, and who have acquired professional competences formally, non-formally or informally, by the date when law comes in effect, meet the condition required for filling the position of teacher in preschool education, teacher in primary education, or coaching teacher, according to a recognition and validation methodology elaborated by the Ministry of Education, Research, Youth and Sports.

(4) The graduates of the Pedagogical High School, of the pedagogical postgraduate schools, or of the colleges or other equivalent school for teachers employed in the pre-school and primary education institutions who have graduated the cycle until the present law has come into force, are considered to have accomplished the condition for holding the teacher position for the pre-school education and for the primary education institutions.

(5) For holding the teaching positions in the special education the conditions, the conditions stipulated at paragraph (1) must be accomplished accordingly, and for specialties other than the psychopedagogical theoretical and practical training course in special education is required, under the conditions established by order of the Minister Education, Research, Youth, and Sports.

(6) For holding the position of coacher in school sports clubs, children's palaces and children's clubs, in is necessary to graduate a high school and a coacher school and to receive diplomas, or to graduate a post-high school or higher educational institution, specializing in the respective sports branch.

#### **Art. 249**

The auxiliary staff is composed of:

a) librarian, resource teacher, editor;

b) computer specialist;

c) laboratory assistant;

d) technician;

e) school pedagogue;

- f) extra school education instructor;
- g) social assistant;
- h) chorus master;
- i) school mediator;
- j) secretary;
- k) financial administrator (accountant);
- l) instructor-animator;
- m) asset manager

#### **Art. 250**

The following conditions must be accomplished for holding the auxiliary positions:

a) for the position of librarian, resource teacher and editor – the graduation with degree of an education institution, the library management section, or of other education institutions whose graduates have studied during the schooling period the profile disciplines in the library management area; the librarian, resource teacher and editor positions can be held by graduates of the postgraduate institutions or of high school with a degree in the area / the graduation with degree of an education institution, the library management section, or of other education institutions whose graduates have studied during the schooling period the profile disciplines in the library management area; the librarian, resource teacher and editor positions can also be held by other graduates with degree of higher education institutions, postgraduate institutions or high school, on fixed term, if they have followed an initiation course in the area;

b) for the computer specialist position – graduation with degree of a higher education institution, or of a specialized pre-university training unit;

c) for the position of laboratory assistant – graduation with degree of a higher education institution, of a postgraduate institution or of the specific high school;

d) technician – the graduation of a postgraduate institution or of the specific high school, graduation with degree in the profile of the job of a postgraduate institution or of high school, followed by an initiation course in the area, under the conditions established by order of the minister of Education, Research, Youth, and Sports;

e) for the position of school pedagogue – graduation of high school by baccalaureate exam;

f) for the position of extracurricular education instructor– graduation with degree of a higher education institution, of a special postgraduate school, or of a pedagogical high school or its equivalent or of other high school and the graduation of special studies for obtaining the certificate of professional qualification for this position;

g) for the position of social assistant - graduation of a specialized higher education institution of long or short duration, by graduation exam / final examination or of a postgraduate sanitary school or of a postgraduate school for paediatric nurses;

h) for the position of chorus master - graduation of a specialized higher education institution of long or short duration, or of a specialized high school;

i) for the position of school mediator – graduation with a graduation degree in the specialization social assistance or the graduation with a baccalaureate diploma of the pedagogical high school, the school mediator specialization, or the graduation with a baccalaureate diploma of any other high school, followed by a professional training course in the school mediator specialization, approved by the Ministry of Education, Research, Youth, and Sports;

j) for the position of secretary - graduation of higher education institution, respectively of a high school with a

baccalaureate diploma or the graduation of a postgraduate education institution, for secretariat activities, in the secretariat technician specialty;

k) for the position of financial administrator – meeting the conditions stipulated by the current legislation for the position of accountant, chief-accountant;

l) for the position of asset manager – meeting the conditions provided in the applicable law for the position engineer/ junior engineer, economist.

#### **Art. 251**

(1) the Ministry of Education, Research, Youth, and Sports, together with the Ministry of Labour, Family and Social Protection, is authorized to establish and regulate new teaching positions, respectively auxiliary positions, according to the education dynamics.

(2) The pedagogic norms for the new functions stipulated at paragraph (1) are regulated by the Ministry of Education, Research, Youth, and Sports.

#### **Art. 252**

(1) The teaching staff holding permanent positions in the pre-university education system, on the date when this law is enacted, keep the right obtained at the national appointment contest.

(2) The teaching staff in the pre-university education system who became the holder of a permanent position in the national education system by government distribution or by any other legal method has the same rights as the teaching staff who became the holder of a permanent position at the national appointment contest.

(3) In the case of the reduction of the activity, teaching staff holding permanent positions in the pre-university education system have the following solutions for the reduction of the activity:

a) accepted transfer between pre-university educational institutions;

b) distribution on the vacant positions/chairs coordinated by the county school inspectorate /Bucharest School Inspectorate, in compliance with the methodology elaborated by the Ministry of Education, Research, Youth and Sports, by 15 November of each year.

(4) The reduction of the activity is:

a) the situation in which the position/teaching norm no longer fit into the norm system concerning the number of preschoolers and pupils provided by the law;

b) the situation in which a decrease in the number of classes, below the level of half a norm, without being possible to supplement it in the same educational institution or in a nearby educational institution.

#### **Art. 253**

The qualified teaching staff who do not hold permanent positions and who took part into the national appointment contest in the last 3 years, before the enactment of this law, were graded with 7 as a minimum and occupied a position/chair, become the holder of the position/chair in the school in question if:

a) the viability of the position/chair is verified;

b) the board of the school in question agrees.

#### **Section 4. Forms of employment of the teaching staff**

#### **Art. 254**

(1) In the education institutions or in the school consortiums the teaching staff can be employed with an individual long term or short term employment contract of at least one school year with the possibility to extend the contract, respectively in the

payment per hour, under the conditions of the law.

(2) The teaching positions in the education institution or in the school consortium are established according to the current norms on the learning formations.

(3) In the public, and private pre-university education the teaching positions are held after a job competition organized within the education institution with legal personality according to the framework methodology elaborated by the Ministry of Education, Research, Youth.

(4) The decisions on the vacancy of the teaching positions, the organization of the competition for the positions and the employment of the teaching staff are made at the level of the education institution, by the Administrative board, at the proposal of the director, in compliance with a methodology elaborated by the Ministry of Education, Research, Youth and Sports.

(5) The Administrative board of the education institution establishes the teaching positions / chair positions available for employment, their statute: vacant, reserved, as well as the conditions and methods for holding them.

(6) The school inspectorate analyses and corrects together with the education institution and approves the offer of vacant/reserved teaching positions/ chair positions.

(7) The teaching positions / chair positions chart is published by being posted inside the school inspectorates and the respective education institutions and on the sites of these institutions at least 30 days before the beginning of the selection and employment procedures on these teaching positions/ chair positions.

(8) The contest provided in paragraph (3) consists of:

a) the practical test or a special inspection at the classroom and a written test on the didactics of the specialization at the employment of the teaching staff with individual employment contract;

b) the presentation of a curriculum vitae and the participation to an employment interview for the remuneration per hour of the associate teaching staff and of the retired teaching staff.

(9) The education institutions individually or grouped in school consortiums or in temporary associations at local or county level organize the competition to hold the teaching positions and the chair positions according to the statute of these teaching positions and the chair positions established under the conditions mentioned at paragraph (1).

(10) The boards for the job competition are approved by the administrative board of the education institution. A representative of the county school inspectorate must be part of the board for the job competition. If the job competition is organized within school consortiums or within temporary associations at local or county level, the boards are validated by the administrative councils of the education institutions.

(11) In the pre university education the job competitions for holding teaching positions/ the chair positions are validated by the administrative council of the teaching unit that organize the job competition.

(12) In private education, the validation of the contests and the employment on the position are made by the management of the private educational institution and are communicated in writing to the school inspectorate.

(13) The candidates who have acquired the permanent teacher certification, teachers with the right to teach, and that have hold a vacant teaching position as a result of a job competition validated by the administrative council of the education institution, under the methodological conditions, are permanently employed teachers on the hold position. The director of the education institution concludes with them an

individual indefinite period employment contract.

(14) The candidates who have not acquired the permanent teacher certification, debutant teachers, and have hold a vacant teaching position as a result of a job competition validated by the administrative council of the education institution, under the methodological conditions, conclude with the director of the education institution a short term employment contract, for a period of at most one school year. If these candidates pass the exam for the permanent teacher certification, the administrative council may decide to change the employment contract from short term to long term employment contract.

(15) The candidates who have hold a reserved teaching position as a result of a job competition validated by the administrative council of the education institution, under the methodological conditions, conclude with the director of the education institution an individual employment contract for a period of at most one school year, until the permanently employed teacher returns on his position. The administrative council may decide to change the term of the individual employment contract for the next school year if the position remains reserved.

(16) The directors of the educational institutions communicate in writing to the school inspector the situation with the candidates selected after the competition and employed on the teaching positions, of the participants to the competition who have not hold a position as well as the situation of the teaching positions and the official teaching workload that have not been distributed after the competition organized at the level of the education unit or the school consortiums.

(17) school inspectorate centralizes on county level the remaining teaching positions and the official teaching workload that will be distributed in the following order:

a) to the permanently employed teachers in an education institution in order to supplement the required number of official teaching workload;

b) to debutant teachers who perform their practical training;

c) to the candidates who were not distributed after the job competition organized at the level of the education unit or the school consortiums;

d) to retired teachers in compliance with the professional competence criteria

(18) The representatives of the union organizations for each branch of the education system participate as observers to all the stages of the organization and course of the competitions within the education units, or the school consortia.

(19) The undistributed teaching positions after the competition or remained vacant during the school year are hold with remuneration per hour until the end of the school year or until the teacher whose teaching position/chair position was reserved comes back to his position.

(20) The teaching staff in the education institutions with legal personality is dismissed by the director of the institution with the approval of the administrative council, and in the private educational units by the founding legal entity.

## **Art. 255**

(1) The permanently employed teachers with labour contracts on an indefinite period of time, chosen in the Parliament, named in the Government or who hold special positions in the body of the Parliament, the Presidency, the Government and the Ministry of Education, Research, Youth, and Sports as well as those who have been chosen by the Parliament for the central bodies of the State, have the right to reserve the teaching position or the chair position during the period they hold these offices.

(2) The stipulations of paragraph (1) also apply to the

permanently employed teachers who hold the office of prefect, sub prefect, president and vice president of the county council, mayor, vice mayor as well as to the teachers on managerial, vocational guidance and control positions in the system of education, culture, youth and Sports. The managerial and the specialization staff in the Teaching Staff Resource Centre enjoy the same rights; the teaching staff appointed as managerial staff or for specialization offices within the boards and agencies in the subordination of the Presidency, the Parliament or the Government, or the Ministry of Education, Research, Youth, and Sports also enjoys these rights.

(3) The leaders of the representative union organizations of the education have the right to reserve the chair position or the teaching position, according to the current legal stipulations and to the collective employment contract at the level of the education branch.

(4) The permanently employed teachers sent abroad for State missions, the permanently employed teachers working in international bodies as well as their attendants (if they are permanently employed teachers) also enjoy the stipulations of paragraph (1).

(5) The teaching positions or the chair positions of permanently employed teachers, who are required to teach abroad, to research, and to perform artistic or sport activities based on a contract as a result of governmental agreements or conventions, inter universities or inter institutions, are reserved.

(6) The teaching staff has the right to interrupt the teaching activity and to request the reservation of the teaching position or the chair position in order to take the two-year child care leave and respectively the three-year child care leave for the children with handicap, according to the legal stipulations. Only one of the parents or legal tutors can enjoy this right.

(7) The reservation period of the teaching position or the position in the chair is considered as seniority in education, according to the conditions under paragraphs (1) – (6).

(8) The permanently employed teachers with labour contracts on an indefinite period of time may benefit from unpaid leave for on school year, once in 10 years, with the approval of the educational institution, or, as the case may be, of the school inspectorate, while the position is reserved during such period.

#### ***Section 5. The managerial, vocational guidance and control positions***

#### **Art. 256**

(1) The managerial positions in the education institutions are: director and assistant director.

(2) The managerial positions in the school inspectorates are: general school inspector and assistant general school inspector.

(3) The managerial positions in the connected units of the pre university education are established according to their specialization by regulations of the Ministry of Education, Research, Youth, and Sports.

(4) The vocational guidance and control positions in the pre university education are distributed at:

a) the school inspectorates: school inspector;

b) at the Ministry of Education, Research, Youth, and Sports: general inspector, main inspector for a specialization, other positions set by Government decision.

#### **Art. 257**

(1) The positions of manager and assistant manager may be occupied by public contest by the teaching staff holding permanent positions who are members of the national educational management body experts.

(2) The contest for filling the positions of director or assistant director is organised by the educational institution through its

board.

(3) After winning the competition the director and the assistant director conclude the management contract with the sector mayor, or the president of the council of the administrative territorial unit where the education institution operates.

(4) The director and the assistant director in the pre university education institutions cannot be a president or a vice-president of a political party, at the local, county, or national level, during the exercise of their mandate.

#### **Art. 258**

(1) The administrative board establishes the job competition board for holding the director position, respectively the assistant director position in the pre university education institution. It is compulsory that teaching staff, representative of the school inspectorate and a representative of the local council and the county council be part of the job competition board, depending on the subordinated units.

(2) The methodology, organization and course of the job competition, to hold the director or assistant director position are established by order of the minister of the Minister Education, Research, Youth, and Sports.

(3) The administrative board validates the results of the job competition, to hold the director position and the assistant director position and issues the corresponding appointment decision.

(4) The management framework-contract is set by order of the Minister Education, Research, Youth, and Sports. If the local council/the county council does not interfere on the performance contract in a 30 days term, the contract is considered tacitly approved.

(5) The director of the education institution can be dismissed by the decision of the administrative board, with the votes of 2/3 of the members. In this case, an audit of the County School Inspectorate is compulsory.

(6) The director of the private of confessional education institution may be dismissed, at the proposal of the Board of Directors, with the votes of 2/3 of the members, by the decision of the founding legal entity.

(7) If the director position becomes vacant, the temporary management is taken by the assistant director or a teacher who is a member in the board, who automatically becomes certifying officer.

#### **Art. 259**

(1) The general school inspectors, the assistant general school inspectors and the directors of the Teaching Staff Resource Centre are appointed by the minister of Education, Research, Youth, and Sports, as a result of a public job competition, regulated by the methodology elaborated by the Ministry of Education, Research, Youth, and Sports.

(2) The general school inspectors, the assistant general school inspectors and the directors of the Teaching Staff Resource Centre conclude the management contract with the minister of Education, Research, Youth, and Sports. The management contract can be extended with the consent of the parties after the evaluation of the management performances.

(3) The directors of the units for extra school activities are appointed by the general school inspector or the minister of Education, Research, Youth, and Sports according to their subordination, after a public job competition based on the methodology elaborated by the Ministry of Education, Research, Youth, and Sports. The director concludes a management contract with the general school inspector or the minister of Education, Research, Youth, and Sports, according to their subordination. The management contract can be extended with the consent of the parties after the evaluation of

the management performances.

### **Art. 260**

(1) The managerial positions in the school inspectorates and the director position of the Teaching Staff Resource Centre can be held after a job competition by the permanently employed teachers with bachelor's degrees who are members of the national body of experts in educational management and who comply with the professional and managerial competence criteria and with the moral prestige, evaluated by:

- a) curriculum vitae;
- b) the qualities proven in the teaching activity and on previous managerial, vocational guidance and control positions in the national education system;
- c) the title of doctor or the didactical qualification level I;
- d) the grade "foarte bine" – "very good" in the past 5 years;
- e) interview in front of the competition board on the educational management and the professional deontology.

(2) The competition for holding the positions of general school inspector, assistant general school inspectors, and director of the Teaching Staff Resource Centre takes place at the head office of the Ministry of Education, Research, Youth, and Sports.

(3) The ministerial commission for holding the positions of general school inspector, assistant general school inspector and director of the Teaching Staff Resource Centre, appointed by order of the minister of Education, Research, Youth, and Sports is composed of 5 members out of which:

- a) for the position of general school inspector:
  - (i) the State secretary for the pre university education, as president;
  - (ii) 3 general school inspectors from the territory;
  - (iii) one director from the Ministry of Education, Research, Youth, and Sports, with competences in the area;
- b) for the position of assistant general school inspector and director of the Teaching Staff Resource Centre:
  - (i) the State secretary for the pre university education, as president;
  - (ii) 2 general school inspectors from the territory;
  - (iii) the general school inspector of the school inspectorate for which the competition is organized;
  - (iv) one director from the Ministry of Education, Research, Youth, and Sports, with competences in the area.

(4) The leaders of the union organizations representative at the level of education branch are part of the job competition boards, with the statute of observers.

(5) The appeals to the decision of the board stipulated at paragraph (3) are submitted to the minister of Education, Research, Youth, and Sports in 5 days term after the results of the competition for a job are communicated. Its decision may be appealed before the competent court.

### **Art. 261**

(1) The Ministry of Education, Research, Youth, and Sports and the school inspectorates declare vacant in accordance with the law, the positions corresponding to the vocational guidance and control positions comprised in their diagrams and ensure their publication in the central/local media and in their head office, at least 30 days prior the organization of the job competition.

(2) The vocational and control positions in the school inspectorates are held after a job competition between the teachers of the national body of experts.

(3) The vocational guidance and control positions in the Ministry of Education, Research, Youth, and Sports are held after a job competition.

(4) The competition for holding the vocational guidance and control positions comprises the following:

- a) analysis and evaluation of the curriculum vitae;
- b) special inspection at the classroom;
- c) practical test: assistance during the teaching, analysis of the lesson and drawing up of the minutes on the inspection;
- d) interview in front of the job competition board on the educational management and the professional deontology;
- e) written test according to the profile of the position they candidate for.

(5) The job competition board for holding the vocational guidance and control positions in the school inspectorate is composed of: the general school inspector - as president; representative of the Ministry of Education, Research, Youth, and Sports; a professor or an associate professor of the corresponding specialization of the school inspectorate.

(6) The job competition board for holding the vocational guidance and control positions in the Ministry of Education, Research, Youth, and Sports is composed of: the State secretary of the department where the vacancy is announced – as president; the general director of the respective department; a professor or an associate professor in the profile of the position, appointed by the minister of Education, Research, Youth, and Sports.

(7) The leaders of the union organizations representative at the level of education branch have the right to access the documents of the job competition board.

(8) The teachers selected after the job competition are appointed on the vocational guidance and control positions in the school inspectorates by the general school inspector with the notification of the minister of Education, Research, Youth, and Sports; on the vocational guidance and control positions in the Ministry, they are appointed by order of the minister of Education, Research, Youth, and Sports.

(9) The school inspectors conclude management contracts with the general school inspector. The term of the management contract can be extended with the consent of the parties after the evaluation of management performances.

## **Section 6. The teaching workload**

### **Art. 262**

(1) The activity of the teaching staff is performed in a daily interval of 8 hours, respectively 40 hours per week, and comprises:

- a) activities of teaching – learning – evaluation and practical training, and examinations at the end of the study cycle, according to the educational plans;
- b) activities of methodological and scientific training;
- c) activities of education, additional to the teaching process: mentoring, school after school, ongoing education;

(2) The actual activities according to the stipulations of paragraph (1) that correspond to the qualification, the specialization and the skills of the person who holds the respective teaching position are stipulated in the individual job description. The job description is approved by the administrative board is reviewed yearly and is attached to the individual employment contract.

(3) The teaching – learning – evaluation, practical training and current evaluation hours of pre-school children and pupils in the classroom correspond to the activities stipulated at paragraph (1) letter a) and are established as follows:

- a) one position of teacher in the pre-school education for each group created in the early education, with normal working hours;
- b) one position of teacher in the primary education for each class or for simultaneous classes in the primary education, where there cannot be established separate classes;



c) 18 hours per week for the teachers in the secondary tertiary non-university education, for the teachers in the units and classes with integrated and additional curriculum of arts or sports, as well as for the teachers in the units with extra school activities and in the centres or offices for psycho-pedagogy assistance;

d) 24 hours per week for the practical training teachers;

e) for the teaching staff in the special education the official teaching workloads are established as follows: teachers for teaching – 16 hours per week; teacher-educator and teacher for the practical training – 20 hours per week;

f) one position for the teaching staff in the integrated education, one position in the interschool speech therapy offices, one position for the home teaching staff, one position for the teachers who perform specific therapies, one position for the teachers of medical physical culture, kinetherapy, psychometric education and others, depending on the type and degree of the deficiency, according to the methodology elaborated by the Ministry of Education, Research, Youth, and Sports;

g) one position for a resource teacher in the documentation and information centres.

(4) The teaching – learning – evaluation, practical training and current evaluation workload in the case preschoolers and pupils is decreased by 2 hours a week in the case of the teaching staff who have the quality of mentors.

### **Art. 263**

(1) The teaching workloads in the pre-university education are stipulated in the education plan for the areas of study corresponding to the specialization or specializations mentioned on the bachelor's degree or on the graduation certificate of a module of at least 90 transferable professional credits that certifies the teaching skills for a discipline in the fundamental area accruing to the area of specialization mentioned on the degree.

(2) The official teaching workload stipulated at paragraph (1) can exceptionally include hours in the disciplines established by the methodology elaborated by the Ministry of Education, Research, Youth, and Sports, preserving the rights to income.

(3) If the teaching workload cannot be established in compliance with paragraphs (1) and (2), it can be completed with activities provided in Art. 262 paragraph (1) letter c).

(4) The foreign language classes in the primary education can be taught by teachers with specialized graduate studies for the primary education at the respective group or class, within the job activities, if they prove their qualification by the study diploma or competence certificate. The foreign language classes in the primary education can also be taught by teachers with specialized higher education, being included in their workload, or through payment by the hour, if the teachers in the primary education from the respective group or class cannot prove their qualification by study diploma or competence certificate.

(5) The foreign language classes in the primary education can be taught, in compliance with the law, by teachers for the primary education from the respective class, if they prove their qualification by the study diploma or competence certificate and are paid by the hour. The foreign language classes in the primary education can also be taught by teachers with specialized higher education, being included in their workload, or through the payment by the hour.

(6) The teachers for the primary education from the classes with tuition in the languages of the national minorities are paid by the hour, for the hours exceeding the number of hours stipulated in the schooling plans of the classes with tuition in Romanian.

(7) In the primary education the physical education hours

stipulated in the education plans are taught by teachers with specialised higher studies.

(8) In the children's palaces and clubs the teaching workload include the activities stipulated in the education plans corresponding to the profile of the meetings and workshops approved by regulation of the Ministry of Education, Research, Youth, and Sports within the limits of the norms established at Art. 262, paragraph (3).

(9) As an exception, if the teachers' workload in the middle education cannot be established in compliance with the provisions of paragraph (1) and Art. 262 paragraph (3), it can be established by adding 2/3 of the basic specialty or specialties hours and completed with 1/3 of the hours at the subjects stipulated in paragraph (2) or by adding hours in compliance with the provisions of Art. 262 paragraph (1) letter c). In the middle school in the rural environment the teaching workload may be of 1/2 of the specialty hours or the basic specialties and can be completed with 1/2 of the hours from the subjects stipulated in paragraph (2) or by adding hours in compliance with the provisions of Art. 262 paragraph (1) letter c).

(10) The official teaching workload of the managerial, vocational guidance and control teaching staff can be partially reduced based on the norms approved by order of the minister of Education, Research, Youth, and Sports.

(11) The duration of the weekly activity of the auxiliary staff is similar to the duration established for the staff with equivalent positions in other State sectors, in accordance with the law. Its tasks are stipulated in the individual job description.

## **Section 7. Distinctions**

### **Art. 264**

(1) The teaching staff in the pre university education enjoys merit certifications, granted by competition. The merit award is granted for 16% of the existing teaching positions at the level of the school inspectorate, and represents 25% of the basic income. The merit award is granted for a period of 5 years.

(2) The Ministry of Education, Research, Youth, and Sports elaborates the methodology and the criteria for granting the merit awards, after the consult with the union organizations representative at the level of the education branch.

### **Art. 265**

(1) The teachers with excellent results in the teaching, educative and scientific activity can be granted decorations, orders, medals and titles, in accordance with the law.

(2) The orders and medals that can be granted to the teaching staff in the pre university education are the following: "*Spiru Haret*" Order, the classes "Commander, Knight and Officer", the Medal "Honorific member of the teaching staff". The medal is granted to the retireable teaching staff that had an excellent activity in the education.

(3) Apart from the distinctions mentioned in paragraph (2), the minister of Education, Research, Youth, and Sports is authorized to grant the teaching staff the pre university education the following distinctions:

a) public gratification point;

b) "Gheorghe Lazăr" diploma, I<sup>st</sup>, II<sup>nd</sup> and III<sup>rd</sup> class;

c) certificate of excellence, which is granted to the retired and the retiring teaching staff that had an excellent activity in the education.

(4) The diploma Gheorghe Lazar, classes I, II and III shall be accompanied by an award of 20%, 15% and respectively 10% of the total base salaries received over the past 12 months of activity. The excellence diploma is accompanied by an award of 20% of the total base salaries received over the past 12 months of activity.

(5) The distinctions and prizes that are stipulated at paragraph (3) are granted based on a regulation approved by order of the minister of Education, Research, Youth, and Sports, within a percentage of 1% of the total number of teaching positions in every county/sector of Bucharest.

(6) The funds that are granted for the payment of the distinctions that are referred to under paragraph (3) are supplied by the Ministry of Education, Research, Youth and Sports.

### **Section 8. Rights and obligations**

#### **Art. 266**

The personnel working in pre-university education institutions has rights and obligations that devolve from the applicable legislation, from this particular law, from specific regulations and from the provisions of the individual labour contract.

#### **Art. 267**

(1) The teaching staff enjoys annual paid leave during the school holidays with the duration of 62 working days; in justified cases the management of the education institution can interrupt the legal leave, and the respective persons will be remunerated for their work.

(2) The duration of the leave for each teacher is established by the administrative board according to the interest of the education and of the respective person, but subject to retaining the teaching personnel which is necessary in order to cover the national examinations.

(3) If the annual leave is not taken, the remaining leave can be taken in the school holiday of the next school year.

#### **Art. 268**

(1) The teaching staff preparing their PhD dissertation or other works in the interest of the education based on a research or publishing contract are entitled to a paid leave of 6 months; they are remunerated once, with the approval of the administrative board of the education institution.

(2) The teaching staff who are in the situation stipulated at paragraph (1) cannot perform teaching activities remunerated per hour.

(3) If a state-owned educational institution is closed down, the laid-off personnel shall receive severance payments, according to the law in force.

#### **Art. 269**

The managerial, vocational guidance and control staff in the school inspectorates and the teaching staff clubs (*Ro. casele corpului didactic*) enjoy the legal leave in accordance with the law.

#### **Art. 270**

The methodological norms on the legal leave will be elaborated by the Ministry of Education, Research, Youth, and Sports together with the leaders of the union organizations representative at the level of the education branch.

#### **Art. 271**

The right to professional initiative consists of the following:

a) design the professional activity and the achievement of educational objectives of the educational topics, based on methodologies that are compliant with the psycho-pedagogical principles;

b) use the assets and resources of education in order to achieve the professional obligations;

c) implement innovative ideas in order to modernise the educational process.

### **Section 9. The teaching staff's right to security**

#### **Art. 272**

(1) The teaching staff shall not be disturbed by any school or public authority during their teaching activities.

(2) Notwithstanding the provisions of paragraph (1), the situation where the physical or psychological situation of students or the staff are jeopardised in any way, according to the findings of the management, and the emergency drills, shall not be considered as disturbance of teaching staff's teaching activity.

(3) Recording the activity of the teaching staff, by any means, shall only be performed if agreed by the teacher.

(4) Students or other people may only multiply, in any way, the records of the teaching activity, if allowed by the latter.

(5) Activities that are performed within the school area may only be recorded if allowed by the school management, except for the circumstances that are described under paragraph (3).

### **Section 10. The right to participation in the social life**

#### **Art. 273**

(1) The teaching staff has the right to participate in the social and public life, to their own benefit, for the interest of education.

(2) The teaching staff has the right to be members of trade union associations and organisations, or professional, cultural, national and international organisations that are legally created, as per the provisions of the laws in force.

(3) The teaching staff may express freely their professional opinions within the school area and may only perform actions on their own personal behalf outside the school area, if by so doing they do not affect the prestige of education or the dignity of the teaching profession and the provisions of this law, respectively.

#### **Art. 274**

(1) The teaching staff shall enjoy, insofar as permitted based on the funds earmarked in the budget, by off-budget funds or sponsorship, full or partial coverage of the expenses they incur while travelling and participating in scientific events that are organised abroad, subject to the approval of the Board of their educational institution.

(2) The teaching personnel that are referred to under paragraph (1) shall submit to the school the proposition to capitalise on the results of the activity for which they received the approval to travel.

#### **Art. 275**

(1) The teaching staff has the moral duty to respect and to support each other for accomplishing the professional duties.

(2) The teaching, managerial, vocational guidance and control staff as well as the auxiliary staff are obliged to observe the attributions mentioned in the individual job description.

(3) The teaching, managerial, vocational guidance and control staff as well as the auxiliary staff are obliged to participate to the continuous training activities, in accordance with the law.

#### **Art. 276**

The teaching personnel in ancillary teaching institutions, who do not have a home in the community where they teach, shall have their transportation costs refunded, as per the laws in force.

#### **Art. 277**

Children of the teaching staff who are still working shall be exempted from paying the registration fees for higher education entrance examinations and shall also enjoy free of charge accommodation in student hostels and boarding facilities.

## **Art. 278**

The teaching staff and auxiliary staff shall enjoy compensation from the social security budget covering 50% of the value of the accommodation, meals and treatment in the rest and treatment facilities.

## **Art. 279**

The full-time teaching staffers who, out of their own initiative, request specialisation/continued education, shall have the right to unpaid leave. The duration of the unpaid leave of absence may not exceed three years within a seven-year span of time. The approvals under these circumstances shall have to be given by the school Board, if the teachers can prove they are performing the activity that the leave was approved for.

### ***Section 11. Disciplinary and patrimonial responsibility***

## **Art. 280**

(1) The teaching and auxiliary staff, as well as the managerial, vocational guidance and control staff in the pre-university education facilities are disciplinary responsible for knowingly breaching the duties they have according to the individual employment contract as well as for breaching the behavioural norms that affect the interest of the education and the prestige of the unit/institution, according to the laws in force.

(2) The disciplinary sanctions that can be applied to the staff stipulated at paragraph (1) in relation to the gravity of the misconduct are the following:

a) written observation;

b) warning;

c) reduction of the basic income cumulated if necessary with the managerial, vocational guidance and control indemnification of up to 15% for a period of 1-6 months;

d) the three-year interruption of the right to apply for a competition for holding a superior teaching position or for obtaining the didactical qualification levels or a managerial, vocational guidance, or control position;

e) the dismissal from the managerial, vocational guidance or control position in the education;

f) the disciplinary cancellation of the employment contract.

(3) Any person can notify the education unit/education institution on facts that can be disciplinary misconducts. The notification is made in writing and is registered at the registry office of the education unit/education institution.

(4) In order to investigate the alleged violations that are presumably committed by teaching staffers, or management personnel of pre-university educational institutions, vocational guidance employees and control employees in school inspectorates and the vocational guidance and control employees working for the Ministry of Education, Research, Youth and Sports, the Disciplinary Commissions shall be created as follows:

a) for the teaching staffers, commissions of 3-5 members are established, of which one should represent the trade union organisation that the person under scrutiny is a part of or a representative of the employees, while the others should be holding a teaching position at least equal to the one of the person under scrutiny;

b) for the management personnel of pre-university institutions, commissions of 3-5 members are established, of which one should be a representative of the employees, while the others should be holding a teaching position at least equal to the one of the person under scrutiny. The commission shall also include an inspector of the county/Bucharest district school inspectorate;

c) for the vocational guidance and control personnel of the Ministry of Education, Research, Youth and Sports, commissions of 3-5 members are established, of which one should represent the trade union organisation that the person under scrutiny is a part of or a representative of the employees, while the others should be holding a teaching position at least equal to the one of the person under scrutiny;

d) for the management personnel of county/Bucharest district school inspectorates, commissions of 3-5 members are established, of which one should be a representative of the employees, while the others should be holding a teaching position at least equal to the one of the person under scrutiny;

(5) Disciplinary investigation commissions shall be assigned in place by:

a) the administrative board of the pre-university education institution, for the teaching personnel and the management thereof;

b) the minister of Education, Research, Youth, and Sports for all the vocational guidance and control positions in the Ministry of Education, Research, Youth and Sports, as well as for the management personnel in the county/Bucharest district school inspectorates.

(6) During the analysis of the supposed misconducts the following are established: the facts and their consequences, the circumstances when they were committed, the existence or the absence of the guilt, and any other pertinent data. The hearing of the respective person and the check of his defence are compulsory. The refusal of the investigated person to be present at the hearing, even if he was notified in writing at least 48 hours before, to make written declarations, are mentioned in the minutes and do not prevent the termination of the investigation. The investigated teacher has the right to know all the acts of the investigation and to elaborate evidences for his defence.

(7) The investigation of the fact and the communication of the decision are performed within 30 days after the date it was discovered, registered in the inspections book of entry or in the general register of the pre university education institution. If the person is not guilty she is notified on the absence of the facts he/she was investigated.

(8) The sanctioned persons who are employed in the education units have the right to challenge the respective decision within 15 days after its communication to the discipline board of the school inspectorate. The managerial, vocational guidance and control staff in the school inspectorates and the Ministry of Education, Research, Youth, and Sports that was sanctioned has the right to appeal the respective decision within 15 days after its communication to the central discipline board of the Ministry of Education, Research, Youth, and Sports.

(9) The norms governing the composition, organization and operation of the discipline board of the school inspectorate and of the central discipline board of the Ministry of Education, Research, Youth, and Sports, as well as their attributions, are established by the regulation approved by order of the minister of Education, Research, Youth, and Sports.

(10) The right of the sanctioned person to address the courts of law is guaranteed.

## **Art. 281**

(1) For the teaching personnel working in pre-university education institution, the director or at least two thirds of the total number of members in the administrative board may propose the sanction. The sanctions approved by the administrative board are applied and communicated under a decision of the director of the pre university education institution.

(2) For the management staff in the pre-university educational

institutions, the school Board may propose the sanction, which shall be communicated under a decision of the general school inspectorate.

(3) For the management of school inspectorates and teaching staff clubs (*Ro. casele corpului didactic*), the proposal to penalise shall be made by the minister of education, research, youth and sports and shall be communicated by means of an order.

(4) For the vocational guidance and control staff in the Ministry of Education, Research, Youth, and Sports, the minister of education, Research, Youth, and Sports, respectively the State secretary or the hierarchic superior of the respective person can propose the sanction, which shall be communicated by means of an order.

#### **Art. 282**

The sanction is established based upon the report of the research commission by the authority that appointed this commission and is communicated to the respective person by written decision, and as the case may be, by the director of the education institution, the general school inspector, or the minister of education, Research, Youth, and Sports.

#### **Art. 283**

The patrimonial responsibility of the teaching and of the auxiliary staff as well as of the managerial, vocational guidance and control staff in the pre university education is established according to the labour legislation. The charging decision as well as the other documents to recover damages and prejudices is prepared by the management of the unit or of the institution whose employee the respective person is, except for the cases where the law stipulates otherwise.

### ***Section 12. Retirement***

#### **Art. 284**

(1) The teaching staff shall enjoy a pension as per the conditions that are imposed under the social security and pension legislation that regulates the public pension system.

(2) The teaching, managerial, vocational guidance and control staff working in state-owned educational institutions shall retire when reaching the legal retirement age. After reaching this age it is forbidden to hold any managerial, vocational guidance and control position.

(3) For good reasons, the retirement of the teaching, managerial, vocational guidance and control staff can also take place during the school year, with the approval of the administrative board of the education institution, respectively of the school inspectorate.

(4) The retired teaching staff can perform teaching activities remunerated per hour after reaching the standard retirement age.

(5) The retired teaching staff working for educational institutions shall enjoy medical assistance and access to the rest and treatment facilities of the teaching personnel.

## **CHAPTER II: STATUTE OF THE TEACHING STAFF IN THE HIGHER EDUCATION AND RESEARCH INSTITUTIONS**

### ***Section 1. University teaching workload***

#### **Art. 285**

(1) The teaching positions in the higher education institutions are the following:

- a) assistant professor;
- b) university lecturer;
- c) lecturer;
- d) university professor.

(2) The research positions in the higher education institutions are the following:

- a) research assistant;
- b) scientific researcher;
- c) scientific researcher, III<sup>rd</sup> degree;
- d) scientific researcher, II<sup>nd</sup> degree;
- e) scientific researcher, I<sup>st</sup> degree.

(3) The equivalence of the research positions with the teaching positions is the following:

- a) research assistant equals to assistant professor, for persons holding a PhD diploma;
- b) scientific researcher, III<sup>rd</sup> degree equals to university lecturer;
- c) scientific researcher, II<sup>nd</sup> degree equals to lecturer;
- d) scientific researcher, I<sup>st</sup> degree equals to university professor.

(4) Associate teaching staff can operate in the higher education for the following positions : assistant professor/lecturer, university lecturer and professor.

(5) Subject to its own academic needs, the University Senate can approve to invite famous university professors, lecturers and other specialists recognized in the area, national or foreign, as invited associate university teaching staff, for a definite amount of time. In the case of specialists who do not hold a university teaching degree which is recognised in Romania, the University Senate shall approve – subject to an evaluation – the teaching degree which corresponds to those persons' performance, as per the national standards.

(6) The employing higher education institution is responsible for obtaining the work permit, whenever necessary.

(7) Research staff, associate research staff, including students of the three cycles as well as other staff categories can hold different positions in the departments, doctoral schools, the research institutes, and the research and micro production centres or in other units, in accordance with the law. They are employed in accordance with the law.

#### **Art. 286**

(1) The teaching and research staff positions chart are prepared yearly, by establishing the university workloads, at least 15 days before the academic year starts, and cannot be modified during the university year.

(2) The teaching positions and the number of jobs are established keeping into account the following:

- a) the education plans;
- b) the learning formations;
- c) the teaching and research norms.

(3) The occupied or the vacant teaching and research jobs are hierarchically enlisted in the teaching positions chart, mentioning the corresponding teaching and research positions and the weekly number of hours distributed per official teaching workload, seminars, practical work or laboratory projects, project mentoring, undergraduate student and PhD student mentoring, practical specialty work, research and equivalent activities, for the disciplines in the education plan.

(4) The lists of the teaching staff positions are prepared by the departments or in the PhD schools, subject to consultations of their members and after the university board have established the teaching and research duties. In the departments with disciplines at several faculties the teaching staff positions charts are filled in according to the order notes, signed off by the management of the higher education institution.

(5) The teaching and research positions chart shall be endorsed by the university board or, as applicable, by the Doctoral School Board, and is approved by the university senate.

(6) The number of jobs for the auxiliary teaching and

research staff is established by the university senate according to the budget and specifics of the institution, of the faculty, of the study program and of the department or doctoral school.

(7) The general classification of auxiliary teaching and research positions in the higher education and the level of the studies requested for these positions are elaborated by the Ministry of Education, Research, Youth, and Sports together with the Ministry of Work, Family and Social Security.

(8) The auxiliary teaching and research staff and the non-teaching staff are employed after a job competition organized by the faculty or the doctoral school, in accordance with the law.

(9) The duties of the auxiliary teaching staff and the non-teaching staff are established in the individual job description that is approved, as the case may be, by the dean or by the head of department or by the leader of the doctoral school, and that should be endorsed by the rector and should be attached to the individual employment contract.

### **Art. 287**

(1) The university workload shall cover the following:

- a) teaching workload;
- b) research workload.

(2) The official teaching workload may include:

- a) teaching activities;
- b) seminary activities, practical works and laboratory courses; yearly project mentoring,
- c) licence paper mentoring,
- d) MA thesis mentoring;
- e) PhD thesis mentoring;
- f) other teaching and practical and research work, that are registered in the education plans ;
- g) management of the teaching-artistic-sportive activities;
- h) evaluation activities;
- i) mentoring hours, guiding the students' scientific club meetings of the students in the transferable professional credits system,
- j) participation in councils and commissions in the interest of the education.

(3) The weekly official teaching workload in the superior education are quantified in conventional hours.

(4) The official teaching workloads are established according to the education plan and are calculated as weekly official average teaching workload, irrespective of the period of the university semester they are taught. The average weekly official teaching workload are established by dividing the conventional official teaching workload in the individual job description with the number of weeks mentioned in the education plan for the teaching and seminary activities of the entire university year.

(5) The conventional seminary class is the teaching class, as per paragraph (2), letter b) in the licence university education system.

(6) In the licence university education, the class covers two conventional hours.

(7) In the university M.A. education, and in the university PhD education, the class covers 2.5 conventional hours, and the seminary class or the classes for similar activities as described under paragraph (2), letter b) represent 1.5 conventional hours.

(8) If fully teaching foreign languages of international circulation in the cycles for obtaining the bachelor's degree, the M.A. degree and the PhD degree, the official teaching workload, the seminary classes or the classes for similar activities can be calculated based on a supplementary multiplication coefficient of 1.25, except for the classes where that specific language is taught.

(9) The activities stipulated at paragraph (2), letters c)-j), that

are included in the official teaching workload are quantified in conventional hours through a methodology approved by the university senate according to the study programme, profile and the specialization, so that a physical class should cover at least 0.5 conventional hours.

(10) The minimum weekly official teaching workload for the activities stipulated at paragraph (2), letters (a) – (f) are established as follows:

- a) university professor: 7 conventional hours, of which at least 4 should cover teaching activities;
- b) lecturer: 8 conventional hours, of which at least 4 should cover conventional official teaching workload;
- c) university lecturer: 10 conventional hours, of which at least 2 should cover conventional official teaching workload;
- d) assistant professor: 11, including activities mentioned at paragraph (2), letters (b), (c) and f).

(11) As an exception, the official teaching workload of the teaching staff mentioned at paragraph (10), letters (a) – (c) that due to the specifics of the disciplines doesn't have official teaching workload in the structure of the position is increased by 2 conventional hours.

(12) The teaching workload shall not exceed 16 conventional hours per week.

(13) The teaching norms that are referred to under paragraphs (10) and (11) cover the minimum teaching workloads. The University Senate, based on the university autonomy principles, may increase under its own regulations the minimum weekly workload, in compliance with the quality assurance standards and without exceeding the maximum limit which is referred to under paragraph (12).

(14) The teaching workload of the teaching personnel who does not perform scientific research activities or equivalent activities is higher than the minimum workload, without exceeding the maximum limit which is referred to under paragraph (12), as per the decision of the faculty Council, further to the proposition of the Department Director, or as per the decision of the Doctoral School Council.

(15) As an exception, if the teaching workload cannot be structured as per paragraph (10) and the differences up to the minimum workload shall be completed with scientific research activities, subject to the consent of the faculty Council, further to the proposal of the Department Director and respectively subject to the agreement of the Doctoral School Council. The reduction of the official teaching workload is of at most ½ of the overall official teaching workload and the research hour equals to 0.5 conventional hour. The teacher keeps the quality of permanently employed (“*titular*”) teacher on the teaching position obtained after the competition.

(16) The permanently employed (“*titular*”) teachers whose overall official teaching workload cannot be reached according to the stipulations of paragraph (10) – (15) can be temporarily registered on their request with the total number of scientific research hours, preserving the quality of permanently employed (“*titular*”) teacher on the teaching position obtained after the competition. During this period, the teacher has the duties of the research teacher in the higher education.

(17) The university senate establishes separately within the limits stipulated by the present Art., the effective overall official university teaching workload depending on the area, the specialization, the proportion of the disciplines in the specialization training of the students and on the dimension of the learning formations.

(18) The research staff with short term or long term employment contract can hold distinct positions in the departments, doctoral schools, research and micro production units or centres.

(19) The research staff in the higher education performs specific

activities established in the individual job description by the management of the department, or the management of the doctoral school.

(20) The auxiliary and the non-teaching staff in the higher education perform specific activities established in the individual job description. In state-owned higher educational institutions, the weekly work time is identical to the one established for the staff with equivalent positions in the other sectors of the State, in accordance with the law.

(21) The personnel holding management positions in a higher education institution or performing guidance and control tasks as per the Ministry of Education, Research, Youth and Sports, may enjoy a reduction of the workload by not more than 30%, subject to the approval of the University Senate.

(22) The total number of the work time of the overall official teaching workload (for teaching or research) resulted from the addition of the activities' proportions that are stipulated at paragraph 1) is 40 hours per week.

### **Art. 288**

(1) The teaching activities that exceed one of the official teaching workloads that are specified under Art. 287 are remunerated per hour. For the full-time staffers, the maximum number of classes paid by the hour, regardless of the institution where they are taught, shall never exceed the minimum teaching workload.

(2) The activities from grants or research contracts are remunerated according to the decisions of the grant director according to the law and the stipulations of the university charter.

(3) Full-timers can teach or do research in other higher education or research institutions only if approved in writing by the University Senate.

(4) Contract-based research activities shall be paid according to the law, the University Charter and the contract provisions. The research contract established both the practical payment method and the amounts.

(5) The permanently employed ("*titular*") professors and lecturers or the grant directors who have managed the grants for six consecutive years and have worked in the same university can enjoy one sabbatical year. During the sabbatical year they enjoy a basic salary, subject to the approval of the University Senate and they preserve their quality of permanently employed ("*titular*") but are exempt from performing the activities in their job description.

(6) The teaching staffer who are elected or assigned in public institutions of the state or who perform works that are specific to their public office in ministries or other specialty bodies of the state may also perform teaching activities that correspond to a teaching workload.

### **Art. 289**

(1) The teaching and research staff retire when reaching the legal retirement age, namely, 65 years.

(2) After retirement, it is forbidden to hold any managerial or administrative position, at any level of the state, private or confessional higher education institutions. The mandates of those who hold managerial and administrative positions at any level of the university are terminated de jure in the case of the persons who have reached the retirement age. Private university board members are an exception to this rule.

(3) Considering the professional performance criteria and the financial situation, the senate of the state, private and confessional universities may decide to continue the activity of a teaching and research staff member after the retirement on the basis of a one-year employment contract that can be extended every year until contractors turn 70. The university senate can

decide to grant the honorary title of Professor Emeritus to the teaching staff that has reached the retirement age, for excellence in teaching and research. The retired teaching staff can be remunerated per hour.

(4) Teaching and research staffers who are PhD mentors shall retire upon attaining the age of 60 and may:

a) manage the PhD's that are in progress when they retire up to the date when attaining the age of 70;

b) once they turn 65, they may continue to mentor new PhD students, but only as co-mentors co-operatively with another teaching and research staff member who will not turn 65 while that specific PhD is in progress;

(5) The legislation governing the combination of salary and pension shall not apply to teaching staffers who work as per paragraphs (3) and (4).

### **Art. 290**

(1) The PhD students who attend daily courses are employed by the University Doctoral Studies Institutions (IOSUD's) or a IOSUD member institution as research assistants or assistant professors for short term, while their teaching workload shall be reduced according to the limits that are specified under Art. 164, paragraph (3), by derogation from the provisions of Art. 287. Their attributions are established by the university senate.

(2) The PhD students who attend daily courses enjoy all the rights of the research assistants or of the assistant professors, including the seniority.

### **Art. 291**

(1) For purposes of this Law, the teaching and research staff means the staff that legally holds one of the university or research titles stipulated by the present law, that belongs to a higher education institution and that performs teaching activities and/or scientific research.

(2) In relation to the work relations established with the higher education institution the teaching staff can be: permanently employed ("*titular*") or associate. In relation to the participation to the teaching process and to the professional training degree the teaching staff can be: teaching staff or auxiliary staff.

(3) The permanently employed ("*titular*") teaching staff means the teaching staff that holds down a teaching position in the university, obtained after winning the job competition, for long term in accordance with the law. The employee shall specify where their basic employment is, up to their own choice. The long-term teaching personnel also covers the teaching personnel that enjoy the job retaining, as per the law. The teaching and research employees who are employed under short-term contracts shall be considered as associate professors or associate researchers.

(4) The quality of permanently employed ("*titular*") exists only in relation to a single higher education institution or with a single R&D institution; if the teaching staff performs teaching or research activities in several higher education or R&D institutions, it can hold the permanently employed ("*titular*") quality only to one of them; they are considered teaching staff or associate researchers in the other institutions. The higher education institution where the teaching staff is permanently employed ("*titular*") is obliged to keep and manage the record of employment or the registry of the employees, in accordance with the law, mentioning the quality of *titular*.

(5) The positions of R&D in universities and the related personnel shall be subject to the stipulations of Law no. 319/2003 on the Statute of the research-development staff.

(6) If a state-owned higher education institution is closed down, its staff enjoys severance payments according to the current legislation.

## **Art. 292**

The learning formations and their dimensions are established by the universities' senates, in compliance with quality standards, in accordance with the study programme and cycle, as proposed by ARACIS (The Romanian Association for Quality Assurance in Higher Education Institutions) and approved by the Ministry of Education, Research, Youth and Sports.

### **Section 2. Holding the teaching positions and the teaching jobs**

## **Art. 253**

The universities decide on holding the teaching positions, on the evaluation, the motivation, the continuous training and the dismissal of the teaching and research staff, according to the university charter and to the current legislation and to the framework methodology established by the Ministry of Education, Research, Youth, and Sports.

## **Art. 294**

(1) Once this law has become effective, staffers can be hired on a teaching or research position is performed for short or long term. Hiring personnel on a long-term contract on a teaching or research position is only possible based on a public competition, organized by the higher education institution, after the getting the PhD.

(2) Romanian and foreign citizens can participate to the competition job, with no discrimination, in accordance with the law, in order to hold a teaching or research position.

(3) As an exception from the provisions of the labour law, the duration of a short-term contract is of 3 years at most.

(4) As an exception, PhD students may be hired for a short-term period or 5 years at most.

(5) The short term employment contract concluded between the university and the members of the teaching and research staff that are hired based on a competition can be extended depending on the personal professional results evaluated on the criteria approved by the senate of the university as well as on the staffing needs and the financial resources of the institution, according to the current stipulations.

## **Art. 295**

(1) The framework methodology for the competition to hold the vacant positions will be established by government decision initiated by the Ministry of Education, Research, Youth, and Sports at the proposal of the National Council for Attestation of Academic Titles, Degrees and Certificates ("CNATDCU").

(2) The methodology will establish for each title or teaching position the minimum requirements to comply with in order to participate to the job competition, as per the minimum standards that are established under Art. 219, paragraph (1), letter a), the organization and course of the competition, the resolution of the appeals, the interest conflicts and the incompatibilities for quality assurance, of for observing the university ethics and the current legislation.

(3) Universities are obliged to comply with this methodology and to advertise all of the available positions and the related contest curriculum, at least two months before the contest. The vacancies shall be advertised at least on the own website and on a specialised website too, that should be managed by the Ministry of Education, Research, Youth and Sports.

(4) Once this law has become effective, the spouses, kinsmen and relatives up to the III<sup>rd</sup> degree, included, are forbidden to hold any position whereby either of them manages, controls, evaluates directly and institutionally the other or has any authority upon the other at any level within the same university.

(5) If the stipulations of paragraphs (3) – (4) are breached, the competition is voided and the guilty persons are sanctioned

according to the methodology mentioned at paragraph (1).

## **Art. 296**

(1) The reserved, vacant or temporary vacant teaching jobs are covered in preference by the permanently employed ("titular") teaching staff of the institution or by associate teaching staff, remunerated per hour, according to the present law.

(2) Employing Romanian or foreign specialists whose scientific value in the area is well known due to their inventions, innovations, awards, and scientific publications, as visiting professors or associate professors shall be endorsed by the council of the department and approved by the council of the faculty.

(3) The positions and degrees of scientific researcher in the higher education network can be obtained according to the legal current regulations.

## **Art. 297**

(1) On the basis of the methodology which is referred to under Art. 295, paragraph (1) and the applicable legislation, the universities establish their own methodology for granting the titles and for holding the teaching and research positions, approved by the university senate. This methodology may not refer to the length of service and may not discriminate the persons from outside the institution or the country as against the persons who are from that institution or from Romania.

(2) The results of the job competition are approved by the university senate and the staffing is performed starting with the first day of the semester subsequent to the competition.

## **Art. 298**

(1) The department directors, the faculty deans and the rectors are responsible in front of the university senate for the good course of the job competition, observing the quality norms, the university ethics norms and the current legislation.

(2) In case of irregularities the university senate may apply the sanctions mentioned in the proper methodology, up to the dismissal of the deans or of the president of the faculty.

## **Art. 299**

(1) The universities are publicly responsible for the way in which the teaching and research positions are occupied.

(2) Should it be found that the employment procedure for teaching and research positions has been organised in breach of the relevant legislation, then the Ministry of Education, Research, Youth, and Sports may apply the penalties that are described hereunder, based on a report of the University Ethics and Management Council.

(3) Should it be found by a court of law that a university teaching and research vacancy occupation contest has been held in breach of the procedures, then the respective contest shall be invalidated and shall be resumed.

## **Art. 300**

(1) The job habilitation involves the following:

a) Preparing an habilitation thesis;

b) Publicly defending the habilitation thesis in front of a specialty commission assigned by CNATDCU (The National Commission for the Attestation of University Titles, Degrees, Certificates), that should be formed of at least 3 people who should be PhD mentors in Romania or abroad;

c) Admitting the habilitation thesis after being publicly defended;

d) Getting the habilitation certificate.

(2) The habilitation thesis must prove the teaching and research capacities and performances. That thesis should present in a document way the professional achievements obtained after getting the PhD, should prove the originality and relevance of

the academic, scientific and professional contributions and should be capable of anticipating an independent development of the candidate's future research and/or academic career.

(3) Only people who hold a PhD diploma and who are compliant with the minimal standards that are established as per Art. 219, paragraph (1), letter a) may sign up for the habilitation exam.

(4) The habilitation application must be lodged with CNATDCU (The National Commission for the Attestation of University Titles, Degrees, Certificates).

(5) The habilitation certificate shall be proposed by CNATDCU (The National Commission for the Attestation of University Titles, Degrees, Certificates) and shall be approved under order of the Minister of Education, Research, Youth and Sports.

#### **Art. 301**

(1) For holding the teaching position of an assistant professor it is necessary to be PhD student or to have obtained the PhD diploma and to comply with the standards for holding the teaching positions that are specific to the position, that must be approved by the university senate, without requesting a certain seniority, according to the laws in force.

(2) Persons who are not PhD's shall not be hired as assistant professor in higher education institution for a cumulated period longer than 5 years. Upon attaining this duration, the employment contract of that person shall be terminated *de jure*.

(3) The minimum conditions for holding the teaching position of university lecturer are the following:

a) holding a PhD diploma;

b) compliance with the position-specific job occupation standards, approved by the university senate of the higher education institution, without imposing any seniority conditions, according to the laws in force;

(4) The conditions that have to be satisfied in order to become a university lecturer are the following:

a) holding a PhD diploma;

b) complying with the minimal standards that are necessary for holding the lecturer's position, [standards] that have been approved as per Art. 219, paragraph (1), letter a);

c) compliance with teaching position employment standards, that are specific to every position and that have been approved by the University Senate, without imposing any seniority conditions, according to the law;

(5) The conditions for occupying the university professor's position are the following:

a) holding a PhD diploma;

b) holding the habilitation certificate;

c) complying with the minimum standards for the occupation of university professor's position, [standards] that have been approved as per Art. 219, paragraph (1), letter a);

d) complying with the teaching position occupation standards, that are specific to that position, and that must have been approved by the University Senate, without imposing any seniority conditions, as per the laws in force;

(6) In higher education institutions, in addition to other conditions established by the law, the research assistant's position may only be held by persons who are PhD students or who are PhD diploma holders.

(7) In higher education institutions, in addition to other conditions established by the law, the scientific researcher's position or higher positions may only be held by PhD diploma holders.

(8) In the medical higher education the candidates in the competition for holding the position of assistant professor must have at least the title of resident. The positions for the disciplines that have no correspondent in the network of the

Ministry of Health and the positions related to pre-clinical positions are exceptions of the above.

(9) In the medical higher education, the candidates in the competition for holding the position of lecturer (*Sef de Lucrari*) and university lecturer (*conferentiar*) must also have the title of specialist physician, whereas the candidates in the competition to occupy a professor's position must also be primary doctors. The positions associated to disciplines that do not have a corresponding position in the network of the Ministry of Health and the pre-clinical disciplines are an exception to this rule.

### **Section 3. Evaluation of the teaching staff' quality**

#### **Art. 302**

(1) The data and information on the professional situation of the teaching, research and technical administrative staff are recorded in an individual job card. Only the holder, the head of the human resources department and the manager of the higher education institution can access the individual job card.

(2) The individual job cards are recorded at the level of the department or doctoral school in the teaching positions chart. The monthly income of each member of the teaching and research staff is established according to the teaching positions chart that is a legal document.

#### **Art. 303**

(1) The results and the performances of the teaching and research activities of the teaching and research staff in a university are evaluated periodically at intervals of maximum five years. The evaluation is performed according to the methodology approved and applied by the university senate.

(2) It is compulsory that the students should evaluate the performance of the teaching staff. The results of the evaluations are public.

(3) Teaching and research personnel shall also be paid depending on the results and performances they have, according to the laws in force.

(4) The employment contracts of the teaching and research staff shall also include the assumption of minimum standards of the results of the research and teaching activities, and clauses regarding the termination of contracts if these minimum standards are not complied with.

### **Section 4. Rights and obligations of the teaching staff**

#### **Art. 304**

(1) The staff in the higher education has rights and obligations deriving from the university charter, the university code of ethics, the individual employment contract and the current legislation.

(2) The protection of the rights of employees, of the copyrights on the scientific, cultural or artistic creation is guaranteed and is provided according to the stipulations of the university charter and to the current legislation.

(3) The academic freedom of the members of the university community is guaranteed. Based on this liberty, they have the right to freely express their academic opinions in the university and have the freedom of teaching, research and creation, according to the criteria of academic freedom.

(4) The teaching and research staff has the right to publish studies, Art.s, volumes or works of art, and to apply for national or international grants, with no restrictions of the academic freedom.

(5) The teaching and research staff has the right to be part of union associations and organizations, of professional and cultural associations and organizations, national and international, as well as of political associations legally



established, in accordance with the law.

(6) The permanently employed (“*titular*”) professors employed on teaching positions in the education who have been chosen in the Parliament, named in the Government or who hold special positions in a body of the Parliament, Legislative Council, Constitutional Court, Ombudsman, the Presidential Administration, the Government and the Ministry of Education, Research, Youth, and Sports as well as those who have been chosen by the Parliament for the central bodies of the State have the right to reserve the teaching position during the period they hold these offices. The teaching staff may combine their teaching or research activities with these public positions all throughout their terms in office.

(7) The stipulations of paragraph (6) also apply to the permanently employed (“*titular*”) professors employed on a teaching position in the education who hold the office of prefect, sub prefect, president and vice president of the county council, mayor, vice mayor as well as to the professors on managerial, vocational guidance and control positions in the system of education, culture, youth and Sports. The management and the specialization staff in the Teaching Staff Resource Centre enjoy the same rights; the teaching staff appointed as management staff or for specialization offices within the public authorities and institutions, commissions and agencies that are subordinated to the Presidential Administration, the Parliament or the Government shall also enjoy these rights.

(8) The permanently employed (“*titular*”) professors sent abroad for State missions, the permanently employed (“*titular*”) professors working in international bodies as well as their attendants (if they are permanently employed (“*titular*”) professors on a teaching position in the education) also enjoy the stipulations of paragraph (6).

(9) The positions of the permanently employed (“*titular*”) professors employed on a teaching position in the education that are required to teach abroad, to research, and to perform artistic or sport activities based on a contract as a result of governmental agreements or conventions, inter universities or inter institutions, or sent for specialization are reserved for the respective period.

(10) The permanently employed (“*titular*”) professors employed on teaching positions in the education who demand to specialize or to participate to scientific research in the country or abroad has the right to take unpaid leaves. Their total duration cannot exceed 3 years in an interval of 7 years. The management of the higher education institution or, as the case may be, of the Board approve the above mentioned situations, if the respective activity can be proven.

(11) The permanently employed (“*titular*”) professors employed on teaching positions in the education can enjoy the unpaid leave for one university year once every 10 years if the higher education institution approves it, the position in the chair being reserved for the respective year.

(12) The period during which the position is reserved is considered seniority in the education.

(13) The professors enjoy the right to leave, as follows:

a) annual leave paid during the university holidays, with the duration of at least 40 working days; in justified cases the management of the education institution can interrupt the legal leave, and the persons in case will be remunerated for their work; the methodological norms on the legal leave will be elaborated by the Ministry of Education, Research, Youth, and Sports together with the representatives of the union organizations representative at the level of the education branch;

b) the duration of the leave for each professor is established by the senate of the university according to the interest of the education and of the respective person.

(14) The higher education institutions can cover in full or in part, from its own resources and on its own initiative the costs for the transportation and the accommodation of the teaching staff residing in other localities.

(15) The education staff enjoys medical assistance in medical and psychological offices, in polyclinics and hospital units established by the protocol concluded between the Ministry of Education, Research, Youth, and Sports and the Ministry of Health.

(16) The teaching staff has the right to interrupt the teaching activity and to request the reservation of the teaching position or the position in the chair in order to take the two-year child care leave and respectively the three-year child care leave for the children with handicap, according to the legal stipulations. Only one of the parents or of the legal tutors can enjoy this right.

### **Art. 305**

The teaching staff and the students are protected in the academia by the authorities responsible with the public order. They are protected against the person or the group of persons who affect the human and professional dignity of the teaching staff or who prevent the exercise of its rights and obligations. The protection is requested by the person authorized according to the University charter.

## ***Section 5. University ethics***

### **Art. 306**

(1) Every university shall have a university ethics commission.  
(2) The structure and membership of the university ethics commission shall be proposed by the Board, should be endorsed by the University Senate and approved by the Rector. Commission members must be people with professional prestige and moral authority. People holding any rector, pro-rector, pro-dean, administrative manager, department director or director of an R&D, design, micro-production institution may not be members of the university ethics commission.  
(3) The university ethics commission shall have the following responsibilities:

a. Analyse and resolve the breaches of university ethics, based on reports or ex officio, according to the university code of ethics and deontology;

b. Prepares an annual report covering compliance with university ethics and ethics of the research activities, that must be submitted to the rector, the University Senate and that is a public document;

c. Contributes in the preparation of the university code of ethics and deontology, which is submitted to the Senate so that it can be approved and included in the University Charter;

d. Holds attributions that are established as per Law 206/2004 governing proper conduct in scientific research activities, technological development and innovation, as amended;

e. Holds any other responsibilities that are established under this law or that are established as per the University Charter, according to the laws in force.

### **Art. 307**

The decisions of the university ethics commission must be endorsed by the legal advisor of the university. The legal liability for the decisions and activities of the university ethics commission shall fall to the university.

### **Art. 308**

(1) Any person from inside or outside the university may report

to the university ethics commission about any violations of members of the university community.

(2) The university ethics commission shall keep the confidentiality of the person who reports about such violation.

#### **Art. 309**

Further to such a report, the university ethics commission shall start the procedures that are established under the University Code of Ethics and Deontology, more specifically by Law No. 206/2004 governing proper conduct in scientific research activities, technological development and innovation, as amended. The Commission shall provide an answer to the person who filed the report within 90 days from the time when the report has been received and shall communicate to that person the results of the procedures, once they are over.

#### **Art. 310**

The following deeds are considered serious violations against proper conduct in scientific and university activities:

- a) Plagiarism of the research or publications of other authors;
- b) Fabricating results or replaces the results with fictitious data;
- c) Inserting false information in grant or fund applications.

### *Section 6. Distinctions*

#### **Art. 311**

(1) The teaching personnel working in higher education institutions shall be awarded higher merit levels, that are granted by means of a contest. These higher merit levels shall be granted for 16% of the teaching positions that exist in a higher education institution and account for 25% of the base salary. The merit level shall be granted for five years.

(2) The orders and medals that can be granted to the teaching staff are the following:

- a) "Spiru Haret" Order, the classes "Commander, Knight and Officer"; the order is granted to the teaching staff holding managerial, vocational guidance and control positions in the higher education;
- b) the order "Alma Mater", the classes "Commander, Knight and Officer"; the order is granted to the teaching staff holding managerial and research positions in the higher education;
- c) the Medal "Honorific member of the teaching staff". The medal is granted to the retiring teaching staff that had an excellent activity in the education and vocational activities.

### *Section 7. Disciplinary sanctions*

#### **Art. 312**

(1) The teaching and research staff, the auxiliary teaching and research staff, as well as the managerial, vocational guidance and control staff in the higher education are disciplinary responsible for breaching their duties according to the individual employment contract as well as for breaching the behavioural norms that affect the interest of the education and the prestige of the unit/institution. The conduct norms are established in the University Charter, without harming the right to opinions, freedom of expression and academic freedom.

(2) The disciplinary sanctions that can be applied to the teaching and research staff are the following:

- a) written warning;
- b) reduction of the basic income cumulated if necessary with the managerial, vocational guidance and control allowance;

c) the interruption for a fixed period of the right to compete for holding a higher teaching position or a managerial, vocational guidance and control position, as members of the examination board for PhD degrees, the examination board for master's degrees or the graduation examination board;

d) the dismissal from management positions;

e) the cancellation of the employment contract on disciplinary grounds.

#### **Art. 313**

(1) The head of the department, or of the research, design and micro production unit, the dean or the president of the university or at least 2/3 of the total members of the department, faculty council or the university senate, as the case may be, can propose a disciplinary sanction in the higher education institutions. They must take action further to a report they get or act *ex officio* in connection to a violation they find themselves.

(2) The disciplinary penalties that are referred to under Art. 312, paragraph (2), letters a) and b) shall be established by faculty councils. The disciplinary penalties that are referred to under Art. 312, paragraph (2), letters c) to e) shall be established by the University Senates.

(3) The Dean or Rector, as applicable, shall enforce the penalties.

(4) In higher education institutions, penalties shall be communicated in writing to the teaching and research staff and to the subordinated auxiliary teaching and research staff, by the HR service of that institution.

#### **Art. 314**

(1) The disciplinary sanction is applied only after the investigation of the notified fact, the hearing of the respective person and the control of his declaration for defence.

(2) For the investigation of the disciplinary misconducts of the teaching staff, the research and administrative staff establish analysis commissions made of 3-5 members, teaching staff with teaching positions at least equal to the position of the person who misconduct, and a representative of the trade union organization.

(3) The analysis commissions are appointed, as the case may be, by:

a) the rector of the university with the approval of the university senate;

b) the Ministry of Education, Research, Youth, and Sports for the management staff of the higher education institutions and for solving the appeals on the decisions of the universities' senates.

#### **Art. 315**

The patrimonial responsibility of the teaching, research and auxiliary staff is established according to the labour legislation. The measures to recover the damage and prejudice shall be taken according to the labour legislation.

#### **Art. 316**

If the person who has been subject to a disciplinary penalty has not committed other disciplinary violations during the year subsequent to the sanction and has improved his activity and behaviour, then the authority that applied the disciplinary sanctions can cancel and remove the sanction, with the corresponding note in the employment status of the respective person.

#### **Art. 317**

(1) Any person has the right to notify the education unit/institution regarding facts that can be considered disciplinary misconducts. The notification is made in writing and is recorded in the register of the education unit/institution.

(2) The right of the person who is sanctioned on disciplinary grounds to go to court is guaranteed.

### **Section 8. Penalties enforced on breaches of university ethics and proper conduct in research activities**

#### **Art. 318**

The penalties that can be enforced on the teaching and research personnel and the auxiliary teaching and research staff by the university ethics commission for breaches of the university ethics or for violations of proper conduct principles while conducting scientific research are the following

- a) Written warning;
- b) reduction of the basic income cumulated if necessary with the managerial, vocational guidance and control allowance;
- c) the interruption for a fixed period of the right to compete for holding a higher teaching position or a managerial, vocational guidance and control position, as members of the examination board for PhD degrees, the examination board for master's degrees or the graduation examination board;
- d) the dismissal from management positions;
- e) the cancellation of the employment contract on disciplinary grounds.

#### **Art. 319**

Penalties shall be enforced by the university ethics commission on undergraduate students and PhD students for breaches of the university ethics. Students may

- a) get a written warning;
- b) be expelled;
- c) get other penalties that are specified in the university code of ethics and deontology.

#### **Art. 320**

In the case of violations of the provisions of the code of ethics and professional deontology, the university ethics commission shall enforce according to the code of ethics and professional deontology one or more of the penalties that are specified under Art.s 318 or Art. 319.

#### **Art. 321**

In case of violations against proper conduct in the field of scientific research, then the university ethics commission shall establish according to Law No. 206/2004 governing proper conduct in the field of scientific research, technological development and innovation, as amended, according to the Ethics and Professional Deontology Code of the R&D HR and the professional code of ethics and deontology, one or several of the penalties that are specified under Art.s 318 or 319 or elsewhere provided under the law.

#### **Art. 322**

The penalties established by the university ethics and deontology commission shall be enforced by the dean or the rector, as applicable, within 30 days from the time when the penalties have been established.

#### **Art. 323**

(1) The National Council for Ethics of Scientific Research, Technological Development and Innovation shall analyse the cases referring to the violation of proper conduct rules in R&D activities, further to reports or *ex officio* and shall issue decisions whereby the guilt or innocence of the person or persons in question will be declared; in the case of decisions regarding guilt, then the decisions shall also establish the penalties that will be applied according to the law.

(2) The National Council for Ethics of Scientific Research, Technological Development and Innovation shall preserve the confidentiality of the person who filed the report.

(3) The decisions of the The National Council for Ethics of Scientific Research, Technological Development and Innovation shall be endorsed by the Legal Department of the Ministry of Education, Research, Youth and Sports. The legal responsibility for the decisions of the National Council for Ethics of Scientific Research, Technological Development and Innovation shall fall to the Ministry of Education, Research, Youth and Sports.

#### **Art. 324**

For all violations against proper conduct principles in R&D activities, committed by employees of the higher education institutions, that have been found and proven, the National Council for Ethics of Scientific Research, Technological Development and Innovation shall establish the enforcement of one or more of the following penalties:

- a) Written warning;
- b) Withdrawal and/or correction of all papers that have been published in violation of proper conduct rules;
- c) Withdrawal of the the capacity of PhD mentor or the habilitation certificate;
- d) Withdrawal of the PhD title;
- e) Withdrawal of the university teaching title or the research degree or demotion;
- f) Dismissal from the management position of the higher education institution;
- g) Terminate the employment contract on disciplinary grounds;
- h) Forbid for a definite amount of time access to public R&D funds.

#### **Art. 325**

Persons who are proven trespassers of proper conduct in scientific research and university activities, as ascertained according to the law, shall be banned from holding teaching and research positions. Also finalised contests organised to occupy a teaching or research position shall be invalidated and the labour contract with the university shall be terminated as of right, regardless of the time when somebody's serious violation of proper conduct in scientific research and university activity has been proven. All violations shall be ascertained formally by the National Council for Ethics of Scientific Research, Technological Development and Innovation, according to the law in force.

#### **Art. 326**

The penalties that are established by the National Council for Ethics of Scientific Research, Technological Development and Innovation shall be enforced within 30 days from the time when the decision has been issued, as applicable, by the Ministry of Education, Research, Youth and Sports, by the president of the National Authority for Scientific Research, the National Council for the Attestation of University Titles, Diploma and Certificates, by leaders of the contracting authorities who ensure the funding from public funds to R&D, by leaders of higher education institutions or R&D institutions.

### **Section 9. The income of the teaching and research staff**

#### **Art. 327**

The income of the teaching and research staff is established according to the current legislation and to the decisions of the University Senate.

## TITLE V: LIFE-LONG LEARNING

### CHAPTER I: GENERAL DISPOSITIONS

#### Art. 328

(1) The present title regulates the general and integrating framework of life-long learning in Romania.

(2) The permanent education represents the overall teaching activities performed by each person during his lifetime in formal, non formal and informal context, for training and developing competences in a multiple perspective: personal, civil, social or occupational.

(3) The life-long learning includes the early education, the pre university education, the higher education, the continuous education and training of adults.

#### Art. 329

(1) The main goals of life-long learning are the complete the development of the person and the sustainable development of the society.

(2) The life-long learning focuses on training and developing key competences and specific competences for an area of activity and also qualifications.

#### Art. 330

(1) Life-long learning occurs in formal, non formal and informal learning contexts.

(2) The formal learning represents an organized and structured learning performed within an institution and based upon an explicit teaching plan. This type of learning is accompanied by objectives, resources, and durations and depends on the willing of the student and ends with a certification of the acquired knowledge and competences.

(3) The non-formal learning is integrated in planned activities, with learning objectives, that do not explicitly follow a curriculum and that may be different in terms of duration. This type of learning depends on the willing of the student and does not lead automatically to the certification of the acquired knowledge and competences.

(4) The informal learning is the result of daily activities connected to work, family and leisure; it is not organized or structured on objectives, durations and learning support. This type of learning does not depend on the willing of the student and does not lead automatically to the certification of the acquired knowledge and competences.

(5) The knowledge and competences that are developed in non-formal and informal contexts may be certified by bodies that are mandated to do so, as per the laws in force.

#### Art. 331

(1) The institutions and organisations where education is performed in formal contexts are pre-university facilities and institutions, education and professional training centres subordinated to the ministries or to the local public authorities, public and private providers of education and professional training, authorized/accredited in accordance with the law, governmental and non-governmental organizations that provide authorized programs in accordance with the law, employers that provide professional training programs for their employees.

(2) Institutions or organisations that sustain learning in non-formal contexts are institutions and organizations mentioned at paragraph (1), as well as child care and protection centres, pupils' palaces and clubs, cultural institutions, museums, theatres, cultural centres, libraries, documentation centres, cinemas, houses of culture, professional or cultural associations, union organizations, nongovernmental organizations and at job.

(3) The institutions or organisations that sustain learning in

informal contexts are institutions and organizations mentioned at paragraphs (1) and (2). The informal learning is often unintentional and the persons are often not aware of it; it can occur when the children, the young and the adults perform activities in the family, at the job, in the community, in social networks, when they volunteer for sport or cultural activities, or other such sources.

#### Art. 332

(1) The organization and operation of the pre university education system is regulated in title II of the present law.

(2) The organization and operation of the higher university education system is regulated in title III of the present law.

(3) The organization and operation of the professional training of the adults is regulated by the legislation regarding the continuing professional training of the adults, and the training at the job.

#### Art. 333

(1) The State guarantees and supports (also financially) the access to education and continuing professional training for:

a) the young and the adults who have not graduated the compulsory education;

b) the young who exit the system prior to acquiring a professional qualification and who are not included in any form of education or professional training;

c) the graduates of the non-professional education system or the secondary education graduates or the higher education graduates in redundant areas or irrelevant areas and qualifications for the labour market;

d) the persons with special educational requirements;

e) the young and the adults who return to the country after a period of time during which they worked abroad;

f) the young and the adults residing in socially and economically disadvantaged communities;

g) employees over 40 years with a low level of education, residing in the urban and rural environments, with reduced qualification or unqualified;

h) the pupils with a major risk of school failure;

i) all the citizens who desire to attend permanent education programs.

#### Art. 334

Life-long learning is financed from public and private funds on the basis of the public-private partnership, from the nongovernmental organizations, non reimbursable funds of the European programs, from permanent education accounts and from the contribution of the beneficiaries; it can also be financed and co-financed by the employers.

### CHAPTER II: RESPONSIBILITIES REGARDING THE LIFE-LONG LEARNING

#### Art. 335

The State exercises its attributions in the area of life-long learning through the the Ministry of Education, Research, Youth, and Sports, the Parliament, the Government, the Ministry of Labour, Family and Social Affairs, the Ministry of Culture and National Patrimony, the Ministry of Health and the Ministry of Administration and Internal Affairs.

#### Art. 336

The main attributions of the Ministry of Education, Research, Youth, and Sports in the area of life-long learning are the following:

a) it elaborates the national strategies and policies in the area of education, professional training, Research, Youth, and Sports;

- b) it elaborates the regulations on the organization and operation of the Romanian education system;
- c) it monitors, evaluates and controls directly or through accredited bodies the operation of the education system and of the education providers;
- d) it establishes the mechanisms and methodologies for the validation and acknowledgement of the learning results;
- e) it elaborates together with the Ministry of Culture and National Patrimony the policies in the area of the non-professional education of the adults and the elderly;
- f) other attributions as stipulated in the sector-specific legislation on education and vocational training.

#### **Art. 337**

The main attributions of the Ministry of Labour, Family and Social Affairs in the area of life-long learning are the following:

- a) it elaborates together with the Ministry of Education, Research, Youth, and Sports the national strategies and policies in the area of the professional training of the adults;
- b) it regulates the professional training on the job and also the training of the apprentices on the job;
- c) it monitors, evaluates, accredits and controls directly or through accredited bodies the education providers other than those that are part of the national system of education;
- d) other attributions as stipulated in the sector-specific legislation on education and vocational training.

#### **Art. 338**

The main attributions of the Ministry of Culture and National Patrimony in the area of life-long learning are the following:

- a) it stimulates the increase of the access and participation of the public to culture;
- b) it proposes and promotes partnerships with the local public administrative authorities and with the structures of the civil society to diversify, modernize and optimize the public services provided by the culture institutions and establishments, in order to satisfy the cultural and educational needs of the public;
- c) it promotes the acknowledgement of the professional competences, namely, it guarantees the rights and interests of creators, the artists and of the specialists in the area of culture;
- d) other attributions as stipulated in the sector-specific legislation on education and vocational training.

#### **Art. 339**

(1) The ministries and the central authorities can have attributions in the area of education and training for the professions regulated by special laws.

(2) The continuous training of the personnel working in public institutions dealing with defence, public order and national security shall be regulated, for purposes of this law, under own orders and instructions issued by the leaders of these institutions.

(3) the organisational structures, profiles, specialisations, annual schooling figures and candidate selection criteria for the non-university continuous training of military personnel, intelligence personnel, public order personnel and national security personnel shall be established by the Ministry of National Defence, Ministry of Administration and Internal Affairs, Romanian Intelligence Service and other institutions that are hold responsibilities in matters of defence, information, public order and national security, according to the specifics and levels of education.

#### **Art. 340**

(1) The National Qualification Authority is hereby created through the reorganisation of the National Council for Qualifications and Adult Professional Training (“CNCFPA”)

and the Executive Unit of the National Council for Qualification and Adult Professional Training.

(2) The National Qualification Authority shall prepare the National Qualification Framework, based on the European Qualification Framework, shall manage the National Qualification Register and the National Vocational Training Suppliers’ Register, the National Qualification Authority, shall coordinate nationally the authorisation of continuous training providers, shall coordinate the quality assurance system in the continuous vocational training system and the activities of the sectoral committees. The National Qualification Authority shall also have the following attributions:

- a) Prepares, implements and updates the National Qualification Framework, and the National Qualification Register;
- b) Ensures the compatibility of the national qualification system with the other qualification systems that exist in Europe and worldwide;
- c) Proposes to the Ministry of Education, Research, Youth and Sports policy elements and elements of national strategies, normative acts that refer to the national qualification system and to the HR development, including vocational training of adults;
- d) Coordinates and controls nationally the preparation of occupational standards and the vocational training standards;
- e) Coordinates the insurance of quality in the field of vocational training of adults;
- f) Coordinates and controls the authorisation of suppliers of vocational training of adults;
- g) Prepares the National Register of the Suppliers of Vocational Education of Adults, as well as the National Register of Assessors of Professional Competencies;
- h) Coordinates the authorisation of the professional competence evaluation centres and the certification of the assessors of professional competencies;
- i) Participate in the preparation of plans or programmes or national interest in the field of qualifications and vocational training of adults;
- j) Promotes the social dialogue, supports and coordinates the activity of sectoral committees.

(3) The current capital expenditures of the National Qualification Authority shall be funded from own funds and subsidies from the state budget, through the budget of the Ministry of Education, Research, Youth and Sports;

(4) An advisory council shall be created in the National Qualification Authority and shall be formed by representatives of the pre-university and university educational institutions, students, professional associations, central public administration, employers’ associations, trade unions and sectoral committees. The Council shall assist the National Qualification Authority in establishing the national strategies and action plans for the development of the national qualification framework and of the vocational training of adults.

(5) The National Qualification Authority shall be coordinated by the Ministry of Education, Research, Youth and Sports. The structure, organisation and functionality thereof shall be established under a Government decision, within three months from the time when this law takes effect.

#### **Art. 341**

(1) The National Qualifications Framework is an instrument for the classification of qualifications according to a set of criteria corresponding to certain specific levels of learning, aiming at integrating and coordinating the national sub systems of qualifications and at improving the transparency, the access, the progress and the quality of the qualifications in relation to the

labour market and the civil society.

(2) The National Qualifications Framework is implemented for the national system of qualifications obtained in the general secondary education, in the professional and technical education, the continuing professional training and the apprentices' training, the higher education, in formal, informal and non formal lifelong learning contexts.

(3) The National Qualifications Framework allows the acknowledgment, the measure and the connection of all the results of the learning obtained in formal, informal and non formal learning contexts and assures the coherence of the certified qualifications and titles. The existence of a national qualifications framework prevents the duplication and overlying of the qualifications and helps the learners to knowingly make decisions on career planning and facilitates the professional evolution on the perspective of lifetime learning.

(4) The National Qualifications Framework contributes to the quality assurance in the professional training system.

#### **Art. 342**

(1) The National Council for Qualification evaluates and certifies the evaluators of professional competences, the evaluators of evaluators and the external evaluators.

(2) The criteria and procedures of evaluation and certification of the professional competences' evaluators, of the evaluators of evaluators and of the external evaluators are established in the methodological norms for the implementation of the present law stipulations, approved under an order of the Minister of Education, Research, Youth and Sports.

(3) The National Qualification Authority shall prepare the national register of the professional competencies' evaluators, of the evaluators of evaluators and of the certified external evaluators.

(4) The National Qualification Authority certifies the centres of evaluation and the evaluation bodies on the basis of the evaluation reports prepared by the external evaluators.

#### **Art. 343**

(1) The Community Permanent Learning Centres (CPLC) are set up by the local public authorities in partnership with the education and training providers. Their role is to implement policies and the strategies in the field of life-long learning, throughout the community. The Community Permanent Learning Centres shall operate based on a Government Decision, that should be initiated by the Ministry of Education, Research, Youth and Sports.

(2) The autonomous education units and institutions alone or in partnership with the local authorities and other public and private institutions and bodies, community centres, continuous training providers, social partners, nongovernmental organizations, and other such entities can set up at local level permanent learning centres on the basis of education services offers adapted to the specific needs of the various target groups concerned.

(3) The CPLC are financed from public and private funds in accordance with the law. All the revenues of the CLPC remain at their disposal.

#### **Art. 344**

(1) The attributions of the Community Permanent Learning Centres at local level are the following:

- a) they perform surveys and analyses on the education and professional training need at local level;
- b) they elaborate local intervention plans in the area of the permanent education;
- c) they provide educational services for the children, the young and the adults by:

- i) remedial programs for acquiring or completing the key competences, including educational programs of the type "The second chance", or programs of the type "Priority education areas" for the young and the adults who have early exit the education system or who do not have a professional qualification.

- ii) programs for validating the results of the non formal and informal learning;

- iii) programs for developing the professional competences for qualification/requalification, professional retraining, perfecting, specialization, professional initiation;

- iv) programs for entrepreneurship education;

- v) personal development programs or leisure programs;

- vi) organization of promotion activities of the participation to the permanent learning of all the community members;

- d) they provide information, orientation and counselling services on:

- i) the access to education and professional training programs;

- ii) the validation of the non formal and informal learning results;

- iii) preparation for holding a job;

- e) they provide evaluation and certification services of the non formal and informal learning results;

- f) they provide the access of the community members to modern means of information and communication;

- g) they promote the partnership with the economic environment;

- h) they implement the instruments developed at European level, Europass and Youthpass, the Linguistic Passport, as well as the permanent education portfolio;

- i) they manage information on the participation of the beneficiaries to the centre's services;

(2) The methodology of accreditation, periodic evaluation, organization and operation of the CLPC is approved by governmental decision.

#### **Art. 345**

(1) For purposes of this law, the terms referring to the identification, assessment and recognition process of the learning results are defined as follows:

- a) the learning results – represent what a person knows, understands, and is capable of doing at the end of a learning process and that is defined as knowledge, skills and competencies;

- b) the identification of the learning results - represents the process during which the individuals alone or with the help of the specialized staff become aware of their competencies;

- c) the assessment of the learning results - represents the process during which it is established that a person has acquired certain knowledge, skills and competencies;

- d) the validation of the learning results - represents the process whereby it is confirmed that the results obtained by a person at the end of the evaluated learning process comply with the specific requirements for a certain unit of results of learning process or a qualification;

- e) the certification of the learning results - represents the process during which the results obtained by the person who learns in various contexts, are formally confirmed after an assessment process. It ends with a degree or a certificate.

(2) The acknowledgement of the results of the learning process is a process whereby the results of the validated learning

process are certified and validated by granting learning result units or qualifications.

(3) The learning results in non formal and informal contexts are identified, evaluated and recognised on the basis of a methodology elaborated by the Ministry of Education, Research, Youth, and Sports, the Ministry of Labour, Family and Social Affairs and the National Qualification Authority and are approved by governmental decision. The Ministry of Education, Research, Youth, and Sports shall prepare and approve under order of the Minister of Education, Research, Youth and Sports the methodology for the recognition of the non formal and informal learning results of the teaching staff and for their being considered as credits for education and professional training.

#### **Art. 346**

(1) The services of identification, assessment and recognition of the learning results can be provided by state-owned or private institutions, duly authorized to do so.

(2) The degrees and certificates granted by the authorized institutions after the assessment of the learning results in non formal and informal contexts have the same effects as the other methods for assessment and certification of the knowledge and the competences in the formal education and professional training system, in order to hold a job or to continue the education and the professional training in the formal systems.

(3) The learning results in non formal and informal contexts can be recognized explicitly through assessments in centres for the assessment and certification of the competences or implicitly by graduating from a formal study programme.

#### **Art. 347**

(1) The programs of initial training and continuing professional training as well as the systems for the assessment of the learning results in non formal and informal contexts will assure the horizontal and vertical occupational mobility by the use of the transferable professional credits system for education and vocational training.

(2) The methodology for granting the transferable professional credits is elaborated by the Ministry of Education, Research, Youth, and Sports, the Ministry of Labour, Family and Social Affairs, the Ministry of Culture and National Heritage and the National Qualification Authority and is approved by governmental decision.

(3) The learning results and their associated transferable professional credits previously obtained in formal contexts or after the evaluation of the non formal and the informal learning results are transferred and integrated in the professional training program the learning person attends.

#### **Art. 348**

(1) The persons who desire to be evaluated for the recognition of the professional competences obtained in other learning contexts than the formal contexts address to an evaluation centre evaluated for the respective occupation or qualification.

(2) Depending on the evaluation process, the accredited centre of evaluation issues the following types of certificates, with national recognition:

a) certificate of qualification – delivered if the candidate was declared competent for all the competences associated to a qualification or to an occupation according to the professional training standard or to the occupational standard;

b) certificate of professional competences - delivered if the candidate was declared competent for one or several competences associated to a qualification or to an occupation according to the professional training standard or to the occupational standard;

(3) The certificates are issued with an annex named “Descriptive supplement to the certificate” where the competence units the candidate was declared competent for are mentioned.

#### **Art. 349**

(1) The permanent education portfolio represents an instrument that facilitates the identification and formulation of the personal abilities and competences and their valorisation in the school path and the professional path and in the insertion on the labour market of each individual.

(2) The permanent education portfolio contains records of the learning results obtained in educational formal, non formal and informal contexts.

(3) The educational portfolio also includes the European instruments that stress the learning results of an individual, such as: EUROPASS, and YouthPass.

#### **Art. 350**

(1) The lifelong career counselling and orientation refers to the total of the services and activities that support persons of all ages and on any moment of their life to make choices in the education field of training or work and to manage their career.

(2) The career counselling and orientation services are provided in education units and institutions, in universities, in training institutions, the services for workforce employment, and in the services for the youth. These services can also be provided at the job, in the social services and in the private sector.

#### **Art. 351**

The State provides the free access to career counselling and orientation services to all the pupils, students and persons searching for a job.

#### **Art. 352**

For purposes of this Law, the counselling and orientation services include the following types of activities:

a) *Career information* –refers to all the information which is necessary to plan, to hold and to preserve a certain job;

b) *Career education* – performed in the education institutions with the help of the “counselling and orientation” curricular area. The information on the labour market is provided in these institutions, the abilities to make choices on the education, the training, work and life in general are formed here; the institutions provide the opportunities to experiment different roles in the life of the community or in the professional life and also the necessary instruments for career planning.

c) *Career counselling* – helps persons clarify their goals and aspirations, to understand their own educational profile, make informed decisions, take responsibility for their own actions, manage their own careers and the transition in-between the milestones of their own lives;

d) *Employment counselling* – helps persons clarify their immediate goals to find a job, to find out more about the skills they need in order to look for an get a job;

e) *Job placement* – represents the support offered to the individuals for finding a job.

#### **Art. 353**

(1) The Ministry of Education, Research, Youth, and Sports work together with the Ministry of Labour, Family and Social Affairs for the quality increase, for the synchronization and continuity of the career counselling and orientation activities a person enjoys during his lifetime.

(2) The Ministries referred to under paragraph (1) establish by common order the joint instruments and methodologies related to the training of specialists in counselling and orientation, the utilization of the EUROPASS and Youthpass instruments, the

organization of common activities with the purpose of sensitizing the teachers and trainers, parents, but also of the general public with regard to the dimension of counselling and orientation within education and professional training.

#### **Art. 354**

In order to ensure the transparency of services and mobility of people in the European space, the Ministry of Education, Research, Youth, and Sports and the Ministry of Labour, Family and Social Protection will make the necessary efforts for the integration of Romania in the European counselling and orientation networks in all the course of their lives.

#### **Art. 355**

(1) The national system that ensures the quality of permanent education includes the system that ensures the quality of pre-university education, the system that ensures the quality of superior education, the system that ensures the quality in the initial professional training and the system that ensures the quality in the continuous professional training.

(2) The National Group for the Insurance of Quality in Education and Professional Training (NGIQ), which is an informal structure that functions as a *National Reference Point* for the assurance of quality of the education and vocational training, shall coordinate the harmonisation of the system of quality assurance in education, the initial professional training and continuous professional training at national level against each other.

#### **Art. 356**

(1) The State supports the right to life-long learning by granting in lei the equivalent of 500 EURO, calculated at the currency exchange rate of lei/euro communicated by the National Bank of Romania and valid in the payment date, to each child who is a Romanian citizen, at the moment of his/her birth. The sum is granted in the purpose of education for the benefit of the *titular*, from the State budget through the budget of the Ministry of Labour, Family and Social Protection.

(2) The sum is deposited into a deposit account, called hereinafter account for permanent education, opened at the State Treasury in the name of the child, on the basis of the birth certificate, by the natural parents of the child, their proxy or the legal representative of the child

(3) The parents of the child, taxpayers, can direct into the account specified in paragraph (2) a percentage of up to 2% from the value of the annual income tax, within the conditions of the law, and can deposit sums in this account.

(4) For the sums deposited in the account specified in paragraph (2) there is an annual interest paid at an interest rate established by an order given by the minister of public finances. The interests pertaining to the deposit accounts opened at the State treasury are assured by the State budget from the budget of Public Finances.

(5) The account holder ("*titular*") is the only person who can request sums from the permanent education account, starting with the age of 16 and with the expressly stated agreement, as appropriate, of the parents, legal guardian or legal representative. The State Treasury issues vouchers equivalent to the value of the requested sums. The methodology for the certification of the fact that the sums have been spent for the permanent education is elaborated by the Ministry of Education, Research, Youth, and Sports (MERYS).

(6) The withdrawal of sums in other conditions than the ones stipulated in paragraph (5) and/or their use for purposes other than the one stipulated by the present law constitute a crime and is punished with jail sentence from 6 months to 1 year.

(7) The norms related to opening, managing and accessing the

permanent education account are approved by a Government decision.

(8) The State support for the execution of the right to permanent education by granting the sum equivalent in lei to 500 EURO is accorded to all the children born from the date when the present law becomes in force.

#### **Art. 357**

(1) The staff that works in the permanent education field can occupy the following positions: teacher, auxiliary teacher, trainer, practice instructor, competence evaluator, mediator, facilitator of permanent learning, counsellor, mentor, facilitator / online tutor, support teacher and other positions associated to the activities that take place in the purpose of permanent education.

(2) Ministry of Education, Research, Youth, and Sports jointly with the Ministry of Labour, Family and Social Protection, the Ministry of Culture and National Heritage and the National Qualification Agency establish the methodological norms of elaboration of the statute and route of professionalization of the staff that works in the field of permanent education, as approved under Government Decision. The professional training programs will include the specific objectives of permanent learning, such as: educational psychology competences particular to the age and profile of the training beneficiaries, competence development related to the utilization of the modern technologies of information and communication, competences that facilitate e-learning, the use of project-based learning and educational portfolios, etc.

#### **Art. 358**

(1) The Government of Romania will found the National Science Museum, as per the laws in force.

(2) The main objective of the National Science Museum is to offer non-formal and informal learning experiences, by presenting the main achievements of science and technology.

(3) The founding, organizing, functioning and financing methodology of the National Science Museum is established by a government decision, in a period of up to 12 months from the passing of the present law.

#### **Art. 359**

The Ministry of Education, Research, Youth, and Sports jointly with the Ministry of Labour, Family and Social Protection, the Ministry of Culture and National Patrimony are elaborating a set of statistical indicators for the monitoring, analysis and prognosis of the life-long learning activities.

## **TITLE VI LEGAL LIABILITY**

#### **Art. 360**

(1) The following deeds shall be deemed as minor offences and punished as follows:

i. The failure to comply with the provisions of Art. 86 (3), from the parent's or the legal guardian's fault, with a fine between RON 100 and 1,000 or equivalent community work, done by the parent or the legal guardian;

ii. The failure to comply with the provisions of Art. 143 (5), with a fine between RON 5,000 and 50,000.

(2) The minor offence shall be established and the minor offence-related fines provided under paragraph (1) a) shall be enforced by the individuals authorized by the mayor in this respect, further to the complaint submitted by the board of directors of the educational unit.

(3) The minor offence shall be established and the minor offence-related fines provided under paragraph (1) a) shall be



enforced by police officers or agencies within the Ministry of Administration and the Interior, competent in the field.

## **TITLE VII: FINAL AND TRANSIENT PROVISIONS**

### **Art. 361**

(1) This law shall enter into force within 30 days after its publication in the Official Gazette of Romania, part I.

(2) Education Law no. 84/1995, republished in the Official Gazette of Romania, Part I, no. 606 of 10 December 1999, as subsequently amended and supplemented, Law no. 128/1997 on the status of the teaching staff, published in the Official Gazette of Romania, Part I, no. 158 of 16 July 1997, as subsequently amended and supplemented, Art. 14 (2) of Government Emergency Ordinance no. 75/2005 on education quality assurance, published in the Official Gazette of Romania, Part I, no. 642 of 20 July 2005, approved as amended by Law no. 87/2006, as subsequently amended, Government Ordinance no. 10/2009 on the right of the students enrolled in distance or part-time learning programs to continue their studies in programs of graduation exam studies which are authorized to function on a provisional basis or accredited, published in the Official Gazette of Romania, Part I, no. 581 of 20 August 2009, as well as any other contrary provisions, shall be repealed on the date when this Law enters into force.

(3) By way of exception from the provisions of paragraph (1):

a) the measure of introducing the preparatory year in primary school shall be applicable as of 2012 – 2013 school year;

b) the measure of introducing the 9<sup>th</sup> grade in secondary school shall be applicable starting with the generation of pupils beginning the 5<sup>th</sup> grade in 2011-2012 school year;

c) the high school graduation exam shall be organized according to the provisions hereof starting with the generation of pupils beginning the 9<sup>th</sup> grade in 2012-2013 school year;

d) the high school entrance exam shall be organized according to the provisions hereof starting with the generation of pupils beginning the 5<sup>th</sup> grade in 2011-2012 school year;

e) the measure of giving EUR 500 for the permanent education of each new born shall become applicable as of 2013;

f) the measure of introducing the standard cost per pupil and the "financing according to pupil" principle shall become applicable as of 2012;

g) the provisions of Art. 8 shall enter into force as of 1 January 2012.

(4) On the date when this law enters into force, the accredited higher education institutions shall stop the didactic process in all specialized study areas/study programs that were not authorized to function on a provisional basis or were not accredited on the date when this law enters into force. Continuing the didactic process in such specialized study areas/study programs or initiating the didactic process in other specialized study areas/study programs which are unauthorized or non-accredited shall be an infringement of law, and the higher education institution shall be punished by initiation of its liquidation, whereas the liable individuals shall be punished according to law.

(5) The students and the graduates who were enrolled to specialized study areas/study programs for which the didactic process was terminated in accordance with paragraph (4) are entitled to end their studies in specialized study areas/study programs which are authorized to function on a provisional basis or are accredited. The aspects related to the completion of the studies specified under the previous paragraph are regulated

by order of the Minister of Education, Research, Youth and Sports, upon the proposal of the Romanian Agency for Higher Education Quality Assurance (ARACIS), after having consulted the National Rectors' Council.

(6) The Ministry of Education, Research, Youth and Sports shall draft the methodologies, regulations and other pieces of legislation resulting from the implementation hereof and shall establish the transient measures for its enforcement within 8 months after the entry into force hereof.

### **Art. 362**

(1) The teaching staff holding the position of teaching assistant on the date of the entry into force hereof and who get the PhD degree within 4 years after the entry into force hereof shall be promoted, as of right, to the position of assistant professor.

(2) The employment agreements of the individuals holding the position of teaching assistant shall be terminated as of right at the end of the 4 year period after the entry into force hereof.

(3) The employment agreements of the individuals holding the position of assistant professor or research assistant and who are not candidates for a PhD degree or did not get the PhD degree shall be terminated as of right at the end of the 4 year period after the entry into force hereof.

(4) By way of exception from the provisions of Art. 301 (2), the individuals holding the position of assistant professor in a higher education institution on the date when this law enters into force shall not be governed by the respective provisions. The employment agreements of the respective individuals who did not get their PhD degree shall be terminated as of right at the end of the 4 year period after the entry into force hereof.

(5) The employment agreement of the individuals who hold the position of lecturer/tutor or a higher university teaching position and who did not get their PhD degree shall be terminated as of right at the end of the 4 year period after the entry into force hereof.

(6) The employment agreements of the individuals who hold the position of scientific researcher or a upper research position in higher education institutions and did not get their PhD degree shall be terminated as of right at the end of the 4 year period after the entry into force hereof.

### **Art. 363**

On the date when this law enters into force, the State higher education institutions with teaching activities in the language of national minorities, having the statute of multicultural and multi-language universities, as provided by this law, shall be the following:

(1) Babeş-Bolyai University in Cluj-Napoca – in Romanian, Hungarian and German languages;

(2) Medicine and Pharmacy University in Târgu Mureş – in Romanian and Hungarian languages;

(3) University of Theatre Arts in Târgu Mureş – in Romanian and Hungarian languages.

### **Art. 364**

(1) University governing boards shall complement the new University Chart, the organization and functioning regulations and the methodologies of universities according to this law, within 6 months after the entry into force hereof.

(2) At the end of the current mandate, the new governing bodies of universities shall be set up pursuant hereto.

### **Art. 365**

(3) The terms and expressions used herein are defined in the annex forming an integral part of this law.

## LIST OF DEFINITIONS FOR THE TERMS AND EXPRESSIONS USED HEREIN

(1) **Empowerment** – the certification of an individual's capacity to coordinate PhD dissertations and hold the didactic and research position of professor;

(2) **Accreditation** – the process whereby the concerned educational unit/institution/organization acquires, based on the external evaluation conducted in accordance with this law, the right to organize entrance examinations, carry out the learning process, organize end-of-study exams and issue diplomas and certificates acknowledged by the Ministry of Education, Research, Youth and Sports;

(3) **Education quality assurance** – the capacity of an educational service supplier organization to provide educational programs according to announced standards, ensured by a set of actions meant to develop the institutional capacity, and draft, plan and implement study programs, which builds the beneficiaries' trust in the fact that the educational service supplier organization meets quality standards;

(4) **Provisional functioning authorization** – the process whereby the concerned educational unit/institution/organization, based on the external evaluation performed in accordance with this law, by the quality assurance agencies authorized to operate on the Romanian territory, acquires the capacity of education service supplier, under a decision of the relevant local administration authority and under Government decision. The authorization for provisional functioning gives the right to organize entrance examinations and organize and carry out the learning process;

(5) **Direct beneficiaries of education and vocational training** – ante pre-school children, pre-school children, pupils and students, as well as adults enrolled in a form of education and vocational training;

(6) **Indirect beneficiaries of education and vocational training** – families of direct beneficiaries, employers, the local community and generally, the entire society;

(7) **National Qualifications' Framework** – a tool used to establish qualifications, in line with a set of criteria corresponding to certain specific learning levels. The National Qualifications' Framework is aimed at integrating and coordinating national qualification sub-systems and enhancing transparency, access, progress and quality of qualifications according to the labour market and the civil society;

(8) **National Framework of Higher Education Qualifications, hereinafter referred to as CNCIS** – the tool used to establish the structure of qualifications in higher education. CNCIS is meant to ensure coherence of the qualifications and the degrees obtained within the higher education system. CNCIS ensures national acknowledgement, as well as international compatibility and comparability of the qualifications obtained through higher education. CNCIS is part of the National Qualifications' Framework defined under item 7;

(9) **Qualification** – the formal result of an evaluation and validation process, obtained when a competent body establishes that, further to the learning process, a person obtained results according to certain preset standards;

(10) **Education quality** – the total set of characteristics of a study program or vocational qualification program or of its provider, meeting the quality standards and the beneficiaries' expectations;

(11) **Daytime care center** – a State institution or an institution owned by a nongovernmental organization where children with deficiencies and transportable are hosted and cared for throughout the day;

(12) **Education center** – an educational unit organized by the Ministry of Education, Research, Youth and Sports or by nongovernmental organizations, in partnership with the Ministry of Education, Research, Youth and Sports, meant for the recovery, compensation, rehabilitation and school and social integration of various categories of children/pupils/young people with deficiencies;

(13) **University scientific research** – scientific research itself, artistic creation and activities specific to high performances in sports;

(14) **Competence** – the proven capacity to select, combine and adequately use the knowledge, skills and other assets consisting in values and attitudes in order to successfully solve a certain category of job or learning situations, as well as for professional or personal development under efficacy and efficiency conditions;

(15) **Vocational competences** – a unitary and dynamic set of knowledge and skills. The following keywords are used to describe knowledge: knowing, understanding and use of specific language, explanation and interpretation. The following keywords are used to describe skills: implementation, transfer and problem solving, critical and constructive reflection, creativity and innovation;

(16) **Transversal competences** – value and attitude assets that go beyond a certain study area/program and is described by the following keywords: autonomy and accountability, social interaction, personal and professional development;

(17) **Education quality control in pre-university educational units** – operational activities and techniques, implemented on a systematic basis by an inspection authority appointed to verify the compliance with preset standards;

(18) **Vocational training credits** – the overall outcomes of the learning acquired by an individual during a vocational training program, used to indicate the progress made and the complementation of a training program which results in obtaining a qualification. Credits are used to permit the transfer from one qualification to another, from one qualification level to another and from one learning system to another;

(19) **Transferable study credits** – are value numbers allocated to course units and other didactic activities. Transferrable study credits are used to estimate, on average, the amount of all types of work done by a student to acquire the knowledge and the competences specific to a subject field;

(20) **Criterion** – a set of standards regarding a key organizational and operational aspect of an education service supplier/providing unit/institution during the process of provisional functioning authorization/accreditation/quality evaluation and assurance;

(21) **Knowledge** – the outcome of acquiring, by learning, a set of facts, principles, theories and practices related to a certain work or study field;

(22) **ECTS** – European Credit Transfer and Accumulation System;

(23) **ECVET** – European Credit for Vocational Education and Training;

(24) **Education** – the overall processes of implementing programs and activities of learning and creating academic or vocational competences. Education includes learning activities both in a formal, and in a non-formal or informal context;

(25) **Education and vocational training** – a coherent and permanent set of learning activities and experiences undergone by the learning subject during the entire period of his/her educational-training route;

(26) **EQF** – The European Qualifications Framework for lifelong learning is a benchmark used to compare the qualification levels of various qualification systems, which promotes both lifelong learning and equal opportunities in a knowledge-based society, as well as the further integration of citizens on the European labor market, while respecting the great diversity of national educational systems;

(27) **Institutional evaluation of quality** – the multi-criteria examination of education quality, of the extent to which an education service supplier/providing unit/institution and its programs fulfill the standards and the reference standards. When quality evaluation is conducted by the organization, it shall be carried out as an internal evaluation. When quality evaluation is conducted by a specialized national or worldwide agency, it shall be carried out as an external evaluation;

(28) **Evaluation of learning outcomes** – the process whereby it is established that an individual acquired certain knowledge, skills and competences;

(29) **Performance indicator** – a tool measuring the degree to which an activity carried out by the education service supplier/providing unit/institution was fulfilled, as compared to standards and reference standards respectively. The minimal level of performance indicators corresponds to the requirements of a standard. The maximum level of performance indicators corresponds to the requirements of a reference standard, is optional and differentiates quality on a hierarchical, progressive basis;

(30) **Education quality improvement** – the evaluation, analysis and permanent corrective activity carried out by the education service supplier/providing unit/institution, based on the selection and adoption of the most appropriate procedures, and also on the selection and implementation of reference standards;

(31) **Education** – a public service organized under a public law legal regime for the purpose of ensuring the education and vocational training of the young generation;

(32) **Full-time, part-time, distance learning** – organization forms of didactic processes involving:

a) compulsory attendance for full-time learning;

b) replacement of teaching hours with individual study activities and periodical, usually weekly meetings with pupils/students/course attendants in order to carry out the compulsory applicative activities provided in the learning framework plans/learning plans, for part-time education;

c) replacement of teaching hours with individual study activities and periodical meetings, holding of seminars in a tutoring and compulsory system for all the didactic activities that develop practical competences and skills in a face to face system for distance learning;

(33) **Mandate** – the period when a person, appointed in a management position by vote or further to a contest, in an educational unit/institution within the national education system, implements the managerial program based on which it was vested. The mandate duration is 4 years;

(34) **Organization interested in providing educational services** – a legal entity which includes learning activities in its charter and undergoes the authorization process in order to become an education service supplier;

(35) **"Second Chance" Educational Programs** – educational programs aimed at supporting children/young people/adults who left the educational system too soon, without having completed the primary and/or secondary education, exceeding by at least 4 years the school age corresponding to such levels, so as to make it possible for them to complement and finalize the compulsory learning programs and to obtain a vocational qualification;

(36) **Vocational qualification programs** – the educational offer which leads to acquiring a vocational qualification registered in the National Qualifications' Register;

(37) **Study programs** – materialize the educational offer of an organization which provides educational services;

(38) **Accredited study program** – the study program that fulfills the minimal requirements provided by accreditation standards and performance indicators;

(39) **Authorized study program**– the evaluated study program which was approved and which fulfills the provisional authorization conditions;

(40) **Vocational training credits**– is the number expression of the importance of a learning outcome unit related to a qualification;

(41) **Unique Nominal Roll of Romanian Universities (RMUR)** – is a national electronic database where all the students in State, private or religious higher education institutions, accredited or authorized to function on a provisional basis are registered. RMUR is established based on the nominal rolls of higher education institutions;

(42) **National register of qualifications** – is a national database including the description of all the qualifications in Romania;

(43) **Learning outcomes** – means what a person understands, knows and is capable to do at the end of a learning process. The learning outcomes consist in the knowledge, skills and competences acquired during various formal, non-formal and informal learning experiences;

(44) **National education system**– consists in all the accredited State, particular and religious educational units and institutions, of various types, levels and organization forms of the education and vocational training activity;

(45) **Tutoring system** –the organization of didactic activities in distance learning, by one member of the tutoring teaching staff, which provides:

a) the performance of learning and evaluation activities, both in the distance and the face to face system;

b) the organization by subject matters and groups that include no more than 25 pupils/students/course attendants;

(46) **Knowledge society**–a society where knowledge is the main resource, being created, shared and used in order to generate prosperity and wellbeing to its members;

(47) **Standard** –the description of the requirements set out in terms of rules or outcomes, defining the minimal compulsory level of performing an educational activity. Any standard is set out in general terms, as a statement, and materializes as a set of performance indicators. Standards are differentiated by criteria and fields;

(48) **Reference standard** – the description of the requirements defining an optimal level of performance of an activity, by the education service supplier/providing unit/institution, based on the good practice existing at national, European or worldwide level. Reference standards are specific to each study program or each institution, are optional and are above the minimal level;

(49) **Third states** – any states, except for European Union Member States, the states of the European Economic Area and of the Swiss Confederation;

(50) **Unit** – an educational unit in pre-university education;

(51) **Learning outcome unit** – the part of a qualification including a coherent set of knowledge, skills and general competences which can be evaluated and validated;

(52) **Education service providing unit / institution / education service supplier** – the accredited education units and institutions;

(53) **Validation of learning outcomes** – a process confirming that the learning outcomes acquired by an individual, which are evaluated and certified, meet the specific requirements for a certain unit or qualification;

(54) **Transfer of learning outcomes and related credits** – the process whereby learning outcomes and related credits are transferred to and integrated within the vocational training program attended by the studying person;

(55) **Acknowledgement of learning outcomes and related credits** – the process whereby the acquired, evaluated and validated learning outcomes and credits are granted an official status for the purpose of obtaining the vocational qualification certificate;

(56) **Certification of learning outcomes** – the process whereby the outcomes of the learning acquired by the studying individual are formally confirmed following an evaluation process;

(57) **Public education** – is the equivalent of State education, as defined in the Constitution of Romania, as republished;

(58) **Private education** – is the equivalent of nonpublic education, as defined in the Constitution of Romania, as republished.§