

Romania
Functional Review
PRE-UNIVERSITY EDUCATION SECTOR
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Annex 1

Provisions Relating to the Role of the Ministry of Education, Research, Youth and Sports in the Education Law

Article 94

(2) In the field of pre-academic education, The Ministry of Education, Research, Youth, and Sports [hereafter referred to as ‘the Ministry’] 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 [hereafter the term ‘county inspectorates’ includes also the Bucharest one];
- 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 [the official approval or confirmation] 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 proposes the creation of agencies to the government, establishes, 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.

Article 14

(1) The Ministry develops, substantiates and applies national educational strategies

Article 26

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

Article 27(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 within 12 months of the coming into force of the present law.

Article 29(4)

The Ministry of Education 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.

Article 31(2)

The Ministry of Education 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.

Article 45(12)

The Ministry provides the didactic materials specific to the subjects taught in the maternal language

Article 45(13)

For pupils belonging to national minorities, the Ministry 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 for the unpublished textbooks, on account of their limited circulation.

Article 59

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

d) 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.

(e) 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.

Article 65

(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, and are approved by order of the minister of education, research, youth and sports.

Article 70(4)

The Ministry of Education is responsible for the creation, development, management and continuous enrichment of the Digital School Library and of School E-learning Platform.

Article 80(2)

The Ministry of Education..., 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. Based on this statute, each educational institution develops its own school regulations. 80(2) [not yet in functional table]

Article 83

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

Article 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.

(3) The Ministry of Education develop the national programme for the stimulation of didactic excellence, financed from its own budget...

(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.

(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.

Article109

(1) The Ministry of Education finances 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.

(b)... [to] appoint a Teacher of the Year

(c) ...students at the school Olympiads, artistic and technical-scientific creation Olympiads and Olympic games are financially rewarded by an order of the Minister

Article 237

(1) As main founder and on the basis of the analysis of the training needs in the system, the Ministry of Education 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 psycho-pedagogical training programmes are accredited and evaluated periodically by the Ministry of Education by ARACIS or by other approved bodies, in accordance with the law.

Article 238

(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 in a public institution are granted scholarships financed by the State budget.

Article 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:

Article 244

(1) The Ministry of Education 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.

Article 246

(1) The Ministry of Education 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.

Article 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...

Article 260(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

Annex 2

The Role of the Ministry of Education and its Subordinated Agencies in Functional Language

Functions	The Text of the Law	Provisions in the Education Law on which the Functions are Based
<p>Provide overall direction for action: Develop national objectives, policies and strategies for the education system</p>	<ul style="list-style-type: none"> - Drafts, applies...the national education policies - Develops, substantiates and applies national educational strategies -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 - Drafts the national policies in the field of human resources -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 - The Ministry of Education..., 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. 	<p>Article 94(2)a, d, n, p, u Article 14 Article 80(2)</p>
<p>Organize, set up national structures to accommodate both mainstream students and special groups of students</p>	<ul style="list-style-type: none"> - Approve the structure of pre-university education [Design it] - Initiate the organization of the early ante-preschool education institutions, the educational content, quality standards and organization methodology for this type of education - Ensures the organizational framework for the selection and proper training of students with special skills - Ensures the specialized education and psycho-pedagogical support for the children with disabilities or special needs 	<p>Article 94(2)d Article 27(2) Article 94(2)j Article 94(2)k</p>
<p>Set up agencies to carry out specialized roles in the system</p>	<ul style="list-style-type: none"> -Establishes, organizes and finances national councils and commissions 	<p>Article 3</p>
<p>Mobilize funds for the</p>	<ul style="list-style-type: none"> - The students who attend the courses of the Master of Arts in teaching accredited by the 	

<p>operation of the pre-university education system</p>	<p>Ministry of Education in a public institution are granted scholarships financed by the State budget. 238(3)</p>	
<p>Provide operational framework for action Develop rules, norms, standards and methodologies</p>	<p>- Educational activities may be initiated and organized in the pre-university education system, with the approval of the Ministry based on regulations approved by Minister's Order. The general framework for the establishment, suppression, and functioning of school consortia shall be regulated by order of the Minister of Education. (e)The general framework for the creation, dissolution and functioning of the school consortia shall be regulated by order of the minister of education. -Draft specific norms for the construction of schools and their endowment</p> <p>-Determine standards for teacher education "...the Ministry of Education establishes the curricula points and the skills in the initial theoretic and specialized training of the teaching staff." 237(1)</p> <p>-Provide accreditation (through its agencies): "The initial theoretic and specialized and psycho-pedagogical training programmes are accredited and evaluated periodically by the Ministry of Education by ARACIS or by other approved bodies, in accordance with the law." (237(2)</p> <p>- 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. 238(2)</p> <p>The national exam for the permanent teacher certification is organized by the Ministry of Education according to a methodology approved by the order of the Minister of Education... 241(1)</p>	<p>Article 94(2)s Article 59(1)(d)(e)(u)</p>
<p>Develop tools to facilitate the delivery and management of education at school and inspectorate levels</p>	<p>Ensures the homologation [the official approval or confirmation] of the educational tools -Builds and ensures the optimum operation of the e-learning school platform, as well of the virtual school library The Ministry of Education is responsible for the creation, development, management and continuous enrichment of the Digital School Library and of School E-learning Platform.</p>	<p>Article 94(2)I, t Article 70(4)</p>

<p>Manage overall, coordinate & control the operation of the education system</p>	<ul style="list-style-type: none"> -Approve internal regulations of subordinated and related facilities -Coordinates, monitors and controls the qualification and initial and continuous learning process of the teaching staff for the national policies - Decides the structure of the school year 	<p>Article 94(2)c, g, m</p>
<p>Monitor and evaluate overall results of the operation of the system and the implementation of its national policies, strategies</p>	<ul style="list-style-type: none"> -Coordinate development of, and approve, the national evaluation system - - Take charge of the evaluation of the national education system, based on national standards - Coordinates the collection of statistics data for the national system of indicators concerning education and provides the analysis and interpretation of the data -Draft diagnosis and forecast studies in the educational field 	<p>Article 94(2)a, b, e, h, o, w</p>
<p>Develop, manage and implement special projects/programs aimed at enhancing the system’s capacity to deliver its educational services</p>	<ul style="list-style-type: none"> -The Ministry may establish, through a government resolution, the operation of some pilot, experimental and application units within pre-university education -The Ministry of Education 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. -The Ministry of Education develops the national programme for the stimulation of didactic excellence, financed from its own budget -The Ministry of Education finances the following competitions: <ul style="list-style-type: none"> (a) Competitions between schools which are based on the institutional evaluation of two major axes in each education facility: inclusion and performance. (b) ...[to] appoint a Teacher of the Year (c) ...students at the school Olympiads, artistic and technical-scientific creation Olympiads and Olympic games are financially rewarded by an order of the Minister - The Ministry of Education develops the national programme for the stimulation of didactic excellence, financed from its own budget, through which didactic excellence is rewarded. 	<p>Article 26 Article 29(4) Article 92(3) Article 92(2)</p>
<p>Develop the content of education – the national curricula and syllabi</p>	<ul style="list-style-type: none"> - 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, and are approved by order of the minister of education - The Ministry of Education has the competence to set, through the framework schooling programmes, various specialties, within the qualifications mentioned in paragraph (1), 	<p>Article 94(2)e Article 31(2) Article 65(4)</p>

	according to the social, economic and educational dynamics.	
Provide textbooks and instructional material	<ul style="list-style-type: none"> - Provide textbooks: evaluate, approve, fund and purchase them <p>For pupils belonging to national minorities, the Ministry 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 for the unpublished textbooks...</p> <ul style="list-style-type: none"> - The Ministry provides the didactic materials specific to the subjects taught in the maternal language 	<p>Article 94(2)f Article 45(12)(13)</p>
Recognize degrees, certificates, diplomas	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	Article 94(2)q
Serve as link between the education system and Government and Parliament	<ul style="list-style-type: none"> - Publishes and presents each year, in front of the Parliament, the report on the current status of the pre-academic education in Romania - proposes the creation of agencies, or structure, to the government e.g., 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 within 12 months of the coming into force of the present law. 	<p>Article 94(2)v Article 3 Article 27(2)</p>

Action Verbs in the law: Manage, Coordinate, Monitor, Control, Provide, Ensure, Analyze, Draft, Approve, Assess, Set methods, Build, Organize

Annex 3

Provisions Relating to the Role of the Inspectorate in the Education Law

Article 95

(1) The county school inspectorates and the School inspectorate of Bucharest [hereafter referred to as ‘inspectorates’] are decentralized public services of the Ministry of Education, Research, Youth, and Sports [hereafter referred to as ‘the Ministry’] having legal status and the following main tasks:

- a. Apply, at county/Bucharest level [hereafter referred to as ‘county level’], the policies and strategies of the Ministry
- b. Control 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. Control, monitors and evaluates the quality of the educational facilities and institutions’ management;
- d. Ensure, together with the local public administration, the education of students, and monitors their attendance during the obligatory years;
- e. Coordinate the admission into high-schools, the national evaluations and the county school competitions at facility level;
- f. Monitor the implementation of the national programs initiated in the counties by the Ministry within the county, 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. Mediate the conflicts and litigations between the local authority and the education facilities;
- h. Coordinate and controls the activities of the facilities related to the Ministry of Education, Research, Youth, and Sports in the counties;
- i. Present an annual report regarding the education in the county. This report is made public;
- j. Approve, at the proposal of the local council or county councils the foundation of new facilities for preschool, primary and secondary education;
- k. Apply the national educational policies at county level;
- l. Provide education facilities and institutions with counselling and support in managing human resources and jobs at county level and in Bucharest.

- m. Monitor the constitution, lay off and occupation of teaching positions within the education facilities;
- n. Manage the database regarding the qualified teachers hired teaching staff in the education facilities and the entire database of education.
- o. Submit to the approval of the Ministry 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. Carry out regular audits of the human resources of pre-university education
- q. Ensure the collection of statistics data for the national system of indicators regarding education

Article 52

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.

Article 53

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.

Article 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.

(2) The National Centre for Differentiated Education established by Government Decision initiated by the Ministry 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.

Article 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,

Article 61(6)

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 to withdraw the accreditation/licence of a legal entity educational institution or one of its structures according to the legal provisions...

Article 71(4)

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

Article 78(7)(8)

The A, B, C, D, evaluations stipulated in Article 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 school inspectorate general, under the terms stipulated by a specific methodology.

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

Article 86 (1)

“...the educational facilities conclude an educational contract with their parents, in which the mutual obligations of the parties are stipulated.

Article 86(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.

Article 92(7)

County school inspectorates 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.

Article 100

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

(3) Children's 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

Article 104(4)

The basic financing approved on a yearly basis through the government budget law is distributed to communes, towns, cities and Bucharest sectors by the public county finance directorates, with specialized technical assistance from county school inspectorates

109(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.

Article 112(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 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 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.

Article 241(1)

The national exam for the permanent teacher certification is organized by the Ministry of Education according to a methodology approved by the order of the Minister of Education...

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;

Article 252

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.

Article 254

(17) School inspectorate centralizes on county level the remaining teaching positions and the official teaching workload that will be distributed in the following order:...

Article 259(3)

The directors of the units for extra school activities are appointed by the general school inspector or the minister of Education according to their subordination... The director concludes a management contract with the general school inspector or the minister of Education according to their subordination.

Annex 4
The Roles of the Inspectorates in Functional Language

Text of the Law		Role	Function/Task	
Action Verb	Object to which it Applies			
Organize	Home schooling, or hospital schooling for children in need of it 52, 53	Implement	Organize	
	Stage 1 in the national examination for permanent teacher certification (carry out two inspections 241(2))			
Apply	Policies and strategies			
Provide	Resources for Centers of excellence 57(3)			
Manage	Data base on education and teachers			
Coordinate	(Together with boards of directors) land and buildings belonging to Ministry 112(4)		Coordinate	
	Admission into high school			
	National evaluations at facility level			
	School competitions at facility level			
Mediate	Conflicts and litigation between local authority and schools		Control	Monitor
Report	Annually, publicly on education in county	Report		
Control	Implementation			
	Quality of educational facilities			
	Activities of ministry-related facilities			
	Children clubs and palaces 100(3)			
Approve	Proposals of local councils or county councils to establish new facilities			
	Proposal for the education network (but submit to Ministry) 61(2)			
Monitor	Quality of teaching learning activities			
	Observance of national standards [by school inspections]			
	Quality of educational facilities			
	Attendance of students			
	Implementation of national programs			
	Implementation of projects under national and EU programs			
	Constitution [?] lay off and occupation of teaching positions in education facilities			

Verify	Teachers' use and compliance with national evaluation standards 71(4)		
Audit	Human resources 92(7)		
Evaluate	Quality of educational facilities		
Ensure	Education of students		Take action
	Collection of statistic and data		
Assist	County finance directorate to distribute annual budget funds 104(4)		
Mediate		Support	Support
Counsel	On managing human resources and jobs		

Annex 5

Provisions on the Roles of Schools: School Boards, Principals and Teachers in the Education Law

A. The Board

Article 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.

(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.

Article 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.

Article 65

(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... Syllabi are approved by the board of directors of the educational institution in question.

Article 108(1)

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.

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.

Article 241

(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.

Article 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.**

Article 254

(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.

(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

(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.

Article 258

(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.

Article 262

(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.

Article 266

(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.

Article 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.

B. The Principal

Article 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. yearly 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.

Article 108(1)

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.

C. Teachers Council

Article 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;
- e. proposes to the Board of Directors the award and titles of "teacher of the year" to the staff with special results;
- f. approves the disciplinary actions against students;
- g. proposes to the Board of Directors the sanctioning of the teaching staff for bad results, breaching of the professional ethics;
- h. 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.
- i. proposes to the Board of Directors the training and continuous learning programs for the teaching staff;
- j. Appoints the teaching staff to the Board of Directors.
- k. performs other tasks decided by the Board of Directors.

Article 81

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

Article 74

(2) At the end of 2nd 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.

(4) At the end of 6th 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.

Article 80

(2) The Ministry of Education..., 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.

Article 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 general criteria for granting scholarships are set by the Ministry of Education... 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...

Article 84

(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

Article 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

Article 90

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

Article 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.

Article 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.

(2) The Ministry of Education develops 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...

(5) 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 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.

Article 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.

D. The Teachers

Article 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...

(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.

Article 69

(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.

(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

Article 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.

Article 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.

E. The School

Article 234

(5) 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.

Article 244

(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.

Annex 6

The Roles of the School - the Board, the Principal, the Teachers' Council, the Teachers and the Parents – in Functional Language

Functions	The Text of the Law
A. The Board	
General Management of the School together with the Principal	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. 96(1)
Make general decisions	Approves the institutional development plan drafted by the School Principal of the facility 96(7)b
	Decides the position of the school in the relation with third parties. 96(7)d
	...the educational facilities conclude an educational contract with the parents, in which the mutual obligations of the parties are stipulated. <u>The educational contract form is approved...</u> for each educational institution, by a decision of the board of directors. 86(1)
	Approves the examination commissions and validates the results of the exams. 96(7)j
	Approves the schedule of the educational institution 96(7)j
	Assumes public responsibility for the performance of the educational institution, together with the principle 96(7)k
Make academic decisions	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. 82(1)
	The general criteria for granting scholarships are set by the Ministry of Education... The specific criteria for granting high performance, merit, study, and social aid scholarships are established annually, <u>by the boards of directors of the educational institutions...</u> 82(2)
Make Financial management decisions	Adopts the draft budget and approves the budgetary allocation at the level of the educational institution. 96(7)a
	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. 108(1)
Make decisions related to the Curriculum	Approves the curriculum at the proposal of the teacher’s council. 96(7)c
	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. 65(5)
	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. 58(1)
Make Human Resources decisions	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. 93
	Organizes the exams for the position of school principal and deputy principle. 96(7)e
	Approves the employment plan of the teaching staff and auxiliary teaching staff, as well as the non-teaching employment draft. 96(7)f
	The employment of teaching staff from educational institution with legal status is made by the principal of the institution by means of a contract of employment with the <u>approval of the board of directors</u> . 90(1)
	The organization and performance of the contest for the occupation of the auxiliary teaching and administration posts from an educational institution are <u>coordinated by the principal</u> . The <u>board of directors of the educational institution approves</u> the contest commissions and <u>validates the results</u> of the contest. 91(1)
	The <u>employment</u> by means of a contract of employment of auxiliary teaching and administration staff in the educational institution with legal status are made <u>by the principal of the institution, with the approval of the board of directors</u> . 91(2)
	The results of the evaluation [the assessment of teaching staff] influence the <u>decision of the Board</u> to grant the annual qualification and merit degree. 92(2)
	Approves the professional development programs for the teaching staff at the proposal of the Teacher’s Council. 96(7)g
Sanctions the disciplinary, ethical or professional breaches of the teaching staff, according to the law	

Functions	The Text of the Law
B. The Principal	
Executive Mgt. of the School	The School Principal ensures the executive management of the facility. 97(1), 97(2)a
	To legally represent the facility... 97(2)a
	Assumes public responsibility for the performance of the facility it manages, together with the Board of Directors. 97(2)c
General Management	Submits the organizational and operational regulations of the educational institution to the approval of the Board of Directors. 97(2)d
	The Ministry of Education..., 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. Based on this statute, <u>each educational institution develops</u> its own school regulations. 80(2)
	Performs other tasks established by the Board of Directors, according to the legislation in force. 97(2)g
	Yearly presents 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 97(2)h
	At the end of 2 nd grade, <u>each school...</u> organizes and performs an evaluation of 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. 74(2)
	At the end of 6 th grade, <u>all schools</u> shall organize and perform... an evaluation of pupils by two trans-curricular tests: language and communication, mathematics and sciences. 74(4)
Manage the School's budget	The school principal is the budget manager of the facility. 97(2)b
	Submits for approval with the Board of Directors the draft budget and the budgetary allocation. 97(2)e
	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. 108(1)
Manage the School's Human Resources	The Principal is in charge of the selection, employment, periodical assessment, training, motivation and termination of work relations of the staff in the facility. 97(2)f
	In the pre-university public and private education, vacant and reserved positions are filled by means of competitive examination <u>organized at the level of the educational institution</u> with legal status <u>according to a framework methodology</u> elaborated by the Ministry. 89
	The organization and performance of the contest for the occupation of the auxiliary teaching and administration posts

	<p>from an educational institution are <u>coordinated by the principal</u>. The <u>board of directors of the educational institution approves</u> the contest commissions and <u>validates the results</u> of the contest. 91(1)</p> <p>The employment of teaching staff from educational institution with legal status is made by the principal of the institution by means of a contract of employment with the <u>approval of the board of directors</u>. 90(1)</p> <p>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.” 92(1)</p>
Functions	The Text of the Law
C. Teachers’ Council	
General	Appoints the teaching staff to the Board of Directors. 98(2)j
	Performs other tasks decided by the Board of Directors. 98(2)k
Provide curricular and didactic support and advice to the principal and the board	Manages and ensures the quality of the didactic act. 98(2)a
	Proposes to the Board of Directors measures for the optimization of the didactic process. 98(2)d
	Proposes to the Board of Directors the curriculum available for the facility. 98(2)e
	Proposes to the Board of Directors the award and titles of “teacher of the year” to the staff with special results. 98(2)e
	Validates the self-evaluation papers of the employed staff of the educational institution, on the basis of which the annual mark is determined. 98(2)c <i>Does the following belong to council? 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.” 92(1)</i>
	Proposes to the Board of Directors the training and continuous learning programs for the teaching staff. 98(2)i
	Approves the disciplinary actions against students. 98(2)f
Promotes the professional ethics of teachers	Sets the code of professional ethics and monitors its application. 98(2)b
	Proposes to the Board of Directors the sanctioning of the teaching staff for bad results, breaching of the professional ethics. 98(2)g
	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. 98(2)h

Functions	The Text of the Law
D. The Teachers	
Makes certain pedagogical decisions	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. 66(5)
	Teachers select and recommend to pupils to use a certain schoolbook from the list of schoolbooks approved by the Ministry in the didactic process, based on the free professional initiative. 69(3)
	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. 69(5)
Reports students' development for his records	At the end of the preparatory grade, the responsible teacher draws up... 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. 74(1)
E. The Parents Association	
To be specified	...the educational facilities conclude an educational contract with the parents, in which the mutual obligations of the parties are stipulated. The educational contract form is approved by order of the minister of education... for each educational institution, by a decision of the board of directors. 86(1)
Ensure children's attendance	(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. 86(3)
Cover costs of damage caused to school assets	(4)The parent or tutor-at-law is held accountable for the damage caused by the pupil to the school assets. 86(4)

Organize, approve, adopt, decide, sanction, submit for approval, in charge of, responsible for

Annex 7

Provisions Relating to the Role of Local Authorities and County Authorities in the Education Law

A. Local Authorities

Article 19(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.”

Article 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.”

Article 27(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.”

Article 27(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.”

Article 28

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

Article 42

- (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.

Article 44(2)

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.

Article 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...

(6) 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

Article 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:

a) The free movement of the staff among the schools within the consortium;

b) The common use of the resources by the schools within the consortium;

c) More learning opportunities offered to pupils and the mutual recognition and assessment of the learning results

(3) 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.

Article 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.

Article 85

(1) In justified situations, pupils attending compulsory education in another town are provided...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.

Article 79 treats local authorities as third-order beneficiaries:

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

Article 99(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.

Article 99(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.

Article 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.

109(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.

Article 112

(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.

(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** and are managed by the county council through the Board of Directors of those education facilities and institutions.

Article 257

(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.

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.

B. County Authorities

Article 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... CJRAE also comprise inter-school speech therapy centres.

Article 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.

Article 61

(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, upon consulting the social partners and with the approval of the Ministry of Education

Annex 8

The Roles and Functions of Local Authorities According to the Education Law

Text of the Law		Role	Function/Task
Action Verb	Object to which it Applies		
Ensure	The smooth delivery of pre-university education in their jurisdiction 20(1)	Manage operation	General Oversight
Manage	The land and buildings for early education facilities, preparatory schools, primary, secondary and high schools, including those for the educational levels within such schools 112(2) and the land and buildings where public special education facilities, the county centre for resources and educational support carry out their operations 112(3)		
Decide	To establish school consortia 62(1)		
Assign	Reassign students to other schools when their original schools are closed due to loss of accreditation 61(6)		
Approve	The organization, functioning, and dissolution of certain educational structures involved in vocational education and training which do not have legal status – as parts of an educational institution with legal status 19(4)		
Conclude	Performance contracts and contractual arrangements with principals of pre-university education units regarding the basic and complementary financing 106		
Set	The annual amount of the scholarships granted from the state budget and their number 82(2)		
organize	The State and private pre-university educational institutions network... with the approvals of the school inspectorates... 61(2)		
organize	The educational network for the special high schools and post-high school education- by the county council... 61(2)		
organize	Transport services and board and lodging to pupils attending compulsory education in another town (in justified situations and with help of community, etc.) 85(1) [The verb used is ‘provide’ but the meaning includes ‘organize’.]		
Establish	School consortia 62(1)		
Establish	The units in which state arts and sports education is organized (with the approval of school		

	inspectories) 42(2)	
Distribute	The basic financing for communes, towns and cities approved on a yearly basis through the government budget law (with specialized technical assistance from county school inspectorate) 104(4)	
Provide	All necessary logistics shall be provided to students when their original schools are closed due to loss of accreditation and they are assigned to other educational institutions 61(6)	
Provide	The teaching staff necessary for the delivery of ante-pre-school education (in cooperation with school inspectorates) 27(3)	Provide Resources
	The conditions required for the gradual generalization of pre-school education 28(2)	
	Transport services and board and lodging to pupils attending compulsory education in another town (in justified situations and with help of community, etc.) 85(1)	
	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...[of] the local councils. 112(2)	
Finance	State post-high school education (together with sums provided from the Government Budget incomes and from the local budget incomes) 44(2)	
	The County Centre for Resources and Educational Support 99(5)	

Annex 9

Methodology used in the National Cost Standards

Fundamentals of the fund distribution methodology

The basic financing distribution methodology described in this annex applies to the 2010 allocation of budgets to counties for salary expenditures of staff in pre-university education institutions. The national cost standards are based on quality standards for the pre-university sector already defined in legislation and subordinate legislation, in particular regulations on students' curriculum entitlement, on **the hours per week taught by teachers, as well as on current average per student expenditures on auxiliary and non-didactic staff.**

The distribution of the allocations for the basic funding of the pre-university education sector by entities (counties/ local authorities /schools) is performed based on general information (the total amount available for allocation) and on specific information as well (number and composition of physical pupils etc.). This information is received from the entities on a date that is a reference date for the entire system (the beginning of the school year).

Therefore, the methodology takes into account **the number of physical pupils** (differentiated by education level, environment [urban/rural], education stream, type, teaching language) and **the coefficients for the differentiation** of costs per pupil (**these are calculated for each education level, urban/rural, education stream and minority language**), which determine the number of equivalent pupils.

The “equivalent pupil” notion

The “equivalent pupil” notion is introduced to express, in arithmetical terms, the fact that the costs for educating a physical pupil are different depending on the education level, type, academic programme, teaching language and density of the school population.

The number of equivalent pupils is calculated by weighting the physical number of pupils enrolled for different education forms, with the coefficients for differentiation of standard costs by education levels, stream and urban or rural location (see Annex Table 1) and other additional coefficients (for minority languages).

Therefore, the number of equivalent pupils corresponding to the number of physical pupils at the school s in local government p, for education level k, will be given by the formula below:

$$N_{ps}^e = (N_{ps})_k \times coef_{dif_k} \times coef_{minoritati}$$

where :

$$- N_{ps}^e = \text{Number of equivalent pupils in school s (in local government p)}$$

- $(N_{ps})_k$ = Number of physical pupils in school **s** (**local government p**), education level **k**, at the beginning of the school year;
- $coef_dif_k$ = The standard cost differentiation coefficient according to the education level **k**. **As can be seen in Table 1, k consists of 15 levels and types of educational provision in urban and rural areas, making 30 values for k in all.**

This coefficient expresses the size of the cost for one pupil enrolled in education of form k as compared to the cost for 1 urban gymnasium level pupil, the latter being the standard cost. The calculation method of standard costs will be described below.

The cost coefficients per pupil are calculated as below:

$$coef_dif_k = \frac{C_{stk}}{C_{stref}}$$

where :

$$C_{stk} = \text{The cost for a pupil enrolled in a form of education k;}$$

$$C_{stref} = \text{The standard reference cost for a pupil in an urban gymnasium.}$$

- $coef_{minoritati}$ = Additional coefficient for pupils learning in a national minority language (Table 1), taking into account that the curriculum includes an additional number of hours per week. Hence, for pupils learning in a national minority language an adjustment coefficient is added, while for the other pupils this coefficient is 1 (and has no impact).

The total number of equivalent pupils in all schools in local government p is calculated by summing the number of equivalent pupils at each school. The total number of equivalent pupils in local government p is given by the following formula:

$$N_{ps}^e = \sum_{k=1}^n (N_{ps})_k \times coef_dif_k \times coef_{minoritati}$$

- n = The total number of education levels in the public pre-university sector in Romania (see Table 1 where n=30)

Table 1: Standard cost coefficients by levels and type of education

Level and type of education (<i>pre-university education levels</i>)	Cost per pupil (RON)		Coefficients ¹ for calculating equivalent students	
	Urban	Rural	Urban	Rural
Pre-primary regular education	1895	2071	0.66	0.73
Pre-primary extended/weekly education	3474	3474	1.22	1.22
Primary education	2180	2597	0.76	0.91
“Second chance” primary education	1679	2023	0.59	0.71
Vocational primary education	2555	3056	0.89	1.07
Lower-secondary education	2857	3494	1.00	1.22
“Second chance” lower-secondary education	1902	1902	0.67	0.67
Vocational lower-secondary education	3196	3918	1.12	1.37
Theoretic upper-secondary education	2713	2713	0.95	0.95
Technical, sport, military, pedagogical and theological upper-secondary education	2952	2952	1.03	1.03
Art and music upper-secondary education	3272	3272	1.15	1.15
Lower-secondary education part time	1114	1114	0.39	0.39
Arts and trades school, additional year	3129	3403	1.10	1.19
Post-secondary education/foremen	3129	3129	1.10	1.10

Calculated as compared to coefficient 1 (one), corresponding to the standard reference cost for one pupil enrolled in urban gymnasium

Standard cost per pupil

The notion of the standard cost per pupil (at national level) expresses in concrete financial terms the average amount necessary to cover the basic expenditures for the education of a benchmark pupil during a year, at least at the level of the minimum quality standards. The standard cost varies from one year to another and is calculated for the following financial year. The benchmark pupil is considered to be a pupil at a general **gymnasium in an urban environment**.

The standard cost is calculated by summing up the basic funding components, calculated in the appropriate amount for one pupil who follows a didactic process at the quality level specified by law.

The standard cost per pupil is formed of two elements:

- a) Standard teaching cost ($C_{st_didactic}$);
- b) Standard non-teaching cost ($C_{st_nedidactic}$), for the other non-teaching persons (for instance *school directors, deputy directors, auxiliary staff and non-didactic staff*).

Hence, the standard cost per pupil is calculated using the formula below:

$$C_{st} = C_{st_didactic} + C_{st_nedidactic}$$

Standard Teaching Cost per pupil

The main component of the standard cost is given by the expenditures on teaching staff (standard didactical cost per pupil) and represents the average gross annual wage expenditures for one teacher, divided by the average number of pupils per one teacher.

$$C_{st_didactic}(elev) = \frac{Chelt_{salaruu_brut}(cadru_didactic)}{N_elevi(cadru_didactic)}$$

where,

$$Chelt_{salaruu_brut}(cadru_didactic) =$$

the gross salary of a teacher (including bonuses and indemnities) plus the employers' contributions; for the 2010 standard costs the average salary of a teacher in Romania at each level of education is used to derive the standard costs in money terms.

$$N_elevi(cadru_didactic) =$$

the pupil-teacher ratio (average number of pupils per teacher).

The pupil-teacher ratio is calculated by multiplying the number of pupils in a standard sized class with the number of teaching hours per week supplied by a teacher for a full time salary (norma) and dividing the result by the average number of weekly hours pupils on average in an education level must be taught the subjects specified by the curriculum.

Hence,

$$N_elevi(cadru_didactic) = [N_elevi(clasa) * ore_sapt(cadru_didactic)] / ore_sapt(elev)$$

where:

$N_elevi(clasa)$ = the standard number of pupils per class;

$ore_sapt(cadru_didactic)$ = the number of teaching hours per week supplied by a teacher for a full time salary. These are set by special education laws and orders / methodologies issued by MERYS.

$ore_sapt(elev)$ = the average number of weekly hours pupils in a specific education level must be taught the subjects specified in the curriculum as required by MERYS.

The standard class size for urban and rural students for the different levels and types of educational provision are shown in Annex Table 2 together with the student hours and teacher hours per week.

Table 2: Quality standards for hours per teacher, hours per pupil (lessons per week) and number of pupils per class

Level and type of education	Teacher hours	Student hours	Average number of pupils per class		Average pupil teacher ratio		Added hours for minority language (% of total)
			Urban	Rural	Urban	Rural	
Pre-primary regular education	25	25	20	18	20	18	0%
Pre-primary extended/weekly education	25	50	20	20	10	10	0%
Primary education	16	20	22	18	17.6	14	20%
“Second chance” primary education	16	10	15	12	24	19	20%
Vocational primary education	16	24	22	18	14.7	12	20%
Lower-secondary education	18	30	25	20	15	12	14%
“Second chance” lower-secondary education	18	15	20	20	24	24	14%
Vocational lower-secondary education	18	34	25	20	13.2	11	14%
Theoretic upper-secondary education	18	30	28	28	16.8	17	13%
Technical, sport, military, pedagogical and theological upper-secondary education	18	33	28	28	15.3	15	13%
Art and music upper-secondary education	18	37	28	28	13.6	14	13%
Lower-secondary education part time	18	10	28	28	50.4	50	13%
Arts and trades school, additional year	18	32	24	22	13.5	12	10%
Post-secondary education/foremen	18	36	29.2	29	14.6	15	10%

Standard non-teaching cost per pupil

Staff other than teachers whose salaries must be included in basic funding, are:

- school directors
- school deputy directors
- auxiliary staff (e.g. accountants, librarians, secretaries etc.)
- non-didactic staff (e.g. cashiers, janitors, cleaners, guards, doormen etc.)

The standard cost for non-didactic staff (non-teaching staff, including school directors and deputy directors) was calculated based on the 2008 average number of pupils per one member of staff in each category¹, for all school levels nationally, as shown in Table 3 and the expenditures on the salaries of these staff categories.

County basic funding allocations

The main elements of the county distribution formula are as follows.

The county allocation is the **number of equivalent pupils**, N_J^e , multiplied by the standard cost, C_{st} .

Hence, the total allocation S_J distributed to each county J is calculated as follows:

$$S_J = N_J^e \times C_{st}$$

Applying the formula to the allocation to a local government or a school, respectively, we obtain the formulas below:

Local government allocation (which is the sum of its schools' allocations):

$$\begin{aligned} S_p &= N_p^e \times C_{st} \\ &= \sum_s N_{ps}^e \times C_{st} \end{aligned}$$

School allocation:

$$S_s = N_{ps}^e \times \frac{S_p}{N_p^e}$$

¹ It is difficult to reflect detailed norms simply in a per capita funding formula. The school entitlement to these positions is defined by existing norms, which are complex as they depend on many criteria, including the number of enrolled pupils, the school size in square meters, etc. Municipalities and counties vary considerably in the number of such staff per pupil and in their distribution. These differences have developed over time, since the regulations regarding these positions stipulate thresholds and are somehow permissive, each county has a different number of such positions according to different visions with regard to staffing strategies.

Table 3: Data for setting standard costs for school directors and deputy directors and for auxiliary and non-didactic staff

Level and type of education	Number of pupils per member of staff			
	School Principal	Deputy Principal	Auxiliary staff	Non-didactic staff
Pre-primary regular education	200	0	300	100
Pre-primary extended/weekly education	200	0	300	100
Primary education	400	1000	300	100
“Second chance” primary education	400	1000	300	100
Vocational primary education	400	1000	300	100
Lower-secondary education	600	1000	300	100
“Second chance” lower-secondary education	600	1000	300	100
Vocational lower-secondary education	600	1000	300	100
Theoretic upper-secondary education	600	1000	300	100
Technical, sport, military, pedagogical and theological upper-secondary education	600	1000	300	100
Art and music upper-secondary education	600	1000	300	100
Lower-secondary education part time	600	1000	300	100
Arts and trades school, additional year	600	1000	300	100
Post-secondary education/foremen	200	500	300	100