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<b>Authors:</b>	Adrian NICOLESCU

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## ROMANIAN LEGISLATIVE REGULATIONS CONCERNING EDUCATIONAL POLICIES

Adrian NICOLESCU<sup>1</sup>

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### ABSTRACT:

*WITHOUT EXTRAPOLATING, EDUCATIONAL POLICIES WERE A PRIORITY FOR ALL EDUCATIONAL ACTORS, BUT ALSO FOR THE POLITICAL PARTIES THAT SUCCEEDED EACH OTHER IN GOVERNMENT. AFTER NUMEROUS SUSTAINED EFFORTS, RECENTLY, BY THE LEGISLATURE, THE NEW EDUCATION LAWS, NAMELY THE PRE-UNIVERSITY EDUCATION LAW NO. 198/2023 AND THE HIGHER EDUCATION LAW NO. 199/2023 ENTERED INTO FORCE ON SEPTEMBER 3, 2023, AND THE OLD NATIONAL EDUCATION LAW, LAW NO. 1/2011, WAS REPEALED, BEING DEVOID OF LEGAL EFFECTS. THE CORRELATION BETWEEN THE DOMESTIC AND THE EUROPEAN LEGAL ORDER, FROM THE PERSPECTIVE OF THE STATE'S OBLIGATION TO ADAPT THE NATIONAL LEGISLATION TO THE LEGISLATION OF THE EUROPEAN UNION, REQUIRES THE CONSIDERATION OF NUMEROUS INTERNATIONAL INSTRUMENTS, IN THIS CASE OF THE CHARTER OF FUNDAMENTAL RIGHTS OF THE EUROPEAN UNION AND THE UNIVERSAL DECLARATION OF HUMAN RIGHTS, WHICH CONSTITUTE LEGISLATIVE REGULATIONS OF SIGNIFICANT IMPORTANCE IN TERMS OF EDUCATIONAL POLICIES. THE AFOREMENTIONED INTERNAL LEGISLATIVE REGULATIONS INCLUDE MANDATORY PROVISIONS REGARDING EDUCATIONAL MANAGEMENT AND MARKETING, THE CURRICULUM, TEACHER TRAINING AND, LAST BUT NOT LEAST, EQUAL OPPORTUNITIES IN EDUCATION AND SCHOOL VIOLENCE, ALL OF WHICH ARE THE PREROGATIVE OF EDUCATIONAL POLICIES. ALL RECENT ROMANIAN LEGISLATIVE CHANGES IN THE EDUCATIONAL FIELD HAVE THE ROLE OF ADAPTING AND MAKING THE EDUCATIONAL SYSTEM IN ROMANIA MORE FLEXIBLE TO THE NEW REQUIREMENTS THAT CHARACTERIZE THE EVOLUTION OF SOCIETY.*

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**KEY WORDS:** EDUCATIONAL POLICIES, NORMATIVE ACT, EDUCATIONAL ACTORS, EDUCATIONAL ACT, EDUCATIONAL SYSTEM.

### INTRODUCTION

Through its institutions, the Romanian state has made a sustained effort to harmonize domestic legislation with European Union regulations concerning educational policies. The legislation of the European Union is made up of primary legislation, including the treaties to which Romania has recently acceded, as well as the secondary legislation, formed by the acts adopted by the European institutions [1].

At the national level, the didactic activity is regulated by numerous laws, (emergency) ordinances, government decisions, ministerial orders, all these normative acts being intended

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<sup>1</sup> University lecturer Ph. D., Faculty of Letters University of Craiova (Romania), adrian.nicolescu@edu.ucv.ro

to order and clarify all legal aspects regarding the educational act. If in the past, Law no. 1/2011 regulated the activity for both pre-university education and university education, currently, the legislator considered it important that pre-university education be regulated by Law no. 198/2023, and university education be regulated by Law no. 199/2023. I believe that this normative architecture was meant to solve the legislative gaps in the old normative act and to create a balanced and predictable educational system.

From a first reading, it can be seen that the new legislative provisions bring changes both in terms of the curriculum and the way of evaluation, as well as in the attributions of teachers, the leitmotif considered in the elaboration of the two normative acts being easily discernible, respectively numerous principles, including consistency, predictability, performance and, last but not least, fairness. All these principles are of particular importance in the matter of educational policies, considering that they constitute general, guiding and directing ideas of the field [2].

The aforementioned legislative changes have the role of bringing about a reform in education, taking into account that "a real change in education, accepted and valued, occurs only if several conditions are met: sustainability over time, obtaining significantly better results than in the case of previous practices, the justification of costs through the recorded performances and the absence of interference with other areas of activity"[3].

In what follows, I consider it appropriate to highlight the clarification of the notion of law, the definition almost unanimously accepted being that according to which it represents the normative act that has a legal force inferior to the fundamental law, i.e. the Constitution of Romania, but has a legal force superior to other legal norms and which regulate social relations resulting from fundamental social values [4].

In this legislative context, along with other fundamental rights, the right to education is a constitutional right, within the scope of art. 32 para. 1 of the Constitution being being stated about the right to education, which is "ensured through compulsory general education, through high school and professional education, through higher education, as well as through other forms of instruction and training."

In order to prevent possible restrictions on access to education due to lack of financial resources, the legislator expressly refers to art. 32 para. 4 to the fact that, state education is free, according to the law. The state grants social scholarships to children and young people from underprivileged families and those institutionalized, in accordance with the law."

The vision of the Romanian legislator does not depart from the international one, the Charter of Fundamental Rights of the European Union, a modern and comprehensive instrument of European Union legislation making express references to the right to education within Title II, entitled Freedoms, article 14 para. 1 stipulating that "every person has the right to education, as well as access to professional training and continuing education." The same article provides in para. 2 that "this right includes the opportunity to attend compulsory education free of charge."

At the same time, the Charter of Fundamental Rights does not exclude from application the internal laws regarding the freedom to establish educational institutions in compliance with democratic principles, and the right of parents to ensure the education and training of their children according to their own religious, philosophical and pedagogical beliefs is not limited from an ideological, political point of view, the only barriers being legislative [5].

Starting from the idea that educational policies, at the national level, are carried out through the active involvement of all social actors, in the following we will analyze their involvement both at the level of pre-university education and at the university level.

At the level of pre-university education, the social actors with a significant role in the implementation of educational policies are: the ministry, the county inspectorates and, not least, the educational units. The Ministry of Education, in carrying out its activities in the educational field, has the following structures subordinated to it: the Unit for the Financing of Pre-University Education, the Romanian Agency for the Quality Assurance of Pre-University Education, the National Center for Policies in Education and Evaluation s.a. Also, in the coordination of the Ministry of National Education there are numerous units such as: the National Authority for Qualifications, the "Didactic and Pedagogical" publishing company, the Administration Agency of the National Informatics Network for Education and Research [6].

Regarding higher education, educational policies are managed in the following architecture: ministry, intermediate bodies and numerous state and private universities.

"In order to achieve the coherence of educational policies, on the one hand, those at the pre-university level with those at the university level, and, on the other hand, with the other public policies, two plans must be followed: a horizontal one, aimed at the relationship between the state and civil society, between different domains/sectors in the social system, as well as the relationship with economic agents, and a vertical one, namely the implementation of policies, from top to bottom (national, regional, and local) and from bottom to top" [7].

With regard to educational policies, at the European level, the Treaty establishing the European Community is among the oldest instruments with an international character that grants a special chapter to this subject, entitled "Education, vocational training and youth." Thus, from the provisions art. 126 paragraph 1 of this treaty states that "the community contributes to the development of quality education by encouraging cooperation between member states and, if necessary, by supporting and supplementing their action, fully respecting the responsibility of member states for the content of education and the organization of the educational system, as well as for their cultural and linguistic diversity."

In this sense, the Community, in accordance with article 126 paragraph 2 of the Treaty establishing the European Community, aims to achieve clearly defined goals, and among the most important ones is the one that states to favor the mobility of students and teachers.

Another objective present in the Treaty establishing the European Community targets the education system, emphasizing the idea that it is beneficial to encourage the development of distance education.

It has been highlighted in the specialized literature that "member states have exclusive competences in the field of educational policy, but there are also certain community principles that apply to the field of national law: non-discrimination, free movement of persons"[8].

In order to achieve the objectives of the educational policy, the essential role belongs to the member states, over which the contribution of European institutions overlaps, such as the Council of the European Union, which adopts decisions on educational policies, together with the European Parliament, which in turn reacts to the proposals of the European Commission and contributes to the elaboration of the legislative framework in the field of education[9].

The role of the European Commission, which develops policies and proposes initiatives in the educational field, should not be overlooked. At the same time, all these actors collaborate and cooperate to develop educational policies that respond to the ever-changing needs of European society as a whole [10].

Also, the European Commission and the member states of the European Union collaborate in order to achieve the collective desired regarding the European Education Area,

focusing, in particular, on the following areas of great interest: improving quality and equity in education and training, teachers, trainers and school principals, digital education, ecological education, the European space of education on the world stage [11].

Currently, the most important educational policies may vary depending on the country and the specific objectives, but, in principle, none of the educational policies ignores unrestricted access to education, quality of education and continuous training of teachers, relevant and up-to-date curriculum, inclusion and diversity, evaluation and monitoring of school performance and, last but not least, the involvement of parents and society as a whole in the educational process.

The legislation has a primary impact on educational policies in Romania, bringing a significant contribution to the improvement of the educational system in accordance with the needs and expectations of the entire society.

Both the curriculum and the educational plans constitute the most stringent tools for the implementation of educational policies. The national curriculum, a very well-defined tool in the current legislative framework, provides the right environment in accordance with art. 85 para. 6 of the Pre-University Education Law no. 198/2023 for "learning opportunities for students, so that everyone can capitalize on their potential, depending on their training, needs and interests in knowledge, in order to integrate and actively participate in society." Through its attributions, the Ministry of Education with respect the legal provisions, more specifically of Article 115 letter d of Law no. 198/2023 "approves the general framework regarding educational policies, goals, objectives and standards that must be assumed and fulfilled by educational units in the national system."

The two instruments transpose the general objectives and principles established by educational policies into concrete actions at a practical level in educational institutions.

In accordance with art. 85 para. 7 of the Law on pre-university education no. 198/2023, the concept of national curriculum represents "the coherent set of elements that regulate the activity of teaching staff in pre-university education and includes education framework plans, school programs and national evaluation standards"[12].

The education framework plan, along with other curricular tools, is the most important document, which at the national level imposes a certain order and provides a certain stability to the entire education process [13].

A comprehensive definition of the curriculum is that given by Hass and Parkay, according to which „the curriculum represents all the experiences that learners have within a learning program, whose purpose is to fulfill broad goals and corresponding specific objectives, which is planned in terms of a theoretical and practical framework or of an educational practice, present or grounded in the past [14].

## **CONCLUSIONS**

In conclusion, both Law no. 198/2023, as well as Law no. 199/2023 are important for educational policies as a whole, as they regulate the assessment standards for both pre-university and university education and, at the same time, regulate aspects related to the rights and obligations of parents and students. Nonetheless, legislation plays an essential role in defining and implementing educational policies.

Current national legislation, in this case Pre-university Education Law no. 198/2023 to art. 85, para. 7 targets a broad spectrum of the national curriculum, that contains the education framework plans, school programs and national standards, also bringing new elements aimed at optimizing the educational act.

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