

AN OUTLOOK ON THE ROMANIAN EDUCATION SYSTEM REFORM: SOME CONSIDERATIONS

ANDREI TINU

CĂTĂLIN BOBOC

Abstract:

Reform measures to be applied to the Romanian education system represent not only a necessity, but, more often than not, a false problem, an outcome of political changing games, a scapegoat for the irrational spending of the public budget and the lack of administrative skill of the co-ordination and decision forums from the Ministry in charge. The expression that best describes the evolution of the education system in Romania for more than two decades from the change in regime from December 1989 is, undoubtedly, 'half measure'. Despite good intentions and experiments to make the Romanian education system competitive on a world scale, our system, especially the Higher Education one, does not enjoy international recognition since none of our Universities is listed among the first 500 Higher Education institutions in the world. We do take pride in our results at international Olympiads and in our graduates- especially in IT and Medical Sciences- who are employed by Western European and Northern American companies and institutions, but we also display schools that appear from the 19th century and wages only somewhat higher than the minimum wage that determine the best of graduates to avoid careers in teaching. The authors of this study will try to analyse the latest provisions of the law of education, without pretending to be able to cover the entire problem at hand.

Key words: *Romania, education, reform, law, education system, Higher Education*

1. Introduction

We start with assumption the education must play a fundamental role in the evolution of the society, a thing that's been proven by the western societies, especially by those that knew to provide adaptable educational services, services that answered society's needs. There will be some who will insist on the necessity of a single legislative frame, of certain rules to contribute to increasing the value of the educational system in Romania. But the law is a law that "errs" by being too thick, difficult to read, due to the ambiguity of the terms, its target being, in no manner, as it is stipulated, its direct beneficiaries the pupils and the students. Therefore, it is an improvable law that we shall analyse, considering what is thought to be a society based on knowledge.

This study analyses, in a primary stage, the regulations pertaining to the general frame of the National Education Law, in this case, the stipulations of Title I, for, in the second part of the material, the authors to deal with some of the aspects regarding the

Romanian higher education. We point out that this article is strictly theoretical, but, in the same time, it may provide the foundation for an elaborate research targeting the social and academic effects of the law in force.

2. Some general considerations regarding the Law no 1 dated the 5th of January 2011, in respect to the national education

The National Education Law or the Law No 1/2011, enacted the 5th of January 2011, completed and amended by Laws 166/2011 and 283/2011 and by the Government Emergency Ordinance No 21/2012, being also subject to an amendment, published in The Official Journal (Monitorul Oficial), of Romania, Part 1, No 41/18 of January 2012¹, provides the frame for the exercise, under the authority of the Romanian state, of the fundamental right to education for the duration of one's life², establishing the "structure, the functions, the organisation and the performance of the national public, private and confessional education system."³

The law, with its subsequent amendments, has 365 articles and an addendum with the list of the 58 definitions of the terms and expression used throughout the text. Among the important aspects of the law are those referring to the principles governing the Romanian educational system, be it the secondary school education, higher, denominated by more and more specialists "tertiary education"⁴, as well as what this regulatory document defines as "lifelong learning."⁵ Thus, Article 3 in Title I – *General stipulations* – enumerates 21 principles of education in Romania, among which: the principle of equity [letter a)], of quality [letter b)], of relevance [letter c)], of decentralization [letter e)], the principle of granting the cultural identity to all of the Romanian citizens and the intercultural dialogue [letter g)], the principle of the assumption, promotion and conservation the national identity and of the cultural values of the Romanian people [letter h)], the principle of ensuring equal chances [letter j)], the principle of the social inclusion [letter o)] and the principle of focusing the education upon its beneficiaries [letter r)].⁶

It is more than obvious that every stated principle has its purpose, the question that arises is this: does it find its applicability in practice? The authors of this study tend to believe that the answer is "no", especially when it comes to the social inclusion and to equal chances (letters j) and o)) in Article 3. We assert this, based on the high percentage of the recently school dropout, mainly in the case of children belonging to the Romani people [letter h)], by hindering the access of the young, with limited financial possibilities, to the tertiary education, etc. These are essential elements that need be discussed in future further research projects.

¹ Art. 1 of ****National Education Law* - cf. of The informatic legislative program LEX EXPERT, accomplished by Compania de Informatică Neamț (Software Company), based on the regulatory documents published in The Official Journal, Partea I, issued until the 31st of May 2012 (in print), f.p.

² *Ibidem.*

³ *Ibidem.*

⁴ *Infra*, p. 2. (page of this study – n.n.).

⁵ Art. 1 of ****National Education Law*.

⁶ Art. 3 of ****National Education Law*.

2.1. Essential aspects pertaining to the Law regarding the higher education

Regarding the higher education, the educational sciences specialists discern two models of tertiary education:⁷

a) *The Anglo-Saxon model*, according to which the tertiary education is considered of *private use*, and is to be provided only for those that possess the material and financial means;⁸

b) *The continental European model* – the higher education is of *public use*, and is a service provided entirely by the state.⁹

But the social needs, the lack of economic resources and the increase of the academic numbers, the changes occurring within the labour market, the population mobility at global scale lead towards a composite model of tertiary education services, where the direct beneficiaries of the system cover a smaller or larger per cent, of the cost of the provided services. From this perspective we assist to an uncontrolled increase of the tertiary education services and a lower absorption of graduates by the labour market. Regarding the quality of the higher education, we can assert that, in most cases, the tertiary system trainers¹⁰ have: 1. a respectable moral profile and managing qualities; 2. Solid specific training; 3. Cultural horizon; 4. Educational finesse; 5. Scientific creativity, they prepare continuously and develop two types of relations with the students: 1. Communication (information, emotional and motivational content) and 2. Responsibility (distributing and task redistribution).¹¹ The new National Education Law brings its contribution, by making it mandatory that the university teaching staff in the first category (assistants) hold the title of Sc.D., that the teaching staff keep increasing their professional level to which we are referring.

Title III of the National Education Law is destined for the higher education. It comprises 12 chapters and 118 articles. Chapter I: General Stipulations, Chapter II: Organisational structure of the higher education establishments, Chapter III: Organizing the university studies, Chapter IV: Organizing the post-graduation education, Chapter V: Medical Higher Education, Chapter VI: Military Higher Education and Education regarding the fields of information, public order and national security, Chapter VII: Higher Artistic and Sporting Education, Chapter VIII: Creation and academic research, Chapter IX: Promoting quality within the higher education and in the field of scientific research, Chapter X: Promoting the student focused university, Chapter XI: University board and Chapter XII: Financing and university heritage. In

⁷ Ștefan Costea, *Contemporary Challenges to Tertiary Education*, in Magazine of Scientific Conference „Present and Future in Tertiary Education: challenges, trends, problems”, volume coordinated by Adela Mihaela Țăranu, Publishing House of „Tomorrow’s Romania” Foundation, Bucharest, 2011, pp. 7-15.

⁸ Camelia (Pricopie) Stejar, *Management of Internationalization of Higher Education Services*: doctoral thesis, Academy of Economic Studies of Bucharest, Bucharest, 2011, p. 20.

⁹ *Ibidem*.

¹⁰ We use the term „trainers”, because the university teaching staff are by excellence people who train people, having in many cases the status of role model.

¹¹ Angelica Pătrașcu, *Responsible teacher: decision-maker and education-maker*, in “Romanian School between the Dynamics of Global Economy and the Flexibility of Educational Offer”, publication edited on the occasion of the National Symposium “Prospects for the Development of Youth Career”, “Dragomir Hurmuzescu” School Group, Scrib Publishing House, Bucharest, 2010, p. 116.

close connection with the stipulations of Title III are those comprised in Chapter II: the statute of the teaching staff, auxiliary and research staff, within the higher education comprised by Title IV of the law: The statute of the teaching staff.

A relevant aspect of the educational system is globalization. From this perspective, the scientific boundaries are those that seem to have disappeared long time ago, a fact emphasized by the numbers provided by the Organization for Cooperation and Economic Development (O.E.C.D.). If in 1975, 600.000 students were enrolled in universities in other countries but the their native country, in 2005 their number reached 2.7 million, the experts estimating that in 2025, there will be 25 million students who will join a university in another country.¹²

In the opinion of researchers Jane Knight and Hans de Wit, the increase of students' international mobility has four important motivations: 1. „the academic motivation – given by the need for exchange and competition of ideas, the borrowing/spreading of academic role models”; 2. Socio-cultural motivation; 3. political motivation and 4. Economic motivation.¹³ Many international programmes, partnerships between universities and the exchanges of professors/students (for instance: ERASMUS programme) add to it. In this respect, come forth the two paragraphs of article 116, respectively the paragraph (2), which states that „higher education institutions from abroad, legally recognized as such in the state of origin can organize branches on the territory of Romania, alone or in partnership with higher education institutions from Romania, only with the observance of the legislation in force regarding the authorization, accreditation and quality assurance of study programmes” and paragraph (3), according to which „Romanian higher education institutions can organize in Romania or in other countries study programmes that are common with higher education institutions from abroad, recognized as such by the state of origin. In case these programmes are organized abroad, they must observe the legal regulations in force both in Romania and in those states.”

Among the values which must govern the Romanian higher educational system one can enumerate university autonomy, academic freedom, promotion of truth, professional competence, responsibility and social opening,¹⁴ values which we can also find among the 12 principles stated in paragraph (1) of article 118 of the regulatory document. Of interest there are the following paragraphs, in which are stated other „healthy” principles such as: the prohibition of any forms of discrimination based on ethnic, sexual, social origin or age, sexual orientation or political orientation criteria, or other forms of discrimination [paragraph (2)], free access for disabled students, meaning that the administration of the universities should provide them ways of access to all university spaces, „as well as conditions for the normal carrying out of academic, social and cultural activities” [paragraph (3)], and related to the provisions of article 116, regarding the possibility of internationalization of university education, paragraph

¹² Camelia (Pricopie) Stejar, *op. cit.*, p. 13.

¹³ Jane Knight, Hans de Wit, *non vidi, apud ibidem*, p. 103.

¹⁴ Ion Morărescu, *Values in University Environment: component of tertiary education*, in Magazine of Scientific Conference „Present and Future in Tertiary Education: challenges, trends, problems”, volume coordinated by Adela Mihaela Țăranu, Publishing House of “Tomorrow’s Romania” Foundation, Bucharest, 2011, p. 131.

(4), which stipulates that there faculties and research institutes with theological profile may exist only „in agreement with the international ecumenical and irenic perspectives and in accordance with the legal provisions”.

Among the changes brought by the new law we find those relating to the organization of doctoral studies. A first change would be that the doctoral studies can no longer be considered postgraduate or advanced studies, but they are part of the university training period, respectively 3rd cycle of undergraduate studies. Thus, the paragraph (4) of article 139 stipulates: „Postgraduate Ph.D. programmes may be organized only as ‘with attendance’ form of education”. Another amendment is the amendment brought by GEO no. 21/2012 that stipulates, in article 162, paragraph (1), that the Ph.D. programme may also be organized as co-tutelary, in case the doctoral candidate carries out his/her activity under the guidance of two Ph.D. coordinators, from different countries/university centres or with different specializations, or in case one of the coordinators has reached the age of retirement. The article 67, paragraph (2), stipulates that “a coordinator can guide simultaneously maximum 8 doctoral candidates, who are in various stages of the doctoral studies”, which, according to the authors, is a two-edge sword: on one hand, it assures a thorough control of the Ph.D. coordinator over the disciple and his/her thesis, and on the other hand, it restricts the access to doctoral studies for some of the young who can deal with such a challenge.

Another important provision of the law is related to the classification of the universities in universities based on education, universities of education and scientific research or universities of education and artistic creation and universities of advanced research and education.¹⁵ It is recommended, in paragraph (1) of article 194, the creation of university consortia [letter a)] or the merger into a single legal entity of higher education [letter b)], “to promote quality and to increase the efficiency of the higher education system, to increase the international visibility and to concentrate the resources.” Still to this effect, the increase of quality and performances of tertiary education in Romania, one must also read the provisions of articles 197, in which it is stipulated that the state encourages excellence by allocating supplementary funds to highly efficient universities, by minimum 30% more than to the other higher education institutions, and by allocating a “distinctive fund for institutional development.” The lawmaker also has in view the support of individual excellence by study grants or research grants at universities within the country or abroad, grants for performance and completion of research (including doctoral theses), the creation of instruments and mechanisms of support of their professional insertion in the country, in order to bring talent and the training achieved acquisitions to profit and the approval of flexible educational routes, in view of accelerating the itinerary of university studies.¹⁶

3. Conclusions

The first aspect grasped by the authors of this study is that the law is difficult to read and very long, and it does not address to direct beneficiaries, respectively Romanian pupils and students. In the conditions in which emphasis is laid on a supple

¹⁵ Art. 193, paragraph (4), letters a) – c) of ****National Education Law*.

¹⁶ Art. 198 of ****National Education Law*.

education, on the simplification of curricula and on the resizing of the information transmitted to pupils and students, on a mobility of the educational process from the retention of the information to the analysis of the phenomena and to conceptualization, especially in higher educational system, a law was required that met the necessities, a flexible law, which should be understood at least by the beneficiaries from high school cycle or by the students.

The lawmaker exaggerates regarding to the segmentation of educational stages, which is conspicuous in the case of early education (0-6 years of age), when children aged between 0 and 3 are integrated in preschool level, as it is stipulated in article 22 of the law. However, there are many other negative aspects of the law, which require a more ample space, a general effort from those directly targeted by this regulatory document – pupils/students, teaching staff, parents, local and central administration, economic agents.

Among the positive elements of the National Education Law one can count: 1. The lawmakers wanted, and largely succeeded, to introduce in the same text of law the totality of provisions which regulated school and university life in Romania, as well as the education of adults and the other forms of manifestation of the learning process; 2. After a first reading, it is noticed that the law, subsequently amended and supplemented, responds to the need of harmonizing the Romanian legislation with the European legislation, process started ever since the adoption of the Bologna system; 3. The law establishes certain criteria of performance, but also the methods of control regarding their observance.

We mention here the structuring of education stages, except for the abovementioned case¹⁷, in accordance with the Central Classification of Products of United Nations Organization (U.N.O.), which provides 5 distinctive stages: a) elementary education, including the services for pre-schoolers; b) secondary education, comprising theoretical, vocational and technical high school (including the form for the persons with disabilities); c) higher education (technical and vocational post-high school and university graduation services); d) education of adults, stage designed for those persons who are outside the educational system, and e) other forms of education, in which are included all the forms of education which are not listed in the other stages¹⁸, with certain differences, such as the fact that technical and vocational post-high school belongs to the stage of secondary education.

The final conclusion is that the utility of the law is implicit, a unitary law of the educational system was needed, but there are certain provisions which, instead of facilitating, place obstacles in the way of professionalization of the Romanian educational system, making its ascending way towards the elite of universal educational systems more difficult. That is why a reanalyse of the legislation in the field is necessary, as well as its simplification and an authentic redirecting towards the direct beneficiaries. It is also necessary to have a sufficient allocation of funds in this field and the related field of scientific research, at least as long as it is stipulated in

¹⁷ See the preschool stage (0-6 years), supra p.

¹⁸ Camelia (Pricopie) Stejar, *op. cit.*, pp. 106-107.

article 8 of the law.¹⁹ As directions of research we propose: a) the elaboration of a national plan regarding the re-alphabetization of young, including the institutionalized young,²⁰ starting from the current situation in this field; b) the initiation and the development of a research and design programme in the field of education, the results of which be the starting point for a real reform of the educational system. We also propose the realization of advantageous tripartite partnerships between the school, economic agents and society, which should respond to the changes that occurred at economic, academic and informational level, an activity of patronage from Romanian businessmen who should invest their material and financial resources in the training of tomorrow's specialists.

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¹⁹ "For the funding of national education the government allots every year from the state budget and from the budgets of local public authorities minimum 6% of the gross domestic product of the respective year. In addition, the education units and institutions can obtain and use own incomes independently. For the research activity the government allots every year, from the state budget, minimum 1% of the gross domestic product of the respective year." – Art. 8 din ****National Education Law*.

²⁰ By "institutionalized youth" we understand the youth who attend the day or night classes of high schools, post-high schools or faculties belonging to the Romanian education system, public or private.

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