

# THE PARLIAMENT OF THE REPUBLIC OF MOLDOVA

## EDUCATION CODE OF THE REPUBLIC OF MOLDOVA No. 152 dated July 17, 2014

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The Parliament adopts the present Code.

### TITLE I GENERAL PROVISIONS

#### CHAPTER I. Scope of regulation

##### **Article 1. Goal of the Education Code**

The present Education Code shall establish the legal framework of relations for the design, organization, implementation and development of the education system in the Republic of Moldova.

##### **Article 2. Legal framework of the education system**

(1) The legal relations in the education area shall be regulated by the Constitution of the Republic of Moldova, the present Code and other legislative and normative acts in force.

(2) The legal relations in the education area shall also be regulated by the international treaties: Universal Declaration of Human Rights, the Charter of the United Nations, European Convention for the Protection of Human Rights and Fundamental Freedoms, the European Social Charter, the UN Convention on the Rights of the Child (CRC), the Framework Convention for the Protection of National Minorities, UNESCO Convention against Discrimination in Education, the UN Convention on the Rights of Persons with Disabilities, the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the United Nations Declaration on the Elimination of all Forms of Discrimination against Women (CEDAW), Bologna Declaration, as well as by other international treaties, to which the Republic of Moldova is a party.

##### **Article 3. Basic notions**

For the purpose of the present Code, the following basic notions shall be used:

*equivalent study document* – study document issued for similar educational levels in the country and abroad;

*educational alternatives* – educational institutions or study and professional training programs, different from the traditional ones, which meet the state educational standards;

*qualifications framework* – categories of qualification delimiting the level of knowledge and professional competences, which should have the graduates of professional education at different levels to exercise the obtained profession;

*titular teaching staff* – teaching staff (in the higher education – teaching and scientific-teaching staff), whose main activity is carried out in a single educational institution and is nominally registered in the staffing scheme of the institution;

*support teaching staff* – qualified specialist in pedagogy, psycho-pedagogy and special psycho-pedagogy, who provides psycho-pedagogical assistance to children with special educational needs;

*quality in education* – set of characteristics of a study program and of providers of such a program, which meet the expectations of the beneficiaries in relation to the quality standards;

*centre of excellence* – vocational education institution with high potential in its area of competence, having responsibilities both in the organization of combined training programs and in the development of capacities in the technical and vocational education and training sector;

*community learning centre* – multifunctional institution with educational destination;

*special educational needs* – the educational needs of children/ pupils/ students, who require schooling conditions adjusted to the individual peculiarities or characteristics of the learning disability or disorder, as well as a specific intervention through an appropriate rehabilitation or recovery actions;

*certification* – the process of formal validation of acquired skills in the formal, non-formal and informal education context, as a result of the standard assessment procedure;

*cycle* – sequence of education and training in the secondary general and higher education with an established period of time, completed with the respective final evaluation, award of the professional qualification and/or title, as appropriate, and issuance of the respective study document;

*classes with simultaneous teaching* – mixed primary classes composed of at most two component classes (as a rule, I-III, II-IV), where the direct activities with the pupils of one class alternate with the individual activity of pupils of another class, the educational process being carried out in accordance with the respective curricula;

*educational complex* – the educational institution, which meets the necessary conditions for enrolling children and pupils by different ages at pre-school, primary and secondary levels;

*consortium* – association of educational institutions and organizations, which carry out educational, research, development, innovation, artistic creation activities, based on a partnership agreement, concluded according to the legislation in force;

*ECTS credits* – conventional measurement units, allocated to each discipline or distinct activity of the curriculum, expressing the student's workload required to achieve the minimum level of expected learning objectives and outcomes;

*adjusted curriculum* – curriculum for a school subject, in which a correlation between the potential of child or pupil with special educational needs is performed, the educational outcomes remaining unchanged;

*modified curriculum* – curriculum for a school subject, in which the educational outcomes are modified depending on the potential of the child or pupil with special educational needs;

*descriptors* – qualitative evaluation criteria, which describe the performance of pupils from competence point of view and determine their level of achievement (minimum, medium, maximum). According to the level achieved, the descriptors allow granting of ratings (sufficient, good, very good).

*school district* – territory assigned to a preschool, primary and gymnasium education institution;

*inclusive education* – the educational process, complying with the diversity and individual needs for development, offering equal opportunities and chances to benefit of human fundamental rights to development and quality education in common areas of learning;

*early education* – the educational process carried out with children aged 0-6 (7) years old, in the educational institutions or in the family, for the purpose of their physical, cognitive, emotional and social development;

*formal education* – set of teaching and pedagogical actions designed institutionally through systemically organized structures by training levels and cycles, within the training process followed with exactness, in time and space;

*non-formal education* – set of pedagogical actions designed and fulfilled within extra-school institutionalized framework, established to bridge the knowledge acquired during the lessons and the knowledge accumulated informally;

*informal education* – the totality of instructive and pedagogical influences, exercised spontaneously and continuously on individual in the family, locality, district, street, (micro)-social groups, social environment (cultural, professional, economic, religious, etc.), community (national, zonal, regional, local), mass-media (printed press, radio, television etc.);

*educational quality assessment* – multi-criteria evaluation of the extent in which the educational institution and its programs meet the national education standards of reference;

*criteria assessment* – assessment of learning outcomes performed through descriptors, specifying the pupil's individual performances in relation to competences achieved;

*adult's education* – a component of lifelong learning, ensuring human being's continuing access to science, information, culture, for flexible adjustment to the new constantly changing social and economic realities and the

development of the necessary competences for the professional and social activity;

*professional training* – the training process as a result of which a qualification is obtained, being attested via a certificate or a diploma, issued according to the law;

*alternative educational institutions* – other educational institutions than the ones ensuring the compulsory functional structure of the educational system. These provide, as a rule, alternative educational programs or services;

*dual education* – education, in which the theoretical training is carried out at the educational institution, and the practical one at the enterprise;

*professional education* – professional training programs completed by obtaining a qualification, and the institutions providing these programs;

*intervention measures and support services for educational inclusion* – set of measures and services, which are carried out to respond to the special needs of children, pupils and students with special educational needs in order to facilitate their access to community-based educational services;

*mentor* – experienced teaching or management staff, with the role of guide for other teaching and management staff, debutant or experienced professional staff, who provides support for personal and professional development;

*mentorship* – process of guidance, support learning, education and/or professional development held between mentor and another person, based on the premise of interactive involvement of both parts, assuming obligations according to the status they hold;

*related trades/specialties* – trades/specialties that require the same basic general and specialized knowledge, as well as the same set of skills and abilities being related or having common core;

*academic mobility* – process of enrolment of pupils/students and teaching staff in the educational and research programs, carried out in institutions in the country and abroad;

*psycho-pedagogue module* – module designed for graduates who would like to get involved in education as a teacher and it includes theoretical training in pedagogy, psychology, didactics of discipline and compulsory internship;

*teaching workload* – the volume of work set for fulfilling the didactical activities corresponding to the held position;

*standard package of educational services* – system of educational offers and programs focused on achieving some concrete outcomes and acquiring knowledge, developing competences according to the educational standards;

*individualized educational plan* – tool to organize and fulfil in a coordinated way the educational process for the beneficiaries with special educational needs;

*prolonged program* – program carried out in line with the Regulation approved by the Ministry of Education, additionally to the basic timetable, organized in the educational institutions, upon parents' request for the pupils in grades I-V;

*psycho-pedagogue* – specialist having necessary skills to get involved in the educational and adjustment process, as well as in school integration and diagnosing the pupils' individual characteristics;

*special psycho-pedagogue* – specialist in correctional-recovery activity (developing verbal communication skills, developing hearing perception skills, developing cognitive area etc.);

*education system* – all institutions and organizations (educational, economic, political, scientific, cultural, public) and of communities (family, nation, professional groups, mass-media), which directly or indirectly, explicitly or implicitly, perform educational functions, ensuring the training and professional development process of personality within the formal, non-formal and informal education;

*specialty* – complex of professional skills acquired through training in a certain area;

*accreditation standards* – set of requirements defining the minimum compulsory level to carry out activities by the organization providing education requesting the provisional authorization, by an accredited higher education/technical vocational education institution requesting the provisional authorization /accreditation of a new professional training program or by an accredited higher education/technical vocational institution requesting the external evaluation of the quality of education provided;

*state educational standards* – compulsory requirements for achieving educational programs at all education levels and cycles in the public and private institutions, as well as the minimum compulsory requirements for the content of the educational programs, the maximum workload for child, pupil or student and teaching staff, for the infrastructure and equipping of the educational institution, and for the level of training and qualification of graduates and the organization of the educational process. The state educational standards are the basis for objective assessment of the quality and the level of training and qualification of graduates, regardless of the form of studies.

*national reference standards* – a set of requirements that define an optimal level for carrying out activities by the education provider/institution providing education, based on the best practices at the national, European or international level. The national reference standards are specific to each study program and institution;

*integrated higher education* - the cumulative duration of cycle I and II of the higher education that corresponds to a number of at least 300 ECTS credits and completes by obtaining an equivalent diploma with Master's degree.

#### **Article 4. State policy in the education area**

(1) Education is one of the national priorities and the primary factor for sustainable development of a knowledge-based society.

(2) Through its policy in the education area, the state shall ensure:

a) the fundamental right to education, indispensable for exercising other human rights;

b) the implementation of the basic mechanism for training and developing human capital;

c) the fulfilment of the educational ideal and objectives, formation of the national identity and consciousness, promotion of general human values and the European integration aspirations of the society.

## **Chapter II. Mission, ideal and fundamental principles of education**

### **Article 5. Mission of the education**

The mission of the education shall be:

- a) to meet the educational requirements of citizens and society;
- b) to develop the human potential to ensure the quality of life, sustainable economic growth and people's welfare;
- c) to develop the national culture;
- d) to promote the intercultural dialogue, spirit of tolerance, non-discrimination and social inclusion;
- e) to promote lifelong learning;
- f) to facilitate reconciliation of the professional work with family life for men and women.

### **Article 6. Educational ideal**

The educational ideal of school in the Republic of Moldova is the formation of personality with initiative spirit, capable of self-development, who has not only necessary knowledge and competences to be employed, but independence of opinion and action, being open for an intercultural dialogue in the context of assumed national and universal values.

### **Article 7. Fundamental principles of education**

Education shall be based on the following fundamental principles:

- a) equity principle – under which the access to learning is carried out without discrimination;
- b) quality principle – under which the educational activities are related to the reference standards and to the best national and international practices;
- c) relevance principle – under which the education meets the personal and social-economic development needs;
- d) learner-centred teaching principle;
- e) principle of freedom to thinking and independence towards ideologies, religious dogma and political doctrines;
- f) principle of observing the right to freedom of opinion for pupil/student as direct beneficiaries of the education process;
- g) social inclusion principle;
- h) equality assurance principle;
- i) principle of recognition and guaranty of the rights of persons belonging to the national minorities, including the right to maintaining,

development and expression of their ethnical, cultural, linguistic and religious identity;

- j) principle of unity and integrity of the educational space;
- k) managerial and financial efficiency principle;
- l) decentralization and institutional autonomy principle;
- m) public accountability principle – under which the educational institutions are publicly responsible for their performances;
- n) transparency principle;
- o) principle of participation and accountability of community, parents and other social stakeholders;
- p) principle of support and promotion of the education personnel;
- q) secular education principle.

### **Article 8. Partnership in the education system**

(1) The social dialogue and partnerships between the educational institutions and institutions in the research area, trade unions, businesses, civil society and mass-media are encouraged in the education system, in accordance with the legislation in force.

(2) The Ministry of Education shall design and apply the national development strategies of the education system, consulting the central and local public administration authorities, as well as the social partners.

## **Chapter III. Access to education, language of training and educational outcomes**

### **Article 9. Access to education**

(1) The citizens of the Republic of Moldova shall have equal rights to education and initial and continuing professional training through the national education system, according to the present Code.

(2) The state shall ensure the financing of the standard package of educational services for the pre-school, primary, gymnasium and lyceum education, regardless of the educational institution's ownership form. The standard package of educational services for general education shall be approved by the Government.

(3) The basic financing of the general education shall be made by the principle "money follows the pupil", under which the allocated resources for a pupil or a child shall be transferred to the educational institution, in which the pupil learns.

(4) The vocational and higher education shall be financed from the state budget within the limits of the admission plan, approved annually by the Government.

(5) The package of the educational services provided by the state for each level of the education system shall be approved by the Government.

(6) The state shall support the individuals with special educational needs, pupils and students with remarkable performances.

(7) The state shall guarantee the training and development of efficient communication skills in the Romanian language, in the national minorities' languages, as appropriate, and in at least two languages of international circulation.

(8) The state shall ensure the conditions for training and development of communication skills in English, French and Russian languages in all public institutions of general education.

(9) The state shall promote and support lifelong learning.

(10) The admission to the educational institutions, the transfer of pupils and students from an educational institution to another one shall be carried out based on the conditions set by the Ministry of Education.

(11) The foreign citizens, as well as the stateless persons shall have access to education through the national education system, according to the conditions set in the present Code.

#### **Article 10. Language of training in the education system**

(1) In the education system, the education process shall be carried out in Romanian language, and within the possibilities of the education system - in one of the languages of internal circulation, or under paragraph (2), in the languages of the national minorities.

(2) In the areas inhabited traditionally or by substantial number of persons belonging to the national minorities, if there is sufficient demand, the State shall ensure within the possibilities of the education system that persons belonging to these minorities have adequate conditions to learn their minority language, or to receive education in this language, at the compulsory education level.

(3) The study of the Romanian language shall be compulsory in all the educational institutions of any level and shall be regulated by the state educational standards.

(4) The state shall ensure the necessary conditions for studying Romanian language in all educational institutions, including by increasing the share of subjects studied in Romanian language in the general education institutions with another language of training.

(5) The state shall support from methodological, didactical and curricular point of view the education in Romanian language for Diaspora, in line with the legislation of the countries of residence.

#### **Article 11. Educational outcomes**

(1) The education has as main outcome the establishment of an upright character and development of a system of competences, including knowledge, skills, attitudes and values, which allow for person's active participation in the social and economic life.

(2) The education aims to train the following key competences:

- a) communication in the Romanian language;
- b) communication in the native language;



- c) communication in the foreign languages;
- c) skills in mathematics, science and technology;
- d) digital skills;
- e) capacity to learn how to learn;
- f) social and civic competences;
- g) entrepreneurship and spirit of initiative competences;
- h) competences of cultural expression and conscience of cultural values.

## **TITLE II EDUCATION SYSTEM**

### **CHAPTER I. The structure of the education system**

#### **Article 12. The structure of the education system**

The education shall be structured by levels and cycles, in accordance with the International Standard Classification of Education (ISCED-2011):

- a) Level 0 – early childhood education:
  - ante-preschool education;
  - preschool education;
- b) level 1 – primary education;
- c) level 2 – lower secondary education, cycle I: gymnasium education;
- d) level 3:
  - upper secondary education, cycle II: lyceum education
  - secondary technical and vocational education and training;
- e) level 4 – post-secondary technical and vocational education and training;
- f) level 5 – post-secondary non-tertiary technical and vocational education and training;
- g) level 6 – higher education, cycle I: bachelor's degree;
- h) level 7 – higher education, cycle II: master's degree;
- i) level 8 – higher education, cycle III: doctoral degree .

#### **Article 13. Compulsory education**

(1) The compulsory education shall start with the preschool education - preparatory group, and shall finish with the lyceum education or secondary and post-secondary technical and vocational education and training.

(2) The compulsory education attendance shall stop at the age of 18 years old.

(3) The responsibility for compulsory schooling of children up to 16 years old shall be of parents or legal representatives and the local public administration authorities of level one and two.

(4) The Ministry of Education shall develop, approve and monitor the observance of the regulations focused on compulsory attendance of the educational programs by school-age children.

## **Chapter II. Organization of the education system**

### **Article 14. Educational process**

(1) The educational process shall be carried out based on the state educational standards, approved by the Ministry of Education, regardless of the type of property and the organizational–legal form of the educational institution.

(2) The duration of the study year, internships, exam sessions and vacations shall be established for each level of education through the Framework-plan approved by the Ministry of Education.

### **Article 15. Types of the educational institutions**

(1) In accordance with the education structure, the educational institutions shall be classified as follows:

- a) ante-preschool education institution – nursery, community centre for early education;
- b) pre-school education institution– kindergarten, community centre for early education;
- c) primary education institution – primary school;
- d) secondary education institution, cycle I – gymnasium;
- e) secondary education institution, cycle II – lyceum;
- f) general education institution with combined programs – educational complex (primary school-kindergarten, gymnasium-kindergarten);
- g) institution of secondary technical and vocational education and training – vocational school;
- h) institution of post-secondary and post-secondary non-tertiary technical and vocational education and training – college;
- i) institution of technical and vocational education and training with combined programs – centre of excellence;
- j) secondary vocational education institution for arts, sport etc. – school;
- k) higher education institution – university, academy of studies, institute, high school, school of higher studies and others;
- l) specialized education institution for continuous training – institute;
- m) institution of extra-school education – school (of arts, theatre, etc.), creation centre, sport club;
- n) institution of special education – special school and auxiliary school.

(2) If the educational institution provides study programs of several levels and has a single administration, it shall be called according to the higher educational level.

(3) Depending on the type of ownership, the educational institutions shall be classified as follows:

- a) public educational institution;
- b) private educational institutions.

### **Article 16. Assessment and grading system**

(1) The purpose of the assessment is to guide and optimize learning.

(2) The process of assessment and grading shall be carried out in accordance with the regulation approved by the Ministry of Education.

(3) In preschool education, the monitoring of learning outcomes shall be carried out based on the standards of learning and development of children up to seven years old, as well as on the monitoring tool to prepare children for school, approved by the Ministry of Education.

(4) The learning outcomes at all educational levels shall be assessed with grades from „10” to „1”, and as appropriate, with the qualifications of „excellent”, „very good”, „good”, „satisfactory”, „unsatisfactory”, „admitted”, „rejected” or through descriptors.

(5) The assessment of learning outcomes in the primary education shall be criterial and shall be carried out through descriptors.

(6) The assessment and grading of pupils with special educational needs shall be carried out based on the individualized educational plans.

(7) In the higher education, additionally to the national grading system, the European Credit Transfer and Accumulation System grading scale shall also be used with recommended grades (A, B, C, D, E, FX, F), necessary to fill in the diploma supplement and to ensure the academic mobility, according to the following:

a) A: 9,01-10,0;

b) B: 8,01-9,0;

c) C: 7,01-8,0;

d) D: 6,01-7,0;

e) E: 5,0-6,0;

f) FX: 3,01-4,99;

g) F: 1,0-3,0.

(8) The grading of pupils and students without observing the assessment methodologies and the national standards shall be misconduct and shall be sanctioned under the law.

### **Article 17. Study documents**

(1) The institutions of secondary (gymnasium, lyceum), vocational and higher education, as well as the institutions of continuous training shall issue study documents to the persons who have passed the graduation exams, according to the templates developed and approved by the Ministry of Education.

(2) The templates of the study documents shall be published in the Official Gazette of the Republic of Moldova. The documents issued by other legal entities shall not be recognized.

(3) The study documents for the compulsory education shall be issued free of charge. The issue of duplicate of these documents shall be fee-based, which amount shall be established by the Government.

(4) The study documents shall entitle the holder to continue studies to the next level of education or to be employed on the labour market, according to the obtained qualification.

(5) The study documents for the general secondary education shall be filled in the Romanian language. In the technical vocational and higher education, the study documents shall be filled in the Romanian and English languages.

(6) When graduating from every level or cycle of education, the following study documents shall be issued:

- a) certificate of gymnasium studies for gymnasium education;
- b) baccalaureate diploma for lyceum education;
- c) certificate of qualification for secondary technical and vocational education and training;
- d) diploma of vocational studies for post-secondary non-tertiary and post-secondary technical and vocational education and training;
- e) for higher education:
  - Bachelor's degree for cycle I;
  - Master's degree for cycle II;
  - Doctoral degree for cycle III – (in the respective area);

(7) By graduating from the secondary vocational education for arts, sport etc., the study documents listed in paragraph (6) shall be issued, according to the level of education promoted and certificates of professional qualification.

(8) By completing the courses for lifelong learning, the attendance certificate, specialization or professional requalification certificate shall be issued.

(8) The recognition of studies and study periods, the recognition and equivalence of study documents and qualifications shall be exercised by the competent authority for recognition and equivalence of study documents and qualifications.

### **Article 18. Management of the education system**

(1) The management of the education system shall be carried out at the national, local and institutional levels.

(2) The managerial competences in the educational sector shall be established as follows:

- a) for the central bodies - by the present Code;
- b) for the local bodies - through decisions of the local public administration authorities, adopted under the present Code;
- c) for the institutional structures - through the University Charter and institutional regulations, approved under the law

(3) The development, promotion and monitoring of the implementation and impact evaluation of the national policy in the education area shall be the competence of the Ministry of Education.

(4) The Ministry of Education may have deconcentrated structures responsible for administrative management of education.

(5) The local bodies specialized in education area shall be established by the local public administration authorities of the second level as structural subdivision subordinated to the rayon/municipal councils, and in ATU Gagauzia – by the People’s Assembly being subordinated to it.

(6) The name, structure and operational regulations of the local bodies specialized in education area shall be established by the rayon/ municipal councils, and in ATU Gagauzia – by the People’s Assembly, based on the model-structure and model-regulation approved by the Government.

(7) The quality management shall be ensured:

a) in general education:

- at the national level – by the Ministry of Education and the National School Inspectorate;
- at the local level – by the local body specialized in the education area;
- at the institutional level – by the managers of the institutions of general education;

b) in the vocational and higher education:

- at the national level – by the Ministry of Education, relevant ministries and the National Agency for Quality Assurance in Professional Education;
- at the institutional level – by the respective structures for quality assurance in education.

(8) The National Agency for Quality Assurance in Professional Education shall act based on the Regulation approved by the Government, in accordance with the provisions of the present Code.

(9) The National School Inspectorate is the institution responsible for assessing general education, accrediting institutions and assuring quality in the general education. The organization and operation of the National School Inspectorate shall be established by the Government.

(10) The administrative acts and decisions of general interest approved by the education system entities shall be published on the official web pages of the respective authorities and institutions.

### **Article 19. Supporting pupils and students capable of high performance**

(1) The state shall support pupils and students capable of high performance in the educational institutions, including in the centres of excellence.

(2) The Ministry of Education shall ensure the coordination of actions stipulated in paragraph (1).

(3) The financial, material, information, curriculum and human resources to support pupils and students capable of high performance shall be ensured by the educational institutions and other entities, according to the methodology approved by the Ministry of Education.

(4) To support pupils and students capable of high performance, the Ministry of Education shall organize contests and competitions, profile camps, symposiums and other specific activities and shall provide scholarships and other

material support.

(5) The pupils and students capable of high performance shall benefit, regardless of age, of the educational programs that respect the peculiarities of learning and performance orientation. These programs shall be in-depth learning, grouping by skills, curriculum enrichment with new fields, mentoring and transfer of competence, accelerating the promotion according to the individual learning pace.

### **TITLE III GENERAL EDUCATION**

#### **Chapter I. General provisions**

##### **Article 20. Organization of the general education**

(1) The general education shall include:

- a) early childhood education: ante-preschool groups for children from birth to 3 years old, and preschool groups for children from 3 to 6 (7) years old, including preparatory groups for school;
- b) primary education: classes I-IV;
- c) gymnasium education: classes V-IX;
- d) lyceum education: classes X-XII (XIII).

(2) The general education shall also include special education, extra-school education, and educational alternatives.

(3) The general education institutions shall be liable for protecting rights, life security and health of children and pupils while they are in the institutions.

(4) The general education institutions shall have the following duties:

- a) to assure quality education, care and support for all children and pupils;
- b) to identify children and pupils with learning difficulties and provide them the necessary individual assistance and support in the learning process;
- c) to provide opportunities for personal development of children and pupils with special abilities in some areas;
- d) to provide in cooperation with the social assistance institutions, the necessary assistance to children and pupils in difficulty;
- e) to fulfil the school component of the curriculum in line with children's and pupils' needs, interests and educational preferences.

(5) In the general education, the speech therapy, psycho-pedagogical assistance and other services may be provided, as appropriate, in the educational institutions, as established by the Government.

(6) The activity of the general education institutions shall be regulated according to a model-regulation approved by the Ministry of Education.

(7) The general education institutions shall submit annually to the local body specialized in education area an activity report, which shall be posted on its web page. The procedure for publishing the report shall be established by the Ministry of Education.

## **Article 21. Establishment, reorganization and dissolution of the general education institutions**

(1) The public institutions of early childhood education (ante-preschool and pre-school education) and of extra-school education (at local level) shall be established, reorganized and dissolved by the local public administration authorities of the first level. The public institutions of primary, gymnasium, lyceum and extra-school education (at rayon level) shall be established, reorganized and dissolved by the local public administration authorities of the second level and by the ATU Gagauzia. The local public administration authorities shall ensure the proper functioning of these institutions, in accordance with the regulations and standards approved by the Ministry of Education.

(2) The founding local public administration authorities shall establish school districts for each public institution of early, primary and/or gymnasium education.

(3) The public institutions of special and vocational education shall be established, reorganized and dissolved, at the initiative of the founders, with the Government's approval.

(4) The private educational institutions of all levels shall be established, reorganized and dissolved according to the civil legislation and provisions of the present Code.

(5) The accredited private educational institutions are part of the national education system and shall carry out activity in accordance with the provisions of the present Code.

(6) The public education institutions may have the status of legal entity, according to the legislation in force.

(7) At the initiative of the local public administration authorities, central public administration authorities, and public institutions and with the Ministry of Education's approval, depending on the local needs, the education structures with no legal entity status may be established as subunits of an educational entity with legal personality – these being subordinated to the same budget executor, under the law.

## **Article 22. Duration of the academic year**

(1) The academic year in general education shall start on September 1. The academic year in the primary education shall last for 33 weeks, distributed by relatively equal semesters. The academic year in the gymnasium and lyceum education shall last for 35 weeks, distributed by relatively equal semesters. The academic year in the classes IX and XII shall last for 34 weeks, distributed by relatively equal semesters.

(2) The period, number and duration of vacations, as well as the duration of classes in the general education shall be established by the Ministry of Education.

## **Chapter II. Early childhood education**

### **Article 23. Organization of early childhood education**

(1) The early childhood education is primarily aimed at child's multilateral development and preparation to integrate in the school activity.

(2) The early childhood education includes two stages:

- a) ante-preschool education for children from birth to 3 years old;
- b) preschool education for children aged 3 to 6(7) years old.

(3) The early childhood education shall be provided by nurseries, kindergartens, community centres of early education, or other types of institutions that provide services in line with the state educational standards.

(4) The early childhood education may also be organized in the institutions for orphans or children without parental care, in sanatorium institutions for children with chronic diseases, in special educational institutions, in penitentiary institutions and medical institutions.

### **Article 24. Ante-preschool education**

The ante-preschool education shall be carried out in the family, receiving financing from the national budget, according to the legislation in force. Upon parents' request, the local public administration authorities may organize ante-preschool education, being financed from the local budget.

### **Article 25. Preschool education**

(1) The preschool institutions shall compulsorily enrol, without any contest, all children from the appropriate school district, who wish to attend the respective institution.

(2) The state shall incur the costs for the preschool education and care services for all children, including for those with special educational needs.

## **Chapter III. Primary education**

### **Article 26. Mission of the primary education**

The primary education shall contribute to child's education as a free and creative personality, ensuring the development of necessary competences to continue studies in the gymnasium education.

### **Article 27. Organization of the primary education**

(1) The primary education includes I-IV classes and shall be organized as full-time training, as a rule, in the first half of the day. The primary education may be organized as distance learning, home education, and individual study for people with learning difficulties caused by disabilities.

(2) All the children from the appropriate school district shall be compulsorily admitted in the first class, with no competition tests.

(3) In case of art or sport profile classes, the admission in the first class may be based on some tests for profile-specific skills.



(4) The schooling shall become compulsory after the child turns 7 years old.

(5) The schooling for the children who have not attained the age of 7 years old by the starting of the school year shall be decided based on the request of parents or their legal representatives, depending on the psycho-somatic maturity level, confirmed by specialists, as established by the Ministry of Education.

(6) Groups or classes with prolonged programs may be organized in the primary education, financed from the budgetary sources and other legal sources, as established by the Ministry of Education.

(7) The primary education shall also be organized in the boarding schools for orphans or children left without parental care, in resort institutions for children with chronic diseases, in special educational institutions, in penitentiary institutions and in medical institutions.

(8) The primary education shall end with the national testing organized, according to the methodology approved by the Ministry of Education.

## **Chapter IV. Gymnasium education**

### **Article 28. Mission of the gymnasium education**

The gymnasium education shall contribute to train a creative and free personality by ensuring the development of pupils' skills, as well as by their counselling and orientation in determining the optimal individual route to the lyceum education, post-secondary or secondary technical and vocational education and training.

### **Article 29. Organization of the gymnasium education**

(1) The gymnasium education includes V-IX classes and shall be organized as full-time training. The gymnasium education may be organized as distance learning, home education, and individual study for people with learning difficulties caused by disabilities.

(2) All the pupils from the appropriate school district shall be enrolled in gymnasium, with no competition tests.

(3) In case of art or sport profile classes, the enrolment in the gymnasium shall be based on some tests for profile-specific skills.

(4) The gymnasium education shall also be organized in the boarding schools for orphans or children left without parental care, in resort institutions for children with chronic diseases, in special educational institutions, in penitentiary institutions and in medical institutions.

(5) The gymnasium education shall end with the national graduation exams and issuance of certificate of gymnasium studies.

(6) The modality for organizing the national graduation exams for gymnasium education shall be established by the Ministry of Education.

## **Chapter V. Lyceum education**

**Article 30. Mission of the lyceum education**

The lyceum education shall ensure the development of skills defined through the National Curriculum and counselling in choosing the individual vocational or educational route to higher education or post-secondary non-tertiary technical and vocational education and training, depending on the potential, vocation and performance.

**Article 31. Organization of the lyceum education**

(1) The lyceum education shall be organized in lyceums as full-time training (X-XII classes), and part-time training (X-XIII classes). The lyceum education may be organized as distance learning, home education, and individual study for people with learning difficulties caused by disabilities.

(2) The lyceum education shall be organized with the following orientations:

- a) theoretical, with the humanities and science profiles;
- b) vocational, with sport, arts, theological and military profiles.

(3) The Government may decide, at the proposal of the Ministry of Education, the organization of other profiles.

(4) The lyceum education with part-time training (X-XIII classes) shall be organized for graduates of gymnasium and secondary technical and vocational education and training, employed on the labour market or who have reached 20 years old, under the conditions set by the Ministry of Education.

(5) Pupils shall be admitted to the lyceum on competition basis, according to the methodology approved by the Ministry of Education, which shall be published at the beginning of the school year preceding admission.

(6) The admission competition in lyceums with arts or sport profiles shall include additional skill-test specific for the profile.

(7) The graduates of vocational schools shall have the right to be enrolled in the lyceum studies, under the conditions set by the Ministry of Education.

(8) The lyceum education shall end with the national baccalaureate exam, which shall be organized in the way established by the Ministry of Education.

(9) In case of failing, the baccalaureate exam may be repeatedly held, under the conditions set by the Ministry of Education.

(10) People who have graduated forms of education equivalent to lyceum education may require passing the baccalaureate exam in the external regime. The modality of passing the baccalaureate exam in the external regime shall be established by the Ministry of Education.

(11) By passing the national baccalaureate exam, a baccalaureate diploma shall be issued, which entitles the holder to be enrolled in the higher education and in the post-secondary non-tertiary technical and vocational education and training.

(12) The graduates who did not pass the baccalaureate exam shall be issued a certificate of lyceum studies, which entitles the holder to attend professional training programs in the secondary and post-secondary vocational institutions.

## **Chapter VI. Education for children and pupils with special educational needs. Inclusive education**

### **Article 32. Education for children and pupils with special educational needs**

The education for children and pupils with special educational needs is an integral part of the education system and aims to educate, rehabilitate and/or recover and integrate from the educational, social and professional point of view people with learning, communication and interaction, sensory and physical, emotional and behavioural, and social difficulties.

### **Article 33. Organization of education for children and pupils with special educational needs**

(1) The education for children and pupils with special educational needs shall be free of charge and shall be organized in the general education institutions, special education institutions and education at home.

(2) The state shall ensure the inclusion of children and pupils with special educational needs through:

a) enrolment of child and pupil with special educational needs in the appropriate group or class in the special education institutions;

b) enrolment of child and pupil with special educational needs in group or class in the general education institutions.

(3) The state shall ensure the inclusion of children and pupils with special educational needs by individualized approach, determining the inclusion form, complex evaluation and/or re-evaluation of the child and pupil with special educational needs that shall be carried out based on the methodology approved by the Ministry of Education, entitled structures, established at the central and local level, which operate as established by the Government.

(4) The determination of inclusion form, periodical evaluation and/or re-evaluation of the level of development of children and pupils with special educational needs shall be carried out in the presence of parents or their legal representatives, on their request.

(5) The general education institutions that enrolled children or pupils with special educational needs and special schools shall cooperate with the social protection institutions, other public or private organizations, individuals or legal entities from the country and abroad and shall benefit, under the law, from support in organizing training.

(6) The special schools, general education institutions, and responsible public authorities shall ensure the necessary environment and shall provide educational services, depending on the individual needs of children and pupils with special educational needs, including by facilitating the learning of Braille characters, sign language, alternatives forms of writing, communication, orientation and mobility skills.

(7) The support teaching staff qualified for inclusion of children and pupils with special educational needs shall work in the general education institutions.

**Article 34. Special education**

(1) The special education shall be carried out in special schools with or without residential services and in alternative institutions, which provide recovery assistance to children and pupils with sensory impairments and other deficiencies, including to those integrated in general education, as well as methodological consultation to teaching staff working in groups or classes in which the respective children/pupils are trained, as established by the Ministry of Education.

(2) The special schools shall be organized by categories of special educational needs:

a) for children and pupils with sensory impairments (hearing or visual) – special schools;

b) for children and pupils with severe learning difficulties (multiple and associated difficulties) – auxiliary schools.

(3) The special education for children and pupils with special educational needs shall be carried out in line with the National Curriculum, educational framework plans, approved by the Ministry of Education, and individualized educational plans.

(4) The teaching of school subjects in V-XII classes in the schools for children with sensory impairments shall be provided by teaching staff with general training, who have been specialized in the field of special psycho-pedagogy.

(5) The teaching staff with qualified training in the field of special psycho-pedagogy and social assistance shall be employed in the special education organized for children and pupils with special educational needs.

**Article 35. Home education**

(1) The home education shall be organized for a specific period of time for the children and pupils who temporarily can not move because of health problems or some disabilities.

(2) The home education shall be carried out as established by the Ministry of Education, through coordination with the Ministry of Health.

**Chapter VII. Extra-school education**

**Article 36. Mission of the extra-school education**

(1) The extra-school education shall be organized outside the program and school activity through complementary activities to the educational process organized in the educational institutions, meant to develop the cognitive, emotional and action potential of children and youth, and to meet their interests and options for free time.

(2) The extra-school education shall ensure additional opportunities for information, documentation, communication, development, social inclusion and self-fulfilment.

**Article 37. Organization of the extra-school education**

(1) The extra-school education is voluntary and shall be organized depending on children and young people's interests and options, in public and private extra-school institutions (centres, palaces, creative centres, arts/sport schools and others), based on specific educational activities, carried out in groups and/or individually, by teaching staff with special training, in cooperation with the family, social-cultural units, mass-media, children and youth organizations.

(2) The modality for functioning of the extra-school institution shall be established by the model-Regulation, approved by the Ministry of Education.

(3) Depending on the peculiarity of its activity, every extra-school institution shall develop its own activity regulation, coordinated with the local body specialized in education area. The activity regulation of the extra-school institutions shall contain explicitly the list of educational services provided to beneficiaries free of charge.

(4) The access to the activities provided by the public extra-school institutions, according to the Classification of free of charge educational services approved by the Government, shall be free for all the applicants aged between 5 and 21 years old, respecting the principle of non-discrimination.

(5) The public extra-school institutions may provide fee-based educational services only additionally to those envisaged in the training plan and curriculum, according to the legislation in force.

**Article 38. Educational alternatives**

(1) The state shall guarantee the right to education differentiated based on the educational pluralism through educational alternatives in the national education system.

(2) The educational alternatives from the public and private education shall be established with the approval of the Ministry of Education, under the legislation in force.

(3) The modality for organization, functioning, evaluation and accreditation of the educational alternatives shall be established by the Ministry of Education.

(4) The educational alternatives shall have the organizational autonomy and shall operate in line with the state educational standards and specifics of the alternative.

**Chapter VIII. State educational standards in general education**

### **Article 39. State educational standards**

(1) The state educational standards are a set of normative documents and represent a system of criteria and rules referring to the quality level to be achieved by different components and aspects of the education system.

(2) The state educational standards in the general education shall be aimed to:

- a) develop the National Curriculum as an regulation document;
- b) structure the pupils' skills defined through the National Curriculum;
- c) develop the professional competences of management and teaching staff;
- c) develop textbooks and other supports and educational resources;
- d) ensure the conditions and material resources necessary for an effective educational process.

(3) The state educational standards and their types shall be defined, developed and approved by the Ministry of Education.

(4) The state educational standards shall be compulsory for all public and private educational institutions.

(5) The state educational standards shall be the basis for recognition and equivalence of study documents and for objective assessment of people's general training level, regardless of the type, place, and form of education fulfilment.

## **Chapter IX. General education curriculum**

### **Article 40. Structure of curriculum**

(1) The general education curriculum shall outline the vision on the educational process, designing the society's expectations on the expected learning outcomes for each school subject, by levels of education.

(2) In general education, the National Curriculum shall include: reference framework, framework plan for primary, gymnasium and lyceum education, curriculum for early education, compulsory and optional subjects curriculum, school textbooks, methodological guides and other resources of learning.

(3) The structure of the curriculum by school subjects shall be defined in the reference Framework of the National Curriculum.

(4) The general education curriculum shall be approved by the Ministry of Education.

(5) The curriculum may be adjusted or modified to meet the needs of children and pupils with special educational needs. The modality of passing the curriculum shall be reflected in the individualized educational plan for child/pupil with special educational needs.

(6) The framework plan shall include the compulsory subjects, optional subjects, as well as the maximum and minimum number of hours related to each of them. The share of the optional subjects increases in the final classes of the gymnasium and lyceum education.

(7) The optional subjects from the framework plan shall have a share of 10% – 15% in the primary education, 15% - 20% in the gymnasium education and 20% - 25% in the lyceum education.

(8) The framework plan shall be compulsory for all the general education institutions, and shall be approved by the Ministry of Education, by at least 6 months before starting the new school year.

(9) In cases of educational alternatives, the framework plans and curriculum programs shall be developed by the representatives of institutions, which implement them and shall be approved by the Ministry of Education.

(10) The local public administration authorities of the first and second level and of ATU Gagauzia may establish for the institutions under their subordination, the local component of the curriculum with a share of at most 5% in the primary and gymnasium education and at most 10% in the lyceum education from the share of the optional subjects.

#### **Article 41. School textbooks**

(1) The school textbooks shall be developed based on the National Curriculum and shall be used in all the educational institutions. They shall be selected and edited through competition, according to the regulation approved by the Ministry of Education.

(2) Additionally, some alternative manuals may be used, developed based on the National Curriculum, selected on competition basis and recommended by the Ministry of Education.

(3) The pupils in primary education shall be provided school textbooks free of charge.

(4) The pupils of V-XII classes shall be provided school textbooks according to a renting-out scheme, approved by the Ministry of Education.

(5) The pupils from socially-vulnerable families shall benefit from facilities by renting school textbooks, under the conditions set by the Government.

### **Chapter X. Assessment in the general education**

#### **Article 42. Organization of assessment**

(1) The assessment in general education represents a set of systemic actions, through which shall be analysed and evaluated:

- a) the whole general education system;
- b) school curriculum;
- c) general education institutions;
- d) school outcomes;
- e) teaching and administrative personnel;
- f) educational and managerial process.

(2) The assessment in general education shall be carried out:

a) at the national level – by the Ministry of Education and other authorized structures;

b) at the local level – by the local body specialized in education area of the local public administration of the second level and ATU Gagauzia (hereinafter – local body specialized in education area);

c) at the institutional level – by the administration of the educational institution.

**Article 43. Assessment of the school curriculum**

The assessment of the school curriculum, in general, and of the curricular products, in particular, shall be a component part of the systemic evaluation in general education and shall be carried out by the Ministry of Education and other authorized structures.

**Article 44. Assessment of the school outcomes**

(1) The assessment of school outcomes shall be aimed at assessing the level of development of pupils' skills, based on the state educational standards.

(2) The continuous assessment shall be carried out through formative and summative assessment by the teaching staff, and as appropriate, by the administration of the educational institution, by the local bodies specialized in education area and by the Ministry of Education.

(3) The educational institution shall be autonomous in choosing the forms and strategies for continuous assessment of school outcomes, without exceeding the curricula provisions.

(4) The final assessment for certification of the educational performances in general education shall be carried out by the national entity for evaluation and assessment, working under the Regulation of organization and functioning, approved by the Government.

(5) In the educational institutions where the language of teaching is other than the Romanian ones, the pupils shall take a compulsory exam for Romanian language when graduating from gymnasium and lyceum education.

(6) The graduation exams for gymnasium and lyceum education shall be carried out based on a regulation developed by the national entity for evaluation and assessment and approved by the Ministry of Education.

(7) The publication of the topics for the gymnasium and baccalaureate graduation exams, as well as the solutions to them, shall be prohibited till the starting of the respective exam or during it holding. The infringement of the provisions of the respective paragraph shall be punished under the legislation in force.

**Article 45. Assessment of the teaching staff**

(1) The internal assessment of the teaching staff in the general education shall be carried out annually, based on the assessment methodology approved by the Ministry of Education.

(2) The external assessment of the teaching staff in the general education shall be carried out once in 5 years by the competent authorities, based on the assessment methodology approved by the Ministry of Education.

(3) The assessment methodology shall provide, on compulsory basis, the consultation of opinions of the pupils, parents and other teaching staff from the respective educational institution.



**Article 46. Assessment of the management staff**

(1) The assessment of the management staff activity in the general education institutions shall be carried out by the local body specialized in education area and by the National School Inspectorate, based on the assessment methodology approved by the Ministry of Education.

(2) The assessment of the management staff in the general education shall be carried out, on compulsory basis, at least once in five years.

(3) The director of the educational institution shall submit an annual activity report during the joint meeting of the Administration and Teachers' Boards.

**Article 47. Assessment of institutions**

(1) The assessment of the general education institutions' activity shall be carried out by the local body specialized in education area and by the National School Inspectorate, based on the standards approved by the Ministry of Education, upon the request of the institution's head, as well as on the initiative of the National School Inspectorate or of the local body specialized in education area.

(2) The evaluation report of the general education institution shall be posted on the official web-pages of the National School Inspectorate, local body specialized in education area and of the educational institution.

**Chapter XI. General education management**

**Article 48. The management entities of the local body specialized in education area**

(1) The management entities of the local body specialized in education area shall include the Administration Board, the Consultative Board and the head of the respective local body.

(2) The Administration Board shall be established through the order of the head of the local body specialized in education area.

(3) The nominal composition of the Consultative Board shall be approved through the decision of the local public administration authority of the second level, and in ATU Gagauzia - through the decision of the People's Assembly of Gagauzia.

(4) The head of the local body specialized in education area shall be designated through competition, for a period of four years, as established by the Ministry of Education, and shall be appointed through the decision of the local public administration authority of the second level/ through the decision of the People's Assembly of Gagauzia. The same person may hold the leadership position of the local body specialized in education area, at most for two consecutive mandates.

**Article 49. The management bodies of the general education institutions**

(1) The following entities shall operate at the level of the general education institution:

a) The Administration Board of the educational institution, with the role of decision-making in the administrative area, shall be composed of: director, deputy director, one representative delegated by the local public administration from the administrative-territorial unit of the first level, where the institution is, three representatives of parents delegated by the general assembly of parents, two representatives of the teaching staff delegated by the Teachers' Board and one representative of pupils delegated by the Pupils' Board from the institution.

b) The Teachers' Board of the educational institution, with the role of decision-making in the educational area, shall be composed of the teaching staff from the respective institution and shall be chaired by the director.

(2) The Administration Board shall be chaired by another person than the head of the educational institution, appointed by the Board members through secret voting.

(3) The representatives of the civil society and business environment may attend the meetings of the Board.

(4) The Administration Board shall operate according to the framework-regulation, approved by the Ministry of Education.

(5) The Administration Board of the general education institution shall have the following competences:

a) to participate, through its representatives, in the competition committee for appointing the director of the educational institution;

b) to participate, through its representatives, in evaluating the director of the educational institution;

c) to approve the institution's budget;

d) to approve the plan for institution development;

e) to manage the financial resources coming from other sources than the budgetary ones;

f) to approve the school component of the Framework-plan at the school level;

g) to approve the rules for filling the classes, the number of classes and the employment scheme for the institution's personnel.

**Article 50. The management staff**

(1) The management staff of the general education institution shall be composed of director and deputy directors.

(2) The director of the general education institution shall:

a) represent the institution;

b) issue orders, sign on behalf of the institution all documents issued by the institution;

c) employ, evaluate, promote and dismiss the institution's staff;

d) be responsible for executing the institution's budget;

- e) develop the employment scheme for the institution's staff;
- f) develop and propose the school component of the curriculum for approval by the Administration Board;
- j) develop the rules for filling the classes and the number of classes.

(3) In the management activity, the director of the institution shall be assisted by one or several deputy directors.

(4) The number of deputy directors' positions in the public educational institutions shall be established by the local body specialized in education area, according to the standards approved by the Ministry of Education.

(5) The positions of director and deputy director shall be filled through competition, according to the professional and managerial competence criteria. The Regulation for organization and carrying out the competition to fill the position of director or deputy director shall be approved by the Ministry of Education. At least one deputy director responsible for the educational process shall have pedagogical studies.

(6) The director and deputy directors of the public general education institution shall be appointed for a period of 5 years. By the end of the period of 5 years, the individual employment contract of the head shall terminate under the law, the position being declared vacant.

(7) The director of the general education institution shall conclude an individual employment contract with the local body specialized in education area, while the deputy director – with the director of the general education institution.

(8) The director of the general education institution may be dismissed before the expiration of the individual employment contract, according to the provisions of the labour legislation, as well as in the following cases:

- a) committing financial violation;
- b) professional deontology violation;
- c) inadequate promoted management not following the standards in force;
- d) non-observance of children, pupils, employees and parents' rights;
- e) repeatedly obtaining the rating "unsatisfactory" upon the institution's assessment conducted by the National School Inspectorate.

### **Article 51. The number of classes and the staffing scheme**

(1) The educational process shall be carried out in classes or groups, according to the rules established by the local body specialized in education area, based on the state educational standards and the state sanitary-epidemiological norms.

(2) The rules on the number of classes per years of study in the public educational institution shall be established by the local body specialized in education area.

(3) The number of classes per years of study and the number of pupils in each class in the public educational institutions shall be proposed every year by the management of the institution, based on the institution's design capacities and the forecast of the number of pupils, and shall be endorsed by the

Administration Board and shall be approved by the local body specialized in education area.

(4) The staffing scheme shall include the list of management, teaching, auxiliary teaching and non-teaching positions in the educational institution and the estimative workload (the number of hours or norms) established for each position for the respective year of study.

(5) The staffing scheme in the public educational institutions shall be developed every year by the management of the educational institution depending on the number of classes, and shall be endorsed by the Administration Board of the institution and shall be submitted for approval to the local body specialized in education area by the end of March.

(6) The approved number of classes and the staffing scheme for the public educational institutions shall be communicated to the educational institutions by the end of April. The educational institutions shall make public the number of classes by the end of May.

(7) The number of classes and the staffing scheme shall serve as basis for the institutional planning, personnel employment and for development of the draft budget.

#### **Article 52. Taking over the management of the educational institution in case of mismanagement**

(1) In case of mismanagement of the public institution of general education that is identified through an evaluation report of the National School Inspectorate, the Ministry of Education shall be entitled to take over from the respective public authority the management and financing of the given institution.

(2) The criteria and procedures for taking over the management, in case of mismanagement of the general education institutions shall be established by the Ministry of Education.

(3) After the Ministry of Education takes over the management of a public institution of general education, the individual employment contract concluded with the director of the respective institution shall be terminated.

### **Chapter XII. General education staff**

#### **Article 53. Categories of personnel**

(1) The personnel in the general education shall include the management staff, teaching staff, auxiliary teaching staff and non-teaching staff.

(2) The management staff in the general education shall include the director and deputy director.

(3) The teaching staff in the general education shall include:

a) in the early childhood education – educator, support teaching staff, music teacher, speech therapist, psychologist, psycho-pedagogue, methodologist;

b) in the primary education – teacher, professor, support teaching staff, teaching assistant, speech therapist, psychologist, psycho-pedagogue, circle mentor;

c) in the gymnasium and lyceum education – teacher, psychologist, psycho-pedagogue, social pedagogue, support teaching staff, circle mentor;

d) in the special education – educator, teacher, professor, psychologist, speech therapist, master-trainer, trainer, master, psycho-pedagogue, circle mentor, methodologist.

(4) The teaching staff in the psycho-pedagogical assistance structures shall include: psycho-pedagogue, special psycho-pedagogue, pedagogue, speech therapist, and psychologist.

(5) In the extra-school institutions, the teaching staff shall include: circle mentor, master-trainer, bandmaster, chorus master, ballet master, producer, accompanist, artistic director, psychologist, and methodologist.

(6) In the arts and sport institutions, the teaching staff shall include: teacher, artistic director, ballet master, concert master, chorus master, bandmaster, accompanist, producer, coach-trainer, master-trainer, and trainer.

(7) The auxiliary teaching staff shall include:

- a) librarian;
- b) IT specialist;
- c) lab technician;
- d) extra-school trainer;
- e) animation trainer.

(8) The non-teaching staff shall include:

- a) assistant;
- b) medical assistant;
- c) physiotherapist;
- d) technician;
- e) master tuner for musical instruments;
- f) heritage administrator;
- g) financial specialist (accountant);
- h) other administrative household, auxiliary and serving staff according to the Classification of Occupations in Moldova.

#### **Article 54. Employment of the teaching staff**

(1) In the general education, the vacant teaching positions shall be filled in through competition, organized at the level of the educational institution, according to the methodology approved by the Ministry of Education. Any candidate meeting the requirements provided in the legislation in force may participate in the competition. The vacant positions shall be filled in through distribution of young specialists.

(2) The teaching staff shall be employed in the educational institutions by concluding an individual employment contract with the director of the institution, according to the legislation in force.

(3) The graduates of higher education programs of another profile than the pedagogical ones shall be entitled to teach only after having completed a psycho-pedagogical module.

**Article 55. Teacher's workload**

(1) The activity of teaching staff in the general education shall be carried out 7 hours a day, respectively 35 hours per week, and shall include the following:

- a) teaching-learning-assessment and practical training activities according to the training framework-plans;
- b) activities related to education and complementing the educational process;
- c) activities for counselling of children, pupils and parents in psycho-pedagogical problems;
- d) mentorship activities;
- e) master teacher's activities;
- f) activities related to the educational process attainment;
- g) activities related to developing the individualized educational plans and teaching-learning-assessment, practical training, according to the educational plans for children and pupils with special educational needs.

(2) The workload for teaching-learning-assessment and practical training in the primary, gymnasium and lyceum education shall be 18 hours.

(3) The workload for teaching-learning-assessment and practical training shall be reduced for the teachers who act as mentor, as set by the Government.

**Article 56. Teaching and management degrees**

(1) The teaching and management staff in the general education may be awarded the following teaching and management degrees: second, first and senior.

(2) The procedure for awarding the teaching and management degrees shall be established by the Ministry of Education.

**Article 57. Employment of auxiliary teaching and non-teaching staff**

The auxiliary teaching and non-teaching staff shall be employed by concluding an individual employment contract with the director of the institution, according to the legislation in force.

**Article 58. Mentoring activity**

(1) The mentoring activity shall be promoted in the general education through an experienced person (mentor), who provides support, assistance and experience exchange and knowledge to another person to foster his/her professional development and acquiring skills or competences.

(2) The teaching or managerial staff may become mentor if he/she has special training obtained during the initial or continuous training and has experience in the practiced area.

(3) The mentoring activity shall be carried out in the following forms:

- a) practice mentoring;
- b) professional insertion mentoring;
- c) professional development mentoring.

(4) The practice mentoring shall be carried out through guiding by an experienced teaching staff of the trainee.

(5) The professional insertion mentoring shall be carried out at the workplace and shall ensure the integration and professional development of junior teaching staff.

(6) The professional development mentoring shall be carried out at the workplace and shall ensure the professional development and career advancement of the teaching staff.

## **TITLE IV**

### **TECHNICAL AND VOCATIONAL EDUCATION AND TRAINING**

#### **CHAPTER I. General provisions**

**Article 59. The technical and vocational education and training system**

(1) The technical and vocational education and training system shall include a number of educational institutions that provide programs of:

a) professional training of qualified workers, masters, technicians, and other categories of specialists, in line with the National Framework of Qualifications, the Nomenclature of professional training fields and of trades/professions, the Nomenclature of professional training fields, specialties and qualifications, approved by the Government, as well as with ISCED levels 3, 4 and 5;

b) requalification of workers and specialists in various professional training areas;

c) strengthening the professional competences of the qualified workers, in line with the requirements of the economy and labour market.

(2) The technical and vocational education institutions shall be established, reorganized and closed down by the Government, at the initiative of the founder.

(3) The general organization of the technical and vocational education and training shall be regulated by the present Code and the Framework-regulation, approved by the Ministry of Education.

(4) The training in the technical and vocational education shall be organized based on the technical and vocational education standards and curriculum.

(5) The technical and vocational education may also use the dual alternative of training for certain trades/professions, according to the conditions

established by the Ministry of Education, together with other relevant central bodies and interested economic entities.

(6) The dual education shall be organized in parallel in the technical and vocational education institutions and in enterprises or other economic units.

(7) The technical and vocational education and training may also be organized in the penitentiary institutions, by establishing vocational schools or training programs, affiliated to the secondary technical and vocational education institutions within their area, with the approval of the Ministry of Education and the Ministry of Justice.

(8) The duration and the structure of the academic year in the technical and vocational education and training shall be regulated by the education framework-plan approved by the Ministry of Education.

#### **Article 60. Access conditions**

(1) The admission in the technical and vocational education institutions shall be based on gymnasium or lyceum studies.

(2) The people with certificates of lyceum or equivalent education may be admitted in the technical and vocational education institutions only for the secondary and post-secondary training programs.

(3) The technical and vocational education and training shall be financed:

- a) from the state budget;
- b) from the tuition fees paid by interested individuals or legal entities;
- c) from other legally established sources.

(4) The technical and vocational education institutions may charge from candidates the admission fees for organizing and carrying out the admission, in the amount established by the Government.

(5) The admission plan in the technical and vocational education and training with financing from the state budget shall be established by the Government.

(6) The training of people with special educational needs shall be carried out according to the Nomenclature of professional training fields and of trades/professions and the Nomenclature of professional training fields, specialities and qualifications in the trades' classes from the special schools and within the technical and vocational education and training.

## **Chapter II. Organization of the technical and vocational education and training**

#### **Article 61. Professional training programs**

(1) The training programs in the technical and vocational education shall be organized in three levels:

- a) secondary technical and vocational training programs (ISCED level 3);
- b) post-secondary technical and vocational training programs (ISCED level 4);



c) post-secondary non-tertiary technical and vocational training programs (ISCED level 5).

(2) The professional training programs shall be carried out in the public and private technical and vocational education institutions (vocational schools, colleges and centres of excellence), provisionally authorized or accredited, as well as in partnerships with enterprises and organizations, adequate for training profile.

(3) The technical and vocational education and training shall be organized in the boarding schools for orphans or for children left without parental care, in the special schools, in the penitentiary institutions and in the medical institutions.

(4) The secondary technical and vocational education and training shall be organized full-time.

(5) The post-secondary and post-secondary non-tertiary technical and vocational education and training shall be organized full-time or part-time.

#### **Article 62. Secondary technical and vocational training programs**

(1) The secondary technical and vocational training programs shall ensure the initial and continuous training for qualified workers, within the existing qualification categories.

(2) The secondary technical and vocational education and training shall last for:

- a) 3 years for training in related trades, based on gymnasium education;
- b) 2 years for training in one trade, based on gymnasium education;
- c) 1-2 years based on the gymnasium studies for dual education;
- d) 1-2 years, depending on the complexity of trade, based on lyceum education or general secondary education.

(3) The persons who have not graduated nine classes, but turned 16 years old may be included in the groups of pupils for two-year secondary technical and vocational training programs, with the agreement of the Ministry of Education.

(4) The training process in the secondary technical and vocational training programs shall be carried out in line with the national reference standards and accreditation standards developed by the National Agency for Quality Assurance in the Professional Education and approved by the Government.

(5) The admission to the secondary technical and vocational training programs shall be organized under the conditions set by the Ministry of Education.

(6) The requirements towards the skills of the graduates of the secondary technical and vocational training programs shall be formulated in line with the National Framework of Qualifications.

(7) The secondary technical and vocational training programs shall end with taking the qualification exam and issuance of qualification certificate and descriptive annex to the certificate, according to Europass.

(8) The qualification certificate shall allow the employment on the labour market, according to the obtained qualification, as well as continuation of studies in theoretical lyceums and/or post-secondary technical and vocational training

programs, depending on the previously obtained training level in the fulfilled educational programs, under the conditions established by the Ministry of Education.

**Article 63. Post-secondary and post-secondary non-tertiary technical and vocational training programs**

(1) The post-secondary and postsecondary non-tertiary technical and vocational training programs shall ensure the training of masters, technicians, technologists, medical and pharmaceutical personnel, other specialists in different areas, in line with the ISCED levels 4 and 5.

(2) The post-secondary technical and vocational training programs of ISCED level 4 shall last for:

- a) 4 years for integrated programs, based on gymnasium education;
- b) 5 years for integrated programs for medicine and pharmacy profiles, based on gymnasium education;
- c) 3 years for integrated programs to choreography specialty, based on gymnasium education;
- d) 3 years for part-time education, based on certificates of lyceum education and general secondary school;
- e) 2-3 years for the related specialties to the initial trade, based on the qualification certificate;
- f) 2 years for full-time education, based on the certificates of lyceum education and general secondary school.

(3) The post-secondary non-tertiary technical and vocational training programs shall correspond to the ISCED level 5 and shall last for 2-3 years. The admission to the post-secondary non-tertiary technical and vocational training programs shall be based on the baccalaureate diploma.

(4) The admission to the post-secondary and post-secondary non-tertiary technical and vocational training programs shall be based on the Nomenclature of professional training fields, and of specialties and qualifications, and according to the conditions established by the Ministry of Education, with financing from the state budget or with payment of the tuition fees by individuals or legal entities.

(5) The training process in the post-secondary and post-secondary non-tertiary technical and vocational training programs shall be carried out in line with the national reference standards and accreditation standards.

(6) The post-secondary technical and vocational training programs shall end with voluntary taking the baccalaureate exam and compulsory taking the qualification exam and/or diploma thesis that confers the right to be employed according to the obtained qualification.

(7) The skills acquired by the graduates of the post-secondary and post-secondary non-tertiary technical and vocational training programs shall be formulated in the National Framework of Qualifications.

(8) The institutions providing secondary, post-secondary and post-secondary non-tertiary technical and vocational training programs may establish

consortiums with the vocational education institutions and/or higher education institutions, under the law.

**Article 64. Standards and Curriculum in the technical and vocational education and training**

(1) The state educational standards in the technical and vocational education and training shall be developed by the Ministry of Education, with participation of the representatives of employers' organization, and shall be coordinated with the relevant central public administration authorities and shall be approved by the Government.

(2) The curriculum by modules/subjects in the technical and vocational education and training shall be developed by experts in the area, by levels of education (secondary, post-secondary and post-secondary non-tertiary) and by training fields, in line with the National Framework of Qualifications, and shall be coordinated with the sector committees and shall be approved by the Ministry of Education, through coordination with the relevant central bodies.

(3) The curriculum in the technical and vocational education and training shall include:

a) The training framework plan and the training plans by trades and specialties;

b) curriculum by modules/subjects;

c) methodological guides for curriculum application.

(4) The pupils in the technical vocational education and training shall be provided with the school textbooks within the rental scheme, approved by the Ministry of Education.

**Article 65. Quality assessment**

(1) The quality assessment in the technical and vocational education and training shall be carried out based on the national reference and accreditation standards and methodology developed by the National Agency for Quality Assurance in the Professional Education and approved by the Government.

(2) The quality assessment in the technical and vocational education and training shall be aimed at:

a) institutional capacity;

b) educational efficiency, including academic outcomes;

c) quality of the training programs;

d) institutional management of quality;

e) correlation between the internal assessment and real situation.

(3) The quality assessment in the technical vocational education shall include:

a) the assessment of the training programs;

b) the assessment of institutions providing training programs.

(4) The external assessment of the quality in the technical and vocational education and training shall be carried out by the National Agency for Quality

Assurance in the Professional Education, as well as by other authorized structures.

(5) The internal assessment of the quality in the technical and vocational education and training shall be carried out by the institutional structures for quality assurance, based on the national reference and accreditation standards, as well as on the institutional regulation.

(6) The assessment of the curriculum, educational process and learning outcomes in the technical and vocational education and training shall be regulated by the methodology developed by the National Agency for Quality Assurance in the Professional Education and shall be approved by the Government.

#### **Article 66. Qualifications in the technical and vocational education and training**

(1) The qualifications in the technical and vocational education and training shall be awarded in line with the National Framework of Qualifications, developed based on the occupational standards for each level of the vocational education and training, in line with the European Framework of Qualifications and the need of qualifications on the labour market.

(2) The National Framework of Qualifications shall be developed by the Ministry of Education, together with the relevant ministries, sector committees, vocational education institutions, businesses and other social partners, and shall be approved by the Government.

(3) The qualification levels shall delimit the quantitative and qualitative parameters of the professional skills a graduate should have so as to exercise the obtained trade/profession, speciality, in line with the National Framework of Qualifications.

(4) The qualifications may be obtained in the technical and vocational education and training institutions, in line with the National Framework of Qualifications and the Nomenclature of professional training fields, and of trades/professions and the Nomenclature of professional training fields, specialities and qualifications.

(5) The exam of qualification, certification of skills acquired in non-formal or informal education context and/or passing the thesis or diploma paper shall be organized in line with the criteria set by the National Agency for Quality Assurance in the Professional Education, in cooperation with the Ministry of Education and the relevant central bodies.

(6) The qualifications awarded by the technical and vocational education and training institutions shall be introduced in the National Register of Qualifications in the Professional Education, developed by the Ministry of Education, in cooperation with the relevant central bodies.

(7) The modules/subjects from the training programs, used as basis for awarding professional qualifications may be expressed in credits according to the European Credit Transfer and Accumulation System through agreements concluded between institutions providing training programs.

**Article 67. Internships and relations with the labour market**

(1) The technical and vocational education and training institutions shall be responsible for organizing the internships for pupils/students. The internships shall be carried out within the workshops, labs and households of the respective education institutions, in enterprises, institutions and other organizations interested to serve as basis for internship, including the creative ones.

(2) The businesses may provide internship places for pupils/students in the technical and vocational education and training institutions, in line with the agreements and contracts concluded with the respective educational institutions.

(3) The partnership between the technical and vocational education and training institutions and the economic environment shall be carried out through:

- a) distribution of the graduates on the labour market;
- b) providing places for internships;
- c) organization of dual education;
- d) organization of job fairs;
- e) employing high qualified representatives from the professional environment in the development of the Nomenclature of professional training fields, and of trades/ professions and the Nomenclature of professional training fields, specialities and qualifications and the Classification of occupations and occupational standards;
- f) other activities and legal actions.

(4) The professional training fields, for which the sector committees are established, as well as their nominal composition, shall be proposed by the Ministry of Work, Social Protection and Family, in coordination with the relevant central bodies, and shall be approved by the Government. The conditions for establishing and operating of the sector committees shall be established by the Government.

(5) The public authorities, public institutions and the state enterprises shall provide annually the places for internships, at least 10% from the staff number.

(6) The technical and vocational education and training institutions may carry out entrepreneurship activities, under the conditions set by the Government, including in the own production workshops carrying out commercial activities.

**Article 68. Teaching workload**

(1) The teaching workload shall include:

- a) The teaching-learning-assessment activity and the training practice, according to the training plans and modular and subject-based curriculum;
- b) methodological–scientific and creation activity;
- c) complementary educational and guiding activity;
- d) other activities provided by the institutional regulations.

(2) The teaching workload shall be differentiated by the level of education, profile and specialty, training plan, as established by the Ministry of Education. ..

### **Chapter III. Technical and vocational education and training management**

#### **Article 69. Administration of the technical and vocational education and training**

(1) The technical and vocational education and training institutions shall be subordinated to the Ministry of Education and, as appropriate, to the relevant central bodies.

(2) The technical and vocational education and training institutions shall operate based on its own regulation, developed in accordance with the framework-regulation approved by the Ministry of Education.

(3) The directors of the public technical and vocational education and training institutions shall be selected by competition, organized by the Ministry of Education or relevant ministries, and shall be appointed for a period of five years, for at most 2 consecutive mandates, according to the Regulation approved by the Ministry of Education.

(4) The director of the technical and vocational education and training institution may be dismissed before the expiration of the individual employment contract under the provisions of the labour legislation, as well as in the following cases:

- a) committing financial violations;
- b) non-observance of professional ethics;
- c) non-compliance of the promoted management with the standards in force;
- d) violation of pupils, employees and parents' rights;
- e) negative evaluation of more than 30% of the study programs - a fact identified by the National Agency for Quality Assurance in the Professional Education.

(5) The administrative and consultative bodies of the technical and vocational education and training institutions shall be composed of the Administration Board, Teachers' Board and Methodical-Scientific Board, the Artistic Board (in case of the educational institution with art profile).

(6) The duties of the administrative and consultative bodies shall be established in the normative acts developed by the Ministry of Education and in the regulations of the technical and vocational education and training institutions.

(7) The Teachers' Board, chaired by the Director, shall be the collective management body of the technical and vocational education and training institution.

(8) The director of the technical and vocational education and training institution shall annually submit to the Ministry of Education and the relevant ministries the activity report, which shall be approved by the Teachers' Board and shall be published on the institution's web page.

### **Chapter IV. Personnel in the technical and vocational education and training**

### **Article 70. Categories of personnel**

(1) The personnel in the technical and vocational education and training shall include the following categories:

- a) management staff;
- b) teaching staff;
- c) auxiliary teaching staff;
- d) non-teaching staff composed of administrative household, auxiliary and service staff.

(2) The organizational chart and the number of positions for each personnel category shall be established through the staff lists approved by the founder.

### **Article 71. Management, teaching and auxiliary teaching staff**

(1) The management positions shall include: director, deputy director, head of section.

(2) The teaching staff shall include: teacher, master-trainer, methodologist, psychologist, psycho-pedagogue, concert master, circle mentor, choral director, orchestra director.

(3) The auxiliary teaching staff shall include: the librarian, laboratory assistant and social pedagogue in hostels for pupils.

(4) The management and teaching staff shall be employed through competition, organized in line with the regulation approved by the Ministry of Education.

### **Article 72. Training of the teaching staff in the technical and vocational education and training**

(1) The initial training of teachers, methodologists, psychologists and psycho-pedagogues for the technical and vocational education and training shall be carried out in the higher education institutions, and the initial training of teachers for specialized subjects and the social pedagogues from the pupils' hostels – in the post-secondary non-tertiary vocational and higher education institutions within the profile programs.

(2) People with qualification and professional experience in the area, regardless of the initial training may be employed as master-trainer and circle mentor.

(3) The specialists from the economic or artistic sectors shall take a psycho-pedagogical training module to obtain the right to practice as teacher.

### **Article 73. Assessment of the teaching staff**

(1) The internal assessment of the teaching staff in the technical and vocational education and training shall be carried out annually based on the assessment methodology approved by the Ministry of Education.

(2) The external assessment of the teaching staff in the technical and vocational education and training shall be carried out once every 5 years by the

competent authorities, based on the assessment methodology approved by the Ministry of Education.

**Article 74. Teaching and management degrees**

(1) The teaching and management staff in the technical and vocational education and training may be awarded the following teaching and management degrees: second, first and senior.

(2) The procedure for awarding the teaching and management degrees shall be established by the Ministry of Education.

**TITLE V  
HIGHER EDUCATION**

**Chapter I. General provisions**

**Article 75. Mission of the higher education**

(1) The higher education is a key factor for the cultural, economic and social development of knowledge-based society and is a promoter of human rights, sustainable development, democracy, peace and justice.

(2) The higher education shall be aimed at:

- a) creation, keeping and dissemination of knowledge at the highest level of excellence;
- b) training of highly qualified specialists competitive on the national and international labour market;
- c) creation of life-long training opportunities;
- d) keeping, development and promotion of the national cultural and historical values, in the context of cultural diversity.

**Article 76. The general structure of the higher education**

(1) The higher education shall be organized in two fields: academic and advanced professional.

(2) The higher education shall be structured in three cycles:

- a) cycle I – Bachelor’s degree (ISCED level 6);
- b) cycle II – Master’s degree (ISCED level 7 );
- c) cycle III – doctoral degree (ISCED level 8 ).

(3) The research, development and innovation activities shall be carried out within the doctoral and postdoctoral training.

**Article 77. Organization of the higher education**

(1) The professional training in the higher education institutions shall be carried out through the appropriate study programs.



(2) The higher education programs shall include the educational and research or artistic creation activities, which provide training in an academic or advance professional field, in accordance with the regulatory framework in force.

(3) The organization of the higher education programs shall be the responsibility of the higher education institutions, under the present Code.

(4) The higher education programs shall be differentiated by:

- a) cycle of the higher education;
- b) professional training field;
- c) organizational form of the higher education.

### **Article 78. Organizational forms of the higher education**

(1) The Bachelor's and Master's degree shall be organized in the following forms:

- a) full-time;
- b) part-time;
- c) distance learning.

(2) The doctoral degree shall be organized in the following forms:

- a) full-time;
- b) part-time.

### **Article 79. University autonomy**

(1) The higher education institutions shall have the status of university autonomy.

(2) The university autonomy is the right of the university community for organization and self-management, exercising the academic freedoms without any ideological, political or religious interferences, assuming a set of competences and obligations in line with the national strategies and policies for the development of the higher education.

(3) The university autonomy shall encompass the areas of management, structuring and functioning of the institution, teaching and scientific research activity, administration and financing, and shall be mainly performed through:

- a) organizing, conducting and improving the educational and scientific research process;
- b) establishing specialties;
- c) developing curriculum and analytical programs in line with the state educational standards;
- d) organizing admission of students, taking into account the specific criteria to the profile of the higher education institution;
- e) selecting and promoting the teaching, scientific-teaching and scientific staff, as well as the other categories of personnel in the educational institution;
- f) establishing the assessment criteria for the teaching and scientific activity;
- g) awarding teaching degrees;
- h) eligibility of all management bodies by secrete voting;
- i) solving social problems of students and staff;

- j) ensuring order and discipline in the university;
  - k) finding additional sources of income;
  - l) establishing cooperation relationships with various educational and scientific institutions, centres and organizations in the country and abroad.
- (4) Financially, the university autonomy shall be carried out by:
- a) administering the financial resources through bank accounts, including transfers from the state budget;
  - b) using the available resources to carry out the statutory activity, according to own decisions;
  - c) accumulating own income from fees, provided services, performed works and other specific activities, according to the classification of provided services approved by the Government;
  - d) administering institution's property and ensuring the optimal conditions for the development of the institution's material resources;
  - e) using the institution's property and the related rights to achieve the statutory purposes of the higher education institution.
- (5) The educational institutions in the military, security and public order fields shall have the university autonomy within the limits set in the regulatory framework of the relevant authorities.

**Article 80. Access conditions**

- (1) The citizens of the Republic of Moldova shall be provided the access to the higher education:
- a) funded from the state budget, within the limits set annually by the Government;
  - b) by paying the tuition fees as individuals or legal entities;
  - c) with mixed funding.
- (2) The citizens of the Republic of Moldova shall be entitled once to the higher education funded from the state budget, per every cycle of the higher education.
- (3) By derogation from the paragraph (2), the citizens may be entitled repeatedly to the higher education funded from the state budget in case of:
- a) losing the workability, under the provisions provided in the Labour Code, for the specialty (profession) previously obtained;
  - b) professional disease and /or disability;
  - c) opting for special programs launched by the Government on the labour market.

**Article 81. Nomenclature of professional training fields and specialties**

- (1) The higher education shall be regulated through the Nomenclature of professional training fields and specialties.
- (2) The Nomenclature of professional training fields and specialties shall be part of the state educational standards, and shall determine the fields,

specialties, under which the professional training shall be carried out in the higher education.

(3) The Nomenclature of professional training fields and specialties shall be approved by the Government, at the Ministry of Education's proposal, by mutual agreement with the relevant ministries.

**Article 82. Categories and types of institutions**

(1) The higher education shall be organized in universities, academy of studies, institutes, schools of higher studies and others (hereinafter – higher education institutions or universities).

(2) The higher education institutions shall be established, reorganized and closed down by the Government, at the founder's initiative.

(3) Depending on the higher education programs provided, the higher education institutions shall be assigned one of the following categories:

a) category A;

b) category B;

c) category C.

(4) The higher education institution shall be of category A if it:

a) provides higher education in one or more professional training areas;

b) carries out research, development, innovation and artistic creation activities;

c) provides Bachelor's, Master's, and Doctoral degree programs.

(5) The higher education institution shall be of category B if it:

a) provides higher education in one or more professional training areas;

b) carries out research, development, innovation and artistic creation activities;

c) provides Bachelor's and Master's degree programs.

(6) The higher education institution shall be of category C if it:

a) provides higher education in one professional training area;

b) carries out research or artistic creation activities;

c) provides Bachelor's degree programs.

(7) As an exception to the categories listed in the paragraph (3), the Academy of Public Administration shall provide Master's degree programs, doctoral degree programs and continuous professional development programs for the civil service staff, and shall provide scientific and methodical support to the activity of the public authorities.

(8) The category of the higher education institution shall be assigned as a result of the external quality assessment process in order to accredit the study and institutional programs, and shall be approved by the Government Decision.

(9) The newly established institutions shall be assigned the category C until the institutional accreditation.

(10) The branches of the accredited higher education institutions from other states, established in the Republic of Moldova, shall be assigned the appropriate category of the higher education institution from the country of origin, if the institution for external quality assessment, which granted the

accreditation is included in the European Quality Assurance Register for Higher Education (EQAR).

(11) The higher education institutions may carry out entrepreneurial and technology transfer activities, under the conditions set by the Government.

### **Article 83. Assessment of institutions**

(1) The higher education institutions shall be subject to external quality assessment once in five years, in line with the methodology and criteria developed by the National Agency for Quality Assurance in Professional Education, and shall be approved by the Government.

(2) The external assessment of the higher education institutions shall be taken into account in:

a) ranking the higher education institutions by categories within the accreditation procedure;

b) authorization for provisional functioning, periodical accreditation and reaccreditation of the higher education institutions, as well as in ranking the study programs.

(3) The higher education institutions shall be classified based on the methodology developed by the National Agency for Quality Assurance in Professional Education.

(4) Depending on the category of the higher education institution and the ranking of the study programs, the following shall be established:

a) the number of places funded from the state budget, provided to the higher education institution;

b) the budgetary funds allocated to the higher education institution for research, artistic creation, development and innovation activities;

c) other rules under the law.

(5) The internal structure of the higher education institution shall be established in accordance with the mission and objectives set by the University Charter.

### **Article 84. Branches and consortiums**

(1) For the purpose of quality assurance, increasing efficiency, ensuring international visibility and concentrating the available resources, the higher education institutions, according to the legislation in force, may:

a) establish consortiums with other higher education institutions in the country and abroad;

b) obtain the status of a branch of other higher education institutions in the country or abroad;

c) merge with other education institutions establishing a single education institution with status of legal entity.

(2) The higher education institutions may establish consortiums with the research, development, innovation or artistic creation organizations, based on the partnership contract, according to the legislation in force.

**Article 85. Admission to the higher education**

(1) The admission to the higher education shall be organized only for the accredited or provisionally authorized study programs, according to the law.

(2) The plan for admission to the higher education funded from the state budget shall be approved by the Government.

(3) The admission to each cycle of higher education shall be organized through competition, based on the higher education institution's own methodology, within the limits of the schooling capacities set through the provisional accreditation or authorization. The criteria for organizing the admission competition shall be established through the Framework-regulation for organizing the admission to higher education, approved by the Ministry of Education.

(4) The admission to the higher education shall be organized based on the Nomenclature of professional training fields and specialties.

(5) The higher education institutions may charge from candidates, under the law, the registration fees for the admission competition, in the amount set by the educational institution, based on its own methodology posted on the institution's website.

(6) The methodology for admission to higher education institution shall be made public on the institution's web page and shall be posted in the institution's premises, two years before its enforcement.

(7) The monitoring of admission to the higher education shall be carried out by the Ministry of Education.

**Article 86. The study contract**

(1) The study contract shall regulate the relations between the student and the higher education institution under the academic, financial, social and other specific aspects of the higher education institution.

(2) The study contract shall contain the object of the contract, the rights and obligations of parties, the tuition fee for the entire training cycle, as well as other regulations set forth in the legislation.

**Article 87. Duration of the academic year**

(1) The academic year for the cycle I of higher education (bachelor's degree) shall consist of two relatively equal semesters, including two exam sessions, internships and two vacations.

(2) One semester shall last on average for 15 weeks of direct contact with students.

(3) The period and duration of the exam sessions, as well as of vacations shall be established by the higher education institution.

(4) The academic calendar shall be established by the Senate of the higher education institution.

**Article 88. The credit transfer and accumulation system**

(1) The European Credit Transfer and Accumulation System (ECTS) shall be applied in the higher education system.

(2) The ECTS credits shall measure the student's workload in an academic course/subject during a time unit, to achieve the minimum level of expected learning objectives and outcomes, as following:

- a) an academic semester corresponds to 30 ECTS credits;
- b) an academic year corresponds to 60 ECTS credits.

(3) The higher education institutions may accept the transfer of up to 30 ECTS credits accumulated during the training in the post-secondary and post-secondary non-tertiary technical and vocational education and training, according to the regulatory framework in force.

(4) The methodology for applying the credit transfer and accumulation system shall be approved by the Ministry of Education.

**Chapter II. Organization of the training programs in the higher education**

**Article 89. Bachelor's degree – cycle I of higher education**

(1) The admission to the Bachelor's degree programs shall be organized by the higher education institution for provisionally authorized or accredited training programs, on the competition basis.

(2) The holders of baccalaureate diploma or of equivalent study document, recognized by the competent authority for recognition and equivalence of study documents and qualifications, may attend the admission competition for cycle I.

(3) The bachelor's degree corresponds to 180-240 ECTS credits, meaning 30 credits per each semester.

(4) The duration of the Bachelor's degree programs and the appropriate number of ECTS credits awarded to a professional training program (field, specialty) shall be established by the Ministry of Education based on the:

- a) the National Framework of Qualifications in Higher Education;
- b) the occupation framework and the competences necessary for the obtained qualification.
- c) specifics of the professional training field.

(5) The final assessment form for the bachelor's degree shall be set by the Senate of the higher education institution.

(6) The bachelor's degree shall end with passing the exam and/or bachelor's thesis/paper and issuing of bachelor's degree diploma.

(7) The bachelor's degree diploma shall be accompanied by a Diploma Supplement in Romanian and English languages.

(8) During the bachelor's degree programs, the student may obtain additional credits accounting for at most 10% of the number of credits allocated for the attended study program. The additional credits accumulated for different related subjects shall be specified in the Diploma Supplement.



**Article 90. Cycle II of higher education – Master’s degree**

(1) The admission to the Master’s degree program shall be organized on the competition basis by the higher education institutions accredited for the provisionally authorized or accredited study programs, in accordance with the legislation in force and the institutional regulation. The Higher Education Institution’s Senate shall establish the date of starting the academic year for cycle II of higher education.

(2) The competition for admission to the cycle II of higher education may be attended by the holders of bachelor’s degree diploma or of equivalent study document, recognized by the competent authority for recognition and equivalence of study documents and qualifications.

(3) The Master’s degree shall correspond to a total number of 90-120 ECTS credits, respectively 30 credits per each semester.

(4) In case of enrolment to the cycle II of the higher education for a study program, which is different from the field graduated during the bachelor’s degree cycle, the applicants shall accumulate 30 ECTS credits for the fundamental and specialized subjects in the respective area – curricula prerequisite.

(5) The curricula prerequisite to continue higher education in cycle II in another field of professional training may be obtained during the bachelor’s degree training program.

(6) The number of ECTS credits accumulated in cycles I and II shall account for at least 300 credits.

(7) The admission plan for master’s degree programs shall be established by the Senate of the higher education institution, within the limits of enrolment capacities, set as a result of the provisional authorization and accreditation of the respective programs.

(8) In the cycle II of the higher education, the teaching activities shall be conducted by the teaching staff with scientific title or honorary title for the sport or artistic education.

(9) The master’s degree shall end with a publically defended master’s degree thesis/paper and issuance of the master’s degree diploma. The master’s degree thesis/ paper shall be published on the higher education’s web page.

(10) The master’s degree diploma shall be accompanied by diploma Supplement in the Romanian and English languages.

(11) The master’s degree diploma shall certify that the holder has acquired the academic and /or specific professional skills, including managerial, research, development and innovation competences.

(12) The higher education institutions may initiate master’s degree programs, observing the accreditation requirements, upon the request of the interested public or private institutions/organizations, on the condition that these shall ensure the funding of the appropriate programs from own sources.

(13) In the cycle II, the master’s degree shall provide:

a) in-depth training programs, which ensure the development of skills in a specialization from the area graduated in cycle I;

b) interdisciplinary or multi-disciplinary programs, which ensure the development of specific transversal skills for two or more areas of professional training;

c) complementary programs, which add the skills acquired during the bachelor's degree program, in order to extend the area of employability on the labour market.

(14) The master's degree programs shall also contain a scientific research or artistic creation component, in line with the specifics of the training program attended.

### **Article 91. Integrated higher education**

(1) The integrated higher education for cycle I and II may be organized in the areas, regulated by the international law: medicine and pharmacy; veterinary medicine and architecture.

(2) The admission to the integrated higher education shall be organized concomitantly and in similar conditions for admission to bachelor's degree education, within the limits provided in the Enrolment Plan, approved by the Government.

(3) In case of integrated higher education, the cumulated duration of cycles I and II shall correspond to at least 300 ECTS credits.

(4) The integrated higher education shall end with passing the exam/graduate diploma and issuance of diploma equivalent to master's degree diploma.

### **Article 92. Joint higher education programs**

(1) The joint higher education programs is a form of cooperation between two or more institutions jointly responsible for:

- a) development and approval of the bachelor's degree/master's degree/doctoral degree programs;
- b) organization of admission;
- c) academic supervision, awarding qualifications and quality assurance.

(2) The cooperation, as a rule, shall be organized within a consortium of the higher education institutions and other institutions and organizations.

(3) The joint qualification shall be awarded and the joint diploma shall be issued in one of the following formulas:

- a) a joint diploma additional to one or more national diplomas;
- b) a joint diploma issued by the institutions providing joint study program without issuing the national diploma;
- c) one or more national diplomas officially issued and the certificate attesting the jointly awarded qualification.

(4) The joint diplomas/certificates shall be issued in the languages of communication set within the partnership and in the English language.

(5) A joint program of higher education shall assume that:

- a) the member institutions of the consortium shall be provisionally authorized or accredited in the country of origin;



b) each member of the consortium shall have the authorization from the national authorities empowered for organizing the joint program;

c) the students from each institution participating in the joint program may study a period of time in the partner institutions, but not necessarily in all institutions of consortium;

d) the period of study for students in the partner institutions or organizations of the higher education institution shall be a substantial part of the joint program;

e) the periods of study and the exams passed in the partner institutions shall be fully and automatically recognized, under the law;

f) the teaching staff from the institutions participating in the consortium shall contribute jointly and equally in the implementation of the study program.

(6) The procedure for provisional authorization and accreditation of the joint higher education programs shall be established by the National Agency for Quality Assurance in the Professional Education.

(7) Joint supervision is an agreement on jointly supervision/guiding of a student in the master's or doctoral degree programs by two scientific leaders, of which at least one is from Moldova. The joint supervision agreement shall be signed between the institutions organizing the joint higher education program, the student signing the study contract with both institutions.

### **Article 93. Double specialties**

(1) Within the higher education for bachelor's degrees, specialists may be trained for double specialties only in the area of educational sciences and military.

(2) The duration of studies for double specialties in cycle I - bachelor's degree for the educational sciences shall last for one year more.

(3) The higher education for double specialties programs shall end with issuance of a single diploma for two specialties and awarding of one qualification.

### **Article 94. Cycle III – doctoral higher education**

(1) The doctoral degree programs shall be organized in doctoral schools and shall be funded through distinct mechanisms. The doctoral schools shall be organized within the higher education institutions, as well as within the national and international consortiums or partnerships, including the research and innovation organizations.

(2) The doctoral schools shall be organizational and administrative structures, established by the institutions organizing doctoral degree programs in a special area or interdisciplinary areas.

(3) The doctoral schools shall manage the budget allocated to the doctoral degree programs and shall be subject to periodical external evaluations for quality assurance, in line with the legislation in force. The funds allocated for doctoral degree programs shall not be used for other purposes.

(4) The doctoral degree programs shall account for a number of 180 ECTS credits.

(5) The doctoral degree programs can be of two types:

a) PhD in science, which encompasses the production of original and internationally recognized scientific knowledge. The PhD in science shall serve as a pre-condition for the professional career development in the higher education and research;

b) PhD in arts or sports, which encompasses the production of original knowledge based on scientific methods and systematic reflection related to some artistic creations or sport performances at the national and international levels. PhD (professional doctorate) could serve as basis for professional career development in higher education and research in arts and sports area.

(6) Based on the results of the external evaluation of the higher education institutions, consortiums or national and international partnerships, including those established with participation of the organizations in the area of science and innovation, the Ministry of Education shall suggest the Government to provide or to withdraw, as appropriate, the right of the respective institution to organize doctoral higher education programs.

(7) The admission to the cycle III, doctoral higher education, shall be organized by higher education institutions, consortiums, national or international partnerships for the provisionally authorized or accredited programs in line with the legislation in force in the education area.

(8) The holders of master's degree or of equivalent study document, recognized by the competent authority for recognition and equivalence of study documents and qualifications, may attend the admission competition for doctoral degree programs.

(9) The doctoral higher education may be organized as full-time or part-time training.

(10) The enrolment plan for doctoral higher education funded by the state budget shall be approved by the Government.

(11) The person holding the doctoral degree or habilitated doctoral degree may act as a doctorate mentor. The methodology for approval of doctorate mentors shall be approved by the Government.

(12) Doctoral higher education shall end with a publically defended PhD thesis, award of PhD (in the respective field), and issuance of PhD diploma by the institution organizing the doctoral degree program, following the confirmation of the national authority empowered to confirm the scientific titles.

(13) When completing the doctoral studies without publically defending the PhD thesis, a Certificate attesting the attendance of doctoral programs in the respective area shall be issued that is the professional experience in the scientific research.

(14) The PhD shall confer the right to practice in the field of science/art/sport, as well as to hold positions within higher education institutions, research and innovation organizations, and in other institutions and organizations of the national economy.

(15) The PhD degree shall confer the right to be enrolled in the postdoctoral programs.

(16) The regulation for organization and implementation of the doctoral and postdoctoral programs shall be developed by the Ministry of Education and shall be approved by the Government.

#### **Article 95. Postdoctoral programs**

(1) The postdoctoral programs shall be organized to carry out fundamental and advanced applied scientific research.

(2) The postdoctoral programs are meant for holders of PhD diploma in science and shall last for at most 3 years.

(3) The postdoctoral programs shall be organized within institutions, which implement research, development and innovation activities.

(4) The postdoctoral programs shall be funded through project-contests, organized by public and private institutions, from external sources, grants, scholarships, as well as from the special funds of the higher education institutions and scientific and innovation organizations, according to the legislation in force.

(5) During the implementation of the postdoctoral programs, the postdoctoral students may be employed part-time in positions of scientific researcher within the higher education institutions or science and innovation organizations, in accordance with the provisions of the legislation in the labour area.

(6) The postdoctoral programs shall end with publically defending the PhD thesis or based on published scientific works. The PhD title shall be awarded by the institution organizing the postdoctoral programs. The confirmation of title and issuance of diploma shall be carried out by the national authority empowered to confirm the scientific titles.

#### **Article 96. State educational standards in the higher education**

(1) The higher education shall be organized and shall be carried out based on the content standards, standards for competence, national reference standards and accreditation standards.

(2) The content standards and standards for competence shall be developed by the Ministry of Education by fields of professional training and shall be approved by the Government.

(3) The national reference standards and the accreditation standards shall be developed by fields of professional training by the National Agency for Quality Assurance in Professional Education, being coordinated with the relevant ministries and shall be approved by the Government.

#### **Article 97. National Framework of Qualifications**

(1) The National Framework of Qualifications in Higher Education shall ensure the transparency in the higher education, academic mobility and recognition of diplomas at the international level.

(2) The National Framework of Qualifications in Higher Education shall include:

- a) description of the professional training fields;
- b) description of qualifications and occupations;
- c) training outcomes and competences – (level descriptors by higher education cycles);
- d) workload per every cycle expressed in ECTS credits;
- e) teaching, learning and assessing methods;
- f) procedures for quality assurance in higher education.

(3) The National Framework of Qualifications in Higher Education shall be developed for every training cycle and by areas of professional training, in line with the European Qualifications Framework and the need of qualifications on the national and European labour market.

(4) The National Framework of Qualifications in Higher Education shall be developed by the Ministry of Education in collaboration with the line central bodies, higher education institutions, economic units, and other social partners, and shall be approved by the Government.

(5) The qualifications awarded in the higher education shall be entered in the National Register of Qualifications in Higher Education, managed by the Ministry of Education.

#### **Article 98. Curriculum in the higher education**

(1) The curriculum in the higher education institutions shall be developed in line with the National Framework of Qualifications for each cycle of study and area in higher education, and shall be approved by the Senate of the institution.

(2) The compliance between the curriculum provided by the higher education institution and the qualification awarded on completion of a higher education program shall serve as a mandatory criterion for assessing the quality of higher education institution.

#### **Article 99. Assessment in higher education**

(1) The external assessment of the educational process in higher education shall be performed by the National Agency for Quality Assurance in Professional Education.

(2) The internal assessment of the educational process in higher education shall be performed by the institutional structures for quality assurance, based on the institutional regulation.

(3) The academic outcomes of the students shall be assessed:

- a) during the semester;
- b) at the end of the semester;
- c) at the end of the study program in every higher education cycle.

(4) The assessment form for completing the higher education program shall be established by the Senate of the educational institution.

### **Article 100. Internships**

(1) The internships for students represent one of the compulsory forms for training of highly qualified specialists.

(2) The internships shall be organized by the higher education institutions and shall be carried out within institutions, organizations, companies, associations, and other structures, according to the framework regulation approved by the Ministry of Education.

(3) The entities offering places to the higher education institutions for student internships may benefit from the following incentives provided by these institutions:

- a) priority in selecting graduates to be employed in own structure;
- b) partnerships in organization of business incubators, scientific laboratories, joint projects and other;
- c) technological transfer and exchange of experience;
- d) continuing training of personnel in the higher education institution. (4)

The internships shall be carried out based on contracts concluded by the higher education institution and/or students with the entities providing internship places.

(5) The entities providing internships for students shall benefit from tax exemptions, as set by the Government.

## **Chapter III. Higher education management**

### **Article 101. Higher education management**

(1) The higher education management shall be performed at two levels: at the national level by the Ministry of Education, and at the institutional level – by the management and administrative entities of the higher education institution.

(2) The higher education management shall be focused on the following principles:

- a) the principle of institutional autonomy and academic freedom;
- b) the principle of public responsibility;
- c) the principle of strategic leadership;
- d) the principle of efficient and transparent management.

### **Article 102. System of management bodies in the higher education institutions**

The system of management bodies in the higher education institutions shall encompass the Senate, the Strategic and Institutional Development Council, Scientific Council, Faculty Council, Administration Council and Rector of the institution.

### **Article 103. Senate of the institution**

(1) The Senate of the higher education institution represents the supreme management body composed of scientific-teaching and non-teaching staff, elected via secret vote of the teaching staff of the faculties, departments, and scientific centres, of students elected by the academic units and students'

associations, and of representatives of the trade-unions, in line with the institutional regulation, developed according to a framework-regulation approved by the Ministry of Education. The members of the Senate shall be: rector, pro-rectors and deans.

(2) The Senate mandate shall last for 5 years, synchronized with the mandate of the rector. The mandate of the Senate members among students shall last for 1 year that may be renewed.

(3) The Senate shall have the following competences and duties:

a) to ensure the observance of the principle of academic freedom and university autonomy;

b) to develop and approve the University Charter;

c) to approve the Institutional Development Strategic Plan;

d) to approve the institution's budget;

e) to develop and approve the methodologies and regulations for organization of the academic, research and artistic creation activities and programs within the institution, as well as the methodologies and regulations for recruitment, employment and assessment of the teaching staff;

f) to approve the organizational chart and the functional structure of the educational institution. In case of the educational institutions in the area of military, security and public order, the organizational chart and the functional structure shall be proposed by the Senate, and shall be approved by the heads of the relevant authorities in the area of defence, security and public order, in which subordination the respective institutions are;

g) to develop and approve the regulation on the modality of electing the rector, according to a framework regulation approved by the Ministry of Education;

h) to confirm, without the right to amend, the list of the Institutional Strategic Development Council members.

(4) The Senate shall be chaired by the rector of the institution.

#### **Article 104. Strategic and Institutional Development Council**

(1) The Strategic and Institutional Development Council shall have the following competences and duties:

a) to coordinate the development of the Strategic and Institutional Development Plan encompassing the vision, mission, institution's development strategy and the main actions for a period of at least 5 years and to submit it to the Senate for approval;

b) to monitor and evaluate the efficiency of using the financial resources and to submit the educational institution's draft budget to the Senate for approval;

c) to approve the model-study contract and the amount of tuition fees;

d) to ensure the institutional management related to the intellectual property rights and technological transfer;

e) to take decisions, with the approval of the Senate, regarding:

- development and consolidation of the institution's patrimony – decision to be approved with at least 2/3 votes of the Council members;
- launch and closure of the study programs – decision to be approved with at least 2/3 votes of the Council members;
- methodology for remuneration and motivation of personnel;
- entrepreneurship activities, public-private partnerships and cooperation with the businesses;
- involvement in consortiums and mergence with other higher education institutions;

g) to organize and carry out the election for rector's vacancy, in line with the Institutional Regulation for organization and carrying out the elections.

(2) The Strategic and Institutional Development Council shall be composed of nine members, as following:

a) three appointed members: by the Ministry of Education – one member, by the Ministry of Finance – one member, by the competence ministry – one member. The appointed members shall not be employed within the respective ministries;

b) two members - the titular teaching staff, who do not hold leadership positions and are not members of the Senate, selected via secret vote by the General Assembly of the faculty councils' members and representatives of students from the Senate and the faculty councils;

c) two persons delegated by the Senate, who are external experts and are not employees of the respective institution;

d) rector;

e) pro-rector responsible for financial matters.

(3) The members of the Strategic and Institutional Development Council shall be appointed for a five-year mandate.

(4) The Chair of the Strategic and Institutional Development Council shall be elected by the members of the Council. The employees of the institution cannot be elected as Chair of the Strategic and Institutional Development Council.

(5) The composition of the Strategic and Institutional Development Council shall include economists and lawyers. The person appointed by the Ministry of Finance shall have specific competence in the financial monitoring and auditing.

(6) The principle of gender equity shall be observed upon establishing the Strategic and Institutional Development Council.

(7) The Strategic and Institutional Development Council shall meet at least once a quarter or whenever necessary, at the initiative of the Chair or of at least 1/3 of the Council members.

(8) The members of the Strategic and Institutional Development Council, appointed by the educational institution shall receive a monthly allowance, except for the Rector and Pro-rector. The respective allowance shall be paid from the educational institution's budget for members appointed by the institution, and for the members appointed by the founder and the line ministries - from the



founder's budget. The remuneration shall account for an average salary in the economy - for the members and the doubled average salary in the economy – for the Chair of the Council. The provisions of this paragraph shall not be applied in case of the educational institutions in the area of military, security and public order.

(9) The members of the Strategic and Institutional Development Council shall be accountable for the decision-making, in line with the legislation in force.

**Article 105. Administration of the institutions**

(1) The higher education institution shall be administered by the rector, assisted by pro-rectors, with the support of the Administration Board.

(2) The rector is the budget executor of the higher education institution.

(3) The rector shall be elected by the General Assembly of teaching and research staff and by student representatives in the Senate and the faculty councils, voted by the majority of members.

(4) The Strategic and Institutional Development Council shall start the process for electing the new rector, by publishing a notice, two months before the expiration of the mandate of acting rector.

(5) The candidates holding scientific or scientific-teaching titles, as well as having at least 5 years of experience in the research and higher education can be elected for the rector's position.

(6) The candidates for the rector's position, the members of the Strategic and Institutional Development Council shall not participate in the process for organizing and carrying out the elections.

(7) The candidates' dossiers shall be submitted to the Strategic and Institutional Development Council, which verifies their compliance with the conditions, set in par. (5). The election may take place if at least 2 eligible candidates have submitted their dossiers.

(8) The Strategic and Institutional Development Council shall publish the list of eligible candidates and shall conduct the process to elect the candidate for the rector's position by the General Assembly of teaching and scientific staff and representatives of students in the Senate and faculty councils. The elections shall be conducted by universal, direct, secret and freely expressed vote.

(9) The rector shall be appointed, based on the election decisions through the founder's order, within 3 months.

(10) The rector may be dismissed before the expiration of the mandate, at the initiative of the majority of the Senate members or Strategic and Institutional Development Council members, founder, through the decision of the General Assembly of teaching and research staff and the representatives of students in the Senate and faculty councils, with the vote of the majority members, in case of:

a) inappropriate fulfilment of conditions specified in the individual employment contract and the University Charter;

b) non-observance of the public accountability obligations specified in the art. 107 paragraph (1) of the present Code



(11) The rector shall appoint the pro-rectors during his/her mandate, no later than 6 months from the date of appointment.

(12) The rector shall initiate, through the competition committees approved by the Senate, the recruitment competition for filling in vacancies of dean, head of chair/department, according to the institutional regulation, no later than 6 months from vacancy for the respective position.

(13) The positions of rector, pro-rector and dean may be held by the same person not more than for two consecutive mandates, of 5 years each.

(14) The rectors, pro-rectors, deans and heads of chair/department from the educational institutions in the military, security, and public order areas shall be appointed by the heads of the relevant authorities in the area of defence, security, and public order, in which subordination the respective institutions are, in line with the special regulatory framework of the mentioned areas.

(15) The founder shall conclude an individual employment contract with the rector, including provisions related to the remuneration conditions. The founder, at the Senate's suggestion, shall establish these conditions. The rector shall conclude an employment contract with the pro-rector.

(16) To access the public funds, the rector shall conclude contracts with the Ministry of Education or with the competent central bodies.

(17) The rector shall submit an annual report to the Senate, the Strategic and Institutional Development Council and the founders, regarding the institution's activity, which shall be published on the institution's webpage.

#### **Article 106. Administration of the patrimony**

(1) The public and private higher education institutions have own patrimony, administered under the law.

(2) The buildings and lands, in which the public higher education institutions carry out activity, as of the date of entry into force of the present Code, shall constitute the state property and shall not be alienated, and the other assets shall be the property of the public higher education institutions.

(3) The public higher education institutions shall be entitled to procure from own resources, as well as from other sources not prohibited by the law, the movable and immovable assets, lands or any other patrimony necessary for their activity. The respective assets shall be the property of the public higher education institution.

(4) The assets owned by the public higher education institution may be leased, rented out or sold only if the obtained revenues are used for the development of the respective institution.

(5) The decisions on assets that are the property of the public higher education institution shall be taken with 2/3 of the votes of the Strategic and Institutional Development Council members, including of the representative of the Ministry of Finance, with the Senate's approval voted by 2/3 members, according to the Institutional and Strategic Development Plan. The founders shall be notified about the taken decisions.

(6) The assets administered by the public higher education institutions shall be used for educational, research, development and innovation purposes, as well as for auxiliary services (hostels, canteens, sport halls, etc.). These cannot be used as collateral for accessing bank credits.

(7) The assets administered by the public higher education institutions, which are the state property, may be leased for profit or rented, and administered up to 5 years through the decision taken with 2/3 of the votes of the Strategic and Institutional Development Council members, including of the representative of the Ministry of Finance, and with the Senate's approval voted by 2/3 members. The founders shall be notified about the taken decisions.

(8) The higher education institutions shall have the possibility to establish independently or in partnership, by the decision taken with 2/3 of the votes of the Institutional and Strategic Development Council, including the representative of the Ministry of Finance, the research and innovation public institutions, experimental and didactic centres, university clinics, university hospitals, teaching resorts and fields, university business incubators, sport clubs and creative studios, as well as commercial companies through which to achieve their mission and to implement own research and innovation results. The founders shall be notified about these decisions. Any profit realized from such activities shall constitute the own income of the higher education institution and shall be compulsory invested to achieve the goal assumed through the University Charter.

(9) The private higher education institutions shall be the holder of the property right or other real rights, which they exercise on the patrimony, under the law.

(10) The properties acquired from the entrepreneurial activities of the education institution shall be the property of the institution.

#### **Article 107. Public accountability**

(1) The public accountability of the higher education institution shall imply the following:

a) observance of the legislation in force, of the University Charter and the national policies in the higher education area;

b) enforcement of the regulations in force related to assuring and assessing the quality in higher education;

c) observance of the university ethics and equity policies covered by the University Charter;

d) assurance of efficient use of resources and of qualitative managerial act, according to the present Code;

e) assurance of transparent decision-making processes and implemented activities, according to the legislation in force;

f) observance of the academic freedom of the teaching and scientific staff, as well as of the students' rights and freedoms.

(2) The rector and the Chair of the Institutional and Strategic Development Council shall be responsible for ensuring the observance of the duties deriving from the principle of public accountability.

**Article 108. The Ethics and Management Council**

(1) The Ethics and Management Council shall be established at the national level and is an independent deliberative structure. It has the mission to verify the assurance of public accountability of the higher education institutions and shall operate according to the regulation developed by the Ministry of Education. The Council shall be composed of 11 persons, observing the principle of non-discrimination and transparency, as follows:

- a) three representatives appointed by the Rectors' Council;
- b) two representatives appointed by the Ministry of Education;
- c) one representative appointed by the Ministry of Finance;
- d) two representatives appointed by the National Agency for Quality Assurance in Professional Education;
- e) one representative of the trade-unions in the education area;
- f) one representative of students' associations and organizations;
- g) one representative of the civil society.

(2) The rectors, members of the Strategic and Institutional Development Councils of the higher education institutions, as well as the persons holding public dignitary positions cannot be part of the Ethics and Management Council.

(3) The Secretariat of the Ethics and Management Council shall be provided by the Ministry of Education and shall compulsory include a lawyer.

(4) Any individual or legal entity may notify the Ethics and Management Council in relation to the non-observance of the provisions set forth in par. (1) of the article 107. Since the moment such a notification is received, the Ethics and Management Council shall investigate the invoked aspects and shall provide an answer in a period of 3 months.

(5) Whenever the Ethics and Management Council establishes the non-observance of the provisions on public accountability set forth in par. (1) of the art.107, it shall notify the Strategic and Institutional Development Council within 10 days since the date of such identification, informing the founder.

(6) If in 3 months since the date of notification by the Ethics and Management Council, the higher education institution does not take measures to correct the deviations from the public accountability duties, the founder shall apply, in maximum 4 months from the date such a deviation is noted, one or more of the following measures:

- a) suggests the General Assembly of the teaching and research staff and the representatives of students in the Senate and the Faculty Councils to dismiss the rector;
- b) reduces or ceases the funding from the state budget;
- c) initiates the procedure for reorganization or liquidation of the higher education institution.

### **Article 109. University Charter**

(1) The University Charter is the document that shall establish the mission, the academic principles, objectives, the structure and organization of the university and the other higher education institutions.

(2) The University Charter shall include the following:

a) the procedure for electing/appointing and dismissing the management staff;

b) the rules of ethics and professional deontology;

c) the principles of managing the resources of the higher education institution;

d) the conditions for establishing, setting the destination and use of own funds;

e) the conditions for concluding contracts with the public institutions and businesses in order to implement programs or projects related to the fundamental and applied research, artistic creation, technology transfer and improvement of the professional qualification of specialists;

f) the conditions for associating with other higher education institutions or organizations;

g) the general principles of building, modernizing, managing and use of the material basis of the higher education institution, related to the education process and scientific research;

h) the principles of the international cooperation with the foreign higher education institutions and accession to the European and international organizations;

i) the principles of collaboration of the universities with the trade-unions and legally established students' organizations;

j) the way of administration of the intellectual property rights in the higher education institution;

k) any other aspects considered to be relevant by the Senate and which are in line with the legislation in force.

(3) The University Charter shall be developed and adopted by the Senate, only after being debated with the university community.

(4) The University Charter shall be adopted only after obtaining the positive endorsement from the Ministry of Education. The endorsement shall be issued by the Ministry of Education within maximum 30 days from the date the request from the higher education institution was submitted.

(5) In case if the Ministry of Education does not respond to the higher education institution's request in the period set forth in par. (4), the University Charter shall be considered endorsed with no objections.

### **Article 110. Relations with the labour market and business environment**

(1) The higher education institutions shall collaborate with the business environment by training of the highly qualified staff.

(2) The partnership relations between the higher education institutions and the business environment shall be implemented through:

- a) establishing the roles, interdependency, and responsibilities of all stakeholders involved in the professional training and insertion process;
- b) establishing a facilitating and cooperating framework for interaction between the higher education system and the labour market;
- c) establishing commercial companies to perform economic activities related exclusively to the purposes specified in the Institutional and Strategic Development Plan;
- d) implementing public-private partnerships.

(3) The provision of services by the higher education institutions and business environment, as well as benefitting from these services, shall be tackled on equal and equity basis.

(4) The partnership between the higher education and business environment shall provide for:

- a) establishment of joint centres of professional counselling and guidance, and employment of graduates on the labour market;
- b) organization of job fairs;
- c) creation of joint research incubators and labs;
- d) organization of continuous professional training;
- e) provision of internship places;
- f) employment of highly qualified representatives from the business environment in the development of the National Qualifications Framework, and the Classification of occupations and professional standards;
- g) involvement of the highly qualified representatives from the business environment in monitoring and evaluation of the quality in higher education;
- h) gender mainstreaming in all relevant activities;
- i) providing opportunities for the youth to reconcile studies and family responsibilities;
- j) other activities and legal actions.

(5) The monitoring of graduates' employment on the labour market shall be carried out by the higher education institutions, in collaboration with the employers.

#### **Article 111. Employment of graduates on the labour market**

(1) The employment of graduates from higher education institutions shall be carried out according to the legislation in force.

(2) The State shall provide tax exemptions to the businesses – private legal entities for employment of graduates, in the first year after graduation.

#### **Article 112. Quality assurance**

(1) The quality assurance in higher education shall be carried out through a set of institutional capacities' building actions to develop, plan, and implement the study programs, which would set up and strengthen the confidence of the

beneficiaries that the institution providing education meets and improves the quality standards, in line with the assumed mission.

(2) The management of quality in the higher education shall be ensured:

a) at the national level – by the Ministry of Education and the National Agency for Quality Assurance in Professional Education;

b) at the institutional level – by internal structures for quality assurance.

(3) A fully operational quality assurance system shall imply two successive stages:

a) the provisional operation authorization, which is the act for establishing the institution and grants the right to carry out the educational process and to organize the admission to education;

b) the accreditation, which besides the rights set forth in item a) of this paragraph, shall grant the right to organize the graduation exam, as well as the right to issue diplomas, certificates, and other study documents, recognized by the Ministry of Education.

### **Article 113. Quality assessment**

(1) The quality assessment in higher education shall include a multi-criteria examination of the extent in which the institution providing training and its programs meet the national standards of reference.

(2) The quality assessment in the higher education represents a set of complex activities of self-assessment, internal assessment, and external assessment of quality, in line with the accreditation standards, approved criteria and indicators.

(3) The self-assessment and internal assessment of quality in the higher education shall be performed by the institutional structures responsible for quality assurance, in line with the national standards of reference.

(4) The external assessment of quality in the higher education shall be performed by the National Agency for Quality Assurance in Professional Education or by another quality assessment agency listed in the European Quality Assurance Register for Higher Education (EQAR).

(5) The quality assessment in the higher education shall encompass:

a) the institutional capacity;

b) the educational efficiency, including academic outputs;

c) the quality of initial and continuous professional training programs;

d) the institutional management of quality;

e) the results of scientific research and/or artistic creation;

f) the compliance between the internal assessment and real situation.

### **Article 114. External assessment for provisional authorization or accreditation**

(1) Any public or private legal entity, interested to provide higher education programs, shall be subject to the external assessment for provisional authorization before starting to function.



(2) The provisional authorization for higher education programs shall expire after the first class of graduates.

(3) Both, the higher education institution and the study programs shall be subject to accreditation.

(4) In the higher education, the accreditation of the bachelor's degree programs (cycle I) shall be performed for every program leading to a distinct university qualification.

(5) The higher education institutions cannot obtain the provisional authorization or accreditation for the master's degree and doctoral programs (cycles II and III), if the programs in the same area for bachelor's degree (cycle I) are not accredited.

(6) In the institutions that do not have as the main mission the provision of the study programs, the institutional assessment shall be carried out exclusively on the administrative subdivision organizing the study programs.

(7) The external assessment for provisional authorization or accreditation shall be launched and carried out according to the methodologies developed by the National Agency for Quality Assurance in Professional Education and approved by the Government.

(8) After obtaining the accreditation, the study programs and the higher education institutions shall be subject to periodical external assessments for reaccreditation, at least once in five years.

(9) In case if negative results are obtained, as a result of the external assessment of the higher education institutions, the Ministry of Education shall suggest the Government to withdraw the activity right of the institutions or study programs, and the students shall be distributed to similar programs from other educational institutions until all the reasons serving as basis for the negative assessment results are removed. The provisions of this paragraph shall also be applied to doctoral programs organized by the institutions from the research and innovation area, as well as to the respective institutions regarding the organization of doctoral studies.

(10) The decision on the provisional authorization, accreditation, non-accreditation or withdrawal of the activity right of a higher education institution or study program shall be adopted by the Government upon the proposal of the Ministry of Education, based on the results of the assessment performed by the National Agency for Quality Assurance in Professional Education.

#### **Article 115. National Agency for Quality Assurance in Professional Education**

(1) The National Agency for Quality Assurance in Professional Education is an administrative authority of national interest, with legal personality, autonomous to the Government, independent in its decisions and organization, and funded from the state budget and own revenues.

(2) The National Agency for Quality Assurance in Professional Education shall have the following duties and responsibilities:

a) to enforce the state policies in the quality area of vocational, higher and continuous education;

b) to develop in line with the European standards in the area and make public its own methodology of assessment and accreditation of the institutions providing professional training programs and their programs, and to propose them for Government's approval;

c) to formulate and revise periodically, based on the European and international best practices, the accreditation standards, the national standards of reference and performance indicators used in assessing and assuring quality in education;

d) to assess, on contractual basis, the institutions providing professional training programs, as well as their programs for the purpose of provisional authorization, accreditation, and reaccreditation in the vocational, higher and continuous education;

e) to carry out, on contractual basis, upon the request of the Ministry of Education the quality assessment of some programs and institutions providing professional training programs in the vocational, higher and continuous education;

f) to ensure the objectiveness and validation of the results obtained during the external assessment of the institutions providing training programs and of their programs;

g) to ensure transparency in the process of external assessment, including through publication of assessment results;

h) to develop and publish works in the area of assessment and accreditation of the educational institutions;

i) to publish manuals, methodical guidelines, syntheses of good practices of internal and external assessment and assurance of quality;

j) to develop the Code of Professional Ethics for the experts involved in assessments;

k) to submit the annual activity report to the Government and to publish it on its web page;

l) to develop periodically quality self-assessment reports for its own activity in order to prepare the external assessment by similar agencies from other countries;

m) to collaborate with similar agencies from other countries for developing and applying efficient measures to improve the quality of professional training programs;

n) to undertake the necessary measures to be listed in the European Quality Assurance Register for Higher Education (EQAR) in, at most, three years since its establishment.

(3) While exercising its duties, the National Agency for Quality Assurance in Professional Education shall be entitled:

a) to involve remunerated external employees and experts in its area of activity;



b) to set up, based on a transparent methodology and using competence and competitiveness criteria, its own register of evaluators, who will be trained from methodological points of view and delegated to carry out quality external assessment missions;

c) to check, upon the end of the assessment mission, the observance of the assessment methodology applied by the experts;

d) to inform the assessed institution and the Ministry of Education about the results of the external assessment.

(4) The National Agency of Quality Assurance in Professional Education shall be composed of:

- a) Management Board,
- b) Profile Commissions;
- c) Administrative Apparatus.

(5) The National Agency for Quality Assurance in Professional Education shall be composed of the subdivision for assessment of programs and institutions providing professional training programs in higher education, the subdivision for accreditation of programs and institutions providing professional training programs in higher education, and the subdivision for technical and vocational education and training, as well as other subdivisions necessary to achieve its tasks, established by the Management Board.

(6) Besides these subdivisions, according to the own regulation for organization and operation, the Agency shall have Specialty Commissions, which will develop registers of experts-evaluators based on open competition.

(7) The executive management of the National Agency for Quality Assurance in Professional Education shall be exercised by the Chair of the Management Board, assisted by Deputy Chair and Secretary General.

(8) The Management Board shall be composed of 15 members: teaching and scientific research staff, including one representative of students and business community. The members of the Management Board cannot hold the position of public office, rector or director of the educational institution.

(9) The members of the Management Board shall be selected on open competition basis with international juries, for a mandate of 4 years, with the right to be re-elected only once. The competition shall be organized by the Management Board.

(10) Every four years, eight new members of the Management Board shall be elected.

(11) The Chair, Deputy Chair, and the Secretary General of the Management Board shall be elected for a mandate of 4 years out of its members.

(12) The duties of the Chair, Deputy Chair, Secretary General and Profile Commissions, the procedures for selecting and appointing the members of the Management Board and Profile Commissions, the structure and the number of personnel for the administrative apparatus, as well as the fees charged for assessment procedures shall be established by the Management Board through the Regulation for Organization and Operation of the National Agency for

Quality Assurance in Professional Education and shall be approved by the Government.

#### **Chapter IV. Scientific Research in Higher Education**

##### **Article 116. Scientific Research**

(1) In the institutions providing higher education programs, the research, development and innovation, and artistic creation activities shall be carried out for the purpose of knowledge production and training of the highly qualified specialists.

(2) In the higher education institutions, the research, development and innovation activities shall be carried out within departments, laboratories, and other own units and/or in partnership with other institutions, economic units, or public authorities.

(3) The research in the institutions providing master's and doctoral degree programs shall be funded based on the quality and performance criteria, via distinct mechanisms set in the regulation, approved by the Government, and from other legal sources.

(4) The organization and implementation of the scientific research in the higher education shall be regulated through the University Charter, the regulations for organization and operation of the doctoral school, PhD programs approved by the Senate, and by other normative acts.

(5) The research, development and innovation, artistic creation and sport projects shall be financed from the state budget exclusively based on competition organized by the national authority for research, development and innovation.

(6) The higher education institutions can receive the institutional funding provided through competition for the research activities, based on the evaluation of the international relevance and the economic and social impact of the achieved results. The competition conditions, the international relevance assessment methodology, the economic and social impact, including the amount of the institutional funding shall be developed by the national authority for research, development and innovation and shall be approved by the Government.

(7) The higher education institutions shall be lawful holders of the intellectual property rights generated by their own research activity financed from the state budget and shall be autonomous in using the outcomes of the scientific research.

(8) The higher education institutions and research institutions providing higher education programs shall remunerate the authors of the research outcomes leading to intellectual property rights with at least 15% of the revenues incurred from selling such outcomes.

(9) The scientific research activity may be substituted by artistic creation or sport activity for the teaching staff from higher education in arts or sport area.

#### **Chapter V. Higher Education Personnel**

### **Article 117. Categories of personnel**

(1) The higher education personnel shall encompass:

- a) scientific-teaching personnel: university lecturer, university associate, university professor;
- b) scientific personnel: scientific researcher, senior scientific researcher, coordinating scientific researcher and main scientific researcher;
- c) teaching personnel: university assistant, trainer, concert master, training master, mentor;
- d) auxiliary teaching personnel: librarian, IT specialist, laboratory assistant, accompanist;
- e) other categories of personnel: administrative and technical staff, secretary-referent, technician, engineer-technician, doctor, nurse, as well as auxiliary and service staff.

(2) The following titles are in the higher education:

- a) scientific – PhD doctoral and habilitated doctor degrees;
- b) scientific-teaching – University associate and University professor.

(3) The scientific-teaching titles “University associate” and “University professor” shall be awarded depending on the area of science by the Senate of the higher education institution and shall be confirmed by the National Authority empowered to confirm the scientific titles.

(4) The award of scientific-teaching titles shall be ruled by a regulation developed by the Ministry of Education, and shall be approved by the Government.

(5) The higher education personnel shall be guaranteed the right to the academic freedom, in line with the provisions of the University Charter.

(6) The higher education personnel shall have the rights and duties deriving from the University Charter, individual employment contract, as well as from the legislation in force.

(7) The protection of employees’ rights, as well as the protection of the intellectual property rights for the scientific, cultural, and artistic creations results shall be guaranteed and ensured in line with the provisions of the University Charter and the legislation in force.

(8) The scientific-teaching and scientific personnel shall be entitled to publish studies, articles, volumes or art works, to apply for obtaining national and international grants, without any restrictions of the academic freedom.

### **Article 118. Employment of the teaching, scientific-teaching, and scientific staff in higher education**

(1) The teaching, scientific-teaching, and scientific positions in the higher education shall be filled in based on competitions, in line with the framework regulation approved by the Ministry of Education.

(2) The part-time employment of the teaching, scientific-teaching, and scientific personnel shall be based on equivalence of positions, as follows:

- a) the position of scientific researcher is equated with the position of university assistant and vice versa;

b) the position of senior scientific researcher is equated with the position of university lecturer and vice versa;

c) the position of coordinating scientific researcher is equated with the position of university associate and vice versa;

d) the position of main scientific researcher is equated with the position of university professor and vice versa.

**Article 119. The workload for the scientific-teaching and research activity in the higher education**

(1) The scientific-teaching workload shall include:

- a) class teaching activity (direct contact with students) carried out through;
- course hours;
  - seminars, laboratory works, practical works, designing works, teaching/clinical internships and other forms approved by the Senate;
- b) non-class teaching activity:
- management of internships;
  - management of didactical-artistic or sport activities;
  - management of bachelor's, master's, and doctoral projects or theses;
  - monitoring students' individual activities;
  - evaluation and monitoring activities;
  - consultations, direct guidance of the student's individual activity;
  - other activities, provided by the institutional regulations;
- c) research, technology transfer, sport or artistic creation activity carried out through:
- performance of scientific research or artistic creation;
  - development of curricula;
  - development of software products;
  - publication of scientific articles;
  - patenting the research results;
  - development and editing monographs, scientific compilations;
  - development of doctoral theses;
  - development of musical, literary, plastic art, decorative, and design creations;
  - setting of performances;
  - playing central roles in theatre, cinema and/or TV performances;
  - participation in scientific projects and coordination of scientific projects;
  - participation in scientific conferences, artistic festivals and sport competitions;
  - other activities provided in the institutional regulations;
- d) methodical activity carried out through:
- preparing for course teaching;
  - development of course support;
  - didactical design of activities, including of individual activities;
  - development of curricula;
  - development of methodical recommendations for students;

- development of methodologies and tests for evaluating the academic outcomes;

- implementation of methodological seminars;

- other activities, provided in the institutional regulations.

(2) The workload of the research activity for the scientific researchers holding titles shall be established in line with the legislation in force.

(3) The teaching activity shall be quantified in conventional hours within a time unit, as a rule, week, semester, and year.

(4) In the higher education, the time unit for the course, seminar, lab activities, and practical work shall account for two conventional hours. The conventional hour in the higher education shall account for 45 min.

(5) The activities included in the scientific-teaching workload and provided under the par. (1), letters b), c) and d) of the present article, shall be quantified in conventional hours, through a methodology approved by the Senate of the higher education institution, depending on the profile and specialization.

(6) The annual didactic workload of the teaching staff shall include the direct guidance of the student's individual activity.

(7) The course hours shall not be introduced in the didactical workload of the university assistant.

(8) The total amount of the working hours in a scientific-teaching workload, carried out by cumulating the activities mentioned in par. (1) of the present article, shall account for a total of 35 astronomic hours per week.

(9) The Senate of the higher education institution shall establish differentially the scientific-teaching workload based on its own methodology.

(10) The activity workload of other categories of higher education personnel shall be established in compliance with the Labour Code.

(11) The higher education management personnel (rector, pro-rector, dean, head of department or head of chair) may cumulate scientific-teaching and research positions, in line with the institutional regulations.

(12) The didactical workload set forth in paragraph (1), letters a) and b) of the present article may be reduced for carrying out the activities provided in par. (1) letters c) and d) of the present article, according to the methodology approved by the Senate.

### **Article 120. Assessment of the teaching, scientific-teaching and research personnel**

(1) The assessment of the personnel involved in the higher education teaching and research activity shall be part of the quality assurance system and shall be performed periodically, in line with the institutional regulations.

(2) The assessment of the personnel involved in the higher education teaching and research activity shall be carried out depending on the teaching performance, research performance, participation in the academic life, and other criteria set forth in the institutional regulation.

(3) The assessment of the scientific-teaching personnel shall be carried out by:

- a) administration of the institution;
- b) head of chair or department;
- c) quality assurance commission;
- d) peers and experts;
- e) students;
- f) other competent structures.

(4) The assessment of the scientific-teaching personnel by students shall be compulsory.

## **TITLE VI**

### **MEDICAL AND PHARMACEUTICAL HIGHER EDUCATION. EDUCATION IN THE AREA OF MILITARY, SECURITY AND PUBLIC ORDER**

#### **Article 121. Medical and pharmaceutical higher education**

(1) Medical and pharmaceutical higher education shall be carried out only in the provisionally authorized or accredited public educational institutions, through integrated specialized higher education and residency studies, and continuous medical professional training.

(2) The higher education programs in medical and pharmaceutical area shall be organized exclusively based on full-time training, lasting for 4-6 years and with a number of 30 ECTS credits per one training semester.

(3) The admission to the higher education programs in medical and pharmaceutical area shall be carried out based on baccalaureate diploma, on competition basis, according to the criteria set by the Ministry of Education together with the Ministry of Health.

(4) The higher education programs in medical and pharmaceutical area shall correspond to the ISCED level 7 and shall end with a graduation exam and issuance of a Bachelor's degree in medicine and pharmacy, entitling the person to participate in the admission to residency studies, to get enrolled in higher education doctoral programs or to get employed on the labour market, according to the occupational framework.

(5) The residency studies shall be organized by the Ministry of Education and shall be focused on compulsory professional training of doctors and pharmacists by specializations and shall last for 2-5 years.

(6) The admission to the residency studies shall be organized through competition based on criteria set by the Ministry of Health together with the Ministry of Education.

(7) The residency studies shall end with a graduation exam and issuance of the diploma of specialized doctor, entitling him/her to practice independently, according to the obtained qualification, as well as to be enrolled in clinical internship studies.

(8) The clinical internship studies shall last for 2 years and shall be organized by the Ministry of Health, and shall focus on thorough professional training of specialized doctors.

(9) The clinical internship studies shall end with a graduation exam and issuance of a certificate entitling the doctor to practice independently, according to the obtained qualification.

(10) The continuous training in the medical and pharmaceutical area shall be compulsory during the entire professional activity and shall be organized in different training forms regulated by the Ministry of Health.

**Article 122. Education in the military, security, and public order area**

(1) The education in the military, security, and public order area shall be an integral part of the national education system.

(2) The education in the military, security, and public order area shall be organized and carried out in line with the provisions of the present Code, framework-regulations developed by the relevant authorities, coordinated with the Ministry of Education, and approved by the Government, as well as in compliance with the institutional regulations.

(3) The education in the military, security, and public order shall ensure:

a) training, specialization, and professional development of officers and sub-officers for the central public administration authorities and other state structures from defence, security, and public order areas;

b) specialization and professional development of the civil personnel working in the central public administration authorities and other state structures from defence, security, and public order areas;

c) organization and implementation of scientific research in the areas of interest for the ministries and other structures of defence, security, and public order systems;

d) provision of consultancy, scientific support and expertise in the defence, security, and public order areas for the governmental and non-governmental structures, in line with the legislation in force.

(4) The establishment, reorganization, and liquidation of the educational institutions from the military and security areas shall be carried out by the Government, with the approval of the President of the Republic of Moldova, and in line with the present Code and the legislation in force.

(5) The establishment, reorganization, and liquidation of the educational institutions from public order area shall be carried out by the Government, in line with the present Code and the legislation in force.

(6) The educational institutions in the military, security, and public order areas shall be subordinated to the respective relevant authorities.

(7) The education in the military, security, and public order area shall be organized by the public education institutions at the vocational, bachelor's degree, master's degree and doctoral degree levels, and continuous professional



training with financing from the state budget and tuition fees, under the conditions provided in the legislation in force.

(8) The organizational structure of the education in the military, security, and public order areas shall be developed by the Teachers' Board, and the Senate of the educational institution, and shall be approved by the authority in which subordination the respective institution is.

(9) The training plan for specialists in the educational institutions from military, security, and public order areas shall be approved annually by the Government, upon the proposal of the authorities in which subordination the respective institutions are.

(10) The educational plans in the military, security, and public order areas shall be developed by the educational institutions and shall be coordinated with the authorities, in which subordination the respective institutions are, as well as with the Ministry of Education.

(11) The diploma for graduating from the educational institutions in the military, security, and public order areas and the obtained degrees shall entitle the holder, after being transferred in the reserve forces, to fill in the positions equivalent with those of the graduates from the educational institutions of related profile and the same level.

(12) For the purpose of internal regulation and enforcement of the provisions set in the present Code with reference to the specifics of the education in the military, security, and public order areas, the central public administration authorities and other state structures in defence, security, and public order areas may develop and approve their own departmental normative acts.

(13) The selection modality and the admission conditions for candidates in the educational institutions in the military, security, and public order areas shall be established by the authorities, in which subordination the respective institutions are, depending on the peculiarities of the service and education in the respective areas, in correlation with the general framework for admission in the national education, through the appropriate departmental normative acts.

(14) The training of citizens for country defence shall be carried out in line with the provisions of the Republic of Moldova Constitution, of the present Code, and of other normative acts related to defence, as well as in line with the international treaties to which the Republic of Moldova is a part.

(15) The training of the reservists and recruits shall be carried out in the military training centres, with the approval of the Ministry of Defence.

## **TITLE VII LIFELONG LEARNING**

### **CHAPTER I. General provisions**



**Article 123. General framework for lifelong learning**

(1) Lifelong learning shall include the learning activities carried out by a person during the whole life, for training and developing skills from personal, civic, social, and professional perspectives.

(2) Lifelong learning shall cover the general education, technical vocational and higher education, as well as adults' continuous professional training.

(3) The continuous professional training programs under lifelong learning context shall be subject to evaluation to get provisional authorization or accreditation, according to the legislation in force.

(4) The decision on provisional authorization, accreditation, non-accreditation or withdrawal of the right to organize a continuous professional training program shall be adopted by the Ministry of Education, based on the results of evaluation carried out by the National Agency for Quality Assurance in Professional Education.

(5) Lifelong learning shall be carried out in the formal, non-formal, and informal education contexts.

(6) The lifelong learning in the formal education context represents an institutionalized process, which is structured and based on an explicit curricular design.

(7) The lifelong learning in the non-formal education context represents the integrated learning within the framework of some planned activities, with learning objectives, which do not follow explicitly the curriculum.

(8) The lifelong learning in the informal education context represents the result of some daily activities related to work, family environment, free time and is not organized or structured from the learning objectives, duration or support point of view.

(9) The lifelong learning in the non-formal education context that may be different in duration, and the lifelong learning in the informal education context shall depend on the learner's intention and shall not lead automatically to certification of acquired knowledge and competences.

(10) The certification of the knowledge and competences acquired in the non-formal and informal education contexts may be carried out by the authorized structures based on a regulation, approved by the Ministry of Education.

**Article 124. Types of institutions providing lifelong learning**

(1) The lifelong learning in the formal education context may be carried out in the following institutions or organizations:

a) general education, technical vocational and higher education institutions;

b) public and private institutions or organizations providing professional training and education, provisionally authorized or accredited;

c) enterprises or organizations providing provisionally authorized or accredited training programs to their own employees.

(2) The lifelong learning in the non-formal education context may be carried out in the following institutions or organizations:

- a) institutions and organizations provided in paragraph (1);
- b) extra-school institutions;
- c) centres for children's care and protection;
- d) enterprises;
- e) cultural institutions;
- f) professional, cultural, and trade-union associations;
- g) non-governmental organizations;
- h) other organizations.

(3) The lifelong learning in the informal education context shall be carried out through activities organized in the family, at the working place, in the community, within social networks, volunteering activities, sport, cultural or other activities of the same kind, and may lead to building of competences and skills.

### **Article 125. Financing lifelong learning**

(1) The state shall guarantee the access to and shall support, including financially, the lifelong learning.

(2) The financing of lifelong learning shall be carried out from public and/or private sources, based on public-private partnership, through financing and co-financing by employers, nongovernmental organizations, non-reimbursable funds from international programs and through beneficiaries' contribution.

## **Chapter II. Adults' continuing education**

### **Article 126. Organization of adults' continuing education**

(1) The adults' continuing education shall include:

- a) general education ensuring the general development of adults under the cultural, socio-economic, technological and ecological aspect;
- b) continuing professional training, which means any training process, through which an employee, having already a qualification or profession, may improve the professional competences by deepening knowledge in the main specialty or by learning new methods or procedures applied in the respective specialty.

(2) The state shall guarantee the training of basic digital competences for adults according to the conditions set by the Ministry of Education.

(3) The adults' continuing education shall be carried out in line with the Regulation on Adults' continuing training, approved by the Government.

(4) The organizational forms for adults' continuing education shall be:

- a) full-time learning;
- b) part-time learning;
- c) distance learning.

**Article 127. Financing the adults' continuing education**

The adults' continuing education shall be financed from the resources paid by legal entities and individuals, the financial resources of the professional and employers' associations, sponsorships, donations, tuition fees, personal contributions, foreign funds (projects), and other legal financial resources.

**TITLE VIII  
RELATED UNITS AND ADJACENT SERVICES IN THE  
EDUCATIONAL SYSTEM**

**Article 128. Libraries in education**

(1) The libraries from the educational institutions are an integral part of the education system and shall participate in the teaching, cultural-education, research and training activity. The libraries shall contribute, through specific means, to the training and research process that takes place in the educational institution.

(2) The library from the educational institution shall be primarily aimed at providing the information, documentation, reading, recreation and learning opportunities for pupils, students, teaching staff, researchers, non-teaching and auxiliary staff, providing access to the book fund.

(3) The librarians from the educational system shall benefit from allowances and may aspire for qualification degrees, in accordance with the legislation in force. An increase to the salary shall be provided for qualification degrees, according to the normative acts approved by the Government.

(4) The libraries from the educational system shall operate based on the framework regulation, approved by the Ministry of Education and other normative acts in the area.

(5) The libraries from the educational institutions may create consortiums to procure shared and to use jointly the documentary sources (databases, e-magazines).

(6) Virtual school libraries may be established at the national level, which would provide e-learning and would include the school curricula, didactical projects, methodological guides, electronic manuals, examples of scientific testing etc.

**Article 129. Republican Centre of psycho-pedagogical assistance and local psycho-pedagogical assistance services**

(1) The Republican Centre of psycho-pedagogical assistance shall be subordinated to the Ministry of Education and shall be aimed at:

- a) providing psycho-pedagogical assistance at the national level;
- b) monitoring the activity of the local psycho-pedagogical assistance services and providing methodological support to such services;
- c) development and adjusting the tools for assessment and/or diagnostic of child development;

d) development of methodology for providing assistance to children with special educational needs and children at risk, for teaching staff, psychologists from general education institutions, support teaching staff;

e) prevention of problems in the development of child at risk and methodological assistance for the local public administration and child's family in the school inclusion.

(2) The local psycho-pedagogical assistance services shall be organized within the local bodies specialized in education area and focused on:

a) assessment of children's situation;

b) provision of psycho-pedagogical assistance to children;

c) establishment of special educational needs and development of recommendations for intervention measures and support services for the educational inclusion.

(3) The activity of the Republican Centre for psycho-pedagogical assistance and local psycho-pedagogical assistance services shall be regulated by the Government.

### **Article 130. Career counselling and guidance centres**

(1) The career counselling and guidance centres shall support pupils and students during the career design process and education achievement.

(2) The career counselling and guidance centres may be established by the local public administration authorities, National Agency for Employment, educational institutions, nongovernmental organizations, and other private providers.

## **TITLE IX**

### **HUMAN RESOURCES IN THE EDUCATION SYSTEM**

#### **CHAPTER I. Teaching, scientific-teaching, scientific and management staff**

### **Article 131. General provisions**

(1) The teaching, scientific-teaching, scientific and management staff in education has the mission to ensure the implementation of the state educational standards of general education, initial and continuing professional training.

(2) The teaching, scientific-teaching, scientific and management staff may obtain teaching and managerial degrees, scientific and scientific-teaching titles in line with the legislation in force.

(3) The teaching staff in the general and technical vocational education, confirming 30-years length of service in education or is of retirement age, shall maintain the previously teaching degree.

(4) An increase to salaries shall be provided for teaching and managerial degrees and scientific titles, according to the normative acts approved by the Government.

(5) At least 50% of the scientific-teaching positions in the higher education institutions shall be filled in by the titular teaching staff.

**Article 132. Minimum qualification requirements for filling in the teaching and scientific-teaching positions**

(1) The minimum qualification requirements for filling in the teaching position shall be the following:

a) in the early education – holding training qualification in the area of at least ISCED level 5 – non-tertiary post-secondary technical and vocational education and training;

b) in the primary and gymnasium education – holding a training qualification of at least ISCED level 6 – bachelor’s degree and the promoted psycho-pedagogical module;

c) in the lyceum education – holding a training qualification of at least ISCED level 7 – master’s degree and the promoted psycho-pedagogical module;

d) in the technical and vocational education and training – holding a training qualification of at least ISCED level 5 - post-secondary non-tertiary vocational education and training, for profile programs, except for the masters, and the promoted psycho-pedagogical module;

e) in the higher education – holding a training qualification of at least ISCED level 7 – Master’s degrees;

(2) In the artistic and sport education – the honorary titles and the awards obtained at the national and international competitions, recognized by the relevant central bodies, shall confer the right to hold teaching positions.

(3) The qualification of ISCED level 8 - doctoral studies shall be necessary to hold the scientific-teaching position in the higher education.

(3) To hold the teaching positions, the graduates of the non-pedagogical higher education programs shall compulsory attend a psycho-pedagogical module in the amount of 60 ECTS credits.

**Article 133. Continuing professional training**

(1) The professional development of the teaching, scientific-teaching, scientific and management staff shall be compulsory during the entire professional activity and shall be regulated by the Government.

(2) The professional development of the teaching, scientific-teaching, scientific and management staff shall be carried out in the higher education institutions and/or continuing professional training institutions and other service providers, based on accredited training programs through:

a) professional training internships in the educational and research institutions or accredited organizations in the country and abroad;

b) participating as partners in the international and national educational and/or research projects;

c) participating with communications and/or works in the international conferences, seminars, symposiums, and exhibitions.

(3) The teaching staff in the education may obtain professional development credits within the continuing professional development carried out through internships in the accredited educational and research institutions.

## **Chapter II. Rights and obligations**

### **Article 134. Social rights and guarantees for teaching, scientific-teaching and scientific staff**

(1) The teaching, scientific-teaching and scientific staff shall be entitled to select and use didactical technologies, didactical manuals and materials approved by the Ministry of Education, as well as the alternative ones, which are considered to be adequate to fulfil the state educational standards.

(2) The teaching, scientific-teaching and scientific staff shall be entitled:

a) to elect and to be elected in the management, administrative and consultative bodies of the educational institution;

b) to have the didactical and research activity carried out previously in the length of pedagogical service, in case of passing to another educational institution that provides study programs of another level;

c) to associate in the trade unions or professional organizations;

d) to request, on their own initiative, the award of teaching and scientific degrees.

(3) The teaching, scientific-teaching and scientific staff shall be entitled to annual leave, according to the Labour Code.

(4) The teaching staff in the general education shall benefit from the following social rights and guarantees, according to the legislation in force:

a) the right to reduce the duration of the working day in the first three years of teaching activity, after graduating from the educational institution;

b) the right, guaranteed by the state, to professional training for the teaching activity profile at least once in three years;

c) the right to annual compensations for procuring didactical materials, computers, software products for use in on-line training activities and professional development, within the limits and conditions set by the Government.

(5) The graduates from the pedagogical post-secondary and higher education institutions, employed within the educational institutions through distribution by the Ministry of Education, shall benefit in the first three years of activity from the allowances established by the Government, from the state budget paid through the budgets of the administrative-territorial units of the second level and ATU Gagauzia.

(6) At the career debut, the teaching staff working in the public education institutions from rural areas and rayon centres shall benefit from compensation of dwelling renting costs, heating and electricity consumption costs in the first 3 years of activity, allocated from the state budget through the budgets of the administrative-territorial units of the second level and the ATU Gagauzia, under the conditions set by the Government.

(7) In the first three years of pedagogical activity, the teaching staff in the public general education institutions shall benefit from support for professional inclusion, including 75% reduction of teaching workload for a wage function, as well as from assistance of the mentor teaching staff.

(8) The teaching, scientific-teaching and scientific staff in the educational institutions shall be granted the state awards for excellence in the teaching and education activity, according to the conditions set in the legislation.

(9) To attract the graduates into the didactical activity and to promote the pedagogue profession, the local and central public administrations with educational institutions under their subordination may envisage additional social guarantees for the teaching staff.

**Article 135. Obligations of the teaching, scientific-teaching, scientific and management staff**

(1) The teaching, scientific-teaching, scientific and management staff shall:

a) ensure the quality of the educational process by respecting the state educational standards and the National curriculum;

b) observe the professional deontology;

c) respect the rights of children, pupils and students;

d) create optimal conditions for the development of the individual potential of the child, pupil and student;

e) promote the moral principles of justice, equity, humanity, patriotism, and other values;

f) collaborate with the family and community;

g) fulfil the duties set forth in the individual employment contract, job description and shall respect the institutional status and regulations, and the provisions of the present Code;

h) ensure life security and health protection of children, pupils and students in the educational process;

i) prevent degrading treatments and punishments, any form of discrimination and physical or psychological violence;

j) inform pupils about all forms of violence and their behavioural manifestations, about individuals and institutions to whom they may address when they are subject to abuse;

k) discuss with children and pupils, individually and in group, about their safety/ emotional and physical welfare at home/in the family and in the institution, as well as in other places attended by pupils;

l) intervene to stop the cases of child abuse and neglect and/or shall request help in case he/she can not intervene by himself/ herself;

m) immediately communicate about any suspected or confirmed case of child abuse, neglect, exploitation or trafficking from peers or adults;

n) not make and allow any chauvinistic, nationalist, political, religious, military propaganda during the educational process

o) not involve pupils and students in the political actions (meetings, demonstrations, stating);

p) ensure confidentiality and security of information containing personal data, in accordance with the legislation on protection of personal data.

q) improve continuously professional qualification.

(2) The teaching, scientific-teaching and scientific staff shall not provide fee-based services to children, pupils, students with whom they interact directly in the class or academic group in the teaching activity.

(3) The teaching, scientific-teaching, scientific and management staff from the educational institutions shall be prohibited to receive money or any other benefits from pupils, students, their families and parents' public organizations.

(4) The teaching, scientific-teaching, scientific and management staff shall report to the Ministry of Education and competent bodies about the cases of abuse against children, pupils and students, about which they know, in line with the legislation in force.

(5) Failure to comply with paragraphs (1)-(4) shall constitute misconduct and shall be punished according to the legislation in force.

(6) The duties of the teaching and management staff in the general and technical vocational education in relation to pupils, parents and staff of the educational institutions shall be set out in the Code of Ethics for teaching staff.

(7) The Code of Ethics for teaching staff shall be developed and approved by the Ministry of Education, in consultation with the representative associations at the national level for pupils, parents, teaching staff and education trade unions.

(8) Failure to observe the provisions of the Code of Ethics for teaching staff by the management and teaching staff in the general and technical vocational education shall be a serious violation of the labour discipline and the status of the educational institutions and shall be punished according to its provisions.

### **Article 136. Rights of pupils and students**

(1) The pupils and students shall be entitled to:

a) chose the educational institution in which they would like to study;

b) be provided, according to the legislation in force, with manuals, medical assistance, food, transportation services and dormitories;

c) receive scholarship under the law, which amount shall be established by the Government;

d) express freely their opinions, believes, and ideas;

e) have access to information;

f) be elected in the governing structures of the educational institutions and participate in the evaluation and promotion of education quality, according to the conditions set forth in the present Code and the regulations of the institution;

g) participate in the national and/or international projects and/or programs of academic mobility;



h) claim their legal rights to establish and get associated, according to the legislation in force, in associations or organizations aiming to defend their interests;

i) benefit from guarantees and compensations provided in the legislation for the employees who combine work and studies, when they are employed on the labour market.

(2) Self-administration bodies of pupils and students shall be established in the educational institutions, which shall operate in line with the normative acts in force and the institutional regulations.

(3) The students shall be represented in the Senate and the Faculty Council at the rate of  $\frac{1}{4}$  from the total number of the members of these bodies.

(4) The students in the higher education shall be entitled to be exempted from tuition fees' payment, in line with the institutional regulations.

(5) In case of incapacity to continue studies due to poor health reasons or other justified reasons, the pupils and students shall be entitled to get academic leaves, in line with the internal documents of the post-secondary non-tertiary technical vocational and higher education institutions.

(6) In order to ensure the right to education for the pupils needing social assistance, including for the pupils from resort-type or family-type institutions, the state shall incur, according to the law in force, partially or integrally the maintenance costs during the schooling period, according to the standards in force.

(7) The pupils and students from the educational institutions shall benefit from social and medical assistance and protection, according to the law.

(8) The pupils and students shall benefit from other rights, set forth in the institutional regulations.

### **Article 137. Obligations of the pupils and students**

(1) The pupils and students shall:

a) respect the internal acts of the educational institutions in which they study;

b) have civilized behaviour, observe the rules for living together in the academic community, preserve the patrimony of the educational institution.

(2) The pupils shall attend the compulsory education and shall learn the materials provided in the training programs.

(3) The pupils and students violating the provisions of the normative acts in force and/or internal acts of the educational institutions may be sanctioned, depending on the severity of the act, up to expelling, according to the internal institutional regulations. The pupils from the general compulsory education cannot be expelled.

### **Article 138. Rights and obligations of children's and pupils' parents or legal representatives**

(1) The children's and pupils' parents and legal representatives shall be entitled to:

- a) chose the educational institution in which the child will be enrolled;
- b) participate in the development of the educational institution's activity program;
- c) request the educational institution to observe children's rights and freedoms;
- d) get familiarized with the organization and content of the educational process, as well as with the children's evaluation results, in line with the institutional regulations;
- e) elect and get elected in the composition of the administrative and consultative bodies of the educational institution;
- f) establish parents' public associations aimed at development of the educational institution.

(2) The children's and pupils' parents or legal representatives shall:

- a) ensure the education of the child in the family and shall create adequate conditions for training and attending studies, skills' development, participating in the extra-school activity, and self-training;
- b) ensure school enrolment for children of compulsory schooling age;
- c) collaborate with the educational institution, contributing to achievement of the educational objectives;
- d) monitor, in collaboration with the educational institution's administration and the teaching staff, the school situation and behaviour of the child or pupil in the educational institution.

(3) The pupils' parents or legal representatives not manifesting responsibility and not ensuring the education and the training of the child shall be subject to liability, in line with the legislation in force.

## **TITLE X**

### **ADMINISTRATION OF THE EDUCATION SYSTEM**

#### **CHAPTER I. Duties of the Government and the Ministry of Education in the education area**

##### **Article 139. Duties of the Government in the education area**

The Government shall:

- a) approve the state policies in the education area;
- b) organize the development and approval of the draft legislative acts in the education area and shall submit them to the Parliament for examination and adoption;
- c) adopt normative acts to enforce the legislation in the area of education and to ensure education priority;
- d) approve the organizational structure, the number of personnel and the Regulation for Organization and Operation of the Ministry of Education;
- e) monitor the activity of the Ministry of Education;
- f) decide on the proposals of the Ministry of Education, other central administrative authorities, and public institutions regarding the establishment,

reorganization, and dissolution of the public institutions of special, technical vocational, higher and continuing education;

g) approve the plan (state order) for specialized staff training, financed from the state budget, by professions, specialties and general fields of study in the technical vocational and higher education institutions;

h) approve the time and costs rules for organizing and conducting the graduation exams in the gymnasium and lyceum education, and the final assessment in the primary education.

#### **Article 140. Duties of the Ministry of Education**

(1) The Ministry of Education shall:

a) develop and promote the state policies in the education and research area in the higher education;

b) develop draft legislative and normative acts in the education and research area in the higher education, and shall exercise the state control over the enforcement of such acts;

c) carry out the management, monitoring and assessment of the national education system, including the research in higher education;

d) estimate and analyse the performance and economic efficiency indicators of the national education system, and shall post the respective data on the Ministry's web page;

e) develop and approve the state educational standards and the National Curriculum and shall exercise, through the authorized institutions, the control over their fulfilment;

f) approve the evaluation procedures for teaching and management staff in education in order to award or confirm the teaching and managerial degrees, and shall ensure the control over their fulfilment;

g) manage the national programs and projects, including organization of public procurement of goods, works, and services for the educational sector within the national programs;

h) approve the manuals and didactical materials to be used in the education system;

i) develop and approve the standard package of educational services in the compulsory education;

j) develop the strategic plan of expenditures for the national system of education and research in the higher education, collaborating with the central and local public administration authorities;

k) develop the draft state budget for the subordinated educational and research institutions;

l) develop, through coordination with the interested authorities and shall approve the rules for personnel, work and financing in the national education system;

m) coordinate and monitor the financial activity of the subordinated public education institutions;

n) formulate and submit to the Government the proposals for improving the remuneration of the teaching staff and other categories of personnel from the education system;

o) coordinate the scientific research activity in the higher education, as well as in the area of education sciences;

q) coordinate the activity of initial and continuing training of the teaching and management staff in education;

p) recruit on competition basis and dismiss the directors of the public special and vocational education institutions, as well as the directors of other subordinated public education institutions;

r) propose on reasoned basis to the local public administration authorities to dismiss the heads of the local specialized bodies in education area or the directors of the educational institutions;

s) initiate and conclude international collaboration agreements in the area of education and research in the higher education, according to the legislation in force;

t) organize the process of recognition and equivalence of the study documents, issued by the educational institutions from abroad and of the qualifications awarded by them;

u) negotiate and sign collective work conventions in the education area;

v) provide free-of-charge the didactical materials for the children in the preparatory groups and the school manuals for the pupils in the primary education, as well as the alternative forms/systems of communication, writing, reading and orientation for the children, pupils and students with special educational needs, who are studying in the general, technical vocational and higher education institutions, taking into account their individual needs;

w) suggest candidates for awarding the state distinctions;

x) develop and publish on its web page the annual report regarding the activity of the Ministry of Education;

y) ensure the design, creation and maintenance of the Education Information System;

z) check the periodical update and accuracy of the information in the Education Information System;

z1) exercise other duties set forth in the legislation and its Regulation for organization and operation.

(2) To exercise the duties in its area of competence, the Ministry of Education may establish councils, commissions, experts' groups and other consultative bodies.

## **Chapter II. Duties of the local public administration authorities in education area**

**Article 141. Duties of the local public administration authorities of the second level and of the ATU Gagauzia in the area of education**

(1) The local public administration authorities of the second level and of the ATU Gagauzia, within the limits of the competences set by the legislation, shall:

a) ensure the observance of the legislation in the education area in the administered territory;

b) manage, monitor, and evaluate the educational institutions whose founders they are;

c) ensure the collaboration of the educational institutions, whose founders they are, with the Ministry of Education;

d) ensure the efficient operation of the network of general education institutions whose founders they are, based on efficiency, efficacy, and performance indicators;

e) contribute to financing and developing the technical-material basis of the educational institutions from the administered territory;

f) ensure adequate activity conditions for the teaching staff and pupils;

g) support and encourage the activity of continuing professional training of teaching staff;

h) support and encourage the participation of pupils in the school competitions and contests;

i) ensure together with the parents, the school enrolment of children aged between 6(7)-18 years;

j) take decisions on the optimization and development of the school network from the administered territory, based on the efficiency, efficacy, and performance indicators;

k) delimit the school districts of the general education institutions whose founders they are;

l) monitor the activity of the private educational institutions from the administered territory;

m) ensure the free-of-charge transportation of pupils and teachers to and from the educational institutions in the rural localities at a distance over 2 km;

n) contribute to employment of orphan graduates.

(2) The local public administration authorities of the second level and of the ATU Gagauzia shall ensure the operation of the educational institutions whose founders they are.

(3) The local public administration authorities of the second level and of the ATU Gagauzia shall employ and dismiss the management personnel of the educational institutions whose founders they are.

(4) The local public administration authorities of the second level and of the ATU Gagauzia shall develop and submit to the Ministry of Education an annual report on situation of education in the administered territory, which shall be published on its web page. The methodology for developing and publishing the report shall be established by the Ministry of Education.

**Article 142. Duties of the local public administration authorities of the first level in the area of education**

The local public administration authorities of the first level, within the limits of their competences set by the law, shall:

- a) contribute to ensuring the observance of the legislation in the education area in the administered territory;
- b) manage, monitor, and evaluate the educational institutions whose founders they are;
- c) ensure the collaboration of the educational institutions whose founders they are,
- d) contribute to financing and development of the material basis of the educational institutions from the administered territory,
- e) ensure adequate activity conditions for the teaching staff and pupils in the educational institutions whose founders they are and the maintenance conditions for children;
- f) support and encourage the activity of continuing professional training of the teaching staff;
- g) ensure together with the parents, the enrolment of pre-school age children in the ante-preschool and pre-school education institutions,
- h) adopt decisions on the optimization and development of the network of educational institutions whose founders they are,
- i) delimit, as appropriate, the districts of the pre-school education institutions whose founders they are,
- j) employ and dismiss the management staff of the educational institutions whose founders they are.

**Title XI**

**FINANCING AND MATERIAL BASIS OF EDUCATION**

**CHAPTER I. Financing the education system**

**Article 143. Sources for education financing**

- (1) The priority source for financing the public education system shall be:
  - a) the transfers with special destination from the state budget to the local budgets for the institutions of ante-preschool, preschool, primary, gymnasium, lyceum, and extra-school education;
  - b) allocations from the state budget for the institutions of technical and vocational, higher education, and other educational institutions subordinated to the Ministry of Education;
  - c) other allocations of the state and administrative-territorial units meant for education.
- (2) The transfers with special destination shall be carried out by the Ministry of Finance, in line with the allocation formula proposed every year by the Ministry of Education and shall be approved by the Government.
- (3) The financing of the private education institutions shall be provided from the founders' sources and tuition fees.

(4) The accredited private institutions of general education shall benefit from state's support as established by the Government.

(5) The financing of the extra-school education shall be provided from the budgets of the administrative-territorial units of the second level and of the ATU Gagauzia, as well as from the tuition fees, sponsorships, donations, and other legal financial sources.

(6) The educational institutions may also benefit from other financing sources, namely:

a) revenues from provision of fee-based educational, scientific, and technological transfer services, according to the law;

b) revenues from selling items manufactured during the training process (in teaching households, testing workshops and others), as well as revenues from renting out premises, equipment, land, and other assets under public and private ownership;

c) grants, sponsorships, and donations;

d) other legal sources.

(7) The state shall guarantee the financing of the higher education during the whole duration of the program, in line with the Admission Plan (state order), approved by the Government.

(9) The relations between the educational institutions and individuals or legal entities shall be regulated based on contract for providing fee-based educational services, specifying the rights and the obligations of the parties, the training period, and the amount of the tuition fees.

#### **Article 144. Principles for financing the public institutions of general education**

(1) The institutions of general education shall be financed through transfers with special destination from the state budget.

(2) The local public administration authorities and the ATU Gagauzia shall ensure the financing of the public institutions of general education based on standard cost per child or pupil, in the amount ensuring the observance of the state educational standards, as set by the Government.

(3) The local public administration authorities and the ATU Gagauzia shall be entitled to supplement the funds received from the state budget with their own means.

(4) The budget of the educational institution and the report on budget execution shall be posted on the official web-page of the institution and/or of the local body specialized in education area.

#### **Article 145. Methods for financing and financial management of education**

(1) The budgetary financing of education shall be implemented by four ways:

a) standard financing: standard cost per child/pupil/student and the adjustment coefficient;

b) compensating financing: for children with special educational needs, talented children, through experimental programs or alternative programs, as well as performance supporting programs;

c) complementary financing: for modernizing the material and didactical basis, for subsidizing meals, school transportation, and boarding;

d) project-based financing through competition.

(2) Fees may be charged under the legislation in force for the study programs and activities, in addition to the standard educational services package financed from the state budget.

(3) The standard cost per pupil or student shall represent the basis for calculating the tuition fees.

(4) The educational institutions providing technical vocational, higher, and continuing training may accumulate and use, according to the law, their own revenues deriving from the fees paid by interested individuals and legal entities, including those from abroad, for training, professional development and requalification on contract basis.

(5) The educational institutions providing technical vocational, higher, and continuous training shall operate on financial-economic self-administration conditions and may carry out economic activities, according to the legislation in force.

(6) The education may be supported by professional associations, employers' and guardianship organizations, in line with the legislation in force.

(7) Individuals and legal entities shall be entitled to support, according to the legislation in force, from their own sources the development of the material basis of the educational institutions, including by covering the costs for initial and continuing professional training of the teaching staff.

(8) The state shall guarantee tax exemption to the legal entities, regardless of their form of organization and the type of property, as well as to individuals, including from abroad, who invest their own sources in the development of the education system, under the legislation in force.

(9) The revenues of the educational institution obtained from provision of fee-based services shall be intangible and shall be used for the development of the institution.

(10) The revenues of the educational institution obtained exclusively from the entrepreneurship activity shall be accumulated and administrated separately from other revenues.

(11) The provision with school manuals shall be managed through the Special Fund for Textbooks – a structure with financial autonomy under the mandate of the Ministry of Education. The modality for functioning of the Special Fund for Textbooks shall be established by the Government. The head of the Special Fund for Textbooks shall be appointed, on a competitive basis, by the Ministry of Education.

## **Chapter II. The patrimony and material basis of the educational institutions**



**Article 146. Patrimony of the educational institutions**

(1) The educational institutions may have in administration the buildings, hostels, engineering installations, libraries, laboratories, canteens, clinics, land plots, scientific-didactical farms, equipment, transportation means, installations and other fixed assets and circulating funds.

(2) The buildings and afferent lands where the public education institutions carry out activity shall be the public property of the territorial-administrative unit or, as appropriate, of the state. The rest assets shall be the founders' property and shall be assigned to the educational institutions for operative management purposes. Their administration shall be carried out according to the legislation in force.

(3) The private educational institutions shall be the holders of the ownership or other real rights, which they exercise on the patrimony, under the law. The patrimony of the private educational institution cannot be withdrawn during the activity of the respective institution, except for the cases provided by the law.

(4) The transfer of assets from the public domain of the administrative-territorial unit to the private domain of the administrative-territorial unit shall be carried out based on the decision of the council of the village (community), town, rayon, municipality, National Assembly of Gagauzia, with the prior agreement of the Government. The transfer of assets from the public domain of the state to the private domain of the state shall be carried out based on a Government decision. The adoption of the respective decisions shall be preceded by an expertise report, which would prove the need to stop including the respective assets in the public domain. The methodology for carrying out the expertise report shall be approved by the Government.

(5) The assets administrated by the state educational institutions may be leased or rented out, according to the law for a period not exceeding five years and preferentially for educational purposes, only with the consent of the authorities owing the respective assets.

**Article 147. The material basis of the educational institutions**

(1) The development of the material basis of the educational institutions shall be ensured from budgetary sources, other legal sources for financing the institutions.

(2) The state shall ensure the development of the material basis of the public educational institutions, including their equipping, in line with the state educational standards approved by the Ministry of Education.

(3) The private educational institutions shall have their own material basis to carry out the educational process in line with the state educational standards approved by the Ministry of Education.

(4) The central and local public administration authorities, the ATU Gagauzia and economic units shall be entitled, according to the legislation in force and for educational purposes, to transfer into free-of-charge or fee-based use to educational institutions' founders the buildings, equipment, didactical

materials, installations, devices, transportation means, dwelling space, and land plots.

## **Title XII**

### **FOREIGN RELATIONS AND INTERNATIONAL COLLABORATION IN EDUCATION AND RESEARCH**

#### **Article 148. International cooperation**

(1) The international cooperation in the area of education and research shall be carried out in line with the legislation of the Republic of Moldova and the international treaties to which the Republic of Moldova is a part.

(2) The Ministry of Education shall be entitled to establish relations and conclude international agreements of collaboration and cooperation, as well as to participate in the international projects and events in the area of education and scientific research.

(3) The educational institutions shall be entitled to establish direct collaboration and partnership relations with the foreign educational institutions. The Ministry of Education and/or other central public administration authorities, upon request, shall provide the assistance regarding:

a) participation in the intercultural and academic exchange and mobility programs, as well as in joint projects;

b) organization and carrying out research and artistic creation activities, joint cultural and scientific events;

c) carrying out fundamental and applicative scientific research commissioned by the legal entities from abroad;

d) establishing, with the participation of foreign partners, of the structural units of the educational institutions (centres, labs, technical parks, incubators and other of the same kind);

e) obtaining the membership of nongovernmental international and regional organizations;

f) participation in the international and regional programs and projects.

(4) The actions undertaken within the international treaties shall be funded in line with the legislation in force.

(5) The international programs and projects shall be funded in line with the legislation in force or, as appropriate, according to the provisions of the approved and financed projects.

(6) The financial sources shall be approved annually via the state budget law to support the international academic mobility.

#### **Article 149. Cooperation with the regional and international organizations**

(1) The Ministry of Education shall prioritize the cooperation in the education area with the European Union within some partnership and cooperation projects and programs.

(2) For the purpose of modernizing and adjusting the national education system to the European values and standards, as well as for participating in building the European space of higher education within the Bologna Process, the Ministry of Education shall participate in the international cooperation programs and projects at the regional and European level.

(3) The Ministry of Education shall authorize and monitor the activity of foreign volunteers providing educational services, as well as of the non-commercial organizations implementing different international projects and programs within the national education system, in line with the legislation in force.

#### **Article 150. Admission to studies, rights and obligations of the foreign pupils and students**

(1) The foreign citizens shall be admitted to studies based on the same conditions as citizens of the Republic of Moldova.

(2) The foreign citizens shall be admitted to studies as a result of preliminary recognition and equivalence of the study documents submitted by the candidates.

(3) The accredited educational institutions, and which provide the accredited study programs shall hold exclusively the right to organize the studies for foreigners.

(4) The foreign citizens shall be trained in the Romanian language or, upon candidates' request, in a language of international circulation, depending on the possibilities of the educational institutions and within the budgetary funds allocated for the given purpose.

(5) The foreigners studying in the Republic of Moldova, except for those who benefit from scholarships provided by the state, shall pay tuition fees, in line with the normative acts in force.

#### **Article 151. Studies abroad**

(1) The state shall ensure the academic mobility in line with the national and international normative acts.

(2) The citizens of the Republic of Moldova shall be entitled to study abroad based on the international treaties and agreements, as well as based on individual contracts signed with the educational institutions from abroad.

(3) The citizens of the Republic of Moldova enrolled to study abroad based on the international treaties shall benefit from allowances and rights stipulated in the respective documents.

(4) The citizens of the Republic of Moldova – graduates of the educational institutions from abroad, shall have the equal rights upon employment on the labor market, as the graduates of the educational institutions of the same level from the Republic of Moldova, in line with the legislation in force.

(5) The recognition and equivalence of the study documents obtained abroad shall be carried out according to the conditions set by the Ministry of Education.

### **Title XIII**

#### **FINAL AND TRANSITORY PROVISIONS**

#### **Article 152.**

The present Code shall enter into force in 30 days from publication, except for:

a) the paragraph (2) of the article 9, which shall be enforced from the date of approval of the standard package of educational services for the general education;

b) the paragraph (8) of the article 9, which shall be enforced starting with the school year 2018-2019;

c) the paragraphs (1) and (2) of the article 13, which shall be enforced not later than 2018. Until entering into force of paragraphs (1) and (2) of the article 13, the schooling compulsoriness shall end at the age of 16 years old and shall finalise with the gymnasium education;

d) the paragraph (5) of the article 16, regarding the assessment of learning outcomes through descriptors, which shall be enforced from 2015, starting with the first class;

e) the paragraph (7) of the article 40, which shall be enforced starting in 2017;

f) the paragraphs (2) and (3) of the article 55, which shall be enforced respectively starting in 2017 and in 2016;

g) the paragraph (4) of the article 64, which shall be enforced starting in 2016;

h) letter c) of the paragraph (1) of the article 132, which shall be enforced starting in 2017;

i) the paragraph (7) of the article 134, the part related to supporting the professional insertion and reducing to 75% of the teaching workload for a wage function, which shall be enforced starting in 2016;

j) letter a) of the paragraph (1) of the article 145, which shall be enforced as follows:

- for the higher education institutions – starting in 2015;
- for the technical and vocational education institutions – starting in 2017;

k) the paragraph (5) of the article 145, which shall be enforced as follows:

- for the higher education institutions – starting in 2015;
- for the technical and vocational education institutions – starting in 2017.

**Article 153.**

(1) The individual employment contracts of the directors of the public education institutions, except for those of the higher education, since the appointment of which have passed more than five years shall lawfully terminate on the day of expiry of four months from the entry into force of the present Code. The competent authorities under the law shall ascertain the case for termination of the individual employment contract, and the respective person shall be notified about it, no later than 5 working days.

(2) Within a period of at most 6 months since the termination of the individual employment contracts under the paragraph (1), the competent authorities under the law shall organize competitions to fill in the director position declared vacant.

(3) Until the appointment through the competition of the directors of the public education institutions, the management of the institutions shall be exercised by the acting directors, appointed by the competent authorities under the law.

**Article 154.**

The qualifications obtained by the teaching staff prior to the entry into force of the present Code shall be recognized and equated based on a methodology for recognition and equivalence approved by the Ministry of Education.

**Article 155.**

The employment contracts of the individuals, who on September 1, 2018 hold the scientific-teaching positions in the higher education institutions without fulfilling the conditions provided in the paragraph (3) of the article 132 shall lawfully terminate. The Rector of the institution shall ascertain the case for termination of the individual employment contract and the respective person shall be notified about it, no later than 5 working days.

**Article 156.**

Upon the entry into force of the present Code, the following shall be abrogated:

The Law on Education No. 547-XIII dated July 21, 1995 (Official Gazette of the Republic of Moldova, 1995, no. 62–63, art. 692) with its subsequent modifications and completions;

The Law no. 1257-XIII dated July 16, 1997 on evaluation and accreditation of the educational institutions in the Republic of Moldova, with its subsequent modifications and completions;

The Law no. 423-XIV dated June 4, 1999 on approval of the Regulation for evaluation and accreditation of the educational institutions, with its subsequent modifications and completions.

**Article 157.**

The Government:

a) within one month since the entry into force of the present Code, shall develop and submit to the Parliament the draft law on amending the Code on science and innovation of the Republic of Moldova no. 259-XV dated July 15, 2004, to ensure the research activity in the higher education;

b) within 12 months since the entry into force of the present Code, shall approve the Standard package of educational services for the general education.

c) within 24 months since the entry into force of the present Code shall:

- develop and submit to the Parliament the proposals on adjusting the legislation in force in line with the present Code;

- adjust its normative acts in line with the present Code and shall develop the necessary normative acts for enforcing the present Code.

d) shall examine the practice of the European Union member states in the area of ante-preschool education and shall submit to the Parliament the proposals for amending this Code regarding organization, type and ways for financing the ante-preschool education services.

**President of the Parliament**

**Igor Corman**

**No 152. Chisinau, July 17, 2014.**