

**Law on the approval of the Government Emergency Ordinance No. 75/2005 regarding the education quality assurance**

HOUSE OF DEPUTIES

SENATE

**The Parliament of Romania** herein adopts the foregoing law:

**One single article:** This is to approve the Government Emergency Ordinance No. 75 of July 12<sup>th</sup>, 2005 regarding the education quality assurance, published in the Romanian Official Journal, Part I No. 642 of July 20<sup>th</sup>, 2005, with the following amendments and supplements:

**Article 1**

- (1) This Government Emergency Ordinance regulates the education quality assurance.
- (2) The provisions of this Government Emergency Ordinance shall apply to all education providing organizations that operate on the territory of Romania.

**Article 2**

For the purposes of this Government Emergency Ordinance:

- a) education shall refer to the higher education or vocational, initial or continuous training programs and activities;
- b) education providing organization shall be conceived of as an education establishment. Other legal entities may also be denominated education providing organizations, on condition that their articles of incorporation include educational activities based on duly authorized curricula for the initial and continuous training;
- c) training curricula shall represent the educational program provided by any education providing organization;
- d) direct beneficiaries of education shall mean pre-school children, pupils and students, as well as adults included in any form of education;
- e) indirect beneficiaries of education shall mean employers, employees, families of direct beneficiaries, and to a greater extent, the entire society;
- f) the national framework of qualifications shall progressively include in a correlated manner all degrees, diplomas and certificates that attest to the distinct levels of qualification and which are expressed in terms of marks and averages. The national framework of qualifications is correlated with the appropriate European framework.

**Article 3**

- (1) Education quality means the set of features of any training program and of any of its providers that fulfills the expectations of the beneficiaries, as well as the quality standards.
- (2) Quality assessment in the field of education means a assessment to check the fulfillment of several criteria, the extent in which any organization providing education and its programs fulfill the minimum and the reference standards. If the education providing organization performs the quality assessment by itself, then this shall take the shape of an internal review. If any other specialized

national or international agency performs the quality assessment, then this shall take the shape of an external review.

- (3) Quality assurance in the field of education is achieved through a set of actions whose purpose is to strengthen the institutional capacity to develop, plan and implement such training programs that increase the trust of the beneficiaries to the effect that the education providing organization fulfills the quality standards. Quality assurance refers to the capacity of any education providing organization to deliver training programs in line with the standards put forward. It is promoted to the extent in which it leads to a continuous improvement in the education quality.
- (4) Quality control in the field of education, more particularly, at the level of the training units: pre-school establishments, primary schools, grammar schools, vocational schools, secondary and post-secondary schools refers to operational activities and techniques, systematically applied by an inspection body, appointed to monitor the observance of the pre-established standards.
- (5) Improving the education quality presupposes the assessment, analysis and the continuous corrective action on behalf of the education providing organization, based on the selection and adoption of the best-suited procedures, as well as on the selection and implementation of the reference standards.

#### **Article 4**

- (1) The accreditation of the education providing organizations and of their training programs is a component of the quality assurance.
- (2) Accreditation refers to the quality assurance process that certifies the observance of the standards applicable by the education providing organizations and their training programs.

#### **Article 5**

- (1) Education quality shall represent a permanent priority for any education providing organization, as well as for its employees.
- (2) Quality is a fundamental criterion applicable to the financing of education out of public funds. As far as the academic education is concerned, the inter-institutional comparative assessment of the academic curricula results in differences in funding, in function of the different qualities of the programs supplied.
- (3) Education providers must operate so that the quality of their activity should satisfy the public trust and the education must take its place as a public asset.
- (4) The quality assurance policies in the field of education in Romania shall be permanently correlated with the actions promoted at international level.

**Article 6 shall be repealed.**

#### **Article 7**

- (1) Quality assurance in the field of education shall be mainly focused on the output.
- (2) The output shall be expressed in skills, competences, values and attitudes that can be assimilated after attending and completing an education level or a training program.

#### **Article 8**

(1) The quality assurance methodology in the field of education shall include the following components:

- a) criteria;
- b) standards and reference standards;
- c) performance indicators;
- d) qualifications.

(2) The education quality assurance refers to the following processes:

- a) planning and effectively achieving the expected training output;
  - b) monitoring the results;
  - c) internally reviewing the results;
  - d) externally reviewing the results.
- (3) The quality assurance components and processes, as well as the connections among them shall be distinguished in function of the following criteria:
- a) Education and qualification level, as the case may be;
  - b) Type of the education providing organization;
  - c) Type of training program.

## **Article 9**

For the purposes of this emergency ordinance:

- a) Criterion means a fundamental in the organization and operation of any education providing establishment.
- b) Standard means a description of the requirements formulated as rules or results, that defines the minimum mandatory level for each activity in education to be considered as completed.
- c) Reference standard means a description of the requirements that define the optimal level at which an activity performed by an education providing organization is considered to be completed, based on the good practices applicable at national, European or world level.
- d) Performance indicator represents an instrument to measure the extent to which an activity carried out by an education providing organization has been achieved in comparison with the standards, or the reference standards.
- e) Qualification means the output of the education, achieved through attendance and completion of a professional or academic training program.

## **Article 10**

Education quality assurance shall make reference to the following fields and criteria:

A. Institutional capacity, that is a consequence of the internal organization, of the infrastructure available and which is defined through the following criteria:

- a) the institutional, administrative and managerial structures;
- b) the equipment and assets made available;
- c) the human resource;

B. Educational effectiveness that refers to the mobilization of resources with the purpose of attaining the expected training output, and that entails the following criteria:

- a) the contents of the training programs;
- b) the training output;
- c) the scientific or didactical research activity, as the case may be;
- d) the financial activity of the organization;

C. Quality management that takes the concrete shape of the following criteria:

- a) strategies and procedures for the purposes of quality assurance;
- b) procedures related to the initiation, monitoring and regular review of programs and activities carried out;
- c) objective and transparent procedures to assess the training output;

- d) procedures for the regular assessment of the trainers' quality;
- e) accessibility of the training resources;
- f) systematically updated database on the internal quality assurance;
- g) transparency of the information of public interest on the training programs, and on the supplied certificates, diplomas and qualifications, as the case may be;
- h) operation of education quality assurance structures in the conditions set forth by the laws.

## **CHAPTER III**

### **Internal quality assurance in the field of education**

#### **Article 11**

- (1) The Board for the quality review and assurance shall be set up at the level of each organization that provides education in Romania.
- (2) The education providing organization shall develop and adopt the strategy and the operational rules governing the Board.
- (3) The manager of the organization shall be held directly responsible for the quality of the education provided. The manager of the organization or a coordinator appointed by the former shall ensure the operational management of the Board.
- (4) The membership of the Board for the quality assessment and assurance in the case of secondary education establishments shall include:
- a) 1 up to 3 representatives of the teachers, elected by the Teachers' Board in a secret ballot;
  - b) one main trade union representative, appointed by its members;
  - c) one parents' representative, in the case of pre-school, primary, secondary education establishments;
  - d) one students' representative, in the case of vocational, secondary and post-secondary education establishments;
  - e) one local council representative;
  - f) one national minority representative, as the case may be, on behalf of the teachers, parents or students.
- (5) The membership of the Board for the quality assessment and assurance in the case of higher education establishments shall include:
- a) 1 up to 3 representatives of the teachers, elected by the university senate in a secret ballot;
  - b) one main trade union representative, appointed by its members;
  - c) one students' representative, appointed by their organization.
- (6) The Board may also include among its members one representative of the employers.
- (7) The Board may also include among its members one representative of the different ethnicities, either on behalf of the teachers or of the students.
- (8) In the case of any other education providing organization, different from an education establishment, the membership of Board for the quality assessment and assurance shall include the following categories:
- a) 1 up to 3 representatives of the provider;
  - b) 1 up to 3 representatives of the direct beneficiaries;
  - c) 1 up to 3 representatives of the employers.

(9) The members of the Board cannot be appointed in management positions in the respective education establishment or organization, except for the manager of the Board from the operational point of view.

## **Article 12**

The tasks of the Board for the quality assessment and assurance shall be the following:

- a) to coordinate the implementation of the procedures and activities applicable to the quality assessment and assurance, as these have been approved by the management of the education providing organization, in agreement with the fields and criteria provided in Article 9;
- b) to annually draft an internal assessment report on the education quality in the respective organization. This report shall be notified to all beneficiaries, as it shall be either publicized or published.
- c) to develop proposals for the quality improvement of education.

## **CHAPTER IV**

### **External quality assessment in the field of education**

## **Article 13**

The external quality assessment refers to the following:

- a) assessment of the institutional capacity of the education providing organization;
- b) assessment of the educational effectiveness of the education providing organization;
- c) assessment of the quality management at institutional level;
- d) assessment of the quality of the training programs provided;
- e) assessment of the consistency between the internal assessment and the real situation;
- f) inter-institutional comparative assessment of the same type of training program provided by different education providing organizations.

## **Article 14**

(1) The Romanian Agency for the Higher Education Quality Assurance, hereinafter ARACIS, as well as the Romanian Agency for the Secondary Education Quality Assurance, hereinafter ARACIP shall be set up for the purposes of the external quality assessment in the field of education.

(2) The external assessment may be carried out by other agencies for the quality assessment, national or international, as provided in the agreements signed by the Ministry of Education and Research and external auditors, or by the secondary/ higher education establishments/ organizations and external auditors.

## **Article 15**

(1) ARACIS and ARACIP shall include among their departments the following:

- a) The Accreditation Department;
- b) The External Quality Assessment Department.

(2) The national agencies may set up other special departments for the purposes of the assessment and accreditation of the continuous education providing organizations, as well as of their programs.

## **Article 16**

(1) ARACIS is an autonomous public institution, of national interest, a legal entity with its own income and expenditure budget.

(2) The headquarters, the organizational flowchart and the organizational rules applicable to ARACIS shall be provided in a Government Decision.

## **Article 17**

(1) ARACIS shall have the following tasks relating to the field of accreditation:

- a) to regularly develop the methodology and the accreditation standards for different types of programs and higher education providers, which then the Ministry of Education and Research shall approve and submit to the Government for clearance.
- b) to assess, based on the standards and methodology approved in Government Decisions, upon request or of its own motion, and to propose the authorization, respectively, the accreditation of the higher education providers and of their academic programs. Based on the accreditation reports, the Ministry of Education and Research shall develop the necessary legislative provisions for the establishment of higher education structures.

(2) ARACIS shall have the following tasks in the field of quality assurance:

- a) to develop and regularly review the national reference standards and the performance indicators, based on the best practices, in order to assess and assure the quality in the field of the higher education;
- b) to cooperate with the Ministry of Education and Research and with ARACIP in the development and promotion of policies and action strategies, in order to increase the education quality in Romania;
- c) to organize yearly consultations with the higher education establishments to put forth the priorities in the field of quality assurance;
- d) to develop its own procedures for the external quality assessment and make them public;
- e) to conclude, with national and foreign education establishments, service supply agreements for the external quality assessment of programs and providers of higher education programs, as well as for the inter-institutional assessment of similar programs;
- f) to perform the quality assessment in cases of certain programs and higher education establishments, upon request by the Ministry of Education and Research. The conditions applicable to the assessment exercise shall be set in contracts.
- g) to publicize the results of the external assessments.
- h) to publish manuals, guidelines, papers summarizing the best practices in the quality assessment and assurance;
- i) to regularly develop, every three years, system analyses on the quality of the higher education in Romania;
- j) to cooperate with other similar foreign agencies in order to develop and implement effective measures to improve the quality of the higher education programs;
- k) to develop the Code of Professional Ethics Code applicable to the ARACIS experts;
- l) to yearly publish a report on its own activity;
- m) to develop reports to assess its own operational quality, every three years, with a view to prepare itself for the external assessment by similar foreign agencies.

## **Article 18**

In order to fulfill its tasks, ARACIS shall have the following rights:

- a) to use external national or international contractors, to sign agreements with them, as experts in the field of activity of ARACIS and to pay them in accordance with the legal provisions;
- b) to develop its own database of auditors, based on a transparent methodology and by using competence and competitiveness criteria, whom it must train from the point of view of the methodology to be used, and to second them to carry out the external quality assessment missions;
- c) to check upon the observance of the assessment methodology applied by the auditors at the completion of the assessment mission;
- d) to inform the audited institution, and, as the case may be, the Ministry of Education and Research on the result of the external assessment.

## **Article 19**

(1) ARACIS shall be managed by a board made up of 15 members with academic teaching positions in the higher education system.

(2) The members of the Ad-Interim Board established upon the setting up of ARACIS shall be appointed as follows:

- a) 5 members shall be appointed by the Senate of Romania;
- b) 5 members shall be appointed by the National Board of Rectors;
- c) 5 members shall be appointed by the Government, upon proposal by the Ministry of Education and Research; one of them shall be representing the national minorities for those universities that hold accredited specialized training programs in the languages of the minorities.

(3) The authorities provided in par. (2) shall hold consultations on the appointment of the members of the Ad-Interim Board in order to ensure the representation of the specializations.

(4) The Ad-Interim Board shall have one chairperson and 2 deputy-chairpersons. The chairperson and its 2 deputies shall be elected by secret ballot cast by the majority of the members of the Ad-Interim Board.

(5) Within no more than 6 months from the enforcement of the law for the approval of this Government Emergency Ordinance, the Ad-Interim Board:

- a) shall develop the external assessment methodology, the standards, the reference standards and the list of the performance indicators;
- b) shall organize the competition to fill the ARACIS openings;
- c) shall establish its own database of auditors for the higher education quality accreditation and assessment activities;
- d) shall organize the competition for the filling up of the 10 positions in the Board, based on its own methodology, approved by the Ministry of Education and Research. The newly organized Board shall have a 3 years' term of office and shall elect its own chairperson and deputies.
- e) shall provide in a regulation the methodology for the selection of the other 5 members of the Board that shall stay on in the following term of office.

(6) The provisions of this Ordinance prohibit those persons that hold public offices or are rectors to become members of the Board.

(7) The members of the Board are prohibited to sit for more than two terms, and the term of an office is of 3 years.

(8) Every three years, the Board of ARACIS shall renew its staff by opening 10 positions to competition, according to the conditions set in par. (5), letter (d) and shall elect its chairperson and deputies.

(9) Two representatives of the students' associations shall also take part, as observers, in the workings of the Ad-Interim Board.

## **Article 20**

For the purpose of fulfilling its targets, ARACIS shall take over the assets, all the rights and obligations, the logistic infrastructure, the technical staff and the database of the National Board for the Higher Education Assessment and Accreditation. The tasks of the National Board for the Higher Education Assessment and Accreditation shall be transferred to the Accreditation Department within ARACIS within no later than 6 months since the enforcement of the law for the approval of this Government Emergency Ordinance.

## **Article 21**

(1) ARACIS shall fund its activity out of own income and from the state budget.

(2) ARACIS own funds shall originate in the following:

- a) income derived from the service supply agreements for the quality assessment, concluded including with the Ministry of Education and Research;
- b) fees collected for the authorization and accreditation of the higher education establishments and their academic programs, proposed by ARACIS and approved through Government Decision;
- c) fees for the external quality assessment, set by ARACIS and approved through Government Decision;
- d) grants obtained through participation in international programs, donations, sponsorship activities, as well as other sources duly established.

## **Article 22**

(1) ARACIS shall take all steps to get enrolled in the European Register of the Higher Education Quality Assurance Agencies.

(2) ARACIS shall periodically submit to the international accreditation procedures.

## **Article 23**

(1) The accredited higher education Romanian establishments have the right to apply for the external quality assessment either by ARACIS or by any other national or international agency, enrolled in the European Register of the Higher Education Quality Assurance Agencies.

(2) If ARACIS is removed from the European Register of the Higher Education Quality Assurance Agencies, then it shall cease to exist in law, as well.

(3) In the conditions of par. (2) of this Emergency Ordinance, the following procedure shall be the establishment of a new agency for the higher education quality assurance.

## **Article 24**

(1) ARACIP shall be a public institution, of national interest, reporting to the Ministry of Education and Research, a legal entity with its own income and expenditure budget.

(2) The headquarters, the organizational flowchart and the organizational rules applicable to ARACIP shall be provided in a Government Decision.

(3) ARACIP shall have the following tasks:

- a) to develop and regularly update and to propose to the Minister of Education and Research the standards, the reference standards and the performance indicators for the purpose of the secondary education quality assessment and assurance that shall be approved through Government Decision;
- b) to develop and propose to the Minister of Education and Research the institutional assessment and accreditation methodology that shall be approved through Government Decision;
- c) to perform the assessment and accreditation of the education providers in the field of the secondary education;
- d) to propose to the Minister of Education and Research the setting up and accreditation of the secondary education establishments, for each level of education, their training programs and vocational qualification, as the case may be. The Minister of Education and Research shall then approve in an Order their setting up and accreditation;
- e) to perform, on a contractual basis, upon request by the Minister of Education and Research, the secondary education quality assessment;
- f) to propose to the Minister of Education and Research the accreditation of the organizations that supply vocational training programs;
- g) to perform jointly with the school inspectorates and the line specialized departments within the Ministry of Education and Research the activity of quality monitoring and control;
- h) to carry out, at least every 3 years, the assessment of the accredited education providing organizations;
- i) to publicize the results of the external assessments;
- j) to develop specialized manuals for the internal quality assessment, in accordance with article 8 par. (3) which it shall submit to the Minister of Education and Research for approval through an Order;
- k) to develop best practices guidelines;
- l) to publish a yearly report on its own activity;
- m) to regularly develop system analyses, at least every 4 years, on the secondary education quality in Romania;
- n) to develop recommendations for the secondary education quality improvement;
- o) to develop the Code of Professional Ethics applicable to the assessment and accreditation experts.

(4) In order to fulfill its tasks, ARACIP shall have the right to use external national or international contractors, hired based on previously concluded agreements, who should be experts in the operational domain of the agency and enrolled in their professional register of the assessment and accreditation experts.

(5) ARACIP shall have its own staff, made up of experts and administrative personnel, hired through open competitions. Its own staff, made up of experts, shall include one representative of the education in the languages of the national minorities.

(6) Persons currently holding a public office cannot be hired to become members of ARACIP staff.

## **Article 25**

In order to fulfill its targets, ARACIP shall take over the assets, all rights and obligations, the logistic infrastructure, the personnel and the database of the National Board for the Secondary Education Assessment and Accreditation. The functions of the National Board for the Secondary Education Assessment and Accreditation shall be transferred to the Accreditation Department within ARACIP no later than 6 months since the enforcement of the law for the approval of this Emergency Ordinance.

## **Article 26**

(1) The Ministry of Education and Research shall bear the responsibility, through its structures, for the control and implementation of the measures for the quality assurance and improvement, recommended by ARACIP.

(2) The secondary education quality control shall be exercised by the school inspectorates and the line specialized departments of the Ministry of Education and Research, in accordance with the specific methodologies, approved in Orders of the Minister of Education and Research.

#### **Article 27**

(1) The funding of ARACIP shall be wholly out of own income.

(2) ARACIP own income shall derive of:

- a) the income as a result of the contracts concluded with the Ministry of Education and Research for the purposes of the secondary education quality assessment;
- b) the collection of regular authorization, accreditation and assessment fees, established through Government Decision;
- c) the grants as a result of its participation in international programs;
- d) donations, sponsorship and other sources duly established.

#### **Article 28**

(1) ARACIS and ARACIP shall meet twice a year to harmonize their inter-sectoral policies and strategies, applied in the education quality assessment and assurance.

### **CHAPTER V**

#### **Accreditation of the education providing organization and of their curricula**

#### **Article 29**

(1) Any legal entity, public or private that is interested to supply education must undergo the assessment and accreditation process, as provided in the law.

(2) At the level of the secondary education, the assessment and accreditation shall take place for the respective institutional structures in operation and shall be applicable to each education level, each training and vocational qualification program, as the case may be.

(3) At the level of the higher education, the assessment and accreditation shall take place for the respective institutional structures in operation and shall be applicable for each academic curriculum conducive to a separate academic qualification. The curricula particular to the masters' studies and doctoral studies shall be submitted to external assessment with a view to the accreditation.

(4) The accreditation process entails two successive stages:

- a) the provisional operation clearance, that gives the right to carry out the educational process and to organize, as the case may be, the admittance examinations;
- b) the accreditation per se, that grants the holder the right, among the others provided in let. a), to issue diplomas, certificates and other education papers recognized by the Ministry of Education and Research and to organize, as the case may be, the graduation, post-graduation, masters', doctoral examinations.

(5) The external assessment with a view to the accreditation shall commence based on the request of the education provider that wants to carry out one or several programs of initial or continuous training and implements a set of standards applicable to the fields and criteria provided in article 10.

(6) The national standards particular to each stage of accreditation, distinguished in accordance with the provisions in article 8, par. (3), the external assessment methodologies, the completion of the accreditation stages, as well as the fees collected with a view to the authorization and accreditation shall regularly be set upon proposal by the quality assurance agencies and the Ministry of Education and Research, introduced in a Government Decision.

### **Article 30**

The provisional operation clearance procedure shall include the following activities:

- a) the education provider shall draft its own internal assessment report, in accordance with the provisions in article 10, for each education level and for each type of training and vocational training program;
- b) the internal assessment report shall be submitted to the accreditation department of the quality assurance agency, accompanied by an application to begin the external assessment procedure and the provisional operation clearance procedure;
- c) the accreditation department shall appoint a board of experts in assessment and accreditation that shall analyze the internal assessment report and shall verify, through field inspections at the premises of the applicant institution, the fulfillment of the standards on the fields and criteria provided in article 10 and shall draft its own assessment report to this respect;
- d) the accreditation department of the quality assurance agency shall validate the experts' report by checking it against the external assessment methodology, and then the agency shall submit to the Ministry of Education and Research an application to grant, or as the case may be, to withdraw the provisional operation clearance;
- e) the provisional operation clearance shall be granted for the secondary education providers based on the favorable ARACIP opinion and shall take the form of an Order of the Minister of Education and Research;
- f) the provisional operation clearance shall be granted for the higher education providers based on the favorable ARACIS opinion and of the Ministry of Education and Research and shall take the form of a Government Decision.

### **Article 31**

The accreditation procedure shall include the following activities:

- a) the education provider holder of the provisional operational clearance shall draft an internal assessment report and shall use as terms of reference the standards that are particular of the accreditation stage;
- b) the internal assessment report shall be submitted to the accreditation department of the quality assurance agency, accompanied by an application to begin the external assessment and accreditation procedure;
- c) the time frame for the submission of this accreditation application shall be of 2 years since the date of the first graduation, otherwise the provisional operation clearance shall be withdrawn;
- d) the accreditation department shall appoint a board of experts in assessment and accreditation that shall analyze the internal assessment report and shall verify, through field inspections at the premises of the applicant institution, the fulfillment of the standards on the fields and criteria provided in article 10 and shall draft its own assessment report to this respect;
- e) the accreditation department of the quality assurance agency shall validate the experts' report by checking it against the external assessment methodology, and then the agency shall submit to the Ministry of Education and Research an application to grant, or as the case may be, not to grant the accreditation to the applicant institution;
- f) the accreditation shall be granted for the secondary education providers based on the ARACIP opinion and shall take the form of an Order of the Minister of Education and Research;
- g) the accreditation of the institutions for the higher education providers shall take the form of a law, promoted by the Government, upon initiative by the Ministry of Education and Research, based on the ARACIS opinion.

## **Article 32**

(1) The education provider that received the provisional operation clearance shall have the right to manage its teaching, non-teaching and research staff, according to its own development strategy and to take part in national and international programs, as provided in the law.

(2) The accredited education provider is part of the national education system and shall have all the rights and obligations applicable and provided in the law.

## **Article 33**

(1) After receiving the provisional operation clearance, the education provider shall implement the internal quality assurance mechanism and shall draft internal education quality assessment reports, which shall be sent to ARACIP or ARACIS, as the case may be, on a yearly basis.

(2) After receiving the accreditation, the annual internal education quality assessment reports shall be sent to ARACIP, or to ARACIS, respectively, upon request of the agency, or out of the own motion of the education provider, when it requests a new external assessment.

(3) The accredited education provider and its curricula shall be externally assessed every 5 years by ARACIP or ARACIS, respectively, or by any other national or international agency, according to the agreements concluded.

## **Article 34**

(1) If either ARACIP or ARACIS find that the quality standards are not fulfilled, they shall inform the Ministry of Education and Research, that shall warn the education provider in this respect and shall grant it one year to implement the national standards in force at the level of its educational activity.

(2) ARACIP, or ARACIS, as the case may be, shall order a new external assessment, based on the new internal assessment report, developed by the education provider.

(3) If the new external assessment report is not favorable either, then the Ministry of Education and Research shall order:

- a) the cessation of all educational activities within the respective training program, starting with its first year;
- b) the provider to develop annual internal education quality assessment reports, furthermore, for the years that are still carrying out their works.

(4) The education provider must undergo another external assessment, after a trial period of maximum 2 years since the last not-favorable report.

(5) If this third external assessment report is not favorable still, then the Ministry of Education and Research shall develop and promote, as the case may be, through Order, Government Decision or law, the decision that puts a final end to the education programs and governs the situation of the assets of the establishment and of its students or pupils.

## **Article 35**

(1) Only the higher education establishments that were licensed to operate provisionally or that were accredited may carry out higher education activities and may use the names of “university” or other similar.

(2) Performance of higher education or of secondary education activities, as well as issuing education papers in conditions other than provided in this emergency ordinance shall activate the civil, administrative or criminal liability, as the case may be.

(3) The Ministry of Education and Research or any other person, individual or legal entity, shall seize the criminal investigation bodies on the operation of any respective institution that breached upon their rights in the course of its activity.

## CHAPTER VI

### TRANSITIONAL AND FINAL PROVISIONS

#### Article 36

(1) The education providing organizations shall begin to implement in practice the internal quality assessment mechanisms provided in this emergency ordinance as of the second semester of the school and academic year, respectively, namely 2005 – 2006.

(2) In the school and academic year, respectively, 2005 – 2006, ARACIS and ARACIP shall put in practice the external quality assessment and assurance methodologies. ARACIS and ARACIP shall draft a detailed report by no later than September 1<sup>st</sup>, 2006 on the results of the experimental stage.

(3) The internal and external quality assessment and assurance methodologies shall be put in practice at national level, beginning with the school and academic year, respectively, 2006 – 2007, in accordance with the conditions set forth in this Government Emergency Ordinance and the results of the experimental stage.

#### Article 37

(1) The provisions of **Law no. 88/1993** on the accreditation of the higher education establishments and the recognition of diplomas, republished, as well as those of the **Government Ordinance no. 87/1998** on the secondary education assessment and accreditation, approved with amendments and supplements through **Law no. 196/1999** by the National Board for the Higher Education Assessment and Accreditation and, respectively, the National Board for the Secondary Education Assessment and Accreditation shall apply to those secondary and higher education establishments that are in the process of obtaining either the provisional operation clearance or the accreditation at the date of the enforcement of the Law to approve this Government Emergency Ordinance; these provisions shall apply until the completion of process but no later than 6 months since the date of the entry into force of the Law to approve this Government Emergency Ordinance.

(2) The interested organizations may submit new provisional operation clearance or accreditation applications only 6 months after the date of the entry into force of the Law to approve this Government Emergency Ordinance.

#### Article 38

The headquarters, the organizational flowchart and the operational rules applicable to ARACIS, respectively to ARACIP, shall be submitted to the Government for approval in its Decisions no later than 30 days since the entry into force of this Government Emergency Ordinance.

#### Article 39

**Law no. 88/1993** on the accreditation of the higher education establishments and the recognition of diplomas, republished, **Government Ordinance no. 87/1998** on the secondary education assessment and accreditation, approved with amendments and supplements through **Law no. 196/1999**, articles 18 par. (3), article 23 par. (2), article 56 par. (1), article 106 par. (2), article 107, article 113 and article 148 par. (1) of

the Education Law no. 84/1995, republished, with its subsequent amendments and supplements, as well as any other contrary legal provisions shall be repealed 3 months after the entry into force of this Government Emergency Ordinance.

#### **Article 40**

All the education establishments and organizations that operate in line with the law on the date of its entry into force of this Government Emergency Ordinance shall preserve their statute and shall observe the provisions of this Government Emergency Ordinance.

*The Parliament of Romania adopted this Law, notwithstanding the provisions of article 75 and article 76 par. (1) of the Constitution of Romania.*

President of the House of Deputies

President of the Senate

**BOGDAN OLTEANU**

**NICOLAE VĂCĂROIU**

Bucharest, April 10<sup>th</sup>, 2006

No. 87