

LEGISLATION REGARDING INTERCULTURAL EDUCATION: POLICY, REFORM, SCHOOL LEGISLATION

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An important condition for the achievement of national educational objectives in an European perspective is the educational reforms. Reforming education is not restricted to adopting a framework law, but is a process of restructuring and long-term innovation that may induce many changes in educational legislation. An education reform is carried on for generations and affects all sections of the education system and it must not be perceived only as a matter of administration, but at the level of the entire system. Extensive learning process about the democracy that takes place in Romania now days involves the development of new instruments of law and develops the appropriate legal skills. Also the legal framework must be sufficiently flexible and varied to support frequent changes in education domain. In the end, all innovations in education and radical reforms taking place in the new democracies can be supported by appropriate legislative measures. For referral significance of a legal document must understand the context of political, social, legal, cultural and particularly educational policy directions and priorities. This paper is an overview of European models dealing with the main legal acts of European legislation on educational level, national responsibilities of Romania and concluding with the changes made in the Romanian educational system after EU integration.

Keywords: educational policies, education legislation, legislative framework

Conceptual Delimitations

Educational policies, in general, are directions of action in education domain for public authorities to choose as a response to a specific problem or a series of interconnected problems. The analysis of educational policy takes into account the major decisions that have a direct impact on actors, supply, structure and the functioning of education system. Originally, the meaning should be searched in English where there are two different words for *policy* (Tudorică, 2004):

- *Politics* – the activity based on winning and maintaining the power (the struggle for power, the political game).
- *Policy* - *polis* (citadel) - the activity based on a decision, mainly linked of the community (the civil society), with management purposes (related to management, organization and control).

In Romanian / French language the confusing or the indiscriminately of two terms appears. The term *policy* is used in both directions and it can be distinguished only looking at the context in which it is used. In Romanian, it was agreed to following conceptual consensus:

- The term “*policy*” (or “public policy”) is used for the English equivalent “Policy” (the meaning is of collective decision and managerial);
- The term “*Politics*” is being translated in the political mean, which refers to the game of conquest and the management of power.

Policies (within the meaning of collective decision, the art of collective decision) follow the organization of social sectors or fields. E.g.: the foreign policy, the demographic policy, the agricultural policy, the prices. This involves a series of decisions and it is not limited just to a single decision. It is also important to do the distinction between the following terms:

- *Policy* - with collective meaning, general guidelines and options in a field of reference (space, time, background); the inventory of possible solutions to a problem or a given context;
- *Strategy* – a program concrete of action alleging from the policy; choosing some solutions (from possible inventory) as appropriate and achievable, defining them as projects;
- *Tactics* - the effective operation of adequate resources policy and the strategy chosen.

In the education case, we can understand this distinction by analyzing the following example: policy means social inclusion of children from socio-economically disadvantaged families; strategy means to grant social benefits to students who attend school; tactics is represented by horn and milk campaign, providing free school supplies, scholarships, financial support for purchase of computers.

The strategy chooses form a coherent program only some of these possible options, which can be achieved with available resources and within the time limit. The tactic requires action itself, namely the stages of strategy and using specific resources. *An educational policy involves* mapping the priority problems and possible solutions:

- ensuring *equity* through affirmative action measures, reorganization of the school network, redistribution of funds;
- increased *quality* through training, improved management, review learning standards and curriculum;
- ensuring appropriateness (relevance) by adjustment the supply to training needs, curriculum revision, change of the register of qualifications, increased involvement of social partners in initial training, etc.

There is a variety of educational policies typology. Given the different criteria, educational policies may be:

- Positive vs. Negative (reactive vs. proactive) - as a response to a question, to give a solution, or, negatively, to remove an action;
- Normative vs. Procedural - the first educational policies set the criteria or the actions conditions, the other methods recommends action processes;
- Explicit vs. Default – consensual or unwritten codes, against formal guidelines through legislation;
- Public vs. non-public – the state is against civil / private sector.

The Language, the Actors and the Context of Education Policy

The language is represented by different forms of expression as legislation, government reports and written programs (e.g. “White papers” that appear very strong lately, they are not an end in itself, a literary purpose, but they have a political purpose).

The content. There are four main directions, four types of problems that are usually approached in the educational policies:

- The organization of the educational system.
- The operation of educational institutions (e.g. management, curriculum).
- The funding of the education (sources, allocation).
- Selection, training and promotion of educational staff.

The policy implies a context defined by the experience, resources, pressures, constraints, a given national culture or national organization.

Policy actors (individuals and institutions involved) can be represented by: institutions (decision makers), teachers, students, parents, trade unions (social partners), pressure groups (e.g. ethnic groups), the parliament, associations and NGOs, experts, media, and politicians.

The responsibility of defining educational policy (who defines them): Every social actor in a concerted collective. Expertise plays an important role, public deliberation, participation is important. Dynamic of policy definition is inverted (bottom up) and required from centre to periphery (top to down) or mixed.

Policies which are defined and applied in public space, by institutions or public authorities are considered public policy. The rational decision requires a judicious choice (optimal) of the alternatives at social level which target the public welfare, however we must be aware that we have a “bounded rationality”, in bureaucratic systems, often the decision that can be taken is “satisfactory”. Education policies include:

- *Rules* (legislative and administrative support) examples: law, order, ruling, regulation, circular, notice.
- *Strategies* - structured plans detailing the objectives, the resources (human, material, time), and an action plan with different tasks.

Who can do educational policies? They may be proposed at the school, C.C.D, but they are still in the area of influence of public authorities, those who have legitimate power to promote them, all kinds of organizations, institutions and structures of civil society may participate in one of the stages of the process of *making educational policy* (too often we meet independent organizations that evaluate government policies in certain sectors under the name of think thank sites: politically non-aligned organization) (Chivu, 1998b).

Typical problems that arise in the formulation and implementation of educational policies are the following:

- *Who makes the policies?* The answer is represented by multiple actors (expertise, civil society) institutions (state, schools), elected representatives (parliament), representative persons (ministers, heads of state, opinion leaders, charismatic person).

- *Who applies educational policies?* The same community that makes the policy or other teams (external partners). The same person (group, community, institution) can formulate a policy but not implement it.
- *What system is used for social mobilization?* (Policy support) ideology, incentives, rhetoric, utopian, populism, rational arguments, coercion, imitation.
- *What information system is taken into account about the results, constraints and the development of the policy?* It can be used administrative communication, direct consultation (parents, general public) and the press.
- The appropriateness of *policy - strategy - tactics* (Guidelines - Program - Action) and the systematic identification of problems in the process, evaluating the desirability and participation (degree of social mobilization), continuity with previous policies are some of the problems that follow the process of policy making.

The convergence of educational policies with the initiatives and policies in other sectors is a key factor for success or failure of educational policy. An austerity fiscal policy is incompatible with profound reform programs (with deep public policy) and a policy of social inclusion of students from families socio-economically disadvantaged cannot be applied successfully without a general social policy (training, employment etc.). A suitable school violence policy has a greater chance of success if is accompanied by an appropriate policy in juvenile crime.

The issues addressed by educational policies involve a complex case of causes and it is necessary that all the interventions to be address simultaneously to all these causes.

To highlight the above stated we give the following examples (Chivu, 1998a):

- intersectoral policy involves the direct collaboration of two or more departments / government agencies)
- vertical management (at national level: Ministry, Agencies, Boards; at regional level: school inspectorates, CCDs; at local level: schools, Local Council etc.)
- horizontal management (state - civil society, e.g. collaboration between the Center Education 2000 + and the Ministry of Education to promote education program for a second chance)
- multi-centric governance means waiving the key institution, the central government that control / supervises a particular sector and the establishment of more centres of decision thought a balanced distribution of decision-making power between different institutions and the establishment of mutual control rules.

The existence of a collective organization channel of educational activity requires the existence of an educational project defined by public deliberation and collective reflection (experts, politicians, direct actors) and the application of a system of legitimating and social mobilization.

Other important dimension is a represented by the reference to a system of power and authority. In the area of education, the state is the most important player that we should take into account because it has the highest decision. This fact we can assess, taking into account the dimensions of power which defines it:

- the *property* (e.g. state-private relationship in the distribution of allocations for education);
- *control of information* (who holds the main data on the system);
- *access to decision* (participation, decentralization, and de-concentration); there is a hierarchy in the distribution of information and decision.

E.U. Legal Acts Educational Plan

In legal terms, there is an approximation of the Romanian education legislation of the E.U., the first step was joining the European conventions on recognition and equivalence of diplomas.

- European Convention on the Recognition of Qualifications concerning Higher Education in the European region (Lisbon, 1997, Romania signed on 11.04.1997).
- Romania is an educational policy aimed at upgrading the educational system in line with the most advanced principles and standards. Develop educational legislation was based on the most eloquent and European legislation has to insert values in intercultural issues aimed at minorities.
- Universal Declaration of Human Rights, 10/12/1948, Art. 26;
- Convention against Discrimination in Education adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 14.12.1960, 20.04.1964 Romania ratified the Convention, Art. 4, 5;
- Council of Europe Framework Convention for the Protection of National Minorities, 1990, Copenhagen;
- UNESCO Convention against Discrimination in Education;
- European Charter for Regional or Minority Languages;
- International Convention for the Elimination of All Forms of Racial Discrimination;
- International Agreement on Civil and Political Rights, New York, 16.12.1966, ratified by Romania by Decree 212 of 30/10/1974, entered into force on 23.03.1976, art. 27;
- International Agreement on Economic, Social and Cultural Rights, 16/12/1966, New York, Romania ratified by Decree 212 of 30/10/1974, entered into force on 23.03.1976, art. 13;
- Declaration on the Rights of Persons Belonging to National or Ethnic, religious, linguistic - 1993, Art. 4, Art. 5.

Multiculturalism and internationalism in Europe involves on the one hand, the preservation of minority cultures of origin and, secondly, the insurance, through legislative measures ordered, of the integration of young people with a conscience European civic (civic socialization); working for such a culture that establishes the new democracy is inconceivable without the implementation of intercultural education.

Education Law Changes in Romanian System

Key areas of education reform, institutional autonomy and decentralization through the creation of units and connecting them to local community life, the reorganization of school conditions and academic performance, international compatibility of the system, a necessity to create legal framework should cover the entire field of education. Thus in 1998 the Ministry of Education renewed in many aspects of education and particularly

education in minority languages. Legal provisions that give practical guidance are (Tudorică, 2004):

- The passage through the university extension franchising, Omen (Order of the Minister of Education), no. 3396;
- Connection to the European credit transfer system in universities, Omen, no. 3458;
- The participation of specialists from other countries, doctoral examinations, Omen, no. 3646;
- The development of textbooks in European cooperation, Omen, no. 3593, development of textbooks on history and traditions of minorities in Romania, launching a program of school books in translation from Romanian, cooperation with other countries in the development of textbooks, manuals and other countries take over the authorization of the Ministry, Omen, no. 3811;
- To expand the institutional autonomy of schools and high schools, Omen, no. 3531;
- Romanian-Hungarian project for Youth Foundation, Omen, no. 3647;
- To launch a program of positive discrimination of Roma who wish to study in colleges and universities Omen, no. 3577;
- To implement the cooperation agreement in education, with Germany, for submission to Parliament the agreement for the equivalence of certificates and diplomas with Hungary;
- Equivalent to signing the opening of negotiations with Slovakia and such agreements with other countries in geographical proximity, the Law on Romania's accession to the Agreement between Austria, Bulgaria, Hungary, Poland, Slovakia, Slovenia to establish cooperation in education and training the exchange program for university in central Europe signed in Budapest on 8/12/1993 (Official Gazette no. 45/17.03.1997);
- For Romania's participation in European initiatives in education, law no. 174 (Eureka) (Official Gazette no. 383/8.10.1997) No governmental decisions. 538 (Socrates), 631 and Order 3337 (Leonardo) (Official Gazette no. 115/17.03.1998);
- To ensure representation of experts from education in minority languages in national councils to assist the Ministry of Education;
- To implement the European Convention on Protection of National.

Minorities and the European Charter for Regional or Minority Languages (to be signed);

- Legal provisions involving institutional approaches:
 - To normalize the situation Oberth High School in Bucharest, Minister's order no. 3651;
 - To establish the Centre for German language training in Medias, Omen no. 3622;
 - Reorganizing the school system: primary and secondary schools teaching in Romanian language and primary and secondary schools teaching in Hungarian (2450 units and departments), German (273) Sexuality (20), Serbian (32) Bulgaria (1) Slovak (41), Czech (5), Croatian (5), Turkish (3), Roma (2) University "Babes-Bolyai - 2 departments and 30 specialized departments (Licensing) of 18 faculty are teaching complete in Hungarian, 10 sections of 6 faculties are complete German surrender, one section is Roma, the ATU and Pharmacy Targu Mures Hungarian works departments, the University of Bucharest prepare graduates in some of the languages listed, more universities (and ASE

Bucharest Polytechnic University and the Polytechnic of Timisoara, Cluj Polytechnic etc..) comprise specialized departments in German;

- Development of multi-profile universities, under the current government program, is focused on expansion in the Hungarian education (departments of ecology, archaeology, political science, etc.) German (journalism, public administration) at Babes -Bolyai University, to expand bilingual college in St. George and Gheorghieni and trilingual college opening in Satu Mare;

- Inauguration of the University Cluj, Faculty of Open Studies;

- Cluj University Masters program is inaugurated in Judaic Studies, University of Bucharest and the Institute for Judaic Studies begins;

- The establishment, organization and functioning of the European Institute of Romania, the law approving Government Ordinance 15/1998;

• Legal documents involving training approaches in educational plan:

- For training of school teachers in minority languages, Omen no. 3578;

- To establish the Centre for German training of Medias, Omen no. 3622 (and institutional approach);

- Continuous professional training education Ordinance 102/1998;

- Establishing the National Centre for Training Program "Leonardo da Vinci, government decision 191/1998 (European integration and approach);

The approach is focused on supporting minority education approaches for growing linguistic and cultural identity in a democratic Romania, which aims to promote diversity and dialogue, alleged by the current European architecture. The Romanian education system has the following characteristics (Zamfir & Zamfir, 1996):

- *Public* education occupies a dominant space (especially in pre-university level) most of the funds will be directed to public schools.
- State authorities have control over *information* on the system: the key indicators in education are collected and analyzed at the Ministry of Education, the system status reports are generally and they do not edit with regularity and do not provide all the important aspects of education system performance;
- Public authorities control the *access to decisions* and they dictate the pace of changes: all major reform measures in education require a minimum level of participation from other stakeholders, measures of decentralization and de-concentration (administrative, financial, etc.)

In conclusion, the analysis of the main state institutions which are involved in decision making in education is essential to understanding public policy. For example, the important decisions on the work of training teachers can be properly assessed only with regard the responsibilities and the activities of public authorities concerned: Ministry of Education and its specialized departments, the National Training Center of Pre-University Education Personnel, Teacher Training House, etc. We cannot quite understand how a policy is made regarding the training of teachers or the alternatives possible, nor the constraints in an implementing a particular solution if we do not all the information possible.

Instead of Conclusions

The large number of political, historical, cultural and economic considerations that are inherent in each system, hinder the development of a national model, but they are generalizing elements that can support the construction and use of state policy. Such a political system can be designed to recognize ethnic minority communities which respect their fundamental obligations, respecting the principles of international law, including state integrity, non-discrimination and human rights. Intercultural dialogue in the legislative approaches can help achieve the educational policy intercultural.

Intercultural learning as a complex social process is determined by correlating historical, geographical, religious, social, economic and political events in a certain context, it requires communication, exchange of information and experience, connections between different cultural patterns. Training and development of intercultural attitudes requires tolerance, negotiation of values, interpretation, juxtaposition, and their complementarities, flexibility, autonomy and dialogue.

An analysis of the basic rules of Romanian education legislation highlights a variety of educational issues they captured the support of educational policy. But focusing, for those rules to support real reform in education must be made a priority by their practical application is trying to eliminate redundant wording too thick or incomplete and return with other regulations to review or invalidate those earlier. However Romanian legislation envisaged concrete measures aimed at aspects of the intercultural dimension into the educational plan and educational legal regulations of other European states.

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