

DE C R E E

691 Regarding the promulgation of
the law on education

In accordance with paragraph (2) of the
Article 93 of the Constitution of the
Republic of Moldova , the President of
the Republic of Moldova decrees:

Unique Article – The law on Education
No. 547-XIII from July 21, 1995,
presented by the Parliament of the
Republic of Moldova after its re-
examination from October 24, 1995 is
being promulgated.

THE PRESIDENT
OF THE REPUBLIC OF MOLDOVA
Mircea

SNEGUR

Chisinau, October 31, 1995
No.92-p

L A W

on education

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The Parliament adopts the present law.
In the current law the notion of
education implies an organised process
of training and education, by means of
which the person reaches a certain
level of physical, intellectual and
spiritual training, established by the
state and gets the corresponding
certificate. The system of education
covers the education institutions of
different types and forms of property,
curricula, state educational techniques
and standards of different levels and
orientations, as well as the education
management bodies, institutions and
enterprises subordinated to them.

Chapter I

GENERAL PROVISIONS

Article 1 The objective of the law on
education

The present law determines the policy
of the state in the field of education
and settles the organisation and
functioning of the system of education.

Article 2 The legislation on education
The legislative framework of education
cover:

- a) The Constitution of the Republic of Moldova;
- b) The conception of education development in the Republic of Moldova;
- c) The present law and other legal documents adopted in accordance with this law.

Article 3 Education – national priority
The education in the Republic of Moldova is a national priority.

Article 4 The principles of education

(1) The education represents, under a conceptual aspect, a unitary system, developed in various structures, forms, contents, educational techniques.

(2) The education policy of the state is based on the principles of humanitarisation, accessibility, adaptability, creativity and diversity. The education is democratic and humanist, open and flexible, formative-developmental and is based on the values of national and universal culture.

(3) The state education is lay, refractory to the ideological-party, political, racial, national discrimination. Pupils and students can attend the optional course on moral-religious education.

(4) The state education is free of charge.

Article 5 The education objectives

(1) The major education objective of the school is the free and harmonious development of the person and the creative building-up of the personality, who is able to adapt to the changing conditions of life.

(2) The education foresees:

- a) the development of the child personality, of his/her physical and spiritual skills and abilities up to his/her maximum potential level

- b) the cultivation of respect for human rights and freedoms, regardless people's ethnic affiliation, social origin and attitude towards religion - principles registered in the United Nations Charter;

- c) the preparation of children to assume life responsibilities in a free society, in the spirit of understanding, peace, tolerance, equality between genders and friendship between all nations and ethnic, national and religious groups;

- d) the cultivation of the sense of necessity to work for one's own benefit and that of the society, of the respect for those producing material and spiritual goods;

- e) the education of respect for parents, for the identity, language and cultural values of the nation, as well as for the national values of the country in which one lives, of the country one may come from and of civilisations different from one's own;

- f) the cultivation of the sense of responsibility towards the environment, the formation of the ecological conscience;

- g) the assurance of a multilateral physical training, with an applicative character for the studying youth, the formation of the sense of necessity to practice physical culture and sports during the entire life.

(3) Pupils and students will be educated in the spirit of fundamental civic obligations, sanctioned by the Constitution of the Republic of Moldova, among which are the devotion for the country, the care for the consolidation of the Moldovan State, the conscientious fulfilment of their obligations.

Article 6. The right to education

(1) The right to education is guaranteed regardless the nationality,

sex, race, age, social origin and situation, political or religious affiliation, criminal record.

(2) The state guarantees equal opportunities of access to state institutions of secondary vocational and higher education, depending on abilities and skills.

Article 7. State educational standards

(1) The education system is based on state educational standards which ensure the possibility to adjust national study documents. The standards establish the minimum compulsory requirements for the different levels and degrees of education. The method of elaboration, approbation and introduction of the educational standards is established by the Government.

(2) The educational standards serve as the basis for an objective assessment of the level of general professional preparedness of graduates, regardless the type and form of education.

(3) The implementation of the educational standards is ensured also by organising psychological assistance services of school and professional orientation of pupils at all levels and degrees of education. The functions of the psychological assistance service are established by statute, approved of the Ministry of Education.

Article 8. The teaching language

(1) The state guarantees the right to choose the language of education and instruction at all levels and degrees of education, according to the Constitution and articles 18, 19, 20 of the Law on the functioning of languages on the territory of the Republic of Moldova.

(2) The citizens' right to education and instruction in the native

language is guaranteed by setting up the necessary number of education institutions, classes, groups, as well as the conditions of their functioning.

(3) The learning of the state language of the Republic of Moldova is compulsory in all education institutions. The requirements for its teaching and learning are regulated by the state educational standards. The Ministry of Education is responsible to ensure the process of learning the state language in all education institutions.

Article 9. The compulsory general education

The length of the compulsory general education is nine years. The compulsory attendance of school ends up at the end of the academic year during which pupils turn sixteen years of age.

Article 10. Study documents

(1) State and private education institutions, accredited as established by law, issue to persons having passed the graduation exams study documents in which there is mentioned the level and degree of the finished studies, the field and degree of professional qualification.

(2) Persons not having passed the graduation exams receive a certificate and, if requested, a copy of the matriculation card.

(3) The study documents recognised by the Ministry of Education give the holder the right to continue the studies at the following level of education or to get employed according to his qualification.

(4) The types and forms of study documents are approved of by the Ministry of Education. The study documents are drawn up in the state and study languages, and in higher education institutions - in the state

language, in the study language, in French or English.

Article 11. Employment

Graduates of education institutions are employed according to the legislation on labour.

Chapter II

THE EDUCATION SYSTEM

Article 12. The structure of the education system

Taking into account the necessity for the continuity of education and the age psycho-physiological specific features, the education system is organised by levels and degrees and has the following structure:

- I. Pre-school education
- II. Elementary education
- III. Secondary education
 1. General secondary education:
 - a) gymnasium education
 - b) lyceum education; general secondary education
 2. Vocational secondary education
- IV. Higher education
 1. Short-term education (colleges)
 2. University education
- V. Post-university education

The education system includes also other forms of education:

- special education;
- complementary education;
- education for adults.

Article 13. Organisation of education

(1) Education in the Republic of Moldova may be state or private.

(2) Education institutions are legal entities.

(3) Education may have the following forms: day-time education, evening education, attendance-free education, alternative education, individual study, self-instruction.

(4) In pre-school education the group is made up of no more than ten children - in nurseries, fifteen - in kindergarten. In elementary, gymnasium and lyceum education the class comprises no more than twenty pupils, and in vocational secondary and higher education the group does not include more than 25 people.

(5) The education system has an open character and the possibility to switch from one type to another, as established in the respective regulation, adopted by the Ministry of Education, is guaranteed.

Article 14. The grading scale

(1) Knowledge in education institutions is estimated by using the grading scale from 10 to 1 and the "passed/ failed" system. The knowledge evaluated with the grades 4, 3, 2, 1 and "failed" are unsatisfactory.

(2) Pupils' behaviour in pre-university education is estimated as "exemplary", "good", "satisfactory", "unsatisfactory".

Article 15. Diagnosis of children

(1) The diagnosis of psycho-physiological features of pupils' skills and abilities which serves as the basis for the differentiation of the instructive-educational process, is compulsory.

(2) The testing of children aimed at enrolling them in the first form of state schools is forbidden,

except the enrolment in artistic or sports schools.

Article 16. The length of the academic year

(1) The academic year in pre-university education starts on September 1 and lasts 35 weeks divided into terms relatively equal, separated by holidays.

(2) The academic year in higher education starts on September 1 and lasts 34 weeks divided into two terms relatively equal, each of them followed by an examination session and holidays.

(3) The period and length of the holidays, as well as the length of classes (lessons) in pre-university and higher education are established by the Ministry of Education.

Article 17. Pre-school education

(1) The pre-school education is the first level of the education and instruction system. It is a system of pre-school institutions of different types, state or private with different operation programs which correspond to the educational standards.

(2) The pre-school education aims mainly at the multilateral preparation of children for life, with a view to integrating them in the school activity, at the development of creative skills by estimating their psycho-physiological and intellectual potentials.

(3) The education of children up to three years of age is usually carried out at home and it benefits in this case by the state's support, according to the legislation in force.

(4) There may be organised pre-school institutions for children of less than three years of age (nurseries), if solicited by the parents and by decision and with the support of local public

administration authorities and of the bosses (if private institutions).

(5) The state guarantees the material and financial support of children's education in state nurseries and kindergartens.

(6) The pre-school education from the age of three to six (seven) is organised in pre-school institutions of different types and forms of ownership or in elementary kindergarten-schools, with different programs of activity, depending on children's level of development and parents' options.

(7) The preparation of pre-school children for school is compulsory from the age of five and is done in preparatory groups, in kindergarten or at school, or at home, if solicited by the parents. The state ensures the necessary material and financial conditions for the good carrying out of the instructive-educational process in the preparatory groups. Preparatory groups may be organised within elementary schools, depending on local conditions.

(8) Local public administration authorities are obliged to keep up the system of the existent pre-school institutions, to open new ones, if necessary, and to support them materially and financially, according to the population's social necessities.

(9) The state guarantees the care and education of children of ante pre-school and pre-school age with physical and mental handicaps, as well as of orphan children.

Article 18. Elementary education

(1) The elementary education contributes to the formation of children as free and creative personalities, to the development of intellectual abilities, of solid reading, writing and calculus skills, assuring the development of

communication skills and of abilities of expression in a modern language.

(2) The elementary education comprises the forms I-IV and is organised as day-time education in elementary schools which may operate as separate units or within general secondary schools.

(3) In the first form there are enrolled children that have turned six or seven years of age by the date of the school-year beginning. Schooling becomes compulsory at the age of seven.

(4) The beginning of the schooling period for children of six is established with the parents' agreement, depending on children's somatic-mental maturity, as established by the Ministry of Education.

(5) There may function in the elementary education groups with longer work programs.

(6) In rural places there may function primary classes with a number of children of the respective age other than that established in Article 13, paragraph (4), as well as simultaneous teaching classes, as decided by local public administration authorities, and if permitted by the Ministry of Education.

Article 19. Gymnasium education

(1) Gymnasium education is compulsory and organised as day-time education with the forms V-IX.

(2) Gymnasium education ensures the development of pupils' intellectual skills and abilities, considered as a decisive level in the formation of personality, professional orientation and preparation for the lyceum or vocational education.

(3) The thorough study of certain basic and optional disciplines, including of professional orientation, is encouraged in the gymnasium education.

(4) All pupils having finished the elementary school are enrolled, not on contest base, in the gymnasium education.

(5) There may function in the gymnasium education groups or classes with longer work programs.

(6) The gymnasium education ends up with several graduation examinations, and with the issue of a gymnasium certificate.

(7) The way graduation examinations in the gymnasium education are organised is established by the Ministry of Education.

Article 20. Lyceum education

(1) Lyceum education ensures a theoretical basic preparation and the formation of an ample general culture, necessary for the continuation of studies in higher education or at institutions of secondary vocational education.

(2) Lyceum education is organised as day-time education at general theoretical lyceums of one or more profiles or in lyceum classes within other schools, as well as at polyvalent vocational schools.

(3) The length of day-time lyceum education is three years (forms X-XII).

(4) Evening lyceum education (forms X-XIII) may be organised for the employed graduates of gymnasium and vocational education.

(5) The enrolment in lyceum education is done on contest base, in which graduates of gymnasiums or of polyvalent vocational schools of the respective level, may take part, as established by the Ministry of Education.

(6) Lyceum education ends up with a school-leaving examination, organised as established by the Ministry of education.

(7) A lyceum graduate diploma is issued to those having passed the school-leaving examination, and it gives them the right to enrol in higher education.

(8) Graduates of lyceum education having passed lyceum classes and the school-leaving examination with exceptional results, receive a praiseworthy diploma, as established by the Ministry of Education.

(9) Should the school-leaving examination be failed, it may be retaken no more than twice during the following three years.

(10) Lyceums are set up and abolished by Government decision, as proposed by the Ministry of Education, as agreed with local public administration authorities, the teaching staff and the parents.

(11) Lyceums may also be set up under universities or other higher education institutions, usually for pupils with exceptional abilities and performances.

Article 21. The organisation of the vocational secondary education

(1) The vocational secondary education ensures the teaching of professions and the training and re-training of qualified workers and of individuals in reserve.

(2) The state guarantees the teaching of professions to gymnasium graduates not having reached the age of sixteen and that do not attend classes at lyceums (at general secondary schools).

(3) The vocational secondary education is organised as day-time or evening education at polyvalent vocational schools.

(4) The list of professions to be taught at such schools is approved of by the Government, at the proposal of the Ministry of Economy, the Ministry

of Labour, Social Protection and Family and of the Ministry of Education, along with other ministries and departments.

(5) The setting up and abolition of institutions of vocational secondary education is done by the Government, at the proposal of the Ministry of Education, of other ministries and departments, of local public administration authorities, by consulting the interested factors.

(6) Secondary vocational education institutions draw up enrolment plans by taking into account the contracts signed with the interested economic units.

(7) State and private enterprises shall deduct at least 2% from the work remuneration fund in favour of the state budget for the vocational training, the setting up and consolidation of the didactic technical-material basis, besides the means necessary to train their own staff. The means thus deducted will be included in the production's cost price.

(8) The preparation, training and re-training of workers and of individuals in reserve is done at vocational secondary education institutions on a contract base and are financed from the fund of allocations for the employment process.

(9) The practical period provided for pupils enrolled in vocational secondary education is carried out on contract base at state and private enterprises.

(10) Economic agents with state ownership having more than twenty employees are obliged to offer working places for the practical period and apprenticeship as follows: a tyro to ten employees, taking also into account the enterprise's possibilities.

Article 22. The polyvalent vocational school

(1) The polyvalent vocational school is organised in three levels. It carries out the successive vocational training in a broad field of qualification - from worker to technician, ensuring at the same time lyceum studies.

(2) The enrolment in the polyvalent vocational school is done on a contract base, and every obstruction for graduates of gymnasiums, general secondary schools and lyceums, with or without school graduate diplomas, is avoided.

(3) The length of studies at the polyvalent vocational school is up to five years for gymnasium and incomplete secondary school graduates, and up to three years for lyceum and general secondary school graduates.

(4) The first level of the polyvalent vocational school ensures the training of qualified workers in a profession and ends up with the issues of a qualification certificate which gives the right either to get employed, or to continue the studies at the second level of the polyvalent vocational school or in the eleventh form of the lyceum.

(5) The second level ensures the extension of the vocational training to the master's level and the vocational initiation in the enterprising activity. The second level ends up with qualification examinations and with the issue of a qualification certificate which gives the right to get employed, to continue the studies at the third level or in the last class of lyceum.

(6) At the third level the vocational formation continues until the level of technician (technologist), which ends up with qualification examinations and with the issue of a technician (technologist) diploma.

(7) The lyceum general preparation carried out in the polyvalent vocational school ends up

with a school-leaving examination and with the issue of a school-graduate diploma.

Article 23. The professional school

(1) The professional school ensures a vocational training in a profession or in several related professions.

(2) Gymnasium, lyceum and general secondary school graduates may enrol in professional schools. As an exception, there may be formed, as approved of by the Ministry of Education, groups of pupils not having finished the ninth form, but having reached the age of sixteen.

(3) The studies at professional schools last from 0.5 years to 1.5 years and end up with examinations and with the issue of a qualification certificate which gives the right to practice the received profession.

(4) Professional schools may operate as autonomous units or within economic units having received the corresponding authorisation.

(5) Groups of vocational training according to the program of professional schools may also be organised within polyvalent vocational schools.

Article 24. The artistic and sports education

(1) The artistic and sports education is organised for children with special abilities in fields of music, choreography, theatre and fine arts, sports, in lyceums with the forms I-XII or IV-XII, depending on the profile.

(2) The artistic and sports education is structured by levels similar to those in the general secondary education. Pupils may switch from one type of education to another.

(3) The enrolment in artistic and sports education is done by testing the abilities specific to the profile, after the examinations have been taken, on a contest base.

Article 25. The organisation of higher education

(1) The higher education aims at:

a) the formation of multilaterally developed and creative personalities, at high level training and re-training of specialists and scientific staff in various fields;

b) ensurance of personality's aspirations to study thoroughly and to spread out its studies;

c) the promotion of scientific research and implementation of its results;

d) the up-keep, enrichment and propagation of the scientific, technical, artistic and cultural patrimony.

(2) The higher education is carried out by higher education institutions: colleges, universities, academies and institutes.

(3) It is allowed, within the law, to set up higher education institutions which would teach in a language other than the state language.

(4) The enrolment in the higher education is done on a contest base, on the basis of school-graduate diplomas, of secondary school certificates or of equivalent study certificates, according to general criteria established by the Ministry of Education.

(5) The didactic activity in higher education is organised through day-time, evening and attendance-free education. The length of studies in evening and attendance-free education is longer by one year than in day-time education.

(6) Students may attend two main subjects at the same time by taking matriculation examinations. In

this case students may benefit from state stipends during the maximum length of one specialization.

(7) Students may carry on their higher education studies in reduced terms by passing the tests provided for by the curriculum.

(8) Higher education graduates may go on to a specialization, with study fee, as established by the Ministry of Education.

(9) The didactic activity in higher education is carried out in close relation with the scientific activity in different fields.

Article 26. Short-term higher education (colleges)

(1) The short-term higher education lasts for two-three years and is organised in colleges.

(2) Colleges may operate as autonomous units, within university education institutions or may be affiliated to them.

(3) The enrolment in colleges is usually done for lyceum, general secondary school graduates on the basis of criteria provided for the university education.

(4) The education in colleges ends up with graduation examinations and/or with arguing a thesis. The graduates receive short-term higher education diplomas by which they receive the qualification in the attended profile and speciality.

(5) Graduates with college diplomas may continue their studies in the university education, within the initially studied profile.

Article 27. University higher education

(1) University higher education is carried out at institutes, universities and academies.

(2) The length of studies in day-time university education is of four to six years, depending on the profile.

(3) The context of enrolment in university higher education is organised by the respective institutions, according to general criteria established by the Ministry of Education.

(4) The university higher education ends up with passing graduation examinations with tests on the speciality and with arguing a project or a thesis.

(5) Graduates having passed the graduation examinations are granted the title of bachelor in the attended profile and speciality and are issued bachelor's diploma.

(6) Graduates not having passed the graduation examinations receive a graduation certificate. Should the graduation examinations be failed, they may be retaken no more than twice during the following three years.

Article 28. Post-university education

(1) The post university education is organised for holders of bachelor's degree or of post-university degrees and ensures the specialization in a field or the extension and improvement of the scientific and pedagogic preparedness.

(2) The post-university education is carried out through the doctorate, post-doctorate, residentiat, secundariat, specialization and training courses organised at higher education institutions accredited for this purpose at scientific research institutions. In medical education the post-university training through residentiat is compulsory.

(3) Training post-university courses are organised for higher education graduates and last, according

to the profile, up to twelve months, as established by the university senate.

(4) In the post-university education there are usually granted state stipends, which are obtained by contest.

(5) The professional training and re-training of the non-budgetary sphere staff is done by contract between training institutions and ministries, departments, economic agents, as well as on the basis of individual contracts concluded with the training institution.

(6) The training of staff, including teaching and scientific staff, may also be done abroad, on the basis of bilateral contracts.

(7) The co-ordination and regulation of the process of professional training and re-training is of the competence of the respective ministries, of the Ministry of Education and the Ministry of Labour, Social Protection and Family.

(8) Training courses end up with passing certain tests and with the issue of a graduation certificate which will be taken into consideration at the reconfirmation in position, when granting didactic degrees and ranks or qualification categories.

Article 29. The specialised post-university education

(1) Bachelor's degree holders may continue their training in the specialised post-university education organised at university higher education institutions or at scientific research institutions. The length of thorough studies is one to two years.

(2) The enrolment in the specialised post-university education is done by contest, on the basis of criteria established by the Ministry of Education and other responsible ministries, with the approval of the Superior Commission of Attestation.

(3) The specialised post-university education ends up with granting the Master's degree.

(4) The Master's degree gives the right to hold, with priority, positions in the higher education institutions or of scientific research and to participate in the contest for enrolling in the doctorate in the obtained speciality.

Article 30. The doctorate

(1) The doctorate is a form of post-university education that is carried out through scientific research activity during three years in day-time courses and four years in attendance-free courses.

(2) The enrolment in the doctorate is done by contest in which holders of Master's degree and Bachelor's degree may participate.

(3) The enrolment criteria, the organisation and carrying out of the doctorate are established by the Superior Commission of Attestation, with the approval of the Ministry of Education, of the Academy of Sciences and other responsible ministries.

(4) The doctorate advisers are individuals holding the scientific title of Doctor Habilitat or, if the Superior Commission of Attestation permits, they may be Doctors of Science holding the didactic title of university professor, university reader or superior scientific researcher.

(5) The doctorate ends up with arguing a thesis in public, before a specialised scientific council, accredited for this purpose, and with the issue of the scientific title of Doctor (in the respective scientific field), according to criteria established by the Superior Commission of Attestation.

(6) A leave (of 3-12 months) may be given for the finalising of Doctor's thesis, with or without

keeping the salary, according to the decision of the Ministry of Education.

Article 31. The post-doctorate

(1) The post-doctorate studies may be carried out in higher education institutions or of scientific research. The enrolment in post-doctorat is done for holders of Doctor's degree.

(2) The admission to post-doctorat is done at request.

(3) Persons carrying out their post-doctorat studies may benefit by leaves of creation of up to two years, their salary being preserved.

(4) The post-doctorat ends up with arguing a thesis in public before a scientific council, approved of by the Superior Commission of Attestation, and with the granting of the second scientific title - Doctor Habilitat.

(5) The criteria for thesis elaboration and for granting the title of Doctor Habilitat are established by the Superior Commission of Attestation.

Article 32. The scientific research activity in education

(1) The scientific and methodological bases for operation of the education system are worked out in higher education institutions; scientific researches in the field of education, psychology and didactic methodology are carried out, on contract base, by permanent scientific staff, by provisional scientific groups, by researchers.

(2) The scientific research and planning activity in higher education institutions is carried out at chairs, in laboratories, departments. This activity may also involve students whose royalties are protected by the Law on copyright and other related rights. The scientific research activity will be carried out in co-operation with the Academy of Science as well.

(3) Basic scientific research programs, as well as other research-planning programs, are assessed and approved of by the Ministry of Education and financed on contest and contract bases.

(4) The state ensures and stimulates the scientific collaboration and the co-operation with prestigious university centres from abroad, makes it easier to acquire the equipment destined for scientific researches.

Article 33. Special education

(1) The special education is an integral part of the education system and aims at the education, instruction, recovery and social integration of pre-school children and pupils with mental, physical, sensorial, logopedic, socioaffective, behaviour and alike deficiencies.

(2) The diagnosing of children with mental and physical deficiencies is done in the presence of parents or guardians, by medical-psycho-pedagogic services, organised by Government decision and subordinated to the Ministry of Education.

(3) The special education is organised in special instructive-educational institutions like boarding schools or with longer work programs.

(4) Special education institutions are set up and abolished by the Government, at the proposal of the Ministry of Education and local public administration authorities.

(5) The special education is carried out according to syllabuses, curricula and didactic technologies worked out in dependence on the type and level of handicaps and oriented toward the compensation and correction of deficiencies, recovery and social integration.

(6) The state ensures the free upkeep of children at special instructive-educational institutions.

(7) The length of the compulsory special education depends on the type and level of handicaps and is eight years for children with mental deficiencies and ten-twelve for children with physical and sensorial deficiencies.

(8) Teaching staff with special training (in oligophreno-pedagogy, typhlopedagogy, education of the deaf-mute, logopedics) are employed in the primary cycle of the special education for children with physical, sensorial, logopedic deficiencies from auxiliary schools.

(9) The teaching of school disciplines (forms V-XII) in schools for children with physical and sensorial deficiencies is done by teaching staff with general training that have been specialised in the field of recoverable psycho-pedagogy.

(10) The professional training of special education graduates is done according to the list of professions adequate to these categories of children, within special schools or at professional schools in the vocational secondary education.

Article 34. Complementary education

(1) The education, at all levels, is completed by extra-curricular activities meant to develop individual abilities and skills, to satisfy the diverse interests and options of each individual.

(2) Extra-curricular activities have scientific, cultural-artistic, sports-tourist, technical-applicative profiles.

(3) The complementary education is organised, by groups or individually, in various out-of-school institutions (clubs, palaces for pre-school children and for pupils, school

camps, sports grounds, tourist bases and for pleasure), as well as within institutions from the educational network.

(4) The way complementary education institutions are set up and function is established by the interested ministries and departments, by local public administration authorities and co-ordinated with the Ministry of Education.

(5) The complementary education is financed from the state and local budget, and also by study fees, sponsorships, donations, and from other legal financial sources.

(6) Pupils and students may at will join different associations, according to the provisions of the legislation in force.

Article 35. Education for adults

(1) The education for adults ensures the citizens' access to science and culture in order for them to adapt, by continuous instruction, to changes from the social life and to develop their professional abilities.

(2) The education for adults is carried out in various forms of instruction and self-instruction: day-time education, evening education, attendance-free, distance education etc., independently or on the basis of contracts concluded with various state or private education institutions: popular universities, open universities, culture halls, popular art schools, associations, foundations, courses under enterprises.

(3) Education institutions for adults may receive the right to autonomy after accreditation, as established by law.

(4) Education institutions for adults are financed by way of sponsorships, donations, and other legal sources.

(5) The Ministry of Education, Ministry of Culture, Ministry of Labour, Social Protection and Family shall co-ordinate and support the activity of education institutions for adults.

(6) Persons having individually assimilated the curriculum of a level of education, have the right to take the examinations and if they pass them, they receive the respective study document. The list of professions and specialities which may be obtained by self-instruction is approved of by the Government.

(7) Ministries, departments, enterprises, other legal entities, as well as natural persons may organise, along with education institutions or by themselves, courses of professional training and re-training for adults, in order to train or re-train their own employees and future employees, and aim at the social protection of unemployed and their professional reintegration, as established by the Ministry of Education and the Ministry of Labour, Social Protection and Family.

(8) Institutions and networks of open or distance education using modern technologies of communication and information processing, may be organised for adult instruction with the approval of the Ministry of Education.

Article 36. Private education

(1) The private education, including co-operative education, is an alternative of state education.

(2) Private education institutions may be set up, reorganised, or abolished with the initiative of natural persons and legal entities, under the law.

(3) Private education is organised and functions according to the non-profit principle and observes the state educational standards.

(4) The enrolment in private education institutions is done according to regulations established by the Ministry of Education for state institutions.

(5) Pupils and students enrolled in private education may transfer to state education institutions, as established by the Ministry of Education and the respective ministries.

(6) Diplomas or certificates granted by unaccredited private education institutions may be considered as equivalents of study documents issued in state education, if the graduation examinations have been stood according to state educational standards, before a commission appointed by the Ministry of Education.

(7) Chairmen of private education institutions and their founders bear responsibility for the quality of education, for the education and instruction conditions, according to the legislation in force.

(8) Private education institutions may use their own curricula, syllabuses, instruction methods, which ensure the implementation of state educational standards.

(9) Private education institutions employ and remunerate the teaching staff according to the institution's statute and to the legislation on labour. The work remuneration may not be lower than in the state education.

(10) The teaching and auxiliary staff in private education carry on their activity under the legislation and the work contracts signed with the administration of the respective institutions.

(11) Schooling fees in private education are established by each education institution, under the law.

(12) Private education institutions are financed from sources of the founders, schooling fees and from other legal sources. Institutions of pre-school education and of compulsory general education may benefit by finances from the state budget within the limits of state institutions norms, as established by the Government.

(13) Private education institutions may not be organised by privatising state education institutions. Buildings, premises and the technical-material base of state institutions may be used by private institutions on the basis of a rent contract.

(14) Local public administration authorities may make available to private education institutions buildings, land for constructions, materials for organising the instructive-educational process. They may also contribute to the training of teaching staff, upkeep of pupils, as well as to the consolidation of these institutions' technical-material base.

(15) The cooperative education is carried out in institutions which are in the ownership of cooperative associations, and they are financed from other legal sources.

(16) Private persons may practice authorised individual instruction, coaching activities, under the law.

Article 37. The accreditation of education institutions

(1) State and private education institutions are required to undergo accreditation. The process of accreditation includes two stages:

a) the authorisation of trust by which the right to organisation and provisional function is guaranteed;

b) the accreditation by which all rights provided for the present law, are given.

(2) The accreditation may be solicited after the authorisation of trust has been issued: for kindergartens and elementary schools - in no more than four years, and for pre-university and higher education institutions - after the first examination of graduation from the respective level of education.

(3) The basic criteria for the accreditation of private education institutions refer to the teaching staff, the contents of education, the technical-material base and the economic-financial activity.

(4) In order to be accredited, an education institution: shall dispose of at least 60% of the teaching staff, engaged mainly in the respective unit; shall have a technical-material base to correspond to state educational standards, shall use at least 25% from the revenues, during the provisional functioning, to invest in its own technical-material base.

Article 38. The contents of education

(1) The contents of education are planned under the state educational standards, have a formative-functional character and are phased by levels and degrees.

(2) The contents of pre-university education at various levels and degrees are ensured by curricula, syllabuses, approved of by the Ministry of Education.

(3) Curricula and syllabuses, school textbooks and other didactic materials destined for state education institutions are elaborated on a contest base and put into practice after coordinating with the interested ministries and departments and approved of by the Ministry of Education. There may be used in

education units alternative programs and textbooks, whose contents should ensure the implementation of state educational standards.

(4) Syllabuses and curricula for the vocational education are elaborated by the Ministry of Education along with other ministries and departments, taking into consideration proposals of vocational education institutions and of the interested factors, and are approved of by the Ministry of Education, regardless the subordination of education institutions.

(5) Syllabuses for all levels of instruction include required, elected and optional disciplines. The number of elected and optional disciplines grows in the last forms of the gymnasium and lyceum education.

(6) The syllabuses for higher education institutions are approved of by the university senates, as agreed with the Ministry of Education, in accordance with state educational standards. Analytical programs are elaborated by the departments and approved of by the university senate, on the basis of the good approval on behalf of the faculty council.

Article 39. Libraries in the education system

(1) The libraries in education institutions are integral part of the education system and operate under a regulation, approved of by the Ministry of Education.

(2) The library staff in the education system having finished higher education studies enjoy the same rights as the teaching staff of the respective institutions.

(3) The preparation and training of the specialised library staff in the education system are ensured by the Ministry of education.

Chapter III

THE ADMINISTRATION OF THE EDUCATION SYSTEM

Article 40. The competence of public authorities

(1) The public authorities:

a) determine the state policy in the field of education;

b) issue legal acts regarding the bettering of the legislation on education;

c) approve of the setting up, reorganisation and abolition of institutions of lyceum, vocational, higher education, of special instructive-educational institutions, of scientific research institutions, of staff training institutions;

d) ensure the development of the technical-material base of the education system, establish the way practical periods for pupils and students are organised and carried out;

e) approve of the plan (the state order) of training specialists in vocational secondary education institutions and in higher education institutions;

f) establish and approve of the annual shares of subventions for the education system from the state budget, the method and norms of remuneration of the teaching staff in all state education institutions of all levels, as well as the norms of financial ensurance of pupils and students;

g) conclude co-operation agreements with other countries regarding the education and adjustment of national study documents;

h) supervise the activity of the Ministry of Education and estimate its activity.

(2) The delimitation of competencies between public authorities in the field of education is

done according to the Constitution, other legal acts.

(3) The education administration authorities in the territories which, according to the Constitution and to organic laws, have special autonomy statutes, co-ordinate their activity with the specialised central public administration authorities.

Article 41. The Ministry of Education

(1) The Ministry of Education is the central authority of public administration in the field of education.

(2) The Ministry of Education co-ordinates its activity with the respective ministries and departments in the field of vocational secondary education, of higher education, post-university education, of the education for adults and of staff training and retraining.

(3) The Ministry of Education controls the observation of the legislation on education and estimates the education system through the state school inspection, set up within the ministry. The regulation of the state school inspection is approved by the Government.

(4) In order to exercise its attributions, the Ministry of Education may set up consultative commissions or councils of experts, made up under criteria of professional and moral prestige.

(5) The Ministry of Education has mainly the following competencies:

a) elaborates the strategy and promotes the state policy in the field of education, takes part in the elaboration and promotion of state policy in children and youth problems;

b) promotes the state linguistic policy, exercises control upon the observance of the legislation on the

functioning of spoken languages on the territory of the Republic of Moldova;

c) elaborates the strategy and conducts the execution of plans of continuous development of the technical-material base of all types of instruction and education institutions under subordination;

d) elaborates the state educational standards and controls their implementation;

e) establishes the mechanism of assessment of education institutions and exercises the state control over them;

f) organises and co-ordinates the activity of elaboration of syllabuses and curricula, of textbooks and other didactic materials;

g) establishes, in co-operation with other ministries, departments and with local public administration authorities, the school network, the types of education institutions;

h) takes part in the elaboration of programs of admission to the subordinated education institutions and of the lists of professions and specialities;

i) establishes, under the law and as agreed with the Ministry of Economy, Ministry of Finance, Ministry of Labour, Social Protection and Family, the shares of admission by specialities to colleges and to the university education;

j) estimates and accredits education institutions, as well as issues, as established by the legislation, licenses for setting up education institutions, training and retraining institutions;

k) estimates the teaching staff and organises their training and retraining;

l) submits candidates for governmental distinctions;

m) co-ordinates, along with other ministries and departments, the

scientific research activity in the subordinated institutions of higher education and of research;

n) elaborates, along with the Ministry of Finance, the norms and the method of financing the education system by the state;

o) determines, along with the Ministry of Labour, Social Protection and Family, the way and conditions of remuneration of the teaching staff and of other categories of personnel in education institutions;

p) co-ordinates the financial activity of the subordinated education institutions;

r) concludes, on behalf of the Government, co-operation agreements in the field of education and sciences, keeps up co-operation relations with the respective foreign ministries and institutions;

s) appoints the directors of lyceums, colleges and state education institutions of national subordination;

t) confirms in position the general directors, deputy general directors of boards of education and chairmen of methodological offices;

u) approves of the granting of didactic titles of university professor and university reader;

v) elaborates and approves of the type of regulation for pre-university education institutions and of the type of statute for higher education institutions;

x) co-ordinates the guardianship activity.

(6) The ministry's specialists, according to the list, are appointed in position by the minister, by contest, on the basis of professional competence criteria established by a regulation approved of by the Government.

(7) The ministry's specialists are attested once in five years, according to criteria established by a

regulation approved of by the Government.

Article 42. The competence of other ministries and departments

The responsible ministries and departments:

a) elaborate the main directions of the specialised education, state educational standards and keep under control their implementation;

b) organise the training and re-training of specialists from the respective branch;

c) ensure the financing of the subordinated education institutions and the development of their technical-material base.

Article 43. Boards of education

(1) The boards of education are specialised bodies of education administration which operate in districts and towns (municipalities).

(2) The structure of the boards of education is established by the Government, at the proposal of the Ministry of Education.

(3) The general director of the board of education is proposed by the Collegium of the Ministry of Education on the basis of criteria of professional and managerial competence and is appointed by decision of the local public administration authorities.

(4) A school inspection functions within the board of education, under a regulation, approved of by the Ministry of Education.

(5) The specialised school inspectors and methodologists are appointed by the general director of the board of education, by contest, on the basis of professional competence criteria.

(6) School inspectors have access to all education institutions within the territory.

(7) Methodological offices, methodological-psycho-pedagogical centres and psychological services, subordinated to the boards of education, function in each district centre, town (municipality). The structure and attributions of these units are established by regulations approved of by the Government.

Article 44. The competencies of boards of education

The boards of education:

a) ensure, within their territory of subordination, the observance of the legislation on education and the promotion of state's policy in the field of education;

b) ensure the co-operation of education institutions under their subordination with the local public administration authority and with the Ministry of Education;

c) supervise the functioning of the pre-university education network and exercise the school inspection;

d) organise the implementation of new syllabuses, curricula and didactic methodologies in the instructive-educational process;

e) organise the didactic-methodological ensurance of education institutions and grant methodological assistance to the teaching staff;

f) organise and co-ordinate the activity of optimisation of pre-university education institutions under their subordination, contribute to their financing and to the development of their technical-material base;

g) co-ordinate the guardianship activity;

h) ensure, along with local public administration authorities, the creation of adequate conditions for the activity of teaching staff and pupils, their social protection;

i) organise the teaching staff training activity;

j) co-ordinate the organisation of examinations of graduation from education institutions and of school contests;

k) ensure, along with local public administration authorities, the compulsory schooling of pupils of up to sixteen years of age;

l) confirm in position the directors and appoint the educators, teachers, professors in state institutions of pre-school, elementary, gymnasium education, and in special education institutions under their subordination.

Article 45. The competencies of local public administration authorities

Local public administration authorities have mainly the following competencies in the field of education:

a) supervise the observance of the legislation on education in the territory;

b) keep evidence of children of compulsory schooling age and ensure their schooling up to the age of sixteen;

c) ensure the social protection of teaching staff in education institutions

(the distribution of dwellings, granting of facilities, according to the legislation in force etc.);

d) set up, reorganise or establish pre-school or out-of-school institutions, elementary schools and state gymnasiums of local subordination, as agreed with the Ministry of Education;

e) establish the placement and keep evidence of private education institutions within the territory;

f) keep evidence and organise the guardianship of orphans under the age of sixteen or without legal supporters, as well as their adoption or distribution to houses for children, boarding schools or families;

g) ensure the employment of orphan graduates, as well as of persons

with mental, physical or alike handicaps;

h) help financially and in other ways families with pre-school children and with children enrolled in the compulsory education, as established;

i) ensure the free transportation of pupils to and from the education institutions in rural places, if the distance exceeds 3 km;

j) organise free medical assistance and feeding of children, the rest and strengthening of pupils and students during holidays.

Article 46. Administrative and consultative bodies

(1) The following administrative and consultative bodies function in the education system:

a) at national level:

the Council (Collegium) of the Ministry of Education, chaired by the minister. The members of the Collegium are appointed by Government decision;

b) at local level:

the administration council of the district, town (municipal) board of education, chaired by the general director of the board of education and made up of the general director of the board, deputy general directors, the school inspection chief, the chief book-keeper, and the methodological office chief;

the advisory council of the district, town (municipal) board of education, approved of by the respective executive committee and made up of directors of education units, other prestigious teaching staff and representatives from amongst parents, local public administration authorities and economic units;

c) in pre-university education institutions:

the professorial council of the education institution, made up of the

teaching staff and chaired by the director;

the administration council of the education institution, made up of the director, deputy directors, chief book-keeper, teaching staff elected by the professorial council, representatives of parents, of local public administration authorities, pupils (in lyceums and vocational schools). The director of the education institution is the chairman of the administration council;

d) in higher education institutions:

the university senate of the education institution, chaired by the rector;

the university senate bureau, made up of the rector, pro-rectors and the scientific secretary;

the university administration council;

the faculty council, chaired by the dean;

the department scientific council, chaired by the department director;

the college professional council;

the college administration council.

(2) The structure and attribution of authorities in higher education are established by the university Charter, and of those in pre-university education institutions - by the statute of the respective units,

(3) The students are represented in the university senate, the faculty council, the administration council of the education institution in a proportion of maximum one-fourth of the number of their members.

(4) The pupils and parents may set up councils functioning in accordance with the statute of the education institution.

(5) The Ministry of Education, the boards of education periodically organise congresses and conferences in which the teaching staff have advisory and methodological roles.

Article 47. The administration of pre-university education institutions

(1) The pre-university education institutions operate according to the provisions of the present law and bear responsibility for the implementation of the state educational standards, for the protection of children's and pupils' lives and health.

(2) The activity of pre-university education institutions is regulated by statute, elaborated on the basis of a statute-type and approved of by the hierarchically superior body of education administration.

(3) The pre-university education institution has mainly the following competencies:

a) determines the adequate educational technologies;

b) establish the modalities of assessment and control of the education process;

c) elaborates the institution's statute and its interior regulation;

d) selects and promotes the teaching staff, establishes the personnel's obligations;

e) contributes to the development of the technical-material and didactic base, to its reasonable utilisation.

(4) The pre-university education institutions are classified as follows, depending on the level of the carried out education:

kindergarten (5-7 years of age);

elementary school (forms I-IV);

gymnasium (forms V-IX);

lyceum (forms X-XII (XIII); the general secondary school (forms X-XI).

(5) In case the elementary school and gymnasium function under the same administration, the education institution shall be called gymnasium, and in case the elementary school, the gymnasium and the lyceum function under the same administration, the education institution will be called lyceum.

(6) The state pre-university education institutions are subordinated to the Ministry of Education and local public administration authorities.

(7) Pre-university education institutions are administered by directors who exercise their administration functions along with the professorial council and the administration council.

(8) Directors of the state pre-university education institutions may be appointed on a contest base.

(9) Pre-university education institutions may establish co-operation relations and direct contacts with similar education institutions from outside the country, according to the legislation in force.

(10) There function houses for children and boarding schools for orphan children and for those without legal guardians.

Article 48. The administration of the higher education institution

(1) The higher education institution includes faculties, departments, chairs, laboratories, and other units (sections) of scientific research, of planning and micro-production.

(2) Colleges and lyceums (forms X-XII) may affiliate to the higher education institution. The college may be a functional unit of the higher education institution.

(3) The higher education institution is administered by the university senate, chaired by the rector;

the faculty - by the faculty council, chaired by the dean; the department - by the scientific council, chaired by the director; the chair - by the chairman. The effective administration of the higher education institution is assured by the university senate bureau.

(4) The rector of the higher education institution is elected on contest base by the university senate and confirmed in position by the Government. The rector is considered as functioning in his position after his confirmation by the Government.

(5) The functioning of superior education institutions is regulated by the university Charter, adopted by the university senate.

(6) The rectors of higher education institutions may organise the rector's council, a consultative body.

Article 49. The university autonomy

(1) State higher education institutions may receive statute of university autonomy, as established by the Government.

(2) The university autonomy refers to the fields of administration, structure and functioning of the institution, the didactic and scientific research activity, administration and financing and is mainly implemented in:

a) the organisation, carrying out and bettering of the process of education and of scientific research;

b) the establishment of specialities;

c) the elaboration of syllabuses and of analytical programs according to the state educational standards;

d) the admission of candidates to studies;

e) the selection and promotion of teaching staff and of the other categories of personnel;

f) the establishment of criteria of the didactic and scientific activity assessment;

g) granting didactic titles;

h) eligibility of all administration authorities, by secret vote;

i) solving social problems of students and staff;

j) ensuring the order and discipline in the university space;

k) finding additional sources of revenues;

l) establishing co-operation relations with various education scientific institutions, centres, and organisations from inside and outside the country.

(3) The university autonomy is implemented on a financial plane, as the right to administer, according to the law and personal responsibility, the funds allocated from the budget or proceeding from other legal sources.

Article 50. The assessment of education

(1) The assessment of education system and of the education process is ensured by the Ministry of Education, by the ministries having education institutions in subordination, by local education administration authorities, under a regulation, approved by minister's disposition.

(2) The Ministry of Education ensures the periodical assessment of the level of professional and methodological training of the teaching staff in education.

(3) The assessment of educational results is done obligatorily at each level of education, in accordance with the objectives and purposes of curricula.

(4) The education institution is autonomous in choosing the method and forms of checking the pupils' knowledge.

(5) The teaching staff in state pre-university education institutions are assessed once in five years.

(6) The assessment of the teaching staff is done according to criteria established by the Ministry of Education, which are based on the professional competence, the quality of the didactic activity, the methodological-pedagogic and psychological preparedness, competencies of estimating the educational results.

(7) The results of the assessment serves as the basis for granting didactic ranks, for establishing salaries and increases to salaries, as well as for dismissing from function.

Article 51. Activity reports

(1) The district, town (municipal) board of education works out, at the end of each academic year, an activity report on the situation of education in the territory, which is submitted to the Ministry of Education and to the local public administration authority.

(2) The rector of the superior education institution elaborates, at the end of each academic year, a report on the activity of the education institution, which he submits to the Ministry of Education.

(3) The Ministry of Education submits annually to the Government an activity report on the situation of the education system and the directions of development of education.

(4) The annual activity reports are published.

Chapter IV

THE PERSONNEL IN EDUCATION.
PUPILS, STUDENTS AND
PARENTS.

THEIR RIGHTS AND OBLIGATIONS.

Article 52. The personnel in education

The personnel in education is made up of the teaching staff, scientific staff, auxiliary teaching staff and the administrative staff.

Article 53. The teaching staff

(1) The following are part of the teaching staff in the pre-university education:

a) the pedagogue in the pre-school, elementary and special education;

b) the logoped in the pre-school, elementary and special education;

c) the school psychologist in the pre-university education;

d) the teacher in the elementary education (I-IV forms);

e) the professor in the secondary education (gymnasium, lyceum, vocational education);

f) the instructor, the master-instructor in the vocational secondary education;

g) the social pedagogue in pupils hostels.

(2) The following are part of the teaching staff in the university education:

a) the social pedagogue in students hostels;

b) the university assistant;

c) the university lecturer;

d) the superior university lecturer;

e) the university reader;

f) the university professor.

(3) The conditions of filling teaching positions in education are established by the Ministry of Education.

(4) The teaching norms of the staff in education are established by the

Government, at the proposal of the Ministry of Education and the Ministry of Labour, Social and Family Protection.

(5) The payment of salaries to the teaching staff is made according to the level of studies, the held position, the teaching degree and title, the scientific title, as well as to the length of service. The minimum salary of the teaching staff shall not be smaller than the average salary of the employed in the national economy.

(6) An increase in salary of 50% to the position's salary is granted for superior teaching degree; of 40% - for the first degree; of 30% - for the second degree.

Article 54. The briefing, training and re-training of teaching staff

(1) The making up of teaching staff is of priority and it anticipates the development of education.

(2) The making up of teaching staff is done only at one level, the university level, according to curricula including disciplines of both theoretical and practical training in the fields of pedagogy, psychology and methodology of speciality.

(3) Graduates of higher education institutions of a profile other than pedagogic may profess in education only after they have received training in the disciplines provided for in paragraph 2.

(4) The State ensures for the teaching staff possibilities of bettering their speciality, methodical and psycho-pedagogic preparedness or of professional re-training with a view to receiving qualification ranks and categories.

(5) The training of the entire teaching staff and of the administering personnel is usually done at the departments of higher education

institutions or at other institutions accredited as provided for by the law.

(6) The speciality, methodical and psycho-pedagogical training of teaching staff in the pre-university education, as well as the training of administering and inspection teaching staff, is organised and co-ordinated by the Ministry of Education.

(7) The training of teaching staff in higher education is done by means of graduate education, programs of specialization, of scientific research and other programs, carried out in the country or abroad.

(8) The training of teaching staff is compulsory and is done at least once in five years. It is aimed at the permanent joining of the qualification level to the conceptual, methodological, curriculum and technologic renovation of education.

(9) The training or specialization of teaching staff is done in accordance with the requirements of the education system and with individual options.

(10) The teaching staff may solicit on their own the granting of teaching ranks. The method of granting teaching ranks is established by the Ministry of Education.

Article 55. The rights of the teaching staff.

The teaching staff have the right:

a) to choose the syllabuses, the teaching forms and methods, the textbooks and didactic materials approved of by the Ministry of Education, which they consider adequate in the realisation of state educational standards;

b) to participate in the democratic election of their representatives in administrative and consultative bodies of the education institution;

c) the didactic activity they carried out in the pre-university education to be included in their pedagogic length of service, in case they have passed to higher education;

d) to benefit by ensurance of pensions for length of service and by preferential ensurance of dwellings, by longer leaves, by free medical assistance, by reduction in the pay for communal services, according to the legislation in force, and in rural places - by other facilities provided for specialists in agriculture;

e) to be granted, on contract base, leaves for a period of up to three months, the salary being preserved, for drawing up of textbooks, methodical works, monographs, as ordered by the Ministry of Education.

Article 56. The obligations of the teaching staff

The teaching staff are obliged:

a) to observe the ethics norms in their activity, to cultivate by their own example moral principles of justice, equity, humanism, generosity, zeal, patriotism and other virtues;

b) to ensure a good carrying out of the instructive process, a profound assimilation of syllabuses and the development of pupils' and students' skills;

c) to ensure the children's life security and health protection during the education process;

d) to carry out the education and teaching processes cultivating in children the respect for the family, parents, adults, for national and universal cultural and spiritual values, to educate a careful attitude towards the environment;

e) to improve constantly their professional qualification, their pedagogic masterliness;

f) not to make chauvinistic, nationalist, political, religious,

militaristic propaganda, this being incompatible with the pedagogic activity;

g) not to involve pupils in street actions (meetings, demonstrations etc.).

Article 57. The rights of pupils and students

(1) Pupils' and students' rights and freedoms are observed in educational institutions of all ranks. Corporal punishments, the application in any way of methods of physical or mental violence, are forbidden.

(2) Pupils and students have mainly the following rights:

a) to state freely their opinions, beliefs, ideas;

b) to choose the type of educational institution, syllabuses approved of by the Ministry of Education in optional courses;

c) to be assured, as established, with stipends, hostels, textbooks, medical insurance, food, transportation;

d) to be elected in some administrative and consultative bodies of the educational institution;

e) to benefit by additional paid leaves at the working place, by a reduced amount of weekly work and by other facilities, provided for by the legislation, should they follow attendance-free courses.

(3) Pupils and students enjoy other rights as well and they are registered in the education institution's status.

(4) In order to exercise the right to education of pupils and students in need of social assistance, the state covers, partly or entirely, the upkeep costs during the school period. The categories of individuals that hold the right to benefit by such help, as well as the latter's kind and amount, are established by the Government.

(5) The State covers, partly or entirely, the costs for the upkeep of pupils and students in need of social protection and help, including of those at sanatorium-like and family-like schools, according to the norms in force.

(6) The State creates favourable conditions for gifted individuals to study in the country or abroad. The respective category of individuals is established by a commission, appointed by the responsible ministries.

Article 58. The obligations of pupils, students and graduates.

(1) Pupils are obliged to follow the compulsory education and to fulfil the requirements of the institution's status, to assimilate the material provided by syllabuses, to attend classes.

(2) The graduates of higher education institutions are obliged to speak the State language within the limits of the respective institution's syllabus.

(3) Should a graduate that has studied on a contract base refuse to show up at the working place or suspend the activity, until the five-year term expires, in the organisation or enterprise by which he was recommended for studies, he shall return the studies expenditures.

(4) Pupils and students have other obligations as well and they are registered in the interior regulation of the education institution.

(5) The violation of the interior regulation of the higher education institution by students brings about their punishment, up to expulsion.

Article 59. Health protection in education institutions

Medical institutions of the Ministry of Health and departmental

medical institutions ensure the entire complex of measures with a view to the health protection of pre-school children, pupils and students, as well as of the teaching staff involved in the educational system.

Article 60. The rights and obligations of parents

(1) Parents or guardians have the right:

a) to choose the education institutions and the language of instruction for their children;

b) to require the observation of children's rights and freedoms in school;

c) to get acquainted with the process of education, as well as with the results of pupils' assessment;

d) to teach the children at home, thus assuring his possibility of receiving studies corresponding to a certain education level;

e) to be elected in some administrative and consultative bodies of the education institution.

(2) Parents and guardians are obliged:

a) to assure the children's enrolment in a kind of compulsory education (State or private) or to carry out their instruction at home;

b) to assure the children's education at home and to create adequate conditions for the studies, development of skills, extra-curricular activities, and self-instruction.

(3) Parents and guardians that do not contribute to children's education and instruction are held responsible, according to the legislation in force.

Chapter V

THE FINANCING OF THE EDUCATION SYSTEM.

ITS TECHNICAL-MATERIAL BASE.

Article 61. The financing of the education system

(1) Education is financed in a priority way. The main source of financing the state education system are budgetary means.

(2) The state guarantees an annual allocation of budgetary means for education at a rate of at least 7% of the gross domestic product, including foreign currency means, and ensures the protection of expenditure items from the budget.

(3) The norms of financing education institutions are indexed in accordance with the rate of inflation.

(4) Institutions from the state education system may also benefit by other legal financing sources, such as:

a) means proceeding from staff briefing, training and re-training, from scientific research works done on a contract base;

b) revenues proceeding from the marketing of articles made during the education process (in didactic and experimental workshops etc.) as well as from renting of premises, constructions, equipment;

c) donations and revenues proceeding from the international co-operation, as well as donations from physical and legal entities.

(5) The education may be supported by vocational and employers' societies and associations.

(6) Units of vocational state education may benefit by finances from means allocated by economic agents, as well as from non-budgetary and private sources. Non-budgetary allocations, regardless their size, may not condition the decrease of budgetary means allocated for the vocational education.

(7) The State ensures priority financing of scientific researches carried out in education.

(8) The part of revenues of economic agents, and of physical entities, destined to the development of education, is not subject to taxation.

(9) Instructive-educational institutions, regardless the form of ownership, are exempt from paying duties, taxes and other payments.

(10) The sums allocated by economic agents for the organisation and carrying out of practical periods and apprenticeship and those meant to consolidate the technical-material base of vocational schools, as well as to train qualified workers, masters and technicians, are not subject to taxation.

(11) Budgetary means allocated for education and revenues of instructive-educational institutions proceeding from legal sources are intangible.

(12) Foreign currency means are also intangible and are spent for the consolidation of the technical-material basis of the education institution and for the improvement of social conditions of the teaching staff.

(13) The education institution orders independently the allocated and available financial means, administers an independent balance and has bank accounts open, including of foreign currency.

(14) The financial means not used by the end of the year are not withdrawn and may not be included by the founder in the financing share for the following year.

Article 62. The technical-material base of the education system

(1) The technical-material base of the education system consists of buildings, engineering installations, libraries, laboratories, workshops, clinics, plots of land, didactic sections,

schools and kindergartens of application, equipment, means of transportation, other technical-material means provided for by norms.

(2) The development of the technical-material base is done on the account of budgetary means and of means of education institutions.

(3) The state ensures in a priority way the development of the technical-material basis of the education system, the equipment of education institutions at the level of world standards, the construction of buildings for education, of sport and recreation complexes, of dwellings for the teaching staff, of hostels for pupils and students.

(4) Ministries, departments, economic agents and local public administration authorities have the right to transmit to education institutions equipment, installations, devices, means of transportation, dwellings, plots of land etc. as sponsorship or a way of covering expenses for the professional training of specialists and for other services.

(5) Economic agents producing school supplies, mechanisms, devices, equipment, furniture, inventory, textbooks etc. for education institutions are partly tax-exempt, as established.

(6) The plot of land belonging to the education institution is not subject to taxation.

(7) The estrangement and transmission of plots of land and of fixed funds belonging to education institutions of national rank is done in accordance with the legislation in force.

(8) Education institutions are exempt from the obligation to distribute a part of the dwelling built on their own means to local public administration authorities.

(9) Education institutions may not lease dwellings which belong to

them, unless they are allowed to do so by the education administrative bodies.

(10) The average number of children and pupils are planned in accordance with the number of available places in the study spaces and in hostels, according to the established norms.

Chapter VI

FOREIGN RELATIONS IN THE EDUCATION SYSTEM

Article 63. International co-operation

(1) The international co-operation in the field of education is done in accordance with the legislation of the Republic of Moldova.

(2) The Ministry of Education has the right to establish relations and to conclude bilateral agreements of co-operation, to take part in international projects and manifestations in the field of education and scientific research.

Article 64. Studies abroad

(1) The citizens of the Republic of Moldova have the right to study abroad on the basis of inter-state and inter-government or inter-ministry agreements of co-operation, and on the basis of individual contracts with education institutions from abroad.

(2) Individuals sent to study abroad on the basis of agreements of co-operation benefit by facilities provided for by the Government.

(3) Citizens of the Republic of Moldova, graduates of education institutions from abroad, enjoy equal rights with the graduates of education institutions of the same rank from Moldova when they take jobs.

Article 65. The rights and obligations of foreign students.

(1) Foreign citizens and stateless persons may be enrolled in

education institutions of the Republic of Moldova on the basis of:

a) international conventions to which the Republic of Moldova is party;

b) inter-state, inter-government and inter-ministry agreements, as well as agreements between education institutions authorised as established;

c) individual contracts concluded with education institutions.

(2) The instruction of foreign citizens and stateless persons is done in the State language or in another language, if solicited by the candidates, depending on the system of education.

(3) Foreign citizens and stateless persons studying in the Republic of Moldova, except the ones benefiting by scholarships from the Moldovan State, pay school taxes, as established by the Government.

(4) Foreign and stateless persons enrolled in studies in the Republic of Moldova shall respect its Constitution.

Chapter VII

FINAL AND TRANSITORY PROVISIONS

Article 66.

(1) The structural-systematic reforming of education will be carried out during the period of transition, until 2005, under the State Program of development of education in the Republic of Moldova, approved by the Parliament.

(2) General secondary schools (11 years of studies) will carry on their activity until the end of the period of transition to the new structure of the education system. The suitability of general secondary schools will be considered again in 2005.

(3) General secondary schools will be reorganised gradually either into gymnasiums, or into lyceums, depending on the teaching potential and the technical-material basis.

(4) Graduates of general secondary schools, of vocational schools have access to higher education, within the period of transition, on a contract base.

(5) Pedagogic colleges (ordinary schools), being reorganised gradually into general theoretical lyceums or of pedagogic profile, into colleges or departments of university education, will ensure until 2000, along with universities, the training of teachers for the primary and pre-school education.

Article 67.

(1) Violations of the present law's provisions bring about, as the case is, material, disciplinary, criminal responsibilities, according to the legislation.

(2) Parents' and guardians' failure to observe the provisions of the present law regarding the ensurance of school attendance of pupils in the compulsory education, constitutes offences and is punished in accordance with the legislation in force.

(3) The provisions of the present law are completed with provisions of other laws regarding the fixing and punishing of offences in the field of education.

Article 68.

Until the drawing up of the respective law, the criteria and methods of assessment and accreditation of private education institutions are established by governmental decision, under the present law, starting from the setting up of a sufficient didactic-material

basis and of the respective staff with highly-qualified specialists.

Article 69.

(1) The present law comes into effect on the date of its publication.

(2) The Ministry of Education works out and submits within three months from the date of publication of the present law the State Program on development of education to the co-ordinating Council for the education reform in the Republic of Moldova and to the Government for approbation; makes sure that its normative acts do not infringe upon the present law.

(3) The following legal acts are annulled:

The Law of the Moldovan Soviet Socialist Republic nr. 324-XI from December 24, 1975 on Public Education; art. 3 of the Ukase of the Supreme Soviet Presidium of the Moldovan Soviet Socialist Republic no. 1788-XI from March 31, 1987 on the introduction of some changes in some legislative acts of the Moldovan Soviet Socialist Republic.

Chairman of Parliament: Petru LUCINSCHI

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