

## **Administration, Financing and Decentralization of the Schools System in Romania**

Adriana Ioana Filip (Croitoru)  
Mihaela Gabriela Todrican (Rosca)  
Romeo Aurelian Clinciu  
“Valahia” University of Targoviste,  
Doctoral School of Economics and Humanities / Management, Romania  
[filipadrianaioana@yahoo.com](mailto:filipadrianaioana@yahoo.com)  
[rosca1mihaela@yahoo.com](mailto:rosca1mihaela@yahoo.com)  
[romeoclinciu@gmail.com](mailto:romeoclinciu@gmail.com)

### **Abstract**

*This article aims at depicting practical hypotheses of the concept of decentralization in the Romanian pre-university education system, from both financial and administrative perspectives. It shall comprise aspects related to territorial decentralization and decentralization of services. It uses both quantitative and qualitative research methods and underlines the complex advantages which multi-level-governance - related principles can bring to the Romanian education and, within a wider framework, to the overall administration.*

*Definitions and approaches to the decentralization process clearly show an evolution in both the concerns of practitioners and specialists. This evolution must be understood in the context in which even the process of decentralization is not a static reality, suffering transformations depending on the geographic, historical, socio-economic context etc.*

*When talking about decentralization, we must consider both the basic and intermediate level of the local public administration. Therefore, an evolutionary presentation of decentralization also logically includes regional decentralization or regionalization.*

**Key words:** pre-university education, multi-level governance, decentralization, administration, schools

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### **1. Introduction**

The term decentralization encompasses various concepts, such as: local form of government, democratisation, alternative ways of providing public services, privatization, efficient government etc. Within these approaches, the emphasis is placed on decentralization as a means to achieve the objectives mentioned above. However, it should be highlighted that these approaches can, terminologically speaking, come into contradiction with approaches from the judicial perspective.

As a first meaning, decentralization refers to the process of restructuring or reorganisation of authority, thus, leading to a system of co-responsibility shared among institutions of public administration from central, regional and local level, based on the subsidiarity principle, thus improving the quality and the efficiency of the system of governance as a whole, as well as the authority and capacity of sub-national levels. Decentralization can also contribute to key elements which denote a good form of government - such as, the increase in the citizens' opportunities to take part in the making of economic, social and political decisions, the development of people's abilities to take action, growing transparency and responsibility of state institutions (Alexandru, 1999).

As a sequel to the previous definition, another approach tells us that decentralization should not be seen as a purpose in itself, but as a means to generate a more transparent and efficient local governance, which meets citizens’ needs, and to create systems of decision-making at local level by its elected representatives. When local and regional entities are allowed to administer their own interests and to facilitate a closer relationship between central and local authorities, it means that local forms of government allow men’s needs and priorities to be known and governmental interventions to answer various social needs. Gradually broadening the meaning of decentralization, it is thought that while the implementation of strategies concerning long-lasting human development requires decentralized processes, both local and participative, through which high priority objectives can be identified and solved in the fields of poverty reduction, creating new opportunities for employment, gender equality and the protection of the environment.

A third definition is concerned with the benefits associated with the decentralization process. Thus, it primarily stimulates the search for innovations in what concerns public policies and programmes, as decentralization itself means innovative practice in the structuring of governance. Secondly, it encourages innovation since it ‘forces’ local administration to assume new responsibilities covering a wider area within the process of providing public services. It is envisaged that assuming new responsibilities as a consequence of decentralization often leads to: the improvement of techniques and practice in the area of planning, budgeting and management; the development of new instruments; the development and training of human resource needed in order to provide decentralized programmes and activities.

Another definition states that decentralization is a complex phenomenon which involves several geographical entities, social actors and sectors. Geographical entities include international, national, regional and local levels. Social actors refer both to public and private sectors, as well as civil society. Social sectors include fields, such as the political, social and cultural ones, as well as the environment. While projecting the decentralization policies it is essential to use a systematic approach - so as to include all these domains, which sometimes overlap, but at the same time, their characteristics and the way they influences decentralization should be taken into account. If we consider all these dimensions and the actors involved in decentralization, then it could be defined as a mixture of political, administrative and fiscal functions and relations. All these should be included in the making of a decentralized system.

Decentralization is not an alternative to centralization. They are both necessary, although in different proportions. This is a complementary relationship. Instead, it should be stated that the concept of centralization is used with a broad meaning, and it is sometimes identified with de-concentration.

Decentralization does not mean exclusively the reform of the public sector. As we have previously stated, administrative decentralization is only one of the dimensions of the decentralization process at the social level.

It involves the role and the relationships among all social actors - the public and the private sectors, alongside the civil society. When the collocation “decentralized governance” is used, one tries to incorporate the idea that decentralization is not strictly limited to the public sector.

## **2. Theoretical background**

Among the characteristics of the process, we should primarily mention decentralization as a tendency. Both in the private (e.g. management by results) and public sectors, the efforts concerning decentralization are to be situated within the international tendencies –the collapse of the centralized regimes and the emergence of claims in the area of autonomy /the state fragmentation, as well as a poignant mistrust in governance, in general.

Decentralization should be regarded as a process. Decentralization should not be perceived as a mere transfer of power, from the centre towards the sides of the administrative system, because the public administration’s capacity is not the same. There may be differences between the central and the local level, as well as at the local levels, according to certain variables (for example the differences between the urban and the rural administrative institutions). The power transfer should be regarded as a two-sided coin - on the one hand it can improve the performance in the public sector; on the other hand it might generate various problems, such as corruption and nepotism, the

emergence of local clans etc, especially in countries which are in the transition process (Alexandru, 1999).

Another approach that we have identified is that of decentralization as a counterpoint to globalisation. National states are losing more ground in favour of the globalization of the economic activity and the creation of organisations/super-state forms which take over the attributions specific to national governments. In this context, decentralizing certain activities/processes at the local or regional level makes citizens feel less isolated in relation to supranational bureaucracy.

On the other hand, decentralization could be a mixture of 4 dimensions, namely- collective/exterior - institutional/legal forms and procedures; collective/interior - social culture, which is often under a latent form; individual/exterior - the individual's exterior observable behaviour in different social institutions; individual/interior - the individual's mentalities, values, mental constructions, emotions in different social institutions. Every decentralization process should take into consideration all these 4 dimensions.

Decentralization should be seen as a systematic and holistic approach or as being limited and exhaustive. We talk about a gradual process, which should neither be too extended nor limited to only one sector. It is important to find a balance for the developing countries.

At the local level of the development programmes, we might talk about decentralization and the management of development programmes. This is a relevant aspect especially for the countries which benefit from foreign financial assistance for their development programmes. The decentralization of responsibilities regarding the development programmes should be performed at the public administration level, as well as at the level of other institutions which represent local communities such as non-governmental organisations. The technical assistance coming from financing institutions is coupled with real responsibilities regarding project and resource management; the legitimacy of the public administration and community institutions will improve.

The process of decentralization still remains a priority for the Romanian Government, as it has also been laid out in the Strategy for Public Administration Consolidation 2014-2020, approved by Government Decree No. 909/2014, a national strategic act which, on the one hand, reflects public policy solutions that firmly address the needs of the Romanian public administration, and, on the other hand, represents an ex-ante conditionality in the 2014-2020 budgeting process.

The strategy of decentralization is a strategic document grounded in the principles of the Framework-law on decentralization no. 195/2006, with the subsequent modifications and completions, and the law regarding the local public finances with the subsequent modifications and completions.

The principle of subsidiarity means the exercising of competences by that local public authority which lies at the administrative level closest to the citizen and which is endowed with the required administrative capability.

Another principle is that of ensuring the resources suitable for the transfer of competences. According to the law, one must respect the principle of responsibilities of local public administration in relation to their competences, which imposes the obligation to meet the standards of quality for providers of public services and utilities and, also, that of ensuring a stable and predictable process of decentralization based on objective rules and criteria that should not restrain the activity of local public administration authorities or limit the financial local autonomy (Barna, 2003).

On the one hand, the principle of equity ensures access for all citizens to public services and utilities, and, on the other hand, the principle of financial local autonomy is the one according to which the administrative territorial units are entitled to sufficient financial resources which the local public administration authorities can use in exercising their duties based on the law and within its limits.

Another principle is that of proportionality, according to which the financial resources of the administrative territorial units must be proportionate to the responsibilities of the local public administration authorities established by law, and last but not least, the principle of consultation according to which local public administration authorities, through their associated structures, must be consulted on the process of allocating the financial resources from the national budget to the local ones (Dinca, 2013).

The main objective is to consolidate the capacity of the public administration to deliver diverse and high quality public services through the transfer of new competences from the central administration to the local public administration authorities. As a result of the decentralization process, local public administration authorities will acquire new competences in agriculture, culture, tourism, environment, health, education - extracurricular activities, youth and sports.

The specific objectives of the National Decentralization Strategy refer to many aspects such as managing the transfer of the competences from the central level to the local one, which enables consolidation in the application of the principle of subsidiarity and improvement in exercising decentralized competences in order to ensure high quality of public services and of how public funds are spent.

Managing the transfer of competences from the central level to the local one which enables consolidation in the application of the principle of subsidiarity involves the following activities: going through the preliminary stages of the decentralization process according to Law No. 195/2006, with the subsequent modifications and completions, the transfer of competences from central public administration authorities to the local ones, as well as the transfer of the social assets related to the decentralized competences through the sectoral laws of decentralization.

During the implementation of the decentralization process, Ministry of Regional Development, Public Administration and European Funds, through the specialised directorates, will offer technical support in drawing up the impact analyses regarding the solutions proposed in ensuring decentralization.

To achieve the specific objective regarding the improvement of the decentralized competences in order to ensure high quality public services and spending public funds, the following activities are carried on : drawing up and updating the cost and quality standards in providing decentralized public services, periodical monitoring and evaluating sectoral strategies regarding the decentralizing of competences, and, if needed, developing/consolidating the mechanisms of methodological coordination, monitoring, inspecting and supervisory body with regard to the manner in which the legal provisions are respected, and strengthening the ability of the local public administration authorities to efficiently perform the decentralized competences (Popa, 2018).

### **3. Research methodology**

Starting from the necessity of re-examining the competences of the central public administration authorities within the context of improving their activities, this strategy outlines, at a sectoral level, the guiding lines for reallocating the competences between the central level and the local one of the public administration, from the perspective of improving the way of providing public services.

The actions proposed to be carried out within the decentralization process aim to achieve the specific objectives of the strategy in order to allow a unitary and coherent approach for each of the fields included in the decentralization process. This one aims to take short-term measures through setting up flexible structures able to closely and promptly meet the real needs of the population,

Pursuant to Article 3, Letter a) of Law no. No. 195/2006 with its subsequent modifications and completions, the principle of subsidiarity consists in the performance of competences by that local public authority which lies at the administrative level closest to the citizen and which is endowed with the required administrative capability for exercising the service. On the basis of the guidelines laid down by the coordinating ministry in charge with the decentralization process, all the other ministries involved in the process of transfer of competences will carry out all the preliminary steps, pursuant to Article 3, Letter a) of Law no. No. 195/2006 with its subsequent modifications and completions: an overall strategy for decentralization drafted by the Ministry of Regional Development, Public Administration and European Funds.

In the absence of an overall strategy for decentralization, that analyses the timeliness of the transfer of competences from the central government administration to the local public administration authorities, the other ministries or competent bodies should develop sectoral strategies of decentralization; the identification by the government, ministries or other competent bodies of the central government administration of the necessary resources, full costs associated with the competences to be transferred and of the budgetary sources on the basis of which they are funded, as well; the organisation by ministries or other competent bodies of the central government

administration of pilot scheme in order to test and evaluate the impact of the solutions proposed in order to decentralize the competences, which are not exercised by structures subordinated to the competent Ministries organised at the local level; the drawing-up of the impact assessments of the competence transfer by ministries or other competent bodies of the central government administration; the drawing-up by ministries or other competent bodies of the central government administration of draft sectoral laws allowing the transfer of competences to the local public administration authority; the transfer, if applicable, of financial, human and material resources in order to perform the transferred competences after the sectoral law comes into force.

The competencies proposed to be transferred from the level of the central public administration to the level of the local public administration authorities strictly concern the competencies related to the implementation of both national policies/strategies and the regulations in force at local level. In applying art. 6 of the Framework-law on decentralization no. 195/2006, as subsequently amended and supplemented, and art. 6 of the Law no. 273/2006 regarding the local public finances, with the subsequent modifications and completions, in the areas included in the decentralization process, the competencies transferred will be accompanied by the necessary resources for their exertion, namely: human, financial and material resources.

National regulatory competencies, policies and strategies, the methodological coordination of the work carried out by the structures responsible for the exercise of decentralized competencies, as well as the inspection and the control over the manner in which the legal provisions are complied with – all of these will be exercised by the central authority in the field, with the purpose of uniform implementation of national and EU policies and strategies.

Thus, the local public administration authorities will remain responsible to the competent ministry for the method applied to exercise their competencies. The inspection and control function is exercised with regard to the activity of the local public administration authorities, in regard to their competence to issue authorizations /notifications/agreements, as well as the way they have ensured that all these are observed, and the measures taken in case of non-compliance and so on.

In order to substantiate the decision on the timeliness of the transfer of competencies from the level of the central public administration to the level of the local public administration authorities, the ministries in charge of the seven fields subject to the decentralization process will produce impact analyses and submit them for approval by Government.

Following the approval of these impact analyses and in the light of the results obtained, it will be decided whether the drawing up of sectoral bills will be elaborated, by which the decentralization of competencies will be carried out, in accordance with the provisions of both the Framework-law on decentralization no. 195 / 2006, as subsequently amended and supplemented, and the Government Decision no. 139 / 2008, as subsequently amended and supplemented.

The overall strategy for decentralization aims mainly to analyze the timeliness of the transfer of competences from the level of the central public administration to the level of the local public administration authorities and to map out courses of action at the level of each ministry involved in the decentralization process, according to the applicable legal framework.

The current strategy aims at identifying the fields subject to the transfer of competences, and after that, all the competencies that are to be transferred from the level of the central public administration to the level of the local public administration authorities shall be fully and exhaustively identified within the impact analyses, elaborated by the line ministries (Profiroiu, 2003).

The fields included in the decentralization process are: agriculture, culture, tourism, environment, health, education – extracurricular activities, youth and sport.

In the field of agriculture, it is envisaged the transfer of certain competencies pertaining to the central public administration in this field to the local public administration authorities, process which was initiated at the end of 2009, by founding the county chambers of agriculture, resulted from the reorganization of the agricultural consultancy offices, decentralized public institutions, with legal personality, subordinated to the county councils. In August 2016, the chambers of agriculture were taken over from county councils and subordinated to the Ministry of Agriculture and Rural Development.

Thus, in accordance with the provisions of Law no. 157/2016 regarding some measures for the reorganization of some subordinated/coordinated structures of the Ministry of Agriculture and Rural Development, the directorates for county agriculture and the municipality of Bucharest have reorganized themselves, by taking over the activity, the patrimony and the personnel of the directorates for county agriculture and the municipality of Bucharest, agronomic houses, functional departments under the Inspection, Control and Monitoring Department, within the Ministry of Education and Rural Development, as well as of the county chambers of agriculture, which are all dismantling structures.

In order to make the territorial delivery of services efficient in the sphere of central public administration in the field of agriculture, respectively to improve the communication with the beneficiaries (the agriculturists), there is a proposal to transfer some competencies from the Ministry of Agriculture and Rural Development (MARD) to the county authorities of local public administration. Thus, this strategy aims at analysing the possibility of transferring - at county level - the competences regarding the implementation of the national policies and regulations in the field of agriculture and rural development, currently exercised by: the county agriculture directorates and of the municipality of Bucharest, respectively, as they were reorganized according to the provisions of Law no. 157/2016, the county offices of pedological and agrochemical studies, the regional subsidiaries under the National Agency for Fisheries and Aquaculture.

In order to substantiate the resolution regarding the appropriateness of competence-transfer process, the Ministry of Agriculture and Rural Development draws up the impact analysis, which will be submitted for approval to the Government of Romania. Thus, at a governmental meeting, the Minister of Agriculture and Rural Development shall give an informative presentation on the conclusions of the impact analysis, in view of the opportunity for the drafting of the sectoral law on transfer of competencies in the field of agriculture.

In the field of culture – the Ministry of Culture and National Identity initiated the decentralization process as early as 1996, with several transfers of competencies of some public cultural institutions to the local public administration authorities. Thus, as a result of the decentralization process, the local public administration authorities in the counties exercise exclusive competencies on: county public libraries, county museums, county centres for the preservation and promotion of traditional culture, public institutions of performances and concerts (theaters, philharmonic orchestras, bands and artistic ensembles), popular universities with legal personality.

At the level of the local public administration authorities from the level of communes, towns and municipalities, competencies were transferred regarding: cultural homes, public universities with legal personality, public libraries and museums, public institutions of performances and concerts (theaters, philharmonic orchestras and orchestras and artistic ensembles).

In applying the principle of subsidiarity in the field of culture, local public administration authorities are most interested in managing, protecting and capitalizing on the resources on their territory, including mobile and real estate assets. In this respect, they are best placed to exercise competences in managing, protecting and capitalizing on assets belonging to the mobile and real estate property of local interest (excluding Class B historical monuments).

Thus, the strategy aims at the transfer at county level of competencies regarding the implementation of national policies and regulations in the field of culture, as follows: the competencies exercised by the county directorates for culture and the national patrimony, and of the municipality of Bucharest, respectively, the competencies regarding: endorsement of the concession, free use of public utilities or rental of buildings, belonging to the public property of the administrative-territorial unit, which are historical monuments; endorsement of interventions on Class B historical monuments; endorsement of the classification and downgrading of Class B historical monuments; endorsement of urban planning and spatial planning documentation for the establishment, delimitation and regulation of the construction of protected areas for historical class B monuments or built protected areas with historical class B monuments.

In order to substantiate the decision on the appropriateness of the transfer of competencies, the Ministry of Culture and National Identity elaborates the impact analysis, which will be submitted for approval to the Government of Romania. Thus, at a Government meeting, the Minister of Culture and National Identity will give information on the conclusions of the impact analysis in

view of the opportunity elaborate the Sectoral Law on the transfer of competencies in the field of culture (Nicola, 2003).

Thus, the strategy aims at analysing the opportunity of transferring competences that regard the implementing of national policies and regulations in extracurricular education on a county level, being currently applied in children's palaces and clubs, as well as in school sports clubs. With a view to grounding the decision regarding the opportunity of transferring the competences, The Ministry of National Education is working on the impact analysis, which will be subject to approval by the Romanian Government. Therefore, the Minister of National Education will present before the Government a report concerning the conclusions of the impact analysis related to the opportunity of drafting the sectoral law of transferring competences in education.

In what concerns youth and sports, there has not been significant evolution of decentralization, starting with 2010, the transfer measures from central to local level aiming mainly at moving estate from the public state domain to the public domain of administrative-territorial units. Thus, between 2011 and 2012, 16 Government decisions were made, which were passed towards 26 leisure centres.

Consequently, the strategy aims at analysing the opportunity of transferring, on a county and municipal level, the competences regarding the implementation of national policies and regulations in the field of youth and sports, currently exercised by : the county department for sports and youth, on county level and Bucharest respectively ; leisure centres on county level and Bucharest respectively ; students' cultural houses on county level and Bucharest respectively ; sports clubs and sports facilities within the administrative-territorial unit they belong to.

With a view to grounding the decision regarding the opportunity of transferring the competences, The Ministry of Youth and Sports is working on the impact analysis, which will be subject to approval by the Romanian Government. Therefore, the Minister of Youth and Sports will present before the Government a report concerning the conclusions of the impact analysis related to the opportunity of drafting the sectoral law of transferring competences in youth and sports.

The expected outcome of the general strategy of decentralization will materialize in an institutional and legal framework that is appropriate for the implementing of the decentralization process, as well as in creating systems/tools of monitoring and streamlining the exercise of the decentralized competences.

The monitoring indicators will be: the number of sectors/domains in which the decentralization of competences has been applied; the number of sectors/domains in which the decentralization of competences has entailed the transfer of resources necessary for exercising them; the number of sectors/domains for which standards of cost and quality in providing public services have been drawn or, where applicable, updated.

The financial impact regarding financing the decentralized competences on a county/local level is estimated in relation to the approval of sectoral bills on decentralization and in accordance with the provisions of Article 6 of Law No 273/2006 on local public finance, with all subsequent amendments and completions, as follows: the decentralization of some activities and the Government's transfer of some public expenditure to the administration and financing of the local public administration authorities, as a consequence of the decentralization of some competences, as well as other new public expenditure will be done according to the law, upon ensuring the necessary financial resources, based on the respective cost standards of public services, and until their approval, based on the sums approved in the previous year, updated in accordance with the Consumer Price Index, as follows: in the first year, by the distinct inclusion in the annex to the state budget law of amounts allocated for special purpose, necessary for financing the transferred public expenditure or of new public expenditure, as well as of the grading criteria; in the following years, by including the respective resources in the amounts allocated for balancing the local budgets allotted to the administrative-territorial units, except those specifically mentioned in the annex to the state budget law.

Implementing this strategy involves drafting, amending, completing or repealing, where applicable, both the legislation that sets the legal status of the organization and functioning of the central and local public administration undergoing decentralization, and the legislation within the area of activity undergoing decentralization.

The expected main legal implications refer to: amending the framework legislation and the subsequent legislation applicable to the local public administration following the process of decentralization; drafting sectoral laws for materializing the transfer of competences together with the transfer of patrimony related to exercising these competences; amending/ completing/ repealing primary level legislation (laws, emergency ordinances, simple ordinances) and secondary level (Government decisions, orders of ministers etc.) that regulate the competences within the process of decentralization.

#### **4. Findings**

Based on the following assumptions that the school belongs to the community of which it is a member, it adapts to its culture and values and meets the Community's educational needs, decentralization of the system of financing and administration of se schools it achieves by allocating funds from the local government budget from each locality. In Bucharest, through the HCG of Bucharest nr. 5/25.01.2001, the land and buildings on which the public education units operate have been transferred to the administration of the district halls.

The administration of the schools in the six sectors of Bucharest has the following areas:

- Directorate subordinated to local administration;
- Rehabilitation of educational establishments;
- Equipment, school furniture and consumables;
- The continuous improvement of the conditions for education;

The school administration manages the entire school network in Bucharest administratively and financially, carrying out the following activities: accessing projects for investment, modernization, expansion and rehabilitation of schools, obtaining ISU approvals for educational establishments which have been in the process of modernization, rehabilitation or consolidation, upgrading of sport halls and land, thermal repair and building facades, sewerage, electrical installations, carpenter repair, classroom hygiene, sanitary groups, equipping schools with technological equipment and sanitary materials.

The challenges of 2020, regarding decentralization in the field of education, in the context of the pandemic with the Covid-19, have led school administrations in the districts of Bucharest to take a number o measures regarding the best way of doing teaching-learning-evaluation in the online system.

The measures involved technological and information investments in providing schools with equipment, high-performance computers, the acquisition of educational platforms and the expansion of internet connection traffic by concluding contracts with leading suppliers on the market.

#### **5. Conclusions**

In the field of education, the transfer of skills from the Ministry of Education and Research level to local public administration and the leadership of the educational establishment has been shown to be beneficial to all actors involved in the educational act (students, principal, teachers, parents, authorities, other bodies and NGOs).

Also, a turning point to be focused on represents the challenges of the year 2020, regarding decentralization in the field of education, in the context of the pandemic with the Covid-19, have led school administrations in the districts of Bucharest to take a number o measures regarding the best way of doing teaching-learning-evaluation in the online system.

The measures involved technological and information investments in providing schools with equipment, high-performance computers, the acquisition of educational platforms and the expansion of internet connection traffic by concluding contracts with leading suppliers on the market.

Another key point of this research represents the expected outcome of the general strategy of decentralization which will materialize in an institutional and legal framework that is appropriate for the implementing of the decentralization process, as well as in creating systems/tools of monitoring and streamlining the exercise of the decentralized competences.



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