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Considerations regarding the role of human resources in Romanian educational process revealed by national education law

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Abstract

In the era of globalization and knowledge-based economy, human resource is the most important wealth of our country. Bearers of culture, civilization creator, human resource from education and not only from there, are the repository of entrepreneurship, innovation and creation. Obviously, the high level of qualification of teachers, auxiliary staff, trainers and administrative staff determines the quality assurance in education. Legislative changes in the last 10 years education aimed at improving the response capacity of the educational system and training to change society. But they do not always lead to the development of career education models that focus on skills, abilities, performance, quality and skills. Moreover, education financing increasingly lower affected the wages of teachers and auxiliary staff in education and training. In this context, the study aims to analyze the role and importance of human resources in the education system in Romania as derived from the National Education Law nr.1/2011. At the first reading of this law is noted that teachers are restricted in their right to work, their flexible program and their role as officials of educational institutions. As such, teaching career in Romania today has no attraction for people with innovative, creative and entrepreneurial spirit, human resources, education, national education law, quality, career.

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Open access under [CC BY-NC-ND license](https://creativecommons.org/licenses/by-nc-nd/4.0/).*Keywords:* human resources, education, national education law, quality, career;

1. Introduction

After year 2000, the reforms in Romania, reform of education, at least in terms of statements, were both a way of solving problems which Romanian society is facing and the foundation to support and generate social, cultural, economic and administrative progress of our country. Although the ministry and educational policies and strategies are based on socio-economic realities of Romania, the results of legislative acts adopted led to chaos in our education system, because does not exist yet a legislative framework governing the financing system education based on performance criteria, and the new education law applied in the middle of last academic year disrupted, at least, the academic society. Any political change, of political forces, of the majority in Parliament, caused substantial changes in legislation and education reform. Obviously, this is improper for quality in education, scientific research and university teaching career.

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2. The importance of human resource development in education, to ensure quality education

Human resource is established, especially in conditions of economic crisis, in the most valuable resource of the national economy. Why is it important? The individual is the bearer of culture, abilities, skills, experiences and, especially, generating innovation and creation. Innovative and creative spirit, the man makes the difference between success and failure. The relevance of human capital increase exponentially in the abnormal situational context: conflict, crisis at national and organizational level. The major objective of educational institutions is providing quality educational services, the main factor that can ensure its attainment is the human resource. That is why human resources of educational institutions are referred to often as the most valuable asset.

2.1. Human resources in education and education quality – General aspects

There are at least two reasons for that must be given to human resource development in education, if you want a high quality of education. Thus, it is known that education is an educational service offered to the market by its educational actants, hence the need to refer in this respect, at the quality of educational services (Iosifescu, Ș., 2008). Educational services are offered directly to the beneficiaries and cannot be separated from the person who provides and delivers them, meaning - the teacher. As such, the educational system without teachers does not exist, yet, and the quality of education is determined almost exclusively through training level and quality of teachers. This means that an educational entity with performing management, but without dedicated teachers of education process, even at the expense of family and personal goals, which to have appropriate behavior in dealing with direct and indirect beneficiaries (students, parents, community, society, general) - true role models for pupils and students - will not ensure a high quality of educational services. On the other hand, lack of educational services quality is often criticized by human resource education only, inappropriate behavior and attitudes of teachers and staff directly or indirectly involved in providing educational services (i.e. staff working in secretarial, treasury, accounting, administrative services, etc.). Therefore, the capacities, skills, competencies, training level and quality of human resources in education are defining educational entities results. In addition, school staff contributes to added value in a society as it involves higher consumption of manpower, intelligence and creativity.

In the knowledge society, human capital is defined as "productive resources concentrated in labor resources, skills and knowledge" (OECD, 1998 apud <http://www.edu2025.ro>). Basically, human capital is made up of educational capital (skills acquired by individuals in the training school and outside it) and biological capital (physical abilities of individuals, most often synthesized by the state of health) (Di Bartolo, 1999).

From the perspective of quality assurance in higher education human capital, in terms of professional training and skills certification, human resources can be grouped into two categories: graduates - by providing skills, abilities and skills to enable easy insertion into the labor market, in line with its requirements, and academic staff - through training in the spirit of development and modernization of its initial and continuing training (<http://www.edu2025.ro>).

2.2. Considerations for developing human resources in education

Developing human potential is a necessary process, complex, continuous and high responsibility for any organization, bringing together actions and activities of selection and training new staff and retraining existing one (Popescu, Crenicean, 2011).

So, human capital grows progressively in the formal school, the family, the educational entities and individual efforts of study and reflection (<http://www.edu2025.ro>).

Of course, the development and effective use of human resources should be linked to a set of national and international factors, socio-economic and institutional, material and human. Starting from the definition in the short term of it, - the development of human resources is the process of defining, creating and providing opportunities for learning, development and training for employees to improve individual, team and organizational performance - is obvious that to be effective, human resource development process at the organizational level must be properly regulated and integrated with other specific HR processes (Popescu, Crenicean, 2011).

In this regard, organizations need to develop human resource strategies, although this is difficult only because of the environment, which is constantly changing and influencing factors (endogenous and exogenous) show permanent variations. Thus, few entities have established educational and human resource development strategies and, especially, for teachers. Within these strategies, based on development of human potential: induction, individual study, workplace training, involvement in projects, training, e-learning and other formal and informal ways of learning throughout life is crucial in context of dynamic and unpredictable changes that occur in higher education in Romania. This is because it is known that changes in relation to specific educational and scientific environment, therefore, the practical and the dynamics of economic and social changes required by crisis or not, need a permanent process of reconsideration of the knowledge, skills and capabilities individual in relation to the complex organizational activities undertaken is urgent.

Obviously, actions, activities and development programs (training) of human potential are systematically addressed at the organizational level; the first step is to identify training needs, and the last is evaluation of professional development process. Moreover, development of educational institutions needs to institutionalize human resource development concerns. Responsibility in this area returns to university management and higher forums (Ministry of Education, Youth and Sports).

Developing human potential in education and career development aims actants educational staff, approached from the perspective of development in terms of organization and personal development. Regardless of the method of approach, career development is a resource that features educational actors must take into account. This is because human resource development process allows the development entity and achieves competitive advantage necessary to maintain and develop the institution. The diversity of methods used in human capital results in a wide field of action actants educational market in the development of their institutions.

Efficient use of human potential means not only appropriate use of each teacher, auxiliary staff, trainers and managers with the competences, skills, experience and personality, but their involvement in the effort also involves development of school resources. This process is conditioned on the one hand, by accommodating the employee within the institution and the working group and, on the other hand by the professional integration process. Obviously, professional integration can be approached from the perspective of four dimensions: cognitive, relational, informational and cultural. No matter how it is addressed, development of human potential contributes to:

- targeting capabilities and individual efforts to achieve the objectives and mission of the institution;
- developing a strong, effective and strategic adapted organizational culture;
- increase staff efficiency and effectiveness;
- increase the capacity for innovation, problem solving and changing educational entities so competitive;
- capitalization of added value of human potential etc..

3. The importance of human capital in education: between principles and reality

The question is whether each entity in the educational system is developing policies and strategies of human capital and regulatory requirements supporting their application. Also in the context of globalization and knowledge-based economy where there is manifesting educational entities; competitive environment, defined by criteria of efficiency, economic performance and competitiveness, requires the implementation of priority investments in human capital to create domain-specific skills and ensuring a high capacity to adapt to dynamic labor market requirements.

As such, the completed study assumes that the importance of human resource from university environment is growing only in declarative aspect. In fact, the role of human capital is minimized by regulations. On the one hand, are educational policies and strategies initiated and adopted by the ministry and educational entities, and on the other hand existing facts which do not reflect their application. For example, referring on education funding, Article 8 of the National Education Law states that "for national education funding is allocated annually from the state budget and budgets of local authorities at least 6% of gross domestic product that year. Additionally, facilities and educational institutions can autonomously acquire and own revenues. For scientific research is allocated annually from the state budget, less than 1% of gross domestic product that year. "Obviously, in the last 10 years, education

has not received national funding to 6% of GDP, state institutions always finding reasons for breaking the law. According to National Education Law, the human resources of education is understood in a broad sense, the beneficiaries of education (primary, preschool, students, trainees, students, secondary - and tertiary their families - the local community and society in general) and university education staff academic (teaching staff, auxiliary teaching staff and administrative staff and non-teaching).

The study examines the importance of human resources in higher education, approached in a narrow sense, revealed by the national education law. This includes teachers, auxiliary staff, trainers, or non-teaching administrative staff and students. University education forms and certifies professional competence and skills developed by students for three training levels: bachelor, master and doctorate.

Regarding the importance given to the direct beneficiaries of higher education institutions in Romania (students) by state institutions, an analysis of the regulations in this area highlights the following elements:

- Act training within the educational system no. 133/2000;
- Order of the Ministry of Education and Research 4430 / 29.06.2009 on the establishment of the National Qualifications Framework in Higher Education (NQFHE) as a single instrument which establishes the structure of qualifications, provide national recognition, compatibility and comparability of international qualifications in higher education;
- introduction of Bologna system in Romanian higher education, academic year 2005-2006;
- Order of the Ministry of Education and Research. 3617/16.03.2005 on the European Credit Transfer System (ECTS);
- Order of the Ministry of Education, Research and Youth no. 5289 / 2008 on the issue the Diploma Supplement as a mandatory document, drawn up bilingual (Romanian and a language widely spoken), Bologna promotions for graduates.

In The National Education Law, students are full partners in the process of quality assurance, the Romanian state annual giving, by Government decision, a number of scholarships for schooling (National Education Law, Cap. XI, Art. 206 (1)). While stating that the scholarships are awarded both state and private universities, which meet the highest standards of quality, however, that private universities were rated "high trust" of the Romanian Agency for Quality Assurance in Education (ARACIS) does not receive state grants.

Moreover, in Title III, Chapter X Promoting student-centered university states that "students are considered partners in higher education institutions and equal members of the academic community." Of course, for quality assurance in education, all stakeholders must contribute to achieving this goal, but it is quite difficult to ensure equality between students and teachers, at least in terms of awareness.

Regarding the role of teachers in the promotion of quality education, national education law referred to in Title II school education, human resource, Chapter VI, in two sections, the beneficiaries of education and school education staff, stating issues occupying teaching staff and auxiliary teaching evaluation, award and payment. The principles underlying the law "sounds good and friendly" for teachers, but the reality is that there is still a methodology for granting gradations of merit and the national program to stimulate the implementation of teaching excellence (which should be developed by the Ministry of Education, Research, Youth and Sports) and the ministry developed a national program to stimulate teaching excellence (funded from the budget of the ministry, law review). The Education Law also provides that salaries of education personnel in education is "based on job performance and, by law" (National Education Law, Cap. VI, Art. 91 (5)), which leaves room for ambiguity regarding the criteria to reward teachers in school education.

In Title III, Higher education, art. 117, stipulates that higher education's mission is to generate and transfer knowledge to society (through initial and continuing training and scientific research, development, innovation and technology transfer through individual and collective creation). Obviously, the role of human resource education, said the articles of national education law, is significant not only in terms of providing quality education, but also in national competitiveness and ensuring economic growth. But the real situation reveals a higher education system where teachers are discriminated in various ways, inadequate pay, stress, lack of job satisfaction, always subject to evaluation based on criteria established at present to evaluate past performance. For example, art. 215 state that "after the age of retirement ... assumes that all management positions is prohibited."

Regarding school funding education, Chapter VIII, Art. 104 (2) states that the core funding provided from the state budget covers expenses in addition to salaries, bonuses, allowances and other entitlements and spending money for training and evaluating staff. But reality shows that university education staff attend courses or other means of training from their own financial resources. Moreover, due to the crisis, the Romanian state cut bonuses and salaries from many teachers. Budget funding Principle applies to public higher education, based on contracts between the Ministry of Education, Youth and Sports and the institution of higher education (Chapter XII and heritage funding universities, Article 223). Obviously, however, those teachers in higher education institutions were considered servants, have suffered the Romanian government decisions on a 25% reduction in wages and cutting various bonuses and rewards.

Although Article 118, from above mentioned Law, provides that the national higher education system is based on rights and freedoms of students and academic staff, however, in other articles, the law violates a fundamental human right: the right to work. As such, the chapter on standard academic analysis of National Education Law (Title IV Teaching Staff) shows that a teacher cannot have more than one hour teaching load and the minimum payment set by law with respect to each teaching positions (7 conventional hours for professor, 8 conventional for assistant professor, 10 conventional hours for lecturer and 11 for assistant). Besides that, legislation is granting universities the autonomy in setting minimum education standard (art. 287 (13)), of course, subject to the minimum provided by law and in compliance with quality assurance standards. Thus, private universities have decided to increase by 3 or 4 hours minimum standard conventional academics teaching or seminars, but under the same remuneration. As such, the time available for each teacher preparation, training, research, innovation and creativity has been reduced considerably. How the law provides that the university didactic load is made up of teaching and research time (art. 287), and didactic load not only includes teaching load and teaching seminars, but also other activities: guiding the development works license, dissertation, Ph.D., tutoring, advice, guidance scientific circles, evaluation etc., it is clear that teachers became officials in a non-performing educational system.

Also, although the Education Act states that school staff has the right for paid annual leave, for a period of 62 days (pre-university field) and at least 40 working days (in academic field), "in cases well justified, management of the institution can decide to disrupt legal holidays, and such persons will be paid for their work ", these people are not paid.

Moreover, associate professors and professors, titular in higher education on the old criteria of education law, cannot leave those universities which tenured them to engage in other educational entities, unless they compete on the new law criteria, which means on the one hand that the teachers are "bound to the land" by the National Education Law, and on the other hand, they have to pay the wages of actants educational policies where they are tenured (reduced amount to pay by the hour, the standard teaching load to 16, the obligation to achieve and dissemination of scientific research, innovation and individual and collective creativity, whether in excess of 40 hours per week of academic norm).

Regarding the teaching career, the law provides that "higher education students and graduates who opt for teaching profession are bound to a master teacher graduated with duration of two years" (Article 238 (1)) to develop a career in university teaching. Conversely, if a university graduate wants to start a teaching career in higher education, it must attend a doctoral school. No matter what level of higher education would like to start a career, the young graduate has to made major financial efforts to accede to the profession of teacher. Then, during the evolution of his career, he will have to pass different certification exams for different levels of competence (for career schools) and all academic teaching positions.

Obviously, a young and well-trained individual will not be attracted to the profession of teacher, because, on the one hand, the requirements are very high (a teacher always learns and improves at the expense of personal life), and on the other hand, they are paid much lower under their preparation and dignity, but are considered guilty of Romanian education status. For reasons set out it can be concluded that the Law no. 1/2011 (National Education Act) has not contributed with anything to the teachers in the education system, leading to stabilize employment and to motivate them.

4. Conclusions

Investments in human capital in education are essential for growth and economic competitiveness and educational policy must reflect this not only in terms of principle statement. At the same time, strategic approach of developing human potential in terms of educational institutions is a prerequisite to identify competitive advantages and also essential condition in successfully overcoming the economic, mentality and social crisis. In year 2002, the European Council stressed that education is the European social model and the education systems in Europe should become "a world quality reference points" by year 2010. In these circumstances, the study clearly shows that the educational system in Romania, at least at university level, is not and will not become either the next 20 years "world quality reference", because the area is poor funding, system pay is terrible, bad program for teaching staff, management and financial systems of private and state universities are centralized, and the right to work of teachers is violated.

Reality shows that the universities in 2011, following the implementation of Law no. 1 / 2011 from the second semester of the academic year 2010-2011, are populated with very few permanent staff, with associated persons aged between 65 and 80 years (permanent teachers retired at age 65, according to National Education Law), persons associated with a Ph.D. in the field taught. With regard to young teachers, they are no longer attracted to a career of at least two reasons revealed by the current national education law: first, teaching positions in higher education are: assistant professor, lecturer, associate professor and professor Ph.D. university, which means that young people who want to pursue a teaching career should make intellectual and material effort to attend school for 3 years PhD (according to the Bologna process) and, secondly, wages for a teaching assistant is unattractive to say the least creative and inventive spirit.

To achieve the objectives of each educational institution, in terms of ensuring quality teaching and simultaneous satisfaction of its employees, it becomes necessary to respect the principles of:

- ensuring equal opportunities for all employees of educational entities, non-discrimination (sex, religion, race, age, marital status etc.);
- respect of each employee's right to information;
- ensuring appropriate rewards;
- support professional development for each member of the institution.

Consequently, it should be changing education legislation (or at least of Law no. 1 of 2011), is developing standards for the application of the law, so the role of human resource education is paramount. Thus, in our country it is possible to redefine the engines of economic growth in a global context and human capital training for this area of national interest.

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