



PROTECTION OF PUPILS AGAINST VIOLENCE - LIMITS OF THE NATIONAL LEGISLATIVE FRAMEWORK

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Abstract: *Objectives: the National Legislative Framework regarding the protection of pupils against violence within the school environment consist in many laws and regulations on national and local level. Most of them are renewed starting from 2023, as: the new Preuniversity Education Law no. 198/2023 (5th of July 2023), the Order no. 6235 – Procedure on the Management of Violence Cases (22nd of September 2023), the Order no. 6731 – Graduate Profile (6th of December 2023). In 2024 other important documents were officially issued: Order no. 5726 – Regulation on the Organization and Functioning of the Preuniversity Educational Institutions (6th of August 2024), Order no. 5707 – The Pupils Statute (12th of August 2024) and Government Decision No. 1065 – National Plan for Combating School Violence (2nd of September 2024). Starting from these national regulations there were issued on local level other plans for school safety and procedures for regularly report the cases of*

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violence, or when they occur, involving cooperation of many institutions, from Police to Child Protection institutions. According to all these, schools should implement different activities for preventing all types of school violence and for reporting when a case occurs. The measures that should be taken when it happened such a case are explained and detailed in almost all the above mentioned regulations, generally the same, but with small differences regarding the form and the actors that should act. Results: this paper will present the relevant measures proposed by the laws and ministry orders for reducing school violence and for acting when such behaviours occurs, arguing that the big number of official documents have also a negative effect and finally, the teachers and school directors are overwhelmed by completing papers and reports, which affects and hinders their ability to act in order to reduce the phenomenon of school violence.

Keywords: *school violence; laws; state institutions; pupils; preuniversity education system*

1. Introduction

In Romania, the national legislative framework currently in force for combating violence in schools consists of a series of laws and normative acts. This legislative structure operates at both national and local levels.

At the national level, the following are in effect: Law on Pre-university Education No. 198/2023 (Parliament of Romania, 2023); Government Decision No. 1,065 of August 28, 2024, approving the National Plan for Combating School Violence (Government of Romania, 2024); Order No. 6,235 of September 6, 2023, approving the Procedure for the Management of Cases of Violence Against Preschoolers / Schoolchildren and Staff of Educational Institutions, as well as other related situations within the school environment and suspected cases of violence against children outside the school environment (Ministry of Education, 2023a); Order No. 6,731 of November 28, 2023, approving the Graduate Profile (Ministry of Education, 2023b); Order No. 5,726 of August 6, 2024, approving the Framework Regulation on the Organization and Functioning of Pre-university Education Institutions (Ministry of Education, 2024b); Order No. 5,707 of August 1, 2024, approving the Student Statute (Ministry of Education, 2024a).

At the local level, a number of normative acts apply to the 39 administrative units (38 counties plus the Municipality of Bucharest and the Agricultural Sector Ilfov). For illustration purposes, we have chosen to present the case of Bucharest. In this case, the local legislative framework in force at the school level consists of: The Territorial Framework Action Plan for School Safety (Government of Romania, Ministry of Internal Affairs, Prefecture of Bucharest, 2024); The Operational Procedure for Reporting Cases of Violence Against Preschoolers/Schoolchildren and School Staff, as well as Related Situations Within the School Environment and

Suspected Cases of Violence Against Children Outside the School Environment (Ministry of Education, Bucharest School Inspectorate, 2024); The Joint Action Plan at the level of Bucharest focusing on prevention, aimed at implementing the Joint Action Plan for Preventing and Combating the Use of Drugs/Other Psychoactive Substances – a Major Risk to Individual and National Security, No. S/105,450 of 10.11.2023 (General Police Directorate of Bucharest, General Gendarmerie Directorate of Bucharest, Rahova Prison, Bucharest School Inspectorate, National Anti-Drug Agency, Bucharest Public Health Directorate, Bucharest Hospitals and Medical Services Administration, Regional Transport Police Division Bucharest, 2024).

This paper will present the main directions of action, rules, and sanctions outlined in these legal documents, highlighting both the positive and negative aspects, as well as the functional and dysfunctional effects generated by the multitude of regulations and responsible institutions. It can be stated that although Romania has a complex and detailed legislative framework, its actual implementation in schools is fragmented and largely formal, being focused more on reporting and reactivity than on prevention and proactive measures.

2. Presentation of the National Regulatory Framework

The Law on Pre-university Education (Parliament of Romania, 2023) states that “Safety in school is an interinstitutional responsibility” and that “School safety is regulated through the National Plan for Combating School Violence (NPCSV)”. At the same time, the law stipulates the rights and obligations of students and teaching staff, both in general and specifically in relation to the prevention, combating, and reporting of acts of violence. It emphasizes the role of school counseling and the fact that victims of violence are entitled to free psychological support services. It also details the responsibilities of the Violence Prevention Commission (CPEV), which must be established in each educational institution, and outlines the sanctions applicable to students who violate school regulations (Parliament of Romania, 2023).

The Procedure for the Management of Cases of Violence Against Preschoolers, Schoolchildren, and Educational Staff, as well as Related Situations in the School Environment and Suspected Violence Against Children Outside of School (Ministry of Education, 2023a) defines what constitutes violence in the school setting: minor violence / severe violence / bullying. It categorizes types of violence: student-to-student; student-to-teacher / teacher-to-student, and identifies those responsible for

handling such cases: school principal, Violence Prevention Commission (CPEV), class teacher, school counselor, and a multidisciplinary team.

It also outlines how violence can be reported: anonymously, in writing, via email, and specifies intervention procedures: contacting emergency services (112 or 119), the school medical office, the parent or any teacher, or notifying the County/Bucharest School Inspectorate (ISJ/ISMB). Additionally, it sets out support measures and sanctions for those involved in acts of violence: individual or group counseling, referral to psychotherapy, and participation in social skills development activities, among others. The procedure also refers to the National Plan for Combating Violence (1065/2024) and the required documentation (Annexes 1-4) (Ministry of Education, 2023a).

Furthermore, the same procedure (Ministry of Education, 2023a) defines and distinguishes between several types of violence, such as: minor cases of violence between students in the school environment; severe cases of violence between students in the school environment; violence committed by school staff against students; violence committed by students against school staff; suspected violence against children occurring outside the school; suspected use of psychoactive substances by students; suspected possession or use of dangerous objects or suspected criminal offenses.

Thus, Chapter IV of this document (Management of Minor Cases of Violence Between Preschoolers/Schoolchildren Committed Within the School Environment) provides a clear description of the following aspects (Ministry of Education, 2023a):

“4.1. For the purposes of this procedure, minor cases of violence between children have, cumulatively, the following characteristics: low/occasional frequency: a case of minor violence is repeated no more than 3 times per month; if the frequency is higher, the case must be classified as a severe form of violence; minor consequences for the victim(s).

4.2. If they occur with low frequency and have minor consequences, and without this being an exhaustive list, the following are considered forms of minor violence between children: physical abuse: unwanted touching without sexual connotation, spitting, shoving, pushing to the ground, throwing objects, etc.; emotional abuse: raising one's voice with intent, teasing, irony, insults/profanity, name-calling, intimidation.”

In chapter five (Management of severe cases of violence between preschoolers/students occurring in the school environment), the previously mentioned aspects are detailed as follows (Ministry of Education, 2023a):

“5.1. Without this being an exhaustive list, the following are considered forms of severe violence between children: forms of physical abuse that constitute criminal offenses, such as: bodily harm, negligent bodily harm, battery or other forms of violence, blows or injuries resulting in death, involuntary manslaughter, murder, aggravated murder; other forms of physical abuse: hitting, throwing objects, restraining the child, forcing children with food allergies or intolerances to eat/ingest allergenic substances or those that cause food intolerance. Also included in the concept of physical abuse are misleading children by claiming that a food is safe and deceiving preschoolers/students in this regard; forms of psychological abuse that constitute criminal offenses, such as: incitement to violence, hate speech and discrimination, threats, blackmail, harassment, unlawful deprivation of liberty, encouraging or facilitating suicide; other forms of psychological abuse: bullying and cyberbullying, obscene gestures, insults and slurs, defamation, psychological terror; forms of sexual abuse that constitute criminal offenses, such as: sexual assault, sexual intercourse with a minor, rape, sexual corruption, recruitment of minors for sexual purposes, sexual exploitation, child pornography; other forms of harassment and sexual abuse: jokes or comments with sexual connotation about someone’s physical appearance; use of humiliating or sexist language; obscene gestures; whistling; comments or messages with sexual content; explicit conversations or direct sexual advances; unwanted touching; pinching or caressing without consent; requests that place students in situations closely resembling or identical to sexual exposure; grooming (luring minors for sexual purposes); human trafficking.” The procedure includes several extremely important annexes, as: annex 2. “Signs and Symptoms of Violence Against the Child”; annex 3 – “Case Identification Form for Bullying”; annex 4 – “Case Management Form for registering Violence cases in School” (Ministry of Education, 2023a).

The National Plan for Combating School Violence (Government of Romania, 2024) targets various forms of violence including: violence between students; violence by educational staff in pre-university institutions against students; violence by students against educational staff; violence by parents within the school environment; and anti-school violence. The main objective of the National Plan is to ensure a safe, welcoming, and supportive environment for all members of the school community at the pre-university education level by implementing a comprehensive and unified system of measures for the prevention, response, and combating of violence in

Romanian schools (Government of Romania, 2024). The duration of this national plan is three years (Government of Romania, 2024).

The measures and action directions outlined in the document include: a) Developing institutional capacity to enhance safety within schools and their surroundings; b) Preventing violence, promoting well-being, and strengthening cohesion within the school community; c) Reducing the incidence of violence in the school environment; d) Managing cases of violence; e) Improving school staff competencies for violence prevention and combat; f) Monitoring the implementation of the measures included in the National Plan for Combating School Violence (Government of Romania, 2024).

According to the same document, inter-institutional cooperation is envisaged among the County Police Inspectorates / General Police Directorate of Bucharest Municipality, County Gendarmerie Inspectorates / General Gendarmerie Directorate of Bucharest Municipality, the General Inspectorate of the Romanian Police / School Safety Directorate, County School Inspectorates / Bucharest School Inspectorate, Ministry of Labor and Social Protection, Ministry of Internal Affairs, Local Public Administration Authorities, Ministry of Education, County Resource and Educational Assistance Centers / Bucharest Resource and Educational Assistance Center, National Center for Education Policy and Evaluation, Centers for Prevention, Evaluation, and Anti-Drug Counseling, General Inspectorate of the Romanian Police, National Probation Directorate, Ministry of Family, Youth, and Equal Opportunities, Superior Council of Magistracy, and the National Institute of Magistracy (Government of Romania, 2024).

In accordance with this National Plan, the reporting of violence cases is scheduled regularly per year: monthly, quarterly, semi-annually, and annually (Government of Romania, 2024).

The Framework Regulation on the Organization and Functioning of Pre-University Education Units (Ministry of Education, 2024b) contains information regarding: management of education units; functional bodies within the education unit; responsibilities of teaching staff within the education unit; actions and duties of the Committee for the Prevention and Combating of Violence, Corruption, and Discrimination in the School Environment and Promotion of Interculturality; and responsibilities of students and parents (Ministry of Education, 2024b).

This regulation governs the rights and duties of the primary beneficiaries of education enrolled in public, private, and confessional educational units in Romania. For the purposes of this statute, the term "primary beneficiaries" includes pre-preschoolers, preschoolers, and students, represented by parents/legal

guardians (Ministry of Education, 2024b). Regarding disciplinary sanctions applicable to students for violations occurring in the school environment, outside school, or nearby, the following measures are included: (a) individual observation; (b) written reprimand; (c) suspension of scholarship (temporary / academic year); (d) disciplinary transfer to a parallel class; (e) suspension of the student for a specified period; (f) expulsion notice; (g) expulsion (with or without the right to re-enroll in the same or another pre-university institution). These sanctions are communicated individually and in writing to the student and parent, are prohibited to be given as reprimands in front of the group, and from point (d) onward do not apply to primary education. Sanctions from point (f) onward are applied only in very serious cases. They are accompanied by school counseling, and from point (e) onward also include psychotherapy and remedial activities (Ministry of Education, 2024b).

In the everyday reality of school life, principals and teachers dealing with various forms of violence must analyze and interpret both the facts and the legislation, assess and categorize students' misconduct according to the legal framework, and then determine the appropriate sanctions and measures to improve the situation and prevent the recurrence of such incidents. In the absence of proper legal training, faced with a wide range of disciplinary and violent behaviors, as well as with many parents concerned only with their own children's interests – some of whom are very well-versed in educational law – teachers and school leaders often feel overwhelmed by the complex legal context and the pressure to minimize consequences for students.

In most cases, interventions in incidents of school violence require the support and involvement of school counselors. They are expected to be present during discussions between teachers, students, and parents, to take part in staff meetings when sanctions and measures are being decided, to carry out awareness activities in classrooms, and to provide individual counseling for both victims and aggressors.

At the same time, members of the Committee for the Prevention and Elimination of Violence (CPEV) are responsible for monitoring the implementation of the measures, completing various documents, and compiling monthly reports. All of these tasks take time and require a set of legal competences that most teachers do not possess. As a result, certain cases of behavioral misconduct may lead to incorrect interpretations and contradictory decisions.

In this context, in order to understand to what extent the behavioral and formative component is emphasized in Romanian pre-university education, it is useful to

examine the current legal document regarding the educational aims and the graduate's profile.

The graduate profile (Ministry of Education, 2023b) outlines a series of competences that students are expected to acquire by the end of high school. These competences include: literacy and communication; personal, social and learning-to-learn competence; multilingual competence; civic, legal and environmental responsibility; cultural awareness and expression; mathematical competence and competence in science, technology and engineering (Ministry of Education, 2023b). With regard to the "personal, social and learning-to-learn competence," the document states that a student who has acquired this competence (Ministry of Education, 2023b):

"He interacts positively with others in various life contexts by recognizing the value and dignity of himself and others, by promoting human rights, social cohesion, and nonviolence, as well as by knowing basic legal principles."

Likewise, under the "Civic, legal and environmental competence," it is specified that a student who has acquired this competence (Ministry of Education, 2023b):

"Interacts positively with others in a variety of contexts, including professional ones, showing respect for rules and for differing points of view, demonstrating trust, empathy, openness to conflict resolution, and awareness of the impact of publicly expressed messages."

Thus, by comparing the legislation related to the prevention of violence in schools with the expected psycho-behavioral profile of high school graduates, we observe a clear discrepancy between the extensive volume of documentation concerning violence prevention and the two brief references that emphasize nonviolent, cooperative, and empathetic behavior as expectations for graduates. Violence in schools is an undeniable reality, and its effects can be serious and long-lasting, not only for the victims and aggressors but also for witnesses. In this context, efforts to prevent acts of violence and to develop students' personal, social, and civic competences should be strengthened, and more importantly, regulated and harmonized at the pre-university level.

The Counseling and Personal Development classes, where these competences should be developed and reinforced, are only part of the lower secondary school curriculum and are not mandatory at the high school level. Moreover, class head teachers at all levels require specialized training to deliver impactful activities that promote non-aggressive, prosocial behavior in students. Likewise, at the preschool and primary levels, educators and classroom teachers must be trained to identify,

modify, and model students' aggressive behaviors in order to prevent any form of labeling, discrimination, or marginalization among children.

Group and/or individual counseling provided by the school counselor is extremely valuable, but insufficient, considering the continued severe shortage of such professionals. At present, there is only one counselor for approximately 800 students, and they also carry numerous other responsibilities, including those related to the activities of the Committee for the Prevention and Elimination of Violence (CPEV), both in cases of minor and severe violence. Nevertheless, there is a continued focus on drafting legislation to be applied in cases of school violence. As a result of national regulations, a variety of local-level documents have also been developed, further burdening teachers and school principals and increasing confusion regarding the application of procedures, due to small but significant differences between national and local legal frameworks.

3. Presentation of the Local Regulatory Framework - The Case of Bucharest Municipality

The local legislative framework currently in force in schools within the Municipality of Bucharest is based on the following documents: Territorial Action Framework Plan for School Safety (Government of Romania, Ministry of Internal Affairs, Prefecture of Bucharest Municipality, 2024); Operational Procedure for Reporting Cases of Violence Against Infants, Preschoolers, Pupils, and School Staff, as well as Other Related Situations in the School Environment and Suspicions of Violence Against Children Outside the School Environment (Ministry of Education, Bucharest School Inspectorate, 2024); Joint Action Plan at the Level of the Municipality of Bucharest for the Implementation of the Joint National Action Plan for the Prevention and Combat of Drug Use or Other Psychoactive Substances - a Major Risk to Individual and National Safety, No. S/105,450 of 10.11.2023 (Bucharest General Police Directorate, Bucharest General Gendarmerie Directorate, Rahova Penitentiary, Bucharest School Inspectorate, National Anti-Drug Agency, Bucharest Public Health Directorate, Bucharest Administration of Hospitals and Medical Services, Bucharest Regional Transport Police Section, 2024).

Both the Territorial Action Framework Plan for School Safety and the Joint Action Plan at the Level of the Municipality of Bucharest for the Prevention and Combat of Drug Use or Other Psychoactive Substances emphasize the need for inter-institutional cooperation between the following entities: The National Authority for

the Protection of the Rights of the Child and Adoption; The National Anti-Drug Agency; The National Agency against Human Trafficking; General Directorates for Social Assistance and Child Protection / Public Social Assistance Services; Local Public Administration Authorities; Pre-university Educational Institutions / School Principals; The Ministry of Health; The National Health Insurance House; The Public Ministry.

The Joint Action Plan defines the responsibilities of each institution involved, including: coordination of activities, monitoring of implementation, assessment of the effectiveness of measures, provision of support, rigorous completion of official records, and direct intervention (Bucharest General Police Directorate, Bucharest General Gendarmerie Directorate, Rahova Penitentiary, Bucharest School Inspectorate, National Anti-Drug Agency, Bucharest Public Health Directorate, Bucharest Administration of Hospitals and Medical Services, Bucharest Regional Transport Police Section, 2024). This plan also includes the following provisions: The necessity of conducting awareness and prevention campaigns regarding the severity of the phenomena; Analysis of reports received from pre-university educational institutions; Updating the database with the characteristics of each school; Organizing meetings and dissemination sessions with teachers and school principals; Clearly defining the responsibilities of pre-university educational institutions and of the Bucharest Center for Educational Resources and Assistance.

The Operational Procedure for Reporting Cases of Violence Against Infants, Preschoolers, Pupils, and School Staff, as well as Other Related Situations in the School Environment and Suspicions of Violence Against Children Outside the School Environment (Ministry of Education, Bucharest School Inspectorate, 2024), based on the aforementioned legislation, offers a systematic and unified approach to reporting violence in schools throughout the Municipality of Bucharest. The procedure defines responsibilities and deadlines to be followed by pre-university schools; outlines the committees, schedules, required documents, and tasks assigned to these committees, to homeroom teachers, and to school counselors; details the intervention procedure for all forms of school violence; and introduces new forms or redefines those found in the national-level procedure (Ministry of Education, Bucharest School Inspectorate, 2024). Additionally, the document presents and classifies the types of violence into the following categories: minor/major cases of violence between students within the school environment; Cases of violence by school staff against students; Cases of violence by students against school staff; Related cases: suspicion of psychoactive substance use by students; carrying or using dangerous objects; committing criminal acts; and suspicion of violence against

a child occurring outside of school (Ministry of Education, Bucharest School Inspectorate, 2024).

4. Conclusions and Limitations of the Legislative Framework

The legislative framework currently in force at the national and Municipality of Bucharest level represents a significant step toward ensuring the safety of students and staff in the school environment. It provides clear procedures, assigns institutional responsibilities, and promotes inter-agency collaboration. The introduction of unified operational protocols and the emphasis on preventive measures such as awareness campaigns and early detection are essential aspects of this framework.

However, despite these advances, several limitations can be identified. A first observation regarding the existing legal framework is that the multitude of documents and procedures includes numerous redundant passages. At the same time, it is worth mentioning that the pace at which these legal documents are adopted and amended is extremely rapid. As a result of the abundance of regulations and recommendations that are either repeated or overlapping, confusion is created and the schools' ability to effectively implement the legal provisions is diminished.

Moreover, it should be noted that school principals and teachers in pre-university education institutions do not have legal training, which means that legal details are sometimes misunderstood or misinterpreted. From the perspective of human resources, we can also highlight the inconsistencies in inter-institutional collaboration and the work of multidisciplinary teams, which in practice have functioned with disruptions. There is a persistent tendency to prioritize correctly completed documents over concrete actions and interventions.

Thirdly, the sanctions proposed for behavioral misconduct are not always proportionate to the severity of the acts. Few students are motivated to change their behavior merely because of a lower grade in conduct. Sanctions are often contested by parents, and numerous legal proceedings are ongoing in such cases – frequently won due to procedural errors in how the school handled the situation. Any student misconduct registered as an act of violence requires the completion of forms and reports for a period of three to six months after the event occurred.

In terms of the educational goals of pre-university education, the action plans of institutions only tangentially address these issues, and the proposed disciplinary

sanctions are directed toward these goals mainly by referring students to school counseling. The strong emphasis on providing school counseling to all parties involved in incidents of violence brings to light the ongoing issue of insufficient numbers of specialized staff in schools and the fact that existing counselors are overwhelmed.

Although these plans and measures aim to promote inter-institutional cooperation—especially for preventing all forms of violence in schools—in practice, these efforts are not coordinated at the municipal level. There is no annual calendar that includes awareness-raising activities across all schools. Inter-institutional cooperation is often ad hoc, reactive, or, in some cases, proactive only when initiated by school principals. This leads to inequalities in students' and teachers' access to information and services provided by community and municipal institutions. Although monthly and quarterly reports are required on the number and types of violent acts in schools, these data are often underreported and are not used to propose concrete solutions or interventions. The legislative framework is limited to defining terms, activities, sanctions, and procedures in general terms, without adapting them to the particularities and needs of individual schools.

Most educational activities for awareness and prevention of violence focus on students, while teachers and parents are less targeted, even though achieving visible results requires a systemic approach involving all actors in the education of the younger generation. On the one hand, teachers need training both to be able to conduct impactful activities that shape students' prosocial behavior and to properly understand and apply the legal procedures in cases of violence. On the other hand, families and parents should be actively involved in building civic competencies, as only a joint and coordinated school-family effort can bring about real results in preventing and eliminating youth violence.

In conclusion, although there is a solid and extensive theoretical legislative framework for the prevention and elimination of violence in schools, it remains mostly theoretical and disconnected from practical reality due to the lack of trained human resources capable of taking preventive actions and intervening promptly. To reduce juvenile violence, the focus must shift from procedures and reports toward prevention, support, and the development of a positive school climate through the engagement, training, and collaboration of all actors involved—parents, teachers, and students alike.

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