

Pursuant to the Article IV 4.a) and II 4 of the Bosnia and Herzegovina Constitution, the Parliamentary Assembly of Bosnia and Herzegovina, during the session of the House of Representatives held on _____ 2003 and the House of Peoples held on _____ 2003, has adopted

FRAMEWORK LAW
ON PRIMARY AND SECONDARY EDUCATION IN
BOSNIA AND HERZEGOVINA

I - GENERAL PROVISIONS

Article 1.

This Law regulates the principles of preschools, elementary and secondary education and upbringing, adult education and the establishing and functioning of institutions providing services in education in Bosnia and Herzegovina, as well as supplementary education for the children of BiH citizens abroad.

It regulates the following:

I – General provisions

- 1) Purpose of education
- 2) Nature, fundamental principles, and general objectives of education and upbringing.

II – Basic principles in education

- 1) Right of a child to education
- 2) Importance of children's rights
- 3) Enhancing human rights adherence
- 4) Freedom of movement

III – Levels of education

IV - Rights and obligations and parents

V – Public and private schools

VI- Role and obligations of schools

VII –School autonomy

VIII -Educational standards

IX -Authorities responsible for establishing educational standards

X –Educational system management

- 1) School bodies and authorities
- 2) School Directors
- 3) Parents' council
- 4) Students' council
- 5) Expert school bodies

XI – Surveillance and supervision of the implementation of this Law

XII – Protection of rights

XIII -Transitional and final provisions

Education authorities competent to organize education system in Brcko District of BiH, Republika Srpska, Federation of BiH, and Cantons in accordance with the constitution (hereinafter referred to as: Competent Educational Bodies), institutions that are registered according to the valid laws in Bosnia and Herzegovina for providing educational services in the field of preschool, elementary and secondary education (hereinafter referred to as: The schools) and other expert institutions in the field of education, are obliged to implement and respect the principles and norms set forth in this Law and ensure educational services under equal conditions for all students.

Principles and standards defined and based on this Law may not be reduced.

1. Purpose of education

Article 2.

The purpose of education is to contribute to the creation of a society based on the rule of law and respect of human rights through an optimum intellectual, physical and social development of the individual, according to her potential and abilities, and to contribute to the economic development, which will secure the best life standard for all citizens.

2. General objectives of education

Article 3.

General objectives of education result from generally accepted, universal values of democratic society, as well as its own value system based on specific qualities of national, historical, and cultural tradition of nations and national minorities living in Bosnia and Herzegovina.

General objectives of education are:

- making knowledge available as a basis for understanding oneself, others and the world we live in;
- ensuring optimum development for every person, including those with special needs, according to their age, possibilities, and mental and physical abilities;
- promoting respect for human rights and fundamental liberties, and preparing each person for a life in a society which respects the principles of democracy and the rule of law;
- developing awareness of commitment to the State of BiH, one's own cultural identity, language and tradition, in a way appropriate to the legacy of the civilization, learning about others and different by respecting the differences and cultivating mutual understanding and solidarity among all people, ethnic groups and communities in BiH and in the world.

- ensuring equal possibilities for education and the possibility to choose in all levels of education, regardless of gender, race, nationality, social and cultural background and status, family status, religion, psycho-physical and other personal characteristics;
- reaching high quality education for all citizens;
- reaching standards of knowledge that can be compared to the international, i.e. European level, that is those that secure inclusion and continuation of education in European educational system;
- urging lifelong learning;
- promoting economic development;
- participating in the process of European integration.

II – PRINCIPLES IN EDUCATION

1. Right of a child to education

Article 4.

Every child has a right of access and equal possibility to participate in appropriate educational process, without discrimination on whatever grounds.

Equal access and equal possibilities signify ensuring equal conditions and opportunities for everyone, to start and further pursue education.

Appropriate education means education which, in accordance with determined standards, allows a child to develop, in the best way, its inborn and potential intellectual, physical and moral abilities, at all educational levels.

2. Importance of children's rights

Article 5.

Children's rights concerning education, and the proper care and welfare for their physical and mental health and safety in schools and other places where they receive education, have primacy over any other rights.

In the case of conflict of rights, the advantage is given to that right, interpretation or action, which will benefit the most to the child involved.

3. Enhancing respect for human rights

Article 6.

School has the responsibility to contribute to the creation of a culture, which respects human rights and fundamental liberties of all citizens in own areas, as set forth in the Constitution and other international documents from the human rights field, signed by Bosnia and Herzegovina.

Article 7.

Use of languages of the constituent peoples of B&H in all schools shall be in accordance with the Constitution of B&H.

All students shall learn scripts that are officially used in Bosnia and Herzegovina in all schools.

Article 8.

The language and culture of any significant minority in BiH shall be respected and accommodated within the school to the greatest extent practicable., in accordance with the Framework Convention for Protection of National Minorities.

Article 9.

Schools shall promote and protect religious freedom, tolerance and dialogue in BiH..

Having in mind diversities of beliefs/convictions within BiH, pupils shall attend religious classes only if latter match their beliefs or beliefs of their parents.

The School cannot undertake any measures or activities aimed at limiting freedom of expressing religious beliefs or meeting other and different beliefs.

Students who do not wish to attend religious education classes shall not in any way be disadvantaged compared to other students

Article 10.

During educational or other activities in school, didactic or other material must not be used or exposed, nor teachers and other school personnel are allowed to give any statements that could reasonably be rendered offensive to the language, culture and religion of students that belong to any ethnic, national or religious group.

It is in the jurisdiction of the entity, canton and Brčko District educational authorities to form a body that will supervise the educational process regarding violations that might occur in schools by breaking the principle stated in the previous and other paragraphs .

The bodies and authorities from the paragraph 2. of this Article shall reach binding decisions and recommendations. Composition, manner of operation and other issues significant for the work of these bodies shall be established in the founding acts.

4. Freedom of movement

Article 11.

In the process of establishing and organizing the educational system in Bosnia and Herzegovina, the Authority educational bodies are obliged to ensure all conditions needed for unimpeded and free movement of parents, students and teachers, in the sense of their right to choose their place of residence and employment.

Article 12.

All public primary schools shall have a catchment area. All students of compulsory school age living within that area shall have a right to enroll and attend this school.

Attendance at this school is mandatory, unless the student is attending a private school or is exempted from attendance as further provided in the present Law.

Upon request of the parent(s) of a child, the competent Ministry may in exceptional cases exempt the child from the requirement to attend the allocated school referred to in the present Article if this is necessary in order to protect the rights of the child and is found to be in the best interests of the child .

Competent Ministry may issue guidelines for deciding on such exemption requests, provided that they are consistent with the principles and rights set forth in the present Law..

Upon completing of primary education, students have the right to apply to any secondary school in any part of Bosnia and Herzegovina. Enrolment in such schools shall be based on a fair competition.

The schools are obliged to provide all help possible to the parents and students and, according to the valid regulations, ensure necessary conditions for exercising these rights, especially in cases involving parents and children refugees and displaced persons-returnees.

Article 13.

Certificates and diplomas on completed education, acquired according to the valid educational plan and program, issued by verified educational facilities, have equal status in the whole territory of Bosnia and Herzegovina.

The period of education in the respective educational program, not ended by the award of a certificate or diploma, is recognized without being conditioned, for continuing or completing the education in the very program, in the territory of the entire Bosnia and Herzegovina.

A period of education in an educational program when students transfer from one educational program to another, is recognized for further education in the entire territory of Bosnia and Herzegovina, according to the educational plan and program, and other conditions set forth in valid regulations.

Student can enroll the next grade (year), and the school is obliged to enable her/him to sit for exams for possible differences in the subjects at the latest by 15 April of the running year.

Article 14.

Public documents on educational and professional qualifications of the teachers have equal status in the entire territory of Bosnia and Herzegovina.

Acquired qualifications of teachers shall be recognized in accordance with determined expert and professional standards for performing teaching exercise at certain levels of education.

III – LEVELS OF EDUCATION

Article 15.

Pre-school education shall be established as a part of the overall concern of the society to improve the quality of life and development of children in early childhood.

Preschool education shall be an integral part of the educational system.

Pre-school education shall be regulated in detail through entity, canton, and Brcko District legislation, in accordance with the principles and standards prescribed in this Law.

Article 16.

Elementary education is obligatory for all children..

Obligatory education starts in the calendar year during which, on April 1st a child reaches six years of age and continues in a period not shorter than eight years.

Authority educational bodies and schools in BiH are obliged to create all necessary conditions for normal beginning of elementary school, lasting nine (9) years, till June 2004, at the latest.

Authority educational bodies can allow one year prior or later beginning of obligatory education based on the initiative by or with the consent of the parents, and in consultation with other expert and competent institutions, if it is in the best interest of the child.

Obligatory education is free of charge. Free elementary education is ensured to all children.

Child, in the sense of this Law, is every person under eighteen years of age.

Article 17.

Secondary education is available according to the reached level of success in elementary school, personal interest and possibilities.

Secondary education in public institutions shall be free of charge in accordance with the law

Article 18.

During the period of obligatory education, authority governmental bodies are obliged to take necessary measures in order to ensure conditions for a free access and participation in education to all students, especially in the regard of ensuring access to free textbooks, handbooks and other didactic material.

Article 19.

Children and youth with special needs shall be educated in regular schools and according to their individual needs. An individual program adapted to their possibilities and abilities shall be made for each student and shall determine the status of each student in relation to special education and speech pathology.

Children and youth with serious disorders and difficulties in the development may be educated in part or wholly at special educational facilities, where it is impossible to provide appropriate education in regular schools.

Categories, identification procedures, planning and working methods, profile, training, professional development of personnel working with children and youth with special needs, as well as other issues, shall be regulated more closely by entity, canton and Brčko District of Bosnia and Herzegovina legislation, in accordance with the principles and standards defined by this Law.

Article 20.

Adult education should be organized for educating adults in specific subjects and for their professional and personal development. Adult education shall include further professional training, training for acquiring additional qualifications, re-training and other activities ensuring lifelong learning.

Adult education shall be regulated in more detail through legislation by the entities, canton and Brčko District of Bosnia and Herzegovina, in accordance with the principles and standards defined by this Law

Article 21.

With the aim of acquiring new knowledge, improvement and professional development, teaching personnel, pedagogues, teachers of special needs education, speech pathologists, and school headmasters shall be included into obligatory programs of training, improvement and testing.

Such programs shall be established by the education authorities in the entity, canton and Brčko District of Bosnia and Herzegovina in accordance with the principles and standards defined by this Law.

IV - RIGHTS AND OBLIGATIONS OF PARENTS

Article 22.

Parents, care takers and foster parents (hereinafter referred to as: Parents) are the basic educators of their children.

The parents exercise rights and obligations resulting from that role in accordance with this Law and other valid regulations

Article 23.

Parents have the right and obligation to take care of the education of their children.

It is a right of the parents to choose the type of education their children will acquire, according to their belief on what is in the best interest of their children and subject to availability, provided that such a choice exercises the right of a child to appropriate education

Article 24.

In the exercise of their rights, parents can not limit the right of their children to have access to and benefit from an education appropriate to their needs and capacities.

Article 25.

Parents cannot exercise their right to choose the education of their children in a way that promotes prejudice on racial, sexual, ethnic, linguistic, religious or any other basis, nor in a way contrary to this law.

Article 26.

Parents have the right to educate their children in public and private schools.

Private schools secure equal possibilities to all candidates in the sense of conditions and procedures.

Authority educational bodies are obliged to ensure that the mechanisms of control and pedagogic follow-up and assessment of educational standards are applied in private schools, in order to secure appropriate education.

Article 27.

Parents are obliged to ensure regular attendance of their children in school during the period of obligatory education. In case of negligence and irresponsible behavior to this obligation, parents are subject to legal sanctions.

Parents also have the right and obligation to, according to the circumstances and their possibilities, urge further education of their children.

Article 28.

It is also a right and obligation of the parents to be informed, consult and follow the educational progress of their children, as well as to follow and evaluate the work of the headmaster, teachers and other school personnel, and the quality of the work in the school as a whole.

Parents have the right and obligation to participate in all levels of decision-making, regarding issues relevant to the work of the school and functioning of the educational system in general, in the best interest of their children and through their representatives in the school bodies and through their associations.

V– PUBLIC AND PRIVATE SCHOOLS

Article 29.

Public and private schools perform the activity of formal education in accordance with the curricula prescribed by the educational authorities.

Authority governmental bodies establish public schools according to the principles and standards set forth in this Law and other conditions and criteria established in the laws in the field of education.

Article 30.

Private school may be established by national and foreign private and legal persons according to the principles and standards set forth in this Law and other conditions and criteria defined by regulations in the field of education.

Article 31.

Private schools may start operating upon obtaining consent from competent educational authorities for the application of adequate curriculum, if they ensure other standards and

conditions that will secure appropriate education, care and safety for the students in accordance with specifications of given private schools, including religious schools.

International private schools only may have a curriculum not fully covering the common core curriculum..

Article 32.

Private school cannot be established with the purpose of promoting racial, ethnic, religious, sexual or other prejudice, nor can it fulfill its functions in a way that promotes such prejudice, or in a way contrary to law.

Article 33.

In view of organizing supplementary education with regard to “National Group of Subjects” for the primary and secondary school students, the relevant ministries of the state of BiH will initiate the signing of special bilateral agreements with all countries where there is such an interest for BiH.

If the financial support for additional instructions is not anticipated in the regulations of the host states, such support shall be planned in the budget of BiH institutions .

The curriculum for supplementary education, with due regard to the Common Core Curriculum stated in article 42 of this Law, will be developed by a commission appointed by the Council of Ministers in co-operation with the curriculum agency.

VI – ROLE AND OBLIGATIONS OF THE SCHOOL

Article 34.

A school teaches its students and regularly examines and rates their educational progress, in order to ensure that students acquire an education suitable to their needs and possibilities.

It implements its role and functions in a motivating environment for acquiring knowledge; respectful and supportive towards the individuality of every student, as well as towards his or her cultural and national identity, language and religion; safe and free of any form of intimidation and abuse, physical punishment, insults, humiliation and degradation and damage to health including damage caused by smoking, or by the use of any other intoxicating or illegal substances.

Article 35.

The school cannot discriminate in children’s access to education or their participation in educational process on the basis of race, color, gender, language, religion, political or

other belief, national or social origin, on the basis of special needs status, or on any other basis.

In the sense of paragraph 1. of this Article, the competent educational authorities and institutions, together with schools, are especially responsible for providing for functional accommodation and supporting infrastructure for children with special needs, young people and adults, to allow for unrestricted access to education.

Article 36.

The school promotes equal opportunities for all its students, teachers and other employees, taking into consideration and at the same time promoting the right for differences among them. With this aim, the school shall establish and carry out its own programs that support and promote different cultures, languages, and religions of its students and staff.

Article 37.

In scope of all issues that are important for realization of school's function, interests and student's needs, the school promotes and develops permanent and dynamic partnership of school, parents and local community.

The school, parents and local community especially promote and carry out the programs of joint and organized action and cooperation in combating maltreatment and abuse of children and youth, combating drugs, alcohol, smoking, juvenile delinquency, and all other occurrences that bring into danger health and life of students.

Article 38.

Issues of school functions and activities, its organization, method of work and house rules in school are defined by school general rules in accordance with the valid regulations, made in consultation with students, parents and teachers.

Article 39.

The school operations are public.

Supervision over school's operations is realized in accordance with the valid regulations.

VII - SCHOOL AUTONOMY

Article 40.

Activities of political parties and their progenies are forbidden in the school.

Article 41.

In accordance with the valid regulations the school enjoys an adequate degree of autonomy, especially with regard to employment of teaching, expert, and other personnel and freedom of teachers' pedagogic work.

The school shall respect teachers' freedom to perform the teaching in the way, which they deem adequate, taking care about standards and the sustainability of the existing, and application of the new methods in the educational process.

The school gives the teachers optimal support in the course of realization of professional standards in the teaching process.

VIII - EDUCATIONAL STANDARDS

Article 42.

There shall be a common core curriculum for all public and private schools in Bosnia and Herzegovina.

Article 43.

The common core curriculum consists of the curricula and syllabi of all subjects of primary and general secondary education of BiH that have as broad an agreed common core as possible.

The common core curriculum is developed by a special ad hoc temporary body. Members of this body are appointed by the Ministers of Education of the Entities, Cantons and of the District of Brčko, and one member is appointed by the Minister of Civil Affairs.

Pursuant to the proposal of the temporary body of the preceding paragraph, the Agreement on common core curriculum is adopted and signed by the Ministers of Education of the Entities, Cantons and of the District of Brčko.

The common core curriculum shall:

- a) Ensure that, positive relations and a feeling of commitment to the State of BiH, are developed through the pedagogic-educational process.
- b) guarantee and provide for education meeting high standards for all children and achieving satisfactory standard of knowledge, skills and abilities;
- c) provide for consistency of educational standard quality in all schools and at all levels of education;
- d) provide for satisfactory harmonization of educational curriculums, as well as their adaptability, in accordance with specific needs of school and local community;

- e) provide for application of curriculums that correspond to the developmental needs of the children concerned, their age and special interests with an emphasis on the promotion of healthy way of life that is in the best interest of the student or pupil, parents, teachers, professors, and the society;
- f) secure the freedom of movement;
- g) guarantee economy and efficiency in financing and work of school.

Article 44.

A substantial majority of the pedagogic activity in schools shall be comprised of subjects and curricula and syllabuses provided for in the common core curriculum.

In the framework of the common core curriculum, public and private schools have the freedom to create and realize educational contents of their own will, in accordance with Articles 3, 7, 8, 10, 33, 35 and 40 of this Law.

Article 45.

Authority educational bodies define other standards and norms, as regards:

- a) space, equipment and teaching materials in schools;
- b) time for school and educational activities;
- c) textbooks and other didactic materials;
- d) educational process;
- e) educational and professional competencies of teaching staff;
- f) evaluation of students, and
- g) Workload standards (teaching and working norms for all employees in school). Standards on working conditions (number of pupils in classroom, and upbringing group of subjects to be taught in curricula and extra curricula activities).

Standards and norms secure consistent and efficient application of the common core curriculum in all schools of Bosnia and Herzegovina.

IX – AUTHORITIES RESPONSIBLE FOR ESTABLISHING EDUCATIONAL STANDARDS

Article 46.

Authorities responsible for establishing educational standards in Bosnia and Herzegovina are: The Standards and Assessment Agency established by the inter-entity agreement in 2000, The Curriculum Agency, the present professional institutions of entities, cantons, Brčko District of BiH, as well as other permanent and periodical professional bodies.

Article 47.

The Standards and Assessment Agency establishes standards of students' achievement and of assessment of the degree of their accomplishment; conducts assessment research

with the aim of assessing development and presenting results of the research; advises the competent educational authorities dealing with the prescribed standards and their implementation; establishes and maintain mechanisms of reporting on situation in schools in the territory of BiH; establishes contacts with bodies that have similar functions in other countries with the aim of providing for that obligatory standards are not bellow the level of standards applied in those countries; offers assistance on recognition of domestic certificates and diplomas in other countries; and implements other activities as regards implementation of standards.

Article 48.

The Curriculum Agency is an independent expert body responsible for implementing the common core curriculum for all levels of education regulated by this Law.

The common core curriculum shall be published in all official gazettes in Bosnia and Herzegovina.

The Curriculum Agency is responsible for implementation, follow-up, evaluation, improvement and development of the common core curriculum, in accordance with the standards defined by this Law and standards in the framework of European integration.

The Curriculum Agency shall work in cooperation with the Standards and Assessment Agency.

Article 49.

An agreement between the Governments of the Entities, Cantons and Brčko District of Bosnia and Herzegovina shall define issues of organization, scope, the method of work, funding, seat and other issues related to work of the bodies established in accordance with art. 45 of this Law.

X – MANAGEMENT OF EDUCATIONAL SYSTEM IN SCHOOLS

Article 50.

Laws in the field of education and other regulations of entities, cantons, and Brčko District of Bosnia and Herzegovina regulate in more detail establishment of authorities, bodies and procedures for managing educational system, their organisation and mandate.

Laws from previous paragraph define the competencies and responsibilities for managing educational system, especially in view of: financing of education; relations between schools and educational authorities; relations of educational authorities and schools towards community; partnership of all subjects in education; school management; and all other issues significant for effective management of educational system.

1. School bodies and authorities

Article 51.

Each school shall have a school board.

The school board is responsible for determination and implementation of school policy, general management of school work and efficient use of material and personnel resources.

The school board members are elected from school staff, school founder, local community and parents, in accordance with legally proscribed procedure, and based on principle of equal representation of all structures' representatives.

The composition of the school board must reflect the national structure of students and parents, school staff and local community, as it is recorded at a relevant time, in principle according to the census of BiH population from 1991.

Performance of duties of the school board members is voluntarily and without compensation.

2. School Director

Article 52.

The director for each public school is appointed by the school board, in the proceedings that are envisaged by the Entity's, Cantonal and Brčko District of BiH laws and School's Rules.

The director is responsible for the day-to-day management of the school and for leading the pedagogical activities of the school.

3. Parents' Council

Article 53

Parents of children attending schools have right, and school has obligation, to help parents to establish the parents' council, whose members are appointed by the parents of students.

Manner and procedure of establishment and work of parents' council are defined by general school acts.

Parents' council:

- a) promotes interests of schools in the community the school is situated in;
- b) represents attitudes of students' parents before the school board;
- c) encourages active engagement of parents in work of school;
- d) informs school board on its attitudes whenever it considers it necessary, or, upon requests of board, on every issue related to work and school management;
- e) selects and nominates School Board parents' representatives; and

- f) participates in preparation and realization of adequate projects which encourage and promote educational work in school.

4. Students' councils

Article 54.

Taking into consideration the age of students attending school, school helps them in establishing the students' council, with the function:

- a) to promote interests of school in a community the school is situated at;
- b) to represent the students' attitudes before the school board;
- c) to encourage engagement of students in school work; and
- d) to inform the school board on its attitudes whenever it considers it necessary, or upon the board request, on every issue related to work and management of school.

Manner and procedure of establishment and work of students' council are determined by school rules.

5. Expert school bodies

Article 55.

A school has the following expert bodies: Teachers' Council, Class Council, Experts' Council.

The determination of the composition, competence and operation of the expert school bodies shall be regulated by laws of Entities', Cantons, Brčko District and School Rules.

XI – MONITORING AND SUPERVISION OF IMPLEMENTATION OF THIS LAW

Article 56.

Ministry of Civil Affairs of BiH shall be charged with supervision over implementation of this Law.

Competent educational authorities are responsible for implementation, as well for monitoring and supervision of this Law, each within its respective competence.

XII - PROTECTION OF RIGHTS

Article 57.

Reports on violation of principles defined by this Law could be lodged to competent educational institution or competent inspection in the field of education, which shall by decision ascertain justifiability of such violation and order its elimination.

If within thirty (30) days after a report has been lodged, decision is not submitted, or the party is not satisfied with the decision, he or she could lodge complaint to the competent Ministry, which is obliged to solve the complaint within thirty (30) days.

Unsatisfied party could initiate proceeding before the competent court.

Article 58.

Against a person who acts in a way which is contrary to this law, disciplinary proceedings may be initiated by the school, competent inspection or the competent Ministry.

A school, competent inspection or the competent Ministry shall inform the competent criminal prosecution authority if it is suspected that a criminal offence may have been committed.

XIII - TRANSITIONAL AND FINAL PROVISIONS

Article 59.

The Ministry of Civil Affairs of Bosnia and Herzegovina, immediately upon entering into force of this Law, shall take steps towards concluding the agreement from Article 48. of this Law.

The proceedings for concluding the Agreement have to be pursued within three (3) months of entering into force this Law at the latest.

All State, Entity, Cantonal and District of Brčko laws, as well as other relevant regulations in the field of education, shall be harmonized with the provisions of this Law within six (6) months at the latest as of the date of entering this Law into force.

With the aim of achieving adequate quality of education and standards of knowledge, as well as their comparability at domestic and international levels, the competent educational authorities are obliged to ensure that, by the beginning of school year 2003/2004 at the latest, teaching in all schools in the territory of Bosnia and Herzegovina shall be realized on the basis of the common core curriculum, as defined by this law.

Until a separate law is passed, principles established by this Law shall apply to secondary vocational schools as well.

Article 60.

If any prescribed obligation is not realized within deadlines defined by this Law, the Council of Ministers of Bosnia and Herzegovina shall pass binding interim measures.

These interim measures shall be applied until fulfilling of obligations defined by this Law.

Article 61.

This Law shall enter into force on the day of its publication in the Official Gazette of BiH.