

Based on the Article IV. 4a) and II. 4.) Of the B&H Constitution, the Parliamentary Assembly at the session of the Home of Representative, which was held on 27th June 2003, and at the session of the House of the people held on 30th of June 2003 adopted

FRAMEWORK LAW ON PRIMARY AND SECONDARY SCHOOL EDUCATION IN BOSNIA AND HERZEGOVINA

I. GENERAL PROVISIONS

Article 1.

This Law regulates the principles of preschool and secondary school education, education of adults and establishing and functioning of the institutions for providing services related to education in B&H and additional teaching for the children who are citizens of B&H living abroad.

The Law regulates the following:

- I.** General provisions
 - 1. Goals of education
 - 2. General objectives of education, nature and basic starting points of education and bringing up
- II.** Principles in education
 - 1. right of a child to be educated
 - 2. importance of children's rights
 - 3. improvement of human rights respect
 - 4. freedom of movement
- III.** Levels of education
- IV.** Rights and obligations of parents
- V.** Public and private schools
- VI.** Role and obligation of school
- VII.** Autonomy of school
- VIII.** Standards in education
- IX.** Bodies to establish the standards in education
- X.** Management of schools

1. Managing bodies in schools/School Boards
2. Headmaster
3. Council of Parents
4. Council of Pupils
5. Professional bodies of school

XI Monitoring and supervision over the Law implementation

XII Protection of rights

XIII Transitional and final provisions

Authorities competent for organizing the system of education in Brcko District, the RS, the FB&H and the Cantons, in accordance with the Constitution (in further text the competent educational authorities), the institutions, which according to the existing B&H laws, are registered for providing services in the field of preschool primary and secondary school education (in further text schools) and other vocational institutions in the field of education, are obliged to apply and follow the principles and normative established by the Law and to ensure equal education (under the same standards) for all pupils.

Principles and standards established by this Law and based on this Law cannot be minimized.

1. Purpose of education

Article 2.

Purpose of education is that through optimal intellectual, physical, moral and social development of the individuals, in accordance with their possibilities and capabilities, contribute the building up the society based on rule of the law and respect of human rights, and to contribute to their economical development which will ensure the best living standards for all citizens.

2. General objectives of education

Article 3.

General objectives of education are generated from the overall accepted universal values of democratic society, and own values of the systems based

on specific characteristics of national, historical, cultural and religious tradition of the nation itself and the national minorities that live in the B&H.

General objectives of education are:

- a) to enable approach to knowledge as the basis for understanding itself, the others and the world we are living in;
- b) to ensure the optimal development for each person , including those with special needs, according to their age, capabilities and mental and physical abilities;
- c) promotion of human rights and basic freedom and preparation of every individual person for life within the society that respect principles of democracy and the rule of the law;
- d) development of consciousness of belonging to the state of the B&H, to own cultural identity, language and tradition in accordance with the current standards of civilization, by paying respect and learning about the others and those who are different , by respecting the differences and taking care of mutual understanding, tolerance and solidarity among all people, all nations and communities within the B&H and all over the world;
- e) ensuring equal possibilities for education and possibility of choice at all levels of education, regardless of gender, race, nationality, social and cultural status and origin, family status, religion, psycho physical and other characteristics of the individual;
- f) achievement of good and qualified system of education for all citizens
- g) reaching the standards of knowledge comparable to the international i.e. European level ,which will ensure inclusion and continuity of education into the European system of education;
- h) realization of LLL
- i) promotion of economic development
- j) inclusion in the process of European integration.

II. PROVISIONS IN EDUCATION

1. The rights of the child to be educated

Article 4.

Each child has the equal right on inclusion into the system of education and equal possibilities to participate in adequate education, without any kind of discrimination.

Equal access and equal possibilities understand assurance of equal conditions and opportunities for all, for the beginning and continuity of further education.

Appropriate education understands the education, which in accordance with the established standards, ensure the child to develop its natural and potential intellectual, physical and moral capabilities, in the best possible practice, at all levels of education.

2. Importance of the rights of the child

Article 5.

The rights of the child in domain of education, a proper care for its mental and physical health and its security in schools and all other educational institutions, has priority over all other rights.

In case of struggle of rights, priority is given to the right, its explanation or activity, which will be of the best interest for the child.

3. Improvement referring to respect of human rights

Article 6.

School is responsible that in its own milieu and in the environment it is existing, and working, contribute to creation of such culture which will show respect to all human rights and basic freedom of all citizens, as it is stipulated by the Constitution and the other international documents in the field of human rights, signed by the B&H.

Article 7.

Languages of the constitutive people of the BiH will be in use in all schools in accordance with the BiH Constitution.

All pupils at schools will study alphabets (latin or cyrilic) that are officially used in the BiH.

Article 8.

Languages and culture of any important minorities that live in B&H will be respected and incorporated in schools, as much as possible, in accordance with the Framework Convention on Protection of Rights of Minorities.

Article 9.

School will improve and protect freedom of religion, tolerance and culture of dialogue.

Bearing in mind different convictions / belief in B&H, pupils are to attend the religious lectures, only if they correspond to their religion convictions or their parents' religion convictions.

School is not allowed to undertake any measures or activities that will anyhow restrict freedom of expressing own religion convictions or becoming familiar with the others or the different ones.

Pupils that do not want to attend the religious classes will not be put in an unpleasant position referring to the other pupils.

Article 10.

In teaching or other activities at schools, it is not allowed to use didactical or other material nor give statements by the teachers or other schools' staff which could be considered as insulting for language ,culture and religion of pupil that belong to any national, ethnical group or religion.

It is under competency of the entity, cantonal and educational authorities of the Brcko District and the B&H authorities to establish bodies to monitor any kind of offences that could arise in schools by violating of the principle stated in the previous paragraph.

Institutions and bodies stipulated in the Item 2 of this Article are obliged to reach the obligatory decisions and recommendations. Members, method of work and other issues of importance for the work of these bodies are regulated by the (act) document on their establishing.

4. Freedom of movement

Article 11.

In the process of establishing and organization of obligatory (compulsory) educational system and process in B&H, the competent educational authorities are obliged to ensure conditions for uninterrupted and free movement of parents, pupils and teachers, in terms of respecting their right to make a choice of their place of residence and employment.

Article 12.

All public primary schools have their area of enrolment. All pupils at the age of compulsory attending the school are to be enrolled in school located in the area of their place of dwelling.

Attendance of the particular school is obligatory, except if the pupil attends the private school or is excluded from the school attendance, as it is stipulated by this Law.

Upon the parents' request the authorized Ministry is obliged, in exceptional cases, to except the child from attending the particular school from this Article, if it is necessary to protect the child's rights and if it is considered to be the best possible solution for the child.

The competent Ministry can issue guidelines for making decisions referring to requests from the previous Item, bearing in mind that the guidelines are in accordance with the principles and rights established by this Law.

Pupils upon completion of primary school education have rights to apply for enrolment into any secondary school in B&H. The enrolment to these schools shall be based on equal opportunity of competition.

Schools are obliged to ensure all possible assistance to parents and pupils and in accordance with the valid regulations to ensure necessary conditions for realization of these rights, especially concerning the refugees, displaced persons and returnees.

Article 13.

Certifications and diplomas on completed education, gained in accordance with the valid curricula and issued by the verified educational institutions, have the equal status across the whole B&H territory.

Duration of education in particular educational program which is not completed and when there is no diploma or certification is accepted unconditionally , absolutely, for further continuity and completion of education in that respective program on the whole B&H territory.

To the pupil who is the subject of transfer from one educational program to the other , within the same occupation family, duration of education from the previous educational program is acknowledged for the further continuity of education on the whole B&H territory, in accordance with the teaching curricula and other conditions established by the valid regulations.

Pupil is to be registered to the following class and the school is obliged to enable him to take examination of possible difference in subjects latest till 15th of April of the current school year.

Article 14.

Public documents on educational and professional qualifications of the teacher have equal importance in the BiH.

Gained qualifications of the teachers are accepted in accordance with the established vocational and professional standards for teaching performance at the particular levels of education.

III. LEVELS OF EDUCATION

Article 15.

Preschool education is established as a part of an overall care of society for improvement of the quality of living and development of children in the early stage of their childhood.

Preschool education is a constitutive part of the educational system. Preschool education shall be regulated by the Laws of the Entities, Cantons Brcko District Laws and the B&H Laws in accordance with the principles and standards defined by this Law.

Article 16.

Primary school education is obligatory for all children. Regular (compulsory) education starts in the calendar year in which the child is six years old till 1st of April, and it lasts in continuity without interruption for a period not less than eight years.

The competent educational authorities in the B&H are obliged, latest June 2004, to create all necessary conditions for normal beginning of the primary school education which shall last nine years.

The competent educational authorities, on initiation or approval of the parents and in consultation with the other professional and competent institutions, can allow one year earlier beginning or postponement of the beginning of education, if it is in the best interest of a child.

Regular education is free. All children have right to have primary school education for free. Each person up to completion of 18 years is considered a child in terms of this Law.

Article 17.

Secondary school education is available to all, in accordance with the achieved results in primary school, personal interest and capabilities. Secondary school education in public institutions is free, according to the Law.

Article 18.

During the period of regular education the competent authorities undertake all necessary measures to provide to the pupils free access and participation in the process of education, especially concerning the free textbooks, manuals and other didactical material.

Article 19.

Children and the young people with special educational needs attend the regular schools according to the programs adapted to their individual needs. Individual programs adapted to their individual possibilities and capabilities shall be prepared for each individual pupil, including their status defined by defectologist and logaoedics.

Children and young people with serious problems and troubles can be educated in special institutions, part time or full time, in cases when it is not possible to ensure them appropriate education in regular school.

Categories, procedure of identification, planning and the method of work, profile and professional development of the staff working with the children and young with special needs, and all other issues, are precisely regulated by the Entity, Cantonal, the B&H Brcko District rules and regulations, all in accordance with the principles and standards established by this Law.

Article 20.

Education for adults is organized for particular subjects, for their professional and personal development. It includes professional training, additional training, retraining and other activities which ensure long life learning.

Education of adults shall be regulated, in details, by the Entity, Cantonal, B&H Brcko District Laws, in accordance with the principles and standards defined by this Law.

Article 21.

Due to gaining new knowledge, improving and professional development the teaching staff, pedagogues, psychologists, defectologist, logaoedics, and directors of schools shall be the subject of the regular trainings' program, improvements and checking.

Such programs shall be established by the authorities in the Entities, Cantons and Brcko District B&H, in accordance with the principles and standards defined by this Law.

IV. RIGHTS AND OBLIGATIONS OF PARENTS

Article 22.

Parents, tutors and adoptive parents (in further text Parents) are the basic educators of their children.

Rights and obligations arising from that role, parents realize in accordance with this law and other valid regulations.

Article 23.

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

Parents have rights, that in accordance with their convictions about what is the best for their children and if it is available, to choose the type of education for their children, if by that choice the child's right for appropriate education is achieved.

Article 24.

In realization of their rights, parents cannot restrict the rights of their children to have an access to and to use the education appropriate to their age and their capabilities.

Article 25.

Their rights to choose the type of education for their children, parents cannot realize in terms of promotion of any kind of prejudices: concerning the race, gender, nationality, and language, religious and in the manner that is opposite to this Law.

Article 26.

Parents have right to educate their children in the public or private schools
Private schools, concerning conditions and procedures, ensure equal conditions for enrollment for all candidates.

The authorized educational authorities are obliged to ensure mechanism of control over the work and pedagogical supervision and evaluation of educational standards, which are applied in private school, in order to ensure a child appropriate education.

Article 27.

Parents are obliged to ensure regular attendance of school for the period of regular schooling. In case of negligent attitude and behavior referring to this obligation, the parents shall be sanctioned in accordance with the law.

Parents, as well, have the right and the obligation that in accordance with their possibilities, encourage further education of their children.

Article 28.

The parents' right and obligation is to regularly get information and consultations on educational development and achievements of their children, as well as to monitor and evaluate the work of director, teachers and other school staff and a quality of school work in general.

Parents have rights and obligations, in interest of their children that through their representatives in the school bodies and their associations at all levels of making decisions, participate in reaching decisions about issues of importance for the school work and functioning of the educational system in general.

V. PUBLIC AND PRIVATE SCHOOLS

Article 29.

The public and private schools perform duties from the scope of regular education, in accordance with the curricula, regulated by the educational authorities.

Public schools are established by the competent authorities in accordance with the principles and standards established by this Law, and other conditions and criteria defined by the regulations from the educational scope of work.

Article 30.

Private schools can be founded by local and foreign physical and legal persons, in accordance with principles and standards established by this Law And other conditions and criteria established by regulations in the field of education.

Article 31.

Private school can start to work after getting agreement of the competent educational authorities for implementation of appropriate curricula, when in accordance to valid regulations; provide the other standards and conditions which guarantee that students will get appropriate education, care and security in accordance to specific conditions of private schools where religious schools are also included.

Only international private schools can have curricula that do not cover completely common core of curricula.

Article 32.

Private school can't be established in order to neither promote race, national, religious, gender and the other prejudices, nor can carry out its functions against the law, i.e. in a way that promotes above mentioned prejudices.

Article 33.

In order of organizing the additional curricula from the group of so called "national subjects " for students of primary and secondary schools, citizens of B&H in abroad, authorized B&H ministries will initiate signing of the particular agreements in all countries in which there's an interest for B&H.

Financial resources for expenses of teaching staff, if domicile regulations don't show that these resources are paid from the countries of reception, will be planned in a budget of B&H institutions.

Special board nominated by the Ministers' Council in cooperation with the Agency for Curricula defines curricula for subjects of additional curricula, on the basis of common core from the Article 42 of this Law.

VI. THE ROLE AND OBLIGATION OF SCHOOL

Article 34.

In school students are taught, monitored and evaluated on regular bases in the matter of the progress of their education, in order to assure necessary education which corresponds to their needs and capacities.

School realizes its role and obligations in an environment which develops students' motivation for achieving of knowledge, which respects individuality of each student, as well as his/her cultural, national identity, language and religion, who is safe, in which there's no sorts of frightening, mistreating, physical abuse, insulting, humiliating or degrading or any violation of child's health, including the damage caused by the smoking or using the other narcotics or prohibited means by the Law.

Article 35.

School can't have discriminatory approach towards children in teaching or towards their participation in an educational process, on the basis of gender,

language, religion, political or the other opinion or social background, or because these are children with the special needs, or any other base. In the sense of the paragraph 1 of this Article, competent authorities and institutions are responsible for providing of functional premises and the appropriate infrastructure for undisturbed approach and learning in educational process for children with special needs, to the young and adults.

Article 36.

Schools promote equal possibilities for all the students, teachers and the other employees, respecting and promoting at the same time the right of differences among them.

For this objective, educational authorities and schools define and carry out their own programs which support and cherishing different cultures, languages and religion affiliation of their students and employees.

Article 37.

School promotes and develops permanent and dynamic partnership of school, parents and the environment where they live, about all issues meaningful for realization of function of school and interests and needs. School, parents, students, and the local community especially promote and implement programs of common and organized activities and cooperation against mistreating of children and the young, the fight against drugs, alcoholism and the other drugs addictions, and all the other actions which endanger students' health and life.

Article 38.

Schools' functions and activities, its organizations, methods of work and school order are closely regulated by the general school regulations, made through consultations with children, parents and teachers.

Article 39.

School work is public.

Supervision over school work is realized in accordance
With valid regulations.

VII. SCHOOL AUTHONOMY

Article 40.

In schools, all the activities of political parties and their juniors are forbidden.

Article 41.

School has respective degree of autonomy in accordance to effective regulations, especially in a matter of employment of teaching, professional and the other staff, and the freedom of teachers' work.

School respects teachers' freedom to carry out the curricula in a way they consider it as appropriate, taking care about standards and sustainability of existing and implementation of new methods of work in teaching process.

School produces to the teacher's optimal support in realization of professional standards in presentation of curricula.

VIII. STANDARDS IN EDUCATION

Article 42.

In all public and private schools in Bosnia and Herzegovina will be established and implemented common core of curricula.

Article 43.

Common core of curricula consists of curricula with the most of common core for all the subjects of primary and general secondary education.

Common core of curricula is realized by particular ad hoc temporary board. Ministers of education of entities, cantons and Brcko District nominate the members of this board, and Minister of civil affairs nominates one member.

On the proposal of temporary board from above paragraph on common core of curricula are adopted and signed by entity ministers of education, ministers of education of all cantons from Federation of Bosnia and Herzegovina, and representative of Brcko District Bosnia and Herzegovina.

The common core of curricula will:

- a)
Provide that the education process develop positive attitude and sense of belonging to the state of Bosnia and Herzegovina;
- b)
Guarantee and provide high quality of education for all the children and achievement of satisfactory standard of knowledge, skills and competencies;
- c)
Provide consistent quality of standard of education in all schools and on all levels of education
- d) Provide satisfactory harmonization of curricula as well as their flexibility in accordance to the needs of school and local community;
- e)
Provide implementation of curricula which correspond to development needs of the children they are related to, to their age and to their particular interests with the focus on promotion of the healthy way of life, the life as the utmost students' interest, the interest of the parents, teacher staff and the society.
- f) Provide freedom of movement and the equal approach to education;

g) Guarantee economy and cost effectiveness in the school work.

Article 44.

Majority of pedagogic activities in school consists of the subjects and curricula anticipated by common core of curricula.

In a frame of common core, public and private schools, which have the freedom of creation and realization of curricula, according their choice, in accordance to the articles 3, 7, 8,10,34,36, and the Article 41. of this Law.

Article 45.

Competent educational authorities also establish the other standards and norms in education, in a matter of:

- a) Premises, equipment and teaching means (aid) in schools,
- b) Time for school and outside school activities,
- c) Text books and the other didactic material,
- d) Educational process,
- e) Educational and professional competencies of teachers,
- f) Assessment of students,
- g) Normative scope of work (teaching norm and working norm for all the employees in school), normative on conditions of work (number of students in the class and educational group in teaching and free time activities)

By standards and norms in education are provided consistent and efficient implementation of common core in all schools in Bosnia and Herzegovina.

IX. BOARD FOR ESTABLISHMENT OF STANDARDS IN EDUCATION

Article 46.

Bodies for establishment of standards in education in Bosnia and Herzegovina are: The Agency for Standards and Assessment in Education founded by inter entity agreement 2000, The Agency for Curricula, existing professional institutions of entities and cantons, Brcko District of Bosnia and Herzegovina, as well as the other permanent and temporary professional bodies.

Article 47.

The Agency for Standards and Assessment establishes standards of students' success and assessment of achieved results; undertakes research in order to evaluate development and publish results of research; gives advice to competent educational authorities regarding issues of regulated standards and its implementation; establish and carry out mechanisms of reporting on status in schools on the territory of Bosnia and Herzegovina; establish contacts with bodies who have similar functions in other countries, in order that regulated standards are not under the level of standards implemented in these countries; assists at recognition of local certificates and diplomas in other countries, carry out the other activities in regard with the implementation of standards.

Article 48.

The Agency for Curricula is independent professional body in charge for implementation of the common core of curricula on all levels of education, treated by this Law.

The common core of curricula is published in all official newspapers in Bosnia and Herzegovina.

The Agency for Curricula is responsible for implementation, monitoring, evaluation, improvement and development of common core for curricula, in

accordance to standards established by this Law and standards in countries included in European integration.

The Agency for Curricula will work in cooperation with the Agency for Standards and Assessment.

Article 49.

Agreement among governments of entities, cantons and Brcko District of Bosnia and Herzegovina will regulate issues of organization, competencies, methods of work, financing, seat and the other issues in regard with bodies founded in accordance to the Article 45.

X. MANAGEMENT OF EDUCATIONAL SYSTEM IN SCHOOLS

Article 50.

By laws in education and other regulations in entities, cantons and in Brcko District of Bosnia and Herzegovina are regulated in details, issues of foundation, organization and competencies of organs, bodies and procedures for management of educational system.

By laws from paragraph 1. Of this Article are regulated competencies and responsibilities for management of educational system, especially in regard to: financing of education, relation between school and educational authorities, relations of educational authorities and schools towards social community, partnerships of all subjects in education, school management and all the other issues meaningful for efficient management of educational system.

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1. School organs and bodies

Article 51.

Each school has school board.

A school board is responsible for establishment and implementation of school policy and efficient use of staff and material resources.

The members of school board are elected among the employees of school, of school staff; founders of school, local community and parents in accordance to legally regulated procedure, according the principle of equal representation of representatives of mentioned structure.

The structure of managing school board must express national structure of students and parents, school staff and local community, exactly as it looks in the moment, in a principle according the register in B&H in 1991.
The duty of school board member is voluntary and without fee.

2. Headmaster

Article 52.

The headmaster of public school is nominated by school board, according the procedure which is closely regulated by laws of entities, cantons, Brcko District B&H and by general regulations of school. Headmaster is responsible for day to day school management and for performing of pedagogic activities of school.

3. The Council of Parents

Article 53.

The parents of students are entitled to, and school has the obligation to assist parents to found the Council of Parents and parents elect members.

The mode and procedure of foundation and work of the Council of Parents is regulated by general school regulations.

The Council of parents:

a) Promotes interests of school in community on the territory where school is placed,

- b) Represents opinions of parents to school board,
- c) Instigate engagement of parents in school work,
- d) inform school board on their attitudes when evaluate that it is necessary, or according the demand of school board, on each question related to work and school management ,
- e) Participate in realization of respective projects by which is instigated and improved educational work in school and
- f) Candidates and select representatives of parents in school board.

4. The Council of Students

Article 54.

Taking into account the age of students, who attend school, school assists them to found the Council, which function is to:

- a) Promotes interests of school in community on the territory where school is placed,
- b) Represents opinions of students to school board,
- c) Instigates engagement of students in school work and
- d) Inform school board on their opinions when assess that it is needed, or according the requirement of school board, on each issue related to work and school management.

The mode and procedure of foundation and work of council of students is established by general rules of school.

5. Professional school bodies

Article 55.

School has professional bodies: The Teachers' Council, The Class Council and Professional Teachers' board.

The authorities, structure and the mode of work of professional bodies of school are closely regulated by laws from educational area on entity levels, canton levels, Brcko District of B&H and by general school regulations.

XI MONITORING AND SUPERVISION OF IMPLEMENTATION OF THIS LAW

Article 56.

Supervision over the implementation of this Law will be carried out by Ministry of Civil Affairs of Bosnia and Herzegovina.

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

XII. PROTECTION OF THE RIGHTS

Article 57.

Complaints for violation of this principle defined by the Law can be submitted to authorized educational institution or inspectorate competent for educational area, which will establish justification of such violation and order to remove it.

If decision is not issued within a deadline of 30 days from the date of submission of complaint or if the client is not satisfied by decision, client can submit complaint to the competent ministry, which is obliged to solve the complaint within a deadline of 30 days.

Unsatisfied client (party) can initiate procedure in front of the competent court.

Article 58.

Against the person who does not act in accordance to this Law, the competent inspectorate or competent ministry could start disciplinary measures.

In a case if there's a suspicion that the criminal act is done, school, competent inspectorate or competent ministry will inform respective organ of criminal persecution.

XIII.TRANSITIONAL AND FINAL PROVISIONS

Article 59.

Ministry of Civil Affairs of Bosnia and Herzegovina will undertake steps for signing of agreement from the Article 48.immediately after this Law comes into effect.

The procedure of signing the agreement is carried out latest within the deadline of three months from the date of coming into effect of this Law.

All laws in entities, cantons and Brcko District B&H, as well as the other respective regulations from education area will be harmonized with the provisions of this Law; latest within a deadline of six month after this Law comes into effect.

In order to achieve appropriate quality of education and standards of knowledge, and their comparability on local and international plan, competent educational authorities are obliged to provide that from the beginning of 2003 /2004 curricula in all schools in Bosnia and Herzegovina will be realized on the basis of common core of curricula as it is established by this Law.

Until the issuance of separate Law, principles established by this Law are to be implemented also in secondary vocational schools.

Article 60.

If within the deadlines regulated by this Law is not fulfilled and of these regulated obligations, the Ministers' Council of Bosnia and Herzegovina will issue temporary measures.

Temporary measures will be implemented until fulfillment of obligations regulated by this Law.

Article 61.

This Law comes into effect by the day of publishing in "Official Gazette" B&H.

PAB& number 59/03

June, 30 2003

Sarajevo

Chairman of

The House of Representatives of the
Parliamentary Assembly B&H

šefik Džaferović

Chairman of The House of
People of Parliamentary
Assembly B&H
Velimir Lukić

