

**LAW No.04/L –032  
ON PRE-UNIVERSITY EDUCATION IN THE REPUBLIC OF KOSOVO**

**Assembly of Republic of Kosovo,**

Based on Article 65 (1) of the Constitution of the Republic of Kosovo,

Approves

**LAW ON PRE-UNIVERSITY EDUCATION IN THE REPUBLIC OF KOSOVO**

**Article 1  
Purpose**

1. The purpose of this law is to regulate pre-university education and training from ISCED levels 0 to 4, including education and training for children and adults taking qualifications at these levels.
2. The purpose of pre-university education and training includes the following:
  - 2.1. to develop the pupil's personality, talents and mental and physical abilities to their fullest potential;
  - 2.2. to promote the formation of basic scientific knowledge, communication, observation and analytical skills, creativity, autonomy and related learning competences;
  - 2.3. to develop among pupils the respect for human rights and fundamental freedoms and principles set out in the UN Charter and relevant Conventions, and the Constitution of the Republic of Kosovo;
  - 2.4. to develop in the pupil respect for his or her parents and teachers, his or her own culture's identity, language and values of his or her community , and for the values of the Republic of Kosovo, the country from which he or she may originate, and for respectability of diversity;
  - 2.5. to prepare the pupil for a responsible life in the spirit of good understanding, peace, tolerance, gender equality and friendship with members of all communities in the Republic of Kosovo;
  - 2.6. to develop in the pupil respect for the environment.
3. No provision of this Law shall be interpreted as reducing or otherwise limiting any rights enjoyed by Communities and their members under applicable law.

**Article 2  
Definitions**

1. Terms used in this Law shall have the following meaning:

1.1. **Accreditation** - refers to the process by which under applicable law the National Qualifications Authority (NQA) defines, monitors and audits the institutions (assessment bodies) which assess candidates and issue certificates and diplomas and any other body which carries out functions on behalf of the NQA.

1.2. **Adult** - any person who has reached the age of 18 years, but includes for the purposes of this Law any child who has reached the age at which compulsory education is normally completed and is eligible for entry to the labour market, and participation in learning programmes designated for adults.

1.3. **Adult education and training** - public and private learning and training offered for adults and/or for children aged 15 and over who are eligible to attend the learning programmes designed for adults.

1.4. **Approval** - refers to the process by which the National Qualifications Authority (NQA) recognises qualifications.

1.5. **Assessment** - refers to the processes (including examinations and tests) used to gather, interpret and evaluate evidence of an individual's learning achievements.

1.6. **Catchment area** - area of residence designated by a municipality for a particular educational institution.

1.7. **Child** - any person below the age of eighteen (18) years.

1.8. **Community** - a national, ethnic, cultural, linguistic, or religious group traditionally present in the Republic of Kosovo according to the applicable law.

1.9. **Compulsory school age** - the age defined in this Law.

1.10. **Core Curriculum** - the common part of the curriculum prescribed by the Ministry for all schools.

1.11. **Corporal punishment** - any form of striking or other non-accidental physical contact by a teacher or other staff member with a pupil other than obligatory intervention where a pupil imperils the safety of other pupils or staff.

1.12. **Director** - the head of an educational or training institution.

1.13. **School Drop out** - premature withdrawal from compulsory education.

1.14. **Educational and training institution** - includes any school or training establishment delivering educational services at ISCED levels 0,1,2,3 or 4.

1.15. **Educational service** - any activity directly or indirectly providing teaching or any form of support for pre-university education, whether material or otherwise.

1.16. **First cycle and second cycle in relation to the required qualification for teachers** - approved programmes at ISCED level 5 leading to the degree of Bachelor (180 to 240 credits within the European Credit Transfer and Accumulation System - ECTS) or Master (300 ECTS credits).

1.17. **Governing board** - the body responsible for the governance of an educational or training institution, with functions as prescribed by this Law.

1.18. **Grant's Commission** - the Commission of that name established by applicable law.

1.19. **Inclusive education** - defined according to the provisions of the UN Convention on the Rights of the Child (1989), the UNESCO Salamanca Statement (1994), and the UN Convention on the Rights of Disabled Persons (2007).

1.20. **Inspector of education** - the official person of the Ministry dealing with inspection, supervision and monitoring of education quality in all levels of education covered by this law.

1.21. **ISCED** - the International Standard Classification of Education adopted by UNESCO in the General Conference at its 29th session in November 1997 as amended over time.

1.22. **Kosovo Accreditation Agency (KAA)** - the Agency of that name established by law.

1.23. **Kosovo Curriculum, Standards and Assessment Agency (KCSAA)** - the Agency of that name established under the provisions of this Law.

1.24. **Kosovo Curriculum Framework (KCF)** - the curriculum framework adopted by the Ministry for pre-university education.

1.25. **Ministry** - the Ministry of Education, Science and Technology as the competent governmental authority whose responsibilities include education, science and technology.

1.26. **Municipal Education Director (MED)** - the officer of a municipality with that title or the person discharging those responsibilities.

1.27. **National Qualifications Authority (NQA)** - the Authority of that name established under applicable law to design the National Qualifications Framework and regulate the National Qualifications System.

1.28. **National Qualifications Framework** - the national mechanism for classifying qualifications awarded within the National Qualifications System according to a set of criteria defining NQF levels and types of outcomes of learning compatible with the European Qualifications Framework, designed by the NQA in accordance with applicable law.

1.29. **Community's language** - a language spoken in the Republic of Kosovo other than the two official languages.

1.30. **Parent** - the person having legal guardianship of a child under the applicable law.

1.31. **Pedagogical service in school** - educational and training service offered by the adviser, pedagogue, psychologist with the purpose of improvement and advancement of work in school.

1.32. **Publicly funded educational and/or training institution** - an educational and/or training institution financed from public funds.

1.33. **Pupil** - any person enrolled in any programme of pre-university education in educational and training institution.

1.34. **Qualification** - an official recognition of achievement that recognises completion of education or training, or satisfactory performance in a test or examination.

1.35. **School** - any educational institution offering educational services at ISCED Levels 0, 1, 2 and 3, including any training establishment delivering educational services at ISCED Level 3.

1.36. **School-based curriculum** - that part of the curriculum which is determined by the individual school or educational institution.

1.37. **School Year** - the period beginning in 1 September of one year and ending on 31st August of the following year, fixed by the Ministry, established in the Kosovo Curriculum Framework and applicable separately to schools and training establishments.

1.38. **Standards** - measurable indicators of achievement, defined either in terms of qualitative or quantitative criteria that are required to be achieved by candidates for the award of qualifications.

1.39. **Teacher** - a person qualified according to the provisions of this Law, with academic and professional training, employed to provide educational services to students.

1.40. **Training institution or training establishment** - any public or private educational institution, which delivers educational services at ISCED Levels 3 or 4.

### **Article 3** **General principles of Pre-University Education**

1. No person shall be denied the right to education.
2. Pre-university education is a joint responsibility shared between parents, educational and training institutions, municipalities and government, according to the respective duties and functions set out in this Law.
3. It shall be the general duty of the Ministry, the municipalities, the educational and/or training institutions and all other bodies engaged in the provision of pre-university education, as regulated by this Law and other applicable laws, to plan and deliver an efficient, effective, flexible, inclusive and professional service designed to provide all pupils with equal opportunities in access to education in accordance with their specific abilities and needs and to promote their educational and social development.
4. In planning, managing and delivering the system of pre-university education, the Ministry, municipalities and educational and/or training institutions shall have regard to the internationally-accepted norms of Education for All, the rights of the child, the protection of vulnerable groups within society and the promotion of gender equality.
5. Upon discharging their functions and responsibilities within this Law and other applicable laws, Ministry, municipalities and educational and/or training institutions shall:
  - 5.1. respect and promote community rights and their members as set forth by the Constitution and applicable law.
  - 5.2. foster knowledge of the culture, history, and language of all communities.
6. Access to and progression through all levels of pre-university education shall be enabled in compliance with the provisions of this Law without discrimination on any real or presumed ground such as sex, race, sexual orientation, physical, intellectual or other disability, marital status, colour, language, religion, political or other opinion, national, ethnic or social origin, association with a Community, property, birth or other status of the pupil or the pupil's family.

7. Public education institutions shall refrain from teaching religion or other activities that propagate a specific religion.

8. The Ministry, municipalities, educational and training institutions and the community shall make the institutions attractive and safe for pupils, teachers and parents, through their respective responsibilities for the curriculum, standards of construction and maintenance of educational buildings, health and safety, protection of the environment and dealing with behavioral and disciplinary issues.

#### **Article 4** **Protection of vulnerable groups**

1. All persons employed in educational institutions established or regulated under the present Law shall take all reasonable steps to ensure that pupils and staff are not injured or exposed to any offensive words or actions.

2. Corporal punishment and any other form of humiliating punishment are prohibited in all educational and training institutions whether publicly funded or private.

3. Promoting activities outside the Kosovo Curriculum Framework for the benefit or detriment of any political party, gender, race, ethnic background, religion or social position is prohibited in educational and/or training institutions. Where relevant issues are presented to pupils in the course of academic work, pupils must be offered a balanced presentation of opposing views.

### **ORGANISATION AND MANAGEMENT OF THE PRE-UNIVERSITY PUBLIC EDUCATION AND TRAINING**

#### **Article 5** **Duties of the Ministry**

1. The Ministry shall have the primary responsibility for planning of, setting standards in, and quality assurance of the pre-university education system, and shall have the following general duties:

1.1. to develop policies, draft and implement legislation for the development of pre-university education and training;

1.2. to define the outcomes of the different levels of pre-university education and training and to award, or authorise the award of, qualifications at appropriate levels of the National Qualifications Framework to those who successfully complete pre-university programmes;

1.3. to promote a non-discriminatory education system in which each person's right to education and/or training is respected and equal quality learning opportunities are available for all;

1.4. to promote the protection of vulnerable groups within the education and training system, the health and welfare of pupils and employees of educational and/or training institutions, and measures to prevent drop-out;

1.5. to establish criteria and manage a comprehensive system of licensing and certification of all teachers through the State Licensing Council for Teachers established by this Law;

1.6. to establish and maintain an education and training management information system;

1.7. to provide annually to the Grants Commission sufficient data and formula standards in order to determine the specific grant for education in accordance with applicable law and the provisions of Article 28 of this Law;

1.8. to design effective and impartial forms of education administration and management of education and training institutions for implementation by municipalities and to establish criteria and procedures for monitoring the performance of governing boards;

1.9. to promote and improve the quality And efficiency of education and training through the mechanisms provided in Article 8 of this Law for inspection, monitoring and evaluation; to enhance the quality of education; and to ensure compliance with the Constitution and applicable law;

1.10. to set the criteria for the evaluation and assessment of pupils in educational and/or training institutions;

1.11. to organize and manage external assessment in ISCED levels 1, 2 and 3, in line with the requirements for the award of qualifications in the National Qualifications Framework, and consulting with the National Qualifications Authority as appropriate;

1.12. to ensure comprehensive policies for inclusion of persons with special needs;

1.13. to promote through the Kosovo Parents' Committee, the governing bodies of educational and training institutions and otherwise, parental and community partnership and participation in educational and training activities.

2. The Ministry shall issue bylaws in relation to:

2.1. length and timing of the school year within the Kosovo Curriculum Framework;

2.2. teaching hours and breaks, school holidays;

2.3. maximum class sizes and pupil-teacher ratios (with threshold for the establishment of classes or schools teaching in non-official languages lower than normally stipulated);

2.4. examinations and assessment, in accordance with applicable law.

3. The Ministry shall issue bylaws regarding registration, retention and protection of personal data in the education system, taking into account the following criteria:

3.1. official documents issued by educational and training institutions should contain personal data, as following: name, name of a parent –legal custodian, surname and date of birth;

3.2. official documents shall be issued in all official languages; a pupil educated in a non-official language has the right to have his/her official documents kept and issued in his/her language of instruction, in addition to the official languages;

3.3. personal data related to ethnicity or religious status may be recorded for statistical monitoring purposes, helping to promote equal opportunities and may not be used for any other purpose: such data may not be recorded in any way that may identify such individuals.

4. Within the annual Government Report, the Ministry shall report on pre-university education and the implementation of this Law to the Assembly at the end of the calendar year.

5. The Ministry shall name and rename publicly-funded educational and/or training institutions on the recommendation of the relevant Municipal Education Directorate, such recommendation to include up to three proposals made by the relevant governing board.

6. The Ministry shall determine for each educational and/or training institution a unique reference code for use in the education information management system.

7. Competencies of the Ministry, as complementary to the competencies granted under the Law on Education in Municipalities of Republic of Kosovo, no. 03/L-068, 21 May 2008 in educational and training facility infrastructure shall include:

7.1. drafting and monitoring the implementation of policies, standards and norms on education space;

7.2. providing technical assistance for municipalities in planning and designing training and education facilities;

7.3. drafting policies for school space management and maintenance;

7.4. providing technical assistance for municipalities in ensuring the adequacy of school buildings and equipment in accordance with international standard on health and safety and protection of the environment, accessibility for pupils and staff with physical disabilities, and assistive equipment to support inclusive education.

7.5. approving capital investments for construction and renovation of facilities financed by the Kosovo budget and donors.

7.6. develops and maintains the school space program, which is interrelated with the Education Management Information System, and designs the national plan for capital investments in education.

8. The Ministry shall adopt in a bylaw licensing standards for educational and/or training institutions including the standards referred to in paragraph 7 of this Article.

9. The Ministry shall license and accredit institutions offering general educational qualifications according to the National Qualifications Framework according to criteria and standards established for this purpose; institutions offering other types of qualifications shall be accredited by the National Qualifications Authority according to criteria and standards established for this purpose, and licensed by the Ministry.

10. The Ministry shall act as a second instance body for decisions of other educational and training bodies where the right of appeal is specified in this Law.

11. The Ministry may by bylaw, and for such period as it determines, at the request of a municipality or municipalities, confer exemption or relaxation from any requirement imposed by this Law on any municipality or institutional governing board, to facilitate the implementation by the municipalities or by educational and/or training institutions, of innovative projects that may contribute to the raising of the educational standards achieved by pupils. In exercising this power, the Ministry shall have regard to the effect of the project on the curriculum and assessment and the likely effect of the project on all the pupils who may be affected by it, including pupils with learning difficulties or disabilities, and members of different communities.

12. The Ministry, through this law and other laws in effect, and in agreement with the relevant municipality, shall promote public–private partnerships to improve provision of education and/or training services.

13. The Ministry shall issue a bylaw on the distribution and maintenance of free of charge textbooks authorised under the provisions of Articles 26 and 27 of this Law.

14. The Ministry, through a bylaw, shall determine the financial participation by pupils for ISCED Level 4.

15. The Ministry, in cooperation with relevant ministries, shall undertake special measures for the education of individuals in prisons or in young offenders' institutions, as well as for those confined in psychiatric institutions, or are subject to long-term hospitalization, and for those released from institutions or discharged from hospitals and continuing their education.

16. The Ministry shall issue sub-legal acts in any area of its responsibility under this Law or other applicable laws.

### **Article 6** **The State Council on Pre-University Education**

1. The State Council for Pre-University Education (SCPUE) shall consist of nine experts nominated by each of the following bodies:

1.1. The public universities (2)

1.2. The National Qualifications Authority (1)

1.3. The Kosovo Curriculum, Standards and Assessment Agency (1)

1.4. The State Licensing Council for Teachers (1)

1.5. The Kosovo Parents' Committee (1)

1.6. The Kosovo United Union for Education, Science and Culture (1)

1.7. The Ministry (1)

1.8. One (1) international expert nominated by the Minister of Education, Science and Technology.

2. The President and Vice-President of the SCPUE shall be elected by the members from among the national experts for a single term of four years.

3. The SCPUE shall be advisory to the Ministry.

4. Administrative issues relating to the SCPUE shall be regulated by a bylaw.

5. The SCPUE shall monitor progress in reforms of pre-university education from a national and international perspective, make proposals for change, issue advisory reports or recommendations in specific areas, and discuss any other matters referred to it by the Ministry.

### **Article 7** **Competencies of municipalities**

1. Competencies of the municipalities are regulated through the:



1.1. Law for Local Government, no. 03/L040, of the date 20 February 2008 and Law for Education in the municipality, of the date 03/L-068, May 21, 2008, and

1.2. through any additional competencies assigned by provisions of this Law.

2. The exercise by the municipality of their powers and duties in this field shall be monitored by the Ministry in collaboration with the Ministry of Local Government and Administration to ensure compliance with the applicable legislation.

3. Municipalities are responsible for the following additional competencies:

3.1. construction of education and training facilities;

3.2. maintaining and repairing the premises and equipment of educational and training institutions;

3.3. ensuring a healthy environment for pupils and staff, including water, hygienic-sanitary conditions, health service, as well as a safe environment including safe utilities and effective security;

3.4. through co-operation with parents, police and other public authorities taking steps to deal effectively with violent or bullying behaviour and substance abuse in or associated with the respective institution.

## **Article 8** **Inspection of education**

1. Inspection of educational and training institutions for the purposes set out in sub-paragraph 1.9 paragraph 1 of Article 5 of this Law is a function of the Inspectorate Department of the Ministry.

2. The authority for inspection derives from the Ministry; directors of educational and training institutions and Municipal Education Authorities shall co-operate with authorised inspectors, provide all necessary documentation and access to the institution, and attend the inspection personally or through an authorised deputy.

3. Inspection shall be organised in an annual planning cycle, with the possibility of special inspections in specific circumstances as decided by the Inspectorate Department.

4. The purposes of inspection of the operation of educational and training institutions at ISCED Levels 0, 1, 2, 3 and 4 are to check, in co-operation with inspectors from other fields (employment, sanitary, construction, financial, etc) and record:

4.1. compliance with the respective duties and functions of the institution according to this Law, other applicable laws and bylaws;

4.2. the functioning of the governing board of the institution, the Parents' and Pupils' Councils, the financial operations, accuracy of records of numbers of pupils by level and grade, accuracy of pedagogical and school documents, organisation of classes and examinations;

4.3. the numbers, qualifications and arrangements for professional development of staff;

4.4. the working environment including compliance with standards of health and safety of pupils and staff, records kept of disciplinary action and its outcome;

- 4.5. compliance with the Kosovo Curriculum Framework, including the core, and school-based curriculum, assessment and examination procedures, and the use of approved textbooks, educational learning resources and learning materials;
- 4.6. and, where non-compliance in any field is observed, to give the director of the institution concerned specific advice or recommendation for compliance within a specified timescale.
5. If adequate measures are not taken by the director of the institution to redress the deficiencies in any area listed in paragraph 4. of this Article, the inspector may institute disciplinary procedures against the director or any member of staff of the institution.
6. Following the report of the inspector, signed by the inspector and by the director of the institution concerned:
- 6.1. the Ministry may terminate the work of educational and training institutions which are unlicensed, or are operating in an unsafe or unhealthy environment;
- 6.2. the Ministry may instruct the municipality to terminate the employment of a teacher appointed contrary to the criteria established in this Law, or who is barred from work due to a medical condition or the order of a court, or who is otherwise disqualified according to the provisions of this Law or other applicable law;
- 6.3. if deficiencies relate to non-observance of the curriculum, the Ministry may require compliance through additional or alternative classes;
- 6.4. the Ministry may annul marks when assessment procedures have not been respected, and annul diplomas and other documents gained in contradiction with this Law or other applicable law.
7. The Inspectorate Department shall also have responsibility for monitoring and evaluating the academic work of educational and training institutions, as part of the annual cycle of inspections. The Ministry shall, in consultation with the KCSAA, establish criteria and procedures for national inspection, which may include experts in specific academic or professional fields, in accordance with paragraph 4. of Article 25 of this Law
8. Appeals against any actions or recommendations of an inspector may be made to the Appeals Committee of the Ministry.

## **THE SYSTEM OF PRE-UNIVERSITY EDUCATION**

### **Article 9**

#### **The organization of pre-university education**

1. Pre-school and pre-university education shall be organized within a national framework for lifelong learning according to the following ISCED levels and corresponding Key Stages in the Kosovo Curriculum Framework (KCF):
- 1.1. Level 0: Pre-primary education (normally ages zero (0) to six (6), KCF Key Stage and part of Key Stage 1), regulated by this Law only for age five (5) to six (6) (pre-primary school); otherwise in accordance with Article 10 of this Law;
- 1.2. Level 1: Primary education for five (5) years (normally from age six (6), remaining part of KCF Key Stage 1 and 2);

- 1.3. Level 2: Lower secondary education for four (4) years (normally from age twelve (12), KCF Key Stages 3 and 4);
  - 1.4. Level 3: Upper secondary education for three (3) years, depending on curriculum determined by the Ministry (normally from age fifteen (15), KCF Key Stages 5 and 6), including gymnasium, high vocational school, schools of music and art; and.
  - 1.5. Level 4: Post-secondary vocational institution for one (1) to two (2) years, depending on the curriculum determined by the Ministry (normally from age eighteen (18), KCF post-secondary specialisation).
  - 1.6. Lifelong learning programmes for adults which may be at ISCED Levels 3 or 4.
2. Compulsory schooling shall begin at the start of the school year following the date on which a child attains the age of six (6), the minimum compulsory school age and shall end upon the completion of ISCED level 2.
  3. Primary education becomes compulsory as foreseen in the transitional provisions.
  4. Compulsory schooling is free of charge.
  5. The Ministry may issue bylaws to avoid anomalous situations arising in relation to the compulsory education requirements.
  6. A child who is under the minimum compulsory school age at the beginning of the school year may be enrolled in compulsory schooling subject to a recommendation by school professional-psychological service. The decision on enrolment is taken by the school director.
  7. The Ministry may, by bylaw, specify selection tests for particular vocational schools at ISCED Level 3.
  8. The Ministry may, by bylaw, adjust the ISCED definitions in this Law in line with the outcome of the UNESCO General Conference at its 36th Session (2011), based on the Review of ISCED reported to the UNESCO General Conference at its 35th Session (2009).

**Article 10**  
**Provisions specific to preschool education**

1. Pre-school education of children under the age of five (5) is KCF Key Stage 0 in ISCED Level 0, early child care and education.
2. Pre-primary grade education of children over the age of five (5) is part of KCF Key Stage 1 in ISCED Level 0, incorporated into compulsory education according to Article 9 of this Law, is implemented as foreseen in the transitional provisions.
3. Subject to paragraph 6. of this Article, the curriculum for early child care and education shall be regulated in accordance with the Kosovo Curriculum Framework (KCF).
4. Early child care and education may be organized in public pre-school institutions, private pre-school institutions, socio-cultural centers, licensed according to the provisions of this Law and bylaws.
5. Municipalities may take appropriate action, including financial assistance, to support private initiatives for early child care and education.

6. Pending the implementation of the KCF, the curriculum and the procedure for approval of the work plan, the nature and duration of programmes for ECCE, financial, staffing, inspection and related matters shall be regulated by a bylaw.

#### **Article 11**

##### **Provisions specific to vocational education and training**

Vocational education and training shall be regulated through the Law on Education and Vocational Training no. 02/L-42, 23 February 2006, insofar as it is not inconsistent with the present Law.

#### **Article 12**

##### **Provisions specific to education and training for adults**

1. The purpose of education and training for adults is to develop relevant skills, knowledge and aptitudes of adult learners as part of a framework of lifelong learning.

2. Adults may be educated or trained in licensed public, private or partnership educational or training institutions at ISCED Levels 3 and 4 according to the provisions of this law, with the following amendments to be set out by the Ministry in a bylaw:

2.1. adjustment of curricula, assessment of prior learning or experience, duration of programmes, attendance, examinations and other procedures for adult learning;

2.2. establishment of participation fees and admission criteria;

2.3. with the advice of the State Council for Licensing of Teachers (SLCT), establishment of specific qualifications for teachers, trainers, instructors or other staff involved in adult education and training;

2.4. establishment of additional criteria for licensing of educational and training institutions offering programmes for adult education and training;

2.5. arrangements for financing educational and training institutions to deliver effective programmes of adult education and training.

#### **Article 13**

##### **Establishment of educational institutions**

1. Primary (ISCED Level 1) and lower secondary (ISCED Level 2) schools shall be established in each municipality; schools at these Levels may be combined.

2. A municipality may establish and maintain satellite classes in ISCED Level 1 and 2 as a part of the school network in areas where it is not practicable to establish a main school, according to criteria determined by the Ministry through a bylaw.

3. Municipalities shall ensure that provision is made at ISCED Levels 1, 2 and 3 for teaching in all languages of instruction within their territories, with a threshold of enrolment lower than normally required through bylaw, or provide alternatives including subsidized transport to an area where such schooling is being offered.

4. Education and vocational training at ISCED Level 3 may take place either in schools or in training institutions, either public or private, or in private or public enterprises.

5. Post-secondary vocational education at ISCED Level 4 may take place in colleges, training establishments, either public or private, or in public or private enterprises, or under partnership

arrangements according to applicable law. The Ministry shall regulate the entrance requirements for programmes offered at publicly-funded or partnership post-secondary non-university institutions.

#### **Article 14** **Allocation of pupils to educational institutions**

1. Each school at ISCED Levels 1 and 2 shall have a catchment area defined by the municipality.
2. All pupils of compulsory school age living within the catchment area shall have the right to enrol at and attend a school of the appropriate level.
3. In the case of a pupil with learning difficulties or disabilities, within the meaning of Article 39 of this Law, a municipality shall have a duty to enroll the pupil and subsequently follow the procedures set out in Article 41 of this Law.
4. In the case of pupils speaking a non-official language living in a catchment area where the threshold for opening classes or schools at ISCED Levels 1 and 2 at the appropriate level for teaching in a non-official language is not met, the municipality shall offer an alternative as in Article 13 paragraph 3 of this Law.
5. Educational and training institutions at ISCED Level 3 shall have catchment areas defined by agreement between municipalities (or where agreement cannot be reached, by the Ministry), according to the type of education or training concerned; and provision shall be made for voluntary transfer between different types of school at this level according to the interests and abilities of the pupil.
6. Attendance at the allocated school of the appropriate level, or any alternative arrangement made under paragraphs 3. to 6. of this Article, shall be mandatory for pupils of compulsory school age, unless transferred to another school or exempted from attendance.
7. A municipality may in special cases exempt pupils from the requirement to attend the allocated school referred to in paragraph 2. of this Article if this is found to be in the best interests of the pupil upon request of the parents of the pupil and subject to adequate alternative provision of education at the appropriate level.
8. The parents of a pupil living outside the catchment area for a particular school may apply to the relevant municipality to enroll the pupil at that school; such places shall be allocated in a fair manner at the discretion of the municipality on the basis of transparent, published criteria.
9. Compulsory transfer of school when due consideration for other pupils so indicates shall be governed by the provisions of this Law.
10. Inclusion of pupils in training institutions at ISCED Level 4 shall be regulated by a bylaw.

#### **Article 15** **Attendance at school**

1. Ensuring attendance of pupils throughout compulsory education is the responsibility of parents.
2. It shall be an offence for a parent of a child of compulsory school age either:
  - 2.1. to fail to enroll such a child in a school which is either a municipal school, a training institution, a special school or a licensed private school appropriate to the child's age and level of study; or to fail to make alternative arrangements for the education of the child which are approved by the Ministry under Article 47 of this Law; or

- 2.2. to fail without reasonable cause, defined as sickness or other unavoidable cause, to ensure his or her regular attendance at the educational institution at the times determined by the governing board for the commencement of sessions.
3. Where the director of the educational institution deems it appropriate and in the best interests of the pupil, he/she may, upon receipt of a written application from the parents of a pupil, grant individual pupils leave of absence from attendance for up to two (2) weeks in any school year.
4. If a pupil with no reason fails to enroll, fails to attend or interrupts compulsory education, his or her parents shall be punished for violation if the absence is a result of deliberate action or negligence by the parents. In such cases, the municipality shall inform the Ministry in writing.
5. To promote attendance and reduce drop-out, a municipality shall arrange safe and efficient transport for pupils in compulsory education to attend school. It may charge, and may at its discretion waive, fees at full economic cost for school transport for
  - 5.1. pupils living within the catchment area but within four (4) kilometers distance from the school, other than pupils with disabilities; and
  - 5.2. pupils living outside the catchment area;
6. To assist municipalities and educational and training institutions to deal effectively with drop out, and secure attendance, the Ministry shall prepare and issue guidance.

#### **Article 16** **The Kosovo Parents' Committee**

1. The Ministry shall establish a Kosovo Parents' Committee (KPC). The Committee shall have nine (9) members. The term of office shall be four (4) years, and the members shall elect a chairperson and vice-chairperson.
2. The functions of the KPC shall be to represent the interests of parents, to encourage and enhance the role of parents as key stakeholders in promoting a quality education system, to convey to the Ministry the parents' opinions on any aspect of pre-university education and to be the main channel of communication and consultation between the Ministry, the educational and/or training institutions and parents.
3. The Ministry shall issue a bylaw concerning the work of the KPC, including the procedures for nomination and election of members, always to include members from non-majority Communities.
4. The Ministry shall provide an annual budget and logistical infrastructure to enable the KPC to perform its functions effectively.

### **RESPONSIBILITIES OF EDUCATIONAL INSTITUTIONS**

#### **Article 17** **The governing board**

1. Each publicly funded educational and/or training institution shall have a governing board. In the event that a governing board cannot be constituted or fails to meet for a period of three (3) months, its functions shall be assumed by the director of the institution, provided that further efforts to constitute it and convene a meeting are made by the municipality (the Ministry in the case of ISCED Level 4 institutions) every three (3) months.

2. The governing board shall comprise:

2.1. three (3) representatives of parents, including at least one representative of non-majority communities in the municipality, if any pupils from such communities are present in the institution;

2.2. two (2) representatives from society (stakeholders) nominated by the municipality;

2.3. three (3) teacher representatives

2.4. in cases of schools of ISCED Levels 2 and 3, one representative of the pupils, elected by pupils attending the school.

3. In cases where schools at ISCED Levels 1-2 or educational institutions at ISCED Level 3 have more than one thousand (1000) pupils, the number of members shall be increased to four, three, four and two in the respective categories in paragraph (2) of this Article. If the number of pupils falls below one thousand (1000), the membership shall be reduced to the minimum level, the last elected member in each group to end his or her mandate at the end of the school year.

4. Parent members of the governing board shall be elected by secret ballot from among the members of the Parent Council.

5. The governing board shall have the right To co-opt additional representatives without voting rights, to ensure that it is representative of all employers and wider society.

6. The members of the governing board shall hold appointment for three (3) years, provided that they continue to be teachers, students, parents of students in the respective school. Parent and teacher representatives may be elected for a second mandate.

7. The president of the governing board shall be elected annually by the governing board from among the parent representatives. He/she may be re-elected.

8. The director of the educational institution shall exercise the function of secretary of the governing board. The director shall report to the governing board annually on the activities and institutional finances, and shall have the right to suggest solutions and participate in the debate, but not to vote. The director of the school shall be responsible for the legality of the board's work.

9. The governing board of a school may invite the municipal director of education or his/her deputy to attend its meetings, to provide information or clarifications or to receive his/her views, but without the right to vote.

10. The governing board shall, in the conduct of its powers and duties, abide by the principles of pre-university education set out in this Law, including respect for community rights.

11. The governing board of a school at ISCED Levels 1,2 or 3 shall have the following powers, duties and authority:

11.1. to draft the school rules specified in Article 22 of this Law to be submitted to the municipality for approval;

11.2. to elect one parent and one teacher representative, from among the members of the Governing Board, to take part in the appointment of the director, deputy director and school teachers, in the capacity of observers;

11.3. to exercise such functions in relation to the use of the school budget, including a scheme of delegation between the municipality, the school governing board and the school director as are set out in this Law;

11.4. to decide on the use of funds contributed to the school by parents and other donors;

11.5. to approve the school's extra-curricular activities as proposed by the school director;

11.6. to decide on a school dress code for staff and pupils;

11.7. to express its views on any issue relating to the school, or on any aspect of pre-university education;

11.8. to approve the list of textbooks and other educational materials, based on the proposals of school teachers, to be used in the school, within the limits established by the Constitution and applicable law;

11.9. to take part in the formulation of education development plans by the municipality, so far as they concern the particular school;

11.10. to exercise such other functions as may be delegated to it by the municipality in accordance with this Law.

12. The governing board shall keep proper accounts of all revenues and expenditures and upon request, make them available for the auditing and inspection.

13. The governing board may, on the proposal of the school director, constitute such other consultative bodies within the school as it thinks fit.

14. Pupil members of school governing boards shall not attend any part of a meeting or participate in discussion of any matter related to the terms or conditions of employment or personal affairs of the director, deputy director, any teacher or other member of the school staff or personal matters concerning any other pupil.

15. No member of a school governing board shall attend any part of a meeting or participate in any discussion of a matter in which he or she has a personal or financial interest and shall declare such interest at the commencement of the meeting.

16. The governing board shall maintain a register of personal and financial interests of its members and of the school directing staff.

### **Article 18 Pupils' Council**

1. The governing board of each school of ISCED Levels 2 and 3 shall establish a Pupils' Council which shall comprise at least one pupil elected by each class, elected annually through secret vote.

2. The function of the Pupils' Council is to Work on improving the learning environment, working conditions and interests related to the health, safety, security and welfare of pupils and to make representations to the governing board.

### **Article 19 Parents' Council**



1. Each educational and/or training establishment shall have a Parents' Council.
2. The competencies and scope of the Parents' Council shall be determined by a special bylaw.
3. The Parents' Council shall be elected by secret ballot of all parents of pupils attending the institution.
4. In addition to representations to the Parents' Council, parents have the right to complain to the director of the educational and/or training institution and then to the municipality and the Ministry about the quality of teaching and the environment in educational and/or training institutions.

#### **Article 20** **The management staff**

1. The director and deputy director of an educational or training institution shall be appointed based on the provisions of the Law on Education in Municipalities of Republic of Kosovo, no. 03/L-068, 21 May 2008, based on the criteria set by MEST with a by-law, with the addition of two (2) representatives of the governing board as observers in the joint committee of appointment.
2. The director of an educational institution shall have executive responsibility for the management and general administration of the institution including:
  - 2.1. disciplinary powers over pupils;
  - 2.2. specific duties in relation to the appointment, management, evaluation, discipline and other issues concerning teaching and other staff;
  - 2.3. the efficient and effective usage of the educational management information system and compliance with any associated code of practice;
  - 2.4. maintaining documents and records as required by the municipality or the Ministry;
  - 2.5. duties in relation to the curriculum;
  - 2.6. other matters regulated by this Law.

#### **Article 21** **Secretary or administrator**

1. Educational and/or training institutions having more than five hundred (500) pupils shall have the right to appoint a secretary or administrator through public advertisement; a municipality may decide to appoint a secretary or administrator for smaller institutions by public advertisement.
2. The competencies and responsibilities of the secretary or administrator shall be determined by the municipality in accordance with applicable law.

#### **Article 22** **School rules**

1. The municipality shall, having received proposals from the school governing board, approve school rules designed to promote good behaviour and discipline on the part of pupils, and promote the concept of a healthy school and eliminating violence.
2. The school rules shall set out the rights and obligations of pupils insofar as these are not prescribed in the present Law or bylaws issued under it, but always based on the applicable law.

3. A parent who is dissatisfied with the municipality's decisions under the present Article may appeal to the mayor, and if the parent is dissatisfied with the decision of the mayor the parent may submit an appeal to the Ministry on the basis of non-compliance with the Constitution or applicable law. The Ministry's decision shall be final in administrative procedure.

4. The municipality shall ensure alternatives for education of pupils removed from school where the pupil was transferred, according to the provisions of this Law.

5. The municipality based on to the competencies may give directions to the school director or the school governing board where, in the opinion of the municipality, the education or safety of pupils at the school is, or is in the immediate future likely to be, prejudiced by the actions of pupils or parents.

6. The pupils shall be obliged to wear the school uniform.

### **Article 23 Extra-curricular activities**

1. The school director or the Parent's Council, with the consent of the governing board, may organize extra-curricular activities.

2. Extra-curricular activities shall be regulated with a special bylaw.

## **THE CURRICULUM, TEXTBOOKS, EDUCATIONAL LEARNING RESOURCES AND STANDARDS**

### **Article 24 The Kosovo Curriculum Framework**

1. The Ministry shall, through the Kosovo Curriculum, Standards and Assessment Agency (KCSAA), be responsible for the development of the Kosovo Curriculum Framework (KCF).

2. Representatives of all communities shall be involved in the development or review of the KCF.

3. The KCF shall consist of a core curriculum, and school/institution based curriculum and determines subject areas.

4. The KCF shall serve as a basis for the development of the subject syllabus.

5. The Ministry, the KCSAA, the municipalities, the governing board and the director of an educational institution shall exercise their respective functions under this Law with a view to ensuring that the Kosovo Curriculum Framework is following the underpinning principles: quality education for all, inclusiveness, learner-centeredness, competency-based approaches, flexibility and mobility, transparency and accountability, and life-long learning, and

5.1. promotes the moral, cultural, mental and physical development of pupils and of society;

5.2. prepares pupils for the opportunities and responsibilities for successful life and work;

5.3. develops knowledge, skills and competences appropriate to the level of education expressed in competencies;

5.4. fosters the spirit of respect, understanding and tolerance among all communities.

6. The Ministry shall specify by bylaws for each level of pre-university education:

6.1. the content of the core curriculum including subject syllabuses, time allocated to the core curriculum and school based curriculum so far as the school curriculum does not exceed 20% of the total;

6.2. learning of one of the official languages of the Republic of Kosovo by all pupils including those from communities who do not study in one of the official languages;

7. Subject to the provisions of the Law on Education in Municipalities, no. 03/L-068, 21 May 2008, educational institutions, both publicly-funded and private, may not deviate from the core curriculum other than:

7.1. in exceptional circumstances with the permission of the Ministry, granted after consultation with the KCSAA, or

7.2. with the approval of the Ministry regarding innovative projects under paragraph 11. of Article 5 of this Law, or

7.3. where an Individual Education Plan for a specific pupil is approved under paragraph 6. of Article 41 of this Law.

8. The KCF shall enable all pupils to broaden their understanding and knowledge of its own identity, culture, religion and language and to encourage intercultural dialogue.

9. Within the institution-based curriculum, Educational institutions are free to teach any subject which is not prohibited by this Law or other applicable law.

#### **Article 25**

#### **The Kosovo Curriculum, Standards and Assessment Agency**

1. The Kosovo Curriculum, Standards and Assessment Agency (KCSAA) shall be established as an independent Agency dealing with issues related to curriculum development, implementation, monitoring and evaluation of the curriculum, standards and assessment.

2. The KCSAA shall be an executive Agency operating under the Ministry.

3. The status and work of the KCSAA shall be regulated by a bylaw.

4. The KCSAA shall develop the Kosovo Curriculum Framework and subject syllabuses through a regular process of discussion with representatives of teachers and municipalities, community representative organisations, and with national and international experts; including recommendations on:

4.1. the content of the core curriculum including central methodology and subject syllabus, objectives, learning outcomes for each subject associated with the main stages of the curriculum, and key competences to be achieved at the end of ISCED Level 3;

4.2. evaluation and standardized assessment of pupils' achievements at defined intervals, and the criteria for progression of pupils, compatible with the requirements of the National Qualifications Framework for assessment leading to the award of qualifications;

4.3. list of recommended textbooks, educational teaching resources and learning materials, including suitable materials for use by pupils with learning difficulties or disabilities;

#### **Article 26**

#### **Textbooks and other educational teaching resources**

1. To secure standards and quality of materials used in publicly-funded educational and training institutions, the Ministry shall approve textbooks, other educational teaching resources and learning materials on the advice of the KCSAA and subject to regulations regarding procurement, drafting, review and publishing set out in a bylaw.
2. No materials except those approved by the Ministry under this Article may be used in publicly-funded educational institutions.
3. Governing boards of educational and/or training institutions shall approve, based on the list approved by Ministry, the textbooks, other educational teaching resources and learning materials, based on the proposal of teachers, used in specific institutions.
4. Textbooks approved by the governing board at levels 1 and 2 according to paragraph 2. of this Article shall be provided free of charge.

#### **Article 27**

#### **Textbooks in Languages of Communities**

1. Textbooks in the Serbian language at levels 1 and 2 shall be used as determined by applicable law and shall be provided free of charge.
2. Textbooks in community's languages in which the teaching is being developed at levels 1 and 2 shall be provided free of charge.

### **THE FINANCING SYSTEM**

#### **Article 28**

#### **Financing**

1. The sources of finance for pre-university education are:
  - 1.1. the specific grant for education based on the Law on Local Government Finance (LLGF), no. 03/L-049, 13 March 2008, and the Law on Public Financial Management and Accountability, no. 03/L-048, 13 March 2008, to finance the cost of providing a minimum standard of compulsory education based on parameters and standards approved by the Ministry;
  - 1.2. self revenues generated by the educational and training institution;
  - 1.3. additional funding from the general municipal grant, depending on local financial opportunities.
2. The specific grant for education shall be defined and allocated to municipalities based on the approach of an open financial system according to LLGF, according to the allocation formula approved by the Grants Commission.
3. The formula in paragraph 2. of this Article shall be based on

- 3.1. student enrolment;
  - 3.2. pupil-teacher ratio for allocation of personnel and payroll by calculating the average remuneration;
  - 3.3. funding for replacement of teachers on medical or maternity leave;
  - 3.4. funding for educational and training institutions by type and size of facilities;
  - 3.5. funding for schools in deep mountain zones; and
  - 3.6. funding per pupil for operating expenses and capital investments; and
4. The Ministry may in consultation with municipalities consolidate the formula criteria.
5. Reference to the municipality is the same as to the Ministry in the case of educational institutions offering programmes at ISCED Level 4. The criteria for financing of ISCED Level 4 institutions shall be established by the Ministry.

#### **Article 29** **Delegation of financial authority**

1. Municipalities shall delegate responsibility for budget and finance to educational and training institutions according to municipal formula specified in a legal act; the formula shall allow changes in appropriations if the number of pupils changes during a fiscal year.
2. Municipalities may revise the municipal formula in consultation with educational and training institutions.
3. When responsibility is delegated in accordance with paragraph 1. of this Article:
  - 3.1. every governing board shall have, for each financial year, a budget allocation and shall approve the budget plan for the educational institution;
  - 3.2. institutional governing board may further delegate responsibility for approving expenditure in specified areas, and with specified financial limits, to the director of the institution, such arrangements being the subject of a schedule of delegation approved, and revocable by, the respective municipality;
  - 3.3. the municipality or institutional governing board (the 'delegating authority') as appropriate shall ensure that appropriate financial provision is made for personnel and equipment for the efficient discharge of administrative functions relating to the delegated budgets;
  - 3.4. any amount made available by a municipality to an institutional governing board shall remain the property of the municipality until spent by the governing board or director as appropriate;
  - 3.5. any assets purchased with funds from the school budget shall remain the property of the municipality and managed by the institutional governing board or director according to the schedule of delegation;
  - 3.6. the agreed budget share for an educational and/or training institution may not be exceeded.

4. Any disagreement between the institutional governing board and the director in relation to the institution's budget shall be subject to binding arbitration by the municipality.

5. Any dispute between a municipality and an institutional governing board in relation to the budget of the institution shall be referred to mandatory arbitration by the Ministry.

### **Article 30 Monitoring**

1. Delegating authorities shall monitor the exercise of delegated authority.

2. The financial autonomy granted to institutional governing boards and directors shall be subject to accountability to the delegating authority in the form of annual audited reports to the delegating authority.

3. The delegation of authority may be suspended or revoked if the delegating authority determines that funds have been mismanaged or applied to purposes other than those for which they were delegated.

4. Revocation of delegated authority under paragraph 3. of this Article shall take place only after consultation between the parties, and except in urgent cases of alleged misapplication of funds, shall require the delegating authority to give at least thirty (30) days notice of the planned revocation.

5. Any dispute between a municipality and an institutional governing board in relation to this Part shall be referred to the Ministry for determination.

## **TEACHING AND DIRECTING STAFF**

### **Article 31 Creating a professional base for teachers**

1. Teachers are professional staff carrying out such duties in educational and training institutions according to legislation in effect and who meet the requirements of this Law in relation to qualifications and licensing.

2. A person who does not meet the requirements to be a teacher as provided by this Law may be employed in an educational and/or training institution as an assistant or instructor to aid the work of qualified and licensed teachers if the director of the institution is satisfied that the person has the skills, expertise and experience required to carry out such work and is not disqualified from holding such position under this or other applicable Law.

3. The criteria for selecting assistants and instructors shall be set out in a bylaw.

4. The Ministry shall ensure, within available resources, that sufficient personnel are trained to fulfil obligations related to education in non-official languages and community-specific curricula.

### **Article 32 State Licensing Council for Teachers**

1. The Ministry shall appoint the members of the State Licensing Council for Teachers, (hereafter 'SLCT'), and regulate its proceedings, remuneration and other issues as required by this Law and other applicable law.

2. The duties and responsibilities of SLCT shall be determined by a bylaw.

3. The official proceedings of SLCT relating to licensing, suspension and withdrawal of licences of teachers shall be open to public inspection.

4. The Ministry may by bylaw delegate one or more of its functions of SLCT and may revoke such delegation.

5. If a delegation of functions takes place under paragraph 4. of this Article, the Appeals and Complaints Committee of MEST shall act as an appeal body from relevant decisions of SLCT on the ground of non-compliance with this Law or other applicable law.

### **Article 33 Licensing of teachers**

1. Teacher licensing, development of framework and standards for professional development and performance evaluation is a responsibility of the Ministry, acting on the advice and recommendations of SLCT.

2. The licensing of teachers specifies the requirements for teachers to enter and remain in the profession, as well as criteria and requirements for teachers to be promoted in the system.

3. The Ministry shall determine through bylaws, as advised by SLCT:

3.1. subject to paragraph 4. of this Article, requirements for teacher qualification, including the specific qualification level for particular levels of pre-university education;

3.2. procedures for advancing the qualification of existing teachers in the system by the organisation of training to the same standard required of new entrants, by August 2020;

3.3. requirements for teacher professional development and performance associated with licensing requirements;

3.4. standards and procedures for accreditation of teacher professional development;

3.5. standards on teacher professional practice.

4. All programmes leading towards a teaching qualification shall, by not later than the commencement of academic year 2012/13, be equivalent to a second cycle programme of 300 ECTS, consisting of professional and academic training and practice, the details to be regulated in a bylaw.

5. In the case of teachers at ISCED Level 4, including those employed in vocational educational and training institutions, the Ministry on the recommendation of SLCT may specify additional or alternative training requirements, reflecting the vocational and professional character of this level. Such qualifications shall be determined in a bylaw.

6. The Ministry on the recommendation of SLCT may specify additional qualifications for teachers of pupils with learning difficulties, hearing impaired pupils, visually impaired pupils, and pupils who are both hearing and visually impaired. Such qualifications shall be determined in a bylaw.

7. Re-evaluation of a licensed teacher for renewal of the license shall take place at intervals not exceeding five years from the date the existing license was issued.

8. Re-evaluation of a teacher holding a license may be initiated at any time if the performance of a teacher is an issue of concern; in such cases the municipality shall take appropriate steps to offer guidance and support to the teacher concerned.

9. A license may be withdrawn or suspended by the Ministry if in its opinion, based on a report from an independent medical practitioner a teacher is unable, by reason of health or physical or mental incapacity, to be fit to continue in the capacity of teacher. In such case the teacher concerned shall have the right to submit medical evidence and to make representations in writing to the Ministry. The Ministry's decision shall be final.

10. A license may be suspended by the Ministry at the request of a municipal director of education where disciplinary proceedings have been instituted against a teacher. The suspension shall be reviewed on the conclusion of such proceedings and any appeal arising from them.

11. A license shall be withdrawn by the Ministry immediately on conviction for an offence of violence, or an offence of indecency involving children. The withdrawal shall be notified to the appropriate state organs under applicable law.

12. A person who having received a licence under provisions of this law voluntarily leaves the teaching profession temporarily may be reappointed without an induction period if the period of absence is less than five (5) years. This provision shall not apply to those dismissed from their positions.

#### **Article 34**

##### **Additional qualifications for appointment to management grades and inspectors**

1. Candidates applying for the position of director or deputy director of an educational or training institution must hold a licence as a qualified teacher.

2. The Ministry may vary the requirements of paragraph 1. of this Article in exceptional cases at the request of the municipality and with the advice of SLCT.

3. The directors and deputy directors of educational or training institutions operating entirely or in substantial part in community languages shall be representative of such communities and be fully familiar with the identity of the relevant community.

4. All directors and deputy directors of educational or training institutions, and any other person with responsibility to administer educational or training institutions, holding their appointment at the date of entry into force of this Law, must have successfully completed by 31 July 2013 a professional qualification programme in leadership, administration and related topics, approved by the Ministry on the recommendation of SLCT.

5. As of 1 August 2013, all candidates for the positions listed in paragraph 4. of this Article must have successfully completed, prior to their appointment a professional qualification programme on leadership, administration and related topics, approved by the Ministry on the recommendation of SLCT.

6. Upon the recommendation of the SLCT, The Ministry, by bylaw, sets the criteria for professional development of the persons holding the positions as defined in paragraph 4. of this Article.

#### **Article 35**

##### **Selection or appointment of directors and deputy directors, teachers, professional associates, assistants and instructors**

1. Directors and deputy directors of educational institutions, teachers, teaching assistants and instructors shall be selected through a public advertisement based on personal merit, with no direct or indirect discrimination of any kind for real or presumed reasons on grounds of gender,



race, marital status, sexual orientation, national community background, disability, property, birthplace, political or philosophical views or other situations.

2. The selection or appointment of directors and deputy directors, teachers, teaching assistants or instructors for educational and/or training institutions operating entirely or substantially in non-majority community languages shall take into account the need for representativeness and full familiarity with the identity of the relevant community; ensuring the fulfillment of these needs shall not be considered as discriminatory within applicable law.

3. Appointing authorities as defined in this Law shall establish fair, open and transparent recruitment procedures based on the qualifications and the needs of the post.

4. Teachers shall be appointed by a committee established by the MED including the director of the educational institution and representatives of the governing board in accordance with the applicable law.

5. When choosing between two or more applicants for a management or teaching post, emphasis shall be placed on each applicant's education, experience and qualifications for the post, as well as the needs which the appointment aims to fulfil. If no applicants satisfy the qualification requirements laid down in the present Law, a temporary appointment may be made. Such appointments shall terminate on the last day of the school year in which the appointment was made.

6. The contract of a teacher who is appointed at the beginning of the second semester shall, on request by the teacher, be extended until 31 August or until the conclusion of the relevant examination period, whichever is later. The contract of a teacher who is appointed in March and later shall be extended until the end of the school year.

7. No person shall be appointed to a position within an educational institution, both public and private, who has at any time been convicted of a criminal offence of violence or indecency involving children. A person who is convicted for such a crime shall not be granted such position or shall immediately be discharged from his or her position in accordance with the relevant applicable law.

8. The Ministry should by bylaw in accordance with this Law prepare such further provisions relating to the appointment of directors, deputy directors, teachers, teaching assistants and instructors as are consistent with this Law and the responsibilities of municipalities and governing boards.

9. Teachers and other staff to whom this Article applies are employees of the respective municipality, or the Ministry in relation to ISCED Level 4.

10. Pay scales, terms and conditions of employment, responsibility allowances and grading of directors, deputy directors, teachers, teaching assistants and instructors shall be regulated by bylaw in accordance with applicable law and implemented by municipalities, and by the Ministry in relation to ISCED Level 4.

### **Article 36**

#### **Protection against arbitrary sanctions and others**

1. The Ministry, municipalities, governing boards and directors of educational institutions shall ensure that teachers have freedom within the law and as appropriate at the level of education at which they are employed, to test received knowledge and to put forward new ideas and controversial opinions within the approved curricula, without placing themselves in jeopardy of losing their job or any privileges they may have.

2. The right of teachers to freedom of speech may only be restricted by law.
3. The Ministry and municipalities shall undertake measures to ensure that:
  - 3.1. teachers have freedom of organization and assembly within the law;
  - 3.2. teachers are protected against direct or indirect discrimination on any real or presumed ground such as sex, race, marital status, sexual orientation, colour, religion, political or other opinion, national, ethnic or social origin, association with a national community, disability, property, birth or other status;
  - 3.3. teachers are protected against harassment, bullying or assault by any person on the premises of, or associated with, the educational and/or training institution.

**Article 37**  
**Professional non-teaching staff**

1. Persons qualified to standards specified in a bylaw may be appointed by municipalities to educational institutions to undertake professional services including medical care, psychological support and counseling and social work.
2. Persons qualified to standards specified in a bylaw may be appointed by municipalities to educational institutions to undertake administrative, clerical, technical and support functions.
3. Persons appointed under paragraph 1. or 2. of this Article may be involved in teaching duties only if in possession of a current licence.
4. A person who has been convicted of a criminal offence towards children shall not be appointed to a position covered by this Article within an educational institution, both public and private. A person who is convicted for such actions shall not be granted such position or shall immediately be dismissed from his or her position in accordance with the relevant applicable law.

**Article 38**  
**Temporary appointments**

Provision shall be made by municipalities for payment of persons temporarily appointed as acting directors of educational institutions, or to provide additional teaching hours to replace staff absent for illness or maternity.

**Article 39**  
**Special Educational Needs**

1. A child has learning difficulties if:
  - 1.1. the child has a significantly greater difficulty in learning than the majority of children of that age; or
  - 1.2. the child has a disability which either prevents or hinders him or her from making use of educational facilities of a kind generally provided for children of his or her age in educational and/or training institutions.
2. A child is not to be taken as having a learning difficulty solely because the language, or form of the language, in which he or she is taught is different from a language, or form of a language, which has at any time been spoken in his or her home, or because he or she belongs to a particular community; in such cases the municipality shall ensure that efficient support in the language of instruction is provided to the child.

3. 'Special educational provision' for a child means educational provision which is additional to, or otherwise different from, the educational provision made generally for children of his or her age in educational and/or training institutions established in the municipality.

4. Special educational provision is not limited to children with learning difficulties but also extends to particularly gifted children who may require modifications in the normal pattern of progress through the system of compulsory education, including the curriculum.

#### **Article 40** **Principle of inclusive education**

1. It is the explicit intention of this Law that the principle of inclusive education should be applied in the Republic of Kosovo as best practice in accordance with international norms as set out in the UNESCO Convention on the Rights of the Child (1989), the Statement of Salamanca (1994), the UN Convention of the Rights of Disabled Persons (2007) and other relevant international conventions or recommendations.

2. The principle of inclusive education is that:

2.1. educational and/or training institutions should accommodate all children regardless of their physical, intellectual, social, linguistic or other conditions and should promote integration and contact between children,

2.2. that relevant support should be offered based on pupils' individual needs; and

2.3. separate educational settings or special schools are justified only where after expert assessment it is considered impractical to enroll a child in a regular municipal school or training institution.

3. Municipalities shall take measures to support the inclusion of children in municipal schools, including the establishment of resource rooms and adapted classes for pupils with physical, including sensory, disabilities.

4. Municipalities shall provide free, safe, and suitable transport, according to the individual expert assessment, for children with disabilities or learning difficulties attending municipal schools.

#### **Article 41** **Professional Assessment**

1. Each municipality alone or in cooperation with other municipalities shall establish an expert assessment and support team for special educational needs comprised of education, social work, psychology and rehabilitation specialists, as external support to educational and/or training institutions, and to provide counselling and guidance to teachers, pupils and parents.

2. An expert assessment procedure may be initiated upon the request of a parent or by an educational and/or training institution with the consent of a parent.

3. The expert assessment shall, in line with the principle of inclusive education and taking into account the wishes and opinions of parents, consider and determine whether the pupil requires special educational provision and what type of teaching should be provided, the aims of the assessment being:

3.1. to assess the abilities, interests and needs of the child;

- 3.2. to give recommendations on teaching methods, aids, and other accommodations necessary for the child's learning and well being;
  - 3.3. to define needs for special equipment needed in learning;
  - 3.4. to give recommendations on the placement of the pupil.
4. The Ministry, through a bylaw, shall determine procedures and timelines for professional assessment.
  5. If the decision of the municipality differs from the expert assessment, the grounds for the municipality's decision shall be explained in writing; the parents shall be given the opportunity to provide a written submission. The final decision in such cases shall be made by the Ministry, which may consult such experts as it shall determine.
  6. The content of tuition for pupils with special educational needs shall be set out in individual education plans (IEP). The procedure and template for an IEP shall be regulated by a bylaw.

**Article 42**  
**Resource centres, special schools and units providing special education**

1. The Ministry may establish and maintain resource centres, special schools and other units providing special education for children with severe or multiple disabilities or learning difficulties who are assessed as being unable to be educated in municipal schools or public training institutions.
2. Resource centres and other units established under this Article shall also provide, within available resources, assistance on request to educational and/or training institutions educating pupils with learning difficulties.
3. Teaching and other professional staff employed in schools, resource centres and other units established under this Article shall be licensed according to this Law.
4. The Ministry shall provide free, safe, and suitable transport, or arrange suitable residential care, according to the individual expert assessment, for children attending resource centres, special schools, and other units established under this part.

**Article 43**  
**Sign Language and Braille System**

1. Pupils and children who have sign language as their first language shall receive tuition both in the use of sign language and through the medium of sign language.
2. The Ministry may decide that teaching through the medium of sign language and in the use of sign language shall be provided at a different location than the pupil's normal institution.
3. Partially sighted and blind pupils have the right to instruction in the use of Braille and necessary technical aids. Such pupils have also the right to necessary orientation and mobility instruction in connection with movement at school, to and from school and at home.
4. Before instruction in sign language, Braille or orientation and mobility instruction or training is given under the present section, an assessment of the pupil's disability and access needs shall be made by the municipal expert assessment team established under this law.

## **PRIVATE AND PARTNERSHIP EDUCATION**

### **Article 44**

#### **The right to private education and to establish private education or training institutions**

1. Every child shall have the right to attend a private educational and/or training institution licensed under this law.
2. Private educational and training institutions may be founded by any legal person registered in Kosovo, or by a citizen or group of citizens of the Republic of Kosovo.
3. No person who has been convicted of an offence of violence, or an offence of indecency involving children, whether in the Republic of Kosovo or elsewhere, may found, be associated, financially or otherwise, with founding, or continue on subsequent conviction to be so associated with, a private educational and/or training institution.

### **Article 45**

#### **Partner education and training institutions**

1. It shall be the competency of the Ministry or a municipality to enter into a contract with an institution or individual to promote and to establish joint educational ventures under applicable law.
2. If an institution is established under paragraph 1. of this Article, it shall be treated as a private educational and training institution with mixed capital.

### **Article 46**

#### **Licensing and inspection of private and partnership schools**

1. Every private or partnership educational institution providing education at ISCED Levels 0, 1, 2, 3 or 4 shall require to be licensed as such by the Ministry.
2. The criteria for the award of an educational and/or training licence shall be formulated by the Ministry on the advice of the SCPUE and constitute a government licensing standard which shall be published in a bylaw.
3. The government licensing standard shall take account of the variety of teaching and learning methods employed by private institutions and the avoidance of risk to children and staff including provisions related to:
  - 3.1. adequacy of buildings and equipment, which must comply with international standards on health and safety and accessible design for persons with disabilities, including teaching rooms, cabinets, workshops and laboratories, fields or sports halls;
  - 3.2. library and computer rooms;
  - 3.3. number and qualifications of teaching staff;
  - 3.4. the Kosovo Curriculum Framework or a foreign curriculum recognized by the Ministry on the advice of KCSAA.
4. The licence for a private educational institution shall include provision for a bank guarantee to protect the financial interests of persons needing to complete their education at another institution in the event of closure.

5. A private educational institution may commence operation only after obtaining an educational and/or training licence from the Ministry and a business licence from the municipality, according to applicable law.
6. The administrative procedure for the issue, renewal and amendment of educational and/or training licences shall be set out in a bylaw.
7. A private educational institution may by contract with parents prescribe the rules of behaviour at the institution.
8. A private educational and training institution may be closed without civil penalty by the founder only at the end of a school year.
9. Private educational and/or training institution shall be subject to inspection by the Ministry in accordance with applicable law.
10. The Ministry, after consultation with the National Qualifications Authority, may issue a bylaw on providing private educational and/or training services or support to such services by organizations or non-governmental operators.

#### **Article 47 Home schooling**

1. If the municipality estimates that a child of compulsory school age in their area is not receiving suitable education, either by regular attendance at school or otherwise, and is not the subject of permanent expulsion under this Law, it shall serve a notice in writing on the parents requiring the parents to satisfy the municipality within the period specified in the notice that the child is receiving such education whether at home or otherwise.
2. 'Suitable education' in paragraph 1. of this Article means efficient full-time education suitable to the child's age, ability and aptitude and to any special educational needs the child may have.
3. If the parents fail to respond to the municipality within the period specified in the notice referred to in paragraph 1. of this Article, the municipality shall proceed with the case as for a minor offence.
4. If the parents respond that the child is being educated outside the formal education and training system, either publicly-funded or private, the arrangements made by the parents, and the inspection arrangements, shall be subject to the approval of the Ministry, having consulted the relevant municipality.

#### **Article 48 Education in the Diaspora**

1. The education in Diaspora shall be regulated according to the Law on Diaspora of Kosovo 03/L-171.
2. Education and training institutions referred to in this Article are situated outside the territory of the Republic of Kosovo, where pupils who are citizens of the Republic of compulsory education age attend education and/or training in that country.

## **TRANSITIONAL PROVISIONS**

### **Article 49 Transitional provisions**

1. The Ministry shall issue bylaws within one (1) year for implementation of this law and for issues not covered by this law.
2. The provisions of Article 9 paragraph 3, Article 10 paragraph 3; Article 24 paragraph.6; Article 25 paragraph 1; Article 28; Article 29; Article 33 paragraph.4; Article 35; Article 37 paragraph 1; Article 39 paragraph 3; Article 42 paragraph 1.2.4; Article 43 paragraph.3; Article 48 paragraph 1.2. will be implemented from the school year 2015/16 if the financial conditions are created and after an exact assessment of the financial cost of the following period.
3. Inclusion of non-university post-secondary education (ISCED Level 4) in the pre-university education and training system shall enter into effect on a date determined by the Assembly.
4. The municipalities shall harmonize applicable rules with the provisions of this Law within 6 (six) months of its entry into force.

### **Article 50 Abrogative provisions**

Upon entry into force of this Law, all provisions of the Law on Primary and Secondary Education (Law 2002/2) and all other legal provisions contradicting this Law shall be abrogated.

### **Article 51 Entry into Force**

This Law shall enter into force fifteen (15) days after publication in the Official Gazette of the Republic of Kosovo.

**Law No. 04/L-032  
29 August 2011**

**Promulgated by Decree No.DL-035-2011, dated 31.08.2011, President of the Republic of Kosovo Atifete Jahjaga.**