



PROVISIONAL INSTITUTIONS OF SELF GOVERNMENT

KUVENDI I KOSOVËS
СКУПШТИНА КОСОВА
ASSEMBLY OF KOSOVO

Law No. 02/L-52

ON PRESCHOOL EDUCATION

Assembly of Kosova,

Based on Chapters 5.1. (e) and 9.1.26 (a) of the Constitutional Framework on Provisional Self-Government in Kosovo (UNMIK Regulation no. 2001/9, dated on 15 May 2001),

with the purpose of setting a legal base for the regulation, progress, and improvement of pre-school education.

Hereby adopts the following:

LAW ON PRESCHOOL EDUCATION

I. GENERAL PROVISIONS

Definitions:

Article 1

Preschool education refers to early education of known educator for preschool children.

Education of children with special needs refers to special education of slow children and children with feeling impairments, physical impairment, learning impairment, social-emotional impairment, and communication disorders.

Inclusive (See the Convention of Children Rights, Article 2) Signatory States are engaged to respect the rights mention in this Convention and guarantee them to each child that are involved in their jurisdiction, without any distinction, regardless race, color, gender, language, religion, political opinion or any other opinion, from the national origin, ethnical or social, wealth, disability, family descent or any other child or their parents state or their legal representatives.

Preschool institution can define facilities or converted houses which are built in a special way to provide preschool programs and which satisfy educational needs and develop children needs till their enrollment in primary school. These institutions provide services which are full time, half-time and the timetable can also be lasted during evening services.

Other preschool institutions, here are all other preschool institutions, except those public one, that is to say private preschool institutions, Centers ob Community Basis etc. Children Protection (See the Convention of Children Rights, Article 19) Signatory States undertake all legislative, administrative and educative measures in order to protect

children from any kind of physical or mental violence, offence or maltreatment, abandonment or disregard, mistreat or hack into including sexual abuses, as far as he is under his protection of children, or one of them, their legal representative or representatives or any other person who is confidential.

Parents' participation refers to parents' involvement of arrangement made by preschool institutions in order to help parents and contribute taking effective decisions in educating their children, activities which support curriculum that assists in preschool institutions action.

Preschool Education Programs refers to services on early education and development provided in public preschool, pre-primary parallels, other preschools and family institutions.

Preschool education standards refer to instruction issued by MEST, which present essential requests to providing of preschool education in Kosovo.

Article 2

- 2.1. Preschool education is a constituent link of unique system of education.
- 2.2. Preschool education includes children till their enrollment in primary school.
- 2.3. Children involvement in preschool education is amended by administrative instruction.
- 2.4. Attending preschool education is voluntary.

Goals of law of pre school education

Article 3

Goals of Law on preschool education are normative act of preschool education in preschool institutions by which will be achieved as in the following:

- a) to encourage skills in order to understand and accept yourself and others;
- b) to encourage capacity on conversation, accept changes and take part in groups;
- c) to encourage capacity in order to identify emotions and stimulate expression and manifestation of emotional experiences;
- d) to encourage interest, spirit research, intuits and imaginations, and develop independent critical thinking;
- e) encourage language development and other communications on using the language effectively and creatively in order that later help in reading and writing;
- f) Encourage artistic experience and expression;
- g) Transfer knowledge in different field of science and daily life;
- h) Encourage physical and psychic development;
- i) Encourage children's independence in personal hygiene and take care for their health;
- j) encourage positive report toward life environment and consciousness on ecological environment;

Principles of preschool education in preschool institutions

Article 4

Preschool education in preschool institutions shall be based on these principles as in the following:

- a) equality;
- b) inclusion;
- c) democracy;
- d) staff autonomy;
- e) professionalism and responsibility;
- f) equal capacities for children and parents, taking into consideration changes between children;
- g) the right to be different;
- h) all-inclusive development of children's personality.

Language

Article 5

5.1. In preschool institutions, preschool education shall be carried out in Albanian language.

5.2. In the places of mixed population, preschools institutions shall provide education in minorities language as well, conform constitutional framework and special Laws;

Children with Special Needs

Article 6

6.1. Pre-school education is the right for all children including those with special needs which will be carried out in compliance with this Law and sub legal acts.

6.2 In accordance with this Law, children with special needs include children with mental impairment, blind, visual impairment, deaf and hearing impairment, children with speech impairment, children with motorized impairment, and emotional and behavior difficulties, children with combined impairments, and other children in risk of being in an unfavorable education position, in need of separate instruction with added professional assistance, or special program.

Creating condition for placing the children in preschool institutions

Article 7

7.1. When in the dwelling-place of children there is no public preschool institution, the community has the right to self organize in compliance with this Law in order to provide preschool education services. In accordance with this organizational community, the respective institutions of preschool education of the corresponding municipality should aim to find possibilities to support these initiatives. The support should be in accordance with this Law and other sub legal acts.

7.2. When in the dwelling-place of children there is no public preschool institution, or those final there is no free place, although the number of applicants fulfill conditions on creating of an annex classroom, the community has the right to request from the respective institutions of municipal preschool education to extend the capacity of preschool institutions. Within an optimal term should find other alternatives.

7.3. Conditions and possibilities of support mentioned above paragraphs shall obviously be determined with sub legal acts.

II. ORGANIZING AND THE CONTENT OF PRESCHOOL EDUCATION IN PRESCHOOL PUBLIC INSTITUTIONS AND OTHER.

Basic duties Article 8

Basic duties of preschool institutions are:

- a) support to the parents in children care-taking and education;
- b) promotion quality for children and family life;
- c) creation of conditions for development of individual potential of children, and its manifestation;
- d) creation of conditions for the increase of capabilities of the children in fulfilling the tasks and obligations presented by the school.

Article 9

Educational programs for preschool children should be based on general curriculum approved by MEST, Experts Council and School Textbooks.

Plan and Program Article 10

10.1. Preschool institution applies its activity based on plan and working plan and program which is for an academic school year and last from 1 September till 31 August of the next year.

10.2. Annual plan and program for one academic school year is provided by Steering Committee of preschool institution at latest 31st of August.

10.3. MEST issues the administrative instruction regarding the Steering Committee, composition and competences.

10.4. Annual working plan includes educative programs, children health care, social care and other programs that preschool institution realizes in agreement with parents of the children.

10.5. Organizing and detailed life components in preschool institutions will be determined by annual working plan, approved by Leading Council of preschool institution in cooperation with council of parents.

10.6. Annual working plan will determine the organizing of institution and working hours, education and children care (in the family children care), setting the children in the classrooms, the professionals work and the other staff in institution, cooperation with parents on education and care, health and other support, supervision of junior nursery, community relations, cooperation with training staff in preschool institutions in the preschool education field, capacity building programs, working program of institution for

professional body and other staff, and dynamic of educative activity, material needs and others on implementing educative process.

10.7. The duties from paragraph 2 and other duties will be explored through the administrative instruction.

Presenting of preschool curricula Article 11

11.1. Preschool institution will provide curricula objectives, content and working methodology. Curricula will be publicized especially for parents.

11.2. Public and private preschool institutions will public the opinion of MEST Experts Council of Programs and school textbooks.

11.3. Obligatory issues for (announcement) publication will be set by MEST with administrative instruction.

Programs for preschool children and its approval Article 12

12.1. Educational Programs for preschool children drafted by public preschool institutions, and other experts should be in harmony with general standards of preschool education.

12.2. Educational Programs for preschool children drafted in public preschool institutions and others will be approved by the Council of Experts for Curricula and school textbooks in MEST.

12.3. Educational Programs for preschool children will include:

- a) Program designation;
- b) Philosophical premises;
- c) Educational field activities and objectives;
- d) Content;
- e) Methodology;
- f) Duration;
- g) The ways and forms for parents cooperation.

12.4. Education program providers for preschool education children in public institutions should be selected by the Municipal Assembly or two or more municipalities if there exists any agreement between them.

12.5. Programs for preschool children in other preschool institutions will be drafted by establishers or appropriate staff of preschool institutions in accordance with this Law and statute of the school establisher (founder).

The right to select a program Article 13

13.1. Parents have the right to select preschool program for their children in public or private institution.

13.2. The way of selecting the programs will be regulated with administrative instruction.

Duration of preschool education programs
Article 14

14.1. Preschool institutions provide programs in duration as in the following:

- a) Full time programs that last six till ten hours per day;
- b) Half time programs that last three till six hours per day, which can be in the morning, afternoon or in shifts;
- c) Short-terms programs that last 240 to 600 hours per year for preschool children.

14.2. Short-term and long-term programs are provided to children till their enrollment the primary school.

14.3. Duration of other preschool programs will be regulated with administrative instruction.

Register of preschool education
Article 15

15.1. Preschool institutions should keep registers of preschool education determined by MEST.

15.2. By the request of MEST and other competent bodies, the registers of preschool education should be submitted in the planned term.

III. FORMAL PRESCHOOL EDUCATION IN FAMILY

Article 16

16.1. Formal preschool education is organized in the family as well.

16.2. Formal Preschool education in family is organized for children who cannot attend preschool institutions because of their diseases.

16.3. Conditions and the ways of organizing formal preschool education will be regulated in compliance with this Law and administrative instruction.

16.4. The way of appointing, financing and supervising the educator who work in preschool education in the family will be regulated with administrative instruction.

IV. ESTABLISHMENT OF ASSOCIATIONS

Establishment of associations and consulting groups

Article 17

Preschool education institutions that provide and support preschool educational programs can establish associations of consulting groups in order to solve their problems, to cooperate with professional administrative bodies and to perform other joint tasks.

V. FINANCING

Financial Recourses Article 18

Preschool education programs can be financed by:

- a) Kosovo budget;
- b) Founders;
- c) Payment of parents;
- d) Donations and other recourses;

Founders and Financial Resources Article 19

19.1. Founder of preschool institution is obliged to provide funds on establishing and work of preschool institution.

19.2. The founder of public preschool institution is itself the municipality, whereas founder of private preschool institution are private legal person.

19.3. Preschool institution provides funds through market services and other resources in compliance with Law.

19.4. If two or more founders establish together one preschool institution, funds from paragraph 1 of this Article acquire founders according to the establishing act.

19.5. Funds from preliminary paragraph of this Article implemented in preschool institution shall be deposited in the account of adequate official Bank in Consolidated Budget of Kosovo, whereas their expenses shall be carried out based on annual plan and program of public preschool institution which is approved by MED.

19.6. Funds dedicated to finance public preschool institution and the way of their expenses will be regulated with administrative instruction.

Financial control Article 20

Using of public funds in preschool institution shall be inspected by MEST mechanisms and other respective institutions.

Public preschool Institutions Financing from Municipalities Article 21

21.1. The difference between educational program price and payment by parent will be provided by municipal budget on financing personal incomes, goods, employees' tariff in institution and expenses for material in compliance with standards.

21.2. Finance from preliminary paragraph shall be provided by the municipalities in which parents are permanent resident. Municipal will provide funds for children, whose

parents are temporary residents of that local community; if at least, one of them pays the tariffs in Kosovo.

21.3. The budget of municipality shall also provide funds on maintenance and invest in properties and public preschool institution facilities and preschool institutions, possibly preschool institutions that act on the basis of concession.

Payment by parents Article 22

Payment base done by parents shall be the nutrition for children and didactical material.

Costs of program definitions Article 23

Conditions of defining costs of educational programs will be regulated with administrative instruction.

Determination of paid tariffs by Parents Article 24

24.1. Tariffs that should be paid by the parents shall be determined from the municipality based on a level that groups parents' incomes for family members in comparing with average salary in Kosovo and family wealth.

24.2. Parents who take welfare will be free of tariffs.

24.3. In the case of exceptions, the municipality can, based on competent authority opinions on the taxes and welfare that during determination of tariffs for payment, accepts other facts that show the real social state of the family and the additional income and wealth specified in the first paragraph of this Article.

24.4. If more than one child attends education in preschool institution, the tariffs for other children will be reduced for one class.

24.5. Reducing of tariffs for children will be regulated with administrative instruction.

24.6. Taking into account the conditions of this paragraph, the parents who do not constrain their obligations of added payment value in Kosovo should pay the full price of the program attended by their children.

Development of Preschool Education

Funds from Kosovo Budget

Article 25

25.1. From the Kosovo Budget can be financed as follows:

- a) MEST takes the responsibility for the respective institutions, on further permanent scientific development of preschool education;
- b) Professional and supporting staff of preschool institutions are enabled the access to the new science achievements;
- c) Professional gatherings;
- d) Employment and professional training during demonstration work;
- e) Magazines for children, professional magazine and subventions for professional publication;
- f) Equipment and mediate in public preschool institution;
- g) International cooperation.

25.2. The categories that are special beneficiaries from the budget of Kosovo are as in the following:

- a) Preschool hospitalized groups in the hospitals that work in the level of Kosovo;
- b) Preschool groups of children with special needs; and
- c) War Invalids' children.

Other preschool institutions

License of other preschool institutions

Article 26

License of preschool institutions is made by MEST.

Possibilities and demands for support, financing

Article 27

26.1. MEST and the respective municipal institutions of preschool education will aim to support financially nonpublic initiative that provides preschool education. In order to raise the percentage of children who have access in this kind of education and the general quality of preschool education in Kosovo, MEST and the respective municipal institutions of preschool education by taking into account, financial support of these initiatives should take into consideration these criteria as in the following:

- a) Geographical position of the community where this service is provided, including especially rural zones and those remained omitted;
- b) Services for children with special needs;
- c) Staff of preschool institution should be employed on the regular basis or other basis that are in accordance with Law and other Regulations;
- d) Open approach for all children.

26.2. Ways, conditions and possibilities of financing of other preschool institutions will be regulated with administrative instruction.

VI. EMPLOYEES OF PRESCHOOL INSTITUTIONS

Requests regarding qualifications

Article 28

28.1. Education activities in preschool institutions should be implemented by preschool educators, preschool assistants, advisers, specialists of different fields of education.

28.2. Preschool educators providing special programs for children of preschool age with special needs should have the same level of education needed to other preschool educators and they should have adequate qualification.

28.3. Preschool groups including children with special needs, in the lack of planned staff in Article 28.2 can be educated by the preschool educator who has diploma in general preschool education and additional education or training for the children with special needs.

28.4. The educators should possess as in the following:

- a) Diploma of Faculty of Education – preschool program
- b) Higher Pedagogical school – Educators stream
- c) Philosophic Faculty – pedagogy branch
- d) Diplomas of Faculty of Education, with additional and adequate trainings for preschool educators and certified by MEST.

28.5. The leading staff of the preschool institution should have:

- a) Diploma of Faculty with the programs of education and preschool children development,
- b) Experience and skills in managing;
- c) In the lack of them can also be selected as candidates of educational profiles with pedagogical background.

28.6. The selection of staff of the public preschool institutions will be appointed by MEST, whereas the founder appoints other preschool institutions;

28.7. The composition of commission and the way of selecting leaders of preschool institutions will be determined by Administrative Instruction.

28.8. The preschool assistant should possess as in the following:

- a) Diploma of secondary education gained by the preschool education program; or
- b) Diploma of secondary education supplemented with adequate professional trainings certified by MEST.

28.9. Advisers should possess university diploma in the corresponding field and pedagogical qualifications

28.10. Specialists must possess university diploma, in the absence of them, they can work with Higher School

28.11. Employment in preschool institutions is carried out based on the law for civil service.

Educators working hours
Article 29

29.1. Working classes for preschool educators should include training, planning, realizing education activities, cooperation with parents, and participation in the organizational life and work in the preschool institutions.

29.2. Weekly working classes of the educator will be set by administrative instruction.

VII.COLLECTING AND FILLING OF THE PERSONAL DATA

Article 30

Preschool institutions will collect, process, file, keep and use the personal data kept in the registers in accordance with regulations for personal information protecting of identification if it is not differently determined by law.

The type of data in preschool institutions
Article 31

In order to provide preschool education, monitor activities and use statistics, preschool institutions should file the data as in the following:

- a) The children's data of those who applied and are accepted;
- b) The data of amounts paid by parents;
- c) The data of children who need special support consultation;
- d) Eventual data of any nursery maid of the child/children

The data for applicants and enrolled children
Article 32

The data of the applicants and enrolled children will be regulated by the administrative instruction.

The data of the amounts paid by parents and social welfare of the family
Article 33

33.1. Preschool institutions should file the data of amounts paid by the parents

33.2. The data on the paid amounts by the parents must contain:

- a) individual amounts of receipts which must be paid by parents
- b) Monthly receipts payments by parents.

33.3. The data from paragraph 2, of this Article must be filed in order to monitor monthly payments.

33.4. Preschool public institutions should provide the data from paragraph 2, of this Article from the municipality which is competent for determining the amount invoices to be paid by parents, whereas for other preschool institutions will be determined by the founder.

33.5. The data of social welfare of children families who attend a preschool institution should include information of:

- a) incomes, budget and the property of the family members
- b) number of the family members,
- c) Facts and other circumstances which can influence in the amount of receipts;
- d) Receipts paid by parents.

33.6. The municipalities have to collect the data from the points (a) and (b) of the previous paragraph of this Article only for parents who request decrees on their receipts (prices).

33.7. The founders can delegate the right to collect and file data of the social welfare of families to the preschool institutions.

Children data with the need for special support and consultation Article 34

34.1. Children data with the need for special support and consultation should include:

- a) Familiar and social anamnesis
- b) Development anamnesis
- c) Diagnostic procedure
- d) The procedure on professional support
- e) Professional opinions of other institutions, welfare center, health institutions, supporting centers for consultation and education.

34.2. Personal children data with the need for special support and consultation will be collected based on judgment of the consulting service.

34.3. Personal data specified in the first paragraph will be collected in agreement with parents of children or legal nurses, except the cases when the children are at risk by their families and they need protection.

34.4. The consultants will be obliged to treat the specified information from the first paragraph of this Article with personal credibility. Other specialists who get such data because of their working nature, they must also treat the data with professional credibility.

The way of collecting data Article 35

The way of collecting data will be regulated with administrative instructions.

Documents Retention

Term of filing data Article 36

The notes of applicants' data will be erased within a year if a child is not enrolled, whereas the data of attendees of the preschool education can be erased based on law of filing official documents.

Keeping data
Article 37

- 37.1. Preschool institutions are obliged to submit their data as needed to MEST.
- 37.2. Preschool institutions and municipality can public the data from their files to the other administrative organs based on Law to use the official documents.
- 37.3. When processed, personally identified data can be used and publicized only in that not to reveal the individual identity.
- 37.4. Personally identified data, regarding to the personal child development from the personal files in the preschool institutions, can be submitted out of preschool institutions for and with the request other institution only with parent permission, if it is not differently planned with a special Law.

VIII. SUPERVISION

Article 38

- 38.1. The supervision on viability of this law and the provisions issued from this law is committed by MEST.
- 38.2. The inspection supervision will be committed by education inspection in harmony with the law on educational inspection.
- 38.3. The work of pedagogical and professional supervision of educators and professional associations will be realized within Ministry of education, Science and Technology by the professional pedagogical supervisors or other professional persons authorized by MEST.
- 38.4. The performing form of the pedagogical and professional supervision, the rights, duties and authorization of the professional pedagogical supervisions and other authorized persons for pedagogical supervision will be regulated with administrative instruction.
- 38.5. Supervision of health inspection on the application of this law, which has to deal with health protection and children nutrition, will be applied by the Ministry of Health - health inspection.
- 38.6. Supervision of sanitary inspection and for the application of this law, which has to do with children nutrition, will be applied by the Ministry of Health – sanitary inspection.
- 38.7. Supervision of fire risk is carried out by fire rescue team.
- 38.8. Supervision for the professional work on implementing this law, the part dealing with children social care and children abuse will be organized and applied by Ministry of Labor and Social Welfare and other respective institutions.
- 38.9. Preschool institutions are obliged to report any concern or case that has to do with children protection of the respective institutions, based on Article 19 of Convention of Children Rights, approved by General Assembly of United Nations Organization on 20 November 1989.

Working Discontinuation Article 39

39.1. If the competent state organ certifies that the preschool institution does not fulfill the foreseen conditions by law, it will determine an optimal term not violating the children welfare, within which the preschool institution must eliminate the irregularities.

39.2. If the preschool institution does not omit irregularities in the determined term, the competent state organ will issue the act by which will stop the work of the preschool institution. The expenses for systematization of the children in preschool institution will be provided by the preschool institution which the working process is stopped.

Administrative Sanctions Article 40

40.1. The founder of institution and educational organizations will be penalized with administrative penalty from 500 - 1.000 € if they exceed the number of children of groups age, whereas preschool directors responsible for the activities of preschool institutions will be responsible for the penalty of 200 - 1.000 € if the number of children in group age is larger than in the administrative instruction.

40.2. In case of repeating the violence foreseen in paragraph 1, the administrative penalties are doubled.

40.3. In case of re-repeating the violence, there will be raised the procedures on dismissing the director and not taking the work license in institution.

IX. WORKING DISCONTINUATION OF THE PRESCHOOL INSTITUTION

Article 41

41.1. Work discontinuation of the institutions and organizations for preschool education can be done by founder's decision.

41.2. By the MEST decision, if the educational activity is performed without license of MEST.

41.3. The work of preschool institution will be ceased according to the conditions and ways foreseen with this law.

41.4. By the decision to cease the work of preschool institution will be determined the term and the way of work cease by regulating the form of the children systematization whom has been attendees of the preschool institution to the other corresponding institution.

41.5. The cases of work cease of the preschool institution will be determined by administrative instruction.

XI. PROVISIONAL AND FINAL PROVISIONS

Financing

Article 42

42.1. Prior to adopting of the curricula for preschool education in correspondence with this law, hereinafter these points can be considered as public services in the field of preschool education and preparation for the school.

- a) Preschool education of children before entering into the school, including the preparing of the children for primary school.
- b) Education and care for preschoolers with special needs according to the law;
- c) Programs for preschool children of the citizens abroad.

42.2. Activities specified in point a) of the previous paragraph will be financed by the budget of municipalities; activities specified in point b) will be financed from the budget of municipality and state, whereas activities specified in point c) of the previous paragraph will be financed by the consolidated budget of Kosovo and our citizens abroad.

Preschool educators

Article 43

Preschool educators, who have fulfilled the requirements for Teaching before this Law comes to effect, can continue teaching even after this law enters into force.

Employment

Article 44

Staff employment in the public preschool institutions is carried out based on Law on Civil Services.

Curricula approval

Article 45

45.1. The expert's council of curricula and school text books of MEST approves the curricula for preschool education.

45.2. Until the approval of new curriculum for preschool education proceeds to be applied existing curricula.

Curriculum adaptation

Article 46

46.1. Public and other preschool institutions, should adopt their curricula in harmony with standards of preschool education with this law within 2 years after entering into force.

46.2. Adopting of curricula with new curriculum for preschool education must be implemented until 2007.

46.3. If the institutions mentioned in the first paragraph of this Article do not fulfill the obligations specified in the first and second paragraph of this Article, the working license will be stopped.

Gradual decrease of the children number according to group age
Article 47

The number of children according to the Article 2.3 of this law will be realized until 1st of September 2007.

Article 48

MEST should aim by 2010 provide the inclusive children from five to six years old in pre-primary education.

Article 49

MEST issues administrative instructions for a year term in order to fulfill this law.

Entry into Force
Article 50

By entering of this law into force, the prior legal and sub legal acts that regulated this field are not anymore valid.

Article 51

The present law shall enter into force after adoption by the Assembly of Kosova on the date of its promulgation by the Special Representative of the Secretary-General.

Law No. 02/L-52
19 January 2006

President of the Assembly

Academic Nexhat Daci