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31 October 2002

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REGULATION NO. 2002/19

**ON THE PROMULGATION OF  
A LAW ADOPTED BY THE ASSEMBLY OF KOSOVO  
ON PRIMARY AND SECONDARY EDUCATION IN KOSOVO**

The Special Representative of the Secretary-General,

Pursuant to the authority given to him under United Nations Security Council resolution 1244 (1999) of 10 June 1999,

In conformity with sections 9.1.44 and 9.1.45 of the Constitutional Framework for Provisional Self-Government (UNMIK Regulation No. 2001/9),

Taking into account a communication from the President of the Assembly of Kosovo, dated 18 October 2002, concerning laws adopted by the Assembly of Kosovo on 26 September 2002,

Duly noting Administrative Instruction No. MEST 10/2002 of 20 August 2002 issued by the Minister of Education, Science and Technology implementing by its article 11 the consensus proposal approved by the Presidency of the Assembly of Kosovo and adopted by the Assembly of Kosovo,

Hereby promulgates effective as of the date of signature the law adopted by the Assembly of Kosovo on 26 September 2002 attached to the present Regulation (Law No. 2002/2).

Signed on this 31<sup>st</sup> day of October 2002.

Michael Steiner  
Special Representative of the Secretary-General

**PROVISIONAL INSTITUTIONS OF SELF-GOVERNMENT****THE ASSEMBLY OF KOSOVO****LAW NO. 2002/2****ON PRIMARY AND SECONDARY EDUCATION IN KOSOVO**

The Assembly of Kosovo,

Pursuant to the authority given to it under United Nations Interim Administration Mission in Kosovo (UNMIK) Regulation 2001/9 of 15 May 2001 on the Constitutional Framework for Provisional Self-Government in Kosovo, sections 9.1.34-45, UNMIK Regulation No. 2001/19 of 13 September 2001 on the Executive Branch of the Provisional Institutions of Self-Government in Kosovo, UNMIK Regulation No. 2000/11 of 3 March 2000 on the Establishment of the Administrative Department of Education and Science, UNMIK Regulation No. 2000/45 of 11 August 2000 on Self Government of Municipalities in Kosovo and UNMIK Regulation No. 2000/51 of 30 August 2000 on the Age of Compulsory School Attendance in Kosovo,

Taking into account the United Nations Convention on the Rights of the Child, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the European Convention for the Protection of Human Rights and Fundamental Freedoms and the Protocol thereto, the European Charter for Regional or Minority Languages and other relevant principles reflected in internationally recognized legal instruments,

For the purposes of regulating primary and secondary education in Kosovo,

Hereby adopts the following Law:

## CHAPTER I: GENERAL PROVISIONS

### Section 1

#### DEFINITIONS

In this Law the following terms shall have the meanings indicated:

- (a) "Catchments area" means the area of residence designated by a municipality for a particular educational institution.
- (b) "The Ministry of Education, Science and Technology" (short MEST) means the competent governmental authority whose responsibilities include education, science and technological matters.
- (c) "Chief Executive Officer" means the Chief Executive Officer of a municipality prescribed in section 30 of UNMIK Regulation No. 2000/45, or the person discharging the responsibilities of that office for the time being.
- (d) "Child" means any person below the age of eighteen years.
- (e) "Compulsory school age" for a pupil means the period defined in section 7 of this Law.
- (f) "Core curriculum" means the common part of the curriculum prescribed by the Ministry for all publicly funded schools.
- (g) "Corporal punishment" means any form of striking or other non-accidental physical contact by a teacher or other staff member with a pupil other than reasonable restraint where a pupil imperils the safety of other pupils or staff.
- (h) "Director" means the Director of a publicly funded educational institution.
- (i) "Educational institution" means any school or training establishment providing education at ISCED Levels 0, 1, 2 or 3.
- (j) "Educational service" means any activity directly or indirectly providing teaching or any form of support for pre-primary, primary or secondary education, whether material or otherwise.
- (k) "ISCED" means the International Standard Classification of Education 1997 adopted by the UNESCO General Conference at its 29<sup>th</sup> session in November 1997 and the definitions therein, as set out in Annex 1 attached to this Law.
- (l) "Municipal Education Director" means the officer of a municipality with that title or the person discharging those responsibilities for the time being.
- (m) "Municipal school" means any publicly funded school established in a municipality.
- (n) "Parent" means the person having legal guardianship of a child under the applicable law.

- (o) "Public educational institution" means an educational institution financed from public funds.
- (p) "Pupil" means any person enrolled in any programme of primary or secondary education.
- (q) "School" means any educational institution delivering educational services at ISCED Levels 0, 1, 2 and 3.
- (r) "School-based curriculum" means that part of the curriculum which is determined by the individual school.
- (s) "School Year" means the period beginning in September of one year and ending on 31<sup>st</sup> August of the following year. Ministry fixes the precise dates of the school year, which will be developed within a framework of 45 consecutive weeks.
- (t) "Secondary education" refers to both lower and upper secondary education unless specifically referred to otherwise.
- (u) "Senior Education Officer" means the Senior Education Officer of the Ministry attached to a municipality or the person discharging those responsibilities for the time being.
- (v) "Special education" means education for pupils with learning difficulties requiring special educational provision.
- (w) "Teacher Training Review Board" shall mean the body by that or another name established by the MEST with responsibility for approving the training, re-training and professional development of teachers.
- (x) "Textbook and Curriculum Council" shall mean the body by that or another name established by the MEST with responsibility for recommending to the MEST the approval of textbooks and similar materials used in educational institutions.
- (y) "Training establishment" means any publicly funded educational institution, other than a school, delivering educational services at ISCED Level 3.
- (z) "Vocational education" means education at ISCED Levels 3 and 4 directly related to the preparation of individuals for paid or unpaid employment, or paid self-employment. It may be carried out in educational establishments or, within specific arrangements, in workplaces or the home.

## Section 2

### SCOPE

#### 2.1 The Law:

- (a) Concerns all public and private primary, lower secondary and upper secondary education in schools and training establishments in Kosovo unless otherwise specifically stated; and

(b) Makes ancillary provision for pre-primary education.

2.2 The MEST shall bring forward proposals by not later than 31 December 2003 for the creation within Kosovo of a system of post-secondary non-tertiary and other adult education (ISCED Level 4), and proposals by not later than 1 October 2004 for the development of pre-primary education (ISCED Level 0).

2.3 Pending the development of a Kosovo-wide policy on pre-primary education, access to Level 0 (pre-primary education) shall be at the discretion of each municipality in accordance with the following criteria:

- (a) Attendance in pre-primary education shall be voluntary and the municipality may restrict enrolment for economic reasons. The municipality may charge, and may at its discretion waive, fees for attendance, for transport, for meals and for any other service related to the provision of pre-primary education; and
- (b) The duration, hours and other matters relating to pre-primary education shall be regulated by the MEST.

### Section 3

#### **THE RIGHT TO EDUCATION**

3.1 It shall be the general duty of the MEST subject to the provisions of this Law and the applicable law to promote the education of the people of Kosovo and to make available an adequate and efficient programme of primary and secondary education accessible to all.

3.2 No child shall be denied the right to education. In furtherance of this right, the following principles shall apply:

- (a) Education in the publicly maintained Levels 1, 2 and 3 educational institutions shall be free of charge;
- (b) Learning materials (e.g. textbooks) in the publicly maintained Level 1 and 2 schools shall be provided free of charge; and
- (c) Every child has the right to education in his /her language in elementary and secondary schools.

3.3 The Ministry may issue instructions requiring pupils at Level 3 to provide for their own use teaching materials and equipment normally needed for the course they are attending and to pay a standard fee to sit public examinations. The instructions shall include the circumstances in which such fees may be waived and materials provided free of charge.

3.4 In the exercise of their respective powers and duties under this Law, the MEST and the municipalities shall respect the right of parents to ensure education and teaching in conformity with international human rights instruments.

## Section 4

**THE AIMS OF EDUCATION**

4.1 The aims of the programme of primary and secondary education are:

- (a) To develop the pupil's personality, talents and mental and physical abilities to their fullest potential;
- (b) To develop in the pupil respect for human rights and fundamental freedoms and for the principles enshrined in the Charter of the United Nations and the European Convention for the Protection of Human Rights and Fundamental Freedoms;
- (c) 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 nation, for the values of Kosovo and its Communities, and for civilisations different from his or her own;
- (d) To prepare the pupil for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin; and
- (e) To develop in the pupil respect for the environment.

4.2 All teaching shall be adapted to the abilities, aptitudes and age of the individual pupil.

4.3 The MEST may issue instructions supplementing the overall aims and principles of education.

4.4 Emphasis shall be placed on creating good cooperation between pupils, parents, teachers, schools, training establishments and workplaces.

4.5 Education at all Levels shall have regard to ensuring and promoting the mental and physical well-being of all pupils.

4.6 All persons associated with educational institutions established or regulated under this Law shall take all reasonable steps to ensure that pupils are not injured or exposed to any offensive words or actions. Corporal punishment and any other form of humiliating punishment are prohibited in all educational institutions whether publicly funded or private.

4.7 Public educational institutions shall refrain from religious instruction or other activities promoting any specific religion.

4.8 Civic knowledge necessary for intelligent citizenship shall be valued in the Kosovo education system. Public educational institutions shall refrain from political education or activities for or against any specific political party.

## **CHAPTER II: THE ORGANISATION OF PRIMARY AND SECONDARY EDUCATION**

### **Section 5**

#### **NON-DISCRIMINATION**

5.1 Access to and progression through all Levels of primary and secondary education in Kosovo shall be without direct or indirect discrimination on any real or presumed ground such as sex, race, sexual orientation, physical, intellectual or other impairment, marital status, colour, language, religion, political or other opinion, national, ethnic or social origin, association with a national community, property, birth or other status of the pupil or the pupil's family.

5.2 Education of pupils with learning difficulties is governed by Chapter 7 of this Law.

### **Section 6**

#### **ORGANISATION OF EDUCATION PROGRAMME IN KOSOVO**

The programme of pre-primary, primary and secondary education in Kosovo shall be organised according to the following ISCED Levels:

- (a) Level 0: Pre-primary Education (normally ages 3 to 6);
- (b) Level 1: Primary Education (first stage of basic education) for 5 years (normally ages 6 to 12);
- (c) Level 2: Lower Secondary education (second stage of basic education) for 4 years (normally ages 12 to 15); and
- (d) Level 3: Upper Secondary education for 3 years or 4 years depending on the curriculum settled by MEST (normally ages 15 to 19).

### **Section 7**

#### **COMPULSORY EDUCATION**

7.1 Compulsory schooling begins 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).

7.2 Compulsory schooling ends at the close of the ninth school year following the pupil's admission to primary education, or on the day when the pupil reaches the age of 15, whichever is earlier.

7.3 The MEST may issue instructions to avoid anomalous situations arising in relation to the compulsory education requirements set out in sections 7.1 and 7.2.

7.4 The Municipal Directorate of Education may enrol a child who is under the minimum compulsory school age at the beginning of the school year subject to a recommendation by both a medical doctor and a psychologist.

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

7.6 The MEST, in cooperation with the municipalities, shall be responsible for providing adequate textbooks in their mother tongues and reading primers in their mother tongues.

7.7 Each school shall have a catchments area: all pupils of compulsory school age living within that area shall have the right to enrol at and attend a school of the appropriate Level.

7.8 Attendance at the allocated school of the appropriate Level shall be mandatory for pupils of compulsory school age, unless transferred to another school or exempted from attendance as further provided in this Law.

7.9 The MEST may in special cases exempt pupils from the requirement to attend the allocated school referred to in section 7.8 if this is found to be in the best interests of the pupil and then only upon request of the parents of the pupil.

7.10 The parent(s) of a pupil living outside the catchments area for a particular educational institution may apply to the relevant municipality to enrol the pupil at that institution; such places shall be allocated in a fair manner at the discretion of the municipality on the basis of transparent, published criteria.

7.11 Parent(s) who are dissatisfied with the procedure used to determine an application under section 7.10, or the reasons given for a decision in relation to such application, may appeal to the MEST, which may require the municipality to reconsider its decision.

7.12 When due consideration for other pupils so indicates, and other measures to resolve the problem have failed, the Municipal Directorate of Education may decide to move a pupil to a primary or lower secondary school other than that which the pupil has the right to attend, subject to the following:

- (a) When no suitable place is available at an appropriate school within the municipality, the pupil may be moved to a school outside the municipality, except where this would require the pupil to leave home or to undertake unreasonably long transport between home and school; and
- (b) A parent who is dissatisfied with the Municipal Directorate's of Education decision under the present section may appeal to the MEST through Senior Education Officer.

7.13 Where the director of the school deems it appropriate and in the best interests of the pupil, he/she may, upon receipt of an application from the parent(s) of a pupil, grant individual pupils leave of absence from attendance at school for up to two weeks.

7.14 It shall be an offence for a parent of a child of compulsory school age either:

- (a) To fail to enrol such a child in a school which is either a municipal school or a licensed private school appropriate to the child's age and Level of study; or
- (b) To fail to make alternative arrangements for the education of the child which are approved by the MEST.



7.15 If a pupil is absent from compulsory tuition, his or her parent(s) may be liable to fines if the absence is a result of deliberate actions or negligence by the parent(s). Public prosecution may be instituted if so decided by the municipality. In such cases, the municipality shall inform the MEST. The maximum penalties shall be determined in accordance with the applicable law.

## Section 8

### **UPPER SECONDARY EDUCATION**

8.1 Access to Level 3 (upper secondary education) shall be open to pupils on a voluntary basis.

8.2 Admission to upper secondary education shall be by a fair selection system administered by municipalities in accordance with guidelines to be issued by the MEST. Admission shall be based on an application signed by the pupil and shall be subject only to satisfactory completion of the Level 2 curriculum appropriate to the studies being undertaken at Level 3.

8.3 Vocational education at Level 3 may take place either in schools or in training establishments, or in private or public enterprises. Different entrance requirements may be prescribed for programmes of vocational education.

8.4 The school or training establishment may in response to an application permit the pupil to postpone or interrupt his or her training or education.

## Section 9

### **ADDITIONAL RIGHTS AND OBLIGATIONS OF PARENTS**

9.1 Parents have a general right and duty to ensure that their children are educated in accordance with this Law.

9.2 Parents have the right to complain to the teacher, to the Director, and then to the MEST about the quality of teaching. The MEST shall make provision for dealing fairly with such complaints.

9.3 Parents have the right to complain to the teacher, to the Director, and then to the municipality about the facilities of the educational institution.

9.4 Parents have the right to participate in elections for membership of the School Board for the relevant school or training establishment.

### **CHAPTER III: RESPONSIBILITIES OF THE MINISTRY OF EDUCATION, SCIENCE AND TECHNOLOGY**

#### **Section 10**

##### **GENERAL RESPONSIBILITIES**

10.1 In carrying out its functions and responsibilities under this Law and the applicable law, the MEST shall:

- (a) Promote equality of opportunity in access to primary and secondary education, in staff development and training and in all other aspects of education;
- (b) Respect and promote the rights of Communities and their members established in Chapter 4 of the Constitutional Framework for Provisional Self-Government; and
- (c) Co-operate with the Special Representative of the Secretary-General in the exercise of his or her direct responsibilities under UNSCR 1244 (1999) to protect and promote human rights and to support peace-building activities, and the exercise of the authority vested in him or her by Chapter 4, section 4.6 and Chapter 8, section 8.1(a) of the Constitutional Framework for Provisional Self-Government.

10.2 The MEST shall issue instructions regarding registration, retention and protection of personal data at all levels in the education system, taking into account the following criteria:

- (a) Official documents issued by educational institutions shall contain no personal data other than name and date of birth; and
- (b) Personal data relating to ethnicity or religious status may only be recorded for the purpose of statistical monitoring to assist in the promotion of equal opportunities and may not be used for any other purpose. Such data may not be registered in such a way that individuals may be identified from it.

10.3 The MEST shall be responsible for the licensing of private educational institutions.

10.4 The MEST shall present an Annual Report on pre-primary, primary and secondary education to the Assembly.

10.5 The MEST shall carry out other functions as may be specified in the applicable law.

#### **Section 11**

##### **PLANNING AND COORDINATION**

11.1 The MEST shall plan, co-ordinate and monitor the development of pre-primary, primary and secondary education in Kosovo in consultation with the municipalities.

11.2 The MEST shall in particular plan and develop facilities for upper secondary (Level 3) education having regard to the economic and social needs of Kosovo, the wishes of the prospective pupils and the needs of society for upper secondary education in all areas of study and for different age groups, and taking into consideration its responsibility for

education in prisons and in welfare and medical institutions, and the need for special education.

11.3 The MEST shall decide on the establishment and location of educational institutions at upper secondary Level.

## Section 12

### CONTENT OF EDUCATION

12.1 The MEST is responsible for the establishment and progressive development of the content of public education, in cooperation with the teachers and experts and in accordance with the aims set out in section 4 of this Law. In carrying out its responsibilities, the MEST shall draw on best European and World practice.

12.2 The MEST shall issue instructions on the curriculum to be taught at all Levels of primary and secondary education including:

- (a) The allocation of minimum teaching hours for the core curriculum and for the school-based curriculum;
- (b) Central methodology and subject syllabus, objectives and learning targets for each subject associated with the main stages of the core curriculum for the primary and lower secondary school, the details of the core curriculum being determined and reviewed by the MEST following a process of consultation between the MEST, representatives of teachers, representatives of municipalities, and national and international education experts through a mechanism to be established by the MEST; and
- (c) Approving by the MEST of the school-based curricula on the recommendation of the Senior Education Officer for each municipality.

12.3 Taking into account section 3.2(c), the MEST shall issue guidelines not later than 31 December 2003 regarding the learning of the Albanian language by pupils whose mother tongue is different from Albanian, and the learning of other regional and international languages.

12.4 The MEST shall issue instructions concerning the assessment of pupils, appeals against assessments, and school and public and private examinations and certificates.

12.5 The MEST authority shall regulate teacher training, registration and re-training in accordance with the applicable law including the establishment of a Teacher Training Review Board.

12.6 The MEST shall approve textbooks for use in public schools, according to an open and competitive procedure, and shall establish a Textbook Council of experts to advise it in this matter.

12.7 The MEST shall supervise, through relevant institutions, the quality of teaching in primary and secondary schools.

## Section 13

**REGULATION AND SUPERVISION**

13.1 The MEST is responsible for supporting and supervising the implementation of the Law and instructions made under it, by municipalities and schools.

13.2 Without prejudice to its responsibilities arising under other provisions of this Law, the MEST shall:

(a) Issue instructions regulating:

- (i) The school year calendar, hours of study, breaks during the school day, school holidays and related matters. The time allocated to teaching shall not be less than 37 weeks within a framework of 45 consecutive weeks during the school year;
- (ii) Maximum class sizes: instructions may vary according to whether there is one or more than one age cohort in a class and exemption from the maximum class size may be approved by MEST;
- (iii) Safety requirements.

and

(b) Determine exemptions and appeals from municipalities, pupils, teachers or parents as further provided in this Law.

13.3 The MEST shall undertake periodic inspections of educational institutions and issue recommendations for improvement. If the MEST detects conditions that are in violation of the Law or subsidiary instruments issued under it, the MEST may order the correction of such conditions.

13.4 The MEST shall ensure that the recruitment and employment of staff in educational institutions by municipalities complies with good practice and with the applicable law and procedures.

13.5 The MEST shall:

- (a) Appoint and employ a Director for each municipal school upon receiving a recommendation from a common panel with representatives from the MEST and the municipality constituted in accordance with an instruction from the MEST; and
- (b) Employ teachers at public educational institutions until the transfer of teacher employment to the municipalities is completed, by not later than 1 January 2003.

13.6 The MEST may delegate responsibility for educational and institutional measures upon request from the municipalities.

Section 14  
**FUNDING**

Within the general provisions under the applicable law for the funding of public services in Kosovo, the MEST shall allocate funds to municipalities for carrying out their functions in the field of primary and secondary education.

Section 15  
**OTHER FUNCTIONS OF THE MINISTRY OF EDUCATION, SCIENCE AND TECHNOLOGY**

15.1 The MEST shall develop policies and protocols for special needs education and in particular:

- (a) Assist municipalities, through additional financing or other means, to discharge their responsibilities towards persons with disabilities or other persons in need of special educational provision;
- (b) Ensure that textbooks and other educational resources are prepared for special education;
- (c) Issue instructions on special education.

15.2 The MEST shall make direct special provision for the education of persons detained in prison or young offenders' institutions and for those confined in institutions for the mentally ill or subject to long-term hospitalisation.

Section 16  
**THE KOSOVO PARENTS' COMMITTEE FOR EDUCATION**

16.1 The MEST shall establish a Kosovo Parents' Committee for Education (KPCE). 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.

16.2 The functions of the KPCE shall be to represent the interests of parents, to make representations to the MEST on any aspect of primary or secondary education in Kosovo and to be the main channel of communication and consultation between the MEST and parents.

16.3 The MEST shall issue instructions concerning the work of the KPCE, including the procedures for nomination and election of members, including members from different communities.

## **CHAPTER IV: RESPONSIBILITIES OF THE MUNICIPALITIES**

### Section 17

#### **GENERAL RESPONSIBILITIES OF MUNICIPALITIES**

17.1 In carrying out their functions and responsibilities under this Law and the applicable law with respect to educational provision for children and adults within the municipality, each municipality shall:

- (a) Promote equality of opportunity in access to primary and secondary education in the municipality, in staff development and training and in all other aspects of education; and
- (b) Respect and promote the rights of Communities and their members established in Chapter 4 of the Constitutional Framework for Provisional Self-Government.

17.2 A municipality shall promote co-operation between teachers, pupils and educational establishments and between educational establishments and the home.

17.3 Personal data on pupils shall be recorded by the municipality in a format approved by the MEST and in compliance with Section 10.2 (b) of this Law.

### Section 18

#### **PLANNING AND COORDINATION**

18.1 A municipality shall:

- (a) Co-operate with the MEST in its role of planning and co-coordinating the development of pre-primary, primary and secondary education in Kosovo;
- (b) Plan the development of primary and secondary education in the municipality in consultation with the MEST and other municipalities.

18.2 A municipality shall collaborate with other municipalities on joint educational projects, the sharing of physical and staff resources and allocating funding for such projects and purposes.

### Section 19

#### **REGULATION AND SUPERVISION**

19.1 A municipality shall:

- (a) In agreement with the MEST, regulate the establishment, merger, partition and closure of publicly funded educational institutions at Levels 0,1, 2 and 3 within the municipality;
- (b) Regulate which schools are designated for specific catchments areas in the municipality.

19.2 A municipality shall be responsible for:

- (a) Maintaining and repairing the buildings and equipment of publicly-funded educational institutions and ensuring the provision and maintenance of support services for the physical well-being of pupils including adequate fresh water, sanitary facilities and health services;
- (b) Ensuring that the surrounding urban or rural setting of a school is compatible with a pupil's right to a safe and human external school environment;
- (c) Promoting, in co-operation with the MEST, social policy and public health objectives through curricular and extra-curricular events, including road safety programmes, campaigns to promote reproductive health and prevent the spread of communicable diseases, action against tobacco and other forms of drug abuse;
- (d) Approving local school holidays in accordance with the applicable law; and
- (e) Approving school rules.

## Section 20 STAFFING

20.1 A municipality shall ensure that the recruitment and employment of staff in educational institutions complies with good practice and the applicable law and procedures.

20.2 A municipality shall be responsible for:

- (a) Employing and paying municipal educational administrators and non-teaching staff of publicly-funded educational institutions;
- (b) Employing and paying teaching staff at public educational institutions from such time as the MEST transfers teacher employment to the municipalities, pursuant to section 13.5 (b) of this Law;
- (c) Participating in the selection of Directors and teachers to be employed in municipal schools;
- (d) Identifying the need, and, in co-operation with the Senior Education Officer for the municipality, applying to the appropriate body for in-service training of Directors and teachers of municipal schools;
- (e) Facilitating, without charge, access by teachers and support staff of educational institutions to the buildings and facilities of municipal schools for the purposes of professional development, as outlined in section 28 of this Law.

Section 21  
**FUNDING**

A municipality shall, within the general and special provisions under the applicable law for the funding of public services in Kosovo, be responsible for allocating funds to educational institutions in the municipality and planning and administering such funds in a cost-effective way.

Section 22  
**SCHOOL TRANSPORT**

22.1 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:

- (a) Pupils living within the catchment's area but within four (4) kilometres distance from the school, other than pupils with disabilities;
- (b) Pupils living outside the catchment's area; and
- (c) Pupils at upper secondary schools.

22.2 A Municipality shall organize safe and efficient transportation for teachers who commute from towns to villages and vice-versa.

Section 23  
**OTHER FUNCTIONS**

A municipality shall:

- (a) Determine appeals from decisions of management authorities of educational institutions as further provided in this Law;
- (b) Actively keep under review the arrangements for special educational provision; in doing so the municipality shall, to the extent that it appears necessary or desirable for the purpose of co-ordinating provision for children with special educational needs, consult the MEST as well as other municipalities;
- (c) Undertake special needs assessments as further defined in this Law;
- (d) Carry out all other functions specified in the applicable law.



## **CHAPTER V: GOVERNANCE AND MANAGEMENT OF EDUCATIONAL INSTITUTIONS**

### Section 24

#### **DIRECTOR**

24.1 Directors for each municipal school shall be appointed in accordance with the procedure set out in section 13.5(a).

24.2 Persons appointed as Director must satisfy the qualification requirements laid down in the instructions issued for the type of school or class levels he or she is appointed for, and the person concerned must have worked for at least three years as a teacher or administrator in a school or in another form of educational administration.

24.3 Subject to the responsibilities of the MEST, the municipality and the School Board, a Director shall have responsibility for the academic and general administration of the school.

24.4 A Director may be removed by the MEST for good cause, defined as:

- (a) Conviction for a serious criminal offence;
- (b) Inability to discharge the functions of the position through physical or mental incapacity evidenced by the report of an independent medical practitioner appointed by the MEST; or
- (c) Conduct, which in the opinion of the MEST, constitutes failure or persistent refusal or neglect or inability to perform the duties of the position or to comply with the aims of education as set out in section 4.

24.5 Appeal against removal by the MEST according to the provisions of the present section shall lie to a court of competent jurisdiction.

24.6 A Director shall arrange for the publication of an Annual Report on the working of the school and shall provide such information as may be required by the municipality, the MEST or the Special Representative of the Secretary-General.

24.7 A Director shall appoint a Deputy to whom his or her functions may be delegated when he or she is absent.

### Section 25

#### **SENIOR EDUCATION OFFICER**

25.1 The MEST shall appoint a Senior Education Officer for each municipality or 2 municipalities depending from the needs.

25.2 The function of the Senior Education Officer shall be to exercise the authority vested in him or her by this Law and such authority vested in the MEST by this Law as shall be specifically assigned to the Senior Education Officer by the MEST.

## Section 26

**MUNICIPAL EDUCATION DIRECTOR**

26.1 Each municipality shall appoint a Municipal Education Director.

26.2 The function of the Municipal Education Director shall be to exercise the authority vested in him or her by this Law and such authority vested in the municipality by this Law as shall be specifically assigned to the Municipal Education Director by the municipality.

26.3 The Chief Executive Officer of the municipality, acting through the Municipal Education Director, shall be responsible for managing in an efficient, effective and economic way all resources relating to municipal obligations and responsibilities concerned with educational institutions within the municipality.

26.4 Where under the provisions of this Law any element of financial authority has been devolved to a School Board or to a Director, the responsibilities of the Chief Executive Officer through the Municipal Education Director shall be limited to ensuring that such financial authority is subject to audit as if it had been exercised by the municipality.

## Section 27

**NO DISCRIMINATION IN APPOINTMENTS**

All appointments made pursuant to sections 24, 25 and 26 shall be made on personal merit, following public advertisement, without direct or indirect discrimination on any real or presumed ground such as sex, race, sexual orientation, marital status, colour, language, religion, political or other opinion, national, ethnic or social origin, association with a national community, property, birth or other status.

## Section 28

**TRAINING FOR APPOINTEES**

28.1 All persons appointed as Director of a school, Senior Education Officer or Municipal Education Director and any other person with responsibility for the administration of educational institutions shall be required to complete successfully, by 31 December 2003, a training programme in management and administration authorised by the MEST.

28.2 From 1 June 2005, all successful applicants for appointment to the positions identified in sections 24, 25 and 26 shall, prior to being appointed, complete successfully a training programme in management and administration authorised by the MEST.

## Section 29

**SCHOOL BOARDS**

29.1 Each publicly funded educational institution shall have a School Board. In the event that a School Board cannot be constituted or fails to meet for a period of three months, its duties shall be assumed by the Director, provided that further attempts to constitute the School Board and convene a meeting shall be made at least once per year.

29.2 The membership of each School Board shall be comprised as follows:

- (a) Three parent representatives;
- (b) Five teacher representatives, and
- (c) In the case of schools at Levels 2 and 3 (secondary), one pupil representatives, elected by and from the pupils attending the school.

29.3 Elections of School Board members shall be by secret ballot.

29.4 The School Board shall have the power to co-opt additional representatives, without voting rights, taking account of the need to ensure that all Communities with substantial numbers of pupils at the school, and employers and representatives of the wider society, including, where applicable, the Community Office established under section 23.11 of UNMIK Regulation No. 2000/45, are represented on the School Board.

29.5 Members of the School Board shall hold appointment for three years, provided that they continue to be parents of pupils, teachers or pupils at the school as the case may be. Parent and teacher representatives may be elected or co-opted for a second term.

29.6 The Chairperson of the School Board shall be elected annually by the Board from among the parent representatives and may be re-elected.

29.7 The Director of the school shall be Secretary of the School Board. The Director shall report to the Board as required on the activities and finances of the school and shall have the right to propose resolutions and contribute to debate, but not to vote.

29.8 The School Board may invite the Municipal Education Director or the Senior Education Officer, or their appointed deputies, to attend meetings of the School Board to give information or clarification or to receive the views of the Board.

29.9 The School Board shall have the right to:

- (a) Draft school rules, which shall be presented to the municipality for approval;
- (b) Elect one parent and one teacher representative to take part in the appointment of a Director and teachers to the school under the procedures established in [this Law and subsidiary instruments issued under it and] the applicable law;
- (c) Decide on the allocation of funds contributed to the school by parents and others outside the public budget; and
- (d) Decide on the school's extra-curricular activities.

29.10 The School Board shall keep proper accounts of any money received and spent and shall submit to the audit procedures applicable to the municipality.

29.11 In addition the School Board shall be consulted on the following matters:

- (a) Physical development of the school;
- (b) School-based curricular matters;
- (c) Responses by the municipality to any policy or consultative documents relating to education in Kosovo;
- (d) Dates of local school holidays;

and may express its views on any matter relating to the school, or to primary or secondary education in the municipality.

### Section 30

#### **PUPIL COUNCILS**

30.1 Each School Board shall establish a Pupil Council for the educational institution consisting of at least one pupil from every class, elected by secret ballot, for all schools at Level 2 or 3.

30.2 The functions of the Pupil Council shall be to work towards the improvement of the learning environment, working conditions and welfare interests of pupils and to make representations on these matters to the Director and to the School Board.

### Section 31

#### **SCHOOL RULES**

31.1 Each municipality shall, having received proposals from the School Board and the comments of the Director thereon, decide on rules ('school rules') and the discipline for the good conduct and discipline of pupils in each educational institution.

31.2 The school rules shall set out the rights and obligations of pupils insofar as these are not prescribed in this Law or subsidiary instruments issued under it, or the applicable law. They shall include rules for conduct and shall specify the procedures and measures to be used against pupils who break the rules. Such procedures or measures may include:

- (a) Temporary loss of the privilege of taking part in extra-curricular activities, the pupil having first being given a warning; and
- (b) A formal reprimand to the pupil and the parent(s).

31.3 The school rules shall be published and displayed prominently in each school, and a copy shall be given to each pupil on enrolment. Any amendments to the school rules shall similarly be notified to each pupil. Notification of the pupil shall be deemed to be notification of the parent. School rules shall be announced in the language of pupils attending that school.

31.4 The Director shall have primary responsibility for enforcing the school rules and for dealing with any breach of them in a fair and equitable manner. This duty may be delegated to a deputy. No measures may be taken against any pupil without first giving that pupil the

opportunity to put his or her case orally to the person dealing with the matter. In the case of a serious infraction of rules by a pupil at Level 1 or 2, the parent(s) shall also be given the opportunity of making representations.

31.5 In the case of violent or aggressive behaviour disrupting the education of other pupils, the Director or deputy may temporarily suspend a pupil from attendance at any class or from the school for 3 days. Suspension beyond that time and for up to one month shall require the consent of the Municipality Education Directorate. It shall be the duty of the Municipal Education Director to mediate with a view to rehabilitating the pupil to the school. Continued suspension beyond one month shall only be on the authority of the municipality, which shall have the duty of arranging alternative education for the pupil.

## **CHAPTER VI. THE STAFF**

### **Section 32**

#### **QUALIFICATIONS AND APPOINTMENT OF STAFF**

32.1 Persons newly appointed as teachers in primary and secondary education shall have relevant professional and educational qualifications approved by the Teacher Training Review Board established under section 12.5 of this Law or, until that Board is established, by the MEST.

32.2 All teachers shall be required to undertake appropriate professional re-training and development as required by the MEST. All school personnel, including support and administrative staff, must attend in-service training as provided for them.

32.3 The MEST shall issue instructions regarding appointment, tenure, promotion, discipline, dismissal and retirement of teachers, the prevention of corruption and ensuring fairness including equal pay for work of equal value as between men and women. Such instructions shall be in accordance with this Law and the applicable law on the civil service, except that where the applicable law on the civil service is inconsistent with this law, the law shall take precedence.

32.4 All vacant posts shall be publicly advertised:

- (a) By the MEST in respect of posts of Director and teacher;
- (b) By the municipality in respect of other staff.

32.5 Both the MEST and the municipality, as appointing authorities, shall establish fair, open and transparent recruitment procedures based on the qualifications and experience of the candidates and the needs of the post. School directors shall participate in the appointment of teachers in their schools.

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

32.7 Municipalities shall provide persons training as teachers with such practical training and guidance in educational institutions as the MEST may determine.

32.8 No person shall be appointed to a position within an educational institution who has at any time been convicted of an offence involving assault on or indecency with or involving children: A person who is so convicted shall immediately be discharged from his or her post in accordance with the applicable law. Where a staff member is under criminal investigation for assault on or indecency with or involving children he or she should be suspended with pay from work until the final outcome of the investigation is known.

### Section 33

#### **PROTECTION AGAINST ARBITRARY SANCTIONS**

33.1 The MEST and municipalities shall ensure that teachers have freedom within the law and as appropriate at the Level of education at which they are employed, to question and test received wisdom and to put forward new ideas and controversial or unpopular opinions within the approved curricula, without placing themselves in jeopardy of losing their job or any privileges they may have.

33.2 The right of teachers to freedom of speech may only be restricted by law.

33.3 The MEST and municipalities shall ensure that:

- (a) Teachers have freedom of organisation and assembly within the law; and
- (b) Staff are protected against direct or indirect discrimination on any real or presumed ground such as sex, race, sexual orientation, physical or other impairment, marital status, colour, language, religion, political or other opinion, national, ethnic or social origin, association with a national community, property, birth or other status.

33.4 Teachers and other staff of educational institutions shall have the right to challenge any decision or action of a municipality or the MEST in relation to them before a court of competent jurisdiction

33.5 The MEST shall issue instructions governing the circumstances in which a teacher may take up additional paid or unpaid employment and limiting the legal liability of the employer in such cases.

### Section 34

#### **WORKING CONDITIONS OF STAFF**

For posts that fall within the scope of the law, pay and terms of employment shall be in accordance with the applicable law on the civil service, subject to section 32.3 of this law. In matters concerning the working conditions of staff within educational institutions, the MEST shall consult with the Union of Education and Science of Kosovo and any other union representing relevant categories of employees.

## **CHAPTER VII: SPECIAL NEEDS**

### **Section 35**

#### **THE RIGHT TO SPECIAL EDUCATION**

35.1 Pupils who either do not or are unable to benefit satisfactorily from ordinary tuition have the right to special education and it shall be the duty of a municipality to provide it in accordance with the provisions of this law and within the framework and limits of the municipal budget.

35.2 In assessing what kind of special education shall be provided, particular emphasis shall be placed on the individual pupil's developmental prospects.

35.3 The content of the special education courses offered shall be such that the individual pupil receives adequate benefit from the tuition in relation to educational objectives that are realistic for him or her. Pupils who receive special education shall have the same total number of teaching hours as other pupils.

### **Section 36**

#### **ADMINISTRATIVE PROCEDURES IN CONNECTION WITH DECISIONS CONCERNING SPECIAL EDUCATION**

36.1 Upon request by a pupil or the parent of a pupil, the municipality shall carry out the necessary investigations to establish whether there is a need for special education for the pupil, and, if so, what form of tuition is needed.

36.2 The teaching staff of an educational institution shall also consider whether any pupil needs special education, and notify the Director of the school of any such needs.

36.3 The special education that is provided shall be planned in cooperation with the parent(s) of the pupil and as far as possible with the pupil, and emphasis shall be placed on their views.

### **Section 37**

#### **EXPERT ASSESSMENT**

37.1 Before the municipality makes a decision concerning special education with respect to a particular pupil, an expert assessment shall be made of the specific needs of that pupil. This assessment shall determine whether the pupil needs special education, and what kind of tuition should be provided.

37.2 The expert assessment referred to in section 37.1 shall consider and determine the following issues:

- (a) Whether the pupil can benefit from ordinary tuition;
- (b) The pupil's learning difficulties and other special conditions of importance to tuition;
- (c) Realistic educational objectives for the pupil; and

- (d) What kind of tuition is appropriate, and whether it is possible to provide help for the difficulties within the ordinary educational provisions.

37.3 If the decision of the municipality differs from the expert assessment, the grounds for the municipality's decision shall be explained in writing. The final decision in such cases shall be made by the MEST.

#### Section 38

##### **CONTENT OF TUITION**

38.1 The provisions concerning the content of tuition in this law and subsidiary instruments issued under it shall apply to special education insofar as they are applicable. Individual education plans shall be prepared for pupils receiving special education. Such plans shall specify educational objectives and content and indicate how tuition is to be carried out.

38.2 Each semester, the class teacher shall prepare a written summary of the tuition received by a pupil undertaking special education and an assessment of the pupil's development. The Director shall send this summary and assessment and his or her own observations thereon to the parent(s) of the pupil.

#### Section 39

##### **COUNSELLING AND HEALTH SERVICES FOR SPECIAL NEEDS**

39.1 Each municipality shall, on its own or in cooperation with other municipalities, establish an educational and psychological counselling service. The educational and psychological counselling service shall have the following functions:

- (a) To assist educational institutions within the municipality(ies) to develop expertise in order to improve the institutions' adaptation of tuition for pupils with special needs; and
- (b) To prepare expert assessments wherever this is required by this law.

39.2 The MEST may issue instructions concerning medical inspection and assistance for pupils who receive special education.

#### Section 40

##### **SIGN LANGUAGE AND BRAILLE**

40.1 Pupils and children under compulsory school age who have sign language as their first language, shall as far as possible receive tuition both in the use of sign language and through the medium of sign language.

40.2 The MEST may decide that tuition 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 school.



40.3 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.

40.4 Before instruction in sign language, Braille or orientation and mobility is given under the present section, an expert assessment of the pupil's disability shall be made by the municipal counselling and health service established under section 39.

## **CHAPTER VIII: PRIVATE EDUCATION**

### **Section 41**

#### **PRIVATE EDUCATIONAL SERVICES**

41.1 Every private educational institution at any Level in the programme of primary and secondary education operating in Kosovo shall require a licence from the MEST in order to operate.

41.2 The criteria for the award of a licence shall be formulated by the MEST and constitute a government licensing standard which shall be published.

41.3 The MEST licensing standard shall take account of the variety of teaching and learning methods employed by private institutions including provisions related to:

- (a) Adequacy of buildings and equipment including teaching rooms, cabinets, work shops and laboratories;
- (b) Library and computing facilities;
- (c) Number and qualifications of staff;
- (d) Facilities for pupils; and
- (e) Basic curriculum.

41.4 A private educational institution may commence operation only after obtaining a licence but may advertise for and recruit pupils subject to a licence being granted.

41.5 Every institution which meets the criteria shall be awarded a licence.

41.6 A condition of the grant of a licence to a private educational institution shall be the submission to the MEST of a business plan for the provider including a guarantee by the founder of financial viability for at least three years. A rolling revision of the plan including such guarantee shall be submitted annually to the MEST.

41.7 A private educational institution may make application to the MEST at any time for a variation of the terms of its licence.

41.8 A private educational institution may by contract with parents prescribe the rules of behaviour for pupils at the institution.

41.9 A private educational institution may be closed by the founder only at the end of a school year. The licence for a private educational institution shall include provision for a bond to protect the financial interests of pupils needing to complete their education at another institution in the event of closure.

41.10 The MEST may issue instructions regarding the provision of private educational services or support for such educational services by non-governmental organizations or agents in order to ensure that such provision is in accordance with this law.

## **CHAPTER IX: TRANSITIONAL AND CONCLUDING PROVISIONS**

### Section 42

#### **IMPLEMENTATION**

42.1 The MEST shall issue administrative instructions for implementation of this Law in compliance with with the Constitutional Framework.

42.2 The present scheme shall apply for the education system for the 9<sup>h</sup> grade respectively for the provisional year, starting from the school year 2002/2003.

### Section 43

#### **APPLICABLE LAW**

This Law shall supersede all other laws which regulated this field and which are inconsistent with it.

### Section 44

#### **ENTRY INTO FORCE**

This Law shall enter into force on 31 October 2002.

*Academician Nexhat Daci*  
*President of the Assembly of Kosovo*

**ANNEX 1****DEFINITION OF “ISCED” REFERRED TO IN SECTION 1 OF THE REGULATION  
ON PRIMARY AND SECONDARY EDUCATION IN KOSOVO**

## International Standard Classification of Education 1997 (ISCED)

UNESCO's standard classification system for education is designed to facilitate comparisons of education statistics and indicators of different countries on the basis of uniform and internationally agreed definitions.

ISCED presents standard concepts, definitions and classifications. It is a framework for the compilation and presentation of national and international education statistics and indicators. It covers all organized and sustained learning activities for children, youth and adults including those with special educational needs. In providing a sound basis for statistical comparisons between different education systems, the ISCED will indirectly aid educational policy-makers and others who want to learn from the educational development experience of other countries.

ISCED is a multi-purpose system, designed for education policy analysis and decision-making, whatever the structure of the national education systems and whatever the stage of economic development of a country. It can be utilised for statistics on many different aspects of education such as pupil enrolment, human or financial resources invested in education or the educational attainment of the population. The basic concepts and definitions of ISCED have therefore been designed to be universally valid and invariant to the particular circumstances of a national education system.

See below a chart summarising the levels:

## ISCED LEVELS OF EDUCATION AT A GLANCE

(source: UNESCO)

How to determine the level of a programme		Name of the level	Code	Complementary dimensions
Proxy criteria for contents				
Main criteria	Subsidiary criteria			
Educational properties School or centre-based Minimum age Upper age limit	Staff qualification	Pre-primary education	0	None
Beginning of systematic apprenticeship of reading, writing and mathematics	Entry into the nationally designated primary institutions or programmes Start of compulsory education	Primary education First stage of basic education	1	None
Subject presentation Full implementation of basic skills and foundation for lifelong learning	Entry after some 6 years of primary education End of the cycle after 9 years since the beginning of primary education End of compulsory education Several teachers conduct classes in their field of specialization	Lower secondary education Second stage of basic education	2	Type of subsequent education or destination Programme orientation
Typical entrance qualification Minimum entrance requirement		(Upper) secondary education	3	Type of subsequent education or destination Programme orientation Cumulative duration since the beginning of ISCED level 3
Entrance requirement, Content, Age, Duration		Post-secondary non tertiary education	4	Type of subsequent education or destination Cumulative duration since the beginning of ISCED level 3 Programme orientation
Minimum entrance requirement, Type of certification obtained, Duration		First stage of tertiary education (not leading directly to an advanced research qualification)	5	Type of programmes Cumulative theoretical duration at tertiary National degree and qualification structure
Research oriented content, Submission of thesis or dissertation	Prepare graduates for faculty and research posts	Second stage of tertiary education (leading to an advanced research qualification)	6	None