



PROVISIONAL INSTITUTIONS OF SELF GOVERNMENT

KUVENDI I KOSOVËS
СКУПШТИНА КОСОВА
ASSEMBLY OF KOSOVO

Law No.2004/37

ON INSPECTION OF EDUCATION IN KOSOVA

Assembly of Kosovo,

Based on the Regulation No. 2001/9 of 15 May 2001 on Constitutional Framework of Provisional Self Government in Kosova, chapter 5.1. point (e), 9.1.26 (a) and aiming at making terms for regular functioning of educational process in Kosova,

Approves:

LAW ON INSPECTION OF EDUCATION IN KOSOVA

I. GENERAL PROVISIONS

Purpose

Article 1

With this law are appointed rights, duties, authorizations, responsibilities and the way of the work of the Inspection in Kosova.

Scope of work of this law

Article 2

This Law has to do with the supervision of implementing of the laws and sub-law acts of the inspection's of education in public and private education, for:

- a. Preschool education;
- b. Elementary education,
- c. Lower and Upper Secondary Education;
- d. Higher Education;
- e. Special Education,
- f. Non-formal Education;
- g. Vocational Education;
- h. Organized settlement for children, pupils and students (children gardens, pupil and student dormitory);
- i. Education in Diaspora;
- j. Correctional houses and prisons.

Organization of Inspection in Kosova

Article 3

3.1. Inspection of Education is executive body in the frames of the Ministry of Education, Science and Technology (herein and after MEST).

3.2. Inspection of education is composed from:

- a. Chief Inspector of Education
- b. Inspectors of education,
- c. Inspectors in regional office of education.

3.3. MEST sets the number of inspectors of education in Kosova.

- a. MEST selected inspectors of education;
- b. Inspector of education is selected the person who has finished the faculty in educational fields or juridical field, and has at least five (5) years of working experience in educational field;
- c. Inspector of education must have special official document for identification;
- d. MEST sets the form of that document through the special act;
- e. Main Official of Inspection of Education is Chief Inspector of Education;
- f. Chief Inspector of Education is responsible to Permanent Secretary of MEST;
- g. Inspectors of education and regional officials of education are responsible to Chief Inspector for Education;
- h. Inspectors in regional offices of education are responsible to Higher Official to Regional Education Office(REO);
- i. For inspections in educational institutions that develop process of education in minority-ethnic group language, MEST will assure inspectors appropriate with their language.

3.4. Chief inspector of education:

- a. organizes and planes the work of the educational inspection;
- b. Reviews complaints of the second instance;
- c. Controls, inspects, and issues merit decisions in accordance with law regulation for all the issues and contest cases in educational institutions;
- d. Initiates appropriate administrative procedures on protecting the law and regulations in functioning of educational institutions.

Duties of Inspection of Education

Article 4

4.1. Inspectors of education fulfill their duties and works through the regular information inspection, special, control, and emergent inspection.

4.2. Regular informative and control inspection are done by support of the annual plan of the Education Inspection, and those emergent and special inspection are done based on organ requests and stake holders.

4.3. Education inspectors, their main duty is to inspect:

- a. Organizing the duty and activities of the education institutions in harmony with establishment act and licensing act;
- b. Conditions on which is organized the education process (Local, inventory, education tools, environment (etc) which are determined with working programs;
- c. Harmonization of Acts and regulations for the education institutions by the Law and with other Acts issued by MEST;
- d. Realization of the annual program of the institution's work;
- e. Functioning of the governing and professional organs and education institutions;
- f. Children registration, pupils and students in correspondence with conditions and criteria's determined by the law ore with any other act;
- g. Number of children, pupils, students in group, level and grade;
- h. Admission of educative, administrative and technical staff pursuant to law and sub-legal acts;
- i. Realization of curriculum and realizing conditions;
- j. Realization of school calendar;
- k. Respecting the school and working shift;
- l. Organizing the regular and extramural exams in correspondence with law and other legal acts;
- m. Organizing non-formal education;
- n. Respecting the obligations of education institutions towards parents and children, pupils, students, employees and vice versa;
- o. Pupils and student evaluation;
- p. Form for professional and scientific teacher development;
- q. Health protection for children, pupils, students, teachers, and other educational institution employees;
- r. Supervising and providing the transport for children, students and teachers;

- s. Realization of the rights and duties for pupils, students and other employees in correspondence with law;
- t. Disciplinary measures enounced toward pupils, students, teachers, and other institutional employees;
- u. Manners for creating institutional education funds and their managing;
- v. Keeping the evidence for pedagogical and school documents in correspondence with and by the law and acts law;
- w. Regulation of the issuing the public document for student and pupil;
- x. Realization of different programs and projects in the education system.

4.4. Education inspector should do inspection in the presence of institutional leader ore other authorized person.

4.5. In case of inspection, the education inspector compiles charge sheet in which he presents factual state, and proposes measures for avoiding failures. The charge sheet should be signed by education inspector and the authorized person of the institution. A copy of charge sheet should be submitted to: inspected education institution, higher education officer HEO, municipal education directory if that is on their responsibilities and in the MEST.

4.6. For certain inspection cases, education inspector is eligible to engage experts of corresponding field. For expert engagement, there should be prior approval by the Permanent Secretary or Minister.

4.7. Education inspector during the inspection cooperates with other activity fields inspectors; employment inspector, sanitary inspector, construction inspector, financial inspectors etc.

4.8. Authorized education institution person is obliged to request from the education inspector conditions for control and to offer in writing all required documents.

4.9. Education inspector performs inspection to the information on the didactic information in all education institution at least once per year.

Competences and authorizations of the education inspector

Article 5

5.1. Education inspector after completes inspections and compiles the charge sheet on the factual state in the education institution, in case he finds avoiding or disorder in the duty, with recommendation will advice or suggest in the determined time to avoid disorders.

5.2. If education institution doesn't avoid disorders by the dead line based on the recommendation, education inspector will take decisions and adequate procedures according to the level law persecution.

5.3. Education inspectors give a commend and:

- a. Make a procedure for educational institution head relief, if they proof that he/she is a case of disorders in the education process and in other institutional duties.
- b. Make a disciplinary procedure for teachers and other employees, which does not fulfill determined duties by regulations of the institution and by the law .
- c. Education institution to complete missing classes for specific education subjects if there is ascertainment that they didn't realize the curriculum. The way of completion of missing classes is regulated with the specific Administrative instruction.
- d. Education institution for the marks annulment of pupils and students, whether they ascertain that during assessment procedure are not respected the professional criteria for assessment.
- e. Receipts annulment, diplomas, and other school documents gained in contradiction with Law or they are issued from unlicensed institutions.
- f. All procedures pursuant to article 5.3. are regulated according a specially acts issued by the MEST.

5.4. Educational Inspectors discontinue and stop:

- a. Work of educational institutions that are unlicensed;
- b. Work of educational institutions that have not insured normal conditions for organized teaching (object disinfection, cleanliness, water, and sanitarian nodes, normal heat, indispensable education means etc);
- c. Teachers and other workers relationship work of educational institution established without public job vacancy and in contradiction with standards, normative and other provisions that regulate work relationship;
- d. Employee's work relationship that is impermissible by medicinal commission or by court to work with children, pupils, and students. This category also includes persons over 65 years old. Age criterion shall be applied at the beginning of the academic year;
- e. Teacher work relationship who does not realize the educational plan and program at the viewpoint of quality and quantity;
- f. If the educational inspector ascertains, that the authorized person of the educational institution or any other worker has committed offence: physic delict, moral, economic, corruption, offence on national base, religious or any other penal act, present the request to competent body for starting procedure.
- g. Determination of the cases for interruption and stopping, are regulated with the specific Administrative instruction.

5.5. Against the decision of regional inspector of education can be presented complaints to the Chief inspector of education, in a term of eight days form the admittance day of decision. Complaint should be presented through regional inspector of education. The complaint suspend the implementation of decision.

5.6. Against the decision of Chief inspector of education, the complaint can be presented to the Permanent Secretary of MEST, in a term of 15 days from the admittance day of decision. In special cases the complaint does not suspend the implementation of decision. Such cases will be appointed with Administrative Instruction.

5.7. Decision of Permanent Secretary of MEST is definitive in administrative procedure. Against him, dissatisfied party can require the starting legal procedure in competent court. The plaint does not suspend the implementation of decision.

Inspectors Responsibilities

Article 6

6.1. Inspector of Education is responsible:

- a. If he is aware, that in the certain education institution exist Law breaking and does not take measures for avoidance of irregularities;
- b. If he, during inspecting, observes irregularities on the work of the educational institution and doesn't take measures to retrieve them in accordance with the law and under Law Acts;
- c. If he, does not announce the competent body that observed issuances;
- d. If he/ she does not present receipts to raise discipline procedure or criminal procedure, if he has ascertained Law breaking;
- e. If he reveals the official secret;
- f. If he excess and misuse the determined authorizations with this Law.

6.2. Ill-treatment and excesses from the previous paragraph of this article are hard encroachment of the official duty.

Punishment Provisions

Article 7

7.1. Educational Institution is punished for offence in amount of 500-1.000 Euro. Whereas the authorized person in amount of 50-100 Euro, if:

- a. the Educational Inspector has not good condition to inspect;
- b. does not provide the due documentation (article 4.8); and
- c. if he does not act according to the inspector decision (article 5.1, 5.2).

7.2. Educational Institution is punished with 1.000-2.000 €, whereas the authorized responsible from: 100-200 €, if:

- a. Does not fulfill normal conditions for teaching in Education Institution;
- b. Refuse the implementation of measures ordered by inspector's decision.

Transitional Provisions

Article 8

MEST issues the respective Administrative Instruction to implement this Law.

Entry into force

Article 9

Upon the entry into force of this Law, the previous laws that have regulate this field shall have no effect.

Article 10

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.2004/37
8 September 2004

President of the Assembly

Academic Nexhat Daci