



Republika e Kosovës
Republika Kosovo-Republic of Kosovo
Kuvendi - Skupština - Assembly

Law No. 03/L-068

**ON EDUCATION IN THE MUNICIPALITIES OF THE REPUBLIC OF
KOSOVO**

The Assembly of the Republic of Kosovo,

On the basis Article 65(1) of the Constitution of the Republic of Kosovo,

Adopts:

**LAW ON EDUCATION IN THE MUNICIPALITIES OF THE REPUBLIC OF
KOSOVO**

Article 1
Purpose of the Law

1.1 The purpose of this law is to regulate the organization of public educational institutions and the provision of public education at the pre-primary, primary, lower secondary, upper secondary and higher education levels in the municipalities of the Republic of Kosovo.

1.2 No provision of this law shall be interpreted as reducing or otherwise limiting any right enjoyed by Communities and their members under applicable legislation.

CHAPTER I

**Responsibilities and Competencies of the Institutions of the Republic of Kosovo in
Education**

Article 2
Assembly of the Republic of Kosovo

An attribution of competencies to municipalities or schools in the field of education under this Law shall not be interpreted as encroaching upon the competencies of the Assembly of the Republic of Kosovo with respect, inter alia, to:

- a) any matter falling within the field of education that is not of local interest;
- b) the formulation of standards pertaining to any matter falling within the field of education, regardless of whether the said matter affects an issue of local interest or not.

Article 3

Ministry of Education, Science and Technology

The Ministry of Education, Science and Technology of the Republic of Kosovo (MEST) shall have the following responsibilities:

- a) develop policies, draft and implement legislation for the development of education, including higher education, and science in Kosovo;
- b) promote a non-discriminatory educational system in which each person's right to education is respected and quality learning opportunities are available to all;
- c) establish and manage a general system of certification for all teachers in Kosovo;
- d) extend non-formal education and adult education on all levels, including to remote areas, and promote life-long learning opportunities for all;
- e) design, implement and supervise equitable and effective forms of educational administration and school management;
- f) improve the quality, relevance and efficiency of education at all levels;
- g) facilitate the development and qualitative improvement of the education system and the efficient delivery of educational services;
- h) promote research related to the social, economic, scientific, technological and cultural development of Kosovo;
- i) develop a comprehensive library system, which will include University and school libraries;
- j) promote an inclusive policy for the integration of impaired and disabled persons into the educational system; and
- k) promote parental and community participation in educational activities and appropriate forms of school-community partnerships at the local level.
- l) education Inspection.

CHAPTER II

Responsibilities and Competencies of the Municipalities in Education

Article 4

Competencies and Enhanced Competencies of the Municipalities

1. Municipalities shall have full and exclusive powers, insofar as they concern the local interest, while respecting the standards set forth in applicable legislation with respect to the provisions of public pre-primary, primary and secondary education, including registration and licensing of educational institutions, recruitment, payment of salaries and training of education instructors and administrators.
2. Municipalities may, in addition to the powers referred to in Paragraph 1 of this Article, be vested with enhanced competencies in the field of education as prescribed by this law or other applicable legislation.
3. In accordance with the Law on Local Self Government, municipalities shall be entitled to cooperate, within the areas of their own competencies in the field of education, with other municipalities and other authorities. This entitlement includes cooperation with municipalities and institutions, including government agencies, in the Republic of Serbia.

Article 5

Competencies of the Municipalities in Public Education Levels 0, 1, 2, and 3 (Pre-Primary, Primary, Lower Secondary and Upper Secondary)

Competencies referred to in Article 4 of this law shall include the following specific municipal competencies in public education at levels 0 (pre-primary), 1 (primary), 2 (lower secondary) and 3 (upper secondary), in accordance with general guidelines and/or procedures and standards promulgated by the Ministry of Education, Science and Technology (MEST):

- a) construction of educational facilities in accordance with Chapter 3 of this law and other applicable legislation;
- b) registration and admission of students in accordance with due respect for the principles of non-discrimination under law;
- c) employment of teachers and other school personnel in accordance with legal procedures for the recruitment, selection and employment of public employees;
- d) selection of the Director and/or Deputy Director of educational institutions in accordance with legal procedures for the recruitment and legal criteria's determined by MEST from a commission established by the Municipality which two members shall be from the Municipality and one from MEST;
- e) registration, public health and safety inspection and licensing of pre-primary educational institutions, in accordance with Chapter 4 of this law;
- f) payment of the managerial staff as well as other employed personnel in accordance with Kosovo legislation;

- g) training educators and other professional staff in accordance with guidelines, principles and standards promulgated by the MEST;
- h) supervision and inspection of the education process in accordance with guidelines established by the MEST;
- i) development, approval, and implementation of the Rules of Procedure for schools, including the Code of Conduct for managerial staff, teachers, other personnel, and students as well as disciplinary measures;
- j) reporting on pre-primary level education, budgetary and management operations to municipal governments and the MEST in accordance with municipal and central legislation;
- k) application of such delegated functions or competencies as shall be determined by formal agreement between the municipality and the Government of the Republic of Kosovo;
- l) monitoring and reporting on students' educational and social progress to parents and other responsible authorities as determined by legislation; and
- m) determination of the parents' participation fee for the admission of children to nurseries and kindergartens in accordance with the laws of Kosovo.

Article 6

Administrative Responsibilities of the Municipalities

Competencies referred to in Article 4 of this law shall include the following municipal administrative responsibilities in public education, in accordance with general guidelines and/or procedures and standards promulgated by the Ministry of Education, Science and Technology (MEST):

- a) municipalities shall provide educational administration services sufficient for the functions of pre-primary, primary, lower secondary, upper secondary and higher education in accordance with the law;
- b) minimum educational administrative services shall include the appointment of a Municipal Director for the department/directorate including the education functional sector as well as sufficient professional and support staff to perform the duties required under Kosovo legislation; and
- c) monitoring of and reporting on educational management and operations in municipalities shall be performed through the municipal administrative body identified as competent for that function by the Mayor of the municipality.

CHAPTER III

Competencies in Construction of Public Educational Facilities

Article 7

Competencies of the Ministry of Education, Science and Technology

Competencies of the MEST in educational facility construction shall include provision of technical assistance to municipalities in the planning and design of educational facilities if requested; reviews of all plans and designs for conformance with the Kosovo school design and construction standards prior to the commencement of construction services procurements; funding and approvals of construction to be funded by direct grants from the MEST; and pre-occupancy inspections of constructed facilities for compliance with approved plans and the creation of normal conditions for the education and training process.

Article 8

Competencies of the Municipalities

8.1 Public educational facilities may be constructed by the municipality and funded through the budget of the municipality and other donations.

8.2 Municipal competencies in education facility construction shall include identification of needs for building education facilities, determination of building locations and provision of municipal land, preparation of an implementation plan, design of the facility, issuance of the construction permit, procurement of construction services and materials, necessary inspections, issuance of final occupancy permits, and creating normal conditions for the education and training process.

8.3 The municipality must submit confirmation of the availability of municipal land for construction, the project implementation plan, and the final school design not later than 60 days prior to the projected date for the posting of a procurement for construction services.

8.4 Schools shall have their own budget separated from the Municipality.

Article 9

Competencies to be Determined by Funding Sources

9.1 If all or a portion of funding for construction of a facility is a direct grant from the MEST formally accepted by the municipality for that construction:

a) the construction project must be reviewed and approved or disapproved by MEST within 60 days of submission by the municipality and prior to the beginning of procurement for the construction work;

b) MEST's review and approval of such projects shall be transparent and based upon conformance to the Education Construction Master Plan or any successor legislation and adherence to MEST school design and construction criteria; and

c) the MEST review and approval process shall be subject to review in accordance with Kosovo legislation.

9.2 If no direct grant from MEST is used to fund all or a portion of the construction costs for an educational facility, the MEST may only approve design and construction, in accordance with the official MEST school design and construction criteria.

CHAPTER IV

Licensing and Registration of Teachers and Licensing of Institutions

Article 10

Licensing, Registration and Employment of Teachers

10.1 Teachers may only be registered and employed if they meet criteria and educational standards established by law.

10.2 The MEST shall organize a nationwide process of pre-registration based on fair and transparent criteria to form an open list of licensed prospective teachers; this list will be updated annually.

10.3 All prospective teachers who are pre-registered shall be licensed by the MEST.

10.4 After the establishment of the nationwide pre-registration and licensing process, and the publication of the first open list, municipalities may only register and employ candidates included in the list set forth under paragraph 2 of this Article.

10.5 The licensing system referred to in this Article shall give particular consideration to the needs of communities that are not in the majority in Kosovo, including the effective possibility of delegating teachers from foreign countries.

Article 11

Licensing of Education

11.1 All educational institutions in the Republic of Kosovo shall be licensed in accordance with criteria and standards established by law. Public educational institutions shall be licensed by the municipality prior to beginning operations.

11.2 Municipalities shall only issue business licenses to private educational institutions in the same manner as other business licenses under the provisions of the law on Local Government Finance of Kosovo. Municipalities shall require documentary proof of business registration and licensing by the MEST as an educational institution prior to issuance of a business license to a private educational facility in their territory.

11.3 Municipalities shall issue administrative decisions granting, denying or repealing licensing of any public education institution, following a written opinion from the MEST.

a) the MEST will provide notification of its opinion to the municipality and the applicant institution within 60 days of the submission of a request for an opinion by the municipality.

b) the municipality shall inform the applicant institution of its decision no later than 60 days after the municipality receives the opinion from the MEST.

11.4 In any case in which the municipality's decision differs from the opinion of the MEST, the municipality shall provide detailed written explanation of the reasons for its decision to the MEST and the applicant institution; and

11.5 If the municipality does not notify the applicant institution within the 60-day period required by paragraph 3.b of this Article, the opinion of the MEST shall be considered the final decision on licensure of the Educational Institution.

CHAPTER V

Education in the Serbian Language

Article 12

Education in the Serbian Language

12.1 Municipalities shall have the competency to create conditions for providing educational services in the Serbian language.

12.2 Schools that teach in the Serbian language may apply curricula or textbooks developed by the Ministry of Education of the Republic of Serbia upon notification to the Ministry of Education, Science and Technology of the Republic of Kosovo.

12.3 A particular curriculum or textbook from the Republic of Serbia shall not be placed in classroom use before notification to the MEST; if, after notification, the MEST raises no objection within three months (to provide sufficient time for the specific curricula or text to be reviewed by the Ministry), the material may be utilized.

12.4 In the event of an objection by the MEST to the application of a particular Serbian curriculum or textbook(s), the matter shall be referred to the independent commission established in Article 13 of this law, to review the curriculum or textbook(s) to ensure conformity with the Constitution of the Republic of Kosovo and applicable legislation. The specific curriculum or textbook(s) may not be placed in classroom use until the independent commission so determines.

Article 13

Independent Commission

13.1 The independent commission for review of Serbian-language teaching materials shall consist of seven (7) members:

- a) three (3) representatives selected by MEST;
- b) three (3) representatives selected by Members of the Assembly of the Republic of Kosovo holding seats reserved or guaranteed for the Kosovo Serb Community, and
- c) one (1) international member selected by and representing the International Civilian Representative.

13.2 The commission shall take all decisions by a majority vote.

13.3 The Chairmanship of the commission shall rotate between a representative selected by Members of the Assembly of the Republic of Kosovo holding seats reserved or guaranteed for the Kosovo Serb Community and a representative selected by the Ministry of Education, Science and Technology every year.

Article 14

Enhanced Competencies of the Municipality in Mitrovicë/Mitrovica North

The following shall be the municipal competencies for higher education in Mitrovicë/Mitrovica North:

- a) The university of Mitrovicë/Mitrovica North shall be an autonomous public institution of higher education;
 - b) The university shall enact a statute to specify its internal organization and governance, and procedures and interaction with public authorities, in accordance with central framework legislation of the Republic of Kosovo, which shall be examined by an independent commission:
 - i) the independent commission shall consist of seven (7) members:
 - ii) three (3) representatives selected by the MEST;
 - iii) three (3) representatives selected by the university; and
 - iv) one (1) international member selected by and representing the International Civilian Representative.
 - v) the commission shall take all decisions by a majority vote;
 - vi) the Chairmanship of the commission shall rotate annually between a representative selected by the university and a representative selected by the MEST.
- c) Decisions on the conformity of the statute with central framework legislation, European standards and best practices and on matters concerning the accreditation of the university within the Kosovo university system shall be taken by the independent commission established by Article 14.b of this law;

- d) The Municipality of Mitrovicë/Mitrovica North shall have authority to exercise responsibility for this public Serbian language university, in accordance with applicable law of the Republic of Kosovo;
- e) The university shall have a Board consisting of nine (9) members, of which two (2) shall be appointed by the municipality, five (5) elected from among the faculty and/or student body of the university, and two (2) to be appointed in a manner to be determined by the statute of the university;
- f) The Municipality of Mitrovicë/Mitrovica North shall ensure that the university receives adequate premises and funding for its operation from the budget of the Republic of Kosovo and other institutional sources. Funding for the university from the government of the Republic of Serbia must be transparent and made public, in accordance with the laws of Kosovo;
- g) Operations and budgetary resources provided to the University of North Mitrovicë/Mitrovica shall be in accordance with standards and criteria developed and promulgated in accordance with the laws on Local Government Finance and Local Self-Government in legislation prior to 1 January 2009; and
- h) The Municipality of Mitrovicë/Mitrovica North may cooperate with any other municipality in operating the university.

CHAPTER VI

Transitional and Final Provisions and Entry into Force

Article 15 Transitional and Final Provisions

15.1 The institutions of local government shall harmonize applicable Statutes and Regulations with the provisions of this Law within 6 (six) months of its entry into force.

15.2 Upon entry into force of this Law, all legal provisions that are in conflict with this Law shall become invalid.

Article 16 Remedies

Any act, or omission to act, taken by any authority pursuant to this law shall be subject to applicable administrative or judicial remedies, including administrative appeals.

Article 17
Entry into Force

This law shall enter into force fifteen (150 days after its publication in the Official Gazette of the Republic of Kosovo.

Law No. 03/L-068
21 May 2008

President of the Assembly of the Republic of Kosovo

Jakup KRASNIQI