

Decision Enacting the Law on Primary Education

In the exercise of the powers vested in the High Representative by Article V of Annex 10 (Agreement on Civilian Implementation of the Peace Settlement) to the General Framework Agreement for Peace in Bosnia and Herzegovina, according to which the High Representative is the final authority in theatre regarding interpretation of the said Agreement on the Civilian Implementation of the Peace Settlement; and considering in particular Article II.1. (d) of the last said Agreement, according to the terms of which the High Representative shall “[f]acilitate, as the High Representative judges necessary, the resolution of any difficulties arising in connection with civilian implementation”;

Recalling paragraph XI.2 of the Conclusions of the Peace Implementation Conference held in Bonn on 9 and 10 December 1997, in which the Peace Implementation Council welcomed the High Representative’s intention to use his final authority in theatre regarding interpretation of the Agreement on the Civilian implementation of the Peace Settlement in order to facilitate the resolution of any difficulties as aforesaid “by making binding decisions, as he judges necessary” on certain issues including (under sub-paragraph (c) thereof) measures to ensure the Peace Agreement throughout Bosnia and Herzegovina and its Entities”;

Noting that the Peace Implementation Council, at its meeting held in Madrid on 16 December 1998, underlined the tasks of High Representative include the co-ordination of international efforts in regard to education”;

Further noting that the Steering Board of the Peace Implementation Council, at its meeting held in Brussels on 21st November 2002, concluded that Bosnia and Herzegovina needs to: “develop a common core curriculum that is consistent with European standards and to rationalise existing structures in order to make financing and management (of education) more efficient” and “fully supported the five pledges”, which included a commitment to “develop, adopt and implement laws in the Entities and Cantons that are consistent with the human rights and education principles and standards embedded in the state – level law (at the least two months before the beginning of the school year 2004 –2005)”;

Recalling that the Council of Europe’s post-accession commitments obligated Bosnia and Herzegovina to eliminate by 24 April 2004 all aspects of ethnically based segregation and discrimination;

Applauding the overriding objective of the Education Reform Strategy to depoliticize education, while creating conditions that will ensure equal access to a high-quality, modern education throughout the country;

Fully Cognizant of the fact that in order to achieve this objective, all children must have access to quality education in integrated, multi-cultural schools free of political, religious, cultural and other bias and discrimination which respect the rights of all children;

Noting that the Steering Board of the Peace Implementation Council, in its Communiqué adopted at its meeting held in Sarajevo on June 12, 2003, “urged the BiH authorities to implement these reforms [by passing the draft State-level Framework Law on Primary and Secondary Education in Bosnia and Herzegovina]” and to take “steps toward harmonizing the three ‘ethnic’ curricula into one BiH-wide common core curriculum, for all subjects taught in primary and general secondary schools”;

Further Noting that the Framework Law on Primary and Secondary Education in Bosnia and Herzegovina (Official gazette of BiH no: 18/2003, 1st July 2003, hereinafter referred to as “the Framework Law”) provides: “[W]ith the aim of achieving adequate quality of education and standards of knowledge, as well as their comparability at domestic and international levels, the competent educational authorities are obliged to ensure that, by the beginning of school year 2003/2004 at the latest, teaching in all schools in the territory of Bosnia and Herzegovina shall be realized on the basis of the common core curriculum, as defined by this law”;

Deploring that Canton 10 has thus far failed to bring its legislation on Primary and Secondary education into line with the Framework Law;

Having considered, borne in mind and noted all the matters aforesaid, the High Representative hereby issues the following:

DECISION

Enacting the Law on Primary Education

The said Law, which is hereunder attached as an integral part of this Decision, shall enter into force as a law of Canton 10 as provided for in Article 100 thereof, on an interim basis, until such time as the Cantonal Assembly of Canton 10 adopts this Law in due form, without amendment and with no conditions attached.

This Decision shall come into force forthwith and shall be published without delay in an official gazette of Canton 10.

Sarajevo, 7 July 2004

*Paddy Ashdown
High Representative*

LAW ON PRIMARY EDUCATION

I. GENERAL PROVISIONS

Article 1

This Law shall regulate the activity of primary education as part of a single educational system in Canton 10 (hereinafter: the Canton), and particularly:

- a) The foundation, organisation and funding of schools;
- b) The management structure of schools and procedures for appointing teachers and other employees;
- c) The status of teachers and other employees, the professional development of teachers and supervision of their work;
- d) The status of pupils; and
- e) Other issues related to the activities of schools.

Primary education is of special importance to society.

The work of primary education encompasses training and compulsory schooling, other forms of education for children and young people, as well as education for adults.

1. The Purpose of Education

Article 2

The purpose of primary education is to contribute, through the optimal intellectual, physical, moral and social development of the individual, according to the potential and abilities of each, to the creation of a society founded on both the rule of law and respect for human rights, as well as to contribute to its economic development so as to secure the best possible living standard for all citizens.

2. The General Aims of Education

Article 3

The overall objectives of education derive from the generally accepted, universal values of democratic society, as well as from individual value systems, based on the specific qualities of the national, historical, cultural and religious traditions of the peoples and national minorities who live in Bosnia and Herzegovina .

The general objectives of education are as follows:

- a) Making knowledge available as the foundation for understanding oneself, others and the world in which we live;
- b) Ensuring the optimal development of every person, including those with special needs, in accordance with the age, possibilities and mental and physical abilities of each;
- c) Promoting respect for human rights and fundamental freedoms and preparing every person for life in a society that respects the principles of democracy and the rule of law;
- d) Raising the awareness of belonging to the state of Bosnia and Herzegovina, to one's own cultural self-confidence, language and tradition in a manner befitting civilised norms, learning about others and respecting their differences, and fostering mutual understanding, tolerance and solidarity among all people, nations and communities in Bosnia and Herzegovina and the world;
- e) Ensuring equal opportunities for education and the possibility of choice at all levels of education, regardless of gender, race, nationality, social and cultural background and status, family status, faith, psycho-physical and other personal characteristics;
- f) Assuring a high-quality education for citizens;
- g) Achieving standards of knowledge comparable those abroad, i.e. on the European level, and which secure inclusion and maintenance of schooling in a European educational framework;
- h) Encouraging life-long learning;
- i) Promoting economic development; and
- j) Participating in the process of European integration.

The objectives and tasks of primary education shall be realised through the designated curricula.

3. The Right of the Child to Education and the Significance of Children's Rights

Article 4

In the event of any violation for any reason of a child's rights to education proceeding from the general educational principles set out in Articles 4 and 5 of the Framework Law on Primary and Secondary Education in Bosnia and Herzegovina ("Official Gazette of BiH", No. 18/03, hereinafter: the Framework Law), cantonal and municipal institutions are obliged to take all necessary measures within their competencies to protect the rights which shall best serve the interests of the child.

Article 5

Primary schooling shall take place over a period of at least eight years.

Primary schooling shall be compulsory for all children, usually from the ages of six to fifteen years.

Compulsory primary education and training shall be free of charge for all children, including the gradual assurance of conditions for free access to and participation of pupils in training and education, as well as the gradual provision of access by pupils to free textbooks, handbooks and other teaching materials available in schools.

According to this Law, a child is defined as a person up to the age of eighteen years.

During teaching and other activities in school, no didactic or other materials shall be used which could reasonably be considered offensive to the language, culture or religion of pupils belonging to any other national or ethnic community or religion.

The Cantonal Government shall establish a body for monitoring and implementing the provisions from the above paragraph in accordance with Article 10 of the Framework Law.

Article 6

Primary education over a nine-year span shall be introduced gradually in the primary schools of the Canton from the school year 2004-05, as the necessary conditions are met by the competent cantonal and municipal authorities.

Pupils who have started their primary schooling on the eight-year educational curriculum shall continue their schooling according to that plan and programme.

Article 7

Primary schooling shall proceed in primary schools on the basis of the curriculum adopted by the Ministry of Science, Education, Culture and Sport of Canton 10 (hereinafter: the Ministry).

II. THE NEEDS AND INTERESTS OF SOCIETY IN PRIMARY EDUCATION

Article 8

The needs and interests of society in primary schooling shall be determined by the Pedagogic Standard. The Government of the Canton shall adopt a decision on the Pedagogic Standard upon the proposal of the Ministry.

Pedagogic standards and norms shall regulate:

- a) The space, equipment and teaching materials in schools;
- b) The timetable for schooling, teaching and extracurricular activities;
- c) The assessment of pupils;
- d) Textbooks and other didactic materials;
- e) The educational and professional qualifications of teachers;
- f) Norms on the scope of work (teaching and working hours for all school employees), norms on working conditions (the number of pupils per form or grade and teaching group in lessons and extracurricular activities).

Article 9

Funding for the realisation of the public needs and interests of society specified in Article 8 of this Law shall be provided by the budgets of the Canton and the municipalities.

The Canton Budget shall provide funding for the following:

- Salaries;
- Allowances for meals;
- Allowances for the transport costs of teachers, expert assistants and other employees, as well as for their continuing training;
- The higher costs of educating gifted pupils and those participating in artistic programmes, of children speaking the language of a nation which is a minority in the Canton, of children with developmental handicaps, and for the support of gymnasias and experimental primary schools.

Municipal budgets shall provide funding for the following:

- Co-financing the transport of pupils residing more than 4 kilometres from the nearest school;
- Depreciation and material costs of primary schools.

Article 10

Funds from the Canton Budget provided for financing primary education shall be allocated in accordance with legal regulations.

Funds from municipal budgets provided for financing primary education shall be paid into the account of the municipality and put at the disposal of the competent municipal department.

Article 11

A municipal council may decide that the needs and interests of society in primary schooling extend beyond those identified by the cantonal pedagogic standard.

Funding for meeting needs identified under paragraph 1 of this Article shall be provided by the municipal budget.

III. THE WORK OF PRIMARY EDUCATION

1. The Status, Foundation and Termination of Primary Schools

Article 12

A primary school may be founded by the Canton and municipality (hereinafter: the Founder), either independently or together with another legal or physical person, when they determine that there is a public interest in doing so in accordance with the law, as well as with the established network of primary schools and the development plan for primary education in the area.

Primary schools may be founded by all other domestic and foreign legal and physical persons under the conditions specified by this Law and with the prior consent of the Ministry.

Article 13

A primary school shall be entered on the court register and so attain its legal and fiscal competence.

Following its registration in court, a primary school must be entered in the Register of primary schools maintained by the Ministry.

A primary school has the right to have a seal in accordance with the cantonal regulations governing this sphere.

The Ministry shall regulate the method, conditions and form for maintaining the Register referred to in paragraph 2 of this Article.

Article 14

The network of primary schools shall be proposed by the municipal council for its territory and confirmed by the Canton Government, having previously obtained the opinion of the Ministry.

The Decision on the network of primary schools shall regulate the sites, statutory positions and names of primary schools, as well as the locations in which the primary education curricula are offered and the catchment areas from which pupils are obliged to attend school.

Article 15

A primary school may be founded when the programme for the development of primary education determines the need to establish primary schools.

An act founding a primary school shall contain both the provisions prescribed by the Law on Institutions and regulations on:

- Curriculum implementation;
- Provision of the appropriate space, facilities and teaching materials;
- Assurance of the requisite number of teachers and professional assistants;
- Assurance of the necessary funding.

A primary school may begin work when the Ministry confirms that it has fulfilled the conditions specified in paragraphs 1 and 2 of this Article.

Article 16

In addition to carrying out the activities for which it was founded, a primary school shall take part in organising cultural life in the local community and in activities of benefit to young people in their free time.

Primary schools are obliged to collaborate with the relevant service for professional orientation and to begin informing pupils about careers.

Article 17

Pupils shall be organised in forms (grades) and classes according to teaching requirements. The number of pupils and forms in a primary school shall be regulated by Pedagogic standards and norms.

Article 18

A primary school and its regional branches may be terminated.

An act abolishing a primary school and its regional branches shall be passed by the founder on whose territory the primary school is sited.

A school may be terminated through a regular procedure only at the end of the school year.

Proposals to pass an act terminating a primary school shall be submitted by the Ministry or by the municipal body responsible for educational matters.

The Ministry or municipal administrative body shall be obliged to propose the passage of an act of termination when it is established that:

- There is no social need to maintain the work of the primary school and/or its regional branches;
- That the primary school and/or its regional branches are not fulfilling the tasks of primary education.

If the founder does not pass an act of termination within 60 days of receiving the proposal, the Ministry may do so.

Article 19

If the municipal administrative body responsible for educational matters, the education inspectorate or the Institute for Education confirms the existence of shortcomings or irregularities in the work of a primary school, the school will be ordered to eliminate them within a given period.

If the education inspectorate or the municipal administrative body responsible for educational matters determines that the conditions necessary for the primary school and/or its regional branches to work do not exist, a deadline will be set by which the school shall be required to fulfil the necessary conditions.

If the primary school does not meet the conditions set according to paragraph 2 of this Article within the period specified, the Ministry will forbid it from working.

Article 20

In the event that a primary school is terminated or prohibited from working, the founder shall be obliged to assure schooling for the pupils affected in another primary school according to their area of residence.

The status of the employees of school that ceases to operate shall be resolved in accordance with the provisions of the Labour Law and Collective Agreement.

2. Curricula and the Organisation of Instruction

Article 21

Curricula shall be passed by the Ministry on the proposal of the Institute for Education in accordance with the common core curriculum prescribed by the Curriculum Agency according to Articles 42, 43 and 48 of the Framework Law on Primary and Secondary Education in Bosnia and Herzegovina.

During the drafting of curricula the Institute for Education shall co-operate closely with the Curriculum Agency (in accordance with Article 48 of the Framework Law).

Curricula shall regulate: compulsory and elective subjects, their placement according to form, the number of weekly teaching hours per subject, and the total weekly and yearly number of teaching hours and extracurricular activities.

Curricula shall regulate the contents, goals and tasks of compulsory and elective subjects.

Elective subjects are compulsory for all pupils who select them.

Standards of pupil achievement and marks reflecting pupils' performance established by the Standards and Assessment Agency shall be adopted and conveyed by the Ministry in accordance with Articles 46 and 47 of the Framework Law.

Article 22

The training and education of children through extracurricular activities are integral parts of primary education. Extracurricular work by pupils, if realised in agreement with the school, can be recognised as fulfilling their obligations in school.

Article 23

A primary school shall operate on the basis of an annual work plan.

The annual work plan shall regulate the location, timing, manner and agents of its implementation. The annual work plan shall be adopted by the School Board no later than 30 September of the school year in progress.

Article 24

The languages and alphabets of the constituent peoples of Bosnia and Herzegovina shall be used in primary schools on the territory of the Canton in accordance with the Constitution of Bosnia and Herzegovina and the Constitution and Curricula of the Canton.

Teachers shall respect and explain the differences among the three official languages of Bosnia and Herzegovina whenever relevant to the subjects they teach.

Before the end of the third form of primary school, students shall have learnt both official alphabets of Bosnia and Herzegovina.

No discrimination against pupils, teachers and other employees on account of their religious, racial, national, sexual or cultural backgrounds and orientations shall be tolerated in schools; nor shall there be any discrimination based on an individual's use of any of the official languages and alphabets referred to in paragraph 1 of this Article.

The Ministry shall be obliged to ensure that requests by parents and guardians that pupils receive instruction in the

national group of subjects and in language classes in the mother tongue are met in accordance with the Framework Law and Pedagogic Standards.

Article 25

A citizen of Bosnia and Herzegovina who declares himself or herself to belong to a national minority, according to the definition in the Law on the Protection of Members of National Minorities ("BiH Official Gazette", No. 12/03), shall be enabled to attend classes in his/her mother tongue.

If a person referred to in paragraph 1 of this Article desires to attend classes in his/her mother tongue, then he or she shall inform the school during the enrolment process that he/she is a member of a national minority, and the school shall accept such a declaration as a fact without further inquiries or proofs.

Classes in the mother tongue may be held in the form, in a separate form or group, or individually.

The teacher charged with offering such instruction must know the language to the level required for teaching the mother tongue to the appropriate standard.

The Minister of Science, Education, Culture and Sport of the Canton (hereinafter: the Minister) shall be responsible for adopting the curriculum for instruction in the mother tongue of defined national minorities, as well as for securing the teaching materials required for such instruction, which must include the literature, history, geography and culture of the particular minority. During the adoption of the curriculum and the provision of teaching materials, the Minister must consult with representatives of the said minority.

Article 26

Schools shall promote and protect religious rights and freedoms, tolerance and dialogue, and enable churches and religious communities recognised by law in Bosnia and Herzegovina to carry out regular religious instruction in primary schools in accordance with their beliefs and traditions.

Pupils shall attend religious instruction in accordance with their own religious beliefs and those of their parents or guardians. When enrolling their child in a primary school, parents or guardians may ask that their child be exempted from attending religious instruction, so respecting the principle of freedom of conscience and faith.

Schools shall take care that pupils who do not attend classes in religious instruction are in no way placed at a disadvantage in relation to other pupils and shall, instead, provide such children with other teaching or extracurricular activities during periods of religious instruction.

For pupils whose parents and/or guardians choose religious instruction, classes in that religion shall become a compulsory subject until the end of primary school, unless a parent or guardian requests at the beginning of a school year that the child cease to attend religious instruction.

The school shall ensure that no pupil suffers any form of discrimination based on attending religious instruction in a given faith or, on the other hand, for not attending any one of the possible classes of religious instruction.

A teacher of religion may not conduct classes of religious instruction in school if the legally recognised church or religious community has not issued a document (a written empowerment or certificate) authorising him or her to offer religious instruction.

Article 27

Foreign citizens and stateless persons have the right to gain an education in accordance with this Law and prevailing regulations, as well as in accord with conventions and agreements concluded by Bosnia and Herzegovina with other countries or international organisations, when it can be demonstrated conclusively that such persons will be spending more than three months in Bosnia and Herzegovina.

Article 28

A citizen of Bosnia and Herzegovina who received a part of his or her primary education abroad, as well as foreign citizens and stateless persons, shall be enabled to continue their education based on confirmation of the education

attained abroad.

Until a new law is adopted, the recognition of foreign qualifications shall be carried out according to the law regulating questions of validation and equivalency of foreign educational certificates.

Article 29

Pupils who distinguish themselves by their knowledge and abilities shall be entitled to complete primary school in a period shorter than is normally prescribed.

A pupil may complete two forms (grades) in one school year.

The Ministry shall prescribe the conditions and procedure by which a pupil can complete his or her primary schooling in a shortened period.

Article 30

Pupils may obtain primary schooling in music, dance and sport according to special curricula in primary schools and/or in special schools. The Ministry shall determine the special curricula and the conditions for their implementation.

The provisions referred to in Article 13 of this Law shall apply to the founding and start of work of special schools implementing curricula for primary schooling in music, dance and sport.

Article 31

A primary school may establish a pupils' cooperative and a pupils' society as forms of extracurricular activity for pupils, or it can organise other socially beneficial work for pupils.

A primary school may sell the products resulting from pupils' work in a pupils' cooperative and society.

Earnings from the sale of goods or services of pupils' cooperatives and societies shall be separately recorded and can be used exclusively for the work of the cooperatives and societies.

Article 32

A primary school shall use only those textbooks approved by the Ministry.

Every school may have a school library.

The work of school libraries is a component part of the developmental and educational process.

Article 33

Primary schools may organise their working hours on a half-day, extended-day or full-day basis in accord with criteria established by the Ministry.

Article 34

Primary schools shall organise their teaching by forms (grades) and directly in form classes and educational groups.

For pupils in forms I to IV, teaching shall be organised on the basis of common classes; while for pupils in forms V to IX, it shall be organised by subjects.

Subject-based teaching for pupils in forms I to IV may be organised for foreign languages and in the fields of the visual arts, music and physical culture.

Article 35

Primary schools are obliged to organise supplementary lessons for pupils who have difficulties in mastering the

curriculum.

Supplementary lessons shall be organised for as long as pupils need extra help.

Article 36

A form class shall consist of pupils from the same form, and combined (mixed) form classes of pupils from forms I to IV.

In mountainous and other sparsely populated areas where objective reasons so require, combined (mixed) form classes may be organised for pupils from forms V to IX. The Ministry shall decide in each individual case on a proposal to be made by the Institute for Education.

Primary schools in mountainous areas that have mixed form classes may, with the consent of the Ministry, teach certain subjects using teachers of other subjects.

Article 37

Pupils in form-based classes may have no more than four hours of regular lessons per day; while students who attend subject-based classes may have no more than five hours of regular lessons per day.

A teaching hour shall last 45 minutes.

Optional subjects and extracurricular activities shall not be considered as forming parts of the regular teaching schedule.

Pupils in form-based classes may have a maximum of 25 hours of lessons of all types per week; while pupils in subject-based classes may have a maximum of 30 hours of instruction per week.

Article 38

Teaching in primary schools shall take place over five working days per week.

Primary schools working two shifts may offer teaching over six working days per week.

Insofar as irregular circumstances so demand, a school director may, exceptionally, decide that the duration of the teaching hour and daily and weekly lessons shall be shorter than prescribed or, on the other hand, longer in order to compensate for any lost teaching time.

The Ministry must consent to decisions made according to paragraphs 2 and 3 of this Article.

Article 39

The school year shall start on 1 September and end on 31 August of the following year.

The Minister shall decide if any extraordinary circumstances exist that affect the start and end of the school year.

The school year shall be organised in terms and comprise 175 teaching days spread over a five-day working week or 210 teaching days spread over a six-day working week.

Pupils have the right to winter, spring and summer holidays during the school year.

The teaching year, that is, the beginning and end of teaching, educational terms, the number of working days and breaks for pupils, shall be regulated by a special calendar, which the Ministry shall adopt for every school year, and at the latest 30 days before the start of a new school year.

Article 40

Primary schools may be used for practice teaching by students of teachers' colleges and as places for carrying out experimental programmes.

The Ministry shall issue more specific regulations regarding the conditions, working practices, staffing and networks for practice teaching and experimental programmes upon the request of teachers' colleges in or outside the Canton.

Article 41

Children who have had their sixth birthday by 1 April of the current year shall enrol in the first form of primary school, and their education shall continue without break for not less than eight years.

Primary schools are obliged to assess the psychological and physical condition of each child before it enrolls in the first form. A Board consisting of a doctor, a psychologist-pedagogue and a teacher shall assess the psychological and physical condition of each child.

The founder of the school shall appoint the members of the Board referred to in paragraph 2 of this Article for the purposes of enrolling pupils every school year.

The Ministry may, on the initiative or with the consent of the parents, guardians or adoptive parents (hereinafter: the parents), and in consultation with other expert and competent institutions, permit a child either to start its compulsory education one year earlier or to defer it by one year insofar as either is in the best interests of the child.

The Ministry shall determine by special act the age limit for pupils enrolling in a nine-year course of primary education.

Article 42

Parents or guardians are obliged to enrol their child in primary school within the prescribed period and to ensure that the child attends school regularly and carries out the other schooling requirements.

During enrolment of pupils, the municipal service for educational issues shall ensure that each pupil enrolls in that school on whose defined territory the pupil lives.

When a pupil changes his/her place of residence, the school in the defined area to which the pupil has moved shall be obliged to enrol the pupil.

In exceptional circumstances, and at the request of a parent or guardian, a pupil may be permitted to enrol initially in – or subsequently to transfer to – another school that does not encompass the defined area in which a pupil lives. The Ministry shall issue a decision on applications for such changes of enrolment.

After enrolling a pupil, the school is obliged to include the pupil in its Register and to enter the pupil in the Main Book (Maticna knjiga).

A pupil transferring to another school shall receive a certificate of transfer, based upon which the new school will enter the pupil in the appropriate registers. its Register and Maticna knjiga.

A primary school is obliged to notify the competent municipal body regarding school-age children who have failed to enrol or do not regularly attend classes.

In cases where parents or guardians do not fulfil the obligations set out in paragraph 1 of this Article, the school director is obliged to submit a notification of an offence against one of them to the competent court.

Article 43

Municipalities shall be obliged to secure funding to co-finance the transport costs of pupils residing more than 4 kilometres from their nearest school. Transport for handicapped pupils shall be provided regardless of distance. The transport of pupils may be organised either within the public transport system or by specially organised means.

Article 44

Primary school pupils shall not be expelled from school during their period of compulsory education.

Article 45

Pupils shall be assessed in every subject taught, as well as for their behaviour. Marks for taught subjects shall be expressed numerically. Assessments of behaviour shall be expressed descriptively.

Pupils must be assessed at least twice in every subject taught in the course of a term.

Schools shall confirm the overall performance of each student at the end of the school year.

The teacher, the form head, the form council and the teachers' council shall take part in assessing a pupil's success.

The Ministry shall prescribe the manner of assessing and monitoring pupils.

Article 46

Marks for pupils in individual taught subjects shall be expressed as follows: excellent (5); very good (4); good (3); adequate (2); and inadequate (1). All marks except "inadequate" (1) are passing grades.

Article 47

The overall performance of pupils assessed in all taught subjects shall be established. Overall performance is expressed as follows: excellent, very good, good, adequate and inadequate.

A pupil with no negative marks achieves an overall rating as follows:

- a) Excellent – if the average mark is at least 4.50;
- b) Very good – if the average mark is between 3.50 and 4.49;
- c) Good – if the average mark is between 2.50 and 3.49;
- d) Adequate – if the average mark is between 2 and 2.49.

The average mark is the arithmetic average of positive marks from each taught subject. A pupil's performance is deemed inadequate if there is just one inadequate (1) mark.

The form council shall, upon the proposal of the form teacher, determine a pupil's overall performance from the fifth through the ninth form. The class teacher shall determine the overall performance of pupils from the first through the fourth forms.

Article 48

Pupils with positive marks in every taught subject at the end of the school year shall progress to the next higher form.

Article 49

Final-year pupils who have positive marks in every taught subject at the end of the school year shall be deemed to have successfully completed primary school.

Article 50

As an exception to Article 46 of this Law, pupils in forms I to IV who end the school year with no more than one mark of "inadequate" (1) in a taught subject may nonetheless proceed to the next higher form.

A pupil may not pass twice to a higher form if he/she receives the mark "inadequate" (1) in the same subject.

The teachers' council, on the proposal of the head of form, shall decide if pupils referred to in paragraph 1 of this Article shall pass to a higher form.

Pupils who pass to a higher form with an “inadequate” mark shall be considered to have completed that form.

Pupils in forms I through IV who have developmental difficulties shall not repeat the year, but proceed to the higher form and continue work according to a modified curriculum. However, from forms V through IX, they may repeat a year if they have not – in the opinion of the special education teacher, other professional assistants and the form council – mastered either the modified curriculum or a curriculum for special groups within regular schools.

Article 51

Pupils of taught subjects who have marks of “inadequate” in no more than two subjects at the end of the teaching year shall sit a makeup (remedial) examination.

Pupils who do not sit or pass the makeup exam shall repeat the year.

Makeup exams shall take place before an examination board at the end of August.

The teachers’ council shall appoint the members of the examination board.

A final-year pupil who has a mark of “inadequate” (1) in one subject at the end of the school year may take a makeup exam 15 days after the day on which the pupil was informed of his/her overall results.

Article 52

A pupil who was unable, for justifiable reasons (long-term illness and other warranted causes), to attend school regularly and to be assessed in one or more subjects shall take a subject or form examination.

A pupil in the circumstances set out in the previous paragraph of this Article shall submit an application to the teachers’ council which will, in each case, assess the legitimacy of the reasons offered for irregular attendance and come to a conclusion regarding the sitting of subject or form exams.

The decision of the teachers’ council shall be final.

A primary school’s rules shall specify the reasons, manner and time for sitting the subject or form exams referred to in paragraph 1 of this Article.

Article 53

Upon enrolment in a primary school, the pupil shall be issued with a pupil report booklet.

The pupil’s performance in class and other notes on his/her work shall be recorded in the report booklet.

Pupils taught in form classes shall have their marks recorded in the report booklet at the end of the school year.

Pupils taught in subject-based classes shall receive a certificate testifying to their achievements at the end of the school year. The certificate of completion of the final year is a public document attesting to the completion of primary school.

Certificates and diplomas awarded on foot of completed education, acquired according to the valid educational plan and program, issued by verified educational facilities within territory of Bosnia and Herzegovina, shall have equal status as certificates and diplomas issued in the Canton.

The period of education in the respective educational program in Bosnia and Herzegovina, not ended by the award of a certificate or diploma, is recognized without being conditioned, for continuing or completing the education in the very program in the Canton

Article 54

A parent or guardian of a pupil who is dissatisfied with the final assessment confirmed by the form teacher or council has the right, within a period of three days following written notification of the pupil’s assessment, to submit a request to the teachers’ council for the pupil to be re-examined in the presence of the examination board.

Marks awarded by the board are final.

More detailed provisions regarding re-examinations shall be regulated by statute.

Article 55

Children and young people with special educational needs shall be educated in regular schools according to curricula modified to reflect their individual needs. Individual programmes, adjusted to their abilities and skills, shall be elaborated for each pupil, including mandatory assessments of the pupil's physical and speech handicaps.

Children and young people with more severe handicaps and developmental difficulties may be educated in whole or in part in specialised educational institutions in cases where it is impossible to offer an appropriate education in regular schools.

Schools, conditions and the manner of establishing groups and form classes for those referred to in paragraph 1 of this Article shall be determined by the organ responsible for educational matters in the municipality according to criteria adopted by the Ministry.

Article 56

Pupils who, in the course of their schooling, experience problems that prohibit their continuing education under regular conditions shall be treated according to a procedure in accordance with the relevant provisions from Articles 53 and 54 of this Law.

Article 57

Regular or special primary education shall be organised for children and young people who, for medical or other reasons, have been accommodated in health care or social welfare institutions.

The education of children and young people referred to in paragraph 1 of this Article shall be the responsibility of the institution in which the pupil is housed or the nearest primary school.

Children who cannot attend primary school because of chronic illnesses shall be provided with an educational programme organised by the nearest school and delivered by means of professional help offered to the child by the teachers and professional assistants of the school.

Article 58

Pupils who distinguish themselves in their studies and behaviour may be commended or rewarded.

Inappropriate conduct by a pupil may be sanctioned by pedagogical-disciplinary measures: warning, reprimand, severe reprimand, and transfer to another school.

In no case may a primary school pupil be punished by expulsion from school.

The school shall regulate by statute the conditions, means and procedure for commending and awarding pupils, as well as for passing pedagogical-disciplinary measures.

As provided by the by-laws of a school, the parent or guardian of a pupil has the right to file a complaint against any pedagogical-disciplinary measures imposed.

The parent or guardian of a pupil may submit a complaint to the Ministry regarding the pupil's transfer another school. The Ministry may alter or confirm the decision. If the Ministry confirms the transfer, it shall determine the school to which the pupil shall be moved, and that that school must accept the pupil.

The decision of the Ministry on the complaint is final.

IV. THE HEALTH AND SOCIAL CARE OF PUPILS

Article 59

Primary schools, and especially teachers and professional assistants, are obliged to take due care of the state of health of pupils and to keep health institutions and parents or guardians informed.

Article 60

The forms and manner of assuring health care for primary school pupils shall be implemented according to the health care regulations.

Article 61

If a pupil cannot participate in certain activities due to his/her health, or if such participation would be damaging to his/her health, the pupil shall be temporarily or permanently excused from taking part in those activities.

The teachers' council, upon receiving a proposal from the competent health authority, shall pass a decision excusing the pupil. If the pupil, based on paragraph 1 of this Article, is excused from participation in certain activities forming a part of a taught subject, then the assessment of that subject shall be based on other elements of the content of that subject from which the pupil has not been excused.

Article 62

Primary schools may organise meals for pupils while they are in school.

Article 63

Primary schools are obliged, along with social welfare bodies, to monitor social problems and symptoms among pupils and to undertake measures to remove the causes and consequences of social problems and symptoms among pupils.

V. TEACHERS AND PROFESSIONAL ASSISTANTS

Article 64

Teaching work in primary schools shall be carried out by teachers and professional assistants who, apart from the general conditions required by Law, fulfil particular conditions:

- 1) They have professional and pedagogical qualifications prescribed by this Law and other regulations;
- 2) They fulfil the health conditions necessary for conducting teaching; and
- 3) They have passed a special professional exam.

Article 65

Persons legally convicted of criminal offences against the constitutional order, against life and limb, against sexual freedom and morality, against marriage, family and young people, or convicted of any other criminal offence which makes them unworthy of the occupation of teaching shall thereafter be barred from performing any teaching duties either as a teacher or expert-associate.

Article 66

Teachers shall conduct lessons in forms I through IX. Persons who possess the appropriate professional qualifications and fulfil the conditions set out in Article 64 of this Law may work as teachers in form classes.

The Ministry shall confirm the level and kind of professional or educational qualifications of teachers in primary schools.

Article 67

Professional assistants in primary schools comprise pedagogues, psychologists, special education teachers, speech therapists and librarians.

Persons who have the requisite higher education or higher professional qualifications and fulfil the conditions set out in Article 64 of this Law may be selected as professional assistants.

Article 68

Teachers and professional assistants shall be hired on the basis of a public competition.

The School Board shall invite applications for the public competition.

Employees referred to in paragraph 1 of this Article may be contracted to work for a limited time without having participated in a competitive process so long as their engagement does not exceed 90 days in a given year.

The School Board shall make decisions regarding contracts of employment on the recommendation of the school director.

Article 69

Teachers and professional assistants without previous working experience shall be employed as probationers. Primary schools may permit persons without work experience to work as trainees without establishing a contractual relationship (i.e., voluntary work).

Probation shall last no longer than one year, but cannot be shorter than one teaching year. After completing probation, the probationer must sit a professional exam.

A probationer who does not pass the professional exam within six months of the day upon which his/her probationary engagement expires shall cease to be employed by that school.

The Ministry shall adopt a programme of probationary employment and specify the rules for passing the examination upon the proposal of the Education Institute.

Article 70

Teachers and professional assistants in primary schools shall work a 40-hour week.

Article 71

The work of teachers and professional assistants shall be monitored and assessed.

Teachers and professional assistants may be promoted in their fields and achieve the titles of mentor and adviser.

The Ministry shall prescribe the procedures, means and conditions for assessing and promoting teachers.

Teachers and professional assistants whose work is twice assessed as unsatisfactory may no longer engage in educational work with pupils and shall cease to work in the school.

The school board shall make the decision referred to in paragraph 4 of this Article upon the proposal of the school's director.

Persons dismissed under the terms of paragraph 4 of this Article may, no earlier than one year after the date of their termination, submit an application to the Ministry seeking the restoration of their positions. The Ministry shall in this case confirm the reasons why the person was negatively assessed and evaluate the extent to which circumstances may have changed in the meantime and because of which the person might be offered a new opportunity to work.

If an employee who is reinstated ever again receives a negative assessment, that person shall lose forever the right to work in a primary school.

Article 72

A teacher or professional assistant shall cease employment at the end of the school term in the year in which the conditions for his/her termination have been fulfilled in accordance with the provisions of the Labour Law.

Article 73

Teachers and professional assistants have the right and duty of professional and pedagogical development. The Ministry shall adopt and organise an obligatory programme of continuing professional development upon the proposal of the Education Institute.

Article 74

Primary school employees are obliged to have a medical examination every three years.

If the director considers that an employee's psycho-physical health has been impaired to the extent that it crucially reduces his/her capacity for work, the director shall issue a decision to send the employee for medical treatment before the expiry of the period referred to in paragraph 1 of this Article. An employee who refuses to comply with a decision instructing him/her to seek medical treatment shall cease to be employed.

If the medical report confirms that the mental or physical health of a teacher has critically reduced his/her capacity to perform educational work, the director shall issue a decision releasing the teacher from direct educational work.

A primary school is obliged to reassign the teacher referred to in paragraph 3 of this Article to another appropriate post, depending upon his/her residual capacities. If a teacher refuses reassignment, his/her employment shall be terminated.

VI. PRIMARY EDUCATION OF ADULTS

Article 75

Adults may gain a primary education by attending classes or passing examinations.

Primary education for adults shall be provided in primary schools according to a special curriculum and conditions established by the Ministry.

Article 76

The costs of primary schooling for adults shall be borne directly by the entrant, the enterprise of which he/she is an employee, or the Employment Bureau.

The Ministry shall adopt special regulations setting out the procedure, conditions and manner of providing a primary school education for adults.

VII. SCHOOL MANAGEMENT AND ADMINISTRATION

Article 77

A primary school shall have a Statute.

The School Board shall enact the school's Statute.

The Ministry must approve the Statute.

Article 78

The School Board is the administrative organ of the primary school.

The director of the school is the management organ of the school.

Article 79

The School Board shall have the status and authority of the administrative organ, while the director is the executive organ and pedagogical manager in accordance with the Law.

The School Board shall carry out the following functions, among others:

- To adopt the annual school work plan and evaluate its implementation;
- To supervise and direct the overall work of the school;
- To decide on the use of the school's financial resources, whether its own income or the result of donations, etc;
- On the proposal of the director and with the previous consent of the competent ministry, to announce competitions for employment;
- On the proposal of the director, to decide on the hiring and dismissal of employees;
- To appoint and dismiss the school's director;
- To analyse the overall performance of pupils and to take measures for improving the conditions of work in the school;
- To enact the Statute, rulebook and other general regulations for the school;
- To carry out other duties prescribed by the school's Statute.

Article 80

The director shall directly organise the work of the school, act on behalf and represent the school, and take responsibility for the legality of its work.

In addition to the direct management of the school, the director shall perform the following functions:

- To propose the school's annual work programme and submit reports on its realisation;
- To propose to the School Board decisions on hiring and dismissing school employees;
- To ensure that decisions of the School Board, the teachers' council and other school bodies are implemented;
- To assign school employees to appropriate jobs and tasks;
- To sign all documents and acts issued by the school;
- To perform other duties prescribed by the school's Statute.

Article 81

For appointment as director of a primary school, a candidate must have at least five years' experience in teaching or in other positions closely linked with education.

A director shall be selected on the basis of a public competition announced by the School Board.

The School Board shall appoint and dismiss the director with the consent of the founder and the Ministry.

A director shall be appointed for a four-year term, with the possibility of reappointment.

Article 82

If a proposal to appoint a director is not submitted for approval by the Ministry within two months of the expiry of the competition period – or if the Ministry or founder denies its consent – the Minister shall appoint an acting director for a period of no longer than one year.

Article 83

The Ministry may dismiss a director before the expiry of the term for which he/she was appointed if it establishes that the director is failing to fulfil the obligations prescribed by this Law or other regulations.

Should a director be dismissed, the Minister shall appoint an acting director for a period of no longer than one year.

An acting director shall have all the powers of a director during his/her tenure.

The director of a primary school founded by a physical or legal person shall be appointed or dismissed in the manner prescribed by the school's founding act or statute.

Article 84

A school board shall have nine members.

Members of a school board shall be selected from among the ranks of teachers and professional assistants, the founder and members of the local community, and parents in accordance with the prescribed procedure and the principle of equal representation by representatives of the aforementioned components.

The composition of a school board must reflect the national composition of the community in which the school operates.

One-third of school board members shall be selected from among the ranks of teachers and professional assistants; one-third by the founder, according to the procedure envisaged by legal regulations; and one-third from among the ranks of pupils' parents.

Members of a school board shall be selected on the basis of a public competition announced by the founder for a term of four years. Decisions shall be taken by majority vote of school board members.

The founder shall appoint and dismiss members of the school board.

Members of a school board shall select the president of the board at the first meeting of the school board.

Service on school boards is voluntary and unpaid.

A school's director, assistant director and union leaders may not be members of the school board.

The school statute shall prescribe the school board's method of operation in greater detail.

Article 85

Should a school board fail to carry out the tasks within its sphere in accordance with the law, or should it perform them in a manner detrimental to the normal operation of the school, the Minister shall dissolve the school board.

Following the dissolution of a school board, the Minister shall appoint a three-member commission that will exercise the powers of the school board, except that of recommending the appointment or dismissal of the director.

The powers of a commission shall be temporary, and shall last until new members of the school board are chosen, but in no case for longer than three months.

Article 86

The professional organs of a primary school comprise the following: the teachers' council, the form council, the heads of form, and the professional boards of teachers.

Article 87

A teachers' council shall consist of all teachers in the school.

The director of a primary school manages the teachers' council.

A teachers' council shall perform the following tasks:

- Make decisions on the organisation of educational work in the primary school and undertake measures to

promote that work;

- Monitor the implementation of curricula, take measures for their realisation, and submit reports to the school board;
- Confirm the proposal and consider the realisation of the programme of professional development for teachers and professional assistants, as well as the work programmes of professional bodies and commissions;
- Analyse pupils' performance and the work of form councils;
- Designate heads of the form councils, upon proposals by the director;
- Consider the work of teachers and professional assistants and to confirm proposals for their promotion;
- Appoint examination commissions;
- Consider reports on the implementation of professional supervision and inspections, undertake corresponding measures, and monitor the implementation of such measures;
- Approve pupils' completion of two forms (grades) in the course of a single school year;
- Consider educational-disciplinary measures and make appropriate decisions;
- Approve special curricula for exceptional pupils;
- Recommend the procurement of professional journals and other specialist literature;
- Carry out other duties prescribed by law and the regulations of the primary school.

Article 88

The form council comprises the form (grade) teachers.

The form council is managed by the form's senior member.

The form council shall perform the following tasks:

- Monitor continuously the work and progress of the form;
- Monitor the realisation of the curricula and the anticipated number of working hours;
- Monitor pupils' development and suggest a choice of curricula for both exceptional pupils and those falling behind in mastering the teaching materials;
- Co-ordinate the work of teachers in the educational process;
- Confirm final marks;
- Analyse the work of teachers and professional assistants and propose measures for improving the educational process;
- Propose disciplinary measure;
- Carry out other tasks prescribed by the regulations of the primary school.

Article 89

The regulations of primary schools shall specify more detailed provisions on the work of professional boards and heads of form.

Article 90

Parents of pupils attending a school have the right – and the school has the obligation – to establish a parents' council, the members of which shall be nominated by the pupils' parents.

Parents of pupils, teachers, administrative staff members, pupils and interested members of the community may serve on the parents' council.

The exact manner and procedures of work of a parents' council shall be defined by the school's general by-laws.

The general activities of a parents' council may include the following:

- a) Promoting the interests of the school in the community in which it is located;
- b) Presenting the views of parents of pupils to the school board or to any other interested party;
- c) Supporting the active participation of parents and the community in the work of the school;
- d) Reporting to the school board and to any other interested party on the views of the body, whenever that appears necessary or is requested by the board or other interested parties, about all questions linked to the work and management of the school;
- e) Selecting and appointing representatives of the parents to the school board;
- f) Taking part in preparing and realising appropriate projects that support and promote the educational work of the school;
- g) Developing communications among pupils, teachers, parents and the community.

Article 91

The pupils of a school may establish pupils' councils for each form, as well as a council of all the school's pupils.

The manner and procedure for founding and operating pupils' councils shall be defined in a school's general by-laws.

VIII. COMPULSORY DOCUMENTATION AND RECORDS

Article 92

Primary schools must maintain pedagogical documentation and records about pupils.

The Minister shall prescribe the form of pedagogic documentation and records (pupil booklets, certificates, transfer documents, attestations, enrolment registers, work diaries, registers of pupils, and school yearbooks).

Enrolment registers (masticne knjige), certificates, attestations and pupil booklets are public documents.

Article 93

A primary school shall permanently preserve the enrolment registers and school yearbooks. Registers and exam records shall be kept for ten years.

IX. LEGAL AND PROFESSIONAL SUPERVISION

Article 94

The Ministry shall supervise implementation of the provisions of this Law.

The Institute for Education in Mostar (hereinafter: the Institute for Education) shall provide professional pedagogical supervision of the work of primary schools in accordance with this Law.

The education inspectorate shall provide administrative supervision of the work of primary schools and other organisations providing primary schooling.

The Ministry shall prescribe the manner, conditions and procedure for the supervision referred to in paragraphs 2 and 3 of this Article.

X. PENALTIES

Article 95

A school director or other responsible person shall be liable to fines ranging from KM 500 to 2000 for the following offences:

1. If a school commences work before receiving the consent of the Ministry;
2. If a school operates according to a curriculum that was not enacted by the Ministry;
3. If funds obtained through the sale of goods and services by pupils are not used exclusively for the work of the school's cooperatives and societies;
4. If a school uses textbooks that were not approved by the Ministry;
5. If a school interrupts teaching without the approval of the competent organ;
6. If a school enrolls a pupil without a transfer document completed by the school from which the pupil comes.

Parents or guardians who fail without a justifiable reason to fulfil the obligations referred to in paragraph 1 of Article 42 of this Law commit an offence for which the competent court may impose a fine of up to KM 500.

The competent court shall decide the magnitude of the fine on application by the education inspector.

X. TRANSITIONAL AND FINAL PROVISIONS

Article 96

Primary school teachers and professional assistants who are permanently employed by a primary school on the day this Law enters into force, but who do not have the professional qualifications prescribed by this Law, may continue to carry out the duties of their posts under the condition that they acquire the prescribed qualifications within a period of two years from the day this Law enters into force.

If, in the period specified in paragraph 1 of this Article, they do not acquire the prescribed professional qualifications, they may not continue to perform educational work in a school.

Article 97

The Ministry is obliged within a period of six months from the day this Law comes into force to harmonise all rulebooks and other adopted regulations with this Law.

Article 98

Primary schools are obliged to harmonise their operations and general by-laws with the provisions of this Law within a period of six months from the day of its publication in the official gazette of the Canton.

Primary schools are obliged to form a School Board according to the provisions of this Law within one month from the day it enters into force.

Article 99

On the day this Law enters into force, the Law on Primary Education ("Narodne novine Hercegbosanske županije", No. 4/98) shall cease to apply.

Article 100

This Law shall come into force on the day of its publication in the official gazette of the Canton and the provisions

that refer to pupils shall apply from the 2004-05 school year.