

Decision Enacting the Law on Amendments to the Law on Secondary 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 Central Bosnia Canton 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 Amendments to the Law on Secondary Education

(“Official Gazette of the Central Bosnia Canton”, No: 11/01)

The said Law, which is hereunder attached as an integral part of this Decision, shall enter into force as a law of the Central Bosnia Canton as provided for in Article 21 thereof, on an interim basis, until such time as the Cantonal Assembly of the Central Bosnia Canton 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 the “Official Gazette of the Central Bosnia Canton”.

Sarajevo, 7 July 2004

Paddy Ashdown
High Representative

Law on Amendments to the Law on Secondary School

Article 1

In the Law on Secondary Education (“Official Gazette of Central Bosnia Canton”, number 11/01) Article 5 shall be amended and shall read as follows:

“The languages of the constituent peoples of BiH shall be used in all secondary schools in accordance with Article 7 of the Framework Law on Primary and Secondary Education in Bosnia and Herzegovina (“Official Gazette of BiH”, no. 18/03, hereinafter – the Framework Law).

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

There may not be any discrimination against students on the grounds of their religious, racial, ethnic, gender, cultural or other specificities, or arising from their use of any of the official languages or scripts of the constituent peoples of Bosnia and Herzegovina .

There may not be discrimination against teachers or any other employee in relation to appointment, the terms and conditions of employment, promotion or in any other decision relating to that person, by reason of the use by him/her of any of the languages of the constituent peoples in their oral or written communication.”

Article 2

Article 6 shall be amended and shall read as follows:

“A citizen of Bosnia and Herzegovina who in accordance with the Law on Protection of Rights of Members of National Minorities (Official Gazette of BiH, 12/03), declares himself or herself to be a member of a national

minority shall be provided with the teaching of his or her mother tongue as well as with other rights in accordance with the aforementioned law on Protection of Rights of Members of National Minorities.

If a person to whom the previous paragraph applies, wishes to receive mother tongue language training in his or her mother tongue, then he or she shall inform the school upon enrolment that he or she belongs to a National minority, and the school shall accept that as a fact without having it checked or proved.

Mother tongue language training may take place in the class, in a separate class, or in a group or individually.

The teacher responsible for the training referred to in the previous paragraph shall have sufficient knowledge of the relevant language as will ensure that he or she can teach the language to an appropriate standard.

The Minister of Education, Science, Culture and Sports of the Canton (hereinafter: Minister) shall be responsible for establishing the curriculum for mother tongue training and for providing teaching material for such training."

Article 3

In Article 9, Paragraph 1 shall be amended and shall read as follows:

"A secondary school may be established by a national or foreign private and legal person in all forms of ownership in accordance with this Law."

New Paragraph 8 shall be added:

"A private school may be established in accordance with principles and standards set forth in this Law and other conditions and criteria defined by regulations in the field of education."

Article 4

After Article 9, new Article 9a shall be added and shall read as follows:

"On the day of entry into force of this Law, the management and administration shall be unified in all the schools utilising the same school building and in branch schools in which the management and administration are not unified with the main school or where teaching is conducted in several curricula.

The schools referred to in Paragraph 1 of this Article shall have: one Director and Deputy Director who shall not be from the same constituent peoples /Others, one School Board and one Secretariat. The School management and administration shall be regulated and organized in a manner that ensures equality of languages, scripts, acts, school certificates and curricula."

Article 5

In Article 16, Paragraph 4 shall be added and shall read as follows:

"Any status changes to the school have to, apart from the compulsory registration with the court, be reported to the Ministry who will then enter them into the School Register."

Article 6

Article 18, Paragraph 1 shall be amended and shall read as follows:

"The secondary school may organise the implementation of some secondary school curricula outside its main seat in accordance to the law and other regulations in agreement with the Ministry. In the territory of the Canton , secondary school curricula may be implemented by secondary schools which have their seat outside of the Canton , in accordance with the present law and other regulations and in agreement with the Ministry."

Article 7

In Article 26, Paragraph 1 shall be amended and shall read as follows:

„Curricula and syllabi, including the common core curriculum, are determined by the Ministry for all types of

secondary schools.

After Paragraph 1, new Paragraphs 2 and 3 shall be added and shall read as follows:

Curricula and syllabi for all types of secondary schools, including the common core curriculum, shall be issued by the Ministry in accordance with the Common Core Curriculum as determined by the Curriculum Agency pursuant to Articles 42, 43 and 48 of the Framework Law.

Standards of students' achievement and assessment of their performance established by the Standards and Assessment Agency in accordance with Articles 46 and 47 of the Framework Law shall be adopted and implemented by the Ministry".

Previous Paragraph 2 shall become Paragraph 4.

Article 8

After Article 34, new Article, 34a, shall be added and shall read as follows:

"A secondary school implements its role and functions in a motivating environment for acquiring knowledge; respectful and supportive towards the individuality of every student, as well as towards his or her cultural and national identity, language and religion; safe and free of any form of intimidation and abuse, physical punishment, insults, humiliation and degradation and damage to health including damage caused by smoking, or by the use of any other intoxicating or illegal substances."

Article 9

After Article 38, new Article 38a, shall be added and shall read as follows:

"During teaching and other activities in school, no didactic or other materials shall be used or exposed, nor statements issued by teachers or other school employees, which could reasonably be considered offensive to the language, culture or religion of students of any national, ethnic or religious group.

Oversight of implementation of the provisions of Paragraph 1 of this Article shall be the responsibility of the Ministry. Upon receiving a complaint an investigation shall be conducted by a special Committee established by the Minister.

Based upon the proposal of the Committee referred to in the previous paragraph, the Minister shall make a final and binding decision"

Article 10

Article 53 shall be amended and shall read as follows:

"Children and young people with special needs shall be educated in regular schools and through programs adapted to their individual needs. An individual program adapted to their potential and abilities shall be developed for each student and shall determine the status of each student in relation to special education and speech pathology.

Children and young people with serious disorders and difficulties in their development may be educated in part or wholly at special educational facilities, where it is impossible to provide appropriate education in regular schools.

Children and young people who are unable to attend a regular school may attend special classes which can be incorporated into a regular school.

Categories, identification procedures, planning and working methods, profiles, training, professional development of personnel working with children and young people with special needs, as well as other issues, shall be regulated more detail through by-laws".

Article 11

In Article 55, new Paragraph 3 shall be added and shall read as follows:

„Secondary education is accessible to all in accordance with results achieved in primary school, personal interest and abilities.“

Previous Paragraphs 3 and 4 shall become Paragraphs 4 and 5.

New Paragraph 6 shall be added and shall read as follows:

„Secondary education in public institutions is free of charge, which means ensuring conditions for free access and participation in education, particularly with regard to ensuring access to free textbooks, manuals and other didactic material required.“

Article 12

After Article 57, new Article 57a shall be added and shall read as follows:

„A student who moves from one education program to another within the same category shall have recognised the period of education spent in the previous education program in the territory of Bosnia and Herzegovina when being considered for further education in the Canton , in accordance with the curriculum and other requirements set forth in valid regulations.

If under the terms of the previous paragraph, a student enrolls in the next grade (year), the school is obliged to enable him or her to sit any exams arising, that he or she is obliged to sit, at the latest by 15 April of the current school year.“

Article 13

In Article 66, Paragraph 7 shall be amended and shall read as follows:

“If the Teachers’ Council does not accept a complaint, the student or parent has the right to present such the complaint to the Ministry which shall make a decision within three days. This decision shall be binding on the school.”

Article 14

In Article 71, Paragraphs 4 and 5 shall be added and shall read as follows:

“Certificates and diplomas, acquired according to valid curriculum, issued by verified educational facilities in Bosnia and Herzegovina , shall have the same status as certificates and diplomas issued in the Canton .

The period of education undertaken in a respective educational program in Bosnia and Herzegovina, not concluded by the award of a certificate or diploma, shall be recognized without condition, for continuing or completing the education in the very program in the Canton.”

Article 15

Article 80 shall be amended and shall read as follows:

“With a view to enhancing connectivity within the community and co-operation between parents and the school, a Parents’ Council shall be established in each secondary school.

The Parents’ Council shall be composed of parents, school representatives (teachers, students and administrative staff) and interested representatives of the local community, while ensuring that parents constitute a majority within the Council.

The manner and procedure for the establishment and work of parents’ council shall be set forth in more detail by general school acts and the Council’s Statute.

The Parents’ council:

- promotes the interests of the school in the community in which the school is situated;
- represents the views of students’ parents to the School Board;

- encourages active engagement of parents the work of the school;
- informs the School Board on its views whenever it considers it necessary, or, upon request of the board, on every issue related to school work and school management;
- participates in the preparation and realization of appropriate projects which encourage and promote educational work in the school;
- nominates and selects the parents' representatives to the School Board.

With the aim of encouraging co-operation between the community, schools and parents, a parents-teachers association may be established in secondary schools."

Article 16

After Article 80, new Article 80a shall be added and shall read as follows:

Taking into consideration the age of students attending the school, the school shall help them to establish a Students' Council, with the following functions:

to promote the interests of the school in the community where the school is located;

to represent students' views on school activities;

to inform the School Board on its views whenever it considers it necessary, or upon the Board's request, on any issue related to the work and management of the school.

The manner and procedure for establishment and work of the Student's Council shall be defined by general school acts."

Article 17

In Article 83, Paragraph 1, the following words shall be added at the end of the sentence: "announced by the School Board"

Paragraph 2 shall be amended and shall read as follows:

"The Employees referred to in paragraph 1 of this Article may be employed for a specific period and without announcement of a vacancy in the event of temporary replacement of teachers and expert staff for a period not longer than 60 days."

Paragraph 3 shall be added and shall read as follows:

"A teacher of religious classes in a school may not be employed if the relevant church or religious community did not issue him with a permit to teach the religious classes involved."

Article 18

In Article 96, Paragraph 3 shall be amended and shall read as follows:

"The expert pedagogical oversight shall be performed by the Pedagogical / Education Institutes in accordance with the regulations issued by the Ministry"

Article 19

Article 99 shall be amended and shall read as follows:

"Each secondary school shall be managed by a School Board, elected from school staff, school founder, local community and parents, in accordance with the procedure which shall be proscribed in a by-law issued by the Minister. The election shall be based on the principle of equal representation of representatives of aforementioned structures

The composition of a School Board must reflect the ethnic composition of the students, parents, school staff and

the local community in question, pursuant to the Framework Law.

Performance of the duties of a School Board member shall be voluntary and without right to compensation”

Article 20

In Article 111, new line fourth shall be added and shall read as follows:

“ – if in any manner the school causes damage to the environment where it operates (Article 34a).”

Article 21

This Law shall be published in the “Official Gazette of Central Bosnia Canton” and shall enter into force on the day of its publication.