

Pursuant to Article IV.4.a) of the Constitution of Bosnia and Herzegovina, at the 16th session of the House of Representatives, held on October 11th and 30th, 2007, and at the 9th session of the House of Peoples, held on October 29, 2007, the Parliamentary Assembly of Bosnia and Herzegovina adopted the following

FRAMEWORK LAW ON PRESCHOOL UPBRINGING AND EDUCATION IN BOSNIA AND HERZEGOVINA

PART ONE – INTRODUCTORY REMARKS

Article 1

(Subject of the Law)

- (1) The Framework Law on Preschool Upbringing and Education in Bosnia and Herzegovina shall determine: the principles, goals, standards and norms for preparation of the common core curricula for performance of the function of preschool upbringing and education, as well as administration, management, expert standards, types of records, financing, supervision and other issues related to the organization and foundation of preschool institutions.
- (2) The principles, goals and standards established in this law and pursuant to this law may not be reduced.

Article 2

(Function of Preschool Upbringing and Education)

- (1) Preschool upbringing and education is an integral part of the upbringing and education system in Bosnia and Herzegovina. It is the first, special and specific degree of the upbringing and education system involved in the upbringing of preschool age children.
- (2) The preschool upbringing and education should be understood as a broader notion determined by its terms: upbringing, education, care and protection.

Article 3

(Basic Obligation of the Competent Education Authorities)

The authorities competent for organization of the education system in the Brcko District of Bosnia and Herzegovina, Republika Srpska, cantons in the Federation of Bosnia and Herzegovina, (hereinafter referred to as: the competent education authorities), pursuant to the Constitution of Bosnia and Herzegovina and the constitutions of the entities and cantons, that is, the institutions which, pursuant to the applicable laws in Bosnia and Herzegovina, are registered for provision of services in the area of preschool upbringing and education, shall be obligated to apply and respect the principles and norms established in this law, and to ensure upbringing and education under the same conditions for all children.

CHAPTER I. PRINCIPLES AND GOALS OF PRESCHOOL UPBRINGING AND EDUCATION

Section A. Basic Principles and Goals

Article 4

(Development Principles)

The preschool upbringing and education in Bosnia and Herzegovina are characterized by the following development principles:

- a) humanistic development principle,
- b) principle of professional autonomy and expert responsibility, and
- c) principle of democracy.

Article 5

(Recognition of the Degree of Child's Development)

The preschool upbringing and education based on the humanistic principle of upbringing and education, through modern scientific accomplishments and theories on child's development and rights of the child, shall on a mandatory basis recognize the degree of child's development, specific qualities of development possibilities and individual needs of the child.

Article 6

(Ban of Discrimination)

- (1) Every child shall have an equal right to access to and an equal opportunity for participation in appropriate upbringing and education without discrimination on any basis.
- (2) Equal access and equal opportunities understand ensuring of equal conditions and opportunities for all, for beginning and continuation of further upbringing and education.

Section B. Principles and Goals Ensuring the Basic Rights of Children

Article 7

(Ensuring of the Best Interest of the Child)

- (1) The right of the child to upbringing and education and proper care for the benefit of their physical and mental health and safety shall supersede all other rights.
- (2) In case of conflict of rights, such right, interpretation or action shall prevail that shall be of the best interest for the child.

Article 8

(Ensuring of Proper Values)

The general goals in upbringing and education arise from the generally accepted universal values of the democratic society, and from proper value systems based on the specific qualities of the ethnic, historical, cultural and religious tradition of the peoples and ethnic minorities living in Bosnia and Herzegovina.

Article 9

(Ensuring of Optimum Development of the Child)

The general goal of the preschool upbringing and education is to ensure optimum and equal conditions in order to have every child, from the birth to the school age, develop and accomplish their full potentials and skills, through various forms of quality and professional autonomous institutional and non-institutional preschool upbringing and education.

Article 10
(The Right to Language)

The languages and cultures of all constitutive peoples and each ethnic minority living in Bosnia and Herzegovina shall be respected and integrated into the preschool institutions in accordance with the Constitution of Bosnia and Herzegovina, the European Convention on Protection of Human Rights and Fundamental Freedoms, the Framework Convention for Protection of Ethnic Minorities, and the Convention on the Rights of the Child.

Article 11
(Respect for Religious Freedoms)

Preschool institutions shall develop, promote and respect ethnic and religious freedoms, customs, tolerance and the culture of dialogue, pursuant to Article 10, of this Law.

Article 12
(Integration Programs for Children with Special Needs)

- (1) Children with special needs shall be integrated into preschool institutions according to the programs adapted to their individual needs. Individual programs shall be developed for each child, adapted to their abilities and skills.
- (2) Integration programs shall be prepared and implemented for children with special needs.

Article 13
(The Right of Parents and Children to Selection of Institutions and Decision Making)

- (1) Parents shall have the right to select the public or private preschool institution in which their child shall be upbrought and educated.
- (2) Through their representatives in preschool institutions and bodies and through their associations, and in the interest of their children, at all levels, parents shall have the right to take part in decision making on all issues relevant to the work of the preschool institution and functioning of preschool upbringing and education.

CHAPTER II. ENSURING OF THE PRESCHOOL UPBRINGING AND EDUCATION FUNCTION

Article 14
(Determination of the Function)

The functions of the preschool upbringing and education are:

- a) to ensure the conditions for optimum development of every child;
- b) to assist parents in ensuring the care, protection, development, upbringing and general welfare of the child,
- c) to supplement the family upbringing, and
- d) to ensure society investment into welfare and progress.

Article 15

(Standards and Norms for Performing of the Function of Upbringing and Development)

Public and private preschool institutions shall perform the upbringing and education activities in line with the curricula whose common core is prescribed by the competent education authorities, in line with the pedagogic standards and norms for equipment, didactical, health, hygiene, esthetic and other resources (hereinafter referred to as: standards and norms).

Article 16

(Age for Mandatory Inclusion of Children into Preschool Education)

- (1) In the year before enrollment into primary school, preschool upbringing and education shall be mandatory for all children of preschool age.
- (2) The terms and conditions for financing, the programs and duration of preschool upbringing and education shall be regulated by the competent education authorities in an appropriate law.

Article 17

(Admission of Children)

- (1) Admission of children into preschool institutions shall be conducted throughout the year, pursuant to this law, bylaws of the institutions and other regulations in the area of upbringing and education.
- (2) Public and private preschool institutions, in terms of ensuring of conditions and implementation of procedures without discrimination, shall ensure equal opportunities for admission of all children.

PART THREE – ESTABLISHMENT AND ORGANIZATION OF PRESCHOOL INSTITUTIONS

CHAPTER I. ESTABLISHMENT

Section A. Establishment of Institutions

Article 18

(Public and Private Preschool Institutions)

- (1) The preschool upbringing and education shall be implemented in public and private preschool institutions.
- (2) Public preschool institutions shall be established by the competent education authorities, in line with the principles, standards and norms established in this Law and other conditions and criteria established in the area of upbringing and education.
- (3) Private preschool institutions may be established by domestic and foreign legal and natural entities, in line with the principles, standards and norms established in this Law and other conditions and criteria established in the area of upbringing and education.

Article 19

(Nurseries and Kindergartens)

From the aspect of organizational forms, preschool upbringing and education shall be implemented at nurseries, for children aged from six months to the completed third year of

life, and at kindergartens, from the completed third year of life until enrollment into primary schools.

Article 20

(Organization of Special Preschool Upbringing and Education Institutions)

In cases when it is not possible to organize the upbringing and education work for preschool children with special needs at preschool institutions, such work may be partially or fully performed at special preschool upbringing and education institutions.

CHAPTER II. ORGANIZATION

Section A. Common Core Curricula

Article 21

(Establishment of the Common Core Curricula)

- (1) At all public and private preschool institutions in Bosnia and Herzegovina, the common core of comprehensive development curricula shall be established and implemented for work at preschool institutions.
- (2) The common core curricula and plans need to:
 - a) guarantee and ensure quality upbringing and education for all children, and accomplishment of satisfactory knowledge, skills and abilities standards;
 - b) ensure consistency in the quality standards for upbringing and education at all preschool institutions in Bosnia and Herzegovina,
 - c) ensure application of programs corresponding to development needs of preschool aged children,
 - d) ensure development of a positive attitude and sense of belonging to the state of Bosnia and Herzegovina through the upbringing and education process,
 - e) ensure the satisfactory coordination of the curricula, as well as their adjustability in line with the specific needs of preschool institutions and local communities, and
 - f) ensure freedom of movement and equal approach to preschool upbringing and development.

Article 22

(Interim Body for Development of the Common Core Curricula)

- (1) The common core curricula shall be developed by a special interim body, whose members shall be appointed by the Ministers of Education of the Republika Srpska, the cantons in the Federation of Bosnia and Herzegovina and of the Brcko District of Bosnia and Herzegovina (hereinafter referred to as: the Brcko District), and one member shall be appointed by the Minister of Civil Affairs of Bosnia and Herzegovina.
- (2) Upon the proposal of the interim body referred to in paragraph (1) of this Article, the agreement on common core curricula shall be adopted and signed by the Minister of Education of the Republika Srpska, Ministers of Education of all the cantons in the Federation of Bosnia and Herzegovina, as well as by the representative of the Brcko District.

Article 23

(Types of Programs)

The preschool institutions in Bosnia and Herzegovina shall use the following programs:

- a) comprehensive development programs,
- b) specialized development programs,
- c) intervention, compensation and rehabilitation programs,
- d) programs aimed at strengthening of parental skills,
- e) programs for children prior to enrollment to schools, if not covered by some form of preschool upbringing and education, and
- f) programs for children of the Bosnia and Herzegovina nationals abroad.

Article 24

(Purpose and Contents of Programs)

- (1) Preschool institutions shall implement the upbringing and education work programs intended for children from the age of birth until enrollment to schools, as well as the programs intended for other beneficiaries interested in development, upbringing, education and general welfare of children.
- (2) The children upbringing and education work programs referred to in paragraph (1) of this Article shall determine the goals and objectives, contents and types, and profiles and education of the employees implementing these programs, based on the previously obtained approval from the competent education authorities.

Section B. Standards and Norms

Article 25

(Pedagogic Standards and Norms)

- (1) The preschool upbringing and education at public and private preschool institutions shall be implemented based on pedagogic standards and norms.
- (2) The competent education authorities shall determine and adopt standards and norms for preschool upbringing and education.
- (3) The standards and norms in preschool upbringing and education shall ensure consistent and efficient application of the common core curricula at all preschool institutions in Bosnia and Herzegovina.

Article 26

(Ensuring of Application and Optional Contents)

- (1) Implementation of standards and norms and of the common core curricula in the area of preschool education shall be in competency of the institution or body established in the appropriate law at the level of Bosnia and Herzegovina (Agency for Preschool, Primary and Secondary Education).
- (2) Within the scope of the common core curricula, public and private preschool institutions shall be free to create and implement specific contents at their own option, in line with the provisions of this Law.

Section C. Reporting and Supervision

Article 27

(Annual Work Programs and Work Reports)

- (1) Preschool institutions shall be obligated to adopt annual work programs.
- (2) Upon the proposal of the expert council, the annual work programs shall be adopted by the administrative board of the preschool institution and shall be submitted by the end of September of the current year to the competent education authorities and the founder.
- (3) The work reports for the past year shall be reviewed and adopted using the same procedure as with work programs, and no later than by the end of September of the current year, they shall be forwarded to the competent institutions for review and adoption.

Article 28

(Supervision and Control of Expert Standards and Norms)

The expert education authorities shall be obligated to ensure control mechanisms for expert supervision over pedagogic monitoring and improvement of work at public and private preschool institutions, in order to ensure the compliance on the part of all preschool institutions with standards and norms.

PART FOUR – EXPERT STANDARDS

CHAPTER I. PROFILES FOR PERFORMING OF THE FUNCTION OF EDUCATOR

Article 29

(Expert Profile)

- (1) The profile for performing of the duty of educator defined in the common core curricula for preschool upbringing and education, degree of education and other requirements for performing of the educator duty shall be defined in the standards and norms of preschool upbringing and education.
- (2) Various programs for preschool upbringing and education in the public and private sectors shall be implemented by educators, specialized experts of various profiles (pedagogues, special pedagogues, speech pathologists, psychologists, medical doctors, social workers) with university degrees.
- (3) The care, protection and advancement of health of the children aged from six months until they enroll to school shall be implemented by medical workers with university degrees, associate or secondary medical degrees.

Article 30

(Assistants and Volunteers)

Implementation of upbringing and education work programs may also involve participation of persons with higher, associate and secondary degrees of the upbringing and education and medical profession, as assistants and volunteers.

Article 31

(Passing of Expert Examination)

- (1) Educators, expert associates and associates who are first-time employed at a preschool institution shall be obligated to pass the expert examination after one year, and before expiry of the second year of direct upbringing and education work.
- (2) The competent education authorities shall regulate the issue of passing of expert examination in a separate regulation.

CHAPTER II. EXPERT AUTHORITIES

Article 32 (Expert Authorities)

The expert council and expert working groups shall be expert bodies performing expert functions at preschool institutions.

Article 33 (Expert Council)

- (1) The expert council shall consist of all the expert employees at preschool institutions, and it shall perform the following tasks:
 - a) monitor and analyze the organization and implementation of the upbringing and education work programs,
 - b) determine the program for expert advancement of educators and monitor its implementation,
 - c) review and determine the proposed annual work program,
 - d) review and provide observations to reports on the work of expert bodies/commissions/boards/working groups,
 - e) form, monitor and analyze the work of expert bodies/commissions/boards/working groups,
 - f) nominate the representative of the administrative board, and
 - g) propose and monitor implementation of cooperation with parents and local communities.
- (2) The expert council shall be managed by the director of the preschool institution.

Article 34 (Expert Working Groups)

- (1) Expert working groups shall be formed from among expert workers by age groups in which the upbringing and education process is conducted.
- (2) Expert working groups shall perform the following tasks:
 - a) ensure harmonized work among the same age groups,
 - b) undertake measures for successful implementation of programs within their working groups, and
 - c) monitor the overall development and activity of children and propose measures for their success.
- (3) The expert working group shall be managed by the chairperson of such working group as elected by the members of the working group.

PART FIVE – ADMINISTRATION AND MANAGEMENT OF PRESCHOOL INSTITUTIONS

CHAPTER I. GOVERNANCE THROUGH LAWS AND REGULATIONS

Article 35

(Determining of Procedures for Administration and Management)

- (1) The issues involving establishment, organization, competencies of bodies, procedures for administration of the preschool upbringing and education system in Bosnia and Herzegovina, shall be governed through laws addressing the area of preschool upbringing and education and in other regulations and enactments passed by the competent education authorities and preschool institutions.
- (2) The laws, regulations and enactments referred to in paragraph (1) of this Article shall govern the competencies and responsibilities for administration, particularly in terms of financing of preschool institutions, the relations between such institutions and founders, and towards the public community, partnership of all entities, management bodies, and all other issues relevant to efficient administration of the preschool upbringing and education.

CHAPTER II. ADMINISTRATION BODIES

Article 36

(Administrative Board)

- (1) The administration body at public preschool institutions shall be the administrative board.
- (2) The members of the administrative board shall be selected based on the public competition using the principle of parity representation of founders, parent councils and expert personnel of preschool institutions, in line with the procedure determined in regulations and enactments passed by the competent education authorities and preschool institutions.
- (3) The competition shall be issued and administered by the commission which shall include one representative each of the founders, parent councils and preschool institutions, as appointed by the founder.
- (4) The members of the commission referred to in paragraph (3) of this Article shall be proposed by the bodies of the entities comprising the commission.
- (5) The composition of the administrative board of the preschool institution must reflect the ethnic structure of children and parents, personnel and founders, as it looks at any given moment, and in principle it should be based on the Bosnia and Herzegovina 1991. census.
- (6) The administrative board shall be responsible for determination and implementation of the preschool institution's policy, general administration of the preschool institution and efficient utilization of human resource and material potentials.

Article 37

(Director)

- (1) The director of the preschool institution shall be appointed by the administrative board, using the procedure determined in the laws or regulations

of the Republika Srpska, cantons in the Federation of Bosnia and Herzegovina and the Brcko District, and general enactments of preschool institutions.

- (2) The director of the preschool institution must have a university degree in the area of preschool upbringing, pedagogy, special pedagogy or psychology. As an exception, a prominent teacher in preschool upbringing and education, proven in practical work, may be appointed director of a preschool institution.
- (3) The director shall be responsible for management of the preschool institution and for implementation of its programmatic activities.
- (4) The director of the private preschool institution shall be appointed by the founder.

Article 38

(Parents Council)

- (1) Parents shall have the right to establish the parents council, and the preschool institution shall be obligated to assist them in this effort. The members of this council shall be elected by the parents.
- (2) The method and procedure for establishment and proceedings of the parents council shall be determined in the general enactment of the preschool institution.
- (3) The parents council shall:
 - a) promote the interests of the preschool institution within the local community,
 - b) present the positions of parents before the administrative board of the preschool institution,
 - c) encourage the involvement of parents in the work of the preschool institution,
 - d) inform the administrative board on its positions when it deems necessary or upon the request of the administrative board, on any issue pertaining to the work of the preschool institution, and
 - e) nominate the representative of parents for the administrative board.

PART SIX – RECORDS AND DOCUMENTATION

Article 39

(Obligation to Maintain Records and Documentation)

- (1) Preschool institutions shall be obligated to maintain all the required pedagogic documentation and records as envisaged in this Law, and in other laws and bylaws.
- (2) Preschool institutions shall be particularly obligated to maintain the records on:
 - a) the children enrolled in the preschool institution,
 - b) monitoring and progress of children,
 - c) gathering of funds from parents, founders, and donors,
 - d) children with special needs, and
 - e) children placed with other families.
- (3) The periods for keeping of the documentation referred to in paragraph (2) of this Article shall be governed in separate regulations.

PART SEVEN – FINANCING

Article 40

(Funds Secured by the Founder)

- (1) The founder of the preschool institution shall secure the funds required for establishment, operations and implementation of the preschool upbringing and education programs, in line with pedagogic standards and norms for preschool upbringing and education.
- (2) The founder shall secure:
 - a) wages for employees (gross), hot meal and annual bonus allowances,
 - b) material costs,
 - c) procurement of basic equipment and teaching appliances,
 - d) expendable materials for the upbringing and education work,
 - e) depreciation and current maintenance of facilities, and
 - f) portion of work and play materials (toys and other core didactic materials).

Article 41
(Funds from Other Sources)

The preschool upbringing and education programs, except for the mandatory preschool upbringing, may also be financially supported in the following manner:

- a) by parents of the preschool aged children, depending on their social status, and
- b) through grants.

Article 42
(Participation of Beneficiaries)

The funds for implementation of shorter and specialized work programs and costs of food for children shall be secured by beneficiaries.

Article 43
(Obligations of the Competent Education Authorities)

The competent education authorities shall secure:

- a) funds for procurement of portion of didactic material,
- b) professional advancement of staff in upbringing and education,
- c) development of preschool work programs,
- d) evaluation of preschool work programs,
- e) portion of funds for implementation of specialized work programs,
- f) publishing activity of the institution,
- g) determine the requirements and pass the decision on beginning of work of preschool institutions.

Article 44
(Obligations of the Competent Body in Charge of Social Protection)

Pursuant to the appropriate laws of the Republika Srpska, the cantons in the Federation of Bosnia and Herzegovina and the Brcko District, the competent body in charge of social protection shall co-finance a portion of costs for:

- a) children without parental care,
- b) children with special needs,

- c) children of disabled persons,
- d) children of civil victims of war,
- e) children of unemployed parents,
- f) children of self-supporting parents,
- g) children of beneficiaries of social benefits, and
- h) children of full-time students.

Article 45
(Health Protection)

The competent ministry in charge of health and/or institutions, pursuant to the appropriate laws of the entities, cantons and the Brcko District, shall ensure:

- a) financing of preventive programs and children's health protection and advancement programs,
- b) wages for medical doctors, special pedagogues, dental doctors, medical nurses,
- c) portion of expendable materials for nurseries,
- d) professional advancement of health workers and special pedagogues,
- e) sanitary examinations for all employees, and
- f) examinations of children prior to enrollment into preschool institutions.

Article 46
(Securing of Funds for Other Needs)

Funds shall be secured from the founder's budget for development of preschool upbringing and education activities, financing of preschool institution departments at hospitals, departments for children with special needs at appropriate institutes, for children of ethnic minorities, particularly the Roma children, as well as subventions for the prices of heating, utilities, water, electrical energy, PTT services and RTV fees placed under the category of households.

Article 47
(Funds for Children from Foster Families)

The placement of children into preschool institutions for children from foster families shall be financed under the same conditions.

PART SEVEN – MONITORING AND SUPERVISION OVER ENFORCEMENT OF THE LAW

Article 48
(Responsibility for Supervision and Enforcement)

- (1) The supervision over enforcement of this Law shall be conducted by the Ministry of Civil Affairs of Bosnia and Herzegovina.
- (2) The competent education authorities shall be responsible for enforcement and application of this Law, application of standards and norms, as well as of work programs.
- (3) The legality and work conditions at preschool institutions shall be controlled by the competent inspection authorities in charge of the education area.

PART EIGHT – PROTECTION OF RIGHTS

Article 49

(Reports on Violations of the Law)

- (1) Reports due to violations of the principles enshrined in this Law may be filed with the competent education institutions or inspectorates in charge of the education area, which shall issue a decision to determine the justification of such violation, and shall order its removal.
- (2) If the decision is not passed within 30 days from the date of filing of the report, or if the party is not satisfied with the decision, it may file an appeal with the competent ministry, which shall be obligated to resolve the appeal within 30 days.
- (3) A dissatisfied party may institute a procedure before the competent court.

Article 50

(Institution of the Disciplinary Procedure)

- (1) A disciplinary procedure against persons who act contrary to this Law may be instituted by the preschool institution, competent inspectorate in charge of education, or the competent ministry of education.
- (2) In case of suspected crime, the preschool institution, competent inspectorate in charge of education, or the competent ministry of education shall so inform the criminal prosecution authorities.

PART NINE – TRANSITIONAL AND FINAL PROVISIONS

Article 51

(Obligation to Pass Harmonized Laws)

Within six months from the date of effectiveness of this Law, the Republika Srpska, cantons in the Federation of Bosnia and Herzegovina, and the Brcko District, shall be obligated to pass their respective laws and harmonize them with this Law.

Article 52

(Obligation to Pass Other Regulations and Enactments)

Within 60 days from the date of effectiveness of this Law, the competent education authorities shall pass:

- a) the standards and norms in the area of preschool upbringing and education,
- b) criteria for financing of preschool institutions,
- c) the regulation on the procedure for determination of requirements, the contents and method for maintenance of the Registry,
- d) the regulation on the method of maintaining of pedagogic and other records and documentation,
- e) the regulation on evaluation and expert advancement of medical staff, educators and other expert personnel working in the upbringing and education process, and
- f) the regulation on expert supervision.

Article 53

(Periods for Adoption of Upbringing and Education Work Programs)

- (1) Within 60 days from the date of effectiveness of this Law, the competent education authorities shall adopt upbringing and education work programs pursuant to this Law, and the methodology for development of annual work programs for preschool institutions.
- (2) The provisions of this Law shall also pertain to private preschool institutions.

Article 54

(Transitional Period for Establishment of Expert Standards)

- (1) Upon effectiveness of this Law, the educators working with children in the upbringing and education process must have university degrees in the area of preschool upbringing.
- (2) The educators with more than 20 years of working record with associate and high school degrees may remain in the upbringing and education process until retirement.
- (3) The transitional period for the employees with inappropriate expert degree shall be governed in the law as determined by the competent education authorities.

Article 55

(Coming into Effect)

This law shall come into effect on the next day from the date of its publishing in the “Official Bulletin of BiH”.

Parliamentary Assembly of BiH, no. 122/07

October 30, 2007

Sarajevo

Speaker

Of the House of Representatives

Of the Parliamentary Assembly of BiH

Dr. Milorad Zivkovic, in person

Speaker

Of the House of Peoples

Of the Parliamentary Assembly of BiH

Ilija Filipovic, in person