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

FRAMEWORK LAW

ON PRESCHOOL CARE AND EDUCATION IN BOSNIA AND HERZEGOVINA

PART I – INTRODUCTORY REMARKS

Article 1.

(Contents of Law)

- (1) Framework Law on Preschool Care and Education in Bosnia and Herzegovina shall regulate: principles, aims and objectives and standards for preparation of common core curriculum for preschool care and education, as well as managing, professional standards, types of records, funding, supervision and other issues relevant to organizing and establishing of preschool institutions.
- (2) Principles, aims and standards regulated by the Law and based on the Law shall not be reduced.

Article 2.

(Function of preschool care and education)

- (1) Preschool care and education shall be an integral part of care and education system in Bosnia and Herzegovina. It shall be the first, special and specific level of care and education system for upbringing of preschool children.
- (2) Preschool care and education should be understood as broad issue described by the terms: upbringing, education, care and protection.

Article 3.

(Primary obligation of Competent Educational Bodies)

Pursuant to the Constitution of Bosnia and Herzegovina and constitutions of entities and cantons, authorities in charge of organizing the education system in Brčko District of Bosnia and Herzegovina, Republika Srpska, cantons in Federation of Bosnia and Herzegovina (hereinafter: Competent Educational Bodies), i.e. institutions which are, according to the valid laws in Bosnia and Herzegovina, registered for providing services of preschool care and education, shall be obliged to apply and obey principles and norms set forth in this Law and provide care and education to all children under equal conditions.

CHAPTER I. PRINCIPLES AND AIMS OF PRESCHOOL CARE AND EDUCATION

Section A. Basic principles and aims

Article 4.

(Principles of development)

Preschool care and education in Bosnia and Herzegovina shall be characterized by the following principles of development:

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

Article 5.

(Recognizing the level of child development)

Preschool care and education based on humanistic approach to care and education, modern scientific achievements and theories on child development and child rights, shall recognize the level of child development, specific development abilities and respective needs of each child.

Article 6.

(Prohibition of discrimination)

- (1) Each child shall have equal right of access and equal opportunities to participate in appropriate care and education system without discrimination on any ground.
- (2) Equal access and equal opportunities shall mean providing equal conditions and opportunities for all, to begin and continue further care and education.

Section B. Principles and aims providing fundamental children's rights

Article 7.

(Providing the best interest of the child)

- (1) The child's right to care and education and proper care for the wellbeing of his or her physical and mental health and safety shall have the priority over any other rights.
- (2) In case of conflict of rights, the priority shall be given to the right, interpretation or action which shall be in the best interest of the child.

Article 8.

(Ensuring one's own values)

General aims of care and education shall arise from generally accepted, universal values of democratic society, and one's own value systems based on specifics of national, historical, cultural and religious tradition of peoples and ethnic minorities living in Bosnia and Herzegovina.

Article 9.

(Promoting optimal child development)

General aim of preschool care and education shall be to promote optimal and equal conditions to each child from birth to school age in order to develop and realize their full potential and skills by quality and professional autonomous institutional and extra-institutional preschool care and education.

Article 10.

(Right to language)

Language and culture of all constitutional peoples and every ethnic minority living in Bosnia and Herzegovina shall be respected and included in preschool institution in compliance with the Constitution of Bosnia and Herzegovina and European Convention on Protection of Human Rights and Fundamental Freedoms, Framework Convention for Protection of Minorities and Convention of the Rights of the Child.

Article 11.

(Respect for religious freedom)

Preschool institutions shall develop, promote and respect national and religious freedom, customs, tolerance and culture of dialogue, in compliance with Article 10 of the Law.

Article 12.

(Integration programs for children with special needs)

(1) Children with special needs shall be included in preschool institutions in accordance with programs adjusted to their respective needs. Individual programs adjusted to their abilities and capabilities shall be developed for each child respectively.

(2) Integration programs shall be developed and implemented for children with special needs.

Article 13.

(Right of parents and children to selection of institution and decision-making)

(1) Parents shall have the right to select public or private preschool institutions in which their child shall receive care and education.

(2) Parents shall have the right and obligation to, via their representatives in preschool institutions and bodies as well as via their associations, in the interest of their children, at all levels participate in decision-making on issues relevant for the activities of preschool institution and functioning of preschool care and education.

CHAPTER II. PRESCHOOL CARE AND EDUCATION FUNCTION

Article 14.

(Identifying the function)

Functions of preschool care and education shall:

- a) ensure conditions for optimal development of each child,
- b) assist parents in their care for, protection, development, upbringing and general wellbeing of the child,
- c) supplement family upbringing, and
- d) provide inclusion of society in wellbeing and progress.

Article 15.

(Standards of care and education functioning)

Public and private preschool institutions shall perform function of care and education in accordance with the curricula whose common cores shall be prescribed by the Competent Educational Bodies, in accordance with pedagogical standards in terms of equipment, didactic, health and hygiene related, esthetic and other resources (hereinafter: standards and norms)

Article 16.

(Age of compulsory preschool education of children)

- (1) In year prior to primary school, preschool care and education shall be obligatory for all children at pre-school age.
- (2) Conditions and ways of funding, curricula and duration of preschool care and education, shall be regulated by relevant law passed by Competent Educational Bodies.

Article 17.

(Enrolment of children)

- (1) Preschool institution enrolment of children shall be done during the year, in compliance with the Law, by-laws of the institutions and other regulations on care and education.
- (2) Public and private preschool institutions, in terms of fulfilling the conditions and applying the procedures without discrimination, shall ensure equal opportunities for enrolment of all children.

PART 3 – ESTABLISHING AND ORGANIZING PRESCHOOL INSTITUTIONS

CHAPTER I. ESTABLISHING

Section A. Establishing the institutions

Article 18.

(Public and private preschool institutions)

- (1) Preschool care and education shall be implemented in public and private preschool institutions.
- (2) Public preschool institutions shall be established by Competent Educational Bodies, in accordance with principles, standards and norms regulated by the Law, and in accordance with other conditions and criteria regulated by provisions on care and education.
- (3) Private preschool institution may be established by national and international natural and legal persons in accordance with principles regulated by the Law, and in accordance with other conditions and criteria regulated by provisions on care and education.

Article 19.

(Nurseries and kindergarten)

In terms of organizational form, preschool care and education shall be performed in nurseries, for children aged six months up to three years, and in kindergarten for children aged three up to pre-primary school age.

Article 20.

(Organizing special preschool care and education institutions)

If preschool children with special needs cannot be provided with care and education in preschool institution, they may partially or entirely be provided with care and education in special preschool care and education institutions.

CHAPTER II. ORGANIZATION

Section A. Common core curriculum

Article 21.

(Development of common core curriculum)

(1) The common core curriculum of integral development program for preschool institutions shall be developed in all public and private preschool institutions in Bosnia and Herzegovina.

(2) Common core curriculum shall:

- a) guarantee and ensure quality care and education for all children and reaching of sufficient standard of knowledge, skills and abilities,
- b) ensure consistent quality of care and education standard in all preschool institutions in Bosnia and Herzegovina,
- c) ensure application of curriculum appropriate for preschool children's developmental needs,
- d) through care and education process ensure development of positive relationship with and sense of belonging to the state of Bosnia and Herzegovina,
- e) ensure adequate coordination of programs, as well as their adjustability to specific needs of preschool institution and local community, and
- f) ensure freedom of movement and equal access to preschool care and education.

Article 22.

(Interim body in charge of drafting common core curriculum)

(1) Common core curriculum shall be drafted by special interim body whose members shall be appointed by the ministers of education of Republika Srpska, cantons in the Federation of Bosnia and Herzegovina and Brčko District of Bosnia and Herzegovina (hereinafter: Brčko District), whereas one member shall be appointed by the Minister of Civil Affairs of Bosnia and Herzegovina.

(2) At proposal of interim body from paragraph (1) of the Article, the agreement on common core curricula shall be adopted and signed by the Minister of Education of Republika Srpska, ministers of education from all cantons in the Federation of Bosnia and Herzegovina, and representative of Brčko District.

Article 23.

(Types of programs)

The following programs shall be used in preschool institutions in Bosnia and Herzegovina:

- a) integral development programs,
- b) specialized development programs,
- c) emergency, compensatory and rehabilitating programs,
- d) parent skill strengthening programs,
- e) programs for pre-primary school children unless they are included in some form of preschool care and education, and
- f) programs for children of Bosnia and Herzegovina citizens living abroad.

Article 24.

(Program purpose and content)

- (1) Preschool institutions shall apply care and education programs for children from birth to pre-primary school age, as well as programs intended for other users interested in development, care, education and general wellbeing of children.
- (2) Care and education programs from paragraph (1) of the Article shall regulate aims and tasks, content and type, as well as profiles and education background of the employees who implement each of these programs, based on pre-approval given by the Competent Educational Bodies.

Section B. Standards and norms

Article 25.

(Pedagogical standards and norms)

- (1) Preschool care and education in public and private preschool institutions shall be implemented on the basis of pedagogical standards and norms.
- (2) Competent Educational Bodies shall identify and adopt standards and norms for preschool care and educations.
- (3) Standards and norms in preschool care and education shall ensure consistent and effective implementation of common core curricula in all preschool institutions in Bosnia and Herzegovina.

Article 26.

(Implementation and selected content)

- (1) The institution or body established by relevant law at the level of Bosnia and Herzegovina (Agency for preschool, primary and secondary education) shall be in charge of implementation of standards and norms and common cores of preschool education.
- (2) Public and private preschool institutions shall have, within common core curricula, freedom of movement and implementation of content of their choice in compliance with provisions of the Law.

Section C. Reporting and supervision

Article 27.

(Annual work programs and reports on activities)

- (1) Preschool institutions shall be obliged to draft annual work programs.
- (2) Annual work programs, at proposal of expert council, shall be adopted by preschool institution board of directors and shall be submitted to the Competent Educational Bodies and founder by the end of September of current year
- (3) Reports on activities for the previous year shall be reviewed and adopted under the same procedure as the work programs, and shall be submitted to the relevant institutions for their consideration and adoption not later than the end of September of current year

Article 28.

(Supervision and control of professional standards and norms)

Competent Educational Bodies shall be obliged to provide control mechanisms of expert supervision in a form of pedagogical monitoring and improvement of activities in public and private preschool institutions in order to ensure that all preschool institutions work in accordance with standards and norms.

PART 4 – PROFESSIONAL STANDARDS

CHAPTER I. EDUCATOR PROFILE

Article 29.

(Expert profiles)

- (1) Profile for the job of educator defined by common core curriculum for preschool care and education, level of education, and other requirements which should be met to work as an educator shall be more thoroughly defined by standards and norms of preschool care and education.
- (2) Different programs of preschool care and education in public and private sector shall be implemented by educators, specialized experts (pedagogues, specialized pedagogues, speech therapists, psychologists, doctors, social workers) with university degree.
- (3) Children' s health care and health improvement at the age between six months and pre-primary school age shall be performed by medical staff with university degree, two-year college degree or secondary medical school.

Article 30.

(Assistants and volunteers)

Persons with university degree, two-year college degree and secondary school degree in the field of education and medicine may participate in the implementation of care and education programs.

Article 31.

(Taking state exam)

- (1) Educators, experts and associates, who work in preschool institution for the first time, shall be obliged to, after one year of their service, and before the end of their second year of direct work in care and education field, pass state exam.
- (2) Competent Educational Bodies shall regulate taking of the state exam by separate regulation.

CHAPTER II. EXPERT BODIES

Article 32.

(Expert bodies)

Expert council and professional group shall be the expert bodies who perform the function of experts in preschool institutions.

Article 33.

(Expert council)

(1) Expert council shall comprise all qualified persons employed in preschool institution who shall perform the following duties:

- a) monitor and analyze organization and implementation of care and education program,
- b) develop program of professional training for educators and monitor its implementation,
- c) consider and develop proposal for annual work plan,
- d) review and give suggestions about reports on activities of expert bodies/committees/board/professional groups,
- e) establish, monitor and analyze activities of expert bodies/committees/board/professional group,
- f) appoint representative of the board of directors, and
- g) propose and monitor realization of cooperation with parents and local community.

(2) Expert council shall be headed by the director of the preschool institution.

Article 34.

(Professional groups)

(1) Professional groups shall be comprised of experts and based on age groups in which care and education process is being implemented.

(2) Professional groups shall perform the following duties:

- a) harmonize activities of peer groups,
- b) take measures for successful implementation of program in its group, and
- c) monitor entire children's development and activities and propose measures for their success.

(3) Professional groups shall be headed by the president elected by the members of groups.

PART 5 – PRESCHOOL INSTITUTIONS MANAGEMENT

CHAPTER I. REGULATING BY LAW AND BY-LAWS

Article 35.

(Development of procedures of management)

(1) Founding related matters, organizing matters, competence of the bodies, and procedures of managing preschool care and education system as part of relevant education system in Bosnia and Herzegovina shall be regulated by law related to preschool care and education and other regulations and acts passed by Competent Educational Bodies and preschool institutions.

(2) Laws, regulations and acts from paragraph (1) of the Article shall regulate competencies and management responsibilities for, particularly in terms of financing of preschool institutions, relationship between these institutions and founder, and relationship between them and social community, partnership of all entities, and all other issues relevant to effective management of preschool care and education.

CHAPTER II. MANAGING BODIES

Article 36.

(Board of directors)

(1) Managing body in public preschool institution shall be board of directors.

(2) Members of board of directors shall be selected by means of public advertising based on parity representation of the founder, parent council and expert staff of preschool institution in accordance with the procedure defined by regulations and acts passed by Competent Educational Bodies and preschool institutions.

(3) Vacancies shall be announced and dealt with by the committee, appointed by the founder, which shall be comprised of one representative of the founder, parents' council and preschool institution representative.

(4) Members of the committee from paragraph (3) of this Article shall be nominated by the committee bodies.

(5) Composition of board of directors shall reflect ethnic structure of children and parents, staff and founder, as it is at that point, generally it shall be in accordance with the census of Bosnia and Herzegovina from 1991.

(6) Board of directors shall be responsible for developing and implementing the policy of preschool institution, general managing of preschool institution and effective use of human and material resources.

Article 37.

(Director)

(1) Director of preschool institution shall be appointed by the board of directors under procedure regulated by the laws or by-laws of Republika Srpska, cantons in the Federation of Bosnia and Herzegovina and of Brčko District and general acts of preschool institution.

(2) Director of preschool institution shall have university degree in preschool education, pedagogy, specialized pedagogy or psychology. Exceptionally, the director of the preschool institution may be a distinguished, recognized teacher of preschool care and education.

(3) Director shall manage preschool institution and implement its activities program.

(4) Director of private preschool institution shall be appointed by the founder.

Article 38.

(Parents' council)

(1) Parents shall have the right to establish parents' council, and preschool institution shall be obliged to assist them in doing so. Members of the council shall be elected by parents.

(2) Manner and procedure of establishing the council and activities of the council shall be regulated by general act of preschool institution.

(3) Parents' council shall:

- a) promote interests of preschool institution in local community,
- b) present parents' views to the preschool institution Board of Directors,
- c) encourage parents' engagement in activities of preschool institution,
- d) inform board of directors on its views on every issue pertinent to the activities of preschool institution when it deems it necessary, or at the request of the board of directors, and
- e) nominate parents' representative to the board of directors.

PART 6 – RECORDS AND DOCUMENTATION

Article 39.

(Obligatory keeping records and documenting)

- (1) Preschool institution shall be obliged to keep any necessary pedagogical documentation and records foreseen by the Law and other legal acts and by-laws.
- (2) Preschool institution shall particularly be obliged to keep records on:
 - a) children in preschool institution,
 - b) monitoring and progress of children,
 - c) collecting funds from parents, founders and donors,
 - d) children with special needs, and
 - e) children in foster care.
- (3) Duration of keeping the records from paragraph (2) of the Article shall be regulated by separate provision.

PART 7 - FUNDING

Article 40.

(Funds provided by founder)

- (1) Founder of preschool institution shall provide funds for founding, activities and implementation of preschool care and education program in accordance with pedagogical standards and norms for preschool care and education.
- (2) Founder shall provide:
 - a) salaries to employees (gross), meals, vacation bonus,
 - b) and cover tangible costs,
 - c) procurement of basic equipment and teaching devices,
 - d) consumable supplies for care and education activities,
 - e) depreciation and current investments into facility maintenance, and

- f) some material for work and play (toys and other basic didactic materials).

Article 41.

(Funds from other sources)

Preschool care and education programs, except for obligatory preschool care, may be funded as follows:

- a) from parents of pre-school age depending on their social status, and
- b) by donations.

Article 42.

(Participation fee for users of services)

Funds for implementation of short-term and specialized work programs and costs of children's nutrition shall be provided by users of services.

Article 43.

(Obligations of Competent Educational Bodies)

Competent Educational Bodies shall provide:

- a) funds for procurement of some didactic material,
- b) professional training of staff in the field of care and education,
- c) development of preschool activities programs,
- d) evaluation of preschool activities programs,
- e) some funds for implementation of specialized activities programs,
- f) publishing activities of the institution,
- g) set conditions and make decisions on the beginning of preschool institution activities.

Article 44.

(Obligations of social welfare authority)

Pursuant to relevant laws of Republika Srpska, cantons in the Federation of Bosnia and Herzegovina and Brčko District, social welfare authority shall co-finance costs of:

- a) children without parents care,
- b) children with special needs,
- c) children of disabled persons,
- d) children civilian victims of war,
- e) children of unemployed parents,
- f) children of single parents,

- g) children beneficiaries of social welfare, and
- h) children of full-time students.

Article 45.

(Health care)

Relevant ministry of health care and/or institution, in compliance with adequate entity laws, canton laws and Brčko Distric laws, shall provide:

- a) funding of prevention programs of care and promotion of children's health,
- b) salaries to doctors, specialized pedagogues, dentists and nurses,
- c) some expandable supplies for nursery,
- d) professional training of medical staff and specialized pedagogues,
- e) sanitary examinations of all employees, and
- f) medical examination of children prior to preschool institution enrolment.

Article 46.

(Providing funds for other purposes)

The budget of the founder shall be used to provide funds for development of preschool care and education, funding of preschool institutions hospital departments, departments for children with special needs at relevant facilities, for children of ethnic minorities, particularly Roma children, as well as heating subsidies, public utilities, water, electric energy, postal services and radio and TV fees, which belong to household categories.

Article 47.

(Funds for children in foster care)

Preschool institution enrolment of children in foster care shall be funded under equal conditions.

PART 7 – MONITORING AND SUPERIVSION OF LAW IMPLEMENTATION

Article 48.

(Supervision and implementation obligation)

- (1) Implementation of the Law shall be supervised by the Ministry of Civil Affairs of Bosnia and Herzegovina.
- (2) Competent Educational Bodies shall be responsible for implementation and enforcement of the Law, application of standards and norms as well as for activity programs.
- (3) Legality and conditions of work in preschool institution shall be inspected by inspectors authorized for the field of education.

PART 8 – PROTECTION OF RIGHTS

Article 49.

(Reporting of the violation of law)

- (1) Reports for the reasons of violation of principles defined by the Law may be filed to the authorized education institution or inspection authorized for education, which shall, by formal decision, determine the justification of such violation and thereby order its removal.
- (2) If the formal decision is not made within 30 days from the day of submitting the report, or if the party is not satisfied with the decision, it may file a complaint to the authorized ministry, which shall be obliged to decide on complaint within 30 days.
- (3) Dissatisfied party may initiate the procedure before the authorized court.

Article 50.

(Taking disciplinary action)

- (1) Preschool institution, authorized education inspection or relevant ministry of education may take disciplinary action against a person acting in contravention of the Law.
- (2) If it is uncertain whether the offense is committed, preschool institution, authorized inspection or authorized ministry of education shall inform relevant bodies dealing with criminal acts.

PART 9 – TRANSITIONAL AND FINAL PROVISIONS

Article 51.

(Obligatory passing of harmonized laws)

Six months after the day of the Law coming into force, Republika Srpska, cantons in the Federation of Bosnia and Herzegovina and Brčko District shall be obliged to pass their laws and harmonize them with the Law.

Article 52.

(Obligatory passing of other regulations and acts)

Competent Educational Bodies shall, within 60 days after the Law coming into force, pass:

- a) standards and norms for preschool care and education,
- b) criteria on funding preschool institutions,
- c) regulation on procedure of setting the conditions, content and manner of keeping the Register,
- d) regulation on manner of keeping pedagogic and other records and documentation,
- e) regulation on evaluation and professional training of medical staff, educators and other professional staff employed in care and education process, and
- f) regulation on expert supervision.

Article 53.

(Deadlines for care and education programs)

- (1) Competent Educational Bodies shall within 60 days from the day of the Law coming into effect draft care and education programs in compliance with the Law, as well as methodology of drafting the annual program of preschool institution.

(2) Provisions of the Law shall include private preschool institutions as well.

Article 54.

(Transitional period for setting of professional standards)

(1) Upon the Law coming into force, educators working with children in the care and education process shall have university degree in the field of preschool education.

(2) Educators with over 20 years work experience and two-year college degree or secondary school degree may continue with their service in care and education process until their retirement.

(3) Transitional period for employees with inadequate education level shall be regulated by law drafted by Competent Educational Bodies.

Article 55.

(Coming into force)

The Law shall come into force on the day following its publishing in the "Official Gazette of B&H".

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Sarajevo

Chairman
of the House of Representatives
of Parliamentary Assembly of B&H
Milorad Živković

Chairman
of the House of Peoples
of Parliamentary assembly of B&H
Ilija Filipović
