

EDUCATION

The information presented in this analysis is selected in accordance with the need to illustrate responsibilities of municipalities in any given sector. The information is prioritized in accordance with this goal and any additional information is available in its original form - domestic legal framework. This document is for the UNDP RMAP staff internal use only and cannot be distributed without authorization.

General information

According to the BiH and the entities' constitutions, entities and cantons (in FBiH) are responsible for making and implementing education policy, including decisions concerning the regulation and provision of education¹. According to the FBiH Constitution, each Canton can delegate authorities concerning education to a municipality, and is obliged to do so if the majority of population in a municipality is not the majority population in the entire canton². The RS Constitution provides that a municipality shall, through its bodies and in accordance with the law, take care of addressing specific needs of citizens *inter alia* in the area of education³.

Education system in the country is characterized by the legal and political fragmentation: there is no central body to co-ordinate educational matters, while there are 12 entity and cantonal ministries and the Education Department of the Brčko District Government. While educational matters in the RS are clearly assigned to the Ministry of Education and Science, the FBiH lacks a clear determination of educational competencies, as the division of responsibilities between the FBiH Ministry for Education, Science, Culture, and Sports and the cantonal ministries dealing with education is not completely clarified⁴.

Education reform in BiH started with the preparation of the Education Reform Strategy and its presentation to the Peace Implementation Council (PIC) in November 2002. The principal goal of the reform is to depoliticise education, create conditions and ensure equal access to a high-quality, modern education throughout BiH. Therefore, the reform strategy focuses on the following elements: access and non-discrimination, improved curriculum and teacher training, vocational education, higher education, finance and legislation. Moreover, to address discrimination against returnee children and ensure their greater enrolment into schools, the Interim Agreement on Accommodation of Specific Needs and Rights of Returnee Children and its Implementation Plan were signed in 2002⁵.

As a part of the reform process, the Framework Law on Primary and Secondary Education in BiH⁶ entered into force in 2003, specifying that education authorities competent to organise education system in accordance with the Constitution and institutions registered for providing educational services are obliged to implement and respect the principles and

¹ BiH Constitution, Annex IV, Article 2/1 and 2/3(l); FBiH Constitution II/A, Article 2/1(m), III Article 4; RS Constitution II, Article 10 and Article 38, IV Article 68(12).

² FBiH Constitution, V/1, Article 2(2)

³ RS Constitution, Article 102(5)

⁴ Competencies of FBiH Ministry for Education derive from the Law on Federation Ministries and Other Bodies of the Federation Administration (OG of FBiH 58/02) and relate to monitoring and coordination of the activities related to harmonization and development of education legislation.

⁵ The Interim Agreement provides returnee parents with the possibility to opt to have their children taught the national group of subjects (language and literature, history, geography, nature and society, religious instruction) according to their choice of curricula. It also provides conditions for the increased employment of returnee teachers and stipulates that the ethnic composition of School Boards shall reflect the composition of the school population where schools are located.

⁶ OG of BiH 18/03

norms of education and to ensure educational services under equal conditions for all students. The Law stipulates that every child has a right to access and equal participation in the educational process as a basic educational and human rights principle. After significant delays and obstructions, legislation in the RS, Cantons and the District of Brčko is has been brought into line with the Framework Law⁷.

The adoption of the State-level Framework Higher Education Law, which was initially put into parliamentary procedure in spring 2004, is still pending⁸.

EDUCATION SECTOR OVERVIEW

Table 1. Duty bearers

Duty bearers in the education sector	
<ul style="list-style-type: none"> • BiH Ministry of Civil Affairs⁹ 	
<ul style="list-style-type: none"> • RS Ministry of Education and Culture • RS Pedagogical Institute • Education inspectorate • RS Municipalities 	<ul style="list-style-type: none"> • FBiH Ministry for Education, Science, Culture, and Sports • FBiH Cantonal Ministries in charge of education • Cantonal Pedagogical Institutes • Institute for Education in Mostar¹⁰ • Cantonal Education Inspectorates • FBiH Municipalities
<ul style="list-style-type: none"> • School authorities • Parents¹¹ 	

Table 2. Relevant legislation

Institution and jurisdiction	State level	Federation BiH			Republika Srpska	
		Entity	Canton	Municipality	Entity	Municipality
General framework on primary and secondary education	x					
Law on primary schools			x		x	
Law on secondary schools			x		x	
Law on education			x		x	

⁷ As Central Bosnia Canton, West Herzegovina Canton and Canton 10 failed to bring their primary and secondary education legislation into line with the State legislation, in July 2004 the High Representative enacted legislation harmonizing education laws in these three cantons with BiH education law.

⁸ The State-level Ministry of Civil Affairs initiated and led the process of drafting of the Framework Law on Higher Education following the Ministerial Conference in Berlin in September 2003 where BiH joined the Bologna process. The House of Representatives of the Parliamentary Assembly of BiH supported the Law, but the Law failed to win the necessary majority at the House of Peoples (representatives of the Croat caucus voted against).

⁹ Standards Assessment Agency and Curriculum Agency are both state-level institutions envisaged by the Framework Law and yet steps towards their creation have been obstructed.

¹⁰ In Croat-majority cantons, there are no separate pedagogic institutes and education support functions are performed by the Institute for Education situated in Mostar.

¹¹ Parents or guardians are obliged to enrol their children in primary school within the prescribed period and to ensure that the child attends school regularly and carries out the other schooling requirements (Article 41 of Posavina Canton LPE, Article 42 of Canton 10 LPE; Article 52 of Herzegovina-Neretva Canton LPE)

inspectorate						
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Table 3. Implementation

Institution and jurisdiction	State level	Federation BiH			Republika Srpska	
		Entity	Canton	Municipality	Entity	Municipality
Establishing of primary schools			x	x	x	
Establishing of secondary schools			x	x	x	x
Operational costs for primary schools			covered by the founder		x	(x)
Operational costs for secondary schools			x		(x)	x
Salaries to staff in primary education			x		x	
Salaries to staff in secondary education			x		x	
Assistance to primary school students (transportation costs over 4 km, free books, etc.)			covered by the founder		x	
Curriculum development for primary and secondary schools ¹²	x		x		x	
Defining criteria, content and modes of organising fundamental education			x		x	
Monitoring and legal remedy			x		x	

¹² Primary and secondary school curricula must be in line with the BiH Common Core Curriculum, which comprises all common elements taught in BiH schools and is an integral part of the state-level Framework Law on Primary and Secondary Education. It was developed by the Common Core Curriculum Steering Board and adopted by all Education Ministries and introduced at the beginning of the 2003/04 school year. According to the Interim Agreement, schools shall organize classes from the national group of subjects (language, literature, history, geography, nature and society, and religious classes) provided that parents and students opt to have the national group of subjects taught according to a curriculum that is different from that already being taught.

Table 4. Responsibilities of the municipality

Primary Education	
Republika Srpska ¹³	Federation BiH
RS Government is the sole founder of primary schools ¹⁴	Canton and/or Municipality can act as the primary school founder ¹⁵
<ol style="list-style-type: none"> 1. Recommends the number and location of primary schools, for approval of the RS Government¹⁶. 2. Recommends the catchment area for primary schools, for approval of the RS Minister of Education¹⁷. 3. Appoints a Commission for ability assessment of children for enrolment into regular schooling (the commission includes a physician, school psychologist-pedagogue and teacher)¹⁸. 4. Covers the costs of services of transportation, food and accommodation of students (residents of the municipality) attending classes and schools for children with special needs (anywhere)¹⁹. 5. Keeping record of illiterate persons and those without complete primary education²⁰. 6. Appoint one representative of the municipality in school boards²¹. 7. Financing²²: <ul style="list-style-type: none"> • in line with capacities provide funds for investment running costs • costs of students' contest at municipal and regional level 	<ol style="list-style-type: none"> 1. Municipality recommends the number and location of primary schools, (including the catchment area) for approval of the Cantonal Government²³. 2. Founder appoints the Commission for assessing the psychological and physical condition of each child before he/she enrolls into regular schooling²⁴. 3. Founder appoints and dismisses school boards members²⁵ 4. Financing (<i>cost sharing schemes may differ</i>) <ul style="list-style-type: none"> • Organises, co-finances or finances the transport of pupils residing more than 4 km from the nearest school²⁶ • Organises and finances transport for children with special needs regardless of distance²⁷ • Founder provides for operational costs²⁸ • <i>Might provide and finance meals for students²⁹</i> • <i>Founder provides the functional accommodation and infrastructure for easy access to education of children with special needs, youth and adults³⁰</i> • <i>Schools which are educating children with special needs have the right to additional budgetary allocation for costs of the special education program or to make architectural adjustments³¹</i> 5. Competent municipal department delivers a list of students eligible for enrolment in regular schooling³²

¹³ Law on Primary Schools (LPS), RS OG 38/04

¹⁴ Article 10 of RS LPS

¹⁵ Article 10 of Posavina Canton LPE (OG 3/04), Article 12 of Canton 10 LPE (OG 7/04); Article 17 of Herzegovina-Neretva Canton LPE. According to the Central Bosnia Canton LPE, the founder of the primary school is the Cantonal Assembly at the proposal of the Cantonal Government (Article 6).

¹⁶ Article 11 of RS LPE

¹⁷ Article 12 of RS LPE

¹⁸ Article 42 of RS LPE

¹⁹ Article 89 of RS LPE

²⁰ Article 103 of RS LPE

²¹ Article 124 of RS LPE

²² The Entity covers most of the costs while municipality participates with small amount in financing of investment actions. Article 145 of RS LPS

Secondary education	
Republika Srpska ³³	Federation BiH
RS Government and Municipalities can be founders ³⁴	Canton and Municipality can be founders ³⁵
1. Municipality covers all costs, except salaries to staff covered by the Entity Ministry ³⁶ . Breakdown of costs is as	1. Founder appoints and dismisses school board members (one-third of school board members is selected by the founder) ³⁸

²³ Article 12 of Posavina Canton LPE; Article 14 of Canton 10 LPE; Article 22 of Herzegovina-Neretva Canton LPE; Article 10 of Central Bosnia Canton LPE (the network of primary schools is established by the Cantonal Government, taking into account the opinion of municipal authorities)

²⁴ Article 40 of Posavina Canton LPE; Article 41 of Canton 10 LPE; Article 51 of Herzegovina-Neretva Canton LPE; Article 34 of the CBC LPE;

²⁵ Article 84 of Canton 10 LPE (out of nine members, the founder selects one-third of school board members), Article 72 of Central Bosnia Canton LPE; Article 87 of Tuzla Canton LPE; Article 71 of the CBC LPE;

²⁶ Articles 9 and 43 of Canton 10 LPE, Articles 7 and 42 of Posavina Canton LPE; Articles 15 and 53 of Herzegovina-Neretva Canton LPE; Article 87 of Central Bosnia Canton LPE

²⁷ Article 43 of Canton 10 LPE, Article 42 Posavina Canton LPE, Article 53 of Herzegovina-Neretva Canton LPE

²⁸ Article 9 of Canton 10 LPE; Article 15 of Herzegovina-Neretva Canton LPE; Article 12 of Tuzla Canton LPE (OG 6/04)

²⁹ Articles 7 and 65 of Posavski Canton LPE, Article 15 of Herzegovina-Neretva Canton

³⁰ Article 27 of Tuzla Canton LPE

³¹ Tuzla Canton case

³² Article 33 of the Central Bosnia Canton LPE

³³ Law on Secondary Schools (LSS), RS Official Gazette No. 38/04

³⁴ Article 9 of RS LSS

³⁵ Article 7 of Posavina Canton LSE; Article 9 of Canton 10 LSE; Article 9 of Central Bosnia Canton LSE (the founder is the Cantonal Assembly at the proposal by the Cantonal Government); Article 34 of Herzegovina-Neretva Canton LSE (A secondary school is founded by the Municipality, following the approval by the Ministry, however, the Cantonal Government can be the founder in economically underdeveloped municipalities. The Municipality recommends to the Ministry the number and type of secondary schools to be founded in its territory.) Article 9 of the CBC LSE - Cantonal Assembly founds a secondary school following the proposal by the Cantonal Government.

³⁶ School and municipality sign a contract on amount of actual funds provided by the Municipality (Articles 136 and 137 of RS LSS).

<p>follows:</p> <ul style="list-style-type: none">• Teaching costs, running and investment maintenance, office material, magazines, administrative costs, etc.• Heating, electricity, water and utilities• Staff transportation costs (if travelling more than 4 km one way);• Medical examination costs;• Maintenance costs;• Depreciation costs;• Municipal and regional competitions costs <p>Additionally, if the municipality is the founder³⁷ of high school, it has responsibility to:</p> <ul style="list-style-type: none">• make a Guideline on high school financing• determine the tuition fee on annual basis	<p>2. Founder secures the necessary funds for opening and operational costs of the school in accordance with pedagogical normative³⁹</p>
<p>Note: All other issues regarding the curriculum, appointment of the school staff, and education process issues are within the jurisdiction of RS or Cantonal Education Ministry, and Pedagogical Institute.</p>	

³⁷ Article 139 of RS LSS

³⁸ Article 44 of Posavina Canton LSE; Article 61 of Canton 10 LSE; Article 61 of Herzegovina-Neretva Canton LSE; Article 99 of Central Bosnia Canton LSE

³⁹ Article 12 of the Canton 1 Law on Secondary Education, OG 3/97.