

PART 3

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Shared Municipal Responsibilities

1. Municipal Education Performance Standards:

In order to ensure that municipalities utilize the funds provided to them in an effective and responsible manner the Ministry will set out a number of education performance standards which municipalities are expected to meet. These will cover issues such as:

- Education standards, e.g. curriculum implementation,
- School building standards;
- Reporting and accountability requirements;
- Teacher qualifications and appointment processes
- Equity, poverty alleviation and minority rights.

These standards are monitored by both, the MDE and the EDO. The EMIS and the standards and assessment exercises as described in Part 2, Section 4.c will play an important role in achieving this tasks. Municipalities who fail to meet minimum standards may be subject to an inspection by the Ministry the task of which is to help the municipality to improve its education performance.

2. Employment¹

With the exception of school directors, municipalities will be responsible for the employment of most education staff by the end of 2002. According to the new Regulation on Primary and Secondary Education in Kosovo municipalities will be appointing, employing and paying education staff, including support, administrative and teaching staff. The Ministry has the authority to regulate the way in which municipalities employ staff. This includes instruction on how to hire, dismiss, promote and sanction staff. Moreover, it is the Ministry's task to ensure that municipalities follow these rules and to intervene whenever this is not the case. In order to ensure a maximum of transparency and objectivity, the Regulation reaffirms the committee based selection system which unites representatives of the municipality, the Ministry, and the school in one commission, including, where applicable, the director, parents, and teachers.

¹ The general legal basis for education staff employment can be found in PSE, Section 20, in the case of municipalities, and, in Sections 13.4 and 13.5 as regards the Ministry. As regards support staff employment, see Section 5 of Part 1 of this handbook.

Education Staff Employment			
	School Directors	Teachers	Admin. & Support Staff
Recruitment*	Joint Recruitment Commission	Joint Recruitment Commission	School Director
Employment	Ministry of Education, Science, and Technology	Municipality	Municipality
Discipline & Firing	Review Commission [in case of dismissal the Ministry]	School Director	School Director
Promotion	Review Commission proposes, Ministry decides	School Director proposes, MDE decides	School Director proposes, MDE decides
Administrative Appeal	Ministry	Review Commission	Review Commission

* All recruitment shall be subject the number of positions allocated in the municipal or school education budget.

a. General employment conditions

The general conditions of employment for education staff employed as public servants by the Ministry of Education, Science and technology or by municipalities are attached to this handbook (Annex 1).

b. Equal opportunity for women

Unfortunately, women remain severely disadvantaged in many areas of education employment in Kosovo. In particular, the number of women in secondary school teaching and school director positions is alarmingly low. In order to bring Kosovo up to general European standards of gender equality, efforts should be made to actively encourage female candidates for all employment opportunities in education.

c. The review commission:

All matters of school director discipline and questions of director and teaching staff dismissal shall be decided upon or reviewed by the Review Commission. Each municipality shall have a Review Commission composed of the MED, the SEO and an education specialist jointly appointed by the former two. In cases where there is no agreement, the Finance and Policy Committee of the Municipality shall appoint the education specialist. The Review Commission shall also review all disciplinary cases brought before it. After an investigation of all available facts, the review commission shall grant a hearing to the person bringing the case before the commission as well as to the teacher or director

concerned in order to allow them to defend themselves. Having heard both parties, the commission shall then decide on the appropriate action to be taken. In the case of a decision to dismiss the employee in question, the committee makes a formal recommendation to the employer.

d. Choosing the Best Candidate

Anyone involved in an appointment must set aside personal preferences and prejudices and base the choice between two or more applicants on:

- education and experience;
- the teaching, administrative or other needs which the appointment aims to fulfil;
- the applicants' qualifications for the post.²

Offences Against Children

An applicant cannot be appointed to an education staff post who has at any time been convicted of an offence involving assault on or indecency with or involving children. A serving teacher who is convicted of such an offence shall immediately be dismissed from her/his post in accordance with applicable law.³

e. Employment of school directors

i. Hiring⁴

School directors, all of whom are employees of the Ministry, are selected by a selection commission comprising the MED (or his nominee), the SEO (or his nominee), and an education expert as voting members. The education expert is appointed jointly by the MED and the SEO. In case of disagreement on the choice of the expert the tasks of appointing goes to the Policy and Finance Committee of the Municipal Assembly concerned. In addition to the voting members a parent representative from the school concerned elected from among the parents on the school board and a teacher representatives elected from among the teachers on the school board are present as non-voting commission members.

Once a candidate is selected, the commission formally proposes him or her to the Ministry for the post. The Ministry, as employer, then appoints the candidate to the post. The Ministry shall not deviate from the decision of the commission unless there are serious and substantiated doubts about the proper conduct of commission proceedings or about the legal eligibility of the candidate.

ii. Discipline and firing:

All matters of school director discipline should be decided upon by the review commission. In most serious cases, this review body can recommend to the Ministry to immediately dismiss a director. For detailed

² PSE, Section 28.6

³ PSE, Section 28.8

⁴ In this context, see DLA-DES Joint Administrative Instruction of 2 July 2001 on The Distribution of Tasks Between The Municipal Education Directorates And Education Development Offices, And Related Matters; in particular Annex A setting out recruitment procedures.

guidelines on discipline, see DES Instruction [I] 21/2001 on Discipline of Education staff. Disciplinary action can be taken for any breach of the Code of Conduct (see below), the Terms and Conditions of Employment (referred to above) as well as upon recommendation by an EDO inspection team.

f. Employment of teachers

By 1 January 2003 responsibility for teaching staff will have been transferred from the Ministry to the municipalities. This devolution has two distinct dimensions, one budgetary the other employment related. On the budgetary side, the Ministry will no longer centrally administer the teaching staff salary budget. Rather, each municipality will receive a block grant directly from CFA, which has to cover all teaching staff salaries in the municipality during the budget period. The other important aspect of devolution is employment related. Until now, teaching staff were employees of the Department of Education and Science. Under the new system, teaching staff will be municipal employees. The basic selection system will not change. However, the selection commission will now propose a candidate to the municipality rather than to the Ministry. The municipality will then appoint the candidate.

i. hiring:⁵

Teachers are selected by a selection commission comprising the MED (or his nominee), the SEO (or his nominee), and the director of the school as voting members. If the school director or his/her deputy is unavailable or has a conflict of interest, an education expert is appointed jointly by the MED and the SEO. In case of disagreement on the choice of the expert the tasks of appointing lies with the Policy and Finance Committee of the Municipal Assembly. In addition to the voting members a parent representative from the school concerned elected from among the parents on the school board and a teacher representatives elected from among the teachers on the same school board are present as non-voting commission members.

Once a candidate is selected, the commission formally proposes him or her to the municipality for the post. The municipality, as employer, then appoints the candidate to the post. The municipality shall not deviate from the decision of the commission unless there are serious and substantiated doubts about the proper conduct of commission proceedings or about the legal eligibility of the candidate.

Once a teacher is appointed a *New Employee Form* will need to be sent to the Central Payroll Unit. This form needs to be signed jointly by the SEO and the MED.

ii. Discipline and dismissal:

Disciplinary action against teachers can be taken for any breach of the Code of Conduct (see below), of the Terms and Conditions of Employment

⁵ In this context, see DLA-DES Joint Administrative Instruction of 2 July 2001 on The Distribution of Tasks Between The Municipal Education Directorates And Education Development Offices, And Related Matters; in particular Annex A setting out recruitment procedures.

(referred to above) as well as upon recommendation by an EDO inspection team.

Teachers are to be disciplined by their respective school directors. The director has the right to fire which can be appealed through the review commission. For detailed guidelines on discipline, see DES Instruction [I] 21/2001 on Discipline of Education staff.

iii. Promotion:

There are four reasons for the promotion of teachers to a higher salary level (see UNMIK Department of Public Services Salary Scale for Public Servants/Officers).

- Firstly the seniority principle: After an extended period of work in the education service teachers should be promoted to a higher salary category if their professional conduct has been fully satisfactory.
- Secondly, teachers may be promoted for showing exceptional ability in their work. Teachers who are setting positive examples to their colleagues because of their professionalism, especially as regards the quality of their teaching, may be considered for promotion.
- Thirdly, a promotion can be granted for exceptional dedication at work, and for the willingness to take on additional tasks and work .
- Fourthly, teachers may be promoted for obtaining additional formal qualifications. Decisions on promotions of teachers should be based on the before mentioned principles and on the budgetary situation.

Decisions on promotions of teachers shall be undertaken by the review commission on a yearly basis subject, where applicable, to an inspection of the teacher by the EDO. Within the limits of the available budget, the commission should decide on promotions proposed either by a school director, the SEO, or the MED, or on cases where teachers have fulfilled the formal requirements for promotion.

g. Code of conduct

Education staff are expected to show exemplary behavior in all aspects of their conduct.

All education staff shall adhere to the Code of Conduct published in DES Instruction 23/2001 of 24 August 2001 and annexed to his handbook (ANNEX 1).

h. Staff management

i. Leave

In the case of teachers, the director of the school decides, on the basis of the Terms and Conditions of Employment on request for leave by staff. In the case of school directors, the MED decides. The information given

below is taken from the Terms and Conditions of Employment and more detailed provisions can be found in Annex 2.

The following rules apply to staff leave:

- Annual leave:
For each completed month of employment, staff receive 1.5 days of annual leave. This adds up to 18 days per year.
- Sick leave:
Employees are entitled to a maximum of 15 days of paid sick leave in any calendar year, accrued at a rate of 1,25 days per month of work. For absences of more than 3 days a certificate from a recognized medical practitioner has to be provided.
- Maternity leave:
Female employees are entitled to 12 weeks of paid maternity leave upon birth of each child, provided that the employee has served the JIAS and/or the Kosovo public service continuously for one year at the estimated time of the birth of the child. (see Annex for further provisions)
- Compassionate leave:
Marriage: 1 day
Paternity: 2 days
Death of a close relative: 3 days
- Unpaid leave:
May be granted in exceptional circumstances
- Unauthorized leave:
Absence of work without prior agreement shall be treated as a disciplinary offence.

ii. Summer Break

During summer break, all education staff should work for the school, in particular as regards improving the curriculum, preparing courses, attending in service training, and maintaining school grounds and buildings.

iii. Temporary replacement of employees

Where employees need to be replaced, for example in the case of maternity leave, the guidelines given in DES Instruction 14/2001 should be followed closely.

3. Non-discrimination and equal opportunity

The new Regulation on Primary and Secondary Education in Kosovo states:

“Access to and progression through all levels of primary and secondary education in Kosovo shall be without direct or indirect discrimination on any real or presumed ground such as sex, race, sexual orientation, marital status, colour, language, religion, political or other opinion, national, ethnic or social origin, association with a national community, property, birth or other status of the pupil or the family.” (PSE, Sect. 5.1)

Non-discrimination is among the fundamental principles of internationally recognised human rights. Questions of equal opportunity and non-discrimination for all children irrespective of their origin and their gender are among the most urgent and pressing ones facing the Kosovo education system. To a large extent the success of an independent and modern Kosovar education system will be judged on the basis of whether or not the Kosovars manage to solve the problems of discrimination and gender inequality.

a. Equal access to all communities

Most Kosovar municipalities are made up of a variety of communities such as Albanians, Serbs, Bosniaks, Turks, Roma, Ashkali, Gorani, and Egyptians. However, no matter to which community they belong, all children have a right to education. It is the duty of every single member of the Kosovar education system to actively ensure that no one is discriminated against in this system. This begins with the question of access to education. Every child in Kosovo is entitled to attend a school without endangering his or her own safety. Municipalities therefore have to ensure not only that the immediate school environment is safe but also that children can safely get to school and back home. In particular, municipalities should take the following steps where necessary:

1. provide transport for children of particular communities in order to allow them to visit schools at a distance from their homes.
2. ensure special police protection for such transports whenever there is a risks of attacks on the route.
3. remind school directors of their duty to immediately notify the municipality where children face harassment or other dangers on their way to and from school.

b. Non-discrimination of communities

Municipal authorities as well as the EDO have a duty to ensure that no child is discriminated against. Therefore, any occurrence of discrimination of a pupil should be treated with the greatest seriousness. Should pupils or parents feel that their complaints regarding discrimination are not properly dealt with by the school or municipal education authorities they can bring their complaint directly to the Municipal Community Office and the International Local Community Officer or to the Communities Committee of the Municipal Assembly who, in conjunction with the Mediation Committee, have wide-ranging powers to intervene in, and rectify, cases of discrimination.

c. Community specific education

According to the new Regulation on Primary and Secondary Education in Kosovo every child has the right to learn his or her mother tongue in

primary school. This does not cover tuition of other subjects in the language concerned. Municipalities are therefore obliged to provide such tuition to all communities in the municipality. Moreover, it is their duty to ensure that every child has safe access to a school where his or her mother tongue is taught. In addition, the new curriculum framework for Kosovo allows for community specific subjects to be taught in schools. The EDO has the task of approving such subjects and ensuring that schools have staff qualified to teach such subjects.

d. Equal opportunity for, and non-discrimination of girls

Girls remain a disadvantaged group in Kosovo. They are disadvantaged in terms of access to all levels of education, and increasingly so the higher the level. It is therefore a very important duty of every member of the Kosovo education system to work towards an education environment in which girls and boys, as well as men and women, enjoy equal rights and opportunities.

e. Monitoring

While both the MDE and the EDO should actively pursue equal opportunity policies, both offices are also expected to monitor education institutions throughout the municipality in order to ensure that such policies are implemented and actively supported at all levels.

4. Integration of schools into the local community

a. Fostering parental involvement

Over the last decades, parents have played an important role in the organization of the school system in Kosovo. This degree of parental involvement is a rather positive development and should be preserved in the future. Parental involvement can improve education in a variety of ways. Parents with an active interest in the quality of education of their children help to monitor and improve teaching standards at schools. Parents who take a strong interest in the physical state of their children's school and its equipment may decide to lend support to the school in the form of financial or material contributions. In order to ensure parental participation in the daily life of Kosovar schools the new regulation on Primary and Secondary Education in Kosovo introduces school boards. Municipalities and the EDO have a duty to ensure that school boards are set up in each school.

b. Setting up school boards

In order to ensure that every school in a municipality will have a school board. The Municipality in cooperation with the EDO should form a School Board Election Commission which oversees and is ultimately responsible for the holding of elections of parent and teacher representatives at every school. In cooperation with school directors the election commission

should set election dates for each individual school, set out the procedures to be followed (see Section 7d for school boards and related procedures), ensure that all parents and teachers are properly informed about the purpose and tasks of school boards as well as the election dates. In particular, care should be taken to make potential candidates for school boards aware of the responsibility and accountability they would take on and of the long term commitment required.

c. Fostering employer involvement

Employers take an obvious interest in education as schools are the places where their future employees are educated. Municipalities may wish to consult with employers in order to determine the kind of knowledge and/or skills which would render graduates better equipped for the local labour market. Schools and municipalities should then consider in how far subject syllabi should reflect local employment requirements while keeping within the curricular framework. In particular, such questions should be addressed in the context of the school-based curriculum (for further explanation regarding the curriculum see Section 6.c.iii). One way of directly involving employers is through their participation in school boards. School boards are free to invite representatives of local employers to attend board sessions. Moreover, the possibility of sponsorship of schools and school activities through local enterprises should not be neglected. Enterprises could for example help to equip certain workshops in which pupils can acquire skills which are of use to the enterprise.

5. Special needs education⁶

Every child in Kosovo has the right to education. Children with impairments that prevent them from participating under normal circumstances in education have the right to special needs education. In order to ensure that all such children have the same access to, and standard of, special needs education, such education is under the overall responsibility of the Ministry. However, the Ministry is sharing or has delegated certain responsibilities to the municipal level. The following tasks are shared with or under the responsibility of municipalities:

a. Identification of children with special educational needs

Traditionally, many families in Kosovo are reluctant to send children with special needs to school. It is therefore very important to actively seek information on such children in order to allow them to receive an education which takes accounts of their individual needs. To this effect, the SEO and the MDE should cooperate with the Municipal Directorate of Health and Social Welfare in the identification of such children.

Once a child has been identified the MED should either request an education needs assessment by a municipal or regional special needs

⁶ See PSE, Chapter 7, for the legal basis and requirements for special needs education in Kosovo.

officer or contact the Special Needs Section of the Ministry directly. These specialists will then look at each individual case and determine education needs.

b. Ensure attendance

Wherever a child with special educational needs has been identified, it is the duty of the MED to inform the parents that they are under obligation to send their child to school and that the Ministry, in cooperation with municipalities, provides for special needs education taking account of the specific needs of their child.

c. Various types of special needs education provision

Depending on each individual case, a variety of options for special needs education exist. Under the leadership of the Finnish Government Special Education Project, the Ministry has developed a variety of options for special needs provision:

- In most cases, the aim is to include children with special needs in regular classes or in attached special classes in a regular school at all levels. To this purpose special needs classes may be formed and/or teachers are provided with special training.
- Children with more severe impairments, which do not allow them to join a regular class or attached special needs classes can be sent to a variety of schools specialized in dealing with particular types of impairments and staffed with specialist personnel.

Currently, Kosovo has schools for children with visual impairments, hearing impairments, and intellectual impairments.

d. Sign Language and Braille

Children under compulsory school age who have sign language as their first language should, as far as possible, receive tuition both in the use of sign language and through the medium of sign language. The Ministry may decide that this tuition may be provided at a school other than the local school. Partially sighted and blind pupils have the right to instruction in the use of Braille and necessary technical aids, as well as to necessary orientation and mobility instruction in movement at school, to and from school and at home.⁷

e. Provide special transport

In most cases, children with impairments have reduced mobility. It is of paramount importance to ensure safe transport to and from schools for them. Whenever the parents of the child in question do not have the

⁷ Sections 36.1, 36.2 and 36.3

means necessary to provide such transport it is the task of the MED and the Municipality to organize transport as far as financial means allow.

6. Implementation of 5-4-3 system

Throughout the year of 2002, the Ministry will implement a new system of School organization for Kosovo. This system, known as the 5-4-3 system, divides primary and secondary schooling in three separate periods. Primary school will in the future consist of 5 years, followed by 4 years of lower secondary and 3 years of upper secondary schooling. Ultimately, this system should be reflected in the physical separation of schools providing education at these three levels.

7. Monitor and pursue compulsory student attendance

According to the UNMIK Regulation on Primary and Secondary Education in Kosovo every child in Kosovo is obliged to attend school until the completion of the ninth year after admission to primary school (PSE Section 7). The MED has the overall responsibility at the municipal level to ensure that all children in the municipality are (a) sent to school upon reaching compulsory school age (6 years) and (b) remain in school until compulsory schooling is completed. Wherever this not the case, the MED should contact the parents, and, if such efforts prove unsuccessful, take further steps.

Refer cases to social welfare where lack of attendance is due to economic conditions of family.

a. Education of girls

It is of paramount importance to encourage parents all over Kosovo to send all their children, boys and girls, to school. Statistics prove that girls in Kosovo are severely disadvantaged in terms of education provision. Many families are reluctant to send girls to school and the percentage of girls in schools decreases the higher the classes are. This is particularly true after primary school where a radical drop in attendance of girls has been observed, especially in rural areas. One major reason for this drop is the higher cost of transport to secondary schools from rural areas.

In order to encourage girls, but also boys, from rural areas to attend secondary schools, municipalities should target some of their resources specifically at providing transport services to remote areas at a cost affordable to all families in that area. Wherever municipalities cannot find the necessary funds to provide such transport the Ministry should be consulted in order to seek additional ways of financing.

8. Preventive and Civic (Peace and tolerance) Education

The MDE and the SEO should cooperate in the promotion of preventive Education in their municipality through and in addition to the curriculum. This concerns, for example, awareness raising on issues such as traffic safety or AIDS, tabac, alcohol, risks of enrollment in paramilitary organisations, tolerance .Where appropriate other municipal departments or organs such as the Department of Health or the local Police should be contacted with a view to lending support to such education. Close coordination with schools is necessary in this context, for example in order to organise extracurricular activities aimed at raising awareness.