



Subject	ADVANCING EDUCATIONAL INCLUSION AND QUALITY IN SOUTH-EAST EUROPE: Legal framework	
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# 1 Bosnia and Herzegovina– Legal framework

## 1.1 Background

In Bosnia and Herzegovina there are 13 different ministries of education. One in the Republika Srpska, one in the Federation of BiH, one in each of 10 Federation canton and a functionally equivalent Education Department in the Brčko District of BiH. Every ministry has its own Law on primary education except for Federation of B&H. In addition there is state-level law: “Framework law on primary and secondary education in Bosnia and Herzegovina” that had been adopted by the House of Peoples in 2003, providing the principles for a more cohesive education system which respects the rights of all.

Cantonal-level laws are still in the process of harmonizing their versions of the law in accordance with the Framework law on primary and secondary education in Bosnia and Herzegovina.

## 1.2 Framework law on primary and secondary education in Bosnia and Herzegovina

### 1.2.1 Rights and obligations of parents

According to article 22 of the Law, parents, care takers and foster parents (hereinafter referred to as: Parents) are the basic educators of their children and exercise rights and obligations resulting from that role in accordance with this Law and other valid regulations

Article 23 says that parents have the right and obligation to take care of the education of their children and to choose the type of education their children will acquire, according to their belief on what is in the best interest of their children and subject to availability, provided that such a choice exercises the right of a child to appropriate education

Article 24 and 25 say that in the exercise of their rights, parents can not limit the right of their children to have access to and benefit from an education appropriate to their needs and capacities or to choose the education of their children in a way that promotes prejudice on racial, sexual, ethnic, linguistic, religious or any other basis, nor in a way contrary to this law.

Parents also have the right to educate their children in public and private schools.

According to article 27, parents are obliged to ensure regular attendance of their children in school during the period of obligatory education. In case of negligence and irresponsible behavior to this obligation, parents are subject to legal sanctions.

Parents also have the right and obligation to, according to the circumstances and their possibilities, urge further education of their children.

Article 28 says that it is also a right and obligation of the parents to be informed, consult and follow the educational progress of their children, as well as to follow and evaluate the work of the headmaster, teachers and other school personnel, and the quality of the work in the school as a whole.

Parents have the right and obligation to participate in all levels of decision-making, regarding issues relevant to the work of the school and functioning of the educational system in general, in the best interest of their children and through their representatives in the school bodies and through their associations.

In accordance with article 38, issues of school functions and activities, its organization, method of work and house rules in school are defined by school general rules in accordance with the valid regulations, made in consultation with students, parents and teachers.

## School board

Article 51 describes that each school shall have a school board, that the school board is responsible for determination and implementation of school policy, general management of school work and efficient use of material and personnel resources.

The school board members are elected from school staff, school founder, local community and parents, in accordance with legally proscribed procedure, and based on principle of equal representation of all structures' representatives.

The composition of the school board must reflect the national structure of students and parents, school staff and local community, as it is recorded at a relevant time, in principle according to the census of BiH population from 1991.

Performance of duties of the school board members is voluntarily and without compensation.

## Parents council

Article 53 says that parents of children attending schools have right, and school has obligation, to help parents to establish the parents' council, whose members are appointed by the parents of students.

Manner and procedure of establishment and work of parents' council are defined by general school acts.

Activities of Parents' councils are:

- a) Promoting interests of schools in the community the school is situated in;
- b) Representing attitudes of students' parents before the school board;
- c) Encouraging active engagement of parents in work of school;
- d) Informing school board on its attitudes whenever it considers it necessary, or, upon requests of board, on every issue related to work and school management;
- e) Selecting and nominates School Board parents' representatives; and
- f) Participating in preparation and realization of adequate projects which encourage and promote educational work in school.

## 1.3 Other laws

There are some minor differences throughout the laws regarding the composition and rights and responsibilities of school boards and parents' councils.

According to all Laws on primary education, one parent is the member of school board.

Regarding the parents' councils, the differences in the procedures of establishment and membership over different laws are described in the Table 1.

Apart from parents' councils, some laws offer the possibility for parents' councils and pupils' councils to jointly work in a form of a co-council that would be comprised of parents, teachers, pupils, school administration and community members interested in the issue (also in Table 1 Parents council).

Table 1 Parents council

Administrative unit	Who can be member?	Procedure of establishment	Co-council
B&H	Parents	Defined by general school acts	
RS	Parents	Defined by school statute	✓
Unsko-sanski kanton	18 Parents and 3 teachers	Defined by school regulations	
Posavski kanton	Parents, teachers, school administration, pupils, all community members interested	Defined by general school acts	
Tuzlanski kanton	Parents	Defined by the cantonal Minister of education	✓
Zeničko-dobojski kanton	Parents		
Bosansko-podrinjski kanton	Parents, teachers, school administration, pupils, all community members interested	Defined by general school acts and by each council independently	
Srednjobosanski kanton	Parents, teachers, school representatives (teachers, pupils, and school administration ), all community members interested	Defined by general school acts and by statute of the council	✓
Hercegovačko-neretvanski kanton	Parents constitute the majority	Defined by general school acts	
Zapadnohercegovački kanton	Parents	Defined by school statute	✓
Sarajevo Canton	One parent from each class		✓
Canton 10	Parents, teachers, school administration, pupils, all community members interested	Defined by general school acts	
District Brčko	Parents	Defined by general school acts	

Council members' mandate takes from one to four years, with the possibility of re-election of members from the previous gathering.

Parents' council has: President, Vice President, and Secretary of Council.

President role is to organize and lead meetings, propose the agenda of meetings, sign council's documents, and to represent the council in and out of the school

Council Vice President assists the President in his work, and performs as president if the president is prevented from doing so.

Secretary of Council role is taking the minutes at the Council meeting of parents, inform the Council members on holding next meeting, informing other parents about the decision taken at the meeting, and performing other administrative tasks.