

## LAW

NR.69/2012

# ON PRE-UNIVERSITY EDUCATION SYSTEM IN THE REPUBLIC OF ALBANIA

## CHAPTER I GENERAL PROVISIONS

### Article 1

#### Objective, aim and scope of application of the law

1. The objective of this law is setting out the basic principles concerning the structure, activity and governance of the pre-university educational system in the Republic of Albania.
2. The aim of this law is guaranteeing the constitutional right for education, in accordance with the respective legal framework for the functioning of the pre-university educational system.
3. The scope of application of this law is the pre-university educational system in the Republic of Albania, additional to the aspects of structure, activity and governance of the vocational education, being regulated by separate law.

### Article 2

#### Definitions

**The following terms have in this law the following meanings:**

1. **"Pre-university education"** encompasses the educational levels with codes 0, 1, 2 and 3, in accordance with the "Standard International Classification of Education", approved by the general Conference of UNESCO, in its 29-nth section, in November 1997, respectively,:
  - a) "Level with code 0", pre-schooling education.
  - b) "Level with code 1", initial education.
  - c) "Level with code 2", low secondary education.
  - ç) "Level with code 3", high secondary education.

2. "**Distance education**", educational mode, where the bulk of the teaching process is accomplished as the teacher and student is not found in the same location and at the same time, and it is accomplished by means of the communication and information technology.
3. "**Gymnasium**", general secondary school.
4. "**Field of learning**", a subject or a concert of subjects approaching the reality from certain perspectives.
5. "**Educational institution**", kindergarten or school.
6. "**Complementary institution**", institution enriching the learning and living experiences of students.
7. "**Curriculum**", the entirety of documentation such as: curricular framework, schooling plan, syllabus, teaching text and further materials of a subject or learning field and the entire activity in the learning environment, being instrumental for ensuring a certain training of persons learning.
8. "**Curricular frame**", is the basic document of curriculum, describing its main aims, fundamental competences, expected results for students concerning their knowledge, skills and attitudes upon the completion of the initial and high secondary education, aims in fields of learning and general principles in teaching and learning process and evaluation of students.
9. "**Fundamental competences**", is the intertwining of knowledge, skills and attitudes as well as values needed for students in their individual development, active civics, social involvement and employment.
10. "**Kindergarten**", is the educational institution providing educational service of the level code 0.
11. "**Core curriculum**" is the joint curriculum for the entire students of a form in the educational system.
12. "**Minister**" is the minister dealing with the pre-university education issues.
13. "**Ministry**" is the ministry dealing with the pre-university education issues.
14. "**Teacher**" is the person having obtained the title to practice the teaching profession at pre-university education.
15. "**Student**", is the person being educated in the pre-university education.

16. **"Disabled students"**, is the person having long-term physical, mental, sensual, attitude-related deficiency, or a combination thereof, which, in concert, may prevent him from fully and equally participating in its education and social life.
17. **"Social partner"** are the trade unions with whom the Minister of Education and Science signs up the collective labour contract.
18. **"Teaching syllabus"**, is the document containing the aims of the subject, its specific competences, performance objectives of the students, main contents, specific methodology of teaching, learning and evaluation of performance of students.
19. **"School"** is the institution providing educational services for the level codes 1, 2, 3.
20. **"Private school"** are the non-public schools which are not established, financed and administered by the central or local government.
21. **"Complementary activity"** are the activities being scheduled by the educational institution and aiming at enriching the teaching and living experiences of students.
22. **"22. Parents Council"** is the forum consisting of representatives of the parents of students of the educational institution."

### **Article 3**

#### **Pre-university education system aim**

The pre-university educational system aims at training every individual to be aware of the family, society and nation, and specifically:

- a) to respect, protect the national identity and develop the cultural heritage;
- b) to be developed in the ethical, intellectual, physical, social and aesthetic aspect, be able to think independently, critically and creatively, to be adjusted to the changes, have self-trust and cooperation spirit, be able to provide his assistance for the welfare, progress, freedom and democracy;
- c) to be deeply convinced that justice, peace, harmony, cooperation and respect for others are high human values;
- ç) to respect the traditions of other peoples;
- d) to be aware for meeting his responsibilities for the environmental protection.

### **Article 4**

#### **Regulatory and auxiliary framework of educational system**

The pre-university educational system are building on the tradition of the Albanian education, functioning in compliance with the Constitution of the Republic of Albania, effective Albanian legislation and developing in line with the joint values of the contemporary educational systems.

**Article 5**  
**Right to education**

1. The right to education in the Republic of Albania shall be guaranteed to the Albanian citizens, foreign citizens and those without citizenship, without discrimination in terms of gender, race, colour, ethnicity, language, sexual orientation, political or religious convictions, economic or social status, age, residing location, disability or other grounds being referred to in the Albanian legislation.

**Article 6**  
**General Principles**

1. The interest of the students in the activity of the institutions of pre-university educational system shall have priority.
2. The human rights and freedoms in general and rights of children specifically shall be observed, protected and promoted in the pre-university educational system.
3. Protection against any form of action or omission, which may cause discrimination, maltreatment or moral harm, shall be provided to students and educational employees in the pre-university educational system.
4. The principles of all-involvement of students shall be abided by in the educational institutions.
5. Every student shall be ensured the right to quality education.
6. Students of vulnerable families, disabled students and those being in learning difficulty shall be ensured specific care.
7. The activity of the institutions at the pre-university educational system and their employees shall be transparent and based on the accountability to the beneficiaries of the educational service.
8. The right of students, educational employees, parents and their legal representatives, hereunder "parents" shall be guaranteed their right to express their views concerning the quality of the educational service and to be heard concerning these views in the pre-university educational system.
9. The pre-university educational system shall function based on the decentralisation as well as autonomy of the educational institutions.
10. The right of association of students, teachers and parents to represent their rights as well as provide their assistance to the progress of institution shall be guaranteed in the pre-university educational system.
11. The educational service shall rely and be evaluated based on the standards. The evaluation shall be internal and external.

**Article 7**  
**Laicity**

1. The pre-university education is laic.

2. Exempted shall be the educational institutions being established by the religious communities recognised by law, which are opened in accordance with the provisions of point 4, Article 42, of this Law"

### **Article 8**

#### **Depoliticization**

The pre-university education shall be depoliticized.

### **Article 9**

#### **Language of education**

The education language in educational institutions shall be Albanian, in addition to the cases provided for differently by law.

### **Article 10**

#### **Education for national minorities**

1. The persons, belonging to national minorities, shall be provided the opportunity to learn and be taught in their mother tongue, to learn their history and culture in accordance to the teaching plans and syllabuses.
2. The students of the national minorities shall be ensured the conditions to learn the Albanian language and get to know the Albanian history and culture, to the effect of ensuring the active and equal participation in the economic, social, political and cultural life in the Republic of Albania.
3. The teaching plans and syllabuses, as well as the ratio of the use of the mother tongue and the official language in the teaching process shall be determined by separate acts of the minister.

### **Article 11**

#### **Education for Albanian children abroad**

The Ministry shall, in cooperation with the diplomatic representations of the Republic of Albania and other state institutions, support the implementation of the specific syllabuses for teaching the Albanian language and recognition of the Albanian cultural heritage for to the children of diaspora , in accordance with the Albanian legislation.

### **Article 12**

#### **Bi-lingual education**

Bilingual education at high secondary education shall be done in accordance with the bilateral agreements between the Republic of Albania and other countries.

### **Article 13**

## **Fundamental competences**

Fundamental competences for the entire students are:

- a) Communication in the mother tongue
- b) Communication in foreign languages
- c) Mathematical competences and basic competences in natural sciences and technology.
- ç) digital technology.
- d) Competence to learn during the entire life.
- dh) Social and civilian competences.
- e) Competence of initiative and entrepreneurship.
- ë) Competence of cultural and expression training

## **CHAPTER II**

### **EDUCATIONAL INSTITUTIONS AND FORMS OF EDUCATION**

#### **Article 14**

##### **Pre-university educational system institutions**

Functioning in the educational system shall be the kindergartens, schools and complementary institutions being public or private.

#### **Article 15**

##### **Cultural centres of students**

The cultural centres of children shall be complementary institutions, being under the authority of the local governance units and shall be opened upon the decision of the Council of Ministers.

#### **Article 16**

##### **Forms of education**

The forms of education at schools are:

- a) Full time education;
- b) Part time education;
- c) Distance education,

#### **Article 17**

##### **Education in home conditions**

The education in home conditions shall be provided in separate cases, for the entire forms of initial education or only some of them. The Minister shall determine the separate cases, criteria and procedures for the education in home conditions.

#### **Article 18**

##### **Education in non-school institutions**

The ministry shall, in cooperation with the respective authorities, ensure the mandatory education at the remand and penitentiary institutions and at the social care institutions.

#### **Article 19**

##### **Provision of care to separate categories of students**

The separate categories of students, as well as from vulnerable families, and those disabled or being in learning difficulty, shall be provided special care by the state. The forms and criteria of care shall be determined upon the decision of the Council of Ministers.

#### **Article 20**

##### **Psychological service at educational institutions**

The local educational units shall provide psychological service to the students and employees of educational institutions concerning certain aspects of students progress.

### **CHAPTER III**

#### **PRE-UNIVERSITY EDUCATION LEVELS**

#### **Article 21**

##### **Pre-schooling education**

1. Pre-school education aims at the social, intellectual and physical development of every child, practising of fundamental rules of conduct and hygiene, cultivation of values, as well as preparation for the initial education.
2. The pre-school education shall be followed by the children aged from three through six years old. The children aged five years shall be provided the opportunity of following the preparatory form at the school of initial education aiming at the integration of the mandatory education.

#### **Article 22**

##### **Initial Education**

1. The initial education aims at the social, intellectual and physical development of every student, the command of the rules of conduct and cultivation of values, health

care, as well as sufficient preparation for continuing with the secondary high education or labour market.

2. The initial education encompass the elementary education and secondary low education. The elementary education consists of six forms, from the first form through to the sixth form. The secondary low education consists of three forms, from the seventh form through to the ninth form.
3. The oriented education schools may start in certain forms of the initial education ensuring the sufficient training of students in the subjects of general culture.
4.
  - a) The full time initial education is mandatory for all the children, being Albanian citizens residing in the Republic of Albania from the age of six through to the age of sixteen, with the exception of the cases provided for in this law.
  - b) The students shall be entitled to follow the full initial education up to the age of seventeen years old. The students having reached the age of seventeen years old and not having completed the initial education shall be allowed to complete the form currently followed.
  - c) The students having reached the age of sixteen years old not having completed the full time initial education shall be registered with the part time initial education schools.
5. The students not having followed at least two forms of full time initial education shall be entitled to follow the initial education with individual teaching programs, in accordance with the procedures set out by instruction of Minister.

### **Article 23**

#### **High secondary education**

1. The high secondary education aims at further developing the competences obtained in initial education, consolidation of the individuality of every student and the entirety of values and attitudes, extension and deepening in certain fields of knowledge, preparation for the tertiary education or labour market. The Council of Ministers shall develop policies aiming at providing the opportunity to every student completing the initial education to be enrolled with the high secondary education.
2. Accepted to the tenth form of the full time high secondary education shall be the students not older than 18 years old, with the exception of cases being provided for by law.

The student up to the age of twenty one shall be allowed to follow the three-year high secondary education, courses up to the age of twenty two, the four-year high secondary education.

The students having reached respectively the age of twenty one years old in three-year secondary medium education or twenty two years old in the four-year education and not completing the high secondary education, shall be allowed to follow the form being followed until the end of that academic year.



**Article 24**  
**Types of higher secondary education**

1. The types of the high secondary education are gymnasium, secondary vocational education and oriented secondary education.
2. The gymnasium consists of three forms. The students having reached the age of twenty one years old and not having completed the gymnasium shall be provided the opportunity of following the part time or distance gymnasium.
3. The secondary vocational education is in accordance with this law, with the law on vocational education in the Republic of Albania and in accordance with the Albanian Frame of Qualifications.
4. The schools of oriented education are the arts schools, sports schools, foreign languages schools and the schools of other fields of learning. The admission to the oriented education schools shall be done in accordance with the criteria and procedures set out by instruction of the minister.

**CHAPTER V**  
**PRE-UNIVERSITY EDUCATION SYSTEM MANAGEMENT**

**Article 25**  
**Ministry of Education and Science**

The main functions of the ministry for pre-university education shall be:

- a) drafting the legal and subordinate legal acts of the educational system;
- b) implementing the National Strategy of Pre-university Education;
- c) evaluating the quality of educational service based on indicators;
- ç) controlling the implementation of legality and use of the funds at educational institutions;
- d) drafting and implementing the policies of vocational development of educational employees and accreditation of training programs;
- dh) ensuring the vocational support by specialised institutions, local or foreign, for researches and experiments in the field of education;
- e) cooperating in the field of education with the line ministries, units of local governance and with further organisations, governmental or non-governmental, local or foreign;
- ë) publishing every academic year the report of achievements in the pre-university educational system.

**Article 26**  
**Minister**

1. The Minister shall be responsible for the implementation of the political governmental program in the field of pre-university education.
2. In addition to the other tasks set out in this law, the Minister shall:
  - a) issue orders and instructions for implementing this law;
  - b) propose the budget for the pre-university education in accordance with provisions in other effective legal and subordinate legal acts;
  - c) approve the curricular documentation in accordance with the provisions of this law;
  - ë) approve the structure of the academic year;
  - d) approve the teaching weekly and annual work-load of the educational employees and the number of students per classroom for the public educational institutions;
  - dh) approve the criteria, documentation and the procedures of enrolment of students with the educational institutions;
  - e) approve the model regulation of the educational institutions;
  - ë) approve the criteria for granting the certificates of prizes and shall issue them for the students and employees of educational system.

**Article 27**  
**State Inspectorate of Education**

1. The State Inspectorate of Education shall be established with the Ministry, hereunder "inspectorate", being an institution under the authority of the Minister.
2. The main functions of the inspectorate for pre-university education shall be:
  - a) evaluating the quality of the service of educational institutions and local educational units;
  - b) checking out the compliance of the activity of the educational institutions and local educational units with the effective legal requirements;
  - c) advising the educational managers and employees of educational institutions and of local educational units;
  - ç) informing the Minister, local educational units and institutions for findings of educational inspections, as well as making them public;
  - d) distribution of successful practices of educational institutions and local educational units.
3. The inspection shall, in accordance with this law, be inspected by the law on Inspection in the Republic of Albania, provided it has not been explicitly provided for differently in this law.

**Article 28**  
**Basic units of local governance**

1. The basic unit of local governance shall be tasked with the continuous improvement of the quality of educational service for all the students in public pre-university educational institutions, in line with the effective legislation.
2. The main competences of the basic unit of the local government are:
  - a) construction and restoration of the buildings of the public educational institutions, in accordance with the standards approved by the Council of Ministers, with the state budget funds or funds from conditioned transfers or own revenues;
  - b) guaranteeing the inviolability of the educational institutions under its jurisdiction, as well as their surrounding premises;
  - c) protecting the maintaining the public educational institution;
  - ç) guaranteeing the hygiene - sanitary conditions of heating in the buildings of public educational institutions.
3. The basic unit of the local governance shall, in cooperation with the respective educational local unit and public educational institutions, be responsible for the registration of students in public schools of full time mandatory education.
4. The basic unit of local governance shall, based on the proposals of the local educational units and educational institutions and in accordance with the criteria approved by local units councils, support:
  - a) students of vulnerable families;
  - b) students with excellent achievements;
  - c) employees of educational institutions for their professional development and the development of curriculum.
  - ç) provision of educational institutions with didactic equipment.

**Article 29**  
**National Council of Pre-university Education**

1. The National Council of Pre-university Education shall be an advisory body of the minister for the policies of development of pre-university education.
2. The National Council of Pre-university Education shall provide opinions on:
  - a) drafting strategies, national programs and legal acts;
  - b) draft-budget for pre-university education;
  - c) further issues of educational policies, upon the request of the Minister.

3. The activity of the National Council of Pre-university Education shall be practised in accordance with the regulation being approved by the Council of Ministers.
4. The National Council of Pre-university Education shall be chaired by the Minister and shall consist of fourteen members, with the following composition:
  - a) Representative of the Minister of Finance.
  - b) Representative of the Minister of Interior.
  - c) Representative of the Minister of Social Affairs and Equal Opportunity;
  - ç) Representative of the association of the municipalities with the biggest number of municipalities;
  - d) Representative of the association of the communes with the biggest number of communes;
  - dh) Two representatives from social partners.
  - e) A representative of the national association of parents.
  - ë) Six outstanding personalities for their contribution in the field of education, science and public life, being elected on public competition.
5. The members of the National Council of Pre-university Education, being subject to public competition, shall be selected by a commission, established with the ministry, consisting of a representative of the cabinet of Premier, a representative of the Minister and a representative of the Council of Higher Education and Science. The criteria and procedures for the selection of the candidates shall be determined upon the instruction of the minister and they shall become public.
6. The Council of Ministers shall appoint to the office of the member of National Council of Pre-university Education six of the candidates selected by public competition.
7. The members, being outstanding personalities in the field of education, shall be elected for a term of 4 years.
8. The members referred to in letter "ë" of point 4 of this Article shall benefit payment financial recognition, to the extent and modus set out by the decision of the Council of Ministers.

**Article 30**  
**Local educational units**

1. The ministry shall be represented at local level by the local educational units, being established upon the decision of the Council of Ministers. Their structure and organigramme shall be approved upon the order of the Premier.
2. The local educational units shall be the educational departments, at regional level and educational offices at sub-regional level.

3. The local educational unit shall be responsible for the functioning of the educational institutions within its jurisdiction.
4. The local educational unit shall:
  - a) approve the National Strategy of Pre-university Education;
  - b) support the educational institutions for the continuous improvement of the quality of educational service;
  - c) cooperate with the basic units of the local government;
  - ç) ensure the didactic equipment for the public educational institutions in accordance with the formula "per student".
  - d) make use of the special fund of the annual budget for rewarding the employees of educational institutions for outstanding achievements. The criteria for using this fund shall be determined upon the decision of the Council of Ministers.
5. The heads of the local educational units, heads of the sectors and their specialists shall be selected by open competition, in accordance with the criteria and procedures set out in the law "On the status of civil employee".
6. The candidate for the head of the local educational unit shall minimally have the category "qualified teacher" and not be part of the steering forums of political parties subsequent to election.

**Article 31**  
**Local Council of Pre-university Education**

1. The Local Council of Pre-university Education shall be an advisory body, at regional level, for the policies of the development of pre-university education, within the territorial jurisdiction of the region. The Local Council of Pre-university Education shall be established upon the decision of the regional council and shall function in accordance with the regulation approved by it.
2. The Local Council of Pre-university Education shall consist *of* seven members and shall be chaired by the head of the regional council. The members are representatives of the local governance units and renowned personalities in their public life. The criteria and procedures for the selection of the members of the Local Council of Pre-university Education shall be determined upon the decision of the regional council.

**Article 32**  
**Educational institution**

1. The educational institution shall be tasked with ensuring the friendly environment for the students and opportunities so that every student may demonstrate, develop and implement his potential in accordance with this law.

2. The educational institution shall function in accordance with its internal standing rules, which shall be in compliance with this law and other effective legal acts and be approved by the head of the respective local educational unit.
3. The educational institution shall provide to students the environment and equipment for sports, cultural and recreational activities even beyond teaching hours, as well as on holidays.
4. The organisation of party-oriented activities with pre-university educational system institutions shall be prohibited.

### **Article 33**

#### **The Commission of Ethics and Conduct with the educational institution**

The Commission of Ethics and Conduct shall function with every educational institution, consisting of teachers, parents and students. The commission shall be tasked with considering the complaints of students, parents and employees of the institution in relation with violation of norms of ethics and conduct, and proposing the respective measures to the head of the institution.

### **Article 34**

#### **Board of educational institution**

1. Every educational institution shall have its own board consisting of parents, students, teachers and representatives of the local government and the community. The board shall contribute to the progress of the educational institution and report in connection with its activity to the council of parents of the institution.
2. The main tasks of the board shall be:
  - a) approving the medium-term and annual plan of the institution;
  - b) approving the plan of expenses of the educational institution for the funds being ensured by the institution;
  - c) approving the curriculum approved by the educational institution;
  - ç) participating at the appointment and dismissal procedures for the head of the educational institution and teachers.
3. The composition of the board, the rights, other tasks and way of election of the members shall be determined upon the instruction of the minister.

### **Article 35**

#### **Council of Teachers**

1. The council of teachers of the educational institution, being composed of the entire teachers and presided over by the director, shall be an advisory collegial body for steering the activity of the institution.

2. The tasks and functions of the council shall be set out by instruction of the Minister.

**Article 36**  
**Students government**

1. The government of students is a body protecting and promoting the rights of students and assisting the school progress. It shall be set up and function in accordance with the Minister.
2. The head of the government of students at high secondary education shall be elected by the students by direct and secret vote.
3. The government of students shall select the assistant teacher.
4. Further bodies of students shall function with the school, set up for their scientific, cultural and sports interests.

**CHAPTER V**  
**FINANCING THE PRE-UNIVERSITY EDUCATION**

**Article 37**  
**Planning the financing at public pre-university education**

1. The finance sources of pre-university education shall be:
  - a) state budget;
  - b) revenues of local government units;
  - c) donations and sponsorships;
  - ç) revenues obtained from the educational institution;
  - d) other legitimate revenues.
2. The financing from the state budget shall be scheduled based on the formula "per student", in accordance with the separate indicators of the educational levels and conditions of the public educational institutions.
3. An appropriation "per student" shall be set out in the state budget for the local governance basic units, which shall be used for maintaining the public educational institutions, in accordance with the standards of maintenance for the educational institutions, determined upon the decision of the Council of Ministers.
4. An appropriation "per student" shall be set out in the state budget for the public educational institutions, which shall be used for equipment and services for the functioning of the institution, in accordance with the joint instruction of the Minister of Science and Minister of Finance.

5. Rewards additional to the salary or other benefits for the educational employees or for the teachers working in areas far from their residing place shall be granted in accordance with the criteria set out by the Council of Ministers.

**Article 38**  
**Financing the public educational institutions**

1. The public educational institution shall benefit from the basic unit of the respective local government a fund in accordance with the formulae "per student", being used for small expenses, emergency interventions, in accordance with the criteria and procedures set out by the Council of Ministers.
2. An appropriation shall be separated from the budget of the ministry, fund of quality, concerning which the public educational institutions shall compete with projects for improving the quality of educational service, in line with the criteria contained in the instruction of the Minister and Minister of Finance.
3. The Ministry of Education and Science and the Ministry of Finance shall approve the opening and closing of the budget accounts of a public educational institution. The approved public educational institutions shall maintain a budget account with the treasury branch of the respective local educational unit. The rules for the financial administration are the same as those of other public institutions.

**Article 39**  
**Financial support for the private pre-university education**

1. The Ministry shall, depending on its resources, support financially the local private educational institutions, being non-profit making, and having at least five years functioning as private institutions. The financial support for the private schools shall, in accordance with the criteria contained in the decision of the Council of Ministers, be differentiated depending on their ranking in national examinations of initial education or school leaving exams, as well as in international testing or competitions.
2. The private schools shall use the financial support only for the excellent students in national and international activities.

**Article 40**  
**Collection and use of financial funds in public educational institutions**

1. The public educational institutions shall, in compliance with their policies, benefit financial funds or material support from donors or sponsors in accordance with the criteria and procedures set out by the Minister of Education and Science, in cooperation with the Minister of Finance. The donations and sponsorships serve for improving the quality of the educational service.



2. The public educational institutions shall be allowed to collect revenues from services to third parties, in accordance with the activity of institutions. The funds collected from services to third parties shall be used in accordance with the effective legislation.

## **CHAPTER VI OPENING AND CLOSING DOWN THE EDUCATIONAL INSTITUTIONS**

### **Article 41 Opening and closing down the public educational institutions**

1. Opening up and closing down a public educational institution shall be done by the order of the Minister, upon the joint proposal of the local government and local educational unit. The criteria and procedures for opening and closing them down shall be determined upon the decision of the Council of Ministers.
2. Opening up and closing down of the educational institutions of the national minorities shall be done upon the decision of the Council of Ministers, upon the proposal of the Minister.

### **Article 42 Opening and closing down the private educational institutions**

1. The private educational institutions shall be established and function in accordance with this law, unless the law contains a differing provision for the public educational institutions, as well as subordinate legal acts issued specifically for them.
2. The licensing of private institutions shall occur through the National Centre of Licensing, in accordance with the decision of the Minister. The private educational institution shall start its activity no early than being granted the license. The licensing shall occur in accordance with the provisions of the Law no 10 081, dated 23.02.2009, "On licenses, authorisations and permits in the Republic of Albania".
3. The suspension and revocation of the private educational institutions, not being referred to in point 2, Article 41, of this law, shall be done through the National Centre of Licensing, upon the decision of the Minister.
4. The private educational institutions, holding also religious subjects, or being established or administered by religious communities, shall be opened and closed down upon the decision of the Council of Ministers, upon the proposal of the Minister, relying on the request of the representatives of religious communities. The criteria and procedures for opening them shall be determined upon the decision of the Council of Ministers.

5. The private schools, where the lessons are held also in foreign language, or issuing foreign diplomas or similar to them, in accordance with point 3 of Article 52 of this law, shall be opened and closed down upon the decision of the Council of Ministers, upon the proposal of the Minister. The criteria and procedures for opening them shall be determined upon the decision of the Council of Ministers.
6. The subjects: Albanian language and literature, history of the Albanian nation and geography of Albania in private schools referred to in points 4 and 5 of this Article shall exclusively be held in Albanian
7. A private educational institution shall interrupt its activity only at the end of the academic year.

**Article 43**  
**Licence validity**

1. The license shall be valid only for the responsible entity and only for the educational level, location and premises which it has originally been granted.
2. Every amendment done by the licensed entity shall be approved by the Minister and National Centre of Licensing. In the event the changes undertaken pertain to the licensing criteria, the license shall be revoked and the request shall be dealt with as a new application.

**CHAPTER VII**  
**CURRICULUM**

**Article 44**  
**General Principles**

1. The curriculum shall be developed as a whole for the entire educational levels with regard to the creation of values, skills and main concepts, as well as teaching, learning principles and evaluation of students.
2. The curriculum shall be in compliance with the development of the physical, mental, social *and ethical* development of students and their individual learning special features.
3. The curriculum shall be drafted and implemented based on the fundamental competences of students.
4. The curriculum in accordance with the educational levels and forms shall be drafted and developed based on the curricular frame and pre-university education.
5. The curriculum shall enshrine the principle of integration among the learning fields and subjects.

6. The curriculum shall teach to students individual choices according to their needs and interests.

**Article 45**  
**Curricular documentation**

1. The curriculum shall consist of the core curriculum, choice curriculum and curriculum for complementary activities.
2. The Minister shall, following the consultation with the National Council of Pre-university Education, approve:
  - a) curricular frame;
  - b) teaching plan for every educational level;
  - c) learning standards;
  - ç) teaching syllabuses in addition to those drafted by the educational institution.
3. The curriculum being drafted at educational institution level shall be approved by its director following obtaining the consent of the local educational unit.

**Article 46**  
**Curricula at private educational institutions**

The private educational institution shall implement the teaching plan and syllabus which is approved at the moment of licensing. The approval of the minister shall be approved for every amendment.

**Article 47**

**School texts**

1. The texts for students shall be alternative. They shall be selected by the teachers on school basis, at the presence of parents, following the certification by the ministry. The exemptions from this rule shall be determined upon the decision of the Council of Ministers.
2. The number of alternative school texts per subject and form shall not be limited.
3. The texts for students shall be ensured by the publishing entities through an equal and transparent competition process, in accordance with the procedures set out by instruction of Minister.
4. The distribution and sale of school texts shall be done through the commercial outlets for selling books or other sales outlets close to schools by licensed entities, with the prices set by the publishers and evaluated by the Ministry of Education and Science in the process of certification of the text.

## **CHAPTER VIII EVALUATION OF STUDENTS**

### **Article 48**

#### **Aim, criteria and ways of evaluation**

1. The evaluation of students aims at pointing out the learning progress.
2. The students of the first, second and third forms shall be evaluated in words or phrases. The students of other forms shall be evaluated in marks, full numbers from 4 to 10, where the lowest passable mark is five. The students of the high secondary education shall be evaluated also in credits and expressions in their final evaluation.  
[postponed]
3. The students of the first, second and third forms shall not repeat the same form, except when this is requested by their parents.
4. The rules for passing or repeating the form and calculation of the annual mark for the subject, his average mark for the academic year, as well as credits shall be determined in the instruction of the Minister.

### **Article 49**

#### **National exams and international tests**

1. The external evaluation of students shall be done through the exam of the initial education and school leaving state exam. Another form of external evaluation is that based on a certain number of students.
2. The disabled students shall sit for the national exams in accordance with their specific features.
3. The drafting of tests, administration and evaluation in national exams shall be done by certified teachers. Their payment shall be done in accordance with the effective subordinate legal acts.
4. The Ministry shall ensure the participation of Albania in international tests.

### **Article 50**

#### **National exams in initial education**

1. The students shall, in national exams of initial education, be evaluated in the subjects: Albanian language, mathematics and foreign language.
2. The students of the national minorities shall be evaluated in the subjects: mother tongue, Albanian language, mathematics and, depending on their wish, a foreign language.

3. The organisation and development of the national exams of initial education shall be regulated by instruction of the Minister.

**Article 51**  
**School leaving exam**

The high secondary education shall be completed with the school leaving exams. The students shall, in the context of school leaving exams, sit for a number of common subjects and number of subjects by choice. The common subjects shall for all the students be: Albanian language and literature, mathematics and a foreign language. The subjects by choice shall be determined in the instruction of the Minister. The organisation and development of the school leaving national exams shall be regulated by instruction of the Minister.

**Article 52**  
**Documents upon completion of schooling**

1. The document of completing the initial education is the certificate of initial education, which shall be issued by the school director, after the students passing the national exams of the initial education. The document for the completion of the high secondary education shall be the school leaving diploma, which shall be issued by the National Agency of Exams, following successfully passing the the school leaving national exams, obligatory or selective.
2. Upon the completion of every form, the student shall be provided with the form certificate. The criteria for the issue of the certificate shall be determined by instruction of the Minister.
3. A private school of high secondary education may not issue a diploma of a foreign educational institution or similar to it. The Minister shall determine the procedures for equivalencing these diplomas.
4. The criteria and procedures for equivalencing the certificates and diplomas of students coming from abroad shall be determined by instruction of the Minister.

**Article 53**  
**Golden medallion**

1. The excellent students over years shall, upon the completion of the secondary high education, be granted "Golden Medallion" by the President of the Republic, upon the proposal of the Minister.
2. The criteria and procedures for granting the "Golden Medallion" shall be determined by the instruction of the Minister.

**CHAPTER IX**  
**STATUS OF TEACHING PERSONNEL**

**Article 54**  
**Director of educational institution**

1. The director shall steer the activity of the educational institution.
2. The director of the, public or private, educational institution shall be responsible for:
  - a) Implementing this law and by-law acts for its implementation;
  - b) Improving the quality of educational service;
  - c) Implementing and developing the curriculum;
  - ç) managing the personnel and establishing conditions for the professional development of the employees of the institution.
3. The director of the public educational institution shall carry out the following tasks:
  - a) Managing the institution, including the financial management;
  - b) Using the special annual fund from the budget of the local educational unit for rewards for personal contributions of teachers, in accordance with the respective decision of the Council of Ministers, following consultations with the social partners and board of the institution;
  - c) Hiring full and part time teachers and assistant teachers, with the funds provided by the institution, in accordance with the criteria and procedures being determined upon the instruction of the Minister and Minister of Finance. The amount of payment shall be done in accordance with the effective subordinate legal acts.
4. The director of the educational institution shall allow the students to use only auxiliary publications and further didactic materials approved by the minister through his instructions.

**Article 55**  
**Appointment and dismissal of the educational institution director**

1. The director of the public educational institution shall be appointed by the head of the respective local educational unit, following the proposal of two candidates being evaluated in open competition by the evaluation commission. The commission shall consist of a representative from the basic local governance unit, head of the board of the institution, chairman of the council of parents of the institution and two teachers of the educational institution elected by the Council of Teachers. One of the two teachers, having the longest experience in the educational institution, shall chair the evaluation commission.  
The procedures for the appointment and/or dismissal of the director of the institution shall be determined by instruction of the Minister.

2. The head of the educational unit shall dismiss the director of the public educational institution in the event of infringement of the provisions of this law and its subordinate legal acts, violation of ethics and conduct in the institution, as well as due to lack of achievement of the institution.
3. The appointment and/or dismissal of the director of the private educational institution shall be done in accordance with the procedures set out by the institution in its own standing rules. The qualification criteria, set out for the director of the public educational institution, shall be the same for the director of the private educational institutions.
4. The candidate for the director of the educational institution shall minimally have the category "qualified teacher" and not be part of the steering forums of political parties subsequent to election.
5. The institution director shall appoint and dismiss the deputy director following obtaining the consent of the council of teachers.

#### **Article 56 Teacher**

1. The teacher shall conduct teaching to the effect of imparting the fundamental competences, based on the learning standards, selecting among the best, local and foreign, contemporary methods and practices.
2. The teachers shall be entitled to:
  - a) Having, in line with this law, professional freedom in implementing and developing the curriculum;
  - b) Be provided with sufficient resources in the institution for effective teaching;
  - c) Be provided the opportunity for professional development;
  - ç) Be elected and elect to the board of the institution and to the Commission of Ethics and Conduct.
3. The teachers shall be tasked to:
  - a) Implementing this law and by-law acts for its implementation;
  - b) Taking care of the progress for each student;
  - c) Implementing and developing the curriculum;
  - ç) Updating the professional powers;
  - d) implementing the standing rules of the institution;
  - dh) provide his assistance for the performance of the institution he is hired.

#### **Article 57 Teacher's profession**

1. The teachers in the educational institutions shall have obtained the following diploma in the field of education or an equivalent diploma to it:
  - a) The teachers of pre-schooling education: university diploma of the first cycle of university studies "Bachelor";
  - b) The teachers of the initial education, the teachers of the low secondary education and the teachers of the gymnasium: second cycle diploma of the university studies.
2. The teachers of the vocational education, holding professional subjects, such as that of the oriented education and the teachers working with disabled students shall have obtained the second cycle diploma in the field of education.
3. The diplomas being equivalent to the above-mentioned diplomas shall be determined upon the instruction of the Minister.
4. The teachers of the initial education and secondary education shall be entitled to practice the profession of the teacher following successfully completing the professional internship and having successfully passed the state exams, as provided for in the Law no 10 171, dated 22.10.2009, "On regulated professions in the Republic of Albania", as amended, and subordinate legal acts, issued for its implementation.
5. The educational institutions, serving for performing the teaching practice of teaching students and professional internship of those having obtained the teacher's diploma shall be selected based on the criteria and procedures determined by the instruction of the Minister.

#### **Article 58**

#### **Continuous professional training**

1. The educational institution shall plan the professional development of teachers in accordance with their needs and in compliance with the central, local educational policies and those of the institution.
2. The forms of professional development are: internal professional development, training sessions, professional networks, advise, short-term and long-term courses.
3. The teachers and directors shall be trained at least 3 (three) days per year.
4. The training sessions shall be held according to the "demand - offer" system, based on the requests from the educational institutions and offers from training agencies, which may be public or private. The training programs shall be accredited by the Ministry.



5. The local educational units shall organise the continuous professional development of teachers in cooperation with training agencies with accredited training programs, selected in open competition, in line with the procedures provided for in the instruction of the Minister.
6. The financial resources for the training sessions shall be from the individual contribution of the educational employee, state budget, projects of local and foreign non-profit-making organisations, foundations, institutions, and other legal sources.

**Article 59**  
**Qualification of Teachers**

1. Qualification categories for teachers are three:
  - a) "Qualified teacher";
  - b) "Specialised teacher";
  - c) "Master teacher";
2. Granting of the category to the teachers shall be based on the experience, training and on successfully passing the final examination of the respective qualification category. The criteria and procedures of qualification of teachers shall be set out by instruction of the Minister.
3. Every qualification category shall be accompanied with a supplement amount to the salary, the extent of which shall be determined upon the decision of the Council of Ministers.

**Article 60**  
**Admission and expulsion from teacher's job**

1. The teachers shall be appointed to a vacancy in a public educational institution by the director of the institution in open competition, following the proposal of candidacies of the evaluation commission. The commission shall, in its composition, have a representative from the local educational unit, the chairman of the board of the institution, the chairman of the council of parents of the institution and two teachers being selected by the Council of Teachers in that institution. One of the teachers, having the longest experience in the institution, shall chair the evaluation commission. The evaluation procedures are defined by a minister's instruction.
2. The director of the public institution shall dismiss the teacher from the institution due to:
  - a) infringement of the provisions of the Labour Code, this law and other by-law acts;
  - b) violation of ethics and conduct of the institution;
  - c) lack-of progress of students, determined objectively, such as the tests of the directorate of the institution or local educational unit, results in the national examinations, evaluation of the State Inspectorate of Education.

3. The director of the public educational institution shall decide the dismissal following the consultation with the commission mentioned in point 1 of this Article.
4. The procedures for the appointment and dismissal of the director of the educational institution shall be determined by instruction of the Minister.

## **CHAPTER X RIGHTS AND OBLIGATIONS OF STUDENTS AND PARENTS**

### **Article 61 Rights and obligations of students**

1. The students shall be entitled to:
  - a) Selecting a public or private educational institution;
  - b) Frequenting the public educational institution being inside the zone determined by the respective basic unit of the local government;
  - c) Being provided with qualitative educational service by the institution, in accordance with their interests, needs and possibilities, as well as specific assistance for overcoming the special difficulties in learning;
  - ç) Being informed about his rights and duties, regulation of the educational institution concerning the curriculum offered by the institution, on the forms of evaluation, on national exams, as well as being informed in writing about the intermediary and final results of his education;
  - d) Expressing views on the issues of their education, lodging complaints concerning attitudes to him and having the attention of the employees of the educational institution concerning these views and complaints;
  - dh) Being elected to the school board after becoming sixteen years old;
  - e) Being transferred from one school to another of the same educational level.
  
2. The students shall be tasked to:
  - a) Observe the rights of other students and employees of the institution, recognised by law;
  - b) Learning systematically;
  - c) Frequenting appropriately and participating in other activities of the institution;
  - ç) Observing the rules of the institution concerning the protection of the health, security and environment and requiring their observation by other students and educational employees;
  - d) Observing the standing rules of the institution;

### **Article 62**

## **Rights and obligations of parents**

1. The parents are the main partner of the educational institution in the progress of students and the institution.
2. The parents shall be entitled to:
  - a) Be informed by the respective educational institution on the effective educational legislation, on the standing rules of the institution and on the curriculum that the institution offers to their children;
  - b) Be informed on the security, health and environmental conditions of the institution and require their fulfilment in line with the standards set out by the Albanian legislation;
  - c) Be informed on the activity of their children in the institution and grant their consent on extra-curricular complementary activities organised by the school;
  - ç) Be informed on the main directions of the institution and achievements of the institution compared to the similar institutions.
3. The parents shall be tasked to:
  - a) Take care that their children frequent the educational institution regularly and learn systematically;
  - b) Inform about changes in the health and conduct of his child;
  - c) Participate in meetings concerning issues affecting their children;
  - ç) Contribute for the progress of the institution.

## **CHAPTER XI EDUCATION OF DISABLED CHILDREN**

### **Article 63 Principles in educating the disabled children**

1. The education of the disabled children aims at the full development of the intellectual and physical potential and improvement of the quality of their life to be prepared for their full integration into the society and the labour market.
2. The involvement of the disabled children in specialised educational institutions is generally temporary. The involvement and integration of the disabled children in kindergartens and ordinary schools of the initial education shall be a priority.
3. The deaf and dumb students shall be guaranteed their right of communication in the language of sights while the blind ones, the Braille writing.

### **Article 64**

### **Following of educational institutions by disabled children**

1. The disabled students shall stay in specialised schools up to the age of 19 years old.
2. In accordance with the criteria approved by the Minister and the Minister of Health, the disabled students shall be provided with education in high secondary schools.
4. The local educational unit shall set up a commission consisting of doctors, psychologists, teachers and specialists for disabled children, which, following the request of the parent of the director of an educational institution, grant the respective recommendations for the child to follow an ordinary or specialised educational institution.
5. The parents shall decide whether their disabled child shall follow a specialised or ordinary institution of the initial education. The parents may any time take their child away from school, as long as they deem that he is not benefiting from lessons or has other better opportunities.
6. The Ministry shall, in cooperation with the local governance basic unit and after consultations with the parents and the commission, provide for the education of disabled children in one of the two types of the educational institutions, being ordinary or specialised.
7. The local educational unit shall, in accordance with the criteria and procedures determined by joint instruction of the Minister and the Ministers of Health, provide for the education at home for the children who can not follow an ordinary of specialised school of the basic education.

### **Article 65**

#### **Organisation of education for the disabled children**

1. The disabled children shall learn in accordance with ordinary teaching plans and syllabuses, in accordance with ordinary teaching plans and syllabuses but adjusted for them, or in accordance with ordinary teaching plans and syllabuses specialised for them.
2. In the ordinary educational institutions, the personalised syllabus for the disabled students shall be drafted by a commission, composed of teachers of various fields of learning of the institution and psychologists. The drafting of this syllabus shall be done in cooperation with the parents and students. The amendment of the personalised syllabus within a local institution shall be determined by the commission within the institution in cooperation with the parents of the child.
3. The disabled students shall be provided with assistant teachers and rehabilitating service, in accordance with the criteria set out by instruction of the Minister. The

educational employees of the institutions, having disabled students, shall be certified in training programs for the training of these students.

4. The respective basic unit of the local government shall provide for appropriate teaching and learning environment for the disabled students, in accordance with the standards set ot by the Ministry.

## **CHAPTER XII PERSONAL DATA**

### **Article 66 Collection and processing of personal data**

1. The protection and processing of the personal data of students and employees in educational system shall be done in accordance with the Law no 9887, dated 10.03.2008 "On protection of personal data", as amended.
2. The students shall be obliged to disclose personal data in line with point 1 of this Article. The educational institution shall, in advance, inform these persons about this legal obligation.
3. The educational institution shall collect and process the personal data of persons and shall enter them into official documents, as well as in the personal file of the person. These personal data shall be determined upon the instruction of the Minister, after sharing the opinion of the Commissioner for the Protection of the Personal Data.
4. The consent for using the personal data shall be provided by the person himself, after reaching the age of eighteen years old, or it shall be provided by the parents. The consent shall be provided in writing.

### **Article 67 Protection of personal data of students**

1. The person shall be entitled to get to know his personal data being at the disposal of the respective educational institution.
2. The employees of the educational institution shall not be entitled to make available to others, outside the institution, personal data of a person, indicating his identity, with the exception of cases when the person submits a request or grants his consent.

3. The director of the educational institution shall officially sent to the institutions, being referred to in the Instruction of the Minister, personal data without identifying the persons.
4. The results of students in national exams and their data concerning admission to higher schools institutions, as well as the results of the teachers in qualification exams shall not divulge the identity of the person.
5. The employees of the educational institutions shall be prohibited to provide data on educational achievements and conduct of a student in an educational institution publicly or to a specific person.
6. The personal data of a group of persons may me made available to other institutions for studies, only after written approval of the director of the educational institution, without divulging their identity.

### **CHAPTER XIII**

#### **INFRINGEMENT OF LEGAL REQUIREMENTS IN THE FIELD OF PRE-UNIVERSITY EDUCATION**

##### **Article 68**

##### **Following the mandatory education**

Failure to register and unjustified absences of the students from classes in more than 25 per cent of the teaching classes during an academic year shall be evaluated as a case of parental negligence and it shall be dealt with in accordance with the Law no 10 347, dated 04.11.2010, "On protection of the rights of children".

##### **Article 69**

##### **Carrying out the activity by private educational institutions without license**

1. The start and exercise of the activity of private educational institutions without the respective license under this law shall consist administrative contravention. The offender shall be be subject to the main administrative punishment of a fine, at the amount of 500 000 up to 1 000 000 ALL, and a complementary administrative punishment "immediate interruption of the activity".
2. The decision punishing the offender in line with point 1 of this Article falls under the competence of the State Inspectorate of Education and it shall me made on the spot upon finding the infringement.

**Article 70**  
**Infringement of legal requirements by private educational institutions**

1. The infringement of the legal requirements for the activity of private educational institutions consists an administrative contravention, which shall be found out and punished by the Inspectorate by the following main administrative sanctions:
  - a) Warning;
  - b) Fine, at the amount of 10 000 up to 100 000 ALL;
2. Where necessary, the Inspectorate shall decide that the main administrative sanction in line with point 1 of this Article, be accompanied with the commandment of the inspecting entity for correcting the violations found out and eliminating their consequences, setting a reasonable time period to this effect.
3. In the event of encountering serious violations, consisting failure to meet the licensing conditions for the private educational institution, the Inspectorate shall make a decision for sanctioning the offender, with the main sanction provided for in letter "b" of point 1 of this Article and propose, as appropriate, the complementary administrative sanction of suspension of lifting the license for carrying out the activity. The final decision for suspending or lifting the license shall fall under the powers of the Minister.
4. A private educational institution, the license of which has been suspended, may obtain it in the upcoming academic year, as long as it meets the licensing conditions.
5. In the event of suspending or lifting the license, the respective local educational unit shall accommodate the students with other public or private educational institutions. The expenses for the completion of an academic year for all the students registered with that private school shall be paid out of the bank guarantee of the closed private educational institution. The modalities for the transfer of the students shall be determined upon the instruction of the Minister.
6. The minister shall, in accordance with this law and the law on the inspection, approve the regulation of inspection and imposing the administrative sanctions.

**Article 71**  
**Infringement of legal requirements by public educational institutions**

1. The infringement of the legal requirements for the activity of public educational institutions consists an administrative contravention of the director of the public educational institution, which shall be found out and punished by the inspectorate by the following main administrative sanctions:

- a) Warning;
  - b) Fine, at the value of half of the monthly salary.
2. Point 2 of Article 70 shall apply also to this case.
  3. In addition to applying the administrative sanction in line with point 1 of this Article, the National Educational Inspectorate shall inform also the respective local educational unit in connection with the infringement found out.

## **CHAPTER XIV FINAL AND TEMPORARY PROVISIONS**

### **Article 72**

1. The Law no 7952, dated 21.6.1995, "On pre-university educational system", as amended, as well as every other provision in connection with the pre-university education, being at variance with this law, shall be repealed.
2. The further normative acts, being approved prior to the entry into effect of this law, shall be applied as long as they have not been repealed.
3. The private educational institutions and the complementary private educational institutions, licensed prior to the entry into effect of the Law no 10 081, dated 23.02.2009, "On permits, licenses and authorisations in the Republic of Albania, and those licensed based on the above-mentioned law, shall, within 9 (nine) months since the entry into effect of this law, adjust their documentation of the institutional organisation and functioning, and the didactic documentation in line with this law.
4. The new structure of initial education, Article 22, shall unfold its effect further to the academic year 2015 - 2016. The foreign language exam of the school leaving state exam shall unfold its effects of implementation to the 2014 school leaving state exam. The foreign language exam of the initial education shall unfold its effects of implementation in 2015.
5. The teaching personnel, being employed on permanent contract and having the respective university qualifications, shall maintain their jobs and be subject to training for updating the profession-related knowledge. This provision is also valid for teachers having completed the 3-year pedagogical higher education, prior to the entry into effect of Bologna system.  
The teaching personnel, being employed on permanent contract and having completed the secondary pedagogical education or another specialised school in teaching design, such as the secondary schools of music, arts, foreign languages and physical culture and having passed through the three levels of qualification, shall maintain their jobs and be subject to training for updating the profession-related knowledge.



**Article 73**

Issue of by-law acts

1. The Minister shall, within nine months of its entry into effect, issue orders and instructions concerning the implementation of this law.
2. The Council of Ministers shall, within nine months of its entry into effect, issue the subordinate legal acts concerning the implementation of this law.

**Article 74**

**Entry into effect**

This law shall enter into effect 15 days after its publication in the Official Journal.

**CHAIRMAN**

**JOZEFINA TOPALLI (ÇOBA)**