



15 September 2015, Prizren

PRESS RELEASE

Inconsistent recruitment of school directors in Kosovo’s municipalities

The vacancy announcement for the selection of school directors and deputy directors published by the Human Resource Office of the Municipality of Prizren - contested by the Education Inspectorate and the Ministry of Education, Science and Technology – underlines the lack of harmonized legislation and procedures at state level on recruiting primary and secondary school managers.

According to the research conducted by “EC Ma Ndryshe”, this issue has been procrastinated for months. And competent institutions have not yet clearly defined whether directors are professional servants or civil servants.

In a written communication, MEST claims that the vacancy announcement for school directors and deputy directors in the Municipality of Prizren was against the law in the form and content published. “MEST was informed about this vacancy announcement by the MED director of Prizren, and that the Education Inspectorate issued immediately a decision that nullified that vacancy announcement. That decision was appealed to the second instance court, but the MEST again issued another decision to nullify that vacancy announcement”, states the response received from the MEST. This government entity explained that the provisions of the Law on Pre-University Education define that the directors of education and training institutions are selected according to the Law on Education in the Municipalities of the Republic of Kosovo and criteria determined by MEST through bylaws; while candidates applying for the position of the director of an educational institution should have the license of a qualified teacher.

In a written communication, the Human Resource Office in the Municipality of Prizren informs that the Education Inspectorate had issued a decision to nullify the said vacancy announcement, but the decision was not implemented since that entity is not responsible for overseeing the civil service. This Office informs that there are two decisions related to this issue by the Independent Oversight Council for Kosovo Civil Service. Based on them, the school directors and deputy directors should be treated according to the Law on Civil Service and the Recruitment Rules and Procedures in the Civil Service. “MEST asks for the recruitment procedures to be conducted according to the laws and instructions provided by MEST, which is in contradiction with the IOCKCS decisions”, states the response received from the HR. This Office provided evidence of legal opinions it received from the Ministry of Public Administration according to which the directors of the pre-university educational institutions enjoy the status of civil servants, and underlines that it has respected the job catalog and, upon the MED request, received authorization to announce the vacancies from the MPA.

The Prizren Directorate of Education stated that prior to announcing the vacancies, it requested MEST to provide legal interpretation of the issue. Since such interpretation was not received in time, the Human Resource Office went on to announce publicly the vacancies according to the

list provided by the MED, neither based on the Law on Pre-University Education nor on the Law on Education in the Municipalities of the Republic of Kosovo, but only based on the Law on Civil Servants. "The Education Inspectorate has annulled twice this vacancy announcement. The MEST regards it unlawful. However, on August 28 the Human Resource Office re-announced the vacancies disregarding the suggestion of the MEST. Therefore, we as MED, are not able to declare ourselves as this issue now belongs to and should be solved between the MEST and MPA and hopefully they will be able to clarify this situation", reads the response received from MED.

In its official response, the IOCKCS informs that all decisions and recommendations issued regard directors and deputy directors as civil servants, and municipalities, Ministry of Public Administration and the Ministry of Education have been informed about it.

"The Ministry of Education so far has not requested any advice or made coordination with the Council, except the last meeting of the date of August 25, 2015 among the Ministry of Public Administration, Council and the Ministry of Education, where the Council and the Ministry of Public Administration repeated their standpoint that "directors and deputy directors" are civil servants", reads the response from IOCKCS.

The Council states that in all decisions related to vacancy announcements so far, and for all cases when it was authorized by the Ministry of Public Administration, it has acknowledged exceptions made in the recruitment procedures as defined by the provisions of the Administrative Instruction no. 08/2014 for the procedures and selection of director and deputy director of the educational and training institutions.

In meantime, MEST stated that all other municipalities select school directors and deputy directors according to the applicable educational legislation. MEST reminded that the Law on Pre-University Education entered into force on August 31, 2011, while the Law on Civil Service entered into force on June 14, 2010, and that article 50 of the Law on Pre-University Education abrogates all other legal provisions contradicting this law. "These legal violations are unacceptable to MEST, and we will take measures in accordance with legal authorizations. Any further procedure in this regards violating the laws is void and damages the quality of education in Prizren", reads the response from MEST.

EC Ma Ndryshe found that on September 7, 2015 the Municipality of Gjilan published a vacancy announcement for school directors according to the Law on Education in the Municipalities, the Law on Pre-University Education and the Administrative Instruction 08/2014. The municipality of Ferizaj on July 15, 2015 published a vacancy announcement for school directors according to the Law on Pre-University Education, the Law on Education in the Municipalities, the Labor Law and IA 08/2014 of the MEST. The Municipality of Prishtina on February 26, 2015 published an announcement for selection of school directors based on the Law on Education in the Municipalities and MEST Administrative Instruction 08/2014. The Municipality of Gjakova on February 3, 2015 published an announcement for selection of school directors based on the Law on Education in the Municipalities, the Law on Pre-University Education, the Law on Civil Servant, IA -08/2014 of the MEST, and according to authorizations received by MPA/DCSA.

Having in mind these findings, EC Ma Ndryshe recommends to all central level institutions to harmonize the legislation and procedures in the shortest possible time and provide clear and

accurate guidelines to the municipal level on selection of primary and secondary school directors. Delays in this direction are detrimental for the schools since the school year has already started, while school directors in Prizren have not been selected yet.

EC Ma Ndryshe recommends that harmonization and guidelines should eliminate all potential political and party interferences in the selection process of school directors, having in mind their important role in managing schools, as well as during electoral processes.

In May 2015, EC Ma Ndryshe launched the implementation of the Project “Municipal Transparency Reform Index” thanks to the support provided by the United Kingdom Embassy in Pristina - a project that will expand to seven major municipalities of Kosovo, including Prishtina, Prizren, Peja, Mitrovica, Gjilan, Ferizaj and Gjakova. This project intends to assist municipalities in identifying major transparency-related problems, and provide guidelines to address and overcome such obstacles. The Transparency Index is a structured effort in support of Kosovo municipalities to meet their good governance standards determined in the local governance reform and in Kosovo’s European agenda.

Respectfully,
Elmedina Baxhaku, Monitor
OJQ EC Ma Ndryshe
Rr. Saraçët, Nr. 5 - Prizren
Bulevardi Nënë Tereza, H 30 B1 Nr. 5, Prishtinë
www.ecmandryshe.org & info@ecmandryshe.org
+381 38 224 967 & +381 29 222 771



British Embassy
Pristina

The Project “Municipal Transparency Reform Index” is financially supported by the United Kingdom Embassy in Prishtina.