

# GENERAL LAW ON EDUCATION

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## GENERAL LAW ON EDUCATION

### I BASIC PROVISIONS

#### ***Contents of Law***

##### Article 1

This Law regulates the organization of and the conditions for the carrying out of educational work within the areas of preschool education, primary education, secondary general, vocational education, education of persons with special needs and the adult education.

#### ***Aims***

##### Article 2

The education is aimed to:

- 1) provide the possibility for complete individual development regardless of the sex, age, social and cultural background, national and religious affiliations and of physical and psychological structure;
- 2) meet needs, interests, wishes and ambitions of individuals for life long learning;
- 3) enable the selection of educational curriculum at all levels of education;
- 4) develop the awareness, the need and the capabilities for the maintenance and the improvement of human rights, legal state, of natural and social environment, of multiethnic and diversity;
- 5) develop the awareness on state affiliation to the Republic of Montenegro (hereinafter referred to as: the Republic), on its culture, tradition and history;
- 6) enable individuals the involvement and participation in all levels of work and activities in line with their capacities;
- 7) develop the awareness on national affiliation, culture, history and tradition;
- 8) facilitate the involvement into the process of European integrations.

#### ***The acquisition of education***

##### Article 3

Education is delivered within preschool institutions, schools, bureaus and with the organizer for adult education and within the student dormitories

(hereinafter: the institutions) in line with this Law and in the manner and under the conditions prescribed by a separate law.

The institution referred to in paragraph 1 of this Article shall be founded as a public institution, or a private institution.

***Public interest***

Article 4

Education is the activity of public interest.

***Public education***

Article 5

In a public institution, the founder of which the Republic, or a unit of local self-government is, and in an institution that was granted the concession for the delivery of publicly valid educational curricula (hereinafter referred to as: the institution for public education), the education is of secular character.

Religious activity shall be forbidden within the public education institutions.

***Institution autonomy***

Article 6

Institutions are autonomous in the conduction of their activities in line with the Law.

Political (factional) organizing and activities shall be forbidden within the institutions.

***Non-profitability***

Article 7

The activity of public institutions, the founder of which the Republic or local self-government unit is, as the rule, of non-profitable nature.

***Access***

Article 8

The locations of the institutions within the territory of the Republic enables citizens the equal access in acquiring education.

***Equality***

Article 9

Regardless of the national affiliation, race, gender, language, religion, and social background and of other personal characteristics, all citizens of Republic shall be equal in the exercising of the right of education.



### ***The performance of educational work***

#### Article 10

The educational work in institutions shall be executed by teachers, educators, professional associates, associates in the teaching process and by other performers of the educational work, in line with the law (hereinafter: *teachers*)

### ***The Use of Language***

#### Article 11

The teaching in the institutions shall be accomplished in the language that is in the official use in the Republic.

In the municipalities within which the majority, or a significant part of population, is composed of the members of national and ethnical groups, the teaching shall be accomplished in the language of those national, or ethnical groups.

In case the teaching is accomplished in the language of national, or ethnical groups, the language that is in the official use shall be a compulsory subject.

School shall be in obligation to provide a student attending the lessons in non-mother tongue language adequate help in the learning of the language in which the teaching is carried out.

### ***Teaching in the foreign language***

#### Article 12

The teaching in institutions can be accomplished either in a foreign language, on the basis of the Ministry competent for education and science's (hereinafter: the Ministry) approval.

### ***Textbooks***

#### Article 13

Institutions for public education shall use the textbooks and teaching aids according to the permission of the competent Council.

Private institutions shall be in obligation to use the textbooks referred to in paragraph 1 of this Article only for the compulsory subjects defined by the educational curricula, or by the law.

The procedure for the supplying, assessment, approval and the creation of textbooks and of teaching aids shall be carried out in line with the regulation of the Ministry.

**Public documents**

Article 14

The institution that implements the publicly valid educational curricula shall issue public documents in line with this Law.

**Health protection**

Article 15

Institutions shall cooperate with health institutes during the carrying out of health protection of children, or of students, especially on the occasion of the carrying out of required medical examinations, regular health general check ups and vaccination.

**Supervision**

Article 16

The Ministry shall carry out the supervision of the application of the provisions of this Law, in line with the law.

The supervision of the institutions' work shall be carried out by the competent educational inspection.

**The quality assurance and improvement**

Article 17

The quality assurance and improvement of quality of educational work shall be carried out by institutions, the Bureau for Educational Services and Center for Vocational Education.

**Interpretation clause**

Article 18

Particular expressions in this Law shall have the following meanings:

- 1) 'Preschool institutions' are kindergartens, nurseries and other institutions of preschool culture and education that are organized in line with separate law;
- 2) 'School' means primary school, high school, vocational school and school for the adult education;
- 3) 'Institute' is the institution in which the education of children with special needs (difficulties in growth) are carried out;
- 4) 'Student dormitory' is the institution in which the accommodation, diet and education of students are provided;

- 5) 'The network of institutions' is a decree of the Government of the Republic (hereinafter referred to as: the Government) that establishes the type, activity and the locations of the institutions the founder of which the Republic, or a local self-government unit is;
- 6) 'Teaching year' is the period in which the regular teaching shall be carried out;
- 7) 'School year' means the period in which the regular teaching and other forms of educational and training work shall be carried out;
- 8) 'The educational curriculum' is the curriculum on the basis of which the education shall be executed;
- 9) 'Publicly valid education curriculum' is the education curriculum that is passed or approved by the competent authority;
- 10) 'Student' means the person who acquires the education in a school;
- 11) 'Apprentice' is an adult person that acquires the education with the organizer of training;
- 12) 'Social partners' are associations of employers and employees (the Union, and other entities participating in the management, performance and the financing of certain education).

## II THE EDUCATIONAL CURRICULUM

### ***The Educational Curriculum***

#### Article 19

The education shall be accomplished on the basis of the educational curriculum.

### ***Public validity of educational curriculum***

#### Article 20

The educational curriculum shall become valid publicly when the competent Ministry passes or approves it.

### ***The contents of the educational curriculum***

#### Article 21

The educational curriculum shall be composed of a general and a separate part.

The general part shall include:

- 1) the title (name) of the educational curriculum;
- 2) teaching program (subjects and their representation and the time table, the number of lessons for particular subjects and the total number of lessons for all forms of teaching);
- 3) aims and tasks of education and training;

- 4) the conditions for the enrollment, or the engagement into the courses of adult education;
- 5) the duration of the education;
- 6) progression;
- 7) the education that shall be acquired (the qualification).

The separate part shall include:

- 1) subject programs, or the catalogues of knowledge (with the contents and aims of the subjects, classification into groups, knowledge standards, teaching aids, framework list of literature, material conditions for the execution of teaching, the links between the subjects);
- 2) exam catalogues (standards);
- 3) the compulsory ways of assessment and marking of students;
- 4) the conditions for the progression and the completion of educational curriculum;
- 5) the manner of the adjusting of the programs for students with special needs;
- 6) the manner of the adjusting of the programs for the adult education;
- 7) profile and professional qualifications of teachers and professional associates;
- 8) the form of the organization of educational curriculum delivery;
- 9) other issues of importance for the implementation of educational curriculum.

### ***The passing of publicly valid educational curriculum***

#### Article 22

The Ministry shall pass publicly valid educational curriculum, at the proposal of the competent Council.

The general part of the educational curriculum shall be defined by the Ministry, at the proposal of Council for General Education of Montenegro (hereinafter referred to as: the Council for General Education).

The competent council shall define the separate part of publicly valid educational curriculum, as follows:

- 1) the Council for General Education - for preschool culture and education, primary education, secondary general education, for general teaching subjects in vocational education and for educational work within the student dormitories .
- 2) the Council for Vocational Education of Montenegro (hereinafter referred to as: the Council for Vocational Education) - for the vocational education.
- 3) Council for the Adult Education of Montenegro (hereinafter referred to as: the Council for the Education of Adults) - for the adult education.

The Ministry may not change the separate part of publicly valid educational curriculum that was defined by the competent Council.

***The passing of the private institutions educational curricula***

Article 23

The contents and procedure for the passing of the educational curriculum within a private institution shall be defined by the founding document of that institution.

The educational curriculum referred to in paragraph 1 of this Article shall become publicly valid when the competent Council establishes that it is appropriate for publicly valid educational curriculum for certain area of education.

***Acknowledged educational curricula***

Article 24

Educational curricula that are delivered by private institutions according to special pedagogical basics shall be granted public validity when the competent Council establishes that the corresponding international association recognized it, and that it provides minimum knowledge enabling the successful completion of education.

***Publishing of the educational curricula***

Article 25

The Ministry shall publish publicly valid educational curricula 12 months before the commencement of their application at latest.

The institutions within which the educational curricula referred to in paragraph 1 of this Article are implemented shall publish the information on the educational curricula together with the explanations and the instructions for application.

***Experimental assessment***

Article 26

New publicly valid educational curricula and new textbooks shall necessarily be experimentally assessed (pilot program) prior to their application.

The Ministry shall designate the institution in which the experimental program is to be carried out, at the proposal of the Bureau for Educational Services and the Center for Vocational Education.

The institution referred to in paragraph 2 of this Article can deviate from the established arrangement of educational work organization, from the manner of marking, from forming the classes and from other things, according to the permission of the Ministry.

**Performers**

Article 27

The preschool institutions shall execute preschool education, in line with the law.

Primary education shall be executed by primary schools, in line with the law.

Preschool education and primary education may also be carried out at homes, in line with the law.

Secondary general education shall be carried out by high schools, in line with the law.

Vocational education shall be carried out either by vocational schools or by vocational schools together with the employer, in line with the law.

The secondary general education may also be carried out in a vocational school (coeducational school).

Preschool institutions, schools and institutes shall carry out education of children with special needs, in line with the law.

Schools or other organizers of education shall carry out the adult education in line with the law.

The student dormitories shall carry out the accommodation, diet and education of the students that are acquiring education out of their residence places.

**III PROFESSIONAL BODIES**

***The Council***

Article 28

For the purpose of the making decisions on professional issues and for the purpose of professional help in the decisions making process and in the preparation of regulations in the field of education, Council for General Education of Montenegro, Council for Vocational Education of Montenegro and Council for the Adult Education of Montenegro shall be founded (hereinafter: the Council).

***Foundation***

Article 29

The Government shall found the Council.

The Council shall be appointed for the period of six years.

The document on the foundation of the Council shall define the composition, the number of members, the manner of work, the decision-making and other issues of importance for the Council work.

***Working bodies of the Council***

Article 30

For the purpose of the consideration of issues under its competence, the Council may form commissions, expert groups and other working bodies.

The document on the formation of working bodies referred to in paragraph 1 of this Article shall define the jobs and tasks, the composition and the manner of their work.

***Rules of Procedure***

Article 31

The Council's Rules of Procedure shall closer regulate the organization and the manner of the Council work.

***The composition of the Council for General Education***

Article 32

The Ministry and the Bureau for Educational Services, in cooperation with professional associations of teachers, shall propose two thirds of the members for Council for General Education out of the rank of teachers from the area of preschool, primary and secondary general education as well as out of the representatives of national and ethnic groups, whereas the University shall propose one third of the members out of the rank of social, science and art disciplines' scientists.

***The composition of the Council for Vocational Education***

Article 33

The Government and the Association of Employers (hereinafter: the Association) shall propose two thirds of the members for Council for Vocational education, whereas Union shall propose one third of the members of the Council for Vocational Education.

At least one third of the Council's members referred to in paragraph 1 of this Article must be the teachers of vocational schools.

***The composition of the Council for the Adult Education***

Article 34

The Ministry and the Association shall propose two thirds of the members for Council for Adult Education, whereas Union shall propose one third of the members of Council for the Adult Education.

At least one third of the Council's members referred to in paragraph 1 of this Article must be the teachers from the institutions for the adult education.

**The competence of the Council for General Education**

Article 35

Council for General Education:

1. shall pass:
  - subject and examination catalogues (standards) of knowledge in the area of primary and secondary general education, as well as for the general educational subjects within the area of vocational education;
  - the schedules of work for professional associates;
  - the standards of knowledge for primary and secondary education;
  - the methodology for the preparation of textbooks for preschool education, primary education, secondary general education, as well as for the general educational subjects in the area of vocational education and for the children and youngsters with special needs;
2. shall establish:
  - the educational curricula for preschool education, primary education and for secondary general education;
  - the educational curriculum for the education of children and youngsters with special needs;
  - the educational curriculum for general subjects in vocational education;
  - the educational program for the student dormitories;
  - training program for principal training;
  - the full validity and the equal value of the private institution educational curricula in the area of preschool education, primary education and in the area of secondary general education compared to the appropriate publicly valid educational curricula;
3. shall propose:
  - the general part of educational curriculum;
  - the standards of school space, teaching aids and equipment for the work of institutions within which the general education is delivered;
  - norms and standards for the out-of-teaching-process staff;
  - the profile and professional qualifications for teachers;
4. shall approve:
  - textbooks and teaching aids for preschool education, primary education, secondary general education, as well as for the general subjects for the vocational education and for the children and the youngsters with special needs.
5. shall give the opinions on:
  - general issues relating to education;
  - compatibility of our education system with the education systems of developed democratic countries;
  - the status and development of education and training;



6. it performs also other jobs and tasks in line with the law and with the document on foundation of the Council.

***The competence of the Council for Vocational Education***

Article 36

The Council for Vocational Education:

1. shall pass:
  - subject catalogues (standards) of knowledge and exam catalogues (standards) for vocational- theoretical subjects, as well as for all types of exams (practical, vocational, final, master craftsman's certificate exams and diploma exams) that are sat for within the area of vocational education in line with the law;
  - methodology for the preparation of textbooks for vocational-theoretical subjects;
  - the scope and contents of vocational education that is delivered with the employer;
2. shall approve textbooks and teaching aids for vocational-theoretical subjects;
3. shall establish:
  - the educational curriculum for vocational education;
  - the educational curriculum for the vocational education of children with special needs;
4. shall propose:
  - the general part of the educational curriculum for vocational education, and for the vocational education of children with special needs;
  - the standards of space, of teaching aids and of the equipment for vocational education institutions;
  - the profile and professional qualification of the teaching staff responsible for the vocational-theoretical subjects;
5. performs also other jobs in line with the law and with the document on the foundation of the Council.

***The competence of the Council for the Adult Education***

Article 37

Council for the Adult Education:

1. shall pass the catalogues of knowledge and exam catalogues;
2. shall establish:
  - the educational curricula for the adult education;
  - the adjusted educational curricula for the adult education;
  - equally valid education standards in the areas of education (occupations);
  - equally valid education standards within the educational curricula of private organizers of education;
3. shall approve textbooks and teaching aids;

4. shall propose educational curricula for the training, re-qualification, further qualification, in – service and the specialization of employed and unemployed persons;
5. shall give the instructions for the adjusted educational curricula delivery;
6. performs other jobs in line with the law and with the document on the foundation of the Council.

#### **IV EXTERNAL QUALITY ASSESSMENT AND QUALITY ASSURANCE**

##### ***The Bureau for Educational Services***

###### Article 38

The quality of educational work in institutions shall be assessed and assured by the Bureau for Educational Services as well as the development, advisory, research and professional activities relating to education in the fields of: preschool education, primary education, secondary general education, general education within the framework of vocational education, the education of the children with special needs and the education in student dormitories.

The Bureau for Educational Services is the administrative organization.

##### ***The Center for Vocational Education***

###### Article 39

Development, advisory, research and professional jobs relating to vocational education and the adult education shall be performed by the Center for Vocational Education (hereinafter referred to as: the Center).

The Government, together with the Association, the Union and the Employment Office of Montenegro, shall found the Center referred to in paragraph 1 of this Article as the public institution.

##### ***The Bureau for Educational Services' competence***

###### Article 40

The Bureau for Educational Services shall:

- 1) assess the quality of the standards achievement in the area of educational within institutions, in cooperation with the institutions;
- 2) work on improvement of the educational work in institutions, in cooperation with the institutions;
- 3) execute the professional jobs of monitoring, analyzing and development of the education system;
- 4) carry out the preparation of professional tasks on the issues that the competent Council and the Ministry decide on;
- 5) prepare the educational and pedagogical and methodical standards of textbooks and handbooks;

- 6) execute the professional jobs in the preparation of: educational curricula, the catalogues and standards of knowledge, the scale of norms and the standards of teaching aids and equipment;
- 7) execute the research works;
- 8) execute the advisory work;
- 9) organize the in – service teacher training, as well as the training of principals;
- 10) propose the measures for the development of certain levels of education, of new educational technologies and of their application;
- 11) conduct external assessment of students knowledge, or adults (apprentices) knowledge in line with the law;
- 12) monitors the experiments;
- 13) execute other jobs in line with the law and the document of the foundation of the Bureau for Educational Services  
in the fields of preschool education, primary education, secondary general education, general education within the framework of vocational education and in the education of children with special needs, and the education in student dormitories as well.

The Ministry shall prescribe the contents, forms and the manner of establishing the quality of educational work in institutions, at the proposal of the Council.

### ***The Center's competence***

#### Article 41

In the areas of vocational education and adult education the Center shall:

- 1) perform the professional jobs of monitoring, analyzing and development of education system;
- 2) work on improvement of the educational work in cooperation with institutions;
- 3) carry out the preparation of professional tasks relating to the issues that the competent Council and the Ministry decide on;
- 4) carry out the professional preparation of the educational curricula, the catalogues and the standards of knowledge, the occupational standards, the scale of norms and the standards of teaching aids and of equipment;
- 5) carry out the researches;
- 6) carry out the advisory work in the areas of vocational and adult education within institutions, and in the institutes that are associated to the education;
- 7) prepare the educational, pedagogical and methodical standards of the textbooks and handbooks;
- 8) prepare the professional standards for teaching and out-of-teaching staff;
- 9) organize the in – service training for teachers and training for principals;
- 10) propose the measures for the development and the introduction of new teaching technologies, as well as for their application;
- 11) performs external assessment of the students knowledge, or adults (apprentices) knowledge, in line with law;

- 12) monitor the experiments;
- 13) perform other jobs in line with the law and with the document on foundation of the Center.

## V EDUCATIONAL INSTITUTIONS

### ***The network of institutions***

#### Article 42

The institutions for public education shall be founded in line with the network of institutions.

The Government shall decide on the network of institutions, on the basis of certain standards and criterions.

The standards and criterions for the establishing of the institutions network are:

- 1) the number and the age of children within particular region;
- 2) specificities of the regions;
- 3) development specificities of the region;
- 4) the providing of equal conditions for the acquiring of education;
- 5) and the Republic's financial capabilities.

### ***The founding***

#### Article 43

The Founder of a public institution can be the Republic or the municipality, the major city or the capital city (hereinafter: the municipality), a national or a foreign legal or natural entity.

The Republic, the major city, or the capital may found high school as a public institution.

Exceptionally to paragraph 1 of this Article, foreign natural or legal entities may not found a primary school.

### ***Decision-making***

#### Article 44

The Founder shall pass the decision on the foundation of an institution.

The Government, or the competent authority of the municipality shall pass the document on the foundation or on the cessation of public institution work if the Founder of the institution the Republic, or the municipality is.

***The contents of the document on foundation***

Article 45

The document on the foundation of an institution shall especially define:

- 1) the title, or the name and the seat, or the residence of the Founder;
- 2) the name and the seat of the institution;
- 3) the activity of that institution;
- 4) the funds for the foundation of that institution and for the commencement of the institution work, as well as the manner of supplying them;
- 5) interim managing and administrative authorities;
- 6) the deadline for the passing of Bylaws;
- 7) other issues of importance for the foundation and for the institution work.

***The conditions of founding***

Article 46

An institution may be founded if:

- 1) there is the sufficient number of children or apprentices;
- 2) the educational curriculum was passed, or approved;
- 3) educational, or teaching and other professional staff was engaged, in line with the educational curriculum;
- 4) adequate space, teaching aids, equipment, as well as other necessities were provided, in line with the scale of norms and standards;
- 5) the funds for its founding and its work were supplied;
- 6) hygiene and technical requirements were met, in line with separate regulations.

Closer requirements referred to in indents 1 and 4, paragraph 1 of this Article shall be passed by the Ministry at the proposal of the competent Council in line with educational curriculum.

***Branch institutions***

Article 47

An institution may have its branch institution, or branch educational division out of its seat.

The provisions of this Law, relating to the work of the institution, shall be accordingly applied to the work, or the organization of a branch institution, or a branch educational division.

***The founding of branch institutions***

Article 48

The Founder shall decide on the founding of a branch institution, or a branch educational division of a private institution.

The School, or the Managing Board, with the approval of the Ministry, shall decide on the founding of a branch institution, or a branch educational division of a public institution the Founder of which the Republic, or the municipality is.

***The verification of institutions***

Article 49

The Founder of an institution shall be in obligation to submit the application for the verification of the institution to the Ministry, prior to the commencement of its work.

Along with the application for the verification of the institution, the Founder shall submit the document on founding, as well as the proofs on the fulfillment of conditions referred to in Article 46 of this Law.

***The commencement of work***

Article 50

When the Ministry establishes an institution has met the conditions for the founding, and passes the decision on verification, the institution may commence the work.

The decision on the verification of the institution shall be published in the "Official Gazette of the Republic of Montenegro".

***The permission for the performance of activity***

Article 51

The institution with its seat out of the Republic may perform its activity in the Republic, on the basis of the Ministry's permission.

The Republic regulations shall be applied to the institutions' work referred to in paragraph 1 of this Article.

***The Register***

Article 52

The Ministry shall keep the Register on the verified institutions.

The manner of keeping the Register referred to in paragraph 1 of this Article, as well as the manner of the verification of institutions shall be closer regulated by the Ministry's regulations.

### ***The Court Register***

#### Article 53

Institutions shall be registered into the Central Register of Commercial Court, after the obtaining of the decision on verification.

An institution shall acquire the status of legal entity through enrollment into the Register referred to in paragraph 1 of this Article.

### ***Prohibition of work***

#### Article 54

In case the competent inspection finds that an institution has not fulfilled the requirements, or has not carried out the activity in line with the law, it shall forbid the institution's work temporarily and fix the time period within which the institution and the Founder must eliminate the detected shortages.

If the shortages have not been eliminated within the deadline referred to in paragraph 1 of this Article, the Ministry shall forbid the institution's work and inform the Founder on that.

In case of the prohibition referred to in paragraph 2 of this Article, the institution and the Founder shall be in obligation to enable children, students, or apprentices to continue the started education in another corresponding institution.

### ***The cessation of the work of institutions***

#### Article 55

An institution shall cease its work if:

- 1) there is no need for its existence;
- 2) it does not fulfill the prescribed conditions for the execution of its activity;
- 3) it has not accomplished the activity, for the purpose of which it was founded.

The Founder is in obligation to announce the cessation of an institution work, referred to in item 1, paragraph 1 of this Article, two years in advance before the cessation of institution work, at least.

### ***The manner of the cessation of work***

#### Article 56

An institution may be closed promptly, or gradually.

The document on the cessation of an institution work shall define the day of the cessation of its work.

The institution shall cease its work at the end of school year, as a rule.

The Founder of the institution that ceases its work promptly is in obligation to enable children, students or apprentices the completion of the started educational curriculum (education).

The decision on the cessation of an institution work shall be published in the "Official Gazette of the Republic of Montenegro".

***The changes of status***

Article 57

An institution may make the changes of its status.

The decision on status changes shall be passed by the managing body of the institution, according to the approval of the Founder.

An institution may not make any status changes during teaching year.

The provisions of this law regulating the foundation and work of institutions shall be applied accordingly to an institution status changes.

***The change of title and seat***

Article 58

An institution may alter its title and its seat.

The Founder shall make the decision on the alterations of institution title and seat.

A title of a private institution must contain also the designation of the private institution.

***Institution Statute***

Article 59

An institution shall have its Statute.

The Statute of an institution shall contain particularly:

- 1) the name and the title of the institution;
- 2) legal advocacy and representation;
- 3) the manner and the procedure of managing bodies decision-making;
- 4) the tasks and scope of the institution professional bodies work;
- 5) the conditions for the release of Principal Assistant;
- 6) the organization and the accomplishment of educational work and annual work plan of the institution;
- 7) the manner of keeping the pedagogical records;
- 8) the manner of use and the keeping of the stamp and the seal;
- 9) the accomplishment of cooperation between the parents, students and the institution itself;
- 10) the manner of the passing of institution documents;
- 11) environmental protection;
- 12) the accomplishment of public and cultural activity of the institution;
- 13) the manner of the accomplishment of open work;
- 14) the other issues of importance for institution's work.



***The approval for the institution's documents***

Article 60

The internal organization and the systematization of working posts of an institution shall be regulated by a separate document of the institution.

The Ministry shall give the approval for the Statute and for the document on internal organization and on systematization of working posts in a public institution the Founder of which the Republic, or the municipality is.

***The time of organizing teaching***

Article 61

A school year shall start on the 1<sup>st</sup> of September and shall end on the 31<sup>st</sup> of August.

A teaching year shall start on the first Monday in September and shall last 180 days at least, as the rule.

The teaching year for students of final grades shall last until the 15<sup>th</sup> of May.

A teaching year shall be composed of four classification periods: two quarters and two terms.

***School calendar***

Article 62

The educational work (a teaching year) shall be organized in two terms.

Students shall have winter, spring and summer holidays.

The winter holiday shall last two weeks, and the spring holiday shall last one week.

The commencement of a teaching year and the time for the organization of educational work during teaching year shall be defined by the school calendar, which shall be passed by the Minister competent for education (hereafter referred as: the Minister) at the beginning of a school year.

***The duration of teaching year***

Article 63

A teaching year shall last 180 working days at least, and together with the practical education it shall last 220 working days and for students of final grades, it shall last 165 working days.

If the number of the lessons, which was established by educational curriculum in the area of particular subjects, are not realized within the time period defined by paragraph 1 of this Article, the teaching year shall be prolonged until the established number of lessons has been completed, but not longer than 10 working days.

### ***The Break of Educational Process***

#### Article 64

The break of educational process in an institution may occur only in case of extremely justifiable reasons (epidemics and bad weather, and alike).

The opinion of the competent health institute shall be required for the break of an institution work in case of epidemics.

The Principal shall pass the decision on the break of the educational work referred to in paragraph 1 of this Article up to three days, and the Ministry or the Founder shall pass decision on the break lasting more than three days.

## **VI THE EXECUTION OF EDUCATIONAL ACTIVITY ON THE BASIS OF A CONCESSION CONTRACT**

### ***Concessionaires***

#### Article 65

For the purpose of the carrying out of publicly valid educational curriculum, a concession may be granted to a private institution or to a national or a foreign legal or natural person that has met the requirements, prescribed by the law, for the execution of education.

Exceptionally to paragraph 1 of this Article, a concession may not be granted to a foreign legal or natural entity for the purpose of the carrying out of educational curriculum for primary education.

### ***The granting of concession***

#### Article 66

The Minister is in obligation to announce public competition for the granting of concession if it is not possible to provide preschool and primary education in line with the scale of norms and standards within public institutions, the Founder of which the Republic, or the municipality is.

### ***The contents of competition***

#### Article 67

A public competition shall be announced for the granting of a concession.

The competition referred to in paragraph 1 of this Article shall contain:

- 1) the type of education that will be subjected to a concession;
- 2) the conditions for the carrying out of that activity;
- 3) the time period for which the concession will be granted;
- 4) the field for which that concession will be granted;

- 5) the criterions for the selection;
- 6) the deadline for the receipt of applications and for the making of decision on selection;
- 7) other data significant for the granting of concession.

After the closing of such competition, the Minister shall pass the decision on the granting of a concession.

### **Concession contract**

#### Article 68

On the basis of the decision on concession, a concession contract shall be concluded.

A concession contract shall regulate mutual rights and obligations between the conceiver and the concessionary.

A concession contract shall particularly define:

- 1) the subject matter of the concession (the type and the number of educational curricula);
- 2) the scope of the activity's performance;
- 3) the commencement of concession execution;
- 4) the deadline for canceling the concession;
- 5) the funds that shall be provided by the conceiver for the execution of the activity;
- 6) the manner of the monitoring the contractual obligations;
- 7) other issues of importance for the execution of activity that is the subject matter of a concession.

### **The concession cancellation**

#### Article 69

The deadline for the cancellation of a concession aimed for the execution of the educational curricula in the area of preschool education may not be shorter than six months, and for any other educational curricula it shall not be shorter than the time period necessary for the completion of the education of the latest generation of students, or of apprentices, that was enrolled.

### **The deprivation of concession**

#### Article 70

If it is detected that a concessionary has not performed the activity according to the regulations, the contract and the decision on concession, the conceiver shall fix the deadline for the elimination of shortages.

If the concessionary has not eliminated the shortages within the fixed time period, the Minister shall deprive the concession by the decision on deprivation.

In case referred to in paragraph 2 of this Article, the conceiver is in obligation to provide students, pupils or apprentices with the finalization of the

started educational curriculum, or to provide the education in another preschool institution, or in a student dormitory.

***Consistent application***

Article 71

The regulations that regulate the work of public institutions, the Founder of which the Republic, or the municipality is, shall be consistently applied to the work of a concessionary.

**VII THE MANAGING OF INSTITUTIONS**

***The School Board, or the Managing Board***

Article 72

The School Board shall manage an institution.

Exceptionally to paragraph 1 of this Article, the Managing Board shall manage institution in the field of the preschool education, student dormitory and organization for the adult education.

The number of members of the School Board, or of the Managing Board shall be defined by the Statute of institution, depending on the type of activity that is performed by the institution and depending on the size of that institution (the number of classes).

The number of members of the School Board, or of the Managing Board of an institution the Founder of which the Republic, or the municipality is, may be neither less than nine nor more than thirteen.

***The composition of the School Board, or of the Managing Board***

Article 73

The School, or the Managing Board of an institution shall be composed of: two representatives of the Ministry, one representative of the municipality, four representatives of employees, two representatives of parents, two representatives of students, or apprentices, and two representatives of social partners.

The representatives of students, or of apprentices, shall be selected only for the School, or Managing Board within the institutions for secondary general and for vocational education, and in student dormitories, or in the institutions for adult education. The representatives of parents shall be selected only in the institutions for preschool education, primary education, secondary general education, and vocational education and in student dormitories, whereas the representatives of social partners shall be selected only within the institutions for vocational education and adult education.

The Panel of Teachers, or the Professional Panel shall select the representatives of employees.

The Parents Council shall select the representatives of parents.

The student community, or the apprentices shall select the representatives of students, or of apprentices.

The members of the School Board referred to in paragraphs 3, 4 and 5 of this Article shall be selected by secret voting.

The provisions of this Article shall not refer to private institutions

### ***The term of office***

#### Article 74

The members of the School, or of the Managing Board shall be selected for the period of four years, except the representatives of students that shall be selected for the period of two years.

The School, or the Managing Board shall be constituted at the first sitting summoned by the Principal of the institution.

### ***The interim School Board***

#### Article 75

If the School, or the Managing Board of an public institution, the Founder of which the Republic, or the municipality is, does not meet or does not perform its functions, the Minister, at the proposal of the Principal or of the competent inspection, or of the Bureau for Educational Services may dissolve the School, or the Managing Board and decide on the time period within which the new one shall be constituted.

If the new School, or the Managing Board has not been constituted within the deadline referred to in paragraph 1 of this Article, the Minister may nominate the School, or the Managing Board, but for the period of six months at most.

### ***Competences***

#### Article 76

The School, or the Managing Board of an institution shall:

- 1) adopt development project;
- 2) adopt the annual work plan and report on its implementation (fulfillment);
- 3) consider the programs and the results of out-of-teaching activities;
- 4) pass the Statute, the document on the internal organization and on systematization of working posts, and other general documents;
- 5) pass annual financial plan;
- 6) adopt the periodical and annual statement of account;
- 7) decide on the change of institution name and seat on the basis of the Founder's approval;
- 8) decide on the rights of employees, students, or of the users of services, as the second instance authority and in line with the law;
- 9) execute other jobs in accordance to the law and the Statute.

The School, or the Managing Board shall decide by the majority of votes of the total number of members, unless the Statute provided for the particular issues to be decided by the other majority.

## VIII ADMINISTERING

### ***The Principal***

#### Article 77

The Principal shall administer an institution.  
The institution Principal shall be also the pedagogical head.

### ***Conditions***

#### Article 78

Any person, who:

- 1) fulfills the conditions for an educator, or a professional assistant (a pedagogue, a psychologist and a special education teacher) for preschool institution, as well as for a teacher, or professional associate for school, in line with the law;
  - 2) passed the professional exam;
  - 3) has five years of working experience doing the jobs of teaching and education,
- may be chosen the Principal of an institution.

Exceptionally to indent 1 in paragraph 1 of this Article, any person who completed the university degree of education may be chosen the Principal of a student dormitory and of an institution for adult education.

An institution principal shall be selected for the period of four years.

### ***The training of Principals***

#### Article 79

The person chosen for Principal is in obligation to complete the appropriate training for institution principals.

The Bureau for Educational Services shall organize the training for principals referred to in paragraph 1 of this Article.

### ***The selection and release of Principal***

#### Article 80

An institution Principal shall be selected and released by the Founder.

A Principal of a public institution, the Founder of which the Republic or the municipality is, shall be selected on the basis of public competition and on the basis of the submitted project for the institution development.

A candidate for Principal is in obligation to table the project for the development of the institution.

Exceptionally to paragraph 1 of this Article, the Principal of a public institution, the Founder of which the Republic or the municipality is, shall be selected and released by the School or the Managing Board of the institution and after obtaining the opinion of the Panel of Teachers or the Professional Panel, of the municipality, as well as according to the provided opinion of the Parent Council (except in the institution for adult education), whereas in the institutions for secondary general and vocational education and in student dormitory after obtaining the opinion of student community as well.

The Panel of Teachers or the Professional Panel shall pass the opinion referred to in paragraph 4 of this Article by secret voting.

The Minister shall approve the Principal selection referred to in paragraph 4 of this Article.

### ***Acting Principal***

#### Article 81

If the Principal has not been chosen on the basis of the competition, the School or the Managing Board shall appoint the Acting Principal out of the rank of employees that fulfill the conditions for the Principal and for the period of 12 months at most.

If the School, or the Managing Board has not chosen the Acting Principal, the Founder shall appoint the Acting Principal out of the rank of employees, until the selection of the Principal and for the period of six months at most.

If the Principal of a public institution, the Founder of which the Republic or the municipality is, has not been selected on the basis of public competition, or in case the Minister's approval, in the sense of paragraph 6 of Article 80 of this Law, has not been obtained, the School or the Managing Board shall nominate the Acting Principal out of the rank of employees that has met the requirements for Principal, and for the period of 12 months at most.

The Minister shall appoint the Acting Principals of such institution if the School or the Managing Board does not act in line with the paragraph 3 of this Article.

### ***The Principal's competences***

#### Article 82

The Principal of an institution shall:

- 1) plan, organize and administer the institution's work;
- 2) organize rationalized and effective educational curriculum delivery;
- 3) provide the equality of students in the accomplishment of the rights to education, in line with their capabilities;
- 4) prepare the proposal of annual work plan and shall be responsible for its implementation;
- 5) manage the Panel of Teachers, or the Professional Panel's work;

- 6) select the teachers, professional associates and other staff in the institution;
- 7) propose the document on the organization and the systematization of working posts;
- 8) perform the professional and pedagogical supervision;
- 9) decide on the rights and the obligations of employees, in line with the law;
- 10) stimulate the professional improvement and in – service training for teachers;
- 11) advocate and represent the institution, and shall be liable for the legality of institution work;
- 12) cooperate with parents and with the surroundings;
- 13) execute other jobs in line with the law and the Statute of the institution.

The Principal of an institution shall submit the School, or the Managing Board the report on work, according to the need and once a year at least.

### **Conditions for release**

#### Article 83

In addition to the cases provided for by the law, the School, or the Managing Board may release from duties an institution's Principal who:

- 1) personally requires that;
- 2) does not implement the project of institution development;
- 3) does not take the measures against the employees that do not perform their tasks, or who violate the working obligations and abuse their positions;
- 4) establishes that the institution has not implemented the annual work plan;
- 5) does not fulfill the tasks, or violates the working obligations;
- 6) abuses the standing;
- 7) selects a teacher, or an associate contrary to the law;
- 8) allows the prescribed files are not kept in the institution;
- 9) tolerates the institution does not provide the publicity of work;
- 10) does not pass the decision on the annulment of exam, in line with the law;
- 11) does not act according to the inspection's decision;
- 12) passes the documents the enforcement of which caused a greater damage for the institution, the employees and for the users of services;
- 13) permits the political and religious activities and organizations within the institution for public education;
- 14) in other cases defined by the Law and Statute of the institution.

If the School, or the Managing Board of a public institution, the Founder of which the Republic or the municipality is, has not release the Principal of an institution in cases referred to in paragraph 1 of this Article, the Minister may release the Principal of that institution.



***The rights stemming from employment***

Article 84

The Principal or the Assistant Principal who, after the end of the term of office, has not been re-appointed, or the Principal that was released prior to the end of the term of office, shall be assigned the post corresponding his/her qualifications. In case there is no such a post, his/her employment ceases.

***Assistant Principal***

Article 85

An institution having more than 30 educational groups, or 20 classes, may have an Assistant Principal.

An institution having more than 60 educational groups, or 40 classes, may have two Assistant Principals.

The Assistant Principal shall help the Principal of an institution to organize the educational work.

The institution's Statute shall closer define the jobs and tasks of the Assistant Principal.

***The conditions for the selection of the Assistant Principal***

Article 86

Any person that fulfills the condition for the Principal may be chosen the Assistant Principal.

Assistant Principal of an institution shall be appointed and released by the Principal.

The Assistant Principal of the institution shall be appointed for the period of four years.

**IX PROFESSIONAL BODIES**

***Types of professional bodies***

Article 87

The following professional bodies shall be established within an institution: the Panel of Teachers, the Board of Class Teachers, Professional Section of Teachers, the Class Master and other bodies provided for by the institution's Statute.

Exceptionally to paragraph 1 of this Article, the following professional bodies shall be composed within preschool education institution, or within student dormitory: Professional Panel, Professional Section and other bodies provided for by the Statute of the institution concerned.

The Panel of Teachers shall be established separately for the vocational school and for the secondary general school (high school) within a composite school.

***The composition of professional bodies***

Article 88

The Panel of Teachers shall be composed of teachers and educators.

The Board of Class Teachers shall be composed of teachers, educators and professional associates that participate in the execution of educational work in the class.

The Professional Section of Teachers shall be composed of the teachers of the same teaching subject or of two, or more related teaching subjects.

The Professional Panel shall be composed of: educators, educators-associates, special teacher-pedagogues, professional assistants and associates.

The Professional Section within preschool institution shall be composed, as the rule, of educators, special teacher-pedagogues, pedagogue-assistants and associates engaged in the performance of certain courses of study relating to the educational groups of the children of approximately the same age.

***The competences of the Panel of Teachers, or of the Professional Panel***

Article 89

The Panel of Teachers, or the Professional Panel of the institution shall:

- 1) select the members for the School, or for the Managing Board out of the rank of employees;
- 2) give opinions on the candidates for the selection of Principal;
- 3) consider and make decisions on professional matters of the educational work;
- 4) propose the introduction of the non-standard courses of study and certain activities;
- 5) give opinion on the annual work plan of the institution;
- 6) give opinion on the modernization of educational work;
- 7) give opinion on the forms of professional in – service for teachers and on their promotions;
- 8) decide on disciplinary measures in the area of its competence;
- 9) execute other jobs in line with the law and with the Statute of the institution.

***The Board of Class Teachers***

Article 90

The Board of Class Teachers shall consider the educational work within the classes, establish the courses of study relating to the work with talented students and with students having learning difficulties, decide on disciplinary

measures and perform other jobs in line with the law and the Statute of the institution.

**Professional Section**

Article 91

Professional section shall consider the educational work per subjects, or per educational groups, give proposals for the improvement of educational work, consider the complaints of parents and perform other jobs prescribed by the Statute and by the annual work plan of institution.

**Class Master**

Article 92

Class Master shall analyze the educational and teaching results of the class, solve educational and learning problems of certain students, cooperate with parents, decide on disciplinary measures and execute other jobs in line with the law and with the Statute.

**Competence**

Article 93

The Statute of an institution shall closer define the competencies and the manner of professional bodies work.

**X PARENTS COUNCIL**

**Parents Council**

Article 94

For the purpose of the organized realization of parents' interests, the Parents Council shall be constituted within an institution.

The Parents Council, referred to in paragraph 1 of this Article, shall be composed of the parents of children included in different educational groups, or of the parents of children included in various grades, and they shall be selected at the parents meeting, in the manner and according to the procedure defined by the Statute of the institution.

### **Competencies of the Parents Council**

#### Article 95

The Parents Council shall:

- 1) select its representatives for the School, or for the Managing Board;
- 2) give opinion relating to candidates for the selection of a Principal;
- 3) give opinion relating to the proposal of the annual work plan of institution;
- 4) consider the reports on the institution's work;
- 5) consider parents and students' complaints relating to the educational work;
- 6) execute other jobs in line with the law and with the Statute of the institution.

The institution Statute shall closer define the manner of the Parents Council work.

## **XI THE RIGHTS AND THE RESPONSIBILITIES OF STUDENTS**

### ***Student Community***

#### Article 96

The students of one class in a school shall compose the class community.

The students of all classes in a school shall compose the Student Community.

The Statute of the school shall closer define the authorities and the manner of work of the Student Community.

### ***Students' rights***

#### Article 97

A school shall provide its students the following rights:

- 1) to get the written instructions containing the rights and responsibilities of students at the beginning of the school year;
- 2) to have high quality educational work (teaching);
- 3) to express their opinions on the teachers' work;
- 4) to ask for the assessment of their knowledge during the school year;
- 5) to participate in the creation of the instructions containing the rights and responsibilities;
- 6) to be informed timely and fully;
- 7) to be protected in any relation to all kinds of violence in the school;
- 8) to be absent from school during five days in a year, but with previous notification on that;
- 9) to participate in the creation of specialized excursions' contents and in other forms of educational work;
- 10) other rights defined by the institution Statute.

The Representatives of Student Community shall be entitled to participate in the work of the professional bodies of the school on the occasion of discussing the issues of the importance for students (student standard, free activities and alike).

***The responsibilities of students***

Article 98

Students shall have the following responsibilities:

- 1) to work in order to attain the knowledge and to acquire general culture, in a regular, industrious and scrupulous manner;
- 2) to comply with school regulations, advices, instructions and with decisions of teachers, of the Principal and of the school bodies;
- 3) to attend teaching regularly;
- 4) to excuse the absence timely;
- 5) not to disturb the teaching process and the class work during the lessons;
- 6) not to leave lessons in their course without previously obtained permission of the subject teacher;
- 7) to conduct decently toward the teachers;
- 8) to respect the personalities of other students, and to cherish the sense of friendly and human relations;
- 9) to guard the school property;
- 10) to care for clean and aesthetic appearance of the school;
- 11) to participate in school tour of duty;
- 12) to respect the school, or house rules;
- 13) to execute other duties defined by the institution Statute.

**XII THE TEACHERS**

***Teachers Autonomy***

Article 99

Teachers have the professional freedom in the organization of teaching, the application of the teaching methods and in the selection of the forms of work with pupils, as well as in the selection of tasks they give to their students, all within the framework of the established educational curriculum.

***Prohibition of delivery of teaching***

Article 100

The teacher that was convicted by the enforceable judgment for the criminal offence against the dignity of persons and against moral may not deliver teaching.

***The employing of teachers***

Article 101

A teacher shall be employed on the basis of public competition, in line with the law.

The institution Principal shall pass the decision on a teacher's employment.

A specific condition for a teacher's employment is the probation work.

The duration of probation work, the manner of carrying out of the probation work and the marking of its results shall be defined by the Ministry's regulation.

After the termination of the probation work period defined by the Contract on Probation Work, the employment shall cease for the teacher that did not meet the requirements during the probation work.

### ***Teacher-Trainee***

#### Article 102

The person that has started the employment in school for the first time and for the purpose of on-the-job training aimed for the self-reliable performance of work within the range of his/her qualifications shall be considered a teacher-trainee.

The trainee period of a teacher-trainee with higher and University degree of qualifications shall last one year, and it shall last six months in case of a teacher-trainee with secondary school degree of qualification.

The employment of a teacher-trainee shall cease after the expiration of the trainee period.

### ***Mentor***

#### Article 103

The trainee period shall be completed according to the established program of educational work within institutions, and under the direct supervision of the authorized teacher (mentor) who has at least the same degree of school qualifications as the teacher-trainee has.

The Principal of an institution shall appoint the mentor referred to in paragraph 1 of this Article, at the proposal of the Professional Panel or of the Panel of Teachers of the institution.

The Statute of institutions shall define the manner of the selection of mentor, of the jobs and the tasks.

### ***Passing of program***

#### Article 104

The Ministry shall pass closer regulations on the contents, program, and the manner of monitoring and the marking of trainee period, at the proposal of the Council for General Education.

***The crediting of trainee period***

Article 105

If the trainee period or a part of the trainee period was completed by a teacher abroad, the trainee period, or a part of that period, may be credited to that teacher under the condition that the program of trainee period abroad does not deviate significantly from the program of trainee period defined on the basis of this Law.

The authority, before which the professional exam is sat for, shall pass the decision on the crediting of trainee period referred to in paragraph 1 of this Article.

***The professional exam***

Article 106

After the completion of the trainee period, teacher shall sit for the professional exam.

Exceptionally to paragraph 1 of this Article, the teacher that completed the trainee period and passed professional exam according to some other regulations shall have the right to sit for the professional exam according to the provisions of this Law and after one year of working experience in the institution.

***The sitting for professional exam***

Article 107

The professional exam shall be sit for before the competent Commission.

The Ministry shall define closer regulations on contents, conditions, and manner and on the place of the sitting for the professional exam, as well as on the establishing and the composition of Commission and the amount of expenses.

***The number of lessons reduction***

Article 108

The working hours of a teacher-trainee, during the trainee period, or of a teacher that has been engaged in the direct execution of the teaching process 35 years at least, can be reduced for two lessons per week, and in case it is not possible to reduce the number of lessons, the amount of pay can be increased by 5%.

***The employment of teachers by means of agreement***

Article 109

A teacher that does not have the obligatory number of lessons prescribed by the law, or a teacher that has been declared surplus manpower because of the change in the educational curriculum, or because of the alteration of standards and

of the scale of norms, or because of the decrease in the scope of enrolment, may be employed in another institution, on the basis of the agreement between the Principals of those institutions, in order to supplement the obligatory number of lessons.

### ***The additional activities of teachers***

#### Article 110

A teacher may, for a fee, train a student for the purpose of the sitting for an exam or for the achievement of better success in specific subject, under the condition the student neither attends regular teaching process, nor sits for the exams within the school in which the teacher has been employed.

The person that met the requirements for the execution of a teacher's duties, and who is not employed, may be engaged for the training of students, the same training being his/her basic activity.

The teacher doing the activity referred to in paragraphs 1 and 2 of this Article is in obligation to report the competent municipality authority and the competent inspection thereon.

The Ministry shall prescribe the conditions for the execution of the activity referred to in paragraph 2 of this Article.

### ***The cessation of employment***

#### Article 111

In addition to the conditions provided for by the Labor Law, the employment of a teacher who:

- 1) does not implement the educational curricula in line with the prescribed standards;
- 2) organizes students and employees for political purposes;
- 3) does not participate in the institution's professional bodies work;
- 4) abuses the position;
- 5) persuades any student, or any employee to sexual intercourse, or to sexual promiscuity;
- 6) refuses to act according to the employer's order, which was given for the purpose of the providing of minimum work process during the strike;
- 7) prevents employees to work during the strike;
- 8) participates in strike, which has been organized contrary to the regulations;
- 9) humiliates, insults, or punishes students physically;
- 10) causes national or religious intolerance;
- 11) trains the students from the institution he/she has been employed with, charging the training, and the competent educational inspection establishes the fact;
- 12) carries out the training of students as the basic activity;
- 13) has marked the students in non-objective and not prescribed manner and the competent body establishes the fact,

shall be ceased.



### **XIII IN SERVICE TRAINING AND PROMOTION OF TEACHERS**

#### ***In service training***

##### Article 112

Teachers have the right and the obligation to go for in service training through various forms of in service (individual, formal and informal).

The Ministry shall prescribe the programs and the organization of the forms of in service training for teachers, at the proposal of the Bureau for Educational Services, or the Center.

#### ***The promotion***

##### Article 113

A teacher can be promoted in certain rank.

The ranks referred to in paragraph 1 of this Article shall be granted by the commission of the Ministry, at the proposal of the Panel of Teachers, or the Professional Panel of the institution

The Ministry, at the proposal of the competent council, shall prescribe the types of ranks, the conditions, the manner and the procedure for the granting of teacher ranks.

### **XIV PEDAGOGICAL RECORDS AND PUBLIC DOCUMENTS**

#### ***Pedagogical records***

##### Article 114

The unique pedagogical records shall be kept in a school, and they are as follows: enrollment book (Register book), teacher's book (a book of daily activities together with roll book), records on exams and on the success of students, or apprentices at the end of school year, records on issued certificates and diplomas, records on the assignment of subjects per teachers, the chronicle, etc.

In schools that carry out the teaching process in the language of the members of national and ethnical group, the pedagogical records shall be kept both in the language that is in the official use and in the language of the members of national and ethnical group as well.

The school shall be in obligation to preserve the enrollment book (register book) and the records on issued certificates and diplomas, permanently.

**Public documents**

Article 115

A school that delivers publicly valid educational curriculum shall issue public documents on the basis of the data from pedagogical records.

Public documents referred to in paragraph 1 of this Article are: student booklets, certificates, diplomas, transfer notes, or excommunication notes and other public documents that shall be issued in line with the law.

In school in which the teaching process is carried out in the language of national or ethnical groups, public documents shall be issued both in the language that is in the official use and in the language of the national or ethnical groups.

**The issuing of public documents**

Article 116

At the end of the first term, school shall issue student booklet, containing the marks, to each student.

At the end of the teaching year, any school shall issue certificate to each student, regardless of the attained success.

School shall issue diploma on practical, final, vocational ability, Matura, master craftsman as well as on diploma exam.

On the occasion of the excommunication from a primary school, a pupil shall be issued a transfer note, and on the occasion of the excommunication from a secondary school, a student shall be issued the excommunication note.

The organizer of education shall issue certificates, diplomas, or other public documents on completed educational curriculum to apprentices, in line with the law and the document on founding.

**The authentication of documents**

Article 117

The authenticity of a public document shall be verified by institution's stamp.

The stamp of the institution shall be round in shape and shall contain the name of the Republic, the name of the municipality and of the seat of that institution.

In the middle of the stamp is the Republic coat of arms.

**The prescribing of forms**

Article 118

The Ministry shall prescribe the form and the manner of the keeping of pedagogical records and of Forms of public documents referred to in Articles 114, 115 and 116 of this Law.

## **XV VALIDATION AND EQUIVALENCY**

### ***The right to the validation of education***

#### Article 119

Unless otherwise was prescribed by the international agreement, a national of the Republic that finished primary or secondary school, or particular school grades, abroad shall have the right to request the validation of the certificate, or diploma or other school document (hereinafter: the foreign certificate), on the acquired education or on the completed particular school grade, in line with this Law.

A foreign national shall have the right to request the validation of the certificate or diploma acquired abroad if there is any legal interest for him/her.

### ***The validation***

#### Article 120

By the validation, the foreign certificate is equaled to the adequate certificate acquired in the Republic regarding the right to the continuation of education and regarding the right to employment.

### ***Equivalency***

#### Article 121

By the equivalency, the foreign certificate shall be equaled to the adequate certificate acquired in the Republic regarding the right to the continuation of the education.

### ***Competencies***

#### Article 122

The Ministry shall execute the validation, or the equivalency of the foreign certificates.

A decision shall be made on the validation, or on the equivalency of foreign certificates.

### ***The comparability of education***

#### Article 123

The system of education, the educational curriculum, the conditions prescribed for the enrollment into the educational curriculum, the rights that are given by certain certificate within the country in which it was acquired and other circumstances of importance for the validation, or for the equivalency that relate to

the country in which the foreign certificate was acquired shall be taken into consideration in the procedure of the validation, or of the equivalency.

In case the procedure of the validation, or of the equivalency has established that the educational curriculum of a foreign institution deviates significantly from the educational curriculum of an institution in the Republic, the obligatory sitting for the additional, or the differential exams shall be defined by a decision on the validation or on the equivalency.

***A stipulation***

Article 124

The contents of a decision on validation, or on equivalency, shall be written on the original and on a copy of the foreign certificate translation (the stipulation on the validation, or on the equivalency).

***Absoluteness of the procedure***

Article 125

A decision on the validation, or on the equivalency shall be absolute in the administrative procedure.

***Consistent application***

Article 126

In the procedure of the validation, or of the equivalency, the Law on General Administrative Procedure shall be applied, unless contrary provided by this Law.

***The Register***

Article 127

The Register on the validation, or on the equivalency of the foreign certificates shall be kept.

The Ministry shall keep the Register referred to in paragraph 1 of this Article.

***Closer regulations***

Article 128

The Ministry shall prescribe closer provisions on the procedure and on the manner of validation, or of the equivalency of the foreign certificates and on the keeping of the Register.

## **XVI THE RIGHTS AND OBLIGATIONS IN THE AREA OF STUDENT STANDARD**

### ***The rights of students***

#### Article 129

The rights in the area of student standard shall be accomplished in line with this Law.

The rights in the area of student standard shall be personal and may not be transferred.

### ***The type of rights***

#### Article 130

A student shall have the right of:

- 1) accommodation and diet in the dormitories;
- 2) scholarship for talented ones;
- 3) transport allowance.

### ***The rights of accommodation and diet***

#### Article 131

The accommodation and diet of students shall be organized within the pupils' dormitories, or within the student dormitories (hereinafter: the dormitories).

Full-time pupil that attends secondary school out of the residence place shall have the rights of diet, or of diet and accommodation within the dormitory.

The Ministry shall prescribe closer regulations on the criteria, manners and the sequence for the admission, as well as on the price of accommodation and diet of the students within the dormitory.

### ***Competition***

#### Article 132

The Founder shall announce the competition for the admission of students into dormitories two months prior to the beginning of the school year at least.

The allocation of places and the moving of students into dormitories shall be carried out by the Commission that is appointed by the Managing Board of the dormitories.

The Commission referred to in paragraph 2 of this Article is in obligation to complete the allocation and the moving in of students until the beginning of teaching year.

If a student, or a parent of the student, is not satisfied with the decision of the Commission referred to in paragraph 2 of this Article, he/she shall have the right to appeal to the Managing Board of the dormitory within three days as of the day of the allocation of places.

### ***The right to the provision of scholarship***

#### Article 133

A talented student selected at the proposal of the Panel of Teachers, the opinion being made on the basis of mentor's opinion, shall have the right to scholarship.

The Panel of Teachers shall appoint the mentor referred to in paragraph 1 of this Article.

As a talented student under paragraph 1 of this Article shall be considered the student who, in particular teaching subjects, or areas, shows specific talent, interests, curiosity and capabilities for the meditative and creative processes, as well as who achieves excellent results and has a very good general success at least.

The decision on the awarding and the cessation of scholarship shall be made by the Commission, which is appointed by the Ministry.

The Ministry shall prescribe closer criterions for the awarding of scholarship referred to in paragraph 1 of this Article.

### ***The cessation of scholarship***

#### Article 134

A student shall be deprived of the right to scholarship if:

- 1) the Panel of Teachers has not proposed prolongation of scholarship;
- 2) he/she has not achieve the success on the basis of which he/she acquired the right to scholarship;
- 3) he/she has changed the school arbitrarily.

## **XVII FINANCING**

### ***The sources of financing***

#### Article 135

The education shall be financed from:

- 1) public revenues (the Budget of the Republic and of the Municipality);
- 2) the Founder's funds;
- 3) tuition fees in private institutions;
- 4) fees that are paid by parents;
- 5) revenues from property (the rents);
- 6) profits from service and products sale;
- 7) donations, sponsorships, legacies;
- 8) other sources.

The institutions for public education must not be financed from the funds of political parties.

### **The providing of funds**

#### Article 136

The Republic Budget shall provide funds for public institutions, included in the network of institutions and the Founder of which the Republic or the municipality is, for:

- 1) gross salaries and other incomes of the employed;
- 2) the current investment maintenance;
- 3) the investments for institutions;
- 4) material costs and energy expenses;
- 5) the permanent in service training for teachers;
- 6) the remedial primary education of our citizens temporarily employed abroad;
- 7) the primary adult education;
- 8) the external assessment of students' knowledge, prescribed by the law (the assessment of students' knowledge at the end of the third cycle, the Matura and other exams);
- 9) the scholarships for talented students;
- 10) the student competitions;
- 11) experimental teaching;
- 12) the accommodation and diet of students in dormitories and the Institute;
- 13) the subvention of the textbooks of small circulation, as well as those for the education of national or ethnical groups;
- 14) a part of the contributions for pension insurance of the students, who are educated with the employer;
- 15) children's diet costs in preschool institutions, the parents of whom are the beneficiaries of the family financial support in line with the separate regulations;
- 16) the Principals training and for the professional councils work;
- 17) development, advisory and research work in the area of education;
- 18) the improvement of the information system;
- 19) the subvention of the solution of the housing problems of employees in institutions;
- 20) other obligations prescribed by the law;
- 21) diet allowances for preschool children, amounting 50% of the price of diet per child;
- 22) travel allowances for students.

With the exception of the provision of paragraph 1 of this Article, the financing of the requirements, referred to in indents 2, 3 and 4 of this Article, of public institutions included in the network of institutions and the Founder of which the municipality is shall be obtained from the municipality budget.

The funds for the financing of public institutions, not included in the network of institutions and the Founder of which the municipality is, shall be obtained from the municipality budget.

***Limitation for the participation in the financing***

Article 137

Institutions that are financed completely from public revenues may not request students, or apprentices, to participate in the covering of educational costs.

***Scale of norms and standards***

Article 138

Institutions realizing publicly valid educational curricula shall obtain funds in accordance to the scale of norms and to the standards.

The Ministry shall define the scale of norms and the standards referred to in paragraph 1 of this Article, on the basis of the opinion of the competent Council.

The obligations of teachers and associates, the criteria for the founding of advisory service, library, administrative and accounting and technical service, as well as the criteria for the formation of classes and groups for the purpose of the assessment of material costs, plus the standards for space and equipment shall be regulated by the scale of norms and by the standards.

On the grounds of the scale of norms and of the standards referred to in paragraph 2 of this Article, an institution shall pass the document on systematization of its working posts.

***The conditions for the financing of private institution***

Article 139

A private institution implementing the publicly valid educational curriculum shall have the right to be financed from the Republic Budget, in line with this Law, if:

- 1) it carries out the educational curriculum from the first to the final grade throughout schooling;
- 2) it carries out the educational curriculum for the children of preschool age in the duration of one year at least;
- 3) it enrolled two classes of the first grade at least, and in case of a music school, if it enrolled 35 pupils at least;
- 4) it has employed teachers and associates necessary for the execution of publicly valid educational curriculum, in line with the law and with other regulations.

The Ministry shall establish whether a private institution fulfills the conditions referred to in paragraph 1 of this Article.

The mutual rights and obligations of a private institution and the Republic shall be closer regulated by a contract.



***The right to subvention***

Article 140

A private institution, implementing the publicly valid educational curriculum, shall be entitled to the funds from the Republic Budget for salaries and material costs in the amount of 70 to 80% of funds obtained per child, or per student, in a public institution the Founder of which the Republic is.

***The limitation of financing***

Article 141

The funds from the Republic Budget shall not belong to a private primary school in case the enrollment of children into such private primary school endangers the existence of the (single) public institution founded by the Republic and in the location within the same area.

In case referred to in paragraph 1 of this Article, financing of private institution from public revenues shall cease, based on Ministry's decision.

***The compensation of tuition fees***

Article 142

The compensation of tuition fee per student, or per child, in private institution may be 10% bigger than the funds that are obtained per student, or per child, in public institution founded by the Republic.

***The limitation of salaries***

Article 143

The salaries of the employees in private institutions that execute publicly valid educational curricula shall be calculated in line with the law and with other regulations in force for the public institutions founded by the Republic.

If the salaries within private institutions are calculated in contrary to provisions of paragraph 1 of this Article, they shall cease to be financed from public revenues.

***The providing of funds for concessionaire***

Article 144

A concessionaire shall be provided funds from the Republic Budget for the purpose of the execution of the publicly valid educational curriculum, in line with the contract.

***The completion of started education***

Article 145

The Republic is in obligation to provide children, students or apprentices to complete their education started in a private institution, which, because of the cessation of the financing from the public revenues, stopped the delivery of publicly valid educational curricula.

**XVIII PENAL PROVISIONS**

***The sanctions for violations***

Article 146

An institution shall be punished by a fine of 20 to 100 amounts of the minimum salary in the Republic if:

- 1) it allows political organizing and activities contrary to the provisions of Article 6 of this Law;
- 2) it uses the textbooks and teaching aids contrary to the provisions of Article 13 of this Law;
- 3) it does not accomplish the prescribed educational curricula in line with Article 19 of this Law;
- 4) it starts its work without the decision on verification (Article 50);
- 5) it makes the status changes contrary to the provisions of Article 57 of this Law;
- 6) it changes the name and the seat of the institution contrary to the provisions of Article 58 of this Law ;
- 7) it does not obtain the approval for the Statute and for the document on internal organization and on systematization of working posts, in line with the provisions of Article 60 of this Law;
- 8) it employs a teacher contrary to the provision of Article 101 of this Law;
- 9) it concludes the contract on employment contrary to the provisions of Article 109 of this Law;
- 10) it does not keep prescribed pedagogical records in line with the provisions of Article 114 of this Law;
- 11) it issues public documents contrary to the provisions of Article 115 of this Law;
- 12) the Commission does not carry out the allocation of places and the moving in of students into dormitories within the time period defined by Article 132 of this Law.

The responsible person of the institution shall be punished for the violations referred to in paragraph 1 of this Article by a fine from a half to 20 amounts of the minimum salary in the Republic.

## **XIX TRANSITIONAL AND FINAL PROVISIONS**

### ***The harmonization of the work of institutions***

#### Article 147

The existing institutions and other organizations, executing the educational activity according to the previous legislation, shall harmonize their organization, work and general documents with the provisions of this Law within the period of one year as of the effective date of this Law.

The existing documents shall be applied until the passing of general documents referred to in paragraph 1 of this Article, unless they are contrary to the law.

### ***The defining of the institution network***

#### Article 148

The network of institutions referred to in Article 42 of this Law shall be defined within one year as of the effective date of this Law.

The institutions founded, or organized according to the legislations before the effective date of this Law shall continue their work until the establishment of the network of institution referred to in paragraph 1 of this Article.

### ***By-laws***

#### Article 149

The By-laws for the purpose of the implementation of this Law shall be passed within one year as of the effective date of this Law.

The By-laws that were in force in anticipation of the introduction of this Law shall be applied until the passing of the By-laws defined by this Law, unless they are contrary to this Law.

### ***The foundation of the Councils***

#### Article 150

Council for General Education of Montenegro, Council for Vocational Education of Montenegro and Council for Adult Education of Montenegro shall be founded within 90 days as of the effective date of this Law.

### ***The Council work cessation***

#### Article 151

The Council for Changes in the Education of the Republic of Montenegro shall cease to exist on the day of the foundation of the Councils referred to in Article 150 of this Law.

***The establishment of the Bureau for Educational Services and of the Center***

Article 152

The Bureau for Educational Services and the Center for Vocational Education shall be established within six months as of the effective date of this Law.

***The status of former managing and administrative bodies***

Article 153

The Principal, the Assistant Principal and the School, or the Managing Board selected, or nominated before the introduction of this Law shall continue the work until the expiration of time for which it has been selected, or nominated.

The procedure for the selection of Principal, Assistant Principal, or for the nomination of the School, or the Managing Board that commenced before the introduction of this law, shall be completed according to the regulations in force prior to the effective date of this Law.

***The establishment of the Parents Council***

Article 154

The Parents Council referred to in Article 94 of this Law shall be composed in all institutions until 31<sup>st</sup> of October 2003.

***The started procedure of employment***

Article 155

The procedure of a teacher's employment that has started before the effective date of this Law shall be finalized according to the regulations valid until the effective date of this Law.

***The started trainee period***

Article 156

A teacher who has commenced the trainee period before the effective date of this Law shall complete the trainee period and shall sit for the professional exam according to the regulations valid before the effective date of this Law.

***The acknowledgment of professional exam***

Article 157

A teacher that passed the professional exam, or the professional exam was acknowledged to him/her according to former regulations, shall be acknowledged the professional exam according to this Law as well.

***The acknowledgement of acquired ranks***

Article 158

A teacher who acquired the ranks of an educator adviser, or of a senior educator adviser before the effective date of this Law, shall keep that rank.

***The commenced procedure of verification and equivalency***

Article 159

The procedure of verification, or equivalency, started before the effective date of this Law, shall be completed according to the regulations it has been commenced on.

***Textbooks and teaching aids***

Article 160

Textbooks and other teaching aids approved before the effective date of this Law may be used further until the approval and the issuing of the textbooks and other teaching aids according to this Law.

The procedure of the providing, assessment and the approval of the textbooks and other teaching aids, commenced before the effective date of this Law, shall be completed according to the regulations valid before the effective date of this Law.

***The application of the certain provisions***

Article 161

The provisions of Article 80, indents 2, 3, 4, 5 and 6 of this Law, shall be applied starting from school year 2003/2004.

The provisions of Articles from 135 to 145 of this Law, relating to the financing, shall be applied starting from the fiscal year 2003.

***The cessation to be in effect***

Article 162

As of the day of this Law comes into effect, there shall cease to be in effect: The Law on In-service Training of Teachers and Teaching Staff ("Official Gazette of SRM", No.26/87); The Law on the Financing of the Requirements in the Field of Education, Culture and Physical Education ("Official Gazette of SRM", No. 29/90 and 7/92); the provisions of The Law on Verification and Equivalency of Certificates and Diplomas Acquired Abroad ("Official Gazette of SRM", No. 6/87), relating to the provisions on the verification and the equivalency of certificates on the completed primary and secondary education, or on the acquired qualification

degree, and on the completion of particular grades; the provisions of Article 1110 of the Law on Primary school (“Official Gazette of RM”, No. 34/91, 56/92, 32/93 and 20/95); provisions of Article 103 of the Law on secondary school (“Official Gazette of RM”, No. 28/91, and “Official Gazette of RM”, No. 56/92 and 27/94); the provisions of Article 29 of the Law on Preschool education (“Official Gazette of RM”, No. 56/92); the provisions of The Law on Basic Rights Stemming from Pupil and Student Standard (“Official Gazette of RM”, No.6/94 and 27/94), relating to the rights of students; provisions of Chapter III – “The Publishing of Textbooks and Teaching Aids”, except the provision of Article 14 of the Law on Publishing (“Official Gazette of RM”, No. 20/95); and provisions of the Law on the Educational Inspection (“Official Gazette of RM”, No. 20/95), relating to the supervision on the organizing and executing of educational work in preschool institutions, primary, secondary and special schools, student dormitories and in other organizations that execute education.

***Coming into force***

Article 163

This law shall come into force on the eighth day as of its publication in the “Official Gazette of RM”.

