

LAW ON THE ADULT EDUCATION

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LAW ON THE ADULT EDUCATION

I BASIC PROVISIONS

The contents of the Law

Article 1

Adults can acquire, broaden, deepen and modernize, their knowledge and skills throughout their lives by means of organized process of education and in other manner, and they can test such acquired education and skills as well as prove their public validity, in line with this and other laws.

The adult education, which shall be realized on the basis of the curricula of primary, secondary general and vocational education, shall be realized in line with this Law as well as laws that orders those areas.

The law that orders the University education shall regulate the university adult education.

Unique system

Article 2

The adult education shall be a part of the unique system in the Republic of Montenegro (hereafter: Republic).

The freedom of enrollment

Article 3

Adults can be enrolled in the education, or training, according to their free choice and for the purpose of the improvement of their knowledge and skills, or for the purpose of the acquisition of corresponding qualifications necessary for more successful life and work.

Aims

Article 4

The aims of the adult education are:

- 1) the achievement of primary education at least, and of the first vocation for all citizens;

- 2) the training for the purpose of the employment of adults who have not completed the education for the first vocation, or for the purpose of vocational rehabilitation;
- 3) the re-qualification, further qualification, training and the additional training both of unemployed and employed persons in business companies and other forms of organization;
- 4) making possible the education, and the achieving of knowledge and skills that correspond to individual abilities and to the age of individuals.

The organizers of education

Article 5

The adult education may be accomplished, or organized in school, specialized institution for the adult education (worker or adult education centers, training centers, and etc.), as well as with other legal and natural entities (hereinafter referred to as: the organizers of education) that meet the requirements prescribed by the law.

The organizer of education referred to in paragraph 1 of this Article, that has the status of a legal entity, may perform the education of adults in a separate unit, out of its seat.

The types and the manners of acquiring education

Article 6

Adults may acquire the education according to the curricula for primary education and secondary education adjusted to the needs and capacities of the adults (formal education) through the organized process of education with the organizer of education (schools, specialized institutes for the education of adults).

The adults can be educated, advanced trained and specialized, and their knowledge and skills can be supplemented according to the parts of formal educational curriculum and also according to particular curricula of study for the achievement of knowledge and skills that can be organized with the organizer of education referred to in paragraph 1 of this Article, as well as with other organizers of education out of the formal education (on-the-job, through activities of NGOs and other organizations and services, and alike) – non-formal education.

The adults can be permanently and self-reliably educated and trained, and they can achieve the knowledge, skills and general and cultural education in families, via mass media, associations, correspondence schools, Internet, and alike – informal education.

The evidencing of knowledge and skills

Article 7

The adults can evidence the acquired knowledge and skills though the sitting for exams before the Center for Vocational Education (hereinafter referred to as: the Center) regardless of the manner of its acquisition.

The competent Council shall decide on the standards, or catalogues of knowledge that are established and verified by exams in case of the evidencing of knowledge and skills, referred to in paragraph 1 of this Article, according to the educational curricula, on the basis of which, or on the basis of their parts, the publicly valid education is achieved, whereas Montenegro Council for the Adult Education of Montenegro (hereinafter referred to as: the Council for the Adult Education) shall make decisions in other cases.

Publicly valid education

Article 8

Publicly valid adult education, which is carried out according to the curricula referred to in paragraph 1 of Article 6 of this Law and according to the separate educational curricula that are passed by the Ministry competent for the jobs of education (hereinafter referred to as: the Ministry), shall be considered publicly valid education.

The adult education, which is attained under paragraphs 2 and 3 of Article 6 of this Law, shall be considered publicly valid when the verification of knowledge and skills has been completed through exams at the Center.

Public documents

Article 9

Publicly valid education acquired according to this Law shall be expressed by public documents, in line with the law.

Scholarship

Article 10

For the purpose of the acquiring of primary education, or of lower vocational education, adults shall not pay the scholarship, whereas they shall pay the participation for the purpose of the attainment of other forms of education and training in line with a separate law and with the document of the organizer of education.

Interpretation clause

Article 11

Particular expressions in this Law shall have the following meaning:

- 1) "adults" means the persons older than 15, who finished compulsory primary education in the sense of the Law on Primary Education, as well as other persons undergone to the education but without having the status of student.;
- 2) "the first vocation" is the education and training for the purpose of the engagement into work process, that is, the jobs of lower vocational education, after the completion of compulsory primary education;
- 3) "further qualification" is the further schooling, or the innovation of knowledge within the framework of the same vocation;
- 4) "re-qualification" is the education and training for the second vocation of the same or of the higher degree of qualification, for the for purpose of employment;
- 5) "the specialization" is the schooling and advanced training within the same vocation, for the purpose of the achievement of particular knowledge and particular working skills;
- 6) "apprentice" is an adult person who is enrolled with the organizer of education;
- 7) "publicly valid educational curriculum" is the educational curriculum that was passed by the competent authority, or the curriculum containing the standards of knowledge established by the competent authority, in line with the law.

II THE APPRENTICE IN EDUCATION

The status of apprentices in education

Article 12

An adult that has been enrolled into the education of adults shall acquire the status of apprentice.

An apprentice shall be included in the publicly valid curriculum if the prescribed requirements relating to previous education, experience, or particular psychical and physical capabilities have been met.

The requirements for the enrollment of an apprentice into the education, in the sense of paragraph 2 of this Article, shall be established by the educational curriculum.

Competition

Article 13

The enrollment of apprentices, referred to in Article 12 of this Law, shall be executed on the basis of competition that is announced by the organizer of education.

The competition shall announce especially:

- 1) the conditions for the enrollment;
- 2) the number of vacant places for the enrolment, in line with this Law, the curriculum and the general document of the organizer of education;
- 3) the manner of the execution of educational curriculum, and the duration and conditions for its completion;
- 4) public validity of educational curriculum;
- 5) the amount of tuition fee per each apprentice, unless the education has been financed or co-financed from public revenues.

The limitation of enrollment

Article 14

If more candidates than it could be enrolled for the educational curriculum have applied to the completion, the level of the fulfillment of the requirements, important for the education in which an apprentice is enrolled, shall be taken into account on the occasion of the selection of candidates.

The enrollment based on the contract

Article 15

An adult may be enrolled into the educational curriculum, which is not financed or co-financed from public revenues, on the basis of a contract concluded with an organizer of education.

The rights of apprentices in education

Article 16

Apprentice shall have the right of the education and training that have been organized professionally and in a high-quality manner, to participate in managing within the organizer of education in the manner provided for by the document of the foundation of the institution, as well as other rights in line with the law.

During the period of vocational education, apprentices shall have the same rights and responsibilities as the students of vocational school have, in line with the law.

Employed apprentices shall have the rights to be absent from work for the purpose of education and training, depending on the complexity and the duration of the curriculum and all in line with the law and the document of employer.

Mutual rights and obligations of employed apprentices and employers shall be regulated by a contract (the place of education, the duration of education, compensation, and alike).

The characteristics of the organization of the adult education

Article 17

The timetable of education throughout a year and the educational work during one day and during a working week shall be allotted in the manner provided for by the Statute or by other document of the organizer of education.

The organizer of education must announce, twice a year at least, the term of exams in the educational curricula it executes.

The duration of education, the sequence of teaching in particular subjects or subject fields, the manner and the forms of the assessment of knowledge, the advancement and other issues shall be adjusted to the characteristics, needs and capabilities of the apprentices.

The manner and the terms for the sitting for exams shall be established by the Ministry's regulation, at the proposal of the competent Council.

The marking of apprentices in education

Article 18

The marking of apprentices in education for the purpose of the acquisition of primary education and secondary education shall be carried out in line with the regulations that order those fields of education, unless otherwise was provided for by this Law.

The manner of marking of knowledge and skills acquired within a shorter period of time and according to the programs of study aimed for further qualification, re-qualification, specialization and for the on-the-job training, as well as for other forms of education and training, shall be prescribed by the Ministry.

III THE EDUCATIONAL CURRICULA

The educational curricula

Article 19

Apprentices in education shall acquire the education, knowledge and skills according to the educational curricula for adults and according to the parts of corresponding educational curricula for the students.

The curricula referred to in paragraph 1 of this Article shall be the curricula for: the education and training of adults whose right of regular schooling ceased (accomplished compulsory primary education, unaccomplished secondary education); re-qualification, further qualification or specialization; the education and training of unemployed for the requirements of labor market; the advanced training aimed for work and vocation and for the purpose of the achieving of higher degree of knowledge within a profession and for the work productivity rise; education for the purposes of acceptance of democratic values and the values of civil society; foreign languages learning; the education for the purposes of the achieving of specific rights by the members of national minorities and ethnical groups; the adult education of adults with special needs (specially talented persons and the persons with psychical and physical difficulties and behavior troubles); the education of separate groups of persons (socially expelled groups, asocial persons).

The knowledge and the skills acquired according to the educational curricula for adults and according to other educational curricula, passed on the basis of regulations not ordering the area of education and for which the competent Council established the catalogues, that is, the standards of knowledge, or according to the parts of educational curricula created for students and for the purpose of the acquisition of publicly valid education, shall have public validity that is proved by a public document.

Apprentices in education can achieve knowledge, proficiencies and skills according to the separate curricula of study that are equivalent to the education and training of students in regular education.

The adjusted educational curricula

Article 20

The educational curricula of primary, secondary general education and vocational education shall be adjusted for adults in relation to their scope, organization and duration, in line with the law.

The passing of the educational curricula

Article 21

Educational curricula for the purpose of qualification, re-qualification, further qualification, advanced training, specialization of the employed and unemployed shall be passed by the Ministry competent for the jobs of labor, at the proposal of the Council for the Adult Education.

Before the approval of the proposals of the curricula referred to in paragraph 1 of this Article, the Council for the Adult Education shall obtain the opinions of local self-government bodies, interested Ministries, the Employment Bureau of Montenegro (hereinafter referred to as: the Employment Bureau) and of the Republic Association of Employers (hereinafter referred to as: the Association).

The pilot curriculum

Article 22

Educational curricula, or parts of the curriculum, in the sense of paragraph 2 of Article 6 of this Law, may be introduced and tested by pilot projects at the proposal of the Association or Employment Bureau or other interested organizations, and all for the purpose of the organizational innovations and the application of modern technology and because of the labor market demands for vocations in deficit and alike.

At the proposal of the Center and the interested institutions, the Ministry shall designate the organizer of education that will carry out the pilot projects.

The Center shall supervise the execution of pilot projects.

The achieved knowledge and skills, in the sense of paragraph 1 of this Article, shall be tested before the Center that shall issue public document thereon.

The execution of practical work

Article 23

Educational curricula that are executed through practical work may be implemented with employers and other organizers of education.

If the practical work is executed within the premises not in the possession of an organizer of education, the mutual rights and obligations of the organizer of education and the employer with which the practical training is executed shall be regulated by a contract, whereas the mutual rights of apprentices and the employer shall be regulated by a contract on practical work.

On-the-job-training

Article 24

An employer can organize the various forms of training and advanced training of the employed, in line with the defined catalogues, or standards of knowledge and for the purpose of the adjustment to the market demands and changes and to the new technological and work processes as well.

Adults who are trained in the sense of paragraph 1 of this Article may verify the acquired knowledge and skills with the Center that issues public documents thereon, in line with the law.

The publishing of educational curriculum

Article 25

Organizers of education must publish the educational curriculum one month before the commencement of the execution of education at latest, or before the announcement of competition for the enrollment.

IV THE CONDITIONS FOR THE EXECUTION OF EDUCATION

The performers of educational curriculum

Article 26

The adult education shall be executed by teachers, associates in teaching process, teachers or instructors of practical education, lecturers, facilitators and other professional associates.

The person referred to in paragraph 1 of this Article shall also have, as the rule, androgynous education and may execute the adult educational if they have met the requirements prescribed by the law that regulates the corresponding area of education.

The profile of the qualifications necessary for lecturers, facilitators and other professional associates shall be defined by the Ministry at the proposal of the competent Council.

Publications

Article 27

The organizers of education executing the publicly valid educational curricula must present educational curricula they execute in a particular publication, as well as their organization of work, and inform the new candidates on that, on the occasion of the enrollment.

V THE PLAN FOR THE ADULT EDUCATION

The Plan for Education

Article 28

Public interest in the adult education shall be defined by the Plan for Adult Education that is passed for the territory of the Republic of Montenegro (hereinafter: the Plan for Education).

The Plan for Education referred to in paragraph 1 of this Article shall be passed by the Government of the Republic at the proposal of the competent Council

In the course of the preparation of the Plan for Education, the Competent Council shall mandatory obtain the opinions of the Employment Bureau, the Association, the local self-government community bodies, as well as the opinions

The contents of the Plan for Education

Article 29

The Plan for Education referred to in Article 28 of this Law, shall:

- 1) establish the priority educational areas for the adult educations;
- 2) define the infrastructure activities necessary for the execution of the adult education;
- 3) regulate the allocation of the educational curricula per local self-government communities;
- 4) regulate the approximate amount of funds that are needed for its realization and designate the Ministries competent for its implementation;
- 5) define program and the dynamic of their implementation.

The allocation of educational curricula

Article 30

The rational use of existing teaching capacities, the number of apprentices, development characteristics of regions, the providing of the equal conditions for the acquisition of adult education and training and the availability of education shall be taken into account on the occasion of the allotment of the educational curricula of study per local self-government communities in the sense of Articles 28 and 29 of this Law.

The implementation of the Plan for Education

Article 31

In the implementation of the Plan for Education, the competent Ministry:

- 1) announces competitions for the execution of appropriate educational curricula;
- 2) monitors the execution of the educational curricula and takes measures required for their execution;
- 3) allocates the funds for the financing of the educational curricula and for the infrastructure activities for their realization;
- 4) performs other jobs defined by the Plan for Education.

The competent Minister shall decide on the appointment of organizer of education on the basis of announced competition.

A contract on mutual rights and obligations of the competent Ministry and the organizer of education shall be concluded on the basis of the decision referred to in paragraph 1 of this Article.

The contents of contract

Article 32

The provisions of the law regulating the educational activities based on concession shall be consistently applied to the contents of contract, the manner of the monitoring of the fulfillment of contractual obligations and the rights of apprentices.

The role of the Association

Article 33

The Association shall primarily propose the vocations for which corresponding courses, referred to in paragraph 2 of Article 19 of this Law, are prepared and take care of practical education aimed for those vocations.

The Association:

- 1) organizes the counseling and specializations for the employed (marketing, management and alike);
- 2) participates in the creation of the curricula for on-the-job-training, aimed for the attainment of expert knowledge, and carries out permanent education;
- 3) proposes the standards of practical knowledge;
- 4) proposes the competent Council the courses for the advanced training and for the in service training of adults;
- 5) proposes its members for the exam commissions with the Center for the granting of qualifications;
- 6) keeps the register of employers with which the practical training is performed;
- 7) carries out the advisory work relating to the performance of practical work;
- 8) at the request of the organizer of education, it gives the necessary data on employers with which the practical work could be performed.

The Ministry competent for the jobs of industry shall prescribe the manner of the testing and the verification of employers, with which the practical work is carried out, and the contents and the manner of the keeping of register, at the proposal of the Council for the adult education.

VI PENAL PROVISIONS

Violation and the punishments for violation

Article 34

The organizer of education shall be punished by a fine in the amount of a half to ten times of a minimum wage in the Republic if: the educational work is executed

by teachers and professional associates who have not fulfilled the conditions provided for by the law, that is, by the educational curriculum (Article 26).

Any responsible person of the organizer of education shall be punished by a fine in the amount of a half or to five times of the minimum wage in the Republic for the violation referred to in paragraph 1 of this Article.

VII TRANSITIONAL AND FINAL PROVISIONS

The deadline for the passing of regulations

Article 35

The regulations provided for by this Law shall be passed within one year as of the effective day of this Law.

The verification of the acquired knowledge

Article 36

The Ministry shall execute the verification of the acquired knowledge and skills referred to in paragraph 4 of Article 22 until commencement of the Center's work

Coming into effect

Article 37

This Law shall enter into force on the eighth day as of the day of its publication in the "Official Gazette of the Republic of Montenegro".