

# LAW ON PRESCHOOL EDUCATION

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## **LAW ON PRESCHOOL EDUCATION**

### **I BASIC PROVISIONS**

#### ***Definition***

##### Article 1

Preschool education, as a part of unique educational system shall be implemented in the manner and under the conditions prescribed by this Law.

#### ***Activity***

##### Article 2

Preschool education is the activity through which the upbringing and education of children are accomplished, the care of children is taken and the assistance to parents is rendered for the purpose of the improvement of the quality of family and children's life.

#### ***The age of children***

##### Article 3

Preschool education includes the children up to the beginning of primary school.

#### ***Aims***

##### Article 4

The aims of preschool education are:

- 1) the creation of better conditions for the life, development and learning of children;
- 2) the development of the ability to understand and to accept the own personality and the others;
- 3) the development of the ability for agreement, along with respecting differences, and participation in group;
- 4) the development of capacity for the identification of emotions, and the encouragement of the emotional experiencing and expressing;
- 5) the promotion of curiosity, exploring spirit, imagination and intuition, as well as the development of the thinking;

- 6) the encouraging of linguistic development for the purpose of innovative and creative use of speech for the reading and writing, or for the purpose of preparation for the further education;
- 7) the fostering of the experiencing of artistic works and artistic expressions;
- 8) the enhancement of the children's experience through the various types of everyday life activities;
- 9) the support of the corporal and mobility development;
- 10) the development of independence, hygienic habits and health care;
- 11) the development of the positive attitude concerning the nature and environmental protection.

### ***The organizing***

#### Article 5

Preschool education, depending on the type of program for upbringing and education work and the length of the children's stay, is organized through kindergartens, nurseries and other forms of the organization of preschool education (small schools, playrooms, workshops and alike), in which the preschool culture and education is carried out (hereinafter referred to as: institution), in line with this Law.

Exceptionally to paragraph 1 of this Article, preschool culture and education can also be organized in families, under the conditions and in the manner provided for by this Law.

### ***Educational units***

#### Article 6

Preschool education may be carried out also in primary schools or other legal entities, in line with this Law.

### ***The right to choose program***

#### Article 7

The parent has right to choose program for education of the child, in line with child's interests and need, under the conditions and in the manner provided for by this Law.

### ***The stay of children***

#### Article 8

The children under the age of three stay in the nurseries, and the children from the age of three up to the starting of primary school stay in the kindergartens.

### ***Children with Special Needs***

#### Article 9

Preschool education of the children with special needs is realized in line with this Law and other legislation.

### ***Supervision***

#### Article 10

The Ministry competent for education and science (hereinafter referred to as: Ministry) shall carry out the supervision of the application of the provisions of this Law, in line with the law.

### ***Interpretation clause***

#### Article 11

Particular expressions in this Law shall have the following meaning:

- “educational curriculum” is the broadest definition of program orientation, on the basis of which the fundamentals of primary, shortened, specialized and special curricula are established.
- “nurseries” are part of a preschool institution which include the education of children up to the age of three;
- “kindergarten” is a part of a preschool institution which includes the education of children from the age of three to the age the primary schooling starts;
- “pedagogical group” represents the composition of children structured according to the age, pedagogical norms and the number;
- “pedagogical unit” is a part of preschool institution out of the seat of the institution, which includes one or two pedagogical groups;
- “the children with special needs” includes the talented children and the children with difficulties in growth;
- “publicly valid curriculum” is the program that is passed, or approved by the competent state authority;
- “private institutions” are the institutions of preschool education, the founder of which is a legal or natural entity;
- “private educator” is a teacher for preschool education engaged for the purpose of the implementation of the basic program requirements with children in families when needed.

## II THE STRUCTURING OF THE CULTURE AND EDUCATION WORK

### ***Educational curriculum***

#### Article 12

Preschool education shall be implemented according to the educational curriculum of preschool education (hereinafter referred to as: educational curriculum).

The aims and tasks of educational work, the number of children within pedagogical groups, the types, the scope and the forms of the duration of educational work shall be established by the curriculum.

### ***Educational curriculum according to duration***

#### Article 13

Educational curriculum shall be realized as: whole-day program in the duration of six to ten hours, half-day program in the duration of four to six hours, shortened and specialized programs in the duration of three to four hours.

### ***The types of educational curricula***

#### Article 14

Primary, shortened, specialized, separate and other educational curricula are passed on the basis of the educational curriculum.

The curricula referred to in paragraph 1 of this Article shall be accomplished according to the capabilities of institutions and in line with the necessities and the interest of children and parents.

Institutions may organize occasional outdoors educational curricula and curricula of tourist character.

The Managing Board of an institution shall pass the decision on the organization of work, in the sense of paragraph 3 of this Article.

### ***Primary curriculum***

#### Article 15

The primary curriculum of preschool education (hereinafter: the primary curriculum) shall define the scope and the forms of education work with children in nurseries and kindergartens until the elementary school enrollment.

The curriculum referred to in paragraph 1 of this Article shall be carried out within public institutions, included in the network of institutions and the founder of which the Republic, or the municipality is, in which children stay more than three hours, whereas it shall be carried out in specialized institutes of social protection within which orphans or the children without parents' care stay.

**Shortened curriculum**

Article 16

The shortened curriculum of preschool education (hereinafter: shortened curriculum) shall establish the contents of continued or periodical activities that may be organized once or more times during a week and that last up to four hours, in line with the needs and interests of children and parents.

**Specialized curriculum**

Article 17

The specialized schedule of preschool education (hereinafter: specialized curriculum) shall set up the contents of education work in the areas of music art, ballet and painting, as well as in the fields of: music, ballet and fine art, rhythmical gymnastics, sport and recreation, puppet art, foreign languages and in other areas that satisfy special interests of children and parents.

**Separate curriculum**

Article 18

The separate curriculum of preschool education (hereinafter: the separate curriculum) shall define the forms and the contents of education work for the children with deficiencies in growth and that cannot be included into regular groups.

In addition to common curriculum, the individual curricula shall be carried out for the children having deficiencies in growth and that can be joined to the regular groups.

**Competency**

Article 19

The Council for General Education of Republic of Montenegro (hereinafter: the Council) shall establish primary and separate curriculum for preschool education.

The institution in cooperation with the Founder, shall establish the shortened and specialized curriculum, with previously obtained the Council's opinion.

***The curriculum based on the specific pedagogical principles***

Article 20

Private institution that carries out the education curriculum according to the specific pedagogical principles shall get the public significance once the Council has established that the appropriate International Association recognized the curriculum.

***The annual schedule of work***

Article 21

Institution shall pass the annual schedule of work.

The annual schedule of work of an institution shall specify the organization, forms, contents and the schedule of the activities of education work, in service training for teachers, the categories and the designation of programs, methods and the forms of cooperation with parents, the unit of local self-government, authorities, organizations and with others.

***Time arrangement***

Article 22

The time arrangement of education work in institutions during a year shall be determined by the Founder, with the assent of the unit of local self-government, depending of content of conducted curriculum and in line with the needs and interests of children and parents, and with the climate and other conditions of the community as well.

***Preschool education in family***

Article 23

A preschool institution may structure preschool education either in the family, in line with this Law.

The Ministry shall specify the condition and ways of organizing of preschool education within families, at the proposal of the Council.

***Pedagogical Groups***

Article 24

Institutions shall create pedagogical groups.

The number of children enrolled for the primary schedule, depending on their age, is:

- 1) children under the age of two –12;



- 2) children from the age of two to three - 14;
- 3) children in mixed group under the age of three – 10;
- 4) children from the age of three to four –20;
- 5) children from the age of four to five –24;
- 6) children from the age of five to six - 25;
- 7) children from the age of three to six in the mixed group –20.

The number of children in pedagogical groups for shortened, specialized, separate and other curricula shall be established by those curricula.

Exceptionally to paragraph 2 of this Article, the number of children in a pedagogical group may be increased according to the permission of the Ministry.

The number of children in a pedagogical group in which the children with deficiencies in growth are included may be decreased according to the permission of the Ministry.

### ***Pedagogical Units Outside the Institution Seat***

#### Article 25

The institution may have the pedagogical units outside its seat.

The Managing Board shall pass the decision on the structuring of pedagogical units in the sense of paragraph 1 of this Article, with the Founder approval.

### ***The Enrollment of Children***

#### Article 26

Institution shall carry out the enrollment of children in line with the prescribed conditions.

The Statute of the institution shall regulate the manner and the procedure of the enrollment of children into the institution.

### ***Temporary exclusion from institution***

#### Article 27

Children that are the carriers of infectious diseases may be temporarily excluded from an institution on the basis of medical findings and in line with the Statute of the institution.

### III PEDAGOGUES, PROFESSIONAL ASSISTANTS AND ASSOCIATES

#### *Pedagogical and professional cadre*

##### Article 28

Pedagogue, pedagogue-assistant, special teacher-pedagogue, professional assistant and associate shall carry out pedagogical and educational work in institutions.

Pedagogues shall carry out pedagogical and educational work with children under the age of three, and a pediatric nurse shall perform the care and preventive protection.

Pedagogues and pedagogue-assistants shall perform the educational work with children from the age of three to school able age, whereas pediatric nurse shall execute the preventive health protection.

Pedagogue-assistants shall perform educational work for the purpose of the completion of specialized curriculum.

Special teacher-pedagogues shall carry out educational work with the children with deficiencies in growth.

Pedagogues that have been employed in an institution, or have been registered as private pedagogues shall execute pedagogical and educational work with children within families.

Professional assistants shall render assistance to the pedagogues and nurses in the course of the carrying out of professional duties.

Nurse-assistants shall execute the preventive health protection of children.

#### *The conditions for the Delivery of Educational Work*

##### Article 29

Any person that acquired two-year post-secondary or University education degree of qualification for preschool education may be a pedagogue.

Any person that acquired the University or two-year post-secondary degree of qualification, of appropriate special education branch, may be a special teacher-pedagogue.

Any person that acquired secondary, two-year post-secondary, or the University degree of qualification, the profiles of whom are defined according to each one of the curricula of educational work may be a pedagogue-assistant.

Any person that finished the University degree of the proper line (psychologist, pedagogue, speech pathologist, doctor of pediatrics, doctor of dental medicine, social worker, nutritionist and alike) may be a professional-assistant.

Any person that finished the secondary, or two-year post-secondary medical school pediatrics group may be a nurse in an institution. Any individual that completed the secondary medical school of pediatric group may be a nurse in a nursery.

### ***Private pedagogue***

#### Article 30

Institutions may organize preschool education in families for the children who, because of the disease, cannot be included in the institution.

Private pedagogues shall carry out preschool education in families.

A private pedagogue may carry out education of preschool children within a family if:

- 1) the conditions for pedagogue or pedagogue-assistant have been met prescribed by this law;
- 2) the person concerned has not been employed;
- 3) the person concerned has been enrolled into the files educational institution keeps.

### ***Records of private educators***

#### Article 31

The Ministry shall prescribe the contents of Forms and the manner of the keeping of records on private pedagogues (enrollment, deletion and alike).

### ***Health examination***

#### Article 32

Persons carrying out educational work in institution, and other employees engaged for the process of direct work with children must be medically examined once a year at least, in line with the law.

The expenses of medical examination under paragraph 1 of this Article shall be charged to the institutions' accounts.

### ***Working time***

#### Article 33

Within one-week working time, any pedagogue, pedagogue-assistant and special teacher-pedagogue shall have 25 hours of direct educational work with children.

Within in one-week working time, any pedagogue-assistant and any associate that has been engaged in a nursery shall have 30 hours of direct work with children.

Other working hours of pedagogues, pedagogues-associates, special teacher-pedagogues, professional assistants and associates shall be specified in line with the By-laws of the institution.

**Pedagogical records**

Article 34

Institutions shall keep the unique pedagogical records, such as work registers, registers of children, file-cards containing the data of each child's development, the institution chronicle, and alike.

The Ministry shall prescribe the contents of Forms and the manner of keeping the unique pedagogy files.

**Children diet costs**

Article 35

Parents participate in the costs of children's diet in the Institution.

Managing body of a public institution, within the network of institutions and the founder of which the Republic, or the municipality is, shall pass the decision on the amount of the costs referred to in paragraph 1 of this Article in line with the approval of the Ministry.

The costs of children's diet within a private institution may be higher only for a half of the amount of one charge regarding the amount of the charge in the institution referred to in paragraph 2 of this Article.

The costs of the diet of children without parental guardianship, and of children in the institution referred to in paragraph 1 of this Article, whose parents are the beneficiaries of family support allowances, shall be paid by the Center for Social Welfare within the territory of which the residence of the children, or the parents is situated.

**The costs of children's diet paid by the parents**

Article 36

The amount of children's diet costs that are paid by the parents, under paragraph 2 of Article 35 of this Law, shall be defined on the basis of the number of family members, the amount of income per one family member and on the basis of the number of children from a family, who have been enrolled in such institution.

The fixing of the amount of costs referred to in paragraph 1 of this Article shall be closer defined by the Ministry's regulation.

**IV PENAL PROVISIONS**

**The violations made by legal and liable entities**

Article 37

The institution:

- 1) does not accomplish the prescribed curriculum of the educational work (Articles 15 – 19);

- 2) that does not pass the annual schedule of educational work (Article 21);
- 3) that executes the educational activity in the pedagogical groups composed contrary to the Article 24 of this Law;
- 4) that does not keep prescribed record (Article 34);

shall be fined by 20 to 100 times bigger amounts than the minimum wage in the Republic is for the violation.

The responsible person in the institution shall be also fined by a half of, or by 10 times bigger amount than the minimum wage in the Republic is, for the violation under paragraph 1 of this Article.

## **V TRANSITIONAL AND FINAL PROVISIONS**

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

#### Article 38

Institutions shall be in obligation to harmonize their work, organization and general regulations with this Law within the period of one year as of the effective date of this Law.

### ***Deadline for the Passing of By-Laws***

#### Article 39

The Ministry shall pass the regulations provided for by this Law within the period of one year as of the effective date of this Law.

Until the passing of regulations referred to in paragraph 1 of this Article, the regulations valid before the effective date of this Law shall be applied, unless they are contrary to this Law.

### ***The application of educational curriculum***

#### Article 40

Primary, shortened, specialized and separate curriculum shall be passed within the period of two years as of the effective date of this Law, and they shall be applied in the institutions that have met the requirements provided for by this Law.

The institutions that have not meet the conditions for the application of the curriculum under provision 1 of this Article shall execute the curriculum in line with the Law on Preschool Education ("Official Gazette of RM" , NO. 56/92).

***The Cessation of the Law Validity***

Article 41

The Law on Preschool Education ("Official Gazette of RM", No. 56/92) shall cease to be valid as of the effective date of this Law.

The provisions of the Law on Preschool Education ("Official Gazette of RM", No. 56/92), relating to the educational curriculum, shall be applied until the passing of the curriculum in line with this Law.

***Coming into Effect***

Article 42

This Law comes into effect on the eight day as of the day of its publishing in "Official Gazette of the Republic of Montenegro", and it shall be applied as of the day of the introduction of the curriculum passed in line with this Law.