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188. LAW ON ADULT EDUCATION

LAW ON ADULT EDUCATION

I. BASIC PROVISIONS

Contents of the Law

Article 1

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

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

The law that regulates higher education shall regulate higher education of adults.

Unique System

Article 2

Adult education shall be a part of the unique educational system in the Republic of Montenegro (hereinafter referred to as “the Republic”).

The freedom of Enrollment

Article 3

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

Aims

Article 4

The aims of adult education are:

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

Organizers of Education

Article 5

Adult education may be accomplished, or organized in schools, specialized institutions for adult education (worker or adult education centers, training centers, and driving schools etc.), as well as with other legal and natural persons (hereinafter referred to as “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 person, may perform adult education in a separate unit, out of its seat.

Types and Manner of Acquiring Education

Article 6

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

Adults can educate themselves, develop professionally and specialize, and their knowledge and skills can be supplemented according to the parts of formal education curriculum (modules) and also according to particular curricula for the achievement of knowledge, skills and competencies 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.

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

Evidencing of Knowledge and Skills

Article 7

Adults can evidence the acquired knowledge, skills and competencies through sitting for exams before the Examination Centre, regardless of the manner of its acquisition.

The competent Council shall decide on the standards, or catalogues of knowledge standards that are established and verified by exams in case of evidencing the knowledge, skills and competencies referred to in paragraph 1 of this Article, according to the educational curricula, on the basis of which, or on the basis of whose parts, the publicly valid education is achieved, whereas Montenegrin Council for Adult Education (hereinafter referred to as: the Council for 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 Article 6 of this Law and according to the special educational curricula that are passed by the Ministry competent for the affairs of education (hereinafter referred to as “the Ministry”), shall be considered publicly valid adult education.

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

Public Documents

Article 9

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

Tuition Fee

Article 10

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

Definitions

Article 11

Particular expressions in this Law shall have the following meaning:

- 1) “adults” means persons older than 15, who finished compulsory primary education in terms of the Law on Primary Education, as well as other persons pursuing education but without having the status of a student.;
- 2) “the first vocation” is education and training for the purpose of engagement in the work process after the completion of compulsory primary education;
- 3) “further qualification” is further schooling, or innovation of knowledge within the framework of the same vocation;
- 4) “re-qualification” is the education and training for the second vocation or qualification, for the purpose of employment;
- 5) “specialization” is the schooling and advanced training within the same vocation, for the purpose of achievement of particular knowledge and particular working skills;
- 6) “attendant” is an adult person who is enrolled with the organizer of education;

- 7) “publicly valid curriculum” is the curriculum that was passed by the competent authority, or the curriculum containing the standards of knowledge established by a competent authority, in line with the law.

II. THE ATTENDANT OF EDUCATION

The Status of Attendants in Education

Article 12

An adult that has been enrolled into an adult education programme shall acquire the status of attendant.

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

The requirements for the enrollment of an attendant into education, in terms of paragraph 2 of this Article, shall be established by the educational programme.

Competition

Article 13

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

The competition shall include in particular:

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

Limitation of Enrollment

Article 14

If more candidates than can be enrolled into the educational curriculum apply for a competition, the level of fulfillment of the requirements, important for education in which an attendant is enrolled, shall be taken into account on the occasion of the selection of candidates.

Enrollment Based on the Contract

Article 15

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

The Rights of Attendants of Education

Article 16

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

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

Employed attendants shall have the right 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.

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

The Characteristics of Adult Education Organization

Article 17

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

The organizer of education must announce, twice a year at least, the terms of exams for educational curricula it provides.

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

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

The Marking of Attendants in Education

Article 18

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

The manner of marking the knowledge, skills and competencies 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 CURRICULA

The Curricula

Article 19

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

The curricula referred to in paragraph 1 of this Article shall be the curricula for: 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 professional development aimed for work and vocation and for the purpose of achieving a higher degree of knowledge within a profession and for increasing the work productivity; education for the purposes of acceptance of democratic values and the values of civil society; foreign languages learning; education for the purposes of achieving of specific rights by the members of national minorities and ethnic groups; education of adults with special needs (specially talented persons and the persons with mental and physical difficulties and behavior disorders); education of special groups of persons (socially excluded groups, asocial persons).

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

Attendants in education may achieve knowledge, competencies and skills according to special curricula that are equivalent to the education and training of students in regular education.

Adjusted Educational Curricula

Article 20

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

Adoption of Curricula

Article 21

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

Before the approval of the proposed curricula referred to in paragraph 1 of this Article, the Council for Adult Education shall obtain the opinions of interested Ministries, the Employment Office of Montenegro (hereinafter referred to as “the Employment Office”) and of the Republic Association of Employers (hereinafter referred to as “the Association”).

The Pilot Curriculum

Article 22

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

At the proposal of the Vocational Education 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 implementation of pilot projects.

The acquired knowledge, skills and competencies in terms of paragraph 1 of this Article, shall be tested before the Examination Center that shall issue public document thereon.

The Execution of Practical Work

Article 23

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

If 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 attendants and the employer shall be regulated by a contract on practical work.

On-the-job-Training

Article 24

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

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

The Publishing of Curriculum

Article 25

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

IV. THE CONDITIONS FOR PROVIDING EDUCATION

Performers of Curriculum

Article 26

Adult education shall be provided by teachers, associates in the teaching process, teachers or instructors of practical education, lecturers, facilitators and other professional associates.

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

The profile of 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 curricula must present educational curricula they provide in a particular publication, as well as their organization of work, and inform the new candidates thereon, on the occasion of the enrollment.

V. THE PLAN FOR ADULT EDUCATION

The Plan of Education

Article 28

Public interest in adult education shall be defined by the Plan of Adult Education that is passed for the territory of the Republic (hereinafter referred to as “the Plan for Education”).

The Plan of 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 preparation of the Plan for Education, the Competent Council shall obtain the opinions of the Employment Office, the Association, the local self-government community bodies, as well as the opinions of interested ministries.

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 adult education;
- 2) define the infrastructure activities necessary for execution of adult education;
- 3) regulate the allocation of 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 the program and the dynamic of their implementation.

The Allocation of Curricula

Article 30

The rational use of the existing teaching capacities, the number of attendants, development characteristics of the regions, the providing of equal conditions for the acquisition of adult education and training and the availability of education shall be taken into account on the occasion of allocation of 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 of Education

Article 31

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

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

The competent Minister shall adopt a decision 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 2 of this Article.

The Contents of Contract

Article 32

The provisions of the law regulating the educational activities based on concession shall duly apply to the contents of the contract, the manner of monitoring the fulfillment of contractual obligations and the rights of attendants.

The Role of the Association

Article 33

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

The Association shall:

- 1) organize counseling and specializations for the employed (marketing, management and alike);
- 2) participate in the creation of the curricula for on-the-job-training, aimed for the attainment of expert knowledge, and carry out permanent education;
- 3) propose the standards of practical knowledge;
- 4) propose to the competent Council the courses for advanced training and for the in service training of adults;
- 5) propose its members for the exam commissions;
- 6) keep a register of employers with which the practical training is performed;
- 7) carry out the advisory work relating to the performance of practical work;
- 8) at the request of the organizer of education, give the necessary data on the employers with which the practical work can be performed.

The Ministry competent for the affairs of economy shall prescribe the manner of testing and verification of employers, with which the practical work is carried out, and the contents and the manner of keeping the register, at the proposal of the Council for 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 from one half to ten minimum wages in the Republic if: the educational work is conducted by teachers and professional associates who do not meet the conditions provided for by the law, that is, by the curriculum (Article 26).

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

VII. TRANSITIONAL AND FINAL PROVISIONS

The Time Limit for Passing of Regulations

Article 35

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

Verification of Acquired Knowledge

Article 36

The Ministry shall verify the acquired knowledge, skills and competencies referred to in paragraph 4 Article 22 of this Law, until the Centre commences work.

Entry into Force

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.