

**26 Annex - Education and culture**

**189. LAW ON PRESCHOOL EDUCATION**

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**LAW ON PRESCHOOL EDUCATION**

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**I. BASIC PROVISIONS**

### **Definition**

#### Article 1

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

### **Activity**

#### Article 2

Preschool education is an activity providing education and care of children, and assistance to parents for the purpose of the improvement of the quality of life for families and children.

### **The Age of Children**

#### Article 3

Preschool education includes the children up to the school age.

### **Aims**

#### Article 4

The aims of preschool education are:

- 1) to create better conditions for the life, development and learning of children;
- 2) to develop ability to understand and to accept oneself and the others;
- 3) to develop the ability to reach agreements, respecting differences, and participate in group;
- 4) to develop the capacity to identify emotions, and encourage emotional experiencing and expression;
- 5) to stimulate curiosity, exploring spirit, imagination and intuition, as well as development of thinking;
- 6) to encourage linguistic development for the purpose of innovative and creative use of speech for reading and writing, or for the purpose of preparation for further education;
- 7) to foster the experiencing of artistic works and artistic expressions;
- 8) to enhance children's experience through various types of everyday life activities;
- 9) to support bodily and motor development;
- 10) to develop independence in hygienic habits and health care;
- 11) to develop a positive attitude to nature and environmental protection.

## **Organization**

### Article 5

Preschool education, depending on the type of program for education work and the length of the children's stay, is organized through kindergartens, nurseries and other forms of preschool education organization (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 also be carried out in primary schools or other legal entities, in line with this Law.

## **The Right to Choose a Program**

### Article 7

The parent has the right to choose the program for education of a child, in line with the child's interests and needs, 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 shall stay in nurseries, and the children from the age of three up to school age shall stay in kindergartens.

## **Children with Special Needs**

### Article 9

Preschool education of the children with special needs shall be 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.

## **Definitions**

### Article 11

Particular expressions in this Law shall have the following meaning:

- "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 school age;
- "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 a number of pedagogical groups;
  - “children with special needs” includes talented children and the children with difficulties in growth;
  - “publicly valid curriculum” is the program that is adopted, or approved by the competent state authority;
  - “private institutions” are the institutions of preschool education, founded by a legal or a natural entity;
  - “private educator” is a teacher for preschool education engaged for the purpose of implementation of the basic program requirements with children in families when needed.
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## **II. THE STRUCTURING OF THE CULTURE AND EDUCATION WORK**

### **Curriculum**

#### **Article 12**

Preschool education shall be provided according to the preschool education curriculum (hereinafter referred to as “curriculum”).

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

### **Curriculum According to Duration**

#### **Article 13**

Curricula shall be realized as: whole-day programmes lasting six to ten hours, half-day programmes lasting four to six hours, shortened and specialized programmes lasting three to four hours.

### **Types of Curricula**

#### **Article 14**

Primary, shortened, specialized, separate and other educational curricula are adopted on the basis of the 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 interests 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 terms of paragraph 3 of this Article.

### **Primary Curriculum**

#### **Article 15**

The primary curriculum of preschool education (hereinafter referred to as “the primary curriculum”) shall define the scope and the forms of education work with children in nurseries and kindergartens until elementary school.

The curriculum referred to in paragraph 1 of this Article shall be carried out within public institutions, included in the network of institutions the founder of which is the Republic, or the municipality, 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 referred to as "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

Specialized curriculum of preschool education (hereinafter referred to as "specialized curriculum") shall set up the contents of education work in the areas of music art, ballet and painting, 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

Separate curriculum of preschool education (hereinafter referred to as "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 children having deficiencies in growth and that can be joined to regular groups.

### **Competence**

#### Article 19

Montenegrin Council for General Education (hereinafter referred to as “the Council”) shall establish primary and separate curriculum for preschool education.

Institutions in cooperation with the Founder, shall establish the shortened and specialized curriculum, with previously obtained opinion of the Council.

### **Curriculum Based on Specific Pedagogical Principles**

#### Article 20

Private institutions that carry out the curriculum according to the specific pedagogical principles shall gain public significance once the Council has established that the appropriate International Association recognized the curriculum.

### **Annual Work Programme**

#### Article 21

Institutions shall adopt the annual work programme.

The annual work programme of an institution shall specify the organization, forms, contents and the schedule of education work activities, in service training for teachers, the categories and the designation of programs, methods and forms of cooperation with parents, local self-government units, authorities, organizations and 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 local self-government unit, depending on the 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 also structure preschool education in the family, in line with this Law.

The Ministry shall specify the conditions and ways of organizing 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 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.

### **Enrollment of Children**

#### Article 26

Institutions 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 enrollment of children into the institution.

### **Temporary Exclusion from an 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 Staff**

##### Article 28

Pedagogues, pedagogue-assistants, special teacher-pedagogues, professional assistants and associates 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 age, whereas pediatric nurses shall provide the preventive health protection.

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

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

Pedagogues that 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.

#### **Conditions for the Delivery of Educational Work**

##### Article 29

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

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

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

Any person that obtained a University degree of an appropriate branch (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 a secondary or two-year post-secondary pediatric nursing school may be a nurse in an institution. Any individual that completed the pediatric nursing school may be a nurse in a nursery.

#### **Private Pedagogue**

##### Article 30

Institutions may organize preschool education in families for the children who, because of illness, 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 prescribed by this law have been met;
- 2) the person concerned is not employed;
- 3) the person concerned is 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 keeping of records on private pedagogues (enrollment, deletion and alike).

### **Health Examination**

#### Article 32

Persons carrying out educational work in an 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 30 hours of direct educational work with children.

Within one-week working time, any pedagogue-assistant and any associate that has been engaged in a nursery shall have 20 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 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's Meals Costs**

#### Article 35

Parents shall pay the costs of children's meals in the Institution.

Managing body of a public institution shall determine the amount of children's meals costs in line with the approval of the Ministry.

The costs of the meals 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.

### **Defining of Children's Meals Costs**

#### Article 36

The amount of children's meals costs, under paragraph 2 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**

##### **Violations by Legal and Responsible Entities**

###### **Article 37**

Institutions shall be liable to a penalty of 20 to 100 minimum wages in the Republic if :

- 1) they do not accomplish the prescribed curriculum of educational work (Articles 15 – 19);
- 2) they do not adopt the annual work programme (Article 21);
- 3) they provide educational activity in pedagogical groups composed contrary to Article 24 of this Law;
- 4) they do not keep the prescribed records (Article 34).

Responsible persons in the institution shall also be liable to a penalty of one half to 10 minimum wages in the Republic for the violation under paragraph 1 of this Article.

#### **V. TRANSITIONAL AND FINAL PROVISIONS**

##### **Harmonization of Institutions work**

###### **Article 38**

Institutions shall be obliged 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 date of entry into force of this Law.

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

##### **Application of Curriculum**

###### **Article 40**

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

Institutions that do not meet the conditions for the application of the curriculum under paragraph 1 of this Article shall provide the curriculum in line with the Law on Preschool Education (the Official Gazette of the Republic of Montenegro 56/92).

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

#### Article 41

The Law on Preschool Education (the Official Gazette of the Republic of Montenegro, 56/92) shall cease to be valid as of the date of entry into force of this Law.

The provisions of the Law on Preschool Education (Official Gazette of the Republic of Montenegro 56/92), relating to the curriculum, shall be applied until the adoption of the curriculum in line with this Law.

### **Entry into Force**

#### Article 42

This Law shall enter into force on the eight day following that of its publication in the 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.