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190. LAW ON PRIMARY EDUCATION

LAW ON PRIMARY EDUCATION

I. BASIC PROVISIONS

Article 1

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

Aims of Education

Article 2

The aims of primary education are:

- 1) to provide primary education for all citizens;
- 2) to develop creative personalities;
- 3) to reach internationally comparable standards of knowledge, and acquire knowledge required for continuation of education;
- 4) to develop in pupils critical thinking, self-determination and the interest for new knowledge;
- 5) to educate pupils for self reliable reasoning and the participation in social life;
- 6) to acquire general knowledge that enables the independent, efficient and creative application in practice;
- 7) to develop pupils' personalities in line with their capabilities and with the development dispositions;
- 8) to educate for respect toward the national, historical and cultural values, as well as for recognizing the cultural and other characteristics of other nations;
- 9) to educate for mutual tolerance, respect for differences, cooperation with others, respect for human rights and fundamental freedoms, and along with that to develop abilities for life within a democratic society;
- 10) to adopt knowledge relating to the basic regularities of nature and of society, as well as the maintenance of human health;
- 11) to develop democratic attitudes, tolerance and cooperation (in schools and out of them) and the respect for the rights of others;
- 12) to create and encourage healthy life style and responsible relation toward the natural surrounding.

Provision of Education

Article 3

Primary education shall be provided in primary schools (hereinafter referred to as “the school”)

The schools referred to in paragraph 1 of this Article shall be founded as public or private institutions, in line with the law.

Parents or tutors shall be entitled to select the form of education for their children.

Obligation to Attend Primary School

Article 4

Primary education according to a publicly valid curriculum shall be compulsory for all children from the age of six to fifteen.

Parents or tutors (hereinafter referred to as “the parents”) must ensure for their children to fulfill the obligation to receive primary education, referred to in paragraph 1 of this Article.

Obligation to attend primary school shall be considered fulfilled after pupil’s nine years long attending of primary school.

Duration

Article 5

Primary education shall last nine years.

For the purpose of receiving primary education in school there shall not be any tuition fees.

The Status of Pupil

Article 6

The enrollment into the first grade of primary school shall give a child the status of a pupil.

Primary education for a pupil shall be considered completed after the successfully finished ninth grade.

Primary Education of Adults

Article 7

Primary education of citizens older than fifteen (hereinafter referred to as “adults”) shall be realized within the separate sections of primary school or within schools for adult education, in line with this and with a separate Law.

Primary Art Education

Article 8

Primary art education (music, ballet, and alike) may be organized along with primary education, under the conditions and in the manner prescribed by this Law.

Children with Special Needs

Article 9

Children with deficiencies in their growth may receive primary education in schools on the basis of a decision of the competent Commission that they may be included in regular teaching.

The Ministry competent for education and science (hereinafter referred to as “the Ministry”) shall prescribe the manner of enrollment of children, and the organization of educational work referred to in paragraph 1 of this Article, at the proposal of the competent Council.

The children with deficiencies in their growth, who need the adjusted delivery of the compulsory educational curricula along with the additional professional assistance, or who need a special curriculum, shall receive primary education in line with this Law and with other regulations.

The education of children with learning difficulties will be carried out in the manner that the school shall adjust the methods and the forms of work, and enable the learning through remedial teaching and other forms of individual and group help.

Talented Pupils

Article 10

The education of talented pupils shall be provided in line with this Law and in such manner that the school shall adjust the methods and the forms of work, and enable them the involvement into additional instruction and other forms of individual and group help, in line with a separate curriculum.

Definitions

Article 11

Particular expressions in this Law shall have the following meaning:

- “public institution” is a primary school that is founded by the state, or a local self-government unit;
- “private institution” is a school that is founded by a national legal or natural person;
- “education at home” is education organized by parents;
- “children with special needs” are the children with deficiencies in their growth, with learning difficulties, and talented children;
- “children with deficiencies in their growth and children with learning difficulties” are the children who need adjusted delivery of educational curricula together with professional help, or who need a separate curriculum;
- “official language” is the language in official use in the Republic
- “cycle” is the period in which the education is received through three grades:
 - the first cycle – the first, second and the third grade;
 - the second cycle – the fourth, fifth and the sixth grade;
 - the third cycle – the seventh, eighth and the ninth grade;
- “teaching year” is the period within which the regular teaching is executed;
- “school year” is the period within which the regular teaching and other forms of educational work are realized;
- “compulsory primary education” means the obligation of pupils of the age of six to fifteen to attend primary school according to a publicly valid education curriculum;
- “evaluation period” is a part of a term (of a teaching year) within which the curricula and the marking of pupils are executed.
- “obligatory number of lessons” means the direct instruction within a weekly working hours, prescribed by the curriculum.

II. ORGANIZATION OF EDUCATIONAL WORK

Curriculum

Article 12

Primary education shall be provided on the basis of a publicly valid curriculum for primary schools (hereinafter referred to as “the curriculum”).

The curriculum shall establish compulsory subjects, compulsory elective subjects, optional subjects, free activities and the lessons of class community.

The Ministry regulation shall regulate the manner of application and realization of the educational curricula.

Compulsory Subjects

Article 13

The Ministry shall define compulsory subjects in public or private institutions, on the proposal of Council for General Education.

Optional Subjects

Article 14

Schools are obliged to offer the teaching in five compulsory optional subjects, at least, to pupils in the third cycle, in line with the curriculum, where one of them is foreign language.

Pupils shall decide on optional subjects referred to in paragraph 1 of this Article.

The Ministry shall decide on the list of compulsory optional subjects and their contents, on the basis of the proposal of the Council for General Education.

The school shall submit proposal for list of compulsory optional subjects.

Additional and Remedial Teaching

Article 15

Schools are obliged to organize the remedial teaching for the pupils that lag behind in the acquisition of teaching contents.

Schools shall organize additional teaching for the pupils with extremely high level of success in the process of adoption of the teaching contents and who show a special interest in the broadening and the strengthening of knowledge in the specific fields of teaching and education.

Extended Curriculum

Article 16

Schools are obliged to organize, within their potential, the extended curriculum for the pupils.

The extended curriculum shall include the prolonged stay, morning guard, free activities, optional teaching and outdoor teaching.

Exceptionally to paragraph 1 of this Article, schools are obliged to organize the morning guard for the pupils of the first grade.

Prolonged Stay

Article 17

Schools shall organize the prolonged stay for the pupils, in line with their potential.

Pupils shall be provided with the guarding within the prolonged stay, during which various sports and culture and art activities shall be performed, the learning, doing the homework and the completion of other duties, in line with the rules of the school.

Optional Instruction

Article 18

Schools may organize optional teaching in particular subjects, in line with this Law.

Optional teaching shall be compulsory for all pupils that have chosen it.

Marks in optional subjects shall not influence the general success of pupils.

Extracurricular Activities

Article 19 Schools shall develop various forms of free activities – extracurricular activities (sports, cultural and art activities). The school annual plan shall establish free activities.

Class Community

Article 20

Pupils, together with their Class Master shall discuss the matters of interest for the pupils and their school at the class community lessons.

Annual Plan

Article 21

The work of schools shall be established by the annual plan.

The annual plan shall set the organization of the educational work of schools, the internal evaluation for quality assurance, the forms and the contents of work, the schedule of the planned tasks' completion.

Cycles

Article 22

Teaching in schools shall be delivered in cycles, and these are:

- in the first cycle - class teaching;
- in the second cycle - class and subject teaching;
- in the third cycle - subject teaching.

Exceptionally to paragraph 1 of this Article, private schools **need** not deliver teaching based on cycles.

Number of Pupils per Class

Article 23

Pupils of particular grades shall be divided into classes.

Each class of the same grade may have 30 pupils at most.

A class following teaching in the language and the alphabet of a minority may have a smaller number of pupils, which shall not be lower than 50% of the number of pupils envisaged by the Ministry regulation.

Exceptionally to paragraph 1 of this Article, a class may be composed of 33 pupils, based on the permission of the Minister competent for education and science (hereinafter referred to as “the Minister”).

Multi-grade Class

Article 24

If, because of the small number of pupils, it is not possible to organize instruction in grades and in classes, a class can be structured of the pupils from two or three grades of the same cycle (multi-grade classes).

A multi-grade class, composed out of two grades, can have up to 25 pupils, whereas multi-grade class, composed out of three classes, can have up to 20 pupils.

The Principal shall decide on the structuring of the multi-grade classes at the proposal of the Panel of teachers.

Exceptionally to paragraph 1 of this Article, the Minister can approve the structuring of multi-grade classes made out with more than three grades.

Foreign Languages

Article 25

Pupils shall learn English, Russian, Italian, French, German and Spanish in schools.

Pupils shall compulsorily learn one of the languages referred to in paragraph 1 of this Article, starting from the fourth grade as a rule, and according to their own choice.

Schools are obliged to organize instruction in the second foreign language as the compulsory optional subject that pupils shall select at the beginning of the third cycle in line with their interests, wishes and within the potential of the schools.

Pupils may learn foreign language, as an optional subject, .

Schools may introduce learning of other foreign languages that have not been provided for by paragraph 1 of this Article, on the basis of the wishes of pupils and their parents and along with the approval of the Founder.

Weekly Work and the Duration of the School Lesson

Article 26

During a working week, pupils shall have the following number of lessons according to the compulsory curriculum:

- the first cycle shall include 20 lessons at most, whereas the number of lessons shall be increased from the first to the third grade;
- the second cycle shall include 26 lessons at most, whereas the number of lessons shall be increased from the fourth to the sixth grade;
- the third cycle shall include 30 lessons at most, whereas the number of lessons shall be increased from the seventh to the ninth grade.

In schools in which the official language is taught as the non-mother tongue, the obligatory number of lessons shall be increased by two lessons.

As a rule, the school lesson , shall last 45 minutes.

The curriculum shall establish the number and the duration of a school lesson, depending on the age of pupils and on the realization of teaching contents.

Heading deleted

Article 27

deleted

Heading deleted

Article 28

deleted.

Education Abroad

Article 29

The children of the citizens of the Republic of Montenegro, who have temporarily been employed abroad, may be provided with the additional primary training and education according to the separate educational plan and curriculum.

Teachers Working Abroad

Article 30

The educational work referred to in Article 29 of this Law can be carried out by teachers who, in addition to the conditions prescribed by this Law, have at least four years of working experience within the profession, who stand out in the professional and pedagogical work and know the language of the country in which the educational work will be carried out.

The Minister shall make the decision on the sending of teachers to work abroad.

Teachers shall be sent to work abroad for the period of two years.

The Minister may make a decision on the cessation of a teacher's work abroad if he finds that the teacher:

- 1) does not fulfill the curriculum referred to in Article 29 of this Law;
- 2) committed a severe violation of the working responsibility;
- 3) made the official position's abuse;
- 4) in other circumstances provided by the law.

The mutual rights and obligations between the Ministry and the teacher that has been sent to work abroad shall be more closely defined by an employment agreement.

III PUPILS

Enrollment Requirements

Article 31

Children that will attain the age of six during the calendar year in which they start attending the school, shall be enrolled into school.

Enrollment Before the Age of Six

Article 32

Children may be allowed to enroll school prior to the age of six, at the proposal of the parents and upon the approval of the Commission referred to in Article 33 of this Law.

Enrollment into School

Article 33

As a rule, children shall be enrolled during April of each year, on the basis of the medical examination.

The Commission, which is appointed by the authority that the school Statute established, shall carry out the enrollment of children.

The testing of children for the enrolment into the first grade shall be done in schools having the potential for that.

The Delay of Schooling

Article 34

The schooling of a child may be delayed for the period of one school year at the proposal or with the consent of parents, the competent health service or of the special Commission if it is assessed the child is not ready to start school.

The Principal shall appoint the Commission referred to in paragraph 1 of this Article.

The Commission referred to in paragraph 1 of this Article shall be composed of a pediatrician, a school psychologist and an educator, or a teacher.

Competent Local Self-government Authority

Article 35

The local self-government authority is obliged to submit to the school until the end of February the list of children who have attained the school compulsory age and who belong to that school according to the settlement they reside in,.

Obligations of Parents

Article 36

Schools are obliged to submit to the competent inspection the report on the parents of children that have not been enrolled into school, or of children who have not fulfilled the compulsory schooling requirement..

Schools are obliged to submit the report referred to in paragraph 1 of this Article within fifteen days as of the day of the expiration of the deadline for enrollment, or as of the day of the cessation of the fulfillment of compulsory schooling requirement..

The Right to Education at Home

Article 37

Parents may organize education of their children at home as well.

Within three months before the commencement of the school year at least, parents are obliged to inform the school, in which their child was enrolled, in written that the education of the child has been organized at home.

The notification referred to in paragraph 2 of this Article shall include the publicly valid curriculum, according to which the education of a child shall be delivered at home, the name and the surname of the child, the place where the education will be performed, the name and the qualifications of the person that will educate the child.

Schools shall keep the files and documentation relating to the education of pupils at home.

Assessment of Knowledge Resulting from Education at Home

Article 38

Education at home must provide a pupil with education standards based on the curriculum of the school the pupil has been enrolled in.

The school referred to in paragraph 1 of this Article is obliged to organize the assessment of knowledge of pupils educated at home, at the end of each teaching year.

Pupils with special needs, who are educated at home must acquire the education standards of knowledge according to the adjusted curricula.

The assessment of knowledge shall be carried out in the mother tongue, mathematics and in the nature and society in the first three grades.

The assessment of knowledge from the fourth to the ninth grade shall be carried out in all subjects.

If a pupil has not achieved the standards of knowledge prescribed for particular subjects of particular grade, the pupil shall have the right of re-assessment of knowledge before the commencement of the following school year.

If the re-assessment of knowledge establishes that a pupil has not achieved the defined standards of knowledge, the pupil must continue the education in the school during the following school year.

The Ministry shall prescribe the manner and the procedure for the assessment of knowledge of pupils that are educated at home.

Knowledge Assessment at the End of a Cycle – Education at Home

Article 39

Knowledge assessment at the end of a cycle for the pupils that are acquiring education at home shall be carried out in accordance with the provisions of Articles 55 and 56 herein.

The school, in which a pupil was enrolled and in which the knowledge assessment is carried out, shall issue the pupil a certificate on education at home. The certificate on the education at home shall be considered a public document.

Obligation of Pupils

Article 40

Schools are obliged to allow regular attending of the teaching process to pupils older than fifteen and younger than seventeen, at the request of parents.

If a pupil will attain the age of seventeen during the school year, s/he may regularly attend classes up to the end of that school year.

The Principal may deprive pupils of the regular attending of school if the pupils, referred to in paragraphs 1 and 2 of this Article, disturb the school work.

Upon the request of parents, schools shall be obliged to issue certificates to pupils older than fifteen, who have not finished the primary school, that they fulfilled the primary school obligation.

Obligation of Pupils During Primary Education Obligation

Article 41

Pupils who will attain the age of fifteen during the school year may not leave the school before the end of that school year.

Disciplinary Measures

Article 42

A pupil may not be expelled from school for the period of compulsory schooling.

If it is necessary for teaching or educational reasons, the school may enroll a pupil into other schools, in agreement with and at the request of the parents and if the other school agrees with that.

If the school cannot provide the enrollment of the pupil into another school, the Commission, which shall be appointed by the Minister, shall decide on that.

Prior to making a decision on the enrollment of a pupil into another school, the Commission is obliged to obtain the opinion of the parents and of the Principal of the school into which the pupil should be enrolled.

The decision of the Commission shall be final.

Release from the Physical Education Curriculum

Article 43

A pupil may be temporarily or partially released from the physical education curriculum because of sickness or some bodily deficiencies.

The Panel of Teachers shall make decision on the release of the pupil referred to in paragraph 1 of this Article, on the basis of a medical certification.

A pupil who was partially released from the physical education shall be obliged to partake in the part of the physical education curriculum according to his/her abilities.

Absence of Pupils

Article 44

A pupil can be absent from school up to five teaching days during one teaching year when notification is given.

Transfer from one School to Another

Article 45

The transfer of a pupil from one school to another shall be executed at the request of parents.

A school shall forward the transfer note to the school in which the pupil continues his/her schooling.

The school that issued the transfer note shall withdraw a pupil from the register, after the notification that the pupil was enrolled into another school.

IV. PROGRESS AND MARKING OF PUPILS

Marking

Article 46

The knowledge and the achievements of pupils in the school shall be valued by descriptive and numerical marks (hereinafter: "the marking"), in line with the standards.

The standards referred to in paragraph 1 of this Article shall be established by the curriculum.

Marking per Cycles

Article 47

The knowledge and the achievements of pupils shall be marked and stated descriptively in the first cycle.

At the end of the first cycle, the success of pupils shall be marked descriptively and numerically.

The marking in the second cycle shall be numerical and the marks shall be explained in writing.

The marking in the third cycle is numerical.

The mark 'one' (1) shall mean 'insufficient mark'.

The Ministry shall prescribe the forms and the manners of marking.

Marking per Periods

Article 48

The marking of pupils shall be carried out openly in the presence of pupils.

During each evaluation period pupils shall have a mark in each subject,, except for the pupils of the first grade at the end of the first evaluation period.

Schools shall be obliged to inform parents on the success of pupils at the end of each period of marking, in writing.

Pupils shall receive certificates on success at the end of each school year.

Establishing of Marks

Article 49

The marks in educational fields, or in teaching subjects, in manners, as well as the general success shall be established at the end of each evaluation period, except for the pupils of the first grade at the end of the first evaluation period.

For a pupil that has changed school during the teaching year the marks shall be defined on the occasion of transfer if there are enough elements for the establishing of the marks.

General Success

Article 50

It shall be considered that a pupil finished VI, VII, VIII and IX grades if there are positive marks in every one of the teaching subjects.

The general success shall be stated in an arithmetical average of positive marks in all teaching subjects and the Board of Class Teachers shall establish it.

A Ministry regulation regulates more closely the manner of calculation of positive marks.

Repetition of Grade

Article 51

Pupils of the first, second, third, fourth and of the fifth grade shall not repeat the grade.

Exceptionally to paragraph 1 of this Article, a pupil can repeat the grade if the scope of teaching content acquired does not enable him to continue further education.

The decision about pupil`s repeating shall be made by the Class Master or by the Board of Class Teachers based on the opinion of the school advisory service and on parents opinion.

A pupil can also repeat a grade on parents request.

Remedial Examination

Article 52

Pupils of the sixth, seventh, eighth and ninth grade that have one, two or three insufficient marks at the end of the teaching year, shall sit for the remedial examination.

The pupils referred to in paragraph 1 of this Article, who have four or more insufficient marks, or have not passed the remedial examination, shall repeat the grade.

Exceptionally to paragraph 2 of this Article, a pupil who attains the age of fifteen during the current school year, and in the end of the same school year has insufficient marks, shall have the right to sit for the grade exam, as a part-time pupil, in the subjects marked insufficient and in the following year.

Remedial Examination Period

Article 53

Pupils of the sixth, seventh, eighth and ninth grade shall sit for the remedial examination in June and August.

The pupils referred to in paragraph 1 of this Article, may sit for the remedial examination in two subjects the most at his/her choice, in June.

Pupils shall sit for the remedial examination, in August, in all subjects in which they had insufficient marks, and also in the subjects the remedial examination of which they did not pass in June.

Pupils of the ninth grade shall sit for the remedial examination in all subjects in which they had insufficient marks, in June.

A pupil of the ninth grade who does not pass exams in two subjects in June, shall have the right to sit for those exams in August.

Examination Commission

Article 54

The remedial examination shall be sat for before the Examination Commission that is appointed by the Panel of Teachers at the Principal's proposal.

The remedial examination shall be sat for a certain subject.

The general success of pupils shall be established after the passing of remedial examination.

The Ministry shall prescribe the manner and the procedure of the remedial examinations and the composition of the Commission.

Assessment of Knowledge

Article 55

Schools are obliged to assess the knowledge of pupils at the end of the first and the second cycle, on the basis of externally prepared tasks.

The Examination Centre shall prepare the tasks referred to in paragraph 1 of this Article.

Schools shall carry out the assessment of pupils' knowledge in mathematics and in the mother tongue, at the end of the first cycle.

Schools shall carry out the assessment of knowledge in the mother tongue, mathematics and in foreign language, at the end of the second cycle.

The results of these assessments of knowledge shall not influence either the mark or the general success of pupils.

External Assessment of Knowledge

Article 56

The external assessment of knowledge in the mother tongue, mathematics and in one of the subjects that pupils chose, shall be carried out at the end of the third cycle.

The Examination Centre shall prepare the tasks and carry out the assessment of knowledge.

The marks given during the external assessment of knowledge, referred to in paragraph 1 of this Article, shall be presented in certificates, but they shall not influence pupils' general success.

The Ministry shall prescribe the forms and the manners of knowledge assessment in terms of this Article and paragraph 1 of Article 55 of this Law.

Grade Exam

Article 57

A pupil that has not been marked in one, several or in all subjects up to the end of the teaching year for illness or for other justifiable reasons, may sit for the grade exam in those subjects left unmarked.

Sitting for the Grade Exam

Article 58

The grade exam shall be composed of an oral and a written part.

The oral, or the written part of the exam shall be sat for in all subjects, in line with the curriculum.

The grade exam shall be sat for before the Examination Commission.

The Ministry shall decide on the manner and the procedure of the sitting for the grade exam.

Marking of Pupils in the Grade Exam

Article 59

On the occasion of the grade exam, a pupil shall be marked according to the provisions of this Law that are valid for the full-time pupils.

The Examination Commission shall establish the marks in the grade exam, at the proposal of the examiners.

Pupils shall not be marked in manners on the occasion of the grade exam.

Extreme Progression of the Pupils

Article 60

Extremely industrious and capable pupil of the second and of the third cycle may also finish the following grade during one school year.

A pupil may exercise the right referred to in paragraph 1 of this Article only once during the primary schooling.

The decision referred to in paragraph 1 of this Article shall be passed by the Panel of teachers, at the proposal of the Panel of Class Teachers.

Talented Pupils

Article 61

A talented pupil that finished the seventh grade and that was enrolled into the first grade of the secondary art school may complete primary education by sitting for the grade exams.

Complaint Relating to the Marks

Article 62

A pupil, or a pupil's parent has the right to lodge a complaint to the mark in a teaching subject, or in manners, given at the end of the evaluation period, a teaching year or at the exam. The complaint shall be submitted to the school Principal, within three days as of the day of receipt of certificates, or as of the day of the notification on the marks achieved.

The Principal shall compose the Evaluation Commission for the assessment of knowledge.

The composition of the commission must include one member of another school, at least.

The Commission shall assess and mark the pupils.

The marks of the Commission shall be final.

The Annulment of Exams

Article 63

In case the Principal of a school, or the competent inspection establishes that the remedial and grade examinations have not been completed in line with this Law and with the regulations that were passed on the basis of this Law, the Panel of teachers shall be obliged to make the decision on the annulment of those examinations and of the certificates issued on the basis of such examinations, within the deadline the competent body defined.

If a Panel of teachers does not pass the decision referred to in paragraph 1 of this Article within the prescribed deadline, the Principal shall make the decision on the annulment of examination and of certificates issued on the basis of such examination.

If the Principal does not adopt the decision referred to in paragraph 2 of this Article within prescribed deadline, the Ministry shall make the decision on the annulment of examination and certificates issued on the basis of such examination.

In case referred to in paragraph 1 of this Article, schools shall allow pupils to sit for the exam again, at the school expense.

Decision on the Annulment of Exams

Article 64

The decision on the annulment of examinations, or of certificates referred to in Article 63 of this Law, shall be published in the Official Gazette of the Republic of Montenegro.

Praises and Rewards

Article 65

Pupils shall be praised and rewarded for the purpose of pedagogical stimulus.

School bodies may give praises and rewards to pupils.

Pupils may be praised and rewarded by institutes and other legal and natural entities, as well.

The praises and rewards shall be obligatorily registered.

Disciplinary Measures

Article 66

Disciplinary measures shall be applied to pupils in the schools, only in case they have justifiable pedagogical excuse.

Disciplinary measures are: the written warning of the class master, the principal's reprimand, the Panel of teachers' reprimand and the dislocation into another class or into another school, as a rule, within the same area, ..

Disciplinary measures shall be valid only for the year in which they have been taken.

Regulations on Praises, Rewards and Disciplinary Measures

Article 67

The Ministry shall regulate the manners and the procedures relating to praises, rewards and disciplinary measures.

V. PRIMARY ART EDUCATION

Provision of Art Education

Article 68

Primary art education may be received in schools for primary art education, in separate classes of primary schools (hereinafter referred to as "primary art school").

Enrollment Requirements

Article 69

Primary art education may be received by children who are talented for specific art branches, and who have met the requirements for the enrollment into the first grade of the primary art school.

Exceptionally to paragraph 1 of this Article, extremely talented children may start to receive art education at a younger age as well, the issue which shall be decided by the Panel of Teachers of the primary art school.

The commencement of art education, the manner of assessment of talents and the requirements for the enrollment of pupils, referred to in paragraph 2 of this Article, shall be defined by the school Statute, in accordance with the curriculum.

Curriculum

Article 70

Primary art education shall be realized on the basis of the curriculum for primary art education.

The curriculum referred to in paragraph 1 of this Article shall be passed in the manner and according to the same procedure as the curriculum for primary school.

Cycles in Art Schools

Article 71

Primary art education shall last six, or nine years and shall be executed in cycles, as follows:

- 1) the first cycle shall include I, II, III and IV grades;
- 2) the second cycle shall include V and VI grades, and
- 3) the third cycle shall include VII, VIII and IX grades.

The third cycle shall be completed by the pupils that want to continue education in secondary art school.

Teaching Process

Article 72

The teaching process in art schools shall be executed through subjects and in two manners: through individual and through group work.

Individual teaching process shall be executed per categories. All pupils taught by one teacher of individual teaching process shall compose a category.

The Ministry shall pass the standards on the number of pupils in a class, as well as in the category of individual teaching process.

Obligatory Number of Lessons

Article 73

Pupils of art schools shall have six lessons, at least, in the first cycle and eight lectures, at most, in the second cycle, during a working week.

Annual Exam

Article 74

Pupils of primary art education shall sit for the annual exam, at the end of school year.

In case a pupil of the first grade of art school gets insufficient mark in the main subject, there is no possibility to continue education according to the started curriculum, whereas the pupils in other grades that do not pass the exam in the main subject shall repeat the grade.

Pupils of art school may sit for the remedial exam only in one teaching subject. Pupils may repeat a grade only once during primary art education.

Enrollment requirements, the manner and the procedure of the sitting for the annual exam and the remedial exams during primary art education, shall be regulated by the Ministry's regulations.

VI. TEACHERS AND PROFESSIONAL ASSOCIATES

Teaching and Educational Staff

Article 75

Teaching and educational work in schools shall be carried out by teachers, educators and by professional associates.

An agreement between the school and the preschool institution shall regulate the manner in which the rights and obligations of educators in primary school are exercised.

Teachers shall organize and deliver the training and educational work, and shall work on its improvement.

Professional associates in schools shall perform pedagogical and psychological, social and health, and librarian and other duties relating directly or indirectly to educational work in schools.

Instruction in the First and the Second Cycle

Article 76

Grade-teacher or teacher, subject-teacher and educator shall execute the educational work.

Grade-teaching instructor or teacher, who finished the two-year post-secondary school or the Faculty for Teacher Training, shall provide instruction in the first cycle.

Together with grade-teaching instructor or teacher, who finished the two-year post-secondary school or the Faculty for Teacher Training, an educator, as a rule, shall deliver the teaching, lasting a half of the working hours, in the first grade.

Educator is the person that has fulfilled the requirements for educators in line with the Law on Preschool Education, and that passed a specific exam (training) necessary for the work in primary school according to the special curricula that are passed by the Ministry.

Grade-teaching instructor, or teacher, who finished the two-year post-secondary school or the Faculty for Teacher Training, shall provide instruction in the fourth grade, whereas the subject-teaching lecturer shall provide instruction of the foreign language.

Grade-teaching instructor, or teacher, who finished two-year post-secondary school or the Faculty for Teacher Training, shall provide instruction in the fifth grade, except for the teaching of a foreign language, technical education and computer science, and one of the following subjects: physical education, music culture and of arts, which shall be executed by the subject teaching lecturers.

The teaching in the sixth grade shall be organized as subject teaching. Subject teaching lecturers that finished the Faculty for Teacher Training or an Art Academy shall provide instruction..

By way of exception to paragraphs 5 and 6 of this Article, instruction in the fourth and the fifth grade may be provided by the grade-teaching instructor or a teacher who completed two year post-secondary school or the Faculty for Teacher Training, if no subject teaching lecturer applies for the post announced in an open competition.

Instruction in the Third Cycle

Article 77

Subject-teaching lecturers shall provide instruction in the third cycle.

Persons that finished the Faculty for Teacher Training or an Art Academy may provide subject instruction in schools.

Exceptionally to paragraph 6 of Article 76 of this Law, teaching of the official language in the fifth grade of schools where the teaching process is carried out in the language of national and ethnical groups is the subject teaching and may be delivered by the persons that finished adequate two-year post-secondary schools.

Professional associates especially pedagogically trained (psychologists, pedagogues, sociologists, speech therapists and special education teachers) shall work together with the teachers, in case of classes in which there are children with special needs.

The Ministry shall prescribe the professional qualification profile of subject-teaching lecturers.

Provision of Instruction

Article 78

Teachers whose language of instruction is their mother tongue, or teachers who finished adequate Faculty for Teacher Training in the language that is also the language of such instruction, may provide instruction.

Exceptionally to paragraph 1 of this Article, the subject teaching can be delivered by teachers who have not finished appropriate Faculty for Teacher Training in the language in which the instruction is provided if they show, during the separate exam, their knowledge in the literary language in which the teaching is delivered in the school.

The exam referred to in paragraph 2 of this Article shall be composed of written lesson preparation and a lesson delivery, and it shall be sat for before the Commission composed of three members that shall be appointed by the Ministry.

Obligatory Number of Lessons

Article 79

Teachers are obliged to deliver, within forty-hour working week, theoretical teaching (obligatory number of lessons), as follows:

- 18 lessons in the mother tongue;
- 19 lessons in the foreign language, mathematics and physic;
- 20 lessons in other subjects.

Grade teaching instructors are obliged to deliver 20 to 22 lessons of direct work with the pupils in line with the general part of the educational programme within the forty-hour working week, whereas the school Statute shall define the schedule for the remaining hours within the forty-hour working week.

Professional associates are obliged to provide at least 20 lessons of direct work with pupils within forty-hour working week, whereas the school Statute shall define the schedule for the remaining working hours within forty-hour working week.

Teachers are obliged to provide two lessons of direct work with pupils more, along with the obligatory number of lessons defined by paragraph 1 of this Article, for the purpose of achieving better success in covering the curriculum, whereas the school Statute shall determine the remaining working hours within forty-hour working week.

The Working Hours of Educators

Article 80

Educators are obliged to provide 26 lessons of direct work with pupils within the forty-hour working week, whereas the schedule of the remaining working hours within the forty hour working week shall be determined in line with the school or the preschool institution Statute, in compliance with the agreement between the school and the preschool institution..

VII. PENAL PROVISIONS

Fines

Article 81

A parent shall be punished by the fine of one half to ten amounts of the minimum salary in the Republic for a violation, that is, if the child has not been enrolled into school, or the child has not been attending the school (Articles 4, 31, 36 and 37).

If a parent has not enrolled the child into school even after the stated sentence, that is, if the child has not been attending the school, the fines may be repeated.

A Principal shall be punished by the fine of one half to ten amounts of the minimum salary in the Republic for a violation, that is, if the Principal does not issue a decision on annulment of exam and annulment of certificates in accordance with paragraph 3 of Article 63 of this Law.

VIII. TRANSITIONAL AND FINAL PROVISIONS

Curriculum

Article 82

The competent authority shall adopt the curriculum in line with this Law until the end of the 2003/2004 school year at latest.

The application of the curricula referred to in paragraph 1 of this Article, shall start in 2004/2005 school year in schools that have met the staff, space and other requirements prescribed by the law.

The Ministry shall establish the fulfillment of the requirements referred to in paragraph 2 of this Article.

Until the fulfillment of the requirements, in line with this law, the existing curricula for primary school, adopted on the basis of the Law on Primary School (Official Gazette of the Republic of Montenegro 34/91, 56/92, 32/93 and 20/95) shall be implemented in other schools.

The Fulfillment of Primary Schooling Obligation

Article 83

Persons who acquired the education according to previous legislations shall be recognized the same.

Subject Teachers Having Two-year Post-secondary Qualification

Article 84

Subject teachers, that are employed for permanent period of time and do not have appropriate qualifications, prescribed by this Law, upon the date of entry into force of this Law shall continue their work.

Teachers having two-year post-secondary qualification, or two-year post-secondary teacher training qualification may be employed for permanent period of time in a school, if no teacher being University qualified, or no teacher being qualified in the Faculty for the Teacher Training has applied for the open competition.

Teachers that are employed for permanent period of time and do not have adequate qualifications, prescribed by Article 76 of this Law, upon the date of entry into force of this Law shall continue work.

Secondary Legislation

Article 85

Regulations provided for by this Law shall be passed within one year as of the date of entry into force of this Law at latest.

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.

General Documents

Article 86

Schools are obliged to harmonize their work, their organization and their general documents with this Law within one year as of the date of entry into force of this Law.

The Regulations that Cease to be Valid

Article 87

Law on Primary School (Official Gazette of the Republic of Montenegro 34/91, 56/92, 32/93 and 20/95) shall cease to be effective at the end of the school year in which pupils complete primary education in accordance with education curricula existing at the moment.

Entry into Force

Article 88

This Law shall come into force on the eighth day as of the day of its publication in the Official Gazette of the Republic of Montenegro, and shall be applied to schools working according to the education curricula adopted in line with the Law.