

## **26 Annex - Education and culture**

### **201. LAW ON EDUCATION OF CHILDREN WITH SPECIAL NEEDS**

---

## **LAW ON EDUCATION OF CHILDREN WITH SPECIAL NEEDS**

### **I. BASIC PROVISIONS**

#### **Contents**

##### Article 1

Education of children and youth with special needs (hereinafter referred to as “children with special needs») and their direction into curricula is done pursuant to this Law.

#### **Activity of Public Interest**

##### Article 2

Education of children with special needs is an activity of public interest.

#### **Enforcement of the Regulations**

##### Article 3

Education of children with special needs, as a part of unified educational system is realized pursuant to this Law and special laws by which preschool, elementary, general, secondary, and vocational education are regulated.

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

##### Article 4

According to this Law children with special needs are children with: physical, mental, and sensory disability; behavioral disorders; serious chronic diseases; emotional disorders; combined disorders; children ill for a long time, and other children who encounter difficulties in learning who need education by the educational programme with adjusted tuition and additional professional help, or by a special curriculum.

#### **Obligatoriness**

##### Article 5

Education, respectively habilitation and rehabilitation of children with special needs is obligatory as of the moment of establishing the special needs of a child.

Education of children with special needs provides for the level of education fit for their physical, intellectual, emotional and social development.

#### **Right of Choice of Curriculum**

##### Article 6

Parent, adoptee or guardian (hereinafter referred to as »parent») of a child with special needs, is entitled to chose the curriculum in harmony with this Law.

During education a parent, respectively a child with special needs, is entitled to change the curriculum, pursuant to this Law.

#### **Objectives of Education**

##### Article 7

Objctives of education of children with special needs are:

- 1) providing of equal possibilities of education for all children;

- 2) providing of respective conditions which enable optimal development;
- 3) timely orientation and inclusion in respective curriculum;
- 4) individual approach;
- 5) preservation of balance of physical, intellectual, emotional and social development;
- 6) inclusion of parents in the process of habilitation, rehabilitation and education;
- 7) continuity of curriculum;
- 8) entirety and complexity of education;
- 9) organizing the education as close as possible to dwelling place.

### **Institutions Implementing Education**

#### Article 8

Education of children with special needs is implemented in preschool institutions, institutions of elementary and general secondary and vocational education (hereinafter referred to as »school«), as well as in special institutions for education of children with special needs.

Space, equipment and teaching aids of preschool institution, school and special institution for education of children with special needs (hereinafter referred to as »special institution«) shall be adjusted to children with special needs, in harmony with the curriculum.

### **Financing**

#### **Article 9**

Education of children with special needs shall be financed from the Budget of the Republic of Montenegro.

### **Definitions**

#### **Article 10**

Individual terms in this Law have the following meaning:

- 1) adjusted implementation of curriculum understands full inclusion of children with special needs in educational groups in preschool institutions, classrooms in ordinary schools, with adjusted implementation of curriculum and rendering of additional professional assistance by kindergarten-teachers or teachers, respectively with special engagement of a professional person, together with kindergarten-teacher or teacher, and participation of parents. Work with small groups or the individual work of especially trained kindergarten-teachers and teachers with children that have special needs is possible ;
- 2) habilitation is a system of measures and procedures used for qualifying of children with innate disability or disability that occurred in the earliest age, aimed at better functioning for day needs of life;
- 3) rehabilitation is a system of protection, qualifying, training and reintegration of children with special needs for resumed acquiring of lost ability;
- 4) the procedure of orientation is the procedure through which, on the basis of professional opinion of the commission, a curriculum is adopted in which the child is oriented, scope and manner of implementing of additional and other professional assistance for preschool institution, school, respectively special institution in which the child will be included is determined, bearing in mind preserved abilities, type and level of developmental disorder (special needs);
- 5) additional professional assistance is the assistance rendered by professional associates from a preschool institution, school or special institution, as well as the external associates in implementation of curriculum with adjusted tutoring;
- 6) mobile service understands engagement of professionals aimed at support to teachers, kindergarten-teachers and parents in the process of elaboration and implementation of individual educational programmes and other professional assistance to children with special needs.

## **II. ORGANISATION OF EDUCATIONAL WORK**

### **Curriculum**

#### **Article 11**

Education of children with special needs is implemented on the basis of:

- 1) curriculum, with providing of additional conditions and tools;
- 2) curriculum with adjusted implementation and additional professional assistance;
- 3) special curriculum; and
- 4) educational programme.

Curricula with adjusted implementation and additional professional assistance, respectively educational programme provide for children with special needs the possibility to attain educational standard equal to the one provided by the curriculum of elementary, general secondary and vocational education.

### **Education in Preschool Institution and School**

Article 12

Education of children with special needs in a preschool institution is achieved by full inclusion in educational groups, respectively classrooms with other children, that is students, with possibility of extending additional professional assistance, as well as with providing for additional conditions and means to help, pursuant to the curriculum.

Additional professional assistance is provided individually, in the classroom and out of the classroom, and in special cases at home, should the need for this be professionally founded.

Additional professional assistance from paragraph 1 of this Article is implemented individually or in small groups, with participation of parents.

**Curriculum with Adjusted Implementation and Additional Professional Assistance**

Article 13

Education of children with special needs according to the curriculum with adjusted implementation and additional professional assistance is implemented individually, in special groups or classrooms in school, respectively special institutions through a joint teaching process in individual courses with other students or joint participation in extracurricular activities of school, respectively through the instruction in some courses they attend with their peers from neighbouring school.

Implementing of additional professional assistance from paragraph 1 of this Article is implemented, as a rule, with participation of parents.

Scope and manner of implementing additional assistance is determined by a decision on orienting the children with special needs, in harmony with the curriculum.

The curriculum from paragraph 1 of this article, shall prescribe the scope and contents of teaching subjects, organisation, lasting, distribution of lecturing hours, manner of assessment of knowledge and marking of the achievements and advancement.

**Special Curriculum**

Article 14

Education of children with special needs who cannot be educated in school, owing to necessary support and close connection of education, habilitation and rehabilitation, shall be implemented in special institutions.

**Curricula**

Article 15

Education of children with disorders in behaviour and personality are implemented on the basis of curriculum with adjusted implementation and additional professional assistance, pursuant to regulations on elementary and secondary education, unless otherwise provided by this Law.

Professional assistance from paragraph 1 of this Article shall be rendered in the form of preventive, educational, compensational, corrective and social-integrative programmes, which are the structural part of the curricula.

**Individual Curriculum**

Article 16

Preschool institution, school, respectively special institution shall adopt individual curriculum for a child with special needs, with the opinion of the Education Office, in cooperation with a parent within 30 days as of the admission of the child.

The individual curriculum shall determine: forms of educational work for educational fields, respectively teaching subjects, way of implementing the additional professional assistance, possibility of passing among the programmes, adjustment in organisation, assessment of knowledge, marking of knowledge, achievements and advancement of children, as well as schedule of school lessons.

For preparation, application, monitoring and adjusting the curricula from paragraph 1 of this Article, preschool institution, respectively school, or special institution shall form a professional team composed of: teachers, professional associates of preschool institution, school or special institution, with participation of parents.

Individual curriculum may be changed throughout a year, or adjusted in harmony with advancement in child's development.

### **Specialised and Mobile Services**

#### **Article 17**

In order to help in education of children with special needs the Education Office shall organise specialised and mobile services which shall cooperate with preschool institutions, schools, parents and health institutions, aimed at rendering additional and other professional assistance, in harmony with decision on orientation.

---

## **III. A PROCEDURE OF ORIENTING INTO A CURRICULUM**

### **Orientation Procedure**

#### **Article 18**

The procedure for orienting the children with special needs shall be initiated at a request.

The request from paragraph 1 of this Article may be submitted by: parent, or health institution, educational institution, commission for enrollment of children to school, commission for postponing the enrollment of children to elementary school, centre for social work or authority of local government competent for the affairs of education with informing the parent.

The request from paragraph 2 of this article shall be submitted to the authority of local government competent for the affairs of education.

### **Commission for Orientation of Children with Special Needs**

#### **Article 19**

The orientation of children with special needs shall be performed by a local authority competent for educational affairs, at the request of the commission for orientation of children with special needs (hereinafter referred to as »the Commission«).

The Commission shall be appointed by a local government authority competent for educational affairs, composed of: a pediatrician and a physician of respective specialty, a psychologist, a pedagogist, special teacher of respective specialty and a social worker.

Parent and teacher, respectively educator of the child that is being oriented shall participate in the work of the commission.

The commission shall work in the hospital which has provided the conditions for examining the children with special needs.

### **Proposal on Orientation**

#### **Article 20**

The Commission shall make a proposal on orientation on the basis of its estimate, talk with child's parents, as well as on the basis of paedagogic, special-paedagogic, psychologic and other documentation it obtains from the respective institutions.

Prior to adopting the proposal on orientation, the Commission shall make consultations with the professionals of educational institution to which the child will be oriented, as well as with other competent institutions.

Proposal on orientation shall define the curriculum the child is oriented to, scope and manner of implementing the additional professional assistance, the institution in which the child will be included, personnel, spacial, financial and other requirements which need to be met.

The proposal of the Commission shall consist of the elements on the basis of which the other rights of child are implemented pursuant to special regulations, provided that these regulations do not stipulate otherwise.

### **Decision on Orientation**

#### **Article 21**

On the basis of the proposal by the Commission, the authority of local government competent for educational affairs shall adopt the decision on orientation of children with special needs in a respective curriculum.

The decision on orientation shall also consist of the time limit which must not be longer than one classification period, in which the educational institution shall check the accuracy of the orientation.

### **Complaint against the Decision**

#### **Article 22**

Against the decision of local government authority one may lodge a complaint to the Ministry of Education and Science (hereinafter referred to as »the Ministry«) within 30 days as of the day of receipt of the decision.

The Ministry, following the previously obtained opinion of the Ministry of Health, shall nominate a second instant commission, composed of : a pediatrician and physicians of respective speciality, a special teacher, psychologist, pedagogist, social worker and a teacher, respectively educator.

The second instance commission shall operate in the Clinical Centre of Montenegro.

The Ministry, on the basis of the opinion of second instance commission, shall adopt the decision.

The decision of the Ministry from paragraph 4 of this article is final.

The opinion of the second instance commission is not necessary when the complaint refers to violation of the procedure.

### **Corresponding Application of Law**

#### **Article 23**

In the procedure of orientation of children with special needs, the Law on General Administrative Procedure shall be applied, unless otherwise provided for by this Law.

### **Criteria for Orientation of Children with Special Needs**

#### **Article 24**

The criteria for the determination of forms and level of defect, hindrance, respectively disorder of children with special needs and ways of inclusion in curricula, respectively preschool institution,

school, or special institution, manner of education, closer composition, organisation and work of the commissions and keeping the records of children with special needs shall be set forth by the Ministry with the consent of the Ministry of Health.

### **Conditions for Enrollment**

#### Article 25

A child with special needs shall be enrolled into a preschool institution, respectively school or special institution, pursuant to the decision on orientation.

The number of children in an educational group, or classroom shall be determined by the curriculum.

### **Education at Home**

#### Article 26

The commission may, at the proposal of parents, orient the child with special needs into the acquiring of preschool or elementary education which is organised at home.

The parent shall inform in writing the preschool institution, school, respectively special institution in which the child is enrolled, that the education is organised at home.

The preschool institution and school, respectively special institution the child is enrolled in, shall monitor the development and the advancement of the child with special needs when education is organised at home, aimed at rendering assistance and advice to the child with special needs, parent and teacher, pursuant to the special law.

Preschool institution and school, respectively special institution, shall keep the records and documentation on education of child with special needs at home and issue public documents.

### **Education in a Health Institution**

#### Article 27

For the children with special needs, who have an extended medical treatment in a health institution and who are not able to attend regularly educational work in a preschool institution, school, respectively special institution, educational work shall be organised in that institution.

Preschool institution, school, respectively special institution, shall organise educational work of children with special needs in health institution, keep records and documentation on education of those children and issues public documents for them.

## **IV. TEACHERS, PROFESSIONAL ASSOCIATES AND ASSOCIATES**

### **Teaching Personnel**

#### Article 28

Educational work with children that have special needs in a preschool institution, school and special institution is carried out by: educator, teacher, professional associate and associate, who meet the requirements set forth by the law regulating respective field of education, unless otherwise provided by this Law.

Persons from paragraph 1 of this Article shall be qualified for work with children with special needs.

Exceptionally from paragraph 1 of this Article, subject teaching in special institution for elementary education may be performed by persons who completed relevant faculty or two year post-secondary school for education of teachers.



### **Professional Associates**

#### Article 29

Professional associate in a special institution is a person that completed a respective faculty (special teacher, psychologist, pedagogist, social worker, physician specialist, etc.).

### **Associate**

#### Article 30

Associate (nurse and physiotherapist) in special institution may be a person that completed at least a relevant high school and has the necessary experience in harmony with the act on job descriptions.

## **V. TRANSITORY AND FINAL PROVISIONS**

### **Curricula**

#### Article 31

Special curriculum, pursuant to this Law, shall be adopted by the competent authority not later than by the end of school year 2004/2005.

The implementation of special curriculum from paragraph 1 of this Article shall start in school year 2005/2006 in institutions which meet the requirements as regards the personnel, space and other requirements set forth by this Law.

Meeting the requirements from paragraph 2 of this Article shall be established by the Ministry.

Until meeting the requirements, in harmony with this Law, in the remaining special schools the existing curricula for special schools, adopted pursuant to present Law on Special Education (the Official Gazette of the Republic of Montenegro 56/92) shall be implemented.

### **Time Limit for Appointment of the Commission**

#### Article 32

Commissions for orientation of children with special needs and second instance commission shall be formed within six months as of the day of entry of this Law into force.

Until forming of the commission from paragraph 1 of this Article the orientation of children with special needs shall be carried out by the Republic Commission for Examination of Children Hindered in Development, established in harmony with the Law on Special Education (Official Gazette of the Republic of Montenegro 56/92).

### **Completion of Initiated Procedure on Orientation**

#### Article 33

The procedure for orientation of children with special needs initiated before entry of this Law into force, shall be completed according to the regulations on the basis of which the procedure has been initiated.

### **Teachers Found on Teaching Positions**

#### Article 34

Teachers of grade-teaching, or subject-teaching instruction who were found in special schools as permanent employees on the day of entry of this Law into force, and who do not have respective school qualification set forth by the law, may continue teaching in special institution, pursuant to this Law.

### **Secondary Legislation**

#### Article 35

The regulations set forth by this Law shall be adopted not later than within one year as of the day of entry of this Law into force.

### **General Acts**

#### Article 36

Preschool institutions, schools and special institutions shall harmonise their operation, organisation and general acts with this Law within six months as of the day of entry of this Law into force.

### **Regulations which Cease to Be Valid**

#### Article 37

Validity of the Law on Special Education (the Official Gazette of the Republic of Montenegro«, number 56/92) shall cease at the end of the school year in which the children with special needs complete their preschool, elementary, respectively secondary education on the basis of so far implemented curricula.

### **Entry into Force**

#### Article 38

This Law shall enter into force on the eighth day as of the day of publishing in the Official Gazette of the Republic of Montenegro, and it shall be implemented in institutions operating according to the curriculum adopted pursuant to this Law.