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202. LAW ON VOCATIONAL EDUCATION

LAW ON VOCATIONAL EDUCATION

I. BASIC PROVISIONS

Article 1

Vocational education is acquired at the lower, middle and higher levels of vocational education, in the manner and under the conditions provided for by this Law.

Aims

Article 2

The aims of vocational education are as follows:

- 1) providing for acquiring the knowledge and developing the respective skills and competencies with the requirements of contemporary, democratic and industrially developed societies and with the market economy requirements;
- 2) providing students and adults with the acquiring of qualifications, which
 1. enable them to participate in the labor market equally;
- 3) the providing of knowledge and abilities necessary for life and work, for personal interests, professional development of individualities and for the further schooling;
- 4) the providing of conditions for the enhancement of knowledge within the occupation;
- 5) the compatibility of vocational education system in the Republic of Montenegro (hereinafter referred to as "the Republic") with the education in developed democratic countries.

Providers

Article 3

Vocational education shall be provided by: schools (school form of education), or by other legal or natural persons (hereinafter referred to as "the employer") in cooperation with school (dual form of education).

The conditions the employer must fulfill for the performance of vocational education regarding the space and the equipment shall be defined by the Ministry competent for the affairs of education (hereinafter referred to as "the Ministry") in cooperation with the Association of Employers of the Republic (hereinafter referred to as "the Association").

Exceptionally to paragraph 1 of this Article, the Ministry competent for the affairs of education, or the Employment Office of Montenegro can organize on-the-job training, in line with the law.

Contract on Teaching, or on Education

Article 4

Schools may provide vocational education on the whole, or the theoretical part may be executed in the school and the practical training with an employer.

If vocational education is performed in a school, and the practical part of the schooling is executed with an employer, the mutual rights and obligations between the school and the employer, as well as the rights and obligations of students, shall be regulated by the contract on teaching.

The contract referred to in paragraph 1 of this Article shall be concluded between the school Principal and the employer.

In dual form of schooling, mutual rights and obligations of students

(apprentices) and of employers shall be regulated by a contract on education, which shall be concluded between the student and the employer, in line with the law.

Types of Vocational Schools

Article 5

Vocational schools are:

- 1) two-year vocational school;
- 2) three-year vocational school;
- 3) four-year vocational school;
- 4) two-year post vocational school.

Degrees (levels) of Education

Article 6

Lower degree of vocational education in the duration of two years shall be acquired in two-year vocational schools.

Middle degree of vocational education lasting three, or four years, shall be acquired in three-year, or in four-year vocational school.

The higher degree of vocational education lasting up to two years shall be acquired in two-year post vocational schools.

By acquiring the level of vocational education from paragraphs 1, 2 and 3 of this Article respective vocational qualifications shall be acquired, in line with the law.

On-the-job Training

Article 7

For the purpose of acquiring, modernization or complementing of knowledge, skills and competencies, required for work in the vocation and with the objective of the preparation for labor market, school or employer may organize on-the-job training lasting up to one year, on basis of which a respective professional qualification shall be acquired in line with the law..

Adult Education

Article 8

Vocational education of adults shall be accomplished in line with this Law and with separate regulations.

Special Needs

Article 9

Vocational education of persons with special needs shall be accomplished in line with this Law and with separate regulations.

Definitions

Article 10

Particular expressions in this law shall have the following meaning:

- 1) “vocational education” is the training of students for the performance of professional jobs of various degrees of complexity and for further schooling;
- 2) “the providers of educational work” are schools and other natural and legal entities;
- 3) “the employer” is a legal or a natural entity where the vocational education is acquired;
- 4) “school form of education” means the execution of teaching mainly in school buildings, or under the direct organization of the school;
- 5) “dual form of education” means common execution of education by schools and by the Association, or, by an employer;
- 6) “the Association” is the association of employers, organized at the Republic level;
- 7) “the curriculum” is a program on the basis of which vocational education shall be provided;
- 8) “practical education” is the form of teaching in which a student acquires theoretical knowledge in practice;
- 9) “teaching year” is the period of the accomplishment of regular teaching;
- 10) “school year” is the period in which the regular teaching and other forms of educational work are accomplished;

- 11) "evaluation period" is a part of a term (of a teaching year) in which the curriculum and the marking of students are accomplished;
- 12) "contract on teaching" is the contract that is concluded between a school and an employer (school form);
- 13) "contract on education" is the contract concluded between an employer and a student (dual form
- 14) Person that does not have the status of student« is the person that has not acquired such status by enrollment in a vocational school, in view of this law, or that status has ceased to him/her.
- 15) "students with special needs" are the talented students and the students with difficulties in growth;
- 16) "publicly valid education" is the education that is acquired on the basis of the curricula adopted by the competent Council, and for which the public document is issued;
- 17) "standards of vocational education" are norms that are passed at the national level and that define occupations, objectives and contents of learning, evaluation of assessment process and conditions in which the teaching process takes place;
- 18) "occupational standards" are documents which prescribe the contents of vocational qualification at a specific level of complexity and define the necessary knowledge, skills and competencies for the exercising of key jobs within the occupation;
19. "craftsman's exam" is the form of post-secondary education that is sat for after three, or four years of education and after a certain working experience;
20. "external exam" is the exam that is sat in manner and according to the procedure prescribed by the competent authority
21. »credit point« is a measuring unit for evaluation of work which a student needs to implement in order to reach the objectives;
- 22) »module« is a programmed, or organizational entity of objectives and contents which consists of the subjects or competencies";
- 23) »competence« is transferable multifunctional package of knowledge, skills and attitudes necessary to an individual for his/her personal fulfillment and development, inclusion and employment«.

Supervision

Article 11

The Ministry shall perform the supervision of the implementation of the provisions of this Law, in line with the law.

II. ENROLLMENT

Competition

Article 12

Enrollment into a vocational school (hereinafter referred to as "the school") shall be carried out on the basis of a public competition, in June and in August enrollment period.

The competition referred to in paragraph 1 of this Article shall be announced by the Ministry in cooperation with the Association and with the employer, as a rule, at the proposal of the school, four months before the commencement of a school year (until the end of May).

Exceptionally to paragraph 1 of this Article, a school, or an employer may announce a competition for the enrollment of adults in other enrollment periods also, but until the end of October and in accordance with the approval of the Ministry.

Enrollment

Article 13

The status of student shall be acquired by enrollment into school.

Students shall acquire education through regular attendance of the teaching process.

Parallel Education

Article 14

A student shall have the right to acquire parallel education, or to follow more educational curricula.

In case referred to in paragraph 1 of this Article, schools define the manner of fulfillment of students' duties by mutual agreement.

General Conditions

Article 15

Any person that finished primary school and is not older than 17 can be enrolled into school for acquiring of lower and middle vocational education, unless otherwise provided for by this Law.

In case of specific educational curricula, a special talent or psychological and physical skills, completion of special educational program and work experience can be prescribed as specific conditions for the enrollment into school.

If an employer provides education together with a school, contract on education shall also be a concluded. as the condition for enrollment into school.

Enrollment of Foreign Nationals

Article 16

Any foreign national or person without the citizenship may be enrolled into school on the basis of the Ministry's permission and in line with the international conventions and with this Law.

Any person that finished primary school abroad may be enrolled into school if the validation of his/her certificate was given in line with the law.

Any foreign person, or a person without citizenship is obliged to submit a certificate on health condition, on the occasion of the enrollment into school.

The Ministry may require, as a particular requirement for enrollment of persons referred to in paragraph 1 of this Article, the test of knowledge of the language of instruction.

Lower Vocational Education

Article 17

Any person may be enrolled into two-year vocational school if he/she finished:

- 1) primary school;
- 2) primary school according to the adjusted educational curriculum;
- 3) the seventh grade of primary school at least, and who attended teaching process regularly up to the age of 15.

Middle Vocational Education

Article 18

Any person who finished primary school may be enrolled into three-year vocational school.

Exceptionally to paragraph 1 of this Article, any student who finished two- year vocational school and who passed additional and differential exams may be enrolled into appropriate grade of three-year vocational school.

Any person who finished primary school may be enrolled into four-year vocational school.

Exceptionally to paragraph 3 of this Article, any person who finished two- year vocational school, or three-year vocational school, and who passed additional and differential exams may be enrolled into the first, or the fourth grade of a four- year vocational school.

Two-year Post Vocational Education

Article 19

Any person may be enrolled into two-years post vocational school if he/she finished:

- four-year vocational school, and passed vocational ability exam;
- three-year vocational school, and passed master craftsman's certificate exam and differential exams as well

Criteria

Article 20

If a smaller number of candidates, than the number foreseen by a competition, have applied for the enrollment into school, all candidates that meet the conditions prescribed by this Law shall be enrolled.

In case a bigger number of candidates, than the number defined by a competition,, have applied for the enrollment into three-year and four-year vocational schools, the sequence of enrollment shall be established on the basis of general success of students during the last three grades of primary school, the success shown on the occasion of external assessment of knowledge in primary school and the special talent or skillfulness that are of importance for the achievement of education.

The valuing of criteria for the enrollment of students, referred to in paragraph 2 of this Article, into a two-year post vocational school shall be regulated more closely by a Ministry regulation..

Special Condition for Enrollment

Article 21

A concluded contract on education shall be a special condition for the enrollment into a three-year vocational school of dual form.

Change of Course of Study

Article 22

A student may change the enrolled course of study only after the completion of the first grade of schooling.

Exceptionally to paragraph 1 of this Article, a student of a three-year vocational school may change the enrolled course of study after the first or the second grade, but within the same field of work.

The Cessation of the Student Status

Article 23

The status of student shall cease:

- 1) by completion of education;
- 2) by withdrawing from the school;
- 3) by leaving of the school arbitrarily;
- 4) by expelling from school;
- 5) if the same grade within the same course of study has been repeated two times;
- 6) if employment is started or the status of entrepreneur acquired;
- 7) if there were 25 or more unattended lessons during one term, without excuse.

The decision on cessation of student status referred to in paragraph 1, indents 3, 5, 6 and 7 of this Article shall be made by the school Principal.

Persons that do not have the status of students, or persons who lost the status of students, are entitled to sit for the grade exam

Transfer to another School

Article 23a

A student may, during the teaching year, not later than two months before the end of teaching year, withdraw from school he/she attends and enroll into another school, on the basis of the certificate of previous grade and withdrawal certificate issued by the school.

In the event from paragraph 1 of this article, the student is bound to enroll within eight days as of the day of issue of the withdrawal certificate.

Leaving of School

Article 24

It shall be considered that a student left the school arbitrarily if he/she does not attend teaching process six days consecutively, without excuse.

Disciplinary measures

Article 25

Disciplinary measures may be pronounced to students not fulfilling their responsibilities provided for by the law and by general document of the school, and they can be: a warning, a reprimand and expulsion from school.

Expulsion from school may be pronounced by the end of the school year, but there shall be the right to sit for the grade exam in the same school year.

The Ministry shall pass closer regulations on the manner and the procedure of disciplinary measures.

Expulsion from School

Article 26

A decision to expel a student from the school shall be made by the Panel of Teachers.

On the basis of the decision referred to in paragraph 1 of this Article the Principal of the school shall, within three days, pass a decision to expel a student from school and shall forward it to the student, or to the student's parent.

A student, or a parent shall have the right to appeal to the Ministry against the decision on the cessation of the status of full-time student referred to in indents 3, 5, 6 and 7 of Article 23 of this Law, within eight days as of the day of the receipt of that decision. The appeal shall postpone the enforcement of the decision until the passing of the decision of the second instance authority.

The Ministry's decision referred to in paragraph 3 of this Article shall be final in the administrative proceeding.

Consistent Application of the Law

Article 27

The Law on General Administrative Procedure shall be applied during the procedure of establishing the status of full-time student, unless otherwise provided for by this Law.

The Finality of Decision

Article 28

No administrative proceeding may be instituted against the final judgment and the final decision referred to in paragraph 4 of Article 26 of this Law.

Praises and Rewards

Article 29

The students that stand out in the learning and manners shall be praised and rewarded.

The criteria for the procedure of granting the praises and rewards shall be regulated by general document of the school.

Top Athletes

Article 30

The fulfillment of the learning obligations may be adjusted for the student who has been engaged in top sports activities, or who has been trained for an international competition in knowledge, in the manner prescribed by the general document of the school.

III EDUCATIONAL WORK

Occupational Standards

Article 31

Curricula for vocational education, on the basis of which publicly valid education is acquired, shall be designed according to the occupational standards.

The occupational standards referred to in paragraph 1 of this Article shall be defined by the Ministry competent for labor, at the proposal of the Vocational Education Council

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Occupational standard is a basis for the elaboration of the program of specialization and qualification on grounds of which the vocational qualification is acquired, in line with law.

Curricula

Article 32

Curricula, as a rule, shall be elaborated on the basis of a number of occupational standards, of various levels of complexity.

Curricula shall be evaluated by credit points.

Criteria for evaluation of curricula shall be adopted by the Ministry.

Curricula consist of subjects and modules.

A module elaborated on the basis of occupational standard provides for acquiring the vocational qualification, in line with law.

Contents of Teaching Schedule

Article 33

The teaching schedule of vocational educational course of study shall be composed of a compulsory and an optional part.

The compulsory part shall be composed of basic subjects or modules compulsory for all students of a specific field of work.

The optional part shall include the subjects relating to the occupation that a student chooses obligatorily according to his/her aptitudes.

Annual Work Plan and Programme

Article 34

Educational work shall be carried out on the basis of the annual work plan and programme.

Annual work plan and programme shall define organization of educational work; internal quality assurance; the forms, contents and the time table of execution of work; the enrollment plan; the terms of the sitting for exams; in-service training for teachers; cooperation with social partners (employers, associations), and alike.

Forms of Educational Work

Article 35

The educational work shall include:

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- 1) theoretical teaching and the practicing of general and professional subjects;
- 2) practical education (practical teaching);
- 3) optional, remedial and additional teaching;
- 4) the monitoring of students' achievements, assessment and marking of students' knowledge;
- 5) exams;
- 6) professional practice;
- 7) free or extracurricular activities;

- 8) other forms of work.

IV. ORGANIZATION OF THE TEACHING PROCESS

Theoretical Teaching

Article 36

Theoretical teaching of general and professional subjects shall be provided in the classes that are composed of students of the same grades and of the same or more related occupations within the same field of work.

Professional Practice

Article 37

Professional practice for students who accomplished practical education in school buildings shall be executed after the termination of the teaching year.

The manner of organization and the duration of professional practice shall be defined by the curriculum.

The Class

Article 38

As a rule, a class shall have 30 students,.

A class with the teaching in language and letter of a minority may have a smaller number of students, which shall not be below 50% of the number of students set forth by regulation of the Ministry

Exceptionally to paragraph 1 of this Article, and on the basis of a Ministry permission, a

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class may have 34 students.

The curriculum shall determine the number of students in a class, or in a group of a particular field, or for a particular occupation.

The Number of Lessons

Article 39

Students may have 32 lessons during one week at most, in line with the curriculum.

Exceptionally to paragraph 1 of this Article, in schools in which the teaching is carried out in the language of national or ethnical groups, students may have up to 34 lessons at most.

In a school in which the teaching is carried out according to the curriculum passed on the basis of international conventions, students may have more than 32 lectures per week.

Compulsory Number of Lessons per Week

Article 40

In dual form of education, students may have up to 38 lessons per week, in line with the educational curriculum.

Daily Number of Lessons for Students

Article 41

Students may have seven lessons during one day at most..

A student that is taught for more than nine months with an employer (dual form of education) must be provided with eight weeks of annual vacation at least.

Duration of Teaching Hour

Article 42

A lesson of theoretical teaching, of exercises and practical teaching lesson in schools shall last 45 minutes, and practical teaching with employers shall last for 60 minutes.

Practical Education

Article 43

Practical education shall be delivered for the purpose of application of theoretical knowledge in practice and for the acquisition of new skills.

Practical education shall be delivered within the school buildings (workshops, economies, cabinets, laboratories, school cooperatives) and within the structures outside of school (institutes, companies and enterprises).

The Manner of Practical Education Delivery

Article 44

Practical education shall be delivered for a class, or for a group of students of the same class.

The number of students referred to in paragraphs 1 of this Article shall be established by the curriculum.

V EDUCATION WITH THE EMPLOYER

Contract on Education

Article 45

A Contract on education between an employer and a student shall contain:

- 1) the name and the surname of a student, the year of birth, residence place and the name of a parent, or of the tutor (hereinafter referred to as "the parent")
- 2) previous education of the student;
- 3) the title, the seat and the activity of the employer;
- 4) the title of the occupation for which the student is educated;
- 5) the beginning and the duration of the education of that student;
- 6) the extent of practical vocational ability and knowledge that the employer must provide the student with;
- 7) the time table of practical education;
- 8) personal data and the data on corresponding vocational education of the employee who shall be responsible for the education of the student with the employer;
- 9) the rights and responsibilities of the student;
- 10) the obligations of the employer;
- 11) monthly remuneration that the student shall receive during practical education, in line with the law;
- 12) the obligation of the employer not to burden the student with jobs that are not in relation to education;
- 13) the responsibilities of the student and of the employer in case of the termination of the contract on education;
- 14) other issues of importance for the delivery of practical education.

The Responsibility of Employer

Article 46

An employer shall especially be responsible:

- 1) to take care that the student regularly attends practical education and meets the working duties;
- 2) that the student is regularly paid obligatory monthly remuneration;
- 3) to provide the student with protection at work;
- 4) to take care on the health condition of the student during the work;
- 5) to allow the student, in addition to the annual vacation prescribed by the law, five days at least for the preparation of the final exam;
- 6) to keep records on student's rights based on the labor relation«.
- 7) to fulfill other obligations provided for by the contract on education.

Responsibilities of Students

Article 47

A student shall especially be responsible:

- 1) to attend the practical education and to meet the duties regularly;
- 2) to conduct in line with the instructions of the employer and the school, during the acquisition of education;
- 3) to keep the business secret of the employer;
- 4) to conduct in harmony with the regulations on the protection at work;
- 5) to fulfill other duties defined by the contract on education.

Assessment of Practical Education with the Employer

Article 48

Schools and employers shall assess the level of practical education of students, who are educated with the employer, at the end of each school year.

The Ministry shall prescribe the manner of assessment and the procedure of assessment of practical education referred to in paragraph 1 of this Article.

Remuneration

Article 49

A student shall have the right of remuneration during the duration of contract on education with the employer.

The amount of remuneration referred to in paragraph 1 of this Article shall be: 15% of the average gross salary of employees in the industry sector of the

Republic for the first and for the second year of the schooling at least, whereas it shall amount to 20% of the average gross salary of the employees in the industry sector of the Republic for the third and for the fourth year of education at least.

Termination of the Contract

Article 50

A student and the employer may terminate the contract on education if that was defined by the contract.

Obligatory Termination of the Contract

Article 51

The contract on education shall be terminated if:

- 1) it was concluded on the basis of false data and documents;

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- 2) the status of student has ceased to the student, in line with the law;
- 3) the protection at work has not been provided;
- 4) the student becomes permanently sick, from a disease that can, according to the opinion of a physician, endanger also the lives and health of other employees and students;
- 5) in other cases defined by the contract.

The Obligation of School

Article 52

If the contract on education has terminated because the employer has not fulfilled his obligations, the school shall take over the obligation to conclude a new contract with another employer.

If the school has not provided the student with practical education with another employer, the student shall be entitled to continue the education in the school.

The Transfer of Rights

Article 53

If the change of employer or of the owner of that employer occurs, the rights and the obligations stemming from the contract on education shall be transferred to the new employer, in case the student agrees.

The new employer and the student can terminate the contract on education in the manner and under the terms defined by the contract on education.

The Rights Stemming from Employment

Article 54

A student shall exercise the rights stemming from employment during the course of practical education with the employer, in line with the labor legislation.

Protection of Students at Work

Article 55

A school and an employer shall be in obligation to train the student in basic measures and means for the protection at work during the practical education delivery.

The school and the employer shall provide the protection at work referred to in paragraph 1 of this Article.

Period of Insurance

Article 56

A student shall have the right to pension and health insurance for the period of education with the employer, in line with the law.

The contributions for pension and health insurance referred to in paragraph 1 of this article shall be paid by the employer in line with law:

- the Republic shall pay contributions for the first year of education on the

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- ount of 50% for the next years;
- the employer shall pay the difference up to the full amount of The contribution.

Consistent Application of Regulations

Article 57

The provisions of this Law, by which the rights and obligations of students in schools are regulated, shall be applied also to any student who is educated with the employer.

The provisions of this Law, by which the rights and obligations of students that are educated with the employer are regulated, shall also be applied to any student engaged in practical education out of the school (in an institute, in a company and with an employer).

Supervision

Article 58

The supervision of the application of the provisions of this Law relating to the status of a student with the employer shall be carried out by the competent labor inspection.

The supervision of the application of the provisions of this Law relating to education of students with employers shall be carried out by the Inspection competent for education.

VI MARKING

Marking

Article 59

The assessment and marking of knowledge, skills and competencies shall determine the success of students in acquiring established standards of knowledge, or the fulfillment of duties prescribed by the educational curriculum.

Types of Marks

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Article 60

The success in a teaching subject shall be expressed by marks, such as: excellent (5), very good (4), good (3), sufficient (2) and insufficient (1).

The marks : excellent, very good, good and sufficient shall be the positive ones.

Publicity of Marking

Article 61

The marking of a student shall be carried out publicly, in the presence of other students.

A student must be marked in all subjects in any evaluation period.

Manner of Marking

Article 62

The marking, or the assessment of students' knowledge, skills and competencies shall be carried out in all teaching subjects, or modules in exams, in line with the curriculum.

Oral answers or written schoolwork; exercises; seminar or graphic works; tests; tasks; graphic, practical and other work and their elaborations; services; presentations and alike shall be assessed and marked.

Re-assessment of Knowledge

Article 63

If more than a half of students of one class get insufficient marks for the written assessment of knowledge (written schoolwork, test, graphic work, control test and alike), the written assessment of knowledge shall be repeated for both the students that obtained the insufficient mark and the student being unsatisfied with the mark.

The written assessment of knowledge referred to in paragraph 1 of this Article shall be repeated once.

If a student obtained a lower mark on the occasion of the written re- assessment of knowledge than the previous one, the higher mark shall be recorded.

Should more than a half of students in a class obtain insufficient mark at the end of a classification period, it is possible to perform external assessment of the knowledge of students, at the request of professional bodies, institution, Parents' Council and students' community.

Knowledge assessment from paragraph 4 of this article shall be performed and organized by the Assessment Center.

In the event from paragraph 4 of this article the Class Council shall establish the mark on basis of the external assessment of knowledge.

Written Assessment of Knowledge

Article 64

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Students may have one written assessment of knowledge during one day at most, and up to three assessments of knowledge during one week.

The Final Mark

Article 65

The final mark shall be derived on the basis of all marks from one evaluation period, one of which must be an oral assessment of knowledge mark, at least.

Success of Students

Article 66

It shall be considered that a student finished a grade if he/she got positive marks in all teaching subjects.

The general success of a student shall be determined on the basis of the average of positive marks in all teaching subjects.

It shall be considered that a student finished the grade with:

- 1) an excellent success, if the achieved average mark is 4,50 at least;
- 2) a very good success , if the achieved average mark is 3,50 at least;
- 3) a good success, if the achieved average mark is 2,50 at least;
- 4) a sufficient, success if the achieved average mark is 2 at least.

The Establishing of Success

Article 67

The marks in teaching subjects, manners and general success shall be established at the end of an evaluation period, of a term and at the end of a teaching or a school year.

Subject teachers shall propose the marks in their teaching subjects. The Board of Class Teachers shall determine the final mark.

Exceptionally to paragraph 2 of this Article, a mark in a teaching subject, which is delivered by two or more teachers, shall be proposed by those teachers. If the teachers cannot reach an agreement, the Board of Class Teachers shall establish the mark.

If the mark cannot be established in the way set forth in paragraphs 3 and 4 of this article, the mark shall be established by the Panel of Teachers

Complaints

Article 68

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A student or his/her parent are entitled to a complaint because of the final mark from the teaching subject or from conduct at the end of the teaching, or school year.

The complaint is lodged to the Panel of Teachers of school within two days as of the day of the receipt of the certificate, or of the notification on the achieved success.

The exception of the subject teacher from the Commission may be requested by a complaint.

The Panel of Teachers of school shall decide on the complaint on mark by way of organizing three members' commission which will establish the mark, or examine the student, not later than within three days as of the day of receipt of the complaint.

The mark of the commission is final.

Procedure in contentious administrative matters cannot be conducted against the final mark «.

Repetition of a Grade

Article 69

It shall be considered that a student, who has more that three negative marks at the end of a teaching year, or did not pass the makeup examination, has not finished a grade.

A student shall be entitled to repeat a grade in the following manner:

- 1) once during two-year vocational school;
- 2) twice during three-year, or four-year vocational school;
- 3) once during the two-year post vocational school.

The student referred to in paragraph 2 of this Article may repeat the same grade just once.

Manners of Students

Article 70

The manners of students shall be expressed by the following terms: exemplary, good and unsatisfactory.

The Board of Class Teachers shall establish the marks in manners, at the proposal of Class Master.

Extraordinary Progression

Article 71

A student who shows extraordinary capabilities and has excellent success during education may be allowed to finish two grades in one school year, in the following manner: one grade by regular attendance of the teaching process, and another one by sitting for the grade exams at the end of the teaching year.

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The decision on the advancement of a student, referred to in paragraph 1 of this Article, shall be passed by the Panel of Teachers of the school at the proposal of the Class Master.

The school, the teachers and the employer shall be in obligation to help the student referred to in paragraph 1 of this Article in preparing grade exams by giving instructions for individual acquisition of the teaching contents, directing to textbooks, hand books and other literature, giving the permission for the use of cabinets, laboratories and workshops, allowing occasional attendance of teaching process in the following grade, and through other means.

The manner of progression of the student referred to in paragraph 1 of this Article shall be closer defined by the general document of the school.

VII EXAMS

Types of exams

Article 72

Makeup, extra, differential, grade, practical, professional, final, master craftsman's certificate and diploma exams shall be sat for in school.

The exams referred to in paragraph 1 of this Article shall be sat for in January, June and in August exam term, unless otherwise provided for by this Law.

Makeup Exam

Article 73

A student who has one, two or three insufficient marks at the end of the teaching year shall sit for the makeup exam.

A student who has, two or three insufficient marks at the end of the teaching year shall sit for a makeup exam before a three member' commission one member of which shall also be the teacher of the subject from which the student was assessed with insufficient mark.

A student shall sit for a makeup exam in the school he has attended.

A student shall sit for a makeup exam in August exam term, and a student of a final grade shall sit for a makeup exam in June, or August exam term.

It shall not be considered that a student finished a grade if he/she has not passed makeup exam in terms referred to in paragraph 4 of this Article.

Extra Exam

Article 74

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An extra exam shall be sat for in the teaching subject that a student has been taught in the extent smaller than the one provided for by the curriculum.

Differential Exams

Article 75

A differential exam shall be sat for in the teaching subject that a student has not been taught.

Conditions

Article 76

A student shall sit for an extra, or a differential exam if he/she:

- 1) changes one type of school for another;
- 2) wants to acquire another occupation after the one already acquired;
- 3) wants to alter the occupation in the same school;
- 4) the non-equivalency was established in the procedure of validation of his/her certificate.

Establishing of Exams

Article 77

Extra, or differential exams shall be decided on by the Commission, which shall be determined by the Panel of Teachers.

The decision on the sitting for exams referred to in paragraph 1 of this

Article shall determine the terms of the sitting for exams.

Grade Exam

Article 78

A grade exam shall be sat for by a student, who, for justifiable reasons, has no marks in one or in all teaching subjects at the end of a teaching year, as well as in those subjects for which one third, or more of lessons have not been attended, and in those program's contents provided for by the educational curriculum for one semester as well.

A student that has not attended lessons in the duration of at least 60 days for the reason of hospital treatment, or for other similar justifiable reasons, shall sit for the grade exam, and the Panel of Teachers of that school shall decide thereon.

In the event that owing to the fault of school at least one third of lessons set forth by the educational curriculum has not been realized, the school shall organize the preparation of students for sitting for the grade exams.

A talented student, student who is parallelly educated, as well as a student top-athlete may also sit for a grade exam.

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A student of a musical vocation shall also sit for a grade exam in the main vocational subjects, in line with the educational curriculum.

The grade exam referred to in paragraphs 1, 2 and 3 of this Article shall be sat for in June and in August exam term.

The students and persons that do not have the status of students shall pay the fee for sitting for the grade exam which shall be determined by the Ministry

Competencies

Article 79

Closer regulations on the manner and procedure of sitting for makeup, extra, differential and grade exams shall be passed by the Ministry.

Practical Exams

Article 80

After the completion of two-year vocational school, students shall sit for the practical exam.

Final Exam

Article 81

After the completion of a three-year vocational school, students shall sit for the final exam.

Professional Exam

Article 82

After the completion of four-year vocational school, students shall sit for the professional exam.

Exceptionally to paragraph 1 of this Article, a student that finished three-year vocational school, passed the final exam and finished extra education in the duration of two years, shall also be entitled to sit for the professional exam.

The extra education referred to in paragraph 2 of this Article, shall be acquired in four-year vocational school.

Professional exam is sat for externally.

For sitting the professional exam, school may organize a vocational course lasting not longer than one year, as a special program of preparation for persons who have completed the fourth grade of high school.

Curriculum, organization and execution of the vocational course shall be adjusted to the level of knowledge of candidates and it is closer regulated by regulation of the Ministry.

Attendee of the vocational course shall attend the teaching regularly.

Diploma Exam

Article 83

After the completion of two-year post vocational school, a student shall sit for the diploma exam.

Exam Programme

Article 84

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The curriculum for each vocation shall establish the program of practical, final and diploma exams.

The Ministry shall prescribe the manner and procedure of the sitting for the practical, final, professional and diploma exam.

Master Craftsman's Certificate Exam

Article 85

A student shall be entitled to pass the master craftsman's certificate exam if he/she finished:

- 1) three-year vocational school, passed the final exam and has three years of working experience in a specific field (in jobs of certain occupation);
- 2) four-year vocational school, passed professional exam and has two years of working experience in a specific field (in jobs of certain occupations).

Preparation of Exam

Article 86

The preparation for the sitting of master craftsman's certificate exam may be organized by the school, the Association and by the employer.

Standards

Article 87

The standards of practical knowledge and of the economical industrial companies management for the purpose of master craftsman's certificate exam shall be passed by the competent Council, at the proposal of the Association and of Vocational Education Centre.

The competent Council shall pass the standards of pedagogical and androgynous, as well as of the professional and theoretical knowledge.

Sitting for the Master Craftsman's Certificate Exam

Article 88

A master craftsman's certificate exam shall be sat for before the Commission that shall be appointed by the Association and the Vocational Education Centre.

Prescription of the Master Craftsman's Certificate Exam Program

Article 89

The Ministry competent for the affairs of labor shall pass the program, manner and the procedure of the sitting for the master craftsman's certificate exams in cooperation

with the Association and the Vocational Education Centre..

VIII. PERSONS THAT DO NOT HAVE THE STATUS OF STUDENT

The Scope of Work

Article 90

The educational curriculum shall define the occupations in which persons that do not have the status of student may acquire vocational education, and the manner of the acquiring of practical education as well.

Sitting for Exams

Article 91

Persons that do not have the status of student shall sit for their grade exam in June, August and January.

A person from paragraph 1 of this article may complete one grade in course of one school year

The Validation of Marks

Article 92

Persons that do not have the status of student shall be validated the positive marks that he/she got during regular schooling at the end of the teaching or the school year, and during the previous sitting for exams as well.

Regulations

Article 93

The Ministry shall pass closer regulations on the manner and the procedure of the sitting for exams referred to in Article 91 of this Law.

Annulment of Exams

Article 94

When the school Principal, or the competent Inspection, establishes that the exams have not been carried out in line with the law and the regulations passed on the basis of the law, the Panel of Teachers is in obligation to make a decision on the annulment of the exams and of the certificates issued on the grounds of such exam process, within the time period prescribed by that authority.

If the Panel of Teachers does not make the decision referred to in paragraph 1 of this Article within the defined period, the Principal shall make the decision on the annulment of exams and certificates issued on the basis of such an exam process.

Publishing

Article 95

The decision on the annulment of the exams, or of the certificates referred to in Article 94 of this Law shall be published in the "Official Gazette of the Republic of Montenegro" by the authority that passed it.

IX. FREE ACTIVITIES

Free Activities

Article 96

Free activities for students shall be organized in the school.

The tasks and the schedule for the free activities referred to in paragraph 1 of this Article shall be defined by the educational curriculum, by the annual schedule of work and by the general document of the school.

Manner of Accomplishment

Article 97

Free activities for students shall be accomplished through student workshops, lectures, professional excursions, round tables, community service and other forms.

Student Workshops

Article 98

The school can found a student workshop.

Besides students, the employees of the school may also be the members of student workshop.

Manner of Organizing

Article 99

The products resulted from the work in student workshop and from the practical work of

students, can be put on sale.

The manner of the organizing of student workshop shall be closer regulated by general document of the school.

X. TEACHERS AND ASSOCIATES

Providers

Article 100

Teachers, professional associates, the teaching process associates and the teachers, or instructors of practical education shall execute the educational work.

Practical Education Providers

Article 101

Practical education teachers shall execute practical teaching in the school.

Practical education instructors shall execute practical teaching in the buildings out of the school.

Teachers

Article 102

Any person who finished an appropriate Faculty or Art Academy may be a school teacher.

Exceptionally to paragraph 1 of this Article, if there is no Faculty, or Art Academy of the necessary profile for the education of teachers, the teaching in particular teaching subjects may be executed by the persons that finished appropriate two-year post-secondary school.

Associates

Article 103

Any person who finished appropriate Faculty may be professional associate (a pedagogue, a psychologist, a sociologist, a librarian and alike).

Any person who finished appropriate secondary school at least, and has required experience may be the teaching process associate (a laboratory technician, a presenter, and a librarian and alike).

Practical Education Teachers

Article 104

Any person who finished appropriate Faculty, two-year post-secondary school or the master craftsman's certificate exam and who passed pedagogy and androgynous exam (required

pedagogical and androgynous education) may be a practical education teacher.

Practical Education Instructors

Article 105

Any person, who finished the master craftsman's certificate exam at least and who passed pedagogy and androgynous exam (required pedagogical and androgynous education) may be the practical education instructor.

The Profile of Qualification

Article 106

The profile of qualification, or level of education for teachers, professional associates, the teaching process associates, as well as the profile of qualification and the required pedagogical and androgynous education of practical education teachers, or of instructors, shall be prescribed by the educational curriculum.

Compulsory Number of Lessons per Teacher

Article 107

Teachers are in obligation to execute theoretical teaching within forty-hour working week (the compulsory number of lessons), as follows:

- 1) 18 lessons in the mother tongue;
- 2) 19 lessons in the foreign language and in mathematics;
- 3) 19 lessons in the subjects the teaching of which requires the preparation and the delivery of experiments, as well as the designing, review and marking of tasks, programs and projects for all students of one class;
- 4) 18 lessons in the subjects for the teaching of which the preparation, the review and the marking of projects, programs and other tasks, different for each student or for the smaller groups of students, shall be obligatory;
- 5) 20 lessons in other subjects of theoretical teaching.

Professional associates are in obligation to deliver 30 lessons of direct work with students within a forty-hour working week, and the remainder of working hours shall be arranged by the Statute of the school.

The school Statute shall define the obligations of professional associates within a forty-hour working week.

Practical education teachers, or instructors are in obligation to provide 24 lessons of practical education within a forty-hour working week.

Teachers and practical education teachers, or instructors of practical education are in obligation to carry out two hours of direct work with students more, for the purpose of the realization of other forms of educational work, along with the compulsory number of lessons prescribed by this Article, whereas the remaining working hours within a forty-hour working week shall be arranged by the school Statute.

XI. TRANSITIONAL AND FINAL PROVISIONS

Application of Curricula

Article 108

The educational curriculum for the acquisition of vocational education in line with this Law shall be introduced in the experimental manner for particular vocations and occupations as soon as the conditions for their introduction, prescribed by this Law, have been met.

The decision on the curricula referred to in paragraph 1 of this Article shall be made by the Ministry, at the proposal of the competent Council.

Until the passing of the occupational standards in line with this Law, the preparation of curricula shall be carried out according to the existing regulations.

Article 108 a

Educational curricula adopted prior to coming of this law into force shall be evaluated through credits not later than by the school year 2011/12.

The Fulfillment of Conditions for Enrollment

Article 109

Until the application of the new regulations on primary education, any person who finished the sixth grade of primary school at least, and who regularly attended primary school until the age of 15, in line with the Law on Primary School (the Official Gazette of the Republic of Montenegro 34/91, 56/92 and 20/95), may be enrolled in two-year vocational school.

Validation of Acquired Education

Article 110

Vocational education of the persons who attained education according to previously valid regulations shall be validated.

Validation of Qualification

Article 111

Persons who acquired the fifth degree of qualification, or two-year post-secondary school qualification, according to the previous regulations, shall be equated to the persons who passed master craftsman's certificate exam, in line with this Law.

The Right to the Started Education

Article 112

Students who, until the date of entry into force of this Law, started the attaining of secondary education according to the curriculum passed on the basis of the Law on Secondary School (the Official Gazette of Serbia and Montenegro 28/91 and the Official Gazette of the Republic of Montenegro 56/92 and 27/94) shall be entitled to continue and to finish education in line with these curricula, within the period defined for their accomplishment and two years after the expiration of that period at latest.

Students referred to in paragraph 1 of this Article shall be entitled to finish schooling under the conditions and in the manner provided for by the Law on Secondary School (the Official Gazette of Serbia and Montenegro. 28/91 and the Official Gazette of the Republic of Montenegro 56/92 and 27/94), unless it is contrary to the provisions of this Law.

The Possibility of Choice

Article 113

Students who, until the date of entry into force of this Law, have started schooling for the attainment of the third, or of the fourth degree of vocational qualification shall sit for the final, or the Matura exam according to the previously valid regulations.

Exceptionally to paragraph 1 of this Article, students who have started schooling for the attainment of the third, or of the fourth degree of vocational qualification, may sit for the final, or professional exam in line with this Law.

Education until Adoption of New Curricula

Article 114

Students who enroll vocational school after the date of entry into force of this Law and before the introduction of new curricula passed in line with the law, shall be educated and they shall finish schooling in the manner and under the conditions provided for by this Law.

The Occupational Standards

Article 115

The occupational standards which will be passed in line with this Law, are in harmony to the previous nomenclature of occupations.

Enrollment for Curricula

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Article 116

Any person who finished education according to the Law on Secondary Education may be enrolled in a particular curriculum in line with this Law and as follows:

- 1) any person who finished three, or four-year vocational school or technical secondary school, and who has three years of working experience may be enrolled into the preparatory course for the sitting for the master craftsman's certificate exam;
- 2) any person who finished technical secondary school or four-year vocational school and who passed the fifth degree of vocational qualification may be enrolled into the course of two-year post vocational school.

Article 116a

The persons that do not have the status of student until the school year 2009/10, shall sit for their grade exam in vocational schools the founder of which is the Republic.

From school year 2009/10 the persons from paragraph 1 of this article, shall sit for their grade exam through the external testing of knowledge with the Assessment Center

Period of insurance

Article 117

Until the passing of the regulations in the area of pension and disability insurance, the period of teaching of a student, who is educated with an employer in line with this Law, shall be considered as the period of insurance in the manner that twelve months of education shall be calculated as six months of insurance.

The index for the payment of contributions, in line with this Law, shall be the amount of monthly payment of a student increased for the amount of taxes and contributions in line with separate laws.

The index for the payment of contributions may not be lower than the amount of the average salary of employees in the Republic.

Teachers Already Employed

Article 118

A teacher who, on the date of entry into force of this Law, is employed in a school for a permanent period of time and who finished a two-year post-secondary school may continue to deliver the teaching.

A teacher of practical education who, on the date of entry into force of this Law, is employed in the school for a permanent period of time and who does not have the qualifications prescribed by this Law may continue to deliver the teaching.

Deadline for the Passing of Regulations

Article 119

The 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 the regulations referred to in paragraph 1 of this Article, the regulations that have been in effect before entry into force of this Law shall be applied, unless they are contrary to this Law.

Article 119a

Regulations for the enforcement of this law shall be adopted within six months as of the day of entry into force of this law.

Until the adoption of the regulations set forth by this law the regulations which were valid until coming of this law into force shall be applied, provided they are not in conflict with this law

Harmonization of Legislation

Article 120

Schools are obliged to harmonize their work, organization and their general documents with this Law within six months as of date of its entry into force.

Cessation of Validity

Article 121

The Law on Secondary School (the Official Gazette of Serbia and Montenegro 28/91 and the Official Gazette of the Republic of Montenegro 56/92 and 27/94) shall cease to be valid at the end of the school year in which students finish education according to the existing educational curricula.

Entry into Force

Article 122

This Law shall enter into force on the eighth following that of its publication in the Official Gazette of the Republic of Montenegro, and shall be applied in schools that work according to the educational curricula passed in line with the law.