26 Annex - Education and culture

# 204. GENERAL LAW ON EDUCATION

## GENERAL LAW ON EDUCATION

#### I. Basic provisions

### Contents of the Law

Article 1

This Law regulates organization of and the conditions for providing educational work within the areas of preschool education, primary education, general secondary education, vocational education, education of persons with special needs and adult education.

#### Aims

#### Article 2

The aim of education is to:

- 1) provide the possibility for complete individual development regardless of the sex, age, social and cultural background, national and religious affiliations and of physical and psychological structure;
- 2) meet the needs, interests, wishes and ambitions of individuals for life long learning;
- 3) enable the selection of curriculum at all levels of education;
- 4) develop awareness of, the need and capabilities for preservation and improvement of human rights, legal state, of natural and social environment, of multiethnicity and diversity;
- 5) develop awareness of state affiliation to the Republic of Montenegro (hereinafter referred to as "the Republic") its culture, tradition and history;
- 6) enable individuals to become involved and participate in all levels of work and activities in line with their capacities;
- 7) develop awareness of national affiliation, culture, history and tradition;
- 8) facilitate involvement into the process of European integration.

## Acquisition of Education

Article 3

Education is delivered within preschool institutions, schools, educational centres, offices and with the organizers of adult education and within the student dormitories (hereinafter referred to as "the institutions"), in line with this Law and in the manner and under the conditions prescribed by a separate law.

The institution referred to in paragraph 1 of this Article shall be founded as a public institution, or a private institution.

#### Public Interest

Article 4

Education is an activity of public interest.

#### Public Education

#### Article 5

In a public institution and in an institution that was granted the concession for the delivery of publicly valid curricula (hereinafter referred to as "the institution for public education"), education is of secular character.

Religious activity shall be forbidden within the institutions under paragraph 1 hereof.

## Institutional Autonomy

## Article 6

Institutions shall be autonomous in the conducting of their activities, in line with the Law.

Political (factional) organizing and activities shall be forbidden within the institutions.

## Non-Profitability

## Article 7

The activity of public institutions shall be of non-profitable nature.

## Access

Article 8

The locations of the institutions within the territory of the Republic shall enable citizens equal access in the acquiring of education.

## Equality

## Article 9

Regardless of the national affiliation, race, gender, language, religion, and social background and of other personal characteristics, all citizens of the Republic shall be equal in the exercising of the right to education.

## The Performance of Educational Work

## Article 10

Educational work in institutions shall be executed by teachers, educators, professional associates, associates in the teaching process and by other providers of educational work, in line with the law (hereinafter referred to as "*teachers*")

## The Use of Language

Article 11

Teaching in the institutions shall be delivered in the language that is in the official use in the Republic.

In the municipalities within which the majority, or a significant part of the population, is composed of the members of national and ethnic groups, the teaching shall be delivered in the language of those national, or ethnic groups.

In case teaching is delivered in the language of national, or ethnic groups, the language that is in the official use shall be a compulsory subject.

Schools shall be obliged to provide to students attending the lessons in non-mother tongue adequate assistance in the learning of the language in which the teaching is carried out.

## Teaching in the Foreign Language

#### Article 12

Teaching in institutions can be delivered in a foreign language as well, on the basis of the approval of the Ministry competent for education and science (hereinafter referred to as "the Ministry").

### Textbooks

#### Article 13

Institutions for public education shall use the textbooks and teaching aids according to the permission of the competent Council.

Private institutions shall be obliged to use the textbooks referred to in paragraph 1 of this Article only for the compulsory subjects defined by the educational curricula, or by the law.

The procedure for the supplying, assessment, approval and creation of textbooks and of teaching aids shall be carried out in line with the Ministry regulation.

#### **Public Documents**

Article 14

The institution that implements the publicly valid educational curricula shall issue public documents in line with this Law.

#### Health protection

Article 15

Institutions shall cooperate with health institutes during the carrying out of health protection of children, or of students, especially on the occasion of the carrying out of required medical examinations, regular general health check ups and vaccination.

#### Supervision

Article 16

The Ministry shall supervise the application of the provisions from this Law, in line with the law.

The supervision of the institutions' work shall be carried out by the competent educational inspection.

#### Quality assurance and Improvement

#### Article 17

The quality assurance and improvement of quality of educational work shall be carried out by institutions, the Education Office and Vocational Education Centre.

#### Definitions

#### Article 18

Particular expressions in this Law shall have the following meanings:

- 1) 'Preschool institutions' are kindergartens, nurseries and other institutions of preschool education that are organized in line with a separate law;
- 2) 'School' means primary school, high school, vocational school and school for adult education;
- 3) "school for art education" means a school in which primary or secondary art education is provided;

- 4) "higher vocational school" means a school in which higher vocational education is provided;
- 5) "educational centre" is an institution in which a number of different educational programmes of several levels of education are provided;
- 6) 'Institute' is the institution in which education of children with special needs (difficulties in growth) are carried out;
- 7) 'Student dormitory' is an institution in which the accommodation, meals and education of students are provided;
- 'The network of institutions' is an act of the Government of the Republic (hereinafter referred to as "the Government") that establishes the type, activity and the locations of public institutions;
- 9) 'Teaching year' is the period in which the regular teaching shall be carried out;
- 10) 'School year' means the period in which the regular teaching and other forms of educational and training work shall be carried out;
- 11) 'The curriculum' is the curriculum on the basis of which education shall be provided;
- 12) 'Publicly valid curriculum' is the curriculum that is passed or approved by the competent authority;
- 13) 'Student' means the person who acquires education in a school;
- 14) 'Attendant is an adult person that acquires education with the organizer of training;
- 15) 'Social partners' are associations of employers and employees (the Union, and other entities participating in the management, performance and the financing of particular education)
- 16) 'knowledge catalogue' is an integral part of the curriculum that defines the objectives and contents of subjects in the syllabus;
- 17) 'exam catalogues' define the standards of knowledge and skills that are tested and marked at the final exams (practical, final, vocational and graduation);
- 18) 'knowledge standard' is the minimum knowledge that a student or participant must posess, in a teaching subject and for a definite time period.

## II. THE Curriculum

#### The Curriculum

#### Article 19

Education shall be accomplished on the basis of the curriculum.

## Public Validity of the Curriculum

#### Article 20

The curriculum shall become valid publicly when the competent Ministry passes or approves it.

#### The Contents of the Curriculum

#### Article 21

The curriculum shall be composed of a general and a separate part.

The general part shall include:

- 1) the title (name) of the curriculum;
- 2) teaching programme (subjects and their representation and the time table, the number of lessons for particular subjects and the total number of lessons for all forms of teaching);
- 3) aims and tasks of education and training;
- 4) the conditions for the enrollment, or inclusion into the courses of adult education;
- 5) duration of the education;
- 6) progression;
- 7) education that shall be acquired (the qualification).

The separate part shall include:

- 1) subject programmes, or knowledge catalogues (with the contents and aims of the subjects, classification into groups, knowledge standards, teaching aids, indicative list of literature, material conditions for the execution of teaching, the links between the subjects);
- 2) exam catalogues;
- 3) the compulsory ways of assessment and marking of students;
- 4) the conditions for the progression and the completion of curriculum;
- 5) the manner of programme adjusting for students with special needs;
- 6) the manner of programme adjusting for adult education;
- 7) profile and professional qualifications of teachers and professional associates;
- 8) the form of organization of curriculum delivery;
- 9) other issues of importance for the implementation of curriculum.

## The Passing of Publicly Valid Curriculum

Article 22

The Ministry shall pass publicly valid curriculum, at the proposal of the competent Council.

The general part of the curriculum shall be defined by the Ministry, at the proposal of the Montenegrin Council for General Education (hereinafter referred to as "the Council for General Education").

The competent Council shall define a special part of the publicly valid curriculum, as follows:

- the Council for General Education for preschool education, primary education, secondary general education, for general teaching subjects in vocational education and for educational work within student dormitories.
- 2) the Montenegrin Council for Vocational Education (hereinafter referred to as "the Council for Vocational Education") for vocational education.
- 3) Montenegrin Council for Adult Education (hereinafter referred to as "the Council for Adult Education) for adult education.

Prior to defining the special part of the publicly valid curriculum in relation

to the subject curricula that express the peculiarities of minorities, the Minority Council shall provide an opinion to the competent Council.

The Ministry may not change the special part of the publicly valid curriculum that was defined by the competent Council.

## Passing of the Private Institutions Educational Eurricula

Article 23

The contents and procedure for the passing of the curriculum within a private institution shall be defined by the founding act of that institution.

The curriculum referred to in paragraph 1 of this Article shall become publicly valid when the competent Council establishes that it is appropriate for publicly valid curriculum for a particular area of education.

#### Acknowledged Curricula

### Article 24

Curricula that are delivered by private institutions according to special pedagogical principles shall be granted public validity when the competent Council establishes that the corresponding

international association recognized it, and that it provides the minimum knowledge enabling successful completion of education.

## Publishing of Curricula

Article 25

As a rule, the Ministry shall publish publicly valid curricula three months before the commencement of their application.

The institutions within which the curricula referred to in paragraph 1 of this Article are implemented shall publish the information on the curricula together with the explanations and the instructions for application.

#### **Experimental Assessment**

#### Article 26

New publicly valid curricula and new textbooks shall necessarily be experimentally assessed (pilot programme), prior to their application.

The Ministry shall designate the institution in which the experimental programme is to be carried out, at the proposal of the Education Office and the Vocational Education Centre.

The institution referred to in paragraph 2 of this Article can deviate from the established arrangement of educational work organization, from the manner of marking, from forming of the classes and from other, according to the permission of the Ministry.

#### Providers

#### Article 27

Preschool institutions shall provide preschool education, in line with the law.

Primary education shall be provided by primary schools, in line with the law.

Preschool education and primary education may also be carried out at home, in line with the law.

Art education shall be provided by schools for primary and secondary art education, in line with the law.

General secondary education shall be carried out by high schools, in line with the law.

Vocational education shall be carried out either by vocational schools or by vocational schools together with an employer, in line with the law.

General secondary education may also be carried out in a vocational school (coeducational schools).

A number of different curricula from several levels of education may be carried out in an educational centre.

Preschool institutions, schools and institutes shall carry out education of children with special needs, in line with the law.

Schools or other organizers of education shall carry out adult education in line with the law.

Student dormitories shall provide accommodation, meals and education of students that are acquiring education out of their residence places.

#### **III. PROFESSIONAL BODIES**

#### The Council

#### Article 28

For the purpose of making decisions on professional issues and for the purpose of providing professional assistance in the decision making process and in the preparation of regulations in the field of education, Montenegrin Council for General Education, Montenegrin Council for Vocational Education and Montenegrin Council for Adult Education shall be founded (hereinafter referred to as "the Council").

## Foundation

Article 29

The Government shall found the Council.

The Council shall be appointed for a period of six years.

The document on the foundation of the Council shall define the composition, the number of members, the manner of work, the decision-making and other issues of importance for the Council work.

#### Working Bodies of the Council

#### Article 30

For the purpose of consideration of issues under its competence, the Council may form commissions, expert groups and other working bodies.

The document on the formation of working bodies referred to in paragraph 1 of this Article shall define the jobs and tasks, the composition and the manner of their work.

#### Rules of Procedure

Article 31

The Council's Rules of Procedure shall regulate in more detail the organization and the manner of the Council work.

#### Composition of the Council for General Education

#### Article 32

The Ministry and the Education Office shall propose one third of the members for Council for General Education respectively, out of the rank of teachers from the area of preschool, primary and general secondary education, as well as out of the representatives of national and ethnic groups, whereas the University shall propose one third of the members out of the rank of social, science and art disciplines' scientists.

#### Composition of the Council for Vocational Education

#### Article 33

One third of the members of the Council for Vocational Education shall be proposed by:

- the Ministry
- the Centre for Vocational Education and the ministry competent for labor and social welfare;
- Association of Employers and the Union respectively.

At least one third of the Council's members referred to in paragraph 1 of this Article must be the teachers of vocational schools.

## Composition of the Council for Adult Education

#### Article 34

One third of the members of the Council for Adult Education shall be proposed by:

- the Ministry and the Education Office
- Vocational Education Centre and the ministry competent for the affairs of labor and social welfare,
  - Association of Employers and the Union respectively.

## The Competence of the Council for General Education

#### Article 35

The Council for General Education:

- 1. shall pass:
- subject curricula and knowledge catalogues in the area of primary and general secondary education, as well as for the general educational subjects within the area of vocational education;
- the schedules of work for professional associates;
- examination catalogues and the standards of knowledge for primary and secondary education;
- the methodology for the preparation of textbooks for preschool education, primary education, secondary general education, as well as for the general educational subjects in the area of vocational education and for the children and youngsters with special needs;
- 2. shall establish:
- the curricula for preschool education, primary education and for general secondary education;
- the curriculum for education of children and youngsters with special needs;
- the subject curriculum for general subjects in vocational education;
- the educational programme for student dormitories;
- training programme for principals' training;
- the full validity and the equal value of the private institutions curricula in the area of preschool education, primary education and general secondary education compared to the corresponding publicly valid educational curricula;
- 3. shall propose:
- the general part of the curriculum for primary education and general secondary education;
- the standards of school space, teaching aids and equipment for the work of institutions within which the general education is delivered;
- norms and standards for the staff out of teaching process;
- the profile and professional qualifications for teachers;
- 4. shall approve:
- textbooks and teaching aids for preschool education, primary education, secondary general education, as well as for the general subjects for vocational education and for the children and the young people with special needs.
- 5. shall give opinions on:
- general issues relating to education;
- compatibility of our education system with the education systems of developed democratic countries;
  - the status and development of education and training;
- 6. shall also perform other jobs and tasks in line with the law and with the act on foundation of the Council.

## The Competence of the Council for Vocational Education

#### Article 36

The Council for Vocational Education:

- 1. shall pass:
- subject catalogues (standards) of knowledge and exam catalogues (standards) for vocational- theoretical subjects, as well as for all types of exams (practical, vocational, final, master craftsman's certificate exams and diploma exams) that are sat for within the area of vocational education in line with the law;
- methodology for the preparation of textbooks for vocational-theoretical subjects;
- the scope and contents of vocational education that is delivered with the employer;
- the programmes of professional training for principals of vocational schools;
- 2. shall approve textbooks and teaching aids for vocational-theoretical subjects;
- 3. shall establish:
- the curriculum for vocational education;
- the curriculum for the vocational education of children with special needs;
- 4. shall propose:
  - the general part of the curriculum for vocational education, and for the vocational education of children with special needs;
- standards of occupations;
- catalogues of knowledge and competencies standards;
- the standards of space, of teaching aids and of the equipment for vocational education institutions;
- the profile and professional qualification of the teaching staff responsible for the vocational-theoretical subjects;
- 5. shall perform other affairs as well, in line with the law and with the act on the foundation of the Council.

## The Competence of the Council for Adult Education

#### Article 37

The Council for Adult Education:

- 1. shall pass the catalogues of knowledge and exam catalogues;
- 2. shall establish:
- educational curricula for adult education;
- adjusted educational curricula for adult education;
- equally valid education standards in the areas of education (occupations);
- equally valid education standards within the curricula of private organizers of education;
- 3. shall approve textbooks and teaching aids;
- 4. shall propose curricula for the training, re-qualification, further qualification, in service and specialization of employed and unemployed persons;
- 5. shall give instructions for adjusted educational curricula delivery;
- 6. shall perform other affairs in line with the law and with the act on the foundation of the Council.

## IV. EXTERNAL QUALITY ASSESSMENT AND QUALITY ASSURANCE

## The Education Office

## Article 38

The Education Office shall assess and assure the quality of educational work in institutions, and perform the development, advisory, research and professional activities relating to education in the fields of: preschool education, primary education, secondary general education, general education within the framework of vocational education, education of children with special needs and education in student dormitories.

The Education Office is an administrative organization.

## **Vocational Education Centre**

#### Article 39

Development, advisory, research and professional jobs relating to vocational education and adult education shall be performed by the Vocational Education Centre (hereinafter referred to as "the Center").

The Government, together with the Association, the Union and the Employment Office of Montenegro, shall found the Center referred to in paragraph 1 of this Article, as a public institution...

## **Competencies of the Education Office**

#### Article 40

In the area of preschool education, primary education, general secondary education, general education in vocational education, education of children and young people with special needs and education in dormitories, the Education Office shall:

- 1) assess the quality of the standards achievement in educational work within institutions, in cooperation with the institutions;
- 2) work on the improvement of educational work in institutions, in cooperation with the institutions;
- 3) execute the professional jobs of monitoring, analyzing and development of the education system;
- 4) carry out the preparation of professional tasks on the issues that the competent Council and the Ministry decide on;
- 5) prepare the educational and pedagogical and methodical standards of textbooks and handbooks;
- 6) execute professional affairs in the preparation of: educational curricula, the catalogues and standards of knowledge, the scale of norms and the standards of teaching aids and equipment;
- 7) perform research;
- 8) perform advisory work;
- 9) organize the in service teacher training, as well as the training of principals;
- 10) propose measures for the development of certain levels of education, of new educational technologies and of their application;
- 11) monitor experiments;
- 12) execute other affairs in line with the law and the act on the foundation of the Office.

The Ministry shall prescribe the contents, forms and the manner of establishing the quality of educational work in institutions, at the proposal of the Council.

#### The Center's Competence

#### Article 41

In the areas of vocational education and adult education the Center shall:

- 1) perform professional affairs of monitoring, analyzing and development of education system;
- 2) work on improvement of educational work in cooperation with institutions;
- 3) carry out preparation of professional tasks relating to the issues that the competent Council and the Ministry decide on;
- carry out professional preparation of the curricula, the catalogues and the standards of knowledge, the occupational standards, the scale of norms and the standards of teaching aids and of equipment;
- 5) perform research;

- 6) carry out advisory work in the areas of vocational and adult education within institutions associated to education;
- 7) prepare educational, pedagogical and methodical standards of the textbooks and handbooks for vocational subjects in vocational education;
- 8) prepare professional standards for teaching and out-of-teaching staff;
- 9) organize the in service training for teachers and training for principals;
- 10) propose measures for development and introduction of new teaching technologies, as well as for their application;
- 11) monitor experiments;
- 12) perform other affairs in line with the law and with the act on foundation of the Center.

#### **Examination Centre**

#### Article 41a

The Examination Centre shall perform external assessment of the achieved standard of knowledge and skills of students.

The Government shall found the Examination Centre under paragraph 1 of this Article, as a public institution.

#### **Competencies of the Examination Centre**

Article 41 b

The Examination Centre shall:

- 1) prepare tasks, organize and carry out exams, in line with the law;
- 2) train institutions for preparation of external exams execution;
- 3) advise and provide services for external assessment of knowledge;
- 4) research and develop external assessment of knowledge of students and attendants;
- 5) perform international comparability of the educational system quality;
- 6) perform other affairs, in line with the law and the act on foundation.

## V. EDUCATIONAL INSTITUTIONS

#### The Network of Institutions

#### Article 42

The public institutions shall be founded in line with the network of institutions.

The Government shall decide on the network of institutions, on the basis of certain standards and criteria.

The standards and criteria for the establishing of the institutions network are:

- 1) the number and the age of children within a particular region;
- 2) specificities of the regions;
- 3) development specificities of the region;
- 4) the providing of equal conditions for the acquiring of education;
- 5) and the financial capacities of the Republic.

## **The Founding**

#### Article 43

The Founder of a public institution can be the Republic or the municipality, the capital city or the Historic Royal Capital (hereinafter referred to as "the municipality").

A private institution may be founded by a domestic or a foreign legal or physical person.

The Republic, the captial city, or the Historic Royal Capital may found high school as a public institution.

Exceptionally to paragraph 2 of this Article,, foreign physical or legal persons may found a primary school solely for education of foreign citizens.

## **Decision-making**

### Article 44

The Founder shall pass the act on the foundation or closing down of an institution.

The Government, or the competent authority of the municipality shall pass the act on the foundation or on the closing down of a public institution.

## The Contents of the Act on Foundation

#### Article 45

The act on the foundation of an institution shall especially define:

- 1) the title, or the name and the seat, or the residence of the Founder;
- 2) the name and the seat of the institution;
- 3) the activity of that institution;
- 4) the funds for the foundation of that institution and for the commencement of the institution work, as well as the manner of supplying them;
- 5) interim managing and administrative authorities;
- 6) the deadline for the passing of Bylaws;
- 7) other issues of importance for the foundation and for the institution work.

## The Conditions of Founding

Article 46

An institution may be founded if:

- 1) there is the sufficient number of children or attendants;
- 2) the curriculum was passed, or approved in line with this law, or a foreign curriculum was approved;
- 3) educational, or teaching and other professional staff was engaged, in line with the curriculum;
- 4) adequate space, teaching aids, equipment, as well as other necessities were provided, in line with the norms and standards;
- 5) the funds for its founding and its work were supplied;
- 6) hygiene and technical requirements were met, in line with separate regulations.

Closer requirements referred to in indents 1 and 4, paragraph 1 of this Article, as well as standards concerning space and equipment shall be prescribed by the Ministry at the proposal of the competent Council in line with the curriculum.

## **Branch Institutions**

#### Article 47

An institution may have its branch institution, or branch educational division out of its seat.

The provisions of this Law, relating to the work of the institution, shall duly apply to the work, or the organization of a branch institution, or a branch educational division.

### The Founding of Branch Institutions

#### Article 48

The Founder shall decide on the founding of a branch institution, or a branch educational division of a private institution.

The Ministry shall decide on the founding of a branch institution, or a branch educational division of a public institution.

#### Institutions for Practical Training

Article 48a

Institutions that meet the necessary conditions concerning staff, pedagogical and material conditions may be organized as institutions for practical training, in which employed teachers of a school are professionally trained i.e. the pedagogical and methodics practice of the students from the teacher training faculty is conducted.

The Ministry shall make the decision on designation of a school for a xxxxxxxx, on the proposal of the teacher training faculty.

Mutural relations of the teacher training faculty and the institution for pratical training shall be regulated by a contract.

## The Licencing of Institutions

#### Article 49

The Founder of an institution shall be in obligation to submit the application for the licencing of the institution to the Ministry, prior to the commencement of its work.

Along with the application for the licencing of the institution, the Founder shall submit the act on founding, as well as the proofs on the fulfillment of conditions referred to in Article 46 of this Law.

#### The Commencement of Work

#### Article 50

When the Ministry establishes an institution has met the conditions for the founding, and passes the decision on licencing, the institution may commence work.

The decision on licencing of the institution shall be published in the Official Gazette of the Republic of Montenegro.

#### The Permission for the Performance of Activity

#### Article 51

Institutions with their seat out of the Republic may perform their activity in the Republic, on the basis of the Ministry's permission.

The Republic regulations shall apply to the institutions' work referred to in paragraph 1 of this Article.

#### Register

#### Article 52

The Ministry shall keep a Register on the licenced institutions.

The manner of keeping the Register referred to in paragraph 1 of this Article, as well as the manner of the licencing of institutions shall be closer regulated by the Ministry's regulations.

## The Court Register

#### Article 53

Institutions shall be entered into the Central Register of the Commercial Court, after obtaining the decision on licencing.

An institution shall acquire the status of a legal person through registration into the Register referred to in paragraph 1 of this Article.

#### Prohibition of Work

#### Article 54

In case the competent inspection finds that an institution has not fulfilled the requirements, or has not carried out the activity in line with the law, it shall ban the institution's work temporarily and fix the time period within which the institution and the Founder must eliminate the detected shortcomings.

If the shortcomings are not eliminated within the deadline referred to in paragraph 1 of this Article, the Ministry shall ban the institution's work and inform the Founder on that.

In case of the prohibition referred to in paragraph 2 of this Article, the institution and the Founder shall be in obligation to enable children, students, or attendants to continue the started education in another corresponding institution.

#### **Cessation of the Work of Institutions**

Article 55

An institution shall cease its work if:

- 1) there is no need for its existence;
- 2) it does not fulfill the prescribed conditions for execution of its activity;
- 3) it has not accomplished the activity, for the purpose of which it was founded.

The Founder is in obligation to announce the cessation of an institution's work, referred to in item 1 paragraph 1 of this Article, at least one year in advance of the cessation of the institution's work.

#### The Manner of Cessation of Work

Article 56

An institution may be closed promptly, or gradually.

The act on the cessation of an institution's work shall define the day of the cessation of its work.

As a rule, the institution shall cease its work at the end of the school year.

The Founder of the institution that ceases its work promptly is obliged to enable children, students or attendants to complete the started curriculum (education).

The decision on the cessation of an institution's work shall be published in the Official Gazette of the Republic of Montenegro.

#### **Status Changes**

Article 57

An institution may make changes to its status.

The decision on status changes shall be passed by the Founder.

An institution may not make any status changes during the teaching year.

The provisions of this law regulating the foundation and work of institutions shall duly apply to an institution status changes.

## Change of Title and Seat

Article 58

An institution may alter its title and its seat.

The Ministry shall make the decision on the alterations of institution title and seat. on the proposal of the institution.

The title of a private institution must also contain the designation that the institution is private.

#### Protection of an Institution's Name

Article 58a

Organizations (legal persons) that are not licenced and registered into the register of licenced institutions of the Ministry cannot use in their name the name for the institutions under Article 3 of this Law.

#### **Institution Statute**

Article 59

An institution shall have its Statute.

The Statute of an institution shall contain in particular:

- 1) the name and the title of the institution;
- 2) legal advocacy and representation;
- 3) the manner and the procedure of managing bodies decision-making;
- 4) the tasks and scope of the institution professional bodies work;
- 5) the conditions for the relieving of Principal Assistant;
- 6) the organization and the accomplishment of educational work and annual work plan of the institution;
- 7) the manner of keeping the pedagogical records;
- 8) the manner of use and the keeping of the stamp and the seal;
- 9) the accomplishment of cooperation between the parents, students and the institution itself;
- 10) the manner of passing the institution documents;
- 11) environmental protection;
- 12) the accomplishment of public and cultural activity of the institution;
- 13) the manner of the accomplishment of publicity of work;
- 14) other issues of importance for institution's work.

#### Approval of the Institution's Documents

Article 60

The internal organization and the job descriptions of an institution shall be regulated by a separate act of the institution.

The Ministry shall approve the Statute and the act on internal organization and job descriptions in a public institution.

## **Timetable of Teaching**

#### Article 61

As a rule, the school year shall start on the 1 September.

## School Calendar

Article 62

The educational work (a teaching year) shall be organized in four evaluation terms.

The commencement of a teaching year and the time for organization of educational work and the evaluation terms during teaching year shall be defined by the school calendar, which shall be passed by the Minister competent for education (hereafter referred as "the Minister") at the beginning of a school year.

## **Duration of a Teaching Year**

Article 63

A teaching year shall last 180 working days at least or 220 working days with practical education, and for students of final grades, it shall last 165 working days.

If the number of lessons, which was established by the curriculum in the area of particular subjects, is not realized within the time period defined by paragraph 1 of this Article, the teaching year shall be prolonged until the established number of lessons has been completed, but not longer than 10 working days.

## Interruption of Educational Process

### Article 64

Educational process in an institution may be interrupted only in case of extremely justifiable reasons (epidemics and natural disasters, and alike).

The opinion of the competent health institution shall be required for the interruption of an institution's work in case of epidemics.

The Principal shall pass the decision on interruption of educational work referred to in paragraph 1 of this Article up to three days, and the Ministry or the Founder shall pass the decision on interruption lasting more than three days.

### VI. EXECUTION OF EDUCATIONAL ACTIVITY ON THE BASIS OF A CONCESSION CONTRACT

#### Concessionaires

#### Article 65

For the purpose of carrying out a publicly valid curriculum, a concession may be granted to a private institution or to a national or a foreign legal or natural person that has met the requirements, prescribed by the law, for providing education.

Exceptionally to paragraph 1 of this Article, a concession may not be granted to a foreign legal or natural person for the purpose of carrying out the curriculum for primary education.

#### Granting of Concession

#### Article 66

The Minister is in obligation to announce public competition for the granting of concession if it is not possible to provide preschool and primary education in line with the norms and standards within public institutions.

#### The Contents of Competition

#### Article 67

A public competition shall be announced for the granting of a concession.

The competition referred to in paragraph 1 of this Article shall contain:

- 1) the type of education that will be the subject of concession;
- 2) the conditions for carrying out that activity;
- 3) the time period for which the concession will be granted;
- 4) the field for which that concession will be granted;
- 5) the criteria for selection;
- 6) the deadline for the receipt of applications and for making the decision on selection;
- 7) other data significant for granting of concession.

After such competition is closed, the Minister shall pass the decision on granting of a concession.

#### **Concession Contract**

#### Article 68

On the basis of the decision on concession, a concession contract shall be concluded.

A concession contract shall regulate the mutual rights and obligations between the conceder and the concessionary.

A concession contract shall define in particular:

- 1) the subject matter of the concession (the type and the number of curricula);
- 2) the scope of the activity's performance;
- 3) the commencement of concession execution;
- 4) the deadline for canceling the concession;
- 5) the funds that shall be provided by the conceder for the execution of the activity:
- 6) the manner of monitoring the contractual obligations;
- 7) other issues of importance for execution of activity that is the subject matter of a concession.

## **Concession Cancellation**

#### Article 69

The deadline for cancellation of a concession for provision of curricula in the area of preschool education may not be shorter than six months, and for any other educational curriculum it shall not be shorter than the time period necessary for the last generation of students or attendants enrolled to complete education.

## The Revocation of Concession

### Article 70

If it is determined that a concessionary has not performed the activity according to regulations, the contract and the decision on concession, the conceder shall fix the deadline for elimination of shortcomings.

If the concessionary has not eliminated the shortcomings within the fixed time period, the Minister shall revoke the concession by the decision on revocation.

In case referred to in paragraph 2 of this Article, the conceder is obliged to make it possible for students, pupils or attendants to complete the started curriculum, or to provide education in another preschool institution, or in a student dormitory.

## Due Application

#### Article 71

The regulations that regulate the work of public institutions shall duly apply to the work of a concessionary.

## VII. THE MANAGING OF INSTITUTIONS

## The School Board, or the Managing Board

## Article 72

The School Board shall manage an institution.

Exceptionally to paragraph 1 of this Article, the Managing Board shall manage an institution in the field of the preschool education, student dormitory and organization for adult education.

The number of members of the School Board, or of the Managing Board shall be defined by the Statute of an institution, depending on the type of activity that is performed by the institution and depending on the size of that institution (the number of classes).

The number of members of the School Board, or of the Managing Board of a public institution, may not be less than nine or more than thirteen.

## Composition of the School Board, or of the Managing Board

#### Article 73

The School, or the Managing Board of an institution in the area of preschool education, primary education, general secondary education and education of children and youth with special needs shall be composed of: two representatives of the Ministry or two representative of the municipality for institutions founded by a municipality, two representatives of the Education Office, two representatives of employees and one representative of parents.

The School, or the Managing Board of an institution in the area of vocational education shall be composed of: three representatives of employees, two representative of the Ministry or two representative of the municipality for institutions founded by a municipality, two representatives of the Vocational Education Centre, one representative of social partners employees and one representative of parents.

The Managing Board of dormitories of pupils, dormitories of students and dormitories of pupils and students shall be composed of: two representatives of the Ministry or two representatives of the municipality for institutions founded by a municipality, two representatives of employees and one representative of the Education Office.

The School or the Managing Board of mixed secondary schools and educational centres shall be composed of: three representatives of employees, two representatives of the Ministry, or two representatives of the municipality for institutions founded by a municipality, and one representative of social partners, Centre for Vocational Education and Education Office and parents respectively.

The Managing Board of institutions for adult education shall be composed of: one representative of the Ministry or municipality for institutions founded by a municipality, Education Office, Vocational Education Centre, employees and social partners.

Representatives of employees shall be elected by the Panel of Teachers or the Professional Panel by secret vote.

Representatives of parents shall be elected by the Council of Parents by secret vote.

Representatives of pupils' or attendants; community or and a representative of students may attend the sessions of the School or the Managing Board.

The manner of election and release of the Managing Board members elected among employees of a dormitory of pupils or a dormitory of students or a dormitory of pupils and students and institutions for adult education shall be determined by the statute of an institution.

The provisions of this Article shall not refer to private institutions

#### The Term of Office

#### Article 74

The members of the School, or of the Managing Board shall be elected for a period of four years.

The School, or the Managing Board shall be constituted at the first session summoned by the Principal of the institution.

If the School or the Managing Board of a public institution is not constituted within three months after the expiry of the term of office, the Minister may appoint the School or the Managing Board, on the proposal of the Principal or the competent inspection, but at longest for a period of six months.

## The Interim School Board

Article 75

If the School, or the Managing Board of a public institution does not meet or does not perform its functions, the Minister, at the proposal of the Principal or of the competent inspection may dissolve the School, or the Managing Board and decide on the time period within which the new one shall be constituted.

If the new School, or Managing Board is not constituted within the deadline referred to in paragraph 1 of this Article, the Minister may nominate the School, or the Managing Board, but for the period of six months at longest.

#### Competences

#### Article 76

The School, or the Managing Board of an institution shall:

- 1) adopt development programme;
- 2) adopt the annual work plan and report on its implementation (fulfillment);
- 3) consider the programmes and the results of extracurricular activities;
- 4) pass the Statute, the act on internal organization and job descriptions, and other general acts;
- 5) pass annual financial plan;
- 6) adopt periodic and annual statement of accounts:
- 7) propose the change of institution's name and seat;
- 8) decide on the rights of employees, students, or users of services, as the second instance authority and in line with the law;
- 9) perform other affairs in accordance with the law and the Statute.

The School, or the Managing Board shall decide by the majority of votes of the total number of members, unless the Statute provides for particular issues to be decided by some other majority.

#### VIII. ADMINISTERING

#### The Principal

#### Article 77

The Principal shall administer an institution.

The institution Principal shall be also the pedagogical head.

## Conditions

Article 78

Any person, who:

- 1) has a higher education degree;
- 2) passed the professional exam;
- 3) has five years of working experience doing the jobs of teaching and education,

may be elected the Principal of an institution.

Exceptionally to indent 1 of this Article, any person who obtained a university degree in treacher training or in post secondary high school teacher training may be

elected the Principal of a preschool institution or a primary school.

Exceptionally to indents 2 and 3 paragraph 1 of this Article, any person who has passed an adequate professional exam and has five years of working experience may be elected the Principal of a students' dormitory or students' and pupils' dormitory or pupils' dormitory.

Any person who, in addition to meeting the requirements from paragraph 1 of this Article, has an active knowledge of the language and alphabet of a minority and of the language in official use in the Republic, may be elected the Principal of a public institution providing education in the language and alphabet of a minority.

An institution Principal shall be elected for the period of four years.

## The Training of Principals

Article 79

A person elected a Principal is obliged to complete appropriate training for institution principals.

The Education Office shall organize the training for principals referred to in paragraph 1 of this Article.

## **Eelection and Release of Principals**

## Article 80

An institution Principal shall be elected and released by the Founder.

A Principal of an institution shall be elected on the basis of a public competition and on the basis of the submitted project for the institution development.

When applying for a competition, a candidate for Principal is obliged to submit the project for the development of the institution.

Exceptionally to paragraph 1 of this Article, the Principal of a public institution shall be elected and released by the School or the Managing Board of the institution.

The election of a Principal under paragraph 4 of this Article shall be approved by the Minister and for the election of the Principal under paragraph 4 Article 78 of this Law, the opinion of the Council of the Minority is obtained as well.

## Acting Principal

#### Article 81

If the Principal is not elected on the basis of a competition, the School or the Managing Board shall appoint the Acting Principal out of the rank of employees that fulfill the conditions for the Principal and for the period of 12 months at most.

If the School, or the Managing Board does not appoint the Acting Principal, the Founder shall appoint the Acting Principal until the election of the Principal and for the period of six months.

If the Principal of a public institution is not elected on the basis of a public competition, or in case the Minister's approval, in terms of paragraph 5 Article 80 of this Law, has not been obtained, the School or the Managing Board shall appoint the Acting Principal out of the rank of employees that meet the requirements for Principal, and for a period of 12 months.

The Minister shall appoint the Acting Principal of such institution if the School or the Managing Board does not act in line with paragraph 3 of this Article.

### The Principal's Competences

### Article 82

The Principal of an institution shall:

- 1) plan, organize and administer the institution's work;
- 2) organize rational and effective curriculum delivery;
- 3) provide the equality of students in their exercise of the rights to education, in line with their capabilities;
- 4) prepare the proposal of annual work plan and shall be responsible for its implementation;
- 5) mange the Panel of Teachers, or the Professional Panel's work;
- 6) elect teachers, professional associates and other staff in the institution;
- 7) propose the document on organization and job descriptions;
- 8) perform the professional and pedagogical supervision;
- 9) decide on the rights and the obligations of employees, in line with the law;
- 10) stimulate professional improvement and in service training for teachers and propose their advancement;
- 11) adopt a plan for improving the quality of educational work in the institution;
- 12) advocate and represent the institution, and be liable for the legality of institution work;
- 13) cooperate with parents and with the surroundings;
- 14) establish commissions for testing pupils knowledge during teaching, at the request of pupils, parents or guardians;
- 15) execute other jobs in line with the law and the Statute of the institution.

The Principal is obliged to establish the Commission under item 14 paragraph 1 of this Article within 24 hours from the submission of the request for testing of pupils' knowledge.

The Commission must include at least one member that is not employed in that institution.

The assessment of the Commission shall be final.

The Principal of an institution shall submit to the School, or the Managing Board a report on work, as needed and at least once a year.

## **Conditions for Release**

#### Article 83

In addition to the cases provided for by the law, the School, or the Managing Board may release from duties an institution's Principal who:

- 1) personally requires that;
- 2) does not implement the project of institution development;
- 3) does not take measures against employees that do not perform their tasks, or who violate the working obligations and abuse their positions;
- 4) establishes that the institution has not implemented the annual work plan;
- 5) does not fulfill the tasks, or violates the working obligations;
- 6) abuses his/her position;
- 7) elects a teacher, or an associate contrary to the law;
- 8) allows the prescribed files are not kept in the institution;
- 9) tolerates if the institution does not provide the publicity of work;
- 10) does not pass the decision on the annulment of exam, in line with the law;
- 11) does not act according to the inspection's decision;
- 12) fails to adopt a plan for improvement of the educational work quality of the institution;
- 13) passes documents the enforcement of which caused major damage for the institution, the employees and for the users of services;
- 14) allows political organizing and action and religious activities within the institution for public education;
- 15) in other cases defined by the Law and Statute of the institution.

If the School, or the Managing Board of a public institution does not release the Principal of an institution in cases referred to in paragraph 1 of this Article, the Minister may release the Principal of that institution.

## The Rights Stemming from Employment

## Article 84

The Principal or the Assistant Principal who, after the end of the term of office, is not re-appointed, or the Principal that was released prior to the end of the term of office, shall be assigned the post corresponding to his/her qualifications. In case there is no such post, his/her employment shall cease.

## Assistant Principal

## Article 85

An institution having more than 30 educational groups, or 20 classes, may have an Assistant Principal.

An institution having more than 60 educational groups, or 40 classes, may have two Assistant Principals.

The Assistant Principal shall assist the Principal of an institution to organize the educational work.

The institution Statute shall define in more detail the jobs and tasks of the Assistant Principal.

## The Requirements for the Election of the Assistant Principal

## Article 86

Any person that fulfills the requiremetns for the Principal may be elected an Assistant Principal.

An Assistant Principal of an institution shall be appointed and released by the Principal.

An Assistant Principal of an institution shall be appointed for a period of four years.

## IX. PROFESSIONAL BODIES

## Types of Professional Bodies

#### Article 87

The following professional bodies shall be established within an institution: the Panel of Teachers, the Board of Class Teachers, Professional Section of Teachers, the Class Master and other bodies provided for by the institution's Statute.

Exceptionally to paragraph 1 of this Article, the following professional bodies shall be established within preschool education institution, or within student dormitory: Professional Panel, Professional Section and other bodies provided for by the Statute of the institution concerned.

The Panel of Teachers shall be established separately for the vocational school and for the secondary general school (high school) within a mixed school.

Panels of Teachers or Professional Panels according to curricula or levels of education shall be established in an educational centre.

#### **Composition of Professional Bodies**

#### Article 88

A Panel of Teachers shall be composed of teachers, educators, the Principal, Assistant Principal and professional associates.

The Board of Class Teachers shall be composed of teachers, educators and professional associates that participate in the execution of educational work in the class.

The Professional Section of Teachers shall be composed of the teachers of the same teaching subject or of two, or more related teaching subjects.

The Professional Panel shall be composed of: educators, educators-associates, special teacherpedagogues, professional associates and associates.

As a rule, the Professional Section within a preschool institution shall be composed, of educators, special teacher-pedagogues, pedagogue-assistants and associates engaged in the performance of certain courses of study relating to the educational groups of the children of approximately the same age.

## The Competences of the Panel of Teachers, or of the Professional Panel

#### Article 89

A Panel of Teachers, or the Professional Panel of an institution shall:

- 1) select the members for the School, or for the Managing Board out of the rank of employees;
- 2) determine the final mark at the end of the teaching year, in line with the law;
- 3) consider and make decisions on professional matters of educational work;
- 4) propose introduction of non-standard courses of study and certain activities;
- 5) give opinion on the annual work plan of the institution;
- 6) give opinion on the modernization of educational work;
- 7) give opinion on the forms of professional in service training for teachers and on their promotions;
- 8) decide on disciplinary measures in the area of its competence;
- 9) perform other jobs in line with the law and with the Statute of the institution.

#### The Board of Class Teachers

#### Article 90

A Board of Class Teachers shall consider educational work within classes, establish the courses of study relating to the work with talented students and with students having learning difficulties, determine final marks at the end of evaluation periods, decide on disciplinary measures and perform other jobs in line with the law and the Statute of the institution.

## **Professional Section**

#### Article 91

A Professional section shall consider educational work per subjects, or per educational groups, give proposals for improvement of educational work, consider the complaints of parents and perform other jobs prescribed by the Statute and by the annual work plan of institution.

#### **Class Master**

#### Article 92

A Class Master shall analyze the educational and teaching results of the class, solve educational and learning problems of certain students, cooperate with parents, decide on disciplinary measures and execute other jobs in line with the law and with the Statute.

A Class Master is obliged to inform a pupil on the mark determined by the Board of Class Teachers within 24 hours from the moment when the mark was determined.

A Class Master shall be designated by the Panel of Teachers, on the proposal of the Principal.

## Competence

#### Article 93

The Statute of an institution shall define in more detail the competencies and the manner of professional bodies work.

## X. Parents' Council

## Parents' Council

Article 94

For the purpose of an organized realization of parents' interests, a Parents Council shall be constituted within an institution.

The Parents Council, referred to in paragraph 1 of this Article, shall be composed of the parents of children included in different educational groups, or of the parents of children included in various grades, and they shall be selected at the parents meeting, in the manner and according to the procedure defined by the Statute of the institution.

#### Competencies of the Parents' Council Article 95

The Parents' Council shall:

- 1) elect its representatives for the School, or for the Managing Board;
- 2) give opinion relating to the proposal of the annual work plan of the institution;
- 3) consider the reports on the institution's work;
- 4) consider parents' and students' complaints relating to the educational work;
- 5) execute other jobs in line with the law and with the Statute of the institution.

The institution Statute shall define in more detail the manner of the Parents' Council work.

## XI. THE RIGHTS AND RESPONSIBILITIES OF STUDENTS

## Student Community

#### Article 96

The students of one class in a school shall compose the class community.

The students of all classes in a school shall compose the Student Community.

The Statute of the school shall define in more detail the authorities and the manner of work of the Student Community.

## Students' Rights

#### Article 97

A school shall provide the following rights to its students:

- 1) to obtain the written instructions containing the rights and responsibilities of students at the beginning of the school year;
- 2) to have high quality educational work (teaching);
- 3) to express their opinions on the teachers' work;
- 4) to ask for the assessment of their knowledge by a commission during the school year;
- 5) to submit an objection to the mark at the end of an evaluation period, a school year or in an exam;
- 6) to participate in the creation of the instructions containing their rights and responsibilities;
- 7) to be informed timely and fully on their rights and responsibilities ;
- 8) to be protected from all kinds of violence in the school;
- 9) to be absent from school during five days in a year, but with previous notification on that;
- 10) to participate in the creation of specialized excursions' contents and in other forms of educational work;
- 11) other rights defined by the institution Statute.

The Representatives of Student Community shall be entitled to participate in the work of the professional bodies of the school when issues of importance for students are discussed (student standard, free activities and alike).

## The Responsibilities of Students

#### Article 98

Students shall have the following responsibilities:

- 1) to work in order to attain knowledge and acquire general culture, in a regular, industrious and scrupulous manner;
- 2) to comply with school regulations, advice, instructions and with the decisions of teachers, of the Principal and of the school bodies;
- 3) to attend lectures regularly;
- 4) to excuse their absence in a timely manner;
- 5) not to disturb the teaching process and the class work during the lessons;
- 6) not to leave lessons in their course without previously obtained permission of the subject teacher;
- 7) to conduct decently toward the teachers;
- 8) to respect the personalities of other students, and to cherish the sense of friendly and human relations;
- 9) to guard the school property;
- 10) to care for clean and aesthetic appearance of the school;
- 11) to participate in school tour of duty;
- 12) to respect the school, or house rules;
- 13) to execute other duties defined by the institution Statute.

## Responsibility for Caused Damages

Article 98a

A student is obliged to compensate for the damages caused to an institution.

The procedure of determining responsibility and the manner of compensating for the damage shall be regulated in more detail by the institution statute.

## **XII. TEACHERS**

## **Teacher Autonomy**

Article 99

Teachers have the professional freedom in the organization of teaching, the application of the teaching methods and in the selection of the forms of work with pupils, as well as in the selection of tasks they give to their students, all within the framework of the established curriculum.

## **Temporary Prohibition of Teaching**

Article 99a

The Principal may prohibit teaching to a teacher against whom proceedings for a criminal offence against sexual freedom have been initiated.

## **Prohibition of Teaching**

Article 100

The teacher that was convicted by the enforceable judgment for the criminal offence against sexual freedom may not deliver teaching.

## The Employing of Teachers

Article 101

A teacher shall be employed on the basis of a public competition, in line with the law.

Apart from the requirements prescribed by the law, teachers in institutions or in a special class of an institution where teaching is conducted in the language of a minority must also be proficient in the language and the alphabet of that minority in addition to the language in the official use in the Republic.

The institution Principal shall pass the decision on a teacher's employment.

A specific condition for a teacher's employment is the probation work.

The duration of probation work, the manner of carrying out of the probation work and the marking of its results shall be defined by the Ministry's regulation.

After the termination of the probation work period defined by the Contract on Probation Work, the employment shall cease for the teacher that did not meet the requirements during the probation work.

#### **Teacher-Trainee**

Article 102

The person that entered into employment in a school for the first time for the purpose of on-the-job training aimed at self-reliable performance of work within the range of his/her qualifications shall be considered a teacher-trainee.

The trainee period of a teacher-trainee with higher and University degree shall last one year, and it shall last six months in case of a teacher-trainee with secondary school degree.

The employment of a teacher-trainee shall cease after the expiration of the trainee period.

#### Mentor

#### Article 103

The trainee period shall be completed according to the established programme of educational work within institutions, and under the direct supervision of the authorized teacher (mentor) who has at least the same degree of school qualifications as the teacher-trainee has.

The Principal of an institution shall appoint the mentor referred to in paragraph 1 of this Article, at the proposal of the Professional Panel.

The Ministry regulation shall define the jobs and the tasks of the teacher trainee.

## Adoption of Programme

Article 104

The Ministry shall pass closer regulations on the contents, programme, and the manner of monitoring and the marking of trainee period, at the proposal of the Council for General Education.

## The Recognition of Trainee Period

Article 105

If the trainee period or a part of the trainee period was completed by a teacher abroad, the trainee period, or a part of that period, may be recognized to that teacher under the condition that the programme of trainee period abroad does not deviate significantly from the programme of trainee period defined on the basis of this Law.

The authority, before which the professional exam is sat for, shall pass the decision on the recognition of trainee period referred to in paragraph 1 of this Article.

## The Professional Exam

Article 106

After the completion of the trainee period, a teacher shall sit for the professional exam.

Exceptionally to paragraph 1 of this Article, the teacher that completed the trainee period and passed professional exam according to some other regulations shall have the right to sit for the professional exam according to the provisions of this Law, after one year of working experience in the institution.

## The Sitting for Professional Exam

Article 107

The professional exam shall be sat for before the competent Commission.

The Ministry shall define closer regulations on the contents, conditions, and manner and on the place of the sitting for the professional exam, as well as on the establishing and the composition of the Commission and the amount of expenses.

#### Reduction of the Number of Lessons

Article 108

The working hours of a teacher that has been engaged in direct execution of the teaching process for at least 35 years, can be reduced for two lessons per week, and in case it is not possible to reduce the number of lessons, the amount of pay can be increased by 5%.

## The Employment of Teachers by Means of an Agreement

Article 109

A teacher that does not have the obligatory number of lessons prescribed by the law, or a teacher that has been declared surplus manpower because of the change in the curriculum, or because of

the alteration of standards and norms, or because of the decrease in the scope of enrolment, may be employed in another institution, on the basis of the agreement between the Principals of those institutions, in order to supplement the obligatory number of lessons.

## **Additional Activities of Teachers**

Article 110

A teacher may, for a fee, train a student for the purpose of sitting for an exam or achieving better success in a specific subject, under the condition the student neither attends regular teaching process, nor sits for the exams within the school in which the teacher is employed.

The person that meets the requirements for the execution of a teacher's duties, and who is not employed, may be engaged in the training of students as his/her basic activity.

The teacher doing the activity referred to in paragraphs 1 and 2 of this Article is in obligation to report to the competent municipality authority and the competent inspection thereon.

The Ministry shall prescribe the conditions for the execution of the activity referred to in paragraph 2 of this Article.

## Termination of Employment

Article 111

In addition to the conditions provided for by the Labor Law, the employment of a teacher who:

- 1) does not implement the educational curricula in line with the prescribed standards;
- 2) organizes students and employees for political or religious purposes;
- 3) does not participate in the institution's professional bodies work;
- 4) abuses the position;
- 5) persuades any student, or any employee to sexual intercourse, or to sexual promiscuity;
- 6) refuses to act according to the employer's order, which was given for the purpose of providing the minimum work process during a strike;
- 7) prevents employees to work during a strike;
- 8) participates in a strike, which has been organized contrary to the regulations;
- 9) humiliates, insults, or punishes students physically;
- 10) causes national or religious intolerance;
- 11) trains the students from the institution he/she has been employed with, charging the training, and the competent educational inspection establishes the fact;
- 12) carries out the training of students as the basic activity;
- 13) has marked a student in a non-objective and not prescribed manner two times and the commission for assessment of knowledge under item 14 paragraph 1 Article 82 establishes the fact, shall be terminated.

## XIII. IN SERVICE TRAINING AND PROMOTION OF TEACHERS

#### In Service Training

#### Article 112

Teachers have the right and the obligation to go for in service training through various forms of in training (individual, formal and informal).

The Ministry shall prescribe the programmes and the organization of the forms of in service training for teachers, at the proposal of the Education Office, or the Center.

#### Promotion

#### Article 113

A teacher can be promoted in adequate titles.

The titles referred to in paragraph 1 of this Article shall be granted by the Ministry commission

The Ministry, at the proposal of the competent council, shall prescribe the types of titles, the conditions, the manner and the procedure for the granting of teacher titles.

## XIV. PEDAGOGICAL RECORDS AND PUBLIC DOCUMENTS

## **Pedagogical Records**

Article 114

Unique pedagogical records shall be kept in a school, and they are as follows: enrollment book (Register book), teacher's book (a book of daily activities together with roll book), records on exams and on the success of students, or attendants at the end of the school year, records on issued certificates and diplomas, records on the assignment of subjects per teachers, the school chronicle, etc.

In schools that carry out the teaching process in the language of members of national and ethnic groups, the pedagogical records shall be printed and kept both in the language that is in the official use and in the language of the members of national and ethnic group as well.

The school shall be obliged to preserve the enrollment book (register book) and the records on issued certificates and diplomas, permanently.

#### Public Documents

Article 115

A school that delivers publicly valid curriculum shall issue public documents on the basis of the data from pedagogical records.

Public documents referred to in paragraph 1 of this Article are: student booklets, certificates, diplomas, transfer notes, or withdrawal notes and other public documents that shall be issued in line with the law.

In schools in which the teaching process is carried out in the language of national or ethnic groups, public documents shall be issued both in the language that is in the official use and in the language of the national or ethnic groups.

#### The Issuing of Public Documents

Article 116

At the end of the first evaluation term, schools providing publicly valid programmes shall issue public documents.

As an exception to paragraph 1 of this Article, a primary school shall issue a report to the student of the first cycle at the end of the second classification period.

At the end of the teaching year, any school shall issue a certificate to each student, regardless of the attained success.

A school shall issue a diploma on practical, final, vocational ability, Matura, master craftsman as well as on diploma exam.

On the occasion of the withdrawal from a primary school, a pupil shall be issued a transfer note, and on the occasion of the withdrawal from a secondary school, a student shall be issued the withdrawal note.

The organizer of education shall issue certificates, diplomas, or other public documents on completed curriculum to attendants, in line with the law and the act on founding.

## **Certifying of Documents**

Article 117

The authenticity of a public document shall be verified by an institution's stamp.

The stamp of an institution shall be round in shape and shall contain the name of the Republic, the name of the municipality and the name and the seat of that institution.

In the middle of the stamp is the Republic coat of arms.

## **Prescribing of Forms**

#### Article 118

The Ministry shall prescribe the form and the manner of keeping of pedagogical records and the contents of public documents referred to in Articles 114, 115 and 116 of this Law.

#### XV. NOSTRIFICATION AND EQUIVALENCE

Article 119 – 128

## Deleted (Official Gazette of Montenegro 04/08)

## XVI. THE RIGHTS AND OBLIGATIONS IN THE AREA OF STUDENT STANDARD

## The Rights of Students

Article 129

The rights in the area of student standard shall be accomplished in line with this Law.

The rights in the area of student standard shall be personal and may not be transferred.

## The type of Rights

Article 130

A student shall have the right to:

- 1) accommodation and meals in dormitories;
- 2) scholarship for talented students;
- 3) transport allowance.

Closer critera for participation in student transport shall be regulated by the Ministry.

#### The Rights to Accommodation and Meals

Article 131

The accommodation and meals of students shall be organized within the dormitories for pupils, or within the dormitories for students (hereinafter referred to as "the dormitories").

A full-time pupil that attends secondary school out of the residence place shall have the right to meals, or to meals and accommodation within a dormitory.

The Ministry shall prescribe closer regulations on the criteria, manner and on the ranking of students for admission, as well as on the price of accommodation and meals for the students within the dormitory.

#### Competition

#### Article 132

The Founder shall announce a competition for admission of students into dormitories two months prior to the beginning of the school year at least.

The allocation of places and the moving of students into dormitories shall be carried out by the Commission appointed by the Managing Board of the dormitories.

The Commission referred to in paragraph 2 of this Article is obliged to complete the allocation and the moving in of students until the beginning of the teaching year.

If a student, or a parent of a student, is not satisfied with the decision of the Commission referred to in paragraph 2 of this Article, he/she shall have the right to appeal to the Managing Board of the dormitory within three days as of the day of the allocation of places.

## The Right to a Scholarship

#### Article 133

A talented student selected at the proposal of the Panel of Teachers, on the basis of a mentor's opinion, shall have the right to scholarship.

The Panel of Teachers shall appoint the mentor referred to in paragraph 1 of this Article.

As a talented student under paragraph 1 of this Article shall be considered the student who, in particular teaching subjects, or areas, shows specific talent, interests, curiosity and capabilities for the thinking and creative processes, and who achieves excellent results and has very good general success at least.

The decision on the awarding and the cessation of scholarship shall be made by the Commission appointed by the Ministry.

The Ministry shall prescribe closer criteria for the awarding of scholarship referred to in paragraph 1 of this Article.

## The Cessation of Scholarship

#### Article 134

A student shall be deprived of the right to scholarship if:

- 1) the Panel of Teachers has not proposed prolongation of scholarship;
- 2) he/she has not achieved the success on the basis of which he/she acquired the right to scholarship;
- 3) he/she has changed the school arbitrarily.

## XVII. FUNDING

#### The Sources of Funding

Article 135

Education shall be funded from:

- 1) public revenues (the Budget of the Republic and of the Municipality);
- 2) the Founder's funds;
- 3) tuition fees in private institutions;
- 4) fees that are paid by parents;
- 5) revenues from property (the rents);
- 6) profits from service and products sale;
- 7) donations, sponsorships, legacies;
- 8) other sources.

The institutions for public education must not be financed from the funds of political parties.

#### **Provision of Funds**

#### Article 136

The Republic Budget shall provide funds for public institutions, included in the network of institutions, for:

- 1) gross salaries and other incomes of the employed;
- 2) the current investment maintenance;
- 3) the investments for institutions;
- 4) material costs and energy expenses;
- 5) the permanent in service training for teachers;
- 6) the remedial primary education of citizens of the Republic temporarily employed abroad;
- 7) the primary adult education;
- 8) the external assessment of students' knowledge, prescribed by the law (the assessment of students' knowledge at the end of the third cycle, the Matura and other exams);
- 9) the scholarships for talented students;
- 10) the student competitions;
- 11) experimental teaching;
- 12) accommodation and diet of students in dormitories and Institutes;
- 13) the subsidies for textbooks of small circulation, as well as those for education of national or ethnic groups;
- 14) children's meals costs in preschool institutions, the parents of whom are the beneficiaries of the family financial support in line with the separate regulations;
- 15) the Principals training and for the professional councils work;
- 16) development, advisory and research work in the area of education;
- 17) the improvement of the information system;
- 18) the subsidies for resolving of the housing problems of employees in institutions;
- 19) other obligations prescribed by the law;
- 20) travel allowances for students.

As an exception to the provision of paragraph 1 of this Article, the needs referred to in indents 2, 3 and 4 of this paragraph, in public institutions included in the network of institutions founded by the municipality, shall be funded from the municipality budget.

The funds for financing of public institutions, not included in the network of institutions and founded by the municipality, shall be obtained from the municipality budget.

## Limitation for Participation in Funding

#### Article 137

Institutions that are funded entirely from public revenues may not request students, or attendants, to participate in the covering of educational costs.

## Norms and Standards

Article 138

Institutions realizing publicly valid educational curricula shall obtain funds in accordance with the norms and standards.

The Ministry shall define the norms and standards referred to in paragraph 1 of this Article, on the basis of the opinion of the competent Council.

The obligations of teachers and associates, the criteria for the founding of advisory service, library, administrative and accounting and technical service, as well as the criteria for the formation of classes and groups for the purpose of the assessment of material costs shall be regulated by norms and standards.

On the grounds of norms and of the standards referred to in paragraph 2 of this Article, an institution shall pass the act on systematization and job descriptions.

## The Conditions for Funding of Private Institution

## Article 139

A private institution implementing the publicly valid curriculum may be funded from the Republic Budget, in line with this Law, if:

- 1) it carries out the curriculum from the first to the final grade throughout schooling;
- 2) it carries out the curriculum for the children of preschool age in the duration of one year at least;
- 3) it enrolled two classes of the first grade at least, and in case of a music school, if it enrolled 35 pupils at least;
- 4) it has employed teachers and associates necessary for the execution of publicly valid curriculum, in line with the law and with other regulations.

The Ministry shall establish whether a private institution fulfills the conditions referred to in paragraph 1 of this Article.

The mutual rights and obligations of a private institution and the Republic shall be regulated in more detail by a contract.

Deleted.

#### Article 140

## The Limitation of Funding

#### Article 141

The funds from the Republic Budget shall not belong to a private primary school in case the enrollment of children into such private primary school endangers the existence of the (only) public institution founded by the Republic located within the same area.

In case referred to in paragraph 1 of this Article, funding of a private institution from public revenues shall cease, based on the Ministry's decision.

#### **Compensation of Tuition Fees**

Article 142

The compensation of tuition fee per student, or per child, in a private institution shall be determined by the Founder.

Article 143

Deleted

## The Providing of Funds for Concessionaire

#### Article 144

A concessionaire shall be provided funds from the Republic Budget for the purpose of execution of the publicly valid curriculum, in line with the contract.

#### **Completion of Started Education**

#### Article 145

The Republic is in obligation to provide to children, students or attendants the possibility to complete their education started in a private institution, which, because of the cessation of funding from public revenues, ceased to provide publicly valid educational curricula.

#### XVIII. PENAL PROVISIONS

#### **Sanctions for Violations**

#### Article 146

An institution shall be punished by a fine of 20 to 100 minimum wages in the Republic if:

- 1) it allows political organizing and activities contrary to the provisions of Article 6 of this Law;
- 2) it uses the textbooks and teaching aids contrary to the provisions of Article 13 of this Law;
- 3) it does not accomplish the prescribed educational curricula in line with Article 19 of this Law;
- 4) it starts its work without the decision on verification (Article 50);
- 5) it makes the status changes contrary to the provisions of Article 57 of this Law;
- 6) it changes the name and the seat of the institution contrary to the provisions of Article 58 of this Law ;
- 7) it does not obtain the approval for the Statute and for the document on internal organization and on job descriptions, in line with the provisions of Article 60 of this Law;
- 8) it employs a teacher contrary to the provision of Article 101 of this Law;
- 9) it concludes a contract on employment contrary to the provisions of Article 109 of this Law;
- 10) it does not keep the prescribed pedagogical records in line with the provisions of Article 114 of this Law;
- 11) it issues public documents contrary to the provisions of Article 115 of this Law;
- 12) the Commission does not carry out the allocation of places and the moving in of students into dormitories within the time period defined by Article 132 of this Law.

The responsible person of the institution shall be punished for the violations referred to in paragraph 1 of this Article by a fine from one half to 20 minimum wages in the Republic.

### XIX. TRANSITIONAL AND FINAL PROVISIONS

#### Harmonization of the Work of Institutions

#### Article 147

The existing institutions and other organizations, executing educational activity according to the previous legislation, shall harmonize their organization, work and general acts with the provisions of this Law within the period of one year as of the entry into force of this Law.

The existing acts shall be applied until the passing of general documents referred to in paragraph 1 of this Article, unless they are contrary to the law.

An organization (legal person) that is not licenced and entered into the register of licenced institutions of the Ministry, and uses in its name the name of the institution under Article 3 of this Law, shall be obliged to harmonize its organization and work with this Law, within six months from the day of entry into foce of this Law.

## Defining of Institutions Network

Article 148

The network of institutions referred to in Article 42 of this Law shall be defined within one year as of the date of entry into foce of this Law.

The institutions founded, or organized according to the regulations passed before the date of entry into force of this Law shall continue their work until the establishment of the network of institutions referred to in paragraph 1 of this Article.

## Secondary Legislation

Article 149

Secondary legislation for the purpose of implementation of this Law shall be passed within one year as of the date of entry into force of this Law.

The secondary legislation in force prior to entry into force of this Law shall apply until the passing of secondary legislation defined by this Law, unless it is contrary to this Law.

## The Foundation of the Councils

Article 150

The Montenegrin Council for General Education, the Montenegrin Council for Vocational Education and the Montenegrin Council for Adult Education shall be founded within 90 days as of the day of entry into force of this Law.

#### **Cessation of the Council Work**

Article 151

The Council for Changes in Education of the Republic of Montenegro shall cease to exist on the day of foundation of the Councils referred to in Article 150 of this Law.

## Establishment of the Education Office and of the Center

Article 152

The Education Office and the Vocational Education Centre shall be established within six months as of the date of entry into force of this Law.

#### Establishment of the Examination Centre Article 152a

The Examination Centre shall be established within six months from the day of entry into force of this Law.

## The Status of Former Managing and Administrative Bodies

### Article 153

The Principal, the Assistant Principal elected, or appointed prior to entry into force of this Law shall continue their work until the time period for which they were elected, or appointed expires.

The school or the Manging Board that was elected or appointed according to regulations in force prior to entry into force of the General Law on Education (Official Gazette of the Republic of Montenegro 64/02) shall cease its work within 60 days from the day of entry into force of this Law.

The procedure for the selection of the Principal, Assistant Principal, or for the nomination of the School, or the Managing Board that commenced before the introduction of this law, shall be completed according to the regulations in force prior to the effective date of this Law.

#### Article 153a

Pursuant to this Law, the School or the Managing Board shall be elected or appointed within 90 days from the day of entry into force of this Law.

Until the School or the Managing Board is elected or appointed, pursuant to paragraph 1 of this Article, the function of the managing body shall be performed by the current School or Managing Board elected or appointed according to regulations in force prior to entry into force of this Law.

The Principals of institutions elected according to the regulations in force prior to entry into force of this Law, shall continue their work until expiry of the term of office for which they were elected.

## The Establishment of the Parents Council

#### Article 154

The Parents Council referred to in Article 94 of this Law shall be composed in all institutions until 31 October 2003.

#### Initiated Procedure of Employment

Article 155

The procedure of a teacher's employment that was started before entry into force of this Law shall be completed according to the regulations valid until this Law entered into force.

## **Initiated Trainee Period**

#### Article 156

A teacher who commenced the trainee period before entry into force of this Law shall complete the trainee period and shall sit for the professional exam according to the regulations valid before entry into force of this Law.

#### Recognition of Professional Exam

Article 157

A teacher that passed the professional exam, or was recognized the professional exam according to former regulations, shall be recognized the professional exam according to this Law as well.

## **Recognition of Acquired Titles**

#### Article 158

A teacher who acquired the title of a pedagogic adviser, or of a senior pedagogic adviser prior to entry into force of this Law, shall keep that title.

#### The Initiated Procedure of Nostrification and Equivalence

#### Article 159

The procedure of nostrification, or equivalence, started before this Law entered into force, shall be completed according to the regulations pursuant to which it was initiated.

#### Article 159a

Members of the Council for Vocational Education and of the Council for Adult Education, who were elected pursuant to regulationis valid prior to entry into force of this Law, shall continue their work until expiry of the term of office for which they were elected.

#### Textbooks and teaching aids

Article 160

Textbooks and other teaching aids approved prior to entry into force of this Law may be used further until the approval and the issuing of the textbooks and other teaching aids according to this Law.

The procedure of providing, assessment and approval of the textbooks and other teaching aids, commenced prior to entry into force of this Law, shall be completed according to the regulations valid before entry into force of this Law.

#### Delay of Certain Provisions Application

Article 161

The provisions of Article 80, paragraphs 2, 3, 4, 5 and 6 of this Law, shall apply starting from the school year 2003/2004.

The provisions of Articles 135 to 145 of this Law, relating to funding, shall be applied starting from the fiscal year 2003.

#### Article 161a

Provisions for the enforcement of this Law shall be harmonized with this Law within six months from the day of entry into force of this Law.

Until regulations complying with this Law are adopted, regulations valid prior to entry into force of this Law shall apply, unless they are contrary to this Law.

#### Cessation of Validity

Article 162

As of the day of entry into force of this Law the following shall be repealed: The Law on In-service Training of Teachers and Teaching Staff (Official Gazette of Serbia and Montenegro26/87); The Law on the Financing of the Requirements in the Field of Education, Culture and Physical Education (Official Gazette of Serbia and Montenegro29/90 and 7/92); the provisions of The Law

on Nostrification and Equivalence of Certificates and Diplomas Acquired Abroad (Official Gazette of Serbia and Montenegro 6/87), relating to the provisions on the verification and the equivalence of certificates on the completed primary and secondary education, or on the acquired gualification, and on the completion of particular grades; the provisions of Article 1110 of the Law on Primary school (Official Gazette of the Republic of Montenegro 34/91, 56/92, 32/93 and 20/95); provisions of Article 103 of the Law on Secondary School (Official Gazette of the Republic of Montenegro 28/91, and Official Gazette of the Republic of Montenegro 56/92 and 27/94); the provisions of Article 29 of the Law on Preschool Education (Official Gazette of the Republic of Montenegro56/92); the provisions of The Law on Basic Rights Stemming from Pupil and Student Standard (Official Gazette of the Republic of Montenegro6/94 and 27/94), relating to the rights of students; provisions of Chapter III "The Publishing of Textbooks and Teaching Aids", except the provision of Article 14 of the Law on Publishing (Official Gazette of the Republic of Montenegro20/95); and provisions of the Law on the Educational Inspection (Official Gazette of the Republic of Montenegro 20/95), relating to the supervision of organizing and provision of educational work in preschool institutions, primary, secondary and special schools, student dormitories and in other organizations that provide education.

## Entry into Force

#### Article 163

This law shall enter into force on the eighth day as of its publication in the Official Gazette of the Republic of Montenegro.