

# **Law on Primary Education**

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## **I. BASIC PROVISIONS**

### **Content of the Law**

#### **Article 1**

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

### **Aims of Education**

#### **Article 2**

Aims of primary education shall be:

- 1) Provision of primary education to all citizens;
- 2) Development of creative personalities;
- 3) Attainment of internationally comparable standards of knowledge and acquisition of knowledge for the continuation of education;
- 4) Development of critical thinking, independence and interest in new knowledge;
- 5) Developing capacities for independent reasoning and participation in social life;
- 6) Acquisition of general knowledge enabling an independent, efficient and creative practical application;
- 7) Enabling the development of a pupil's personality, in line with their capabilities and principles of development;
- 8) Education for respect of national values of history and culture, as well as for appreciation of cultural and other characteristics of other nations;
- 9) Education for mutual tolerance, respect for differences, cooperation with others, respect for human rights and fundamental freedoms, and thus, development of life skills in a democratic society;
- 10) Acquisition of knowledge on basic principles of the development of nature and society and the safeguard of health;
- 11) Development of democratic views, tolerance and cooperation (in a school and outside of it), and respect for the rights of others;
- 12) Development and promotion of healthy lifestyles and a responsible attitude towards the environment;
- 13) Development of pupils' work skills; Diligence, patience, order, work and discipline;
- 14) Development of pupils' professional orientation;
- 15) Development of pupils' basic competencies;
- 16) Development of scientific, mathematical and digital literacy;
- 17) Development of social and civic competencies, as well as cultural sensibility;
- 18) Promotion, understanding, solidarity and respect for diversity;
- 19) Development of social and emotional values and skills.

Aims of primary education shall be met in accordance with the educational programme.

## **Availability of Education**

### **Article 2a**

Primary education shall be available to all persons and shall not be directly or indirectly limited on the grounds of: Gender, race, colour of skin, language, religion, marital status, political or other beliefs, national, ethnic or other origin, economic status, disability or on any other similar grounds, status or circumstance, in accordance with the specific law.

### **Article 2b**

Every pupil shall have the right to free textbooks for primary school, at the expense of the state budget.

Detailed conditions, rules, and procedures for the provision and distribution, as well as the manner of exercising rights referred to in paragraph 1 of this Article, shall be defined by the state administration body in charge of education (hereinafter: the Ministry), with the consent of the Government.

## **Provision of Education**

### **Article 3**

Primary education shall be provided in a primary school, resource centre or educational centre (hereinafter: the school).

Notwithstanding paragraph 1, a parent or guardian (hereinafter: the parent) may organise primary education for their child in their home for one semester or one year, in line with the Law.

## **Compulsory Primary Education**

### **Article 4**

Primary education shall be compulsory for all children between the ages of 6 and 15.

The parent must ensure that their child fulfils the primary school obligation referred to in paragraph 1 of this Article.

The pupil shall fulfil the primary school obligation after nine years of attending the school.

A pupil who turns 15 years of age during a school year shall not be able to leave the school before the end of that school year.

## **Duration**

### **Article 5**

Primary education shall last nine years.

## **Pupil's Status**

### **Article 6**

A child shall obtain the status of a pupil by enrolling in the first grade of primary school.

A pupil shall complete primary education when they successfully finish the ninth grade.

## **Adult Primary Education**

### **Article 7**

Primary education of pupils older than 15 years of age shall be acquired in line with the regulations governing the field of adult education.

## **Primary art Education**

### **Article 8**

Primary art education (such as music and ballet, etc.) may be acquired alongside primary education, under the conditions and in a manner stipulated by Law.

## **Children with Disabilities**

### **Article 9**

Primary education for children with disabilities shall be provided in schools in accordance with the current Law and regulations governing this field of education.

## **Gifted Pupils**

### **Article 10**

Education of gifted pupils shall be conducted in line with the Law, so that the school adapts its methods and forms of work to them and enables their inclusion in enrichment classes and other forms of group and individual aid, in accordance with a specific curriculum.

## **Definitions**

### **Article 11**

Particular terms in this Law shall have the following meaning:

- "Children with special educational needs" are children with developmental disabilities (with a physical, mental, sensory disability and with combined disabilities) and children with developmental difficulties (children with behavioural disorders, severe chronic illness, children with long-term illnesses, and other children with learning and other difficulties caused by emotional, social, linguistic and cultural barriers);
- "Cycle" includes a period when education is acquired over the course of three grades:
  - The first cycle - first, second and third grade;
  - The second cycle - fourth, fifth and sixth grade;
  - The third cycle - seventh, eighth, ninth grade;
- "Teaching year" is a period when regular teaching activities are conducted;
- "School year" is a period when regular teaching, along with other forms of educational work, takes place;
- "Compulsory primary education" includes an obligation for children between six and fifteen years of age to attend primary school in accordance with the publicly valid educational

programme;

- “Assessment period” is a semester when the curriculum is implemented and pupils’ results are assessed;
- “School catchment area” is a spatial area from which the pupils are enrolled in a school based on their place of permanent or temporary residence;
- “Teaching quota” includes direct conduct of teaching within weekly working hours stipulated by the educational programme.

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## **Use of Gender Sensitive Language**

### **Article 11a**

All terms which are used for natural persons in the masculine gender in this Law shall include their counterparts in the feminine gender.

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

### **Educational programme**

#### **Article 12**

Primary education shall be implemented based on the publicly valid educational programme for primary education (hereinafter: the educational programme).

Educational programme shall include a compulsory section, compulsory activities and an extended section.

The compulsory part comprises mandatory and elective subjects.

Compulsory activities consist of class community work, days of culture, sport and technology. The extended part consists of free activities, additional and remedial lessons, school-related activities, and school trips.

### **Mandatory Subjects**

#### **Article 13**

Subjects defined by the Ministry shall be studied in the school, at the proposal of the National Council for Education (hereinafter: the National Council).

### **Elective Subjects**

#### **Article 14**

The school shall be obliged to provide classes in at least three elective subjects for the pupils of the third cycle, one of which must be a foreign language, in accordance with the educational programme.

The pupils shall choose elective subjects referred to in paragraph 1 of this Article.

The Ministry shall adopt the list of subjects and their content, at the proposal of the National Council.

The Bureau shall prepare the list proposal referred to in paragraph 3 of this Article for Education Services.

## **Additional and Remedial Teaching**

### **Article 15**

The school shall be obliged to organise remedial teaching for pupils falling behind in mastering the educational material.

For pupils subject to compulsory primary education under this Law, who are entering the education system for the first time and do not speak or have insufficient knowledge of the language of instruction, remedial instruction shall be organized in accordance with a special publicly recognized educational program, for a period not exceeding one school year, as a specific form of support aimed at language acquisition and improved integration into the educational process.

The Ministry shall determine the school that has the material, spatial, staffing and other requirements for the organisation of teaching/classes within the meaning of paragraph 2 of this Article.

The school shall organise additional classes for pupils who master the educational material with exceptional success and show particular interest in expanding and deepening knowledge in specific fields of education.

## **Extended Programme**

### **Article 16**

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## **After-School and Before-School Care**

### **Article 17**

In accordance with its capabilities, the school shall organise after-school care for pupils in the first grade, and exceptionally, for pupils in the second grade, as appropriate.

During the after-care stay, pupils shall be provided with childcare services, during which various sports, cultural, and art activities, homework completion, and fulfilment of other duties will take place, in line with the school's rules.

The school shall be obliged to organise before-school care for pupils in the first grade.

Notwithstanding paragraph 1 of this Article, legal entities and natural persons meeting the conditions stipulated by this Law may organise the after-school stay for pupils.

The Ministry shall define the conditions regarding space, equipment and staff that legal entities and natural persons referred to in paragraph 4 of this Article must meet.

## **Elective Lessons**

### **Article 18**

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## **Extracurricular Activities**

### **Article 19**

The school shall develop different forms of free activities – extracurricular activities (sports, cultural, art, etc.).

The school's annual work programme shall define the programme of extracurricular activities.

### **Class Community**

#### **Article 20**

In the class community classes, pupils, together with their class teacher, conduct specific programmes and activities and discuss issues of relevance to the pupils and the school.

### **Annual Work Programme**

#### **Article 21**

Work in the school during a year shall be defined by an annual work programme.

The annual work programme shall define: the organisation of the school's educational work, self-evaluation and professional development of teachers, the form and content of the work, and the schedule for completing the planned tasks.

### **Cyclical Organisation of Instruction**

#### **Article 22**

The instruction in school shall be organised in three cycles, as follows:

- In the first and second cycles, grade-level teaching and subject-specific instruction;
- In the third cycle, subject-specific instruction.
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### **Number of Pupils in a Class**

#### **Article 23**

Pupils of each grade shall be divided into classes.

A class of the same grade may have no more than 28 pupils.

Notwithstanding paragraph 1 of this Article, a class may have up to 30 pupils, at the Minister of Education's proposal (hereinafter: the Minister).

### **Multi-grade Classes**

#### **Article 24**

If it is not possible to organise instruction by grades and classes, due to a small number of pupils, a class may be formed from the pupils from two or three grades.

A multi-grade class made of two grades may have up to 20 pupils, and a multi-grade class made of three grades may have up to 15 pupils.

The school principal shall decide on the organisation of multi-grade classes, at the proposal of the teachers' council.

Notwithstanding paragraph 1 of this Article, the Ministry may approve the formation of multi-grade classes for three or more grades.

## **Foreign Languages**

### **Article 25**

Pupils shall study the English language from the first grade, as a mandatory subject.

The Pupils shall study one of the following foreign languages as a mandatory subject from the sixth grade: French, Russian, Italian, German, Spanish, and other languages in line with the publicly valid educational programme.

The school shall be obliged to offer to the pupil at least two foreign languages referred to in paragraph 2 of this Article.

The pupil shall opt for a foreign language referred to in paragraph 2 of this Article based on the school's capabilities.

## **Weekly Pupil Workload and Duration of a School Lesson**

### **Article 26**

According to the mandatory part of the educational programme, during the work week, school pupils shall have the following number of lessons:

- The first cycle, up to 19 lessons;
- The second cycle, up to 24 classes, bearing in mind that the number of lessons shall increase from the fourth to the sixth grade;
- Third cycle, up to 28 lessons.

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In schools where the Montenegrin language is not studied as the first language, the number of lessons shall be increased by two.

As a rule, a school class lasts 45 minutes.

The educational programme shall define the number of school lessons and their duration, taking into account the age of the pupils and the implementation of instructional objectives.

**- Subheading deleted -**

### **Article 27**

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### **Article 28**

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## **Education abroad**

## **Article 29**

Remedial primary education, in accordance with a specific curriculum, may be provided for the children of Montenegrin citizens who have a temporary residence abroad.

## **Teachers Working Abroad**

### **Article 30**

Educational work within the meaning of Article 29 of this Law, may be conducted by a teacher, who in addition to the requirements defined by this Law, have at least four years of professional work experience in the field, have demonstrated excellence in professional and pedagogical work, and knows the language of the country where they will perform educational work.

The Minister shall make the Decision on the teacher's referral to work abroad.

The teacher shall be referred to work abroad for a period of two years.

The Minister may issue a decision to terminate the employment of a teacher abroad when it is determined that:

- 1) The educational programme referred to in Article 29 of this Law has not been implemented;
- 2) a serious breach of official duty has been committed;
- 3) an abuse of position has occurred;
- 4) or in other cases provided by the Law.

Mutual rights and obligations between the Ministry and the teacher, as referred to in working abroad, shall be defined in detail in the employment contract.

## **III. PUPILS**

### **Enrolment Requirements**

#### **Article 31**

Children who will be six years old in the calendar year when they start attending the school shall enrol at the school.

### **Enrolment Before the Age of Six**

#### **Article 32**

Notwithstanding Article 31 of this Law, a child may be approved to enrol in school before reaching six years of age, upon the parents' request and with the approval of the commission referred to in Article 33 of this Law.

### **Enrolment into School**

#### **Article 33**

As a rule, enrollment of children in the school shall be carried out during April, following completion of the medical exam.

The principal of the school shall appoint the commission for the enrollment of children in school.



The testing of children for school enrollment shall be conducted in schools that have the capacity for it.

## **Postponement of the Commencement of Schooling**

### **Article 34**

The child's commencement of schooling may be postponed for one year, if it is determined that the child is not ready to attend school, upon the proposal of the commission referred to in paragraph 2 of the Article 33 of this Law.

A separate commission consisting of a pedagogue, a psychologist, a class teacher and an educator shall decide on the postponement of the commencement of schooling referred to in paragraph 1 of this Article.

The school principal shall appoint the commission referred to in paragraph 2 of this Article.

The commission referred to in paragraph 2 of this Article shall take into consideration the opinion of parents as well as the competent health service in the process of making the decision on postponement of the commencement of schooling.

## **Record-keeping**

### **Article 35**

The state administration body competent for civil registry affairs shall be obliged to submit the list of school-age children from the settlement within the school catchment area to the state administrative body responsible for education (hereinafter: the municipal body) by the end of February each year.

The municipal body referred to in paragraph 1 of this Article shall be obliged to submit the list to the school by March of current year.

The municipal body shall determine the settlements belonging to the school catchment area.

## **Provision of Compulsory Education**

### **Article 36**

The school shall file a complaint to the competent inspection against the parents of the child who has not been enrolled in school, or does not fulfil the compulsory primary education obligation.

The school shall file the complaint referred to in paragraph 1 of this Article within 15 days from the end of the enrolment deadline, or from the date on which the compulsory primary education obligation ceases to be fulfilled.

The parent shall cooperate with the school to achieve improved learning and behavioural results, as well as to fulfil the pupil's responsibilities.

## **Right on Home-Schooling**

### **Article 37**

The parent organising their child's home schooling shall be obliged to notify the school where that child has been enrolled, in written form, at least two months prior to the start of education.

The notification referred to in paragraph 1 of this Article should contain: The child's name and surname, the address where education shall take place and the name and surname and level of education of the person who will conduct the schooling.

In accordance with the notification referred to in paragraph 1 of this Article, the school teachers' council shall decide on the home-schooling of the child.

The school shall keep the records and documentation of the pupils' home schooling.

## **Evaluation Of Home-Schooling**

### **Article 38**

With home education, the pupil must meet the standard of knowledge in line with the educational programme.

The school shall organise a knowledge assessment for all subjects for a specific grade of pupils educated at home at the end of one semester, or at the end of the school year.

The pupil referred to in paragraph 2 of this Article who has not met the knowledge standard at the end of the school year shall repeat the grade and must continue their education in school.

The home-schooled pupil's knowledge assessment shall be conducted at the end of a cycle, in accordance with Articles 55 and 56 of this Law.

The Ministry shall define the manner and procedure for assessing the knowledge of home-schooled pupils at the end of a semester or school year.

## **Knowledge Assessment at the End of the Cycle - Home Schooling**

### **Article 39**

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## **Extension of student status**

### **Article 40**

Upon the parents' request, the school shall permit regular class attendance for a pupil aged 15 to 17 years.

If the pupil reaches 17 years of age over the school year, they may regularly attend the classes until the end of that school year.

The school principal may deny regular school attendance to the pupil referred to in paragraphs 1 and 2 of this Article if they disrupt school work.

Upon the parents' request, the school shall issue a certificate to the pupil, who is older than 15 years of age and has not completed their primary education, confirming that they have fulfilled the

compulsory primary education obligation.

## **Pupils' Obligations During the Compulsory Primary Education**

### **Article 41**

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## **Educational Measures**

### **Article 42**

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## **Exemption from the Physical Education Programme**

### **Article 43**

The pupil may be temporarily or partially exempt from the Physical Education programme due to illness or other justified reasons.

The decision on the exemption of the pupil referred to in paragraph 1 of this Article shall be made by the schools' teachers' council, on the grounds of a medical certificate.

The pupil partially exempt from the Physical Education programme on the basis of the medical certificate and the decision of the teachers' council shall participate in a part of the PE programme.

## **Pupils' Absence**

### **Article 44**

During the school year, the pupil may be absent up to five days from school with prior notice and parental consent.'

## **School Transfer**

### **Article 45**

The pupil's transfer from one school to another shall be carried out upon the parents' request.

The school shall submit a transfer form to the school where the pupil shall continue their education.

The school that has issued the transfer form shall disenroll the pupil after it has been informed of the pupil's enrolment in another school.

## **IV. PROGRESS AND ASSESSMENT OF PUPILS**

### **Assessment**

### **Article 46**

The pupil's school knowledge and achievement shall be assessed by descriptive evaluation and numerical grading (hereinafter: assessment) in accordance with the standards.

The educational programme shall define the standards referred to in paragraph 1 of this Article.

## **Cycle-Based Assessment**

### **Article 47**

In the first cycle, the pupil's knowledge and achievement shall be assessed and evaluated descriptively.

At the end of the first cycle, the pupil's achievement shall be expressed with a descriptive and numerical grade.

In the second cycle, grading shall be numerical.

In the third cycle, grading shall be numerical.

Pupil's knowledge is graded numerically on the scale from 1 to 5, as follows:

- Excellent (5);
- Very good (4);
- Good (3);
- Satisfactory (2);
- Unsatisfactory/failing (1).

The Ministry shall define the method of grading.

## **Grading by Periods**

### **Article 48**

The pupil's grading shall be conducted publicly in front of the pupils.

During the grading period, pupils must be graded in all subjects.

The school shall notify parents of their pupils' achievements in writing, along with an explanation of their achievements and progress.

At the end of a school year, pupils shall receive a certificate of achievement.

## **Assignment of Grades**

### **Article 49**

Grades in class subjects, behaviour, as well as the overall achievement, shall be determined at the end of the grading period.

For a pupil who transfers from one school to another during a teaching or school year, grades shall be assigned if there are sufficient elements available at the time of transfer.

## **Overall Achievement**

### **Article 50**

The pupil shall complete 5<sup>th</sup>, 6<sup>th</sup>, 7<sup>th</sup>, 8<sup>th</sup>, and 9<sup>th</sup> grade if they do not have unsatisfactory grades at the end of a teaching or school year.

The pupil's general achievement referred to in paragraph 1 of this Article shall be defined by the class council based on the average of grades in all class subjects.

The pupil's overall achievement shall be calculated in cases when the grading is numerical.

A pupil completes the grade with:

- excellent achievement if they have an average grade of at least 4.50;
- very good achievement if they have an average grade of at least 3.50;
- good achievement if they have an average grade of at least 2.50;
- satisfactory achievement if they have an average grade of at least 2.00.

## **Grade Repetition**

### **Article 51**

The pupils of the 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> grades shall not repeat a year.

Notwithstanding paragraph 1 of this Article, a pupil may repeat a grade if they have not acquired (mastered) the educational material to the extent that they can continue with their education.

The class teacher or the class council shall make a decision regarding the pupil's repetition of the grade, taking into account the opinion of the school's professional service and parents.

## **Remedial Exam**

### **Article 52**

A pupil in grades 5, 6, 7, 8, and 9 who has one, two, or three unsatisfactory grades at the end of the school year must take a remedial exam.

A pupil referred to in paragraph 1 of this Article who has four or more unsatisfactory grades at the end of the school year, or who fails the remedial exam, must repeat the grade.

Notwithstanding paragraph 2 of this Article, a pupil who turns 15 years old during the current school year and has unsatisfactory grades at the end of the school year has the right to take the grade-level exam the following school year in the subjects in which they had unsatisfactory grades.

## **Time of Taking Remedial Exams**

### **Article 53**

The pupils of the 5<sup>th</sup>, 6<sup>th</sup>, 7<sup>th</sup>, and 8<sup>th</sup> grades shall take the remedial exam in June and August.

In June, the pupil referred to in paragraph 1 of this Article may take the remedial exam in two subjects at most, of their choosing, in which they have been referred to a remedial exam.

In August, the pupil shall take the remedial exam in all subjects for which they have been referred to the remedial exam, as well as the subjects that they have not passed in June.

The 9<sup>th</sup>-grade pupil shall take all the subjects for which they have been referred to the remedial exam in June.

The 9<sup>th</sup>-grade pupil who has not passed two subjects in June shall have the right to take those subjects in August.

## **Examination Committee**

### **Article 54**

The remedial exam shall be taken in front of the examination committee appointed by the teachers' council, at the principal's proposal.

The remedial exam shall be taken in a specific subject.

The pupil's general achievement shall be calculated following the passed remedial exam.

The Ministry shall stipulate the manner and procedure for taking remedial exams and the composition of the committee.

## **Testing**

### **Article 55**

At the end of the second cycle, Based on the externally prepared examination questions, testing of pupils' achievements in Montenegrin, or first language, Mathematics, English Language, or a selected chapter from natural and social sciences shall be conducted.

The Examination Centre shall carry out the testing referred to in paragraph 1 of this Article.

At the Ministry's request, the Examination Centre may organise external testing of pupils' achievements for periodical monitoring of the educational system.

The result of the testing shall not affect the grades or the pupil's overall achievement.

## **External Knowledge Assessment**

### **Article 56**

At the end of the third cycle, the pupil's external knowledge assessment shall take place in: Montenegrin or a first language, Mathematics, a subject from the list of mandatory subjects that the pupil elects on their own, and which is studied throughout at least two grades in the third cycle.

Notwithstanding paragraph 1 of this Article, pupils cannot opt for Physical Education, Music and Art Culture.

The pupils referred to in Article 61 of this Law shall not have to undergo the external knowledge assessment. Additionally, pupils referred to in Article 61 of this Law are exempt from undergoing the external knowledge assessment.

The Examination Centre shall prepare the examination questions, while the external knowledge assessment is conducted jointly by the Examination Centre and the school.

The Ministry shall stipulate the manner and procedure for assessing pupils' knowledge, within the meaning of this Article and Article 55, paragraph 1, of this Law.

## **Grade-Level Exam**

### **Article 57**

The pupil who is not graded at the end of the school year, due to illness or other justified reasons, in one or more subjects, may take the grade-level exam in the subjects that they have remained ungraded.

## **Taking the Grade-Level Exam**

### **Article 58**

The grade-level exam shall consist of the oral and written parts.

The oral or written part of the exam shall be taken in all subjects, in line with the educational programme.

The grade-level exam shall be taken in front of the examination committee.

The Ministry shall stipulate the manner and procedure of taking the grade-level exams.

## **Grading Pupils on the Grade-Level Examination**

### **Article 59**

On the grade-level exam, the pupil shall be graded in accordance with the provisions of this Law.

The examination committee shall assign the grade on the grade-level exam, based on the examiner's proposal.

The pupil shall not be graded on conduct on the grade-level exam.

## **Outstanding Pupil's Progress**

### **Article 60**

A highly diligent and capable pupil of the second and third cycle, or a school for primary art education, may finish the next grade as well during the school year.

The right referred to in paragraph 1 of this Article, the pupil may use only once throughout their primary education.

The teachers' council shall issue the decision referred to in paragraph 1 of this Article on the proposal of the class council.

## **Artistically Gifted Pupil**

### **Article 61**

Artistically gifted pupils may enrol on the first grade of the secondary art school after finishing the seventh grade of the primary school, based on the decision of the teachers' council.

The pupil referred to in paragraph 1 of this Article shall graduate from the primary school by taking the grade-level exams.

## **Appeal Against an A Grade**

### **Article 62**

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## **Annulment of the Exam**

### **Article 63**

When the school principal or the competent inspection determines that the remedial and grade-level exams have not been conducted in line with this Law and regulations adopted on its basis, the teachers' council shall make a decision on the annulment of the exams and certificates issued on their basis, within a time frame defined by that body.

If the teachers' council does not issue the decision referred to in paragraph 1 of this Article within the specific period, the principal shall issue the decision on the annulment of the exams and certificates issued on their basis.

If the principal does not issue a decision referred to in paragraph 2 of this Article, the Ministry shall issue a ruling on the annulment of the exams and certificates issued on their basis.

In the case referred to in paragraph 1 of this Article, the school shall provide a re-taking of the exam for the pupil at its own expense.

## **Ruling on the Annulment of the Exam**

### **Article 64**

Ruling on the annulment of the exam, or the certificates issued on its basis, referred to in Article 63 of this Law, shall be issued in the "Official Gazette of Montenegro".

## **Commendations and Awards**

### **Article 65**

The pupils shall be commended and awarded as a pedagogical incentive.

The school bodies may give commendations and awards to the pupils.

Additionally, institutions, other legal entities and natural persons may give awards to the pupils. Commendations and awards must be recorded.

## **Disciplinary Measures**

### **Article 66**

School disciplinary measures shall be applied towards pupils only if they have pedagogical justification.

Disciplinary measures include a written warning from the class teacher, a principal's reprimand, a reprimand from the teachers' council, and transfer to a different class or a different school in the same place, as a rule.

Disciplinary measures shall be valid only during the school year in which they have been imposed.

The school shall notify the pupil and their parent within three days of the date the disciplinary measure is imposed.

The pupil or parent shall have the right to appeal the disciplinary measure to the school board within three days from the date of notification of the imposed disciplinary measure.



The school pedagogue must participate in the work of the school board following the appeal of the imposed disciplinary measure.

The school board shall make a decision within eight days from the date of the appeal submission referred to in paragraph 5 of this Article.

An appeal against the imposed disciplinary measure or a transfer to another school shall postpone the execution of the disciplinary measure until the decision of the school board referred to in paragraph 7 of this Article is made.

An administrative lawsuit cannot be filed against the school board.

Notwithstanding paragraph 3 of this Article, the disciplinary measure of transfer to a different school may be valid until the end of primary education, in line with the school board's decision.

### **Transfer to a Different School**

#### **Article 66a**

The pupil subject to the disciplinary measure of transfer to a different school shall be moved to another school with the consent of their parents and the approval of the school to which the pupil is to be transferred.

If the receiving school does not approve the pupil's enrolment, the committee established by the Ministry shall decide on the implementation of the disciplinary measure.

Prior to making this decision, the Committee must obtain the opinions of the parents and the principal of the school to which the pupil is being transferred.

An administrative lawsuit cannot be filed against the decision of the committee referred to in paragraph 3 of this Article.

### **Regulations Concerning Commendations, Awards and Disciplinary Measures**

#### **Article 67**

The Ministry shall stipulate the manner and procedure for awarding commendations, presenting awards, and imposing disciplinary measures.

## **V. PRIMARY ART EDUCATION**

### **Acquisition of Art Education**

#### **Article 68**

Primary art education can be acquired in schools dedicated to primary art education (hereinafter: the primary art school).

### **Enrolment Conditions**

#### **Article 69**

Primary art education can be acquired by children who possess a propensity for specific art

fields and meet the enrollment conditions for the first grade of the primary art school.

Notwithstanding paragraph 1 of this Article, highly gifted children may start acquiring art education even at a lower age, on which the teachers' council of the primary art school shall make the decision.

The educational programme shall define the start of acquiring primary art education, as well as the method of assessing pupils' propensities and the procedure for enrolling pupils referred to in paragraph 2 of this Article.

## **Educational Programme**

### **Article 70**

Primary art education shall be acquired based on the programme for primary art education.

The educational programme referred to in paragraph 1 of this Article shall be issued in line with the same manner and procedure as the programme for the primary school.

## **Duration of Primary Art Education**

### **Article 71**

Primary art education shall last three, six or nine years, in line with the educational programme.

Notwithstanding paragraph 1 of this Article, primary ballet education shall last four or six years, in line with the educational programme.

## **Teaching**

### **Article 72**

Teaching in the art school is subject-based and conducted in two forms: individual and group.

Individual teaching shall be conducted in classes. All pupils taught individually by the same teacher form a class.

The number of pupils in a group or a class of individual teaching shall be defined by norms and standards adopted by the Ministry.

## **Teaching quota**

### **Article 73**

The teacher of the primary art education school shall provide 18 lessons (teaching quota) within a forty-hour work week.

The teachers referred to in paragraph 1 of this Article shall provide two more lessons of direct work with pupils to improve achievement in mastering the educational program, while the institution's statute shall define the schedule of the remaining working hours within a forty-hour week.

## **Weekly Pupil Workload**

### **Article 73a**

The pupil of the primary art school shall have at least two and at most ten lessons within a work week, in accordance with the educational programme.

Group lessons shall last 45 minutes, while individual lessons shall last from 30 to 45 minutes, in accordance with the educational programme.

## **Annual Exam**

### **Article 74**

The pupil of the primary art school shall take an exam at the end of the year.

Notwithstanding paragraph 1 of this Article, the pupil of the first grade of the six-year or nine-year primary art school and the pupil who has won the first, second or third place at the state or international competition shall not take the annual exam.

If a pupil in the first grade of the art school receives an unsatisfactory grade in the main subject, they cannot continue with the acquisition of education under the current programme. In contrast, pupils in other grades who fail the exam in their main subject must repeat the grade.

The art school pupil may take the remedial exam in only one subject. The pupil can repeat the grade once in the process of acquiring their primary art education.

Enrolment conditions, the manner, and procedure for taking annual exams and remedial exams in primary art education shall be defined by the Ministry's regulations.

## **VI. TEACHERS AND PROFESSIONAL ASSOCIATES**

### **Teachers, Educators And Professional Associates**

#### **Article 75**

Teachers, educators and professional associates shall conduct educational work in the school.

The teachers shall organise and conduct educational work and strive to improve it.

The professional associates in the schools (pedagogue, psychologist, special education teachers, librarian) work on pedagogical, psychological, librarian and other matters that are directly or indirectly related to the educational work in the school.

A person who has the appropriate seventh level of the qualification framework, sublevel one, or sublevel 2 (240 and 300 ECTS credits, respectively) can perform the duties of a pedagogue, psychologist, special education teacher and librarian.

### **Teaching in the First and Second Cycles**

#### **Article 76**

Educational work is carried out by the primary school teacher (or class teacher), subject teacher, and educator.

The class teacher, who has acquired their higher education at the university or the seventh level of the national qualification framework, sublevel one or sublevel 2 (240 and 300 ECTS credits, respectively), shall conduct the teaching in the first cycle, while the subject teacher shall conduct instruction in English.

As a rule, together with the class teacher, the educator shall also participate in the education work in the first grade with half of the class teacher's quota.

An educator is a person who meets the conditions for an educator as defined by the regulations for preschool education and has attended professional training for working in primary school, organised by the Bureau for Education.

The teacher referred to in paragraph 2 of this Article shall conduct the teaching in fourth grade, with the exception of English language and one of the following subjects: Physical Education, Art, and Music Culture, which is taught by a subject teacher.

The teacher referred to in paragraph 2 of this Article shall conduct the teaching in fifth grade, with the exception of English language, Computer Science and Technology, and one of the following subjects: Physical Education, Art and Music Culture, which is taught by a subject teacher.

In schools where teaching is conducted in the language of members of national minorities and other minority ethnic communities, teaching in the subject of Montenegrin as a Second Language in the fifth grade shall be performed by a subject teacher.

In the sixth grade, the teaching is subject-based and shall be conducted by subject teachers who have acquired the education referred to in Article 77 of this Law.

Notwithstanding paragraphs 5 and 6 of this Article, the instruction in the fourth and fifth grades may be delivered by the class teacher if a subject teacher does not apply to the public call.

## **Teaching in the Third Cycle**

### **Article 77**

The subject teacher shall conduct lessons in the third cycle.

The teachers referred to in paragraph 1 of this Article are persons who have graduated from the faculty for the education of teachers in the appropriate field (profile), seventh level of the national qualification framework, sub-level one or sub-level two (240 or 300 ECTS credits, respectively).

The ministry shall stipulate the field (profile) of the subject teacher's education.

## **Delivery of Instruction**

### **Article 78**

Teachers in schools may conduct instruction if the language of instruction is their first language or if they have graduated from an appropriate teacher education faculty in the same language in which instruction is delivered.

Notwithstanding paragraph 1 of this Article, subject instruction in schools may also be conducted by teachers who have not graduated from an appropriate teacher education faculty in the language of instruction, provided that they demonstrate proficiency in the standard language of instruction through a special assessment.

The assessment referred to in paragraph 2 of this Article shall be conducted in accordance with a special program adopted by the National Council.

The evaluation shall be carried out by a commission established by an appropriate institution of higher education.

A certificate shall be issued by the institution referred to in paragraph 4 of this Article to any

teacher who successfully passes the assessment.

## **Teaching Quota**

### **Article 79**

Within the forty-hour week, the teachers shall deliver theoretical lessons (teaching quota), as follows:

- In Montenegrin-Serbian, Bosnian, Croatian Language and Literature, Albanian Language and Literature, and Montenegrin as a Second Language - 16 lessons;
- In Mathematics - 16 lessons;
- In other subjects - 18 lessons.

-  
Class teachers shall carry out between 15 and 19 lessons of direct work with pupils within a forty-hour work week, in accordance with the general section of the education programme, and the school's statute shall define the schedule of the remaining working hours within a forty-hour work week.

Professional associates shall conduct at least 30 lessons of direct work with pupils within a forty-hour work week, and the school's statute shall define the schedule of the remaining working hours within a forty-hour work week.

Aside from the teaching quota defined by paragraph 1 of this Article, the teachers shall complete two more lessons of direct work with pupils to improve achievement in mastering the educational program, while the school's statute shall define the schedule of the remaining working hours within a forty-hour week.

## **Educator's Teaching Quota**

### **Article 80**

Educators shall complete 26 lessons of direct work with pupils within a forty-hour work week, and the school's statute shall define the schedule of the remaining working hours within this period.

Within the direct work with pupils referred to in paragraph 1 of this Article, the educator shall complete: 20 lessons in two classes of the first grade and six lessons in the before-school and after-school stay.

## **VII. PENAL PROVISIONS**

### **Penalties**

### **Article 81**

A parent shall be fined between 100 and 1,500 euros for a violation if they fail to enrol their child in school or if the child does not attend classes (Articles 4, 31, 36 and 37).

Even after the imposed fine, the parent still does not enrol their child in school, or their child does not attend classes, the penalties can be repeated.

The school principal shall be fined between 100 and 1,500 euros for a violation if they fail to issue a decision on the annulment of the exam and certificates in accordance with Article 63, paragraph 3 of this Law.

## **VIII. TRANSITIONAL AND FINAL PROVISIONS**

### **Educational Programme**

## **Article 82**

The competent body shall adopt the educational programme in line with this Law by the end of the 2003/2004 school year at the latest.

The application of the educational programmes referred to in paragraph 1 of this Article shall commence in the 2004/2005 school year in schools that meet the staffing, spatial, and other conditions stipulated by the Law.

The Ministry shall regulate the meeting of the conditions referred to in paragraph 2 of this Article.

Existing curricula for primary schools, adopted in accordance with the Law on Primary School (The Official Gazette of the Republic of Montenegro, Nos. 34/91, 56/92, 32/93, and 20/95), shall be implemented in other schools until the conditions are met.

## **Postponement of the Application**

### **Article 82a**

External assessment of pupils at the end of the third cycle in line with Article 56 of this Law shall be carried out starting from the 2010/2011 school year.

## **Educational Programmes**

### **Article 82b**

The educational programme of primary education, in line with this Law, shall be adopted no later than the end of the 2016/2017 school year.

Educational programmes of primary art education in accordance with this Law shall be adopted within a year from the date this Law enters into force.

The Application of the educational programme referred to in paragraph 1 of this Article shall begin from the 2017/2018 school year.

The application of the educational programmes referred to in paragraph 2 of this Article shall commence in the 2018/2019 school year.

## **Number of Pupils in a Class**

### **Article 82c**

The number of pupils in a class defined by the provisions of Article 23 of this Law shall be implemented starting from the first grade of the 2017/2018 school year.

## **Foreign Language**

### **Article 82č**

In the 2017/2018 school year, the seventh-grade pupils shall study the second foreign language four lessons per week, in accordance with this Law.

By the date of entry into force of this Law, the pupils who have not studied English as a first foreign language shall continue to study the foreign language they have studied as a first foreign language.

## **The Study of Chemistry in the Transitional Period**

### **Article 82ć**

Eighth-grade pupils in the 2017/2018 school year shall study chemistry with two lessons per week, in accordance with this Law.

## **Fulfilment of Compulsory Primary Education**

### **Article 83**

Primary education shall be recognised for persons who have completed such education under previous regulations.

## **Subject Teachers with Higher Education Qualifications**

### **Article 84**

Subject teachers who, as of the date this Law enters into force, are employed at the school on a permanent basis but do not possess the educational qualifications provided by this Law, shall continue their employment.

Teachers who hold a higher school qualification or a higher education degree in teacher education may establish permanent employment in the school if there are no teachers with a higher professional qualification or a completed faculty degree in teacher education applying to the public call.

Teachers who, as of the date this Law enters into force, are employed at the school on a permanent basis but do not have the educational qualifications prescribed by Article 76 of this Law, shall continue their employment.

## **Bylaw Regulations**

### **Article 85**

Regulations laid down by this Law shall be adopted no later than one year from the date this Law enters into force.

Until the adoption of the regulations referred to in paragraph 1 of this Article, the regulations that were in effect prior to the entry into force of this Law shall apply, provided they are not in conflict with this Law.

### **By-law**

### **Article 85a**

A by-law for the implementation of the provisions of Article 2b of this Law shall be adopted within 90 days from the date this Law enters into force.

## **Postponement of the Application of Certain Provisions**

### **Article 85b**

The provisions of Article 2b of this Law shall apply starting from the 2021/2022 school year.

## **General Acts**

### **Article 86**

Schools are obliged to align their work, organisation, and general acts with this Law within one year from the date this Law enters into force.

## **Regulations that Cease to be Valid**

### **Article 87**

The Law on Primary School ("Official Gazette of the Republic of Montenegro", Nos. 34/91, 56/92, 32/93, and 20/95) shall cease to apply at the end of the school year in which pupils complete primary education under the previous curricula.

## **Termination**

### **Article 87a**

Upon the entry into force of this Law, Article 23 of the Law on Amendments to the Law Prescribing Fines for Misdemeanours ("Official Gazette of Montenegro", No. 40/11) shall cease to be valid.

## **Entry into force**

### **Article 88**

This Law shall enter into force on the eighth day from the date it is published in "The Official Gazette of the Republic of Montenegro", and shall be implemented in schools working under the educational programmes adopted in line with this Law.