

GENERAL LAW ON EDUCATION

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I GENERAL PROVISIONS

Contents of the Law

Article 1

This Law shall regulate the organisation and conditions for providing educational work in the areas of preschool education, primary education, general secondary education, vocational education, education of persons with special education needs and adult education.

Aims

Article 2

The aim of education is to:

- 1) Provide opportunities for a comprehensive development of an individual, regardless of their sex, age, disability, social and cultural background, national and religious affiliations and physical and psychological fitness/conditions;
- 2) Meet the needs, interests, wishes and ambitions of individuals for lifelong learning;
- 3) Enable achieving an internationally comparable level of knowledge, skills and competences;
- 4) Develop awareness of the need and capacity for preserving and improving human rights, the rule of law, the natural and social environment, multi-ethnicity and diversity;
- 5) Develop awareness of state affiliation to the Republic of Montenegro (hereinafter, the Republic) and its culture, tradition and history;
- 6) Enable the inclusion and participation at all levels of work and activity of individuals, in line with their capacities;
- 7) Develop awareness of the national affiliation, culture, history and tradition;
- 8) Contribute to achieving Montenegro's strategic objectives.

Acquisition of Education

Article 3

Education shall be provided in preschool institutions, schools, educational centres, resource centres, adult education providers and in the pupil dormitory (hereinafter: the institution) in accordance with this Law, and in the manner and under the conditions stipulated by a special law.

The institution referred to in Article 1 of this Law shall be established 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 or an institution that has been granted a concession to implement a publicly valid educational programme (hereinafter: the public educational institution), education shall be secular.

Religious activities shall not be permitted in institutions for public education, except for institutions licensed as secondary religious schools.

Article 5a

Secondary religious schools implementing publicly valid educational programmes shall have the status of secondary schools.

Public documents (diplomas) issued by the institutions referred to in paragraph 1 of this Article shall be publicly valid and shall be recognised for further education.

Institution's Autonomy
Article 6

The institution shall be autonomous in performing its activity, in accordance with the law.

Political (partisan) organising in the institution, and use of the institution's premises for such purposes shall be prohibited.

Non-Profitability
Article 7

Activities of a public institution shall be non-profitable.

Availability
Article 8

Distribution of the institutions on the Republic's territory shall enable equal availability in the acquisition of education to the citizens.

Equality
Article 9

Montenegrin citizens shall be equal in the exercise of the right to education, regardless of their national affiliation, race, sex, language, religion, social background, disability or other personal trait.

Foreign citizens who have been granted temporary or permanent residence in Montenegro, as well as foreigners seeking international protection, persons granted international or temporary protection, and stateless persons shall be equal in exercising the right to education with Montenegrin citizens in accordance with a special law.

Citizens of the member states of the European Union, European Economic Area and the Swiss Confederation, as well as members of their families, shall be equal in exercising the right to education with Montenegrin citizens.

For persons referred to in paragraphs 2 and 3 of this Article who commence or continue their education in Montenegro and who lack or have an insufficient knowledge of the language of instruction, the institution shall provide preparatory (supplementary) instruction for a period not exceeding one year, in accordance with a special program adopted by the National Council.

Prohibition of Violence and Discrimination

Article 9a

The institution shall prohibit: physical, psychological and social violence; abuse and neglect of children and pupils; personal injury, as well as sexual abuse of children, pupils or employees.

In the institution, every form of violence, abuse and neglect referred to in paragraph 1 of this Article by a child, their parent or other person, as well as a teacher and other employee in the institution against a child, or student, teacher, or other employee in the institution shall be prohibited.

The institution shall initiate the appropriate proceedings against the persons who commit violence, abuse and neglect referred to in paragraph 1 of this Article, in accordance with the law.

Every form of discrimination shall be prohibited in the institution, in accordance with the law.

The institution shall implement preventative measures for the prevention of violence, abuse and neglect referred to in paragraph 1 of this Article.

The contents and manner of implementation of preventative measures referred to in paragraph 5 of this Article shall be stipulated by the state administration body in charge of educational affairs (hereinafter: the Ministry).

School Mediation

Article 9b

In the institution, mediators may be hired in the procedure of conflict resolution between children, parents, adoptive parents or guardians (hereinafter: the parent) and employees, in accordance with the law.

Provision of Educational Work

Article 10

Educational work in the institution shall be conducted by: teachers, educators, professional associates, teaching assistants and other performers of educational work, in accordance with the law. (hereinafter: the teachers)

Use of Language

Article 11

Teaching in the institution shall be conducted in the official language - Montenegrin.

Teaching in the institution shall be conducted in languages in official use as well:

- Taking into account the same linguistic basis - in the Serbian language;
- Respecting the rights of minority peoples - in Bosnian, Albanian and Croatian;

The Ministry shall regulate the unified teaching process in a detailed manner.

The instruction for people using sign language, or a special script or other technical means, shall be conducted in a sign language and using aids of that language.

Foreign Language Teaching

Article 12

Teaching in the institution may be conducted in a foreign language as well, for educational programmes for which the institution is licensed, with the Ministry's consent.

Notwithstanding paragraph 1 of this Article, the instruction in the institution may be conducted in some or all subjects for educational programmes for which the institution is licensed, with the opinion of the Bureau for Education Services and the Centre for Vocational Education (hereinafter: The Centre).

Textbooks

Article 13

In institutions implementing publicly valid educational programs, textbooks and digital textbooks (hereinafter: textbooks), and teaching aids and digital educational contents (hereinafter: teaching aids), shall be used, provided they are approved in accordance with this Law.

Private institutions shall use the textbooks referred to in paragraph 1 of this Article only for mandatory subjects defined by the educational programme or the law.

If there are no textbooks approved in accordance with this Law, textbooks defined by the subject programme may be used in the institution referred to in paragraph 1 of this Article in exceptional cases.

The procedure of procurement, evaluation, approval and preparation of textbooks and teaching aids shall be conducted in line with the Ministry's regulations.

The procedure for the development, placement, and management of digital educational content on the self-study platform shall be prescribed by the Ministry.

Public Documents

Article 14

The institution implementing publicly valid educational programmes shall issue public documents, in line with this Law.

Healthcare

Article 15

The institution shall cooperate with health institutions in the implementation of healthcare of children or students, especially while conducting the mandatory medical examinations, regular physical examination and vaccination.

Teachers, the director, or the deputy director in the institution and other employees working directly with children or students must undergo a medical examination at least once a year, in line with the law.

Expenses for the medical examination referred to in paragraph 2 of this Article shall be covered by the institution.

Disposition of Property
Article 15a
- is no longer in force -

Supervision
Article 16

The Ministry shall conduct the supervision over the implementation of the provisions of this Law, in accordance with the law.

The competent educational inspection shall carry out inspection supervision over the institutions' operation.

The Assurance, Assessment, and Enhancement of Quality
Article 17

The assurance, assessment, and enhancement of the quality of educational work shall be performed through self-evaluation and evaluation.

The institution shall conduct self-evaluation, as follows:

- 1) annually – in two areas at least, one of them being teaching and learning;
- 2) biannually – in its entirety.

The institutions shall adopt the plan for the assurance and enhancement of the quality of educational work once every two years, following the self-evaluation in all areas.

The Centre and the Bureau for Education Services shall conduct the evaluation of the quality of educational work.

The assurance, assessment, and enhancement of the quality of educational work will be undertaken in line with the methodology adopted by the National Council for Education (hereinafter: the Council), at the proposal of the Bureau for Education Services, or Centre.

Career Guidance
Article 17a

Career guidance involves the process, services, and activities aimed at providing support to an individual, of any age or in any part of their life, in making decisions regarding education, training and choice of profession, as well as managing their career.

Career guidance shall be conducted by the institution together with the Ministry and the Employment Agency of Montenegro.

Within a separate organisational unit, the Ministry shall perform activities related to the development and enhancement of career guidance.

Definitions

Article 18

Specific terms in this Law shall have the following meaning:

- 1) “Preschool institutions“ are: kindergarten, nurseries and other preschool education institutions organised in line with the special law;
- 2) “School” includes a primary school, high school and vocational school;
- 3) “School for art education” means a school where primary or secondary education is provided;
- 4) “School for higher vocational education” includes a school where higher vocational education is conducted;
- 5) “Educational centre” is an institution where multiple different educational programmes at multiple levels of education are implemented;
- 6) “Resource centre” is an institution where the education of children with special educational needs (with developmental disabilities) is provided;
- 6a) “Adult education provider” is an institution where adult education is conducted in line with a special law;
- 7) “Pupil dormitory” is an institution providing accommodation, meals and education for students;
- 8) “Network of institutions” is the act of the Government of the Republic (hereinafter: The Government), which defines the type, activity and distribution of public institutions;
- 9) “Teaching year” is a period when regular teaching activities are conducted;
- 10) “School year” is a period when regular teaching, along with other forms of educational work, takes place;
- 11) “Educational programme” is a programme based on which education is carried out, with the end of which the level of education and professional qualification is acquired, in line with the law;
- 12) “Publicly valid educational programme” is an educational programme adopted or approved by a competent body;
- 13) “Student” is a person who acquires education in a school;
- 14) “Participant” is an adult person acquiring education at the education provider;
- 15) “Social partners” are the Chamber of Economy of Montenegro, employers’ associations, and trade unions;
- 16) “Catalogue of subject knowledge” specifies the objectives, content, and learning outcomes for the subject;
- 17) “Exam catalogues” define knowledge standards, or learning outcomes which are tested and graded on exams at the end of a level of education (practical, final, matura, professional qualification and diploma), or knowledge assessment of primary school students at the end of an educational cycle, measures, assessment criteria and other matters;
- 18) “Knowledge standard of a student or a participant” is a level of knowledge, skills and competencies in a specific subject, area or module that a student or a participant should possess;
- 19) “Standard of competencies for teachers and directors” is a necessary level of knowledge, skills and competencies for performing duties and for their professional development, which is determined in the process of self-evaluation and evaluation;

20) “Textbook” is a basic teaching aid and knowledge source for meeting educational aims defined by the subject programme;

21) “Teaching aid” is a didactically shaped content enabling the student to acquire comprehensive knowledge and development of skills;

22) “Digital textbook” is a textbook in an electronic form;

23) “Digital educational content” is content presented in a digital form which may be used in teaching (learning);

24) “Violence and abuse” is any form of single or repeated verbal or non-verbal behaviour that results in, or has the potential to result in, actual or potential endangerment of the health, development, or dignity of a child, student, teacher, or other employee;

25) “Other educational aid” is a didactic content that enables the pupil to acquire supplementary knowledge and skills (colouring books, magazines);

26) “Self-learning platform” is an online space enabling the users (students, teachers, parents) to access the educational content and courses, through which they can independently study and track their progress.

Use of Gender-Sensitive Language

Article 18a

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

II EDUCATIONAL PROGRAMMES

Educational Programmes

Article 19

Education shall be implemented based on an educational programme (curriculum).

Public Importance of Educational Programme

Article 20

Educational programme shall become publicly valid when it is adopted by the Ministry, or by a competent body.

Contents of the Educational Programme

Article 21

The educational programme shall consist of a general and specific section.

The general section shall include:

- 1) Name of the programme;
- 2) Level of education;
- 3) Teaching plan (subjects and modules and their representation and schedule, number of classes and number of credit points for specific subjects and modules, as well as a total number of classes for all forms of instruction);
- 4) Objectives of the educational programme;
- 5) Enrolment conditions, i.e. conditions for the programme inclusion;
- 6) Duration of education (including credit evaluation);

- 7) Mandatory manners of the assessment and grading of students;
- 8) Conditions for advancing in and the end of education;
- 9) Level of education, or the acquired professional qualification;
- 10) Conditions for completing specific parts of the programmes, or programme modules.

A specific part shall include:

- 1) Subject programmes, i.e. catalogues of subject knowledge (with subject objectives, contents, knowledge standards and learning outcomes, division of classes into groups, teaching aid, indicative list of literature, material conditions for carrying out of teaching, cross-curricular topics and interconnection of subjects);
- 2) Exam catalogues;
- 3) Manner of programme adaptation to the students with special educational needs;
- 4) Manner of programme adaptation to adult education;
- 5) Manner of implementing the educational programme (for programmes in vocational education, the specific section shall include the scope and content of practical education that is conducted at the employer);
- 6) Other matters relevant to the implementation of the educational programme.

Adoption of the Publicly Valid Educational Programme

Article 22

The publicly valid educational programme shall be adopted by the Ministry, on the proposal of the National Council.

The general section of the publicly valid educational programme shall be defined by the Ministry, at the proposal of the National Council.

The specific section of the publicly valid educational programme for Preschool education, primary education, general secondary education, vocational education, adult education and education in the student dormitories shall be defined by the National Council.

The Ministry cannot change the specific section of the publicly valid educational programmes defined by the National Council.

The Ministry may return the defined specific section of the publicly valid educational programme to the National Council for reconsideration and redefinition.

Adoption of the Private Institution's Educational Programme

Article 23

The contents and procedure for adopting the educational programme of a private institution shall be defined by the act on the establishment of the institution.

The educational programme referred to in paragraph 1 of this Article shall become a publicly valid educational programme when the National Council determines that it complies with the publicly valid programme for a specific area of education.

Criteria for validity and equal value of a public institution's educational programme with the publicly valid educational programme shall be adopted by the National Council, on the proposal of the Bureau for Education Services, or the Centre.

Recognised Educational Programmes

Article 24

The educational programme implemented by a private institution shall obtain public validity, in accordance with special pedagogical principles, when the competent body determines that an appropriate international association has recognised it and that it ensures a minimum level of knowledge, ensuring a successful completion of education.

Publishing of the Programme

Article 25

As a rule, the Ministry shall publish publicly valid educational programmes three months prior to the beginning of their application.

The institutions where the programmes referred to in paragraph 1 of this Article are implemented shall publish information on educational programmes with explanations and instructions for application.

Experimental Assessment

Article 26

As a rule, prior to their application, new publicly valid educational programmes and new textbooks shall be experimentally assessed (the pilot programme).

On the proposal of the Bureau for Education Services and the Centre, the Ministry shall select the institution where the experimental programme is to be carried out.

The institution referred to in paragraph 2 of this Article may deviate from the established organisation of the educational work, manner of grading, formation of classes and the like, following the Ministry's consent.

Providers

Article 27

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

Primary schools shall provide primary education, in line with the law.

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

Schools for primary and secondary art education shall provide art education, in line with the Law.

General secondary schools shall provide general secondary education, in line with the Law.

Vocational schools, or vocational schools, in cooperation with employers, shall provide vocational education, in line with the Law.

Higher vocational schools shall provide higher vocational education, in line with the Law.

Vocational schools may provide general secondary education as well (composite secondary schools).

Educational centres may provide multiple educational programmes at multiple levels of education.

Preschool institutions, schools and resource centres provide education for children with special educational needs, in line with the law.

Schools and other education providers shall carry out adult education in line with the law.

Pupil dormitories shall ensure accommodation, meals, and education for students who are educated outside of their place of residence.

III NATIONAL COUNCIL

Council Article 28

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Establishment of the National Council

Article 29

The Government shall establish the National Council to decide on professional issues and provide professional aid in the decision-making process and preparation of regulations in the field of education.

The National Council shall be appointed for a four-year period.

The National Council shall adopt a decision by a majority vote of the total number of its members. Funds for the operation of the National Council shall be provided from the budget of Montenegro.

Members of the National Council shall have the right to remuneration, in accordance with the decision on the establishment.

The National Council's Act on the Establishment shall define a detailed composition, number of members, manner of work and decision-making, as well as other matters relevant to the work of the Council.

Working Parties of the National Council

Article 30

The National Council shall form permanent or temporary working parties for considering the issues within its competence.

Permanent working parties shall be the:

- 1) Committee for General Education;
- 2) Committee for Vocational Education;
- 3) Committee for Adult Education.

Temporary working parties shall be: commissions, expert groups and other working parties.

The Ministry shall perform administrative and technical work for the National Council.

Notwithstanding paragraph 4 of this Article, administrative and technical work referring to vocational education and adult education shall be performed by the Centre.

The act on the establishment of working bodies referred to in paragraphs 2 and 3 shall define activities and duties, composition and manner of their work.

Rules of Procedure

Article 31

The Rules of Procedure shall regulate the organisation and manner of operation of the National Council in a detailed manner.

Composition of the National Council

Article 31a

Members of the National Council shall be nominated as follows:

- 1) One third by the Ministry and the Bureau for Education Services from among teachers from the field of preschool education, primary education, general and vocational secondary education, adult education, pupil and student dormitories, and representatives of minority peoples and other minority national communities;
- 2) One third by higher education institutions for teacher education from among teachers holding academic titles and scientific workers;
- 3) One third by a representative employers' association, the Chamber of Economy of Montenegro, Centre for Vocational Education, Employment Office of Montenegro, representative union of education workers, professional associations of teachers and the student parliament.

Competence of the National Council

Article 31b

The National Council:

1) shall adopt the:

- Educational programme for the education of children with special educational needs;
- Educational programme for pupil dormitories,
- Adapted educational programmes for adult education;
- Exam catalogues for the assessment of the national professional qualification;
- Standards for the preparation of textbooks for preschool education, primary education, general and vocational secondary education and education for children with special educational needs;
- Professional training and development programme for school directors;
- Work programme for professional associates;
- Instructions for developing educational programmes;
- Instructions for adapting educational programmes for the acquisition of the level of adult education;
- Standards of competencies for teachers and directors;

2) shall define:

- The specific section of the educational programme for preschool education, primary education, general and vocational secondary education;
- Educational standards of equal value in educational fields (vocations) and in educational programmes of education providers;

- Validity and equal value of private institutions' educational programmes in the fields of preschool education, primary education, general and vocational secondary education, and adult education with adequate publicly valid educational programmes;

3) shall propose:

- The general section of the educational programme for preschool education, primary education, general and vocational secondary education;
- Special programmes for training, reskilling, upskilling, development and specialisation of employed and unemployed persons;
- The standards of school premises, teaching aids and work equipment of the institutions where preschool education, primary education, general and vocational secondary education are provided;
- Profiles of the level of education for teachers for primary education;
- List of mandatory elective subjects for primary and general secondary schools;

4) shall approve:

- Textbooks, teaching aids, or other teaching aids for preschool education, primary education, general and vocational secondary education and education of children with special educational needs;

5) shall give its opinion on:

- General matters of education;
- Compatibility of the educational system with educational systems in developed democratic countries;
- State and development of education;

6) Give instructions on the implementation of adapted educational programmes;

7) Perform other duties in accordance with the law and act on the establishment of the National Council.

Composition of the Council for Primary Education

Article 32

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Composition of the Council for Vocational Education

Article 33

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Composition of the Council for Adult Education

Article 34

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Competence of the Council for General Education
Article 35

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Competence of the Council for Vocational Education
Article 36

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Competence of the Council for Adult Education
Article 37

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IV EXTERNAL QUALITY ASSESSMENT AND ASSURANCE

Bureau for Educational Services
Article 38

The Bureau for Education Services shall assess and assure the quality of education in institutions and perform developmental, advisory, research and professional affairs in the field of: preschool education, primary education, general secondary education, general education in vocational education, education of children with special educational needs, and education in student dormitories.

The Bureau for Education Services is an administrative body.

Centre for Vocational Education
Article 39

Developmental, advisory, research, professional affairs and the assessment and assurance of the quality of educational work in the field of vocational education shall be carried out by the Centre.

The Centre referred to in paragraph 1 of this Article, as a public institution, shall be established by the Government.

The act on the establishment of the Centre shall define: The Centre's bodies, competence, composition, term and other matters relevant to the work of the Centre.

Competence of the Bureau for Education Services
Article 40

In the field of preschool education, primary education, general secondary education, general education in vocational education, education of children with special educational needs and education in student dormitories, the Bureau for Education Services shall:

- 1) Assess the quality of implementing educational standards in institutions, in cooperation with the institution;
- 2) Work on the enhancement of educational work in the institutions, in cooperation with the institution;
- 3) Perform professional tasks of monitoring, analysis and developing the educational system;
- 3a) Assess the quality of implementing grading standards in line with the regulations;
- 4) Prepare professional tasks on the matters decided by the competent body or the Ministry;
- 5) Prepare educational, pedagogical and methodological standards of textbooks and handbooks for secondary general education and general educational subjects in vocational education;
- 6) Performs professional tasks in the preparation of: Educational programmes, catalogues and knowledge standards, norms and standards of teaching aid and equipment;
- 7) Conduct research;
- 8) Perform advisory work;
- 9) Organise professional development of teachers and training of directors;
- 10) Propose measures for the development of specific levels of education, new teaching technologies and their application;
- 11) Monitor experiments;
- 12) Perform other duties, in line with the law and the act on the establishment of the Bureau.

The Ministry shall prescribe standards, forms, and the manner of assuring, assessing and enhancing the quality of educational work, on the council's proposal.

Competence of the Centre

Article 41

In the field of adult education, the Centre shall:

- 1) Carry out professional tasks of monitoring, analysing and developing the educational system;
- 2) Work on improving educational work and assess the quality of implementing the standards of educational work;
- 3) Prepare professional tasks on issues that the competent council and the Ministry decide on;
- 4) Performs professional tasks in the preparation of: Educational programmes, catalogues and knowledge standards, standards of profession, qualification standards, exam catalogues for national vocational qualifications, norms and standards of teaching aid and equipment;
- 5) Conduct research;
- 6) Perform advisory work in institutions in the field of vocational education, adult education and institutions related to education;
- 7) Prepare educational, pedagogical and methodological standards of textbooks and handbooks for vocational subjects in vocational education;
- 8) Prepare professional standards for teaching and education staff;
- 9) Organise professional development of teachers and training of directors;

- 9a) Organise state competitions in skills for students of vocational schools;
- 10) Propose measures for developing and introducing new teaching technologies and their application;
- 11) Monitor experiments;
- 12) perform other duties, in line with the law and the act on the establishment of the centre.

The level of competition, the manner and conditions of organisation, and rules of competition, as well as the contents and form of the awarded diploma, shall be stipulated by the Ministry, on the proposal of the Centre.

Examination Centre

Article 41a

The Examination Centre shall conduct the external assessment of the achieved standard of knowledge and skills of a student or a participant.

The Examination Centre referred to in paragraph 1 of this Article, as a public institution, shall be established by the Government.

Competence of the Examination Centre

Article 41b

The Examination Centre shall:

- 1) prepare the questions, organise and conduct the exams in accordance with the law;
- 2) train the institutions for the preparation of the conduct of external exams;
- 3) advise and provide services for external knowledge assessment;
- 4) research and develop an external assessment of students' and participants' knowledge;
- 5) conduct an international comparability of the quality of the education system;
- 5a) perform international testing;
- 5b) organise students' state competitions;
- 6) perform other duties, in line with the law and the act on the establishment.

The level of competition, the manner and conditions of organisation, and rules of competition, as well as the contents and form of the awarded diploma, shall be stipulated by the Ministry, on the proposal of the Examination Centre.

V EDUCATIONAL INSTITUTIONS

Network of Institutions

Article 42

Public educational institutions shall be established in line with the network of institutions.

The network of institutions shall be adopted by the Government, based on measures and criteria.

Measures and criteria for establishing a network of institutions shall be:

- 1) The number and age of children in a specific area;
- 2) The specificity of the area;
- 3) Developmental characteristics of the area;
- 4) Assurance of equal conditions for the acquisition of education;
- 5) Financial capacities of the Republic.

Establishment

Article 43

A founder of a public institution may be the state, the Capital City or the Historic Royal Capital. (hereinafter: the municipality)

A domestic or foreign legal entity or natural person may establish a private institution.

A general secondary school, as a public institution, can be established by the state, the Capital City or the Historic Royal Capital.

Notwithstanding paragraph 2 of this Article, a foreign legal entity and natural person may establish a primary school solely for education of foreign citizens.

Private and Public Partnership

Article 43a

The institution can be established based on the model of a private-public partnership in education.

The act on the establishment of the institution referred to in paragraph 1 of this Article shall regulate the manner of management and administration of the institution.

Decision-making

Article 44

The act on the establishment and dissolution of the institution shall be adopted by the founder.

The act on the establishment and dissolution of the public institution shall be adopted by the Government or a competent municipal body.

Contents of the Act on Establishment

Article 45

Specifically, the act on the establishment of the institution shall define the:

- 1) The name and seat, or the residence of the founder;
- 2) Name and seat of the institution;
- 3) Activities of the institution;
- 4) Funds for the institution's establishment and commencement of work, and manner of their provision;
- 5) Temporary management and administration bodies;
- 6) Deadline for the adoption of the statute;
- 7) Other matters relevant to the establishment and operation of the institution.

Conditions for Establishment

Article 46

The institution may be established if:

- 1) Has a sufficient number of children, i.e. students;

- 2) The educational programme is adopted or approved in accordance with this Law, or the programme of education is adopted, or the international educational programme is approved;
 - 3) Educational, teaching and other professional staff are ensured, in accordance with a special regulation;
 - 4) Adequate premises, teaching aids, equipment and the like are ensured in line with the norms and standards;
 - 5) Funds for establishment and operation are provided;
 - 6) Hygienic and technical conditions are ensured, in line with special regulations.
- Detailed conditions referred to in paragraph 1, items and 1 and 4, as well as standards for the premises and equipment shall be stipulated by the Ministry, on the proposal of the National Council.

Financial Guarantees

Article 46a

Along with the evidence on meeting the conditions referred to in Article 46 of this Law, the founder of a private institution shall submit the evidence on the paid initial contribution with a three-year maturity on the account of a business bank or the business bank's guarantee that the provided funds are in the amount necessary for the implementation of the educational programme.

The proof of the paid initial contribution or the business bank's guarantee referred to in paragraph 1 of this Article shall be activated if the founder makes a decision on the dissolution or termination of the institution's activities prior to the commencement of students' education based on the educational programme, on the request of the state administration body in charge of budgetary activities.

The initial contribution, or the funds necessary for implementing the educational programme referred to in paragraph 1 of this Article, shall be calculated based on the cost of educating a student for a specific educational programme and the number of students for which the licence is requested.

Notwithstanding paragraph 3 of this Article, the amount of the initial contribution, or means necessary for the implementation of the educational programme for preschool and adult education shall be defined by the Ministry, by a special act based on the cost of educating a child, or a participant for a specific educational programme or programme of education and number of children, or participants for which the license is requested.

Funds referred to in paragraph 2 of this Article shall be used for completing the commenced education of a student.

Branch Institutions

Article 47

The institution may have a branch institution or an educational division.

Organisation of the Branch Institution

Article 48

The decision on the organisation of a branch institution, or an educational division of a private institution, shall be adopted by the founder.

The decision on the organisation of a branch institution, or an educational division of a public institution, shall be adopted by the Ministry.

Institutions for Practical Training

Article 48a

Institutions meeting the necessary staff, pedagogical and material conditions may be organised as institutions for practical training, where the employed teachers of a school are professionally trained, i.e. the pedagogical and methodological practice for the students of the faculty for teacher education is conducted.

The decision on the selection of the institution for practical training shall be adopted by the Ministry, on the proposal of the faculty for teacher education.

Mutual relations between the faculty for teacher education and the institution for practical training shall be regulated by a contract.

Licensing of Institutions

Article 49

The founder of the institution shall submit the request for licensing of the institution to the Ministry, prior to the commencement of work.

The founder shall submit the act on the establishment and evidence on the fulfilment of conditions referred to in paragraphs 46 and 46a of this Law with the request for licensing of the institution.

In accordance with the special law, legal entities and natural persons that organise after-school care shall submit the request for licensing and evidence on fulfilment of conditions prior to the commencement of their work, in accordance with the special law.

The request for licensing shall be submitted even when the institution completes status changes, changes its seat or a facility, develops its branch institution or introduces new educational programmes.

Other Activities of the Institution

Article 49a

The institution that possesses the decision on the license may also carry out other activities that are in the service of education, provided that they do not interfere with the institution's educational activity.

The other activities of the institution referred to in paragraph 1 of this Article may be the provision of services, production, sale and other activities which enhance or contribute to a more rational and better educational work.

The decision on the other activities shall be adopted by the institution's administrative body, with the Ministry's consent.

The decision on the other activities of a public institution shall contain a revenue plan and a plan on the use of generated funds for the enhancement of the educational work of institutions, in line with special regulations governing this area.

Commencement of Work

Article 50

The institution may commence its work when the Ministry determines that the institution meets the conditions for establishment and adopts the decision on licensing.

The decision referred to in paragraph 1 of this Article shall define the type of institution, educational programme, or programme for adult education and the maximum number of students or participants that the institution can enrol.

The license shall be issued for an indefinite period.

Notwithstanding paragraph 3 of this Article, the license for the provider of adult education shall be issued for a period of five years.

An administrative appeal may be initiated against the decision referred to in paragraph 1 of this Article.

The decision on the licensing of the institution shall be published in the “Official Gazette of Montenegro”.

Authorisation to Perform Activities

Article 51

An institution with a seat outside of the Republic may perform the activity in the Republic, based on the Ministry’s authorisation.

Regulations of the Republic shall be applied to the work of institutions referred to in paragraph 1 of this Article.

Registry

Article 52

The Ministry shall keep the registry of licensed institutions.

The manner of registry-keeping referred to in paragraph 1 of this Article and the licensing procedure of the institutions shall be stipulated by the Ministry’s regulation in a detailed manner.

Central Registry

Article 53

After receiving the decision on licensing, the institution shall be entered in the Central Registry of Commercial Entities.

With the entrance in the registry referred to in paragraph 1 of this Article, the institution shall attain the status of a legal entity.

Prohibition of Work

Article 54

When the competent inspection establishes that the institution does not meet the conditions or does not perform the activity in accordance with the law, it shall temporarily ban the institution's work and shall define the time frame within which the institution and its founder must remove the identified shortcomings.

If, within the time frame referred to in paragraph 1 of this Article, the shortcomings are not removed, the Ministry shall prohibit the institution's work with a decision and notify the founder about it.

An administrative appeal may be initiated against the decision referred to in paragraph 2 of this Article.

In case of the prohibition of work referred to in paragraph 2 of this Article, the institution and its founder shall enable the continuation of the commenced education to children, students and participants, in another adequate institution.

Cessation of the Work of the Institution

Article 55

The institution shall cease to work if:

- 1) There is no need for its existence;
- 2) It does not meet the prescribed conditions for the conduct of the activity;
- 3) It does not perform the activity for which it was established.

In the case referred to in paragraph 1, item 1 of this Article, the founder shall announce the cessation of the institution's work at least one year prior to its cessation of work.

The Manner of Cessation of Work

Article 56

The institution may cease to work at once or gradually.

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

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

The founder of the institution that ceases to work at once shall enable the continuation of the commenced educational programme (education) to children, students and participants.

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

Changes of Status

Article 57

The institution may carry out changes of status.

The founder shall adopt the decision on the status change.

Institution's status changes cannot be conducted during the teaching year.

Regulations of this Law governing the establishment and work of the institution shall be applied to the institution's status changes.

Change of the Name and Seat

Article 58

The institution may change its name and seat.

The Ministry shall adopt the decision on the change of the name and seat of the public institution.

The name of a private institution must contain a designation that the institution is private as well.

Protection of the Institution's Name

Article 58a

Organisations (legal entities) not licensed and entered in the Ministry's registry of licensed institutions cannot use the name of the institution referred to in Article 3 of this Law in their name.

The Statute of the Institution

Article 59

The institution shall have a statute.

Specifically, the institution's statute shall have:

- 1) Name and seat of the institution;
- 1a) The institution's activity;
- 2) Legal advocacy and representation;
- 3) Manner and procedure of decision-making of administrative bodies;
- 4) Duties and scope of work of the institution's professional bodies;
- 5) Conditions for the dismissal of the deputy director;
- 6) Organisation and implementation of educational work, or the institution's annual work program;
- 7) The manner of keeping pedagogical, or andragogical records;
- 8) Procedures for the use and safekeeping of the seal and stamp;
- 9) Establishment of cooperation between parents, children, and the institution;
- 10) Manner of adopting acts of the institution;
- 11) Environmental protection;
- 12) Implementation of the institution's public and cultural activities;
- 13) Manner of ensuring transparency of the institution's work;
- 14) Other matters relevant to the work of the institution.

Consent on the Institution's Acts

Article 60

The institution's internal organisation and systematisation of work posts shall be defined by a special institution's act.

The Ministry shall give its consent to the statute and act on the internal organisation and systematisation of work posts of the public institution whose founder is the Republic.

Teaching Timetable

Article 61

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

School Calendar

Article 62

The educational work (teaching year) shall include two semesters.

The start of the school year, schedule of educational work and grading periods within one teaching year shall be defined by the school calendar, which shall be adopted by the Minister in charge of educational affairs (hereinafter: the Minister) at the beginning of a school year.

Duration of a Teaching Year

Article 63

A teaching year shall last at least 180 work days, or 220 work days with practical education, and for the final-year students 165 work days.

If in the duration referred to in paragraph 1 of this Article, the number of classes in specific subjects defined by the educational programmes is not reached, the teaching year shall be prolonged until the defined number of classes is reached, but no more than 10 days.

Suspension of Educational Work

Article 64

Educational work in the institution may be suspended only in exceptionally justified cases (epidemics, natural disasters and other justified instances).

To suspend the institution's work in case of epidemics, it is necessary to obtain the opinion of a competent health institution.

The decision on the suspension of educational work in cases referred to in paragraph 1 of this Article, for the duration of five days shall be adopted by the institution's director, while for more than five days, the Ministry, and for a private institution - the founder.

In the event of suspension of educational work, educational work shall be organised online, as a rule.

During the organisation of educational work referred to in paragraph 4 of this Article, the institution may lend computer equipment for temporary use to students and employees, in accordance with the institution's general act.

The manner of organisation of educational work referred to in paragraph 4 of this Article shall be stipulated by the Ministry.

VI PROVISION OF EDUCATIONAL ACTIVITIES, BASED ON A CONCESSION

Concessionaires

Article 65

For the provision of a publicly valid educational programme, a concession may be awarded to a private institution, domestic or foreign legal entity or natural person meeting the conditions for the provision of education stipulated by the law.

Concession Award

Article 66

If it is not possible to provide preschool education and primary education in public institutions in line with norms and standards, the Ministry shall announce the concession award notice.

Application of a Special Law

Article 67

The provisions of the Law on Concessions shall apply to the provision of educational activities based on the concession, unless a special law defines otherwise.

Contract on Concession

Article 68

-deleted-

Cancellation of Concession

Article 69

-deleted-

Revocation of Concession

Article 70

-deleted-

Due Application

Article 71

The regulations governing the work of public institutions whose founders are the Republic or municipality shall duly apply to the work of a concessionary.

VII ADMINISTRATION OF INSTITUTIONS

School or administrative board

Article 72

The school board shall govern the institution.

Notwithstanding paragraph 1 of this Article, the institution from the field of preschool education, higher vocational education, pupil dormitory, pupil and student dormitory, or the student dormitory and institution for adult education may be governed by an administrative board.

The number of members of a school/administrative board of a public institution may not be less than three, nor more than five.

Composition of the School/Administrative Board

Article 73

The school/administrative board of institutions from the field of preschool education, primary education, general secondary education and education of children with special educational needs shall consist of: One representative of the Ministry, or one representative of the municipality for institutions whose founder is a municipality, one representative of employees and one representative of the parent council.

The school/administrative council of institutions from the field of vocational education, composite secondary schools and educational centres shall consist of: Two representatives of

the Ministry, or two municipal representatives for the institutions whose founder is the municipality, one representative of employees, one representative of social partners and one representative of the parent council.

Notwithstanding paragraph 2 of this Article, the administrative board of the higher vocational school and adult education institutions shall comprise: one representative of the Ministry, or one municipal representative for the institutions whose founder is the municipality, one representative of employees, and one representative of social partners.

The administrative board of the pupil dormitory, student dormitory, pupil and student dormitory shall consist of: One representative of the Ministry, or one municipal representative for the institutions whose founder is the municipality, one representative of employees, and one representative of service users.

The Ministry's representatives shall be appointed and dismissed by the Minister.

The teachers' council or professional council shall elect the representatives of employees by a secret ballot.

The parent council shall elect its representatives by a secret ballot.

Up to three representatives of the student parliament or participants and student representatives may attend the sessions of the school/administrative board.

The manner of appointment and dismissal of members of the administrative board from among the employees in the pupil dormitory, student dormitory, pupil and student dormitory and institutions for adult education shall be defined by the statute of the institution.

The manner of dismissal of members of the school/administrative board from among employees, parents or social partners shall be defined by the statute of the institution.

Provisions of this Article do not refer to private institutions.

Term of Office

Article 74

The school/administrative board shall be formed for a three-year period, provided that the term of the representative of the parent council shall last two years.

The school/administrative board shall be constituted on the first session, convened by the director of the institution.

The procedure for the constitution of the school/administrative board shall be initiated no later than two months before the end of the term of the school/administrative board.

If the school/administrative board of a public institution is not formed within 30 days after the end of the term, on the proposal of the director or a competent inspection, the Minister may form the school/administrative council, but for a period not exceeding six months.

The president and members of the school/administrative council shall carry out other duties within the fields of their competence without remuneration.

Temporary School Board

Article 75

If the school/administrative board of a public institution whose founder is the Republic, or municipality does not convene for longer than three months or does not perform its function, the Minister, on the proposal of the director or a competent inspection, may dismiss the school/administrative board and define a deadline for the constitution of a new board.

If the new school/administrative board is not constituted by the deadline referred to in paragraph 1 of this Article, the Minister may appoint the school/administrative board, but for a period not exceeding six months.

Competence

Article 76

The school or administrative board of an institution shall:

- 1) Adopt the development programme;
- 2) Adopt the annual work plan and report on its implementation;
- 3) Examine programmes and results of extracurricular activities;
- 3a) Adopt the decision of the organisation of the school sport association, or club;
- 4) Adopt the statute, act on internal organisation and systematisation of work posts and other general acts;
- 5) Adopt the annual financial plan;
- 5a) adopt the public procurement plan;
- 5b) adopt the decision on the lease of the school assets in line with the law;
- 6) Adopt the periodical and annual plan;
- 7) Propose the change of the institution's name and seat;
- 8) decide, as the second-instance authority, on the rights of students or service users, in accordance with the law;
- 9) Perform other duties, in accordance with the Law and the statute.

The school/administrative board shall decide by a majority vote of the total number of members, unless the institution's statute provides for a different majority on certain matters.

The members of the school, or administrative board, shall represent the interests and opinions of the bodies that elected them.

VIII MANAGEMENT

Director

Article 77

The director shall manage the institution.

The director of the institution is a pedagogical manager as well.

Conditions for the Appointment of the Director

Article 78

A person may be appointed as the director of a preschool institution who:

- 1) Meets the conditions for an educator or a professional associate (pedagogue, psychologist or special education teacher) in accordance with the Law on Preschool Education;
- 2) Possesses a licence for work in educational institutions;
- 3) Has five years of work experience in teaching.

A person may be appointed as the director of a primary school who:

1) Possess at least VII 1 level of the national qualification framework and meets the conditions for a class teacher or a teacher of mandatory or elective subjects or a professional associate (pedagogue, psychologist or special education teacher) in accordance with the Law on Primary Education;

2) Possesses a licence for work in educational institutions;

3) Has five years of work experience in teaching.

A person may be appointed as the director of a general secondary school who:

1) Meets the condition for a teacher or professional associate (pedagogue, psychologist or special education teacher) in line with the Law on General Secondary Schools;

2) Possesses a licence for work in educational institutions;

3) Has five years of work experience in teaching.

A person may be appointed as the director of a vocational school who:

1) Meets the condition for a teacher or professional associate (pedagogue, psychologist or special education teacher) in line with the Law on Vocational Education;

2) Possesses a licence for work in educational institutions;

3) Has five years of work experience in teaching.

A person may be appointed as the director of a resource centre or education centre who meets the prescribed conditions for the director of a primary school, general secondary school or vocational school.

A person may be appointed as the director of a composite secondary school, who meets the prescribed conditions for the director of a general secondary school or vocational school.

A person may be appointed as the director of a pupil dormitory, student dormitory, pupil and student dormitory, who:

1) Possesses VII 1 level of the national qualification framework;

2) Passed an adequate examination of professional competence;

3) Has five years of work experience.

A person may be appointed as a director of an adult education provider, who:

1) Possesses VI or VII 1 level of the national qualification framework;

2) Has five years of work experience.

A person may be appointed as a director of an institution who, in addition to the conditions referred to in paragraphs 1 to 8 of this Article, also meets one of the following conditions:

1) they are a Montenegrin citizen;

2) they are a citizen of a member state of the European Union, the European Economic Area or the Swiss Confederation.

The Term of the Director

Article 78a

The director of a public institution shall be appointed for a four-year period.

The same person may be appointed as the director of a public institution no more than two times in a row.

The employment of the director of a public institution is dormant in the position at the institution from which they were appointed.

Training of the Director

Article 79

A person appointed as a director shall complete an appropriate form of training and development for the director of the institution.

The Bureau shall organise training and development referred to in paragraph 1 of this Article for Education Services.

Appointment and Dismissal of the Director

Article 80

The director of a public institution shall be appointed on the basis of a public call, the institution's development programme and the results of the assessment of competencies, knowledge and abilities.

The public call for the appointment of the director shall be announced by the school/administrative board three months prior to the expiry of the director's term.

The candidate for the position of a director shall submit the application with a dossier in the form of a certified copy and the public institution's development programme, in a sealed envelope to the institution.

The development programme of the public institution shall be submitted by the candidate for the position of director based on the report on evaluation and self-evaluation of the public institution's educational work.

The private institution's director shall be dismissed by the founder, with the consent of the school/administrative board.

The public institution's director shall be dismissed by the Minister, in accordance with this Law.

The institution shall submit the candidates' applications following the public call for the appointment of the director with the dossier, within seven days from the date of the expiry of the public call.

The Ministry shall examine the candidates' applications and dossiers and shall form a list of candidates meeting the conditions of the public call.

During the procedure of examination of applications, the Ministry shall request from the institution that has issued an imprecise evidence of work experience to complete it.

The Minister shall appoint the candidate ranked first from the list.

Assessment of the Candidate's Competencies

Article 80a

The candidate from the list shall be subjected to the assessment of competencies, knowledge and abilities.

The assessment shall be conducted in the form of a written test and oral interview based on the prescribed criteria.

The assessment shall be conducted by a commission formed by the Minister.

The commission shall consist of: A representative of the Ministry, a representative of the Bureau for Education Services, or the Centre, and one external member from among reputed experts from the field of education, for which the director is being appointed.

The Minister shall select the external member from the list of reputed experts. The list of reputed experts shall be formed based on a public call.

The external member may be a person employed in the educational institution who has at least: VII level of education qualifications and at least seven years of work experience in teaching, out of which, as a rule, at least two years in a managerial position in the field of education.

The detailed manner of the conduct of assessment referred to in paragraph 1 of this Article, the criteria and the manner of evaluation, as well as the manner of forming the list of candidates for the appointment of the director, shall be stipulated by the Ministry.

Acting Director

Article 81

If the duties of the public institution's director are terminated, and the public call does not result in the appointment of a director, or if the director's duties are terminated in accordance with Article 82a, paragraph 1, items 2, 3 and 4 of this Law the Minister shall name the acting director from among the institution's employees meeting the conditions for the director for not longer than six months.

Notwithstanding paragraph 1 of this Article, if in the institution no employees meet the conditions for a director, or there are other objective reasons due to which an acting director cannot be appointed from among the employees, the Minister shall appoint the acting director from among the employees of another institution, who meet the conditions for the appointment of the director.

The same person may be appointed as an acting director of a public institution no more than two consecutive times.

The Minister shall dismiss the acting director.

The employment of the acting director of a public institution shall be suspended in respect of the position from which they were appointed.

The Director's Competence

Article 82

The director of an institution shall:

- 1) Plan, organise and manage the institution's work;
- 2) Organise rational and efficient implementation of the educational programme;
- 3) Ensure equality of students in the exercise of rights to education, in accordance with their abilities;
- 4) Prepare the proposal of the annual work plan and is in charge of its implementation;
- 5) Manage the activities of the teachers' council, or professional council;
- 6) Carry out the selection of teachers, professional associates and other employees in the institution;
- 7) Propose the act on the organisation and systematisation of work posts;
- 8) Perform pedagogical and instructive work;
- 9) Decide on the rights and obligations of employees, in accordance with the law;
- 10) Promote vocational education, and teacher development and propose their promotion;
- 11) Adopt the plan of the quality enhancement of the institution's educational work;

- 12) Represent the institution and be responsible for the institution's legality of work;
- 13) Collaborate with parents and the environment;
- 14) Form commissions for the assessment of students' knowledge during teaching, on the request of students, parents or guardians;
- 15) Perform other duties, in accordance with the law and the statute of the institution;

The director shall form the Commission referred to in paragraph 1, item 14 of this Article within 24 hours from the submission of the request for the assessment of the student's knowledge.

The request for the assessment of the student's knowledge may ask for the exemption of the subject teacher from the Commission.

At least one member who is not employed in the institution must be in the Commission's composition.

The decision of the Commission is final.

The Law on Administrative Procedure shall not apply to the procedure of evaluation, grading and appeal against the grade.

The institution's director shall submit the work plan to the school/administrative board at least once a year.

Termination of Director's Duties

Article 82a

The director's term shall cease:

- 1) When their term expires;
- 2) On a personal request;
- 3) By means of dismissal;
- 4) By meeting the conditions for the termination of employment or by operation of law.

Replacement of the Director

Article 82b

In the event of temporary impossibility, the director of the public institution shall be replaced by the deputy director, and if the institution does not have the deputy director, they shall be replaced by the institution's employee selected by the director.

If the director is not able to select the replacing employees, they shall be selected by the school/administrative board.

Conditions for Dismissal

Article 83

Aside from the cases stipulated by the law, the director of the public institution may be dismissed if:

- 1) They do not implement the development plan of the institution;
- 2) They do not take measures against the employee who does not fulfil work duties, or breaches professional obligation, or abuses their position;
- 3) It is proven that the institution does not implement the annual work plan;
- 4) They do not fulfil work duties, or breach professional obligation;
- 5) They abuse their position;

- 6a) They hire a new employees, without previously transferring a teacher from another institution, by mutual agreement, in accordance with the Article 109 of this Law;
 - 6b) They appoint a teacher or an associate contrary to the law;
 - 7) They hire the non-teaching staff contrary to Article 101c of this Law;
 - 8) It is proved that the prescribed record is not kept;
 - 9) The institution does not provide transparency of work;
 - 10) They do not adopt the decision on the annulment of the exam, in accordance with the law;
 - 11) Does not execute the decision of the inspection body;
 - 12) Due to the exercise of the acts they adopted or they do not implement, a greater damage occurred for the institution, employees and service users;
 - 13) They allow political organisation and action, or religious action in the institution for public education;
-
- 13a) They do not ensure timely and precise entry of data in the Montenegrin Education Information System (MEIS);
 - 13b) The institution receives the grade “Unsatisfactory” in the procedure for the evaluation of the institution's work in the field of teaching quality and institutional management;
 - 13c) They submit incorrect information on the teacher who does not have a prescribed teaching quota, or does not submit the information on the number of classes that have not been assigned to the teachers;
 - 13d) They fail to act upon a final and enforceable court decision;
 - 13e) An indictment is confirmed against them for a criminal offence that renders them unworthy of performing their duties, or if a charge or a private lawsuit is filed, particularly in cases involving criminal offences against sexual freedom;
 - 13f) They do not take prescribed measures and actions towards the teacher or other employee in case of a doubt that they committed a criminal act against sexual freedom at the expense of a student or a teacher, or other employee;
 - 13g) They refuse to undergo a medical examination in accordance with this Law at the request of the administrative bodies;
 - 13h) It is determined that the institution acts against the law, statute or other general acts of the institution, and the director failed to take measures to remedy those irregularities;
 - 13i) They did not take preventative measures for the protection against violence, abuse and neglect in line with this Law; and
 - 13j) They allow the promotion and sale of goods and other services contrary to Article 137, paragraph 4 of this Law;
 - 13k) They do not exercise procedures and rules for the implementation of the preventative programme for combating violence and abuse;
 - 13l) They do not cooperate in the external multidisciplinary team for combating violence in the institution;
 - 14) In other cases stipulated by the law and the statute of the institution.

Employment Rights

Article 84

The director of the public institution who, following the expiry of the second term for which they were appointed, is not reappointed, shall be assigned to a position corresponding to their professional qualifications, and if no such position exists, shall exercise the rights of an employee whose services are no longer required, in accordance with the law.

The right referred to in paragraph 1 of this Article shall also be exercised by a deputy director who, following the expiry of their term, is not reappointed.

The director or the deputy director of a public institution who is dismissed in accordance with this Law may be assigned to the position corresponding to their level of education, and if such a position does not exist, their employment is terminated.

Deputy Director

Article 85

A public institution with more than 450 students or children and operating in two or more shifts may have a deputy director.

A public institution which has more than 900 students or children may have a deputy director.

The deputy director of an institution shall assist the director in organising educational work.

The deputy director's activities and duties shall be defined by the statute of the institution in a detailed manner.

Conditions for the Appointment of the Deputy Director

Article 86

A person meeting the conditions for the position of the director may be appointed as a deputy director of the institution.

The director shall appoint and dismiss the deputy director.

The deputy director shall be appointed for a four-year period.

The same person may be appointed as the deputy director of a public institution no more than two consecutive times.

The employment of the deputy director of a public institution shall be dormant in respect of the position from which they were appointed.

Assessment of the Work Capacity of the Director and Deputy Director

Article 86a

In cases of reasonable doubt that the health of the director or deputy director has been sufficiently compromised to reduce their work capacity significantly, the school/administrative board shall decide to refer the director or deputy director for a work capacity assessment in accordance with the Law, by a two-thirds majority vote.

IX PROFESSIONAL BODIES

Types of Professional Bodies

Article 87

The following professional bodies shall be formed in the institution: Teachers' council, class council, teacher's professional committee, class teachers and other bodies provided for by the institution's statute.

Notwithstanding paragraph 1 of this Article, the following professional bodies shall be formed in the institution for preschool education or pupil dormitory: The professional council, the professional committee, and other bodies stipulated by the institution's statute.

Separate teachers' councils shall be formed for the vocational and general secondary schools, each within the composite secondary school.

Teachers' councils or professional councils shall be formed according to levels in the educational centre.

Composition of Professional Bodies

Article 88

The teachers' council shall consist of teachers, educators, the director, deputy director and professional associates.

The class council shall consist of teachers, educators and professional associates participating in the conduct of educational work in a class.

The teachers' professional committee shall include the teachers of the same subject, or two or more related subjects.

Professional council shall consist of the director, the deputy director, educators, associate educators, special education educators, professional associates and others.

The professional committee in a preschool institution shall include, as a rule, educators, special education educators, associate educators and associates for the education groups of children of approximately the same age participating in the implementation of certain programmes.

Competences of the Teachers' Council or Professional Council

Article 89

The teachers' council or professional council of the institution shall:

- 1) Appoint representatives of employees in the school/administrative board;
- 2) Determine the final grade at the end of the teaching year, in accordance with the law;
- 3) Examine and adopt decisions on professional matters related to the educational work;
- 4) Propose adoption of non-standard programmes and activities;
- 5) Deliver its opinion on the institution's annual work plan;
- 5a) Adopt the programme for the organisation of the school trip;
- 6) Deliver its opinion on the modernisation of educational work;
- 7) Deliver its opinion on the forms of professional development of teachers and their promotion;
- 8) Decide on the educational measures within its competence;
- 9) Perform other tasks, in accordance with the law and the statute of the institution.

Class Council

Article 90

The class council shall examine educational work in a class, establish the work schedule with gifted students and students who progress with difficulty, determine final grades at the end of the grading periods, decide on educational measures and perform other tasks in accordance with the law and the statute of the institution.

Professional Committee

Article 91

The professional committee shall examine educational work according to subjects or educational groups, give proposals for the enhancement of educational work, consider parents' objections and perform other duties in accordance with the law and the statute of the institution.

Class Teacher

Article 92

The class teacher shall analyse educational and teaching results of the class, attend to the resolution of educational and teaching issues of individual students, cooperate with parents, issue warnings and propose other educational measures, perform other tasks in accordance with the law and the statute.

The class teacher shall notify the student of the grade determined by the class council within 24 hours from the grade determination.

The class teacher shall be selected by the teachers' council, on the director's proposal.

Competence

Article 93

The competence and manner of work of professional bodies shall be defined by the statute of the institution in a detailed manner.

X PARENT COUNCIL

Parent Council

Article 94

The parent council shall be formed in the institution for organised meeting of parents' interests.

The council referred to in paragraph 1 of this Article shall consist of parents of children from different educational groups, or parents of students from various grades, who are selected at a parent-teacher meeting in the manner and according to the procedure defined by the statute of the institution.

Competence of the Parent Council

Article 95

The parent council shall:

- 1) Elect representatives of the parent council in the school/administrative council;
- 2) Deliver its opinion on the proposal of the institution's annual work plan;

- 3) Examine the report on the work of the institution;
- 3a) Participate in the process of proposing elective subjects;
- 3b) Deliver its opinion on the programme for organisation of the school trip;
- 3c) Examine internal and external reports on the quality assurance of the institution's educational work;
- 4) Consider complaints of parents and students concerning educational work;
- 5) Perform other duties, in accordance with the law and the statute of the institution.

The manner of the parent council's work shall be defined by the statute of the institution in a detailed manner.

XI RIGHTS AND RESPONSIBILITIES OF STUDENTS

Student Community

Article 96

The students of one school class shall form a class community.

Student representatives from all classes of a school shall form the student parliament.

The powers and manner of work of the student parliament shall be defined by the statute of the institution in a detailed manner.

Students' Rights

Article 97

The school shall guarantee the following rights to the student:

- 1) to receive an instruction containing students' rights and obligations at the beginning of a school year;
- 2) To a quality educational work (teaching);
- 3) To express their opinion on the teacher's work;
- 4) To request the assessment of their knowledge before a commission during the school year;
- 5) To submit an appeal to the grade at the end of a grading period, teaching year or on the exam;
- 5a) To participate in competitions in subjects, or areas and skills;
- 5b) To participate in competitions in skills within vocational education;
- 6) To participate in creating the instruction containing their rights and responsibilities;
- 7) To provide timely and complete information on their rights and responsibilities;
- 8) To protect against all types of school violence, discrimination, abuse and neglect;
- 9) To be absent from school, with the parent's or guardian's prior notice, for a period of five workdays during the teaching year;
- 10) To participate in creating the content of vocational school trips and other forms of educational work;
- 10a) To support and assist in mastering the educational programme, and especially in overcoming linguistic, cultural, psychological, social and other barriers;
- 11) To other rights defined by the statute of the institution.

Within the procedure of self-evaluation, the school shall conduct an anonymous student survey on educational programmes, teachers' work and work conditions, in all grades, except for the students of the first school cycle, at least once a year.

The school director shall inform the teachers' council on the results of the survey referred to in paragraph 2 of this Article.

The survey referred to in paragraph 2 of this Article for all institutions shall be prepared by the Bureau for Education Services or the Centre.

The representatives of the student parliament shall have the right to participate in the work of professional school bodies when discussing the issues of interest for students (student welfare, free activities, and the like).

Appeal to a Final Grade

Article 97a

A student, or their parent, has the right to submit an appeal to the final grade at the end of the semester, teaching or school year, in a subject or conduct, as well as the grade received on a make-up, grade-level, or annual exam.

The appeal shall be submitted within two days from the receipt of the report card, or notice of achievement.

Following the appeal to the grade, the teacher's council shall form a three-member commission which shall determine whether the grade was inferred contrary to the regulations, or review and regrade the written or other type of exam, or orally examine the student in accordance with the request emphasised in the appeal.

Notwithstanding paragraph 3 of this Article, in cases when the appeal is submitted for the grade received on a make-up, grade-level, or annual exam, the teachers' council shall form a commission to determine the validity of the appeal, within three days from the receipt of the appeal.

If the commission referred to in paragraph 4 of this Article determines that the appeal is valid, the procedure of knowledge assessment shall be conducted pursuant to paragraphs 6 to 9 of this Article.

The appeal to the make-up, grade-level or annual exam may request the exemption of the subject teacher from the board, if the appeal is deemed valid.

The commission referred to in paragraph 3 of this Article must include at least one member who is not employed in that institution.

The commission's grade is final.

Administrative appeal cannot be initiated against the commission's final grade.

Student's Responsibilities

Article 98

A student shall have a responsibility to:

- 1) Work on the acquisition of knowledge and general culture in a regular, diligent and conscientious manner;
- 2) abide by the school regulations, instructions and decisions of the teachers, director and school bodies;
- 3) Attend the classes regularly;
- 4) justify their absence in a timely manner;
- 5) Not disrupt the teaching process and work in the class during the lesson;

- 6) Not leave the class for the duration of the lesson, without previously receiving the teacher's consent;
- 7) Treat teachers in a respectful manner;
- 8) Respect the differences, cultural, national and linguistic heritage of other students and foster friendly and humane relationships;
- 9) Protect the school's property;
- 10) Tend to the cleanliness and aesthetic appearance of the school premises;
- 11) Participate in school supervision duties;
- 12) Respects the rules of conduct of the school or dormitory;
- 13) Other responsibilities defined by the statute of the school.

Liability for the Damage Caused

Article 98a

The student, or the parent, shall be liable for the damage caused by the student in the institution.

The procedure for determining the student's liability and the manner of damage compensation shall be defined by the statute of the institution in a detailed manner.

Rights and Responsibilities of Parents

Article 98b

The parent shall:

- 1) have the right to be regularly notified of the child's or student's achievements;
- 2) be responsible for the students' regular attendance of classes;
- 3) at the institution's invitation, actively participate in all forms of educational work, and especially in the implementation of the plan of enhanced educational measures;
- 4) respect the rules on functioning of the institution (house order and alike), and especially regarding the prohibition of any form of verbal and physical violence in the institution.

If the parent frequently disregards the responsibilities referred to in paragraph 1, items 2, 3 and 4 of this Article, the institution shall notify the Ministry, a competent body, or a competent institution of social and child protection thereof.

XII TEACHERS

The Teacher's Autonomy

Article 99

Teachers shall have the professional freedom in the manner of organisation of instruction, application of teaching methods, in the selection of the form of work with students, as well as in the selection of questions and tasks posed to the students within a specific educational programme.

Temporary Prohibition of Teaching

Article 99a

The director of the institution may temporarily prohibit a teacher, against whom proceedings have been initiated for a criminal offence against sexual freedom, from conducting educational work.

As a rule, the director of the institution shall temporarily prohibit the conduct of educational work to the teacher against whom a complaint for sexual harassment of a student, or other employee, was submitted, until the end of the proceedings based on the complaint.

For the duration of the temporary prohibition of conducting educational work referred to in paragraph 1 of this Article, the teacher shall perform other duties in line with their qualification and shall receive the same wage that they received prior to the temporary prohibition of work.

Professional Associations of Teachers

Article 99b

Teachers may interconnect into professional association of teachers.

Professional associations of teachers may provide their opinion and proposals for the enhancement of educational work, educational programmes, strategic documents and regulations from the field of education, and perform other activities in accordance with the statute.

Professional associations of teachers established in accordance with the law shall adopt the Code of Ethics for Teachers.

Regulations on non-governmental organisations shall duly apply to the establishment, organisation, enrolment, entry in and deletion from the registry, status, management, financing and other matters relevant to the work of the professional association of teachers.

Prohibition of Teaching

Article 100

A teacher who has been convicted by a final court judgement for a criminal offence against sexual freedom cannot perform educational activities.

Employment Conditions

Article 100a

A teacher may take up employment who, aside from general conditions stipulated by the Law on Labour, has:

- 1) an adequate level of education and field (profile) of education defined by a special regulation;
- 2) Montenegrin citizenship;
- 3) passed an examination of professional competence for work in educational institutions, or a work licence, unless otherwise provided by this Law.

Notwithstanding paragraph 1, item 1 of this Article, an educator in the pupil dormitory, or pupil and student dormitory, must hold at least a level VI qualification in education, with a completed study programme for education of teachers.

Notwithstanding paragraph 1, item 3 of this Article, a teacher conducting teaching at a licensed adult education provider, in line with the educational programmes after which one may acquire a professional qualification that may be recognised in the procedure of acquisition

of educational level, in accordance with a special regulation, and a foreign national teacher employed in a private institution implementing an international education programme in a foreign language may take up employment without a passed examination of professional competence.

A foreign citizen with an approved residence in Montenegro may take up employment as a teacher, under the conditions defined by a special law.

Notwithstanding paragraph 4 of this Article, a citizen of a member state of the European Union, European Economic Area, the Swiss Confederation, as well as a foreigner with an approved residence, may take up employment as a teacher in public institutions under the same conditions as a Montenegrin citizen, if they have a sufficient knowledge of the language and script used for instruction to be able to teach effectively.

The language proficiency exam referred to in paragraph 5 of this Article shall be conducted by a commission formed by an appropriate higher education institution, in line with a special programme adopted by the National Council.

A person who has obtained the appropriate education abroad may perform the duties of a teacher, provided that the recognition of the document and the equivalence of the foreign qualification with the corresponding qualification level of education in Montenegro has been carried out, in accordance with a special law.

Employment of Teachers

Article 101

The teacher in a public institution shall be employed based on a public call, in accordance with the law.

The public call referred to in paragraph 1 of this Article shall be announced by the institution's director and shall last 15 days.

Teachers in institutions, or special departments of institutions providing instruction in the language of minority peoples and other minority national communities, shall, in addition to the requirements prescribed by law, be required to have proficiency in the language and script of that minority as well as in the Montenegrin language.

The language proficiency exam referred to in paragraph 3 of this Article shall be conducted by a commission formed by an appropriate higher education institution, in line with a special programme adopted by the National Council.

To the teacher who has successfully completed the language proficiency exam, the institution referred to in paragraph 4 of this Article shall issue a certificate.

The director of the institution shall make a decision on the teacher's employment, at the Commission's proposal, within 15 days from the expiration of the application deadline.

The Commission referred to in paragraph 6 of this Article shall be appointed by the director of the institution, under the institution's statute. The Commission referred to in paragraph 6 of this Article shall create a ranking list of the candidates based on the following criteria: average grade, or grade point average during studies, length of study, position of the university on an internationally recognised university ranking list, and interview score.

The director shall choose the candidate who is ranked first on the ranking list.

A special condition for the employment of a teacher shall be the probationary period.

A teacher who fails to meet the required standards during the probationary period shall have their employment terminated at the end of the period specified in the probationary employment contract.

The Ministry shall prescribe the method of scoring the criteria referred to in paragraph 8 of this Article, the creation of the candidate ranking list, as well as the duration, method of implementation, and evaluation of the results of the probationary period.

Public Call Announcement

Article 101a

A public institution may announce a public call for the employment of teachers if:

- 1) There is no possibility for transferring a teacher from another public institution from the list of permanent employees, in accordance with this Law;
- 2) There is an authorised budget post;
- 3) It possesses the Ministry's evidence on provided funds, except in cases when the vacancy is filled due to a temporary incapacity for work of the absent teacher, in line with the regulations governing compulsory health insurance.

The list referred to in item 1 of this Article and the allocation of teachers shall be defined by the Ministry, by September 5 of the current year, for the school year, based on the report of public institutions.

The report referred to in paragraph 2 of this Article shall not include classes that are assigned based on the agreement on the transfer of a teacher.

Employment of Temporary Teachers

Article 101b

A teacher may be employed without the announcement of the public call, for a thirty-day period, if the event of:

- 1) Substituting a temporarily absent teacher;
- 2) A temporary increased workload;
- 3) Work on a particular project.

The teacher referred to in paragraph 1 of this Article may be employed as a teacher for no longer than the end of the school year if no candidate meeting the conditions specified in this Law has applied to the public call.

Employment of the Non-teaching Staff

Article 101c

A public institution may announce the filling of vacancies for the employment of non-teaching staff, if:

- 1) There is no possibility for transferring a teacher from another public institution from the list of permanent employees, in accordance with this Law;
- 2) Has an authorised budget post;
- 3) It possesses the Ministry's evidence on provided funds, except in cases when the vacancy is filled due to a temporary incapacity for work of the absent teacher, in line with the regulations governing compulsory health insurance.

Transformation of the Contract

Article 101d

The teacher's employment contract may be transformed into an employment contract of indefinite duration if the teacher meets the prescribed general and special conditions in line with the Law, and if they have at least half of the teaching quota for a specific subject.

Recognition of International Professional Qualifications

Article 101e

Recognition of international professional qualifications shall be conducted by the Ministry, in accordance with the special Law.

Trainees

Article 102

The teacher-trainee is a person who takes up employment in the institution for the first time, in order to train for independent performance of duties at the appropriate level of education.

The traineeship of a teacher with the seventh level of the national qualification framework shall last nine months, and for the teacher with the fourth level of the national qualification framework, it shall last six months.

The trainee's employment shall cease following the completion of the traineeship.

Mentors

Article 103

The traineeship shall be carried out according to a defined programme of educational work in an institution, under the direct supervision of the authorised teacher (mentor), who, as a rule, has more than three years of work experience in teaching, and has at least the same level of education as the trainee.

The mentor referred to in paragraph 1 of this Article shall be selected by the institution's director, on the proposal of the professional committee.

The mentor's activities and duties shall be defined by the Ministry's regulation.

Programme Adoption

Article 104

The contents, programme, means of monitoring and evaluation of the traineeship shall be defined by the Ministry's regulation in a detailed manner.

Recognition of the Traineeship

Article 105

A teacher who has completed a traineeship or a part of a traineeship abroad may be granted recognition of the traineeship or a part thereof, provided that the traineeship programme abroad does not substantially deviate from the traineeship programme adopted on the basis of this Law.

The decision on the recognition of the traineeship referred to in paragraph 1 of this Article shall be adopted by the body before which the examination of professional competence is taken.

Examination of Professional Competence

Article 106

Following the completed traineeship, the teacher shall undergo the examination of professional competence.

A teacher who has not undergone the traineeship shall also have the right to take the examination of professional competence if they have at least nine months of work experience in teaching in an institution or a higher education institution.

Notwithstanding paragraph 1 of this Article, a teacher who completed their traineeship, or professional training in a licensed private institution, or a teacher who acquired their work experience in accordance with paragraph 2 of this Article, shall undergo the examination of professional competence in the public institution where they have met their conditions for a teacher concerning the level or field (profile) of education defined by the law and by-law selected by the Ministry.

Notwithstanding paragraphs 1 and 2 of this Article, the teacher performing the instruction in the subject of the religious field in the secondary religious school shall not take the examination of professional competence.

Work experience in teaching referred to in paragraph 2 of this Article cannot be acquired through volunteering.

Undergoing the Examination of Professional Competence **Article 107**

The examination of professional competence shall be taken before a competent commission.

Contents, conditions, manner and place of undergoing the examination of professional competence, as well as the education and composition of the commission and the amount of costs shall be defined by the Ministry's regulation in a detailed manner.

Licensing of Teachers **Article 107a**

A person may carry out the activities of a teacher, director and deputy director who, aside from the conditions provided for by the Law on Labour and this Law, possesses the work license (hereinafter: the license).

A license is a public document proving the necessary level of general and professional competencies of the teacher, director and deputy director.

The license shall be issued after passing the examination for professional competence for work in educational institutions for a five-year period.

Notwithstanding paragraph 3 of this Article, the license for performers of educational work at the adult education providers which is issued following the passed examination of professional competence shall be valid only for adult education providers, except for primary adult education providers.

The license referred to in paragraph 3 of this Article shall be renewed every five years (re-licensing), in accordance with the programme for professional development of teachers.

A teacher, director or deputy director who does not have a license or has not renewed the license shall not have the right to work in the institution.

Issuing of the License

Article 107b

Licensing and re-licensing shall be carried out by the commission of the Bureau for Education Services or the Centre.

Detailed conditions, the manner and procedure for obtaining, issuing, and renewing the license for the institution's teacher, director, and deputy director, as well as the contents and the form of the license, shall be stipulated by the Ministry.

Reduction of Teaching Quota

Article 108

Working hours in the educational activities shall be reduced by 2 lessons per week for a teacher-trainee, for the duration of their traineeship, or for the teacher who has spent at least 35 years performing educational activities.

The wage of the teacher referred to in paragraph 1 of this Article shall be calculated in full.

The teacher whose teaching quota cannot be reduced due to pedagogical reasons shall have their wage increased by two lessons per week.

Areas and subjects in which teaching quotas cannot be reduced in accordance with the educational programme shall be defined by the Ministry.

Employment of Teachers by Agreement

Article 109

A permanent teacher who does not have the teaching quota defined by the law, or for whom the need for their work has ceased due to a change in the educational programme, or in standards and norms or due to the reduction of the enrolment shall take up the employment in another institution, until there is a need for those lessons to the full teaching quota, based on the agreement of the institutions' directors.

A temporary teacher in the institution may, by agreement, be transferred to another institution if they meet the conditions stipulated by the law and act on the systematisation of work posts, with the teacher's consent.

Supplementary Activities of Teachers

Article 110

The teacher may prepare a student for taking the exam and achieving better results in a particular subject for a compensation, under the condition that the student does not attend the classes regularly, nor do they take the exam at school where the teacher is employed.

A person meeting the conditions for performing the teaching activities, but is not in employment, may engage in student preparation as a primary activity.

The teacher performing the activities referred to in paragraphs 1 and 2 of this Article shall register themselves to the competent municipal body or competent educational inspection.

Conditions for performing the activities within the meaning of paragraph 2 shall be stipulated by the Ministry.

Assessment of Work Capacity

Article 110a

In cases of reasonable doubt that the health of the teacher has been sufficiently compromised to reduce their work capacity significantly, the director shall submit a reasoned request to the school/administrative board for referring the teacher for a work capacity assessment in accordance with the law.

If the school/administrative board determines that the director's proposal is justified, it shall adopt the decision on referring the teacher for a work capacity assessment in accordance with the law.

If the teacher refuses work capacity assessment referred to in paragraph 2 of this Article, they shall be assigned to a position corresponding to their level and profile of education and remaining work capacity, and if such position does not exist, they shall exercise the same rights as an employee for whom the need for their work has ceased to exist, in accordance with the Law.

Termination of Employment

Article 111

Aside from the cases defined by the Law on Labour, the teacher's employment shall be terminated if they:

- 1) do not implement educational programmes in accordance with prescribed standards;
- 2) Organise students or employees for political or religious purposes;
- 3) Do not participate in activities of the institution's professional bodies;
- 4) They abuse their position;
- 5) Incite sexual intercourse or unnatural sexual acts with a student or an employee of the institution;
- 6) Refuse to execute the employer's order issued for the provision of the minimum work process for the duration of a strike;
- 7) Prevent an employee from working during the strike;
- 8) Participate in the strike that is organised contrary to the regulations;
- 9) Humiliate, insult, abuse or physically punish the student;
- 10) Incite national and religious intolerance;
- 11) The competent educational inspection determines that the teacher prepares the student from the institution they are employed, for compensation;
- 12) They conduct the preparation of students as a primary activity.

The teacher whose employment has been terminated in cases referred to in items 2, 5, 9 and 10 of this Article cannot perform educational work.

Assessment of the Quality of the Teacher's Educational Work

Article 111a

The director of the institution shall submit a request for assessment of the quality of the teacher's educational work, with the opinion of the teacher's council and the professional council of the institution, to the Bureau for Education Services, or Centre, if:

- 1) The committee for the assessment of students' knowledge during the school year determines that, during the instruction in one school year, a teacher has twice graded a student unfairly or has failed to assess a student in the prescribed manner;
- 2) following an appeal regarding the final grade by at least two students at the end of a semester, teaching year, or school year, the committee determines that the student was graded unfairly, or
- 3) If, during one semester, the teacher does not achieve the quality of instruction in accordance with the prescribed standards.

The Bureau for Education Services, or the Centre, shall conduct the assessment of the teacher's work for whom the quality assessment of educational work is being requested.

If the procedure referred to in paragraph 2 of this Article determines that the teacher does not meet the conditions, they shall be referred to the attendance of additional professional development programmes, in line with the recommendation of the Bureau for Education Services, or the Centre.

Reassessment of the quality of the teacher's educational work shall be conducted after one year.

If, upon the reassessment, it is determined that the teacher does not meet the conditions, they cannot perform teaching, and their employment rights shall be exercised as those of an employee whose work is no longer needed.

XIII DEVELOPMENT AND PROMOTION OF TEACHERS

Professional Development

Article 112

Teachers shall have the right to professional development in various fields through professional development programmes and other forms of continuous professional work of teachers.

Professional development programmes shall be adopted by the National Council, on the proposal of the Bureau for Education Services, or the Centre.

The author of the teacher professional development programme may be a legal entity or a natural person who conducts educational or research and scientific activities, licensed higher education institutions and professional associations of teachers.

Notwithstanding paragraph 3 of this Article, the author of the teacher professional development programme cannot be a person employed in the Ministry, Bureau for Education Services, Centre, Examination Centre or a member of the National Council.

Priority areas of teacher professional development for a five-year period shall be selected by the Ministry, on the proposal of the Bureau for Education Services and the Centre.

Organisation of the teacher professional development and the manner of selecting the programme author referred to in paragraph 3 of this Article shall be stipulated by the Ministry.

Promotion

Article 113

A teacher may be promoted to the appropriate professional ranks.

The ranks referred to in paragraph 1 of this Article shall be conferred by the commission of the Bureau for Education Services or the Centre.

The types of ranks, requirements, manner and procedure for proposing and conferring teacher ranks shall be prescribed by the Ministry, upon the proposal of the competent council.

XIV PEDAGOGICAL RECORD AND PUBLIC DOCUMENTS

Pedagogical Record

Article 114

A single pedagogical or andragogic record shall be kept in the institution (hereinafter: pedagogical record).

In the school where the instruction is conducted in the language of members of minority people and other minority national communities, the pedagogical record shall be printed and kept in Montenegrin and the language of members of minority people and other minority national communities.

The pedagogical record shall be kept in a written or electronic form, aside from the official student register, which is kept in written form, and the class register, which is kept in both written and electronic form.

The school shall permanently keep the registry book and the record of issued certificates and diplomas.

Public Documents

Article 115

Based on the data from the pedagogical record, the school implementing a publicly valid educational programme shall issue public documents.

Public documents referred to in paragraph 1 of this Article shall be: A report card, diploma, diploma supplement for vocational schools, transfer certificate, or school leaving/withdrawal certificate and other public documents issued in accordance with the law.

In the school where the instruction is conducted in the language of members of minority people and other minority national communities, public documents shall be issued in both the Montenegrin language and the language of members of minority people and other minority national communities.

Issuing of Public Documents

Article 116

The school shall notify the parents in writing of the student's achievements at the end of the grading period.

At the end of the teaching year, the school shall issue a report card to the student, regardless of their acquired achievements.

The school shall issue a diploma on the completed practical, final, professional, matura or diploma exam to the student.

In the primary school withdrawal process, a transfer certificate is issued to the student, while during the secondary school withdrawal process, a withdrawal certificate is issued to the student.

The education provider shall issue a report card, diploma or other public document on the completed educational programme to the student, pursuant to the law and the act on establishment.

Authentication of Documents

Article 117

The authenticity of a public document shall be attested by the institution's official seal.

The seal of an institution shall be round in shape and contain the name of the country, the name of the municipality, and the name and seat of the institution. Montenegro's coat of arms shall be in the middle of the seal.

Database

Article 117a

The institution shall keep a database within the Montenegrin Education Information System (MEIS), which is managed by the Ministry.

The institution shall enter the data in the Montenegrin Education Information System no later than September 15 for the current school year, and update the data within seven days from the date of modification.

Notwithstanding paragraph 2 of this Article, the adult education provider shall regularly enter the information on the number of participants and educational programmes in the Montenegrin Education Information System, no later than 15 days from the date of the participant's enrolment.

Personal data entered in the database referred to in paragraph 1 of this Article shall be collected, analysed, kept and used for the purpose of the educational work of institutions and the Ministry, in accordance with the law.

All forms of collection, analysis, publishing and use of data shall be implemented in accordance with the law regulating the personal data protection.

The manner of keeping, managing and other matters relevant to the functioning of the Montenegrin Education Information System (MEIS) shall be stipulated by the Ministry.

Regulation of Forms

Article 118

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

XV RECOGNITION OR EQUIVALENCY

Right on Recognition of Education

Article 119

- is no longer in force -

Recognition

Article 120

- is no longer in force -

Equivalence

Article 121

- is no longer in force -

Competence

Article 122

- is no longer in force -

Comparability of Education

Article 123

- is no longer in force -

Clause

Article 124

- is no longer in force -

Finality of Procedure

Article 125

- is no longer in force -

Due Application of the Law

Article 126

- is no longer in force -

Register

Article 127

- is no longer in force -

Detailed Regulations

Article 128

- is no longer in force -

XVI RIGHTS AND RESPONSIBILITIES IN THE FIELD OF STUDENT WELFARE

Students' Rights

Article 129

The rights in the field of student welfare shall be exercised in accordance with this Law. The rights in the field of student welfare shall be personal and shall not be transferable.

Types of Rights

Article 130

The student shall have the right to:

- 1) Accommodation and meals in a dormitory;
- 2) Scholarship for gifted students;
- 2a) Scholarship for shortage qualifications;
- 3) Contribution to transportation costs.

Detailed criteria for the contribution to transportation costs shall be stipulated by the Ministry.

Rights to Accommodation and Meals

Article 131

The accommodation and meals for students shall be organised in a pupil dormitory, or a pupil and student dormitory and in the resource or educational centre (hereinafter: the dormitory).

A full-time student of a primary and secondary school, who is getting education outside of their place of residence, shall have the right to meals, or meals and accommodation in a dormitory.

The criteria, manner and order for the admission of students, as well as the cost of accommodation and meals in a dormitory, shall be stipulated by the Ministry's regulation in a detailed manner.

Public Call

Article 132

The public call for the admission of students to a dormitory shall be announced by the founder at least two months prior to the start of the school year.

The assignment of places and the admission of students to the dormitory shall be carried out by a commission appointed by the dormitory's administrative board.

The commission referred to in paragraph 2 of this Article shall conduct the assignment of places and admission of students before the start of the school year.

If a student or a parent is not satisfied with the decision of the commission referred to in paragraph 2 of this Article, they shall have the right to lodge a complaint to the dormitory's administrative board within three days from the date of assignment.

Right to Scholarship

Article 133

A talented student nominated by the teachers' council of the school based on the opinion of the subject teacher, shall have the right to a scholarship.

The subject teacher referred to in paragraph 1 of this Article shall be appointed by the teachers' council of the school.

The talented student within the meaning of paragraph 1, shall be considered a student showing a particular propensity, interest, curiosity and capability for cognitive and creative processes and achieving outstanding results in certain subjects, or fields, and they possess the minimum overall achievement - very good.

The decision on the awarding and termination of scholarship shall be adopted by the commission appointed by the Ministry.

An appeal may be lodged to the Ministry against the decision referred to in paragraph 1 of this Article.

The detailed criteria, amount and conditions for awarding of the scholarships referred to in paragraph 1 of this Article and scholarships referred to in Article 134a of this Law shall be defined by the Ministry.

Termination of Scholarship

Article 134

The student's scholarship shall be terminated if:

- 1) The teachers' council of the school does not propose the extension of the scholarship;
- 2) They have not obtained the achievement on the basis of which they acquired the right to the scholarship;
- 3) They change schools unilaterally.

Scholarship for Shortage Qualifications

Article 134a

A full-time student of a vocational school educated according to an education programme for shortage occupations shall have the right to a scholarship for shortage qualifications;

Shortage qualifications referred to in paragraph 1 of this Article shall be defined by the Ministry, in cooperation with the Employment Office, during the vocational school enrolment planning process.

The decision on the awarding of the scholarship referred to in paragraph 1 of this Article, based on the public advertisement, shall be adopted by the commission appointed by the Ministry.

XVII FUNDING

Sources of Funding

Article 135

Education shall be financed from:

- 1) Public revenues (of the Republic's and municipal budgets);
- 2) Founder's funds;
- 3) Tuition in private institutions;
- 4) Fees paid by the parents;
- 5) Property (rental) revenues;

- 6) Funds from the sale of services and products;
- 7) Donations, sponsorships and bequests;
- 8) Other sources.

A public institution shall be prohibited from financing from the funds of political parties.

Talent Support Fund

Article 135a

The Talent Support Fund (hereinafter: the Fund) shall be established for supporting talented students of primary and secondary schools.

The Fund referred to paragraph 1 of this Article shall be financed from the Ministry's budget, donations, sponsorships, bequests and other sources.

The Fund's resources shall be used for:

- Awarding talented students;
 - Supporting the projects for the procurement of equipment, teaching aids, educational sets, specialised and scientific and popular literature, organising research camps, workshops with practical exercises and experiments, as well as for the participation of students in international competitions (Olympics and other knowledge competitions);
 - Organising exhibitions and public competitions for young researchers.
- Allocation of the Fund's resources shall be conducted by the Ministry.

The manner and procedure for the allocation of funds shall be stipulated by the Ministry.

Provision of Funds

Article 136

Funds from the budget of the Republic shall be provided to the public institution from the network of institutions, for:

- 1) Gross salaries and other personal earnings of employees;
- 2) Current capital maintenance;
- 3) Investments in institutions;
- 3a) Adaptation and reconstruction in institutions;
- 3b) Procurement of equipment for institutions;
- 3c) Procurement of vehicles for the students' transportation;
- 4) Material expenses and energy expenditures;
- 5) Permanent teacher development;
- 6) Supplementary primary education of the Republic's citizens temporarily employed abroad;
- 7) Primary education of adult persons;
- 8) External knowledge assessment of students stipulated by the law (students' knowledge assessment at the end of the third cycle, matura and other exams);
- 9) Scholarships for talented students;
- 9a) Scholarships for shortage qualifications;
- 10) Student competitions;
- 11) Experimental instruction;
- 12) Accommodation and meals in the dormitory, or the bureau;

- 13) Subsidising textbooks with small print runs and textbooks for the education of national or ethnic groups;
- 14) Costs of children's meals in the preschool institution whose parents are users of family material support in accordance with special regulations;
- 14a) Costs of attendance and meals, i.e. Attendance of a single parent's child in a preschool institution in the amount of 50% of the costs of attendance and meals, in accordance with a special regulation;
- 14b) The costs of medical or sanitary-hygienic examinations of teachers or employees, in accordance with this Law and a special regulation;
- 15) Training and development of directors, and for the operation of professional boards;
- 16) Developmental, advisory and research work in education;
- 17) Information system development;
- 18) Subsidising the housing needs of employees in the institution;
- 19) Other obligations defined by the Law;
- 20) Contribution to student transportation cost.

Notwithstanding the provision of paragraph 1 of this Article, for financing the needs referred to in items 2, 3 and 4 in public institutions from the network of institutions, whose founder is the municipality, the funds shall be provided from the municipal budget.

Funds for financing public institutions that are not in the network of institutions, and whose founder is the municipality, shall be provided in the municipal budget.

Financing from the Municipal Budget

Article 136a

The institution may acquire the funds from the municipal budget for:

- 1) Material expenses (maintenance of hygiene, pest control and disinfection, phone and postal services, internet);
- 2) Investments in institutions whose founder is the municipality;
- 3) Insurance of the institution's facilities;
- 4) Mandatory medical and sanitary examination of teachers and children, or students;
- 5) Transportation of primary school students;
- 6) Fire protection;
- 7) Tax and other levies stipulated by the local self-government;
- 8) Use of municipal services and utilities;
- 9) Compensation for land and business taxes.

Limitation on Financial Participation

Article 137

The institution funded from public revenues may not demand a contribution to the coverage of educational costs (curricular and extracurricular activities) from the students or participants.

Notwithstanding paragraph 1 of this Article, in higher vocational education for practical education costs, a contribution in the amount of up to 20% of the student's education cost may be defined for that educational programme in the public institution.

An art school may charge students a contribution to the cost of education.

Promotion and sale of non-mandatory literature (magazines, newspapers, journals, colouring books, alphabet books, anthologies and alike) as well as the promotion and sale of goods and services which do not serve the objectives of education or are harmful for the health, growth and development of children or students shall be prohibited in the institution.

The Ministry shall give consent to the amount of the contribution referred to in paragraphs 2 and 3 of this Article.

Manner of Financing

Article 138

A public institution shall acquire its funds from the budget of Montenegro based on the economic cost of the student's education for a particular educational programme, the number of students or children, the coefficient of the program group to which the educational programme is assigned and other criteria characteristic for the educational programme, institution and a specific area.

On the basis of the criteria referred to in paragraph 1 of this Article, the Ministry shall adopt the methodology for calculating the economic cost of educating a student for each educational programme, in accordance with the norms and standards.

Norms and standards referred to in paragraph 2 of this Article shall be adopted by the Ministry, with the previously obtained opinion of the National Council.

Norms and standards shall define the measures for: The formation of classes and groups, the organisation of advisory services, libraries, administrative, accounting, as well as technical services and for the assessment of material expenses.

Conditions for Financing from the Budget of Montenegro

Article 139

A religious school that implements a publicly recognised educational program and is licensed has the right to be financed from the budget of Montenegro.

The financing of a religious school referred to in paragraph 1 of this Article shall be carried out on the basis of an agreement between the Government and the religious school, concluded in accordance with the law governing the relations between Montenegro and religious communities, and the agreement between Montenegro and the religious community that founded the religious school.

-Subtitle deleted-

Article 140

-deleted-

Limitation on Financing

Article 141

-deleted-

Tuition Fee

Article 142

The tuition fee for a student or a child in a private institution shall be defined by its founder.

-Subtitle deleted-

Article 143

-deleted-

Provision of Funds to the Concessionaire

Article 144

Funds from the budget of the Republic shall be provided to the concessionaire for the implementation of the educational programme, in accordance with the contract.

Completion of Commenced Education

Article 145

The state shall ensure the completion of the commenced education to children, students or participants from the private institution that has ceased to operate.

XVIII PENALTIES

Penalties for Infringements

Article 146

A fine in the amount of twenty to one hundred times the minimum wage in the Republic shall be imposed on an institution for an infringement if it:

- 1) Allows political organisation and action contrary to the provision of Article 6 of this Law;
- 2) Utilises textbooks and teaching aids contrary to the provision of Article 13 of this Law;
- 3) Does not implement prescribed educational programmes in accordance with Article 19 of this Law;
- 4) Commences with work without the decision on licensing (Article 50);
- 5) Makes status changes contrary to the provision of Article 57 of this Law;
- 6) Changes the name and the seat of the institution contrary to the provision of Article 58 of this Law;
- 7) Does not obtain consent on the statute and act on internal organisation and systematisation of work posts in accordance with Article 60 of this Law;
 - 7a) submits incorrect data on the teacher who does not have the prescribed teaching quota or fails to submit the information on the number of classes that have not been assigned to the teachers in accordance with Article 83, paragraph 1, item 14c of this Law;
- 8) Hires a teacher contrary to the provision of Article 101 of this Law;
 - 8a) Announces a public call contrary to the provision of Article 101a of this Law;
 - 8b) Announces filling of vacancies for the employment of the non-teaching staff contrary to the provision of Article 101c of this Law;
- 9) Concludes an employment contract with a teacher contrary to the provision of Article 109 of this Law;
- 10) Does not keep the prescribed pedagogical record in accordance with Article 114 of this Law;
- 11) Issues public documents contrary to the provision of Article 115 of this Law;

11a) Fails to enter data on the number of participants of the adult education programmes into the Montenegrin Education Information System (MEIS) in accordance with Article 117a, paragraph 3 of this Law;

12) The commission does not carry out the assignment and admission of students in the dormitory within the time frame defined by Article 132 of this Law.

For the infringement referred to in paragraph 1 of this Article, a responsible person shall also be punished with a fine in the amount of 100 to 1500 euros.

XIX TRANSITIONAL AND FINAL PROVISIONS

Harmonisation of Institutional Activities

Article 147

Present institutions and other organisations conducting educational activities according to existing regulations shall harmonise their organisation, work and general acts with the provisions of this Law.

Until the adoption of general acts referred to in paragraph 1 of this Article, existing acts shall be applied, unless they are contrary to the law.

The organisation (legal entity) that is not licensed and entered in the Ministry's register of licensed institutions, and in their name uses the name of the institution referred to in Article 3 of this Law, shall harmonise its organisation and work in accordance with this Law, within six months from the date this Law enters into force.

Recognition of Licenses

Article 147a

The license for educational programmes implemented prior to the entry into force of this Law shall be recognised for the public institution that does not have a decision on licensing on the day this Law enters into force,

Recognition of Teacher Licenses

Article 147b

Teachers and deputy directors who have passed the examination of professional competence for the work in educational institutions prior to the date of entry into force of this Law, shall be deemed to have the work license.

Directors who have passed the examination of professional competence for the work in educational institutions and have completed training and development in accordance with the law until the day of entry into force of this law, shall be deemed to have a work license.

To the persons referred to in Paragraphs 1 and 2 of this Law, the Bureau for Education Services or the Centre shall issue a license within a year from the date this Law enters into force.

Teachers, directors and deputy directors to whom the license within the meaning of paragraph 3 of this Article is issued and who are 60 years of age on the day this Law enters into force, shall not have the obligation to renew the license.

Adoption of the Network of Institutions

Article 148

The network of institutions referred to in Article 42 of this Law shall be adopted within a year from the day this Law enters into force.

Until the adoption of the network of institutions referred to in paragraph 1 of this Article, public institutions established or organised under the regulations adopted prior to the entry into force of this Law shall continue to operate.

By-laws

Article 149

Regulations for the enforcement of this Law shall be adopted within a year from the day of entry into force of this Law.

Until the adoption of regulations stipulated by this Law, the regulations valid prior to the entry into force of this Law shall be applied, unless they are contrary to this Law.

By-law

Article 149a

Regulations for the enforcement of this Law shall be adopted within a year from the day of entry into force of this Law.

Until the adoption of regulations stipulated by this Law, the regulations valid prior to the entry into force of this Law shall be applied, unless they are contrary to this Law.

Establishment of the Centre

Article 149b

The Centre shall be established in accordance with this Law within three months from the day of entry into force of this Law.

The Centre for Vocational Education, established by the Decision on the Participation in the Establishment of the Centre for Vocational Education (“Official Gazette of the Republic of Montenegro”, No 26/03), shall continue to operate until the establishment of the Centre referred to in paragraph 1 of this Article.

Article 149c

The institutions shall harmonise their organisation, work and general acts with this Law within three months from the day this Law enters into force.

Until the adoption of general acts referred to in paragraph 1 of this Article, the general acts shall be applied, unless they are contrary to this Law.

Article 149d

Regulations for the enforcement of this Law shall be adopted within six months from the day this Law enters into force.

Until the adoption of general acts referred to in paragraph 1 of this Article, the general acts valid prior to the entry into force of this Law shall be applied, unless they are contrary to this Law.

Article 149e

The establishment of the school/administrative board in all public institutions in accordance with this Law shall be carried out within six months from the day this Law enter into force.

Until the establishment of the school/administrative board in accordance with paragraph 1 of this Article, the function of administrative bodies shall be carried out by the present school /administrative board.

Article 149f

The procedures for the appointment of the director initiated prior to the entry into force of this Law shall be completed under the same regulations under which they were initiated.

Establishment of the Council

Article 150

The Council for General Education of Montenegro, the Council for Vocational Education of Montenegro and the Council for Adult Education of Montenegro shall be established no later than 90 days from the date this Law enters into force.

Establishment of the National Council

Article 150a

The National Council shall be established within 60 days from the date this Law enter into force.

On the day of the establishment of the National Council, the following Councils shall cease to operate: The Council for General Education, the Council for Vocational Education and the Council for Adult Education.

Status of the National Council

Article 150b

The National Council for Education shall be established within 60 days from the date of entry into force of this Law.

The National Council for Education established prior to the entry into force of this Law shall cease to operate on the day of the establishment of the National Council referred to in paragraph 1 of this Law.

Cessation of the Council's Work

Article 151

The Council for Educational Reforms of the Republic of Montenegro shall cease to operate on the day of the establishment of the council referred to in Article 150 of this Law.

Establishment of the Bureau for Education Services and the Centre

Article 152

The Bureau for Education Services and the Centre for Vocational Education shall be established within six months from the day 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 the Current Management and Administration Bodies

Article 153

The director, deputy director or school/administrative board which was elected or appointed prior to the entry into force of this Law shall continue to work until the end of the period for which it was elected or appointed.

The school/administrative board elected or appointed according to the regulations until the entry into force of the General Law on Education (“Official Gazette of Montenegro”, No 64/02) shall cease to operate within 60 days from the date this Law enters into force.

The procedure for the election of the director and deputy director, or the appointment of the school/administrative board, initiated prior to the entry into force of this Law, shall be completed according to the regulations applicable until the entry into force of this Law.

Article 153a

The election or appointment of the school/administrative board in accordance with this Law, shall be carried out within 90 days from the date this Law enters into force.

Until the election or appointment of the school/administrative board, in accordance with paragraph 1 of this Article, the function of the administrative bodies shall be exercised by the current school/administrative board, which was elected or appointed in accordance with the regulations in force prior to the entry into force of this Law.

The directors of institutions elected according to regulations applicable prior to the entry into force of this Law shall continue to work until the end of the period for which they were elected.

Appointment of Administrative Bodies

Article 153b

The appointment of the school/administrative board in all public institutions in accordance with this Law shall be carried out within three months from the day this Law enter into force.

Until the appointment of the school/administrative board in accordance with paragraph 1 of this Law, the function of administrative bodies shall be exercised by the current school/administrative board.

Appointment of the Management Bodies

Article 153c

The appointment of the director in all public institutions in accordance with this Law shall be carried out within six months from the day this Law enter into force.

Until the appointment of the director in accordance with paragraph 1 of this Article, the present directors of public institutions shall perform the function of management bodies.

Deadline for the Programme Adoption

Article 153d

The programme of the private and public partnership for the field of education referred to in Article 43a of this Law shall be adopted within six months from the day of entry into force of this Law.

The founder's rights of the current institutions may be transferred to other legal entities for a certain period of time, in accordance with the Law on Concessions.

The Act on the Transfer of Founder's Rights within the meaning of paragraph 2 of this Article shall be adopted by the Government or the competent municipal body.

Harmonisation of Institutional Acts

Article 153e

Institutions shall harmonise their organisation, work and general acts with this Law within six months from the day this Law enters into force.

Until the adoption of general acts referred to in paragraph 1 of this Article, the current acts shall be applied, unless they are contrary to this Law.

Status of Current Management Bodies

Article 153f

Directors and deputy directors of the institutions who have been appointed prior to the day of entry into force of this Law shall continue to work until the end of the period for which they were appointed and may be appointed and re-appointed at most one more time, provided they meet the conditions prescribed by this Law.

Notwithstanding paragraph 1 of this Article, class and subject teachers who have acquired higher education at a university and who, until the date of entry into force of this Law, perform the duties of directors or deputy directors of primary schools, shall continue to work in the same institution until the expiry of the term for which they were appointed, and may be re-appointed at most one more time in the same institution.

Appointment of Administrative Bodies

Article 153g

The appointment of the school/administrative board in a public institution shall be conducted within 30 days from the date this Law enters into force, in accordance with this Law.

Even representation of sexes shall be taken into account during the appointment of the members of the school/administrative board.

Until the appointment of the school/administrative board in accordance with paragraph 1 of this Article, the current school/administrative board shall perform the functions of the administrative body.

Appointment of the Management Bodies

Article 153h

The appointment of the director in all public institutions in accordance with this Law shall be conducted within 30 days from the date this Law.

During the appointment of management bodies, in cases where the candidates for filling the job position achieve identical results in the process of the assessment of conditions, competency, knowledge and capacities, even sex representation shall be taken into account.

Until the appointment of the director in accordance with paragraph 1 of this Article, the present directors of public institutions shall perform the function of management bodies.

During the appointment of management bodies of educational institutions for primary and secondary education, the teachers' council shall submit a written statement or opinion on the nominated candidate within 15 days, on the Minister's request.

If, within the prescribed time frame, the teachers' council does not submit a written statement or opinion on the nominated candidate, the Minister may carry out the procedure for the appointment of the candidate without the said document.

Appointment of the Deputy Director

Article 153i

The appointment of the deputy director in all public institutions in accordance with this Law shall be carried out within 60 days from the date this Law enters into force.

During the appointment of the school deputy director, in cases where the candidates for filling the job position achieve identical results in the process of the assessment of conditions, competency, knowledge and capacities, even sex representation shall be taken into account.

Until the appointment of the director in accordance with paragraph 1 of this Article, the present deputy directors shall perform the duties of a deputy director.

During the appointment of deputy directors of educational institutions for primary and secondary education, the teachers' council shall submit a written statement or opinion on the nominated candidate within 15 days, on the Minister's request.

If, within the prescribed time frame, the teachers' council does not submit a written statement or opinion on the nominated candidate, the Minister may carry out the procedure for the appointment of the candidate without the said document.

Article 153j

Directors of public and private institutions appointed according to regulations that were applicable prior to the entry into force of this Law, shall continue their work until the end of the time period for which they have been appointed.

Formation of the Parent Council

Article 154

The parent council referred to in Article 94 of this Law shall be formed in all institutions until October 31, 2003.

Commenced Employment Procedure

Article 155

The teacher's employment procedure commenced prior to the entry into force of this Law shall be completed according to the regulations applicable until the entry into force of this Law.

By-laws
Article 155a

The regulations for the implementation of this Law shall be adopted within one year from the date this Law enters into force.

Until the adoption of general acts referred to in paragraph 1 of this Article, the general acts valid prior to the entry into force of this Law shall be applied, unless they are contrary to this Law.

Commenced Procedures for the Appointment of Directors
Article 155b

Procedures for the appointment of directors that were commenced prior to the entry into force of this Law shall be completed in accordance with the regulations under which they were initiated.

Commenced Employment Procedures
Article 155c

Procedures for the recruitment of teachers that were commenced prior to the entry into force of this Law shall be completed in accordance with the regulations under which they were initiated.

Commenced Procedures for Awarding Titles to Teachers
Article 155d

Procedures for awarding titles to teachers that were commenced prior to the entry into force of this Law shall be completed in accordance with the regulations under which they were initiated.

On the date of entry into force of this Law, the Bureau for Education Services, or the Centre, shall take over from the Ministry the documentation on titles awarded to teachers.

Renewal of Licences for Adult Education Providers
Article 155e

Adult education providers who were issued a license to operate prior to the entry into force of this Law are required to submit an application for licensing within four years from the date of entry into force of this Law.

Adult education providers who fail to submit the application referred to in paragraph 1 of this Article shall cease their operations.

License for After-school Care
Article 155f

For a legal entity or natural person that organises after-school care and to whom, prior to the entry into force of this Law, the Ministry issued a decision confirming compliance with the requirements for operation in accordance with a special law, that decision shall be recognised as a license to operate in accordance with this Law.

Deferred Application

Article 155g

The provisions of Article 9, paragraph 3, Article 78, paragraph 9, item 2, Article 100a, paragraph 4, and Article 101e of this Law shall apply as of the date of Montenegro's accession to the European Union.

Commenced Traineeship

Article 156

The teacher who commenced their traineeship prior to the entry into force of this Law shall complete the traineeship and take the examination of professional competence according to the regulations applied until the entry into force of this Law.

Recognition of Examination of Professional Competence

Article 157

The teacher who passed the examination of professional competence or whose examination of professional competence was recognised under earlier regulations shall have their examination of professional competence recognised under this Law as well.

Right to Application for the Examination of Professional Competence

Article 157a

Teachers who in accordance with the special law, have completed their professional training during the school year 2013/2014 and 2014/2015 in a licensed educational institution corresponding to 180 ECTS credits and who, after that have obtained the educational qualification corresponding to 240 ECTS credits, may apply for the examination of professional competence in accordance with this Law.

Recognition of Acquired Titles

Article 158

The teacher who has acquired the title of a pedagogical advisor or higher pedagogical advisor prior to the day this Law enters into force shall maintain that title.

Commenced Procedure of Recognition of Equivalence

Article 159

The procedure of recognition or equivalence initiated prior to the entry into force of this Law shall be completed under the regulations it is commenced.

Article 159a

Members of the Council for Vocational Education and Council for Adult Education who were elected under the regulations applicable prior to the entry into force of this Law, shall continue with their work until the expiry of the term for which they are elected.

Textbooks and Teaching Aids

Article 160

Textbooks and other teaching aids authorised prior to the entry into force of this Law may still be used until the authorisation and publishing of the textbooks and teaching aids according to this Law.

The procedure for the acquisition, evaluation and authorisation of the manuscript of textbooks and other teaching aids commenced prior to the day this Law enters into force shall be concluded under the regulations which were in force until the day this Law enters into force.

Deferred Application

Article 160a

The provision of Article 138 of this Law shall be applied starting from the school year 2013/2014 for a certain number of public institutions selected by the Ministry, and from the school year 2015/2016 for all public institutions.

Deferred Application of Certain Provisions

Article 161

Provisions of Article 80, paragraphs 2, 3, 4, 5 and 6 of this Law shall be applied starting from the school year 2003/2004.

Provisions of Articles 135 to 145 of this Law referring to financing shall be applied as of the fiscal year 2003.

Article 161a

Regulations for the enactment of this Law shall be harmonised with this Law within six months from the day of entry into force of this Law.

Until the adoption of the regulation, in accordance with this Law, the regulations valid prior to the entry into force of this Law shall be applied, unless they are contrary to this Law.

Article 161b

The regulation referred to in Article 135a, paragraph 5 of this Law shall be adopted within 60 days from the date this Law enter into force.

Cessation of Validity

Article 162

On the day of entry into force of this Law, the following laws shall cease to be valid: Law on Development of Teaching and Educational Staff (“Official Gazette of the Federal Republic of Montenegro”, No 26/87); Law on Financing the Necessities in the Field of Education, Culture and Physical Culture (“Official Gazette of the Federal Republic of Montenegro”, Nos 29/90 and 7/92); provisions of the Law on Recognition and Equivalence of Foreign Certificates and Diplomas (“Official Gazette of the Federal Republic of Montenegro”, No 6/87), referring to the recognition and equivalence of certificates on completed primary or secondary education, or the acquired level of professional qualification and on completed individual grades; provisions of the Article 110 of the Law on Primary Schools (“Official Gazette of the Republic of Montenegro”, Nos 34/91, 56/92, 32/93 and 20/95); provisions of Article 103 of the Law on Secondary Schools (“Official Gazette of the Federal Republic of Montenegro”, No 28/91 and “Official Gazette of the Republic of Montenegro”, Nos 56/92 and 27/94); provisions of Article 29 of the Law on Preschool Education “Official Gazette of the Republic of Montenegro”, No 56/92; provision of the Law on Fundamental Rights in the Area of Pupil and Student Welfare (“Official Gazette of the Republic of Montenegro”, Nos 6/94 and 27/94), referring to the rights of students; provision of the chapter “III Publishing of Textbooks

and Teaching Aids”, notwithstanding the provision of Article 14 of the Law on Publishing (“Official Gazette of the Republic of Montenegro”, No 20/95) and provision of the Law on Educational Inspection (“Official Gazette of the Republic of Montenegro”, No 20/95) referring to the supervision in the organisation and provision of educational work in preschool institutions, primary, secondary and special schools, pupil dormitories and other organisations carrying out education.

Entry into Force

Article 163

This Law shall enter into force on the eighth day from the day it is published in the “Official Gazette of the Republic of Montenegro”.

Cessation of Validity

Article 164a

On the date of entry into force of this Law, Article 21 of the Law on Amendments to the Laws Prescribing Fines for Violations (“Official Gazette of Montenegro”, No 40/11) shall cease to be in force.