

The President of Montenegro

Pursuant to Article 95, item 3 of the Constitution of Montenegro, I hereby pass the

D E C R E E

ON THE PROMULGATION OF THE LAW ON PRESCHOOL EDUCATION AND CARE

I hereby promulgate the **Law on Preschool Education and Care**, adopted by the Parliament of Montenegro of the 28th convocation, at the Fourth session of the Second regular (autumn) sitting in 2025, on 31 December 2025.

Number: 01-009/25-2528/2

Podgorica, 31 December 2025

The President of Montenegro,

Jakov Milatović, m.p.

Pursuant to Article 82, paragraph 1, item 2 of the Constitution of Montenegro, and Amendment IV, paragraph 1 to the Constitution of Montenegro by the Parliament of Montenegro of the 28th convocation, at the Fourth session of the Second regular (autumn) sitting in 2025, on 31 December 2025, adopted the following:

LAW ON PRESCHOOL EDUCATION AND CARE

I. GENERAL PROVISIONS

Subject Matter

Article 1

Preschool education and care, as part of a unified education system, shall be carried out in the manner and under the conditions prescribed by this Law.

Activity

Article 2

Preschool education and care shall ensure the education of children, provide care for children, and offer support to parents in improving the quality of life of families and children.

Scope of Children Covered

Article 3

Preschool education and care shall include children up to the time of their enrollment in primary school.

Availability of Preschool Education and Care

Article 4

Preschool education and care shall be equally accessible to every child and may not be directly or indirectly restricted on the grounds of gender, race, colour, language, religion, national, ethnic, social or other origin, special educational needs, or any other personal characteristic or circumstance, in accordance with a special regulation.

Objectives

Article 5

The objectives of preschool education and care shall be:

- 1) to create conditions for the life, play, and development of children;
- 2) to develop the ability to understand and accept oneself and others;

- 3) to develop the ability to discuss and resolve, appreciate diversity and cooperate or interact in a group;
- 4) to develop the ability to recognise emotions and encourage emotional experience and expression;
- 5) to promote curiosity, an exploratory spirit, imagination, and intuition, as well as critical thinking;
- 6) to support language development as a skill of communication and the creative use of speech;
- 7) to develop children's interest in learning a foreign language through play and fun;
- 8) to cultivate an appreciation of artistic works and artistic expression;
- 9) to enrich children's experience through various types of everyday activities;
- 10) to motivate physical and motor development;
- 11) to develop self-reliant personal hygiene and care for one's health;
- 12) to develop a positive attitude towards nature and environmental protection;
- 13) to develop the ability to understand and adopt basic social, moral, and other values;
- 14) to develop awareness of gender equality and equity.

Organisation

Article 6

Preschool education and care shall be provided in a preschool institution, primary school, educational centre, and resource centre (hereinafter referred to as: institution), as well as within the family, in accordance with this Law.

Preschool education and care within an institution shall be organised in nurseries and kindergartens, depending on the children's age.

Children up to the age of three shall attend nurseries, while children from the age of three until enrollment in primary school shall attend kindergartens.

Right to Choose a Programme

Article 7

A parent shall have the right, in accordance with the interests and needs of the child, to choose a preschool education programme, under the conditions and in the manner prescribed by this Law.

Children with Special Educational Needs

Article 8

Preschool education and care for children with special educational needs shall be implemented in accordance with this Law and other applicable regulations.

Use Of Gender-Sensitive Language

Article 9

The terms used in this Law to designate natural persons in the masculine gender shall be deemed to include the same terms in the feminine gender.

Definitions

Article 10

The terms used in this Law shall have the following meanings:

- 1) **Preschool education year** means the period during which the preschool education programme is implemented;
- 2) **Preschool education programme** (hereinafter referred to as: education programme) means the broadest programmatic framework for the implementation of educational activities;
- 3) **Educational group** means a group of children structured according to age, pedagogical standards, and size;
- 4) **Educational unit** means a part of a preschool institution located outside the institution's main premises, comprising one or more educational groups;
- 5) **Private educator** means a preschool teacher engaged as needed to implement the basic programme requirements with a child within the family.

II. ORGANISATION OF EDUCATIONAL WORK

Education Programme

Article 11

Preschool education and care shall be implemented in accordance with the education programme.

The education programme shall be carried out in public and private institutions.

The education programme shall include the theoretical and scientific foundations of the programme, its objectives and tasks, the age of the children, the types, scope, and duration of educational activities, planning, implementation methods, and other relevant elements.

Types of Education Programs

Article 12

The types of education programmes shall include: the primary programme, the programme for the preparation of children for primary school, specialised programmes, programmes based on special pedagogical principles, and other programmes, in accordance with this Law and special regulations.

The programs referred to in paragraph 1 of this Article shall be implemented according to the capacities of the institution, in line with the needs and interests of children and parents.

The institution may organise occasional outdoor programmes and programmes of a touristic character, in accordance with the primary programme.

The decision on organising activities referred to in paragraph 3 of this Article shall be adopted by the managing board of the institution, following the opinion of the Parents' Council.

Primary Programme

Article 13

In addition to the elements referred to in Article 11, paragraph 3 of this Law, the primary programme shall define the programme for preparing children for primary school and the English language programme.

The primary programme shall be implemented as a full-day programme lasting from six to nine hours, or as a half-day programme lasting from four to six hours.

The English language programme shall be implemented for children from the age of three until their enrolment in primary school.

Programme for Preparing Children for Primary School

Article 14

The programme for preparing children for primary school shall define the content of continuous or occasional activities which may be organised once or several times a week and must be in accordance with the primary programme.

The institution shall be obliged to implement the programme for preparing children for primary school for children who are not included in the primary programme, in accordance with the interests of parents.

In the case referred to in paragraph 2 of this Article, the institution shall organise the programme for preparing children for primary school at times that do not interfere with its regular activities.

The programme for preparing children for primary school shall be implemented for children from the age of five until their enrolment in primary school, with a duration of up to three teaching hours.

If the programme for preparing children for primary school is adopted as a separate education programme, in addition to the elements referred to in paragraph 1 of this Article, it shall also include the elements referred to in Article 11, paragraph 3 of this Law.

Specialised Programme

Article 15

In addition to the elements referred to in Article 11, paragraph 3 of this Law, the specialised programme shall define the content of educational activities in accordance with the specific interests of the child in particular areas of educational work (music, drama, art, culture, sports, foreign languages, and other fields).

The specialised programme shall be implemented several times a week, lasting from one to three teaching hours, in accordance with the capacities of the institution and the interests of children and parents.

For specialised programmes, parents shall pay a fee, the amount of which shall be determined by the managing board of the institution, with the consent of the state administration authority responsible for education (hereinafter referred to as: the Ministry).

Programme Based on Special Pedagogical Principles

Article 16

A programme based on special pedagogical principles implemented by a private institution shall become a publicly recognised programme when the National Council for Education (hereinafter referred to as: the Council) determines that the programme has been accredited by a relevant international association, following the opinion previously obtained from the Bureau for Education.

Other Programmes

Article 17

In accordance with its spatial and staffing capacities, and the needs of children and parents, the institution may organise a child care programme, as well as other programmes for the animation and entertainment of children.

For the programmes referred to in paragraph 1 of this Article, parents shall pay a fee, the amount of which shall be determined by the managing board of the institution, with the consent of the Ministry.

The manner of organising the programmes referred to in paragraph 1 of this Article shall be prescribed by the statute of the institution.

Adoption of Programmes

Article 18

The primary programme shall be adopted by the Ministry, upon the proposal of the Council.

The programme for preparing children for primary school shall be determined by the institution, with the consent of the Ministry.

The specialised programme and other programmes shall be determined by the institution, with the consent of the Ministry and following the opinion previously obtained from the Council.

Annual Work Programme

Article 19

The institution shall adopt its annual work programme by 30 September.

The annual work programme of the institution shall specify in more detail: the organisation of work and material and technical conditions for operation; the forms, content, and schedule of educational activities; the types of education programmes; the

manner of conducting self-evaluation; the professional development of employees; other activities of the institution; the scope and manner of developing hygiene habits and health care among children; projects implemented within the institution; the forms, content, and schedule for carrying out the planned tasks (of the director, managing board, professional bodies, Parents' Council, expert associates, and other employees); information on teams, commissions, and other working bodies; and the methods and forms of cooperation with parents, the local self-government unit, authorities, organisations, and other relevant entities.

Organisation of Work and Calendar of Educational Activities

Article 20

Educational activities in the institution shall be organised during the working year in preschool education and care, which lasts from 1 September of the current year to 31 August of the following year. As a rule, during the period from 1 July to 31 August, a holiday care programme shall be organised within the institution.

For the purposes of paragraph 1 of this Article, a holiday care programme shall mean the organisation of educational activities in certain educational units of the institution, depending on the institution's capacities and the needs and interests of children and parents.

The institution shall be obliged, by 1 July, to determine the number of children who will participate in educational activities and the educational units in which such activities shall be organised during the holiday care period, and to make this information appropriately available to parents.

Children who are enrolled in the primary programme of preschool education and care during the same working year may take part in the educational activities organised during the holiday care period.

The decision on organising educational activities during the holiday care period shall be adopted by the managing board of the institution, with the consent of the Ministry, in accordance with the Calendar of Educational Activities in Preschool Education and Care.

The schedule of educational activities in institutions during the working year of preschool education and care shall be determined by the Calendar of Educational Activities in Preschool Education and Care, which shall be adopted by the Ministry, as a rule, by 1 September.

Working Hours of the Institution

Article 21

The decision on the working hours of the institution shall be adopted by the managing board, upon the proposal of the director, with the consent of the competent local self-government authority.

The decision referred to in paragraph 1 of this Article shall be adopted depending on the content of the education programme being implemented, in accordance with the needs and interests of children and parents, as well as the climatic and other environmental conditions.

Educational Groups

Article 22

Educational groups shall be organised within the institution.

Depending on the age of the children, the number of enrolled children in an educational group for the primary programme shall be as follows:

1. 8 for children up to one year of age;
2. 12 for children up to two years of age;
3. 14 for children from two to three years of age;
4. 10 for children in mixed-age groups up to three years of age;
5. 20 for children from three to four years of age;
6. 24 for children from four to five years of age;
7. 25 for children from five to six years of age;
8. 20 for children in mixed-age groups from three to six years of age.

Notwithstanding paragraph 2 of this Article, the number of children in an educational group may be increased with the approval of the Ministry.

Notwithstanding paragraph 2 of this Article, if children with special educational needs are included in an educational group, the number of children in that group may be reduced with the approval of the Ministry.

The institution may enrol children under one year of age if the spatial and technical conditions for such enrolment are met.

The number of children in educational groups for the programme for preparing children for primary school, as well as for specialised and other programmes, shall be determined by those respective programmes.

Educational Units

Article 23

The institution may establish educational units outside its main premises.

The decision on establishing an educational unit of a public institution shall be adopted by the Ministry.

The decision on establishing an educational unit of a private institution shall be adopted by the founder.

Enrolment of Children

Article 24

The enrolment of children in the institution shall, as a rule, be carried out during May, on the basis of a public announcement.

Notwithstanding paragraph 1 of this Article, the enrolment of children may be carried out throughout the year, depending on the capacities of the institution.

The enrolment of children shall, as a rule, be conducted electronically.

An application for the enrolment of a child in the institution shall be accompanied by a certificate of the child's medical examination, the content of which shall be prescribed by the state administration authority responsible for health affairs.

The certificate referred to in paragraph 4 of this Article shall be issued by the selected doctor for children of the competent health centre.

For a child with special educational needs, the application for enrolment shall be accompanied by a decision on the placement of a child with special educational needs, or a decision on the unified assessment of disability.

The institution may initiate the procedure for the placement of a child with special educational needs, or the unified disability assessment, on the basis of the decision referred to in paragraph 4 of this Article, in accordance with a special law.

The director of the institution shall appoint a commission to assess the fulfilment of conditions and to compile a list of children to be enrolled in the institution.

The detailed manner of enrolment of children in a public institution shall be prescribed by the Ministry.

Contract

Article 25

The mutual rights and obligations between the institution and the child's parent shall be regulated by a contract.

The content of the contract referred to in paragraph 1 of this Article shall be determined by the Ministry.

Temporary Exclusion from the Institution

Article 26

Children suffering from infectious diseases shall not stay in the institution, in accordance with the medical findings, the recommendations of the Institute of Public Health of Montenegro, or in accordance with a regulation adopted by the state administration authority responsible for health affairs.

Children referred to in paragraph 1 of this Article may stay in the institution again upon submission of a certificate issued by the selected doctor for children of the competent health centre, confirming that the child is healthy and does not pose a risk of spreading an infectious disease.

III. EDUCATORS, TEACHERS, EXPERT ASSOCIATES AND OTHER STAFF

Educational and Professional Staff

Article 27

Educational activities in the institution shall be carried out by educators, teachers, and expert associates.

Educational activities with children in an educational group shall be carried out by an educator.

Educational activities within the implementation of a specialised programme shall be carried out by an educator or a teacher of the relevant profile, in accordance with the law.

Educational activities with children in the family shall be carried out by a private educator.

Educational activities for the English language programme shall be carried out by an English language teacher.

An expert associate shall provide support to the educator, teacher, paediatric nurse, and early child development assistant in performing their professional duties.

Care and preventive health protection of children up to three years of age shall be provided by a paediatric nurse or a health technician.

Preventive health protection of children from the age of three until enrolment in primary school shall be provided by a paediatric nurse or a health technician (hereinafter referred to as: the admission nurse).

An early child development assistant shall provide support to the educator and the paediatric nurse referred to in paragraph 7 of this Article in performing their duties.

Requirements for Educational and Professional Staff

Article 28

An educator may be a person who has completed a two-year study programme in preschool education and care, corresponding to Level VI of the Qualifications Framework (180 ECTS credits), or Level VII, sublevel one (240 or 300 ECTS credits) in preschool education and care.

An English language teacher may be a person who holds Level VII of the Qualifications Framework, sublevel one (240 or 300 ECTS credits), or a teacher of English who has completed a two-year study programme in English language.

An expert associate may be a person who holds Level VI of the Qualifications Framework (180 ECTS credits) in the relevant field (pedagogy, special education and speech therapy, social work, nutrition, library science, etc.), or Level VII, sublevel one (240 or 300 ECTS credits) in the relevant field (psychology, pedagogy, special education and speech therapy, social work, nutrition, library science, etc.).

An admission nurse, paediatric nurse, or health technician may be a person who holds at least Level IV of the Qualifications Framework, sublevel one (at least 240 ECTS credits).

An early child development assistant may be a person who holds at least Level IV of the Qualifications Framework, sublevel one (at least 240 ECTS credits), and an appropriate national vocational qualification.

Educators, teachers, expert associates, paediatric nurses, health technicians, admission nurses, and early child development assistants shall be obliged to continuously pursue professional development in the fields of pedagogical, health and hygiene, and safety standards, particularly in the areas of child nutrition, prevention of infectious diseases, physical and mental development, and protection of children from violence.

Preschool Education and Care within the Family

Article 29

Preschool education and care within the family shall be carried out by a private educator as their primary activity.

The costs of preschool education and care within the family shall be borne by the parent.

A private educator may provide preschool education and care within the family if he or she:

- 1) meets the requirements for an educator prescribed by this Law;
- 2) is not employed; and
- 3) registers with the competent local self-government authority and the competent education inspection.

The manner of organising preschool education and care within the family shall be prescribed by the Ministry, upon the proposal of the Council.

The manner of record-keeping, as well as the content and form of records on private educators, shall be prescribed by the Ministry.

Sanitary and Hygiene Examination

Article 30

Persons engaged in educational activities in the institution, as well as other employees working directly with children, and private educators, shall undergo a sanitary and hygiene examination at least once a year, in accordance with the law.

Workload Standard

Article 31

Within the weekly working hours, an educator, English language teacher, and expert associate shall have 26 hours of direct educational work with children.

Within the working hours referred to in paragraph 1 of this Article, an English language teacher shall have 30 minutes of work in one educational group, twice a week.

Within the weekly working hours, an early child development assistant, paediatric nurse, or health technician referred to in Article 27, paragraph 7 of this Law shall have at least 30 hours of direct work with children.

The working hours of the admission nurse shall amount to 40 hours per week.

The remaining working hours of educators, English language teachers, expert associates, early child development assistants, and paediatric nurses or health technicians referred to in Article 27, paragraph 7 of this Law shall be allocated in accordance with the statute of the institution.

Library of Toys and Books

Article 32

The educational and professional staff referred to in Article 27 of this Law, through a programme for strengthening parental competences, shall provide support, conduct training, and promote the role of parents, while encouraging the use of parental potential through a library of toys and books.

The library of toys and books shall consist of developmentally appropriate toys and books, literature for parents and educators, as well as other didactic materials for child development.

Within the library of toys and books, parents, in addition to the free use of toys, books, specialised didactic resources for working with children with special educational needs, and other developmentally stimulating materials, shall also receive information and practical guidance on methods for stimulating a child's development, thereby encouraging the child's comprehensive development at home.

The programme for strengthening parental competences referred to in paragraph 1 of this Article shall be adopted by the institution.

Interactive Service

Article 33

An institution serving remote rural areas shall, as a rule, organise interactive services for children from the age of three.

The interactive service shall consist of an educator and an expert associate, in accordance with the education programme.

The interactive service shall provide guidance to parents, promote and implement programmes and activities related to child development, and perform similar tasks.

The interactive service may be organised once or several times a week, lasting up to three hours, in accordance with the needs and interests of children and parents.

The interactive service shall be implemented through home visits or in specially adapted premises, with the consent of the Ministry.

Pedagogical and Other Records

Article 34

The institution shall maintain unified pedagogical and other records, including: a work log, a register of children, the institution's chronicle, a child's portfolio, a record of authorised persons allowed to collect the child from the institution, and other related records.

The educational and professional staff referred to in Article 27 of this Law, as well as private educators, shall keep records of their work.

The records referred to in paragraphs 1 and 2 of this Article shall be kept in written or electronic form.

The detailed manner of keeping and the content of the pedagogical and other records referred to in paragraph 1 of this Article, as well as the records referred to in paragraph 2 of this Article kept by educators, teachers, expert associates, and private educators, shall be prescribed by the Ministry.

The detailed manner of keeping and the content of the records referred to in paragraph 2 of this Article, which are kept by paediatric nurses or health technicians referred to in Article 27, paragraph 7 of this Law, and by early child development assistants, shall be prescribed by the state administration authority responsible for health affairs, upon obtaining the prior opinion of the Ministry.

Public Documents

Article 35

Based on the data from the records referred to in Article 34 of this Law, an institution implementing publicly recognised education programmes shall issue public documents, namely: a certificate of attendance of the education programme, a withdrawal certificate, and other public documents in accordance with the law.

The content and forms of the public documents referred to in paragraph 1 of this Article shall be prescribed by the Ministry.

Health Care

Article 36

Children in the institution shall acquire knowledge and skills that promote independence, hygiene habits, and health care, thereby developing basic health awareness and self-care abilities.

Basic health care within the institution shall be provided in accordance with the hygiene and nutrition standards and norms for children, which shall be adopted by the state administration authority responsible for health affairs, upon obtaining the prior opinion of the Ministry.

Hygiene and Sanitary Measures in the Institution

Article 37

Hygiene and sanitary measures in the institution shall be carried out in accordance with the hygiene norms and standards for the institution's premises and equipment, which shall be adopted by the state administration authority responsible for health affairs, upon obtaining the prior opinion of the Ministry.

Costs of Child Care and Nutrition

Article 38

The costs of care and nutrition, that is, the stay of a child in the institution, shall be borne by the parent in accordance with the contract regulating the mutual rights and obligations between the parent and the institution.

The amount of the costs of care and nutrition, or the child's stay in a public institution, shall be determined by the managing board of the institution, with the consent of the Ministry.

A single parent whose child attends a public institution shall pay 50% of the total amount of the costs of care and nutrition, or the child's stay, as determined in accordance with paragraph 2 of this Article.

The costs of care and nutrition, or the stay of a child without parental care, a child whose parents are beneficiaries of family financial support, and a child from the most vulnerable population groups (a child with developmental disabilities or difficulties, and a child experiencing barriers of a social, linguistic, or cultural nature) in a public institution, shall be covered by the centre for social work in the municipality where the child or parent resides.

Funds obtained from the payment of care and nutrition costs shall be used to improve the conditions of children's stay, with the consent of the Ministry.

Determination of Costs

Article 39

The amount of the costs of care and nutrition, that is, the child's stay in a public institution, shall be determined based on the number of household members, the amount of income per household member, and the number of children from the household enrolled in the institution.

The amount of costs referred to in paragraph 1 of this Article, as well as the allocation of funds obtained from the payment of care costs, shall be prescribed by the Ministry.

IV. SUPERVISION

Supervision of the Implementation of the Law

Article 40

Supervision of the implementation of this Law shall be carried out by the Ministry.

V. PENAL PROVISIONS

Misdemeanours of Legal and Responsible Persons

Article 41

A fine ranging from 500 to 10,000 euros shall be imposed on an institution for a misdemeanour if it:

- 1) fails to implement the prescribed educational programme (Articles 13–18);
- 2) fails to adopt the annual work programme by 30 September (Article 19, paragraph 1);
- 3) fails to regulate mutual rights and obligations with the child's parent by contract (Article 25, paragraph 1);
- 4) fails to maintain the records referred to in Article 34, paragraphs 1 and 2 of this Law in written or electronic form (Article 34, paragraph 3).

For the misdemeanours referred to in paragraph 1 of this Article, the responsible person within the institution shall also be fined between 30 to 1,000 euros.

VI. TRANSITIONAL AND FINAL PROVISIONS

Deadline for the Adoption of Secondary Legislation

Article 42

The secondary legislation necessary for the implementation of this Law shall be adopted within one year from the date of entry into force of this Law.

Until the adoption of the secondary legislation referred to in paragraph 1 of this Article, the regulations that were in force on the date of entry into force of this Law shall continue to apply, provided that they are not contrary to the provisions of this Law.

Harmonisation of the Work of Institutions

Article 43

Institutions shall be obliged to harmonise their organisation, operation, and general acts with this Law within one year from the date of its entry into force.

Postponed Application

Article 44

The provisions of Article 24, paragraphs 5 and 6 of this Law, insofar as they relate to the unified disability assessment, shall apply from the date when the unified disability assessment procedure begins, in accordance with the law governing unified disability assessment

Cessation of Validity

Article 45

On the date of entry into force of this Law, the Law on Preschool Education and Care (“Official Gazette of the Republic of Montenegro”, No. 64/02, and “Official Gazette of Montenegro”, Nos. 49/07, 80/10, 40/16, and 47/17) shall cease to be valid.

Entry into Force

Article 46

This Law shall enter into force on the eighth day following its publication in the “Official Gazette of Montenegro.”

No. 26-1/25-22/13

EPA: 700 XXVIII

Podgorica, 31 December 2025

PARLIAMENT OF MONTENEGRO OF THE 28TH CONVOCATION
PRESIDENT
Andrija Mandić