

LAW ON EDUCATION OF CHILDREN WITH SPECIAL EDUCATIONAL NEEDS

The Law was published in the "Official Gazette of the Republic of Montenegro", No. 80/2004, and in the "Official Gazette of Montenegro", Nos. 45/2010, 47/2017, and 145/2021. The amendment No. 122/2025 is not currently included in the consolidated text (it shall apply from the date when the unified disability assessment procedure begins, in accordance with the law governing unified disability assessment, i.e., as of 1 July 2026).

I. GENERAL PROVISIONS

Contents of the Law

Article 1

The education of children and youth with special educational needs (hereinafter referred to as: children with special educational needs) and their placement in educational programmes shall be carried out in accordance with this Law.

Activity of Public Interest

Article 2

The education of children with special educational needs shall be an activity of public interest.

Application of Regulations

Article 3

The education of children with special educational needs, as part of the unified educational system, shall be carried out in accordance with this Law and with special laws governing preschool, primary, secondary general education, and vocational education.

Children with Special Educational Needs

Article 4

For the purposes of this Law, children with special educational needs are:

- 1) children with developmental disabilities, children with physical, intellectual or sensory impairments, children with multiple disabilities, and children with autism spectrum disorder;
- 2) children with developmental difficulties, children with speech and language disorders, behavioural disorders; severe chronic illnesses; long-term illnesses, and

other children who have learning difficulties and other challenges caused by emotional, social, linguistic or cultural barriers.

Obligation Article 5

Education, as well as habilitation and rehabilitation of children with special educational needs, shall be mandatory from the moment the child's special need is identified.

The education of children with special educational needs shall ensure the level of education corresponding to their physical, intellectual, emotional, and social development.

Right to Choose an Educational Programme Article 6

A parent, adoptive parent or guardian (hereinafter: the parent) of a child with special educational needs shall have the right to participate in the selection of the education programme, in accordance with this Law.

The parent, or the child with special educational needs, shall have the right to change the education programme during their schooling, in accordance with the Law.

Objectives of Education Article 7

The objectives of the education of children with special educational needs shall be to:

- 1) ensure equal opportunities for education for all children;
- 2) provide appropriate conditions for the optimum development of each child;
- 3) ensure timely guidance and inclusion in an appropriate education programme;
- 4) apply an individual approach;
- 5) maintain the balance of physical, intellectual, emotional and social development;
- 6) involve parents in the process of habilitation, rehabilitation and education;
- 7) ensure the continuity of education programmes;
- 8) ensure the integrity and complexity of education;
- 9) organise education at a location closest to the child's home;
- 10) provide adequate educational technology;
- 11) provide technical assistance to children with special educational needs.

Institutions for the Implementation of Education Article 8

Education of children with special educational needs shall be carried out in a preschool institution, in an institution of primary, general secondary and vocational education (hereinafter: the school), and in a resource centre.

The premises, equipment and teaching aids of the preschool institution, the school and the resource centre must be adapted to children with special educational needs, in accordance with the educational programme.

For the education of children with special educational needs, the school and the resource centre shall be obliged to ensure access to the premises and appropriate educational technologies, as a form of additional teaching aids (such as large print, Braille, etc.).

Prohibition of Discrimination

Article 8a

Physical, psychological and social violence, abuse and neglect of children and students, corporal punishment, insults to personal dignity, sexual abuse of children, students or employees, as well as any other form of discrimination, shall not be permitted in the school or in the resource centre, in accordance with a special law.

Financing

Article 9

The education of children with special educational needs shall be financed from the Budget of Montenegro.

Definitions

Article 10

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

- 1) programme with additional professional support shall mean the inclusion of children with special educational needs in preschool groups and school classes, with the provision of additional conditions, aids and professional support.
 - 1a) adapted education programme shall mean the inclusion of children with special educational needs in preschool groups and school classes, with an adapted delivery of the education programme.
 - 1b) individual developmental and educational programme shall mean a document that sets educational and developmental goals and defines the methods for their achievement for each child with special educational needs.
- 2) **habilitation** shall mean a system of measures and procedures aimed at enabling children with developmental disabilities identified at birth or at an early age to function more effectively in meeting everyday life needs;
- 3) **rehabilitation** shall mean a system of protection, training, education and reintegration of children with special educational needs;

- 4) **placement procedure** shall mean a procedure whereby, on the basis of an expert opinion of a commission, an education programme into which the child is to be placed is determined, as well as the scope and manner of providing additional and other professional assistance for the school or resource centre in which the child will be included, taking into account the child's preserved abilities and the type and degree of developmental disability (special educational needs);
- 5) **additional professional assistance** shall mean assistance provided by professional associates of the school or resource centre, or by external professional associates, in the implementation of the education programme with adapted delivery;
- 6) **mobile service** shall mean the engagement of experts for the purpose of supporting teachers, preschool teachers and parents in the process of developing and implementing individual developmental and educational programmes and in providing other professional assistance to children with special educational needs;
- 7) **resource centre** shall mean a specialised institution that carries out the education process, habilitation, rehabilitation and early intervention, provides advisory and professional support to other educational institutions for the education of children with a certain type of developmental disability, conducts training for teachers who work with children with special educational needs in the education process, in the use of assistive technologies, sign language and picture communication systems, prepares, adapts, produces and prints textbooks (in Braille) and other teaching materials, and provides for the use of didactic and teaching aids, equipment, tools and assistive technology;
- 8) **integrated class** may be organised within a regular school for children who, due to the severity and type of disability, cannot be fully included in regular classes, for whom joint instruction in certain subjects with peers in regular classes is implemented;
- 9) **individual transition plan** shall mean a component of the individual developmental and educational programme, the goals, measures and activities of which are aimed at supporting the student in the process of transition from one level of education to another, or from the education system to the labour market and employment.
- 10)

Use Of Gender-Sensitive Language

Article 10a

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.

II. ORGANISATION OF EDUCATIONAL WORK

Education Programme

Article 11

Education of children with special educational needs shall be carried out on the basis of:

- 1) an education programme with the provision of additional conditions and aids;

- 2) an education programme with adapted delivery and additional professional assistance;
- 3) a special education programme.

Program with Provision of Additional Conditions, Aids and Professional Support

Article 12

Education of children with special educational needs in preschool institutions and schools shall be carried out by including them in educational groups or classes together with other children or pupils, with the provision of additional conditions, aids, and professional support, in accordance with the education programme.

The additional professional support referred to in paragraph 1 of this Article shall be provided individually.

Depending on the developmental disorders and difficulties, abilities, and needs of the child, the individual programme shall allow for modification, adaptation, and individualisation of the methodology by which the curriculum content is implemented.

Programme with Adapted Delivery and Additional Professional Support

Article 13

Education of children with special educational needs shall be carried out by including them in educational groups or classes together with other children, in accordance with an education programme with adapted delivery and additional professional support.

Depending on the developmental disorders and difficulties, abilities, and needs of the child, the programme shall allow for: shortening or expanding the subject curriculum content; modification, adaptation, and individualisation of the methodology by which the curriculum content is implemented.

In secondary vocational education, a pupil may receive education according to an education programme with adapted delivery and additional professional support, or according to a part of the programme that enables the acquisition of skills for specific groups of occupations, which may lead to a professional qualification if so defined by the programme.

The scope and manner of providing additional professional support shall be determined by the decision on the orientation of children with special educational needs, in accordance with the education programme.

Special Education Programme

Article 14

Education of children with special educational needs who, due to the severity of their disabilities, cannot be educated in regular schools, and taking into account their best interests, shall be provided in integrated classes and resource centres, where the necessary

support is ensured and the close interconnection of education, habilitation, and rehabilitation is maintained.

A resource centre shall provide professional assistance to integrated classes.

For pupils of integrated classes, joint instruction in certain subjects shall be carried out together with their peers in regular classes, in accordance with the individual developmental and educational programme and the class schedule.

Educational Programmes

Article 15

- Deleted. -

Individual Developmental and Educational Programme

Article 16

The individual developmental and educational programme shall define educational and developmental goals based on the relationship between the child's current and planned functioning (cognitive, emotional, social, and physical), as well as the level of knowledge and skills.

The individual developmental and educational programme shall prescribe the forms of educational work for educational areas or subjects, the manner of providing additional professional support, transition pathways between programmes, adaptations in organisation, standards of knowledge, achievements and skills, the scope of technical support, class schedule, methods of assessment, and the evaluation of educational and developmental achievements and progress, in accordance with the child's individual abilities.

The individual developmental and educational programme shall enable: the shortening or expansion of the content of the subject curriculum; modification, adaptation, and individualisation of the methodology by which the curriculum content is implemented; supplementation with alternative forms of communication, such as sign language, Braille, picture exchange communication systems; and the use of specialised didactics, equipment, aids, assistive technologies, and similar means.

The school or the resource centre shall, as a rule, adopt the individual developmental and educational programme for a child with special educational needs within 30 days from the date of enrolment, in cooperation with the parent, and shall notify the Bureau for Education Services, the Centre for Vocational Education, and the Examination Centre thereof.

For the preparation, implementation, monitoring, and adjustment of the individual developmental and educational programme, the school or the resource centre shall establish a professional team composed of teachers and professional associates of the school or the resource centre, with the participation of the parent.

The individual developmental and educational programme may be amended or adjusted during the school year, in accordance with the child's progress and development.

For pupils in the third cycle of primary education, an individual transition plan shall be developed and implemented as part of the individual developmental and educational programme. The goals, measures, and activities of this plan shall be aimed at ensuring

timely career guidance for pupils in the process of transitioning from one level of education to another, and for pupils in the final grades of secondary school, from the education system to the labour market.

Specialised and Mobile Services

Article 17

For the purpose of supporting the education of children with special educational needs, specialised and mobile services shall be organised within the Bureau for Education Services. These services shall cooperate with preschool institutions, schools, parents, and healthcare institutions in providing additional and other professional support, in accordance with the decision on the orientation of the child.

Members of the mobile services shall be experts from resource centres or special classes within schools.

Other professional associates may also be engaged as members of the mobile services, depending on the specific educational needs of the child.

III. ORIENTATION PROCEDURE FOR PLACEMENT IN AN EDUCATION PROGRAMME

Orientation Procedure

Article 18

The orientation procedure for children with special educational needs shall be initiated by submitting a request.

The request referred to in paragraph 1 of this Article may be submitted by the parent, the primary healthcare institution, the educational institution, the centre for social work, or the local self-government authority responsible for education affairs, with prior notification of the parent.

The request referred to in paragraph 1 of this Article shall be submitted to the competent local self-government authority.

Commission for the Orientation of Children with Special Educational Needs

Article 19

The orientation of children with special educational needs shall be carried out by the local self-government authority responsible for education affairs, upon the proposal of the Commission for the Orientation of Children with Special Educational Needs (hereinafter referred to as "the Commission").

The Commission shall be appointed by the local self-government authority responsible for education affairs and shall be composed of: a paediatrician and physicians of the

relevant specialties, a psychologist, a school counsellor, a special education teacher, and a social worker.

The parent and the child's teacher or preschool teacher shall participate in the work of the Commission.

As the basis for orientation, with an emphasis on the process of acquiring and developing the skills and knowledge necessary for everyday life, the Commission shall assess the child's level of development, learning potential, ability to achieve knowledge standards, personal characteristics, and the environmental barriers and limiting factors.

The conditions for the work of the Commission shall be provided by the authority referred to in paragraph 1 of this Article.

Proposal on Orientation Article 20

The Commission shall issue a proposal on orientation based on its assessment, consultations with the child's parents, and on pedagogical, educational-rehabilitation, psychological, and other documentation obtained from the relevant institutions.

Before issuing the proposal on orientation, the Commission shall be obliged to request the opinion of the educational institution to which the child with special educational needs is to be oriented, as well as the opinions of other competent institutions, in order to obtain the necessary information about the child.

The proposal on orientation shall determine the education programme into which the child is to be placed, the scope and manner of providing additional professional support, the need for engaging a teaching assistant, and the staffing, spatial, material, and other conditions that the school or resource centre to which the child will be admitted must ensure.

The proposal of the Commission shall also contain elements based on which other rights of the child, regulated by special legislation, are to be provided, unless otherwise prescribed by such legislation.

Decision on Orientation Article 21

Based on the proposal of the Commission, the local self-government authority responsible for education affairs shall issue a decision on the orientation of children with special educational needs into an appropriate education programme.

The decision on orientation shall also specify a period, which shall not exceed one year, during which the educational institution is obliged to monitor the child's achievements and progress in order to verify the adequacy of the orientation, the methods of work, the provision of additional assistance and support, and the implementation of the objectives of the individual developmental and educational programme.

Appeal Against the Decision

Article 22

An appeal against the decision of the local self-government authority may be submitted to the Ministry of Education (hereinafter referred to as "the Ministry") within 30 days from the date of receipt of the decision.

The Ministry, upon obtaining the prior opinion of the Ministry of Health, shall appoint a second-instance commission composed of: a paediatrician and physicians of the relevant specialties, a special educator, a psychologist, a school counsellor, a social worker, and a teacher or preschool teacher.

The Ministry shall ensure the conditions for the work of the second-instance commission.

Based on the opinion of the second-instance commission, the Ministry shall issue a decision.

An administrative dispute may be initiated against the decision referred to in paragraph 4 of this Article.

Corresponding Application of the Law

Article 23

- Deleted. -

Manner, Conditions and Procedure for the Orientation of Children with Special Educational Needs

Article 24

The manner, conditions, and procedure for the orientation of children with special educational needs shall be prescribed by the Ministry, with the consent of the Ministry of Health.

Enrolment Conditions

Article 25

A child with special educational needs shall be enrolled in a preschool institution, school, or resource centre in accordance with the decision on orientation.

Notwithstanding paragraph 1 of this Article, a child with special educational needs may be included in an early intervention programme without enrolment, pending the issuance of the decision on orientation, based on a referral from a healthcare institution or at the request of the parent.

The number of children in an educational group or class shall be determined by the education programme.

Home Education

Article 26

The Commission may, upon the proposal of the parent, orient a child with special educational needs to acquire preschool or primary education organised at home.

The parent shall be obliged to notify in writing the preschool institution, school, or resource centre in which the child is enrolled that home education is being organised.

The preschool institution, school, or resource centre in which the child is enrolled shall be obliged to monitor the development and progress of the child with special educational needs who is being educated at home, for the purpose of providing assistance and guidance to the child, the parent, and the teacher, in accordance with a special law.

The preschool institution, school, or resource centre shall keep records and documentation on the home education of the child with special educational needs and shall issue public documents.

Education in a Healthcare Institution

Article 27

For children with special educational needs who are undergoing long-term medical treatment in a healthcare institution and are unable to regularly attend educational activities in a preschool institution, school, or resource centre, education shall be organised within that institution.

The preschool institution, school, or resource centre shall organise the education of children with special educational needs in the healthcare institution, keep records and documentation on their education, and issue public documents.

IV. TEACHERS, EXPERT ASSOCIATES AND ASSOCIATES

Teaching and Educational Staff

Article 28

Educational work with children with special educational needs in a preschool institution and school shall be carried out by preschool teachers, teachers, expert associates, and associates who meet the requirements prescribed by the law governing the respective field of education, unless otherwise provided by this Law.

Persons referred to in paragraph 1 of this Article must be qualified to work with children with special educational needs.

Educational work with children with special educational needs in a resource centre or integrated class shall be carried out by a special educator, preschool teacher, teacher, expert associate, and associate who meet the requirements prescribed by the law governing the respective field of education, unless otherwise provided by this Law.

Notwithstanding paragraph 3 of this Article, subject teaching in a resource centre for primary education may be performed by a person who has completed a higher school of teacher education or an equivalent qualification at level VII, sublevel one of the Qualifications Framework (corresponding to 240 or 300 ECTS credits).

Expert Associates

Article 29

An expert associate in a resource centre shall be a person who has completed an appropriate faculty programme (special educator, psychologist, school counsellor, social worker, medical specialist, etc.).

Associates

Article 30

An associate (nurse or physiotherapist) in a resource centre may be a person who has completed at least the appropriate secondary school and possesses the required experience, in accordance with the act on systematisation.

Teaching Assistants

Article 30a

A child with special educational needs shall be provided with teaching assistance to ensure access to education and educational achievement.

Teaching assistance shall be provided by a teaching assistant who offers technical support during classes for children with severe physical disabilities, moderate intellectual disabilities, total loss of vision, complete hearing loss, and those on the autism spectrum, in accordance with the decision on orientation.

The school shall conclude an employment contract with the teaching assistant for an indefinite period.

A teaching assistant employed for an indefinite period, whose services are no longer required, may establish employment in another school based on an agreement between the principals of the schools.

A teaching assistant employed for an indefinite period in a school may, by mutual agreement, be transferred to another school if they meet the requirements prescribed by the law and the act on systematisation of job positions, with the consent of the teaching assistant.

In accordance with the individual developmental and educational programme (assessment of the child's educational and developmental needs and goals) and the class schedule, the scope of support provided by the teaching assistant shall be determined under the supervision of the teacher, the school's professional service, and the school principal.

A single teaching assistant may be engaged for several children or pupils. The engagement of a teaching assistant for more children or pupils shall be carried out in accordance with the individual developmental and educational programme and the class schedule.

A person who has completed at least level IV, sublevel one of the Qualifications Framework (corresponding to 240 ECTS credits), and who has attended professional training for working with children with special educational needs, may be engaged as a teaching assistant.

The full working time of a teaching assistant shall amount to 40 hours per working week.

V. TRANSITIONAL AND FINAL PROVISIONS

Education Programmes

Article 31

The competent authority shall adopt a special education programme, in accordance with this Law, no later than the end of the 2004/2005 school year.

The implementation of the special education programme referred to in paragraph 1 of this Article shall commence in the 2005/2006 school year, in institutions that meet the staffing, spatial, and other requirements prescribed by this Law.

The fulfilment of the requirements referred to in paragraph 2 of this Article shall be determined by the Ministry.

Until the requirements prescribed by this Law are fulfilled, the existing curricula and programmes for special schools, adopted in accordance with the Law on Special Education ("Official Gazette of the Republic of Montenegro", No. 56/92), shall be implemented in other special schools.

Deadline for the Appointment of Commissions

Article 32

The commissions for the orientation of children with special educational needs and the second-instance commission shall be established within six months from the date of entry into force of this Law.

Until the establishment of the commissions referred to in paragraph 1 of this Article, the orientation of children with developmental disabilities shall be carried out by the Republic Commission for the Assessment of Children with Developmental Disabilities, established in accordance with the Law on Special Education ("Official Gazette of the Republic of Montenegro", No. 56/92).

Completion of Pending Orientation Procedures

Article 33

The procedure for the orientation of children with special educational needs initiated before the entry into force of this Law shall be completed in accordance with the regulations under which the procedure was initiated.

Teachers in Employment at the Time of Entry into Force of the Law

Article 34

Class and subject teachers who, on the date of entry into force of this Law, are employed on a permanent basis in a special school and do not possess the qualifications prescribed by law, may continue to teach in a special institution, in accordance with this Law.

Secondary Legislation

Article 35

The regulations provided for by this Law shall be adopted no later than one year from the date of entry into force of this Law.

General Acts

Article 36

Preschool institutions, schools, and special institutions shall harmonise their operations, organisation, and general acts with this Law within six months from the date of entry into force of this Law.

Harmonisation of the Work of Institutes

Article 36a

The existing institutes for the education of children with special needs shall continue to operate as resource centres and shall harmonise their general acts with this Law within six months from the date of entry into force of this Law.

Regulations Ceasing to be in Force

Article 37

The Law on Special Education ("Official Gazette of the Republic of Montenegro", No. 56/92) shall cease to be in force at the end of the school year in which children with special educational needs complete preschool, primary, or secondary education under the existing curriculum and programme.

Entry into Force of the Law

Article 38

This Law shall enter into force on the eighth day following its publication in the "Official Gazette of the Republic of Montenegro" and shall apply in institutions operating under an educational programme adopted in accordance with this Law.

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

DECREE
ON THE PROMULGATION OF THE LAW AMENDING THE LAW ON EDUCATION
OF CHILDREN WITH SPECIAL EDUCATIONAL NEEDS

I hereby promulgate the **Law Amending the Law on Education of Children with Special Educational Needs**, adopted by the Parliament of Montenegro, 28th convocation, at the First Sitting of the Second Regular (Autumn) Session in 2025, on 17 October 2025.

No. 01-009/25-2003/2
Podgorica, 20 October 2025

The President of Montenegro,
Jakov Milatović, m.p.

Pursuant to Article 82, paragraph 1, item 2, and Amendment IV, paragraph 1 of the Constitution of Montenegro, the Parliament of Montenegro, at the First Sitting of the Second Regular (autumn) session of the 28th convocation, held on 17 October 2025, adopted the following

LAW
ON AMENDMENTS TO THE LAW ON EDUCATION OF CHILDREN WITH SPECIAL
EDUCATIONAL NEEDS

Article 1

In the Law on Education of Children with Special Educational Needs (“Official Gazette of the Republic of Montenegro”, No. 80/04, and “Official Gazette of Montenegro”, Nos. 45/10, 47/17, and 145/21), after Article 4, a new article shall be added, which reads as follows:

“Children with Special Educational Needs

Article 4a

For the purposes of this Law, children with special educational needs are:

1) children with developmental disabilities or disabilities – children who have long-term physical, mental, intellectual and/or sensory impairments which, in interaction with various barriers, may hinder their full and effective participation in society on an equal basis with others;

2) children with developmental difficulties – children with behavioural problems and children who have learning difficulties and other challenges caused by emotional, social, linguistic or cultural barriers.”

Article 2

In Article 10, paragraph 1, after item 4, a new item shall be added, which reads as follows:

“4a) **procedure of inclusion or placement in an appropriate education programme** shall mean a procedure whereby, depending on the degree of support required for equal inclusion in society (hereinafter: degree of required support), determined in accordance with the law governing the unified disability assessment, a child is included or placed in an appropriate education programme, in accordance with this Law;”

Article 3

After Article 17, a new article shall be added, which reads as follows:

“Specialised and Mobile Services

Article 17a

For the purpose of supporting the education of children with special educational needs, specialised and mobile services shall be organised within the Bureau for Education Services or the Centre for Vocational Education. These services shall cooperate with preschool institutions, schools, parents, and healthcare institutions in providing additional and other professional support, in accordance with the decision on inclusion or the decision on orientation into an appropriate education programme.

Members of the mobile services shall be experts from resource centres or special classes within schools.

Other professional associates may also be engaged as members of the mobile services, depending on the specific educational needs of the child.”

Article 4

After Chapter III, a new chapter shall be added, which reads as follows:

“IIIa. PROCEDURE FOR INCLUSION AND ORIENTATION INTO AN EDUCATION PROGRAMME

Procedure for Inclusion into an Education Programme

Article 27a

A child with special educational needs shall be included in an appropriate education programme referred to in Article 11, paragraph 1, items 1 and 2 of this Law, at the time of enrolment or during attendance at a preschool institution or school, in accordance with the decision on unified disability assessment.

Notwithstanding paragraph 1 of this Article, a child with special educational needs may be included in an early intervention programme without enrolment, pending the issuance of the

decision on unified disability assessment, based on a referral from a healthcare institution or at the request of the parent.

The decision on the inclusion of a child with special educational needs in an appropriate education programme referred to in Article 11, paragraph 1, items 1 and 2 of this Law shall be issued by the preschool institution or school in which the child is enrolled or which the child attends, with the participation of the parent.

The parent of a child with special educational needs shall submit to the preschool institution or school in which the child is enrolled or which the child attends the decision on unified disability assessment, which determines the status of a person with disability and/or the level of required support, in accordance with the law governing unified disability assessment.

The decision referred to in paragraph 3 of this Article shall specify a period not exceeding one year, during which the preschool institution or school attended by the child shall be obliged to monitor the child's achievements and progress in order to verify the adequacy of the inclusion in the appropriate education programme.

Notification of the Bureau for Education Services and the Centre for Vocational Education Article 27b

The preschool institution or school referred to in Article 27a, paragraph 3 of this Law shall be obliged to notify the Bureau for Education Services or the Centre for Vocational Education of the education programme in which the child with special educational needs has been included, within 15 days from the date of inclusion in the education programme.

The Bureau for Education Services and the Centre for Vocational Education shall keep records of the data referred to in paragraph 1 of this Article.

The content and manner of keeping the records referred to in paragraph 2 of this Article shall be prescribed by the Ministry.

Orientation Procedure into a Special Education Programme Article 27c

A child with special educational needs shall be oriented into a special education programme at the time of enrolment in a school or resource centre, or during school attendance.

The decision on the orientation of a child with special educational needs into a special education programme shall be issued by the Bureau for Education Services or the Centre for Vocational Education, based on a request submitted by the parent, the school, or the centre for social work, with prior notification to the parent.

The request referred to in paragraph 2 of this Article shall be accompanied by the decision on unified disability assessment.

Before issuing the decision referred to in paragraph 2 of this Article, the Bureau for Education Services or the Centre for Vocational Education shall obtain the opinion of the parent.

The Bureau for Education Services or the Centre for Vocational Education, based on the level of required support determined by the decision referred to in paragraph 3 of this Article, shall determine the integrated class or the resource centre in which the child shall be included, as a rule, in the place of the child's residence.

The decision referred to in paragraph 2 of this Article shall specify a period not exceeding one year, during which the school or resource centre attended by the child shall be obliged to monitor the child's achievements and progress in order to verify the adequacy of the orientation into the special education programme.

The number of children in an educational group or class shall be determined by the special education programme.

Appeal

Article 27d

An appeal may be lodged against the decision referred to in Article 27a, paragraph 3, and Article 27c, paragraph 2 of this Law, with the state administration authority responsible for education affairs (hereinafter: the Ministry), within 30 days from the date of receipt of the decision.

In the appeal procedure, the Ministry shall decide whether the child with special educational needs has been included or oriented into the appropriate education programme.

An administrative dispute may be initiated against the decision of the Ministry.

Provision of Conditions for Inclusion or Orientation

Article 27e

The preschool institution, school, or resource centre, in accordance with the decision on inclusion or orientation into the appropriate education programme and within its capabilities, shall provide conditions in accordance with the child's specific educational needs by adapting the premises, equipment, and teaching materials.

The conditions referred to in paragraph 1 of this Article shall be prescribed by the Ministry.

Home Education

Article 27f

The Bureau for Education Services may, upon the proposal of the parent, refer a child with special educational needs to acquire preschool or primary education organised at home.

The parent shall be obliged to notify in writing the preschool institution, school, or resource centre in which the child is enrolled that home education is being organised.

The preschool institution, school, or resource centre in which the child is enrolled shall be obliged to monitor the development and progress of the child with special educational needs who is being educated at home, for the purpose of providing assistance and guidance to the child, the parent, and the teacher, in accordance with a special law.

The preschool institution, school, or resource centre shall keep records and documentation on the home education of the child with special educational needs and shall issue public documents.”

Article 5

After Article 30a, a new article shall be added, which reads as follows:

“Teaching Assistants

Article 30b

A child with special educational needs shall be provided with teaching assistance to ensure access to education and educational achievement.

Teaching assistance shall be provided by a teaching assistant who offers technical support during classes to a child who has been granted the status of a person with disability and the third or fourth level of required support, in accordance with the law governing the unified disability assessment.

Notwithstanding paragraph 2 of this Article, a teaching assistant may also be provided to a child who has been granted the status of a person with disability and the second level of required support, in accordance with the law governing the unified disability assessment.

A person who has completed at least level IV, sublevel one of the Qualifications Framework (corresponding to 240 ECTS credits), and who has attended professional training for working with children with special educational needs, may be engaged as a teaching assistant.

The school shall conclude an employment contract with the teaching assistant for an indefinite period, with full working hours amounting to 40 hours per working week.

A teaching assistant employed for an indefinite period, whose services are no longer required, may establish employment in another school based on an agreement between the principals of the schools.

A teaching assistant employed for an indefinite period in a school may, by mutual agreement, be transferred to another school if they meet the requirements prescribed by the law and the act on systematisation of job positions, with the consent of the teaching assistant.

In accordance with the individual developmental and educational programme (assessment of the child's educational and developmental needs and goals) and the class schedule, the scope of support provided by the teaching assistant shall be determined under the supervision of the teacher, the school's professional service, and the school principal.

A single teaching assistant may be engaged for more children or pupils.

The engagement of a teaching assistant for more children or pupils shall be carried out in accordance with the individual developmental and educational programme and the class schedule.”

Article 6

After Article 33, a new article shall be added, which reads as follows:

“Ongoing Orientation Procedures

Article 33a

The orientation procedures for children with special educational needs initiated before the commencement of the implementation of this Law shall be completed in accordance with the regulations under which they were initiated.”

Article 7

After Article 35, a new article shall be added, which reads as follows:

“Harmonisation of Regulations

Article 35a

The regulations for the enforcement of this Law shall be harmonised with this Law before its implementation begins.”

Article 8

After Article 37, a new article shall be added, which reads as follows:

“Cessation of Validity

Article 37a

On the date of commencement of the application of this Law, the provisions of Article 4, Article 10 paragraph 1 item 4, Article 13 paragraph 4, Article 17, Chapter III – ORIENTATION

PROCEDURE FOR PLACEMENT IN AN EDUCATION PROGRAMME, and Article 30a of the Law on Education of Children with Special Educational Needs (“Official Gazette of the Republic of Montenegro”, No. 80/04, and “Official Gazette of Montenegro”, Nos. 45/10, 47/17, and 145/21) shall cease to have effect.”

Article 9

This Law shall enter into force on the eighth day following its publication in the “Official Gazette of Montenegro”, and shall apply from the date when the unified disability assessment procedure begins, in accordance with the law governing unified disability assessment.

No. 26-1/25-20/8

EPA: 644 XXVIII

Podgorica, 17 October 2025

Parliament of Montenegro of the 28th Convocation
President,
Andrija Mandić, m.p.