

# LAW ON PRIMARY EDUCATION

## Contents

<b>I BASIC PROVISIONS</b> .....	73
The Contents of the Law (Article 1).....	73
The Aims of the Education (Article 2).....	73
The implementation of education (Article 3).....	74
Compulsory primary education (Article 4).....	74
Duration (Article 5) .....	74
The status of pupil (Article 6) .....	74
Primary Education of Adults (Article 7) .....	74
Primary Art Education (Article 8).....	75
Children with Special Needs (Article 9).....	75
Talented Pupils (Article 10).....	75
Interpretation Clause (Article 11) .....	75
<b>II THE ORGANIZATION OF EDUCATIONAL WORK</b> .....	76
The educational curriculum (Article 12).....	76
The Compulsory Subjects (Article 13).....	76
The Optional Subjects (Article 14) .....	77
Extra and Remedial Teaching (Article 15) .....	77
Extended Curriculum (Article 16) .....	77
The Prolonged Stay (Article 17) .....	77
Optional teaching (Article 18).....	78
Outdoors activities (Article 19) .....	78
Class Community (Article 20).....	78
The Annual Plan (Article 21) .....	78
The Cycles (Article 22).....	78
The Number of Pupils per Class (Article 23).....	79
Multi-grade Class (Article 24) .....	79
Foreign Languages (Article 25).....	79
Weekly Work and the Duration of the school lesson (Article 26).....	80
Schools for Teacher Training Practice (Article 27) .....	80
Contract (Article 28) .....	80
Education Abroad (Article 29) .....	80
Teachers working abroad (Article 30) .....	81
<b>III PUPILS</b> .....	81
Enrollment requirements (Article 31).....	81
The enrollment before the age of six (Article 32) .....	81
The enrollment into school (Article 33).....	81
The Delay of Schooling (Article 34).....	82

---

Competent local self-government authority (Article 35) .....	82
The Obligations of the Parents (Article 36) .....	82
The Right of Education at Home (Article 37).....	82
The assessment of knowledge resulting from the education at home (Article 38)	83
The knowledge assessment at the end of a cycle – education at home (Article 39)..	83
The Obligation of Pupils (Article 40).....	84
The Obligation of Pupils During Primary Education Obligation (Article 41) .....	84
Disciplinary Measures (Article 42).....	84
The Release from the Physical Education Curriculum (Article 43) .....	84
The Absence of Pupils (Article 44).....	85
The Transfer from one School to Another (Article 45) .....	85
<b>IV PROGRESS AND MARKING OF PUPILS.....</b>	<b>85</b>
Marking (Article 46) .....	85
Marking per cycles (Article 47).....	85
The Marking per Periods (Article 48) .....	86
The Establishing of Marks (Article 49) .....	86
General Success (Article 50).....	86
The Repetition of Grade (Article 51) .....	86
Remedial Examination (Article 52).....	87
Remedial Examination Period (Article 53) .....	87
Examination Commission (Article 54) .....	87
The Assessment of Knowledge (Article 55) .....	88
External Assessment of Knowledge (Article 56) .....	88
Grade Exam (Article 57).....	88
Sitting for the Grade Exam (Article 58) .....	88
The marking of pupils on the grade exam (Article 59) .....	89
Extreme progression of the Pupils (Article 60).....	89
Talented Pupils (Article 61) .....	89
Complaint Relating to the Marks (Article 62).....	89
The Annulment of Exams (Article 63) .....	90
The decision on the annulment of exams (Article 64).....	90
Praises and Rewards (Article 65).....	90
Disciplinary Measures (Article 66).....	90
Regulations on Praises, Rewards and Disciplinary Measures (Article 67) .....	91
<b>V PRIMARY ART EDUCATION .....</b>	<b>91</b>
The Acquisition of Art Education (Article 68).....	91
Enrollment Requirements (Article 69) .....	91
Educational Curriculum (Article 70).....	91
Cycles in Art Schools (Article 71).....	92
Teaching process (Article 72) .....	92
Obligatory Number of Lessons (Article 73) .....	92
Annual Exam (Article 74).....	92

<b>VI TEACHERS AND PROFESSIONAL ASSOCIATES</b> .....	93
Teaching and Educational Staff (Article 75).....	93
The Delivery of Teaching in the First and the Second Cycle (Article 76) .....	93
The Delivery of the Teaching Process in the Third Cycle (Article 77) .....	94
The delivery of Teaching (Article 78) .....	94
Obligatory Number of Lessons (Article 79).....	94
The Working Hours of Educators (Article 80).....	95
<b>VII PENAL PROVISIONS</b> .....	95
Fines (Article 81) .....	95
<b>VIII TRANSITIONAL AND FINAL PROVISIONS</b> .....	95
The educational curriculum (Article 82).....	95
The Fulfillment of Primary Schooling Obligation (Article 83).....	96
Teachers of subject teaching process having two-year post-secondary qualification (Article 84).....	96
By-laws (Article 85) .....	96
General Documents (Article 86).....	96
The Regulations that Cease to be Valid (Article 87) .....	97
Coming into Force (Article 88) .....	97



## LAW ON PRIMARY EDUCATION

### I BASIC PROVISIONS

#### ***The Contents of the Law***

##### Article 1

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

#### ***The Aims of the Education***

##### Article 2

The aims of the primary education are:

- 1) the providing of primary education for all the citizens;
- 2) the development of creative personalities;
- 3) the reaching of the internationally comparable standards of knowledge, and the acquisition of the knowledge required for the continuation of education;
- 4) the development of critical thinking, self-determination and the interest for new knowledge;
- 5) the grounding for self reliable reasoning and the participation in social life;
- 6) the gaining of general knowledge that enables the independent, efficient and creative application in practice;
- 7) the facilitation of pupil personalities development in line with their capabilities and with the development dispositions;
- 8) the education for respect toward the national, historical and cultural values, as well as for the recognizing the cultural and other characteristics of other nations;
- 9) the education for mutual tolerance, respect for differences, cooperation with others, respect for human rights and fundamental freedoms, and along with that the development of the abilities for life within a democratic society;
- 10) the adoption of knowledge relating to the basic regularities of nature and of society, as well as the maintenance of human health;
- 11) the development of democratic attitudes, tolerance and cooperation (in schools and out of them) and the respect for the rights of others;
- 12) the formation and encouragement of the vigorous life style and responsible relation toward the natural surrounding.

**The implementation of education**

Article 3

Primary education shall be implemented in primary schools (hereinafter referred to as: the school)

The schools referred to in paragraph 1 of this Article shall be founded as public or private institutions, in line with the law.

Parents or tutors shall be entitled to select the form of education for their children.

**Compulsory primary education**

Article 4

Primary education shall be compulsory for all children from the age of 6 to 15.

Parents or tutors (hereinafter referred to as: the parents) must ensure for their children to meet the compulsion of primary education, referred to in paragraph 1 of this Article.

Primary education compulsion shall be considered completed after pupil's nine years long attending of primary school.

**Duration**

Article 5

The primary education shall last 9 years.

For the purpose of the attaining of primary education in the school there shall not be any tuition fees.

**The status of pupil**

Article 6

The enrollment into the first grade of primary school shall give a child the status of a pupil.

Primary education for a pupil shall be considered completed after the successfully finished ninth grade.

**Primary Education of Adults**

Article 7

Primary education of the citizens older than 15 years (hereinafter: the adults) shall be realized within the separate sections of primary school or within schools for the adult education, in line with this and with a separate Law.

### **Primary Art Education**

#### Article 8

Primary art education (music, ballet, and alike) may be organized along with primary education, under the conditions and in the manner prescribed by this Law.

### **Children with Special Needs**

#### Article 9

Children with deficiencies in their growth may attain primary education in schools on the basis of the decision of the competent Commission that they may be included in regular teaching.

The Ministry competent for education and science (hereinafter referred to as: the Ministry) shall prescribe the manner of the enrollment of children, and the organization of educational work referred to in paragraph 1 of this Article, at the proposal of the competent Council.

The children with deficiencies in their growth, who need the adjusted delivery of the compulsory educational curricula along with the additional professional assistance, or who need the special educational curriculum, shall accomplish the primary education in line with this Law and with other regulations.

The education of children with learning difficulties will be carried out in the manner that the school shall adjust the methods and the forms of work, and enable the learning through remedial teaching and other forms of individual and group help.

### **Talented Pupils**

#### Article 10

The education of talented pupils will be executed in line with this Law and in such manner that the school shall adjust the methods and the forms of work, and enable them the involvement into extra teaching and other forms of individual and group help, in line with separate curriculum.

### **Interpretation Clause**

#### Article 11

Particular expressions in this Law shall have the following meaning:

- "public institution" is a primary school that is founded by the state, or the unit of local self-government;
- "private institution" is a school that is founded by a national legal or natural person;
- "education at home" is the education organized by parents;

- “children with special needs” are the children with deficiencies in their growth, with learning difficulties, and talented children;
- “children with deficiencies in their growth and children with learning difficulties” are the children who need the adjusted delivery of educational curricula together with professional help, or who need a separate educational curriculum;
- “cycle” is the period in which the education is attained through three grades:
  - the first cycle – the first, second and the third grade;
  - the second cycle – the fourth, fifth and the sixth grade;
  - the third cycle – the seventh, eighth and the ninth grade;
- “teaching year” is the period within which the regular teaching is executed;
- “school year” is the period within which the regular teaching and other forms of educational work are realized;
- “compulsory primary education” means the obligation of pupils of the age of 6 to 15 to attend primary education;
- “evaluation period” is a part of a term (of a teaching year) within which the curricula and the marking of pupils are executed.
- “obligatory number of lessons” means the direct execution of teaching within a weekly working hours, prescribed by the curriculum.

## **II THE ORGANIZATION OF EDUCATIONAL WORK**

### ***The educational curriculum***

#### Article 12

Primary education shall be delivered on the basis of the curriculum for primary schools (hereinafter: the educational curriculum).

The educational curriculum shall establish compulsory subjects, compulsory optional subjects, optional subjects, free activities and the lessons of class community.

### ***The Compulsory Subjects***

#### Article 13

The Ministry shall define compulsory subjects in public or private institutions, on the proposal of Council for General Education.



### ***The Optional Subjects***

#### Article 14

Schools are in obligation to offer the teaching in five compulsory optional subjects, at least, to pupils in the third cycle, in line with the educational curriculum, where one of them is foreign language.

Pupils shall decide on optional subjects referred to in paragraph 1 of this Article.

The Ministry shall decide on the list of compulsory optional subjects and their contents, on the basis of the proposal of the Bureau for Educational Services.

The school and the local community shall submit proposal for list of compulsory optional subjects.

### ***Extra and Remedial Teaching***

#### Article 15

Schools are in obligation to organize the remedial teaching for the pupils that lag behind in the acquisition of teaching contents.

Schools shall organize extra teaching for the pupils with extremely high level of success in the process of the adoption of teaching contents and who show a special interest in the broadening and the strengthening of knowledge in the specific fields of teaching and education.

### ***Extended Curriculum***

#### Article 16

Schools are in obligation to organize, within their potential, the extended curriculum for the pupils.

The extended curriculum shall include the prolonged stay, morning guard, free activities, optional teaching and outdoor teaching.

Exceptionally to paragraph 1 of this Article, schools are in obligation to organize the morning guard for the pupils of the first grade.

### ***The Prolonged Stay***

#### Article 17

Schools shall organized the prolonged stay for the pupils, in line with their potential.

Pupils shall be provided with the guarding within the prolonged stay, during which various sports and culture and art activities shall be performed, the learning, doing the homework and the completion of other duties, in line with the rules of the school.

**Optional teaching**

Article 18

Schools may organize optional teaching in particular subjects, in line with this Law.

Optional teaching shall be compulsory for all pupils that have chosen it.  
Marks in optional subjects shall not influence the general success of pupils.

**Outdoors activities**

Article 19

Schools shall develop various forms of free activities – outdoors activities (sports, cultural and art activities).

The school annual plan shall establish free activities.

**Class Community**

Article 20

Pupils, together with their Class Master shall discuss the matters of the interest for the pupils and their school at the class community lessons.

**The Annual Plan**

Article 21

The work of schools shall be established by the annual plan.

The annual plan shall set the organization of the educational work of schools, the internal evaluation for quality assurance, the forms and the contents of work, the schedule of the planned tasks' completion.

**The Cycles**

Article 22

Teaching in schools shall be delivered in cycles, and these are:

- in the first cycle - class teaching;
- in the second cycle - class and subject teaching;
- in the third cycle - subject teaching.

Exceptionally to paragraph 1 of this Article, private schools may not deliver the teaching based on cycles.

### **The Number of Pupils per Class**

#### Article 23

Pupils of particular grades shall be divided into classes.

Each class of the same grade may have 30 pupils at most.

Exceptionally to paragraph 1 of this Article, a class may be composed of 33 pupils, on the basis of the Minister competent for education and science (hereinafter referred to as: the Minister) permission, at the proposal of school.

### **Multi-grade Class**

#### Article 24

If, because of the small number of pupils, it is not possible to organize the teaching in grades and in classes, a class can be structured of the pupils from two or three grades of the same cycle (multi-grade classes).

A multi-grade class, composed out of two grades, can have up to 25 pupils, whereas multi-grade class, composed out of three classes, can have up to 20 pupils.

The Principal shall decide on the structuring of the multi-grade classes at the proposal of the Panel of teachers.

Exceptionally to paragraph 1 of this Article, the Minister can approve the structuring of multi-grade classes made out with more than three grades.

### **Foreign Languages**

#### Article 25

Pupils shall learn English, Russian, Italian, French, German and Spanish in schools.

Pupils shall compulsorily learn one of the languages referred to in paragraph 1 of this Article, starting from the fourth grade and according to their own choice.

Schools are in obligation to organize the second foreign language as the compulsory optional subject that pupils shall select in the beginning of the third cycle in line with their interests, wishes and with the potential of the schools.

Pupils shall be able to learn foreign language, within optional subject, as second foreign language, starting from the first grade or from the sixth grade.

School may introduce the learning of other foreign languages that have not been provided for by paragraph 1 of this Article, on the basis of the wishes of pupils and their parents and along with the approval of the Founder.

### **Weekly Work and the Duration of the school lesson**

#### Article 26

During a working week, pupils shall have the following number of lessons according to the compulsory curriculum:

- the first cycle shall have 20 lessons at most, whereas the number of lessons shall be increased from the first to the third grade;
- the second cycle shall have 26 lessons at most, whereas the number of lessons shall be increased from the fourth to the sixth grade;
- the third cycle shall have 30 lessons at most, whereas the number of lessons shall be increased from the seventh to the ninth grade.

In schools in which the Serbian Language is taught as the non-mother tongue, the obligatory number of lessons shall be increased by two lessons.

The school lesson, as the rule, shall last 45 minutes.

The educational curriculum shall establish the number and the duration of a school lesson, depending on the age of pupils and on the realization of teaching contents.

### **Schools for Teacher Training Practice**

#### Article 27

The schools that fulfill the necessary personnel, pedagogy and material conditions may be organized as the schools for teacher training practice, in which the employed teachers acquire in service training or where the performance of the pedagogical and methodological practice of the students of the Faculty for Training of Teachers shall be carried.

The decisions on the designation of a school as an school for teacher training practice shall be passed by the Ministry, at the proposal of the Faculty for Training of Teachers.

### **Contract**

#### Article 28

Mutual relationships between the Faculty for the Training of Teachers and the schools for teacher training practice shall be regulated by a contract.

### **Education Abroad**

#### Article 29

The children of the citizens of the Republic of Montenegro, who have temporarily been employed abroad, may be provided with the additional primary training and education according to the separate educational plan and curriculum.

### **Teachers working abroad**

#### Article 30

The educational work referred to in Article 29 of this Law can be carried out by the teacher who, in addition to the conditions prescribed by this Law, has at least four years of working experience within the profession, who stands out in the professional and pedagogical work and who knows the language of the country in which will the educational work will be carried out.

The Minister shall make the decision on the sending the teachers to work abroad.

The teacher shall be sent to work abroad for the period of two years.

The Minister may make a decision on the cessation of a teacher's work abroad if he finds that the teacher:

- 1) does not fulfill the educational curriculum referred to in Article 29 of this Law;
- 2) did a more severe violation of the working responsibility;
- 3) made the official position's abuse;
- 4) in other circumstances provided by the law.

The mutual rights and liabilities between the Ministry and the teacher that has been sent to work abroad shall be more closely defined by an employment agreement.

## **III PUPILS**

### **Enrollment requirements**

#### Article 31

Children that will be six during the calendar year in which they start attending the school, shall be enrolled into school.

### **The enrollment before the age of six**

#### Article 32

Children may be allowed to enroll school prior to the age of six, at the proposal of the parents and upon the approval of the Commission referred to in Article 33 of this Law.

### **The enrollment into school**

#### Article 33

The enrollment of children shall be carried out during April of each year, as the rule, on the basis of the medical examination.

The competent Commission, which is appointed by the authority that the school Statute established, shall carry out the enrollment of children.

The testing of children for the enrolment into the first grade shall be executed in schools having the potential for that.

### ***The Delay of Schooling***

#### Article 34

The schooling of a child may be delayed for the period of one school year at the proposal of parents, the competent health service or of the special Commission if it was found the child has not been ready for schooling yet.

The Principal shall appoint the Commission referred to in paragraph 1 of this Article.

The Commission referred to in paragraph 1 of this Article shall be composed of a pediatrician, a school psychologist and an educator, or a teacher.

### ***Competent local self-government authority***

#### Article 35

The local self-government authority, is in obligation to table the listing of children, who have become match for schooling and who belong to that school according to the settlement they reside in, until the end of February.

### ***The Obligations of the Parents***

#### Article 36

Schools are in obligation to submit the competent inspection the report on the parents of children that have not been enrolled into school, or of children who have not met the requirements for primary schooling.

Schools are in obligation to submit the report referred to in paragraph 1 of this Article within 15 days as of the day of the expiration of the deadline for enrollment, or as of the day of the cessation of the fulfillment of requirements for the primary schooling.

### ***The Right of Education at Home***

#### Article 37

Parents may organize the education of their children either at home.

Within three months before the commencement of the school year at least, parents are in obligation to inform the school, in which their child was enrolled, in written that the education of the child has been organized at home.

The notification referred to in paragraph 2 of this Article shall include the publicly valid curriculum, according to which the education of a child shall be

delivered at home, the name and the surname of the child, the place where the education will be performed, the name and the qualifications of the person that will educate the child.

Schools shall keep the files and documentation relating to the education of pupils at home.

***The assessment of knowledge resulting from the education at home***

Article 38

The education at home must provide a pupil with education standards based on the curriculum of school the pupil has been enrolled in.

The school referred to in paragraph 1 of this Article is in obligation to organize the assessment of knowledge of pupils educating at home, at the end of each teaching year.

Pupils with special needs, who are educated at home must acquire the education standards of knowledge according to the adjusted curricula.

The assessment of knowledge shall be carried out in the mother tongue, mathematics and in the nature and society in the first three grades.

The assessment of knowledge from the fourth to the ninth grade shall be carried out in all subjects.

If a pupil has not achieved the standards of knowledge prescribed for particular subjects of particular grade, the pupil shall have the right of re-assessment of knowledge before the commencement of the following school year.

If the re-assessment of knowledge establishes that a pupil has not achieved the defined standards of knowledge, the pupil must continue the education in the school during the following school year.

The Ministry shall prescribe the manner and the procedure of the assessment of the knowledge of pupils that are educated at home.

***The knowledge assessment at the end of a cycle – education at home***

Article 39

The knowledge assessment at the end of a cycle for the pupils that are acquiring education at home shall be carried out in accordance with the provisions of Articles 55 and 56.

The school, in which a pupil was enrolled and in which the knowledge assessment is carried out, shall issue the pupil the certificate on education at home. The certificate on the education at home shall be considered public document.

### ***The Obligation of Pupils***

#### Article 40

Schools are in obligation to allow regular attending of teaching process to pupils older than fifteen and younger than seventeen, at the request of the parents.

If a pupil will be seventeen during the school year, he/she may regularly attend the teaching up to the end of that school year.

The Principal may deprive the pupil of the regular attending of school if the pupil, referred to in paragraphs 1 and 2 of this Article, disrupts the school work.

Upon the request of parents, schools shall be obliged to issue certificates to pupils older than fifteen, who have not finished the primary school, that they fulfilled the primary school obligation.

### ***The Obligation of Pupils During Primary Education Obligation***

#### Article 41

The pupil in the school who shall be fifteen during school year may not leave the school before the end of that school year.

### ***Disciplinary Measures***

#### Article 42

A pupil may not be expelled from school for the period of the compulsory schooling.

If it is necessary for teaching or educational reasons, the school may enroll a pupil into other schools, in agreement with and at the request of the parents and if the other school agrees with that.

If the school cannot provide the enrollment of the pupil into another school, the Commission, which shall be appointed by the Minister, shall decide on that.

Prior to the making of decision on the enrollment of a pupil into another school, the Commission is in obligation to obtain the opinion of the parents and of the Principal of the school into which the pupil should be enrolled.

The decision of the Commission shall be final.

### ***The Release from the Physical Education Curriculum***

#### Article 43

A pupil may be temporarily or partially released from the physical education curriculum because of the sickness or some bodily deficiencies.

The Panel of Teachers shall make decision on the release of the pupil referred to in paragraph 1 of this Article, on the basis of the medical certification.

A pupil, who was released from the physical education schedule partially, shall be in obligation to partake in the part of the physical education curriculum according to his/her abilities.



***The Absence of Pupils***

Article 44

A pupil can be absent from school up to five teaching days during one teaching year when notification is given.

***The Transfer from one School to Another***

Article 45

The transfer of a pupil from one school to another one shall be executed at the request of parents.

A school shall forward the transfer note to the school in which the pupil continues its schooling.

The school that issued the transfer note shall withdraw a pupil from the register, after the notification that the pupil was enrolled into another school.

**IV PROGRESS AND MARKING OF PUPILS**

***Marking***

Article 46

The knowledge and the achievements of pupils in the school shall be valuated through descriptions and by numerical marks (hereinafter: the marking), in line with the standards.

The standards referred to in paragraph 1 of this Article shall be established by the educational curriculum.

***Marking per cycles***

Article 47

The knowledge and the achievements of pupils shall be marked and stated descriptively in the first cycle.

In the end of the first cycle, the success of the pupils shall be marked descriptively and numerically.

The marking in the second cycle shall be numerical and the marks shall be explained in writing.

The marking in the third cycle is numerical.

The mark 'one' (1) shall mean 'insufficient mark'.

The Ministry shall prescribe the forms and the manners of the marking.

***The Marking per Periods***

Article 48

The marking of pupils shall be carried out openly in the presence of pupils.  
During each evaluation period pupils shall have mark in each subject.

Schools shall be in obligation to inform parents on the success of the pupils at the end of each period of marking, in writing.

Pupils shall get the certificates on the success at the end of each school year.

***The Establishing of Marks***

Article 49

The marks in educational fields, or in teaching subjects, in manners, as well as the general success shall be established at the end of each evaluation period.

For a pupil that has changed school during the teaching year the marks shall be defined during on the occasion of transfer if there are enough elements for the establishing of the marks.

***General Success***

Article 50

It shall be considered that a pupil finished VI, VII, VIII and IX grades if there are positive marks in every one of the teaching subjects.

The general success shall be stated in an arithmetical average of positive marks in all teaching subjects and the Board of Class Teachers shall establish it.

***The Repetition of Grade***

Article 51

Pupils of the first, second, third, fourth and of the fifth grade shall not repeat the grade.

Exceptionally to paragraph 1 of this Article, pupil can repeat the grade if the scope of teaching content acquired does not enable him to continue further education.

The decision about pupil's repeating shall be made by the Class Master or by the Board of Class Teachers based on acquired opinion from school advisory service and on parents opinion.

The pupil can repeat grade on parents request also.

### **Remedial Examination**

#### Article 52

Pupils of the sixth, seventh, eighth and ninth grade that have one, two or three insufficient marks in the end of the teaching year, shall sit for the remedial examination.

The pupils referred to in paragraph 1 of this Article, who has four or more insufficient marks, or has not passed the remedial examination, shall repeat the grade.

Exceptionally to paragraph 2 of this Article, a pupil who reaches fifteen during the current school year, and in the end of the same school year has insufficient marks, shall have the right to sit for the grade exam, as a part-time pupil, in the subjects marked insufficient and in the following year.

### **Remedial Examination Period**

#### Article 53

Pupils of the sixth, seventh, eighth and ninth grade shall sit for the remedial examination in June and August.

The pupils referred to in paragraph 1 of this Article, may sit for the remedial examination in two subjects the most at his/her choice, in June.

Pupils shall sit for the remedial examination, in August, in all subjects they had insufficient marks, and also in the subjects the remedial examination of which they did not pass in June.

Pupils of the ninth grade shall sit for the remedial examination in all subjects they had insufficient marks, in June.

A pupil of the ninth grade, who did not pass exams in two subjects in June, shall have the right to sit for those exams in August.

### **Examination Commission**

#### Article 54

The remedial examination shall be sat for before the Examination Commission that is appointed by the Panel of Teachers at the Principal's proposal.

The remedial examination shall be sat for a certain subject.

The general success of pupils shall be established after the passing of remedial examination.

The Ministry shall prescribe the manner and the procedure of the remedial examinations and the composition of the Commission.

### **The Assessment of Knowledge**

#### Article 55

Schools are in obligation to assess the knowledge of pupils at the end of the first and the second cycle, on the basis of externally prepared tasks.

The competent Bureau for Educational Services shall prepare the tasks referred to in paragraph 1 of this Article.

Schools shall carry out the assessment of pupils' knowledge in mathematics and in the mother tongue, in the end of the first cycle.

Schools shall carry out the assessment of knowledge in the mother tongue, mathematics and in foreign language, in the end of the second cycle.

The results of these assessments of knowledge shall not influence either the mark or the general success of pupils.

### **External Assessment of Knowledge**

#### Article 56

The external assessment of knowledge in the mother tongue, mathematics and in one of the subjects, that pupils chose, shall be carried out in the end of the third cycle.

The competent Bureau for Educational Services shall prepare the tasks and carry out the assessment of knowledge.

The marks given during the external assessment of knowledge, referred to in paragraph 1 of this Article, shall be presented in certificates, but they shall not influence pupils' general success.

The Ministry shall prescribe the forms and the manners of the assessment of knowledge in the sense of this Article and paragraph 1 of Article 55 of this Law.

### **Grade Exam**

#### Article 57

A pupil that has not been marked in one, several or in all subjects up to the end of the teaching year for the illness or for other justifiable reasons, may sit for the grade exam in those subjects left unmarked.

### **Sitting for the Grade Exam**

#### Article 58

The grade exam shall be composed of an oral and a written part.

The oral, or the written part of the exam shall be sat for in all subjects, in line with educational curriculum.

The grade exam shall be sat for before the Examination Commission.

The Ministry shall decide on the manner and the procedure of the sitting for the grade exam.

***The marking of pupils on the grade exam***

Article 59

On the occasion of the grade exam, a pupil shall be marked according to the provisions of this Law that are valid for the full-time pupils.

The Examination Commission shall establish the marks, at the proposal of the examiners.

Pupils shall not be marked in manners on the occasion of the grade exam.

***Extreme progression of the Pupils***

Article 60

Extremely industrious and capable pupil of the second and of the third cycle may finish also the following grade during one school year.

A pupil may exercise the right referred to in paragraph 1 of this Article only once during the primary schooling.

The decision referred to in paragraph 1 of this Article shall be passed by the Panel of teachers, at the proposal of the Panel of Class Teacher.

***Talented Pupils***

Article 61

A talented pupil that finished the seventh grade and that was enrolled into the first grade of the secondary art school may complete the primary education by sitting for the grade exams.

***Complaint Relating to the Marks***

Article 62

A pupil, or the pupil's parent has the right to lodge a complaint on the mark in a teaching subject, or in manners, given at the end of the evaluation period, a teaching year or at the exam. The complaint shall be submitted to the school Principal, within three days as of the day of receipt of certificates, or as of the day of the notification on the marks achieved.

The Principal shall compose the Evaluation Commission for the assessment of knowledge.

The composition of the commission must include one member of another school, at least.

The Commission shall assess and mark the pupils.

The marks of the Commission shall be final.

### **The Annulment of Exams**

#### Article 63

In case the Principal of a school, or the competent inspection establishes that the remedial and grade examinations have not been completed in line with this Law and with the regulations that were passed on the basis of this Law, the Panel of teachers shall be in obligation to make the decision on the annulment of those examinations and of the certificates issued on the basis of such examinations, within the deadline the competent body defined.

If the Panel of teachers does not pass the decision referred to in paragraph 1 of this Article within the prescribed deadline, the Principal shall make the decision on the annulment of examination and of certificates issued on the basis of such examination.

If the Principal does not pass the decision referred to in paragraph 2 of this Article within prescribed deadline, the Ministry shall make the decision on the annulment of examination and certificates issued on the basis of such examination.

In case referred to in paragraph 1 of this Article, schools shall be in obligation to allow pupils to sit for the exam again, at the school expense.

### **The decision on the annulment of exams**

#### Article 64

The decision on the annulment of examinations, or of certificates referred to in Article 63 of this Law, shall be published in the "Official Gazette of the Republic of Montenegro".

### **Praises and Rewards**

#### Article 65

Pupils shall be praised and rewarded for the purpose of pedagogical stimulus.

School bodies may give praises and rewards to pupils.

Pupils may be praised and rewarded by institutes and other legal and natural entities, as well.

The praises and rewards shall be obligatorily registered.

### **Disciplinary Measures**

#### Article 66

Disciplinary measures shall be applied to pupils in the schools, only in case they have justifiable pedagogical excuse.

Disciplinary measures are: the written warning of the class master, the principal's reprimand, the Panel of teachers' reprimand and the dislocation into another class or into another school within the same area, as rule.

Disciplinary measures shall be valid only for the year in which they have been taken.

***Regulations on Praises, Rewards and Disciplinary Measures***

Article 67

The Ministry shall regulate the manners and the procedures relating to praises, rewards and on disciplinary measures.

**V PRIMARY ART EDUCATION**

***The Acquisition of Art Education***

Article 68

Primary art education may be acquired in schools for primary art education, in separate classes of primary schools (hereinafter referred to as: primary art school).

***Enrollment Requirements***

Article 69

Primary art education may be acquired by the children who are talented for specific art branches, and who has met the requirements for the enrollment into the first grade of the primary art school.

Exceptionally to paragraph 1 of this Article, extremely talented children may start the attainment of art education either in younger age, the issue on which shall be decided by the Panel of Teachers of the primary art school.

The commencement of the acquiring art education, the manner of the assessment of talents and the requirements for the enrollment of pupils, referred to in paragraph 2 of this Article, shall be defined by the school Statute, in accordance to the educational curriculum.

***Educational Curriculum***

Article 70

Primary art education shall be realized on the basis of the educational curriculum for the primary art education.

The educational curriculum referred to in paragraph 1 of this Article shall be passed in the manner and according to the same procedure as the educational curriculum for the primary school.

### **Cycles in Art Schools**

#### Article 71

Primary art education shall last six, or nine years and shall be executed in cycles, as follows:

- 1) the first cycle shall include I, II, III and IV grades;
- 2) the second cycle shall include V and VI grades, and
- 3) the third cycle shall include VII, VIII and IX grades.

The third cycle shall be completed by the pupils that want to continue education in secondary art school.

### **Teaching process**

#### Article 72

The teaching process in art schools shall be executed through subjects and in two manners: through individual and through group work.

Individual teaching process shall be executed per categories. All pupils taught by one teacher of individual teaching process shall compose a category.

The competent Council shall pass the standards on the number of pupils in a class, as well as in the category of individual teaching process.

### **Obligatory Number of Lessons**

#### Article 73

Pupils of art schools shall have six lessons, at least, in the first cycle and eight lectures, at most, in the second cycle, during a working week.

### **Annual Exam**

#### Article 74

Pupils of primary art education shall sit for annual exam, at the end of school year.

In case a pupil of the first grade of art school gets insufficient mark in the main subject, there is no possibility to continue the education according to the started educational curriculum, whereas the pupils in other grades that do not pass the exam in the main subject shall repeat the grade.

Pupils of art school may sit for the remedial exam only in one teaching subject. Pupils may repeat a grade only once during the attainment of primary art education.

Enrollment requirements, the manner and the procedure of the sitting for the annual exam and the remedial exams during primary art education, shall be regulated by the Ministry's regulations.



## VI TEACHERS AND PROFESSIONAL ASSOCIATES

### ***Teaching and Educational Staff***

#### Article 75

Teaching and educational work in schools shall be carried out by teachers, educators and by professional associates.

Teachers shall organize and delivery the training and educational work, and shall work on its improvement.

Professional associates in schools shall perform pedagogical and psychological, social and health, and librarian and other duties relating directly or indirectly to educational work in schools.

### ***The Delivery of Teaching in the First and the Second Cycle***

#### Article 76

Grade-teacher or teacher, subject-teacher and educator shall execute the educational work.

Grade-teaching instructor or teacher, who finished the two-year post-secondary school or the Faculty for Teacher Training, shall perform the teaching in the first cycle.

Together with grade-teaching instructor or teacher, who finished the two-years post-secondary school or the Faculty for Teacher Training, an educator, as the rule, shall deliver the teaching, lasting a half of the working hours, in the first grade.

Educator is the person that has fulfilled the requirements for educators in line with the Law on Preschool Education, and that passed a specific exam (training) necessary for the work in primary school according to the special curricula that are passed by the Ministry.

Grade-teaching instructor, or teacher, who finished the two-year post-secondary school or the Faculty for Teacher Training, shall deliver the teaching in the fourth grade, whereas the subject-teaching lecturer shall execute the teaching of the foreign language.

Grade-teaching instructor, or teacher, who finished two-year post-secondary school or the Faculty for Teacher Training, shall execute the teaching in the fifth grade; subject-teaching lecturer shall execute the teaching of a foreign language; grade-teaching instructor or teacher that finished two-years post-secondary school or the Faculty for Teacher Training, or subject-teaching lecturer may execute the training of physical education, music culture and of arts.

The teaching in the sixth grade shall be organized as the group and subject teaching. Grade-teaching instructors, or teachers that finished two-years post-secondary school or the Faculty for Teacher Training, as well as subject-teaching lecturers shall deliver the teaching process.

### ***The Delivery of the Teaching Process in the Third Cycle***

#### Article 77

Subject-teaching lecturers shall execute the teaching process in the third cycle.

Persons that finished the faculty for Teacher Training or the Art Academy may deliver the subject teaching in schools.

Exceptionally to paragraph 6 of Article 76 of this Law, the teaching of the Serbian language in the fifth grade of schools where the teaching process is carried out in the language of national and ethnical groups is the subject teaching and may be executed by delivered by the persons that finished adequate two-years post-secondary schools.

Professional associates especially pedagogically trained (psychologists, pedagogues, sociologists, speech therapists and special education teachers) shall work together with the teachers, in case of the classes in which there are children with special needs.

The Ministry shall prescribe the professional qualification profile of subject-teaching lecturers.

### ***The delivery of Teaching***

#### Article 78

Teachers whose teaching language is their mother tongue, or teachers who finished adequate Faculty for Teacher Training in the language that is also the language of such teaching process, may execute the teaching.

Exceptionally to paragraph 1 of this Article, the subject teaching can be delivered by teachers who have not finished appropriate Faculty for Teacher Training in the tongue in which the teaching is delivered if they show, during the separate exam, their knowledge in the literary language in which the teaching is delivered in the school.

The exam referred to in paragraph 2 of this Article shall be composed of the written lesson preparation and a lesson delivery, and it shall be sat for before the Commission composed of three members that shall be appointed by the Ministry.

### ***Obligatory Number of Lessons***

#### Article 79

Teachers are in obligation to deliver, within forty-hours working week, theoretical teaching (obligatory number of lessons), as follows:

- 18 lessons in the Serbian, or mother tongue;
- 19 lessons in the foreign language, mathematics and physic;
- 20 lessons in other subjects.

Professional associates are in obligation to execute 30 lessons of direct work with pupils within forty-hours working hours, whereas the school Statute shall define the schedule for reminder of the working hours within forty-hour working week.

Teachers are in obligation to execute two lessons of direct work with pupils more, along with the obligatory number of lessons defined by paragraph 1 of this Article, for the purpose of the achievement of better success in achieving educational curriculum, whereas the school Statute shall determine the reminder of the working hours within forty-hours working week.

### ***The Working Hours of Educators***

#### Article 80

An educator shall have the same number of lessons as a teacher within each form of educational work.

## **VII PENAL PROVISIONS**

### ***Fines***

#### Article 81

A parent shall be punished by the fine of one half to 10 amounts of the minimum salary in the Republic for the violation, that is, if the child has not been enrolled into school, or the child has not been attending the school (Articles 4, 31, 36 and 37).

If a parent, has not enrolled the child into school even after the stated sentence, that is, if the child has not been attending the school, the fines may be repeated.

A Principal shall be punished by the fine of one half to 10 amounts of the minimum salary in the Republic for the violation, that is, if the Principal does not issue decision on annulment of exam and annulment of certificates in accordance with paragraph 3 of Article 63 of this Law.

## **VIII TRANSITIONAL AND FINAL PROVISIONS**

### ***The educational curriculum***

#### Article 82

The competent authority shall pass the education curriculum in line with this Law until the end of the 2003/2004 school year at latest.

The application of the education curricula referred to in paragraph 1 of this Article, shall start in 2004/2005 school year in schools that have met the personnel, space and other requirements prescribed by the law.

The Ministry shall establish the fulfillment of the requirements referred to in paragraph 2 of this Article.

Until the fulfillment of the requirements, in line with this law, the existing education curricula for primary school, passed on the basis of the Law on Primary School ("Official Gazette of RM", NO. 34/91, 56/92, 32/93 and 20/95) shall be implemented in other schools.

***The Fulfillment of Primary Schooling Obligation***

Article 83

Persons acquired the education according to previous legislations shall be recognized the same.

***Teachers of subject teaching process having two-year post-secondary qualification***

Article 84

Subject teachers, that are employed for permanent period of time and do not have appropriate qualifications, prescribed by this Law, on the effective date of this Law shall continue their work.

Teachers having two-year post-secondary qualification, or two-year post-secondary qualification for the teacher training may start the employment for permanent period of time in school, if no teacher being University qualified, or no teacher being qualified in the Faculty for the Teacher Training has applied for the competition.

***By-laws***

Article 85

Regulations provided for by this law shall be passed within one year as of the effective day of this Law.

Until the passing of regulations referred to in paragraph 1 of this Article, the regulations valid before the effective date of this Law shall be applied, unless they are contrary to this Law.

***General Documents***

Article 86

Schools are in obligation to harmonize their work, their organization and their general documents with this Law within six months as of the effective date of this Law.

***The Regulations that Cease to be Valid***

Article 87

Law on Primary School ("Official Gazette of RM", No. 34/91, 56/92, 32/93 and 20/95) shall cease to be effective at the end of the school year in which pupils shall complete primary education in accordance with education curricula existing in the moment.

***Coming into Force***

Article 88

This Law shall come into force on the eighth day as of the day of its publication into "Official Gazette of the Republic of Montenegro", and shall be applied to schools working according to the education curricula passed in line with the Law.

