

THE LAW ON THE FUNDAMENTALS OF THE EDUCATION SYSTEM

1. PRINCIPLE PROVISIONS

Subject Matter of the Law

Article 1

This law shall govern the fundamentals of the system of preschool, elementary and secondary education and pedagogy as follows: the principles, objectives and standards of education and pedagogy, manner and conditions for the delivery of preschool, elementary and secondary school education and pedagogy, establishment, organization, funding and supervision of the operation of education institutions (hereinafter referred to as the institution) as well as other issues of importance to education and pedagogy.

Education and Pedagogy

Article 2

The education and pedagogy system shall include preschool pedagogy and education, elementary and secondary education and pedagogy and shall constitute an integral part of the life long learning of all citizens of the Republic of Serbia.

The education and pedagogy shall be delivered while abiding by the general principles of education and pedagogy through achieving education and pedagogy objectives and standards.

General Principles of the Education and Pedagogy System

Article 3

The education and pedagogy system must provide all children, students and adults with:

- 1) Equality and accessibility of education and pedagogy without discrimination and segregation based on gender, social, cultural, ethnic, religious or other background, place of residence or domicile, financial or health status, developmental difficulties and impairments and disabilities;
- 2) Balanced high quality education and pedagogy, based on the achievements of modern sciences, adapted to the age of a child, student or adult and to his/her personal educational needs;

- 3) Education and pedagogy in a democratic and socially responsible institution fostering openness, cooperation, tolerance, awareness of cultural and civilizational interconnectedness in the world, commitment to basic ethic values of, justice, truth, solidarity, freedom, honesty and accountability, an institution which ensures full respect of the rights of children, students and adults;
- 4) Child and student oriented education and pedagogy through different forms of teaching, learning and marking, which would meet different needs of students, develop motivation for learning and rise the achievement quality;
- 5) Equal opportunities for education and pedagogy at all levels and types of education, in keeping with the needs and interests of children, students and adults, without any obstacles to change, continuation and completion of education and life long education;
- 6) Adequate work related training of students and adults which is in line with modern requirements of the profession they are preparing for;

Through its organization and content, the education and pedagogy system shall provide for:

- 1) an efficient cooperation with families by involving parents or guardians for the purpose of successfully reaching the determined education and pedagogy objectives;
- 2) different types of cooperation with the local community and overall social environment so as to fully harmonize the individual and social interest in education and pedagogy;
- 3) efficiency, effectiveness and flexibility of the organization of the system aimed at producing the best possible output;
- 4) openness for pedagogical and organizational innovations;

In achieving the principles, particular attention shall be given to:

- 1) timely inclusion into preschool pedagogy and education;
- 2) adequate preparedness for school learning and for transition from one level of education and pedagogy to the next;
- 3) opportunities for students and adults with exceptional abilities (gifted and talented children and adults), regardless of their financial status, to

gain access to adequate levels of education and institutions, as well as to identify, monitor and motivate exceptionally gifted students, as future scientists and researchers.

- 4) opportunities for children, students and adults with developmental impairments and disabilities, regardless of their financial status, to gain access to all levels of education in institutions, and for persons living in social welfare institutions, sick children and students, to exercise their right to education while in an institution, hospital or receiving treatment a home.
- 5) Exercise of the right to education, without prejudice to other rights of child and other human rights.

Education and Pedagogy Objectives

Article 4

The education and pedagogy objectives shall be:

- 1) To achieve a full development of intellectual, emotional, social and physical capacities of every student in keeping with their developmental needs, abilities and interests;
- 2) To facilitate the acquisition of high quality knowledge, skills and opinions (hereinafter referred to as knowledge, skill and opinions) linguistic, mathematical, scientific, artistic, cultural, technical and information literacy, enabling the children and young people to live and work in the modern society;
- 3) To develop creative abilities of children and students, foster their creativeness and esthetic perception and taste;
- 4) To develop the abilities of children and students to find, analyze, utilize and communicate information, while skillfully and effectively using information and communication technologies;
- 5) To enable students to resolve problems, establish links between different segments of knowledge and skills and apply them in their further education, professional work and everyday life;
- 6) To develop learning motivation in children and students, enable them to learn independently, engage in life-long learning and international educational and professional processes;

- 7) To develop in children and students self-awareness, personal initiative, the ability for self-evaluation and expression of their opinion;
- 8) To enable children and students to make adequate decisions about their future education and profession, their development and future life;
- 9) To develop in children and students key competences necessary for life in a modern society, enable them to work and pursue their profession by developing professional competences, in accordance with the requirements of a given profession, through the development of modern sciences, economy, technical equipment and technology;
- 10) To help children and students develop and practice healthy life styles, raise awareness about the importance of their own health and safety, and the need to develop and foster physical abilities;
- 11) To raise awareness about the importance of sustainable development, protection and preservation of nature and environment, ecology related ethics and the importance of animal protection;
- 12) To help children and students develop communication and dialogue skills, the sense of solidarity and efficient cooperation with others and acquire team building skills and fostering friendship and camaraderie;
- 13) To develop in children and students the ability to become responsible citizens, capable of living in a democratic and human society based on the respect of human and civil rights, right to be different and care for others, as well as the basic principles of justice, truth, freedom, honesty and personal accountability;
- 14) To assist children and students in forming their opinions, views and value systems, in developing personal and national identity, developing the awareness and sense of belonging to the Republic of Serbia, respecting and fostering of the Serbian language and their language, the Serbian tradition and culture, the tradition and culture of national minorities and ethnic communities, other peoples', developing multiculturalism and respecting and preserving national and world heritage;
- 15) To develop and respect racial, national, cultural, linguistic, religious, gender and age equality, tolerance, and respect for differences.

General Education and Pedagogy Outcomes and Standards

Article 5

General education and pedagogy outcomes shall be the result of the overall education and pedagogy process ensuring that the children, students and adults acquire knowledge, skills and values which would contribute to their development and success, to the development and success of their families, community and society as a whole.

The education and pedagogy system must provide all the necessary conditions for the children, students and adults to attain general outcomes or to enable them to:

- 1) Adopt and construct their knowledge and communicate the acquired knowledge;
- 2) Learn how to learn and use their mind;
- 3) Identify and solve problems and make decisions using critical and creative thinking;
- 4) Work efficiently with others as members of a team, group, organization and community;
- 5) Responsibly and efficiently manage themselves and their activities;
- 6) Collect, analyze, organize and critically evaluate information;
- 7) Efficiently communicate using different verbal, visual and symbolic means;
- 8) Efficiently and critically use science and technology while at the same time being responsible for their life, the life of others and the environment,
- 9) View the world as one whole consisting of many different systems and when dealing with practical issues they should understand that they are not isolated;
- 10) Initiate and readily embrace changes, take responsibility and adopt an entrepreneurial approach and clear orientation towards achieving objectives and success;

Attaining general education and pedagogy outcomes shall be ensured through the overall process of education and pedagogy at all levels of education, through all forms, types and content of work.

The education and pedagogy standards shall include:

- 1) General and special knowledge, skills and values standards of children and students (hereinafter referred to as the general and special achievement standards);
- 2) Standards of knowledge, skills and values (hereinafter referred to as competences) for a profession of a teacher and preschool teacher and their further professional development;
- 3) Competence standards for a managing director of an institution or principal, education inspector and educational advisor;
- 4) Textbooks and teaching tools quality standards;
- 5) Institution operation quality standards.

Achievement standards shall be a set of education and pedagogy outcomes pertaining to each and every level, cycle and type of education, educational profile, class, subject or module.

General achievement standards shall be determined based on the overall education and pedagogy outcomes according to different levels, cycles and types of education and pedagogy or educational profile.

Special achievement standards shall be determined according to the classes, subjects or modules, based on the general education and pedagogy outcomes and general achievement standards.

Special achievement standards may be adapted to an individual student who is socially deprived, has developmental or other disabilities or for any other reason, while at the same time continuously monitoring his/her development.

Special achievement standards may be adapted to an individual child or student with exceptional abilities, while at the same time continuously monitoring his/her development.

Right to Education

Article 6

Every person shall have the right to education.

The citizens of the Republic of Serbia shall be equal in exercising their right to education and pedagogy, regardless of their gender, race, national, religious and language background, social and cultural background, financial status, age, physical and psychological constitution, developmental impairments or disabilities, political opinion or another personal trait.

Persons with developmental impairments and disabilities shall be entitled to education and pedagogy which takes into consideration their educational needs within the regular education and pedagogy system, within the regular system with individual or group additional assistance or in a special preschool group or school, in accordance with this and the pertaining law.

Persons with exceptional abilities shall be entitled to education which takes into consideration their special educational needs, within the regular system, within special classes or within a special school, in accordance with this and the pertaining law.

Foreign citizens and persons without citizenship shall be entitled to education under same conditions and in the same manner as envisaged for the citizens of the Republic of Serbia.

Performing Education and Pedagogy Work and Activities

Article 7

The education and pedagogy work and activities shall be delivered by and in an institution.

The regulations on public services shall govern the establishment and work and activities of the institution as defined in paragraph 1 of this Article.

The manner of delivering education and pedagogy work and activities shall be prescribed by this law and the pertaining law in the area of education and pedagogy (hereinafter referred to as the pertaining law).

Performing Education Activities

Article 8

Education activities within an education institution shall be performed by: a teacher, preschool teacher and psychologist/pedagogue.

Teacher, preschool teacher and psychologist/pedagogue shall be a person with appropriate higher education:

1) acquired through second degree studies (graduate academic studies – master, specialist academic studies or specialist professional studies) in keeping with the Law on Higher Education (“Official Gazette of the Republic of Serbia”, No. 76/05, 100/07 – authentic interpretation and 97/08), as of 10 September 2005;

2) through initial studies lasting for at least four years, pursuant to the regulation regulating higher education until 10 September 2005;

Exceptionally, a teacher and preschool teacher shall be a person with appropriate university education acquired through first degree studies (initial academic or initial professional studies), studies lasting for up to three years or college education.

The person as stated in paragraphs 2 and 3 of this Article shall have education in psychology, pedagogy and teaching methodic acquired at a higher education institution during his/her studies or after graduation, of at least 30 credits and 6 credits for practice in an institution, in accordance with the European Credit Transfer System.

In delivering teaching activities a teacher, preschool teacher and psychologist/pedagogue may be assisted by other persons, pursuant to this law.

The person in paragraphs 1 and 5 of this Article as well as other employees of the institution shall be obliged, by way of their performance and overall conduct, to abide by the principles of education and contribute to the attainment of education objectives, general and special achievement standards and to the enhancement of a positive climate in the institution.

Language

Article 9

The education and pedagogy work and activities shall be delivered in the Serbian language.

The education and pedagogy work and activities for the members of national minorities shall be delivered in their native language. Exceptionally, it

can be delivered either bilingually or in the Serbian language in accordance with the pertaining law.

The education and pedagogy work and activities may be delivered in a foreign language or bilingually, in accordance with this or the pertaining law.

The education and pedagogy work and activities for persons using the sign language or special script or formats, shall be delivered in the sign language with the use of the means of that language.

Records and Public Documents

Article 10

An institution shall keep the prescribed records and shall issue public documents in accordance with the pertaining law.

An institution shall maintain a database within a common information system of education.

Personal data entered in the records shall be collected, processed, stored and used for the needs of education and pedagogy work and activities and shall be submitted to the ministry in charge of education and pedagogy (hereinafter referred to as the Ministry) for the purpose of performing work and activities as prescribed by the law.

All forms of data collection, processing, publishing and utilization shall be conducted in accordance with the law governing personal data protection.

For the needs of scientific and research work and activities and when developing statistical analysis, the personal data shall be used and published in the manner which protects the identity of a person participating in the education process.

A public document and a document issued contrary to this and the pertaining law shall not be valid.

Supervision

Article 11

The supervision of the implementation of this law shall be done by the Ministry in accordance with this law.

II. DEVELOPING, ENSURING AND IMPROVING THE QUALITY OF EDUCATION AND PEDAGOGY

1. COUNCILS *Types of Councils*

Article 12

For the purpose of monitoring, enabling the development and enhancing the quality of education and pedagogy the following shall be established:

- 1) National Education Council – for preschool, elementary, general secondary and secondary arts education.
- 2) Vocational Training and Adult Education Council – for secondary vocational education, specialist and artisan training, adult education, practical skills training, professional skills training.

The councils as stated in paragraph 1 of this Article shall be obliged to cooperate and when reviewing issues of common interest, they shall be obliged to harmonize their positions and views.

When reviewing issues of general interest in the area of education, the councils as stated in paragraph 1 of this Article, shall be obliged to reach a uniform position with the corresponding council tasked with issues of higher education development.

The councils shall be obliged to submit at least once per year to the National Assembly or the Government, a report on their work and activities as well as on the situation in the area of education.

The councils as stated in paragraph 1 of this Article may establish standing or permanent commissions consisting of member who are teachers, preschool teachers, psychologists/pedagogues and other prominent experts and scientist, in accordance with the Rules of Procedure.

The standing commissions as stated in paragraph 5 of this Article may be established for education issues of special interest pertaining to national minorities.

The funds for the functioning of the National Education Council shall be provided by the budget of the Republic of Serbia. The member of the National Education Council shall be entitled to the compensation for their work in the amount determined by the National Assembly.

The Ministry shall be obliged to provide ll the necessary conditions for the performance of administrative and technical activities for the needs of the Council as stated in paragraph 1 of this Article.

The councils as stated in paragraph 1 of this Article shall take decisions by majority vote.

The councils shall adopt their Rules of Procedure.

The work and activities of councils as stated in paragraph 1 of this Article shall be public.

The chairperson of the council as stated in paragraph 1 of this Article shall be elected among education experts.

A representative of the Ministry and a competent Council of the National Assembly of the Republic of Serbia shall be present at the sessions of the Council as stated in paragraph 1 of this Article, without the decision-making right.

Two representatives of each Student Parliament elected by Union of High School Students of the Republic of Serbia shall take part in the session of the councils as stated in paragraph 1 of this Article

Composition of the National Education Council

Article 13

The National Education Council shall consist of 43 members, including the Chairperson.

The Chairperson and the members of The National Education Council shall be appointed by the National Assembly for a period of six years.

The Chairperson and the members of the National Education Council shall be appointed as follows:

- 1) Three members from the Serbian Academy of Sciences and Arts – three tenured university professors selected from a list of candidates proposed by the Serbian Academy of Sciences and Arts, and one tenured university professors member of the Matica Srpska Society chosen from the list of candidates proposed by the Matica Srpska Society;
- 2) Four teachers from the Belgrade University selected from a list of candidates proposed by the Belgrade University;

- 3) One teacher from each university established by the Republic or by the autonomous province: Niš University, Kragujevac University, Novi Sad University, Priština University situated in Kosovska Mitrovica, the Belgrade Arts University and the Novi Pazar State University, selected from the list of candidates proposed by these universities.
- 4) One member from the teacher's training faculty selected from the list of candidates proposed by teachers' training faculties which were founded by the Republic of Serbia;
- 5) One member from each professional association of teachers, preschool teachers and psychologists/pedagogues: Serbia Preschool Teachers Association, Republic of Serbia Teachers Association, Serbian Language Society of Serbia, Serbia Foreign Languages Society, Serbian Association of Mathematicians, Society of Historians, Serbian Geographical society, Physicists Society of Serbia, Serbia Chemists Society, Serbian Biologists Society, Serbia Philosophy Society, Association of Music and Ballet Pedagogues of Serbia, Serbia Visual Arts Pedagogues Association, Physical Education Pedagogues Federation, Serbia Psychologists Association, Serbia Pedagogical Society, Serbia Sociology Society and Serbia Defectologists Association, selected from the list of candidates proposed by these societies and associations.
- 6) Two members from the Association of Secondary Vocational Education and Training Schools, selected from the list of candidates jointly proposed by these associations, and one member from the Association of Gymnasiums chosen from the list of candidates proposed by this association;
- 7) One member of the university institutions of professional studies for the education of preschool teachers, selected from the list of candidates jointly propose by these university institutions founded by the Republic of Serbia;
- 8) One member from the Serbian Orthodox Church selected from the list of candidates proposed by this church;
- 9) One member of traditional churches and religious communities, except for the Serbian Orthodox Church, selected from the list of candidates jointly proposed by these churches and religious communities;
- 10) One member representing national minorities, selected from the list of candidates jointly proposed by National Minority Councils;

- 11) One member from the National Employment Agency, selected from the list of candidates proposed by this agency;
- 12) One member from major unions founded for the territory of the Republic of Serbia for the area of education, selected from the list of candidates jointly proposed by these unions;
- 13) One member from the employers' associations, selected from the list of candidates jointly proposed by these associations.

The applicants shall be obliged to propose candidates – experts in levels and areas of education this council is tasked with.

The applicants as stated in paragraph 3 of this Article shall be obliged to submit the candidate lists four months prior to the mandate expiry date of the outgoing National Education Council members.

The list stated in paragraph 3 of this Article shall include more candidates than the number of members to be selected.

Should the applicant fail to submit the list of candidates within the time period stipulated in paragraph 5 of this Article, the National Assembly shall appoint the members of the National Education Council from the envisaged group.

At least one half of the National Education Council members shall be experts and professionals in the area of education and pedagogy.

A person who has been appointed, elected or delegated for a function in a state authority, territorial autonomy authority or local self government body or a person who is a political party official or a person appointed to the managing body of an institution, or a person employed by the Ministry of Education, Institute for the Improvement of Education, Institute for Quality Evaluation of Education, Institute for Textbooks and Teaching Tools and Materials, as well as a municipal education inspector, cannot become a member of the National Education Council.

The National Assembly shall relieve a National Education Council member of his/her duty before the mandate expiry date on personal request, at the request of the applicant and if he/she has not been fulfilling his/her obligations and duties as the member of the National Education Council, or if he/she has with his/her actions tarnished the reputation of his/her office or if a condition stated in paragraph 9 of this Article has emerged.

In case a member of the National Education Council is relieved of his/her duty prior to his/her mandate expiry date, a new member shall be elected from the list of proposed candidates for a period until the expiry of this Council's mandate.

Competences of the National Education Council

Article 14

In the area of the education system development and improvement the National Education Council shall:

- 1) Monitor and analyze the situation in education at all levels within his/her competences and the alignment level of the education system with European principles and values;
- 2) Propose preschool, elementary, general secondary and arts education development and improvements course;
- 3) Participate in the preparation of the education strategy based on the determined development course of the preschool, elementary and secondary general and arts education;
- 4) Review, take official position and offer opinions to the Ministry in the process of adoption of laws and other regulations governing matters of significance for education;
- 5) Determine:
 - (1) General and special achievement standards;
 - (2) Competence standards for teachers and preschool teachers and their professional development;
 - (3) Competence standards for managing directors of institutions or principals;
 - (4) Textbooks and teaching tools and materials quality standards;
 - (5) Standards for conditions necessary for delivering special programs in the area of preschool education
 - (6) Institution operation quality standards;

- 6) Adopt: the fundamentals of preschool education and pedagogy, curricula and syllabi for elementary, general secondary and secondary arts education, part of the curriculum for general education subjects in secondary vocational education and adult education and fundamentals of pedagogical programs;
- 7) Propose: the program for the final exam at the end of elementary education, of the general and arts education final exam, in accordance with the present and the pertaining law;
- 8) Determine the need for new textbooks, passes the layout for textbooks and proposes to the minister the approval of textbooks and teaching tools and materials for preschool, elementary and general secondary and arts education, general education subjects for vocational secondary schools and education of adults;
- 9) Issue recommendations for education and additional training of teachers, preschool teachers and psychologists/pedagogues, to the council in charge of issues pertaining to higher education development;
- 10) Ensures consultations and submission of official views and opinions of the representatives of relevant socially marginalized groups and performs other work and activities in accordance with the law.

The document stated in paragraph 1 item 5) of this Article shall be published in the “Official Gazette of the Republic of Serbia”, and the document stated in item 6) shall be published in the “Education Gazette”.

Composition of the Council for Vocational Training and Education of Adults

Article 15

The Council for Vocational Training and Education of Adults shall consist of 21 members, including the Chairperson.

The Government shall appoint the Chairperson and members of the Council for Vocational Training and Education of Adults, from the distinguished representatives of the chamber of commerce, craftsmen, employer’ association, among experts in the field of vocational education and training and education of adults, business community, employment, labor and social policy and youth policy, as well as from teachers from the association of

vocational schools and representative unions founded for the territory of the Republic of Serbia dealing with the area of education.

The Government shall appoint the members of the Council for Vocational Training and Education of Adults for a period of six years.

As an exception to paragraph 4 of this Article, the mandate of the half of the members of the Council for Vocational Training and Education of Adults elected for the first time shall be for a period of three years.

A person who has been appointed, elected or delegated for a function in a state authority, territorial autonomy authority or local self government body or a person who is a political party official or a person appointed to the school board cannot become a member of the Council for Vocational Training and Education of Adults.

Competences of the Council for Vocational Training and Education of Adults

Article 16

The Council for Vocational Training and Education of Adults shall:

- 1) Monitor and analyze the situation in the area of education within its scope of competences, its alignment with the European principles and propose measures for its improvement;
- 2) Participate in the preparation of the vocational education development and quality improvement strategy, in particular the secondary vocational training, education of adults, specialist and artisan training, secondary vocational training and training for persons with developmental impairments and disabilities, as well as other forms of vocational education (formal and informal).
- 3) Proposes to the minister:
 - (1) The list of educational profiles;
 - (2) Special achievement standards for secondary vocational training and education;
 - (3) Additional vocational school and school for the education of adults operation quality standards;

- 4) A national qualification standards for the secondary school vocational training and education, competence improvement and other forms of post-elementary education;
 - 5) Program standards and programs implementation standards of vocational training and education when this training and education is conducted according to the non-school regulations;
 - 6) A portion of curricula and syllabi for educational profiles, namely for vocational subjects and modules of secondary school vocational education and training and education of adults and curricula and syllabi of other forms of vocational training – practical skills training, professional skills acquisition and training;
 - 7) Programs for: specialist exam, artisan exam, final exam in practical skills training, exams for professional skills acquisition, exam for training, as well as models for certifying previously acquired knowledge and skills in accordance with this and the governing law;
 - 8) Programs for the vocational school matriculation exam and final exam for vocational secondary education and training;
 - 9) Approval of textbooks and teaching tools and materials for vocation related schools subjects;
 - 10) National qualifications framework for secondary school vocational training and education, competence improvement and for other forms of vocational education and training;
- 4) Review, take position and offer opinion to the Ministry in the law drafting process, proposal for the regulation of network of vocation training schools and schools for the education of adults and other legal documents governing the matters of significance for education, which are within the scope of its jurisdiction;
 - 5) Monitor, support and guide activities which represent a link between education and employment, and their impact on the economic development;

- 6) Establish a link between and include the needs and interests of social partners with the course of development of the vocational training and education of adults;
- 7) Review and propose, within the scope of its competences, models of career development and guidance;
- 8) Perform other duties and activities in accordance with the law.

2. THE INSTITUTES

Article 17

For the purpose of monitoring, ensuring and improving the education system quality and development, with a view to performing development, advisory, research and other expert activities in the system of preschool, elementary and secondary school education, the Republic shall establish the following institutions:

- 1) The Institute for the Improvement of Education;
- 2) The Institute for Education Quality and Evaluation.

The Government shall pass the official documents governing the establishment of the Institute for the Improvement of Education and the Institute for Education Quality and Evaluation (hereinafter referred to as the institutes).

Regulations governing the operation and activities of public services shall be applicable to the founding, organization and operation of institutes.

The Government shall decide on the change of the name, seat and status of institutes.

The Government shall approve the statute and annual operations plan and program of an institute.

The institutes shall be obliged to cooperate on all issues of mutual interest and significance pertaining to education and pedagogy.

The institutes shall harmonize their work and activities, operations plans and programs with the envisaged courses of education development, with the Government's strategies pertaining to education, plan related documents of the ministry, National Education Council and Council for Vocational Training and

Education of Adults as well as with the activities related to the European Union integration process.

The institutes shall submit reports on their work and activities to the Government at least once per year, and they shall submit to the ministry periodic reports on significant issues pertaining to the work and activities of the institutes.

The funds for the establishment and functioning of the institutes shall be provided from the budget of the Republic.

The Institute for the Improvement of Education

Article 18

The Institute for the Improvement of Education shall perform expert activities in the field of education and pedagogy, and it shall participate in the preparation of regulations within the scope of competences of the ministry, National Education Council, Council for Vocational Training and Education of Adults as well as other activities in accordance with the law, the incorporation act and the statute.

The institute as stated in paragraph 1 of this Article shall include the following organizational units – centers:

- 1) Program and Textbook Development Center;
- 2) Vocational Training and Adult Education Center;
- 3) Educators' Professional Development Center

The institute as stated in paragraph 1 of this Article may have special organizational units dealing with the education of national minorities as well as other organizational units, in accordance with the statute.

Program and Textbook Development Center

Article 19

Within its Program and Textbook Development Center, the Institute for the Improvement of Education shall perform professional work and activities related in particular to:

- 1) Standards preparation:

- (1) for textbook and teaching tools and materials quality;
 - (2) for conditions necessary for the implementation of special preschool pedagogy and education programs;
- 2) Preparation of:
- (1) the basis of preschool pedagogy and education programs;
 - (2) the curricula and syllabi for elementary, general secondary and arts education and pedagogy;
 - (3) the basis of the pedagogical program;
 - (4) the part of the curriculum and syllabus for general education school subjects for vocational training and education of adults;
- 3) The programs for preschool and elementary education abroad;
- 4) The plan for elementary, general secondary and secondary arts education textbooks and participation in the preparation of the plan for general education school subjects in vocational training and education of adults textbooks;
- 5) Offering professional assessment of textbooks for elementary and general secondary and secondary arts education and general education school subjects in vocational training and education of adults;
- 6) Other activities, in accordance with this law and the incorporation act.

The Institute for the Improvement of Education shall perform work and activities as stated in paragraph 1 item 5) of this Article as commissioned.

Vocational Training and Adult Education Center

Article 20

Within its Vocational Training and Adult Education Center, the Institute for the Improvement of Education shall perform professional work and activities related in particular to:

- 1) the preparation of standards within the scope of competences of the Vocational Training and Adult Education Council;
- 2) The preparation of the part of curriculum and syllabus of secondary vocational training and educational profiles and programs of the final exam and the vocational skills matriculation exam;
- 3) The preparation of a part of the curricula and syllabi for elementary and secondary vocational education of adults and programs of final exams and vocational skills matriculation exams;
- 4) The preparation of programs for craftsman and specialist education and the pertaining exams;
- 5) The preparation of the part of curriculum and syllabus for practical skills training and the pertaining final exam, program for practical professional training and the pertaining final exam, training program and the pertaining final exam, and the model of certifying previously acquired knowledge and skills;
- 6) The participation in the preparation of textbook and teaching tools and materials quality standards for vocational training and education of adults and in the preparation of textbook plans;
- 7) Offering professional assessment of textbooks for vocational training and education of adults, during the approval procedure;
- 8) The preparation of the national qualification framework for the secondary school vocational training, specialist and artisan education, as well as other forms of vocational education;
- 9) The preparation of the educational profiles list;
- 10) The preparation of the network of vocational schools and schools for the education of adults and monitoring of its effectiveness;
- 11) The preparation of development projects and activities linking vocational training and employment;
- 12) Activities and work aimed at determining the practical skills acquisition and training standards implementation when delivered pursuant to the non-school regulations;

- 13) Offering opinion on the implementation of the special practical skills acquisition and training standards delivery;
- 14) Assists in the coordination of a social dialogue and partnership at different levels of planning, development and delivery of vocational education and education of adults;
- 15) Other activities, in accordance with this law and the incorporation act.

The Institute for the Improvement of Education shall perform work and activities as stated in paragraph 1 items 7) and 12) of this Article as commissioned.

Educators' Professional Development Center

Article 21

Within its Educators' Professional Development Center, the Institute for the Improvement of Education shall perform professional work and activities related in particular to:

- 1) Preparation of competence standards for a profession of a teacher, preschool teacher and their professional development as well as the preparation of competence standards for principals;
- 2) Strengthening of the continuous competence improvement and professional development system of employees working in preschool, elementary and secondary education;
- 3) Preparation of programs for intern work induction programs and for license exam preparation;
- 4) Approval of programs of continuous competence improvement of teachers, preschool teachers, psychologist/pedagogue and principal;
- 5) Participation in the implementation of European and international programs in the area of professional development of employees;
- 6) Preparation of additional materials and handbooks for teachers and preschool teachers thus supporting the attainment of education objectives and achievement standards, as well as adherence to the education and pedagogy principles;

- 7) Other activities, in accordance with this law and the incorporation act;

The Institute for the Improvement of Education shall perform work and activities as stated in paragraph 1 item 4) of this Article as commissioned.

The Institute for Education Quality and Evaluation

Article 22

The Institute for Education Quality and Evaluation shall perform expert work and activities in the area of monitoring and evaluation of the level of attainment of education objectives, implementation of general principles, attainment standards at different levels and types of education, as well as other activities in accordance with the law, the incorporation act and the statute.

The institute as stated in paragraph 1 of this Article shall perform expert work and activities related in particular to:

- 1) Preparation of:
 - (1) General and special achievement standards;
 - (2) Institution operation quality standards;
 - (3) Special achievement standards for elementary education, for general secondary education and secondary arts education;
 - (4) Final exams programs for elementary education, matriculation exams in general secondary education and in secondary arts education;
 - (5) The preparation of the final exam for elementary school education, general and arts matriculation exam in general secondary school education and secondary arts school education, processing and analysis of exam results;
- 2) Evaluation of experiments;
- 3) Institution operation evaluation;

- 4) Implementation of international research, national surveys and monitoring student achievements;
- 5) Extending expert assistance to the Ministry and competent councils in the area of quality assurance and data collection and processing;
- 6) Extending expert and professional support to institutions in respect of the monitoring and evaluation of the attainment of objectives, general and special achievement standards, self-evaluation of institutions, preparation of materials for the examination and testing of students, expert recommendations for adjusting special standards;
- 7) Monitoring the alignment of the education evaluation and quality assurance system with the education evaluation and quality assurance system within the European countries;
- 8) Other activities in accordance with this law, the incorporation act and the statute of the institute.

The institute as stated in paragraph 1 of this Article shall include the following organizational units – centers:

- 1) Standards Center;
- 2) Exams Center;
- 3) Evaluation and Research Center.

The institute as stated in paragraph 1 of this Article may have special organizational units dealing with the education of national minorities as well as other organizational units, in accordance with the statute.

The institute as stated in paragraph 1 of this Article shall submit to the Ministry special periodical reports on educational indicators.

Expert Commissions

Article 23

For the purpose of performing work and activities within their scope of competences, the institutes may establish special expert commissions and teams

composed of experts in the area of education or they may outsource scientific and research institutions subject to approval by the Ministry.

The Relation of the National Education Council, the Minister and the Institutes

Article 24

The institutes as stated in Article 17 of this law in charge of the preparation of or participation in the preparation of by-laws passed by the National Education Council or minister, shall be obliged to perform these duties and activities and to submit the prepared materials to the Ministry within a period of time specified by the minister. The procedure shall be launched by the minister by submitting a request to the adequate institute.

The minister shall submit the proposal or the material to the National Education Council as stated in paragraph 1 of this Article for consideration, opinion or decision.

Should the National Education Council fail to pass a formal document within its scope of competence within a period of three months from the day of the receipt of the material as stated in paragraph 2 of this Article, the formal document shall be adopted by the minister.

3. THE MINISTRY

The Scope of Competence of the Ministry

Article 25

The Ministry shall undertake all the necessary measures so as to ensure a full exercise of the right of children, students and adults to a free-of-charge education and other rights as envisaged by this Law.

The Ministry shall ensure the functioning of the education and pedagogy system in accordance with the general education principles and objectives, in particular:

- 1) Plan and monitor education and pedagogy development;
- 2) Supervise the work and performance of institutions and institutes;
- 3) Plan, coordinate and organize programs of continuous competence improvement of educators;

- 4) Verify the determined education objectives and tasks attainment results at the level of the Republic;
- 5) Engage in the international cooperation according to the education system development plan, perform the analysis and transfer of foreign experience and European programs and achievements;
- 6) Establish and manage an integral information system of education in the Republic of Serbia, ensures smooth data flow and provide accessibility and protection of information;
- 7) Keep a register and issue teacher, preschool teacher and psychologist/pedagogue licenses;
- 8) Determine the national qualification framework for secondary school vocational education, professional improvement and other forms of vocational education.

The formal document as stated in paragraph 2 item 8) of this Article shall be published in the “Official Gazette of the Republic of Serbia”.

The Regional School Administration Office

Article 26

The Ministry shall establish organizational units outside the head office of the Ministry for the purpose of performing expert pedagogical supervision, extending support to institution operations development planning and quality assurance as well as implementing other activities stipulated by the law – the Regional School Administration Offices, as provided by the law.

Within the regional school administration office the Ministry shall:

- 1) Perform expert pedagogical supervision in institutions;
- 2) Coordinate competence improvement of teachers, preschool teachers, psychologists-pedagogues, principals and secretary of an institution;

- 3) Offer support to development planning, to preschool, school and pedagogical program development as well as to quality assurance;
- 4) Participate in the preparation of the education and pedagogy development plan for those areas for which a regional school administration office has been established and monitor its implementation;
- 5) Provide all necessary conditions enabling the institutions to freely enter, fill out, update and maintain the data base on education within an integral education information system;
- 6) Control the utilization of earmarked funds of the institutions;
- 7) Perform other activities in accordance with the law and other regulations.

The minister shall prescribe more detailed conditions for the establishment of an integral information system in education, on the collection, entry, updating, accessibility and protection of data and other issues of significance for an integral information system.

III. INSTITUTIONS AND OTHER ORGANIZATIONS

Types of Organizations

Article 27

The education and pedagogy work and activities shall be delivered by:

- 1) A preschool institution delivering preschool education;
- 2) An elementary school, elementary school for the education of adults, elementary music school, elementary ballet school and elementary school for the education of students with developmental disabilities, delivering elementary education;
- 3) A secondary school, namely: gymnasium (general and specialized gymnasiums), vocational school, joint school (gymnasium and vocational or music school), arts school, secondary school for the

education of adults and secondary school for students with developmental disabilities, delivering secondary education;

The school may provide board and lodging for students (hereinafter referred to as the boarding school).

A school for students with developmental disabilities may extend additional assistance in the education of children, students and adults with developmental disabilities within a developmental group or another school and within the family.

A unique institution, for the purpose of this law, shall be an institution which is the only such institution in the Republic of Serbia providing certain programs of education and pedagogy.

An institution of special interest for the Republic of Serbia, for the purpose of this law, shall be an institution providing a program of education and pedagogy which is of particular interest for the Republic of Serbia, or an institution having special cultural, educational or historical significance for the Republic of Serbia.

The Government shall determine unique institutions and institutions of special interest for the Republic.

Establishing an Institution

Article 28

The Republic, an autonomous province, a local self government unit, another legal entity or a private entity may establish an institution.

The founder of an institution may not be a private entity convicted of a crime and sentenced to at least three months in prison or a private entity who has been convicted of a crime such as domestic violence, removal of a minor, neglect and abuse of a minor or incest; of a crime of giving or receiving bribe; of a crime associated with sexual freedom, crime against communication in legal matters, against humanity and other matters enshrined in the international law, regardless of the measure taken, nor a person for whom it has been ascertained, in keeping with the law, that he/she had engaged in discriminatory behavior.

The Republic or an autonomous province may establish a special institution – subject-specific labs affiliated with the university, in accordance with this law.

The minister shall prescribe more detailed conditions for establishing an institution as stated in paragraph 3 of this Article, manner of proposing members of the managing body, the requirements for the managing director, special requirements for teachers, preschool teachers and psychologists/pedagogues.

Network of Institutions

Article 29

The number and spatial location of institutions founded by the Republic of Serbia, an autonomous province or a local self government unit, according to the type and structure, shall be planned by the document governing the network of institutions.

An institution as stated in paragraph 1 of this Article shall be established in accordance with the document on the network of institutions.

The document on the network of preschool institutions and the document on the network of elementary schools established by the Republic of Serbia, an autonomous province or a local self government unit shall be adopted by the assembly of a local self government unit based on the criteria determined by the Government.

In a local self government unit where a language and script of a national minority are in official use or where educational and pedagogical work and activities are delivered in the language and script of a national minority, the document on the network of preschool institutions and elementary schools shall be passed after the national council of a national minority whose language and script are in official use in that particular self government unit or whose language and script the educational and pedagogical work and activities are delivered in, has provided its opinion and position.

Once the Ministry has established that the authority of a local self government unit has not adopted the document on the network of elementary schools, it shall set a deadline for its adoption.

Should the authority of a local self government unit fail to adopt the document within the time period as stated in paragraph 6 of this

Article, the Ministry shall pass the document on the network of elementary schools.

The document on the network of secondary schools shall be passed by the Government based on the following:

- 1) Demographic projections of the population of students in a particular area;
- 2) Singularity of a particular area (mountainous, near the border, insufficiently developed, area with different nationalities living in the particular area, longstanding education tradition);
- 3) Developmental singularity of the area based on the established and planned employment needs and long-term development plans;
- 4) Accessibility and equal opportunities for acquiring education;
- 5) Provision of communication capacities;

Conditions for Establishing, Introducing and Performing Work and Activities of an Institution

Article 30

An institution may be established by the Republic of Serbia, an autonomous province or a local self government unit, provided that the following conditions are met:

- 1) There is a need for education of children, education of students or education of adults in a particular area;
- 2) The existence of a program of education and pedagogy;
- 3) The existence of funds for establishing and running the institution.

An institution may be established by another legal or private entity if, apart from complying with the conditions as stated in paragraph 1 items 2) and 3) of this Article, this entity has a guarantee issued by a commercial bank that the necessary funds have been provided and that the amount of those funds is sufficient for a period of one year of operation of a preschool institution, for a

cycle of elementary school education or for a period of duration of a secondary school program.

An institution may begin with its educational and pedagogical work and activities if it meets the conditions necessary for its establishment and if it has:

- 1) The prescribed space, equipment and teaching tools and materials;
- 2) Teachers, preschool teachers and psychologists/pedagogues who are employed on permanent basis;
- 3) Adequate hygienic and technical conditions, in accordance with the law and regulations governing this area.

The minister shall prescribe more detailed conditions for the establishment, introducing and performing work and activities of the institution.

Field Office of an Institution

Article 31

An institution shall perform its work and activities in the place where its seat is located.

An institution may perform its work and activities outside the place where its seat is located which is to say in another facility, by organizing a field office, if it meets the conditions as stated in Article 30 paragraph 3 of this law, subject to the approval issued by the Ministry.

A field office shall not be a legal entity.

The organization and operation of a filed office shall be subject to provisions of this law and the pertaining law.

Verification of an Institution

Article 32

An institution may commence with its operations once it has been ascertained that it meets all the necessary conditions for establishment and commencement of activities and once it is granted a legal decision on verification.

The verification request shall also be submitted when a status change is effected within the institution, when the institution is changing its seat or facility, when the institution is organizing its operations in a field office, when it introduces new educational profiles or is delivering a new education program.

The verification request shall include: the name, seat and type of institution, education program, language to be used in educational and pedagogical work and activities, the reasons and justification for its establishment and conditions provided by the founder for the introduction and beginning of its operation. The application shall be accompanied by the incorporation act and proof that the conditions as stated in Article 30 of this law have been met.

The Ministry shall decide on the institution verification request within a time period of three months at the most from the day the request has been submitted.

The official decision on the institution verification request shall be final.

Expanded Work and Activities of an Institution

Article 33

An institution with a verification request approved may perform other work and activities which support education and pedagogy (hereinafter referred to the expanded work and activities) provided that they do not impair educational work and activities.

Students younger than 15 years of age may not be engaged in the expanded work and activities of a school.

Students who are 15 years of age and older may be engaged in the expanded work and activities only during class time, while staff of the school may be engaged in the expanded work and activities only if that does not hinder the delivery of educational and pedagogical work and activities.

The expanded work and activities of an institution may include the provision of services, production, sales and other activities which promote or contribute to a more rational and improved quality delivery of education and pedagogy work and activities.

A secondary school may deliver training programs in accordance with the needs of the labor market.

The decision on the expansion of work and activities shall be made by the managing body of the institution with the consent of the ministry.

The decision on the expansion of work and activities of an institution founded by the Republic of Serbia, an autonomous province or a local self government unit shall contain a plan of revenues and expenditures necessary for the delivery of such expanded work and activities, manner of engaging students and employees and the plan for allocation and utilization of earned funds, in accordance with the regulations governing the budget system.

The minister shall prescribe conditions for the delivery of the expanded work and activities of an institution in more detail.

Status, Name and Seat Changes

Article 34

An institution may effect status, name and seat changes.

The decision on the change of the status of an institution shall be made by the management body with the consent of the founder.

The decision on the change of the name or seat of an institution shall be made by the managing body with the consent of the founder, and when the founder is the Republic of Serbia, an autonomous province or a local self government unit, this decision shall be taken with the consent of the Ministry.

A school may not effect status changes, changes in its name or seat during the school year.

Prohibiting the Work and Activities of an Institution

Article 35

If an authority tasked with inspection or expert pedagogical supervision ascertains that an institution is not complying with the prescribed conditions for operation or if it is not performing its work and responsibilities in a prescribed way, or in case of work stoppage or strike organized contrary to the law, it shall set a time period within which the institution shall be obliged to eliminate the irregularities in its operations and it shall inform its founder thereof.

If an institution founded by the Republic of Serbia, an autonomous province or a local self government unit does not comply with the order as stated in paragraph 1 of this Article, or if the management body is not performing its duties and responsibilities, the ministry shall take one of the following interim measures:

- 1) It shall relieve the managing body of their duty and appoint an interim management;
- 2) It shall relieve the managing director of an institution or a principal of his/her duty and appoint an interim managing director of an institution or a principal;
- 3) It shall relieve the managing body and the managing director or principal of its or his/her duty and appoint the interim managing body and acting managing director or principal;

The interim managing body as stated in item 2 of this Article shall have at least five members and perform duties and activities from the scope of competences of the managing body.

Should the mandate of a managing director or principal come to an end during the application of the measures stated in paragraph 2 item 1), the minister shall appoint the acting managing director or principal, until previous measures cease to be effective and until the managing director or principal is appointed.

Should the mandate of the managing body come to an end during the application of the measures stated in paragraph 2 item 2), the minister shall appoint an interim managing body, until interim measures cease to be effective and until the managing body is appointed.

The acting managing director or principal of an institution and the interim managing body shall perform their duties and obligations until the ministry has ascertained whether the conditions have been met or irregularities eliminated as stated in paragraph 1 of this Article and whether the conditions for the termination of those measures have emerged, for a period not to exceed six months.

If the acting managing director of an institution or principal and the interim managing body fail to eliminate the ascertained irregularities, the Ministry shall prohibit the operation of that particular institution.

When an institution founded by another legal or private entity fails to act within a given time period at the order of the body as stated in paragraph 1 of

this Article, or when the managing body fails to perform its duties and obligations and the founder fails to take measures aimed at eliminating the irregularities within a given time period, in accordance with the law, the Ministry shall prohibit the operation of that particular institution.

Termination of an Institution

Article 36

An institution shall be terminated in accordance with the law.

The students of the school which is being terminated shall be entitled to complete their education in another school determined by the Ministry.

Foreign Institutions

Article 37

An institution may be established by a foreign country, a foreign legal or private entity under the conditions envisaged by an international agreement, or under the reciprocity conditions, for the purpose of delivering an education and pedagogy program which has not been adopted based on this law, provided that the program has been prescribed or accredited abroad, if it meets the conditions as stated in Article 30 paragraph 1 of this law and if it is granted approval by the Ministry.

A document issued to a student by a school as stated in paragraph 1 of this Article shall be recognized, subject to conditions and the procedure as stipulated by the pertaining law.

The Ministry shall keep records on foreign institutions which have been granted permission.

Competence Improvement Center

Article 38

A local self government unit or a local self government unit may, either alone or in cooperation with other local self government units, establish a competence improvement center in accordance with the law governing the organization of public services.

In the performance of its work and activities, the center as stated in paragraph 1 of this Article shall be obliged to abide by the general principles and objectives of education and pedagogy and to deliver employee competence improvement programs in accordance with this law.

The center as stated in paragraph 1 of this Article shall make a selection of chosen competence improvement programs and it shall give preference to those programs it deems the most effective for the attainment of general achievement standards.

Another Organization

Article 39

Another organization or a legal entity may deliver special programs in the area of preschool pedagogy and education if it meets the conditions requirements for the delivery of preschool education and pedagogy special programs and if it is granted approval by the Ministry.

Another organization or a legal entity may deliver special competence improvement and training programs if it complies with the prescribed standards for the delivery of special programs and if it receives approval from the Ministry.

The Register

Article 40

The Ministry shall keep records of (hereinafter referred to as the register):

- 1) Institutions performing educational and pedagogical work and activities, as well as the expanded work and activities;
- 2) Other organizations and private entities performing work and activities in the area of preschool pedagogy and education or performing prescribed or approved special competence improvement or training programs;
- 3) Prescribed or approved professional skills acquisition and training programs.

The minister shall prescribe the content and manner of keeping the register.

Autonomy of an Institution

Article 41

The autonomy of an institution shall imply the right to:

- 1) Pass a statute, education and pedagogy programs, development plan, annual operation plan of an institution, rules of conduct within the institution and other institution documents of general nature;
- 2) Pass a competence improvement and professional development plan for teachers, preschool teachers and psychologists/pedagogues;
- 3) Conduct self evaluation of the institution;
- 4) Select the employees and employees' representative to a managing body and to professional bodies;
- 5) Determine the internal organization and manner of operation of expert bodies;
- 6) Establish modes of cooperation with institutions in the area of education, health, social and child protection, public enterprises, companies and other organizations, for the purpose of ensuring the rights of children, students and employees.

The institution shall pass general and other official documents abiding by general principles and objectives of education and pedagogy and those enabling the most effective attainment of general education outcomes.

Responsibility of an Institution for the Safety of Children and Students

Article 42

An institution shall be obliged to prescribe measures, manner and procedure for the protection and safety of children and students during the time they spend within the institution as well as other activities organized by the institution, in cooperation with the competent body of the local self government unit.

The institution shall be obliged to implement the measures as stated in paragraph 1 of this Article.

The minister shall prescribe in more detail conditions, types, measures, manner, procedure and guidelines for the protection and safety of children and students in the institution.

Rules of Conduct in an Institution

Article 43

The institution shall foster mutual understanding and respect for the children's, students', employees' and parents' personality.

Employees shall be obliged to contribute to the development of a positive atmosphere in the institution with their work and overall conduct.

The conduct within the institution and relationship between children, students, employees and parents shall be governed by the rules of conduct in the institution.

Prohibition of Discrimination

Article 44

Activities aimed at threatening, belittling, discriminating or singling out groups or individuals on the basis of their racial, national, ethnic, linguistic, religious background or gender, physical and psychological characteristics, developmental impairments and disabilities, health condition, age, social and cultural origin, financial status or political views as well as encouraging or not preventing such activities, and other types of activities stipulated by the law prescribing the prohibition of discrimination, shall be prohibited in an institution.

Discrimination of a group or an individual shall imply each and every direct or indirect, covert or overt exclusion or limitation of rights and freedoms, unequal treatment or failure to act or unjustified differentiation through lax discipline or giving precedence.

Special measures introduced for the purpose of achieving full equality, protection and progress of disadvantaged persons or groups shall not be considered as discrimination.

More detailed criteria enabling an employee, student or another person in an institution to detect different forms of discrimination shall jointly be prescribed by the minister and the minister in charge of human rights.

Prohibition of Violence, Abuse and Neglect

Article 45

Physical, psychological and social violence, abuse and neglect of children and students, corporal punishment and insults, sexual abuse of children, students and employees shall be prohibited in an institution.

Violence and abuse shall imply all forms of once or repeatedly inflicted verbal or nonverbal conduct which results in real or potential hazard to health, development and dignity of a child, student or an employee.

Neglect or careless treatment shall imply the omission on behalf of the institution or an employee to provide conditions for a child's or student's proper development.

The institution shall be obliged to immediately file a complaint with a competent authority if signs of violence, abuse or neglect are perceived.

The physical violence for the purpose of paragraph 1 of this Article shall imply: corporal punishment of children and students by employees and other adults, conduct which can lead to real or potential bodily harm being inflicted on a child, student or an employee, violent behavior of an employee towards children, students or other employees as well as violent behavior of a student towards other students or employees.

The psychological violence, for the purpose of paragraph 1 of this Article, shall imply conduct resulting in temporary or permanent impairment of psychological and emotional health and dignity of a child, student or employee.

The social violence, for the purpose of paragraph 1 of this Article, shall imply the exclusion of a child or student from a peer group and different forms of social activities in the institution.

Each and every form of violence and abuse, as stated in paragraph 2 of this Article, on behalf of a student or parent or guardian or an adult against a teacher, preschool teacher, psychologist/pedagogue and other employee shall be prohibited in an institution.

Criminal procedure shall be launched against a parent or child's guardian or a student for the violation of the prohibition as stated in paragraph 8 of this Article.

The minister shall prescribe the violence and abuse response protocol, content and manner of implementation of preemptive and intervention activities, the conditions, manner and mode of risk analysis, protection against violence, abuse and neglect.

More detailed criteria enabling the detection of non-verbal forms of child and student abuse by an employee during caretaking activities, recess and recreation and other forms of educational and pedagogical work and activities shall be prescribed by the minister.

Prohibition of Political Organizing and Activities

Article 46

Political organizing and activities in an institution as well as the utilization of institution's facilities for such purposes shall be prohibited.

The Statute of an Institution

Article 47

An institution shall have its statute.

The statute shall be the basic general legal document of an institution, governing the organization, manner of operation, governance and management of an institution, actions of the institution's bodies for the purpose of ensuring the exercise of the rights of children and students, protection and security of children, students and employees and measures preventing the violation of prohibitions stipulated by this law and other issues, manner of publicizing general legal documents and notifying all stakeholders on the decisions taken by institution bodies as well as other issues, in accordance with the law.

Quality Assurance of the Operation of an Institution

Article 48

An institution shall, independently and in cooperation with the local self government unit, work on providing and improving the conditions for education and pedagogy development, education and pedagogy programs quality assurance and improvement, all forms of educational and pedagogical work and activities and conditions in which they are delivered.

For the purpose of ensuring work and activities quality assurance, an institution shall evaluate the attainment of achievement objectives and

standards, education programs, development plan and satisfaction of students, parents or caregivers of children and students.

Quality evaluation shall be performed through self-evaluation and external evaluation.

Through self-evaluation an institution shall assess: education and pedagogy program quality and its delivery, all forms and modalities of performing educational and pedagogical work and activities, competence improvement and professional development, conditions in which education and pedagogy work and activities are performed, satisfaction of students and parents or caregivers of children and students.

Expert bodies, parents' council, student parliament, managing director of an institution or principal and managing body of the institution shall participate in the process of self-evaluation.

Self-evaluation shall be conducted each year for individual evaluation areas while an overall self-evaluation shall be performed once in three years.

The self-evaluation report on the operation of an institution shall be submitted by the managing director of an institution or principal to the educational council, teacher council or pedagogical council, the parents' council and the managing body.

External evaluation of the operation of an institution shall be done through expert pedagogical supervision of the Ministry and by the Institute for Education Quality and Evaluation.

The Institute for Education Quality and Evaluation shall take part in external evaluation of the quality of operation of an institution through evaluation of student achievements in final and matriculation exams or if need arises.

The minister shall prescribe, after receiving official opinion from a competent council, the bodies and authorities of an institution, procedures for monitoring educational and pedagogical program implementation, other forms of educational and pedagogical work and activities and conditions for its implementation, self-evaluation and evaluation basis and benchmarks, content and manner of making public the results of self-evaluation and evaluation of the operation of an institution.

Institution Development Plan

Article 49

An institution shall have a development plan.

The institution development plan shall be a strategic development plan of the institution which includes priorities in performing educational and pedagogical work and activities, a plan and those implementing the activities, criteria and evaluation benchmarks for planned activities and other issues of significance for the development of an institution.

The institution development plan shall be passed on the basis of a self-evaluation report and the report on the attainment of achievement standards and other quality indicators of the operation of an institution.

The development plan shall be passed by a managing body, at the proposal of an expert team for development planning for a period of three to five years.

In the procedure of quality assurance of the operation of an institution the implementation of the institution's development plan shall also be subject to evaluation.

Assets of an Institution

Article 50

The land lot, buildings and other previously acquired assets or assets acquired by an institution founded by the Republic, an autonomous province or a local self-government unit shall be public property and shall be used for the performance of work and activities as stipulated by this law.

Establishing Professional and Expert Ties

Article 51

For the purpose of education improvement and exchange of experience, institutions may establish ties and cooperate with the corresponding institutions in the country and abroad.

For the purpose of improving education, institutions may establish mutual ties through professional associations.

Regulations pertaining to associations shall govern accordingly the establishment, organization, entering into register and operation of associations as stated in paragraph 2 of this Article.

Professional associations shall be entitled to offer opinions on issues of significance for the operation of the associated schools.

Teachers, preschool teachers and psychologists/pedagogues may establish links and ties through experts associations.

Experts associations shall be entitled to offer opinions and proposals aimed at improving educational and pedagogical work and activities and to participate in the work and activities of commissions and teams dealing with education and pedagogy.

Regulations governing the association of citizens shall govern the founding, organization, entering into register and operation of an experts' association.

IV. BODIES OF AN INSTITUTION

Bodies of an Institution

Article 52

An institution shall have a managing body, leadership body, expert and advisory bodies in accordance with this law, its incorporation act and general documents.

When determining the composition of managing bodies of an institution founded by another legal entity or private entity, an equal representation of parents shall be provided for while expert bodies of an institution shall be established in accordance with the general legal document.

BODIES OF AN INSTITUTION ESTABLISHED BY THE REPUBLIC OF SERBIA, AN AUTONOMOUS PROVINCE OR A LOCAL SELF GOVERNMENT UNIT

Managing Bodies of an Institution

Article 53

The managing body in a preschool institution shall be the managing board.

The managing body in a school shall be the school board.

The chairperson and managing body members shall perform their duties and obligations within their scope of competence, free of charge.

Composition and Appointment of the Managing Body

Article 54

A managing body shall have nine members including the chairperson.

The members of the managing board of an institution shall be appointed and relieved of their duty by the assembly of the local self government unit, while the chairperson shall be selected by majority vote of members out of the total number of managing body's members.

The managing body of an institution shall consist of three representatives from each group: the employees, parents and local self government unit.

The managing body members of an institution delivering education and pedagogy work and activities in a language of a national minority - representatives of the local self government unit, shall be appointed after an official opinion of the corresponding national council of a national minority has been received. Should the national council of a national minority fail to submit its opinion within a period of 15 days from the date the request has been received, the opinion shall be deemed as given.

The national council of a national minority shall propose at least one member of the local self government unit for the managing body of an institution, in which educational and pedagogical work and activities are delivered in a language of a national minority in the majority of classes or which are deemed, in accordance with the law governing the scope of competence of the national council of a national minority, as being of particular importance for that particular national minority.

The school board of an elementary school for the education of adults shall have seven members, including the chairperson, out of which three shall be representatives of employees and four shall be representatives of the local self government unit.

For secondary schools of special interest for the Republic of Serbia and unique schools, the Ministry shall propose to the assembly of the local self government unit three prominent representatives of the: chamber of commerce, artisans, employers' association, national employment agency, unions and other parties interested in the work and activities of the school (hereinafter referred to as social partners). The assembly of the local self government unit

shall appoint to the school board of a secondary vocational school at least one representative of the social partners.

The school board of a secondary school for the education of adults shall have nine members, including the chairperson, namely three representatives of each group such as employees, social partners and local self government unit.

The managing body members representing the employees shall be proposed by the pedagogical and educational or teacher council and the parents' council by secret ballot.

A person:

- 1) Convicted of a crime and sentenced to at least three months in prison or of a crime such as domestic violence, removal of a minor, neglect and abuse of a minor or incest; of a crime of giving or receiving bribe; of a crime associated with sexual freedom, crime against communication in legal matters, against humanity and other matters enshrined in the international law, regardless of the measure taken, nor a person for whom it has been ascertained, in keeping with the law, that he/she had engaged in discriminatory behavior.
- 2) Who would be representing the interests of several structures, other than the members of the union;
- 3) Whose work, duties or function are irreconcilable with his/her work in the managing body;
- 4) Who has already been appointed as a managing body member in another institution;
- 5) Who has already been appointed as the managing director or principal of another institution;
- 6) And in other cases as stipulated by the law,

cannot be proposed nor appointed as a member of the managing body.

The assembly of the local self government unit shall decide on the proposal of the authorized mover by passing an official decision.

If an authorized mover fails to implement the procedure in accordance with the law or if he/she proposes a candidate contrary to the provisions of the

law, the assembly of the local self government unit shall set a deadline for bringing his/her actions in line with the law.

Should the authorized mover fail to act according to the law within the given deadline, the assembly of the local self government unit shall appoint the managing body members without the proposal of the authorized mover.

The decision to appoint or relieve of the duty the managing body shall be final in the administrative procedure.

Mandate of the Managing Body

Article 55

The mandate of the managing body shall be four years.

The procedure to appoint the managing body members shall be initiated at the latest two months before the expiry of the mandate of the previously appointed managing body members.

The local self government unit assembly shall relieve of the duty, before the expiry of the mandate, certain members, including the chairperson or the managing body of an institution, on personal request of a member as well as if:

- 1) The managing body passes illegal decisions or if it fails to pass those decisions it is obliged to pass pursuant to the law and the statute;
- 2) A managing body member prevents the operation of the managing body by unjustified absences or unconscientious work;
- 3) Irregularities are detected in the course of the revision of the appointment documents;
- 4) The authorized mover launches an initiative to relieve a member of the managing body of his/her duty due to the change in the basis for his/her appointment;
- 5) A conditions as stated in Article 54 paragraph 10 of this law comes into being.

The appointment period of the newly appointed individual member of the managing body shall last until the expiry of the managing body's mandate.

Should the ministry ascertain irregularities in the appointment process or the process of relieving the managing body of its duties, the assembly of the local self government unit shall be obliged to eliminate the ascertained irregularities immediately or 15 days at the latest from the day the official document imposing the measure has been submitted.

Should the assembly of a local self government unit fail to launch the procedure for the appointment document revision or revision of the document relieving the managing body of its duty and if it fails to bring it in line with this law within the time period as stated in paragraph 5 of this Article, the minister shall relieve the current and appoint the interim managing body of an institution.

The Interim Managing Body

Article 56

The minister shall appoint the interim managing body of an institution if the local self government unit fails to appoint the managing body until the expiry of mandate of the previously appointed managing body members.

The mandate of the interim managing body of an institution shall last until the appointment of the new managing body.

The Scope of Competence of the Managing Body

Article 57

The managing body of an institution shall:

- 1) Adopt a statute, rules of conduct in an institution and other documents of general nature, and approve the organization and job classification document;
- 2) Pass preschool, school or pedagogical program (hereinafter referred to as the education and pedagogy program), development plan, annual work plan; adopt reports on their implementation, evaluation and self-evaluation;
- 3) Determine the proposal for the financial plan for the preparation of the budget of the Republic of Serbia;
- 4) Pass the financial plan of an institution in accordance with the law;

- 5) Adopt reports on business operation, annual statement of accounts and a report on field trips or retreats;
- 6) Make public job announcements and appoint the managing director or principal;
- 7) Review the adherence to principles, attainment of prescribed objectives and education standards achievement and take measures for the purpose of improving the working conditions and facilitating the educational and pedagogical work and activities;
- 8) Review the competence improvement plans for employees and adopt the report on its implementation;
- 9) Decide on appeals or complaints launched against a decision of a managing director or principal;
- 10) Perform other work and activities in accordance with the law, the incorporation act and the statute.

The managing body shall take decisions by majority vote of the overall number of its members.

A member of the union shall be present at the school board meetings and shall participate in its work but without the right to vote.

Two representatives of the student parliament shall be present at the elementary school board meetings and shall participate in its work but without the right to vote.

Two representatives of the student parliament shall be present at the secondary school board meetings and shall participate in its work when the school council decides on issues as stated in Article 57 paragraph 1 items 3), 4), 5), 6) and 9), but without the right to vote.

The secondary school council shall meet in enlarged convocation when considering and deciding on issues as stated in Article 57 paragraph 1, items 1), 2), 7) and 8).

The enlarged convocation shall include two students of age elected by the student parliament of that particular school.

The managing body shall be responsible for the performance of its work and activities to the appointing body and to its founder.

The Parents' Council

Article 58

An institution shall have a parents' council except for the school for the education of adults.

The parents' council shall consist of one representative of parents of students of each class or preschool group if a school offers preschool programs.

If the members of a national minority or ethnic group are acquiring education in the institution, the representatives of that national minority or ethnic group shall also be proportionally included in the parents' council.

If children and students with developmental disabilities are acquiring education in the institution, the member of the parents' council shall at the same time be a representative of the parents' of children and students with developmental disabilities.

The parents' council shall:

- 1) Propose parents of children or students as the members of the managing body;
- 2) Propose its member to be a representative in the experts' team tasked with development planning as well as other teams of the institution;
- 3) Propose measures for quality assurance and the improvement of educational and pedagogical work and activities;
- 4) Participate in the procedure for proposing elective subjects and in the procedure of textbook selection;
- 5) Review the proposal of the education and pedagogy program, development plan, annual work plan, reports on their implementation, evaluation and self-evaluation and assessment;
- 6) Review the utilization of funds received as donations and revenues from the expanded activities of the institution;

- 7) Propose to the managing body the allocation of funds earned by the student cooperative and received from parents;
- 8) Review the working conditions in the institution, the conditions for children's and students' development and learning as well as their safety and protection;
- 9) Participate in the procedure of prescribing measures as stated in Article 42 of this law;
- 10) Give approval to program and organization of field trips or retreats and review reports on their delivery;
- 11) Review other issues stipulated by the statute.

The parents' council shall forward its proposals, questions and opinions to the managing body, the principal and expert bodies of the institution.

The manner of electing the parents council of an institution shall be governed by the statute of the institution, while its work and activities shall be governed by the Rules of Procedure of the council.

The Managing Director of an Institution

Article 59

The managing director shall manage the operation of the institution.

The managing director of an institution shall be a person meeting the requirements as stipulated by Article 8 paragraph 2 and Article 120 of this law.

The managing director of a preschool institution may be a person having: education as prescribed in Article 8 paragraph 2 of this law, for a preschool teacher or psychologist/pedagogue - a license, undergone training, passed the exam necessary for a managing director and five years of work experience in a preschool institution after acquiring the appropriate education.

Duties and responsibilities of a managing director of a preschool institution may be performed by a person having: corresponding education as stated in Article 8 paragraph 3 of this law, for a preschool teacher - a license, undergone training, passed the exam necessary for a managing director and ten years of work experience in a preschool institution performing pedagogical and educational work and activities after acquiring the appropriate education.

Duties and responsibilities of a school principal may be performed by a person having appropriate education as stipulated in Article 8 paragraph 2 of this law, for a teacher, psychologist and pedagogue of that school - a license, undergone training, passed the exam necessary for a principal and at least five years of work experience in the institution performing educational and pedagogical work and activities after acquiring the appropriate education.

Exceptionally, duties and responsibilities of an elementary school principal may be performed by a person having appropriate education as stated in Article 8 paragraph 3 of this law for a teacher of that school - a license, undergone training, passed the exam necessary for a principal and at least ten years of work experience in the institution performing educational and pedagogical work and activities after acquiring the appropriate education, if no candidates with appropriate education as stipulated in Article 8 paragraph 2 of this law have applied. Should the same job vacancy be announced once again, the candidates with appropriate education as stipulated in Article 8 paragraphs 2 and 3 of this law shall be treated as equal.

The exam necessary for a managing director or a principal may be taken by a person meeting conditions necessary for a managing director of an institution or a principal and who can prove that he/she has attended training program.

A person who successfully passes the exam necessary for a managing director of an institution or a principal shall acquire the license of a managing director or a principal (hereinafter referred to as the managing director/principal license).

A managing director or a principal who has failed to pass the exam necessary for the managing director or principal shall be obliged to pass this exam within one year from the day he/she assumes duty.

A managing director or a principal who has failed to pass the exam necessary for the managing director or principal within one year from the day he/she has been appointed, shall be relieved of his/her duties.

The license for a managing director of an institution or a principal shall be terminated if the managing director of an institution or a principal has been convicted and sentenced for a criminal offence or fraud while performing his/her duties and responsibilities.

The managing director of an institution or a principal shall be selected for a period of four years.

The mandate of a managing director of an institution or a principal shall begin on the day he/she assumes duty.

The employment status of a managing director of an institution or a principal where he/she has been working shall be put on hold during the first appointment period as the managing director of an institution or a principal.

The mandate of a managing director of an institution or a principal shall be terminated if it is ascertained during the course of the mandate that he/she does not meet the conditions stipulated in paragraph 2 of this Article or if he/she refuses to undergo a medical examination at the request of the managing body.

The managing body shall decide on the rights, obligations and responsibilities of the managing director of an institution or a principal.

The minister shall prescribe in more detail the conditions for the appointment of a managing director of an institution or a principal, training programs in keeping with the competences of a managing director of an institution or a principal, the exam program, the manner and procedure of taking the exam, the composition and manner of operation of the Ministry's commission or the competent body of an autonomous province administering the exam, the content and the look of the managing director/principal's license form, the content and manner of keeping the register, the exam fees, the fees of the members of the commission and other issues related to the exam and acquiring the license of a managing director of an institution or a principal.

The Election of the Managing Director or Principal

Article 60

The managing director of an institution shall be elected by the managing body on the basis of a publicly announced competition, following the receipt of the opinion given by the pedagogical and educational council, teachers' council or teachers' and pedagogical council.

In an institution in which educational and pedagogical work and activities are delivered in a language of a national minority, as well as in an institution in which educational and pedagogical work and activities in the majority of classes are delivered in a language of a national minority or which are deemed, in accordance with the law governing the scope of competence of the national council of a national minority, as being of particular importance for that particular national minority, the managing body of an institution shall

elect the managing director of the institution or principal after receiving an opinion of the corresponding national council of a national minority.

Should the national council of a national minority fail to submit its opinion within a period of 15 days from the date the request has been received, the opinion shall be deemed as given.

The council's opinion as stated in paragraph 1 of this Article shall be reached at a special session attended by all employees who shall vote for candidates by secret ballot.

The competition for the appointment of a managing director or principal shall be publicly announced three months at the latest prior to the expiry of the mandate of the managing director or principal.

The decision accompanied by documentation on the selected candidate shall be submitted to the minister for approval.

The decision of the managing body on the appointment of a managing director or principal shall be considered as final or as having received the minister's approval if within the period of 30 days from the day the decision has been submitted the minister has not passed an official decision denying approval.

After the prescribed period of time as stipulated in paragraph 7 of this Article has passed, the managing body shall pass an official decision appointing the managing director or principal and submit it to the applicants. The official decision shall determine the time when the newly appointed managing director or principal is to assume duty and the responsibility of taking the exam for the managing director of an institution or principal.

An applicant dissatisfied with the official decision as stated in paragraph 8 of this Article shall be entitled to court protection in the administrative procedure.

The minister shall pass the document denying approval if it is ascertained during the procedure that the decision has not been made in accordance with the law or if the passing of the decision has jeopardized the functioning of the institution.

Should the minister adopt a document denying approval to the decision on the appointment of the managing director of an institution or principal, a new competition shall be publicly announced.

Acting Managing Director or Principal

Article 61

The acting managing director or principal shall be appointed by the managing body until a new managing director or principal has been appointed, if his/her mandate has expired but a new competition has not been publicly announced or the managing body has not made a decision on the appointment or the minister has passed an official decision denying approval of the managing body's decision,.

The acting managing director or principal shall be appointed by the minister should the managing body fail to appoint the acting managing director in cases as stated in paragraph 1 of this Article or if they have not made a decision after a new publicly announced competition or the minister has not given his/her approval on the decision after a new publicly announced competition, within a period of seven days from the day reasons for appointment have been communicated.

A person who has not been granted approval in the managing director or principal appointment process shall not be appointed as the acting managing director of an institution or principal.

A teacher, preschool teacher or psychologist/pedagogue may be appointed as the acting managing director or principal for a period of six months at the most.

The employment status of the acting managing director or principal in the institution from which he/she has been appointed shall be put on hold while performing these duties and responsibilities.

The rights, obligations and responsibilities of the managing director or principal shall apply to the acting managing director or principal.

Authority and Responsibilities of a Managing Director of an Institution or Principal

Article 62

The managing director or principal shall be responsible for the legality of operation and successful performance of the institution.

The managing director or principal shall be held accountable for his/her work and activities by the managing body and the minister.

In addition to the work and activities stipulated by the law and by the statute of the institute, the managing director or principal shall:

- 1) Plan and organize the implementation of the education and pedagogy program and all other activities of the institution;
- 2) Ensure quality assurance, self-evaluation, achievement standards attainment and promote educational and pedagogical work and activities;
- 3) Be responsible for the implementation of the development plan of the institution;
- 4) Decide on the utilization of funds allocated in financial plan and be responsible for approving and utilizing of those funds, in accordance with the law;
- 5) Cooperate with the local self government bodies, organizations and associations;
- 6) Organize and perform pedagogical and guidance review and monitor the educational work and activities and pedagogical practice quality, and undertake measures aimed at improving and enhancing the performance of teachers, preschool teachers and psychologist/pedagogue;
- 7) Plan and monitor competence improvement and conduct the title acquisition procedure for teachers, preschool teachers and psychologist/pedagogue;
- 8) Take measures in case of violations of prohibitions as stated in Articles 44, 45 and 46 of this law and against indecent behavior of an employee and its negative impact on children and students;
- 9) Undertake measures geared to the implementation of orders given by the education inspector and education advisor, as well as other inspection bodies;
- 10) Ensure a timely and precise data entry and provide for the maintenance of an updated data base on institutions within a uniform information system of the ministry;
- 11) Ensure timely information provision to employees, students and parents or caregivers, expert bodies and management bodies, on

all issues of interest for the operation of the institution and these bodies;

- 12) Convene and chair the meetings of the educational and pedagogical council, teacher council or pedagogical council, without a right to vote;
- 13) Establish expert bodies and teams, direct and harmonize the work and activities of expert bodies within the institution;
- 14) Cooperate with parents or caregivers of children and students;
- 15) Submit to the managing body at least twice per year regular reports on his/her work and activities and the operation of the institution;
- 16) Pass general documents on organization and classification of job positions;
- 17) Decide on rights, obligations and responsibilities of students and employees in accordance with this law and the pertaining law.

In case of a temporary absence or inability of the managing director or principal to perform his/her duties and obligations, he/she shall be substituted by a teacher, preschool teacher or psychologist/pedagogue within the institution based on the authorization of the managing director or principal or the managing body in accordance with the law.

Termination of Duties and Obligations of the Managing Director or Principal

Article 63

The duties and obligations of a managing director of an institution or principal shall cease due to: mandate expiry, personal request, emerging of conditions for the employment status to be put on hold or the termination of employment or by relieving him/her of his/her duty. The decision on the termination of duties and obligations of a managing director or principal shall be made by the managing body.

The managing body shall relieve the managing director or principal of his/her duties if it has been ascertained that:

- 1) The institution has not adopted the education program in a timely manner or it is not delivering the educational and pedagogical program or has not taken measures aimed at attaining the achievement principles, objectives and standards;
- 2) The institution is not implementing child and student safety and protection measures;
- 3) The managing director or principal has not taken or has taken but in an untimely manner, or is not taking appropriate measures in cases of violation of prohibitions as stated in Articles 44, 45 and 46 of this law and in case of violation of work responsibilities by employees;
- 4) The proper keeping of records and documentation in the institution has not been provided for;
- 5) The records in the institution and public documents are issued contrary to this and the pertaining law;
- 6) The managing director or principal does not meet the requirements as stated in Article 59 of this law;
- 7) The managing director or principal has not been acting according to the order or is not implementing the measures of the competent authority aimed at remedying the detected deficiencies and irregularities;
- 8) By proposing illegal decisions, by employing partial, untimely and incorrect information or by calling the meetings contrary to the rules of procedure, the managing director or principal, impairs the work and operation of the managing bodies and employees;
- 9) The managing director or principal has not enabled a timely and correct data entry process within a unique information system of the ministry or the maintenance of an updated institution data;
- 10) He/she has employed a person on full time basis or is outsourcing that person contrary to this law, the law and the general document;

The managing body shall relieve the managing director or principal of his/her duties should he/she be subject to a disciplinary procedure leading to employment termination due to an aggravated violation of work obligation as

prescribed for employees in Article 141 of this law or conditions for work contract termination have emerged in keeping with general labor regulations.

The managing body shall relieve the managing director or principal of his/her duty before the mandate expiry date if the final document of a competent body ascertains that the institution or the managing director is responsible for the violation of this or the pertaining law, fraud or criminal offence in the performance of his/her duties and obligations.

The managing body shall relieve managing director or principal of his/her duty following the measure ordered by the education inspection, within eight days from the receipt of the order.

The decision of the managing body on the relieving of duty of the managing director or principal shall be considered as final or as having received the minister's approval if within the period of 15 days from the day the decision has been submitted the minister has not passed an official decision denying approval.

The minister shall pass the document denying approval if it is ascertained during the procedure that the decision has not been made in accordance with the law or if the passing of the decision has jeopardized the functioning of the institution.

Should the managing body fail to take an official decision on relieving the managing director or principal of his/her duty within a period of time as stated in paragraph 5 of this Article, the minister shall relieve the managing director or principal of his/her duty within 15 days from the receipt of the record showing that the order has not been fulfilled.

Rights of the Managing Director or Principal Following the Termination of Duties and Obligations

Article 64

The managing director or principal whose second or any of the following mandates have expired or who has been relieved of duty at personal request, shall be assigned to a job corresponding to the level and type of his/her education.

If no job position is available in that or another institution, the person as stated in paragraph 1 of this Article shall have the same rights as the person whose services are no longer necessary, in accordance with the law.

The employment of a managing director or principal who has been relieved of his/her duties and responsibilities pursuant to Article 63 paragraphs 3 and 4 of this law, shall be terminated and he/she shall not be entitled to severance pay.

The employment of a managing director or principal who has been relieved of duty during his/her second or any of the following mandates without having his/her employment terminated, and who cannot be assigned to a job corresponding to his/her level of education, shall be terminated and he/she shall be entitled to a severance pay in accordance with the law.

Assistant to the Managing Director or Principal

Article 65

An institution may have an assistant to the managing director or principal in accordance with the regulations governing the criteria and standards for the funding of the institution.

A teacher, preschool teacher or psychologist/pedagogue with established professional reputation and experience in the institution, shall be appointed assistant to the managing director or principal for each school or working year by an official decision issued by the managing director or principal.

The assistant to the managing director or principal shall organize, manage and be accountable for the pedagogical work and activities of the institution; he/she shall coordinate the work and activities of expert teams and other expert bodies of the institution and shall perform other work in accordance with the statute of the institution.

The assistant to the managing director or principal may perform the work and activities of a teacher, preschool teacher or psychologist/pedagogue pursuant to the decision of the managing director or principal.

Expert Bodies, Teams and Pedagogical Expert Group of the Institution

Article 66

The expert bodies of a preschool institution shall include the pedagogy and education council and preschool teachers and nurses expert group as well as the expert group for development planning and other expert groups and teams, in accordance with the statute.

The expert bodies of a school shall include: teachers' council, homeroom teachers council, first cycle of education teachers expert council, expert council by school subjects, development planning and school program planning expert group and other expert groups and teams in accordance with the statute. A boarding school shall have a pedagogical council.

The pedagogy and education council shall include preschool teachers and psychologists/pedagogues.

The teachers' council shall include teachers, preschool teachers and psychologists/pedagogues.

The pedagogical council shall include pedagogical experts and psychologists/pedagogues who perform pedagogical work and activities in a boarding school.

Homeroom teachers' council shall include teachers delivering teaching activities in a particular class.

The first cycle of education teachers' expert council shall include teachers delivering education work and activities in the first cycle of education.

The pedagogue assistant shall participate in the work and activities of the council as stated in paragraphs 3 to 7 without a right to participate in the decision-making process.

Expert council by school subjects shall include the teachers delivering teaching in subjects of similar content.

The development planning expert group includes representatives of teachers, preschool teachers, psychologists/pedagogues, local self government unit, student parliament and parents council. The development planning expert group members shall be appointed by the managing body.

The school program planning expert group shall include representatives of teachers and psychologists/pedagogues. The school program planning expert group members shall be appointed by the teacher council.

The managing director or principal shall establish a team for the implementation of a certain task, program or project. The team may include the representatives of employees, parents, local self government unit, or experts in certain areas.

A managing director or a principal shall establish an expert team for inclusive education in those schools delivering education to children with developmental disabilities.

The pedagogical expert group shall include chairpersons of expert councils and expert groups and a representative of psychologists/pedagogues.

The pedagogical expert group shall review issues and issue opinions pertaining to the work and activities of the managing director or principal as stated in Article 62 paragraph 3 items 1) to 3) and items 5) to 7) of this law.

The pedagogical expert group shall be chaired and managed by the managing director or principal or assistant to the managing director or principal while the homeroom teachers' council shall be chaired and managed by a homeroom teacher.

The representatives of the student parliament may be present at the meetings of school's expert bodies but without a right to take decisions.

The Scope of Competence of Expert Bodies, Teams and Pedagogical Expert Group

Article 67

Expert bodies, teams and pedagogical expert group shall be in charge of ensuring and improving the quality of work and activities of education institutions; monitor the delivery of educational and pedagogical programs; attainment of objectives and achievement standards; evaluating the performance of teachers, preschool teachers and psychologists/pedagogues; monitoring and determining the results achieved by children, students and adults in the education process and dealing with other expert issues pertaining to the educational and pedagogical work and activities.

The scope of competences, manner of operation and responsibilities of expert bodies, teams and pedagogical expert group shall be governed by the statute of the institution.

The Secretary to the Institution

Article 68

The administrative, regulatory and legal as well as other legal affairs in the institution shall be managed by the secretary of the institution, in keeping with normative provisions prescribing criteria and standards for funding an institution.

The work and activities of a secretary may be performed by a person with the law degree – master, or a person who has acquired university education through initial graduate studies lasting for at least four years and having passed the expert exam necessary for a secretary of an institution.

The person as stated in paragraph 2 of this Article shall be inducted and trained to perform independently the work and activities of a secretary of an institution by mastering the work induction program and taking the exam necessary for the secretary of an institution. The managing director or principal shall assign a mentor to the secretary-intern from a list of secretaries of institutions composed by the regional school administration board.

The secretary shall be obliged to successfully pass the exam necessary for a secretary of an institution within the time period of two years from the day of inception of his/her employment.

The employment of a person, who has not passed the exam necessary for a secretary of an institution within the time period as stated in paragraph 4 of this Article, shall be terminated.

The person who has successfully passed the bar exam or the expert exam for working in the state administration or state expert exam, shall not be obliged to take the exam necessary for a secretary of an institution.

As an exception to paragraph 2 of this Article, should no person with adequate education as stated in paragraph 2 of this Article, apply for a competition which has once again been publicly announced, another person may be appointed secretary of a preschool institution and of an elementary for a period of two years at the most.

The manner and program of induction, the program, content, the manner and deadlines for passing the expert exam, the composition of and manner of operation of the Ministry's commission or a competent body of an autonomous province administering the expert exam and the form of the certificate issued, the examination fees, fees for the members of the exam commission and other issues pertaining to the exam necessary for a secretary of an institution shall be prescribed by the minister.

V. EDUCATIONAL AND PEDAGOGICAL PROGRAMS AND EXAMS

1. EDUCATIONAL AND PEDAGOGICAL PROGRAMS

Educational Programs of Institutions

Article 69

A preschool institution shall develop and deliver educational and pedagogical programs for children in accordance with the fundamentals of the preschool program and the pertaining law.

An elementary school shall deliver school curriculum and syllabus and it may also deliver: an individual education curriculum for students and adults with developmental disabilities, individual program of the Serbian language or a language of a national minority for students who are not familiar with the language instruction is delivered in, music and ballet education curriculum, adult education curriculum, a pedagogical program for students living in a boarding school as well as other programs in accordance with the pertaining law.

A secondary school shall deliver school curriculum and syllabus for general, vocational and artistic education and it may also deliver: an individual educational curriculum, for students and adults with developmental disabilities, individual program of the Serbian language or a language of a national minority for students who are not familiar with the language instruction is delivered in, music and ballet education curriculum, adult education curriculum, a pedagogical program for students living in a boarding school, curriculum for specialist and artisan education, practical skills training curriculum, professional skills training and training curriculum and other programs in accordance with the governing law.

Exceptionally, an elementary school may also deliver preschool program and a secondary school may deliver a preschool program, elementary education program and pedagogical program.

Other than the programs as stated in paragraphs 1 to 4 of this Article, an institution may deliver other programs and activities aimed at improving educational and pedagogical work and activities, quality and accessibility of education.

An institution as stated in paragraph 5 of this Article may acquire a status of a model center.

Fundamentals of Preschool Education and Pedagogy Programs

Article 70

Preschool education for children from six months of age to first grade of elementary school shall be delivered in a preschool institution in accordance with the preschool pedagogy and education program.

The fundamentals of the preschool program shall constitute the basis for:

- 1) The design and development of pedagogical and educational work and activities program at the level of a preschool institution, namely infant nurseries, daycares and preparatory groups in preschool institutions and elementary school (hereinafter referred to as preschool programs);
- 2) The design and development of special and specialized programs in accordance with the pertaining law;
- 3) The establishment of criteria for the monitoring and evaluation of education quality;
- 4) The improvement and development of preschool institutions;

The content of the fundamentals of preschool pedagogy and education programs shall be regulated by the pertaining law.

Preschool Program

Article 71

Preschool pedagogy and education shall be delivered based on a preschool program.

A preschool program shall be passed by a preschool institution or school delivering preschool education in accordance with the fundamentals of preschool pedagogy and education program.

A preschool program shall include general data on the institution and its environment, types and duration of pedagogical and education work and activities program, other forms of work, activities and services as well as other information in accordance with the pertaining law.

Special, specialized and other types of programs may be delivered within a preschool program, in accordance with the pertaining law and in keeping with the capacities of the preschool institution, needs and interests of children, parents and the local self government unit.

Elementary and Secondary School Curricula and Syllabi

Article 72

The curriculum and syllabus shall constitute the basis for the adoption of the school program within elementary and secondary education.

The curriculum and syllabus shall be adopted in accordance with the prescribed education achievement principles, objectives and standards.

The curriculum and syllabus of a three year secondary vocational education shall typically consist of 30% of general and 65% of vocational educational content while a four year secondary vocational and arts education shall typically consist of at least 40% of general and 55% of vocational or arts related educational content.

The curriculum and syllabus shall include elective school subjects according to the level and type of education out of which the student must select one or more subjects according to his/her own preference. Religious instruction or civic education shall be one of compulsory electives.

The student who has chosen one of the two electives, namely religious instruction or civic education, shall be at liberty to switch from one to another elective throughout the elementary and secondary school education.

Elementary and Secondary School Curricula

Article 73

The elementary and secondary school curricula shall include:

- 1) Compulsory school subjects by grades in elementary and secondary school education;
- 2) Elective school subjects by grades in elementary and secondary school education;
- 3) Forms of educational and pedagogical work and activities (regular, additional and supplementary teaching activities and other forms of educational and pedagogical work and activities);
- 4) Annual and weekly number of lessons by subjects and types of educational and pedagogical work.

The elementary and secondary school education curriculum may contain modules, either independent or within the school subject, accompanied by the number of lessons.

A module, for the purpose of this law, shall be a set of theoretical and practical program contents and forms of work and activities linked according to functionality and topic within a school subject or several school subjects.

Elementary and Secondary School Education Syllabus

Article 74

The elementary and secondary school education syllabus shall be passed adopted pursuant to the prescribed general and special achievement standards and it shall contain:

- 1) Education objectives by levels, cycles, types of education or educational profiles, education objectives by school subjects, modules and grades;
- 2) Compulsory and recommended content of compulsory and elective subjects and modules ensuring the achievement of general outcomes and special achievement standards;
- 3) Recommended types of activities and modes of program delivery;
- 4) Recommended mode of adapting programs for adult education, students with exceptional abilities, programs for subjects of special significance for a national minority and bilingual education;
- 5) Recommendation for the preparation of individual education plan for students requiring additional educational support, whose inclusion into the education system has been delayed, who are not familiar with the language education activities are delivered in;
- 6) Other issues of significance for the achievement of educational programs.

Types of Vocational School Education and Programs

Article 75

The types of vocational education for the purpose of this law shall be: practical skills training, professional skills training and training.

Practical skills training shall be geared to acquiring knowledge, skills and positive perception of the particular vocation.

Professional skills training shall be aimed at acquiring knowledge, skills and positive attitude towards of a vocation and the associated tasks.

Training shall serve to acquire basic knowledge, skills and positive attitude necessary for the performance of certain jobs or operations in the course of the work process.

Programs of post-elementary education as stated in paragraph 1 of this Article shall constitute the basis for adoption of the syllabus for secondary education.

Special programs of professional skills training and training adopted according to other regulations, shall be delivered pursuant to the prescribed standards.

School Program

Article 76

Elementary and secondary school education, specialist and artisan education and other types of post-elementary school education shall be delivered on the basis of the school program.

The school program shall be developed on the basis of the curriculum and syllabus or on the basis of programs of certain types of vocational education.

The school program shall provide for the attainment of achievement principles, objectives and standards, pursuant to the needs of students and parents or caregivers and the local community.

The school program shall include:

- 1) The objectives of the school program;
- 2) The name, type and duration of all educational and pedagogical programs delivered by the school and the language in which the program is being delivered;
- 3) The compulsory and elective school subjects and modules, by cycles or educational profiles and grades;

- 4) The manner of achieving principles and objectives of education and achievement standards, manner and procedure for the delivery of the prescribed curriculum and syllabus, programs of other types of vocational education and types of activities in the educational and pedagogical work and activities;
- 5) Optional school subjects, their program content and activities through which they are delivered;
- 6) Manner of delivery and adaptation of music and ballet education, education of adults, students with exceptional abilities and bilingual instruction;
- 7) Other issues of importance for the school program.

The school program shall be adopted by the school board typically once in four years in accordance with the curriculum and syllabus.

Individual Education Plan, Individual Program and Individualized Manner of Delivery

Article 77

An institution shall eliminate physical and communication obstacles and adopt individual education plan for child or student in need of additional educational and pedagogical support, due to social deprivation, developmental impairment, physical disability or for other reasons.

The aim of the individual education plan shall be to attain an optimal level of inclusion of a child or student into regular educational and pedagogical activities and to enable him/her to gain independence in his/her peer group.

The individual education plan shall establish an adapted and enriched manner of education of a child or student, in particular:

- 1) Daily schedule of activities in a pedagogical group and classes within the homeroom class, daily schedule of activities with a person offering additional support and schedule of activities within a special group offering additional support as well as the frequency of support;

- 2) The objectives of educational and pedagogical work and activities;
- 3) Special achievement standards and adapted standards for particular or all subjects accompanied with the explanation about deviations from special standards;
- 4) Individual program by subjects or contents of subjects taught in a classroom and in activities with additional support;
- 5) Individualized manner of delivering work and activities by preschool teachers and teachers or individualized approach adapted to the type of impairment.

An institution shall pass an individual education plan in accordance with paragraph 3 of this Article, except for item 3), for a student with exceptional abilities.

An individual education plan in an institution shall be adopted by a pedagogical team at the proposal of the expert team dealing with inclusive education, or the team in charge of extending additional support to students as stated in paragraph 3 of this Article.

In a preschool institution a team as stated in paragraph 5 of this Article, shall consist of a preschool teacher, psychologist/pedagogue, associates, parent or caregiver, and when need arises a pedagogical assistant and an expert from outside of the institution, at the proposal of the parent.

In a school a team as stated in paragraph 5 of this Article, shall consist of homeroom teacher and teachers teaching particular subjects, school psychologist/pedagogue, parent or caregiver, and when need arises a pedagogical assistant and an expert from outside of the institution, at the proposal of the parent.

The parent or caregiver shall give his/her consent for the delivery of the individual education plan.

During the first year of education in an institution, the individual education plan shall be submitted and evaluated on quarterly basis while during all the remaining years this shall be done at the beginning of each semester.

When planning his/her class or group work and activities, the teacher or preschool teacher shall harmonize his/her plan with the child's individual education plan.

The delivery of individual education plans shall be monitored by an educator.

The minister shall pass more detailed instruction for determining the right to an individual education plan, its delivery and evaluation.

Fundamentals of Pedagogical Program and the Program of Pedagogical Work and Activities

Article 78

The fundamentals of the pedagogical program shall be the basis for:

- 1) The adoption of a pedagogical program in the boarding school for students;
- 2) The evaluation of the quality of pedagogical work and activities in a boarding school for students;

The fundamentals of the pedagogical program must be in line with the general principles and they must contribute to the attainment of general achievement standards.

The pedagogical work and activities in a boarding school shall be delivered on the basis of the pedagogical program in accordance with this law and the pertaining law.

The program of pedagogical work and activities shall define the objectives, types of activities, forms of work and other issues of significance for the pedagogical work and activities.

The program of pedagogical work and activities shall be passed by a boarding school typically once in four years, in the manner and according to the procedure stipulated by this law and the pertaining law.

The Scope of Competence and Procedure for the Adoption of the Education Program

Article 79

The fundamentals of the preschool program, the curricula and syllabi of the elementary and secondary general and arts education, part of the

curriculum and syllabus for the general education school subjects in secondary vocational education and education of adults and the basis of the pedagogical program, shall be adopted by the National Education Council at the proposal of the minister.

The curriculum and syllabus of the elementary school education of adults shall be adopted by the Council for Vocational Training and Education of Adults, at the proposal of the minister and following the receipt of the opinion of the National Education Council.

The portion of the curriculum and syllabus of secondary vocational education and education of adults, shall be adopted by the minister at the proposal of the Council for Vocational Training and Education of Adults.

The program of elementary and secondary education for the members of national minorities shall be adopted by the minister at the proposal of the national council of a national minority.

The minister shall pass programs for specialist and artisan education following the receipt of the opinion of the Council for Vocational Training and Education and of other competent ministries.

The minister shall adopt programs of other types of vocational education at the proposal of the Council for Vocational Training and Education of Adults.

Adoption of the Education Program of Institutions

Article 80

Preschool, school and pedagogical programs shall be developed by the appropriate expert bodies of the institution.

The institution shall request the opinion of the parents' council while the school shall also request the opinion of the student parliament on the proposed program as stated in paragraph 1 and the allocated funds planned for its implementation, and seek approval of the competent body who is the founder of the institution.

If the school program is in whole or partially delivered in a foreign language, the school shall seek the approval of the minister prior to its adoption.

Where the founder of an institution is the Republic, the approval as stated in paragraph 1 of this Article shall be granted by the Ministry.

The program as stated in paragraph 1 of this Article shall be adopted by the managing body of the institution.

Publishing the Education Program of an Institution

Article 81

The school program shall be adopted two months at the most prior to the beginning of the school year in which its implementation commences.

The preschool, school and pedagogical program shall be published in keeping with the general document of the institution.

The institution shall ensure that the programs as stated in paragraph 2 of this law are accessible to all interested users.

2. EXAMS

Final Exam in Primary School Education

Article 82

After the completion of the eighth grade a student shall sit for an exam.

The final exam shall serve to assess the level of attainment of general and special achievement standards in the elementary school education.

A developmentally impaired or disabled student shall sit for a final exam adapted to his/her motoric and sensory abilities or to the conditions dictated by a certain type of disability.

After a student has successfully passed the final exam he/she shall be issued a public document certifying his/her completion of the elementary school education.

After a student has successfully passed the final exam he/she shall be entitled to enroll into a secondary school without having to sit for a classification exam other than the entrance exam testing exceptional abilities, in the manner and according to the procedure prescribed by the pertaining law.

The minister shall prescribe the program of the final exam in the elementary school education at the proposal of National Educational Council

and the form of the public document as stated in paragraphs 3 and 4 of this Article.

General Matriculation Exam

Article 83

A student shall sit for a general matriculation exam after the completion of the fourth grade of general secondary education in the gymnasium in accordance with the pertaining law.

A student may sit for a general matriculation exam after the completion of the fourth grade of secondary vocational or arts education in a vocational or arts school under the conditions prescribed by the pertaining law.

A developmentally impaired or disabled student shall sit for the general matriculation exam adapted to his/her motoric and sensory abilities or to the conditions dictated by a certain type of disability, but he/she may also not be obliged to sit for a part of the matriculation exam in those subjects for which achievement standards have been adapted for him/her during his/her education.

After successfully passing the matriculation exam a student shall be issued a public document in accordance with the pertaining law.

Based on the successfully passed general matriculation exam a student may enroll into an appropriate higher education institution without sitting for the entrance exam, except for the special talents and capacities exam, in the manner and according to the procedure prescribed by the pertaining law.

The minister shall adopt the general matriculation program at the proposal of the National Education Council.

Vocational and Arts Matriculation Exam

Article 84

A student shall sit for a vocational or arts matriculation exam following the completion of the fourth grade of vocational or arts secondary education in a vocational or arts school in accordance with the pertaining law.

An adult may sit for the vocational and arts matriculation exam after the completion of the three-year secondary vocational or arts education in a vocational or arts school as prescribed by the pertaining law.

A developmentally impaired or disabled student shall sit for the vocational or arts matriculation exam adapted to his/her motoric and sensory abilities or to the conditions dictated by a certain type of disability, but he/she may also not be obliged to sit for a part of the matriculation exam in those subjects for which achievement standards have been adapted for him/her during his/her education.

After successfully passing the vocational or arts matriculation exam a student shall acquire secondary vocational or arts education and shall be issued a public document to that effect in accordance with the pertaining law.

Based on successfully passed vocational or arts matriculation exam a student may enroll into an appropriate higher education in the manner and according to the procedure prescribed by the pertaining law.

The minister shall adopt the vocational matriculation exam program at the proposal of the Council for Vocational Education, and the arts matriculation exam at the proposal of National Education Council.

Secondary School Vocational Training Final Exam, the Specialist Exam and Artisan Exam

Article 85

A student shall be obliged to sit for the final exam after the completion of the secondary school vocational training lasting for three years, while adults shall take this exam after the completion of the secondary school vocational training pursuant to the curriculum geared to the adults, in accordance with the pertaining law.

After successfully mastering the program of specialist or artisan education, an adult shall sit for the specialist or master-of-the craft exam on which a public document shall be issued in keeping with the pursuant law.

A developmentally impaired or disabled student or adult shall sit for he exams as stated in paragraphs 1 and 2 of this Article adapted to his/her motoric and sensory abilities or to the conditions dictated by a certain type of disability, but he/she may also not be obliged to sit for a part of the exam in those subjects for which achievement standards have been adapted for him/her during his/her education.

The program of the final exam and programs of specialist and master-of-the craft exam shall be adopted by the minister at the proposal of the Vocational Education and Education of Adults Council.

Types of Vocational Education Exams

Article 86

A student or an adult shall sit for a final exam upon completion of the two-year practical skills training enabling him/her to work or the second grade of secondary vocational education in a secondary vocational school, in accordance with the pertaining law.

A student or an adult, after the completion of professional skills training, completion of the first grade of vocational education, shall sit for an exam testing his/her professional skills acquisition in a vocational secondary school or another organization with the operations permit, on which a public document shall be issued in accordance with the pertaining law.

After mastering the training program a student or an adult shall sit for the training exam in a school or another organization having the operations permit before a specially established commission, on which a public document shall be issued in accordance with the pertaining law.

A developmentally impaired or disabled student or adult shall sit for he exams as stated in paragraphs 1, 2 and 3 of this Article adapted to his/her motoric and sensory abilities or to the conditions dictated by a certain type of disability, but he/she may also not be obliged to sit for a part of the exam in those subjects or contents for which achievement standards have been adapted for him/her during his/her education.

The minister shall adopt programs as stated in paragraphs 1, 2 and 3 of this Article, at the proposal of the Vocational Training and Education of Adults Council.

VI. EDUCATION DELIVERY

Educational and Pedagogical Work

Article 87

The educational and pedagogical work shall include curricular and extracurricular activities of an institution delivering the education program and attaining the prescribed objectives and achievement standards in accordance with this law.

School and Working Year

Article 88

Educational and pedagogical work and activities of the school shall be delivered during the school year starting from 1 September and ending on 31 August of the following year.

Educational and pedagogical work and activities shall be delivered during two semesters.

Students shall have a school break.

The time, duration and organization of educational and pedagogical work and activities as well as the school break shall be determined by the school calendar.

The minister shall prescribe the school calendar until 1 June.

The school calendar may be subject to change in special circumstances, at the request of the school pending the approval of the minister.

The educational and pedagogical work of a preschool institution shall be delivered during the working year which shall be adjusted to the school year.

Annual Work Plan

Article 89

The annual work plan shall determine the time, place, manner and main implementors of the educational and pedagogical program.

An institution shall adopt the annual work plan in accordance with the school calendar, development plan and the preschool, school and pedagogical program, by 15 September.

Interruption of the Educational and Pedagogical Work and Activities

Article 90

Educational and pedagogical work and activities may be interrupted in case of *vis major*, an epidemic and in other cases which present danger to the safety and health of children, students and employees.

The decision on the interruption of the educational and pedagogical work and activities shall be taken by competent body of the local self government unit. Should the competent body of the local self government unit fail to take the decision on the interruption of the educational and pedagogical work, the minister shall take that decision immediately.

After the reasons for the interruption of educational and pedagogical work and activities have ceased to exist, the school shall compensate the work and activities missed, in the manner determined by the school, subject to the approval by the minister.

In case of immediate war threat, state of war, state of emergency or other emergency situation, the minister shall prescribe special educational programs, instructions on the organization and operation of the school and shall designate those schools continuing with their work and activities.

Right to an Education Free-of-Charge

Article 91

In an institution founded by the Republic of Serbia, an autonomous province or a local self government unit the following shall be provided free of charge:

- 1) Elementary education for students and adults, in accordance with this law;
- 2) Education for children one year prior to starting elementary school;
- 3) Secondary education for full time and part time students under equal conditions, in accordance with this law;

A full time student shall be a person attending the first grade of secondary education and practical skills training who is younger than 17 years of age, while a part time student shall be a person older than 17 years of age (hereinafter referred to as the student).

As an exception to paragraph 2 of this Article, a person belonging to vulnerable social group and with exceptional abilities younger than 17 years of age may acquire secondary education or practical skills training as part time student if he/she cannot attend school as a full time student for a well justified reason, subject to the approval of the minister.

A person who has acquired secondary education wishing to retrain or receive additional training, acquire specialist or artisan training shall pay the tuition fee.

The tuition fee shall be determined by the ministry pursuant to the types of education provided that certain students or groups of students may be relieved of the obligation to pay for tuition for the purpose of achieving full equality in the process of education.

A parent or caregiver of a child or student may decide to enroll his/her child into the institution founded by another legal or private entity and to pay the tuition fee.

Elementary School Education Abroad

Article 89

Elementary school education in the Serbian language pursuing a special program may be organized for children and students living abroad.

The minister shall prescribe the special program of elementary school education abroad, manner of record keeping and the issuance of public documents, special conditions for teachers, providing and paying salaries as well as other issues of significance for the implementation of the educational and pedagogical work abroad.

Duration of Preschool Education

Article 93

Preschool education shall be delivered for a period of time as determined by the preschool education program.

The preparatory program within the preschool education aimed at preparing the child to start elementary school (hereinafter referred to as the preparatory preschool program) shall last for four hours per day for at least nine months.

The preparatory preschool program shall be delivered by a preschool teacher.

Duration of Elementary School Education

Article 94

Elementary school education shall last eight years and shall be delivered through two educational cycles.

The first cycle shall include the first four grades for which instruction shall be delivered by organizing homeroom instruction pursuant to the pertaining law. Exceptionally, foreign language instruction, electives and facultative school subject instruction may be organized as individual school subject instruction in keeping with the pertaining law and school program.

The second cycle shall include grades from the fifth to the eighth grade for which individual school subject instruction shall be organized in accordance with the school program.

Elementary school music education shall last from two to six years, ballet education shall last for four years and shall be delivered through two educational cycles in accordance with the pertaining law and school program.

Elementary school education for adults shall be organized by grades, from the first to the eighth grade and shall last for four or five years in accordance with the school program.

Duration of Secondary School Education and Skills Improvement

Article 95

Secondary school education shall last for three or four years in accordance with the pertaining law and school program.

Secondary school education of adults shall last for two or three years in accordance with the pertaining law and school program.

The specialist and master-of-the-craft education shall last from one year to two years in accordance with the pertaining law and the prescribed program.

Duration of Different Types of Vocational Education

Article 96

Practical skills training shall last for two years.

Professional skills training and training shall last for up to one year in accordance with the prescribed or approved program.

Enrollment of Children into a Preschool Institution

Article 97

A child may be enrolled into a preschool institution at the request of a parent or a caregiver.

All children shall be enrolled in a preschool institution one year before starting the first grade of elementary school.

In addition to the documentation required for the enrollment, the parent shall also submit a health clearance certificate.

A parent or a caregiver whose child has not been included in the preschool education programs and activities in a preschool institution, shall be obliged to enroll a child between the age of five and a half and six and a half years into a preschool program or an elementary school offering the preparatory preschool program but with the right to select a preschool institution or school.

A preschool institution established by a local self government unit or a school offering preschool program established by the Republic of Serbia, an autonomous province or a local self government unit offering preschool program, shall be obliged to enroll every child into a preparatory preschool program, regardless of the parents' residence.

Attendance of the program as stated in paragraph 4 of this Article in an institution established by the Republic of Serbia, an autonomous province or a local self government unit shall be free-of-charge.

The local self government unit shall keep record of and inform a preschool institution or a school offering the preparatory preschool program on the children who have come of age for the attendance of the preparatory preschool program, in accordance with the governing law.

The minister shall prescribe more detailed conditions for determining the child enrolment priority sequence in a preschool institution.

Enrollment of Children into Elementary School

Article 98

Every child who is at least six and a half years old or seven and a half years old by the beginning of the school year, shall be enrolled into the first grade of elementary school.

In addition to the documentation required for the enrollment, the parent shall also submit a health clearance certificate.

Exceptionally, children belonging to vulnerable social groups may be enrolled into school without previously submitting the proof of their parents' residence and other necessary documents.

The examination of a child entering the first grade of the elementary school shall be done by a psychologist and pedagogue of the school in child's native language, by applying standard procedures and instruments, recommended by the competent institute or authorized professional organization. If there is no possibility for the child to undergo the test in his/her native language, the school shall outsource an interpreter at the proposal of the national council of the national minority.

The examination of children with motoric or sensory disabilities may be carried out by applying the type of examination best suited for the child's capacity to respond.

In the process of testing the child entering the first grade, the school may ascertain a need for an individualized work plan or additional learning support. If the additional support requires financial funds, the school shall file a written request to the child's doctor working at the community health center for evaluation of needs for additional educational, health or social support determined by the inter-sector commission.

Children who have received a recommendation report from the child's doctor working at the community health center may be enrolled into a school for the education of students with developmental disabilities, based on the additional educational, health or social support needs assessment with the consent of parents.

A child from six to six and a half years of age shall be enrolled into the first grade after he/she has passed the elementary school maturity test.

The elementary school maturity test shall be administered by the school psychologist through the application of standard procedures and instruments, recommended by the competent institute or authorized by a professional organization.

In the procedure of testing the child's readiness and maturity for school, a school may, based on the psychologist's findings, recommend the following:

- 1) That the child be enrolled in the first grade;
- 2) That the child's enrollment into school be postponed for another year and that he/she attend the preparatory preschool program.

The parent or guardian of a child to whom a one year delay for enrollment into the first grade has been recommended, may file a request with a school commission for the school maturity reassessment. The commission shall be composed of a psychologist, pedagogue, teacher and pediatrician.

Through the application of standard procedures and instruments, the commission may recommend for the child to be enrolled in the first grade or to affirm the recommended one year delay.

If a child older than seven and a half years of age, due to illness or for other reasons, has not been enrolled in the first grade, this child may be enrolled in the first or second grade following the test in previously acquired knowledge.

A school shall be obliged to enroll each and every child on its territory.

At the request of the parents, a school may enroll a child coming from another school's territory, subject to the school's capacities.

A parent or caregiver shall be entitled to select an elementary school for the enrollment of his/her child and shall submit an application to the school to that effect by 1 February at the latest of the current calendar year in which enrollment is taking place.

An elementary school student, who has successfully passed the entrance exam, shall be enrolled in the first grade of a music or ballet elementary school, in accordance with the pertaining law.

The local self government unit shall keep records and notify both the school and the parents or guardians on the children who have come of age and who have been enrolled in the school.

More detailed conditions for additional educational, health or social support needs assessment, the composition and manner of operation of the inter-sector commission, shall be prescribed by mutual consent the minister in charge of health issues, minister in charge of social policy issues and the minister.

Enrollment of Children into Secondary School

Article 99

Persons who have acquired or completed elementary school education shall be enrolled into the secondary school, in accordance with the pertaining law.

Persons shall be entitled to enrollment into the first grade of secondary school offering music and ballet programs, adapted or individualized syllabus for students with exceptional abilities as well as individual programs for students and adults with developmental disabilities in accordance with the pertaining law.

Exceptionally, certain persons or groups of persons may be enrolled into the secondary school under more favorable conditions so as to achieve full equality in education opportunities, in accordance with standards and pursuant to the procedure prescribed by the minister.

A person seeking retraining, additional training, specialist and artisan training and education may be enrolled into a secondary school following the completion of secondary education.

A person who has completed or acquired elementary school education may be enrolled into a secondary school for the purpose of acquiring professional skills training and training.

Exceptionally, an adult in the process of acquiring elementary school education may simultaneously undergo training in a secondary school pursuant to the prescribed or approved program.

Enrollment of Foreign Nationals and Persons without Citizenship,

Article 100

A foreign national and a person without citizenship shall be enrolled into school as stated in Article 27 of this law and shall be entitled to education under same conditions and in the same manner as prescribed by the law applicable to the citizens of the Republic of Serbia.

The school shall organize, for students as stated in paragraph 1 of this Article and for expellees and internally displaced persons not familiar with the language in which instruction is delivered or certain program content of significance to the continuation of education, language learning classes,

preparation for instruction or additional instruction classes, according to special instructions prescribed by the minister.

While in the Republic of Serbia, a child or a student who is a citizen of a European country, shall be entitled to attend lessons of his/her language and culture, either free-of-charge based on the reciprocity condition or with his/her parents paying for the tuition, on the premises of the school designated by the local self government unit..

Experiment

Article 101

Strengthening the quality and updating the educational and pedagogical work and activities, introducing new education and pedagogy program content, organizational novelties or methods of funding may be tried out in a form of an experiment prior to their implementation.

The initiative for the introduction of an experiment accompanied by a program proposal may be launched by an institution, a competent council, institutes or other legal entity.

The program of the experiment shall contain the objective, expected outcomes, duration, manner and conditions for its implementation and evaluation.

The initiative accompanied by the experiment proposal shall be reviewed by the minister and upon acceptance of the initiative, shall decide on the approval of the experiment and shall prescribe the experiment program. The minister may request opinion of a competent council for an initiative implying considerable novelties.

The minister shall publicly announce a competition for the implementation of an experiment and upon the closing of the competition, select the institution for its implementation. The institution which originally launched the initiative shall have the advantage over other such institutions.

The experiment may last for a period of five years at the most and the experiment evaluation shall be carried out during the last year.

In the experiment evaluation procedure, the program implementation shall be monitored by the educational advisor while the assessment of the achieved objective and expected outcomes at the end of the experiment shall be done by the Institute for Education Quality and Evaluation which shall offer feedback to the minister and the experiment initiator.

The report on the conducted experiment and its evaluation shall be made public in such a way as to be accessible to a wider professional audience.

Based on the report on the conducted experiment and its evaluation, the minister shall decide on its further implementation.

No status related changes shall be conducted in the institution during the implementation of the experiment.

A document issued based on the school program of the experiment shall have the nature of a public document in accordance with this and the pertaining law.

Textbooks

Article 102

In the course of delivering educational and pedagogical work and activities, textbooks and other teaching tools and materials shall be used, which shall be approved by the minister at the proposal of a competent council, in accordance with the pertaining law.

The minister may approve several different textbooks for the same school subject of the same grade, as well as a foreign textbook.

Where educational and pedagogical work and activities are delivered in the language of a national minority, textbooks and teaching tools and materials shall be used in accordance with the pertaining law.

A foreign textbook may be approved for use in accordance with the pertaining law.

The approval procedure shall include the assessment of whether the textbook meets the quality standards pertaining to content, pedagogical and psychological requirements, didactics and teaching methodology, linguistic requirements, development, graphic, artistic and technical requirements and whether the textbook enables the attainment of education principles and objectives as well as achievement standards.

Other teaching tools and materials may be used in the delivery of educational and pedagogical work and activities in accordance with the pertaining law.

Textbooks shall be published for students with developmental impairments and disabilities in keeping with their needs.

VII. RIGHTS OF CHILDREN AND STUDENTS, DUTIES AND RESPONSIBILITIES OF STUDENTS

Rights of Children and Students

Article 103

The rights of children and students shall be implemented in accordance with the ratified international agreements, this and the pertaining laws while the institution and all employees shall be obliged to ensure its implementation, in particular the right to:

- 1) High quality educational and pedagogical work and activities ensuring the implementation of the principles and objectives as stated in Articles 3 and 4 of this law;
- 2) Respect of personality;
- 3) Support to a comprehensive personality development, support to a particularly expressed talent and its affirmation;
- 4) Protection against discrimination, violence, abuse and neglect;
- 5) Timely and complete information on issues of importance for their education;
- 6) Information on his/her rights and obligations;
- 7) Participation in the school bodies in accordance with this and the pertaining law;
- 8) Freedom of association into different groups, clubs and organization of student parliaments;
- 9) Launching complaints and appeals related to marks and to the exercise of other rights pertaining to education;
- 10) Launching the initiative for determining the responsibility of those involved in the education process if the rights as stated in paragraphs 1 to 9 have not been fully exercised;

- 11) Exercising all the rights of children and students, rights to protection and equal treatment of the student by the school even when he/she is in violation of an obligation stipulated by this law
- 12) The right to scholarship, loan, board and lodging within a boarding school in accordance with the pertaining law.

An institution shall be obliged to provide all conditions for the exercise of the rights of child and student as stated in paragraph 1 of this Article.

A student, parent or caregiver of a child or a student may launch a complaint with the managing director of an institution or principal in case of violation of the right as stated in paragraph 1 of this Article or in case of inappropriate conduct of an employee towards a child or student, within 15 days of the event having taken place.

The managing director of an institution or principal shall be obliged to review the complaint and after consultation with the student, parent or caregiver of the child or student and the employee, decide on this complaint and take appropriate measures within 15 days of the receipt of the complaint.

An employee of an institution shall be obliged to report to the managing director of an institution or principal or the managing body of any violation of the right of a child or student.

Homeroom Council

Article 104

The students of a class shall establish a homeroom council.

The manner of operation of a student homeroom council shall be regulated in more detail by the statute of a school.

Student Parliament

Article 105

During the last two grades of elementary school and throughout the secondary school a student parliament shall be organized (hereinafter referred to as the parliament) for the purpose of:

- 1) Offering opinion and proposals to expert bodies, school council, parents council and the principal on: the rules of conduct in the

school, student safety measures, annual work plan, school development plan, school curriculum, the manner in which school space is decorated, choice of textbooks, optional and extracurricular activities, participation at sports and other competitions and organization of all student events at the school and outside the school and on other issues of significance to their education;

- 2) Reviewing the relations and cooperation of students and teachers, preschool teachers or psychologist/pedagogue and the overall climate in the school;
- 3) Notifying students on issues of special importance for their education and on the activities of the student parliament;
- 4) Actively participating in the school development planning process and the self-evaluation process.
- 5) Proposing members of the expert team for development planning who are students.

The parliament shall consist of two representatives of each class in the school while in the arts school each class or year shall have three representatives.

The parliament members shall be elected each year by the students of the student homeroom council. The parliament members shall elect a speaker.

The parliament shall select two student representatives who participate in the work of the school board or expanded convocation of the school board pursuant to Article 57 of this law.

The parliament work program shall be an integral part of the annual school program.

The student parliaments of schools may join together and form an association of student parliaments.

Student Workload

Article 106

The student workload in an elementary and secondary school as well as the duration of a class shall be prescribed by the pertaining law.

Marking

Article 107

Marking in elementary and secondary school shall serve to assess the attainment of the prescribed achievement objectives and standards during the mastering of the curriculum or adapted achievement standards for students with developmental disabilities in mastering individual education plans.

Marking shall be public and each mark must be immediately elaborated to the student. Should the teacher be asked by the student to elaborate the mark and fails to do so, the student shall be entitled to file a complaint against that mark.

A student shall be graded in all school subjects and in conduct.

During a school year a student shall be marked descriptively and numerically based on the monitoring of his/her progress in mastering the curriculum on the basis of special achievement standards.

In elementary education a student shall be marked at least four times during a semester while in secondary education the student shall be marked at least three times during a semester.

The final mark in a school subject shall be numeric and shall be calculated at the end of the first and second semester according to the prescribed achievement standards and prescribed marking criteria.

A developmentally impaired student who had special achievement standards adapted to him/her during his/her education shall be marked according to the adapted standards.

Marking and Progress of Students

Article 108

In the first grade of elementary school marking and the final mark shall be descriptive.

In the remaining grades of elementary and secondary school, marking shall be descriptive and numeric during the school year except for the school subject designated by the minister. A descriptive mark shall contain feedback for students and parents offering clear instructions on how to improve his/her performance.

A student in the second and third grade of elementary school who has up to two failing marks at the end of the second semester shall be allowed into the next grade on the basis of the decision taken by the homeroom teachers council except if a parent or caregiver expressly requests that the student repeat the grade.

The grade from which the student has been allowed to pass into the next grade shall be recognized as completed, and individualized teaching activities accompanied by additional support in education shall be organized for that student in accordance with Article 77 of this law.

Students from the fourth to the seventh grade and students in secondary education with up to two final failing numerical marks shall take a remedial exam during the exam term in August, while the students in the final grade shall take the exam during exam terms in June and August.

The student as stated in paragraph 5 of this Article shall complete a grade if he/she has successfully passed the remedial exam in each school subject.

Students from the fourth to the seventh grade and students in secondary education with more than two final failing numerical marks at the end of the second semester or if he/she has failed to pass the remedial exam shall be obliged to repeat the grade/.

Exceptionally, a full time secondary school student who was not successful at the remedial exam shall be allowed to complete that particular grade in the same school during the next school year as a part time student by taking a remedial exam again and having to pay for the examination fees determined by the school. Upon completion of the given grade he/she shall be entitled to enroll in the next grade in the same school as a part time student.

The student of a final grade who has not passed the remedial, final or matriculation exam shall complete his/her education in the same school as a part time student by taking an exam and having to pay for the examination fees determined by the school.

Conduct and Scholastic Attainment

Article 109

The student's conduct from the fifth to the sixth grade of elementary education shall be marked by a descriptive mark and shall have no impact on the student's overall grade average.

The student's conduct from the seventh to the eighth grade and the conduct of students of all grades in the secondary school shall be marked descriptively during a semester but it shall be numerically marked at the end of the school year and shall have impact on the student's overall grade average.

The overall student's elementary school grade average shall be determined at the end of the first and second semester based on the arithmetic mean of the positive final numerical marks in compulsory school subjects and the mark in student's conduct, as of the sixth grade.

The general scholastic attainment of students in secondary education shall be determined at the end of the first and second semester based on the arithmetic mean of the positive final numerical marks in school subjects and the mark in student's conduct. Part time students shall not receive marks in conduct.

The minister shall prescribe the manner, procedure and criteria for marking the achievement in certain school subjects and conduct as well as other issues of significance to grading.

Complaints and Appeals against a Mark and an Exam

Article 110

An elementary and secondary school student, his/her parent or caregiver shall be entitled to file: a complaint against a mark in a school subject and conduct during the school year, complaint against a final mark in a school subject at the end of the second semester and a complaint regarding the exam.

A complaint against a mark in a school subject and conduct shall be filed with the school principal within three days from the day the mark has been communicated, a complaint within three days from the day of receiving the report card or the diploma, and a complaint regarding the exam prescribed by the pertaining law within 24 hours from the moment the mark has been communicated.

The school principal, in cooperation with the pedagogical and psychology service and the homeroom teacher, shall decide on the complaint within three days. If the principal ascertains that the complaint is well founded and that the mark has been calculated contrary to the law and the law-based regulations, he/she shall declare the mark null and void by an official decision

and establish a commission to test the student's knowledge, review and reassess of the written or other kind of work of the student.

Upon the complaint or an appeal against the student's conduct, the principal shall, in cooperation with the pedagogical and psychology service and the homeroom teacher determine the student's mark in conduct.

The school principal shall be obliged to decide on the appeal, within 24 hours of its receipt. If he/she ascertains that the mark in a given school subject has been calculated contrary to the law and the law-related regulations, or that the appeal has merits for other reasons, he/she shall declare the final mark null and void and instruct the student to take the exam.

If he/she ascertains that the exam has been conducted contrary to this or the pertaining law and other law-based regulations, he/she shall declare the exam null and void and instruct the student to take the exam again. The exam shall be organized within three days from the day the appeal has been filed.

The principal shall, by means of an official decision establish a commission consisting of at least three members, two of them being experts for that particular school subject or area of the school subject for the testing of the student's knowledge, review and reassessment of the written or other kind of work of the student or the exam. If the school lacks the necessary number of experts for that particular subject, the principal shall outsource an expert from another school.

The teacher whose mark has been contested or at whose proposal the final mark has been given, cannot be a member of the commission.

Where an exam has been nullified, the principal shall establish a new commission whose members cannot be those of a commission whose exam has been declared null and void.

The mark of the commission shall be final.

Request for the Protection of the Rights of Students

Article 111

A student, his/her parent or caregiver who considers that his/her rights guaranteed by this law or the pertaining law have been violated, by means of adoption or non-adoption of a decision following the filing of an application, a complaint or an appeal or if a prohibition as stipulated in Articles 44 and 45 of this Article has been violated as well as right in Article 103 of this law

impacting the student's status, shall be entitled to file a request for the protection of rights to the Ministry, within eight days from the day he/she learned that his/her rights have been violated.

If the Ministry assesses that the request as stated in paragraph 1 of this Article has merit, it shall issue a warning to the school and set an appropriate deadline for the elimination of rights violation.

Should the school fail to act on the warning as stated in paragraph 2 of this Article, the Ministry shall decide on the request.

Students' Duties

Article 112

When exercising his/her rights, a student may not threaten others in exercising their rights.

The student shall be obliged to:

- 1) Regularly attend classes and discharge of his/her school duties and obligations;
- 2) Adhere to the school rules, principal's decisions and decisions of the school bodies;
- 3) Work hard towards adopting the knowledge, skills and values determined by the school program, monitor his/her own progress and report on it to his/her teachers and parents or caregivers;
- 4) Show his/her actual knowledge in the marking process without resorting to cheating and other prohibited forms of assistance;
- 5) Refrain from disturbing teaching activities and leaving the class without previously being granted the permission to do so;
- 6) Respect other students', teachers' and other school employees' personality;
- 7) Provide justification for his/her absence from school in a timely fashion;
- 8) Take care of school's property, the school's tidiness and esthetic appearance of the school's premises;

- 9) Be vigilant of the environment and act in accordance with the rules of environmental ethics.

Students' Responsibilities

Article 113

In case when there is a student violating the rules of conduct or not adhering to the principal's and managing body's decisions or a student who is absent from school without a valid excuse or a student threatening others with his/her conduct in the exercise of their rights, the school shall be obliged, in cooperation with parents or caregivers, to intensify pedagogical work by implementing the activities: within the homeroom class, through expert work of the homeroom teacher, pedagogue, psychologist, special teams, and when need arises, cooperate with the competent social and health care institutions aimed at changing the student's behavior.

A student may be held responsible for a minor violation stipulated by the general school document, and can be held responsible for a more serious violation of obligations which at the time of occurrence had been prescribed by this or the pertaining law as well as for the violation of prohibition as stated in Articles 44 and 45 of this law.

More serious violations of student's responsibilities include:

- 1) Destruction, damage, hiding, taking out, corrections or additions to data in the records kept by the school or another organization or body;
- 2) Corrections or additions of information in a public document issued by the school or a body, or in a document issued by another organization;
- 3) Destruction or theft of school property, property of an enterprise, entrepreneur, another student or employee;
- 4) Encouraging, assisting and giving another student as well as using himself/herself alcohol, tobacco, narcotics or psychoactive substances;
- 5) Bringing to school or another organization weapons or other objects capable of jeopardizing or hurting another person;

- 6) Non-compliance with the student safety rules and measures;
- 7) Using cell phones and other electronic devices for the purpose of violating the rights of others or cheating in the assessment procedure;
- 8) Unjustified absence from school for at least 35 classes and frequent minor violation of obligations.

A student or parent or caregiver shall be responsible for the material damage caused to the school by a student either intentionally or out of sheer negligence, in accordance with the law.

Pedagogical and Disciplinary Procedure

Article 114

A pedagogical and disciplinary procedure shall be an emergency procedure and shall be initiated by virtue of the principal's official conclusion. The official conclusion shall contain information on the student, description of the more serious violation of the student's obligation or prohibition as stated in Articles 44 and 45, time, place and manner of execution and adequate proof thereof.

The conclusion as stated in paragraph 1 of this Article shall be submitted to the student or his/her parent or caregiver, the homeroom teacher, psychologist/pedagogue, or a corresponding expert team.

The student must undergo a hearing and if he/she is a minor his/her parents must be present at a hearing.

The pedagogical and disciplinary procedure shall be conducted through the application of the rules of the administrative procedure and shall end in an official decision.

Pedagogical and Disciplinary Measures and Legal Protection of Students

Article 115

The following measures may be ordered for a violation of obligations, or prohibitions prescribed by this law:

- 1) For a minor violation of student's obligations, the pedagogical measure – a warning, aggravated warning of the homeroom teacher or aggravated warning of homeroom teachers council, in accordance with the general legal document of the school;
- 2) For a more serious violation of the student's obligation, the pedagogical and disciplinary measure – aggravated warning by the principal and aggravated warning by the teachers' council, while for the secondary school students this measure shall be suspension from school or boarding school;
- 3) For the violation of the prohibition as stated in Articles 44 and 45 of this law the pedagogical and disciplinary measure:
 - (1) Transfer of a fifth to eighth grade student to another elementary school on the basis of the teachers council's decision with parents' or caregiver's approval;
 - (2) Depriving the student of his/her status of a secondary school student during that school year without the right to continue his/her education in that school, while for the student in a boarding school the measure shall be to deprive the student of his/her status of a secondary school student and denying him/her board and lodging in the school during that school year, without the right to continue his/her education in the same school and to board and lodge in the same boarding school.

The pedagogical measure shall be pronounced to a student for a minor violation of obligations as stated in paragraph 1 item (1) of this Article without conducting a pedagogical and disciplinary procedure.

The measure as stated in paragraph 1 of this Article may be pronounced to a student if the school has previously taken the necessary activities as stated in Article 113 paragraph 1 of this law.

If the school has failed to undertake the necessary activities as stipulated in Article 113 paragraph 1 of this law, it shall undertake them prior to the ordering of measures.

In cases when the undertaken activities result in positive changes in the student's conduct, the procedure shall be terminated, unless the violation of a

prohibition as stated in Articles 44 and 45 has resulted in serious threatening of another person's integrity.

The measure as stated in paragraph 1 items 2) and 3) of this Article shall be pronounced to a student after the pedagogical and disciplinary procedure has been conducted and the responsibility has been ascertained.

The pedagogical and disciplinary measure shall be pronounced during a school year in which the violation of student's obligation has been committed.

The student's mark in conduct shall be lowered due to the pedagogical and disciplinary measures which have been pronounced to him/her, but the conduct of the student shall be monitored and the mark shall increase when the positive change occurs in his/her behavior.

When an underage student commits a violation of obligation or prohibition as stated in Articles 44 and 45 of this law, the school shall immediately notify the parents or caregiver and shall include them in the corresponding procedure.

The teachers' council shall take a decision on a pedagogical and disciplinary measure pertaining to the student's exclusion from the secondary school while the principal shall take a decision on the student's exclusion from the elementary school.

The student, his/her parent or caregiver shall have the right to file an appeal to the school board against the pronounced pedagogical and disciplinary measure for a more serious violation of the student's obligation or for the violation of the prohibition as stated in Articles 44 and 45 of this law, within a period of three days from the day the official decision on the ascertained responsibility and pronounced measure has been delivered.

The school board shall decide on the appeal as stated in paragraph 10 of this Article within 15 days from the day of submission. The appeal shall have a suspensive effect on the execution of the principal's decision.

The student, his/her parent or caregiver shall be entitled to court protection in administrative procedure against the second instance decision on the ordered measure of exclusion of the student from the secondary school or a secondary boarding school.

VIII EMPLOYEES OF THE INSTITUTION *Teachers, Preschool Teachers and Psychologists/Pedagogues*

Article 116

Pedagogical and education work and activities in a preschool institution shall be performed by a preschool teacher in accordance with the pertaining law.

Teaching and other types of education and pedagogical activities in a school shall be performed by a teacher.

Pedagogical work and activities in a boarding school shall be performed by a pedagogical expert.

Expert and professional activities aimed at improving the education and pedagogical work and activities in a preschool institution shall be performed by a pedagogue, psychologist and other professionals, in accordance with the governing law.

Expert and professional activities in a school shall be performed by experts such as the psychologist, pedagogue and librarian, in a music school – psychologist, pedagogue and music school librarian while in an institution for the education of adults these activities shall be performed by an andragogue, psychologist and librarian.

Depending on the needs of the school and the curriculum taught, additional assistance and support may be provided by a social worker, defectologist, speech therapist and andragogue.

Associate, Pedagogue Assistant and Teaching Assistant

Article 117

A preschool institution may have associates such as nutritionist, social worker and health worker as well as other associates, in keeping with the governing law.

For the purpose of delivering education and pedagogical activities through specialized programs, a preschool institution may outsource other associates as well, in line with the governing law.

Pedagogue assistant shall extend assistance and additional support to children and students in keeping with their needs, but also to teachers, preschool teachers and psychologists/pedagogues for the purpose of improving their performance when working with children and students in need of additional education support. While performing his/her activities he/she shall establish cooperation with parents or caregivers, while at the same time he/she shall cooperate with the managing director so as to establish cooperation with

competent institutions, organizations, associations and the local self-government unit.

Expert teams at the territory of the local self-government unit may be established for the purpose of supporting a teacher extending additional teaching assistance or performing education and pedagogical work and activities.

A teaching assistant shall, under direct supervision of the teacher, perform preparation activities related to lab experiments, execution and demonstration of experiment procedures, technical and technological preparations, hands-on instruction activities and other activities.

Exceptionally, a person accompanying a child or a student may be present during teaching activities for the purpose of assisting the child or student with developmental disabilities.

Tasks of a Teacher and Preschool Teacher

Article 118

The task of a teacher shall be to ensure, by relying on his/her knowledge and skills, the attainment of education principles and objectives, as well as achievement standards, bearing in mind principles of education, previously acquired knowledge, needs, interests and special abilities of a child and student.

The task of a preschool teacher shall be to ensure, by relying on his/her knowledge and skills, the respect of education principles, attainment of pedagogical and education objectives and improvement of educational and pedagogical work and activities.

Tasks of a Psychologist/Pedagogue

Article 119

The main task of a psychologist/pedagogue shall be to promote, by relying on his/her knowledge and skills, education and pedagogical activities, cooperation with parents or caregivers in the institution, to monitor the attainment of prescribed achievement standards, extend support to teachers and preschool teachers aimed at enhancing their performance, in accordance with the achievement principles, objectives and standards, to extend support to teachers in developing individual education plans and to help children, students, parents, teachers and preschool teachers in matters of significance to a student's education, upbringing and career development.

The minister shall prescribe the program of all forms of work and activities for psychologists/pedagogues.

Terms of Employment

Article 120

A person shall be employed by an institution pursuant to conditions prescribed by the law and if:

- 1) he/she has adequate education;
- 2) he/she has psychological, physical and health capacities to work with children and students;
- 3) he/she has not been convicted of a crime and sentenced to at least three months in prison or who has been convicted of a crime such as domestic violence, removal of a minor, neglect and abuse of a minor or incest; of a crime of giving or receiving bribe; of a crime associated with sexual freedom, crime against communication in legal matters, against humanity and other matters enshrined in the international law, regardless of the measure taken, nor a person for whom it has been ascertained, in keeping with the law, that he/she had engaged in discriminatory behavior..
- 4) he/she is the citizen of the Republic of Serbia.

When education and pedagogical work and activities are performed in the language of a national minority, except for the conditions stipulated in paragraph 1 of this Article, the person must provide proof of the knowledge of the language in which education and pedagogical activities are delivered.

Conditions stipulated in paragraphs 1 and 2 of this Article shall be subject to verification upon employment and in the course of employment.

Proof of the fulfillment of conditions stipulated in paragraph 1 items 1) and 4) and paragraph 2 of this Article shall be submitted with the application, while proof referring to conditions stipulated in paragraph 1 item 2) shall be submitted before signing the employment agreement. Proof of fulfillment of conditions stipulated in paragraph 1 item 3) shall be procured by the institution.

The employee's employment shall be terminated if during employment it is ascertained that he/she does not meet conditions stipulated in paragraphs 1

and 2 of this Article or if he/she refuses to undergo medical examination in a competent health institution.

***Education of Teachers, Preschool Teachers and
Psychologists/Pedagogues***

Article 121

Activities of a preschool teacher may be performed by a person who has acquired appropriate university education through first degree studies, second degree studies, studies lasting for three years, college education, or through corresponding secondary education, in accordance with the governing law.

The work and activities of a teacher, pedagogical expert in a boarding school and psychologist/pedagogue may be performed by a person with appropriate education as stated in Article 8 paragraph 2 of this law, while work and activities of a teacher of a particular health related subject may be performed by a person with adequate education and appropriate health related specialization.

Exceptionally, work and activities of an art and vocational subject teacher in a music school and certain subjects in vocational schools for which there is no formal teacher training as envisaged by article 8 paragraph 2 of this law, may be performed by a person having corresponding education as stipulated by Article 8 paragraph 3 of this law.

The work and activities of a hands-on instruction teacher in a vocational school may be performed by a person having appropriate education as stipulated in Article 8 paragraph 3 or having corresponding secondary education and having passed a specialist or master-of-craft exam followed by five years of experience.

The work and activities of a teacher teaching different dancing subjects in a ballet school may be performed by a person having at least secondary ballet education and ten years of dancing experience.

The work and activities of a preschool teacher in a preschool institution and activities of a homeroom teacher, where education and pedagogical work and activities are delivered in a language of a national minority, other than the Roma language, may be performed by a person who has acquired appropriate education in that particular language or who has passed the exam in that language and teaching methodology, following the curriculum of a corresponding higher education institution.

The work and activities of a teacher and psychologist/pedagogue in a school in which education and pedagogical activities are delivered in the language of a national minority, other than the Roma language, may be performed by a person having secondary, college or university education in a language of that particular national minority or who has passed an exam in that language following the curriculum of a corresponding higher education institution.

As an exception to paragraphs 6 and 7 of this Article, a teacher and pedagogical assistant shall verify their knowledge of the Roma language before a commission established by the minister including the proposal of the national council which has been elected for the Roma national minority.

Teacher, preschool teacher and psychologist/pedagogue must also be trained in psychology and pedagogy as stipulated in Article 8 paragraph 4 of this law.

Exceptionally, a person having secondary education – a preschool teacher, teacher teaching dancing subjects and hands-on instruction teacher shall not be required to have education as stated in article 8 paragraph 4 of this law.

The minister shall prescribe in detail conditions pertaining to the type and level of education for teachers, preschool teachers, psychologists/pedagogues, associates in a preschool institution delivering special and specialized programs and pedagogue assistants and teacher assistant, as well as the training program for pedagogue assistants.

The type and level of education of associates in a preschool institution who are not engaged in education and pedagogical work and activities shall be jointly prescribed by the minister and ministers in charge of health, labor and social policy issues.

The type and level of education necessary for teachers teaching religious instruction in schools, shall be prescribed by the minister at the proposal of the ministry in charge of religious affairs and traditional churches and religious communities.

Working Conditions for Teachers, Preschool Teachers and Psychologists/Pedagogues

Article 122

The work and activities of a teacher, preschool teacher and psychologist/pedagogue may be performed by person with a professional license (hereinafter referred to as the license).

A licensed teacher, preschool teacher and psychologist/pedagogue may deliver individual programs for working with children and students with special needs if he/she has appropriate training pursuant to a program and in a way as prescribed by the minister.

Without a license, the work and activities of a teacher, preschool teacher and psychologist/pedagogue may be performed by:

- 1) an intern;
- 2) a person fulfilling conditions required for a teacher, preschool teacher or psychologist/pedagogue with years of service spent outside the institution, under conditions and in a way envisaged for interns;
- 3) a person who is employed on contract basis temporarily substituting a full time employee;
- 4) an associate in a preschool institution;
- 5) a pedagogue assistant and teaching assistant;

A person as stipulated in paragraph 3 items 1), 2) and 3) of this Article may perform duties and activities of a teacher, preschool teacher and psychologist/pedagogue without being licensed for a period of up to two years from the day of inception of employment with that particular institution.

An associate in a preschool institution may perform education and pedagogical work and activities without being licensed if he/she has the education level stipulated in article 8 paragraph 4 of this law.

Intern Teacher, Preschool Teacher and Psychologist/Pedagogue

Article 123

For the purpose of this law an intern shall be a person who is for the first time employed in that capacity by an institution, either on permanent or temporary basis, either as a full time or part time employee and is undergoing training and learning in order to become independent in performing his/her duties and obligations as a teacher, preschool teacher and psychologist/pedagogue, by mastering work induction program and by passing the licensing exam.

The internship shall last for two years at the most from the day of the inception of employment.

During the internship and for the purpose of mastering the work induction program for teachers, preschool teacher and psychologist/pedagogue, the institution shall appoint a mentor to the intern.

For the first three months of his/her internship the intern teacher or preschool teacher shall work under direct supervision of a licensed teacher or preschool teacher appointed by his/her mentor. Teacher intern shall not be able to mark students for the first three month.

For the first three months of his/her internship the psychologist/pedagogue shall work under direct supervision of a corresponding licensed psychologist/pedagogue who has been appointed by his/her mentor.

Exceptionally, if a particular institution does not have an appropriate mentor or licensed teacher, preschool teacher and psychologist/pedagogue, the institution shall outsource another licensed teacher, preschool teacher and psychologist/pedagogue from another institution by signing a contract on supplementary work, pursuant to the law.

A psychologist/pedagogue with education as prescribed by Article 8 paragraph 2 of this law who has been awarded at least 10 credits, pursuant to the European Credit Transfer System, during his/her studies for his/her working experience in an institution, shall be entitled to perform his/her work and activities without direct supervision of a licensed psychologist/pedagogue as stipulated in paragraph 5 of this Article.

An intern who successfully completes the work induction program for a teacher, preschool teacher and psychologist/pedagogue shall be entitled to sit for the license exam after completing one year of service.

The employment of an intern working on permanent basis, who has not passed the license exam within a period of two years from the inception of employment, shall be terminated. An intern working on temporary basis shall cease to have the status of an intern once he/she has passed the license exam while the employment shall be terminated upon the expiry of the employment period.

The minister shall prescribe the mentor training program, the work induction program of teachers, preschool teachers and psychologist/pedagogue which includes training for working with children and students with developmental disabilities and belonging to vulnerable social groups, manner and procedure for testing the level of mastering that program, the licensing and re-licensing programs, manner of taking the

exam as well as the language in which the exam is taken, examination fees and the composition and manner of operation of the commission of the Ministry, or a competent body of an autonomous province present at the license examination.

Intern

Article 124

The duties and activities of a teacher, preschool teacher and psychologist/pedagogue may be performed by an intern.

The intern shall master the work induction program as well as the taking of the license exam under direct supervision of a licensed teacher, preschool teacher and psychologist/pedagogue.

The institution and the intern shall sign a internship contract for a period of at least one year and not to exceed two years.

The contract stated in paragraph 3 of this Article shall not constitute basis for employment.

The intern shall be entitled to participate in the activities of expert bodies without a decision making right and shall not be entitled to assign marks to students.

The provisions of this law pertaining to the intern shall be applicable to the exercise of the right stipulated in paragraph 2 of this Article.

Licenses and Register of Teachers, Preschool Teachers and Psychologist/Pedagogue

Article 125

A license shall be a public document.

The ministry shall issue a license and keep a register of teachers, preschool teachers and psychologists/pedagogues who have been issued a license. The information pertaining to license suspension and termination shall be entered into the register.

The register shall be public.

The institution shall be obliged to submit to the Ministry, in a timely manner, all data pertaining to licenses of teachers, preschool teachers and psychologists/pedagogues.

At the request of an entity with legal interest, the Ministry shall issue register certificates.

The content and manner of keeping the register as well as the license form shall be prescribed by the minister.

License Issuing

Article 126

A teacher, preschool teacher, psychologist/pedagogue and intern having education as prescribed by Article 121 of this law, having completed work induction program for a teacher, preschool teacher and psychologist/pedagogue as well as having successfully passed the license exam, shall be entitled to have a license issued to him/her.

The Ministry shall be obliged to issue a license to a person fulfilling conditions stated in paragraph 1 of this Article within 60 days from the day that person has passed the license exam.

License Suspension

Article 127

The license may be suspended during its validity period.

The license shall be suspended for a period of six months to a teacher, preschool teacher and psychologist/pedagogue whose employment has been terminated due to a measure imposed as a result of a violation of his/her work obligations as stipulated in Article 141 items 1) to 7) of this law. The suspension shall be effective as of the next day following the employment termination day.

During the period of license suspension the teacher, preschool teacher and psychologist/pedagogue shall not be entitled to work in the institution.

The institution shall be obliged to submit to the Ministry the information on the license suspension of a teacher, preschool teacher and psychologist/pedagogue immediately and no later than three days following the suspension.

The license shall be suspended to a teacher, preschool teacher and psychologist/pedagogue who, according to the findings of education advisor has not been performing his/her education and pedagogical duties and responsibilities pursuant to and in keeping with the procedures enabling the attainment of the prescribed achievement principles, objectives and standards, education and

pedagogical programs, for whom the education advisor has ascertained that he/she has failed to eliminate shortcomings in the performance of his/her duties and activities after having been offered expert remarks, suggestions and warnings in written form, resulting in two successive negative assessments by the education advisor.

A teacher, preschool teacher and psychologist/pedagogue who have failed to engage in professional development shall have his/her license suspended if the education advisor ascertains that the reasons for not engaging in professional development are not justified.

The teacher, preschool teacher or psychologist/pedagogue shall be entitled to file a complaint to the minister against the report of the education advisor as stated in paragraphs 5 and 6 of this Article, within eight days from the day of the receipt of the report.

The minister shall pass an official decision on the suspension based on the report by the education advisor as stated in paragraphs 5 and 6 of this Article. In the process of making an official decision the minister shall review the complaint as stated in paragraph 7 of this Article.

The minister shall pass an official decision on the suspension within 30 days from the day the complaint has been filed, and if the complaint has not been filed – this official decision shall be taken within eight days from the expiry of the deadline for submitting the complaint.

The minister's decision on license suspension shall be final in the administrative procedure.

The teacher, preschool teacher or psychologist/pedagogue whose license has been suspended for reasons stated in paragraph 5 of this Article, shall be eligible for the termination of license suspension if he/she again successfully passes the license exam within a period of six months at the most from the day the minister's decision has been received, if however he/she fails to do so, his/her employment shall be terminated.

While the suspension is effective, the teacher and preschool teacher shall be able to attend the teaching activities or teaching activities of other teachers and preschool teachers assigned to him/her by the managing director of an institution or principal, while the psychologist/pedagogue may attend work activities of a psychologist/pedagogue in another institution designated by the managing director or principal.

A teacher's, preschool teacher's and psychologist's/pedagogue's license suspension pursuant to paragraph 5 of this Article shall be terminated once he/she submits proof of having attended adequate professional development programs.

License Termination

Article 128

The license shall be terminated to a teacher, preschool teacher or psychologist/pedagogue:

1) Who has been convicted and sentenced for a crime against: sexual freedom, domestic violence, communication in legal matters, giving or receiving bribe for performing duties and activities of a teacher, preschool teacher and psychologist/pedagogue;

2) Whose employment has been terminated due to the violation of prohibition as stipulated in Articles 44 to 46 of this law;

3) Who had his/her license suspended previously and reasons sufficient for a new suspension have emerged;

The license shall be deemed as terminated on the following day after the employment of the teacher, preschool teacher and psychologist/pedagogue has been terminated.

The minister's official decision on the license termination as stated in paragraph 1 item 3) of this Article shall be final in the administrative procedure.

The person who had his/her license terminated shall not be eligible for a new license nor shall he/she be able to work in the institution.

The terminated license shall be returned to the Ministry through the institution.

The institution shall be obliged to submit to the Ministry proof for the license termination of a teacher, preschool teacher and psychologist/pedagogue immediately and no later than three days from the day of its termination.

Competence Improvement and Professional Development of Teachers, Preschool Teachers and Psychologists/Pedagogues

Article 129

A teacher, preschool teacher and psychologist/pedagogue, either licensed or non-licensed, shall be obliged to continuously work on his/her skills and knowledge

development for the purpose of enhancing and improving his/her work performance and acquiring the necessary competences, in keeping with general principles and with a view to attaining education objectives and achievement standards.

In the course of his/her competence improvement a teacher, preschool teacher or psychologist/pedagogue may advance professionally by acquiring a title such as: pedagogical advisor, independent pedagogical advisor, higher pedagogical advisor and senior pedagogical advisor.

A teacher, preschool teacher or psychologist/pedagogue shall be entitled to a salary increase for the acquired knowledge.

A teacher, preschool teacher or psychologist/pedagogue shall be entitled to a three day leave from an institution per annum for the purpose of attending the chosen type, form and content of professional development. The absence schedule of teachers, preschool teachers or psychologists/pedagogues for the purpose of professional development shall be determined by teachers' conference.

The managing body of a particular institution shall develop a plan of professional development in line with the institution's priorities aimed at attaining the education objectives and achievement standards and in line with priorities of the ministry.

The minister shall prescribe the priority areas for a three year period, forms of professional development, programs and manner of organization of continuing competence improvement, conditions, bodies in charge of deciding on the procedure of title acquisition and advancement, title acquisition during professional development of teachers, preschool teachers and psychologists/pedagogues as well as the certificate form proving the completion of required programs as well as other issues of significance for competence improvement.

Employment

Article 130

The employment in an institution shall be done based on publicly advertised job vacancy.

The managing director of an institution or principal shall publicly announce a job vacancy and make a selection of a candidate for employment.

During the procedure of choosing a teacher, preschool teacher or psychologist/pedagogue, the managing director of the institution shall seek opinion of the managing bodies, based on the previously acquired verification of psychological and physical abilities of the candidate. The competent human resources department

shall perform a psychological and physical test for working with children and students by applying standardized procedures.

During the procedure of choosing a teacher of religious instruction, the principal shall, following the previously acquired verification of psychological and physical abilities of the candidate, the principal shall determine whether the given candidate is on the list of teachers of religious instruction which has been composed by the minister at the proposal of the traditional churches and religious communities.

The managing director shall make a decision on the choice of candidate within a period of 30 days following the application submission expiry date.

A candidate dissatisfied with the decision on the choice of the candidate shall be entitled to submit a complaint to the managing body within a period of eight days from the day the decision has been submitted.

If no candidate has been selected a new job opening shall be announced.

If the managing body fails to take a decision on the complaint within the prescribed period or if a candidate is dissatisfied with the second instance decision, he/she shall be entitled to apply to a relevant court within a period of 15 days.

Taking Over Employees by Another Institution

Article 131

An employee working on temporary basis in an institution who has not been given a specific job position or who has the status of a part time employee based on Article 137 paragraphs 2 and 3 of this law, shall be entitled to be taken over by another institution by being put on a list of employees eligible for a take over.

The list as stated in paragraph 1 of this Article shall be finalized until 15 August for each following school year, within the school administration office for each local self government unit and based on the application made by the institution on employees entitled to be taken over by another institution. The right to a take over shall be exercised by means of a contract subject to consent of the employee.

The employee who is being taken over by another institution must meet all the conditions stipulated for a job for which he/she is taken over and he/she must have his/her psychological and physical capacities verified, in accordance with Article 130 paragraph 3 of this law.

Temporary Employment

Article 132

An institution shall be entitled to temporarily employ a person without prior publicly announced job vacancy:

- 1) As a substitute of an absent employee for a period of up to 60 days;
- 2) Until a final decision on the choice of candidate through a publicly announced job vacancy has been reached;
- 3) Until the choice of a candidate has been made – in cases when no candidate has applied or when none of the candidates who applied met the necessary criteria until the end of the school year;
- 4) For delivering religious instruction in cases when no candidate who meets the criteria necessary for a part time employment has applied.

The list of teachers of religious instruction, at the proposal of traditional churches and religious communities shall be determined by the minister.

A traditional church or a religious community shall select each year the teacher of religious instruction from the list and have him/her presented to the school.

The teacher of religious instruction shall sign with the particular school a 12 month work contract for each school year.

Pursuant to a publicly announced job vacancy the institution shall temporarily employ:

- 1) a person as a substitute of an absent employee for a period of over 60 days;
- 2) a person as an intern;
- 3) a person as a pedagogue assistant.

In the selection process for a pedagogue assistant it shall be necessary to seek opinion from the competent local self government body.

For performing the work and activities of a pedagogue assistant, a person shall sign with the institution a 12 month work contract for each school year.

Temporary employment cannot become permanent employment.

Trial Period

Article 133

An institution may contract a licensed teacher, preschool teacher and psychologist/pedagogue for a trial period and he/she shall then be employed for an indefinite period of time.

As an exception to paragraph 1 of this Article the trial period may be contracted in case of temporary employment for a period exceeding one year.

The trial period shall be determined by the work contract and shall not exceed a period of six months.

A teacher, preschool teacher and psychologist/pedagogue who has demonstrated, during the trial period, that he/she can successfully work towards achieving the prescribed achievement principles, objectives and standards, shall continue to work in the same capacity, should however, the school principal's assessment and following the opinion of the pedagogical expert group prove otherwise, his/her employment shall be terminated. The employment shall be terminated on the day of the notice period without a right to severance pay.

The notification period shall be 15 working days.

Teachers and Preschool Teachers Working Abroad

Article 134

Education and pedagogical work and activities abroad shall be performed by a licensed preschool teacher or teacher meeting other special teacher requirements.

The minister shall take a decision on the appointment of preschool teachers or teacher who is to work abroad based on a publicly announced job vacancy.

A preschool teacher or teacher shall be sent to work abroad for a period of one year with a possibility of extension.

The preschool teacher's or teacher's job position in the institution where he/she has worked until going to work abroad shall be put on hold.

Contract on Performing Teaching Activities

Article 135

A principal may sign a contract on performing teaching activities or administering exams for 30% of the full working hours at the most, with a person employed in another institution or working for another employer or a person independently employed, in cases as envisaged in Article 132 paragraph 1 of this law.

Prior to signing the contract on performing teaching activities the principal shall seek the approval from the other institution or employer.

A person hired on the basis of the contract as stated in paragraph 1 of this Article shall not acquire the status of an employee in the school, while the right to compensation for the work performed shall be derived on the basis of a report on classes delivered, exams administered and other forms of educational and pedagogical work.

The person as stated in paragraph 1 of this Article shall participate in the work and activities of the school's expert bodies without a right to decision making except for the work and activities of the homeroom teachers' council.

***Teaching Load of Teachers, Preschool Teachers and
Psychologists/Pedagogues When Directly Working with Children and
Students***

Article 136

During the full working hours in a working week:

- 1) A teacher shall deliver teaching activities in the amount of 20 hours and 4 hours of other forms of direct pedagogical and educational work with students (additional, supplementary, individualized, preparatory work and other forms of work and activities in accordance with the governing law) – in the amount of 60% of the full time working hours, while the hands-on instructor shall account for 26 working hours;
- 2) A preschool teacher in a preschool institution shall deliver the preparatory preschool program which lasts for half of the working day and this is 50% of the working hours;
- 3) A preschool teacher in a preschool institution and a boarding school shall deliver direct pedagogical and educational work and activities with children or pedagogical work and activities with students accounting for 75% of the working hours;
- 4) A psychologist/pedagogue in an institution shall perform all forms of work with children or students, teachers, preschool teachers,

pedagogue assistants, other associates, parents or caregivers of children or students accounting for 75% of the working hours;

- 5) A teacher working in a school for the education of developmentally disabled students shall deliver teaching work and activities and individual forms of direct teaching activities with students accounting for 50% of the working hours.

The structure and schedule of teacher's, preschool teacher's, psychologist's and pedagogue's obligations within the working week shall be determined by the institution in its annual work plan.

The structure and schedule of teacher's obligations in respect of all forms of work with students may be scheduled in such a way so as to be different for each week.

The minister shall prescribe the norm for each and every form of direct work with children and students and other forms of teacher's, preschool teacher's, psychologist's and pedagogue's work within the week's full working hours as well as on annual basis, and the number of hours of the educational and pedagogical work which can additionally be allocated to other workers.

Full Working Hours and Part Time Working Hours

Article 137

For each school year the principal shall issue to a teacher, preschool teacher and psychologist/pedagogue, an official decision detailing his/her status in respect of the working hours – full time working hours or part time working hours, based on the education program, annual work plan and the scheduling of classes for teaching and other forms of direct educational and pedagogical work with students (additional, supplementary, individualized, preparatory work and other forms of work and activities in accordance with the governing law).

A teacher, preschool teacher and psychologist/pedagogue allocated for a portion of the prescribed norm of all forms of direct work with children and students shall have the status of an employee with part time working hours.

A teacher, preschool teacher or psychologist/pedagogue who has not been allocated a job position, shall exercise the same rights as a redundant employee in a company, in accordance with the law.

Vacation and Absences

Article 138

An employee working in an institution shall be entitled to a vacation time and absences pursuant to general regulations governing issues pertaining to labor, general document or labor contract.

Employees working in a school shall typically utilize their vacation time during school breaks.

Responsibilities of an Employee

Article 139

An employee may be held responsible for:

- 1) A minor violation of the work obligation as stipulated by the institution's general document;
- 2) A more serious violation of the work obligation prescribed by this law;
- 3) A violation of a prohibition as prescribed by this law;
- 4) Material damage he/she has inflicted on the institution, either intentionally or out of sheer negligence, in accordance with the law.

Removal from the Work Place

Article 140

An employee shall be removed from his/her work place due to a violation of prohibition as stated in Articles 44, 45 and 46 of this law and due to a more serious violation of the work obligation as stated in Article 141, items 1) to 5) and items 10) and 16) of this law, until the conclusion of the disciplinary procedure.

A teacher, preschool teacher or psychologist/pedagogue whose license has been suspended based on Article 127 paragraphs 5 and 6 of this law, shall be temporarily removed from the educational and pedagogical work and setting until the license suspension has been terminated.

Should the principal fail to remove an employee from work, the managing body shall be obliged to take a decision on the removal from.

Serious Violation of Work Obligations

Article 141

Serious violation of work obligations of an employee in an institute shall include:

- 1) A criminal offence committed at the work or related to work;
- 2) Failing to implement safety measures in respect of children, students and employees;
- 3) Encouraging children and students to abuse alcohol or enabling, providing or failing to report the procurement or use of alcohol;
- 4) Encouraging students to abuse narcotics or psychoactive substances or enabling, providing or failing to report the procurement and use of narcotics or psychoactive substances;
- 5) Carrying weapons in an institution or on its premises;
- 6) Unauthorized changes of the record data or a public document by deleting, adding, crossing out or omitting information;
- 7) Destruction, damage, hiding or taking out the records or forms of public documents or public document;
- 8) Incomplete, untimely and unconscientious record keeping;
- 9) Request payment from students of that school for the delivery of preparatory activities leading to marking or exam taking;
- 10) Coming to work either mildly or completely intoxicated, abusing alcohol or other addictive substances which diminish working ability;
- 11) Refusing to allow students, parents or caregivers to see the results of written tests;
- 12) Refusing to see a person performing supervision work and activities in an institution, a parent or caregiver and denying him/her access to records;
- 13) Performing unlawful work activities or missing work thus preventing or incapacitating the exercise of the right of child, student or another employee;

- 14) Performing or unconscientiously or neglectfully performing work and activities or orders from a principal during work or during an illegal work stoppage or a strike;
- 15) Abusing the rights stipulated by the law on employment;
- 16) Illegal distribution of funds, unlawful utilization of institution's premises, equipment and property ;
- 17) Unjustified absence from work for at least two consecutive working days;
- 18) Other violations of the working obligations in accordance with the governing law.

Disciplinary Procedure

Article 142

The principal of an institution shall launch and conduct a disciplinary procedure, take a decision and order a measure against an employee in the course of a disciplinary procedure.

The disciplinary procedure shall be initiated through a written conclusion which shall not be a subject to an appeal, containing the information on the employee, the description of the violation of a prohibition or a work obligation, the time, place and manner in which the violation occurred as well as the proof thereof.

The employee must undergo a hearing, and he/she shall be entitled to present fact to his/her defense, either alone or through his/her representative or have a written defense submitted for the hearing.

Exceptionally, a hearing may be held without the presence of the employee provided that the employee has been duly summoned to the hearing.

To other issues related to disciplinary procedure the rules of the administrative procedure shall apply accordingly.

A disciplinary procedure shall be public except in cases prescribed by the law governing the general administrative procedure.

Following the procedure, an official decision shall be taken declaring the employee either guilty in which case a disciplinary measures shall be imposed on him/her, acquitted or the procedure may be terminated.

The launching of a disciplinary procedure for minor violation of work obligations shall be subject to the statute of limitation if six months from the event have lapsed, while for the violation of the prohibition and more serious violations of work responsibilities the statute of limitation shall be applied one year from the day the violation has been committed.

Conducting the disciplinary procedure for minor violations of work obligations shall be subject to the statute of limitation if one year has lapsed; for the violation of prohibition and a more serious violation of work obligation – two years from the launch of the disciplinary proceedings.

The statute of limitation shall not be applicable if the disciplinary proceeding cannot be launched or conducted due to the absence of the employee or for other justified reasons.

Disciplinary Measures

Article 143

The measures imposed for the violation of work obligation shall be the termination of employment or a fine.

The employment of an employee who has committed the violation of prohibition prescribed by Articles 44, 45 and 46 of this law, shall be terminated once the decision of the principal establishing the violation of prohibition becomes final and his/her license shall be revoked.

For the violation of work obligation as stated in Article 141 paragraph 1, items 1) to 7) of this law, a measure ordered shall be the termination of employment while the license shall be suspended for a period of six months.

The measure of termination of employment shall also be imposed on an employee for the violation of work obligation as stated in Article 141 items 8) to 17) of this law if it had been premeditated or committed out of conscious and sheer negligence and if no extenuating circumstances in favor of the employee have been established.

A fine imposed shall be in the amount of 20% to 35% of the employee's salary for the month when the decision has been made for a duration of three to six months.

Termination of Employment

Article 144

The employee's employment in an institution shall be terminated in accordance with the law based on the principal's official decision.

Legal Protection of Employees

Article 145

An employee shall be entitled to file a complaint to the managing body against a decision on the exercise of rights, obligations and responsibilities within a period of eight days from the day the principal's official decision has been submitted.

The managing body shall be obliged to take a decision on the complaint within 15 days from the day the complaint has been filed.

The managing body shall reject the complaint by means of an official decision if the complaint is untimely, inadmissible or launched by unauthorized person.

The managing body shall reject the complaint by means of an official decision when it establishes that the procedure for taking the official decision has been conducted properly and that the decision is based on the law and the complaint is unfounded.

If the managing body establishes that in the first instance procedure the decisive facts have been incompletely or erroneously established, that the rules of procedure having impact on the resolution of the matter have not been abided by during the procedure or that the justification of the contested complaint is unclear or contrary to the explanation, it shall declare the first instance decision null and void by its decision and return the case to the principal for a new procedure.

The employee shall be entitled to file a complaint against the new decision.

Should the managing body fail to decide on the complaint or should the employee be dissatisfied with the second instance decision, he/she can appeal to the competent court within 15 days from the expiry date for the passing of the official decision or from the day the decision has been submitted.

IX SUPERVISION

Inspection and Expert Pedagogical Supervision

Article 146

The inspection and expert pedagogical supervision of education institutions and institutes shall be performed by the Ministry.

The inspection supervision of institutions as delegated work and activity shall be performed by a community or municipal authority.

Several community authorities may organize joint performance of inspection supervision – a joint education inspection.

The Ministry shall perform direct inspection supervision if it is not performed by the community or municipal authorities. The Ministry of Education shall perform, at the expense of the local self government unit, the work and activities of the community or municipal inspection supervision if such inspection supervision has not been organized by the local self government unit.

The Ministry shall be in charge of dealing with complaints launched against the first instance decision of a community or municipal authority taken in inspection supervision matters.

An institution or an institute shall be obliged to enable the performance of supervision activities, allow access to work procedures and data and obtain the necessary explanations.

Work and Activities of Inspection Supervision

Article 147

The aim of the inspection supervision shall be to control the implementation of this and the governing law and pertaining regulations, through direct insight into the operation and activities of an institution, and depending on the results of the supervision, impose measures and control their implementation.

The work and activities of inspection supervision shall be performed by an education inspector.

Within the authority and jurisdiction stipulated by the law, an education inspector shall perform the control of:

- 1) the institution's adherence to the law, other education related regulations and general legal documents;
- 2) the protection of the rights of children, students, their parents or caregivers and employees;

- 3) the exercise of rights and performance of obligations of employees, students and their parents or caregivers;
- 4) the protection of children, students and employees from discrimination, violence, abuse, neglect and political activities and their impact in the institution;
- 5) the enrolment procedure and shall be entitled to declare a school enrollment procedure null and void if it has been done contrary to this law;
- 6) the fulfillment of the prescribed conditions for conducting the examination procedure;
- 7) the prescribed records kept by an institution and shall ascertain facts in the process of invalidating public documents issued by the institution.

In the verification process ordered by the Ministry, it shall examine the compliance with conditions stipulated in Article 30 paragraph 3 items 1) and 2) and in Article 33 of this law and it shall act pursuant to its competences in case of work stoppage or strike in an institution which has been organized contrary to the law.

Authority of the Education Inspector and Manner of Operation

Article 148

An education inspector shall:

- 1) order the elimination of irregularities and shortcomings within a required time period by entering the order in the written protocol;
- 2) order by means of an official decision the implementation of an imposed measure which has been ordered by means of a written protocol but has not yet been implemented;
- 3) prohibit by means of an official decision, the conducting of activities within the institution which are contrary to this and the governing law;
- 4) file a complaint with the competent authority regarding a criminal offence or fraud, file a request for launching criminal proceeding and against the violation of prohibition as stipulated in Articles 44, 45 and 46 of this Law;

- 5) inform another authority of the reasons for undertaking measures which are within the scope of competences of that particular authority;
- 6) perform other work and activities in accordance with the law.

The inspection supervision shall be performed as regular, special and control supervision.

Regular supervision of an institution shall be performed at least once a year.

Special supervision of an institution shall be performed following the application of authorities, enterprises, institutions and other organizations, parents or caregivers of children and students or citizens and in cases when an educational inspector has certain direct information. Acting on anonymous applications or applications received through e-mail shall be done at the discretion of the education inspector.

The control supervision shall be done after the expiry of a deadline determined in the official protocol or decision.

The education inspector shall compose a report on the performed inspection supervision which includes the findings regarding the current situation, and depending on the results, he/she shall order or suggest measures to be taken.

The official written protocol shall be composed and submitted within a period of eight days from the day the inspection supervision has been carried out.

The managing director of an institution shall be entitled to file an objection within a period of minimum three days from the day of the receipt of the written protocol except in cases as stated in Article 111 of this law.

The Authority of the Ministry in Respect of Bodies to Which the Activities Have Been Delegated

Article 149

In respect of the bodies to which the work and activities of inspection supervision have been delegated, the education inspector of the Ministry (hereinafter referred to as the state inspector) shall have the following rights and obligations:

- 1) He/she shall prepare for the minister a proposal of a decision to be taken with reference to the complaint launched against a first instance decision of a community or municipal authority which has been made while carrying out the inspection supervision;

- 2) He/she shall directly supervise the work and activities of the education inspector;
- 3) He/she shall issue mandatory instructions related to the implementation of the law and other regulations, instructions pertaining to the work performance and he/she shall control their implementation;
- 4) He/she shall deprive an inspector of his/her authority if he/she has been found not to perform his/her duties in a timely, professional, legal and conscientious fashion and he/she shall propose accountability measures with the body entrusted with inspection supervision work and activities;
- 5) He/she shall organize joint inspection supervision with inspectors of those bodies entrusted with the inspection supervision work and activities;
- 6) He/she shall request reports, data and information on the performance of the delegated responsibilities and duties pertaining to inspection supervision;
- 7) He/she shall carry out other work and activities in accordance with the law regulating inspection supervision in a general manner.

The state inspector, in the process of depriving an educational inspector of his/her authority within the body entrusted with the inspection supervision work and activities, shall directly examine the compliance with conditions stipulated in Article 150 of this law, his/her work performance and activities.

The state inspector shall record by means of an official written protocol the ascertained irregularities and he/she shall impose measures and deadlines for their elimination.

Should the education inspector fail to eliminate the irregularities ascertained and recorded in the official written protocol within the given time period, the state inspector shall take an official decision depriving him/her of his/her authority.

The minister shall decide on the complaint against the state inspector pertaining to the educational inspector's deprivation of authority within the body entrusted with the inspection supervision work and activities.

Conditions Required for the Education Inspector

Article 150

The work and activities of an educational inspector may be performed by:

1) a person who is a law graduate or a graduate with M.A. in law, who has acquired his/her training through graduate studies lasting for at least four years and who has successfully passed the civil servants professional exam or an exam for a secretary of an institution and who has at least five years of work experience in the government service, in the provincial government service, an institution or bodies of a local self government unit in the area of education, pedagogy or inspection;

2) a person having education as stated in Article 8 paragraph 2 of this law, who has successfully passed a professional exam in the area of education, or a person with teacher, preschool teacher or psychologist/pedagogue license having at least five years of working experience in the area of education and pedagogy, as well as a person having successfully passed the general professional exam.

An education inspector shall be obliged to work continuously on his/her competence improvement for the purpose of improving his/her work performance and enhancing the inspection supervision.

Programs and types of competence improvement modules, manner of verifying if the program has been mastered, certificate verifying the completion of a program and other matters related to competence improvement shall be prescribed by the minister.

Expert Pedagogical Supervision

Article 151

The expert pedagogical supervision work and activities shall be performed by an education advisor.

An education advisor shall:

- 1) Evaluate the work performance of an institution or a boarding school based on prescribed standards, implementation of the education development plan and program;
- 2) Extend support and assistance to self-evaluation of institutions;
- 3) Monitor the respect of the established principles and achievement of education and pedagogical objectives;
- 4) Offer advice and expert assistance to teachers, preschool teachers, psychologist/pedagogue and managing director for the purpose of improving their and institution's performance quality and attaining achievement standards;

- 5) Extend advice and offer expert assistance in ensuring the protection of children, students and employees from discrimination, violence, abuse, neglect in the institution;
- 6) Gain direct insight into the operation of the institution or a boarding school, teachers, preschool teachers, psychologist/pedagogue and principal;
- 7) Be present during teaching activities, at exams and other forms of educational and pedagogical work;
- 8) Monitor the performance of experiments;
- 9) Evaluate the fulfillment of conditions for title acquisition;
- 10) Monitor and evaluate the performance quality of advisors – external associates;
- 11) Propose to the institution, the minister and the competent authorities the necessary measures for the elimination of irregularities, shortcomings as well as the measures aimed at improving educational, pedagogical and professional work and activities.

The education advisor shall seek opinion from the representatives of the student parliament in performing his/her work duties and obligations as stated in paragraph 2 items 1), 3) to 5) of this Article as well as on the issues as stated in Article 105 paragraph 1 items 1), 2) and 4) of this law.

Conditions Required for the Education Advisor

Article 152

The work and activities of an education advisor may be performed by a person having:

- 1) Adequate education stipulated in Article 8, paragraphs 2 and 4 of this law;
- 2) A teacher, preschool teacher or psychologist/pedagogue license;
- 3) Eight years of work experience in the area of education and pedagogy;
- 4) Proven results in the area of education development and established professional reputation;

- 5) Profession related written works published by international or national magazines or in collection of works which have received reviews by other professionals, or who have published an approved textbook, handbook or other teaching tool.

The work and activities of an education advisor may be performed by a person as defined in paragraph 1 of this Article who has successfully passed an official expert exam and education advisor exam.

The employment of an education advisor who has not passed the exam stated in paragraph 2 of this Article shall be terminated.

An educational advisor shall be obliged to work continuously on his/her competence improvement for the purpose of enhancing his/her work performance and improving the expert pedagogical supervision.

The minister shall determine the program, manner, time period and the Ministry commission before which the education advisor exam is to be taken, as well as the certificate proving that the exam has been successfully passed, program and forms of competence improvement modules for educational advisors, manner of verifying if the program has been mastered, certificate proving that the competence improvement program has been successfully mastered and other issues related to competence improvement.

Advisor – External Associate

Article 153

For the purpose of extending advisory and expert assistance to teachers, preschool teachers and psychologists/pedagogues and with a view to enhancing the quality of education and pedagogical work and activities, the Ministry shall determine a list of advisors – external associates for subjects, groups and areas of subjects and professional activities (hereinafter referred to as an advisor).

The Ministry shall determine, by issuing an official decision, subjects, groups of subjects and number of advisors necessary for extending assistance as defined in paragraph 1 of this Article.

The selection of an advisor shall be done by the minister through an official decision taken on the basis of the job vacancy announcement.

A teacher, preschool teacher, psychologist/pedagogue, advisor to the institute fulfilling the conditions as stated in Article 152 paragraph 1 items 1) to 4) of this law and a teacher of a university institution fulfilling the conditions as stated in

Article 152 paragraph 1 items 1), 3) and 4) of this law, may be appointed as an advisor.

The advantage under the same conditions shall be given to a candidate who has acquired the title stipulated in Article 129 paragraph 2 of this law or the law governing higher education or who had his/her profession related written works published by international or national magazines or in collection of works which have received a review by a professional, who has published an approved textbook, handbook or other teaching tool.

After obtaining the consent of the managing director of the institution where the advisor is employed, a contract shall be signed with the advisor.

The advisor shall act upon orders from the minister.

The advisor shall extend expert assistance to a teacher, preschool teacher, psychologist/pedagogue, expert councils, expert groups and teams by: practically demonstrating procedures and methods, delivering an experimental lesson or activities, providing feedback on activities and measures taken by the teacher, preschool teacher or psychologist/pedagogue, giving expert recommendations aimed at performance improvement and cooperating with education advisor and education inspector.

The advisor shall submit the report on the tasks performed to the minister.

The advisor may be struck off the list if his/her license has been suspended or terminated in the institution and if the assessment of his/her work demonstrates that he/she has not been performing his/her duties and obligations adequately.

Method of Performing Expert Pedagogical Supervision

Article 154

The minister shall prescribe: the method of performing expert pedagogical supervision and the work and activities of an advisor, institution operation quality assessment tools, manner of evaluation of the work of an educational advisor and of an advisor, as well as the educational advisor's and inspector's identity card.

X. FUNDING THE ACTIVITIES OF AN INSTITUTION ESTABLISHED BY THE REPUBLIC OF SERBIA, AN AUTONOMOUS PROVINCE AND A LOCAL SELF GOVERNMENT UNIT

Funding the Operation of an Institution

Article 155

The funds for financing the operation of an institution shall be determined on the basis of the market price for the implementation of educational and pedagogical program, per child or per student.

The market price as stated in paragraph 1 of this Article shall include all current expenditures per child or per student from all funding sources in accordance with regulations governing the budget system.

The market price as stated in paragraph 2 of this Article shall be expressed uniformly and structurally and shall constitute an integral part of the Budget Memorandum.

The minister shall prescribe in more detail the conditions and criteria for determining the market price of education for each child or student in a particular area, from certain groups, by levels and types of education, the necessary number of employees, the time and the introduction procedure.

Funding Sources

Article 156

The funding of work and activities of institutions established by the Republic of Serbia, an autonomous province or a local self government unit shall be provided from the budget of the Republic of Serbia, an autonomous province or a local self government unit.

Institutions may have their own revenues from donations, sponsorships, scholarships, tuition fees, contracts and other activities in accordance with the law.

The revenues, accounting and utilization of funds as stated in paragraph 2 of this Article shall be done in accordance with the provisions governing the budget system.

The funds as stated in paragraphs 1 and 2 of this Article shall be provided in keeping with the criteria and standards prescribed by the minister.

Funds from the Budget of the Republic of Serbia

Article 157

The budget of the Republic of Serbia shall provide the funds for the education of children and students in an elementary and secondary school established by the Republic of Serbia, an autonomous province or a local self government unit.

The budget of the Republic of Serbia shall provide the funds for:

- 1) The delivery of the preparatory preschool program in the year before starting first grade of elementary school;
- 2) The delivery of preschool program for children with developmental disabilities;
- 3) The delivery of preschool program for children who are hospitalized for treatment;
- 4) The salaries, compensations and other additional income of employees in elementary and secondary schools, social welfare contributions and severance payments;
- 5) The institution development programs and projects, as well as the participation of the Republic of Serbia in the field of investments, educators' competence improvement and participation of students in the republican and international level competitions, in accordance with the determined funds and according to the programs and criteria prescribed by the minister;
- 6) The operation of unique schools and schools of special interest for the Republic of Serbia, designated by the Government.
- 7) Support to exceptionally gifted students as grants prescribed by the minister each year by means of a special official document.

The regulations governing the salaries and compensations and other incomes of employees in the state administration and public services, shall be applied when determining and calculating salaries, compensations and supplementary payments of employees in an institution.

Funds from the Budget of an Autonomous Province

Article 158

The budget of an autonomous province shall provide funds for a portion of the market price, in accordance with the law governing the funding of institutions on the territory of an autonomous province.

Funds from the Budget of a Local Self Government Unit

Article 159

The budget of a local self government unit shall provide funds for a portion of the market price for the education of children or students including

other current expenditures based on the determined market price as stated in Article 155 of this law.

The budget of a local self government unit shall provide the funds for the following:

- 1) Preschool pedagogical and educational work and activities (part time and full time stay in a preschool institution, meal plan, care and preventive health care of children in preschool) up to 80% of the market price per child, including the funds for salaries, compensations and other payments to employees, social welfare contributions payable by the employer, severance payments and assistance to employees in preschool institutions and other current expenditures;
- 2) Competence improvement of employees;
- 3) Anniversary rewards and assistance to employees in elementary and secondary schools;
- 4) The transportation of children attending preschool programs and persons accompanying them for a distance greater than two kilometers, to elementary school students living more than four kilometers from the school; transportation, board and lodging for children and students with developmental disabilities regardless of the distance of their residence from the school; transportation of students to national and international competitions;
- 5) Transportation of employees;
- 6) Capital spending;
- 7) Protection and safety of children or students in accordance with the prescribed measures as stated in Article 42 of this law.
- 8) Other current expenditures except for those for which funds are provided from the budget of the Republic of Serbia.

Providing Funds for Higher Standard of Education

Article 160

An institution shall be entitled to procure funds for achieving a higher than prescribed pedagogical standard in the area of preschool, elementary and secondary school education through contributions made by children's and students' parents, local self government unit, donors, sponsors or from other additional activities.

The funds as stated in paragraph 1 of this Article shall be utilized for the educational and pedagogical standard improvement in respect of facilities, equipment and teaching tools and materials, for the implementation of programs not in the scope of activities of the institution, for food and assistance to children and students.

XI. PUNITIVE PROVISIONS

Article 161

An institution shall be fined in the amount ranging from 30,000 to 50,000 dinars for the following:

- 1) If it commences with its operation, if it organizes a separate class, if it engages in additional activities, if it implements status related changes and changes in the name and the seat of the institution contrary to Articles from 30 to 34 of this law;
- 2) If it fails to prescribe the manner and procedure for the protection and safety of children or students (Article 42);
- 3) If it fails to take timely measures or if it fails to take any measures in case of the violation of the prohibition as stated in Articles 44, 45 and 46 of this law and more serious violations of the work obligations by employees;
- 4) If it permits political party organizing or activities in an institution and the utilization of institution's premises for that purpose contrary to Article 46 of this law;
- 5) If it fails to adopt the development plan and annual work plan within the deadline stipulated by this law or if it fails to implement them (Articles 49 and 89);
- 6) If it fails to duly pass or if it fails to implement the educational and pedagogical program or if it fails to undertake measures for the implementation of achievement principles, objectives and standards (Articles 71, 76, 78, 80 and 81);
- 7) If it fails to adopt or implement an individual education plan (Article 77);
- 8) If it fails to enroll a child in a preschool institution or elementary school for the attendance of a preparatory preschool program (Article 97);
- 9) If it fails to enroll a child residing at the territory of the school (Article 98);

- 10) If it conducts an experiment without previously ensuring the approval of the minister or if it implements status related changes in the course of the experiment contrary to Article 101 of this law;
- 11) If it employs a person who does not meet the requirements as stated in Articles 120 to 123 of this law or in a manner or according to a procedure contrary to Articles 130 to 132 of this law;
- 12) If it fails to submit to the ministry all the data related to licenses of teachers, preschool teachers and psychologist/pedagogue as stated in Article 127 and 128 of this law;
- 13) If it signs a contract on the delivery of teaching work and activities contrary to Article 135 of this law;
- 14) If it fails to remove a teacher, preschool teacher or psychologist/pedagogue due to a more serious violation of the work obligation (Article 140);
- 15) If it fails to act on the decision of an educational inspector (Article 148 paragraph 1 items 2) and 3);

A principal or a person in charge in an institution shall be fined in the amount ranging from 5,000 to 50,000 dinars for violation as stated in paragraph 1 of this Article.

Article 162

A parent or caregiver shall be fined in the amount ranging from 5,000 to 25,000 dinars if he/she either intentionally or without a justified reason fails to enroll his/her child into a preschool institution for the purpose of attending a preparatory preschool program or if a child is absent from a preschool institution without a valid reason (Article 97, paragraph 4).

Article 163

A parent or caregiver shall be fined in the amount of 5,000 to 25,000 dinars if he/she either intentionally or without a justified reason fails to enroll his/her child into school or if a child is absent from school without a valid reason (Article 98, paragraph 1 and Article 112 paragraph 2 item 1).

Article 164

A parent or caregiver of a child or student shall be fined in the amount of 30,000 to 50,000 dinars if he/she commits the violation of prohibition as stated in Article 45 paragraph 8 of this law.

When the violation as stated in paragraph 1 of this Article is committed by a underage student, a parent of caregiver of that student shall be fined in the amount as stated in paragraph 1 of this Article in accordance with the law governing petty offences.

Article 165

An institute shall be fined in the amount ranging from 30,000 to 50,000 dinars if it fails to prepare the appropriate material and submit it to the minister or a competent council in the prescribed period of time (Article 24 paragraph 1).

A managing director of an institution shall also be fined in the amount ranging from 5,000 to 50,000 dinars for the violation as stated in paragraph 1 of this Article.

XII. DELEGATING ACTIVITIES OF STATE ADMINISTRATION TO AN AUTONOMOUS PROVINCE

Article 166

Activities as stated in Article 29 paragraphs 5 to 8, Article 31 paragraph 2, Article 32 paragraph 4; Article 33 paragraph 6, Article 34 paragraph 3, Article 35 paragraphs 2 and paragraphs 4 to 8, Article 36 paragraph 2, Article 54 paragraph 7, Article 55 paragraphs 5 and 6, Article 56 paragraph 1., Article 59 (work and activities pertaining to the exam for the managing director of an institution or principal), Article 60 paragraphs 6, 7, 10 and 11, Article 61 paragraph 2, Article 62 paragraph 2, Article 63 paragraphs 6 to 8, Article 68 (work and activities pertaining to the exam for the secretary of an institution), Article 79 paragraph 4, Article 88 paragraphs 5 and 6, Article 90 paragraphs 2 and 3, Article 91 paragraph 5, Article 111, Article 123 (work and activities pertaining to the license exam), Article 146 paragraphs 4 and 5 and Article 149 of this law shall be designated to an autonomous province.

The funds for financing the institutions at the territory of an autonomous province shall be provided pursuant to the law.

The work and activities of institutes as stated in Article 19 paragraph 1 items 20 and 5), Article 20 paragraph 1 items 120 and 13), Article 21 paragraph 1 items 2), 3) and 4), Article 22 of this law, pertaining to the educational and pedagogical work and activities delivered in languages of national minorities, shall be designated to the Vojvodina Pedagogical Institute.

The provincial authorities shall cooperate with the authorities of the Republic of Serbia and local self government unit authorities in performing activities as stated in paragraph 1 of this Article.

The Ministry shall have in respect of the autonomous province, regarding delegated activities of the state administration as stated in paragraph 1 of this Article, rights and responsibilities prescribed by the law governing the state administration.

XIII. TRANSITIONAL AND FINAL PROVISIONS

Article 167

The National Education Council members appointed by the National Assembly before this law came into effect shall continue to perform their duties and responsibilities until the expiry of their mandate.

Article 168

Within a period of 60 days from the day this law becomes effective the Government shall appoint members of the Council for Vocational Training and Education of Adults.

Article 169

The Government or the autonomous province authority shall determine a network of secondary schools within one year from the day this law enters into force.

The Government shall determine the criteria for the adoption of the network of preschool institutions and schools within six months from the day this law becomes effective.

The local self government unit shall determine a network of preschool institutions and elementary schools in its area within one year from the day the criteria as stated in paragraph 2 of this Article have been determined.

Article 170

The by-laws adopted before this law came into force shall be applicable provided that they are not contrary to this law, until regulations based on this law have been adopted.

Article 171

The minister shall adopt by-laws within a period of two years from the day this law becomes effective except for:

- 1) The final exam program for elementary school education – until the end of 2009/2010 school year;
- 2) Documents as stated in Article 136 paragraph 4 of this law – until the beginning of 2010/2011 school year;

- 3) Programs for general, vocational and arts matriculation exam and a vocational school final exam – until the end of 2012/2013 school year;
- 4) Programs for general, vocational and arts matriculation exam which will be passed by the end of 2013/2014 school year.

Within the period of 60 days from the day this law become effective, the minister shall determine, by means of an official decision, the number of employees working in the community or municipal administration tasked with the work and activities of an education inspector. The official decision shall be published in the “Official Gazette of the Republic of Serbia”

Within the period of 60 days from the day the official decision as stated in paragraph 1 of this Article has been published, the community or municipal administration shall harmonize the number of education inspectors with the number determined by the official decision.

Article 172

The institution shall harmonize its statute, organization and manner of operation with this law within a period of six months from the day this law becomes effective.

The institution which has submitted a verification request prior to the day this law became effective, shall establish whether the conditions were met under regulations effective until the day this law became effective.

The institution shall file a verification application, namely

- 1) a secondary school, within one year;
- 2) a preschool institution, within two years;
- 3) an elementary school, within three years;

from the day the legal document as stated in Article 30 paragraph 4 of this law has been adopted.

Article 173

Institutes shall harmonize their organization and their work and activities within three months from the day this law becomes effective.

Article 174

The managing director of an institution who has been appointed before this law came into force, shall be obliged to successfully pass the exam necessary for a managing director of an institution or principal within a period of two years from the day the by-law as stated in Article 59 paragraph 17 of this law has been adopted.

The mandate of the managing director of an institution or principal as stated in paragraph 1 of this Article shall be terminated if he/she fails to successfully pass the exam within the time period as stated in paragraph 1 of this Article.

Article 175

The rights resulting from Article 91 paragraph 1 item 3) of this law shall be exercised by a part time student who has enrolled into a secondary school for the first time, as of the first publicly announced enrolment competition.

Article 176

A school delivering an elementary school program for the education of adults pursuant to an adapted program, may enroll persons from 10 to 15 years of age for the purpose of enabling them to complete their elementary education, ending with 2012/2013 school year.

Article 177

The provisions of Article 99 of this law shall be applicable to the enrollment of students into secondary school beginning 2011/2012 school year.

Article 178

The implementation of experiments which has begun before this law became effective, shall be evaluated in the manner prescribed by Article 101 of this law.

Article 179

The provisions of Article 8 paragraph 4 and Article 121 paragraph 9 of this law, shall be applicable as of 2012/2013 school year.

Article 180

The provisions of Article 155 of this law shall be applicable gradually as of 2011/2012 school year.

All institutions shall be subject to the application of Article 155 of this law as of 2014/2015 school.

The minister shall prescribe in more detail the conditions and a criterion for determining the cost of elementary and secondary school education for the period from the day this law becomes effective ending with 2013/2014 school year.

Article 181

The republican inspector, meeting the conditions as stated in Article 152 paragraph 1 of this law may perform the work and responsibilities of the educational advisor if he/she has successfully passed the exam required for the educational advisor.

Article 182

The title of a pedagogical advisor and senior pedagogical advisor acquired by a teacher, preschool teacher or psychologist/pedagogue until 4 February 1990, pursuant to the Law on Continuous Competence Improvement of Educators (“Official Gazette of the SRS”, no. 47/78 - edited text, 16/79 and 43/84) shall be made equal with the title of the pedagogical advisor or senior pedagogical advisor as stated in Article 129 paragraph 2 of this law.

Article 183

A person, who has legally passed the professional exam for the area of education but has not been employed in an institution on 25 June 2003, shall be considered as in possession of a license.

A teacher, preschool teacher or psychologist/pedagogue who has been employed on 25 June 2003 in an institution, but his/her employment has been interrupted after this date, and who has successfully passed the professional exam in the area of education until 25 June 2005 shall be considered as in possession of a license.

An intern who has undergone in-service training in an institution enabling him/her to work independently and who has successfully passed the professional exam in the area of education until 25 June 2005 shall be considered as in possession of a license.

If a teacher, preschool teacher or psychologist/pedagogue has successfully passed the professional exam in the area of education pursuant to the regulations of the Republic of Montenegro before finding employment in an institution in the Republic of Serbia, this professional exam shall be recognized as a license provided that he/she had passed this exam prior to 16 June 2006.

An expert associate – librarian, who has not passed the professional exam in the area of education but has passed an exam in the area of library

science, shall have a portion of that exam recognized when taking the license exam.

A teacher, preschool teacher or psychologist/pedagogue who has for the first time started his/her employment in an institution after 25 June 2003 and who has successfully passed the professional exam in the are of education until 25 June 2005 shall be considered as a person without a license.

An intern who has been hired by an institution after 25 June 2003 and who has successfully passed the professional exam in the area of education until 25 June 2005 shall be considered as a person without a license.

Article 184

The day this law comes into force the following provisions shall cease to be effective:

- 1) Articles 2 and 21 paragraph 3, Articles 43, 46, 52, 54, 63, 65, 66, 88, Article 92 paragraph 3, Article 96 paragraphs 2 and 5 and Article 105 paragraph 2 of The Law on Elementary School (“Official Gazette of the Republic of Serbia” no. 50/92, 53/93 – st. law, 67/93 - st. law, 48/94 - st. law, 66/94 – st. law, 22/02, 62/03 – st. law, 64/03 – st. law and 101/05 – st. law);
- 2) Articles 2 and 26 paragraph 3, Article 48, paragraphs 8 and 10, Articles 62 to 66 of the Law on Secondary School (“Official Gazette of the Republic of Serbia” no. 50/92, 53/93 – st. law, 67/93 - st. law, 48/94 - st. law, 24/96, 23/02, 25/02 – correction, 62/03 – st. law, 64/03 – st. law and 101/05 – st. law).

The provisions of Articles 83 to 84 and Article 85 paragraphs 1 and 2, except for the part prescribing that an official decision shall be necessary in order to determine the type of school a child will be enrolled into, paragraphs 3 to 5 and paragraph 9, Articles 86 to 88 of the Law on Elementary School and Article 24 paragraph 5 of the Law on Secondary School, shall be applicable until regulations as stated in Article 77 paragraph 12 and Article 98 paragraph 19 of this law have been passed. The provisions of Article 85 paragraph 2 - the part prescribing that an official decision shall be necessary in order to determine the type of school a child will be enrolled into and paragraphs 6 to 8 of the Law on Elementary School shall cease to be applicable as of 21 December 2009.

The Law on the Fundamentals of the Education System (“Official Gazette of the Republic Serbia”, No. 62/03, 64/03 – correction, 58/04, 62/04 – correction, 79/05 – st. law and 101/05 – st. law) shall cease to be applicable on the day this law becomes effective.

Article 185

This law shall come into force on the eighth day from the day it has been officially published in the “Official Gazette of the Republic Serbia”.