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

DECREE

PROMULGATING THE LAW ON ADULT EDUCATION

(Official Gazette of Montenegro, 20/11 of 15 April 2011)

I hereby promulgate the Law on Adult Education, passed by the 24th Parliament of Montenegro at the fourth sitting of the first ordinary (spring) session in 2011, on 31 March 2011.

Number: 01-447/2

Podgorica, 7 April 2011

The President of Montenegro,
Filip Vujanović, m.p.

Pursuant to Article 82 paragraph 1 item 2 and Article 91 paragraph 1 of the Constitution of Montenegro, at the fourth sitting of the first ordinary (spring) session in 2011, on 31 March 2011, the 24th Parliament of Montenegro passed the following

LAW

ON ADULT EDUCATION

I. BASIC PROVISIONS

Subject Matter

Article 1

This Law shall regulate adult education and learning.

Adults shall, by their own choice, enter education, training or learning for the purpose of improving their knowledge, skills and competences or acquiring an adequate qualification for a more successful life, work and personal development.

Single System

Article 2

Adult education is a part of the single education system of Montenegro.

Aims

Article 3

Adult education is aimed at:

- 1) attaining at least primary education and the first qualification by all citizens;
- 2) raising the level of education, i.e. the functional literacy of citizens;
- 3) retraining, additional training, specialised training and further development of both the unemployed and the employed for the labour market;

- 4) enabling education and acquiring knowledge, skills and competences that correspond to personal abilities and age of individuals, through contemporary forms of education and learning;
- 5) continuous professional development;
- 6) inclusion of the most vulnerable population groups through different forms of education and learning with a view to their integration;
- 7) investing in human resource development;
- 8) promoting the significance of lifelong learning;
- 9) raising the level of knowledge, skills and competences in the area of human democracy and environmental protection.

Principles

Article 4

Adult education is based on the principles of:

- 1) lifelong learning;
- 2) accessibility and freedom to choose education under equal conditions for all citizens in compliance with possibilities and needs;
- 3) correlation between work and education;
- 4) equally worthy educational standard in both formal and non-formal education;
- 5) quality assurance and quality improvement;
- 6) acknowledging specific qualities of adults in the education and learning process;
- 7) acknowledging andragogical science and profession and the use of contemporary technologies;
- 8) transparency.

Use of Gender Sensitive Language

Article 5

All terms used in this Law with reference to natural persons in masculine gender shall relate to the same terms in feminine gender.

Definitions

Article 6

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

- 1) an adult, in terms of this Law, refers to a person older than 15, that meets the requirements for entering an adult education programme. Adult education programmes can also be entered by persons younger than 15, who do not have the status of a student;
- 2) lifelong learning refers to overall general education, vocational education and training, non-formal education, informal and self-directed learning throughout entire life;
- 3) lifelong education refers to organised overall general education, vocational education and non-formal education throughout entire life;
- 4) key skills are skills relevant for life and work (in the area of information and communication technology, foreign languages, etc.);
- 5) national vocational qualification is a qualification obtained in accordance with the Law on National Vocational Qualifications and confirmed by a public credential (certificate);

- 6) the first qualification refers to education and training for becoming engaged in work after completing primary school obligation;
- 7) additional training refers to additional schooling, i.e. upgrading knowledge within the same profession;
- 8) retraining is education, i.e. training for another profession of the same or lower level of education, for the purpose of employment;
- 9) specialisation is education, i.e. training within the same profession for the purpose of acquiring special knowledge and work skills;
- 10) professional development of the employed implies different forms of education, or learning of the employed within their own occupations, for the purpose of achieving better work performance;
- 11) education programme is a programme of non-formal education adopted by a competent council on the basis of which one can acquire professional qualification after the assessment;
- 12) andragogical competence is didactic and methodical competence of performers to work with adults, in accordance with a special programme.

Supervision

Article 7

The implementation of this Law shall be supervised by a body of public administration in charge of education affairs (hereinafter: the Ministry).

II. TYPES AND PROGRAMMES OF EDUCATION

Types of Education and Learning

Article 8

Adult education shall be carried out as:

- formal education;
- non-formal education or learning;
- informal education;
- self-directed learning.

Formal Education

Article 9

Formal education is an organised process of education conducted according to a publicly valid curriculum or a part of that curriculum (module, learning unit and similar), on the basis of which a level of education is acquired, i.e. one or several professional qualifications, in compliance with this law and laws regulating those areas of education.

Non-formal Education or Learning

Article 10

Non-formal education, or learning (hereinafter: non-formal education) is conducted through organised and planned goals and support, for the purpose of acquiring and improving knowledge,

skills and competences, which can be tested and confirmed in the process of acquiring a national vocational qualification, i.e. key skill.

Informal Learning

Article 11

Informal learning is conducted without special purpose and organised goal, time and support through daily on-the-job activities, in the course of family and social life and free time. Knowledge, skills and competences acquired in this manner can be tested and validated in the process of acquiring a national vocational qualification, i.e. key skill.

Self-directed Learning

Article 12

Self-directed learning is conducted through activities by which an adult alone establishes a learning process and responsibility for the results of such learning without direct and continuous assistance of the others.

Curriculum Adaptation

Article 13

Publicly valid curricula for primary, secondary general education and vocational education shall be adapted to adults in volume, organisation and duration, in compliance with law.

Non-formal Education Programmes

Article 14

Non-formal education shall be obtained according to adult education programmes (hereinafter: the education programme). Education programmes shall be programmes for:

- 1) training, retraining, additional training, specialisation and professional development;
- 2) acquiring and improving key skills and key competences (foreign languages; Montenegrin language for foreigners; use of information and communication technologies; entrepreneurship, etc.);
- 3) acquiring knowledge and skills for civic democracy, environmental protection, sustainable development, family life, successful social integration, raising life quality, health education, social skills, third age and similar.

Education programmes referred to in paragraph 2 item 1 of this Article shall be passed by a body of public administration in charge of labour affairs, following the proposal of a competent council, in compliance with a special regulation.

Education programmes referred to in paragraph 2 items 2 and 3 of this Article, shall be passed by a competent council, following the proposal of the Centre for Vocational Education (hereinafter: the Centre), i.e. education provider, in compliance with a special regulation.

Prior to determining the proposals of education programmes, a competent council shall obtain opinions from competent bodies of public administration, Employment Office of Montenegro (hereinafter: Employment Office), Chamber of Economy of Montenegro and a representative employers' association and a representative trade union association (hereinafter: the association).

Contents of Education Programme

Article 15

An education programme shall include: name, goals, terms of enrolment, duration, learning outcomes (knowledge, skills and competences), conditions for progress and completion, method of assessment, premises, indicative list of equipment and teaching materials required for its implementation, performers of education programmes, connection to other qualifications and the possibility of advancement.

Pilot Programme

Article 16

Education programmes or parts of education programmes referred to in Article 14 paragraph 2 item 1 of this Law, may be introduced and tested through pilot programmes, upon proposal of education providers, Chamber of Economy of Montenegro, the association, Employment Office or other interested organisations, for the purpose of introducing organisational changes, application of contemporary technologies, market demand for scarce occupations and similar.

An education provider to perform the pilot programme shall be determined by the Ministry, following the proposal of the Centre.

The implementation of pilot programmes shall be monitored by the Centre.

Performance of Practical Work

Article 17

Education programmes carried out through practical work may take place with an employer or another education provider.

Should the practical work be conducted in premises that do not belong to education provider, mutual rights and obligations of education provider and employer where practical work is carried out shall be regulated by an agreement, and mutual rights of learners and employers by agreement on practical work.

On-the-Job Training

Article 18

An employer may, according to their own needs, organise different forms of training and development of employees, in order to adapt to market requirements and changes, new technological and work processes.

Certificate of Provider

Article 19

After completion of education programme, an education provider shall issue a learner with a certificate confirming their attendance of the programme, or a part of the education programme.

Publication

Article 20

An education provider shall announce education programme publicly (publication, website etc.), not later than one month before the enrolment of candidates.

Performers of Education Programmes

Article 21

Adult education shall be conducted by teachers, teaching assistants, teachers or instructors of practical education, lecturers, facilitators and other professional workers (hereinafter: the performers), in compliance with the law regulating the relevant education area, curriculum, i.e. education programme.

The performers referred to in paragraph 1 of this Article must be andragogically trained.

III. LEARNER

Status of a Learner

Article 22

A learner shall take up an education programme i.e. a curriculum, in a manner and under the conditions prescribed by that programme and other regulations.

Adults entering the programme referred to in paragraph 1 of this Article shall acquire the status of a learner.

Adults with special educational needs (adults with learning disabilities and other difficulties caused by emotional, social, language and cultural barriers, adults with physical disabilities, immigrants, etc.) shall take up an education programme, i.e. a curriculum adapted in terms of conditions, contents and manner of implementation, in accordance with this law and a special regulation.

Announcement

Article 23

Learners shall enter education on the basis of announcement, published by an education provider.

The announcement referred to in paragraph 1 of this Article must include:

- 1) terms of enrolment;
- 2) number of learners in compliance with education programme and license;
- 3) manner of conducting education programme, duration and conditions for its completion;
- 4) possibility of acquiring a key skill, national vocational qualification, or a level of education;
- 5) amount of tuition fee per learner, if education is not funded from public revenues.

Enrolment Based on Agreement

Article 24

Adults can enter an education programme which is not financed from public revenues on the basis of agreement concluded with education provider.

Rights of Learners

Article 25

A learner is entitled to professional and high-quality education and training organised according to education programme, in compliance with law.

Mutual rights and obligations of education providers and learners shall be regulated by agreement.

An employed learner is entitled to absence from work on account of education and training of up to seven days, i.e. part-time work or different work schedule, depending on the complexity and duration of education programme, in compliance with regulations from the area of labour and an act of employer.

Mutual rights and obligations between an employed learner and employer shall be regulated by agreement (place of education, duration of education, compensation and similar).

Specific Aspects of Organising Adult Education

Article 26

Organisation of teaching in certain subjects or areas, progress and manner of assessment of knowledge, skills and competences shall be adapted to specific qualities and needs, i.e. abilities of learners, according to andragogical principles, in compliance with education programme and this law.

IV. ADULT EDUCATION PROVIDER

Education Provider

Article 27

Adult education may be implemented, i.e. organised at a school, specialised organisation for adult education (adult education centres, training centres, driving schools, etc.), institution for accommodation and care of persons with special educational needs, as well as other legal entities (hereinafter: education provider) that meet the prescribed conditions and have a license to operate, in compliance with law.

An education provider may conduct adult education at a special unit outside its seat, in compliance with law.

Testing and Validating Knowledge

Article 28

For the purpose of acquiring a national vocational qualification, i.e. a key skill, adults may test, confirm, validate knowledge, skills and competences at the Examination Centre, regardless of the manner of their acquisition, after which a certificate shall be issued, in compliance with a special regulation.

An education provider may perform internal assessment of knowledge, skills and competences of persons referred to in paragraph 1 of this Article, after which they shall issue an internal certificate.

Publicly Valid Education

Article 29

Publicly valid adult education is education acquired according to a publicly valid curriculum for primary, secondary general and vocational education, or according to an adapted publicly valid curriculum or a part of that curriculum, in compliance with a special regulation regulating that area of education.

Adults may acquire knowledge, skills and competences according to the adopted, i.e. passed education programme or a part of that programme, in compliance with this law.

Education acquired in terms of paragraph 2 of this Article, after testing organised by Examination Centre, shall be publicly valid education and shall be confirmed by a public credential (certificate), in compliance with a special regulation.

Records and Andragogical Documentation

Article 30

An adult education provider shall keep andragogical records and documentation, specifically: enrolment form (register), record of learners, education programmes, credentials, log book.

Contents, manner of keeping and preserving andragogical records and documentation referred to in paragraph 1 of this Article shall be prescribed by the Ministry.

V. ADULT EDUCATION PLAN

Education Plan

Article 31

Public interest in adult education shall be defined by plan of adult education (hereinafter: Education Plan), which is passed for the period of four years.

The Education Plan shall be passed by the Government of Montenegro, upon the proposal of a competent council.

In preparation of the Education Plan a competent council must obtain an opinion of the Employment Office, association, body of a local government unit and the interested bodies of public administration.

Contents of Education Plan

Article 32

Education Plan shall:

- 1) determine priority areas of adult education;
- 2) define infrastructural activities required for the performance of adult education;
- 3) define the assignment of education programmes to the local government units;
- 4) define the indicative volume of resources necessary for its implementation, competent public authorities responsible for carrying out the Education Plan;
- 5) define education programmes and dynamics of their achievement.

Assignment of Education Programmes

Article 33

In the course of assigning education programmes to units of local government, within the meaning of Article 32 of this Law, their harmonisation with the existing strategies, rational use of the existing educational capacities, number of learners, developmental specificities of areas, providing equal conditions for acquisition of education and training of adults, and availability of education shall be taken into account.

Annual Plan of Adult Education

Article 34

Based on the Education Plan and following the proposal of the Centre, the Ministry shall pass the annual plan of adult education for each unit of local government comprising activities, activity holders and necessary resources for implementation.

The annual plan referred to in paragraph 1 of this Article shall be passed up to 31 January for the ongoing year.

Implementation of Education Plan

Article 35

In implementation of the Education Plan a competent body of public administration shall:

- 1) publish advertisement for carrying out adequate education programmes;
- 2) monitor the conducting of education programmes and take measures necessary for their implementation;
- 3) allocate resources for financing education programmes and infrastructural activities for their implementation;
- 4) perform other tasks defined by the Education Plan.

On the basis of the announced competition, a competent authority shall render a decision on the choice of education provider.

Pursuant to the decision referred to in paragraph 2 of this Article, competent body of public administration and education provider shall conclude an agreement on mutual rights and obligations.

Costs of Education

Article 36

For acquisition of primary education, or training for the first qualification, an adult shall not pay the costs of education.

For education programmes financed from public revenues (programmes of retraining, additional training, specialisation, professional development, i.e. acquisition of a key skill, etc.), included in the annual plan of education, adults shall not contribute to the costs of education.

Notwithstanding paragraphs 1 and 2 of this Article, an adult shall pay the costs of education according to an individual agreement concluded with education provider.

Contents of the Agreement

Article 37

Provisions of laws regulating the performance of education activity on the basis of concession shall apply to the contents of the agreement referred to in Article 35 paragraph 3 of this Law, method of monitoring the fulfilment of contracted obligations and rights of learners, *mutatis mutandis*.

Role of Chamber of Economy of Montenegro and the Association

Article 38

The Chamber of Economy of Montenegro and the association shall:

- 1) organise different forms of education for the employed (counselling, conferences, fairs etc.);

- 2) propose programmes of in-service education, aimed at development and specialisation of the employed;
- 3) take part in preparation of standards of practical knowledge;
- 4) provide a competent council with opinions on programmes of development and training of adults;
- 5) propose employers that meet conditions for the performance practical part of education programme and performance of practical work under supervision after a successfully completed programme;
- 6) keep register of employers where practical part of the programme is performed;
- 7) following the request of a competent body of public administration, i.e. the Centre, provide necessary data on employers where practical work can be performed.

VI. PENAL PROVISIONS

Penalties for Violations

Article 39

A legal entity - an education provider shall be fined in the amount of 500 euro to 20,000 euro if:

- 1) educational activities are not carried out by andragogically trained performers (Article 21);
- 2) it implements a publicly valid curriculum for primary, secondary general and vocational education which is not adapted to adults in volume, organisation and duration (Article 13);
- 3) non-formal education is not acquired according to education programmes (Article 14);
- 4) education programme does not contain elements referred to in Article 15 of this Law;
- 5) an adult is charged for costs of acquiring primary education, i.e. training for the first qualification (Article 36 paragraph 1);
- 6) an adult is charged for costs of education programmes which are funded from public revenues (Article 36 paragraph 2);
- 7) it does not keep andragogical records and documentation in accordance with Article 30 of this Law;
- 8) it does not conclude an agreement with a learner concerning an education programme which is not financed from public revenues (Article 24).

For the violation referred to in paragraph 1 of this Article, a responsible person within the legal entity - education provider, shall be fined in the amount of 30 euro to 2,000 euro.

VII. TRANSITIONAL AND FINAL PROVISIONS

Time Limit for Adoption of Regulations

Article 40

Regulations prescribed by this Law shall be passed not later than one year from the day of entry into force of this Law.

The existing regulations shall apply until the regulations defined in paragraph 1 of this Article are adopted, unless they are contrary to this Law.

Harmonisation

Article 41

Education providers shall harmonise their organisation, work and general acts with this Law within one year from the day of entry into force of this Law.

Until the general acts referred to in paragraph 1 of this Article are adopted, the existing acts shall apply, unless they are contrary to this Law.

Repeal

Article 42

Law on Adult Education (Official Gazette of the Republic of Montenegro, 64/02 and 49/07) shall be repealed on the day of entry into force of this Law.

Entry into Force

Article 43

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

Number: 26-1/11-2/12
EPA 482 XXIV
Podgorica, 31 March 2011

The 24th Parliament of Montenegro
The Speaker
Ranko Krivokapić, m.p.