

Conditions for establishment

Article 46

An institution can be established if:

- 1) has a sufficient number of children, that is, students;
- 2) an educational program has been adopted or approved in accordance with this law, or program of education has been adopted, or a foreign educational program has been approved;
- 3) educational, i.e. teaching and other professional staff are provided, in accordance with a special regulation;
- 4) adequate space, teaching aids, equipment, etc. are provided, in accordance with norms and standards;
- 5) funds are provided for establishment and operation;
- 6) hygienic and technical conditions are provided, in accordance with special regulations.

More detailed conditions from paragraph 1 point. 1 and 4 of this article, as well as standards for space and equipment, are prescribed by the Ministry, on the proposal of the National Council.

Financial guarantees

Article 46a

The founder of a private institution is obliged to submit, in addition to proof of the fulfilment of the requirements from Article 46 of this law, proof of the paid founding fee for a period of three years to the account of a commercial bank or a guarantee from a commercial bank that financial resources have been provided to the extent of the necessary funds for the implementation of the educational program.

Proof of the paid founding fee or commercial bank guarantee from paragraph 1 of this article will be activated in the event that the founder makes a decision to terminate or stop the operation of the institution before the completion of the student's education according to the educational program, at the request of the state administration body responsible for budget affairs.

The founding contribution, i.e. the funds required for the implementation of the educational program from paragraph 1 of this article, are calculated in relation to the cost of educating students for a specific educational program and the number of students for which a license is requested.

Exceptionally from paragraph 3 of this article, the amount of the founding role, i.e. the funds required for the realisation of the educational program of preschool education and education and the adult education program is determined by the Ministry, by a special act, based on the cost of education of the child, i.e. of the participants for a certain educational program, i.e. the education program and the number of children, that is, the student for whom a license is requested.

The funds from paragraph 2 of this article will be used to complete the student's education.

Conditions for financing a private institution

Article 139

A private institution that carries out publicly valid educational programs can be financed from the Budget of Montenegro in accordance with this Law, if:

- 1) carries out an educational program from the first to the final grade;
- 2) conducts an educational program for children of preschool age for at least one year;
- 3) has at least two first-grade classes enrolled, and for the art school at least 35 students;
- 4) has employed teachers and associates necessary for the implementation of the educational program, in accordance with the law and other regulations.

The Ministry determines whether the private institution meets the requirements from paragraph 1 of this article.

Secondary religious schools (which carry out publicly valid educational programs) can be financed from the Budget of Montenegro, in accordance with Article 138 of this law.

Mutual rights and obligations between a private institution and the state are regulated by an administrative contract.

Method of financing

Article 138

A public institution acquires funds from the Budget of Montenegro for one school year on the basis of the economic cost of educating students for a specific educational program, the number of students, i.e. children, the coefficient of the program group into which the educational program is classified and other criteria characteristic of the educational program, institution and certain areas.

Based on the criteria from paragraph 1 of this article, the Ministry adopts a methodology for calculating the economic cost of student education for each educational program, in accordance with norms and standards.

Norms and standards from paragraph 2 of this article are adopted by the Ministry, with the previously obtained opinion of the National Council.

Norms and standards prescribe criteria for formation of departments and groups, organisation of advisory services, libraries, administrative-accounting and technical services and evaluation of material costs.