

ORGANISATION AND FINANCING OF EDUCATION ACT

Ministry of Education, Science and Sport
of the Republic of Slovenia

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Ministry of Education, Science and Sport of the Republic of Slovenia

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According to paragraph 1 Article 153 of the National Assembly's Rules of Procedure, the Legislative and Legal Service released the unofficial consolidated version of the Organisation and Financing of Education Act that covers:

- The Organisation and Financing of Education Act – ZOFVI (Ur. l. RS, No. 12/96 as of 29 November 1996)
- The Corrigendum of the Organisation and Financing of Education Act – ZOFVI (Ur. l. RS, No. 23/96 as of 29 April 1996)
- The Public Funds Act – PFA (Ur. l. RS, No. 22/00 as of 10 March 2000)
- The Act Amending and Supplementing the Organisation and Financing of Education Act – ZOFVI-A (Ur. l. RS, No. 64/01 as of 3 August 2001)
- The Act Amending and Supplementing the Organisation and Financing of Education Act – ZOFVI-B (Ur. l. RS, No. 108/02 as of 12 December 2002)
- The Act Amending the Organisation and Financing of Education Act – ZOFVI-C (Ur. l. RS, No. 34/03 as of 10 April 2003)
- The Act Amending and Supplementing the Organisation and Financing of Education Act – ZOFVI-D (Ur. l. RS, No. 79/03 as of 12 August 2003)
- The Act Amending and Supplementing the Organisation and Financing of Education Act – ZOFVI-E (Ur. l. RS, No. 65/05 as of 8 July 2005)
- The Act Amending and Supplementing the Organisation and Financing of Education Act – ZOFVI-F (Ur. l. RS, No. 129/06 as of 12 December 2006)
- The Act Amending and Supplementing the Placement of Children with Special Needs Act – PCSNA-A (Ur. l. RS, No. 118/06 as of 17 November 2006)

- The Act Amending and Supplementing the Organisation and Financing of Education Act – ZOFVI-G (Ur. l. RS, No. 36/08 as of 11 April 2008)
- The Act Amending and Supplementing the Organisation and Financing of Education Act – ZOFVI-H (Ur. l. RS, No. 58/09 as of 27 July 2009)
- The Corrigendum of the Act Amending and Supplementing the Organisation and Financing of Education Act – ZOFVI-H (Ur. l. RS, No. 64/09 as of 10 August 2009)
- The Corrigendum of the Act Amending and Supplementing the Organisation and Financing of Education Act – ZOFVI-H (Ur. l. RS, No. 65/09 as of 14 August 2009)
- The Act Amending and Supplementing the Organisation and Financing of Education Act – ZOFVI-I (Ur. l. RS, No. 20/11 as of 18 March 2011)
- The Fiscal Balance Act – FBA (Ur. l. RS, No. 40/12 as of 30 May 2012)
- The Act Amending and Supplementing the Road Transport Act – RTA-2D (Ur. l. RS, No. 57/12 as of 27 July 2012)
- The Act Amending and Supplementing the Organisation and Financing of Education Act – ZOFVI-J (Ur. l. RS, No. 47/15 as of 30 June 2015)
- The Act Amending and Supplementing the Organisation and Financing of Education Act – ZOFVI-K (Ur. l. RS, No. 46/16 as of 30 June 2016)
- The Corrigendum of the Act Amending and Supplementing the Organisation and Financing of Education Act – ZOFVI-K (Ur. l. RS, No. 49/16 as of 8 July 2016)

ORGANISATION AND FINANCING OF EDUCATION ACT

UNOFFICIAL CONSOLIDATED VERSION

(ZOFVI-NPB20)

I GENERAL PROVISIONS

Article 1

(Content of the Act)

This Act shall stipulate the conditions of provision of, and specify the manner of governance and financing of, education in:

- pre-school education
- basic education
- education of children, youth and young adults with special needs

- basic music education
- short upper secondary vocational education and upper secondary vocational education
- upper secondary technical education
- upper secondary general education
- short-cycle higher vocational education
- education at residence halls for pupils or students, and
- adult education.

Law shall specify the content and procedure of adopting programmes for pre-school children, financing, and educational qualification requirements and the workload of kindergarten education staff.

The provisions of this Act shall also apply to kindergartens and schools established to educate members of the Italian and Hungarian national communities according to the Act providing the special rights of the Italian and Hungarian national communities.

Unless otherwise specified by law, the provisions of this Act which pertain to kindergartens and schools shall apply to kindergartens, schools and other educational institutions for children and young adults with special needs (hereinafter: SEN children) who require adapted programmes for pre-school children, adapted education programmes, and education programme for pupils with emotional and behavioural disorders or special education programme.

Unless otherwise specified by law, the provisions of this Act that pertain to schools shall apply to adult education and residence halls for pupils or students.

Article 2 (Goals of Education)

The education goals of the Republic of Slovenia:

- Provide the optimal development of the individual, irrespective of gender, social background or cultural identity, religion, racial, ethnic or national origin, and regardless of their physical and mental constitution or invalidity;
- Educate for mutual tolerance, promote gender equality awareness, respect for human diversity and mutual cooperation, respect for children's and human rights and fundamental freedoms, foster equal opportunities for women and men, and thereby develop competences to live in a democratic society;
- Develop linguistic competences and raise awareness of the Slovenian language having the

status of the language of the Republic of Slovenia; in ethnically mixed areas, foster and develop Italian and Hungarian languages in addition to the Slovenian language;

- Assure quality education;
- Promote awareness of the individual's integrity;
- Raise awareness of citizenship and national identity and broaden knowledge of Slovenia's history and its culture. Educational institutions shall mark the occasion of public holidays, celebrate with the anthem of the Republic of Slovenia specifically, and pursue other activities to raise awareness of citizenship and national identity. Educational institutions shall display the flag of the Republic of Slovenia throughout the year; in areas where the Italian or Hungarian national communities reside, educational institutions shall also display the flag of the respective national community;
- Enable inclusion in European integration processes;
- Allow the possibility of choice at all levels of education;
- Provide education that corresponds to the level of development and age of the individual;
- Provide equal educational opportunities in areas with specific development problems;
- Provide equal educational opportunities to children from less favourable social environments;
- Allow equal educational opportunities to SEN children and adults;
- Educate for sustainable development and active participation in a democratic society, including in-depth knowledge of, and a responsible attitude to, oneself, one's health, other people, one's own and other cultures, natural and social environments, and to future generations;
- Promote lifelong learning;
- Allow all citizens to achieve general qualification and an occupation;
- Allow as many people as possible to achieve the highest possible level of education while maintaining the level of difficulty;
- Allow as many people as possible to develop and achieve the highest possible level of creativity.

Article 2a

(Safe and Supportive Learning Environment)

Kindergartens, schools and other institutions for education of SEN children shall in line with the goals of the previous article, guarantee a safe and supportive learning environment wherein physical punishment of children and of any kind of violence against and among children, as well as discrimination on the grounds of gender, sexual orientation, social and cultural background, religion, race, ethnic and national origin, physical and mental development shall be disallowed.

Article 3
(Language of Instruction)

The language of instruction in kindergartens and schools shall be Slovenian.

In accordance with this act and the special law, in areas where members of the Slovenian nation and members of the Italian national community reside, described as ethnically mixed areas, kindergartens or schools providing instruction or education in Italian language (kindergartens or schools in the language of the national community) shall also be established.

In accordance with this act and the special law, in areas where members of the Slovenian nation and members of the Hungarian national community reside, described as ethnically mixed areas, bilingual kindergartens and schools providing instruction and education in Slovenian language and Hungarian language (bilingual kindergartens and schools) shall be established.

Article 4
(Special Regulations)

Provided by special law, educational activities may be organised within state administration bodies for the needs thereof.

Article 5
(Pursuit of Activity)

The activity of education shall be pursued at public and private kindergartens and schools by pre-school teachers, pre-school teacher assistants, teachers, vocational-college lecturers, and counselling and other education staff.

Unless otherwise specified by law, private persons providing education may pursue the activity of education at a kindergarten or school, or independently.

The education of SEN children shall be provided as a public service only.

Article 6
(Education Providers)

Pre-school education shall be provided at kindergartens or by private educational providers.

Pre-school education may also be provided as home instruction, but only in cases specified by law.

Basic education shall be provided at basic schools.

Basic education may also be provided as home instruction, but only according to the method and procedure specified by law.

Vocational education shall be provided at short upper secondary vocational schools and upper secondary vocational schools. In cases of vocational education arranged in a dual system, it shall be provided at short upper secondary vocational schools and upper secondary vocational schools in association with employers.

Pre-school education, basic education and vocational education shall also be provided by educational institutions for SEN children.

Basic music education shall be provided by music schools and private educational providers.

Upper secondary technical education shall be provided by upper secondary technical schools.

Upper secondary general education which qualifies pupils to continue to higher education shall be provided at general *gimnazije* and technical *gimnazije* (hereinafter: *gimnazije*).¹

Short-cycle higher vocational education shall be provided at higher vocational colleges.

¹ * sg. *gimnazija*, pl. *gimnazije*

Housing and study facilities for pupils, apprentices, students and higher vocational college students (hereinafter: HVC students) attending school away from home shall be provided at residence halls for pupils or students.

Adult education shall be provided by adult education organisations, at schools, and by private educational providers.

Article 7 (Organisation)

Unless otherwise specified by this Act, a kindergarten or school may be founded as an educational institution or company, or it may be organised as an organisational unit of an institution, company or other legal entity.

A basic school and *gimnazija* may be founded as an educational institution or as an organisational unit of an educational institution or other institution.

A public kindergarten or school may be founded as a public educational institution or organised as an organisational unit of a public educational institution or other institution or as another legal entity under public law.

Unless otherwise specified by law or the school's founding act, a kindergarten or school shall be a legal entity.

A kindergarten or school may not pursue publicly financed activities of education for the purpose of realising profit.

The rights, obligations and responsibilities of a kindergarten or school shall be specified by law and the school's founding act.

Article 8
(Educational Institution)

According to this Act, educational institutions shall be institutions that primarily pursue the activity of implementing programmes for pre-school children, officially recognised education programmes, officially recognised education programmes at residence halls for pupils or students, and officially recognised programmes for pre-school special needs children or education programmes for SEN children.

Article 9
(Officially Recognised Programmes and Educational Qualification)

Officially recognised programmes:

- education programmes
- adapted education programmes for SEN children and
- education programmes for adults (hereinafter: education programmes)
- programmes for pre-school children
- education programme at residence halls for pupils
- education programme at residence halls for upper secondary students
- adapted programmes for pre-school SEN children
- education programmes for SEN children with emotional and behavioural disorders, and
- special education programme for SEN children

adopted according to the method and procedure provided by law.

The education of SEN children shall be pursued only in the scope of officially recognised education programmes.

The officially recognised educational qualification shall be obtained in officially recognised education programmes of basic, vocational, upper secondary and short-cycle higher vocational education.

Article 10
(Public Service)

Public service in the field of education shall encompass programmes for pre-school children, education programmes at residence halls for pupils or upper secondary students, education

programme for pupils with emotional and behavioural disorders and special programme for SEN children adopted by the responsible expert council, and education programmes adopted by the responsible Minister, as well as activities and tasks necessary to pursue the activity of education.

The programmes referred to in the preceding paragraph shall be realised at public kindergartens and schools, public residence halls for pupils or students, public institutions for SEN children, and public education organisations for adults, and on the basis of concession, also at private kindergartens and schools, residence halls for pupils or students, educational institutions for SEN children, and private educational organisations for adults, as well as private educational providers if so provided by law.

Public service in the field of adult education is provided by law.

Article 11 (Public Network)

A public network of public kindergartens and schools, private kindergartens and schools, and private educational providers holding a concession shall be established for the provision of public service in education.

The public network of kindergartens shall be organised in a manner that allows parents and children accessibility and the option to choose a programme for pre-school children.

The public network of basic schools shall allow all children the option of basic school education.

The public network of music schools shall be organised in a manner that offers interested pupils an opportunity to have basic music education, and ensure talented individuals the possibility of practising for continued music education.

The public network of short upper secondary vocational and upper secondary vocational schools, upper secondary technical schools, and *gimnazije* shall allow the possibility of education anyone who fulfils the basic school obligation, i.e. to acquire the first vocational qualification or to take the *matura* examination (hereinafter: *matura*) at least.

The public network of higher vocational colleges shall allow anyone who has fulfilled the conditions specified by law the possibility of continuing their education.

The public network of residence halls for pupils or students shall provide pupils, apprentices, upper secondary school students and HVC students who attend school outside their place of residence with conditions for living and studying.

The public network of educational institutions for SEN children shall ensure the possibility of education and care for children and youth in need of it.

In the public network of public institutions for adult, adults may complete the basic education, enrol in the officially recognised education programmes for adults, as well as receive counselling in the respective area adults.

The criteria for establishing a public network shall be specified by the Government of the Republic of Slovenia, subject to:

- number and age of children in a given area
- specificity of settlement, and
- specific features of development in the area.

In the process of adopting criteria, the opinion of the responsible council of experts shall be obtained.

II EDUCATION PROGRAMMES

Article 12 (Education Programmes)

The education programme shall have a general part and a special part.

The general part shall include:

- name of programme
- goals of education

- duration of education
- compulsory methods of knowledge assessment and grading
- admission requirements
- conditions for progression and completion of education.

The general part of the vocational education programme shall also include the vocational or technical education title awarded upon the successful completion of the respective education.

The special part shall include:

- timetable
- subject-curricula, subject-knowledge catalogues and examination catalogues detailing the content of subjects or subject fields and of optional content, knowledge standards or objectives of instruction and knowledge assessed at the end of the basic school cycles as well as by the *matura* or final examination, and
- skills and knowledge required for specialist teachers.

The special part of the vocational and technical education programme shall also include:

- scope and content of education in short upper secondary vocational and upper secondary vocational education that is carried out in a workplace, and
- organisation of the implementation of the education programme (year-long, alternating training).

The special part of adapted education programmes for SEN children shall also include:

- activities required to secure the optimal development of the individual child, and
- implementation instructions.

The components of the adult education programme, and the procedure for the adoption and selection of providers are specified by law.

The education programme shall be developed according to basic assumptions regarding the development of education programmes as specified by the respective expert council agreed upon the prior consent of the Minister.

Article 13

(Education and Special Education Programme for SEN children)

The education programme for SEN children shall include:

- name of programme
- goals and principles of education
- working methods.

The special education programme for SEN children shall include:

- name of programme
- fields of education
- goals and principles of education
- ways to progress and complete education
- working methods, and
- duration.

Article 14

(Education Programme at Residence Halls for Pupils or Students)

The education programme at residence halls for pupils or students shall include:

- name of programme
- goals of education, and
- working methods.

Article 15

(Adoption of Programmes)

Officially recognised education programmes, except for education programmes of private schools, shall be adopted by the Minister responsible for education or the Minister responsible for adult education (hereinafter: Minister) in cooperation with the respective council of experts.

The council of experts shall recommend the general part and decide on the special part of the education programme.

Prior to deciding on the special part of the education programme for *gimnazija* and at the request of

a council of experts, the opinion of the National *matura* committee shall be sought.

Education programmes at residence halls for pupils or students, except for programmes for private residence halls for pupils and students, education programmes for SEN children, and the special education programme, shall be adopted by the Council of Experts of the Republic of Slovenia for General Education.

Article 16

(Decision on Providers)

The providers of education programmes at basic schools, basic music schools, and education programme at residence hall for pupils, except for education programmes at private schools or private residence halls, shall be determined by the local community or several local communities by agreement.

The providers of education programmes of short upper secondary vocational and upper secondary vocational schools, upper secondary technical schools and short-cycle higher vocational colleges, vocational course, *gimnazija*, *matura* examination course, education programmes at residence halls for upper secondary students, as well as providers of education programmes for SEN children, the education programmes of private schools or private residence halls for upper secondary students, shall be determined by the Minister, who shall issue a resolution on the allocation of the programme including all the information required to enter the register according to Article 34 of this Act.

Prior to determining the provider of the education programme according to paragraph 2 of this Article, the ministry shall obtain the information required to enter a provider in the register according to Article 34 of this Act.

Article 17

(Adoption of Education Programmes of Private Schools)

The content and the procedure of adopting education programmes of private schools shall be decided with the founding act.

The education programme according to the previous paragraph shall become officially recognised once the respective council of experts has established the compliance of the programme with the goals of the education system in the Republic of Slovenia according to Article 2 of this Act, and

guarantee of an equivalent educational qualification standard.

An education programme pursued at a private school according to special pedagogical principles (Steiner, Decroly, Montessori, and alike) shall become officially recognised when the respective council of experts has established that the programme complies with the goals of the education system in the Republic of Slovenia according to the Article 2 of this Act and guarantees the minimum knowledge required to successfully complete education, and that it had been recognised by the relevant international association.

Notwithstanding the provision of Article 20 of this Act, the respective public institution shall monitor the enactment of any new education programme according to the previous paragraph throughout the schooling of the first generation.

Article 18 (Publication)

All officially recognised programmes shall be published by the ministry responsible for education at least six months prior to their implementation or call for enrolment.

Article 19 (Coordination Procedure)

If the law provides that two councils of experts decide on subject knowledge and examination catalogues, the catalogue shall be deemed adopted if approved in the same wording by both councils. If the two councils of experts do not approve a catalogue in the same wording, they shall appoint a committee to draft a compromise proposal. The respective councils of experts shall vote on the compromise proposal at a joint session. The proposal shall be adopted by majority of votes, whereby both councils of experts shall have an equal number of votes. Each council of experts shall appoint three members to the joint committee.

If the joint committee fails to draft a compromise proposal or if the compromise proposal is not approved, it shall be withdrawn and a new proposal drafted, which in turn shall not be submitted to the procedure no later than six months after the rejection of the preceding proposal.

III MODERNISATION AND QUALITY ASSURANCE

Article 20 (Modernisation)

New officially recognised programmes or new sections of the officially recognised programmes of public kindergartens and schools shall be instituted, monitored and evaluated by the respective public institutions referred to in paragraph 1 Article 28 of this Act.

On the proposal of the respective public institutions referred to in the preceding paragraph, or the respective council of experts referred to in Article 22 of this Act, the Minister may decide to trial test at chosen kindergartens and schools new sections of officially recognised programmes, as well as solutions at the implementation level that, in view of the system or content, do not interfere with officially recognised programme or novelties in the organisation and financing of the education system prior to instituting them. The Minister may stop the continuation of the trial if the trial does not meet the specified educational qualification standards or if the rights of children, pupils, apprentices, upper secondary school students or HVC students, or adults are otherwise violated.

The Minister shall specify the procedure for instituting, monitoring and evaluating, the procedure for, and institutions of, monitoring trial implementation, and procedure for selecting the schools and kindergartens referred to in this Article.

Article 20a (Quality Assessment and Assurance)

On the proposal of the Council for Quality and Evaluation, the Minister shall adopt criteria and procedures for the assessment and assurance of quality at kindergartens and schools at the national level, as well as the proposals of national evaluation studies.

The Council for Quality and Evaluation shall be appointed by the Minister. The Minister shall specify in detail the powers of the Council for Quality and Evaluation.

IV TEXTBOOKS

Article 21 (Textbooks)

At schools that implement officially recognised programmes, only textbooks approved by the respective council of experts shall be used.

The procedure for producing and approving textbooks shall be decided by the Minister.

Private schools shall use textbooks specified as in paragraph 1 of this Article only for compulsory subjects specified by law.

The provisions of this Article shall not apply to higher vocational colleges.

V COUNCILS OF EXPERTS

Article 22 (Councils of Experts)

To decide on expert matters in specific areas of education and to provide expert support in decision making and developing regulations, the Government of the Republic of Slovenia shall establish the councils of experts as follows:

- Council of Experts of the Republic of Slovenia for General Education
- Council of Experts of the Republic of Slovenia for Vocational and Technical Education, and
- Council of Experts of the Republic of Slovenia for Adult Education.

The respective presidents and members of the councils of experts shall be appointed by the Government of the Republic of Slovenia for a six-year term, with the possibility of reappointment.

Article 23
(Organisation of Work)

In specific areas of their respective activities, the Councils of Experts may establish committees, expert groups, and other working bodies.

The organisation and manner of activities of the Council of Experts shall be provided by the rules on procedure which the respective council shall adopt by a majority vote.

Expert, administrative, technical and other activities for the councils of experts shall be rendered by the Ministry responsible for education.

Article 24
(Composition of Councils of Experts)

The Council of Experts of the Republic of Slovenia for General Education shall consist of a president and twenty-six members.

The Government shall appoint sixteen members from among experts on pre-school education, basic education, and upper secondary general education; ten experts on human, social, natural and technical sciences, and on the arts, nine of whom it shall appoint on the proposal of the universities and one on the proposal of independent higher education institutions.

At least a quarter of all members shall be education staff at kindergartens, schools and educational institutions for SEN children, and appointed by the Government on the recommendation of expert associations and associations of education staff in human, social, natural and technical sciences, arts, and in school medicine, as well as by one representative of the Italian and the Hungarian national community, respectively. The representatives of the Italian and Hungarian national communities shall be recommended by the respective national community.

The Council of Experts of the Republic of Slovenia for Vocational and Technical Education shall consist of a president and fourteen members whom the Government shall appoint from among experts on vocational and/or technical education, namely:

- five members on the recommendation of ministries, two of whom on the proposal of the ministry responsible for education

- five members on the recommendation of the respective chambers, and
- four members on the recommendation of trade unions.

At least one third of the members shall be education staff at vocational and upper secondary schools, and higher vocational colleges.

The Council of Experts of the Republic of Slovenia for Adult Education shall consist of a president and fourteen members whom the Government shall appoint from among experts on adult education, namely:

- four on the recommendation of the ministries
- three on the recommendation of the respective chambers
- three on the recommendation of the trade unions
- two on the recommendation of the association of public institutions for adult education, and
- two on the recommendation of other adult education organisations and respective associations.

Article 25

(Powers of the Council of Experts of the Republic of Slovenia for General Education)

The Council of Experts of the Republic of Slovenia for General Education shall:

- Adopt programmes for pre-school children and adapted programmes for pre-school SEN children;
- Adopt education programmes for pupils with emotional and behavioural disorders and special education programmes for SEN children;
- Specify education programmes and education programmes of general education and deliver opinion on the programmes of vocational and technical education for members of the Italian and Hungarian national communities;
- Adopt the education programme for residence halls for pupils, and the education programme for residence halls for upper secondary students;
- Specify the timetables and subject-curricula or curricula of subject fields of basic school and music school;
- Specify the timetables and subject catalogues of knowledge for *gimnazija* and the *matura* examination course;
- Specify examination catalogues of knowledge for the assessment at the end of basic school cycles, and examination knowledge catalogues for music schools and for *matura*;
- Give opinion on subject-specific and examination knowledge catalogues in the process of it, namely in regard to subjects or the content of general education subjects and/or to general education content within vocational and technical education;
- Specify instructions for the adapted implementation of education programmes;
- Specify activities required for the optimal development of SEN children and adolescents

- with special needs;
- Adopt instructions for the tailored implementation of the programme for Roma pupils of the Roma community;
 - Approve textbooks used in general education programmes;
 - Verify the equivalence of educational standards of the education programmes of private basic schools and general upper secondary schools;
 - Verify the public recognition of the education programmes of private schools as referred to in paragraph 3 Article 17 of this Act in basic education, upper secondary general education and in music education;
 - Give opinion on the general content of the education programmes of private schools, referred to in Article 17 of the this Act, for vocational and technical education;
 - Give opinion on the adequacy of the programme for pre-school children, and propose to the Minister:
 - basic education programmes and basic music education programmes
 - programme for the complementary education of children of immigrants and workers abroad
 - programme for the complementary education of Roma children
 - adapted education programmes for SEN children, and
 - education programmes for *gimnazija* and the *matura* examination course, and also carry out other assignments in accordance with the law.

Two special committees shall be established to deal with issues of pre-school education and the education of SEN children, and to take decisions on matters under powers of the Council of Experts for General Education.

The president and members of the aforementioned committees shall be nominated by the Council of Experts of the Republic of Slovenia for General Education.

Article 26

(Powers of the Council of Experts of the Republic of Slovenia for Vocational and Technical Education)

The Council of Experts of the Republic of Slovenia for Vocational and Technical Education shall:

- Specify subject and examination knowledge catalogues for vocational and technical education;
- Specify the scope and content of education in short upper secondary vocational and upper secondary vocational education implemented at the employer's;
- Specify the organisation of the implementation of the education programme (year-long, in alternance);
- Specify the content of the intermediate examination;

- Establish equivalent education qualification standard of adult education programmes in areas under the authority of the Council to specify knowledge catalogues;
- Establish the official recognition of vocational and technical education programmes of private schools;
- Approve textbooks of vocational and technical education programmes;
- Recommend vocational and technical education programmes;
- Recommend adapted education programmes for SEN youth;
- Recommend norms and standards for the equipment of schools and school workshops;
- Carry other duties and responsibilities provided by law.

Article 27

(Powers of the Council of Experts of the Republic of Slovenia for Adult Education)

The Council of Experts of the Republic of Slovenia for Adult Education shall monitor and evaluate adult education and its development in view of the needs and potentials of society, and also in terms of quality and international comparability.

The Council of Experts shall also have the following duties and responsibilities:

- Propose adult education programmes to the responsible Minister;
- Consider and consent to education programmes adapted to adults that lead to officially recognised educational qualification;
- Establish an equivalent education qualification standard in areas in which it has authority to specify knowledge catalogues;
- Consider other expert issues regarding the development and functioning of the adult education system;
- Specify the knowledge catalogues and examination catalogues of the programmes referred to in the first item of this paragraph;
- Approve textbooks and learning materials for adult education programmes for which it has the authority to specify knowledge catalogues, and consent to the conformity of other adult education textbooks and learning materials.

VI PERFORMING ACTIVITIES AND TASKS REQUIRED TO PURSUE EDUCATION ACTIVITIES

Article 28 (Public Institutes)

Public institutes may be established to perform the following tasks:

- provide expertise for decision-making on matters within the responsibility of expert councils and the ministry
- develop, introduce, monitor and evaluate curricula
- research and development in education
- develop quality at all levels of education
- monitor and evaluate education practice, management and leadership of educational institutions
- provide advisory service in education
- organise continuous the professional development (CPD) of education staff and head teachers
- implement procedures for the placement of SEN children
- support users in developing international projects
- administer national testing
- curricular and extracurricular activities in out-of-school settings
- mobility of youth and staff in education
- organise school competitions
- museum activities in education and sports, and
- other tasks in education.

The founding acts of public institutions established to perform the activities and tasks referred to in the previous paragraph shall be adopted by the Government of the Republic of Slovenia.

Article 29 (deleted)

VII SCHOOL ADMINISTRATIONS (deleted)

Article 30 (deleted)

Article 31
(deleted)

Article 32
(deleted)

VIII CONDITIONS OF PROVISION OF EDUCATION

Article 33
(Pre-school Institutions and Schools)

To pursue the activity of education, public kindergartens and schools shall have education staff with required educational qualification, as well as the facilities and equipment specified by the Minister or the Chamber authorised by law.

The conditions for school workshops or the school estate shall be specified by the Minister in agreement with the Minister responsible for the economy or the Minister responsible for agriculture.

Private schools providing officially recognised education programmes and private kindergartens providing programmes for pre-school children shall fulfil the requirements prescribed for education staff, facilities and equipment at public kindergartens or schools.

Private kindergartens and schools providing programmes according to special pedagogical principles shall fulfil the requirements prescribed for the facilities of public kindergartens or schools.

Article 34
(Register)

Schools implementing officially recognised education programmes, and kindergartens

implementing programmes for pre-school children shall begin to perform educational activities after they have been entered in the register kept by the ministry responsible for pre-school education or school education.

A kindergarten or a school shall be entered in the register if it has fulfilled the requirements prescribed for premises and equipment; it has an officially recognised programme and has submitted a statement assuring that the requirement to secure education staff with the required educational qualification shall be fulfilled prior to the commencement of educational activity.

The application to enter the register at the ministry responsible for pre-school or school education shall be submitted by the management body of kindergarten or school. The application shall include:

- information referred to in paragraph 5 of this Article, except the information referred to in item six of the same paragraph
- statement by the management body that the requirements referred to in Article 33 of this Act have been fulfilled, or a statement by the management body that the requirement to secure education staff with required educational qualification shall be fulfilled prior to the commencement of educational activity, and
- officially recognised programme.

The management body of a kindergarten or school shall be criminally accountable and liable for damages regarding the veracity of the information and statements referred to in the preceding paragraph. If doubt arises as to whether the requirements have been fulfilled, prior to entering it in the register the ministry may request the submission of additional evidence that the requirements for pursuing educational activity will be fulfilled.

The following information shall be entered in the register:

- name of the company, registered office and ID number of the founder, or the first and last name, details of birth, place of residence and personal identification number if the founder is a natural person
- name and location of the kindergarten or school
- number and date of the founding act
- name of the programme that the kindergarten or school provides
- official recognition of the programme
- date of entry or deletion from the register and reasons for deletion
- decision on assigning a programme to public schools as referred to in Article 16 hereof.

Without prejudice to previous paragraphs, the ministry shall enter ex officio schools specified under

16 Article 2 paragraph of this law and the social-care institutions assigned by the minister at the recommendation by the minister for social affairs to provide the adapted programmes for pre-school children and special education programmes for SEN children in the register following the decision on the allocation of the programme or on the appointment of the provider.

Compliant with this article, the ministry shall enter in the register the social-care institutions that provide adapted programmes for pre-school children and special education programmes for SEN children, as well.

The format of the register and the detailed procedure for entry and deletion shall be specified by the Minister.

Article 35 (Deletion from Register)

A kindergarten or school shall be deleted from the register:

- If it ceases to implement an officially recognised programme;
- If a final decision prohibits it from implementing an officially recognised programme;
- Based on a proposal in an inspection if a school or kindergarten fails to act in accordance with the inspection's final decision on fulfilling the requirements for entry in the register, and
- If the kindergarten or school closes.

Article 36 (Status of Private Teacher)

Private provider of education shall:

- Fulfil the requirements for pre-school teachers, teachers, counsellors or other education staff at public schools;
- Have a perfect command of the Slovenian language;
- Not be in a full-time employment relationship;
- Be a permanent resident of the Republic of Slovenia;
- Not be prohibited from pursuing activities by a final decision, and;
- Be entered in the register kept by the Ministry responsible for education.

The fourth item of the previous paragraph shall not apply to citizens of EU member states.

Article 37
(Status of Private Pre-school Teacher)

Private provider of pre-school education shall:

- Fulfil the requirements for a pre-school teacher, pre-school teacher assistant or counsellor at a public kindergarten;
- Have an active command of the Slovenian language;
- Not be in a full-time employment relationship;
- Be a permanent resident of the Republic of Slovenia;
- Not be prohibited from pursuing activities by a final decision, and;
- Be entered in the register kept by the Ministry responsible for pre-school education.

The fourth item of the previous paragraph shall not apply to citizens of EU member states.

Article 38
(Register)

Private education providers shall submit their request to be entered in the register to the educational administration body of the area of their permanent residence. The request for entry shall be accompanied by documents proving that the conditions are met.

Private providers of education shall be entered in the Register if they meet the requirements to pursue educational activity.

A private provider who pursues educational activity independently shall be issued a decision on the entry in the register – in view of norms and standards as specified by the Minister – which shall specify as well the maximum number of children, pupils, upper secondary school students or HVC students or adults that the provider may enrol at the same time, namely subject to field, scope and method of pursuing educational activity, and in view of spatial conditions.

The register entry shall include the first and last name, birth data, place of residence and educational qualifications of the private provider of education, the educational activity, the location where the activity is to take place, the information from the paragraph 3 of this Article, the date of entry or removal and the reasons for removal from the register.

The Minister determines the format of the register and the procedure for entry and removal from the register.

Article 39
(Removal from the Register)

Private teachers or pre-school teachers are removed from the register:

- If they no longer meet the requirements to be entered in the register;
- If they are prohibited from pursuing the educational activity by a final decision, and;
- If they cease to pursue the activity.

IX KINDERGARTENS OR SCHOOLS

1 Founding

Article 40
(Founder)

Public kindergartens or schools shall be founded by local communities or by the State.

Private kindergartens or schools shall be founded by domestic or non-domestic natural or legal persons, except for basic schools, which shall be founded only by domestic natural or legal persons.

Article 41
(Founders of Kindergartens or Schools)

Public kindergartens, music schools, basic schools and residence halls for pupils shall be founded by a local community.

Public upper secondary vocational schools, upper secondary technical schools, higher vocational

colleges, education institutions for SEN children and residence halls for upper secondary students shall be founded by the State.

Public *gimnazija* shall be founded by the State, but also by a municipality in agreement with the State.

The self-governing national community shall be the co-founder of public kindergartens or schools founded to provide education in the language of the national community or bilingual education.

Article 42 (Foundation Act)

In addition to issues specified by law, the founding act shall also regulate the internal organisation of a public kindergarten or school.

In accordance with the criteria for organising a public network, the founding act of a public basic school shall define the area (school district) in which parents shall have the right to enrol their child in this basic school.

In the founding act of a kindergarten or school, the founder, who is a legal person under public or private law, may specify that all or separate non-educational activities for the kindergarten or school (bookkeeping and accounting, legal service and personnel administration, organisation of school meals, maintenance, cleaning of premises, and similar) shall be performed as part of the founder's services. If the delegated tasks of a kindergarten or school are not financed by the founder, the founder shall agree in advance with the financier about the method of financing the delegated tasks and the method of supervising funds for the intended purposes.

Article 43 (Rules)

A public kindergarten or school may apply rules adopted by the council of a public kindergarten or school. The rules may be applied to settle matters important to pursuing the activities and operations of a public kindergarten or school.

Article 44
(Criteria for Foundation)

A public kindergarten shall be founded if the inclusion of minimum ten groups of children has been ensured.

A public school shall be founded if the enrolment of minimum two classes of pupils, apprentices or students of Year 1 and all subsequent years has been ensured.

A public music school shall be founded if lessons on at least five instruments of the orchestra (string, wind and brass instruments), piano, music theory, pre-school music education, and school string or wind orchestra have been ensured. The instrument lessons shall be provided to a minimum of 130 pupils, half thereof on orchestral instruments.

A public higher vocational college shall be founded to provide one or several officially recognised programmes if the enrolment of minimum 30 students in Year 1 of each programme has been ensured.

The provisions of the preceding paragraphs shall not apply to the establishment of organisational units.

If the conditions of the preceding paragraph are not met, a public kindergarten or school, or a public institution for education of SEN children may still be founded in ethnically mixed and border areas, in areas with specific problems of development, or in the event that the school to be founded shall be the only school in the country to provide a specific education programme, or an institution to provide the education of SEN children.

The conditions for the foundation of a public kindergarten or school and for the establishment of organisational units shall be specified in detail by the Minister. In the drafting process, the Minister shall seek the opinion of the responsible Council of Experts.

Article 45
(School Branches)

A public kindergarten or school may organise kindergarten units or school branches to:

- Provide the education programme at different locations;
- Provide the education programme of a residential institution, adapted or special education programme for SEN children;
- Provide the programme for pre-school children or the adapted education programme for pre-school SEN children within the school's responsibility or at different locations, and
- In other cases specified by the founding act.

2 Bodies of Public Kindergartens and Schools

a) Council

Article 46
(Composition of the Council)

The council of a public kindergarten or school shall be composed of three representatives of the founder, five representatives of the staff, and three representatives of parents.

Notwithstanding the provision of the paragraph 1 of this Article, the council of a public vocational or technical school, *gimnazija* or a public residence hall for students shall be composed of three representatives of the founder, five representatives of the staff, three representatives of parents, and two representatives of the students.

Notwithstanding the provision of the paragraph 1 of this Article, the composition of the council of a higher vocational college shall be regulated by a special law.

The council of a public adult education organisation shall be composed of two representatives of the founder, two representatives of staff, and, if so specified by its founding act, one representative of adults who take courses at the adult education organisation.

If the founder of the school is the State, one of the founder's representatives in the council shall be a

representative of the local community of the school registered office, or from several local communities, if they agree to do so.

At a public educational institution or other institution with an organisational unit providing pre-school or school education programmes and at public kindergartens and schools with kindergarten units or school branches, an equal representation of staff and parents of all organisational units, kindergarten units or school branches shall be ensured. The number of members and the composition of the council at a public educational institution or other institution with an organisational unit shall be specified by the founding act. If a higher vocational college is an organisational unit of an educational institution, the president of the strategic council of the higher vocational college and at least three student representatives shall also be members of the council.

At the institutions under the previous section with an inter-company educational and training centre as an organisational unit, a representative of the natural or legal persons who are participating partners in pursuing the activities of the inter-company educational and training centre may be a council member if so specified by the founding act of the institution and under the partnership contract with the institution.

The representative referred to in the preceding paragraph shall vote as a council member only on issues related to the activities of the inter-company educational and training centre. The responsibilities of the member shall be defined in detail by the founding act.

The person holding the position of a director, head teacher or assistant head teacher in a public educational institution or in an organisational unit within an educational institution may not vote, be elected or appointed to the council.

Council members shall be appointed or elected for a four-year term and may be reappointed or re-elected. Council members shall be elected or appointed for a maximum of two consecutive terms.

The term of office of representatives of parents in the council shall depend on the status of the child, pupil or upper secondary school student, the term of office of representatives of HVC students on the higher vocational college student's status, and the term of representatives of adults on the status of the participant in adult education.

Unless otherwise specified by this Act, the council shall decide by a majority of votes of all council members.

Unless otherwise specified by the founding act, the council shall be constituted only after all the representatives have been appointed or elected.

Article 47
(Election of Members)

Staff at a public kindergarten or school, apprentices, upper secondary school students and HVC students and adults shall elect their representatives by direct and secret ballot. Parents shall elect their representatives at a parent's council meeting.

The procedure for the election of the representatives of staff, parents, apprentices, upper secondary school students, HVC students and adults to the council of a public kindergarten or school shall be specified by the founding act.

The president of the council shall be elected by members of the council from among the members thereof.

Article 48
(Responsibilities of the Council)

The council of a public kindergarten or school shall appoint and relieve from office the head teacher of kindergarten or school; adopt the development plan of the kindergarten or school, annual work plan and implementation report thereof, adopt the annual report on the self-evaluation of school or kindergarten; decide on introducing above-standard and other programmes; discuss reports on educational issues; as the second-instance body, decide on appeals regarding the status of apprentice, upper secondary school student or HVC student, or adult, unless specified otherwise by law, and on appeals regarding the rights, obligations and responsibilities of employees that derive from employment; discuss matters submitted by the assembly of pre-school teachers, teachers, adult education teachers or lecturers, school inspection, representative workers' union, council of parents, community of pupils, apprentices, upper secondary school students or HVC students, and carry out other tasks specified by law and the founding act.

The representatives of the community of upper secondary school students have the right to participate in the work of the council in deliberations on matters concerning students, or discussions on matters submitted by the upper secondary student community.

An employee shall have the right to file a complaint with the public kindergarten or school council in cases when the employee may, in accordance with the act regulating employment relationships, request judicial protection before the competent court.

The period for filing a complaint shall be eight days after the date when the period for filing a request for judicial protection begins, according to the Act governing employment relationships. The council of the public kindergarten or school shall decide on the complaint of the employee within 30 days from when the complaint is filed.

If an employee is not satisfied with the final decision of the council of the public institution or school, or if the council fails to reach a decision within the time referred to in the preceding paragraph, the employee may request judicial protection before the competent labour court within 30 days.

Notwithstanding the provisions of paragraphs 3 and 4 of this Article, an employee may exercise the respective rights directly before the competent court, in accordance with the Act governing employment relationships.

b) Head Teacher

Article 49

(Responsibilities of Head Teacher)

The head teacher shall constitute the pedagogical leader and management body of a public kindergarten or school. The head teacher shall:

- Organise, plan and manage the work at the kindergarten or school;
- Draft the programme of development of a kindergarten or school;
- Draft the annual work plan and be responsible for its implementation;
- Be responsible for exercising the rights of children and of rights and obligations of pupils, apprentices, upper secondary school or HVC students, and adults;
- Manage the work of the assembly of pre-school or school teachers and lecturers;
- Develop a proposal for above-standard programmes;
- Promote the professional education and training of education staff;
- Organise mentorship for trainees;
- Attend to the educational work of pre-school or school teachers, monitor their work and offer advice;

- Recommend the promotion of education staff to titles;
- Decide on the promotion of employees to higher wage grades;
- Supervise the work of counselling services;
- Attend to cooperation between institution and parents (parent meetings, parent-teacher meetings and other forms of cooperation);
- Inform parents about the work of the kindergarten or school and amendments to rights and obligations of pupils, apprentices and upper secondary students;
- Encourage and supervise the work of communities of pupils, apprentices, upper-secondary students or HVC students;
- Decide on corrective measures;
- Ensure the execution of decisions adopted by the State authorities;
- Represent the kindergarten or school and be responsible for the legality of its work;
- Define the staffing structure of posts;
- Decide on the establishment of employment relationships and the disciplinary accountability of employees;
- Ensure cooperation between the school and school health-care services;
- Ensure and determine quality through self-evaluation and an annual report on the self-evaluation of school or kindergarten, and
- Execute other assignments in accordance with the law and other regulations.

If a public kindergarten or a school is established as an organisational unit, the head teacher shall exercise the function of the pedagogical leader of the organisational unit. If a public kindergarten or school is established as an organisational unit of another legal person of public law, or in the cases set out in the paragraph 3 of Article 42, the founding act shall determine further functions of the head teacher in addition to those of a pedagogical leader.

A head teacher may authorise in writing an employee of the public kindergarten or school to perform certain tasks under the responsibility of the head teacher or as a replacement during the absence of the head teacher.

Article 50 (Assistant Head Teacher)

At a public kindergarten or school, an assistant head teacher may be appointed to assist the head teacher to carry out managerial and pedagogical tasks.

An assistant head teacher shall carry out tasks based on the written authorisation of the head teacher, and shall replace the head teacher during absence.

c) Director

Article 51 (Management Body)

At a public educational institution in which an organisational unit has been established to implement programmes for pre-school children or separate education programmes, the management function may be exercised by the director of the public educational institution, while the function of pedagogical leader in the organisational unit shall be exercised by the head teacher of that unit.

The founding act shall specify the rights, duties and responsibilities of the director and the head teacher.

The function of a director may be exercised by a head teacher of one of the organisational units if so specified by the founding act.

č) College

Article 52 (Composition of College)

At the institutions referred to in preceding Article, a college shall be established to coordinate educational work, management and operations.

The college shall be composed of the director of the public educational institution and the head teachers of the organisational units.

The college shall be headed by the director of the public educational institution.

d) Appointment and Dismissal

Article 53

(Requirements for Head Teachers)

To be appointed head teacher of a public kindergarten, candidates shall meet the educational qualification requirements for pre-school teachers or counselling specialists, with a minimum five years' work experience in education, and hold the title Councillor or Advisor or hold the title Mentor for at least five years, and have a headship licence.

To be appointed head teacher of a public school, candidates shall have at least the educational qualifications of a second cycle study programme or the level of the educational qualification of study programmes corresponding by law to a second cycle educational qualification, and meet other requirements for a teacher or counselling specialist at a school at which the person shall exercise the function of head teacher; have a minimum of five years' work experience in education; hold the title Councillor or Advisor, or the title Mentor for at least five years, and have a headship licence.

To be appointed head teacher of a public educational institution for SEN children, residence halls for pupils or students, candidates shall have at least the educational qualification of a second cycle study programme or the level of the educational qualification of study programmes corresponding by law to the second cycle educational qualification, and meet other requirements for a teacher, educator or a counselling specialist at the institution or residence halls for pupils or students at which the person shall exercise the function of head teacher; have at least five years of work experience in education; hold the title Councillor or Advisor, or the title Mentor for at least five years, and have a headship licence.

To be appointed head teacher of a higher vocational college, candidates shall hold a valid title of a higher vocational college lecturer and have at least five years of work experience in education.

Notwithstanding the provisions of the first, second and third paragraph of this Article, a person may be appointed head teacher without a headship licence; however, he or she shall obtain the licence within one year of the beginning of the term.

If a head teacher does not obtain a headship licence within the time referred to in the preceding paragraph, the term shall be terminated by law.

A head teacher shall be appointed for a five-year term.

Article 53a
(Procedure for Head Teacher Appointment)

The head teacher shall be appointed by the council of a public kindergarten or school.

Prior to selecting a candidate head teacher, for all eligible candidates the council shall seek:

- the opinion of the assembly of pre-school teachers, school teachers or lecturers;
- the opinion of the local community where the public kindergarten or school has its registered office, and also the opinion of the self-governing national community if the public school or kindergarten is founded by the self-governing national community;
- the opinion of the council of parents.

Prior to the council's selection of a candidate head teacher of a public vocational school, upper secondary technical school, public *gimnazija*, public higher vocational college, public residence hall for students or institution for the education of SEN-children, the students shall also express their opinion on all candidates who meet the conditions.

The local community, council of parents and students shall give reasons for their respective opinions. The assembly of teachers or lecturers shall vote on the opinion in a secret ballot.

In the process of the appointing a head teacher of a higher vocational college which is an organisational unit of an educational institution, the representatives of parents may not vote. In the process of appointing a head teacher of a public vocational school, technical upper secondary school, public *gimnazija*, public residence hall for pupils or students and educational institution for SEN children, the representatives of the HVC students may not vote.

In the cases referred to in the preceding paragraph, the council shall decide by a majority vote of members with the right to vote.

If the local community and the bodies referred to in the paragraph 2 of this Article, upper secondary school students or HVC students do not deliver their opinion within twenty days of the date they were requested for it, the council may decide without their opinion.

Upon the selection of the candidate head teacher from the applicants, the Council shall communicate the reasoned proposal for the appointment to the Minister and seek the Minister's opinion.

If the Minister does not deliver an opinion within 30 days of the date the Minister was requested for it, the council may decide on the appointment of the head teacher without the aforementioned opinion.

Upon the receipt of the opinion of the Minister, or after the expiry of the period referred to in the preceding paragraph, the council shall decide on the appointment of a head teacher by means of a decision. It shall inform all applicants of the respective decision. Judicial protection against the council's decision may be requested, in accordance with the act regulating institutions.

Article 54

(Appointment of Acting Head Teacher)

If a head teacher's term is terminated early, or none of the applicants has been appointed head teacher, the council of the public kindergarten or school shall appoint an acting head teacher from among the education staff of the public kindergarten or school, or from among the applicants, but for a maximum of one year.

If, within eight days from the end of a head teacher's term, the council of the public kindergarten or school does not appoint a head teacher or acting head teacher, an acting head teacher shall be appointed by the Minister within the next eight days.

In the case referred to in the preceding paragraph, the council shall immediately start the procedure for the head teacher's appointment.

Under the conditions referred to in the preceding paragraphs of this Article, the same person may perform the function of acting head teacher at the same institution not more than twice.

Article 55
(Appointment of Director)

To be appointed director, a person shall have the educational qualification of second cycle study programmes or the level of the educational qualification of study programmes corresponding by law to the educational qualification of second cycle, a minimum of 5 years work experience, and a headship licence.

A director shall be appointed or dismissed by the council of the institution. Unless the director is dismissed at the director's own request, the council shall seek the opinion of the Minister prior to the appointment or dismissal.

A director shall be appointed for a five-year term. If the position of director shall be held by the head teacher of one of the organisational units, the founding act may determine a reduced term, but not less than two years.

In the appointment of the provisions of the fourth and paragraph 5s of Article 53 of this Act shall be applied.

To appoint an acting director, the provisions of Article 54 of this Act shall be applied.

Article 56
(Appointment of Assistant Head Teacher)

To be appointed an assistant head teacher a person shall fulfil the conditions of service for a head teacher, except for school for leadership in education or headship licence.

The assistant head teacher shall be appointed and dismissed by the head teacher. The head teacher shall notify the dismissed assistant head teacher of the reasons for the dismissal. Prior to dismissal, the head teacher shall notify the assembly of pre-school teachers, teachers or lecturers of the reasons for the dismissal.

Article 57
(Head of Unit or Branch)

A unit of a public kindergarten or a branch of a public school shall be managed/led by the head of the unit or branch. The head shall be appointed and dismissed by the head teacher, namely from among the staff of the public kindergarten unit or of the public school branch.

The head of the unit or branch shall perform the tasks defined in the founding act, or tasks authorised in writing by the head teacher.

Article 58
(Public Call for Applications)

A director, head teacher and assistant head teacher of a public kindergarten or school shall be appointed following a public call for applications according to the procedure specified by law.

A public call for applications shall contain the conditions to be met by the candidates, the term of office, the deadline for applications and the deadline within which candidates shall be informed about the appointment, which shall not exceed four months from the publication date. The application deadline may not be shorter than 8 days and longer than 15 days. With the application, the candidate shall submit a programme for managing the institution.

A public call for applications shall not be required if:

- the function of director is exercised by one of the head teachers of the organisational units, and
- the head teacher nominates a candidate for assistant head teacher from among the education staff of a public kindergarten or school.

Article 59
(Dismissal Procedure)

A head teacher shall be dismissed by the council of the public kindergarten or school.

Prior to taking the decision on the termination, the council shall notify the head teacher of the

reasons for the termination and give the head teacher the opportunity to make a statement on the reasons.

The Council shall notify the local community and bodies referred to in the paragraph 2 of Article 53a of this Act, and students and HVC students of the proposal for dismissal.

The Council shall communicate the reasoned proposal for dismissal to the Minister for an opinion. The council shall not be compelled to ask the Minister for an opinion if a head teacher is relieved of duty on his or her demand. In this case, the council shall notify the Ministry of the dismissal.

If the Minister does not deliver an opinion within 30 days of the date the Minister was requested for it, the Council may decide on the dismissal of the head teacher without the aforementioned opinion.

Upon receipt of the opinion of the Minister, or after the expiry of the period referred to in the preceding paragraph, the council shall decide on the dismissal by means of a decision and serve it to the head teacher. Judicial protection against the council's decision may be requested, in accordance with the act regulating institutions.

Article 60

(Expert Bodies)

The two expert bodies at a public kindergarten shall be the assembly of pre-school teachers and the working group of pre-school teachers.

The expert bodies at a public school shall be:

- assembly of teachers
- assembly of teachers of a programme
- assembly of teachers of a class
- class teacher
- expert working groups.

The expert bodies at a public higher vocational college shall be:

- assembly of lecturers
- expert working groups, and

- study committee.

If a public kindergarten or school is an organisational unit, the expert bodies referred to in the preceding paragraph shall be established in the organisational unit.

Notwithstanding the preceding paragraph, at a school which does not implement the *gimnazija* programme to the extent of an independent organisational unit, only members of the assembly of teachers or expert working group implementing the *gimnazija* programme shall decide on matters related to this programme.

The provision of the paragraph 3 of this Article shall also apply to private higher vocational colleges if they implement officially recognised programmes.

Article 61

(Assembly of Pre-school Teachers or Teachers or Lecturers)

The Assembly of pre-school teachers or teachers or lecturers shall consist of the education staff of a public kindergarten or school.

The Assembly of pre-school teachers or teachers or lecturers shall:

- Discuss and decide on expert issues pertaining to educational work;
- Convey an opinion about the annual work plan;
- Recommend the implementation of above-standard and other programmes and activities;
- Decide on the modernisation and implementation of education programmes in accordance with the regulations;
- Convey an opinion about the proposed appointment of a head teacher;
- Recommend advancement of education staff and convey an opinion about the head teacher's recommendations;
- Decide on educational measures, and
- Perform other duties in accordance with the law.

Article 61a

(Assembly of Teachers of a Programme)

The assembly of teachers of a programme shall consist of all teachers of the education programme

and other education staff who participate in the implementation of this education programme. The head teacher shall appoint a member of the education staff to head the Assembly of teachers of a programme.

The Assembly of teachers of a programme shall perform duties related to the plan and implementation of the knowledge assessment and other duties that the school shall determine with the implementing regulations on the knowledge assessment.

Article 62
(Assembly of Teachers of a Class)

The Assembly of teachers of a class shall consist of education staff that carry out educational activities in a particular class.

The Assembly of teachers of a class shall discuss educational issues related to a class, develop programmes to work with talented and gifted pupils, apprentices or students, and those with difficulties progressing, decide on educational measures and perform other duties in accordance with the law.

Article 63
(Class Teacher)

A class teacher shall lead the Assembly of teachers of a class, analyse the educational and learning outcomes of class pupils, attend to resolving the educational and learning problems of individual pupils, apprentices or students, cooperate with parents and the school counselling service, decide on educational measures, and perform other duties in accordance with the law.

Article 64
(Expert Working Group)

Expert working groups at a kindergarten shall consist of pre-school teachers and assistant pre-school teachers. Expert working groups at a school shall consist of teachers or lecturers of the same subject or subject fields.

Expert working groups at a kindergarten shall discuss educational work, propose educational improvements to the Assembly of pre-school teachers, discuss comments made by parents and

perform other expert duties defined in the annual plan.

An expert working group of a school shall discuss issues related to a subject or a subject field, harmonise criteria of assessment, propose improvements in education or study to the Assembly of teachers, discuss comments made by parents, pupils, apprentices, upper secondary school and HVC students, and perform other expert duties defined in the annual plan.

Article 65
(Study Committee)

A study committee shall consist of three to five lecturers of the higher vocational college and be presided by one of the members. The members of the study committee shall be appointed by the assembly of lecturers for a term of four years, with the possibility of reappointment.

A study committee shall discuss the issues of enrolment, the progress of HVC students, the adaptation and modernisation of the education programmes of the higher vocational college, and perform other duties authorised by the assembly of lecturers.

f) Council of Parents

Article 66
(Council of Parents)

A council of parents shall be established in a public kindergarten or school to implement the interests of parents in an organised manner. The kindergarten or school shall ensure technical and financial support for the council's activities.

A council of parents shall consist of one representative per class elected by parents at the class parent-teacher conference.

The head teacher shall convene the first council of parents.

The council of parents shall:

- Recommend the above-standard programmes;
- Consent to the head teacher's proposal on the above-standard services;
- Participate in drafting the proposal of a development programme for a kindergarten or school, education plan, school house rules, and convey an opinion about the annual work plan;
- Convey an opinion about candidates who meet the conditions of service for head teacher;
- Discuss the head teacher's reports on educational issues;
- Deal with parents' complaints related to education;
- Elect parent representatives to the council of the kindergarten or school, and other school bodies; or it
- May adopt its own programme for cooperation with a school, regarding integration in the local environment, in particular;
- May set up or form a working group in agreement with the school leadership; and
- Perform other activities in accordance with the law and other regulations.

The councils of parents may form local or regional networks of councils of parents. Local or regional networks may further form a national association of networks.

3 Counselling Service

Article 67 (Counselling Service)

A counselling service shall operate at a public kindergarten or school to counsel children, pupils, apprentices, students, teachers and parents; and to plan, monitor and evaluate the development of a kindergarten or school and provide education in cooperation with pre-school teachers, teachers and the school leadership; and provide career orientation.

The counselling service shall participate in the development and implementation of individualised programmes for SEN children.

Counselling service shall be provided by counselling specialists, namely psychologists, pedagogues, social workers, social pedagogues, and special pedagogues.

In providing career orientation, the counselling service shall cooperate with the Employment Service of Slovenia.

4 Library

Article 68

(Library)

A school shall have a library.

A library shall collect library material, duly process, store, represent and lend the material, and perform information and documentation work as part of the educational work at a school.

Within the library, a textbook fund may be established.

A public basic school shall have a textbook fund. The administration of the fund shall be defined by the Minister.

For pupils, apprentices and upper secondary school students who are unable to pay the lending fee for textbooks due to their social status, the State shall provide the funds based on criteria specified by the Minister.

5 Name of Kindergarten or School

Article 69

(Name)

The name of a kindergarten or school, name of a kindergarten or school co-founded by the self-governing national community excluded, shall be Slovenian, according to paragraph 4, Article 41 of this Act.

The spelling of foreign personal names that are part of the kindergarten or school name shall follow the rules of Slovenian orthography or with the rules of Italian or Hungarian orthography, respectively, if the self-governing national community co-founded the kindergarten or school according to paragraph 4, Article 41 of this Act.

In addition to information defined by law, the name of a private kindergarten or school shall indicate that the kindergarten or school is private.

X STAMPS AND PUBLIC DOCUMENTS

Article 70

(Stamps)

A public kindergarten or school shall use a round stamp of 35 mm in diameter and a stamp of 20 mm in diameter. The stamp shall include the name and registered office of the public kindergarten or school. The stamp shall have the coat of arms of the Republic of Slovenia at its centre. The stamp of a public kindergarten or school which is an organisational unit of an educational or other institution or of any other legal person under public law shall also contain the name of this institution or other legal person under public law.

The content and shape of stamps of private kindergartens and schools shall be determined in their founding act.

Article 71

(Official Documents)

Schools that implement officially recognised programmes shall issue official documents on forms defined by the Minister.

XI AUTONOMY OF SCHOOL PREMISES

Article 72

(Autonomy of School Premises)

Activities not related to education may take place at a public kindergarten or school only with the permission of the head teacher.

At kindergartens and schools, all activities of political parties and their youth sections shall be prohibited.

At public kindergartens and schools, confessional activity may not be allowed. At kindergartens and schools holding a concession, confessional activity shall be allowed if it takes place outside the programme implemented as a public service. Confessional activity shall be allowed at kindergartens and schools holding a concession if it does not, in terms of time and space, interfere with the programme implemented as a public service. Confessional activities shall be organised so as to allow those who do not wish to participate to attend or leave freely.

The confessional activity referred to in the previous paragraph of this Article shall encompass:

- Catechesis or the confessional teaching of religion with the goal of inculcating this religion;
- Courses where a religious community decides on the content, textbooks, teacher education and adequacy of individual teachers for teaching;
- Organised religious ceremonies.

Upon the head teacher's proposal, the Minister may exceptionally allow catechesis or confessional teaching of religion on the premises of a public kindergarten or school outside instruction or working hours if there is no other suitable venue in the local community for such activity.

The head teacher's permission shall be required to pursue the activities of authorised government bodies in a kindergarten or school, except for the activities of inspection bodies and the Court of Audit.

An official may enter a kindergarten or school without the head teacher's permission if the official

is authorised to do so by law or by order of competent court, or if this is absolutely necessary to directly apprehend a person who has committed a criminal offence, or to protect people and property.

XII PROVISION OF PUBLIC SERVICE ON THE BASIS OF CONCESSION

Article 73 (Concessionaires)

To provide a public service in education, a concession may be granted to a private kindergarten or school, and if the programme allows for it, also to a private provider satisfying the conditions for the provision of officially recognised programmes. A concession may also be granted to other institutions, companies and other legal or natural persons for conducting activities and tasks required for the pursuit of education activities.

Article 74 (Awarding a Concession)

A concession shall be awarded by means of a decision based on a public tender.

Concessions shall be granted by the Minister, except for pre-school education, where a concession shall be granted by the local community.

The Minister shall publish a tender for awarding concessions if it is not possible to ensure basic education at public basic schools in accordance with norms and standards.

A public tender shall be published in the official gazette *Uradni list RS*. A public tender shall state: the activity that will be the subject of the concession, the conditions for conducting the activity, the school district, the period for which the concession will be granted, the deadline for applications, the selection criteria, the period within which the candidates will be notified of the selection results, and other relevant information.

Article 75
(Content of a Concession Agreement)

In a concession agreement, the awarding authority and the concessionaire shall specify mutual rights and obligations, as well as the conditions under which the concessionaire conducts the activity.

A concession agreement shall primarily define in detail:

- the subject of the concession
- the scope of the activity
- the starting date of the implementation of the concession
- the notice period for cancelling the concession
- funds for the provision of the activity guaranteed by the awarding authority.

A concession agreement shall be concluded in writing.

The notice period for cancelling a concession for the provision of programmes for pre-school children may not be shorter than six months, and for the provision of an education programme, less than the time required for the last generation enrolled to complete the education or the time to complete the activity or task required to conduct the educational activity.

Article 76
(Withdrawal of Concession)

If it is established that a concessionaire does not pursue the activity in accordance with the regulations, the concession decision and the concession agreement, the awarding authority shall set a deadline to remedy deficiencies.

If the concessionaire fails to remedy the established deficiencies within the specified deadline, the concession shall be withdrawn by means of a decision.

In the case of the withdrawal of a concession, the awarding authority shall assure that pupils, apprentices, upper secondary and HVC students or adults have the opportunity to complete the

education they began, and that pre-school children are placed in another kindergarten.

Article 77

(Application mutatis mutandis of the Provisions of this Act to Concessionaires)

The provisions of this Act governing public kindergartens and schools shall apply mutatis mutandis to concessionaires.

XIII FINANCING

Article 78

(Sources)

Education shall be financed from:

- public funds
- the funds of founder
- contributions of associations and chambers of commerce and industry
- direct contributions of employers for the provision of practical classes
- contributions of pupils, apprentices, upper secondary or HVC students, and adults
- tuition fees of private schools
- fees paid by parents for pre-school education services
- income from services and products sold
- donations, sponsorships, and other sources.

Neither schools providing officially recognised programmes to obtain the officially recognised educational qualification nor public and private kindergartens shall be financed by the funds of political parties.

A kindergarten or school shall disburse funds in accordance with the purpose of their allocation.

Article 79
(Financial Supervision)

The Court of Audit of the Republic of Slovenia shall supervise the use of public funds in education.

The eligible use of funds by schools shall be supervised by a school inspection body.

Article 80
(Deleted)

1 Public Schools

a) State Budget

Article 81
(State Budget Funds)

State budget funds shall provide for salaries, including contributions and taxes and other remuneration on the basis of the staffing structure and actual filling of posts in accordance with the law, norms and standards, methodology for determining funds per education participant, and collective labour agreement, and it shall provide for salaries, including contributions and taxes and other remuneration of trainees to:

- basic schools to implement the compulsory programme, remedial and supplementary lessons, half an hour of other forms of individual and group assistance per class, two hours of interest activities per class, outdoor school programme, after-school classes from the first to the fifth grade inclusive, and funds for the provision of morning care for first-grade pupils
- music schools to implement the basic music education programme
- schools and institutions for the education of SEN children, excluding staff providing medical services
- resident halls for pupils or students to pursue educational activity
- upper secondary vocational and technical schools
- *gimnazije*, and
- higher vocational colleges.

The funds for staff performing medical services shall be provided in accordance with the laws and

other regulations regulating the financing of health care.

State budget funds shall provide for material costs in accordance with the norms and standards or methodology for determining funds per education participant, and investment maintenance and renovation of real estate and equipment to:

- institutions for the education of SEN children
- residence halls for pupils or students to pursue educational activity
- upper secondary vocational and technical schools
- *gimnazije*, and
- higher vocational colleges.

State budget funds shall also provide for material costs in accordance with the norms and standards for implementing basic education referred to in the item of the paragraph 1 of this Article, namely to:

- Reimburse costs to employees in accordance with the collective labour agreement;
- Purchase teaching materials and aids identified as small tools;
- Purchase consumable goods applied in preparing and teaching lessons;
- Cover the costs of compulsory excursions;
- Provide subsistence for SEN children in accordance with the decisions on the placement of SEN children;
- Provide transportation for pupils with special needs in accordance with the provision of the paragraph 6 of Article 56 of the Basic Schools Act (*Uradni list RS*, no. 12/96, 33/97 and 59/2001) on non-school days, and
- Provide transportation for pre-school children in accordance with Article 15 of the Placement of Children with Special Needs Act (*Uradni list RS*, no. 54/2000).

State budget shall fund investments in upper secondary vocational and technical schools, *gimnazije*, schools or institutions for the education of SEN children, basic schools of national communities, higher vocational colleges, residence halls for pupils or students and other schools founded by the State.

The funds referred to in the first and third paragraph of this Article are provided entirely or to a certain extent by the urban municipality, in accordance with an agreement concluded between the municipality and the Government of the Republic of Slovenia if the founder of a *gimnazija* is an urban municipality.

The state budget shall also provide funds for the activities and tasks required for the provision of educational activities:

- Part of the contributions for the pension and disability insurance for apprentices with a learning contract;
- Contributions to disability insurance for apprentices, upper secondary school and HVC students for cases of accidents during practical education;
- Funds for the drafting and subsidised prices of textbooks and learning materials for the basic school, for schools of the national communities and education of members of the Slovenian nation living outside the borders and of the Roma;
- Funds for subsidising textbooks with low print runs;
- Funds for the preparation and implementation of the *matura* exam and final exam, and for the knowledge assessment of pupils at the end of each basic school cycle;
- Funds for the development of vocational education and technical education, short-cycle higher vocational education and upper secondary general education;
- Funds implementing the programme of the Office of the Republic of Slovenia for Youth;
- Funds for research, development and experimental activity, professional education and the training of education staff, information-documentation and museum activity;
- Funds for expert meetings and the work of professional associations;
- Funds for the development of learning technologies,
- Funds for the school for leadership in education;
- Funds for remedial classes in Slovenian language for the children of Slovenian workers working temporarily abroad;
- Funds for the employment and training of trainees, for international cooperation, for the activities of school libraries and media centres and of textbook funds. The conditions for the use of school textbooks from textbook funds by the pupils and upper secondary school students, the criteria and the rate of co-financing the use shall be specified by the Minister by means of a regulation;
- Funds for competitions of pupils, apprentices, upper secondary and HVC students, and for special forms of work with talented and gifted individuals;
- Funds for scholarships for the teaching profession and for subsidised tuition fees;
- Funds for youth and professional periodicals and for subsidised prices of expert literature;
- Funds for the national award in education;
- Funds for school television and radio;
- Funds for developmental and counselling work in education;
- Funds for the extra-curricular activities of pupils, apprentices and upper secondary school students;
- Funds for subsidised meals for pupils, apprentices and upper secondary school students;
- Funds for the education of the Roma;
- Funds for international activities;
- Funds for courses in Slovenian language for foreign nationals enrolled in regular basic and upper secondary education;
- Funds for courses in their mother tongues for foreign nationals enrolled in regular basic and upper secondary education;
- Funds for co-financing fees for parents with more than one child boarding simultaneously in a residence hall for students;
- Funds to support educational activities abroad;
- Funds for the functions of expert councils;

- Funds for the research and innovation activity of pupils, apprentices, students and HVC students;
- Funds for the compulsory medical examinations of apprentices, upper secondary school and HVC students required because of their practice or practical education;
- Funds for treatment and placement procedures for SEN children, in accordance with the provisions of the Placement of Children with Special Needs Act;
- Funds to finance the transport of basic school pupils and funds for the care of commuting pupils who are endangered on their way to school due to threats from wild life.

State budget funds shall be provided to subsidise transportation costs for upper secondary and HVC students.

b) Local Community Funds

Article 82 (Schools)

In accordance with the norms and standards, the funds of the local community shall provide funds for:

- Payment of costs for the use of premises and equipment for basic and music schools, and other material costs, with the exception of material costs under Article 81 for basic schools;
- Music schools for the reimbursement of costs to employees in accordance with the collective labour agreement;
- Transportation of basic school pupils in accordance with Article 56 of the Basic School Act, except for the transportation of pupils with special needs on non-school days;
- Investment in the maintenance of the real estate and equipment of public basic and music schools;
- Additional activities of basic schools, and
- Investment in basic schools, music schools, and educational organisations for adults, and part of the funds for investment in education of national communities.

If the founder of a public *gimnazija* is an urban municipality, the budget of the municipality shall provide funds for investments, investment in maintenance and part of the funds for material costs, in accordance with the agreement.

Article 82a

(Insurance of Damage Liability and Delimitation of Obligations between State and Local Community)

Public education institutions shall secure appropriate indemnity insurance for any damage caused.

The state budget, on the basis of an enforceable instrument, shall provide funds for repairing damage resulting from educational work and related educational activities to public education institutions funded by the state, public basic schools and public music schools.

Notwithstanding the provisions of the previous paragraph, the local community shall provide funds to public basic schools and public music schools for repairing damage in connection with premises, equipment or tools, which, according with the provision in Article 82 hereof, are provided by the local community for the performance of educational work and related activities.

If it is impossible to determine the exclusive obligation of the State or the local community to provide the funds referred to in the two preceding paragraphs, the funds shall be provided in a proportion specified by the State and local community in a special agreement. The proportion of the State shall not exceed 70% of the required funds.

Article 83

(Contributions)

A public school and a school holding a concession may not obtain funds from the contributions of their pupils, apprentices, upper secondary or HVC students and adults for the implementation of officially recognised programmes that are financed from budget resources, except for services for which it is specified by law or which are not compulsory according to the education programme, or that exceed the prescribed norms and standards.

A public school and a school holding a concession shall determine the amount of contributions for material costs of outdoor school, for the meals of pupils, apprentices, upper secondary and HVC students and for second and further attempts to pass the *matura* examination.

For pupils, apprentices, upper secondary and HVC students, who due to their social status are not able to pay the contributions of the previous paragraph in their entirety, the funds shall be provided by the State in accordance with the norms and standards specified by the Minister.

A public music school or a music school holding a concession shall determine the amount of the contribution for the material costs of basic music education not provided by the local community.

The school in agreement with the education administration authority shall determine the amount of contributions.

c) Provision of Funds

Article 84 (Specification of Funds)

Funds shall be provided to public schools in accordance with the norms and standards or the methodology for determining the amount of funds per participant in education, which shall be specified by the Minister. Prior to determining the norms and standards and the methodology for determining financial resources per participant in education, the Minister shall obtain the opinion of the responsible council of experts and the representative unions in the field of education.

In accordance with the methodology for determining financial resources per participant in education, funds shall be provided to public *gimnazije*, upper secondary vocational and technical schools, higher vocational colleges and residence halls for upper secondary students for the provision of educational activity.

For education:

- in territories with special development problems;
- in ethnically mixed territories;
- of Roma children;
- of SEN children who require an adapted implementation of programmes for pre-school children or education programmes, adapted education programmes or a special education programme, the Minister shall determine special norms and standards or the methodology for determining the amount of funds per participant in education.

The norms and standards shall include the teaching time of the education staff, the workload or teaching time of the head teacher and head teacher's assistant, the criteria for the establishment of a counselling service, school library, administrative-accounting and technical service, the criteria to form classes and groups, the criteria for the evaluation of material costs, and the standards for

premises and equipment.

Article 85
(Provision of Funds to Concessionaires)

Concessionaires shall be provided funds for the provision of the public service according to the agreement.

2 Private Schools

Article 86
(Conditions for Funding)

Private schools providing officially recognised programmes of basic education, basic music education, upper secondary vocational and technical education or *gimnazije* shall not be entitled to funds from the state budget or the local community's budget unless they meet the following conditions:

- the music school provides instruction in at least three orchestral instruments within its music education programme and has at least 35 students enrolled;
- the school employs and/or otherwise engages teachers or pre-school teachers needed for the implementation of an officially recognised programme in accordance with the law and other regulations.

Private schools that provide the programmes as specified under paragraph 1 of this Article shall receive for the implementation of the programme 85% of funds allocated by the state or local community to the implementation of the public school programme. Private schools shall not be entitled to funds for investment, investment maintenance and facilities.

Private schools may compete for learning material and learning aids aimed at public schools.

The fulfilment of the conditions referred to in paragraph 1 of this Article shall be specified by the education authority.

Article 87
(Protection of Public Network)

Notwithstanding the provisions of Article 86 of this Act, a private school shall not be entitled to public funds if the enrolment in a private basic school jeopardises the existence of the only public basic school or if enrolment to a private music school jeopardises the existence of the only public music school in the same school district, or if its activity is in violation of paragraph 5 Article 7 of this Act.

In the case referred to in paragraph 1 of this Article, a private school financed from public funds shall cease to receive funds after a final decision issued by the Minister.

Article 88
(Tuition Fee)

For a pupil or student who is not above the upper limit of the material status for granting a state scholarship, the tuition fee can amount to a maximum of 15% of the funds that the state provides to the public school for salaries and material costs per pupil or student.

Article 89
(Salary Limitation)

The salaries and other personal income of staff at a private school financed from public funds shall be set in accordance with law, the collective labour agreement and other regulations in force for public schools.

If salaries and other personal income are set in violation of the preceding paragraph, financing from the state budget shall be terminated.

Article 90
(Funding Agreement)

The financing and obligations of a private school shall be specified in detail by an agreement.

Article 91
(Ensuring Education Completion)

The State shall ensure the completion of the education of children of a private school which discontinues providing the officially recognised programme due to the termination of public financing.

XIV EMPLOYEES OF KINDERGARTEN AND SCHOOL

Article 92
(Employees)

Educational and other expert work at a public kindergarten or school shall be performed by pre-school teachers, pre-school teachers assistants, teachers, vocational-college lecturers, counsellors, school librarians and other education staff cooperating in the performance of expert assignments required for the unhindered operation of a kindergarten or school (hereinafter: education staff).

The education staff shall perform educational work in accordance with the law and the officially recognised programmes in a manner that ensures objectivity, a critical approach and plurality, thereby being professionally autonomous.

The education staff shall have a perfect command of the Standard Slovenian language, hold a relevant educational qualification as stipulated by this Act and other regulations, and pass the professional examination in accordance with this Act.

Notwithstanding the provision of the preceding paragraph, master craftsman *mojster* (hereinafter: *mojster*) who train apprentices do not have to pass the professional examination in accordance with this Act.

The knowledge of Standard Slovenian shall be assessed within the professional examination. For teachers who have not graduated from Slovenian university, their knowledge of Standard Slovenian shall be assessed at their first appointment.

The educational qualification of the education staff and, in cases stipulated by law, also the level of the educational qualification, shall be determined by the Minister after obtaining the opinion of the competent council of experts. The Council of Experts of the Republic of Slovenia for Vocational Education shall determine the relevant work experience and the criteria for notable achievements in the field of expertise required to obtain the title of a vocational-college lecturer.

Education staff working at kindergartens or schools in nationally mixed areas which are established to provide bilingual education or education in the language of the national communities shall have the educational qualification stipulated by this Act and other regulations, pass the professional examination and meet other qualification requirements in accordance with special regulations.

Expert, administrative, technical and other work shall be performed by staff as defined in the staffing structure.

The staff referred to in the preceding paragraph shall have the educational qualification defined in the staffing structure, a perfect command of Slovenian language, and, at kindergartens or schools in nationally mixed areas which have been established for bilingual education also the language of the national community.

Article 93

(Exception)

If it is not possible to obtain the required level of the educational qualification in a certain field stipulated by this Act, the Minister may determine that members of the education staff who do not have the required professional educational qualification, but who demonstrate important achievements in their profession, may perform educational work.

a) Basic School

Article 94

(Education Staff)

The education staff at a basic school shall be a teacher, school counsellor, school librarian, laboratory assistant, and other education staff.

A teacher, school librarian and counsellor shall have the educational qualification of a second cycle study programme, or the level of the educational qualification of study programmes corresponding, in accordance with the law, to the educational qualification of the second cycle in the relevant field, as well as the pedagogical qualification, while the second teacher of the first grade may have the educational qualification of a first cycle study programme or the level of the educational qualification of study programmes corresponding in accordance with the law to the educational qualification of the first cycle in the relevant field, as well as a pedagogical qualification. An after-school class teacher shall meet the qualification requirements for a teacher or counsellor.

A laboratory assistant shall have at least an upper secondary or upper secondary technical educational qualification, as well as a pedagogical-andragogical educational qualification. Other education staff shall have educational qualification of the second cycle study programme or the level of the educational qualification of study programmes corresponding, in accordance with the law, to the educational qualification of the second cycle in the relevant field.

b) Music School

Article 95 (Education Staff)

Education staff at a public music school shall be a teacher, accompanist and school librarian.

The education staff shall have educational qualification of a second cycle study programme, or the level of the educational qualification of study programmes corresponding, in accordance with the law, to the educational qualification of the second cycle in the relevant field, as well as the pedagogical-andragogical educational qualification.

c) Vocational or Technical School

Article 96 (Education Staff)

The education staff at a public vocational or technical school shall be a teacher of general subjects, teacher of professional subjects, teacher of practical lessons and skills, *mojster*, counsellor, school

librarian, laboratory assistant, organiser of interest activities, and other education staff.

A teacher of general subjects shall have educational qualification of a second cycle study programme or the level of the educational qualification of study programmes corresponding, in accordance with the law, to the educational qualification of second cycle in the relevant field, as well as the pedagogical-andragogical educational qualification.

A teacher of professional subjects shall have educational qualification of at least a first cycle study programme or the level of the educational qualification of the study programmes corresponding, in accordance with the law, to the educational qualification of the first cycle in the relevant field, as well as the pedagogical-andragogical educational qualification.

A teacher of practical lessons and skills shall have at least an upper secondary technical educational qualification in the relevant field, at least three years of relevant work experience, as well as the pedagogical-andragogical educational qualification, or passed a *mojster* exam.

Mojster shall have passed a *mojster* exam in accordance with the law.

A counsellor and a school librarian shall have the educational qualification of a second cycle study programme, or the level of the educational qualification of study programmes corresponding, in accordance with the law, to the educational qualification of the second cycle in the relevant field, as well as the pedagogical-andragogical educational qualification.

Other education staff shall have relevant educational qualification, namely:

- An organiser of adult education, educational qualification of a second cycle study programme or the level of the educational qualification of study programmes corresponding, in accordance with the law, to the educational qualification of the second cycle in the relevant field, as well as the pedagogical-andragogical educational qualification;
- An organiser of interest activities, the educational qualification required for teachers of general subjects or professional subjects at a public vocational or technical school;
- An organiser of work practice, an organiser of practical training in the work process or an organiser of practical lessons in the work process, at least a short higher vocational educational qualification in the relevant field, as well as the pedagogical-andragogical educational qualification;
- An estate manager, at least a short higher vocational educational qualification in the relevant field, as well as the pedagogical-andragogical educational qualifications;
- A leader of the headquarters of a learning enterprise and education staff at the headquarters,

an educational qualification of at least a first cycle study programme or the level of the educational qualification of study programmes corresponding, in accordance with the law, to the educational qualification of the first cycle in the relevant field, as well as the pedagogical-andragogical educational qualification;

- A laboratory assistant and an organiser of practical lessons, at least an upper secondary technical educational qualification, as well as a pedagogical-andragogical educational qualification.

č) *Gimnazije*

Article 97

(Educational Qualification Requirements)

The education staff at public *gimnazije* shall be teachers of general and professional subjects, visiting foreign teachers, counsellors, school librarians, accompanists, organisers of compulsory elective content, and other education staff.

Teachers of general and professional subjects, visiting foreign teachers and accompanists shall have the educational qualification of a second cycle study programme, or the level of the educational qualification of study programmes corresponding, in accordance with the law, to the educational qualification of the second cycle in the relevant field, as well as the pedagogical-andragogical educational qualification.

A counsellor and school librarian shall have the educational qualification of a second cycle study programme or the level of the educational qualification of study programmes corresponding, in accordance with the law, to the educational qualification of the second cycle in the relevant field, as well as the pedagogical-andragogical educational qualification.

Other education staff shall have the relevant educational qualification, namely:

- An organiser of adult education, the educational qualification of a second cycle study programme or the level of the educational qualification of study programmes corresponding, in accordance with the law, to the educational qualification of the second- cycle in the relevant field, as well as the pedagogical-andragogical educational qualification;
- An organiser of compulsory elective content, the same educational qualification as required for teachers of general and professional subjects at *gimnazije*;
- A laboratory assistant, at least an upper secondary or upper secondary technical educational qualification in the relevant field, as well as the pedagogical-andragogical educational qualification.

d) Residence Hall for Pupils or Students

Article 98

(Educational Qualification Requirements)

Education staff at a public residence hall for pupils or students shall be an educator, counsellor, school librarian and other education staff.

An educator shall have the educational qualification of at least the first cycle study programme or the level of the educational qualification of study programmes corresponding, in accordance with the law, to the educational qualification of the first cycle in the relevant field, as well as the pedagogical-andragogical educational qualification.

A counsellor and school librarian shall have the educational qualification of a second cycle study programme or the level of the educational qualification of study programmes corresponding, in accordance with the law, to the educational qualification of the second cycle in the relevant field, as well as the pedagogical-andragogical educational qualification.

f) Schools and Institutions for SEN Children

Article 99

(Educational Qualification Requirements)

Education staff at schools and institutions implementing programmes for the education of SEN children shall be teachers, educators, counsellors, school librarians and other education staff.

A teacher, laboratory assistant and other education staff working in adapted education programmes shall have the educational qualification required for teachers, laboratory assistants and other school education staff, and have a special pedagogical educational qualification.

An educator shall have the educational qualification of a second cycle study programme or the level of the educational qualification of study programmes corresponding, in accordance with the law, to the educational qualification of the second cycle in the relevant field, as well as a special

pedagogical educational qualification.

A teacher of subjects or fields in special education programmes for SEN children shall have the educational qualification of a second cycle study programme or the level of the educational qualification of study programmes corresponding, in accordance with the law, to the educational qualification of the second cycle in the relevant field, as well as a special pedagogical educational qualification.

A teacher of practical training in a special education programme for SEN children shall have at least an upper secondary or upper secondary technical educational qualification in the relevant field, as well as a special pedagogical educational qualification.

A counsellor and a school librarian shall have the educational qualification of a second cycle study programme or the level of the educational qualification of study programmes corresponding, in accordance with the law, to the educational qualification of the second cycle in the relevant field, as well as a pedagogical-andragogical or special pedagogical educational qualification.

Staff providing health and social care services shall have the educational qualification as stipulated by the law regulating these fields.

g) Pedagogical or Pedagogical-Andragogical Educational Qualification

Article 100

(Pedagogical, Pedagogical-Andragogical or Special Pedagogical Educational Qualification)

To obtain pedagogical, pedagogical-andragogical or special pedagogical educational qualification a person shall fulfil all the requirements of:

- Second cycle study programme or in the study programme corresponding, in accordance with the law, to the educational qualification of the second cycle, leading to the professional title Magister Professor or Professor;
- A study programme that includes the relevant professional content.

The Council of Experts of the Republic of Slovenia for General Education shall establish the integration of relevant pedagogical-andragogical knowledge and skills in the study programmes under second indent of this paragraph.

A staff member who has not completed a higher education study programme which also includes a pedagogical, pedagogical-andragogical or special pedagogical educational qualification shall obtain it by completing a relevant officially recognised supplementary study programme.

If there is no relevant supplementary study programme as referred to in the preceding paragraph, the Minister shall determine a programme for obtaining pedagogical, pedagogical-andragogical or special pedagogical educational qualification after having obtained the opinion of the Council for Higher Education of the Republic of Slovenia.

A staff member who has not completed a vocational or technical education programme which also includes a pedagogical, pedagogical-andragogical or special pedagogical educational qualification shall obtain it by completing an education programme adopted by the Minister upon the proposal of the Council of Experts for General Education of the Republic of Slovenia.

h) Visiting Foreign Teachers

Article 101

(Visiting Foreign Teacher)

A visiting foreign teacher, who performs parts of a vocational and technical, a *gimnazija* or a music school education programme on a fixed-term basis, or takes part in the implementation of the basic school programme, shall meet the qualification requirements for such work in the country of origin.

i) Professional Examination

Article 102

(Professional Examination)

Education staff shall take a professional examination in accordance with this Act.

Education staff who have completed the traineeship and passed the professional examination under other regulations may take the professional examination under this Act after a six-month period of working at a kindergarten or a school.

Education staff that hold the title of a higher education teacher do not need to take a professional examination in accordance with this Act.

The Minister shall prescribe detailed provisions regarding the professional examination.

Education staff at kindergartens, schools and institutions providing programmes for pre-school children, education programmes and a special education programme for SEN children who perform health or social care activities shall take a professional examination in accordance with the law and other rules regulating these fields.

Article 103

(Professional Examination Register)

The register of passed professional examinations kept by the ministry responsible for education shall include:

- first and last name of a candidate
- date, place and municipality of birth
- educational qualification information
- information on the professional examination passed.

The documents required for taking the professional examination shall be returned to the candidate after he or she has passed the examination.

Article 104

(Private Kindergartens and Schools)

The requirements applying to the education staff of public kindergartens and schools shall also be met by the education staff of private kindergartens and schools implementing officially recognised programmes.

The provision of the preceding paragraph shall not apply to kindergartens and schools implementing programmes for pre-school children or education programmes according to special pedagogical principles.

XV EDUCATION AND PROMOTION OF EDUCATION STAFF AND HEAD TEACHERS

Article 105 (Education and Promotion)

The education staff at kindergartens and schools shall pursue professional education and training.

A pre-school teacher, educator, teacher, organiser of education, counsellor and school librarian may be promoted to the titles Mentor, Advisor and Councillor.

A head teacher, director, head teacher assistant and vocational-college lecturers shall also be promoted to the titles referred to in the preceding paragraph.

The Minister shall determine the conditions, method and procedure of professional education and training and promotion to titles.

The title Vocational college lecturer shall be awarded by the Assembly of Lecturers of the respective higher vocational college upon the prior consent of the Council of Experts for Vocational Education of the Republic of Slovenia. The Council of Experts for Vocational Education of the Republic of Slovenia shall award the title if the Assembly of Lecturers has not yet been constituted or if lecturers need to be appointed for an education programme that a school is only just introducing.

The Minister shall determine the procedure for obtaining the title referred to in the preceding paragraph.

Professional staff at public institutions referred to in the Article 28 of this Act who perform educational work or counselling or developmental work pertaining to education shall also be promoted to the titles provided by this Act.

Staff who pursue activities of the adapted programmes for pre-school children and special education

programmes for SEN children in social-care institutions as specified under the Article 34 paragraph 6 of this Act shall take once they take up employment in education a professional title by the procedure and under conditions specified by the minister.

Article 106
(Headship Licence)

The Minister shall define the education and training programme for the headship licence and its content on the proposal of the Council of Experts for General Education of the Republic of Slovenia.

Post-graduate study programmes which according to the Council of Experts for General Education of the Republic of Slovenia provides the knowledge required for the headship licence may be recognised as a headship licence.

A public institution authorised to implement the programme referred to in the paragraph 1 of this Article shall publish a call to register once a year, and schedule the dates to take the headship licence examination.

XVI EMPLOYMENT RELATIONSHIP

1 Establishing Employment Relationships

Article 107
(Regulations)

Unless otherwise specified by this Act, employment relationships, employee participation in management and implementation of the union rights of workers at a kindergarten or school shall be governed by law or according to a collective labour agreement.

Article 107a
(Prohibition of Establishing Employment Relationship)

To establish an employment relationship or hold a job in education shall be prohibited for persons:

- Finally convicted of a criminal offence with intent prosecuted ex officio leading to a custodial sentence of more than six months;
- Finally convicted of a criminal offence against sexual integrity.

A criminal complaint made by the police and the supplemental report to the criminal complaint shall be communicated by the police also to the Inspectorate for education if grounds for suspicion exist that the employee in education has committed a criminal offence as referred to in paragraph 1 of this Article. In accordance with the School Inspection Act, the responsible school inspector may suspend the employee if the conditions specified by the Act governing school inspection exist, namely for the duration of criminal proceedings at most. The Inspectorate of education shall process the complaint and supplemental report to the criminal complaint as internal documents to be destroyed upon the termination of the suspension or decision not to suspend the employee.

The court shall serve the final court decision in which the existence of the criminal offence referred to in paragraph 1 of this Article has been established to the educational institution at which the convicted person is employed or holds a job. The decision shall be delivered by hand to the management body of the institution or to the president of the council of the institution if the convicted person is in a managerial capacity. Persons who are made aware of the court decision shall protect the confidentiality of the personal data of the victim of the criminal offence and of any individuals not finally convicted but referred to in the decision.

The employer shall terminate the employment contract or any other work contract for reasons of misconduct if the other party has been finally convicted of a criminal offence referred to in paragraph 1 of this Article.

A person against whom criminal proceedings have been instigated for an offense under paragraph 1 indent 2 shall not enter into an employment agreement or pursue activities in the area of education.

Article 108
(Staffing Structure)

Job vacancies for education and other staff at a public kindergarten or school shall be published on

the basis of the staffing structure. The staffing structure shall be specified by the head teacher, based on school norms and standards, in agreement with the educational administration of the region where the school has its registered office; for kindergartens, it shall be specified by the head teacher in agreement with the founder.

Article 109
(Employment of Education Staff)

A public kindergarten or a public school which is to employ new education staff shall post job vacancies publicly. The Minister may post job vacancies for public schools in a joint publication. The Minister shall determine the detailed content and procedure of the joint publication.

Prior to publishing a job vacancy, a public kindergarten shall obtain the consent of its founder, a public school the consent of the Minister, except for job vacancies published by schools financed according to the methodology for determining financial resources per participant in education.

A public kindergarten shall notify the ministry responsible for pre-school education of each education staff vacancy before publishing the job vacancy.

If an education staff member listed in the register of redundant education staff meets the conditions of the job vacancy, the kindergarten or school may employ such a person without publishing a job vacancy.

An education staff member not assigned a post may enter into an employment relationship for either a fixed term or indefinite duration.

If none of the applicants meet the conditions and if the employment is needed to ensure continuity of work process, an employment contract may be concluded with a candidate who does not meet the conditions, but for a maximum one-year term.

Further to instances referred to in the Employment Relationships Act, a fixed-term employment contract may also be concluded if a reduction in the enrolment of pupils or students in the school or institution is envisaged, or the officially recognised education programmes or timetables are changed.

If it is not possible to employ an unassigned employee full-time at a kindergarten or school, the employee may work at several different kindergartens or schools to fulfil the workload or teaching time. As a rule, the employment contract shall be concluded with a kindergarten or school at which the employee has the widest scope of work.

A member of the education staff and kindergartens or schools referred to in the preceding paragraph shall agree on working hours, annual leave and any other absence from work. The agreement of the previous sentence shall include all other required elements as needed to fulfil mutual rights and obligations and, as such, shall be a constituent part of the employment contract.

Article 109a
(Work Contract)

To pursue educational activities, a school or a kindergarten may conclude a work contract under the conditions specified by law governing contractual obligations if all possibilities for the conclusion of an employment contract have been exhausted and the unimpeded pursuit of educational activity must be ensured. A work contract may be concluded only with a person who has the required level of educational qualification, in accordance with this Act and other regulations, to perform the work subject to the contract.

The work contract referred to in the preceding paragraph shall be concluded for not more than one third of weekly teaching time, as specified by this Act, and for a maximum of 10 months per school year.

A person employed under an employment contract in education pursuant to this Act shall submit the employer's consent before concluding a work contract as specified in paragraph 1 of this Article.

A person under a work contract as defined in paragraph 1 of this Article shall not acquire the rights of an employment relationship based on said work contract.

Article 109b
(Employment contract of a pre-school teacher employed under an employment contract at a kindergarten with a basic school)

For the duration of one school year, a school may conclude an employment contract with a pre-school teacher employed at a kindergarten to teach first grade and run after-school and morning

care classes at a basic school. For the duration of the employment contract with the basic school, the provisions governing the suspension of a contract under the Act governing employment relationships shall apply to the contract concluded with the kindergarten.

The method and procedure for concluding the contract referred to in the previous paragraph shall be specified by a collective labour agreement on education.

2 Traineeship

Article 110 (Traineeship)

A trainee shall be an education staff member takes his or her first job that is relevant to the field and level of the respective professional educational qualification at a kindergarten or school to train for independent job performance.

The duration of the traineeship shall be for a maximum of ten months.

During traineeship, a trainee shall perform educational work in cooperation with the education staff, and prepare for the professional examination.

A trainee's performance shall be guided, supervised and evaluated by a mentor.

The head teacher shall assign a mentor to the trainee from among the education staff who perform the work for which the trainee is being trained and hold the title of Councillor or Advisor, or held the title of Mentor for at least three years.

The mentor shall develop a programme for the trainee to include methodical, didactical and other training necessary for taking the examination. The mentor shall report on the traineeship.

The Minister shall advertise the number of traineeship posts.

Article 111
(Advertising Traineeship Posts)

The ministry responsible for education shall advertise traineeship posts no less than once a year.

To apply for an open traineeship post, a person shall have the educational qualifications required to fill the post to which the training pertains.

The Ministry shall select and assign candidates. Upon assigning, the Ministry shall consider the interest of a kindergarten or school and the preferences of a candidate.

A trainee shall be assigned to a public kindergarten or school, but also to a private kindergarten or school if the kindergarten by agreement with the school.

Article 112
(Register of Trainees)

The Ministry responsible for education shall keep a register of applicants and assigned trainees, which shall include:

- first and last name
- gender and birth data
- residence, and
- educational qualification.

For assigned trainees, the register shall also include:

- data on the kindergarten or school to which the trainee is assigned
- first and last name of the mentor
- data on the mentor's educational qualification and title.

Article 113
(Employment Relationship of Trainee)

A trainee shall enter into an employment relationship at a kindergarten or school for the duration of

the traineeship.

Article 114
(Subordinate Legislation)

The Minister shall specify the method and procedure for the selection and assignment of trainees, the progress and duration of traineeship, traineeship programme components, and the method of supervision and assessment of traineeship.

3 Cancellation of Employment Contract for Operational Reasons

Article 115
(Reasons)

In this Act, operational reasons shall apply to changes in of education programme, standards and norms, and educational qualification requirements, and reductions in enrolment.

Article 116
(Addressing Redundancies)

Not later than in eight days after a decision to cancel the employment contract of an education staff member for operational reasons has been taken, a head teacher shall notify the Ministry responsible for education of the reasons for which the education staff member is no longer be needed and the following data on the education staff member:

- first and last name
- educational qualification
- years of service
- professional examination, and
- permanent residence.

Article 117
(Job Vacancies)

Not later than eight days from the notification referred to in the preceding Article is received, the Ministry responsible for education shall forward to the kindergarten or school a list of kindergartens

and schools with job vacancies for which the education staff member referred to in the preceding Article meets the requirements.

If the Ministry responsible for education fails to forward data within the specified deadline, the head teacher shall proceed with the procedure of cancelling the employment contract for operational reasons, in accordance with the law governing employment relationships.

Article 118

(Conclusion of Employment Contract)

If the conditions for the employment of the education staff member whose employment contract is to be cancelled for operational reasons are met at another school or kindergarten, a new employment contract may be concluded without advertising a job vacancy. The head teacher of the school or kindergarten with the job vacancy shall decide on entering into the employment relationship and offer an employment contract to the education staff member.

The head teacher of the school or kindergarten with the vacancy shall offer an employment contract to the education staff member not later than 30 days before the expiry of the notice period; otherwise, the education staff member shall acquire all rights specified for the cancellation of the employment contract for operational reasons.

If the conditions for an education staff member to transfer to another employer under the collective agreement in education are met, the education staff member shall accept the offer referred to in paragraph 1 of this Article within 30 days of service. If the education staff member declines the contract unjustifiably, the employment relationship shall be terminated and the staff member loses the right to severance pay.

4 Workload

Article 119

(Scope of Educational Work)

The workload of a teacher shall include instruction time and other forms of organised work with pupils, apprentices, students and HVC students (hereinafter: teaching time), teaching preparation, assessing and grading products, and other work necessary for implementing the education programme.

Teaching preparation shall include:

- regular content and didactical planning and
- preparing of didactical aids.

Other tasks shall include:

- cooperation with parents
- participation in the school's expert bodies
- class teacher duties and responsibilities
- organised professional education and training
- collecting and processing data related to performing educational and other work
- mentoring pupils, apprentices, students and HVC students, and cooperating with schools and higher education institutions which educate education staff
- mentoring trainees
- maintaining study rooms, collections, school workshops, sports halls, playgrounds, gardens, etc.
- organising cultural, sports and other generally beneficial and humanitarian activities to involve pupils, apprentices or students
- planning and supervising organised school excursions, trips, competitions, outdoor school, holiday retreats and camping, and
- other duties and responsibilities specified in the annual work plan.

The provisions of this Act governing the workload of teachers and other education staff shall also apply to teachers and other education staff at schools and education institutions for SEN children.

a) Basic and Music School

Article 120

(Workload and Teaching Time)

Within the weekly full working time specified by law and collective agreement, the teacher's weekly teaching time shall encompass 22 lessons at most, and in after-school classes and hospital classes, 25 lessons at most.

b) Vocational Education

Article 121

(Workload and Teaching Time)

Within the weekly full working time specified by law and collective agreement, the weekly teaching time shall encompass:

- 20 lessons at most for teachers of general and professional subjects
- 19 lessons at most for teachers of Slovenian language
- 19 lessons at most for teachers of Hungarian and Italian languages
- 16 lessons at most for short HVC lecturers
- 25 lessons at most for teachers of practical lessons and skills
- 30 lessons at most for education staff with specified teaching time or who participate in teaching.

c) Gimnazija

Article 122

(Workload and Teaching Time)

Within the weekly full working time specified by law and collective agreement, the weekly teaching time shall encompass:

- 20 lessons at most for teachers of general and professional subjects
- 19 lessons at most for teachers of Slovenian language
- 19 lessons at most for teachers of Hungarian and Italian languages
- 25 lessons at most for teachers of practical lessons and skills
- 30 lessons at most for education staff with specified teaching time or who participate in teaching.

č) Residence Halls for Pupils and Students

Article 123

(Workload of Educator)

Within the weekly full working time specified by law and collective agreement, the educator shall

work with pupils, apprentices and students at residence halls 30 hours per week at most.

Article 124

(Extended or Shortened Teaching Time)

If, within the weekly teaching time specified by law, it is not possible to organise instruction in accordance with the timetable, the head teacher shall may assign a teacher or other education staff extra weekly teaching time, namely for the number of lessons specified for separate subjects per class, but not for more than five lessons; or to shorten weekly teaching time, but not for more than three lessons.

5 Leave

Article 125

(Leave)

The education staff at a public kindergarten or school shall have the right to a minimum of 20 working days annual leave.

The education staff at a public school shall take annual leave within the relevant time of the school calendar specified by the Minister, but by the end of the school year in the following calendar year at the latest.

The provisions of this Article shall apply also to education staff under fixed-term employment contracts.

An employee at a public kindergarten or school shall have the right to leave of absence with or without salary compensation or and other rights from the employment relationship in cases and under the terms and conditions specified by law and the collective agreement.

XVII MANAGEMENT OF REAL ESTATE

Article 126 (Property Funds)

A local community or State may establish a property fund to manage the public real estate used to pursue educational activities.

The property of the fund referred to in the preceding paragraph shall be a constituent part of the general financial balance sheet of the local community or State.

Article 127 (National Fund)

The School Fund of the Republic of Slovenia (hereinafter: the Fund) shall be established to manage the real estate referred to in the preceding Article under the management of state-founded public schools.

Article 128 (Deleted)

Article 129 (Deleted)

Article 130 (Deleted)

Article 131 (Deleted)

Article 132
(Resources)

The Fund shall obtain funding from:

- State budget
- rents based on concluded contracts
- endowments, inheritance, donations and
- other resources.

State budget funding shall be granted to the Fund on the basis of the annual plan.

Article 133
(Deleted)

Article 134
(Deleted)

Article 135
(School Funds)

The school shall establish the School Fund to finance activities that are not part of the education programme or not publicly financed to purchase above-standard equipment, to improve the standard of instruction, and the like.

The school fund referred to in the preceding paragraph shall obtain funding from parent contributions, donations, inheritances, and other resources.

The school fund shall be managed by the Board, consisting of a president and six members, of which at least three shall be school representatives. The Board shall be appointed by the council of parents. The school representatives shall be proposed by the school council.

The Board may adopt rules on the school fund.

A fund may be established also by a kindergarten.

XVIIa FILING SYSTEM²

Article 135a (Central Register)

- 1) For the purpose of performing the duties specified by this Act and other regulations on education referred to in Article 1 of this Act, the purposes of decision-making on rights to public funds, and for scientific/research and statistical purposes, the Ministry shall create, manage, maintain and control a computerised data base (hereinafter: Central Register).
- 2) The Central Register shall contain the following data on pre-school children, pupils, upper secondary students, HVC students and participants in adult education (hereinafter: participants in education):
 - uniform identifier of the participant in education
 - first and last name
 - unique personal registration number
 - gender
 - place and country of birth
 - permanent or temporary residence (street, house number, place, postcode, municipality, country)
 - citizenship
 - name and address of the educational institution and the identification number of the business entity (code of the Business Register of the Republic of Slovenia)
 - education or study programme and identification number of the official register of programmes (orientation and field of education according to the Classification System of Education and Training – KLASIUS)
 - age group, grade and class, year or education group, or grade and subject at a music school and arts *gimnazija*
 - information on applying for a residence hall for students
 - date of first attending the kindergarten or school
 - date of entering an education or study programme
 - date of signing out of the kindergarten or school
 - date of completion of education or study programme
 - average mark in the last Year of basic school

² The provisions of this section shall apply until end of 14 July 2019.

- average mark of upper secondary students and HVC students by separate years
 - status of participant: child, pupil, upper secondary student, HVC student, participant in adult education, music school student, candidate without status who is taking examinations
 - type of education: full time/part time, and
 - form of education: parallel education.
- 3) The Central Register shall also keep information on eligibility for reduced kindergarten fees, additional morning snack subsidy, and lunch subsidy (decision number, date of acquisition, and subsidy amount or reduced kindergarten fee).

Article 135b

(Provision of Data for Central Register)

- 1) The educational institutions shall record the data on their participants in education referred to in paragraph 2 Article 135a in the Central Register. The ministry responsible for exercising rights to public funds shall provide the data referred to in paragraph 3 Article 135a of this Act.
- 2) To ensure the accuracy and updating of identification data on participants in education of the Central Register (first and last name, gender, place and country of birth, permanent or temporary residence – street, house number, postcode, municipality, country, and citizenship), such data shall be accessed from the Central Population Register by means of the unique personal registration number of the participant in education.
- 3) The data on the rights to public funds referred to in paragraph 3 Article 135a of this Act shall be transmitted from the central filing system of rights to public funds to the Central Register by means of the unique personal registration number of a participant in education.

Article 135c

(Use of Central Register Data)

- 1) An educational institution shall process the data of the Central Register referred to in paragraph 2 Article 135a of this Act of its participants in education only.
- 2) Data of the Central Register may be supplied to users authorised by law to obtain such data.
- 3) The Ministry shall use data in the Central Register with the following data hidden: first and last name, unique personal registration number, gender, place and country of birth, citizenship, and permanent or temporary residence.
- 4) In scientific/research and development work and in statistical analysis, personal data shall be

processed in anonymised form.

- 5) The minister responsible for education shall determine in detail the method and conditions of access to data of the Central Register. Before the rules enter into force, the Minister shall obtain the consent of the Information Commissioner.

Article 135č

(Data Storage in Central Register)

Data of the Central Register shall be stored for one year after an education participant has completed the education or study programme by respective status, and then archived.

The archived data of the Central Register may be used for statistical and analytical research in anonymised form; in non-anonymised form, data may be supplied only to state authorities with legal authority to acquire and process such data.

XVII.A DATA BASES³

Article 135a

(Central Register)

To support the pursue of activities as specified by this Act and rules that regulate the area of education referred to under Article 1 of this Act, and resolve of the entitlement for public funds, as well as for scientific-research and statistical purposes the ministry of education shall set up, administer, maintain and supervise the computerised data base (hereinafter: central register).

The central records hold the following information about the pre-school children, pupils, upper secondary students, students of higher vocational colleges and adult education participants (hereinafter: education participants):

- unique identifier of the education participant
- name and surname
- personal identification number (EMŠO)

³ Provisions of this paragraphs shall become operational on 15 July 2019.

- gender
- location and country of birth
- permanent or temporary place of residence (street, house number, location, postal code, municipality, state)
- nationality
- name and address of the educational institution, as well as the registration number of the business entity (code PRS – Slovenian business register)
- education or study programme and record number in the official register of programmes (type and area of education as identified by the classification system of education and training in the Republic of Slovenia – KLASIUS)
- age period, class or grade, year, educational group and class, as well as the subject field chosen in music school and art gimnazija
- information about the application to a residential home for upper secondary students
- date of inclusion or date of starting kindergarten or school
- date of starting the education or study programme
- date of leaving kindergarten or school
- date of completing the education or study programme
- average mark of the last basic school grade
- average mark by years for upper secondary students and higher vocational college students
- status of the participant: child, pupil, upper secondary student, higher vocational college student, adult education participant, music school student, candidate without status taking examinations
- type of education: full-time/part-time, repeater, extended status, reenrollment in the same year, exchange
- form of education: parallel education
- date of application for school snacks or school lunch, and
- status of the applicant for international protection, date of the status recognition and implementation date of the decision issued in the procedure of international protection.

The central records shall keep the information about the eligibility for a reduced kindergarten fee, extra snack and lunch subsidies (number and date of the decision, eligibility period, relevant income bracket and amount of subsidy or reduced kindergarten fee, as well as the municipality liable for payment).

Article 135b (Data Provision for Central Registry)

The educational institutions shall enter data in the central records under 2 paragraph 135a Article of this Act for their respective education participants.

To provide the accuracy and currency of identification information in the central records of education participants (name, surname, gender, location and country of birth, permanent or temporary place of residence, as well as status of the applicant for international protection, date of

the status recognition and implementation date of the decision issued in the procedure of international protection) one shall draw these by the personal identification number from the central population register.

The information about the entitlement to benefits from public funds as specified under paragraph 3 Article 135a of this Act shall be transferred by the personal identification number of the education participant to the central register from the central database on the entitlement to benefits from public funds.

For the purpose of determining the entitlement to enrolment in upper secondary and higher vocational colleges the central records shall be linked by the personal identification number of the education participant to the record and analytical information system of higher education in the Republic of Slovenia (e-VŠ).

The information about the educational institution and education programme, as well as year shall be drawn to the central register by the personal identification number of the education participant from the register of the applicants and enrolled candidates in upper secondary school, as well as records of applicants and enrolled candidates in the residential homes for upper secondary students.

To serve the purpose of statistic and scientific-research analyses of employability of upper secondary students who completed an education programme, as well as graduates of higher vocational colleges the ministry of education shall obtain by the personal identification number of the participant:

- information from the civil register of insured persons at the Pension and Disability, Insurance Institute of Slovenia about persons who enter into employment relationship, self-employed persons and stakeholders as specified by regulations on the pension and disability insurance, namely about the start and end date of employment of the upper secondary student or graduates, the profession of the upper secondary student or graduate (classification SKP-08), as well as type of employment (open-ended or fixed term employment),
- information from the register of unemployed persons at the Employment service of Slovenia, namely about the start date of unemployment and duration of unemployment.

One shall draw information of previous paragraphs for upper secondary students and graduates of higher vocational colleges who completed the education programme or graduated in the last five years, and after processing ends, they shall be destroyed.

135.c člen
(Use of Central Register Data)

Educational institutions shall process information from the central register as specified under the paragraph 2 of 135a Article of this Act for their respective participants of education and training.

The information from the central register may be communicated to users who have been authorised by law to draw that information.

The ministry of education shall use information from the central register in a way to conceal information about the name and surname, personal identification number, gender, place and country of birth, nationality, as well as temporary or permanent place of residence.

For recognising the right to do temporary and non-regular work of upper secondary students, higher education students and adult education participants the organisations or employers that offer temporary or non-regular work to persons as specified under the paragraph 2 of 6b Article of the Employment and Insurance Against Unemployment Act (Uradni list RS, no. 107/06 – officially consolidated text, 114/06-ZUTPG, 59/07-ZŠtip, 51/10-odl. US, 80/10-ZUTD and 95/14-ZUJF-C) shall have the right to draw the following information from the central register:

- name and address of the educational institution and register number of the business entity (code PRS)
- education or study programme and register number from the official register of programmes (category and area of education by KLASIUS)
- type of education, if the type of education is part time
- year
- participant's status
- start date of education in education or study programme
- date of leaving school.

The organisations or employers that offer temporary or non-regular work as specified under the paragraph 2 Article 6b of the Employment and Insurance Against Unemployment Act may draw by the personal identification number of the upper secondary student, higher education student and adult education participant who plans to do temporary or non-regular work as a upper secondary student, higher education student and adult education participant the information as specified under the paragraph 4 of this Article from the central register by way of communicating information or attaching records of personal data. The records about upper secondary students, higher education students and adult education participants of the individual organisation or employer that offer temporary or non-regular work to persons under the paragraph 2 of Article 6b of the Employment and Insurance Against Unemployment Act shall be attached to the central register by the personal identification number of the upper secondary student, higher education student and adult education participant who plans to do temporary or non-regular work as an upper secondary student, higher

education student and adult education participant.

For ensuring accuracy and currency the identification information about the name, surname, gender, place and country of birth, permanent or temporary place of residence, name and address of the educational institution at which the candidate completed the final year or year, as well as the education programme shall be communicated by the personal identification number of the candidate by way of attaching the records from the central register to the records of applicants and enrolled candidates in upper –secondary schools and to the records of applicants and enrolled candidates in residential homes for upper secondary students.

For the organisation and implementation of the matura and final examinations the information that education institutions enter into the central register for their respective participants and have to communicate to the National Examinations Centre as specified by the law on matura shall be communicated by the personal identification number of the candidate to the National Examinations Centre, namely the information about the name, surname, gender, place and country of births, place of residence, name of the educational institution, education programme and year.

For the organisation and implementation of the national assessment of knowledge the information about the pupil's name and surname, gender, date and country of birth, name of the basic school or branch at which the pupil shall take the national assessment of knowledge, education programmes, class, grade and school year in which the pupil shall take national assessment of knowledge shall be communicated to the National Examinations Centre (RIC) by way of attaching the records from the central register.

For provision of state funds to part-financing parents the kindergarten fees all information from the records of persons entitled to part-financing parents the kindergarten fees shall be communicated by personal identification number of the participant by way of attaching records from the central register to the records of persons entitled to part-financing parents the kindergarten fees kept by the ministry of education as specified by the law on kindergartens.

For recognising the right to enrolment in upper secondary schools and residential homes for upper secondary students the information about the education in upper secondary education programmes of the registered candidate shall be communicated by personal education number by way of attaching the records of the central register to the records of applicants and enrolled candidates in upper secondary schools and residential homes for upper secondary students kept by the ministry of education.

For recognising the right to enrol in higher vocational colleges the information about education in

short-cycle higher vocational education programmes of the registered candidate shall be communicated by personal education number by way of attaching the records of the central register to the records of applicants and enrolled candidates in higher vocational colleges kept by the competent service for the ministry of education.

For pursuing scientific-research and development work, as well as develop statistical analysis the personal data shall be processed in the anonymised form.

The minister of education shall specify in more detail the method and conditions of access to data in the central records.

135.č člen (Keeping Central Register Data)

The information shall be kept in the central register another year after the participant in education and training had completed the education or study programme by individual status; afterwards, they shall be archived. Archived information of the central register may be used in anonymised form for statistical and analytical research, and in non-anonymised they may be communicated only to state bodies that have legal basis for drawing and further processing of that information.

Without prejudice to the previous paragraph, the information about the transition of upper secondary students to higher vocational colleges and higher education, as well as for analysing the employability of higher vocational college graduates may be drawn and attached in nonanonymised form, all other processing shall be pursued with anonymised information.

Article 135d (Central Register of Staff in Education)

To pursue activities as specified by this law and regulations on employment relations, to recognise the rights of individuals from the employment relationship, as well as to serve the scientific-research, developmental and statistical purposes the ministry of education shall set up, maintain and supervise the central registry of employees in education (hereinafter: central registry of staff).

The central registry of employees shall include the following information about the staff:

- unique identifier of an employee
- name
- personal identification number
- gender
- location and country of birth
- permanent or temporary place of residence (street, house number, location, postal number,

- municipality, country)
- nationality
- tax identification number
- level and orientation of educational qualification at individual levels
- professional title, issuer and date of authentication instrument proving it
- date of pedagogical-andragogic educational qualification or special pedagogical educational qualification
- date of being awarded the post of lecturer in higher vocational college and issuer of the authentic instrument proving it
- date of sitting the specialist examination and area, issuer and number of the authentic instrument proving it
- type and date of the title award in education
- educational institution of the employment (name, registered office, person in charge)
- date of start and end of employment in educational institution
- type and duration of the employment agreement (fixed time, open ended, full time, reduced working hours, supplementary work)
- work contract
- post, additional duties and responsibilities (form teacher, mentoring the apprentice, secretary of school matura commission), as well as specific features of the post (special loads)
- type and date of entering a payroll bracket
- work experience outside education
- length of employment (total length, length of employment in education, apprenticeship)
- type and date of completion of study programmes of continuous education
- participation in programmes of continuous education and training, title of the programme and outcome of the participation.

The educational institutions and other providers of officially recognised programmes or programmes with approved official recognition shall submit the information for the central records of staff under paragraph 2 of this Article for their own respective staff.

The ministry of education shall keep for the central records of staff the information as specified under paragraph 2 of this Article:

- indent 13 from the records of professional examination
- indent 14 from the records of promotion to titles
- indent 24 from the records of continuous education and training.

To support the accuracy and currency of the identification information about the employees in education in the central register of employees, it shall be an option to draw such information from the central population register based on the information about the personal identification number of the employee.

The educational institutions and other providers of officially recognised programmes or

programmes awarded the official validity may draw from the central register of staff only the information about their respective employees.

The ministry of education shall draw information from the central register of staff by reason of recognising the rights of individuals from employment relations or rights as specified by this law; for other purposes under paragraph 1 of this article it shall draw information from the central register of staff in a way to cover the information about the name, personal identification number, gender, location and country of birth, nationality, as well as permanent or temporary place of residence.

It shall be possible to communicate the information from the central register to other users, but only to users authorised by law to draw such information.

To pursue scientific-research work and statistical analysis the personal information from the central register of staff shall be used and processed in an anonymised form.

The information shall be kept in the central register of employees until the termination of employment in education, and then it shall be archived. It shall be possible to use archived information from the central register of staff in anonymised form to pursue scientific-research, development and statistical aims. In case of reemployment of an individual in education, it shall be allowed to convey the respective archived nonanonymised information from the central register of staff to the educational institution in which the individual was employed.

Article 135e (Records Keeping)

Private educational institutions that cease to implement the officially recognised programme shall communicate to the ministry of education every change pertaining to keeping records of personal information of education participants and pertaining to the information records and documentation for education participants. If a private educational institution ceases to pursue its activity, its legal successor shall assume the keeping of records. A private educational institution with no legal successor entered in the register shall when it initiates the procedure of cessation request the ministry of education to designate a transferee. The minister shall designate an educational institution to assume the keeping of records.

The transferee under previous paragraph shall be designated before the cessation of the private educational institution.

XVIII SUPERVISION OF IMPLEMENTATION OF THE ACT AND PENAL PROVISIONS

Article 136

(Supervision of Implementation of Act)

The implementation of the provisions of this Act shall be supervised by an inspector responsible for education, excluding the provisions pertaining to the employment of education staff that shall be supervised by the inspector responsible for labour.

Article 136a

(Fines for Minor Offences)

A fine of 500 to 4,500 euros for an offence shall be imposed on a legal person who pursues an activity of education despite failing to fulfil conditions required to pursue such activity, or who has not been entered in the Register according to this Act (Articles 33 and 34).

A fine of 500 to 4,500 euros for an offence shall be imposed on a legal person who enters into an employment relationship of indefinite duration with education staff lacking the required education qualifications (Articles 94, 95, 96, 97, 98, 99 and 104, and Articles 146, 147 and 148).

A fine of 1,000 euros for offence shall be imposed on a legal person, unless an educational institution displays a flag in the manner imposed (fifth item of Article 2). A fine of 500 euros shall also be imposed on the responsible person of the legal person who committed the aforementioned offence.

A fine from 500 to 4,500 euros for offences shall be imposed on a legal person:

- pursuing an activity in violation of this Act (Articles 5, 6 and 7),
- failing to implement the decision of a state authority (item 17 paragraph 1 Article 49 and Article 107a), and
- obtaining or using resources in violation of this Act (Articles 78, 80, 83, 88 and 89).

A fine of 150 to 4,100 euros for an offence shall be also imposed on the responsible person of the legal person who commits an offence referred to in paragraphs 1, 2 and 4 of this Article.

A fine of 150 to 1,000 euros shall be imposed on a head teacher or director who fails to rectify deficiencies in performing his or her duties and responsibilities (Articles 49 and 51) as established by an inspection decision.

A fine of 2,000 to 4,000 euros for an offence shall be imposed on a responsible individual person (private teacher or private pre-school teacher) who pursues educational activity without fulfilling the conditions for pursuing this activity or without being inscribed in the register according to this Act, or if he or she pursues this activity in violation of this Act (Articles 5, 6, 36, 37 and 38).

The offences referred to in paragraph 2 and item 3 paragraph 4 of this Article shall fall under the statute of limitations three years after the offence occurred.

The Organisation and Financing of Education Act – ZOFVI (*Uradni list RS*, No. 12/96) includes the following transitional and final provisions according to the Act Amending the Organisation and Financing of Education Act – ZOFVI-A (*Uradni list RS*, No. 64/01) and the Act Amending the Organisation and Financing of Education Act – ZOFVI-H (*Uradni list RS*, No. 58/09):

XIX TRANSITIONAL AND FINAL PROVISIONS

Article 137 (Financing)

Until education programmes under this Act and under acts regulating separate fields of education have been passed, public funds shall be provided for the implementation of education programmes at public schools and schools holding a concession, namely:

- 1) In basic education:
 - Programme of life and work of the basic school, including the exercise of the special rights of members of the Italian and Hungarian national communities, in accordance with the law;
 - Education programme for children with developmental disorders, in accordance with the law;
 - Programme of basic music education;
 - Supplementary education of children of Slovenian workers temporarily working abroad,

- and;
- Basic school programme for adults.

2) In upper secondary education:

- Upper secondary education programmes, including the exercise of the special rights of members of the Italian and Hungarian communities, in accordance with the law;
- Education programme for youth with developmental disorders, in accordance with the law;
- Framework education programme for student residence halls, and
- The *matura*.

The state budget shall also provide funds of the current value for:

a) Activities required for the development and efficient provision of education, namely:

- research and developmental research, and experimental activities
- continuous professional education and development of education staff
- international cooperation
- operation of school libraries;
- information and documentation activities, and
- knowledge competitions for pupils, apprentices and upper secondary students.

b) And funds for:

- scholarships for pedagogical professions;
- youth periodicals and expert literature;
- development of textbooks and teaching technological aids;
- subsidies for low print run textbooks;
- national Education Award of the Republic of Slovenia;
- programme of school television and radio;
- construction and maintenance of premises, and purchase and maintenance of equipment;
- organisation and research of adult education;
- agreed adult education programme;
- accident and disability insurance of upper secondary students;
- compensation for the transportation of pupils, apprentices and upper secondary students, and
- subsidised activities of pupils, apprentices and upper secondary students in peer organisations.

Article 138
(Financing of Private Schools)

Notwithstanding the provisions of paragraph 2 Article 86 of this Act, three years after this Act enters into force and for each pupil or upper secondary student, a private school shall be entitled to 100% of the funds that the State or local community provides for salaries and material costs, namely per pupil or upper secondary student.

Notwithstanding the provisions of Article 86 of this Act, private schools with a concession granted prior to the entry into force of this Act shall be financed in accordance with the concession agreement.

Article 139
(Harmonisation of Organisation of Kindergartens)

The founder of a kindergarten shall harmonise the organisation of the kindergarten with this Act not later than the beginning of the school year in which the 9-year basic school programme is introduced at every basic school in the country.

Article 140
(Harmonisation of Founding Acts)

The founders of kindergartens to be reorganised in accordance with this Act and the founders of schools shall harmonise their founding acts with the provisions of this Act not later than one year after its entry into force.

With adoption of the founding acts of the preceding paragraph, the old statutes on public kindergartens or schools shall cease to apply.

Kindergartens or schools shall be entered into the register not later than within one year after its entry into force.

Article 141

(Harmonisation of Education Programmes)

The founders of private schools shall harmonise education programmes with this Act not later than four years after its entry into force.

If a founder of a private school holding a concession agreement fails to fulfil the obligations of paragraph 1 of this Article, the concession agreement shall be terminated by law.

Notwithstanding the provision of the preceding paragraph, concession agreements regulating the financing of private schools from public funds shall continue to apply in cases as referred to in Article 138 of this Act.

Irrespective of the provision of Article 18 of this Act, the Ministry shall publish officially recognised programmes that shall first be implemented in the 1996/97 school year by the beginning of the school year at the latest.

Article 142

(Subordinate legislation)

Subordinate legislation under this Act shall be issued by the Minister not later than one year after the entry into force of this Act.

Article 143

(National School for Leadership in Education)

Head teachers who have completed the National School for Leadership in Education before the entry into force of this Act shall be considered to hold a head teacher's licence in accordance with this Act.

Article 144
(Head Teacher Candidates)

Notwithstanding the provisions of paragraphs 1 and 2 Article 53 of this Act, a person may be appointed head teacher until the first of September of 2000 even if he or she fails to fulfil the requirements of educational qualification and title, or does not hold a headship licence as specified by this Act.

The provisions of this Article also apply to an assistant head teacher who does not meet the requirements of educational qualification and titles as specified by this Act.

Article 145
(Head Teachers)

Head teachers or assistant head teacher at kindergartens and schools who, on the entry of this Act into force, hold upper secondary education qualifications, twenty-five years of service who have fulfilled the function of head teacher or assistant head teacher for two terms, as well as head teachers or assistant head teachers at kindergartens with upper secondary education qualifications who have fulfilled the function of head teacher or assistant head teacher for three terms of office may be appointed head teacher or assistant head teacher, regardless of the provisions of paragraphs 1 and 2 Article 53 and paragraph 1 Article 56, also after this Act enters into force.

Head teachers or assistant head teacher at kindergartens and schools not fulfilling the education qualification requirements referred to in this Act who, on the entry of the Act in force, have less than 10 years to acquire the right to an old-age pension and have fulfilled the function of head teacher or assistant head teacher for three terms at least, may be appointed head teacher or assistant head teacher regardless of the provisions of paragraphs 1 and 2 Article 53 and paragraph 1 Article 56 of this Act, also after this Act enters into force.

Article 146
(Teachers and Educators)

Teachers at a basic school, music school, *gimnazija*, upper secondary vocational and technical school, and educators at a residence hall for pupils or students who meet the conditions specified by law to perform educational work at a basic school, music school, institution for the education of SEN children, *gimnazija* and upper secondary vocational school, and at a residence hall for students may perform educational work also after the entry into force of this Act.

The education staff referred to in paragraph 1 of this Article shall have the right to perform educational work until they discontinue their uninterrupted work in education. A discontinuation of three months or less does not constitute a discontinuation of uninterrupted work in education. Teachers at a basic school, music school, *gimnazija*, upper secondary vocational and technical school, and educators at residence halls for pupils or students referred to in this Article shall compete for job vacancies in education with equal opportunities, and shall enter employment as candidates with the educational qualifications specified by law and other regulations.

The provision of paragraph 2 of this Article shall also apply to other education staff with the right to perform educational work according to law for the same reasons as the education staff referred to in paragraph 1 of this Article.

Pre-school teachers at kindergartens who meet the conditions to perform work at kindergartens prior to the entry into force of this Act may perform the work of a second teacher in the first grade of a nine-year basic school.

Shorter teaching time for a teacher of Slovenian language as specified by this Act shall start to apply in the school year 1998/99.

Notwithstanding the provision of paragraph 5 Article 110 of this Act, in the school years 1995/96 and 1996/97 only education staff holding the title of Councillor or Advisor may become a mentor to a trainee.

Article 147

(Teacher of Practical Lessons and Skills)

Teachers of practical lessons and skills who do not meet the conditions specified by this Act shall acquire the required educational qualification within five years of the entry into force of this Act; otherwise, their employment relationship shall be terminated.

Notwithstanding the provision of the preceding paragraph, teachers of practical lessons and skills who on the date of entry into force of this Act have at least 20 years of work experience in education may continue to perform their work.

Article 148
(School Librarians and Social Workers)

School librarians and social workers who have acquired a short-cycle higher vocational educational qualification in their profession prior to the entry into force of this Act may continue to perform their work as school librarian or social worker after entry into force of this Act.

Notwithstanding the provision of the preceding paragraph, other education staff who on the date of entry into force of this Act performed the work of a school librarian and met the relevant job conditions according to the regulations in force until the fifteenth of March 1996 may continue the work of a school librarian.

Article 149
(Pedagogical or Pedagogical-Andragogical Educational Qualifications)

Teachers, counsellors and education staff who passed the professional examination in accordance with the regulations in education prior to the entry into force of this Act have obtained pedagogical and pedagogical-andragogical educational qualifications.

The teachers, counsellors and education staff referred to in the preceding paragraph have a special pedagogical educational qualification in the field of educational work with SEN children, for which they have taken their professional examination.

Article 150
(Traineeship)

Education staff undertaking a traineeship on the date of entry into force of this Act shall complete their traineeship and pass the professional examination under the regulations in force until entry into force of this Act.

Guardians employed at a kindergarten on the date of entry into force of this Act shall not have to take the professional examination specified by this Act.

Article 151
(Public Network)

Public kindergartens or schools founded prior to the entry into force of this Act shall be an integral part of the network of public kindergartens and schools.

Article 152

(Transfer of Competence of Administrative Units)

In the scope of education, the provisions of Articles 102 and 103 of the Public Administration Act (*Uradni list RS*, No. 67/94) that regulate the competence of administrative units shall cease to apply on the date the school administrations established under this Act begin to operate.

The transfer of workers, premises and resources shall be regulated by the Document specifying the districts of school administrations.

Article 153

(Council of Experts)

The councils of experts specified by this Act shall be established not later than sixty days after this Act has entered into force.

At the first appointment, half the members of an individual council of experts shall be appointed for a three-year term. The members to be appointed for a three-year term shall be chosen by lot.

Article 154

(Harmonisation of Founding Acts of Public Institutions)

The Government of the Republic of Slovenia shall adopt or harmonise the founding acts of public institutions referred to in Article 28 of this Act not later than three months after this Act enters into force.

Until the National Education Institute of the Republic of Slovenia has been established, the Office of the Republic of Slovenia for Education and Sports shall perform the respective duties and responsibilities. When this Act enters into force, the Republic Examinations Centre shall be renamed the National Examinations Centre.

Article 155
(Exercise of Provisions on Financing)

The validity period of the provisions of Articles 81 and 82 shall begin in the financial year 1996.

In the financial year 1995, the provisions of the Organisation and Financing of Education Act – ZOFVI (*Uradni list RS*, No. 12/91-I) shall apply to financing.

Article 156
(Lapse of Implementing Regulations)

Until the enactment of the implementing regulations specified by this Act, the subordinate legislation in force until the entry into force of this Act shall apply, other than those conflicting with this Act, namely:

- 1) Rules on the Verification Procedure of Educational Organisations and on the Content and Procedures of the Register of Educational Institutions (*Uradni list SRS, Uradni list SRS*, No. 5/81)
- 2) Rules on Conditions of Pursuing Educational Activities by Personal Work (*Uradni list SRS*, No. 22/90)
- 3) Rules on Textbooks (*Uradni list RS*, Nos. 15/93 and 18/93)
- 4) Rules on Traineeship and Professional Examinations for Education Staff (*Uradni list SRS*, No. 20/80)
- 5) Rules on Promotion of Employees to Titles in Basic and Upper Secondary Education (*Uradni list SRS*, No. 41/94)
- 6) Decision on Specification of Norms and Standards of Pursuing Educational Activity at Basic

Schools, Music Schools and Residence Halls for Basic School Pupils (*Uradni list RS*, No. 4/92)

- 7) Decision Specifying Norms and Standards of Pursuing Educational Activity for SEN Children with Developmental Disorders at Educational Institutions (*Uradni list RS*, No. 4/92)
- 8) Decision Specifying Norms and Standards of Pursuing Educational Activity at Upper Secondary Schools (*Uradni list RS*, Nos. 4/92, 7/92 and 33/95).

Article 157
(Lapse of Acts)

On the date of entry into force of this Act, the following Acts shall cease to apply.

- 1) 1 Free Exchange of Work in Education Act (*Uradni list SRS*, Nos. 1/80, 25/89, 32/89, and *Uradni list RS*, No. 12/91-I), and
- 2) 2 Organisation and Financing of Education Act – ZOFVI (*Uradni list RS*, No. 12/91-I), other than the provisions of Articles 61 and 64.

Article 158
(Entry into Force)

This Act shall enter into force on the fifteenth day after its publication in the official gazette *Uradni List Republike Slovenije*.

The Act Amending the Organisation and Financing of Education Act – ZOFVI-A (*Uradni list RS*, No. 64/01) contains the following transitional and final provisions:

TRANSITIONAL AND FINAL PROVISIONS

Article 43

(Transitional Conditions for Head Teachers and Head Teachers' Assistants)

Head teachers who on the date of entry into force of this Act held short cycle higher educational qualifications acquired in programmes adopted before the entry into force of the Higher Education Act (*Uradni list RS*, No. 67/93, 39/95 – decision of the Constitutional Court, 18/98 – decision of the Constitutional Court 35/98 – decision of the Constitutional Court, and 99/99), at least twenty-five years of service, and exercised the function of head teacher for at least two terms may, notwithstanding the provision of paragraph 2 Article 53 of the Act, be reappointed if they meet the other conditions for head teachers according to the provision of this Article.

Head teachers who do not meet the conditions of the preceding paragraph and who were appointed according to Article 144 of the Act before entry into force of this Act may be reappointed as a head teacher until 1 September 2003.

Under the conditions of the preceding paragraph, current acting head teachers who assumed the function of an acting head teacher after 1 September 2000 may also be appointed head teachers.

Persons appointed head teacher according to paragraphs 2 and 3 of this Article shall obtain the specified prescribed educational qualifications and titles by the 1st of September 2005 at the latest, or obtain a headship license not later than one year from the beginning of the term.

The term of head teachers who fail to comply with the obligations within the deadline specified in the preceding paragraph shall be terminated by operation of law.

Notwithstanding the provision of paragraph 1 Article 56 of the Act, a teacher who performs educational work in accordance with the provision of Article 146 of the Act and holds the title of Councillor or Advisor or the title Mentor for a minimum of five years may be appointed head teacher assistant.

Article 44

(Duration of Current Terms)

The terms of head teachers which began before the entry into force of this Act shall end within four years of their commencement.

Article 45

(Date of Application of Individual Provisions of the Act)

The provisions of Articles 11 and 12 of this Act shall be applied as of the date of the full membership of the Republic of Slovenia in the EU.

Notwithstanding the provisions of paragraph 2 Article 22 and of Article 23 of this Act, the state budget shall cover 70% in 2002, 50% in 2003 and 30% in 2004 of funding the transportation of basic school pupils in cases of a threat to safety on the way to school established under 56 Article of the Basic School Act. The remaining resources shall be provided by local communities.

On the date of entry into force of this Act, the provisions of paragraphs 2 and 3 Article 144 shall cease to apply. (Note: enacted already in Article 144).

Article 46

(Entry into Force of the Act)

The Act shall enter into force as of the fifteenth day of its publication in the official gazette *Uradni list Republike Slovenije*.

The Act Amending the Organisation and Financing of Education Act – ZOFVI-B (*Uradni list RS*, No. 108/02) contains the following transitional and final provision:

TRANSITIONAL AND FINAL PROVISIONS

Article 4 – ZOFVI-E (*Uradni list RS*, No. 65/05) enacted

The time limits for concluding fixed-term employment contracts under the provisions of the Employment Relationships Act (*Uradni list RS*, No. 42/2002) shall apply as of the 1 January 2010.

Article 5

This Act shall enter into force as of the fifteenth day of its publication in the official gazette *Uradni list Republike Slovenije*.

The Act Amending the Organisation and Financing of Education Act – ZOFVI-C (*Uradni list RS*, No. 34/03) contains the following transitional and final provision:

TRANSITIONAL AND FINAL PROVISIONS

Article 2

Within thirty days from the entry into force of this Act, the minister responsible for education shall issue a implementing regulation in which the minister shall specify the procedure and criteria for subsidising the transportation referred to in the preceding Article (paragraph 8 Article 81 of the Act).

Article 3

This Act shall enter into force as of the fifteenth day of its publication in the official gazette *Uradni list Republike Slovenije* and shall apply as of the 1 September 2003.

The Act Amending the Organisation and Financing of Education Act – ZOFVI-D (*Uradni list RS*, No. 79/03) contains the following transitional and final provisions:

TRANSITIONAL AND FINAL PROVISIONS

Article 11

- ZOFVI-H (*Uradni list RS*, No. 58/09, 64/09-amend. and 65/09-amend.) and ZOFVI -J (*Uradni list RS*, No. 47/15) enacted

Until the school year 2017/2018 ends, education staff under with open-ended employment agreements for full working time with a school to whom legal time to teach school subjects for which they meet all requirements and conditions specified by law and other regulation cannot be provided, and as such it is required for proper pursuit of education activities, shall extend their teaching time to other school subjects.

The scope of extension referred to in paragraph 1 of this Article shall not exceed 40 percent of the imposed teaching time of education staff in the school year 2015/2016, over 30 percent in the school year 2016/2017, and in 2017/2018 over 20 percent of legal teaching time of education staff

In the cases referred to in paragraph 1 of this Article, the provisions of Article 14 of the Public Sector Salary System Act (*Uradni list RS*, No. 108/09 – official consolidated text, 13/10, 59/10, 85/10, 107/10, 35/11-ORZSPJS49a, 27/12-dec. of the Constitutional Court, 40/12-ZUJF, 46/13, 25/14-ZFU, 50/14, 95/14-ZUPPJS15) shall apply mutatis mutandis to specify the basic salary of a worker.

Article 12

The provisions of Articles 2 and 5 of this Act (amended Articles 102 and 110 of the Act) shall apply as of the 1 September 2004.

Article 13

Until the conditions have been specified according to the paragraph 3 of Article 9 of this Act (amended Article 118 of the Act), education staff may not refuse to sign a new employment contract, unless the conditions of paragraph 2 Article 33 of the Collective Labour Agreement for Educational Activity in the Republic of Slovenia (*Uradni list RS*, No. 52/94, 49/95, 34/96, 45/96,

51/98, 28/99, 39/2000, 56/2001, 64/2001, 78/2001 and 56/2002) have been met.

Article 14

This Act shall enter into force on the day following its publication in the official gazette *Uradni list Republike Slovenije*.

The Act Amending the Organisation and Financing of Education Act – ZOFVI-E (*Uradni list RS*, No. 65/05) contains the following transitional and final provisions:

TRANSITIONAL AND FINAL PROVISIONS

Article 7

– Placement of SEN Children Act – A (*Uradni list RS*, No. 118/06) enacted

The responsibilities and duties of school administrations specified by the Organisation and Financing of Education Act (*Uradni list RS*, No. 12/96, 23/96 – corr., 22/00 – Public Funds Act 64/01, 108/02, 34/03 and 79/03) and other acts, and the regulations adopted on the basis thereof shall be performed as of the date of the entry into force of this Act by the ministry responsible for pre-school or school education.

Article 8

As of the entry into force of this Act, the Order to Assign Koper Educational Administration District (*Uradni list RS*, No. 100/00) shall cease to apply.

Article 9

This Act shall enter into force as of the day following its publication in the official gazette *Uradni list Republike Slovenije*.

The Act Amending the Organisation and Financing of Education Act – ZOFVI-F (*Uradni list RS*, No. 129/06) contains the following transitional and final provisions:

TRANSITIONAL AND FINAL PROVISIONS

Article 11

The founders of public kindergartens and schools shall harmonise the founding acts with the provisions of this Act no later than eighteen months after its entry into force.

Article 12

If the term of a council of a public kindergarten or public school expires prior to the harmonisation of its founding act, the council members shall be elected or appointed according to this Act and the procedure specified by the founding Act.

Article 13

Head teacher appointment procedures which began before the entry into force of this Act shall be completed in accordance with the provisions of the Act that was in force until the entry into force of this Act.

A person exercising the function of acting head teacher at the time of the entry into force of this Act may be reappointed as an acting head teacher if he or she has not exercised the function of acting teacher for two terms in the same institution.

Article 14

This Act shall enter into force as of the fifteenth day of its publication in the official gazette *Uradni list Republike Slovenije*.

The Act Amending the Organisation and Financing of Education Act – ZOFVI-G (*Uradni list RS*, No. 36/08) contains the following transitional and final provisions:

TRANSITIONAL AND FINAL PROVISIONS

Article 41

(Adoption of Implementing Regulations)

The Minister shall determine the regulations referred to in Articles 5, 6, 9 and 24 of this Act no later than six months after the entry into force of this Act.

The Minister shall adopt the methodology for specifying the financial resources per participant in education referred to in the paragraph 1 of Article 84 of this Act no later than one year after the entry into force of this Act. Until the implementation of the methodology, the Rules on the introduction of a new method for financing and organising educational work in secondary technical schools, vocational colleges and halls of residence for secondary school students (*Uradni list RS*, No. 75/05) shall apply.

Head teachers of schools without a school fund shall do all that is required to establish such a fund within six months from the entry into force of this Act.

Article 42

(Education Staff)

Education staff who until the entry into force of this Act met the conditions specified by law and other regulations to pursue educational activity at educational institutions may, after the entry into force of this Act, continue to exercise educational work until the termination of their uninterrupted employment relationship in education.

Article 43

(Entry into Force of New Financing System)

Financing based on the methodology for specifying financial resources per participant in education shall be implemented for the individual educational institutions referred to in paragraph 2 Article 84 of this Act following the Minister's decision. All the aforesaid educational institutions shall

implement the new method of financing by 31 December 2012 at the latest.

Article 44
(Entry into Force)

This Act shall enter into force as of the fifteenth day of its publication in the official gazette *Uradni list Republike Slovenije*.

The Act Amending the Organisation and Financing of Education Act – ZOFVI-H (*Uradni list RS*, No. 58/09) contains the following transitional and final provisions:

TRANSITIONAL AND FINAL PROVISIONS

Article 9
(Head Teacher Candidates)

Notwithstanding the provision of Article 53 of this Act, a candidate may be appointed to a head teacher's position who is allowed according to Articles 146 or 148 of the Organisation and Financing of Education Act – ZOFVI (*Uradni list RS*, No. 12/96), Article 42 of the Act Amending the Organisation and Financing of Education Act – ZOFVI (*Uradni list RS*, No. 36/2008) and Article 10 of this Act to pursue the educational activity of a teacher or counsellor at the school of the prospective position of a head teacher, and has, as of the entry into force of this Act, educational qualifications of not lower than second-cycle or level of educational qualifications equal under the law to educational qualifications not lower than second-cycle, and meets all the other conditions and requirements for the position of a school head teacher.

Article 10
(Education Staff)

As of the entry into force of this Act, the right under Article 146 of the Act shall apply to education staff meeting the conditions referred to in paragraph 1 Article 146, and of Articles 147 and 148 of this Act, and of Article 42 of the Act Amending the Organisation and Financing of Education Act – ZOFVI (*Uradni list RS*, No. 36/08) who held a job in education on the 24 June 2009 irrespective of any educational work interruptions and duration thereof between the 15 March 1996 and/or the 26

April 2008 and the 24 June 2009.

Article 11
(Employment of Indefinite Duration)

Notwithstanding the provisions of the Act regulating the employment relationships, education staff meeting the conditions of Articles 146, 147, 148 of this Act, of Article 42 of the Act Amending the Organisation and Financing of Education Act – ZOFVI (*Uradni list RS*, No. 36/08) and of Article 10 of this Act, who as of the entry into force of this Act have held a fixed-term employment contract shall conclude a employment contract of indefinite duration without publicising a job vacancy if this is necessary to ensure continuous work in education.

Article 12
(Harmonisation of Composition of Councils)

The founders of public kindergartens and schools shall harmonise the respective founding acts with the provisions of Article 1 of this Act within one year of the entry into force of this Act.

Notwithstanding the provisions of paragraph 1 of this Article, not later than six months after the entry into force of this Act, two additional representatives of staff shall be appointed directly by this Act to the council of the public kindergarten or school on which staff have three representatives. Two representatives of upper-secondary students shall be appointed to the councils of public vocational schools, *gimnazija* or public residence halls for upper secondary students at which students have no representatives.

Within the time-limit referred to in paragraph 2 of this Article, a public educational institution at which organisational units of vocational schools, *gimnazije* or residence halls for students have established, students shall be represented through the election of as many student representatives as there are representatives of parents.

The councils of public kindergartens and schools continue their work to the expiry of the term. For council members elected or appointed before the entry into force of this Act, and for members elected in accordance with this Article, the term ends with the expiry of the term of the council.

Article 13

This Act shall enter into force on the fifteenth day of its publication in the official gazette *Uradni list Republike Slovenije*.

The Act Amending the Organisation and Financing of Education Act – ZOFVI-I (*Uradni list RS*, No. 20/11) contains the following transitional and final provision:

TRANSITIONAL AND FINAL PROVISIONS

Article 3

(Setting up the Central Register)

(1) The Central Register shall be set up by 1 September 2011 at the latest.

(2) Until the Central Register has been set up, an educational institution shall obtain the data referred to in the Article 135a for its education participants directly from the data base on rights from public resources.

Article 4

(Implementing Regulation)

The Minister shall adopt the regulation referred to in paragraph 5 Article 135 of the Act by 1 September 2011 at the latest.

Article 5

(Entry into Force)

This Act shall enter into force as of the fifteenth day of its publication in the official gazette *Uradni list Republike Slovenije*.

The Fiscal Balance Act – FBA (*Uradni list RS*, No. 40/12) contains the following transitional and final provision:

TRANSITIONAL AND FINAL PROVISIONS

Article 215

The Government of the Republic of Slovenia shall adopt the founding acts of the public institutions referred to in paragraph 2 Article 28 of the Act by 1 January 2013.

Until the entry into force of the founding acts referred to in the preceding paragraph, the duties and responsibilities specified under Article 28 of the Act shall be assumed by public institutions established in accordance with Articles 28, 29 and 106 of the Organisation and Financing of Education Act – ZOFVI (*Uradni list RS*, No. 16/07 – officially consolidated text, 118/06 – ZUOPP, 36/08, 58/09, 64/09 – corr. and 65/09 – corr. and 20/11).

Article 251

(Entry into Force)

This Act shall enter into force on the following day its publication in the official gazette *Uradni list Republike Slovenije*.

Act Amending the Road Transport Act – ZPCP-2D (*Uradni list RS*, No. 57/12) includes the following final provision:

TRANSITIONAL AND FINAL PROVISIONS

Article 15

(Entry into Force and Use)

This Act shall enter into force on the following day of its publication in the official gazette *Uradni*

list Republike Slovenije, and it shall apply from 20 August 2012.

Act Amending the Act Amending and Supplementing the Organisation and Financing of Education Act – ZOFVI-J (*Uradni list RS*, No. 47/15) includes the following final provision:

TRANSITIONAL AND FINAL PROVISIONS

Article 2

This Act shall enter into force the fifteenth day of its publication in the official gazette *Uradni list Republike Slovenije*, and it shall apply from 1 September 2015.

Act Amending the Act Amending and Supplementing the Organisation and Financing of Education Act – ZOFVI-K (*Uradni list RS*, No. 46/16 and 49/16-amend.) includes the following final provisions:

TRANSITIONAL AND FINAL PROVISIONS

Article 12

(Time limit to acquire proper special-pedagogical educational qualification)

Irrespective of the provisions under Article 99 of this Act, the education staff in officially recognised education programmes for children and youth with special needs, except for pre-school teachers in behaviour-based education programmes for children and youth with special needs, shall acquire special pedagogical educational qualification under Article 100 no later than in two years of the enforcement of this Act.

Article 13

(Date of chapter “XVII A DATA BASE” becoming operational)

The new chapter “XVII A DATA BASE” and Articles 135a, 135b, 135c, 135d, 135e and 135f shall

become operational three years after the day of the enforcement of this Act. Until then, the chapter "XVII a DATA BASE" and articles 135a, 135b, 135c and 135d of the Organisation and financing of education At (Uradni list RS, no. 16/07 – officially consolidated text, 36/08, 58/09, 64/09-amend., 65/09-amend., 20/11, 40/12-ZUJF, 57/12-ZPCP-2D and 47/15) shall be operational.

For students of higher vocational colleges one shall keep information of paragraph 2 Article 135a of this Act in the central register from study year 2005/2006 onwards. Higher vocational colleges shall enter information in nine months since this Act shall become operational.

Article 14

(Amendment of Article 56 of the Matura Act and Article 97 of the Basic school Act)

The Matura Act (Uradni list RS, no. 1/07 – officially consolidated text) shall be added under article 56 the new paragraph specifying:

"The information under previous paragraph shall not be processed, used and published for the purpose of classifying schools."

Hitherto, second or third paragraph shall become third and paragraph 4.

The Basic school Act (Uradni list RS, no. 81/06 – officially consolidated text, 102/07, 107/10, 87/11, 40/12-ZUJF and 63/13) shall be added under Article 97 the new paragraphs that reads:

"Information of tenth paragraph Article 95 of this Act shall not be processed, used and published for the purpose of classifying schools."

Hitherto paragraph 2 shall become the paragraph 3.

Article 15

(Social-care institutions)

The social-care institutions that pursue adapted programmes for pre-school children and special programmes of education for children and youth with special needs on the day of this act entering into force, irrespective of the provision of the paragraph 7 Article 34 of the law, the ministry shall

enter in the register ex officio irrespective of not fulfilled conditions and requirements in three months after this Act enters into force.

The subsidiary instrument under eighth paragraph Article 105 of the law shall be issued by the minister in six months of this act entering into force.

Article 16
(Expiry)

By this Act entering into force the paragraph 3 of Article 17 of the School meals Act (Uradni list RS, nos. 3/13 and 46/14) shall expire.

Article 17
(Date of this Act entering into force and becoming operational)

This Act shall enter into force the fifteenth day after the publication in the official gazette of the Republic of Slovenia Uradni list RS shall become operational on September 1 2016.