



**Ministry of Education Republic of Serbia
Vocational Education and Training Reform Programme**



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**Legislation in the Field of Vocational Education and Training
in the Republic of Serbia**

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1. Introduction

Vocational education and training (VET) is still regulated by the Law on the Foundations of the Education System (Official Gazette no. 62/03, 64/03 and 58/04). However, this law (in short: the Education Law) is as its title shows not a special VET law but an umbrella law for the education system as a whole comprising preschool education, primary education and secondary education (Art. 29). Secondary education in turn includes vocational education and training by vocational schools (Art. 29 paragraph 1 Nr. 3, Art. 30 paragraph 3) and also adult education (Art. 30 paragraph 3); the latter may also be realised by other organisations than schools provided that they have obtained the approval of the Ministry (Art. 41). One of the shortcomings of the Education Law is the fact that it refers in many articles to special regulations by “separate law” though the respective separate law often does not exist.

Annex 4 to the Green Paper of 2005 (“The Legal Framework for the Reform of Vocational Education and Training in Serbia”) had presented some proposals to support and promote the modernisation of VET by amending the Education Law. The analysis had come to the conclusion that this law did not cope sufficiently with important challenges in the VET reform process. It criticised that the National Educational Council being established by an amendment of the Education Law in May 2004 (Art. 10 to 12) had an overall responsibility for all education matters and were therefore not able to respond appropriately to the special demands of VET, the less so as this council, composed of 38 members representing different institutions and associations, were rarely an efficient decision-making body. The paper suggested the establishment of a Council for Vocational Education and Training which would have to design, monitor and harmonise the development and improvement of VET and to regulate the interests, needs and capacities of all social partners relevant for VET. This VET Council should include, therefore, the social partners in the decision-making process. Other observations and recommendations of the paper referred to the specific requirements of VET schools concerning their establishment and financing and their government and management as well. For further details see Annex 4 to the Green Paper.

As far as the legal framework of VET is concerned none of these recommendations have been realised since then. To speculate about the reasons for the reserve of Parliament and other bodies involved in the procedure of legislation, however, is not and should not be a topic of this report. It remains to be seen what initiatives the future Government to be formed after the national elections on 11 May of this year will take.

2. New Initiatives for the Reform of Vocational Education and Training

In spite of the ongoing legal standstill new initiatives for reforming VET have been developed in the meantime. Therefore attention should be directed to these programmes and to their possible legal implications. In this context several documents have to be looked at. There are, to begin with, “The Strategy for the Development of Vocational Education and Training in the Republic of Serbia” and “The Strategy for the Development of Adult Education in the Republic of Serbia”, both adopted by the Government on 28 December, 2006 and published in the Official Gazette. Instructive are also the (draft) Action Plans to implement the Strategies. According to the Strategies these Action Plans which had been prepared by the Ministry of Education with the assistance of the Vocational Education and Training Reform Programme¹ should have been adopted by the Government on 30 April, 2007 at the latest². Though these drafts had been approved by all other Ministries they were, however, never adopted by the Government as a whole so that they are until now only unofficial, non-binding schemes. They may serve, nonetheless, as a source of information about the measures and activities designed to realise the Strategies. Finally, particularly from a juridical point of view, one should take into consideration an unofficial document prepared by the VET Reform Programme dealing with necessary legal measures to implement the Strategies and the Action Plans respectively (henceforth: the Legal Implementation Paper)³.

One could reflect at length about the suitability of having two distinct strategies for the development of VET on the one hand and of adult education on the other. Usually, especially in transition countries like Serbia, adult education is perceived as being more or less part and parcel of VET since both, VET and adult education, have to respond to labour market and individual needs for knowledge and skills, have to increase the value of human resources and to create basic support for the social-economic development, have to complete social and individual participation and to improve employability, have to strengthen professional mobility and flexibility of the work force, have to prevent social exclusion and marginalisation. The Strategy for the Development of VET, by the way,

¹ Ministry of Education and Sports: The National Action Plan for the Implementation of the Strategy for the Development of Vocational Education and Training in the Republic of Serbia for the Period 2007-2015, December 2006 (draft); Ministry of Education and Sports: Action Plan for the Implementation of the Strategy for the Development of Adult Education in the Republic of Serbia, December 2006 (draft).

² Section 12 of the VET Strategy, Section VI of the Adult Education Strategy.

³ Vocational Education and Training Reform Programme – Phase 2, Programme Implementation Unit: The Necessary Legal Activity as the Basis for the Implementation of the Action Plan for Implementation of the Strategy for the Development of Vocational Education and Training and the Action Plan for Implementation of the Strategy for the Development of Adult Education, Belgrade, December 2007.

considers adult education as an element of VET (see section 5.5)⁴. There is also the fact that the Adult Education Strategy appears to be rather a document complementing the VET Strategy by developing primarily the specific concept of adult education in the field of VET. The following comments will concentrate on the VET Strategy the more so as according to the Terms of Reference the purpose of this report is to analyse existing and proposed legislation regarding its consistency with *VET reform initiatives*.

The VET Strategy is an extensive and elaborate paper⁵. It cannot be discussed here in detail. The essentials of the reform programme may be summarised as follows:

The main objective of VET is perceived as to provide possibilities for youth and adults to gain knowledge, skills and attitudes needed for work and employment, further education and learning, with regard to the principles of sustainable development of the whole society (see p. 5 of the VET Strategy).

One of the preconditions of reforming VET is a new definition of occupations and their merger into broader ones as a basis for the development of *occupational standards* (occupational requirements). At the end of this process a *modernised national nomenclature of occupations* shall be established (p. 10 f.). The occupational standards or requirements shall be used to identify *educational profiles* which determine what vocational requirements have to be fulfilled (p. 11 f.). This again will have repercussions on the curriculum development aiming at *outcome-based modular curricula* (p. 14 f., 9 f., 12 f.). *Outcomes* as clearly defined competencies (knowledge, skills and attitudes) which have to be acquired upon completion of a programme shall serve as the basis for the planning, implementation and evaluation of education and training and for the orientation of teachers and students as well. *Modularisation* shall enable greater flexibility and efficiency in planning and organising educational processes and offer students and adult learners possibilities to choose their own path of learning. *Vocational examinations* shall be also outcome-based by assessing the students' competencies acquired upon the completion of education. They have to be structured in such a way that both theoretical and practical knowledge and skills are checked. All the tasks should be standardised (p. 23). A further step in standardising the outcomes of VET has to be the establishment of a *National Framework of Qualifications* which comprises all qualifications in formal and non-formal education and training. This framework which shall define qualification steps compatible with the European Qualification Framework would not only encompass VET qualifications but also general education qualifications and would cover all educational

⁴ Cf. also p. 5, 11, 17, 19, 25 and passim of the VET Strategy where the paper explicitly says that VET has to address not only youth but also adults as target groups.

⁵ The English version comprises 31 pages of narrowly spaced lines.

levels (from secondary to higher education) including also continuing education (p. 13 f.). The VET Strategy emphasizes the necessity of *in-service teacher training* by improvement and development at the school level, modern teaching and learning methods, new information technologies and professional cooperation and partnership (p. 19 f.). According to the Strategy the process of modernisation of vocational education and training requires a *changed role of the vocational school* needing in particular more flexibility and responsibility to respond in its programmes to the labour market demands (p. 18). Chapter 10 deals in extenso with financing vocational education and training and pleads cautiously for a “*dynamic model*” of financing vocational schools combining an input-based budget in accordance with the relevant legislation, an output-based budget which depends on the results achieved at school (e.g. the number of extended diplomas, the number of students adequately employed upon graduation) and additional income through commercial activities, e.g. by offering training programmes (p. 29 f.). The VET Strategy stresses the importance of *practice* in vocational education stating that company-based practice is very limited in Serbia and that a balanced system of school-based and company based practise should be developed (p. 18 f.). The Strategy underlines particularly the importance of *quality assurance* in the VET system by self-evaluation of schools and external evaluation, by examinations, by monitoring the implementation of new curricula and by accreditation of institutions or programmes and by certification of certificates and diplomas (p. 21 f.).

The reform objectives of the VET Strategy give the impression of a consistent and conclusive concept which is congruous with the priorities in the process of modernising vocational education and training in other European countries, especially in the Member States of the EU.

3. Institutional Prerequisites and Legal Implications of the Reform Agenda

Section 2 of this report has only presented an account of the objectives which the VET Strategy pursues. It has not dealt with the institutional and legal implications of the reform agenda. However, the Strategy itself, but also the (draft) Action Plan⁶ and the (unofficial) Legal Implementation Paper contain steps and measures to achieve the reform objectives. This section will analyse what legal and institutional changes will be necessary to implement the reform agenda. In doing so one has to keep in mind that

⁶ Meaning The Action Plan for the Implementation of the Strategy for the Development of Vocational Education and Training (cf. footnote 1).

recommendations aiming at a far-reaching, widespread legal and structural reform all too soon would fail for political reasons. The fact that not even the Action Plans for implementing the strategies for VET and adult education were adopted by the Government shows how difficult it is to carry out a wide-ranging reform programme. Therefore the following proposals refrain from suggesting to pass new laws, e.g. a Law on Vocational Education, a Law on Adult Education or a Law on the National Framework of Qualifications, as the Legal Implementation Paper provides for, because the chances for their political realisation appear to be rather poor. Instead, they limit themselves in a piecemeal approach to only a few crucial issues.

3.1 To start with, it is obvious that matters concerning VET go far beyond the responsibility of the Ministry of Education. They touch in particular the competencies of the Ministry of Economy and Regional Development. The responsibilities of the Ministry of Labour and Social Policy and of the Ministry of Finance are also affected. Therefore a *close cooperation between these Ministries* has to be secured. Otherwise there would be the danger of inconsistency of VET policies. If the Ministry of Economy and Regional Development, e.g., would increase its initiatives in the field of human resources development by raising and ensuring the attractiveness, openness and quality standards of education and training⁷ without coordinating its activities with the Ministry of Education the outcome might be counterproductive.

The question is how to ensure the inter-ministerial coordination. Annex 4 to the Green Paper had proposed to insert in the Education Law a provision which would enforce the respective Ministries to cooperate closely in the field of VET. If this cannot be realised it may suffice to initiate a binding Government decision or an inter-ministerial agreement⁸.

3.2 Experience from most European countries shows that the social partners have to be involved in the development of VET and that an institutional infrastructure on national level is necessary to pave the way for adapting VET to the needs of the labour market and to prepare the necessary reform measures. To fulfil this purpose the VET Strategy provides for on the one hand the establishment of a Social-Economic Council of the Republic of Serbia which shall enable the inclusion of VET into the national socio-economic context, members of this Council being the representatives of the Government and representatives of the associations of employers and trade unions as well. On the other hand there shall be a *National Body for Vocational Education and Training* which will have to design, monitor and harmonise the development of vocational education and

⁷ See The Ministry of Labour, Employment and Social Policy (the predecessor of the now Ministry of Economy and Regional Development): National Employment Action Plan for 2006 – 2008, p.27 f.

⁸ The VET Strategy, too, deems the establishment of direct cooperation of the relevant Ministries necessary (see p. 3) but without saying on what formal basis this should be done.

training and to monitor and regulate the interests, needs and capacities of all social partners (p. 27). This latter body would be of utmost importance for the further development of VET. According to the Strategy and also to the Legal Implementation Paper (p. 3) this council would be responsible for the following tasks: to monitor the development of VET and adult education; to adopt the National Qualifications Framework; to adopt standards in VET (occupational standards, qualification standards, accreditation and certification standards); to adopt curricula; to monitor and propose the measures for quality assurance; to adopt the strategy for accreditation and certification; to adopt the contents and the form of final examinations, master-craftsman examinations and vocational matura; to propose the network of vocational schools; to consider and propose the establishment of Regional Training Centres; to propose the directions for the professional development of teachers, associates and instructors; to propose and approve various models of social partnership at national and local levels; to intermediate in introducing the concept of education for sustainable development.

It is not quite clear how the National Body for Vocational Education and Training has to be composed. Concluding from the context in the VET Strategy (p. 26 f.) one may assume that institutional members of this council would be the Ministry of Economy and Regional Development, the Ministry of Labour and Social Policy and the Ministry of Education⁹, furthermore the associations of employers and the trade unions. Such composition would guarantee that the competent state authorities and the relevant social partners are involved in the modernisation of VET. How the number of representatives of the institutional members and their voting rights shall be distributed remains open. And nothing is said in the Strategy or elsewhere by which procedure the National Body for Vocational Education and Training has to be established. Taking into account the powerful role for the development of VET this council would have it is obvious that a regulation by law is imperative meaning that a respective provision has to be inserted in the Education Law. Moreover, it would not be compatible with the constitutional principle of democracy if the non-governmental members of the body, i.e. the representatives of the social partners, could overrule the representatives of the Ministries. Therefore the latter must have at least the power to veto majority decisions.

3.3 The VET Strategy requires that the *Centre for Vocational and Artistic Education* within the Institute for the Improvement of Education (Art. 22 in connection with Art. 17 and 18 of the Education Law) should be strengthened and supported in order to fulfil the

⁹ The VET Strategy still mentions the denominations of the Ministries with their former responsibilities (Ministry of Economy, Ministry of Labour, Employment and Social Policy and Ministry of Education and Sports). Denominations and competencies of these Ministries have been changed by the Law on Ministries of 2007 (Official Gazette no. 43/2007).

executive functions and activities in VET (p. 28). It assigns to this agency which at present performs only expert tasks the responsibility to perform activities in the process of developing a concept for VET, to manage and coordinate the social dialogue and partnership, to coordinate the process of developing the National Qualifications Framework, to develop occupational and educational standards, to monitor and evaluate curricula, to develop and implement final examinations and the vocational matura, to monitor master-/craftsman examinations jointly with the Serbian Chamber of Commerce, to take care of the professional development of teachers, associates and instructors and to provide support for the Regional Training Centres.

The realisation of these measures – transforming the advisory functions of the Centre for Vocational and Artistic Education into administrative ones – would require an amendment of Art. 22 of the Education Law. Besides, there is the need of providing the Centre with additional competent personnel and equipment. Apart from that, the strengthening of the functions of this agency may cause problems of compatibility since, at first glance, several responsibilities of the Centre seem to be almost identical with the responsibilities of the National Body for Vocational Education and Training. One wonders, therefore, how an overlapping of the competencies can be avoided. On closer inspection it appears evident, however, that the National Body has to make the basic, essential decisions while the Centre is confined to the operational business.

3.4 As far as the *institutionalisation of a National Framework of Qualifications* is concerned the VET Strategy pleads cautiously for establishing a specialised organisation responsible for managing the development of a National Qualifications Framework (p. 13). In its view it is necessary that the key partners in this process – the Ministry of Education and Sports and the Ministry of Labour, Employment and Social Policy, the Serbian Chamber of Commerce and the National Employment Service – agree on the major principles, goals, tasks, levels and contents of qualification¹⁰ (p. 13). The Action Plan (p. 10) goes a step further by favouring the establishment of an Agency for Qualifications as an independent body which would manage and develop the National Qualifications Framework. The Legal Implementation Paper (p. 6) even proposes the passing of a separate Law on the National Framework of Qualifications which would determine amongst other matters the foundation of a body for governing the system of the framework.

It is doubtful whether at this stage of development the establishment of a special agency with the responsibility to develop and govern a National Framework of Qualifications

¹⁰ After the restructuring of the Government by the Law on Ministries of 2007 (see footnote 8) the Ministries to be included in the agreement would be the Ministry of Education, the Ministry of Economy and Regional Development and the Ministry of Labour and Social Policy.

would be a high ranking priority. Besides, one has to bear in mind that there are already other bodies involved in developing and adopting a National Qualifications Framework: the National Body for Vocational Education and Training (see. 3.2) and the Centre for Vocational and Artistic Education (see 3.3); the latter Centre should serve, at least preliminarily, as a coordinating agency which would take care of the qualifications in the field of VET.

3.5 The responsibility for the definition of *occupations and occupational standards*, for the establishment of a modernised national nomenclature of occupations, for the determination of *educational profiles*, even for the adoption of *curricula* and the contents and forms of vocational *examinations*: all this would fall in the jurisdiction of the National Body of Vocational Education and Training to be supported in these matters by the revitalised Centre for Vocational and Artistic Education.

Occasionally educational administrators tend to argue that outcome-based modular curricula were incompatible with Art. 73 of the Education Law since this provision were based on a traditional subject oriented concept. Though this view is not cogent – the legal wording does not exclude a flexible interpretation in favour of the new curricular approach – it may be recommendable, at least for reasons of clarification, to amend the Article. If necessary, one could resort to the experimental clause of Art. 93.

3.6 As far as the prerequisites for the improvement of *in-service training of teachers* are concerned the VET Strategy requires “special legislation (or regulations)” which would regulate the entire field of professional development of teachers and associates in vocational schools (p. 21). Since, after all experience of the past years, the adoption of a new law to be passed by Parliament would be obviously a very difficult and complex process it appears preferable to rule these issues by a ministerial regulation according Art. 27 Nr. 3 of the Education Law. The respective regulation would have to take up the proposals for the directions by the National Body for Vocational Education and Training (p. 27). The execution of the regulation would fall in the competence of the Centre for Vocational and Artistic Education and Training (p. 28).

3.7 Regarding the *new responsibility of the vocational school* to define its role for the successful implementation of the educational process the VET Strategy refers to the necessary cooperation with the Ministry of Education and the Centre for Vocational and Artistic Education within the Institute for the Improvement of Education. Though it supports the autonomy of schools to adapt its own programmes to the needs of the labour market it nevertheless insists on the approval by the Ministry of Education (p. 18). This does often result in an undesirable rigidity since some schools in this way are obliged to continue

courses for educational profiles which are not demanded any more by students. Perhaps an amendment of the Secondary School Network Act to be passed by the Government (cf. Art. 32 paragraph 5 of the Education Law) or a general regulation by the Ministry of Education could help to solve this problem. In this context it will be the responsibility of the National Body for Vocational Education and Training to propose the vocational school network.

The Strategy places emphasis on its view that the implementation of the new “*dynamic model*” of financing vocational schools needs some time to incorporate the new elements in the daily practice and that in particular the joint support from the Ministry of Education and the Ministry of Finance is necessary (p. 29 f.). Probably the experimental clause of Art. 93 of the Education Law could serve here also as a door opener. (For a more detailed discussion of legal aspects regarding new models of financing vocational schools refer to section 3 of Annex 4 to the Green Paper.)

Concerning the role of *practice* as an important element of vocational education and training the Strategy calls for partnership contracts among all actors involved (especially social partners and vocational schools), pleads for the establishment of a specific system of financing for all forms of practice, demands among other things that standards and principles for the implementation of practice should be defined, that desired outcomes of practice should be determined and that the curricula should be adjusted. The Strategy also provides for an institutional basis for enabling the provision of practice, that is to say the foundation of well equipped educational centres. Though nothing is said about how these centres should be established it appears to be evident that this is a matter to be dealt with by an agreement of the Ministry of Education and the Ministry of Economy and Regional Development in cooperation with the National Employment Service and the social partners.

3.8 As to the process of *quality assurance* one has to bear in mind that the future National Body for Vocational Education and Training shall monitor and propose quality assurance measures, shall adopt accreditation and certification strategy and shall approve the content and the form of final examinations and the vocational matura (p. 27). The operational activities in the field of quality assurance will be assigned to the Centre for Vocational and Artistic Education which shall in particular monitor and evaluate VET curricula and shall develop final examinations and vocational matura (p. 28).

In the context of quality assurance the attention may be directed to one current problem which needs a solution urgently¹¹. It appears that only students who have passed the final examination upon the completion of the third or fourth grade of secondary vocational

¹¹ The following comments are based on information which has been gathered in several interviews.

education receive a generally recognised certificate. Students who finish the vocational school in a shorter period, e.g. after attending an adult training course, may pass their examinations successfully though without receiving an official, generally recognised certificate. There is an exceptional rule for the five Regional Training Centres while all other 315 vocational schools and also the institutions of the National Employment Service offering training courses are not in a position to issue publicly accredited certificates for their short-term students¹². The latter need in any case a special approval by the Minister of Education.

This situation results in a chaos in the education market since nobody really knows what the meaning or value a certificate, issued without any public recognition, may have. Fairness and equity demand that also the examinations upon the completion of two-year, one-year or even shorter training courses are generally accredited as long as they fulfil the necessary standards.

4. Concluding Remarks

The perspectives for a far-reaching, comprehensive change of the legal framework of VET are obviously not promising. Therefore the recommendations presented in section 3 of this report are rather restrained. They focus on a few essentials which are contained in the VET Strategy and which could find a consensus in the political arena. These proposals imply an amendment of the Education Law aiming at the establishment of a National Body for Vocational Education and Training, composed of state representatives and of representative of the social partners, and at strengthening the responsibilities of the Centre for Vocational and Artistic Education as an operational agency. This legal reform would be a necessary legal prerequisite for the modernisation of the VET system.

¹² It should be mentioned, however, that Art. 106 of the Education Law enable the issue of public certificates at least for examinations upon the completion of a two-year and even upon the completion of a one-year secondary vocational education. Probably the necessary complementary regulation by the Minister is lacking.