

## **Adult Education Act<sup>1</sup>**

Passed 10 November 1993

(RT<sup>1</sup> I 1993, 74, 1054; consolidated text RT I 1998, 71, 1200),  
entered into force 10 December 1993,

amended by the following Acts:

21.04.2004 entered into force 05.07.2004 - RT I 2004, 41, 276;

23.10.2003 entered into force 24.11.2003 - RT I 2003, 71, 473;

29.01.2003 entered into force 10.03.2003 - RT I 2003, 20, 116;

16.10.2002 entered into force 01.01.2003 - RT I 2002, 90, 521;

16.06.1999 entered into force 01.01.2001 - RT I 1999, 60, 617;

16.06.1999 entered into force 01.01.2000 - RT I 1999, 60, 617;

16.06.99 entered into force 26.07.99 - RT I 1999, 60, 617;

13.01.99 entered into force 15.02.99 - RT I 1999, 10, 150;

16.06.98 entered into force 16.07.98 - RT I 1998, 61, 988;

26.06.96 entered into force 26.07.96 - RT I 1996, 49, 953.

### Chapter I

#### General Provisions

##### § 1.

This Act provides the bases for adult education and training and the legal guarantees for adults to be able to access the learning they desire during their lifetime.

(16.06.99 entered into force 26.07.99 - RT I 1999, 60, 617)

##### § 2.

For the purposes of this Act, adult education institutions are state and municipal authorities, private schools which hold an education licence and legal persons in public or private law, provided that adult education is an activity in which the authority, school or person engages pursuant to law or its statutes, and self-employed persons.

(16.06.98 entered into force 16.07.98 - RT I 1998, 61, 988; 16.06.99 entered into force 26.07.99 - RT I 1999, 60, 617)

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§ 3.

(1) Depending on its objectives, education is, according to this Act, one of the following:

- 1) formal education acquired within the adult education system;
- 2) professional education and training;
- 3) informal education.

(2) Formal education acquired within the adult education system provides the opportunity to acquire basic education and general secondary education in the form of evening courses, distance learning or as an external student, to acquire secondary vocational education on the basis of basic education in the form of evening courses or distance learning, to acquire secondary vocational education on the basis of secondary education in part-time study or as an external student and to acquire higher education in part-time study or as an external student. Completion of formal education acquired within the adult education system shall be certified by a certificate or diploma.

(29.01.2003 entered into force 10.03.2003 - RT I 2003, 20, 116)

(3) Professional education and training provides the opportunity to acquire and develop professional, occupational and/or vocational knowledge, skills and experience and the opportunity for retraining at the place of employment or at an educational institution. Completion of professional education and training shall be certified by a certificate.

(4) Informal education provides the opportunity to develop personality, creativity, talents, initiative and a sense of social responsibility and to accumulate the knowledge, skills and abilities needed in life. Learning takes place in the form of courses, study circles or any other form suitable for learners.

§ 4.

(1) The provisions of the Basic Schools and Upper Secondary Schools Act (RT I 1993, 63, 892; 1999, 42, 497; 79, 730; 2000, 33, 195; 54, 349; 95, 611; 2001, 50, 288; 75, 454; 2002, 25, 144; 34, 205; 53, 336; 57, 359; 61, 375; 63, 389; 64, 393; 90, 521; 2003, 21, 125; 2004, 27, 180; 30, 206; 41, 276), the Vocational Educational Institutions Act, the Institutions of Professional Higher Education Act, the Universities Act (RT I 1995, 12, 119; 2003, 33, 206; 58, 387) and the Private Schools Act (RT I 1998, 57, 859; 1999, 24, 358; 51, 550; 2000, 40, 255; 95, 611; 2001, 75, 454; 2002, 53, 336; 61, 375; 90, 521; 2003, 20, 116; 2004, 30, 206; 41, 276) extend to the activities of educational institutions which provide formal education acquired within the adult education system.

(16.06.99 entered into force 26.07.99 - RT I 1999, 60, 617)

(2) (Repealed - 16.06.99 entered into force 26.07.99 - RT I 1999, 60, 617)

(3) All authorities and persons specified in § 2 of this Act may organise the provision of professional education and training and informal education.

(16.06.99 entered into force 26.07.99 - RT I 1999, 60, 617)

(4) The Private Schools Act applies to sole proprietors and legal persons in private law who provide hobby education or organise continuing vocational training or informal education for adults if the instruction organised thereby lasts longer than 120 hours or is longer than 6 months of instruction in a year.

(21.04.2004 entered into force 05.07.2004 - RT I 2004, 41, 276)

(5) The Vocational Educational Institutions Act (RT I 1998, 65/65, 1007; 2001, 68, 406; 2002, 56, 348; 61, 375; 90, 521; 2003, 20, 116; 58, 387; 71, 473; 2004, 27, 178; 41, 276) and the Institutions of Professional Higher Education Act (RT I 1998, 61, 980; 2003, 33, 207; 58, 387) apply to the provision of professional education and training for adults organised by state or municipal vocational educational institutions and state institutions of professional higher education.

(16.06.99 entered into force 26.07.99 - RT I 1999, 60, 617)

(6) (Repealed - 21.04.2004 entered into force 05.07.2004 - RT I 2004, 41, 276)

§ 4<sup>1</sup>.

(Repealed - 16.06.99 entered into force 26.07.99 - RT I 1999, 60, 617)

## Chapter II

### Provision of Learning Opportunities

§ 5.

(Repealed - 16.06.98 entered into force 16.07.98 - RT I 1998, 61, 988)

§ 6.

The Government of the Republic shall:

1) approve the national priorities of adult education;

(16.06.99 entered into force 26.07.99 - RT I 1999, 60, 617)

2) on the basis of those priorities, prescribe funds for adult education and research into adult education in the draft state budget within the expenditure of the area of government of the Ministry of Education and Research;

(16.06.99 entered into force 26.07.99 - RT I 1999, 60, 617; 16.10.2002 entered into force 01.01.2003 - RT I 2002, 90, 521)

3) form the Adult Education Council and approve its statutes.

(16.06.99 entered into force 26.07.99 - RT I 1999, 60, 617)

## § 6<sup>1</sup>.

(1) The Adult Education Council is an advisory body to the Government of the Republic which:

1) advises the Government of the Republic in matters relating to adult education;

2) advises the Government of the Republic upon the preparation of the draft state budget in respect of the funds prescribed for supporting adult education;

3) determines the national priorities of adult education;

4) on the basis of submitted reports, provides an assessment of the use of funds allocated from the state budget for the support of adult education.

(16.06.99 entered into force 26.07.99 - RT I 1999, 60, 617)

(2) The Minister of Education and Research shall be the chairman of the Adult Education Council by virtue of office and he or she shall appoint a deputy chairman from among the members of the Council.

(16.06.99 entered into force 26.07.99 - RT I 1999, 60, 617; 16.10.2002 entered into force 01.01.2003 - RT I 2002, 90, 521)

(3) Clerical support to the Adult Education Council shall be provided by the Ministry of Education and Research.

(16.06.99 entered into force 26.07.99 - RT I 1999, 60, 617; 16.10.2002 entered into force 01.01.2003 - RT I 2002, 90, 521)

## § 7.

Local government bodies shall:

1) ensure that persons permanently resident in the territory of the local government have the opportunity to acquire basic and secondary education and shall facilitate the provision of professional education and training and informal education, if necessary by co-operating with other local governments;

2) support the provision of training to unemployed persons, persons seeking work, other socially underprivileged persons and disabled persons.

(16.06.98 entered into force 16.07.98 - RT I 1998, 61, 988)

§ 8.

(1) Persons employed under an employment contract and persons in public service shall be granted study leave in order to participate in education and training.

(16.06.98 entered into force 16.07.98 - RT I 1998, 61, 988)

(2) Study leave is the suspension of an employment contract or a service relationship pursuant to the procedure prescribed in this Act. The duration of study leave shall be calculated pursuant to the procedure provided for in the Holidays Act (RT 1992, 37, 481; 1993, 10, 150; RT I 1994, 84, 1474; 1995, 16, 228; 1997, 74, 1229; 93, 1560).

(16.06.98 entered into force 16.07.98 - RT I 1998, 61, 988)

(3) In order to participate in formal education within the adult education system and at the request of an employee or public servant, study leave shall be granted for study sessions on the basis of a notice from the relevant educational institution and the study leave shall be granted for the duration of the study session or for at least thirty calendar days in an academic year.

(16.06.98 entered into force 16.07.98 - RT I 1998, 61, 988; 16.06.99 entered into force 26.07.99 - RT I 1999, 60, 617)

(4) In the case of formal education acquired within the adult education system, additional study leave shall be granted for the completion of study as follows:

1) twenty-eight calendar days in the case of basic education;

2) thirty-five calendar days in the case of secondary education;

3) forty-two calendar days in the case of higher education or the defence of a Bachelor's level degree;

4) forty-nine calendar days in the case of the defence of a Master's or Doctoral thesis.

(16.06.98 entered into force 16.07.98 - RT I 1998, 61, 988)

(5) The employer shall continue to pay an employee or public servant who is on study leave to acquire formal education within the adult education system the average wages of the employee or public servant for ten days. For the remaining days of study leave, the employer shall pay the employee or servant at least the established minimum wage.

(16.06.99 entered into force 26.07.99 - RT I 1999, 60, 617)

(5<sup>1</sup>) In addition to the study leave prescribed in subsections (3) and (4) of this section, the employer shall grant holiday without pay of up to seven calendar days at the request of an employee or public servant and on the basis of a notice from the relevant educational institution at the time indicated in the request.

(16.06.98 entered into force 16.07.98 - RT I 1998, 61, 988; 16.06.99 entered into force 26.07.99 - RT I 1999, 60, 617)

(6) In order to participate in professional education and training, study leave of at least fourteen calendar days in a year shall be granted on the basis of an application from an employee or public servant and a notice from the relevant educational institution, and the employee or servant shall continue to receive his or her average wages.

(16.06.98 entered into force 16.07.98 - RT I 1998, 61, 988; 16.06.99 entered into force 26.07.99 - RT I 1999, 60, 617)

(7) In order to participate in informal education, study leave without pay of at least seven calendar days in a year shall be granted on the basis of an application from an employee or official and a notice from the relevant educational institution.

(16.06.98 entered into force 16.07.98 - RT I 1998, 61, 988)

(8) The participation of the employer in covering additional expenses incurred in connection with education and training shall be provided for in the contract of employment or the collective agreement.

(9) In order to participate in education or training, an employee or public servant shall submit a notice from the educational institution to the employer in which the schedule and content of study is set out.

(16.06.99 entered into force 26.07.99 - RT I 1999, 60, 617)

§ 9.

An employer may postpone the grant of study leave if more than 10 per cent of the employees or public servants are on study leave at the same time.

(16.06.99 entered into force 26.07.99 - RT I 1999, 60, 617)

### Chapter III

#### Organisation of Education and Training

§ 10.

The general co-ordination of adult education and training shall be organised by the Ministry of Education and Research.

(16.06.98 entered into force 16.07.98 - RT I 1998, 61, 988; 16.10.2002 entered into force 01.01.2003 - RT I 2002, 90, 521)

§ 11.

Regardless of the form of ownership, adult education institutions shall act independently in the organisation of studies, in the selection of forms of study, curricula and teaching methods and in the use of funds within the limits established by legislation.

#### Chapter IV

#### Financing of Education and Training

§ 12.

(Repealed - 16.06.98 entered into force 16.07.98 - RT I 1998, 61, 988)

§ 13.

(1) (Repealed - 16.06.98 entered into force 16.07.98 - RT I 1998, 61, 988)

(2) (Repealed - 16.06.98 entered into force 16.07.98 - RT I 1998, 61, 988)

(3) Training courses for persons seeking work and unemployed persons shall be ordered and paid for by the Ministry of Social Affairs. Local governments may also allocate funds from their budgets for this purpose.

(16.06.98 entered into force 16.07.98 - RT I 1998, 61, 988)

(4) In order to provide opportunities for adults to acquire professional education and training, funds may be prescribed in rural municipality or city budgets.

(16.06.99 entered into force 26.07.99 - RT I 1999, 60, 617)

(5) Funds for professional education and training for employees and public servants of state authorities shall be prescribed in the state budget to the extent of 2 to 4 per cent of the annual salary fund of those employees and public servants.

(16.06.1999 entered into force 01.01.2000 - RT I 1999, 60, 617)

(5<sup>1</sup>) Funds for professional education and training for teachers whose wages are covered from the state budget shall be prescribed in the state budget to the extent of at least 3 per cent of the annual wage fund of those teachers.

(16.06.99 entered into force 26.07.99 - RT I 1999, 60, 617)

(5<sup>2</sup>) Funds for professional education and training for local government authority teachers whose wages are covered from the relevant rural municipality or city budget shall be prescribed in the state budget to the extent of at least 3 per cent of the annual wage fund of those teachers.

(16.06.1999 entered into force 01.01.2001 - RT I 1999, 60, 617)

(6) The costs of professional education and training for employees and public servants of local governments shall be prescribed in the relevant local government budget.

(16.06.99 entered into force 26.07.99 - RT I 1999, 60, 617)

#### § 14.

(1) Informal education shall be paid for by the natural or legal person interested therein.

(2) Funds for the support of informal education may be prescribed in the state budget and rural municipality and city budgets; only the remuneration of teachers at and heads of adult education institutions which hold an education licence shall be supported out of state budget funds through the Ministry of Education and Research.

(16.06.1999 entered into force 01.01.2000 - RT I 1999, 60, 617; 16.10.2002 entered into force 01.01.2003 - RT I 2002, 90, 521)

#### § 15.

The conditions for applying for the funds specified in clause 6 2) and subsection 14 (2) of this Act from the state budget and the procedure for financing shall be established by the Government of the Republic.

(16.06.99 entered into force 26.07.99 - RT I 1999, 60, 617)

### Chapter V

#### Implementation

#### § 16.

Clause 7 1) and subsection 13 (5) of this Act enter into force on 1 January 1995.

#### § 16<sup>1</sup>.

(1) The provisions of this Act relating to formal education acquired within the adult education system apply to pupils who, before the academic year 2004/05, are admitted to a



secondary vocational education study programme undertaken on the basis of secondary education if their studies are pursued in the form of evening courses or distance learning.

(2) The provisions of this Act relating to formal education acquired within the adult education system apply to students who began acquiring higher education before the academic year 2003/04 and to persons applying for an academic degree, if their studies are pursued in the form of distance learning or as an external student.

(23.10.2003 entered into force 24.11.2003 - RT I 2003, 71, 473)

§ 17.

Sections 191-201 and 203-207 of the Estonian SSR Labour Code (*ENSV Teataja*<sup>2</sup>, 1972, 28, Appendix 1; 1986, 11, 143; 1986, 27, 387) are repealed.

<sup>1</sup> RT = *Riigi Teataja* = *State Gazette*

<sup>2</sup> *ENSV Teataja* = *ESSR Gazette*