

## **Vocational Educational Institutions Act<sup>1</sup>**

Passed 17 June 1998

(RT<sup>1</sup> I 1998, 64/65, 1007; consolidated text RT I 2001, 68, 406),  
entered into force 25 July 1998,

amended by the following Acts:

24.11.2005 entered into force 01.01.2006 - RT I 2005, 65, 498;  
29.09.2005 entered into force 01.09.2006 - RT I 2005, 54, 431;  
12.05.2005 entered into force 03.06.2005 - RT I 2005, 31, 229;  
21.10.2004 entered into force 19.11.2004 - RT I 2004, 75, 524;  
28.06.2004 entered into force 01.09.2004 - RT I 2004, 56, 404;  
21.04.2004 entered into force 05.07.2004 - RT I 2004, 41, 276;  
07.04.2004 entered into force 01.05.2004 - RT I 2004, 27, 178;  
23.10.2003 entered into force 24.11.2003 - RT I 2003, 71, 473;  
07.08.2003 entered into force 01.09.2003 - RT I 2003, 58, 387;  
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;  
19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375;  
12.06.2002 entered into force 05.07.2002 - RT I 2002, 56, 348.

### Chapter 1

#### General Provisions

##### § 1. Purpose of Vocational Educational Institutions Act

The purpose of the Vocational Educational Institutions Act is to provide the bases for the establishment, reorganisation and closure of vocational educational institutions (hereinafter schools), the bases for organisation of studies, the principles of school management, the bases for school budgeting and financing, the rights and obligations of members of schools, and state supervision over the activities of schools.

##### § 1<sup>1</sup>. Application of Administrative Procedure Act

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<sup>1</sup> <http://www.legaltext.ee/text/en/X30017K7.htm>

The provisions of the Administrative Procedure Act (RT I 2001, 58, 354; 2002, 53, 336; 61, 375; 2003, 20, 117; 78, 527) apply to administrative proceedings prescribed in this Act, taking account of the specifications provided for in this Act.

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

## § 2. Function and types of schools

(1) The function of schools is to provide opportunities for students to acquire the knowledge, skills and moral values necessary for life and work in vocational education, including in professional in-service training and re-training, considering the needs of the society, the student and the labour market.

(24.11.2005 entered into force 01.01.2006 - RT I 2005, 65, 498)

(2) (Repealed - 24.11.2005 entered into force 01.01.2006 - RT I 2005, 65, 498)

## § 2<sup>1</sup>. Definitions

(1) Vocational training is a form of study during which the students acquire the knowledge, skills and attitudes for the performance of a skilled trade in a vocation, profession or occupation.

(2) Vocational training in basic schools and upper secondary schools is a form of study provided on the basis of a curriculum of vocational training provided by a vocational educational institution and through which students acquiring basic education or general secondary education acquire primary vocational, professional and occupational knowledge and skills. The volume of study shall be not less than fifteen weeks of study and a separate curriculum shall have been prepared for the provision thereof.

(3) Vocational training for persons without basic education who have passed the minimum school-leaving age is a form of study provided on the basis of a curriculum of vocational training which conforms to the national curricula for vocations or professions in which no restrictions relating to the level of education are set for the commencement of studies and the nominal period of studies according to study programme is two and a half years.

(4) Vocational training on the basis of basic education is a form of study provided on the basis of a curriculum of vocational training which conforms to the vocational education standard and the national curricula for vocations or professions in which the prerequisite for the commencement of studies is the acquiring of basic education and the nominal period of studies according to study programme is from one year up to two and a half years; in music and performing arts curriculum group, not less than three years.

(5) Vocational secondary education is a form of study provided on the basis of a curriculum of vocational training which conforms to the vocational education standard and the national curricula for vocations or professions in which the prerequisite for the commencement of studies is the acquiring of basic education and the nominal period of studies according to study programme is not less than three years. The curriculum shall contain at least forty weeks of study of general educational subjects.

(6) Vocational training on the basis of secondary education is a form of study provided on the basis of a curriculum of vocational training which conforms to the vocational education standard and the national curricula for vocations or professions in which the prerequisite for the commencement of studies is the acquiring of basic education and the nominal period of studies according to study programme is from half a year up to two and a half years; in music and performing arts curriculum group, not less than three years.

(7) Preliminary vocational training in basic schools and upper secondary schools is small-scale introduction of vocations or professions as elective subjects for the purpose of vocational guidance with the volume of up to fifteen weeks of study and with no separate curriculum.

(8) Basic cost of a student place is the cost of one academic year at a student place formed on the basis of state commissioned education, without considering the curriculum group, the form of study and the coefficients established for students with special needs.

(9) State commissioned education is the commission of student places of vocational training financed by the state submitted to the school by the Ministry of Education and Research.

(10) Social partner is natural person or legal person related to the corresponding profession who participates in the provision of vocational training.

(11) Week of study is the unit of calculation of the study load prescribed in the curriculum. One week of study corresponds to 40 hours of study by a student. The study load of one academic year shall be at least 40 weeks of study. The basis for calculation of the nominal period of studies according to study programme shall be academic year.

(24.11.2005 entered into force 01.01.2006 - RT I 2005, 65, 498)

(3) This Act regulates the activities of state and municipal schools. This Act applies to private schools in so far as the Private Schools Act does not provide otherwise.

§ 3. Name of school

The name of a school shall express the location and the field of training of the school and shall not be misleading with regard to the level of education which can be acquired at the school.

#### § 4. Legal status of school

(1) State schools are state agencies administered by the Ministry of Education and Research. State schools for national defence are structural units of the Defence Forces within the area of government of the Ministry of Defence. State schools for public defence are state agencies administered government agencies within the area of government of the Ministry of Internal Affairs.

(29.01.2003 entered into force 10.03.2003 - RT I 2003, 20, 116; 24.11.2005 entered into force 01.01.2006 - RT I 2005, 65, 498)

(2) Municipal schools are local government agencies.

(3) Schools operate pursuant to this Act and legislation issued on the basis thereof and pursuant to their statutes.

(4) The statutes of a state school for national or public defence may include provisions different from the provisions of this Act concerning the general conditions for the commencement of studies in the state school for national or public defence, the forms of study and graduation from the school or its structure and management.

#### § 4<sup>1</sup>. Duty of state, rural municipalities and cities

The state, rural municipalities and cities shall ensure the opportunity to acquire secondary vocational education on the basis of basic education for those interested therein.

(13.06.2001 entered into force 22.07.2001 - RT I 2001, 65, 375)

## Chapter 2

### Establishment of Schools

#### § 5. Establishment

(1) A state school shall be established by the relevant minister.

(24.11.2005 entered into force 01.01.2006 - RT I 2005, 65, 498)

(2) If a state school is established by another ministry, the draft resolution to establish a state school shall be approved by the Ministry of Education and Research.

(24.11.2005 entered into force 01.01.2006 - RT I 2005, 65, 498)

(3) The Ministry of Education and Research shall approve the draft resolution to establish a state school if the mandatory requirements for the establishment of a school provided for in subsection (4) of this section are fulfilled.

(24.11.2005 entered into force 01.01.2006 - RT I 2005, 65, 498)

(4) The mandatory requirements for the establishment of a school are the following:

1) existence of a curriculum which conforms to the vocational education standard and the requirements of the national curriculum of the corresponding vocation or profession;

(21.10.2004 entered into force 19.11.2004 - RT I 2004, 75, 524)

2) existence of teachers who meet the qualification requirements provided for in legislation;

3) existence of study rooms (buildings) and furnishings which conform to the health protection requirements established for basic schools and upper secondary schools, and the existence of facilities for practical training based on the curriculum which conform to the health protection standards established for workrooms;

4) existence of the statutes of the school.

(5) State schools shall be established pursuant to the procedure established by the Government of the Republic.

(6) Municipal schools shall be established by a rural municipality government or city government by a resolution of the local government council on the basis of an education licence issued by the Minister of Education and Research.

(16.10.2002 entered into force 01.01.2003 - RT I 2002, 90, 521; 29.01.2003 entered into force 10.03.2003 - RT I 2003, 20, 116)

## § 6. Statutes of schools

(1) The statutes of a school shall contain the following information:

1) the full name, type and location of the school;

2) the name of the ministry in whose area of government the school is located, or the name of the corresponding rural municipality government or city government;

3) the purpose of the activities and functions of the school;

4) the structure of the school and the functions of its structural units;

5) the language of instruction;

6) the bases for organisation of studies;

7) the rights and obligations of students, teachers and other employees;

8) the bases for financing, management and administration.

(2) The statutes of a state school shall be approved by the minister who directs the ministry in whose area of government the school is located.

(3) The rural municipality council or the city council shall approve the statutes of a municipal school.

#### § 7. Education licence

(1) An education licence grants a municipal school the right to provide instruction on the basis of curricula for the corresponding vocations or professions indicated in the education licence. The format of education licences shall be established by a regulation of the Minister of Education and Research.

(21.04.2004 entered into force 05.07.2004 - RT I 2004, 41, 276; 21.10.2004 entered into force 19.11.2004 - RT I 2004, 75, 524)

(2) Education licences are issued for a specified term. Education licences are issued for the duration of the standard period of study determined in the curriculum.

(3) In order to obtain an education licence, a rural municipality government or city government shall submit an application to the Ministry of Education and Research not later than six months before the beginning of an academic year. Information concerning the fulfilment of the mandatory requirements for the establishment of a school provided for in subsection 5 (4) of this Act and the written opinions of the county governor and the local government association concerning the need to establish a municipal school shall be annexed to the application.

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

(4) The Ministry of Education and Research shall review the application for an education licence within three months.

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

(5) A decision to issue or to refuse to issue an education licence shall be communicated to the applicant for the education licence by post or by electronic means within ten working days as of the decision being made.

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

(6) Before submission of an application for the issue of an education licence, the rural municipality or city government shall pay a state fee.

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

(7) The Minister of Education and Research shall not issue an education licence if:

(16.10.2002 entered into force 01.01.2003 - RT I 2002, 90, 521; 29.01.2003 entered into force 10.03.2003 - RT I 2003, 20, 116)

- 1) no information concerning the fulfilment of the mandatory requirements for the establishment of a school provided for in subsection 5 (4) of this Act is given or the information does not conform to the requirements established by legislation;
- 2) written opinions of the county governor and the local government association concerning the need to found a municipal school are not provided;
- 3) the state fee is not paid;
- 4) the results of an assessment conducted with regard to the curriculum, the material resources or the development plan are negative.

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

- (8) (Repealed - 19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

#### § 8. Assessment

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

- (1) On the basis of a directive of the Minister of Education and Research, an assessment of the curriculum concerning which the education licence is applied for, the material resources or development plan shall be conducted and an ad hoc expert committee shall be formed which assesses whether the competence, skills and knowledge stated to be the objective of the instruction prescribed by the curriculum can be reached on the basis of the curriculum or whether the material resources enable to provide instruction of the corresponding level or conforms to the needs arising from the curriculum or whether the sustainable development of the school is ensured on the basis of the development plan.

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

- (2) A directive specified in subsection (1) of this section shall be communicated to the applicant for an education licence by post or by electronic means within five working days as of the issue of the directive.

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

- (3) Before the conduct of an assessment, the applicant for the education licence shall, within one month as of the issuing of the directive specified in subsection (1) of this section, pay a deposit in an amount prescribed in the directive which shall not be greater than 10 000 kroons and which shall be returned if the results of the assessment turn out to be positive. If

the results of the assessment turn out to be negative, the costs related to the conduct of the assessment shall be borne by the manager of the private school.

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

(4) The term for reviewing an application for an education licence specified in subsection 7 (4) of this Act shall be extended by the period of conducting an assessment of the curriculum, the material resources or development plan, but for not more than two months.

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

(5) The Minister of Education and Research shall forward the copies of documents certifying the requirements specified in clauses 5 (4) 1)-3) of this Act with which a licence for the maritime education of secondary vocational education or professional higher education curriculum is applied for for assessment to the Maritime Administration which assesses whether or not the curriculum conforms to international legislation regulating the profession, the teaching staff teaching practical speciality have professional work experience and the material resources enable to provide instruction of the corresponding level. The Maritime Administration shall present the results of its assessment together with reasons to the Minister of Education and Research within one month as of the receipt of the materials. The term for reviewing an application for an education licence specified in subsection 7 (4) shall be extended by the period of conducting an assessment but for not more than one month.

(12.05.2005 entered into force 03.06.2005 - RT I 2005, 31, 229)

## § 9. Revocation of education licence

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

(1) The Minister of Education and Research has the right to revoke an education licence if:

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375; 16.10.2002 entered into force 01.01.2003 - RT I 2002, 90, 521; 29.01.2003 entered into force 10.03.2003 - RT I 2003, 20, 116)

- 1) in the course of state supervision it becomes evident that the activities of the school are in conflict with law or legislation issued on the basis thereof;
- 2) the school has not, during the prescribed term, complied with a precept issued thereto by a body exercising state supervision over the educational activities of the school;
- 3) the school has not commenced the provision of education within one year after the issue of an education licence or has suspended or terminated the provision of education.

(2) A decision to revoke an education licence shall be communicated to the rural municipality or city government by post or by electronic means within five working days after the decision is made.

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

## Chapter 3

### Organisation of Studies

#### § 10. Curricula

(1) Instruction in schools shall be carried out according to the vocational education standard and the school curricula prepared on the basis of the national curricula for vocations or professions. A school may provide vocational training for students of basic school and upper secondary school according to a curriculum of vocational training for basic schools and upper secondary schools which the school shall prepare on the basis of the national curricula for vocations or professions and which allows students to acquire primary vocational, professional and occupational knowledge and skills within the framework of elective subjects prescribed on the basis of the national curricula for basic schools and upper secondary schools, the simplified national curriculum for basic schools or the national curriculum for students with moderate and severe learning disabilities.

(21.10.2004 entered into force 19.11.2004 - RT I 2004, 75, 524; 24.11.2005 entered into force 01.01.2006 - RT I 2005, 65, 498)

(2) Instruction in schools may also be carried out according to a curriculum of professional higher education which is in conformity with the Standard of Higher Education. The provisions of the Institutions of Professional Higher Education Act (RT I 1998, 61, 980; 2003, 33, 207; 58, 387; 2004, 45, 316; 54, 390; 56, 404) concerning the provision of, financing of and the accreditation of the curriculum of a professional higher education apply to the implementation of curricula of professional higher education in universities and the corresponding functions of the Rector, the board and the advisory body of the institution of professional higher education shall be performed by the head of school, the school board and the teachers' council according to their competence to the extent and pursuant to the procedure established by the statutes of the school. If at least two thirds of the pupils and students of the school study according to professional higher education curricula, the provisions concerning the accreditation of institutions of professional higher education shall also extend to the school.

(21.10.2004 entered into force 19.11.2004 - RT I 2004, 75, 524; 24.11.2005 entered into force 01.01.2006 - RT I 2005, 65, 498)

(3) The conditions and procedure for the approval of the conformity of textbooks and other study material which are necessary for the implementation of a curriculum to the national curricula for vocations or professions, and the requirements for a textbook and other study material shall be established by a regulation of the Minister of Education and Research.  
(24.11.2005 entered into force 01.01.2006 - RT I 2005, 65, 498)

#### § 10<sup>1</sup>. Vocational education standard

The vocational education standard is the set of uniform requirements which are established by the Government of the Republic for vocational and professional study at basic and secondary education level and which set out broad groups of studies, fields of study and curriculum groups, the objectives, functions and total volume of study, the requirements for curricula, and general requirements for schools concerning their teachers.

(21.10.2004 entered into force 19.11.2004 - RT I 2004, 75, 524)

#### § 11. National curricula for vocations or professions

(1) The national curricula for vocations or professions shall set out the objectives and functions of vocational and professional studies, the requirements for the commencement and completion of studies, the curriculum modules and their volume together with brief descriptions, the opportunities of and conditions for choosing modules and the opportunities for specialisation.

(21.10.2004 entered into force 19.11.2004 - RT I 2004, 75, 524)

(2) The Ministry of Education and Research shall prepare the national curricula for vocations or professions in co-operation with social partners of the vocational education system on the basis of the vocational education standard and professional standards. The national curricula shall be established by a regulation of the Minister of Education and Research.

(24.11.2005 entered into force 01.01.2006 - RT I 2005, 65, 498)

(3) The Minister of Defence shall establish the national curricula for military professions on the basis of the vocational education standard, and obtain approval thereto in advance from the Minister of Education and Research.

(21.10.2004 entered into force 19.11.2004 - RT I 2004, 75, 524)

§ 12. (Repealed - 19.12.2000 entered into force 19.01.2001 - RT I 2001, 3, 7)

§ 13. School curriculum

(1) A school curriculum is the source document for studies related to the corresponding vocations or professions which is prepared on the basis of the requirements specified in the vocational education standard and the corresponding national curriculum and which shall determine, in addition to the provisions of the national curriculum, the list of elective subjects together with a brief description of volume and content and the opportunities and conditions for choosing elective subjects.

(21.10.2004 entered into force 19.11.2004 - RT I 2004, 75, 524)

(2) A school shall prepare a curriculum for every vocation or profession which can be acquired in the school.

(21.10.2004 entered into force 19.11.2004 - RT I 2004, 75, 524)

(3) The head of a school shall approve the curriculum and amendments thereto and shall obtain the approval of the teachers' council and school board therefor beforehand.

(21.10.2004 entered into force 19.11.2004 - RT I 2004, 75, 524)

(4) A school curriculum shall be registered in the Estonian Education Information System founded on the basis of subsection 36<sup>6</sup> (4) of the Republic of Estonia Education Act.

(24.11.2005 entered into force 01.01.2006 - RT I 2005, 65, 498)

§ 13<sup>1</sup>. Vocational training at school

The following may be provided at a school:

- 1) preliminary vocational training;
- 2) vocational training in basic schools and upper secondary schools;
- 3) vocational training for persons without basic education who have passed the minimum school-leaving age;
- 4) vocational training on the basis of basic education;
- 5) vocational secondary education;
- 6) vocational training on the basis of secondary education;
- 7) professional higher education;
- 8) continuing vocational training.

(24.11.2005 entered into force 01.01.2006 - RT I 2005, 65, 498)

§ 14. Conditions and procedure for commencement of studies at school

(1) Persons who have completed basic education, general secondary education or secondary vocational education, also persons without basic education who have passed the minimum school-leaving age may commence studies at a school. The procedure for admission of students shall be approved by a regulation of the Minister of Education and Research.

(24.11.2005 entered into force 01.01.2006 - RT I 2005, 65, 498)

(2) If vacant places exist, students have the right to continue their studies commenced at one school in the same vocation or profession at another school. Upon transfer to the curriculum of another vocation or profession, a student shall pass all the examinations and assessments which were not included in the curriculum of the previous school.

(24.11.2005 entered into force 01.01.2006 - RT I 2005, 65, 498)

(3) Students who have interrupted their studies in a school have the right, under the conditions established by a regulation of the Minister of Education and Research, to continue studies at an upper secondary school in order to acquire secondary education.

(24.11.2005 entered into force 01.01.2006 - RT I 2005, 65, 498)

(4) Opportunities for persons with special needs to study at schools shall be ensured under the conditions and pursuant to the procedure established by a regulation of the Minister of Education and Research.

(24.11.2005 entered into force 01.01.2006 - RT I 2005, 65, 498)

(5) (Repealed - 13.06.2001 entered into force 22.07.2001 - RT I 2001, 65, 375)

(6) Student cards shall be issued to students admitted to a school. The format of and procedure for the issue of student cards shall be established by a regulation of the Minister of Education and Research.

(13.06.2001 entered into force 22.07.2001 - RT I 2001, 65, 375; 16.10.2002 entered into force 01.01.2003 - RT I 2002, 90, 521)

#### § 14<sup>1</sup>. Preliminary vocational training

(1) Preliminary vocational training shall be provided in the co-operation of the basic school or upper secondary school and the school.

(24.11.2005 entered into force 01.01.2006 - RT I 2005, 65, 498)

(2) No separate curriculum shall be prepared for the provision of preliminary vocational training.

(24.11.2005 entered into force 01.01.2006 - RT I 2005, 65, 498)

#### § 14<sup>2</sup>. Vocational training in basic schools and upper secondary schools

(1) A school shall ensure vocational training for students of basic schools and upper secondary schools according to a curriculum of vocational training of basic schools and upper secondary schools within the framework of elective subjects prescribed by the national curricula for basic schools and upper secondary schools, the simplified national curriculum for basic schools (supplementary learning curriculum) or the national curriculum for students with moderate and severe learning disabilities.

(2) A school shall ensure vocational training according to a curriculum of vocational training for basic schools and upper secondary schools also for those students acquiring basic education who acquire basic education in the form of evening courses or distance learning on the bases and pursuant to the procedure provided by the Basic Schools and Upper Secondary Schools Act.

(3) In order to organise the study specified in subsections (1) and (2) of this section, a contract shall be entered into between a school and the basic school or upper secondary school where a student acquires basic education or general secondary education. The contract shall be approved by the manager of the basic school or upper secondary school and the mandatory terms and conditions for the contract shall be:

- 1) information on the schools;
- 2) the volume of vocational training provided in the basic school and the upper secondary school;
- 3) the number of planned student places;
- 4) the cost of a student place;
- 5) the procedure for financing the study;
- 6) the rights and obligations of the parties;
- 7) the liability of the parties.

(4) The schools shall issue certificates concerning the completion of vocational training provided at the basic school and the upper secondary school on the basis of subsections (1) and (2) of this section. An entry certifying the completion of vocational training shall be made on the basic school leaving certificates or upper secondary school leaving certificates of the students specified in subsection (1).

(5) A student who has completed vocational training in basic school and upper secondary school shall have acquired the primary vocational and professional knowledge and skills prescribed by the curriculum of vocational training and may continue studies in the school under the conditions and pursuant to the procedure established by this Act, and upon completion of the school curriculum, the knowledge and skills acquired during completion of

the curriculum of vocational training in basic school and upper secondary school shall be taken into account.

(24.11.2005 entered into force 01.01.2006 - RT I 2005, 65, 498)

§ 14<sup>3</sup>. Vocational training in field of music or choreography

(1) At schools where vocational training in the field of music or choreography is provided, training groups may be formed in the field of music beginning from the first year and in the field of choreography beginning from the fifth year.

(2) In schools specified in subsection (1) of this section, the acquisition of general education shall be organised pursuant to the procedure provided for in the Basic Schools and Upper Secondary Schools Act.

(3) The vocational training carried out at schools specified in subsection (1) of this section shall be financed pursuant to the procedure provided for in § 33<sup>2</sup> of this Act.

(4) The school specified in subsection (1) of this section shall issue the basic school leaving certificates or upper secondary school leaving certificates with an entry certifying the completion of vocational training or graduation certificates of vocational educational institution or both graduation documents.

(24.11.2005 entered into force 01.01.2006 - RT I 2005, 65, 498)

§ 15. (Repealed - 24.11.2005 entered into force 01.01.2006 - RT I 2005, 65, 498)

§ 15<sup>1</sup>. Continuation of studies of persons who have completed secondary vocational education

(1) Persons who have completed the curriculum of vocational secondary education have the opportunity to continue general education studies to the extent of at least thirty-five weeks of study and the school is required to organise the specified studies in co-operation with the upper secondary school.

(2) The procedure for continuation of studies of persons who have completed secondary vocational education and for the financing thereof shall be established by a regulation of the Minister of Education and Research.

(24.11.2005 entered into force 01.01.2006 - RT I 2005, 65, 498)

§ 16. Professional higher education

(12.06.2002 entered into force 05.07.2002 - RT I 2002, 56, 348)

Higher education is acquired in a school on the basis of a curriculum of professional higher education, and the duration of the standard period of study of higher education is three to four years as determined by the curriculum.

(13.01.99 entered into force 15.02.99 - RT I 1999, 10, 150; 12.06.2002 entered into force 05.07.2002 - RT I 2002, 56, 348)

#### § 17. Work practice

(1) Work practice is work performed within the framework of the curriculum in the working environment under the supervision of an instructor with specific study objectives.

(2) A school shall ensure the students with work practice positions, ensure that work practice is conducted to the extent prescribed in the curriculum and in accordance with the objectives, supervision of the work practice by the school and the assessment of the effectiveness of the work practice.

(3) Upon organisation of the work practice of students, the relations between the school, the student or his or her legal representative and a state agency or local government agency, a legal person in public law, legal person in private law or a sole proprietor who organises the work practice (hereinafter work practice enterprise or institution) shall be regulated by a contract entered into by them before commencement of the work practice.

(4) The mandatory terms and conditions for a contract specified in subsection (3) of this section shall be:

- 1) the time of commencement and completion of the work practice;
- 2) the duration of work practice;
- 3) the place and address where the work practice is conducted;
- 4) a list of work practice tasks arising from the school curriculum and individual work practice tasks;
- 5) the rights and obligations of students during the work practice;
- 6) the rights and obligations of the work practice enterprise or institution;
- 7) the rights and obligations of the school;
- 8) information on the work practice enterprise or institution and the instructor and the instructor from the school;
- 9) the bases and procedure for amendment and termination of the contract;
- 10) the procedure for the resolution of disputes.

(5) The organisation of the provision of the work practice shall allow fulfilment of the study objectives and the application of the knowledge and skills in learning and work environment.

(6) Legislation related to occupational health and safety shall apply to students during work practice.

(24.11.2005 entered into force 01.01.2006 - RT I 2005, 65, 498)

#### § 18. Language of instruction

The language of instruction at schools is Estonian. The Minister of Education and Research shall decide on the use of other languages as languages of instruction.

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

#### § 19. Forms of study

(1) Instruction shall be provided in the form of school-based or workplace-based study (apprenticeship).

(2) School-based study is based on vocational, professional or occupational training of which work practice in an enterprise or institution shall not exceed one half of the total volume of the vocational training part of the curriculum.

(3) Workplace-based study is based on vocational, professional or occupational training of which work practice in an enterprise or institution shall constitute at least two thirds of the total volume of the vocational training part of the curriculum.

(4) The procedure for the application of workplace-based study shall be established by a regulation of the Minister of Education and Research.

(24.11.2005 entered into force 01.01.2006 - RT I 2005, 65, 498)

#### § 19<sup>1</sup>. Full-time and part-time study

(1) Instruction at schools shall be provided in the form of full-time or part-time study.

(24.11.2005 entered into force 01.01.2006 - RT I 2005, 65, 498)

(2) In full-time study, students shall complete cumulatively at least 75 per cent of the studies which, according to the curriculum, must be completed by the end of each academic year. The head of a school may determine the curricula on the basis of which instruction is provided only in the form of full-time study, and curricula where higher requirements are established for full-time study provided on the basis thereof.

(3) In part-time study, a student shall complete cumulatively less than 75 per cent of the studies which, according to the curriculum, must be completed by the end of each academic year. For part-time studies, the head of a school may establish a minimum volume of study which must be completed according to the curriculum.

(4) A student shall decide during the first academic year whether he or she wishes to study full-time or part-time, except in the cases where the curriculum the student has selected enables only full-time or part-time study. During the following academic years, the school shall consider the student's progress in completion of the volume of study prescribed by the curriculum and on the basis of that, decide if the student is allowed to continue to study full-time or part-time.

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

#### § 20. Academic year

The duration of one academic year shall be at least 40 weeks of study. The total duration of school holidays shall be at least eight weeks in a year.

(24.11.2005 entered into force 01.01.2006 - RT I 2005, 65, 498)

#### § 20<sup>1</sup>. List of mandatory documents

The list of mandatory documents relating to the schooling and education provided at a school and the procedure for completion thereof shall be established by a regulation of the Minister of Education and Research.

(21.10.2004 entered into force 19.11.2004 - RT I 2004, 75, 524)

#### § 21. Assessment

In vocational training, the knowledge, skills and experience of students shall be assessed pursuant to the scale provided for in the regulation issued on the basis of the Basic Schools and Upper Secondary Schools Act.

(24.11.2005 entered into force 01.01.2006 - RT I 2005, 65, 498)

#### § 22. Graduation from school

(1) A person is deemed to have graduated from a school after completion of the corresponding curriculum.

(13.06.2001 entered into force 22.07.2001 - RT I 2001, 65, 375)

(1<sup>1</sup>) In order to graduate from a school, the graduates who acquire secondary vocational education in training groups in which the language of instruction is other than Estonian shall pass the state examination in the Estonian language conducted for students with the language of instruction other than Estonian pursuant to the conditions and procedure for conducting final examinations of basic schools and upper secondary schools and graduation from basic schools and upper secondary schools established on the basis of the Basic Schools and Upper Secondary Schools Act.

(24.11.2005 entered into force 01.01.2006 - RT I 2005, 65, 498)

(2) The graduation from a school shall be certified by a graduation certificate the format and procedure for issue of which shall be established by the Government of the Republic.

(24.11.2005 entered into force 01.01.2006 - RT I 2005, 65, 498)

(3) Graduation certificates issued by schools shall be entered in the Estonian Education Information System founded on the basis of subsection 36<sup>6</sup> (4) of the Republic of Estonia Education Act.

(28.06.2004 entered into force 01.09.2004 - RT I 2004, 56, 404)

#### § 23. Continuing vocational training

(1) A school shall organise continuing vocational training under the conditions and pursuant to the procedure established by a regulation of the Minister of Education and Research.

(13.06.2001 entered into force 22.07.2001 - RT I 2001, 65, 375; 16.10.2002 entered into force 01.01.2003 - RT I 2002, 90, 521)

(2) (Repealed - 13.06.2001 entered into force 22.07.2001 - RT I 2001, 65, 375)

### Chapter 4

#### Management and Structure of Schools

#### § 24. Head of school

(1) A school shall be managed by the head of the school whose function is to ensure the effective operation of the school.

(2) The head of a school shall bear liability within the limits of his or her competence for the activities of the school according to the statutes and for the general state and development of the school and the legitimate use of financial resources of the school.

(3) The head of a school shall report to the school board and to the person who authorised him or her to office.

(4) The head of a school shall:

- 1) represent the school and act in the name of the school and conclude transactions directed at the performance of his or her duties provided by law;
- 2) chair the teachers' council;
- 3) ensure the implementation of decisions of the school board and teachers' council;
- 4) determine the procedure for the substitution of the head of the school;
- 5) act as an employer of the staff and approve their job descriptions by a directive;
- 6) approve the rules of internal procedure, of administration and the rules for organisation of studies of the school by a directive;

(24.11.2005 entered into force 01.01.2006 - RT I 2005, 65, 498)

- 7) ensure the preparation of a draft school budget and the implementation of the budget;
- 8) ensure the preparation and submission of reports prescribed by law;
- 9) resolve other issues delegated to him or her.

(5) The head of a school shall issue directives.

#### § 25. Appointment of head of school to office

(1) In order to fill a vacant position of the head of a school, a public competition shall be organised.

(2) The rural municipality or city government shall announce a competition to fill a vacant position of head of a municipal school and establish the procedure for conducting it.

(3) The minister who directs the ministry in whose area of government the school is located or his or her authorised representative shall announce a competition to fill a vacant position of head of a state school.

(4) An employment contract with the head of a school shall be entered into for the term announced at the competition, but for not more than five years.

(5) The employment contract of the head of a state school shall be entered into, suspended, amended or terminated by the minister who directs the ministry in whose area of government the state school is located or his or her authorised representative. An employment contract with the head of a municipal school shall be entered into, suspended, amended and terminated by the rural municipality or city mayor or his or her authorised representative.

(6) The procedure for conducting competitions to fill vacant positions of heads of state schools shall be established by a regulation of the Minister of Education and Research.

(24.11.2005 entered into force 01.01.2006 - RT I 2005, 65, 498)

#### § 26. Teachers' council

- (1) A school has a teachers' council whose function is to resolve issues related to schooling.
- (2) The teachers of a school shall be the members of a teachers' council.
- (3) The rules of procedure of a teachers' council shall be provided for in the statutes of the school.

#### § 27. School board

- (1) A school board shall direct the activities of a school and adopt an opinion in issues related to the development, assets budget and management of the school. A school board shall consist of at least seven members and shall be formed, in the case of state schools, by the minister in whose area of government the school is located or his or her authorised representative and, in the case of municipal schools, by the corresponding rural municipality or city government.
- (2) The school board shall be formed for a term of three years and shall comprise representatives of the corresponding rural municipality or city government or the local government association, representatives of the registered organisations and trade associations of employers and workers (employees) connected with the corresponding vocations and professions and representatives of the Labour Market Board. The representatives of the registered organisations and trade associations of employers and workers (employees) connected with the vocations and professions shall be appointed through the corresponding organisations and trade associations and they shall constitute more than one half of the membership of the board.
- (3) The members of a school board shall elect the chairman of the board at their first meeting by a simple majority.
- (4) The members of the school board may receive remuneration the rate for which shall be established in the case of state schools, by the minister in whose area of government the school is located and, in the case of municipal schools, by the corresponding rural municipality or city government.
- (5) The person who formed the board may remove the members of the school board if the members of the board have not convened within three months after approval of the members of the board or if the board does not perform the duties imposed thereon by this Act.

(6) A school board shall:

- 1) participate in the preparation of the school development plan, approve it and forward it to the manager of the school or the person authorised by him or her for approval;
- 2) supervise the fulfilment of the school development plan;
- 3) approve the annual activity plan of the school and supervise the fulfilment thereof;
- 4) approve, for the formation of state commissioned education, the information concerning training opportunities to be submitted to the manager of the school or the person authorised by him or her;
- 5) approve a draft school budget and the investment plan and forward it to the manager of the school or the person authorised by him or her for approval;
- 6) approve the distribution of the school budget by items of expenditure;
- 7) approve the rules for organisation of studies of the school and supervise the fulfilment thereof;
- 8) approve the salary guide of the school and supervise the fulfilment thereof;
- 9) assess the annual report of the school and submit it to the manager of the school or the person authorised by him or her;
- 10) submit the annual report on the activities of the board to the manager of the school or the person authorised by him or her;
- 11) hear the report on the organisation of work practice of the academic year;
- 12) participate in the work of the competition committee formed for the conduct of the competition organised for vacant position of head;
- 13) make proposals to reward or punish the head of school;
- 14) assess the organisation of schooling and education in the school, the management of the school, the legality and purposefulness of the use of funds, the condition of the assets granted for the organisation of learning and living environment and make corresponding proposals to the head;
- 15) make proposals to the manager of the school or a person authorised by him or her concerning issues relating to the activities, development, assets, budget, management and the amendment of the statutes of the school.

(7) If the school board does not approve the draft resolution the person who prepared the draft shall review it and submit it to the school board for a second time. In the event of refusal to approve for a second time the school board shall forward the draft together with the reasons which were the basis for refusal to approve for a decision to the manager of the school and for

information purposes to the persons specified in subsection (2) of this section who appointed the members of the school board.

(8) The school board has the right to obtain relevant information from the head of the school and the manager of the school for the performance of the functions specified in subsection (6) of this section.

(9) A school board shall operate pursuant to the procedure established by a regulation of the Minister of Education and Research.

(24.11.2005 entered into force 01.01.2007 - RT I 2005, 65, 498)

## Chapter 5

### Members of Schools

#### § 28. Members

(1) Teachers and other employees (hereinafter staff), and pupils and students (hereinafter students) are the members of a school.

(2) Within the meaning of this Act, those studying according to a curriculum of professional higher education are students. The rights and obligations established by this Act apply to students acquiring professional higher education in so far as the Institutions of Professional Higher Education Act does not provide otherwise.

(13.06.2001 entered into force 22.07.2001 - RT I 2001, 65, 375; 12.06.2002 entered into force 05.07.2002 - RT I 2002, 56, 348)

#### § 29. Staff

(1) The head of a school shall determine the duties of the members of the staff pursuant to legislation regulating employment relations.

(2) The head of a school shall enter into, amend or terminate employment contracts with the members of the staff.

#### § 30. Teachers

(1) For the purposes of this Act, persons engaged in the educational activities and heads of school are deemed to be teachers.

(2) A vacant position of a teacher in a school shall be filled by way of public competition.

(3) The qualification requirements for teachers shall be established by a regulation of the Minister of Education and Research.

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

(4) The conditions and procedure for a competition organised to fill vacant positions of teachers at schools shall be established by a regulation of the Minister of Education and Research.

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

(5) The suitability of a teacher for a position shall be determined by evaluation. The evaluation conditions and procedure established by a regulation of the Minister of Education and Research.

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

(6) The remuneration of a teacher shall be based on his or her position.

### § 31. Rights and obligations of students

(1) Students have the right to:

- 1) choose a school which suits their interests and abilities;
- 2) examine the curriculum, statutes and rules for internal procedure and organisation of studies of the school before commencing their studies at school and while studying at school;
- 3) choose subjects from among elective subjects;
- 4) participate in the formation of a student representative board and in the activities thereof;
- 5) use the rooms, library, teaching aids, sports and technical equipment and other resources of their school in extracurricular activities without charge pursuant to the procedure established by the school;
- 6) receive material assistance or be granted concessions pursuant to the procedure established by the Government of the Republic and the local government council;
- 7) receive student cards;
- 8) obtain a study allowance and a study loan under the conditions and pursuant to the procedure provided for in the Study Allowances and Study Loans Act;
- 9) pursuant to the procedure established in the rules for organisation of studies of the school, take academic leave of up to two years for health reasons, of up to one year in the case of service in the Defence Forces, and to care for a child until the child attains three years of age;
- 10) exercise other rights established by law, the statutes of the school and other legislation.

(2) A school shall ensure the health protection of students during their stay at the school.

The manager of the educational institution shall provide health services to the students

pursuant to the procedure established by a regulation of the Minister of Social Affairs on the basis of the Basic Schools and Upper Secondary Schools Act.

(3) Students shall participate in studies, observe the obligations established by laws, the statutes and internal procedure rules of the school, the rules for organisation of studies and other legislation, and bear liability upon violation thereof.

(24.11.2005 entered into force 01.01.2006 - RT I 2005, 65, 498)

#### § 31<sup>1</sup>. Support of coverage of expenses of school lunch of students

(1) Subsidies shall be prescribed in the state budget for covering the expenses of school lunch of students acquiring secondary vocational education on the basis of basic education (hereinafter school lunch allowance).

(2) The allocation of school lunch allowance shall be based on the number of students acquiring secondary vocational education on the basis of basic education and the calculated cost of a school lunch per student.

(3) The calculated cost of the school lunch per student and the procedure for the distribution of the school lunch allowance shall be established by a regulation of the Government of the Republic.

(4) The conditions and procedure for the use of school lunch allowance shall be established, in the case of a state school, by the Minister in whose area of government the school is located, in the case of a municipal school, the rural municipality council or city council, and in the case of a private school, the manager of the school.

(29.09.2005 entered into force 01.09.2006 - RT I 2005, 54, 431)

#### § 32. Student body and student representative board

(1) Students of a school form one student body.

(2) Participants in adult in-service training courses shall not be members of a student body. The legal status of such persons is determined by the Adult Education Act (RT I 1993, 74, 1054; 1998, 71, 1200; 1999, 10, 150; 60, 617; 2002, 90, 521; 2003, 20, 116; 71, 473; 2004, 41, 276).

(3) Student bodies have the right to decide and manage independently, in accordance with law and legislation issued on the basis thereof, issues of student life based on the interests, needs, rights and obligations of students.

(4) Student bodies have the right to:

- 1) form associations and organisations with other student bodies on the bases and pursuant to the procedure provided by legislation;
- 2) become members of corresponding international organisations or develop co-operation with such organisations;
- 3) participate in the meetings of the school board through its representative with the right to speak;

(29.09.2005 entered into force 01.09.2006 - RT I 2005, 54, 431)

4) decide and manage all other issues of student life which pursuant to law and legislation issued on the basis thereof are within the competence of a student body and which on the same grounds have not been transferred to any other person to decide or manage.

(5) Student bodies have statutes which provide the procedure for the formation of students' representative and executive bodies, and for the rights, obligations, liability, and rules of procedure thereof.

(6) A student body shall adopt its statutes pursuant to the procedure provided for in the statutes of the school. The student representative board shall submit the statutes of the student body to the school board for approval. The school board shall approve the statutes of the student body if the statutes comply with law, legislation issued on the basis thereof and internationally recognised democratic principles.

(7) The responsible representative body which governs a student body is the student representative board which is elected democratically and which represents the student body in relations with the school and with Estonian and international organisations, agencies and persons.

(8) All students of a school have the right to elect the student representative board. The head shall organise the elections of the first student representative board pursuant to the procedure provided for in the statutes of the school based on democratic principles.

## Chapter 6

### Financing and Budgets of Schools

(29.09.2005 entered into force 01.09.2006 - RT I 2005, 54, 431)

#### § 33. Financing and budgets of schools

(29.09.2005 entered into force 01.09.2006 - RT I 2005, 54, 431)

(1) Schools shall be financed from the state budget on the basis of state commissioned education, rural municipality budget or city budget, fee-charging services related to the main

activities of schools provided for in the statutes of the schools, revenue from foundations, allocations for specific purposes and project-based allocations, and other funds.

(29.09.2005 entered into force 01.09.2006 - RT I 2005, 54, 431)

(2) A school shall have its own budget.

(29.09.2005 entered into force 01.09.2006 - RT I 2005, 54, 431)

(3) The study costs of a state school shall be covered from the state budget funds within the limits of the number of student places financed by the state during the standard period of study determined in the curriculum, on the basis of the cost of a student place and the factors for the curricula and forms of study.

(4) The minister who directs the ministry in whose area of government a school is located shall approve the student places of the state school which are financed by the state after having considered the opinion of the corresponding professional council. A rural municipality or city government shall approve the student places of the municipal school which are financed from the rural municipality or city budget after having considered the opinion of the corresponding professional council.

(5) The cost of a student place for each budgetary year shall be established by the Government of the Republic. The factors for the fields of study and forms of study and the factors for the provision of instruction for students with special needs shall be established by the Government of the Republic.

(6) The study costs related to the teaching of students studying in a municipal school on the basis of basic education shall be covered from the state budget funds on the bases specified in subsection (3) of this section. The study costs related to the teaching of students studying in a municipal school on the basis of secondary education may be covered from the state budget funds upon agreement with the corresponding rural municipality or city government on the bases specified in subsection (3).

(7) In order to cover the study costs related to the teaching of students studying in a municipal school on the basis of secondary education from the state budget funds, a contract shall be entered into between the corresponding rural municipality or city government and the Ministry of Education and Research as the representative of the state. The mandatory terms and conditions for the contract shall be:

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

- 1) the number of student places pursuant to the curriculum and form of study;
- 2) the cost of a student place;
- 3) the procedure for allocation of funds from the state budget;

- 4) the procedure and terms for submission of information necessary for the calculation of students studying at student places financed by the state;
- 5) the rights and obligations of the parties;
- 6) the bases for the liability of the parties;
- 7) the factors for the fields of study and forms of study.
- (8) The costs related to the organisation of preliminary vocational training shall be covered, in the case of state schools, from the state budget within the limits of the number of student places approved by the minister in whose area of government the school is located and, in the case of municipal schools, from the corresponding rural municipality or city budget within the limits of the number of student places approved by the rural municipality or city government. The study costs related to the organisation of preliminary vocational training in a municipal school may be covered from the state budget funds on the basis of a contract between the corresponding rural municipality or city government and the Ministry of Education and Research as the representative of the state, if prior to the entry into the contract, the corresponding rural municipality or city government has approved the number of student places in the municipal school. The mandatory terms and conditions for contracts specified in subsection 14<sup>1</sup> (3) of this Act shall apply to the contract.

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

- (9) A school shall have its own budget.

(13.06.2001 entered into force 22.07.2001 - RT I 2001, 65, 375)

- (10) Municipal schools may receive allowances intended for specific purposes from the state budget.

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

#### § 33<sup>1</sup>. State-commissioned education

- (1) State-commissioned education for schools shall be approved by the minister who directs the ministry in whose area of government the state school is located, taking into account the opinion of social partners. If the school is not in the area of government of the Ministry of Education and Research, state-commissioned education shall be approved by the Minister of Education and Research before approval. State commissioned education shall be prepared on the basis of strategic development plans and development plans for different fields, manpower needs studies and forecasts and the state-commissioned education formed in the field of higher education shall be taken into account.

(2) The procedure for the formation of state-commissioned education within the area of government of a ministry shall be established by a regulation of the relevant minister.

(3) State-commissioned education determined for a municipal school shall be formalised as a contract entered into between the corresponding rural municipality or city government and the Ministry of Education and Research as the representative of the state. The mandatory terms and conditions for the contract shall be:

- 1) the number of student places pursuant to the curriculum and form of study;
- 2) the procedure for allocation of funds from the state budget;
- 3) the procedure and terms for submission of information necessary for the calculation of students studying at student places financed on the basis of state-commissioned education;
- 4) the rights and obligations of the parties.

(4) The basic cost of a student place created on the basis of state-commissioned education shall be established by a regulation of the Government of the Republic for each budgetary year. The factors for curriculum groups and forms of study and the factors for the financing of instruction for students with special needs and for prisoners shall be established by the Government of the Republic.

(29.09.2005 entered into force 01.09.2006 - RT I 2005, 54, 431)

#### § 33<sup>2</sup>. Financing of state school

(1) The study costs of a state school shall be covered within the limits of the number of student places financed through state-commissioned education during the standard period of study determined in the curriculum, on the basis of the basic cost of a student place and the factors for the curriculum groups and forms of study. The student places financed through state-commissioned education shall be actually filled or to be filled during the respective year.

(2) The study costs of a state school shall be covered from the state budget from the budget funds of the ministry in whose area of government the school is located. A state school may also be financed for the specific purpose by the ministry whose area of government contains the corresponding field of state-commissioned education.

(29.09.2005 entered into force 01.09.2006 - RT I 2005, 54, 431)

#### § 33<sup>3</sup>. Financing of municipal school

(1) A rural municipality or city government shall approve the student places of the municipal school which are financed from the rural municipality or city budget, taking into account the opinion of social partners.

(2) The study costs of a municipal school shall be covered within the limits of the number of student places financed through state-commissioned education during the standard period of study determined in the curriculum, on the basis of the basic cost of a student place and the factors for the curriculum groups and forms of study. The student places financed through state-commissioned education shall be actually filled or to be filled during the respective year.

(3) Municipal schools may receive allowances intended for specific purposes from the state budget.

(29.09.2005 entered into force 01.09.2006 - RT I 2005, 54, 431)

§ 33<sup>4</sup>. Financing of vocational training provided in basic schools and upper secondary schools

(1) The costs of a school relating to the organisation of vocational training in basic schools and upper secondary schools shall be covered on the basis of the number of student places filled to the extent of state-commissioned education, the basic cost of a student place, the coefficient of a curriculum group and the coefficients established for students with special needs up to the extent of two thirds of the cost of the student place, taking into account the volume of the curriculum. The basic school or upper secondary school shall cover the remaining share of the cost of the student place from the financial resources allocated for teaching elective subjects.

(2) Vocational training provided in basic schools and upper secondary schools may also be financed from other sources.

(29.09.2005 entered into force 01.09.2006 - RT I 2005, 54, 431)

## Chapter 7

### State Supervision

§ 34. Authorities exercising state supervision

The Ministry of Education and Research and a county governor (hereinafter state supervisory agency) shall exercise state supervision over the schooling and education in schools. The state supervisory agency has the right to involve experts in the exercise of state supervision.

(13.06.2001 entered into force 22.07.2001 - RT I 2001, 65, 375; 16.10.2002 entered into force 01.01.2003 - RT I 2002, 90, 521)

§ 34<sup>1</sup>. Purpose of state supervision and functions of state supervisory agency

(1) The objective of state supervision is to ensure the effectiveness and legality of schooling and education.

(2) Based on the principal objective of state supervision, the functions of a state supervisory agency are the following:

- 1) to analyse and evaluate the efficiency of schooling and education and management of schools;
- 2) to evaluate the conformity of study results to the national curriculum;
- 3) to monitor the compliance with the requirements arising from legislation;
- 4) to monitor the legality and purposefulness of the use of funds allocated for schools from the state budget and state assets in the use or control of schools;
- 5) to advise schools on issues of schooling and education, and of the financial management of education;
- 6) to analyse the level of secondary vocational education and the level of higher education acquired according to a curriculum of professional higher education.

(13.06.2001 entered into force 22.07.2001 - RT I 2001, 65, 375; 12.06.2002 entered into force 05.07.2002 - RT I 2002, 56, 348)

#### § 34<sup>2</sup>. Competence of state supervisory agency

(1) For performance of its functions, a state supervisory agency has the right to:

- 1) attend lessons with the knowledge of the head of the school;
- 2) participate in the meetings of teachers' councils and school boards;
- 3) carry out standard-determining tests in schools in order to determine the level of education;
- 4) submit proposals to heads of schools in order to improve the activities of schools and issue precepts in order to eliminate the deficiencies in schooling and education;
- 5) issue precepts to heads of schools to bring legislation issued by the heads of schools which is in conflict with a law into accordance with law;
- 6) issue precepts to heads of schools for the legal and purposeful use of funds allocated for schools from the state budget and state assets in the use or control of the schools;
- 7) submit proposals to the minister in whose area of government a school is located, or to a rural municipality and city government in order to improve the conditions of schooling and education or to punish the head of a school under disciplinary procedure.

(2) Upon performance of its functions, a state supervisory agency is required to:

1) be impartial in assessments, and base its decisions on legislation and reliable information;

2) take into account the results of integrated analysis when providing a general evaluation of the schooling and education of a school.

(13.06.2001 entered into force 22.07.2001 - RT I 2001, 65, 375)

#### § 34<sup>3</sup>. Exercise of state supervision

(1) In the course of state supervision, the activities of a school shall be monitored integrately or in individual matters.

(2) The Minister of Education and Research or a county governor shall approve the time of exercise of state supervision, a monitoring plan and the officials exercising state supervision.

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

(3) The duration of monitoring shall not exceed two weeks.

(4) The head of a school, and in the case of a municipal school, also the rural municipality or city government shall be notified of exercise of state supervision at least ten days before monitoring and a monitoring plan shall be communicated to them. The head of a school, and in the case of a municipal school, the corresponding rural municipality or city government need not be informed in advance of the monitoring of individual matters.

(13.06.2001 entered into force 22.07.2001 - RT I 2001, 65, 375)

#### § 34<sup>4</sup>. Results of state supervision

(1) The results of state supervision shall be documented in a report if the activities of a school are monitored integrately. The monitoring of individual matters shall be documented in a certificate. The Minister of Education and Research or the county governor shall approve the reports and certificates.

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

(2) An approved report or certificate shall be communicated to the head of the school and, in the case of a municipal school, to the corresponding rural municipality or city government by post or by electronic means within thirty days as of the day on which monitoring is terminated.

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

(3) A report or certificate approved by a county governor shall be communicated to the Minister of Education and Research by post or by electronic means within ten days as of its approval.

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375; 16.10.2002 entered into force 01.01.2003 - RT I 2002, 90, 521)

(4) The precepts issued by a state supervisory agency are mandatory for execution.

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

(5) Upon disagreement with a report or certificate, the head of a school has the right to contest the report or certificate in the Ministry of Education and Research within one month as of receipt of the report or certificate.

(13.06.2001 entered into force 22.07.2001 - RT I 2001, 65, 375; 16.10.2002 entered into force 01.01.2003 - RT I 2002, 90, 521)

## Chapter 8

### Reorganisation, Transfer into Municipal or Private Ownership and Closure of Schools

(13.06.2001 entered into force 22.07.2001 - RT I 2001, 65, 375)

#### § 35. Reorganisation of school

(1) A state school shall be reorganised by the Government of the Republic on the proposal of the minister who directs the ministry in whose area of government the state school is located.

(2) The reorganisation of a municipal school shall be decided by the rural municipality council or the city council on the proposal of the rural municipality government or city government.

(3) Schools may be reorganised in the following cases:

1) due to an increase or decrease in the demand for training;

(29.09.2005 entered into force 01.09.2006 - RT I 2005, 54, 431)

2) due to increased or decreased funding possibilities;

3) due to restructuring in the education system;

4) in other cases arising from law.

(4) Schools shall be reorganised after the end of an academic year.

(5) State schools shall be reorganised pursuant to the procedure established by the Government of the Republic.

(6) A decision to reorganise a school shall be communicated to the Ministry of Education and Research, except if the school is in the area of government of the Ministry of Education and Research, and to the students and members of the school staff not later than six months before the beginning of an academic year.

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

§ 35<sup>1</sup>. Transfer of school into municipal or private ownership

(1) On the proposal of the Minister of Education and Research, the Government of the Republic has the right to grant permission for transfer of a state school into municipal or private ownership under the conditions and pursuant to the procedure provided for in this section.

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

(2) A state school shall be transferred into municipal or private ownership without liquidation proceedings and the state school shall be transferred into municipal or private ownership together with all its rights, obligations, things and other legal rights. This results in establishment of a municipal school or private school and the state school is deemed to be closed. At the same time with transfer of the state school into municipal or private ownership, an education licence shall be issued to the municipal school or private school.

(3) A state school may be transferred into municipal or private ownership if:

- 1) this is necessary for the development of the vocational education system;
- 2) the management, schooling and education of the school as a municipal or private school are more effective;
- 3) as a municipal or private school, the school has better possibilities to ensure the quality of the acquired education, including improvement of the conditions of schooling and education;
- 4) as a municipal or private school, the school is able to meet the requirements of the labour market more effectively.

(4) A state school may be transferred into the ownership of a public limited company, private limited company, foundation or non-profit association also if one of the exercisers of the rights of a shareholder, partner, founder or member is the state or a rural municipality or city.

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

(5) In order to transfer a state school into municipal ownership, the rural municipality or city council, and in order to transfer a state school into private ownership, the corresponding

body of the legal person in private law shall submit an application to the Minister of Education and Research and the application shall include information concerning fulfilment of the requirements specified in subsection (3) of this section. At the same time with the application for transfer of the state school into municipal or private ownership, an education licence shall be applied for for the municipal or private school under the conditions and pursuant to the procedure provided for in legislation.

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

(6) The Minister of Education and Research shall decide on application for the permission specified in subsection (1) of this section if the requirements specified in subsection (3) of this section and the requirements for the obtaining of an education licence provided for in legislation are fulfilled.

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

(7) The Government of the Republic shall grant permission for transfer of a state school into municipal or private ownership if the requirements specified in subsection (3) of this section are fulfilled, and shall authorise the Minister of Education and Research to enter into a contract with regard to transfer of the state school into municipal or private ownership.

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

(8) The transfer of a state school into municipal or private ownership shall be provided for in a contract entered into pursuant to this Act between the rural municipality or city council or the body of the legal person in private law, respectively, and the Minister of Education and Research by authorisation of the Government of the Republic. The mandatory terms and conditions for the contract shall be:

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

- 1) the date of transfer of the state school into municipal or private ownership;
- 2) the functions of the municipal school or private school;
- 3) the curricula on the basis of which the students of the state school continue studies in the municipal school or private school;
- 4) the conditions and procedure for the students of the state school for continuation of studies in the municipal school or private school;
- 5) the conditions and procedure for the employees of the state school for continuation of employment in the municipal school or private school on the bases, under the conditions and pursuant to the procedure provided for in legislation regulating employment relations;

6) the conditions, procedure and term for transfer of the state assets in the use of the state school to the rural municipality or city or legal person in private law on the bases, under the conditions and pursuant to the procedure provided for in legislation;

7) the conditions, procedure and term for transfer of the administration of the state school to the rural municipality or city or legal person in private law;

8) settlement of possible organisational and budgetary issues, including those arising from the cost of a student place, and other issues concerning proprietary obligations and rights resulting from the transfer of the state school into municipal or private ownership.

(9) Upon transfer of a state school into municipal or private ownership, the Ministry of Education and Research and the rural municipality or city or the legal person in private law shall ensure students with an opportunity to continue studies in the municipal school or private school in the same or similar profession.

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

(10) A state school shall be transferred into municipal or private ownership after the end of an academic year. The decision to transfer a state school into municipal or private ownership shall be communicated to the students and the staff of the school not later than two months before the beginning of an academic year.

(13.06.2001 entered into force 22.07.2001 - RT I 2001, 65, 375)

### § 36. Closure of schools

(1) A state school shall be closed by the Government of the Republic on the proposal of the minister who directs the ministry in whose area of government the state school is located.

(2) The closure of a municipal school shall be decided by the city council or the rural municipality council on the proposal of the rural municipality government or city government.

(3) A school shall be closed if:

1) according to the body which exercises state supervision over the schooling and education in the school, the level of training in the school does not conform to the requirements established by the vocational education standard and the national curriculum of vocations or professions;

(21.10.2004 entered into force 19.11.2004 - RT I 2004, 75, 524)

2) financing of the school is impossible;

3) all education licences of the municipal school are revoked.

4) the demand for training decreases;

(29.09.2005 entered into force 01.09.2006 - RT I 2005, 54, 431)

5) in other cases provided by law.

(29.09.2005 entered into force 01.09.2006 - RT I 2005, 54, 431)

(4) A school shall be closed after the end of an academic year.

(5) Upon the closure of a school, the manager of the school shall provide the students with an opportunity to continue studies in another school in the curriculum of the same or similar vocation or profession.

(29.09.2005 entered into force 01.09.2006 - RT I 2005, 54, 431)

(6) A state school shall be closed pursuant to the procedure established by the Government of the Republic.

(7) The decision to close a school shall be communicated to the Ministry of Education and Research, except if the school is in the area of government of the Ministry of Education and Research, and to the students and the members of school staff not later than six months before the beginning of an academic year.

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

## Chapter 9

### Implementing Provisions

#### § 37. Transition

(1) The statutes of schools shall be brought into conformity with this Act within three months after the entry into force of this Act.

(2) The Government of the Republic shall organise the transfer of state vocational schools in the area of government of the Ministry of Agriculture to the area of government of the Ministry of Education and Research by 1 September 2000.

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

(3) Students who commenced their studies at a vocational educational institution on the basis of a curriculum of vocational secondary education before the year 2000 and have completed the curriculum to the full extent shall be issued a graduation certificate certifying the acquisition of vocational secondary education.

(18.05.99 entered into force 20.06.99 - RT I 1999, 51, 550; 29.01.2003 entered into force 10.03.2003 - RT I 2003, 20, 116)

(4) Students who commenced their studies at a vocational educational institution on the basis of basic education and on the basis of a curriculum of vocational education before the

year 1999 and have completed the curriculum to the full extent shall be issued a graduation certificate certifying the acquisition of vocational education on the basis of basic education.  
(18.05.99 entered into force 20.06.99 - RT I 1999, 51, 550)

(5) Students who commenced their studies at a vocational educational institution on the basis of basic education and on the basis of a curriculum of vocational and secondary education before the year 1999 and have completed the curriculum to the full extent shall be issued a graduation certificate certifying the acquisition of vocational and secondary education on the basis of basic education.

(18.05.99 entered into force 20.06.99 - RT I 1999, 51, 550)

(6) Section 4<sup>1</sup> of this Act enters into force on 1 January 2003.

(13.06.2001 entered into force 22.07.2001 - RT I 2001, 65, 375)

(7) Section 33 of this Act enters into force on 1 January 2002.

(13.06.2001 entered into force 22.07.2001 - RT I 2001, 65, 375)

(8) Students admitted to a vocational educational institution before 30 June 2002 have the right to continue their studies until 1 September 2007 under the conditions and pursuant to the procedure applied to them before 30 June 2002. A vocational educational institution has the right to apply the curricula of professional higher education to students admitted to the vocational educational institution before the academic year 2003/03 if a student so requests.

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

(9) Full-time and part-time study applies to students admitted to vocational educational institutions starting from the academic year 2003/04 to study on the basis of secondary education according to a curriculum of secondary vocational education, but not later than starting from the academic year 2004/05. Before transfer to full-time and part-time study daytime study, students may be accepted to study on the basis of secondary education according to a curriculum of secondary vocational education in the form of daytime study, evening courses and distance learning.

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

(10) The national curricula for vocations or professions shall be established not later than by 1 January 2008.

(21.10.2004 entered into force 19.11.2004 - RT I 2004, 75, 524)

(11) The curricula of a school shall be brought into conformity with the requirements of this Act within six months after the establishment of the national curriculum of the corresponding vocation or profession and the new curricula of a school shall be applied to the students who commence studies in the new academic year. A vocational educational



- 3) in subsection 21 (3) the word “statutes” [*põhikirjad*] is substituted by the word “statutes” [*põhimäärused*];
- 4) subsection 29 (1) is amended by adding the words “or the statutes” [*või põhimäärus*] after the word “statutes” [*põhikiri*];
- 5) subsection 34 (2) is amended and worded as follows:  
«(2) Employment law regulates the employment relations of teachers of educational institutions, taking into account the exceptions arising from other legislation.»

#### § 39. Repeal of Act

The Vocational Educational Institutions Act (RT I 1995, 58, 1003; 1998, 64/65, 1007) is repealed.

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