

## Republic of Estonia Education Act<sup>1</sup>

Passed 23 March 1992

(RT<sup>1</sup> 1992, 12, 192; consolidated text RT I 2003, 33, 205),

entered into force 30 March 1992,

amended by the following Acts:

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

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;

13.05.2004 entered into force 27.05.2004 - RT I 2004, 45, 316;

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

21.04.2004 entered into force 16.05.2004 - RT I 2004, 41, 275;

03.12.2003 entered into force 01.01.2004 - RT I 2003, 78, 526;

07.08.2003 entered into force 01.09.2004 - RT I 2003, 58, 387;

12.06.2003 entered into force 28.06.2003 - RT I 2003, 48, 342.

### I. General Provisions

#### § 1. Purpose of Education Act

The purpose of the Education Act is to provide legal basis for the formation, functioning and development of the education system.

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

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. Definition, objectives and levels of education

(1) For the purposes of this Act, education is a system of knowledge, skills, experience, values and behavioural norms which is determined by study modules, which is recognised by society and the acquisition of which is controlled by society.

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<sup>1</sup> <http://www.legaltext.ee/text/en/X70039K2.htm>

(2) The fundamental principles of education are based on the recognition of universal and national values, of the individual and of freedom of religion and conscience.

(3) The objectives of education are to:

1) create favourable conditions for the development of the individual, the family and the Estonian nation, including ethnic minorities, and economic, political and cultural life in Estonian society and also nature conservation, within the context of the global economy and global culture;

2) shape individuals who respect and abide by the law;

3) create opportunities for everyone to engage in continuous learning.

(4) According to its objectives, education is divided into general education, vocational education and hobby education.

(5) Education has the following levels:

1) pre-school education;

2) basic education (first level of education);

3) secondary education (second level of education);

4) higher education (third level of education).

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

(6) Requirements, called national standards of education, shall be determined for each level of education. The national standards of education shall be set out in national curricula. The curricula shall contain compulsory study modules setting out the content of education, and the prescribed duration of study and compulsory descriptions of knowledge, skills, experience and behavioural norms.

### § 3. Education system

(1) The education system is comprised of two subsystems:

1) education devised on the basis of the objectives and levels of education;

2) educational institutions as organisations responsible for implementing the objectives of education.

(2) Pre-school child care institutions, basic schools, upper secondary schools, vocational educational institutions, institutions of professional higher education, universities, hobby schools, further education institutions, etc., together with the research and methodology institutions which provide services to them, are educational institutions.

(15.09.93 entered into force 10.10.93 - RT I 1993, 63, 892)

(3) State and municipal educational institutions, except universities, shall be called public educational institutions.

(12.01.95 entered into force 18.02.95 - RT I 1995, 12, 119)

#### § 4. Principles of organisation of education system

(1) The state and local governments shall ensure that everyone in Estonia has the opportunity to fulfil the obligation to attend school and the opportunity to engage in continuing education, under the conditions and pursuant to the procedure prescribed by legislation.

(2) Within the territory of Estonia, the state and local governments shall ensure that opportunities exist for the acquisition of education in Estonian at all levels of education in public educational institutions and universities.

(3) The Republic of Estonia shall ensure that the Estonian language is taught in all public educational institutions and study groups where instruction is carried out in a language other than Estonian.

(4) The study and teaching of religious education shall be voluntary.

(5) The structure of the education system, along with the national standards of education, shall provide opportunities for everyone to move from one level of education to the next.

(6) The management of the financial affairs of educational institutions shall be separate from pedagogical supervision and control.

(7) The acquisition of secondary education in public educational institutions shall be free of any tuition fees.

(8) Forms of study undertaken in an educational institution shall be determined by law or the statutes of the educational institution.

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

(9) The education system shall be managed on the basis of the principle of reasonable decentralisation.

(10) In the management of educational institutions, the personal responsibility of the head shall be combined with collegial decision-making and public supervision.

## II. Management of Education System

#### § 5. Extent of authority of legislative and executive power

(1) The Riigikogu<sup>2</sup> has the exclusive authority to:

- 1) determine the principles of the formation, functioning and development of the education system;
- 2) establish tuition fees in public educational institutions and universities in public law;
- 3) decide on the establishment, merger, division and termination of the activities of universities in public law.

(02.06.93 entered into force 01.07.93 - RT I 1993, 35, 547; 12.01.95 entered into force 18.02.95 - RT I 1995, 12, 119)

(2) The Government of the Republic has the authority to:

- 1) adopt national education development programmes and provide guarantees for the implementation thereof;
- 2) establish the procedure for the establishment and reorganisation of public educational institutions and for termination of their activities, and to approve the statutes of state institutions of professional higher education;

(10.06.98 entered into force 16.07.98 - RT I 1998, 61, 980)

- 3) establish the tuition fees and rates for public educational institutions and universities in public law, and the procedure for remuneration;
- 4) establish the maximum rate for study loans secured by the state and the conditions and procedure for granting, repaying and writing off study loans;

(07.08.2003 entered into force 01.09.2004 - RT I 2003, 58, 387)

- 5) establish state concessions and benefits, including credit concessions, for pupils, students and educators;
- 6) establish the bases for remuneration for the work of teachers in state nursery-primary schools (part of a primary school), primary schools, basic schools and upper secondary schools;

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

- 7) establish the Standard of Higher Education;
- 7<sup>1</sup>) approve the framework requirements for teacher training;

(15.12.1999 entered into force 10.01.2000 - RT I 1999, 102, 908)

- 8) form the Higher Education Quality Assessment Council, approve the membership thereof and establish the procedure for the formation of the Higher Education Quality Assessment Council and its rules of procedure;

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

- 9) (Repealed - 07.08.2003 entered into force 01.09.2004 - RT I 2003, 58, 387)

§ 6. Authority of Ministry of Education and Research

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

(1) The Ministry of Education and Research shall organise the preparation and implementation of national education development programmes.

(26.06.96 entered into force 26.07.96 - RT I 1996, 49, 953; 16.10.2002 entered into force 01.01.2003 - RT I 2002, 90, 521)

(2) The Ministry of Education and Research shall:

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

1) (Repealed - 12.01.95 entered into force 18.02.95 - RT I 1995, 12, 119)

2) (Repealed - 12.01.95 entered into force 18.02.95 - RT I 1995, 12, 119)

3) co-ordinate and supervise local governments and other ministries of the Republic in the organisation of education and obtain their approval for proposals to establish, reorganise or close public educational institutions pursuant to the procedure established by legislation;

4) establish, reorganise and close state educational institutions, except universities and institutions of professional higher education;

5) direct and organise the preparation of study plans, study modules, textbooks, teaching aids and methodological materials for public educational institutions (except universities), ensure their publication and issue recommendations for the use of educational literature;

6) ensure a system whereby methodological services are provided to public educational institutions and teachers, and co-ordinate the operations of methodology institutions;

7) register state-recognised and state graduation documents;

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

8) establish the procedure for the attestation of educators and for the extension of their professional skills, and organise training and continuing training for educators;

9) participate in the implementation of state research policy and order research projects in the field of education;

10) participate in forecasting the need for specialists and skilled workers and in determining the provision of state-commissioned education;

(26.06.96 entered into force 29.07.96 - RT I 1996, 51, 965)

11) co-ordinate training for specialists and skilled workers at institutions of professional higher education and vocational educational institutions, and co-ordinate continuing training for and the retraining of specialists and skilled workers;

12) (Repealed - 12.01.95 entered into force 18.02.95 - RT I 1995, 12, 119)

- 13) co-operate with the educational and research institutions of other countries and international organisations;
- 14) develop the rules for the state financing of education;
- 15) issue and revoke education licences (activity licences) for private schools and other legal persons engaged in the provision of training;  
(02.06.93 entered into force 01.07.93 - RT I 1993, 35, 547)
- 16) appoint heads of state educational institutions to office and release them from office;  
(12.01.95 entered into force 18.02.95 - RT I 1995, 12, 119)
- 17) register universities and their statutes and graduation documents;  
(12.01.95 entered into force 18.02.95 - RT I 1995, 12, 119; 26.06.96 entered into force 26.07.96 - RT I 1996, 49, 953)
- 18) establish a uniform marking system for each level of education;  
(13.01.99 entered into force 15.02.99 - RT I 1999, 10, 150)
- 19) (Repealed - 28.06.2004 entered into force 01.09.2004 - RT I 2004, 56, 404)

#### § 7. Authority of local governments

- (1) The authority of local governments is established by this Act, Acts on local governments and other legislation. The division of authority between levels of local governments shall be provided by law.
  - (2) Local governments shall:
    - 1) plan education development programmes within their administrative jurisdiction and implement them;
    - 2) establish, reorganise and close municipal educational institutions pursuant to the procedure prescribed by legislation, and register educational institutions established within their administrative jurisdiction;
    - 3) ensure that economic support and financing is provided for municipal educational institutions within their administrative jurisdiction;
    - 4) appoint heads of educational institutions subordinate thereto to office and release them from office;
    - 5) forecast the need for teachers and assist educational institutions in finding employees;
    - 6) ensure that teachers have living quarters and other benefits prescribed by legislation;
    - 7) organise the protection of children's rights under the conditions and pursuant to the procedure provided by legislation;
- (20.06.2002 entered into force 29.07.2002 - RT I 2002, 63, 389)

- 8) keep records of children of compulsory school age and ensure monitoring of compulsory school attendance, provide children with material and other assistance in the performance of the obligation to attend school, organise transport to the educational institution and back, and ensure medical care and meals during school hours;
  - 9) organise the provision of methodological services to educational institutions and advise heads of educational institutions and teachers in issues pertaining to the organisation of study;
  - 10) organise the provision of vocational information for children and young people and make appropriate recommendations to them;
  - 11) keep records of disabled persons and organise teaching for them.
- (3) In order for education development programmes within the administrative jurisdiction of a local government to be prepared and implemented, the body of executive power of the local government shall form a structural unit within its composition or appoint an appropriate official.

### III. Compulsory School Attendance

#### § 8. Compulsory school attendance and performance of such obligation

- (1) Education is compulsory for children of school age to the extent established by legislation.
- (2) A child shall attend school if he or she will have attained 7 years of age by 1 October of the year in question. A student shall attend school until such time as he or she has acquired basic education or attained 17 years of age.  
(15.09.93 entered into force 10.10.93 - RT I 1993, 63, 892)
- (3) (Repealed - 15.09.93 entered into force 10.10.93)
- (4) The obligation to attend school may be performed by way of home schooling pursuant to the procedure prescribed by the Ministry of Education and Research.  
(26.06.96 entered into force 26.07.96 - RT I 1996, 49, 953; 16.10.2002 entered into force 01.01.2003 - RT I 2002, 90, 521)
- (5) The procedure for the performance of the obligation to attend school and for keeping records of children of school age shall be regulated by legislation.
- (6) Children of citizens of foreign states and of stateless persons who reside in Estonia, except children of representatives of foreign states, are subject to the obligation to attend school.

#### § 9. Provision of study opportunities for orphans and children without parental care

Pursuant to the Republic of Estonia Child Protection Act, the state and local governments shall provide full state maintenance and the opportunity to study and to be provided with education to orphans and to children without parental care.

#### § 10. Teaching of children with special needs

(1) Local governments shall provide persons with physical disabilities, speech impairments or sensory or learning disabilities and persons who need special support with the opportunity to study at a school of their residence. If suitable conditions are not found, the state and local governments shall provide such persons, pursuant to the procedure and under the conditions prescribed by legislation, with the opportunity to study at an educational institution established for that purpose.

(2) The state and local governments shall provide children who need special treatment due to behavioural problems with the opportunity to study at an educational institution established for that purpose and shall ensure full state maintenance for such children pursuant to the procedure and under the conditions prescribed by legislation.

(3) The type of educational institution and the form of study shall be determined for or recommended to children with special needs on the basis of medical, psychological and pedagogical assessments.

### IV. Classification of Education on Basis of Objectives

#### § 11. General education

General education is a system of knowledge, skills, experience, values and behavioural norms which enables a person to evolve into a continuously developing personality who is capable of living with dignity, respecting himself or herself, his or her family, other people and nature, choosing and acquiring a suitable profession, acting creatively and being a responsible citizen.

#### § 12. Vocational education

Vocational education is a system of knowledge, skills, experience, values and behavioural norms which are required for working in a certain area of specialisation, for obtaining certain qualifications and for applying for and retaining a certain position, and the acquisition and improvement of that system creates the prerequisites for successful professional activity.

### § 13. Hobby education

Hobby education is a system of knowledge, skills, experience, values and behavioural norms which, alongside general education and vocational education, creates additional prerequisites for the development of personality and assists a person in coping with his or her life and work.

## V. Classification of Education on Basis of Levels

### § 14. Pre-school education

Pre-school education is a system of knowledge, skills, experience and behavioural norms which creates the prerequisites for succeeding in everyday life and at school.

(09.06.93 entered into force 16.07.93 - RT I 1993, 40, 593)

### § 15. Basic education

Basic education is the minimum level of compulsory general education prescribed by the national standard of education. The acquisition of basic education provides the prerequisites and grants the right to continue studies to acquire secondary education.

(15.09.93 entered into force 10.10.93 - RT I 1993, 63, 892)

### § 16. Secondary education

(1) Secondary education is a level of education which is based on basic education.

Secondary education is divided into general secondary education and secondary vocational education.

(10.02.99 entered into force 21.03.99 - RT I 1999, 24, 358)

(2) General secondary education is a set of requirements established by the national curriculum for basic schools and upper secondary schools. The acquisition of general secondary education provides the prerequisites and grants the right to continue studies to acquire higher education.

(29.08.2001 entered into force 21.09.2001 - RT I 2001, 75, 454)

(3) Secondary vocational education is a set of requirements established by the vocational education standard and the national curricula for vocations or professions. Secondary vocational education is acquired on the basis of basic education or general secondary education. The acquisition of secondary vocational education provides the prerequisites and

grants the right to start working in the acquired vocation or profession or to continue studies to acquire higher education.

(10.02.99 entered into force 21.03.99 - RT I 1999, 24, 358; 21.10.2004 entered into force 19.11.2004 - RT I 2004, 75, 524)

#### § 17. Higher education

- (1) (Repealed - 12.01.95 entered into force 18.02.95 - RT I 1995, 12, 119)
- (2) (Repealed - 12.01.95 entered into force 18.02.95 - RT I 1995, 12, 119)
- (3) Education which is based on general secondary education but which is not recognised as higher education by the state is considered to be education between secondary education and higher education and such education is called vocational secondary education.
- (4) (Repealed - 12.06.2002 entered into force 05.07.2002 - RT I 2002, 56, 348)
- (5) (Repealed - 12.01.95 entered into force 18.02.95 - RT I 1995, 12, 119)
- (6) (Repealed - 12.01.95 entered into force 18.02.95 - RT I 1995, 12, 119)
- (7) An educational institution shall be granted the right to issue documents certifying higher education if its study modules and the conditions of their implementation comply with the national standard of education and if it has received state recognition to that effect.

#### § 18. Further education

- (1) Further education is the general educational and professional knowledge, skills and experience, and the behavioural norms and values complying with the professional requirements, which are necessary for maintaining and expanding existing knowledge, skills, experience and behavioural norms and values.

(03.06.98 entered into force 06.07.98 - RT I 1998, 57, 859)

### VI. Educational Institutions

#### § 19. Definition and classification of educational institution

- (1) An educational institution is an educational establishment where teaching and learning are undertaken according to a curriculum.

(17.06.98 entered into force 25.07.98 - RT I 1998, 64/65, 1007)

- (2) Educational institutions are classified according to the objectives and levels of education acquired therein.

#### § 19<sup>1</sup>. Name of educational institution

(1) The name of an educational institution shall not be misleading with regard to the objectives, activities, owner or legal form of the educational institution.

(17.05.2000 entered into force 05.06.2000 - RT I 2000, 40, 255)

(2) An educational institution which organises informal education or provides hobby education for adults and to which the Minister of Education and Research has issued an education licence may use the word “*rahvapälikool*” [folk high school] in its name.

(17.05.2000 entered into force 05.06.2000 - RT I 2000, 40, 255; 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)

#### § 20. Basic schools and upper secondary schools

(1) At a basic school, basic education is acquired.

(2) At an upper secondary school, general secondary education is acquired.

(3) The bases for the activities of basic schools and upper secondary schools shall be established by the Basic Schools and Upper Secondary Schools Act.

(10.02.99 entered into force 21.03.99 - RT I 1999, 24, 358)

#### § 21. Vocational educational institution

(1) At a vocational educational institution, the knowledge, skills and attitudes for the performance of a skilled trade in a vocation or profession are acquired.

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

(2) The bases for the activities of vocational educational institutions shall be established by the Vocational Educational Institutions Act (RT I 1998, 64/65, 1007; 2001, 68, 406; 2002, 56, 348; 61, 375; 90, 521; 2003, 20, 116; 58, 387; 71, 473; 2004, 27, 178; 41, 276).

(10.02.99 entered into force 21.03.99 - RT I 1999, 24, 358)

#### § 22. Institutions of professional higher education

(1) At an institution of professional higher education, higher education is acquired.

(10.06.98 entered into force 16.07.98 - RT I 1998, 61, 980)

(2) The legal status of institutions of professional higher education shall be established by the Institutions of Professional Higher Education Act and the statutes of the institutions.

(10.06.98 entered into force 16.07.98 - RT I 1998, 61, 980)

### § 23. Universities

(1) At a university, higher education is acquired.

(12.01.95 entered into force 18.02.95 - RT I 1995, 12, 119)

(2) The legal status of universities shall be established by the Universities Act and the statutes of the universities.

### § 24. Pre-school child care institutions

(1) Pre-school education is mainly acquired at home and parents or persons substituting for parents shall be responsible therefor. Pre-school child care institutions shall support and complement family upbringing.

(09.06.93 entered into force 16.07.93 - RT I 1993, 40, 593)

(2) The legal status of pre-school child care institutions shall be established by the Pre-school Child Care Institutions Act and the statutes of the institutions.

### § 25. Hobby schools

(1) Hobby education can be acquired at hobby schools: special interest centres for children and young people, music schools, art schools and sports schools.

(2) Hobby education can be acquired in hobby groups, clubs and Sunday schools operating at agencies, businesses and organisations or established by legal or natural persons.

### § 26. Further education institutions

Further education can be acquired at universities, institutions of professional higher education, vocational educational institutions and evening schools, as well as at community cultural centres, libraries and other cultural establishments on the basis of which further education is organised; language schools, folk high schools, development and learning centres; enterprises, societies and associations which are engaged in the provision of training and which have the provision of training listed in their statutes or articles of association.

## VII. Documents Certifying Education

### § 27. Type and format of documents certifying education

A person's education, vocation, area of specialisation and graduation from an educational institution shall be certified by a certificate or diploma, the format and statute of which shall be approved by the Government of the Republic.

(12.01.95 entered into force 18.02.95 - RT I 1995, 12, 119)

#### § 28. Right to issue documents certifying education

(1) The right to issue documents certifying education shall be granted to an educational institution by the Minister of Education and Research.

(26.06.96 entered into force 26.07.96 - RT I 1996, 49, 953; 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)

(2) The Republic of Estonia recognises certificates, diplomas and university diplomas issued by educational institutions under the conditions and pursuant to the procedure established by the Government of the Republic and documents issued abroad certifying education as documents certifying education.

(12.01.95 entered into force 18.02.95 - RT I 1995, 12, 119)

(2<sup>1</sup>) The list of the names of academic degrees awarded by educational institutions shall be established by a regulation of the Government of the Republic.

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

(2<sup>2</sup>) The conformity of the qualifications of the Republic of Estonia and the qualifications of the former Union of Soviet Socialist Republics prior to 20 August 1991 shall be established by a regulation of the Government of the Republic.

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

(2<sup>3</sup>) (Repealed - 13.05.2004 entered into force 27.05.2004 - RT I 2004, 45, 316)

(3) In the Republic of Estonia, certificates, diplomas and university diplomas issued in the territory of the Republic of Estonia and abroad prior to the entry into force of this Act are valid as documents certifying education.

(4) The issue of documents certifying education in Estonia shall be monitored by the Ministry of Education and Research.

(26.06.96 entered into force 26.07.96 - RT I 1996, 49, 953; 16.10.2002 entered into force 01.01.2003 - RT I 2002, 90, 521)

#### § 28<sup>1</sup>. Academic recognition

(1) The assessment and academic recognition of documents attesting education completed in a foreign state shall be pursuant to the international agreements, the Convention on the

Recognition of Qualifications Concerning Higher Education in the European Region (RT II 1998, 7, 14), the instruments bound by the convention and the regulation of the Government of the Republic established pursuant to subsection (2) of this section.

(2) The conditions and procedure for the assessment and academic recognition of documents attesting education completed in a foreign state, as well as the conditions and procedure for the use of a title of qualification acquired in the educational system of a foreign state shall be established by a regulation of the Government of the Republic.

(13.05.2004 entered into force 01.01.2005 - RT I 2004, 45, 316)

## VIII. Legal Bases for Activities of Educational Institutions

### § 29. Legal status of educational institutions

(1) The legal status of an educational institution shall be established by legislation and the statutes of the institution.

(17.06.98 entered into force 25.07.98 - RT I 1998, 64/65, 1007)

(2) Educational institutions shall act independently in the organisation of teaching and educating and in the use of money and assets within the limits established by legislation.

(Subsection (2) repealed, subsection (3) deemed to be subsection (2) – 14.06.95 entered into force 21.07.95 - RT I 1995, 58, 1003)

### § 30. Subordination of educational institution

(1) State educational institutions are subordinate to the Ministry of Education and Research or to another body of executive power, and municipal educational institutions are subordinate to the relevant local government.

(26.06.96 entered into force 26.07.96 - RT I 1996, 49, 953; 16.10.2002 entered into force 01.01.2003 - RT I 2002, 90, 521)

(2) Private schools are subordinate to the legal or natural person who established them.

(02.06.93 entered into force 01.07.93 - RT I 1993, 35, 547)

### § 31. Financing of educational institutions

(1) Public educational institutions and universities in public law shall be financed from public funds, municipal funds and own funds.

(2) Educational institutions shall be financed from public funds pursuant to the Act adopting the state budget and the procedure established by the Government of the Republic.

(3) Educational institutions which are owned by legal and natural persons and which are partially maintained by the state shall be supervised by the Ministry of Education and Research, the State Audit Office and the local government according to their authority.

(26.06.96 entered into force 26.07.96 - RT I 1996, 49, 953; 16.10.2002 entered into force 01.01.2003 - RT I 2002, 90, 521)

(4) The own funds of educational institutions are revenue from fee-charging services, production and research activities, contractual staff training programmes, donations from sponsors and private individuals, and other income. The procedure for the use of own funds in public educational institutions shall be established by the Minister of Education and Research.

(26.06.96 entered into force 26.07.96 - RT I 1996, 49, 953; 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)

### § 32. Management of educational institutions

(1) An educational institution shall be managed by a head, a director or a Rector. The head of an educational institution shall be appointed by the owner unless otherwise prescribed by the statutes of the educational institution.

(2) The rights and obligations of the head of an educational institution shall be established by corresponding legislation and the statutes of the educational institution.

(3) The board of trustees, board of governors, council, teachers' council or research council of an educational institution shall act on the basis of its statutes or on the basis of the statutes of the educational institution.

(12.01.95 entered into force 18.02.95 - RT I 1995, 12, 119)

(4) The student self-government shall be involved in solving the problems of an educational institution pursuant to the procedure prescribed by the statutes of the educational institution.

### § 33. Legal status of pupils and students

(1) The rights and obligations of pupils and students shall be established by corresponding legislation and the statutes of the educational institution.

(2) State concessions and benefits for pupils and students in respect of study materials, meals, medical care, the use of student accommodation and public transport and the grant of loans and scholarships shall be established by legislation.

(3) Public educational institutions shall enable their pupils and students to use their study rooms, teaching aids and sports and cultural facilities free of charge.

(4) Local governments and legal and natural persons may provide assistance and additional concessions or benefits to pupils and students.

#### § 34. Legal status of teachers

(1) For the purposes of this Act, persons employed in the field of schooling and education and the heads of educational institutions are deemed to be teachers. In universities, the work of teachers is related to research.

(2) Employment law regulates the employment relationships of teachers at educational institutions, taking into account the specifications arising from other legislation.

(17.06.98 entered into force 25.07.98 - RT I 1998, 64/65, 1007)

(3) (Repealed - 25.01.95 entered into force 01.01.96 - RT I 1995, 16, 228)

(4) Local governments may provide additional concessions or benefits for teachers.

#### § 34<sup>1</sup>. Teacher of official language

In order to ensure that Estonian is taught in all public educational institutions and study groups where instruction provided in a language other than Estonian, the Government of the Republic shall establish the status of teacher of the official language and the procedure for awarding that status.

(04.11.97 entered into force 30.11.97 - RT I 1997, 81, 1365)

#### § 35. Assets of educational institutions

(1) In order to organise education and schooling, an educational institution shall have assets and those assets shall consist of land, buildings, structures, equipment, fittings and other material assets which are in the ownership of the educational institution or the use of which has been granted to and which have been transferred into the possession of the educational institution by the owner for specific purposes. The legal status of the assets of universities shall be provided for in the Universities Act and the University of Tartu Act.

(2) The requirements for the material base required for the education and research activities of educational institutions providing higher education shall be established by a regulation of the Minister of Education and Research.

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

## IX. Right of Foreign Citizens to Receive Education in Republic of Estonia

### § 36. Right of foreign citizens to education

Foreign citizens acquire education in the Republic of Estonia pursuant to the procedure prescribed by this Act, international agreements of the Republic of Estonia and the statutes of the educational institutions of the Republic of Estonia.

IX<sup>1</sup>. (Repealed - 07.08.2003 entered into force 01.09.2004 - RT I 2003, 58, 387)

### IX<sup>2</sup>. Estonian Education Information System

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

### § 36<sup>6</sup>. Estonian Education Information System

(1) The Estonian Education Information System is a state register as defined in the Databases Act (RT I 1997, 28, 423; 1998, 36/37, 552; 1999, 10, 155; 2000, 50, 317; 57, 373; 92, 597; 2001, 7, 17; 17, 77; 2002, 61, 375; 63, 387; 2003, 18, 107; 26, 158; 2004, 30, 204) which unites the databases of the education system into one entity.

(2) The Ministry of Education and Research shall exercise the rights of the chief processor of the Estonian Education Information System.

(3) The following sub-registers belong to the Estonian Education Information System:

- 1) the sub-register of documents attesting education;
- 2) the sub-register of teachers and teaching staff;
- 3) the sub-register of pupils, students and resident physicians;
- 4) the sub-register of educational institutions;
- 5) the sub-register of study programmes and education licences.

(4) The Estonian Education Information System shall be established and the statutes for the maintenance of the register shall be approved by a Regulation of the Government of the Republic.

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

## X. Implementation of Education Act

### § 37. Implementation

(1) The Republic of Estonia Education Act shall be established as of 30 March 1992.

(1<sup>1</sup>) (Repealed - 07.08.2003 entered into force 01.09.2004 - RT I 2003, 58, 387)

(2) The following are repealed:

1) the Estonian SSR Education Act of 26 April 1974 together with its subsequent amendments (*ENSV Teataja*<sup>3</sup> 1974, 23, 201; 1986, 20, 261);

2) Resolution of the Supreme Soviet of the Estonian SSR of 26 April 1974 “On Establishment of the Estonian SSR Education Act” (*ENSV Teataja* 1974, 23, 202);

3) Resolution of the Presidium of the Supreme Soviet of the Estonian SSR of 25 September 1986 “On Procedure for Application of §§ 23, 25 and 29 of the Estonian SSR Education Act”.

(3) The Government of the Republic and the Minister of Education and Research have the right to issue regulations on the basis and for the implementation of this Act.

(26.06.96 entered into force 26.07.96 - RT I 1996, 49, 953; 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)

(4) Clause 5 (2) 6) of this Act enters into force on 1 January 2002.

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

(5) Subsections 36<sup>1</sup> (6<sup>1</sup>)-(6<sup>4</sup>) of this Act apply:

1) in 2004 to a parent raising a child of up to 1 year of age;

2) in 2005 to a parent raising a child of up to 2 years of age;

3) in 2006 to a parent raising a child of up to 3 years of age;

4) in 2007 to a parent raising a child of up to 4 years of age;

5) as of 2008 to a parent raising a child of up to 5 years of age;

(03.12.2003 entered into force 01.01.2004 - RT I 2003, 78, 526)

(6) Upon processing of an application for partial writing off of study loans, the law applicable at the time of submission of the application shall apply. If a person has submitted an application for partial writing off of study loans on the basis provided for in subsection 36<sup>1</sup> (6<sup>1</sup>) of this Act and it is not possible to take into account the years of study from the commencement of studies, the provisions of subsections 36<sup>1</sup> (6<sup>1</sup>)-(6<sup>8</sup>) shall apply in the processing of the application.

(21.04.2004 entered into force 16.05.2004 - RT I 2004, 41, 275)

(7) The amendments to the Republic of Estonia Education Act, which entered into force on 28 June 2003, are applied as follows:

- 1) if the recipient of loan has, at the time the amendments enter into force, a child under 3 years of age, or the person was in military service or permanently incapacitated for work to the extent of 80–100 per cent, and if the recipient of loan has submitted the application after the date of entry into force of the amendments on the basis of subsection 36<sup>4</sup> (4) of this Act or the certificate of incapacity for work on the basis of subsection 36<sup>2</sup> (5<sup>1</sup>) of this Act, the version which entered into force on 28 June 2003 shall apply to the recipient of loan;
- 2) if the recipient of loan was exmatriculated before 28 June 2003, the version of the Republic of Estonia Education Act which was in force at the time of exmatriculation shall apply for the recipient of loan.

(21.04.2004 entered into force 16.05.2004 - RT I 2004, 41, 275)

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

<sup>2</sup> Riigikogu = *the parliament of Estonia*

<sup>3</sup> ENSV Teataja = *ESSR Gazette*