

Issuer:	Riigikogu
Type:	act
In force from:	01.07.2013
In force until:	31.08.2013
Translation published:	02.06.2014

Private Schools Act

Passed 03.06.1998
RT I 1998, 57, 859
Entry into force 06.07.1998

Amended by the following acts

Passed	Published	Entry into force
10.02.1999	RT I 1999, 24, 358	21.03.1999
18.05.1999	RT I 1999, 51, 550	20.06.1999
17.05.2000	RT I 2000, 40, 255	05.06.2000
22.11.2000	RT I 2000, 95, 611	01.01.2001
29.08.2001	RT I 2001, 75, 454	21.09.2001
05.06.2002	RT I 2002, 53, 336	01.07.2002
19.06.2002	RT I 2002, 61, 375	01.08.2002
16.10.2002	RT I 2002, 90, 521	01.01.2003
29.01.2003	RT I 2003, 20, 116	10.03.2003
14.04.2004	RT I 2004, 30, 206	07.05.2004
21.04.2004	RT I 2004, 41, 276	05.07.2004
28.06.2004	RT I 2004, 56, 404	01.09.2004
21.10.2004	RT I 2004, 75, 524	19.11.2004
12.05.2005	RT I 2005, 31, 229	03.06.2005
24.11.2005	RT I 2005, 65, 498	01.01.2006
15.06.2006	RT I 2006, 32, 246	01.09.2006
28.09.2006	RT I 2006, 46, 334	03.11.2006
21.12.2006	RT I 2007, 3, 13	26.01.2007
21.12.2006	RT I 2007, 4, 19	01.09.2007
14.06.2007	RT I 2007, 45, 320	20.07.2007
10.04.2008	RT I 2008, 18, 124	01.09.2008
19.06.2008	RT I 2008, 34, 208	01.09.2008, in part 01.01.2011 and 01.01.2014
24.09.2009	RT I 2009, 48, 324	23.10.2009
27.01.2010	RT I 2010, 9, 41	08.03.2010
22.04.2010	RT I 2010, 22, 108	01.01.2011, will enter into force on the date specified in the Decision of the Council of the European Union regarding the abrogation of the derogation established in respect of the Republic of Estonia on the basis provided for in Article 140(2) of the Treaty on the Functioning of the European Union, Decision No. 2010/146/EU of the Council of the European Union of 13 July 2010 (OJ L 196, 28.07.2010, pp. 24-26).
09.06.2010	RT I 2010, 41, 240	01.09.2010, in part 01.09.2011
17.06.2010	RT I 2010, 44, 262	01.09.2010
21.10.2010	RT I, 08.11.2010, 4	18.11.2010, in part 01.01.2011
08.12.2010	RT I, 22.12.2010, 1	02.01.2011
23.02.2011	RT I, 18.03.2011, 1	01.07.2011

17.02.2011	RT I, 21.03.2011, 1	01.01.2012
23.02.2011	RT I, 25.03.2011, 1	01.01.2014
16.06.2011	RT I, 08.07.2011, 3	18.07.2011
23.11.2011	RT I, 12.12.2011, 1	01.01.2012
10.05.2012	RT I, 30.05.2012, 1	01.01.2013
18.04.2013	RT I, 26.04.2013, 3	06.05.2013
15.05.2013	RT I, 01.06.2013, 1	01.07.2013

Chapter 1 GENERAL PROVISIONS

§ 1. Scope of application of Act

(1) This Act applies to legal persons in private law which provide the possibility to acquire pre-school, basic, secondary or higher education.

(2) This Act applies to self-employed persons and legal persons in private law who provide hobby education or organise continuing vocational training or informal education for adults if the instruction organised thereby lasts longer than 120 hours or six months in a year. If these persons organise the teaching of the Estonian language in the form of continuing vocational training or information education for adults, this Act shall apply to them regardless of the duration of the training organised by them.
[RT I, 18.03.2011, 1 - entry into force 01.07.2011]

(2¹) This Act applies to a private school of international military headquarters, which has been founded under an international agreement, given the differences arising from this Act.
[RT I, 01.06.2013, 1 - entry into force 01.07.2013]

(3) The provisions of the Administrative Procedure Act apply to administrative proceedings prescribed in this Act, taking account of the specifications provided for in this Act.

§ 2. Definition of private school and types thereof

(1) A private school is an agency of a public limited company or private limited company entered in the commercial register or of a foundation or non-profit association entered into the non-profit associations and foundations register (hereinafter *owner*), which operates pursuant to Acts, legislation issued on the basis thereof and the articles of association of the owner of the private school and the statutes of the school.

(1¹) The owner of a private school founded by international military headquarters is the international military headquarters.
[RT I, 01.06.2013, 1 - entry into force 01.07.2013]

(2) The following are the types of private school:

- 1) a pre-school child care institution;
- 2) a pre-school child care institution and a general education school operating as a single institution;
- 3) a basic school;
- 4) a basic school where studies are pursued at stage I or at stages I and II, whereby at stage II studies do not need to be pursued to the extent of all the grades of stage II;
- 5) an upper secondary school;
- 6) a basic school and an upper secondary school that operate as a single institution, whereby in the basic school studies may be pursued in all grades or only in some consecutive grades preceding the upper secondary school;
- 7) a vocational educational institution;
- 8) an upper secondary school and a vocational educational institution that operate as a single institution;
- 9) an institution of professional higher education (hereinafter *institution of higher education*);
- 10) a university;
- 11) a hobby school;
- 12) a general education school and a hobby school that operate as a single institution;
- 13) an adult educational institution.

[RT I 2010, 41, 240 - entry into force 01.09.2010]

(3) A public limited company, private limited company, foundation or non-profit-association may be the owner of a private school specified in clauses 2 5)-7) of this section.
[RT I 2010, 41, 240 - entry into force 01.09.2010]

§ 2¹. Capital requirements

(1) A public limited company whose share capital is at least 639 100 euros, a private limited company whose share capital is at least 639 100 euros or a foundation or non-profit association whose equity capital is at least 639 100 euros may operate as the owner of a university.
[RT I 2010, 22, 108 - entry into force 01.01.2011]

(2) A public limited company whose share capital is at least 383 400 euros, a private limited company whose share capital is at least 383 400 euros or a foundation or non-profit association whose equity capital is at least 383 400 euros may operate as the owner of an institution of higher education or a vocational educational institution providing professional higher education.
[RT I 2010, 22, 108 - entry into force 01.01.2011]

(3) A public limited company whose share capital is at least 63 900 euros, a private limited company whose share capital is at least 63 900 euros or a foundation or non-profit association whose equity capital is at least 63 900 euros may operate as the owner of a vocational educational institution.
[RT I 2010, 22, 108 - entry into force 01.01.2011]

(4) The provisions of § 301 of the Commercial Code apply if the net assets of a public limited company constitute less than the minimum amount of share capital provided for in this section.

(5) The provisions of § 176 of the Commercial Code apply if the net assets of a private limited company constitute less than the minimum amount of share capital provided for in this section.

(6) If the net assets of a foundation or non-profit association constitute less than the minimum amount of equity capital provided for in this section, the supervisory board of the foundation or the general meeting of the non-profit association shall decide to:

- 1) take measures as a result of which the size of the net assets of the foundation or non-profit association would form at least the minimum amount of equity provided for in this section;
- 2) dissolve, merge or divide the foundation or non-profit association, or
- 3) submit a bankruptcy petition.

[RT I 2005, 65, 498 - entry into force 01.01.2006]

§ 3. Name of private school

(1) The name of a private school shall be clearly distinguishable from the names of other educational institutions entered in the Estonian Education Information System founded on the basis of subsection 36⁶(4) of the Republic of Estonia Education Act.

(2) The name of a private school shall not be misleading with regard to the purpose, activities, owner or legal form of the school.

(3) [Repealed – RT I, 12.12.2011, 1 – entry into force 01.01.2012]

(3¹) [Repealed – RT I, 12.12.2011, 1 – entry into force 01.01.2012]

(4) 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 or granted registration in the Estonian Education Information System may use the word “*rahvapälikool*” [folk university] in its name.
[RT I 2007, 4, 19 - entry into force 01.09.2007]

Chapter 2 FOUNDATION

§ 4. Foundation

(1) A private school, except a hobby school, a university and an institution of higher education, shall be deemed to be founded as of the entry of its first curriculum in the Estonian Education Information System.
[RT I 2008, 34, 208 - entry into force 01.09.2008]

(1¹) A university or an institution of higher education shall be deemed to be founded as of being granted the first licence by the Government of the Republic for the provision of instruction on the basis of a curriculum or curricula of a higher education curricula group.
[RT I 2008, 34, 208 - entry into force 01.09.2008]

(2) A hobby school shall be deemed to be founded as of the registration of the school and the first curriculum in the Estonian Education Information System. The provisions of subsections 5 (3) – (9) of this Act concerning an education licence apply to an application for registration and to the registration of a hobby school.
[RT I 2008, 34, 208 - entry into force 01.09.2008]

§ 5. Education licence

(1) An education licence is an activity licence for the provision of instruction on the basis of curricula indicated in the education licence in the administrative territory of a local authority, issued on the basis of a directive of the Minister of Education and Research to a person who wishes to found a private school, introduce a new curriculum at the private school or extend the provision of instruction by the private school outside the administrative territory designated in the existing education licences.

(1¹) The education licence of an adult educational institution which organises continuing vocational training or informal education for adults is an activity licence for the provision of instruction on the basis of the curriculum indicated in the education licence issued on the basis of a directive of the Minister of Education and Research to a person who wishes to found an adult educational institution or introduce a new curriculum at the adult educational institution.

(1²) An education licence shall be issued to the owner of a school for provision of instruction on the basis of the curriculum of the International Baccalaureate Organization, a curriculum drawn up on the basis of the Convention defining the Statute of the European Schools or the curriculum of a school founded by international military headquarters. A private school that has been accredited by the International Baccalaureate Organization may teach on the basis of the curriculum of the International Baccalaureate Organization. A private school that has fulfilled the requirements established on the basis of the Convention defining the Statute of the European Schools for teaching under the curriculum may teach under the curriculum drawn up on the basis of the Convention defining the Statutes of the European Schools.
[RT I, 01.06.2013, 1 - entry into force 01.07.2013]

(2) The education licence of a vocational educational institution and an adult educational institution shall be issued for a specified term of not less than an academic year and the duration of the nominal period of study as determined by the curriculum of a private school shall be taken into consideration for the purpose of determining the term.
[RT I, 08.11.2010, 4 - entry into force 18.11.2010]

(2¹) Upon first application for an education licence of a pre-school child care institution, basic school or upper secondary school, an education licence shall be issued for a specific term of up to five academic years. During the period of validity of the education licence issued for a specific term state supervision over the teaching and education carried out by the private school shall be exercised. If no precepts are made in the course of state supervision or these are complied with by the prescribed time, the data and documents specified in subsection (5) of this section shall not have to be appended to the application for a new education licence and, at the request of the owner of the school, the Minister of Education and Research shall issue the new education licence for an unspecified term, except in the event specified in subsection (2²).
[RT I 2010, 41, 240 - entry into force 01.09.2010]

(2²) If a private school operating under an education licence issued for a specific term and applying for a new education licence has submitted documents certifying that the precepts made in the course of state supervision have been fulfilled, but in the opinion of the Minister of Education and Research new state supervision needs to be carried out for the purpose of verifying the actual compliance with the precepts, the Minister of Education and Research shall issue an education licence for a term of up to five academic years.
[RT I 2010, 41, 240 - entry into force 01.09.2010]

(3) An application for an education licence shall be submitted by the owner of a private school to the Ministry of Education and Research after the conclusion of a memorandum of association (or a partnership agreement or after the adoption of a foundation resolution) concerning the owner or after the adoption of a resolution on the corresponding amendment of the articles of association.

(4) The deadline for the submission of an application for an education licence before introducing a corresponding curriculum is the following:

- 1) for vocational educational institutions – seven months;
[RT I 2008, 34, 208 - entry into force 01.09.2008]
- 2) other educational institutions – five months.

(5) An application for an education licence shall be filed with the Ministry of Education and Research. The following documents and data certified by the owner of the private school shall be appended to the application:

- 1) the statutes of the private school;
- 2) the curriculum concerning which the education licence is applied for and which is in compliance with the requirements established by legislation;
- 3) the development plan of the private school, except in the event of applying for an education licence for a hobby school and an adult educational institution;
[RT I 2010, 41, 240 - entry into force 01.09.2010]

4) a confirmation that the head of the private school and the persons belonging to the directing bodies of the owner of the private school comply with the requirements provided for in subsections 19 (2) and (3) of this Act;

5) a confirmation by the owner of the school regarding the existence of teachers complying with the qualification requirements;

[RT I 2010, 41, 240 - entry into force 01.09.2010]

6) a confirmation by the owner of the school regarding the existence of teachers complying with the qualification requirements for the implementation of the curricula of the adult educational institution;

[RT I 2010, 41, 240 - entry into force 01.09.2010]

7) information concerning the existence of the rooms, buildings, land, study rooms and furnishings or use of other property necessary for the operation of the private school subject to valid leasing contracts and tenancy contracts, and concerning the conformity thereof to the health protection and safety requirements;

[RT I 2010, 41, 240 - entry into force 01.09.2010]

7¹) a written consent of the provider of health services at school to provide health services at school and the date of the existence of an activity licence to provide health services at basic schools, upper secondary schools and vocational educational institutions;

[RT I 2010, 41, 240 - entry into force 01.09.2010]

8) [Repealed – RT I 2008, 34, 208 – entry into force 01.09.2008]

9) [Repealed – RT I 2008, 34, 208 – entry into force 01.09.2008]

10) upon application for the education licence for the first time, a notarised transcript of the memorandum of association or foundation resolution of the owner of the private school if the licence is applied for by a public limited company, private limited company, foundation or non-profit association which is being founded;

11) [Repealed – RT I 2008, 34, 208 – entry into force 01.09.2008]

12) [Repealed – RT I 2008, 34, 208 – entry into force 01.09.2008]

(5¹) In the event of applying for an education licence for providing instruction under the curriculum of the International Baccalaureate Organization or the Convention defining the Statutes of the European Schools, the documents specified in clauses 1), 4), 7) and 10) of subsection (5) of this section shall be appended to the application. For the purpose of implementation of the curriculum of the International Baccalaureate Organisation, an additional document certifying the permit of the International Baccalaureate Organisation to implement the curriculum shall be submitted. For the purpose of implementation of the curriculum drawn up on the basis of the Convention defining the Statutes of the European Schools a document certifying that the school has fulfilled the requirements established on the basis of the Convention defining the Statutes of the European Schools for teaching under the curriculum shall be submitted. In the event of applying for an education licence for providing instruction under the curriculum of a school founded by international military headquarters, the documents specified in clauses 1), 4) and 7) of subsection (5) of this section will be annexed to the application.
[RT I 2010, 41, 240 - entry into force 01.09.2010]

(5²) A curriculum under which formal and continuing education is organised for crew members shall be submitted to the Maritime Administration for approval in accordance with § 9 of the Maritime Safety Act before applying for an education licence.

[RT I, 22.12.2010, 1 - entry into force 02.01.2011]

(6) The terms for the review of applications for an education licence after the submission of the information listed in subsection (5) of this section are as follows:

1) for vocational educational institutions - three months;

[RT I 2008, 34, 208 - entry into force 01.09.2008]

2) other educational institutions – two months.

(7) The Minister of Education and Research shall notify an applicant for an education licence of a directive granting or refusing to grant an education licence by post or by electronic means within ten working days as of issuing the directive. A directive granting the issue of an education licence shall also be communicated by post or by electronic means to the rural municipality government or city government within the territory of which the private school operates.

(8) Before submitting an application, an applicant for an education licence shall pay a state fee.

(9) The Minister of Education and Research shall refuse to issue an education licence to the owner of a private school if:

1) the applicant for the education licence does not comply with the requirements provided for in this Act;

2) the competence, skills and knowledge stated to be the objective of instruction specified in the curriculum cannot be achieved under the curriculum;

3) the material resources do not enable to provide instruction of the corresponding level or do not conform to the needs arising from the curriculum;

4) the sustainability of the school is not ensured under the development plan;

5) the owner of the private school has tax arrears;

6) [Repealed – RT I 2008, 34, 208 – entry into force 01.09.2008]

7) the applicant for the education licence submitted false or incomplete information;

8) the private school has failed to fulfil the requirements for processing sensitive personal data established by the Personal Data Protection Act;

[RT I 2010, 41, 240 - entry into force 01.09.2010]

9) the pre-school child care institution, basic school or upper secondary school which operates on the basis of an education licence issued for a specific term has failed, upon applying for the education licence, to submit documents which certify the performance of the precepts made in the course of state supervision;

[RT I 2010, 41, 240 - entry into force 01.09.2010]

10) the curriculum specified in subsection (5²) of this section has not been approved by the Maritime Administration.

[RT I, 22.12.2020, 1 - entry into force 02.01.2011]

(10) The format of the education licence shall be established by a regulation of the Minister of Education and Research.

[RT I 2004, 41, 276 - entry into force 05.07.2004]

§ 5¹. Grant of right to provide instruction in higher education

(1) The right to provide instruction in higher education and to award the corresponding academic degrees and diplomas shall be granted to a private school by the Government of the Republic.

(2) Instruction in higher education shall be provided on the basis of curricula conforming to the Standard of Higher Education, which have been approved by the owner of the private school and entered in the Estonian Education Information System established on the basis of subsection 36⁶(4) of the Republic of Estonia Education Act.

(3) The curricula groups, in which a private school has the right to open curricula and the academic degrees and the diplomas awarded in an educational institution shall be designated by the Government of the Republic on the proposal of the Minister of Education and Research once a year in an Appendix to the Standard of Higher Education.

(4) In order to open a curriculum in a new curricula group, the owner of a private school shall submit to the Ministry of Education and Research not later than nine months before the beginning of the academic year an application to which the following shall be appended:

[RT I, 12.12.2011, 1 - entry into force 01.01.2012]

- 1) the statutes of the private school;
- 2) the development plan of the private school;
- 3) a confirmation that the head of the private school and the persons belonging to the directing bodies of the owner of the private school comply with the requirements provided for in subsections 19 (2) and (3) of this Act;
- 4) information concerning curricula under which instruction is to be provided, including the objectives and learning outcomes of the curricula;
- 5) information concerning the full-time teaching staff who provide instruction and their qualifications;
- 6) the written consents of the teachers who comply with the requirements for teachers of state educational institutions or universities in public law of the same type established by legislation to work in the private school on the basis of the corresponding curriculum;
- 7) information concerning the material resources which are necessary for education and research and the sources of financing of the studies;
- 8) the reasons concerning the need to open studies, including information concerning the target group and the proposals of professional associations;
- 9) for the conduct of Master's studies in an institution of higher education, information concerning compliance with the requirements provided for in subsection 15²(2) of the Institutions of Professional Higher Education Act;
- 10) upon application for opening of Doctoral studies in a university, information concerning the positive evaluation of the research in the scientific discipline which serves as the basis for the studies;
- 11) documents certifying the existence of the share capital or equity of a foundation or non-profit association specified in subsections 2¹(1) to (3) of this Act together with the auditor's report;
- 12) information concerning the auditor of the owner of the private school;
- 13) upon application the right to provide instruction in higher education for the first time, a notarised transcript of the memorandum of association or foundation resolution of the owner of the private school if the right is applied for by a public limited company, private limited company, foundation or non-profit association which is being founded;
- 14) [Repealed – RT I, 12.12.2011 – entry into force 01.01.2012]

(5) An applicant shall pay the state fee before submitting an application.

(6) The Ministry of Education and Research shall organise assessment of the application and the appended information in the course of which it shall be assessed whether the quality of the studies, including the qualification requirements for teachers established by the board of the private school and the qualifications of the teachers involved in the studies and the resources required for the provision of instruction are sufficient and whether the described learning outcomes can be achieved by the curriculum and comply with the requirements in order to provide higher education. The Ministry of Education and Research shall involve the Higher Education Quality Agency in the assessment of the quality of the studies. The costs of the expert assessment shall be borne by the applicant, except in the event specified in subsection 14 (5¹).

[RT I, 12.12.2011 – entry into force 01.01.2012]

(7) On the proposal of the Minister of Education and Research, the Government of the Republic has the right to:

- 1) grant a private school the right to provide instruction in a curricula group and to award the corresponding academic degree or diploma upon completion of the curriculum;

- 2) grant a private school the right to provide instruction in a curricula group for one to three years and to award the corresponding academic degree or diploma upon completion of the curriculum.

(8) If the Minister of Education and Research makes the proposal specified in clause 2) of subsection (7) of this section, the Minister shall set a term upon the expiry of which the reassessment of the curricula group shall be carried out pursuant to the procedure provided for in subsections (4) and (6) of this section. The expenses of reassessment shall be borne by the applicant.

(9) The Minister of Education and Research shall confirm the refusal to approve an application by a directive if at least one of the following circumstances exists:

- 1) the results of the assessment are negative;
- 2) the applicant does not comply with the requirements provided for in this Act;
- 3) the applicant has tax arrears for which no payment schedule has been arranged;
- 4) the applicant submitted false or incomplete information.

(10) On the proposal of the Minister of Education and Research, the Government of the Republic has the right to revoke the right granted to a private school on the basis of subsection (1) of this section if:

- 1) in the course of state supervision it is established that the activities of the private school are unlawful and the precept issued for termination of the violation, prevention of further violations and elimination of the consequences of the violation, has not been complied with;
- 2) in the course of state supervision it is established that the quality of the studies assessed on the basis of clauses 4), 5) and 8) of subsection (4) of this section has deteriorated to a significant extent or the management, work organisation, teaching and education and the study and research environment of the educational institution do not comply with the requirements;

[RT I, 08.11.2010, 4 - entry into force 01.01.2011]

- 3) the owner of the private school has failed to perform an obligation provided for in subsection 14 (2) or (7) of this Act;

- 4) the research in the scientific discipline which was the basis for opening Doctoral studies has been evaluated negatively;

- 5) the owner of the private school or the private school provides training without a licence to provide instruction;

- 6) the private school has not commenced operation within twelve months as of being granted the right to provide higher education or the operations of the private school have been suspended for twelve consecutive months;

- 7) the owner of the private school has been declared bankrupt on the basis of and pursuant to the procedure provided for in the Bankruptcy Act;

- 8) the net assets of a public limited company being the owner of the private school constitute less than the minimum amount of share capital provided for in subsections 2¹(1) to (3) of this Act, the net assets of a private limited company being the owner of the private school constitute less than the minimum amount of share capital provided for in § 2¹ of this Act or the size of the equity capital of a foundation or non-profit association does not conform to the requirements provided for in subsections 2¹(1) to (3) of this Act;

- 9) the right specified in subsection (1) of this section has been granted on the basis of false or incomplete information submitted by the applicant;

- 10) the Minister of Education and Research would have to make a proposal to the Government of the Republic for the third time for granting the right to provide instruction in a curricula group for one to three years and to award the corresponding academic degrees or diplomas.

(11) If the Government of the Republic revokes the right specified in subsection (1) of this section, the private school shall terminate the admission of students and the provision of education in the relevant curricula group and, in cooperation with the Ministry of Education and Research, ensure that the students have the opportunity to continue their studies at the same or another educational institution in the same or a similar field of study.

[RT I 2008, 34, 208 - entry into force 01.01.2011]

§ 6. Statutes

(1) The following shall be set out in the statutes of a private school:

- 1) the name of the school or, in event of a university or an institution of higher education, the name in Estonian and English;

[RT I 2008, 34, 208 - entry into force 01.09.2008]

- 2) the address of the school;

- 3) the structure of the school;

- 4) the competence and functions of the head or rector of the school (hereinafter *head*) and the school board;

5) the procedure for the appointment and removal of the head and the members of the collegial management body (school board, panel, board of trustees or other) (hereinafter *board*) and their term of office;

6) the procedure for amendment of the statutes;

7) the level or classification of education (pre-school education, basic education, secondary education, vocational education, higher education, hobby education or further education) and the type of educational institution;

[RT I 2007, 4, 19 - entry into force 01.09.2007]

8) the grounds for organisation of studies, in the event of a pre-school child care institution, in accordance with the general requirements for organisation of studies laid down in the Pre-school Child Care Institutions Act or, in the event of a basic school or an upper secondary school, in accordance with those laid down in the Basic Schools and Upper Secondary Schools Act or, in the event of provision of instruction in higher education, in accordance with those laid down in the Institutions of Professional Higher Education or in the Universities Act;

[RT I, 08.11.2010, 4 - entry into force 18.11.2010]

9) the procedure for the admission of children, pupils or students (hereinafter *students*) to the private school, for the exclusion of students from the school and for graduation from the school, including the minimum requirements for the level of proficiency in the language of instruction in order to assess the adequacy of the proficiency of an alien in the language of instruction in compliance with subsection 168 (2) of the Aliens Act;

[RT I, 08.11.2010, 4 – entry into force 18.11.2010]

10) the rights and obligations of students;

11) the rights and obligations of teachers and other employees;

12) the language of instruction and the language of administration;

13) the procedure and grounds for the establishment of tuition fees, grant of relief therefrom, grant of discounts and grant of education allowances;

14) the procedure for closure;

15) qualification requirements for teachers, the conditions and procedure for assessment of compliance therewith and the conditions and procedure for taking account of the previous studies and professional experience of students;

[RT I 2008, 34, 208 - entry into force 01.09.2008]

15¹) the conditions and procedure for the evaluation of faculty members and, in the event Doctoral studies are provided in the educational institution, for the evaluation of Doctoral candidates;

[RT I 2008, 34, 208 - entry into force 01.09.2008]

16) other information required pursuant to legislation regulating the operations of the corresponding state or municipal educational institution or university in public law.

(2) The statutes of a private school shall be approved by the owner of the school and shall enter into force as of the entry of the first curriculum of the private school in the Estonian Education Information System or, in the case of a university or an institution of higher education, as of being granted permission by the Government of the Republic for the provision of instruction on the basis of the curricula of the curricula group in higher education.

[RT I 2008, 34, 208 - entry into force 01.09.2008]

§ 7. Development plan

(1) The following shall be set out in a development plan:

1) the characteristics of the principal activities and idea of the private school (principles and directions of development, nature of the training services to be provided, description of the staff to be used, risks involved and the possible ways of avoiding such risks);

2) information concerning the existence of financial resources or the sources thereof for at least the duration of a period corresponding to the nominal period of study as determined by the curriculum;

3) in event of a pre-school child care institution, a basic school, an upper secondary school or a vocational educational institution, an action plan of the development plan for three years.

[RT I 2010, 41, 240 - entry into force 01.09.2010]

(2) Upon preparation of the action plan of the development plan, a pre-school child care institution, a basic school, an upper secondary school or a vocational educational institution shall take into account the strengths and weaknesses of the school indicated in the internal evaluation report. The owner of the private school shall organise the disclosure of the development plan pursuant to the Public Information Act on the website maintained for the purpose of providing details of the activities of the private school (hereinafter *school website*).

[RT I 2010, 41, 240 - entry into force 01.09.2010]

§ 8. Expert assessment

(1) On the basis of a directive of the Minister of Education and Research, an expert assessment of the curriculum concerning which an education licence is applied for and of the material resources or development plan shall be conducted; an *ad hoc* expert committee shall be formed to assess whether the competence, skills and knowledge stated to be the objective of the instruction specified in 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 conform to the needs arising from the curriculum or whether the sustainability of the school is ensured on the basis of the development plan.

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

(3) Before the conduct of the expert 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 security deposit in an amount prescribed in the directive, but not more than 640 euros and the security deposit shall be refunded 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 owner of the private school.
[RT I 2010, 22, 108 - entry into force 01.01.2011]

(4) The term for reviewing an application for an education licence as specified in subsection 5 (6) of this Act shall be extended by the period during which an expert assessment of the curriculum, material resources or development plan is conducted, but not more than for two months.

(5) [Repealed – RT I, 22.12. 2010 – entry into force 02.01.2011]

§ 9. Revocation of education licence

(1) The Minister of Education and Research may revoke an education licence if:

- 1) the owner of the private school or the private school provides training without an education licence;
- 2) the owner of the private school or the instruction provided by the owner of the private school on the basis of the education licence does not or the related activities do not comply with the requirements provided for in legislation;
- 3) the operations of the private school are not in compliance with the school's curriculum;
- 4) the private school or the owner of the private school fails to comply with precepts issued by a state supervisory body within the prescribed term and pursuant to the prescribed procedure;
- 5) the private school has not commenced operation within twelve months as of the issue of the education licence or the operations of the private school have been suspended for twelve consecutive months;
- 6) the owner of the private school has been declared bankrupt on the basis of and pursuant to the procedure provided for in the Bankruptcy Act;
- 7) the net assets of the owner of the private school constitute less than the minimum amount of share capital or equity capital provided for in subsection 2¹(3) of this Act;
[RT I 2008, 34, 208 - entry into force 01.09.2008]
- 8) the education licence has been issued on the basis of false or incomplete information submitted by the applicant for the licence;
- 9) [Repealed – RT I 2008, 34, 208 – entry into force 01.09.2008]
- 10) [Repealed – RT I 2008, 34, 208 – entry into force 01.09.2008]
- 11) the owner of the private school files a corresponding request.

(2) A directive revoking an education licence shall be communicated to the owner of the private school by post or by electronic means within five working days as of the issue of the directive.
[RT I 2006, 32, 246 - entry into force 01.09.2006]

§ 10. Foundation of foreign educational institutions and branches thereof

(1) The provision of instruction by foreign educational institutions and the foundation of foreign educational institutions and branches thereof in the Republic of Estonia are permitted on the basis of corresponding agreements between states.
[RT I 2004, 41, 276 - entry into force 05.07.2004]

(2) Foreign educational institutions and branches thereof shall be registered by the Ministry of Education and Research pursuant to the procedure prescribed by this Act.

(3) The requirement provided for in subsection (1) of this section does not apply to the educational institutions of the Member States of the European Union and branches thereof. The provisions of this Act concerning the foundation of private schools apply to the provision of education by educational institutions of the Member States of the European Union and the foundation of educational institutions of the Member States of the European Union and branches thereof.
[RT I 2008, 34, 208 - entry into force 01.09.2008]

Chapter 3

ORGANISATION OF TEACHING AND EDUCATION

§ 11. Curriculum

(1) A curriculum is the source document for studies wherein the following is laid down:

- 1) the objectives and period of study;
- 2) the conditions for the commencement of studies;
- 3) the list of subjects and their volume in credit points or days of instruction;
- 4) subject syllabi;
- 5) the options and conditions for selecting subjects;
- 6) the requirements for the completion of stages of study (group, class, course, etc.) and for graduation from the private school.

(1¹) Clauses 3) to 6) of subsection (1) of this section do not apply to the curriculum of an adult educational institution. In addition to the data specified in clauses 1) and 2) of subsection (1) of this section, the curriculum of an adult educational institution shall contain the following information:

- 1) the name of the curriculum;
- 2) the language of instruction;
- 3) the volume of the curriculum, including the proportion of independent work;
- 4) a description of the contents of the curriculum along with the names of the instructors;
- 5) the requirements for completion of studies;
- 6) the knowledge and skills obtained in the event of successful completion of the curriculum and, in the event of language teaching, the conformity to the descriptions of the levels of language proficiency as laid down in the Common European Framework of Reference for Languages;
- 7) a description of the rooms, furnishings and equipment required for attaining the objectives and obtaining the skills established in the curriculum and their compliance with the health protection requirements provided by legislation, if any have been established.

[RT I 2010, 41, 240 - entry into force 01.09.2010]

(2) The curriculum of a private school shall be approved by the owner of the private school and the curriculum shall be entered in the Estonian Education Information System upon the issue of an education licence for the provision of pre-school, basic and secondary education.

[RT I 2008, 34, 208 - entry into force 01.09.2008]

(2¹) The curriculum of an institution of higher education shall be approved by the owner of the private school and the curriculum shall be entered in the Estonian Education Information System on the basis of subsection 36⁶(4) of the Republic of Estonia Education Act after the right specified in subsection 5¹(1) of this Act has been granted. In addition, the provisions of §§ 22¹#22² and 22⁴ of the Universities Act apply to the opening of a joint curriculum.

[RT I, 12.12.2011, 1 - entry into force 01.01.2011]

(3) Amendments to the curriculum of a private school shall be made by the school board and approved by the owner of the private school. The amendments shall be submitted to the Ministry of Education and Research for registration within ten working days as of their approval. Amendments to the curriculum of an institution of higher education shall not be submitted to the Ministry of Education and Research for registration.

[RT I 2008, 34, 208 - entry into force 01.09.2008]

(4) The curriculum of a private school shall comply:

- 1) in the event of a pre-school child care institution, with the national curriculum for pre-school child care institutions;

[RT I 2008, 18, 124 - entry into force 01.09.2008]

- 2) in the event of a nursery school and a basic school operating as one institution, with the national curriculum for pre-school child care institutions on the part of the nursery school and with the competencies acquired in stages of study and the learning outcomes of subjects established in the national curriculum on the basis of the Basic Schools and Upper Secondary Schools Act on the part of the basic school;

[RT I 2010, 41, 240 - entry into force 01.09.2010]

- 3) in the event of a basic school and an upper secondary school, with the competencies of the level of education and the learning outcomes of subjects established in the national curriculum based on the Basic Schools and Upper Secondary Schools Act;

[RT I 2010, 41, 240 - entry into force 01.09.2010]

- 4) in the event of a vocational educational institution, with the vocational education standard and the national curricula for vocations or professions;

- 5) in the event of an institution of higher education and a university, with the Standard of Higher Education; in event of a joint curriculum also with the requirements of § 22¹ of the Universities Act;

[RT I 2008, 34, 208 - entry into force 01.09.2008]

- 6) in the event of a hobby school, with the Standard for Hobby Education and the framework curriculum, where such curriculum has been established;

[RT I 2007, 4, 19 - entry into force 01.09.2007]

- 7) [Repealed – RT I 2010, 41, 240 – entry into force 01.09.2010]

(5) Confessional religious education may be provided in a private school on the conditions and pursuant to the procedure established by the school board. Attending confessional religious studies is voluntary.

[RT I 2010, 41, 240 - entry into force 01.09.2010]

§ 12. Requirements for admission to and exclusion from private school

(1) Admission to a basic school, upper secondary school, vocational educational institution, institution of higher education or university shall be subject to the admission requirements established by law for state and municipal educational institutions or universities in public law of the same type. The board of a private school has the right to establish additional requirements.

(2) The requirements for exclusion from a private school shall be established by the school board.
[RT I 2010, 41, 240 - entry into force 01.09.2010]

§ 13. General requirements for organisation of studies and education

(1) The organisation of studies shall be based on the curriculum and the rules established by the board of a private school.

(1¹) Upon the provision of instruction in higher education, the general requirements for organisation of studies shall be based on the provisions of the Institutions of Professional Higher Education Act and the Universities Act concerning the general requirements for organisation of studies and the rules established by the board of the private school.
[RT I 2008, 34, 208 - entry into force 01.09.2008]

(1²) In a basic school and in an upper secondary school studies and education shall be organised in accordance with the Basic Schools and Upper Secondary Schools Act. The obligation to grant free use of educational literature established in subsection 20 (1) of the Basic Schools and Upper Secondary Schools Act shall be performed to the extent of the support allocated for it in the state budget.
[RT I 2010, 41, 240 - entry into force 01.09.2010]

(2) The employees and students of a private school and the parents of the students have the right to access the rules for the organisation of studies and education and the curriculum.

(3) Students shall have at least eight weeks of holiday per academic year, of which two weeks shall be during the academic year. This provision does not apply to hobby schools, pre-school child care institutions and adult educational institutions.
[RT I 2007, 4, 19 - entry into force 01.09.2007]

(4) A private school shall ensure that the health of students is protected during their stay at school and shall prepare a daily schedule which conforms to health protection rules and standards.

§ 14. Institutional accreditation, assessment of quality of curricula group and state-commissioned education

[RT I 2008, 34, 208 - entry into force 01.09.2008]

(1) Institutional accreditation of a university or institution of higher education means external evaluation in the course of which the compliance of the management, work organisation, teaching and research activities, and study and research environment with the objectives and development plan of the educational institution are evaluated.
[RT I, 08.11.2010, 4 - entry into force 18.11.2010]

(2) The owner of a private school shall ensure that the Higher Education Quality Agency specified in § 10 of the Universities Act or a competent quality agency of a foreign state acting in concert with the Higher Education Quality Agency carries out institutional accreditation at least once in seven years or, in the event specified in clause 2) of subsection (3) of this section, during the term specified by the Higher Education Quality Agency.
[RT I 2008, 34, 208 - entry into force 01.09.2008]

(3) As a result of institutional accreditation, the Higher Education Quality Agency:

- 1) makes an assessment that the management, work organisation, teaching and research activities, and study and research environment of a private school meet the requirements and makes a decision to accredit the private school for seven years;
- 2) makes an assessment that there are deficiencies in the management, work organisation, teaching and research activities, and study and research environment of a private school, gives instructions for eliminating them, and makes a decision to accredit the private school for three years;
- 3) makes an assessment that the management, work organisation, teaching and research activities, and study and research environment of a private school do not comply with the requirements and makes a decision not to accredit the private school.

[RT I, 08.11.2010, 4 - entry into force 18.11.2010]

(4) In the event specified in clause 3) of subsection (3) of this section, the Minister of Education and Research shall:

- 1) give the private school a term of up to two years to eliminate the deficiencies detected in the institutional accreditation and for participating in a new institutional accreditation, or
- 2) make a proposal to the Government of the Republic to revoke the right granted to the private school to provide instruction in curricula groups and issue the respective academic degrees and diplomas.

[RT I, 08.11.2010, 4 - entry into force 18.11.2010]

(5) Costs relating to institutional accreditation shall be covered from the state budget or, at the request of the owner of a private school, from the budget of the owner of the private school. If the institutional accreditation is requested from the quality agency of a foreign state, the costs relating to accreditation shall be covered to the extent and in the amount actually incurred by the state budget, provided that these do not exceed the costs that would have to be covered in the event of nationally organised institutional accreditation.

[RT I, 08.11.2010, 4 - entry into force 18.11.2010]

(5¹) In the event specified in clause 2) of subsection (4) of this section, the Minister of Education and Research shall, if possible, initiate the granting of the right to provide instruction in curricula groups and to issue the respective academic degrees or diplomas to another educational institution along with the obligation to ensure the quality and resources for provision of instruction in the curricula group and give as many students of the curricula group as possible the chance to continue their studies. Subsections 5¹(3) to (5) of this Act do not apply to the procedure for granting the right to provide instruction in the curricula group under such circumstances and the costs of the expert assessment shall be covered from the state budget.

[RT I, 08.11.2010, 4 - entry into force 01.01.2011]

(6) Assessment of the quality of a curricula group means external assessment in the course of which the compliance of curricula and the compliance of the instruction and study-related development activities based on the curricula with legislation, national and international standards and developments are assessed with the aim of making recommendations for improvement of the quality of teaching and learning.

[RT I, 08.11.2010, 4 - entry into force 18.11.2010]

(7) The owner of a private school shall ensure that the Higher Education Quality Agency specified in § 10 of the Universities Act or a competent quality agency of a foreign state acting in concert with the Higher Education Quality Agency carries out the assessment of the quality of a curricula group at least once in seven years or within a shorter term by a decision of the Higher Education Quality Agency.

[RT I 2008, 34, 208 - entry into force 01.09.2008]

(8) Costs relating to assessment of the quality of a curricula group shall be covered from the state budget. If the owner of a private school applies to the quality agency of a foreign state for carrying out the assessment of the quality of a curricula group, the costs relating to accreditation shall be covered to the extent and in the amount actually incurred by the state budget, provided that these do not exceed the costs that would have to be covered in the event of nationally organised institutional accreditation.

[RT I, 08.11.2010, 4 - entry into force 18.11.2010]

(9) A vocational educational institution, an institution of higher education or a university may apply for state-commissioned education.

[RT I 2008, 34, 208 - entry into force 01.09.2008]

§ 15. Language of instruction and language of administration

(1) The language of instruction shall be specified in the statutes of a private school, in the event of a joint curriculum, in the cooperation contract concerning the joint curriculum.

[RT I 2008, 34, 208 - entry into force 01.09.2008]

(1¹) Upon deciding the language of instruction of an upper secondary school, the requirements established by the Basic Schools and Upper Secondary Schools Act shall be followed if the owner, shareholder, founder or member of the upper secondary school is the state or a local authority. In the upper secondary school or in certain classes thereof, teaching may take place in a language other than Estonian or bilingually, provided that the Government of the Republic authorises it on the proposal of the board of the private school based on the development plan of the school and at the request of the owner of the school.

[RT I, 26.04.2013, 3 - entry into force 06.05.2013]

(2) In basic schools and upper secondary schools where the language of instruction is not Estonian, Estonian language instruction shall be compulsory to the extent determined by the national curriculum so that the graduates will be able to continue their studies in Estonian at the next level of education.

(3) In vocational educational institutions where the language of instruction is not Estonian, Estonian language instruction shall be compulsory to the extent determined by the vocational education standard to ensure that students will be proficient in Estonian to the level which is necessary to work in their acquired profession.

(4) The language of administration of a private school shall be Estonian. In a private school where the language of instruction is not Estonian, the language of instruction of the private school or another foreign language may be used alongside Estonian as a language of internal administration.
[RT I 2004, 75, 524 - entry into force 19.11.2004]

§ 16. Students

(1) The number of students in a class or group in a private school shall be determined by the board of the private school, taking into consideration the restrictions established for educational institutions by legislation.

(2) Students of private schools are entitled to concessions and benefits granted by the state and local authorities on the same grounds as students of state or municipal schools or universities in public law of the same type.

§ 17. Contract between student and private school

(1) Pursuant to a contract between a student or their legal representative and the owner of a private school (hereinafter *contract*), the owner of the private school undertakes to provide the student with education which conforms to the curriculum and the student undertakes to follow the legal instruments of the owner of the private school and to pay the tuition.

(2) A contract shall be concluded not later than ten days prior to the due date for the payment of the first tuition, but not later than within ten days before the studies are to commence.

(3) The owner of a private school shall conclude a contract with a student or their legal representative for the duration of the period determined by the curriculum.

(4) The following shall be specified in the contract:

- 1) the date of commencement of the studies;
- 2) the volume or duration of the studies;
- 3) the location and address where the studies are to be undertaken;
- 4) the size of the tuition (the sum of money) and the calculation method used;
- 5) the procedure and term for payment of the tuition;
- 6) the grounds and procedure for the refund of the tuition;
- 7) the grounds and procedure for amendment and termination of the contract;
- 8) the procedure for resolution of disputes;
- 9) the obligations of the private school in ensuring that the student will be able to continue their studies if the right of the private school to provide higher education is revoked;
[RT I 2008, 34, 208 - entry into force 01.09.2008]
- 10) in the event of a university, institution of higher education or vocational educational institution, the number of hours of auditory instruction;
- 11) in the event of a joint curriculum, the specifications of provision of instruction arising from the cooperation contract and the guarantees applicable to students.
[RT I 2008, 34, 208 - entry into force 01.09.2008]

(5) A curriculum, except subject syllabi, in compliance with the requirements provided for in subsection 11 (1) of this Act shall be formalised as a compulsory annex to the contract.
[RT I 2004, 41, 276 - entry into force 05.07.2004]

§ 18. Graduation documents of private school

(1) In order to graduate from a private school, a student must fulfil the requirements established in the curriculum.

(2) A state graduation document certifying education shall be issued under the conditions and pursuant to the procedure established by legislation for graduation from a state or municipal school or university in public law of the same type. The board of a private school may establish additional requirements.

(3) An educational institution providing instruction at the higher education level has the right to issue only graduation documents which are recognised by the state. An educational institution shall issue graduation documents certifying higher education in the format of a diploma and academic report and under the conditions and pursuant to the procedure established by the statute approved by a regulation of the Government of the Republic. The state documents certifying education (diplomas) awarded upon completion of the studies in higher education shall be entered in the Estonian Education Information System established on the basis of subsection 36⁶(4) of the Republic of Estonia Education Act.
[RT I 2008, 34, 208 - entry into force 01.09.2008]

(3¹) [Repealed – RT I 2008, 34, 208 – entry into force 01.09.2008]

(3²) A person who has completed a joint curriculum to the full extent shall be awarded a joint diploma as a document certifying state education if the conditions provided for in subsection (3) of this section are met.
[RT I 2008, 34, 208 - entry into force 01.09.2008]

(3³) If part of a joint curriculum is conducted in an educational institution of a foreign state, a person who has completed a joint curriculum to the full extent shall be awarded:

1) a state document certifying education (diploma) by the Estonian educational institutions participating in the joint curriculum – a diploma in compliance with subsection (3) of this section if one Estonian educational institution participates in the joint curriculum, or a joint diploma in compliance with subsection (3²) of this section if at least two Estonian educational institutions participate in the joint curriculum;

2) another document certifying education by all the educational institutions participating in the joint curriculum – a joint diploma on the conditions and pursuant to the procedure prescribed by the cooperation contract concerning the joint curriculum.

[RT I 2008, 34, 208 - entry into force 01.09.2008]

(4) A private school has the right to issue also other documents certifying education, except in the event specified in subsection (3) of this section.

[RT I 2008, 34, 208 - entry into force 01.09.2008]

§ 18¹. Documenting organisation of studies and preserving documents

[RT I 2004, 41, 276 - entry into force 05.07.2004]

(1) The organisation of teaching and education at a private school shall be documented and the documents shall be preserved pursuant to the procedure established by legislation for the documentation of the activities and preservation of documents of state schools, municipal schools or universities in public law of the same type.

[RT I 2004, 41, 276 - entry into force 05.07.2004]

(2) Documents relating to the organisation of studies of a private school are public records to which the requirements provided for in the Archives Act and requirements established on the basis of the Archives Act apply.

[RT I, 21.03.2011, 1 - entry into force 01.01.2012]

Chapter 4 MANAGEMENT

§ 19. Management bodies

(1) The management bodies of a private school are the school board and the head of the school or, in the event of an institution of higher education and a university, the council and the rector (hereinafter *head*).

[RT I 2008, 34, 208 - entry into force 01.09.2008]

(2) Persons who have the education and experience necessary for directing a private school and an impeccable reputation may be elected or appointed head of a private school. The requirements established for rector candidates and rectors in the Institutions of Applied Higher Education Act and the Universities Act apply to the heads of institutions of higher education and universities.

[RT I 2008, 34, 208 - entry into force 01.09.2008]

(3) The following persons shall not be elected or appointed head of a private school or a member of a directing body of the owner of a private school:

1) a person whose earlier activities have caused the bankruptcy or compulsory liquidation of a legal person;

2) a person with respect to whom a court has, pursuant to § 49 of the Penal Code, imposed a prohibition on acting as a member of the management board of a legal person;

3) a person whose earlier activities as the head of a legal person or a private school have shown that the person is not suited to manage the legal person or the private school in such a manner that the interests of the shareholders, members, creditors and clients are sufficiently protected.

(4) If a private school organises instruction for children, a person who has been punished or who has been subjected to coercive treatment for a criminal offence provided for in clauses 133 (2) 2), 141 (2) 1), 142 (2) 1), 143 (2) 1), 143¹(2) 1), §§ 144–146 or §§ 175–178 of the Penal Code and information concerning the punishment has not been expunged from the penal register pursuant to the Penal Register Act or information concerning the punishment has been expunged from the penal register and transferred to the archives of the penal register shall not be elected or appointed head of the private school.

[RT I 2007, 45, 320 - entry into force 20.07.2007]

§ 20. Head of school

(1) A private school shall be managed by the head of the school who shall adhere to the lawful orders of the owner of the private school and the board of the private school.

(2) The head is responsible for the general state and development of the private school and for the intended and practical use of financial resources.

(3) Once every six months, the head shall submit to the school board an overview of the provision of education at the private school, the financial status of the private school and the use of revenue accrued in the form of tuition and shall immediately give notice of any material deterioration in the financial status of the private school and of any precepts issued by the supervisory agency.

[RT I 2002, 53, 336 - entry into force 01.07.2002]

§ 21. School board

(1) The school board is the collegial decision-making body of a private school, and the procedure for the appointment and removal of the members of the board and the duration of their term of office shall be laid down in the statutes of the private school.

(2) The members of the board include:

- 1) the head of the school;
- 2) representatives of the teachers, who shall make up at least one-fifth of the membership of the board;
- 3) in the event of a pre-school child care institution or a nursery school and a basic school operating as a single institution or a basic school, representatives of the parents, who shall make up at least one-fifth of the membership of the board;

[RT I 2010, 41, 240 - entry into force 01.09.2010]

- 4) in the event of an upper secondary school or a vocational educational institution or an institution of higher education or a university, representatives of the students, who shall make up at least one-fifth of the membership of the board;

[RT I 2007, 4, 19 - entry into force 01.09.2007]

- 5) representatives of the owner of the private school;
- 6) other persons prescribed by the statutes of the private school.

(3) The board of a private school shall:

- 1) submit proposals for amendment of the statutes of the private school to the owner of the school for approval;
1¹) approve a joint curriculum before the approval thereof by the owner of the private school and approve entry into a cooperation contract concerning the joint curriculum;

[RT I 2008, 34, 208 - entry into force 01.09.2008]

- 2) hear the annual overview of the fulfilment of the development plan by the head of the private school;
- 3) hear the overview concerning the budget of the private school and the annual report and interim report of the owner of the private school by the head of the school;
- 4) adopt a position in other questions which pursuant to this Act and the statutes of the private school fall within its competence.

(4) The provisions concerning the board of a private school do not apply to adult educational institutions and hobby schools.

[RT I 2007, 4, 19 - entry into force 01.09.2007]

§ 21¹. Board of governors

(1) A board of governors of a university is an advisory body which serves as a link between the university and society.

(2) The owner of a private school shall determine the number of members of a board of governors and their term of office, appoint the members of the board of governors and approve the rules of procedure of the board of governors, after having heard the opinion of the council.

(3) The board of governors shall make proposals to the owner of the private school on issues relating to the development of the university.

(4) The board of governors shall present its assessment of the university to the owner of the private school at least once a year.

(5) An authorised representative of the board of governors shall participate in the sessions of the council of the university with the right to speak.

(6) By the decision of the owner of a private school, the board of governors of the institution of higher education may be formed pursuant to the procedure provided for in this section.

[RT I 2008, 34, 208 - entry into force 01.09.2008]

Chapter 5

FINANCING AND STATE SUPERVISION

§ 22. Financing

(1) The owner of a private school shall have a separate budget for the private school and it shall be kept apart from the accounts of other agencies and undertakings of the owner.

(1¹) The salaries of teachers employed in a pre-school child care institution on the basis of the national curriculum for pre-school child care institutions and the costs of acquiring teaching aids may be covered from the relevant rural municipality or city budget on the grounds provided for in the Pre-school Child Care Institutions Act.

[RT I 2008, 18, 124 - entry into force 01.09.2008]

(2) Costs of basic schools and upper secondary schools shall be partially covered on the grounds provided for in subsections 82 (3) to (5) and (7) of the Basic Schools and Upper Secondary Schools Act regarding municipal schools.

[RT I 2010, 41, 240 - entry into force 01.09.2010]

(2¹) The study costs of a private school shall be financed pursuant to a contract entered into between the private school and the Ministry of Education and Research within the limits of student places created on the basis of state-commissioned education on the grounds provided for in subsection 33³(2) of the Vocational Educational Institutions Act regarding municipal schools. The mandatory terms and conditions for such contracts shall be provided for in subsection 33¹(3) of the Vocational Educational Institutions Act.

(2²) [Repealed – RT I 2005, 65, 489 – entry into force 01.01.2006]

(2³) The costs of hobby schools shall be partially covered on the grounds provided for in subsection 21 (4) of the Hobby Schools Act.

[RT I 2007, 4, 19 - entry into force 01.09.2007]

(3) The costs of student places in institutions of higher education and universities shall be covered from the state budget to the extent of state-commissioned education on the basis and pursuant to the procedure established by legislation for state institutions of professional higher education and universities in public law.

(4) Private schools may receive earmarked support for specific purposes from the state budget or a local authority budget.

(5) Funds received from state-commissioned education may only be used at a private school for the provision of education, for investment and for covering infrastructure expenses.

(6) The size of the tuition shall be determined by the owner of the private school and that amount shall not be changed during an academic year. The size of the tuition may be increased by up to 10 percent between two academic years, unless otherwise provided by the contract entered into between the owner of the private school and the student.

(7) [Repealed – RT I 2006, 32, 246 - entry into force 01.09.2006]

(8) If a private school awards a person the title of professor *emeritus* or *docent emeritus* pursuant to the procedure provided for in the Universities Act or the Institutions of Applied Higher Education Act, the professor *emeritus* or *docent emeritus* remuneration of that person shall be covered from the budget of the owner of the private school on the conditions and pursuant to the procedure established by the owner of the private school.

[RT I 2008, 34, 208 - entry into force 01.09.2008]

§ 22¹. Audit

An auditor of a private school is required to immediately inform the Ministry of Education and Research in writing of circumstances which have become known to the auditor in the course of the auditor's professional activities and which result or may result in:

1) interruption of the operations of the private school due to the economic situation of the school;

[RT I 2004, 41, 276 - entry into force 05.07.2004]

2) an adverse or qualified report by a certified auditor concerning the annual accounts of the owner of the private school;

[RT I 2010, 9, 41 - entry into force 08.03.2010]

3) a situation, or the risk of a situation arising from the economic situation where the private school is unable to perform its obligations;

[RT I 2004, 41, 276 - entry into force 05.07.2004]

4) an act by the head or employee of the private school causing significant proprietary damage to the owner of the private school, the private school or a student of the private school.

[RT I 2004, 41, 276 - entry into force 05.07.2004]

§ 22². Participating in covering operating expenses of private general education school

(1) A rural municipality or city shall participate in covering the operating expenses of a private general education school in proportion to the number of students studying in the school whose place of residence, according to the population register, is located in the administrative territory of the rural municipality or city.

(2) Upon covering the operating expenses of a municipal school, this Act shall be followed, unless the rural municipalities or cities have agreed otherwise between themselves.

(3) Upon covering operating expenses, the conditions of and procedure for participation in covering municipal school operating expenses provided in § 83 of the Basic Schools and Upper Secondary Schools Act.
[RT I 2010, 41, 240 - entry into force 01.09.2011]

§ 23. State supervision over teaching and education

(1) State supervision over teaching and education provided in private schools shall be exercised pursuant to the procedure provided by legislation which regulates the activities of corresponding state or municipal educational institutions or universities in public law.

(1¹) The internal evaluation and counselling of pre-school child care institutions, basic schools, upper secondary schools and vocational educational institutions shall be carried out pursuant to the procedure provided by legislation which regulates the activities of the corresponding state or municipal educational institutions.
[RT I 2010, 41, 240 - entry into force 01.09.2010]

(2) If, as a result of state supervision, it becomes evident that the teaching and education provided in a private school do not comply with the statutes of the private school or that the standard of education does not correspond to the level of education specified in the education licence or does not meet the requirements established for this type of private school by law, the body exercising state supervision has the right to issue a precept to the head of the school for the elimination of deficiencies and for the improvement of teaching and education.

(3) If a private school fails to comply with a precept during the term specified in the reminder, the state supervisory body may impose a penalty payment pursuant to the procedure provided for in the Substitutive Enforcement and Penalty Payment Act. The upper limit for a penalty payment is 640 euros.
[RT I 2010, 22, 108 - entry into force 01.01.2011]

(4) If the head or owner of a private school does not agree with a precept issued by the state supervisory body, the head or the owner has the right to file a challenge with the Ministry of Education and Research.
[RT I 2006, 32, 246 - entry into force 01.09.2006]

Chapter 6 CLOSURE

§ 24. Closure

(1) The owner is required to initiate the closure of a private school pursuant to the procedure prescribed by legislation if:

1) the private school does not hold an education licence or does not have the right to provide higher education or to award the corresponding academic degrees or diplomas for six months;

[RT I 2008, 34, 208 - entry into force 01.09.2008]

2) a liquidation procedure has been initiated against the owner;

3) the owner or the board of the private school has decided that it would be impractical for the private school to continue its operations;

4) the closure is prescribed by law.

(2) Students, parents, employees and the Ministry of Education and Research shall be informed of the closure of a private school at least four months in advance.

(3) Upon closure of a private school, the owner of the private school shall ensure that the students have the opportunity to continue their studies in an educational institution providing education of the corresponding level.
[RT I 2004, 41, 276 - entry into force 05.07.2004]

Chapter 7

IMPLEMENTATION OF ACT

§ 25. Transition

(1) The statutes of private schools shall be brought into conformity with this Act by 1 September 1999.

(2) [Repealed – RT I 2003, 20, 116 – entry into force 10.03.2003]

(3) Universities to which education licences have been issued prior to 30 June 2003 for the provision of education in more than one speciality at the level of at least Bachelor's studies shall bring their education activities into conformity with subsection 4 (1) of the Universities Act by 1 September 2005. If, after the expiry of the specified term, instruction in Bachelor's studies, Master's studies and Doctoral studies is not provided in a private school in several fields of study, the Minister of Education and Research shall revoke the education licences of the private school and the owner of the private school shall be required to initiate the closure of the private school.

[RT I 2003, 20, 116 - entry into force 10.03.2003]

(4) Institutions of higher education to which education licences have been issued prior to 30 June 2003 shall bring their education activities into conformity with subsection 2 (1) of the Institutions of Professional Higher Education Act by 1 September 2005. If, after the expiry of the specified term, less than two-thirds of the students are following professional higher education curricula, the Minister of Education and Research shall revoke the education licences of the private school and the owner of the private school shall be required to initiate the closure of the private school.

[RT I 2003, 20, 116 - entry into force 10.03.2003]

(5) Universities and institutions of higher education shall bring their statutes into conformity with the requirements of law by 1 September 2003 and they shall do so with regard to the conditions of and procedure for assessing the qualifications of teachers and for taking account of the previous study results and professional experience of students specified in clause 6 (1) 15) of this Act not later than by 1 September 2004.

[RT I 2003, 20, 116 - entry into force 10.03.2003]

(6) The curricula of operating child care institutions shall be brought into conformity with the provisions of § 16 of the Pre-school Child Care Institutions Act by 1 March 2009.

[RT I 2008, 18, 124 - entry into force 01.09.2008]

(7) If a shareholder, founder or member of a legal person in private law is the state or a local authority, the language of instruction specified in the statutes of the upper secondary school owned by the state or the local authority before 1 September 2013 will be brought into compliance with subsection 15 (1¹) of this Act by 1 September 2016.

[RT I, 26.04.2013, 3 - entry into force 06.05.2013]

§ 25¹. Application of capital requirements and requirements concerning form of legal person to owner of private school

(1) As of 1 January 2007, subsection 2 (1) and § 21 of this Act apply to owners of private schools which have already been granted an education licence or concerning which a positive accreditation decision has been made, unless the owner of a private school applies for the grant of a new education licence.

(2) Until 1 January 2007, the minimum amount of the share capital of the owner of a private vocational educational institution or the equity capital of a foundation or non-profit association applying for an education licence shall be 500 000 kroons.

(3) The requirements of § 2¹ of this Act do not apply to the owner of a private school if at least two thirds of the students of the private school acquire education according to the curricula of religious studies and theology.

[RT I 2004, 41, 276 - entry into force 05.07.2004]

§ 25². Implementation of Act

The restrictions upon employment of a person established in subsection 19 (4) of this Act shall apply after entry into force of the provision concerning persons commencing employment relating to children.

[RT I 2007, 45, 320 - entry into force 20.07.2007]

§ 26.–§ 32.[Omitted from this text]

§ 33. Transition to evaluation of curricula groups in higher education as of 1 January 2009

(1) Until 31 December 2011, the curricula groups of institutions of higher education and universities shall be evaluated by the Higher Education Quality Agency specified in § 10 of the Universities Act.

[RT I 2009, 48, 324 - entry into force 23.10.2009]

(2) As of 1 January 2012, a private school may provide higher education only if the Government of the Republic has granted, on the basis of an application of the owner of the private school, the private school the right to provide higher education in the corresponding curricula group and to award the corresponding academic degrees and diplomas.

(3) In order to be granted the right to provide instruction in a curricula group and to award the corresponding academic degrees and diplomas, the owner of a private school or, in the event of a joint curriculum, the educational institution agreed upon in the cooperation contract concerning the joint curriculum, shall submit an application to the Ministry of Education and Research and append thereto information on the valid positive accreditation decisions concerning the curricula belonging to the curricula group and the valid positive institutional accreditation decision and:

- 1) information concerning curricula according to which it is desired to provide instruction, including the objectives and learning outcome of the curricula;
- 2) information concerning the full-time teaching staff who provide instruction in the curricula group and their qualifications;
- 3) information concerning the material resources which are necessary for education and research and the sources of financing of the studies;
- 4) the development plan of the private school;
- 5) information concerning research and development;
- 6) by the decision of the applicant other information arising from the Estonian Education Information System and the Estonian Research Information System indicating the quality, resources or sustainability required for the provision of instruction;
- 7) in the event of a joint curriculum, information on the compliance of the joint curriculum with § 22¹ of the Universities Act and information on the compliance of the cooperation contract concerning the joint curriculum with § 22² of the Universities Act.

(4) By involving experts the Higher Education Quality Agency shall evaluate, on the basis of a correctly completed application, the Standard of Higher Education and other legislation, whether the applicant has the quality, resources and sustainability required for the provision of instruction, in the event of a joint curriculum whether the joint curriculum and the cooperation contract concerning the joint curriculum comply with the requirements provided for in §§ 22¹ and 22² of the Universities Act and as a result of the evaluation shall make a proposal to the Minister of Education and Research:

- 1) to grant a private school the right to provide instruction in a curricula group and to award the corresponding academic degree or diploma upon completion of the curriculum and to submit the proposal to the Government of the Republic for approval in an Appendix to the Standard of Higher Education (to accredit the curricula group positively);
- 2) to grant a private school the right to provide instruction in a curricula group for one up to three years and to award the corresponding academic degree or diploma upon completion of a curriculum and to submit the proposal to the Government of the Republic for approval in the Standard of Higher Education (to accredit the curricula group positively for a specified term);
- 3) not to grant a private school the right to provide instruction in a curricula group and to award the corresponding academic degrees or diplomas if, based on the information specified in subsection (3) of this section, it is obvious that it is not possible to provide high-quality higher education (to accredit the curricula group negatively).

(5) If the Higher Education Quality Agency makes a proposal specified in clause (4) 2) of this section, the Higher Education Quality Agency shall set a term upon the expiry of which the curricula group shall be re-evaluated pursuant to the procedure provided for in subsections (3) and (4) of this section.

(6) The curricula groups, in which a private school has the right to provide instruction, and the academic degrees and the diplomas awarded upon completion of the studies shall be designated by the Government of the Republic on the proposal of the Minister of Education and Research once a year in an Appendix to the Standard of Higher Education and up to twice a year in 2020 and 2011.

[RT I, 08.11.2010, 4 - entry into force 18.11.2010]

(7) If the Higher Education Quality Agency makes a proposal specified in clause (4) 3) of this section to the Minister of Education and Research, the Minister of Education and Research shall not submit it to the Government of the Republic and shall approve the proposal by a directive.

[RT I, 08.11.2010, 4 - entry into force 18.11.2010]

(8) A person has the right to receive a national graduation document if a graduation document certifying the completion of the curriculum of the corresponding curricula group in higher education has been issued to the person in the relevant educational institution not earlier than two years before the private school is granted the right to provide instruction in the curricula group and to award the corresponding academic degrees and diplomas pursuant to subsection (7) of this section.

(9) Institutional accreditation and assessment of the quality of curricula groups shall be applied for and carried out in private schools as of 1 January 2010 and in the case a private school has been granted the right to provide instruction and to award the corresponding academic degrees and diplomas at least in one curricula group.
[RT I 2008, 34, 208 - entry into force 01.09.2008]

§ 34. Applications for accreditation of curricula of institutions of higher education submitted before 1 September 2008

(1) The applications for accreditation submitted before 1 September 2008 shall be processed under the conditions and pursuant to the procedure in force at the time of submission, including in compliance with the requirements for curricula and universities and pursuant to the accreditation procedure upon accreditation established by a regulation of the Government of the Republic until 31 December 2009.

(2) As of 1 January 2009, the functions upon processing of applications specified in subsection (1) of this section assigned to the Higher Education Quality Assessment Council by legislation shall be performed by the Higher Education Quality Agency specified in § 10 of the Universities Act.

(3) As a result of accreditation on the basis applications for accreditation specified in subsection (1) of this section, the Higher Education Quality Agency shall make a proposal to the Minister of Education and Research:

1) to accredit a curriculum or an educational institution positively until the Government of the Republic grants the right to provide instruction in the curricula group, whereto the curriculum to be accredited belongs, and to award the corresponding academic degree or diploma upon completion of the curriculum;

2) to accredit the curriculum negatively and; within the term specified which shall be not longer than three years, to terminate the admission of students to the relevant curricula group in the educational institution and studies according the relevant curriculum;

3) to accredit the educational institution negatively and to require the owner of the private school to initiate termination of the activities of the private school.

(4) In the cases specified in clauses (3) 2) and 3) of this section, the institution of higher education or the university shall, in co-operation with the Ministry of Education and Research, ensure that the students have the opportunity to continue their studies at another educational institution in the same or a similar field of study.

(5) Proposals made by the Higher Education Quality Agency as a result of accreditation shall be approved by a directive of the Minister of Education and Research. The Minister of Education and Research has the right to reject the proposal of the Higher Education Quality Agency by a reasoned directive and to submit the proposal to be reviewed for the second time.

[RT I 2008, 34, 208 - entry into force 01.09.2008]

§ 35. State recognition of graduation documents issued to graduates who have completed curricula of institutions of higher education accredited pursuant to procedure in force before 1 September 2008

(1) National graduation documents shall be issued to graduates who have completed curricula accredited pursuant to the procedure in force before 1 September 2008 if the curriculum has been accredited positively.

(2) A person has the right to receive a state graduation document if a document attesting education has been issued to the person not earlier than two years before the curriculum was accredited positively pursuant to the procedure in force before 1 September 2008.

[RT I 2008, 34, 208 - entry into force 01.09.2008]

§ 36. Applications for education licences submitted and education licences for curricula of institutions of higher education issued before 1 September 2008

(1) Applications for education licences for the provision of higher education submitted before 1 September 2008 shall be processed under the conditions and pursuant to the procedure in force at the time of submission.

(2) The education licences issued on the basis of the applications specified in subsection (1) of this section and the education licences issued before 1 September 2008, the validity of which has not expired, shall be valid until:

1) positive accreditation of the curriculum under the conditions provided for in § 34 of this Act in the case an application for accreditation of the curriculum was submitted before 1 September 2008;

2) negative accreditation of the curriculum under the conditions provided for in § 34 of this Act;

3) the Government of the Republic grants the right to provide instruction in the curricula group whereto the curriculum belongs and to award the corresponding academic degree or diploma;

4) 31 December 2010 in the event the curriculum has not been accredited and the Government of the Republic has not granted the right to provide instruction in the curricula group whereto the curriculum belongs and to award the corresponding academic degree or diploma upon the completion of the curriculum;

5) the Minister of Education and Research revokes the education licence pursuant to the procedure provided for in subsections 9 (1) and 2) of this Act.

(3) A private school has the right to issue a document attesting education not recognised by the state to a person who has completed studies carried out on the basis of a valid education licence.

[RT I 2008, 34, 208 - entry into force 01.09.2008]

§ 37. Application for opening of joint curriculum until 31 December 2008

(1) The applications for opening of a joint curriculum submitted until 31 December 2008 shall be processed under the conditions and pursuant to the procedure in force at the time of submission with the specifications arising from this section.

(2) Until 31 December 2008, the educational institution agreed upon in the cooperation contract concerning a joint curriculum shall submit the following after approval of the joint curriculum and approval of entry into a cooperation contract concerning the joint curriculum by the school board:

1) an application to the Ministry of Education and Research for the registration of the joint curriculum by appending the documents certifying compliance with the requirements provided for in § 22¹ of the Universities Act, the cooperation contract concerning the joint curriculum complying with § 22² of the Universities Act and other information required for provision of instruction pursuant to this Act;

2) an application to the Higher Education Quality Assessment Council to extend to the joint curriculum the accreditation decision concerning the curricula which are the basis for the joint curriculum.

(3) The Minister of Education and Research shall register a joint curriculum by a directive and the joint curriculum shall be entered in the Estonian Education Information System established on the basis of subsection 36⁶(4) of the Republic of Estonia Education Act if:

1) the result of the assessment specified in subsection (5) of this section is positive;

2) the Higher Education Quality Assessment Council or, from 1 January 2009, the Higher Education Quality Agency decides to extend the accreditation decision concerning the curricula which are the basis for the joint curriculum to the joint curriculum on the basis of subsection (6) of this section.

(4) Clause (1) 2) and clause (2) 2) of this section do not apply upon the registration of a joint curriculum of Doctoral studies, except in the case the joint curriculum of the Doctoral studies complies with the requirements established in clause § 22¹2) of the Universities Act.

(5) In order to assess the compliance of a joint curriculum and a cooperation contract concerning a joint curriculum with the requirements provided for in §§ 22¹ and 22² of the Universities Act, the Minister of Education and Research shall order an assessment of the joint curriculum and the cooperation contract concerning the joint curriculum by a directive and shall form an ad hoc expert committee which shall conduct the assessment. Before the conduct of an assessment, the educational institution agreed upon in the cooperation contract concerning the joint curriculum shall, within one month as of the issuing of the directive specified in this subsection, 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 assessment shall be borne by the educational institution agreed upon in the cooperation contract concerning the joint curriculum.

(6) Upon registration of a joint curriculum, the Higher Education Quality Assessment Council or from 1 January 2009 the Higher Education Quality Agency shall make a decision concerning the extension of accreditation decisions concerning the curricula which are the basis for a joint curriculum to the joint curriculum on the basis of an application specified in clause (2) 2) of this section proceeding from the compliance of the of the curricula which are the basis for the joint curriculum to legislation and standards and the terms of validity of the accreditation decisions. A decision concerning the extension of the accreditation decisions concerning the curricula which are the basis for the joint curriculum shall be valid at least during the nominal period of studies according to the joint curriculum, but not longer than until 1 January 2012. The extension of an accreditation decision concerning a curriculum to a joint curriculum shall be approved by a directive of the Minister of Education and Research on the proposal of Higher Education Quality Assessment Council or from 1 January 2009 on the proposal of the Higher Education Quality Agency.

(7) An education licence shall not be issued to the owner of a private school in the event a joint curriculum is opened under the conditions and pursuant to the procedure provided for in this section. The decision specified in subsection (6) of this section concerning the extension of accreditation decisions concerning the curricula which are the basis for a joint curriculum to the joint curriculum substitutes an education licence to the extent of the joint curriculum.

(8) An education licence complying with subsection 36 (2) of this Act shall be issued to the owner of a private school upon opening a joint curriculum of Doctoral studies unless the curriculum of Doctoral studies complies with the requirements established in clause 22¹(2) of the Universities Act.
[RT I 2008, 34, 208 - entry into force 01.09.2008]

§ 38. Opening joint curriculum until 31 December 2010

(1) Until 31 December 2010, the conditions and procedure provided for in § 56¹⁴ of the Universities Act, with the specifications arising from this section, apply to the opening of a joint curriculum in a private school.

(2) No education licence shall be issued to the owner of a private school upon opening a joint curriculum. The decision specified in subsection § 56¹⁴(4) of the Universities Act regarding the extension of the accreditation decisions of the curricula serving as the basis for the joint curriculum shall replace an education licence to the extent of the joint curriculum.

(3) Upon opening a joint curriculum for Doctoral studies, an education licence shall be issued to the owner of a private school, unless the joint curriculum of Doctoral studies complies with the requirements established in clause 22¹(2) of the Universities Act.

[RT I 2009, 48, 324 - entry into force 23.10.2009]

§ 39. Validity of education licences issued for specific term

Education licences issued to a pre-school child care institution, a basic school or an upper secondary school for a specific term shall remain in force until the expiry of the term specified in the education licence. At the moment of entry into force of this Act with regard to the private schools that operated on the basis of an education licence issued for a specific term and wish to continue operating after the expiry of the education licence and submit an application for a new education licence, an education licence shall be issued for a specific term in accordance with subsection 5 (2¹) of the Act on the same terms and conditions as upon the first issue of the education licence.

[RT I 2010, 41, 240 - entry into force 01.09.2010]

§ 40. One-off selective accreditation of vocational education

During 2011 one-off selective accreditation of the curricula groups shall be carried out in vocational educational institutions and institutions of professional higher education where vocational education is provided in curricula groups of accommodation and catering or construction and civil engineering works. One-off selective accreditation and participation therein shall take place pursuant to the procedure established in § 37² of the Vocational Educational Institutions Act and pursuant to the procedure established on the basis thereof.

[RT I, 08.07.2011, 3 - entry into force 18.07.2011]