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Basic Schools and Upper Secondary Schools Act

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 RT I 2010, 41, 240
 Entry into force 01.09.2010

Amended by the following acts

Passed	Published	Entry into force
09.06.2010	RT I 2010, 41, 240	01.01.2011 will enter into force on the date specified in the decision of the Council of the European Union concerning abrogation of the derogation established with regard to the Republic of Estonia on the basis of 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).
13.06.2012	RT I, 02.07.2012, 1	01.08.2012
13.06.2012	RT I, 10.07.2012, 2	01.04.2013
12.06.2013	RT I, 02.07.2013, 1	01.09.2013, in part 01.01.2014
20.06.2013	RT I, 11.07.2013, 1	01.09.2013, in part 01.01.2014 and 01.09.2014. In the original Estonian version, the word pedagoog [teacher] has been replaced with the word õpetaja [teacher] in the appropriate case.
21.11.2013	RT I, 13.12.2013, 5	23.12.2013
19.02.2014	RT I, 13.03.2014, 4	01.07.2014 In the original Estonian version, the words riiklik järelevalve [state supervision] have been replaced with the word haldusjärelevalve [administrative supervision] in Chapter 7 of the Act.
19.06.2014	RT I, 12.07.2014, 1	01.01.2015
19.06.2014	RT I, 29.06.2014, 109	01.07.2014, the ministers' official titles have been replaced on the basis of subsection 4 of § 107 ³ of the Government of the Republic Act.
22.10.2014	RT I, 05.11.2014, 1	01.01.2015
19.11.2014	RT I, 13.12.2014, 1	01.01.2016, date of entry into force amended 01.07.2016 [RT I, 17.12.2015, 1]
18.02.2015	RT I, 11.03.2015, 3	21.03.2015
18.02.2015	RT I, 23.03.2015, 2	01.10.2015
18.02.2015	RT I, 23.03.2015, 5	01.07.2015
25.11.2015	RT I, 17.12.2015, 1	20.12.2015
09.12.2015	RT I, 30.12.2015, 1	18.01.2016
09.12.2015	RT I, 30.12.2015, 5	01.01.2016
17.12.2015	RT I, 31.12.2015, 11	01.01.2016

07.06.2016	RT I, 16.06.2016, 1	26.06.2016
14.06.2017	RT I, 04.07.2017, 1	01.01.2018, in part 01.09.2017
11.10.2017	RT I, 25.10.2017, 1	01.01.2018
09.11.2017	RT I, 10.11.2017, 20	09.11.2017 – the judgment of the Constitutional Chamber of the Supreme Court declares unconstitutional the failure to pass such legislative acts, which would provide for the state budget financing of the duties imposed on a local authority under subsection 1 of § 83 of the Basic Schools and Upper Secondary Schools Act where the local authority has given all individuals that are its residents according to the population register the opportunity to study in its municipal school.
15.11.2017	RT I, 28.11.2017, 2	01.01.2018
10.01.2018	RT I, 22.01.2018, 1	01.02.2018
10.01.2018	RT I, 22.01.2018, 2	01.02.2018
13.02.2019	RT I, 01.03.2019, 2	01.09.2019
20.02.2019	RT I, 13.03.2019, 2	15.03.2019

Chapter 1 GENERAL PROVISIONS

§ 1. Scope of application of Act

(1) This Act regulates the bases for organisation of studies of basic schools and upper secondary schools (hereinafter jointly *schools*), the rights and duties of students and students' parents or guardians (hereinafter *parents*), the rights and duties of school employees, the bases for management and funding of schools, and the bases for administrative supervision over the teaching and education activities of schools.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(2) This Act regulates the activities of schools operating as institutions administered by rural municipality or city authorities (hereinafter *municipal schools*) and schools operating as institutions administered by the Ministry of Education and Research (hereinafter *state schools*). A municipal school is managed by a rural municipality or city. A state school is managed by the state. This Act applies to schools operating as private legal entities (hereinafter *private schools*) insofar as the Private Schools Act does not provide otherwise.

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

§ 2. Basic schools and upper secondary schools and their forms of operation

(1) A basic school is a general education school that provides the opportunity to acquire basic education and fulfil the duty to attend school. The time prescribed for the fulfilment of the basic school curriculum (hereinafter *standard period of study*) is nine years. The stages of study of basic schools are:

- 1) stage I – grades 1–3;
- 2) stage II – grades 4–6;
- 3) stage III – grades 7–9.

(2) An upper secondary school is a general education school following a basic school, which provides opportunities to acquire general secondary education. The standard period of study in an upper secondary school is three years.

(3) The forms of operation of basic schools and upper secondary schools include the following:

- 1) a basic school;
- 2) a preschool child care institution (hereinafter *child care institution*) and a basic school that operate as a single institution;

[RT I, 22.01.2018, 1 – entry into force 01.02.2018]

3) 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;

3¹) a lower secondary school where studies are pursued at stage III;

[RT I, 11.07.2013, 1 – entry into force 01.09.2013]

- 4) an upper secondary school;

5) [Repealed – RT I, 11.07.2013, 1 – entry into force 01.09.2013]

5¹) 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;

[RT I, 11.03.2015, 3 – entry into force 21.03.2015]

6) an upper secondary school where there may be basic school grades and where only non-stationary studies are pursued;

[RT I, 11.07.2013, 1 – entry into force 01.09.2013]

6¹) an upper secondary school where there may be basic school grades and where only non-stationary studies may be pursued in the basic school grades;

[RT I, 22.01.2018, 1 – entry into force 01.02.2018]

7) [Repealed – RT I, 11.07.2013, 1 – entry into force 01.09.2013]

8) an upper secondary school and a vocational educational institution that operate as a single institution.

(4) Based on the student's needs, a school for students in need of enhanced support or special support may be founded and managed.

[RT I, 22.01.2018, 1 – entry into force 01.02.2018]

(5) Where a general education school and a child care institution operate as a single institution, the child care part of the institution is governed by the Preschool Child Care Institutions Act and the general education school part of the institution is governed by this Act. The head of a general education school and a child care institution operating as a single institution has the competence arising from this Act and the Preschool Child Care Institutions Act.

(6) Hobby education for the purposes of the Hobby Schools Act and further training for the purposes of the Adult Education Act may be provided in a school. The organisation of hobby education in a school is governed by the provisions of the Hobby Schools Act regulating the organisation of studies, the rights and obligations of students and the financing of studies in a hobby school and the organisation of further training is governed by the provisions of the Adult Education Act regulating further training. Upon organisation of hobby education, the head, teachers' council and board of trustees of the school also have the competence arising from the Hobby Schools Act.

[RT I, 23.03.2015, 5 – entry into force 01.07.2015]

(7) The principles of operation of an upper secondary school and a vocational education institution as a single institution are governed by § 51 of the Vocational Educational Institutions Act.

[RT I, 11.07.2013, 1 – entry into force 01.09.2013]

(8) The school network consists of basic schools and upper secondary schools, regardless of their form of ownership.

[RT I, 16.06.2016, 1 – entry into force 26.06.2016]

§ 3. Fundamental values of general education schools

(1) General education schools support the mental, physical, ethical, social and emotional development of students. Conditions for the balanced development of the abilities and self-realisation of students and for the materialisation of their research-based worldview are created.

(2) The values arising from the ethical principles specified in the Constitution of the Republic of Estonia, the Universal Declaration of Human Rights, the Convention on the Rights of the Child and the fundamental documents of the European Union are considered important.

(3) The socialisation of the new generation is based on the traditions of Estonian culture, common European values, and the recognition of the main achievements of world culture and research. People who have acquired general education are able to integrate into society and contribute to the sustainable social, cultural, economic and ecologic development of Estonian society.

§ 4. Functions of basic schools

(1) Basic schools have both educating as well as edifying functions. Basic schools help students become creative and versatile personalities who are able to effectively realise themselves in various roles: in the family, at work and in public life, and choose a study path corresponding to their interests and abilities.

(2) The function of basic schools is to provide students with the learning and teaching environment that corresponds to the age of students, is secure, has a positive impact and develops students, supports the development of their interest in learning, learning skills, self-reflection, critical thinking, knowledge and will-based characteristics, their creative self-expression and the development of their social and cultural identity.

§ 5. Functions of upper secondary schools

(1) Upper secondary schools have both educating as well as edifying functions. The function of upper secondary schools is to prepare young people to act as creative, versatile, socially mature and trustworthy personalities who are conscious of their goals and objectives and able to attain them in various fields of life: as partners in their personal life, carriers and upholders of culture, in various occupations and roles in the labour market, and as citizens responsible for the sustainability of society and the natural environment.

(2) The main aspiration of teaching and educating in upper secondary schools is that students find a field of activity that interests them and corresponds to their abilities in order to continue their studies in the field. The function of upper secondary schools is to create conditions where students acquire the knowledge, skills and values that allow for continuing their studies in an institution of higher education or vocational educational institution without any impediments.

[RT I, 02.07.2013, 1 – entry into force 01.09.2013]

§ 6. Principles of organisation of studies

Upon organisation of studies, the state, owners of schools and schools adhere to the following principles:

1) general education of good quality adheres to the principles of inclusive education and is equally available to all persons regardless of their social and economic background, nationality, gender, place of residence or special educational needs;

[RT I, 22.01.2018, 1 – entry into force 01.02.2018]

2) there are no curricula-based impediments to the movement of students from one stage of study, form of study or level of education to another;

3) upon organisation of their activities, schools act on the basis of the expectations of society expressed in national curricula and the needs and interests of students, taking into account the proposals of the students and parents as well as the characteristics of the region;

4) the needs and interests of students are taken into account upon designing the curricula of schools and implementing individual curricula.

§ 7. Availability of basic education

[RT I, 11.07. 2013, 1 – entry into force]

(1) Upon managing a basic school, the owner of the school ensures the existence of qualified teachers required for the implementation of the national curriculum for basic schools, the existence of the learning and teaching environment that complies with the security, health protection and curriculum requirements, and the opportunities for supporting the development of students.

(2) The rural municipality or the city provides children subject to the duty to attend school who reside in the territory of the rural municipality or the city with the opportunity to perform the duty to attend school and acquire basic education in compliance with the national curriculum for basic schools involving, where necessary, the owner of the private school or the state.

[RT I, 22.01.2018, 1 – entry into force 01.02.2018]

(3) At least 80 per cent of the students for whom a basic school is the school of residence must not spend more than 60 minutes travelling to the school.

(4) At the request of a parent, a rural municipality or city provides children below the age of compulsory school attendance with opportunities for the acquisition of basic education in their school of residence, provided that an external advisory team or the child care institution that the child attends has assessed the child's readiness for school, including social maturity, and has recommended commencement of school studies and the parent has informed the rural municipality or city government before May 1 in the current year of the desire to commence the studies. Where the parent informs the rural municipality or city government after May 1 in the current year of the desire to commence the studies, the school of residence may admit the child in the event there is a vacant student place in the school.

[RT I, 22.01.2018, 1 – entry into force 01.02.2018]

(5) A rural municipality or city provides persons who are 17 years of age or older, who have not acquired basic education and whose place of residence is located in the rural municipality or city with opportunities for the acquisition of basic education by way of non-stationary studies.

(6) At the request of a parent, a rural municipality or a city provides the child of a representative of a foreign country or international organisation accredited to the Republic of Estonia who resides in the rural municipality or city with opportunities for the acquisition of basic education in the school of residence.

[RT I, 11.07.2013, 1 – entry into force 01.09.2013]

§ 7¹. Availability of general secondary education

(1) Upon managing an upper secondary school, the owner of the school ensures the existence of qualified teachers required for the implementation of the national curriculum for upper secondary schools, the existence of the learning and teaching environment that complies with the security, health protection and curriculum

requirements, the opportunities for supporting the development of students, the capacity to offer elective subjects in addition to compulsory subjects in accordance with the requirements established in the national curriculum for upper secondary schools.

(2) The state and local authority ensures the opportunity to acquire high-quality general secondary education that offers ample choices and is in compliance with the national curriculum for upper secondary schools, keeping the required number of upper secondary schools in each county based on the number of students. The state keeps at least one upper secondary school in each county.

(3) By an administrative contract, the minister responsible for the field may transfer the management of an upper secondary school to a rural municipality or city or to a legal person in private law in accordance with the Administrative Cooperation Act. The Ministry of Education and Research exercises supervision over the implementation of the administrative contract.

[RT I, 11.07.2013, 1 – entry into force 01.09.2013]

§ 8. Determination of place of residence of persons

For the purposes of this Act, the place of residence of a person means the address of their place of residence registered in the Estonian population register. Where the address of a person has not been registered with sufficient accuracy, the person determines the address of their place of residence to the missing extent themselves, informing the rural municipality or city government of residence thereof. The place of residence of the foster family or the seat of the orphanage or substitute home is deemed as the place of residence of a person placed in substitutive care.

[RT I, 28.11.2017, 2 – entry into force 01.01.2018]

Chapter 2 ENSURING COMPULSORY SCHOOL ATTENDANCE

§ 9. Compulsory school attendance

(1) Compulsory school attendance means the duty to participate in the studies laid down in the daily schedule of a school or in an individual curriculum, to do study exercises and to acquire knowledge and skills according to one's abilities. The duty to attend school is not deemed as fulfilled where a person subject to the duty to attend school has not been enrolled in any school or is absent from studies without a good reason.

(2) A person who has reached the age of seven years before October 1 in the current year is subject to the duty to attend school (including a person having foreign citizenship or unspecified citizenship; excluding the child of a representative of a foreign country or international organisation accredited to the Republic of Estonia who resides in Estonia). A person is required to attend school until they acquire basic education or attain the age of 17 years.

(3) A person who, due to their state of health or individual development, has not achieved the readiness for school required for commencement of studies by the time of reaching the age of compulsory school attendance, may, on the basis of a recommendation of the external advisory team specified in § 47 of this Act, commence the performance of the duty to attend school one academic year later.

[RT I, 22.01.2018, 1 – entry into force 01.02.2018]

(4) The external advisory team recommends that the performance of the duty to attend school be commenced one academic year later where:

- 1) the child's perception and study skills, social and self-related skills are not sufficiently developed to commence studies, or
- 2) the child needs long-term treatment due to an illness, trauma or health disorder, and the child's health status does not allow the child to participate in day-to-day studies.

[RT I, 22.01.2018, 1 – entry into force 01.02.2018]

§ 10. Duty of rural municipality or city to create opportunities for performance of duty to attend school

(1) A rural municipality or city provides a person subject to the duty to attend school, whose place of residence is located in the administrative territory of the rural municipality or city, with the opportunity to acquire basic education. For the purpose of providing each person subject to the duty to attend school and the persons specified in subsections 6 and 7 of § of this Act with the opportunity to acquire basic education a rural municipality or city establishes the conditions of and procedure for determination of the municipal school of residence (hereinafter *school of residence*). Material circumstances to be taken into account by a rural municipality or city government upon determining the school of residence include the proximity of the place of residence of a student to the school, the enrolment of other children of the same family in the same school and, where possible, the requests of the parents.

(2) A rural municipality or city government organises the registration of persons subject to the duty to attend school. For the purpose of registration of performance of the duty to attend school, the data of the Estonian population register regarding persons subject to the duty to attend school, whose place of residence is located in the administrative territory of the rural municipality or city, is compared once per academic year, not later than by September 10, with the data of the Estonian Education Information System (hereinafter *education information system*).

(3) A municipal school of another rural municipality or city can be set as the school of residence of a student with the consent of the rural municipality or city government that is the owner of the school.

§ 11. Duties of parents upon ensuring performance of duty to attend school

(1) A parent must enable and facilitate the performance of the duty to attend school, including:

- 1) create conditions facilitating learning at home and the prerequisites for participation in studies for a student subject to the duty to attend school;
- 2) submit to the school its contact details and inform the school of any change thereof;
- 3) read instruments regulating school life;
- 4) cooperate with the school on the conditions and in accordance with the procedure provided for in this Act and in the legislation established on the basis thereof;
- 5) take the measures offered to the parent by the school or the rural municipality or city government of residence;
- 6) based on a proposal of the school, address the external advisory team;
[RT I, 22.01.2018, 1 – entry into force 01.02.2018]
- 7) where necessary, request that the school and the rural municipality or city government of residence of the student take the measures of ensuring the performance of the duty to attend school provided for in legislation.

(2) Where a parent fails to perform the duties provided for in subsection 1 of this section, the rural municipality or city government takes the required measures to protect the rights of the child.

§ 12. Measures taken by school to ensure performance of duty to attend school

(1) To ensure performance of duty to attend school, a school takes, depending on the reasons for absence, one or several of the measures specified in subsection 3 of § 58 of this Act against a student who has been absent from study without a good reason.

(2) Where the measures taken by the school do not have any impact or they cannot be applied because the school cannot get hold of the student or a parent, the school addresses the rural municipality or city government for taking further measures.

§ 13. Measures taken by rural municipality or city to ensure performance of duty to attend school

To ensure the performance of the duty to attend school, the rural municipality or city of residence of a person subject to the duty to attend school supports, where necessary and possible, the person subject to the duty to attend school, the parents and the school, creating the conditions for the performance of the duty to attend school within the limits of its competence, including:

- 1) organises attendance to persons subject to the duty to attend school, identification of the reasons for failing to perform the duty to attend school and taking measures with regard to persons who do not perform the duty to attend school, appointing a position or structural unit entrusted with these functions;
- 2) where possible, organises training for parents whose children do not perform the duty to attend school, in order to support them in creating conditions for the performance of the duty to attend school;
- 3) [Repealed – RT I, 25.10.2017, 1 – entry into force 01.01.2018]

§ 14. Liability of parents for failure to ensure performance of duty to attend school

[Repealed – RT I, 12.07.2014, 1 – entry into force 01.01.2015]

Chapter 3 ORGANISATION OF STUDIES

Division 1 Curriculum

§ 15. National curriculum

(1) The national curriculum for basic schools, the simplified national curriculum for basic schools and the national curriculum for upper secondary schools sets out the goals and objectives of studies, expected learning outcomes, assessment criteria and procedure, and requirements for the learning and teaching environment, organisation of teaching and education, graduation from school and school curriculum.
[RT I, 11.07.2013, 1 – entry into force 01.09.2013]

(2) The basic education standard is established in the national curriculum for basic schools and, with regard to students with mild learning difficulties, students with moderate learning difficulties, and students with severe and profound learning difficulties acquiring basic education, in the simplified national curriculum for basic schools. The standard of general secondary education is established in the national curriculum for upper secondary schools. The Government of the Republic establishes the national curriculum for basic schools, the simplified national curriculum for basic schools and the national curriculum for upper secondary schools (hereinafter jointly referred to as *national curricula*).

(3) The subject syllabi of at least the following compulsory subjects are set out in the national curriculum for basic schools and in the national curriculum for upper secondary schools by subject areas:

- 1) language and literature: Estonian (in an Estonian-medium school), Russian (in a Russian-medium school) and literature;
- 2) foreign languages: Estonian as a second language; English, German, French and Russian as foreign language A; English, German, French and Russian as foreign language B;
- 3) mathematics: mathematics in the basic school; narrow mathematics and extensive mathematics in the upper secondary school;
- 4) natural science: biology, geography, physics, chemistry and, in the national curriculum for basic schools, also nature studies;
- 5) social studies: personal, social and health education, history, civics and citizenship education;
- 6) art subjects: music, arts;
- 7) technology in the national curriculum for basic schools: craft, handicraft and home economics, technology studies;
- 8) physical education: physical education.

(4) In addition, the national curriculum for basic schools and the national curriculum for upper secondary schools include religious studies and career studies, and the national curriculum for upper secondary schools also includes the syllabi of national defence studies and economics and business administration. The syllabi of other optional subjects may be set out in the national curriculum for basic schools and in the national curriculum for upper secondary schools.

(5) Upon the consent of the board of trustees and on the conditions and in accordance with the procedure provided for in national curricula, the list of subjects provided for in this section may be amended for the purpose of using integrated subject and language teaching, carrying out vocational training and taking into account the regional characteristics or the unique characteristics of the school. Based on non-stationary studies or the special educational needs of students, the standard period of study and the academic workload may, on the conditions provided for in national curricula, differ from those provided for in this Act.

[RT I, 02.07.2013, 1 – entry into force 01.09.2013]

§ 16. Studies under curriculum of International Baccalaureate Organization or under curriculum drawn up based on Convention defining the Statute of the European Schools

(1) Teaching and education in a school may be carried out under the curriculum of the International Baccalaureate Organization and under a curriculum drawn up on the basis of the Convention defining the Statute of the European Schools (hereinafter jointly referred to as *international curriculum*).

(2) A school that has been accredited by the International Baccalaureate Organization may teach on the basis of the curriculum of the International Baccalaureate Organization. A school that has fulfilled the requirements established on the basis of the Convention defining the Statutes 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.

(3) Studies may be pursued in a municipal or state school on the basis of an international curriculum provided that the school carries out teaching also on the basis of the national curriculum for basic schools at the same stage of study of the basic school and, in the upper secondary school, on the basis of the national curriculum for upper secondary schools. The implementation of an international curriculum is funded by the owner of the school. The owner of the school and the minister responsible for the field conclude an administrative contract for additional funding of studies from the state budget, specifying the grounds of additional funding, the number of student places and the grounds of admission of students.

(4) In the event of studies based on an international curriculum, the school or the owner of the school does not have to abide by this Act where the international curriculum provides otherwise or where a regulation is, under the international curriculum, within the competence of the school and the school has established a regulation different from this Act.

(5) No administrative supervision is exercised over studies based on an international curriculum in matters whereby, in accordance with subsection 4 of this section, the school or the owner of the school does not abide by this Act.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

§ 17. School curriculum

(1) On the basis of national curricula, the school draws up a curriculum (hereinafter *school curriculum*) that is the underlying document of study in the school and sets out, above all, the choices within national curricula, which arise from the unique characteristics of the school.

[RT I, 11.07.2013, 1 – entry into force 01.09.2013]

(2) The curriculum of a school is established by the head of the school. The curriculum of the school and amendments thereto are submitted to the board of trustees, student council and teachers' council for the expression of an opinion before establishment.

(3) Information about the curriculum of a school is registered in the education information system's sub-register of curricula and education licences.

(4) By an agreement between the head of school or a teacher authorised by the head of school and a student or, where a student has limited active legal capacity, a parent, the school may consider studies or activities falling outside the school's curriculum, including studies in another general education school, as part of the teaching carried out by the school, provided that it allows the student to achieve the learning outcomes specified in the school curriculum or in the student's individual curriculum.

§ 18. Individual curriculum

(1) When teaching a student, a school may change or adjust the time, contents, process and environment of study. Where the changes or adjustments substantially increase or decrease the weekly workload or intensity of studies in comparison with the school curriculum or reduce or replace the learning outcomes provided for in the national curricula, an individual curriculum is drawn up for the student on the conditions provided for in the national curricula.

[RT I, 11.07.2013, 1 – entry into force 01.09.2013]

(2) Where the individual curriculum drawn up for a student with special educational needs lays down reduction or replacement of the learning outcomes provided for in the national curriculum or the release from learning a compulsory subject, the individual curriculum may be implemented on the basis of a recommendation of the counselling committee.

(2¹) An individual curriculum is drawn up for all students with moderate, severe and profound learning difficulties.

[RT I, 11.07.2013, 1 – entry into force 01.09.2013]

(3) The student or, where the student has limited active legal capacity, their parent and, where necessary, teachers and support specialists are involved in drawing up an individual curriculum.

§ 19. Learning and teaching environment

(1) The learning and teaching environment must support the development of students.

(2) Upon organisation of teaching and education at school and outside school, the school follows the requirements established for the learning and teaching environment in the national curricula and other legislation.

(3) [Repealed – RT I, 11.07.2013, 1 – entry into force 01.09.2013]

§ 20. Educational literature

(1) The school allows students acquiring basic education to freely use the educational literature (e.g. textbooks, workbooks, exercise-books and worksheets) required for completion of at least the school curriculum and allow students acquiring general secondary education to freely use textbooks required for completion of at least the school curriculum.

(2) The Ministry of Education and Research, per grade and subject, ensures the availability of the minimum educational literature required for completion of national curricula. Schools are free to choose the educational literature required in each grade for completing the school curriculum.

(3) The requirements established for educational literature, the minimum requirements for reviewing and reviewers of educational literature and the types of the minimum educational literature ensured by the state per grade and subject are established by the minister responsible for the field.

(4) A publisher of educational literature makes educational literature compliant with the national curriculum also available digitally in a portal run by the Ministry of Education and Research on the conditions and in accordance with the procedure agreed between the Ministry of Education and Research and the publisher.

(5) The minister responsible for the field may conclude an administrative contract with a state-owned foundation for running a digital educational literature portal. The Ministry of Education and Research exercises supervision over the implementation of the administrative contract.

(6) A publisher of educational literature registers in the educational literature sub-register of the education information system the data of educational literature complying with the requirements established in the regulation of the minister responsible for the field.

(7) The minister responsible for the field has the right to delete a registration from the sub-register of educational literature in the education information system where:

- 1) the publisher of educational literature has submitted a respective reasoned application;
- 2) the educational literature does not comply with the national curricula or the requirements established for educational literature in the regulation of the minister responsible for the field; or
- 3) the publisher of educational literature has not made the educational literature digitally available.

(8) Where a publisher of educational literature has submitted an application for the deletion of a registration from the sub-register of educational literature, but the minister responsible for the field finds that the application is not reasoned and the registered educational literature complies with the national curricula, the minister may refuse deletion of the registration, specifying the reasons for the refusal.

(9) The minister responsible for the field informs a publisher of educational literature of the intent to delete a registration. Within 30 days after receiving a notice of the intent to delete the registration, the publisher of educational literature has the right to submit objections to the minister responsible for the field regarding the deletion of the registration.

(10) Within five working days of deleting the registration, the Ministry of Education and Research informs the publisher of educational literature thereof in a form that can be reproduced in writing.
[RT I, 11.07.2013, 1 – entry into force 01.09.2013]

§ 21. Language of instruction

(1) The language in which studies are pursued amounts to no less than 60 per cent of the lowest permitted study workload laid down in the national curricula, is deemed the language of instruction of a school or class. Where are not pursued to the extent of 60 per cent in any language, the studies are deemed bilingual. In the event of bilingual studies, the two languages in which most of the studies are pursued are deemed as the languages of instruction.

(2) In basic schools the language of instruction is Estonian. In a municipal basic school or in single classes thereof the language of instruction may be any language on the basis of a decision of the council of the rural municipality or city government relying on a proposal of the board of trustees of the school and in a state basic school or in single classes thereof the language of instruction may be any language on the basis of a decision of the minister responsible for the field.

(3) In upper secondary schools the language of instruction is Estonian. In municipal upper secondary schools or single classes thereof of the language of instruction may be another language. The permission to pursue studies in another language or bilingual studies is granted by the Government of the Republic on the basis of an application of a rural municipality or city government. The board of trustees of the school makes such a proposal to the rural municipality or city government on the basis of the development plan of the school.

(4) In a school or class where the language of instruction is not Estonian, it is compulsory to teach Estonian as of the first grade. In such a school or class the school ensures the organisation of teaching Estonian at a level that allows the graduates of the basic school to continue their studies in an Estonian-medium educational institution.

(5) A school organises language and cultural teaching for students acquiring basic education whose native language is not the language of instruction or who communicate at home in a language different from the language of instruction, which is the native language of at least one parent, provided that no fewer than ten students with the same native language or with the same language of household communication request it.

(6) The Government of the Republic establishes the conditions of and procedure for language and culture teaching specified in subsection 5 of this section.

(7) The Ministry of Education and Research organises the coordination of creation of opportunities for the language and cultural teaching provided for in subsection 5 of this section, including procurement of materials required for language and cultural teaching.
[RT I, 02.07.2012, 1 – entry into force 01.08.2012]

(8) For the purpose of organising the procurement of materials required for language and cultural teaching, the minister responsible for the field may conclude an administrative contract with a state-owned foundation. The Ministry of Education and Research exercises supervision over performance of the administrative contract. [RT I, 02.07.2012, 1 – entry into force 01.08.2012]

§ 22. Stationary and non-stationary studies

(1) Stationary or non-stationary studies or both stationary and non-stationary studies may be pursued in a school.

(2) Stationary studies are aimed at persons subject to the duty to attend school or students for whom learning is a full-time activity, whereby the share of activities instructed by the school exceeds that of independent learning.

(3) Non-stationary studies are studies aimed at adult learners, whereby independent learning has a larger share besides lessons in comparison with stationary studies. Lessons also include the time of provision of various services supporting the development of students, for instance, career counselling.

(4) Persons of 17 years of age or older can acquire basic education in the non-stationary studies. Based on a recommendation of the external advisory team, persons subject to the duty to attend school can acquire basic education in the non-stationary studies where they have special educational needs or another reason that makes the acquisition of education difficult in the stationary studies.

[RT I, 22.01.2018, 1 – entry into force 01.02.2018]

(5) In non-stationary studies the school ensures the student a workload of at least 24 lessons per week of a quarter of the academic year. In a class of up to ten students the school ensures the student a workload of at least 15 lessons per week of a quarter of the academic year. Upon consent of the student, the workload may be reduced. The workload of students is specified in the daily schedule of the school or, where necessary, in an individual curriculum.

(6) Single subjects can also be studied in the non-stationary studies. The workload of a student studying single subjects is laid down for each academic year in an individual curriculum.

(7) Students pursuing the non-stationary studies have the right to take a leave of absence from studies for one year once every three years.

(8) A basic school where non-stationary studies are pursued is required to provide persons who have exceeded the age of compulsory school attendance with the opportunity to graduate from the school as external students under the national curriculum for basic schools. An upper secondary school where non-stationary studies are pursued is required to provide the opportunity to graduate from the school as external students under the national curriculum for upper secondary schools.

(9) An employed student who pursues their studies in the non-stationary form has the right to be granted a study leave by their employer in accordance with the procedure provided for in the Adult Education Act.

§ 23. Studies at home and in hospital

[RT I, 22.01.2018, 1 – entry into force 01.02.2018]

(1) Studies at home means studies organised outside the school premises. Studies at home are applied where:

- 1) the health of the student does not allow for participating in the studies prescribed in the school's daily schedule, or
- 2) a parent wishes to personally organise the education of a student acquiring basic education.

(2) The conditions of and procedure for studies at home and in hospital are established by a regulation of the minister responsible for the field.

(3) Studies at home for health reasons are organised by the school at the request of a parent and upon recommendation of an external advisory team.

(4) Where studies are pursued at home at the request of a parent, they are organised and financed by the parent.

(5) Studies in hospital means studies pursued by a hospitalised student who acquires basic or general secondary education.

[RT I, 22.01.2018, 1 – entry into force 01.02.2018]

§ 24. Academic year

(1) An academic year lasts from September 1 to August 31.

(2) An academic year consists of academic quarters and school holidays.

(3) An academic quarter contains at least 175 school days in total. No lessons take place on the day of a final exam and on two preceding days. The day of the final exam and the preceding two days are included in the number of school days.

[RT I, 22.01.2018, 1 – entry into force 01.02.2018]

(4) A school day is a calendar day when a student is required to participate in studies under the daily schedule or individual curriculum. One week comprises up to five school days.

(5) A lesson is a period prescribed for instructed studies in the daily schedule of a school or in the individual curriculum of a student. Instructed studies are studies pursued in the manner determined by the school, for example, a lecture, individual lesson, consultation, e-learning and a study visit aimed at the acquisition of knowledge and skills and taking place in the learning and teaching environment where both the student and the teacher participate. The calculated length of a lesson is 45 minutes. A lesson is followed by a recess. A lesson may be divided into multiple parts and up to two consecutive lessons may be taught without a recess. The length of a recess is at least ten minutes per lesson.

(6) In a basic school, activities relating to additional studies may be organised during the summer holiday, taking into account that a holiday of no less than ten consecutive weeks without any activities relating to studies and examinations is ensured for a student acquiring basic education.

(7) The minister responsible for the field establishes school holidays. On the basis of a proposal of the head of the school and with the approval of the board of trustees, the owner of a school may establish school holidays different from those established by the minister responsible for the field, taking into account that during the academic year there are four school holidays with a total duration of at least 12 weeks, whereby the summer holiday lasts at least eight consecutive weeks.

[RT I, 11.07.2013, 1 – entry into force 01.09.2013]

§ 25. Academic workload and daily schedule

(1) Students' weekly academic workload by subjects is laid down in the school curriculum.

(2) In lessons, the maximum weekly workload of a basic school student is as follows:

- 1) grade 1 – 20;
- 2) grade 2 – 23;
- 3) grades 3 and 4 – 25;
- 4) grade 5 – 28;
- 5) grades 6 and 7 – 30;
- 6) grades 8 and 9 – 32.

(3) The minimum permitted academic workload in an upper secondary school is 96 courses (72 in the non-stationary studies). In upper secondary schools the workload of compulsory studies common for all students is 63 courses (for students who learn Estonian as a second language, 67 courses). A course corresponds to 35 lessons taught under one subject.

(4) Upon planning and implementing teaching and learning, it is made certain that students' academic workload corresponds to their age and abilities, granting them time for resting and hobby activities.

(5) A teacher plans their work in cooperation with other teachers. The main topics covered during an academic quarter or course, the required learning materials, the organisation of assessment and planned events are communicated to basic school students in the beginning of the academic quarter and to upper secondary school students in the beginning of the course.

(6) The daily schedule of a school reflects the sequence and duration of study activities and extra-curricular activities supporting the school curriculum such as activities organised in long day groups, hobby groups and studios. The daily schedule of a school is established by the head of the school.

(7) [Repealed – RT I, 11.07.2013, 1 – entry into force 01.09.2013]

§ 26. Number of students in classes and study groups in basic school

(1) The upper limit of the size of a class is 24 students in basic school. Where studies have been organised in study groups, the upper limit of the size of a class is applied to the study groups as well.

(2) The owner of a school may establish an upper limit of the size of a class lower than the upper limits specified in subsection 1 of this section.

(3) The owner of the school may, by way of exception, at the request of the head of school and with the consent of the board of trustees increase the number of students beyond the limit provided for in subsection 1 of this

section for one academic year in a specific grade, provided that all the health protection and safety requirements are complied with.

[RT I, 22.01.2018, 1 – entry into force 01.02.2018]

(4) Where the total number of students of two or three classes in a basic school is 16 or less, a composite class may be made of these students.

(5) The number of students in a remedial instruction group, group of a specific level and special class is determined by the head of school, taking into account the nature of the special educational needs and the recommendations of the special education teacher servicing the school, the coordinator of the studies of a student with special educational needs or the external advisory team or both. In a special class, the studies of students provided with enhanced support are carried out with up to 12 students and in the case of students provided with special support with up to six students. The owner of the school may, where justified, increase the number of students of a specific special class for one academic year on a proposal of the head of school and with the consent of the board of trustees.

[RT I, 22.01.2018, 1 – entry into force 01.02.2018]

§ 27. Admission of students to school

(1) A basic school is required to admit all persons subject to the duty to attend school who have expressed such desire and for whom the school is the school of residence. Parents are free to choose a school for a person subject to the duty to attend school, where the desired school has vacant student places.

(2) [Repealed – RT I, 25.10.2017, 1 – entry into force 01.01.2018]

(3) The prerequisite for admission to an upper secondary school is the basic education or respective education acquired in a foreign country. Everyone has equal right to compete for admission to an upper secondary school. Upon admission to an upper secondary school, the knowledge and skills of a person may be assessed, but the admission criteria must be based on objective and previously disclosed criteria.

[RT I, 11.07.2013, 1 – entry into force 01.09.2013]

(4) The minister responsible for the field establishes the general conditions of and procedure for the admission of students to school.

(5) To the extent authorised by the regulation of the minister responsible for the field established on the basis of subsection 4 of this section, the owner of a school or the head of school authorised by the owner of a school establishes the conditions of and procedure for admission to the school, including the procedure for the valuation of knowledge and skills upon admission to upper secondary school. The head of school prepares the draft conditions of and procedure for admission to the school and these are submitted to the board of trustees for the expression of an opinion before establishment.

(6) Heads of school make decisions to enrol persons, taking into account the provisions of this section.

§ 28. Exclusion of students from school

(1) A student is excluded from school:

1) where the student or a parent of a student with limited active legal capacity has submitted the respective application to the school;

2) where the student has commenced the acquisition of education in another general education school or in a foreign educational institution and is not subject to subsection 3 of this section during the studies abroad;

[RT I, 11.07.2013, 1 – entry into force 01.09.2013]

3) where studies are not pursued in the class where the student is supposed to continue their studies;

4) where by their behaviour the student jeopardises the security of other people in the school or repeatedly violates the internal rules, except a student subject to the duty to attend school;

5) where, upon acquisition of basic education, the student is absent from lessons without a good reason and they cannot therefore be transferred to the next class, except a student subject to the duty to attend school;

6) where the student fails to fulfil the conditions of graduation from an upper secondary school within the standard period of study and their period of study has not been extended under an individual curriculum;

7) where over a half of the course grades received by the student are “weak” or “poor” in three or more subjects over the academic year when studying in an upper secondary school;

8) where, while pursuing studies in the non-stationary form, the student has not participated in studies for five consecutive study weeks, except a student subject to the duty to attend school;

9) where the student acquired education in a school that organises teaching and learning in a prison, and the student was released from prison;

[RT I, 25.10.2017, 1 – entry into force 01.01.2018]

10) where the student has fulfilled the conditions of graduation from a basic school or an upper secondary school and a graduation certificate has been issued to the student;

11) in the event of the death of the student.

(2) Additional grounds for exclusion from upper secondary school may be specified in the internal rules of upper secondary schools.

(3) A student acquiring basic education who temporarily acquires education of the same level in a foreign educational institution is not excluded from the student list of the school within the standard period of study where home educating is applied to the student is subject at the time of studying abroad at the request of a parent. A student acquiring general secondary education who temporarily acquires education of the same level in a foreign educational institution is not excluded from the student list of the school within the standard period of study where the student continues the studies as an external student at the time of studying abroad.
[RT I, 11.07.2013, 1 – entry into force 01.09.2013]

(4) The minister responsible for the field establishes a procedure for exclusion of students from school.

(5) Heads of school make decisions to exclude students, taking into account the provisions of this section.

§ 29. Assessment of students

(1) The purpose of assessment is to:

- 1) support the development of students;
- 2) give feedback on the academic achievement of students;
- 3) encourage and guide students to study with purpose;
- 4) guide the development of the self-esteem of students and to guide and support students in making their further education choices;
- 5) guide the activities of teachers in supporting learning and individual development;
- 6) provide a basis for the transfer of students to the next class and for making a decision to graduate from school.

(2) The knowledge, skills and experience of students are assessed on a five-point scale where the grade “5” means “very good,” “4” means “good,” “3” means “satisfactory,” “2” means “poor” and “1” means “weak.”

(3) At stages I and II of the basic school verbal assessments without any numerical equivalent may be used upon assessment of students. The use of descriptive verbal assessments is provided for in the school curriculum. Where a student leaves school or not later than at the end of stage II, the verbal assessments of the current academic year, which serve as the basis for the transfer of the student to the next class, are transformed to the grade scale specified in subsection 2 of this section.

(4) The general conditions of and procedure for assessment, use of an assessment system different from the assessment system specified in subsection 2 of this section, notification of assessment, imposition of additional studies, transfer to the next class and requirement to repeat the grade are provided for in the national curricula and the detailed conditions and procedure are provided for in the school curriculum, except notification of assessment, which is provided for in the internal rules of the school.

§ 30. Graduation from basic school

(1) The conditions of graduation from basic school are provided for in the national curriculum for basic schools and in the simplified national curriculum for basic schools, taking into account the provisions of this section.

(2) Final examinations in basic schools are examinations with harmonised assignments (hereinafter *harmonised final examinations of basic school*) and school examinations with materials approved by schools (hereinafter *school examinations of basic school*). The minister responsible for the field establishes the conditions of and procedure for preparing and conducting final examinations in basic schools as well as the conditions of and procedure for drawing up, assessing and preserving examination papers.
[RT I, 02.07.2012, 1 – entry into force 01.08.2012]

(2¹) The Ministry of Education organises the preparing and conducting of harmonised final examinations of basic school and the drawing up, assessing and preserving of examination papers.
[RT I, 02.07.2012, 1 – entry into force 01.08.2012]

(2²) For the purpose of preparing and organising the conducting of harmonised final examinations of basic school and drawing up, assessing and preserving examination papers, the minister responsible for the field may conclude an administrative contract with a state-owned foundation. The Ministry of Education and Research exercises supervision over the performance of the administrative contract.
[RT I, 02.07.2012, 1 – entry into force 01.08.2012]

(3) For the purpose of graduation from basic school under the national curriculum for basic schools, the harmonised examinations of basic school or, in the events specified in the national curriculum for basic schools, the school examination of basic school are taken in the following subjects:

- 1) Estonian or, in the event specified in the national curriculum for basic schools, Estonian as a second language;
- 2) mathematics;

3) a subject chosen from among subjects established on the basis of subsection 4 of this section.

(4) The minister responsible for the field establishes the subjects, forms and times of harmonised final examinations of basic school not later than by May 25 in the academic year preceding the final examinations of basic school.

(5) On the basis of a decision of the teachers' council, the school issues a basic school graduation certificate to a student or external student who has fulfilled the conditions of graduation from basic school. The data of basic school graduation certificates is registered in the sub-register of documents certifying education in the education information system.

(6) The Government of the Republic establishes the statute and form of the basic school graduation certificate.

§ 31. Graduation from upper secondary school

(1) The conditions of graduation from upper secondary school are provided for in the national curriculum for upper secondary schools, taking into account the provisions of this section.

(2) The final examinations of upper secondary school are state examinations and school examinations of the upper secondary school. The minister responsible for the field establishes the conditions of and procedure for preparing and conducting final examinations in upper secondary schools as well as the conditions of and procedure for drawing up, assessing and preserving examination papers.

[RT I, 02.07.2012, 1 – entry into force 01.08.2012]

(2¹) The Ministry of Education and Research organises the preparing and conducting of state examinations, and drawing up, assessing and preserving examination papers, and the issue of state examination certificates.

[RT I, 02.07.2012, 1 – entry into force 01.08.2012]

(2²) For the purpose of preparing and organising the conducting of state examinations, drawing up, assessing and preserving examination papers and issuing state examination certificates, the minister responsible for the field may conclude an administrative contract with a state-owned foundation. The Ministry of Education and Research exercises supervision over performance of the administrative contract.

[RT I, 02.07.2012, 1 – entry into force 01.08.2012]

(3) Upon preparing state examinations, the learning outcomes specified in the national curriculum for upper secondary schools that are compulsory for all students are followed.

[RT I, 11.07.2013, 1 – entry into force 01.09.2013]

(4) The minister responsible for the field establishes the forms and times of state examinations not later than by May 25 in the academic year preceding the final examinations of upper secondary school.

(5) State examinations in Estonian or, in the events provided for in the national curriculum for upper secondary schools, in Estonian as a second language as well as in mathematics and in a foreign language must be taken to graduate from an upper secondary school. A state examination has been passed where at least one per cent of the maximum score has been obtained. A state examination has been passed with a satisfactory result where at least 20 per cent of the maximum score has been obtained.

[RT I, 11.07.2013, 1 – entry into force 01.09.2013]

(6) In order to graduate from an upper secondary school, the following must be passed with a satisfactory result:
1) a school examination of the upper secondary school;
2) a student investigation paper or practical work, except in the event of graduation from school as an external student.

[RT I, 11.07.2013, 1 – entry into force 01.09.2013]

(7) On the basis of subsection 2, the state examination in a foreign language required for graduation from upper secondary school may be replaced by an internationally recognised examination in the same language on the conditions and in accordance with the procedure established by the minister responsible for the field.

(8) The minister responsible for the field establishes the conditions of and procedure for preparing and assessing student investigation papers and practical work.

(9) Results of state examinations and electronic certificates are made available to examinees electronically. The data of state examination certificates is registered in the sub-register of documents certifying education in the education information system.

(10) Upper secondary school graduation certificates are issued to students or external students who have fulfilled the conditions of graduation from upper secondary school. The data of upper secondary school graduation certificates is registered in the sub-register of documents certifying education in the education information system.

(11) The Government of the Republic establishes the statute and form of the upper secondary school graduation certificate.

(12) A person who has acquired secondary education pays a state fee for registration for a repeat taking of a state examination in the same subject. Where the organisation of conducting state examinations has been transferred to a state-owned foundation under an administrative contract concluded on the basis of subsection 2² of this section, no state fee is charged, but the foundation has the right to charge a fee for registration for a repeat taking of the state examination, but the fee must not exceed the rate of the state fee charged for it under the State Fees Act.

[RT I, 11.07.2013, 1 – entry into force 01.09.2013]

§ 32. Database of tests

[RT I, 13.03.2019, 2 – entry into force 15.03.2019]

(1) To process tests and testing-related data, the Government of the Republic establishes a database aimed at enabling the following:

- 1) preparation of standard-determining tests, harmonised final examinations of the basic school, state examinations, internationally recognised foreign language examinations replacing the final examination of the basic school or upper secondary school, national tests and surveys, other general competencies, field-related competencies, recurrent themes and study result assessment tools (hereinafter *tests*);
- 2) preparation, holding and keeping of tests;
- 3) evaluation of tests;
- 4) retention, analysis and communication of tests results;
- 5) issue of examination certificates;
- 6) administration of blank forms of documents certifying education;
- 7) obtaining reliable information on education statistics, conducting studies and surveys, and strategic management.

(2) The database of tests is established and its statutes, including the composition and term of retention of data, are established by a regulation of the Government of the Republic.

(3) The controller of the database of tests is the Ministry of Education and Research and the processor of the database is specified in the statutes of the database.

(4) The functions of the processor of the database of tests may be performed by a private legal entity under an administrative contract to the extent prescribed by the controller.

(5) The following data are gathered to the database of tests:

- 1) test-taking data;
- 2) data related to holding tests;
- 3) test data;
- 4) evaluation data;
- 5) data of appeals against test results;
- 6) data of certificates;
- 7) statistical data.

(6) The statutes of the database of tests may clarify the composition of the data specified in subsection 5 of this section and the procedure for the entry of the data in the database.

(7) The data entered in the database of tests have an informative and statistical meaning.

[RT I, 13.03.2019, 2 – entry into force 15.03.2019]

§ 33. Challenging results of state examinations and harmonised final examinations of basic school

(1) An appeal may be lodged with the Ministry of Education and Research against the results of a state examination and a harmonised final examination of basic school. An appeal must be lodged within five working days as of the date of making the state examination certificate or school graduation certificate available. The minister responsible for the field forms an appeals committee for reviewing appeals lodged.

(2) Within ten days after an appeal was filed the appeals committee makes one of the following decisions regarding an examination paper whose result was challenged:

- 1) not to change the examination result;
- 2) to raise the examination result;
- 3) to lower the examination result.

(3) On the grounds and in accordance with the procedure provided for in the Code of Administrative Court Procedure an appeal may be lodged with an administrative court regarding the results of a state examination and a harmonised final examination of basic school, provided that an appeal has been filed with the appeals committee beforehand and that the committee has returned the appeal, has not resolved it within the prescribed term, has refused to amend the examination result or lowered it.

§ 34. National assessment of learning outcomes

(1) The purpose of national assessment of learning outcomes is to give students, parents, schools, owners of schools and the state as objective and comparable feedback as possible on the attainment of the learning outcomes provided for in the national curricula and the effectiveness of teaching and learning in schools and provide the state with necessary information for making education policy decisions.

(2) External valuation of learning outcomes takes place through standard-determining tests, harmonised final examinations of basic school and state examinations.

(3) The minister responsible for the field establishes the subjects, forms and time of standard-determining tests, the conditions and procedure for preparing, drawing up, carrying out and assessing and the procedure for standard-determining tests and the conditions of and procedure for analysing harmonised final examinations of basic school and state examinations.

(3¹) The Ministry of Education and Research coordinates the preparing, drawing up, conducting and assessing of standard-determining tests and the analysis of standard-determining tests, harmonised final examinations of basic school and state examinations.

[RT I, 02.07.2012, 1 – entry into force 01.08.2012]

(3²) For the purpose of preparing, drawing up, conducting and assessing standard-determining tests and analysing the results of standard-determining tests, harmonised final examinations of basic school and state examinations, the minister responsible for the field may conclude an administrative contract with a state-owned foundation. The Ministry of Education and Research exercises supervision over performance of the administrative contract.

[RT I, 02.07.2012, 1 – entry into force 01.08.2012]

(4) The minister responsible for the field or the institution specified in subsection 3² of this section informs schools of the results of the national assessment of learning outcomes.

[RT I, 02.07.2012, 1 – entry into force 01.08.2012]

Division 2 Participation in Studies

§ 35. Participation in studies and absence from studies organised in school

(1) Students have the right and duty to do study exercises and to participate in the studies laid down for them in the daily schedule of their school or in their individual curriculum.

(2) Absence from studies is permitted only with a good reason. The school assesses whether the reasons for absence from studies can be deemed good. Good reasons for absence from lessons are as follows:

- 1) the student falls ill or the provision of the student with a health service;
- 2) the road leading to the school is impassable or the occurrence of another *force majeure* circumstance, including the weather conditions specified in a regulation of the minister responsible for the field based on clause 3 of subsection 2 of § 8 of the Public Health Act whereby the absence from studies is reasoned;
- 3) substantial family-related reasons;
- 4) other reasons deemed good by the school.

(3) Schools adopt a procedure for notifying of absence from studies in their internal rules.

(4) Schools keep account of absence from studies, make a summary thereof at least once per academic quarter and inform parents thereof.

§ 36. Notifying of absence of students subject to duty to attend school from studies

(1) Not later than on the first school day of absence from studies a parent notifies the school of the student's absence from studies and the reasons thereof. Where the parent has not informed the school of the student's absence, the school informs the parent thereof not later than the next school day. The parent notifies the school of the duration of the absence not later than on the second school day following the lapse of the reasons for absence.

(2) Where a school employee has reasonable doubt that false information has been submitted when reasoning a student's absence, the school has the right to ask additional explanations from a parent or address the rural municipality or city government of the student's residence and the latter takes measures to identify the actual reasons for absence and to ensure the performance of the duty to attend school.

(3) Where a parent has not notified the school of a student's absence and the school cannot identify the reason for absence, the school informs the rural municipality or city government of the student's residence thereof not later than on the next day of absence from studies. In such an event the rural municipality or city government

organises the taking of measures in order to identify the reasons for absence and ensure performance of the duty to attend school.

(4) Information about students who have been absent from studies without a good reason for more than 20 per cent of lessons during one academic quarter is registered in the sub-register of students, higher education students and resident physicians.

Division 3

Supporting Development of Students at School

§ 37. Supporting development of students

(1) Teachers observe the development and coping of students at school and, where necessary, adjust studies according to the individual needs and abilities of students.

(2) Where necessary, at least the services of a special education teacher, a speech therapist, a psychologist and a social educator (hereinafter jointly referred to as *support specialists*) are ensured. The owner of the school creates and the head of school organises opportunities for implementation of the services of support specialists.

(3) The descriptions of the services of the support specialists and the procedure for the implementation of the service is established by a regulation of the minister responsible for the field.

(4) Where it becomes evident that a student is gifted, the implementation of an individual curriculum for the student is ensured at school and, where necessary, additional instruction by subject teachers or other specialists via educational programmes or educational institutions.

(5) A developmental conversation is held at school with each student at least once per academic year for the purpose of supporting the development of the student, and further study and development goals are agreed on the basis thereof.

(6) The student, class teacher and, in the event the student has limited active legal capacity, a parent participate in a developmental conversation. Where the school has been unable to get hold of a parent of a student obligated to attend school in order to agree on the time of a developmental conversation or a parent has failed to attend the developmental conversation for the second time, the school informs the rural municipality or city government of the student's residence thereof and the latter, where necessary, takes measures to protect the rights of the child. Where necessary and with the consent of a student who has active legal capacity, a parent of the student is involved in the developmental conversation.

(7) The conditions of and procedure for the organisation of developmental conversations is established by the head of school, who submits these to the teachers' council and the board of trustees for the expression of an opinion beforehand.

[RT I, 22.01.2018, 1 – entry into force 01.02.2018]

§ 38. Long day group

(1) The head of a school may, upon the consent of the owner of the school, form long day groups in the school for students acquiring basic education. Supervision and pedagogical instruction and guidance in spending spare time, doing homework, pursuing hobbies and developing interests is offered to students as extracurricular activities organised in a long day group. On the basis of a proposal of the board of trustees, a school organises the formation of a long day group jointly with the owner of the school.

(2) The work organisation and daily schedule of a long day group are established by the head of school, setting a time for doing homework, outdoor recreation and hobby activities. The proposals of the board of trustees, the security and protection of the health of students, the overall teaching and education goals of the school, the age and individual characteristics of the students of the long day group, the conditions at their homes, the reasoned requests of parents and students, and the transport facilities serve as the basis for planning and organising the work of a long day group.

[RT I, 11.07.2013, 1 – entry into force 01.09.2013]

(3) [Repealed – RT I, 11.07.2013, 1 – entry into force 01.09.2013]

(4) A student is admitted to and excluded from a long day group by a decision of the head of school and on the basis of a request of a parent.

[RT I, 25.10.2017, 1 – entry into force 01.01.2018]

§ 39. Boarding school facilities

(1) A school may have boarding school facilities that constitute a structural unit of the school under the statutes of the school.

(2) Extracurricular activities ensuring the learning, living and education conditions that comply with the needs and interests of students as well as with the security and health protection requirements are organised in boarding school facilities.

[RT I, 11.07.2013, 1 – entry into force 01.09.2013]

(3) The minister responsible for the field establishes the conditions of and procedure for operation of boarding school facilities.

(4) The organisation of the life of students in boarding school facilities and the conditions of and procedure for admission to and exclusion from boarding school facilities are specified in the internal rules of the boarding school facilities. The head of school establishes the internal rules of the boarding school facilities and these are submitted to the teachers' council, board of trustees and student council for the expression of an opinion before establishment. The minister responsible for the field may establish the general conditions of and procedure for admission of students to state-supported places in the boarding school facilities specified in subsection 7 of this section.

(5) [Repealed – RT I, 11.07.2013, 1 – entry into force 01.09.2013]

(6) At the request of the owner of a school, the responsible for the field designates a municipal or private school whose existing boarding school facilities or whose boarding school facilities to be formed contain state-supported places for the basic education-acquiring children of families who have difficulties coping (hereinafter *state-supported place in boarding school facilities*) and establish the number of state-supported places in the boarding school facilities in these schools.

[RT I, 04.07.2017, 1 – entry into force 01.09.2017]

(7) A reasoned application of the rural municipality or city government of the place of residence of the student and the consent of the student or a parent of the student who has limited active legal capacity serves as the basis for the admission of the student to a state-supported place in boarding school facilities.

[RT I, 04.07.2017, 1 – entry into force 01.09.2017]

(8) The following is specified in a reasoned application of a rural municipality or city government:

- 1) the term during which the student must be provided with accommodation in the boarding school facilities;
- 2) deficiencies in caring for and raising the student or other circumstances that prevent the student from performing the duty to attend school;
- 3) other social welfare measures taken with regard to the student and parents along with the reasons as to why these have not proven sufficient or why their use is not possible;
- 4) types and scope of assistance rendered to the student and parents during the time of staying at the boarding school facilities.

(9) A student admitted to a state-supported place in boarding school facilities is, at least until the end of the current academic quarter, allowed to go to the school in whose structural unit the boarding school facilities are.

§ 40. Hobby activities at school

(1) Hobby activities are activities supporting the completion of a school curriculum or other extracurricular activities taking place in or organised by a school. Various forms and methods of study, including hobby groups and studios, are used in hobby activities.

(2) In extracurricular activities a student has the right to use the civil engineering works, rooms and library of their school and the teaching and learning, sports, technical and other facilities of the school in accordance with the procedure provided for in the internal rules of the school.

§ 41. School library

(1) A school is required to have a library.

(2) The main function of a library is to support studies under the curriculum of the school, develop students' individual learning and information acquisition skills and their interest in reading through preservation of printed materials, audiovisual data media and other data media and through making these available.

(3) Based on the purpose of use, libraries are divided into the main collection and the educational literature collection.

(4) The minister responsible for the field establishes the bases of the work organisation of school libraries.

(5) A public library may perform the main function of a school library with regard to the main collection where the public library is located in the same building as the school or close enough to the school so the performance

of the main function of the school library is not impeded. In such an event the school library is required to have at least a collection of educational literature.

§ 42. Support covering school lunch expenses of municipal and private school students

[RT I, 05.11.2014, 1 – entry into force 01.01.2015]

(1) The owner of a school organises catering for students at school in accordance with the health protection requirements established on the basis of the Public Health Act.

(2) Support for covering the school lunch expenses of students acquiring basic and secondary education in the stationary studies in municipal and private schools is allocated in the state budget (hereinafter *school lunch support*).

[RT I, 05.11.2014, 1 – entry into force 01.01.2015]

(3) The school lunch support is allocated on the basis of the number of students acquiring basic and secondary education in the stationary studies in the municipal and private schools in the administrative territory of a rural municipality or city, which is indicated in the education information system as of November 10 in the year preceding the planned year, and on the basis of the calculated price of a school lunch per student.

[RT I, 05.11.2014, 1 – entry into force 01.01.2015]

(4) The Government of the Republic establishes the school lunch support per student and the procedure for allocation of the school lunch support.

(5) The council of a rural municipality or city establishes the conditions of and procedure for using the school lunch support.

§ 43. Provision of health services at school

(1) Students acquiring basic or general secondary education in the stationary studies are provided with health services at school, including activities carried out by nurses. The minister responsible for the field establishes the activities to be carried out by nurses providing health services at school and the requirements for the time, scope, availability and location of the activities of the nurses.

(2) The owner of a school ensures the availability of health services at school and, for the purpose of ensuring consistency, cooperates with the provider of health services at school, ensures the existence of the rooms and non-medical equipment in accordance with the requirements established on the basis of subsection 2 of § 25 of the Health Care Services Organisation Act, bears the related expenses, and organises and funds the transportation of a student to the place of provision of health services in the event of an indispensable need and where a parent of the student is unable to organise transportation in such a situation.

(3) The performance of the Estonian Health Insurance Fund's obligation to pay for the school health service is based on the number of students according to the education information system as of November 10 of the year preceding the planned year.

[RT I, 22.01.2018, 1 – entry into force 01.02.2018]

§ 44. Ensuring mental and physical security at school

(1) Schools ensure the mental and physical security and the protection of the health of students during their stay at school.

(1¹) The following objects and substances are prohibited to a student at school:

- 1) a weapon within the meaning of the Weapons Act;
- 2) an explosive substance, a pyrotechnic substance and a pyrotechnic article within the meaning of the Explosives Act;
- 3) a substance that is used for creating intoxication;
- 4) a substance that is prohibited by law based on the student's age;
- 5) another object or substance that is used for jeopardising the life or health of a student or other person or for harming a thing of another.

[RT I, 01.03.2019, 2 – entry into force 01.09.2019]

(1²) If the school has reason to suspect that a student is in possession of objects or substances specified in subsection 1¹ of this section, the school takes measures to mitigate or eliminate an immediate or imminent threat on the conditions and in accordance with the procedure established in § 58 of this Act. The school immediately informs the police of a suspicion of a weapon, explosive substance or substance used for creating intoxication by narcotic drugs.

(1³) The list of prohibited objects and substances not specified in subsection 1¹ of this section is provided for in the internal rules of the school.

[RT I, 01.03.2019, 2 – entry into force 01.09.2019]

(2) The procedure for prevention of situations jeopardising the mental or physical security of students and school employees, reaction to such situations, notification of incidents, resolution of incidents and the procedure for the application of the measure provided for in subsection 7 of this section are laid down in the internal rules of a school with the approval of the owner of the school.

(3) In accordance with the internal rules of a school, the owner of the school creates the opportunities for and the owner of the school organises the protection of the mental and physical security and protection of the health of students and school employees and for taking measures for the prevention of mental and physical violence.

(4) Supervision over students throughout the school day is ensured at school for the purpose of prevention of violence. The use of the rooms and territory is organised to the extent of the possibilities in such a manner that it would help to prevent the emergence of a situation jeopardising the mental or physical security of the students and school employees.

(5) For the purpose of preventing a situation threatening the security of students and school employees and reacting to a situation a school may use surveillance equipment for the purposes and in accordance with the procedure of the Security Act, taking into account the requirements provided for in the Personal Data Protection Act.

(6) The procedure for use of surveillance equipment is provided for in the internal rules of a school.

(7) For the purpose of ensuring surveillance over the security of students, school employees and students with limited active legal capacity, a school may control entry to and exit from the school building or territory and restrict the exit from the school building or territory by students with limited active legal capacity acquiring basic education in the stationary studies.

§ 45. Resolution of emergencies at school

(1) An emergency means an event or a chain of events that jeopardise the life and health of persons staying at school, causes substantial harm to the environment or extensive economic damage.

(2) The owner of a school creates opportunities for and the head of the school organises the protection of students and school employees in the event of an emergency.

(3) The head of a school organises the drafting of the emergency plan of the school, involving the teachers' council, the board of trustees and experts therein, where necessary. The following is laid down in an emergency plan:

- 1) general principles of resolving an emergency;
- 2) functions of the persons involved in resolving an emergency at school;
- 3) persons directing and contributing to the resolution of an emergency;
- 4) organisation of directing and coordinating the resolution of an emergency;
- 5) organisation of exchange of information;
- 6) organisation of notifying school employees, students, parents and, where necessary, other persons;
- 7) organisation of studies in the event of an emergency;
- 8) activities after an emergency.

(4) The head of school establishes an emergency plan.

Division 4

Identifying and Implementing Support Needed by Student

[RT I, 22.01.2018, 1 - entry into force 01.02.2018]

§ 46. Duties of school and owner of school upon identification and implementation of required support

[RT I, 22.01.2018, 1 – entry into force 01.02.2018]

(1) The owner of the school creates opportunities for identifying the special educational needs of a student and providing the student with the required support and the head of school arranges it.

(2) The head of school appoints a coordinator for the studies of the student with special educational needs whose duty is to organise internal teamwork required for supporting the studies and development, and to coordinate participation in external networking.

(3) The coordinator of the studies of the student with special educational needs supports and supervises a teacher upon identifying special educational needs, advises the parents and makes proposals to the teacher and the head of school for further educational work, application of measures in school in support of the development

of the student or carrying out additional surveys and supporting the movement from one level of education to another.

(4) Where it becomes evident that a student needs support, a parent is notified thereof and the school arranges a pedagogical-psychological evaluation of the student. Where necessary, cooperation with the specialists of other fields is pursued and additional surveys are recommended.

(5) The school provides a student who has difficulties in performing the duty to attend school or lags behind in achieving the study outcomes with general support, which involves individual additional instruction by a teacher, the availability of the services of the support specialists and, where necessary, the organisation of study assistance lessons individually or in a group.

(6) Where the general support provided by the school does not produce the desired results for development of the student, enhanced support or special support may be applied upon recommendation of an external advisory team. In such an event the student is considered a student with special educational needs.

(7) Results of the evaluation, tests and surveys specified in subsection 4 of this section, also the teachers' observations, recommendations made by the support specialists and external advisory team, the applied services and support, and assessment of their effectiveness are entered in the map of observation of the student's individual development. The head of school appoints a person who is responsible for filling in the map at school.

(8) At least once a year and where the time limit of application of the support prescribed by the external advisory team has expired, the coordinator of the studies of the student with special educational needs assesses in cooperation with the teachers and the support specialists the impact of application of the recommended support and makes proposals for further steps.

(9) Upon organisation of the studies, the school relies on the principles of inclusive education. Depending on the individual needs of the student, studies corresponding to the student's abilities and the required support in cooperation between the teachers, support specialists, assistant teachers and other specialists are ensured for the student.

(10) In order to achieve the goals formulated in the student's curriculum and provide the student with the required support, study assistance or level-based groups or special classes may be formed in addition to ordinary classes. Studies in a study assistance group, level-based group or special class must be reasoned based on the needs of the student and limited in terms of the time, and attention must be paid to the recommendations of the coordinator of the studies of the student with special needs or those of the external advisory team or both. Upon teaching a student who needs special support in an ordinary class, the recommendations of the external advisory team must be taken into account.

(11) The head of school decides the admission to a study assistance or level-based group or special class. Upon making the decision, the director relies on the basis of parental consent regarding the student or the student with limited active capacity.

[RT I, 22.01.2018, 1 – entry into force 01.02.2018]

§ 47. Making recommendations for organisation of studies and education and for implementation of support services

[RT I, 22.01.2018, 1 – entry into force 01.02.2018]

(1) The Ministry of Education and Research arranges the making of recommendations for the purpose of organising teaching and education and for the implementation of the support services.

(2) For the performance of the function specified in subsection 1 of this section, the minister responsible for the field may conclude an administrative contract with a state-owned foundation. The Ministry of Education and Research exercises supervision over the implementation of the administrative contract.

(3) The maker of the recommendation specified in subsection 1 of this section (hereinafter *external advisory team*) must, upon making the recommendation, involve education, social and health specialists.

(4) The list of data to be submitted to the external advisory team for making a recommendation and the procedure for and conditions of submission of an application and making a recommendation by the external advisory team are established by a regulation of the minister responsible for the field.

(5) A member of the external advisory team has the right to process the student's personal data required for making a recommendation, including personal data of a special category, solely within the scope and to the extent required for making the recommendation.

[RT I, 13.03.2019, 2 – entry into force 15.03.2019]

§ 48. Support applied upon recommendation of external advisory team

[RT I, 22.01.2018, 1 – entry into force 01.02.2018]

(1) According to the recommendation of the external advisory team and with the written parental consent, the school provides the student with enhanced support or special support, studies at home for health reasons, non-stationary studies with regard to the student who is under the obligation to attend school, reduced and replaces the learning outcomes provided for in the national curriculum in one or more subjects, recommends the application of studies for students with mild learning difficulties, students with moderate learning difficulties and students with severe and profound learning difficulties, or releases the student from having to study a mandatory subject.

(2) The recommendation of the external advisory team is entered in the education information system in the sub-register of basic and upper secondary school students, higher education students and doctor-residents after the parental consent for the implementation of the recommendation has been granted. The consent is submitted in a form that is reproducible in writing.

(3) Where it is not possible to organise studies in accordance with the recommendation of the external advisory team in the territory of the local authority of the place of residence, the rural municipality or city of the place of residence of the student is required to, in cooperation with other schools and their owners, provide the student with educational opportunities and arrange transport or compensate for the student's travel expenses. The organisation of transport and travel expenses is compensated for in accordance with the procedure established by the rural municipality or city government, unless the travel expenses are compensated from the state budget in accordance with the procedure established on the basis of subsection 35 (2) or 36 (2) of the Public Transport Act.

[RT I, 22.01.2018, 1 – entry into force 01.02.2018]

§ 49. Application of enhanced support and special support to student with special educational needs

[RT I, 22.01.2018, 1 – entry into force 01.02.2018]

(1) Enhanced support is applied to a student who, due to their permanent learning difficulty or psychical or behavioural disorder or another health condition or disability needs at least one of the following services:

- 1) a constant support specialist service and an individual curriculum in one, more or all subjects;
- 2) a constant support specialist service and part-time studies individually or in a group;
- 3) a constant support specialist service and individual support during studies in the class;
- 4) studies in a special class.

(2) Special support is applied to a student who, due to their severe and permanent mental disorder, intellectual or mental disability or multiple disabilities needs:

- 1) disability-specific organisation of studies, study environment, study methodology, study aids and a constant support specialist service combined with social or health services or both in order to be able to participate in studies;
- 2) part-time studies individually or in a group or constant individual support in a class or studies in a special class.

(3) To apply enhanced support and special support, the head of school and the coordinator of a studies of the student with special education needs have the right to process data entered in the education information system by another school or child care institution and an external advisory team regarding the recommendation of the team as well as the enhanced support and special support applied to the supported student, but only within the scope and to the extent that is necessary for the application of enhanced support and special support.

[RT I, 22.01.2018, 1 – entry into force 01.02.2018]

§ 50. Additional studies for basic school graduates

[RT I, 22.01.2018, 1 – entry into force 01.02.2018]

(1) By a decision of the owner of the school, additional studies may be offered to basic school graduates with mild learning difficulties, moderate learning difficulties and severe and profound learning difficulties and who, due to their special educational needs, need to be provided with additional preparation and support in order to continue with their studies or move to the labour market.

(2) Students who have obtained a basic school graduation certificate in the same year and who are not ready to continue their studies or enter the labour market or who were not admitted to the desired educational institution are admitted to additional studies. Students in additional studies are subject to the provisions of law applicable to students acquiring basic education in the stationary form of study, given the specifications arising from this section.

(3) The duration of additional studies is one academic year. Persons attending additional studies are provided with instructed studies to the extent of 1050 lessons. Instructed studies consist of general education studies, vocational training and development of social and self-related skills. Vocational training is carried out in cooperation with a relevant vocational education institution or employer.

(4) A transition plan is made for each student, specifying the subject matter and daily schedule of their studies. The student's knowledge and skills, the requests and needs of the student and a parent, and the facilities of the school are taken into account upon drawing up the transition plan.
[RT I, 22.01.2018, 1 – entry into force 01.02.2018]

§ 51. Groups and classes of students with special educational needs

[Repealed – RT I, 22.01.2018, 1 – entry into force 01.02.2018]

§ 52. One-to-one teaching

[Repealed – RT I, 22.01.2018, 1 – entry into force 01.02.2018]

§ 53. Home educating and in-hospital teaching due to health status

[Repealed – RT I, 22.01.2018, 1 – entry into force 01.02.2018]

§ 54. Additional studies for students who have graduated from basic school under simplified national curriculum for basic schools

[Repealed – RT I, 22.01.2018, 1 – entry into force 01.02.2018]

Chapter 4 STUDENTS AND PARENTS

§ 55. Notification of students and parents

(1) Students and their parents have the right to receive information and explanations from the school regarding the organisation of studies and the rights and duties of students. The school is required to grant the parents of a student studying in the stationary form of study access to the information that is in the possession of the school regarding the student. By a written application, a student with active legal capacity can prohibit access to the information that is in the possession of the school regarding the student. Parents' access to the information about whether a student is enrolled in the school or not may be prohibited only with good reason.

(2) Schools disclose the conditions of and procedure for admission and the contact details of the institutions exercising administrative supervision over the school on their website.
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(3) Students are notified of the main subjects covered during an academic quarter or course, the required learning materials, the organisation of assessment, and the planned events in the beginning of the academic quarter or course. The school provides the parents of students studying in the stationary form of study with the opportunities of accessing relevant information.

(4) The part of the daily schedule of the school applicable to the students is made available to the students and the parents of students studying in the stationary form of study in accordance with the procedure provided for in the internal rules of the school.

(5) Schools inform students and their parents of the grades of the students. Where a student or, in the event a student has limited active legal capacity, a parent of a student has not granted approval to the electronic notification of the student's grades, the school informs the student and the parent of the student's grades via a report card or the student's record books issued on paper.

§ 56. Calling meeting of parents

In order to coordinate cooperation between the school and the parents, the head of school calls a meeting of the parents of the students studying in the stationary form of study, thereby giving all parents the chance to participate in the parents' meeting at least once a year. In the event of the stationary form of study the head of school is obligated, at the request of the parents of at least one-fifth of the students of the class, to call a meeting of the parents of the students of the class.

§ 57. Commending students

On the conditions and in accordance with the procedure established by the minister responsible for the field students are commended during their studies, with distinction on their basic school graduation certificate and, upon graduation from an upper secondary school, by a gold or silver medal. Schools may provide for other measures of commendation in their internal rules.

§ 58. Application of support measures and imposition of sanctions on students

(1) Reasoned, relevant and proportional support measures may be taken and sanctions may be imposed with regard to a student with the aim of influencing students to abide by the internal rules of the school, respect others and prevent the emergence of situations jeopardising safety at school.

(2) Before taking support measures or imposing sanctions, the student's explanations are heard and the choice of the support measure or sanction is reasoned to the student. A student and, before imposing the sanctions specified in clause 12 of subsection 2 of this section, a parent of the student are allowed to express their opinion on the student's behaviour and the imposition of the sanction before the imposition of the sanction.

(3) The support measures (including conducting a developmental conversation, implementation of an individual curriculum, admission of the student to a long day group, hobby group or boarding school facilities of the school, provision of the services of a support specialist, drafting of a behavioural support plan) may be taken against and one or several of the following sanctions may be imposed on a student on the conditions and in accordance with the procedure provided for in this Act:

[RT I, 22.01.2018, 1 – entry into force 01.02.2018]

- 1) discussion of the student's behaviour with the student's parent;
- 2) discussion of the student's behaviour with the student in the presence of the head of school or head teacher;
- 3) discussion of the student's behaviour with the student in the teachers' council;

[RT I, 11.07.2013, 1 – entry into force 01.09.2013]

- 4) appointment of a support person to the student;
- 5) a written reprimand;

6) taking of objects and substances that are not prohibited under subsection 1¹ of § 44 of this Act but that are used by the student in a manner not in accordance with the schools internal rules;

[RT I, 01.03.2019, 2 – entry into force 01.09.2019]

6¹) where there is reason to suspect that the student is in possession of objects or substances prohibited under subsection 1¹ of § 44 of this Act, verifying their existence and relieving the student of their possession, including from the student's clothes and a closed locker used by the student;

[RT I, 01.03.2019, 2 – entry into force 01.09.2019]

6²) taking custody of such objects and substances by the school, which are prohibited under subsection 1¹ of § 44 of this Act;

[RT I, 01.03.2019, 2 – entry into force 01.09.2019]

7) removal from a lesson along with the duty to stay in the prescribed place and achieve the required learning outcomes by the end of the lesson;

8) conciliation of parties involved in a conflict with the aim of achieving an agreement on further steps;

9) carrying out an activity that benefits the school, which may be applied only with the approval of the student or, in the event the student has limited active legal capacity, a parent of the student;

10) the duty to stay at school after the end of lessons and perform the prescribed activity to the extent of 1.5 hours during one day of study;

11) a temporary ban on participating in extracurricular activities (e.g. events and trips) at school;

12) a temporary ban on participating in studies along with the duty to achieve the required learning outcomes by the end of the period.

(4) The head of school or a person authorised by the head of school decides the imposition of the sanctions provided for in subsection 3 of this section, except for the imposition of the sanctions provided for in clause 12 of subsection 3, which is decided by the teachers' council.

(4¹) The sanctions provided for in clause 6¹ of subsection 3 of this section may be imposed by the head of the school or a person appointed by the head of the school who has undergone training in the imposition of the sanctions (hereinafter both referred to as *inspector*). The inspector must have higher education, be aware of possible risks arising from the imposition of a sanction, the legal grounds for and the conditions of application of a measure, and have the knowledge, skills and suitable personal characteristics in order to impose the sanction in the interests of the child.

[RT I, 01.03.2019, 2 – entry into force 01.09.2019]

(5) Objects and substances that the school has taken custody of are stored in accordance with the internal rules of the school. Not later than at the end of the student's school day, an object or substance taken into custody based on subsection 3 of this section is returned to the student, unless the object or substance is prohibited under subsection 1¹ of § 44 of this Act, in which case the school:

1) immediately informs the police of finding a weapon, explosive substance or substance used for creating intoxication by narcotic drugs and hands it over to the police without delay;

2) returns the objects and substances not specified in clause 1 of this subsection to a parent after having discussed the student's behaviour with the parent or, where necessary, hands them over to the police due to the dangerousness of the object or substance.

[RT I, 01.03.2019, 2 – entry into force 01.09.2019]

(5¹) A sanction provided for in clause 6¹ of subsection 3 of this section may be imposed against the will of the student, provided that:

- 1) the student has been informed of the reason for the inspection in advance;

2) a proposal to allow for the inspection or to voluntarily hand over the object or substance has been made to the student in advance;

3) oral convincing or the application of a support measure or the imposition of another sanction specified in subsection 3 of this section is not sufficient;

4) by the omission of an inspection, an immediate or imminent threat to the life or health of the student or another person or to a thing of another cannot be eliminated; and

5) only the minimum necessary and indispensable way of inspection that meets the conditions established in this section are used for the inspection.

[RT I, 01.03.2019, 2 – entry into force 01.09.2019]

(5²) The sanctions provided for in clauses 6¹ and 6² of this section must be imposed as delicately as possible and the student's dignity must be protected. The inspector must be of the same gender as the student. The inspector does not need to be of the same gender as the student if the student's objects and a closed locker used by the student are being inspected. In addition to the inspector, at least one more school employee must attend the imposition of a sanction.

[RT I, 01.03.2019, 2 – entry into force 01.09.2019]

(5³) The clothing of a student provided for in clause 6¹ of subsection 3 of this section may be searched by a person who is not of the same gender as the student if an inspector of the same gender cannot be involved and a delay in the inspection would put the life or health of the student or another person or a thing of another in jeopardy.

[RT I, 01.03.2019, 2 – entry into force 01.09.2019]

(5⁴) In the event of the imposition of a sanction provided for in clause 6 of subsection 3 of this section, the school documents the taking of the object away from the student and placing it in the school's custody as well as the returning of the object to the student. A report on the imposition of the sanctions provided for in clauses 6¹ and 6² of subsection 3 of this section is drawn up immediately, recording the following:

- 1) the time and place of preparation of the report;
- 2) the full name of the author of the report;
- 3) the full name of the student against whom the sanction was imposed;
- 4) the list of the objects or substances taken into custody or taken away;
- 5) a note on the inspection of the student's objects or the closed locker used by the student;
- 6) a note on whether the student was informed of the reason for the inspection in advance and made a proposal to voluntarily enable the inspection or voluntarily yield the object or substance;
- 7) the reason for imposing the sanction;
- 8) a description of the course of events;
- 9) the signature of the inspector;
- 10) the student's signature or note on the student's refusal to sign.

[RT I, 01.03.2019, 2 – entry into force 01.09.2019]

(6) Where the student needs to use transport in order to get home from school, the organisation of transport is taken into account upon imposing the sanctions specified in clause 10 of subsection 3.

(7) At the time of imposition of the sanctions specified in clauses 7 and 10 of subsection 3 of this section, the school ensures supervision over the student and, where necessary, the pedagogical instruction of the student.

(8) A temporary ban on participation in studies along with the duty to achieve the required learning outcomes by the end of the period may be applied with regard to a student to the extent of 10 days of study over a half-year. The decision on the imposition of a temporary ban on participation in studies is made in writing and delivered to the student or, in the event the student has limited active legal capacity, to a parent by mail or is handed over against signature. An individual curriculum is drawn up in cooperation with the student or, in the event the student has limited active legal capacity, a parent of the student on whom a temporary ban on participation in studies is imposed in order to ensure the achievement of the required learning outcomes. The parent of the student with limited active legal capacity ensures supervision over the student in the period of imposition of the sanction specified in this subsection and the organisation of studies in accordance with the individual curriculum.

(9) The procedure for notification of the application of support measures and imposition of sanctions is laid down in the internal rules of the school. A parent of a student with limited active legal capacity is informed of the imposition of the sanctions specified in clauses 6¹, 6² and 10 of subsection 3 of this section without delay. A parent of a student with limited active legal capacity is informed of the imposition of a sanction specified in clause 11 of subsection 3 of this section in a form reproducible in writing.

[RT I, 01.03.2019, 2 – entry into force 01.09.2019]

§ 59. Issue of student cards

Student cards of schools are issued free of charge at the request of students or parents of students with limited active legal capacity. The minister responsible for the field establishes the procedure for issuing student cards and the form of student cards.

§ 60. Student body and student council

- (1) The students of a school constitute the student body.
- (2) The student body of a school has the right to decide and independently organise the matters of student life in accordance with acts and legislation adopted based on acts.
- (3) A student body has the right to:
 - 1) form unions and organisations with other student bodies on the basis of and in accordance with the procedure provided for in legislation without having the status of an entity specified in § 5 of the Non-Profit Associations Act and in subsection 2 of § 5 of the Foundations Act;
 - 2) become a member of Estonian and international organisations or pursue cooperation with them through a student council;
 - 3) decide and organise all the other matters of student life, which fall within the competence of student bodies under an Act or legislation adopted on the basis of an Act and which are not for anyone else to decide and organise on the same grounds.
- (4) A student body has the right to elect a student council who represents the student body within the competence of the student council specified in the statutes of the student council in the internal relationships of the school and in relations with other organisations, institutions and persons. In its activities, the student council follows the interests, needs, rights and duties of students.
- (5) The procedure for the formation, rights, duties, responsibilities and rules of procedure of a student council are laid down in the statutes of the student council. The student body draws up the statutes of the student council, thereby cooperating, where necessary, with the head of the school or the school employees appointed by the head of the school. The student body approves the statutes of the student council in accordance with the procedure laid down in the statutes of the school. The student council submits the statutes of the student council to the head of the school for approval. Within 30 days as of the receipt of the statutes the head of the school approves the statutes of the student council where it complies with acts, legislation adopted on the basis of acts and internationally recognised democratic principles or submits written reasons as to why the statutes cannot be approved.
- (6) All the students of the school have the right to elect the student council. The head of the school organises the elections of the first student council in accordance with the procedure laid down in the statutes of the school, following democratic principles.
- (7) Where possible, funds for funding the activities of the student council may be allocated in the school budget, considering the needs of the student council and students.

Chapter 5 MANAGEMENT OF SCHOOLS

Division 1 Foundation of Schools and Education Licences

§ 61. Foundation of schools

- (1) A state school is founded by the minister responsible for the field and a municipal school by the council of a rural municipality or city.
- (2) The rural municipality or city of the location of the school expresses an opinion on the necessity of the foundation of a school based on the regional education policy and the need of development of the school network.
[RT I, 04.07.2017, 1 – entry into force 01.09.2017]
- (3) Rural municipalities and cities may found a jointly administrated school (hereinafter *joint school*) the foundation, management and grounds of operation of which are governed by the provisions of §§ 62¹–62³ of the Local Government Organisation Act, taking account the variations arising from this Act. In the case of a joint school, the provisions of this Act, which govern the owner of the school, rural municipality or city, rural municipality or city council or rural municipality or city government, apply to the local authority under which the joint school has been founded.
[RT I, 22.01.2018, 1 – entry into force 01.02.2018]

(3¹) A municipal school may operate in the administrative territory of another rural municipality or city with the consent of the rural municipality or city.
[RT I, 11.07.2013, 1 – entry into force 01.09.2013]

(4) It may be stipulated in a decision of foundation of a school that teaching and education is not carried out in all classes or at all the stages of study at once, but that teaching and education is commenced gradually.

(5) The data of a school is registered in the education information system's sub-register of educational institutions.

(6) Municipal and state schools are registered in the national register of state and local agencies.

§ 62. Name of school

The name of a school must clearly differ from the names of other educational institutions registered in the education information system and not be misleading with regard to the education level that can be acquired at the school.

§ 63. Education licence of municipal school

(1) An education licence gives a rural municipality or city the right to organise teaching and education at the education levels or basic school stages in the respective school. The minister responsible for the field decides the granting of an education licence.

(2) The owner of a school submits an application for an education licence to the minister responsible for the field at least five months before the start of the academic year.

(3) The following is appended to the application:

- 1) the decision to found the school;
- 2) the statutes of the school;
- 3) the school curriculum;
- 4) certificate of the owner of the school regarding the existence of the head of school, head teacher and teachers complying with the qualification requirements;
[RT I, 11.07.2013, 1 – entry into force 01.09.2013]
- 5) the written consent of a provider of health services at school to provide health services at school and information about the existence of an activity licence to provide health services at school;
- 6) information about the existence of the rooms, buildings, land, classrooms and the furnishings of the school buildings required for the operation of the school and their compliance with the health and safety requirements;
- 7) [Repealed – RT I, 04.07.2017, 1 – entry into force 01.09.2017]
- 8) a document certifying payment of the state fee.

(4) In the event of the first application for an education licence a draft school curriculum without any subject syllabi may be submitted instead of a school curriculum.

(5) In the event of the first application for an education licence an education licence is issued for a term of up to five academic years. During the period of validity of an education licence issued for a specific term, administrative supervision over the teaching and education carried out by the school is exercised. Where no precepts are made in the course of administrative supervision or these are complied with by the prescribed time, the data and documents specified in subsection 3 of this section do 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 responsible for the field issues the new education licence for an unspecified term, except in the event specified in subsection 6.
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(6) Where a 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 administrative supervision have been fulfilled, but in the opinion of the minister responsible for the field new administrative supervision needs to be carried out for the purpose of verifying the actual compliance with the precepts, the minister responsible for the field issues an education licence for a term of up to five academic years.
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(7) The minister responsible for the field reviews an application for an education licence within two months as of the date of submission of the application. For the purpose of an expert assessment of the school curriculum the minister responsible for the field may extend the term of reviewing the education licence by up to two months, notifying the applicant for the education licence in a form that can be reproduced in writing.

(8) The minister responsible for the field does not issue an education licence where the information or documents specified in subsection 3 of this section have not been appended to the application or where these do not comply with the requirements established by law, the material base of teaching and learning does not

correspond to the needs arising from the school curriculum, the school has failed to abide by the requirements for processing personal data of a special category arising from the Personal Data Protection Act or the school that operated on the basis of an education licence issued for a specific term has failed to submit documents that certify the compliance with the precepts made in the course of administrative supervision.
[RT I, 13.03.2019, 2 – entry into force 15.03.2019]

(9) An applicant for an education licence is notified of the issue or refusal to issue an education licence within five working days in a form that can be reproduced in writing.

(10) The minister responsible for the field establishes the form of the education licence.

§ 64. Withdrawal of education licence of municipal school

(1) The minister responsible for the field withdraws an education licence where:

1) it becomes evident in the course of administrative supervision that the head of school, head teacher and teachers working in the school do not comply with the qualification requirements, the studies are not in compliance with the requirements for the national curricula or the school curriculum established on the basis thereof, the application of the measures provided for in legislation for the purpose of supporting the development of students is not in accordance with the requirements of legislation, the learning and teaching environment is not in compliance with the security, health or curriculum requirements, or the activities of the school are otherwise in conflict with acts or legislation adopted on the basis thereof, and the precepts made for the purpose of elimination of deficiencies have not been complied with within the prescribed term or in accordance with the prescribed procedure;

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

2) within one year after the issue of the education licence the school has not commenced teaching and education;

3) the school has been closed.

(2) The rural municipality or city government is notified of the withdrawal of an education licence within five working days in a form that can be reproduced in writing.

§ 65. Commencement of teaching and education in state school

The existence of the information and documents provided for in subsection 63 (3) of this Act is the prerequisite for commencement of teaching and education in a state school.

Division 2 School Documents

§ 66. Statutes of school

(1) A school has statutes that lay down the following:

1) the name of the school;

2) the location and places of operation of the school;

3) the form of operation of the school;

4) the functions of the board of trustees and the head of the school;

5) the organisation of studies and education at school, including the type and level of education acquired in the school, the language or languages of instruction, the stationary or non-stationary studies pursued in the school or both;

[RT I, 22.01.2018, 1 – entry into force 01.02.2018]

6) the bases of organisation of the extracurricular activities carried out in the school;

7) the rights and duties of students and parents, including the right of election of the first student council, and the procedure for the approval of the statutes of the student council by the student body;

8) the rights and duties of the school employees;

9) the bases of management and administration.

(2) The minister responsible for the field establishes the statutes of a state school, while the statutes of a municipal school are established in accordance with the procedure established by the owner of the municipal school. The statutes and amendments thereto are submitted to the board of trustees, student council and teachers' council for the expression of an opinion before establishment.

§ 67. Development plan of school

(1) The development plan of a school is drawn up for the purpose of ensuring the consistent development of the school. The development plan is made for at least three years. The development plan lays down the goals, and objectives and directions of development of the school.

(2) The development plan and amendments thereto are prepared in cooperation with the board of trustees, student council, teachers' council and experts from the school or external experts. The development plan is approved by the owner of the school or a person authorised by it and the head of school reports on it in

accordance with the procedure established by the owner of the school. The development plan and amendments thereto are submitted to the board of trustees, student council and teachers' council for the expression of an opinion before approval.

(3) The head of school arranges the publication of the development plan on the school website.
[RT I, 11.07.2013, 1 – entry into force 01.09.2013]

§ 68. Internal rules of school

(1) The head of the school establishes the internal rules of the school and the rules are compulsory for the students and school employees.

(2) The internal rules of the school and amendments thereto are submitted to the board of trustees and student council for the expression of an opinion before establishment.

§ 69. Disclosure of school documents

(1) Schools disclose their curriculum, statutes, development plan, internal rules and the internal rules of the boarding school facilities on their website and create the possibilities of accessing the same on paper in the school.

(2) The internal rules of the school and the internal rules of the boarding school facilities are displayed in a place visible to students in the school.

§ 70. Compulsory teaching and education documents of schools

(1) The compulsory teaching and education documents of a school include the following:

- 1) general work plan;
- 2) register of students;
- 3) class journal;
- 4) register of blank basic school and upper secondary school graduation certificates and results reports;
- 5) register of letters of distinction, medals and other rewards;
- 6) hobby school journal;
- 7) long day group journal;
- 8) boarding school facilities journal.

(2) The compulsory teaching and education documents of schools are kept on paper or electronically. The minister responsible for the field prescribes the information to be given in the compulsory teaching and education documents of schools and establish the procedure for filling in and keeping the documents.

Division 3 Management of Schools

§ 71. Head of school

(1) A school is directed by a head of the school. Within the limits of their competence, the head of a school is responsible for the organisation and effectiveness of teaching and education, other activities carried out in the school, the overall condition and development of the school, and the lawfulness and purposeful use of the funds.
[RT I, 11.07.2013, 1 – entry into force 01.09.2013]

(2) The head of school:

- 1) is responsible for drawing up and implementing the development plan of the school;
- 2) approves the school curriculum;
- 3) represents the school, acts in the name of the school and disposes of the budgetary funds of the school within the limits of the competence granted under this Act and the statutes of the school;
- 4) establishes the principles of remuneration of the school, presenting them to the teachers and the board of trustees before approval so that they could express their opinion as well as to the owner of the school for approval;
- 5) concludes employment contracts with teachers and other employees;
- 6) approves the composition of the school employees in accordance with the procedure established by the owner of the school;
- 7) makes a proposal to the owner of the school and to the board of trustees to increase the number of students in a class as an exception;
- 8) approves the procedure for internal evaluation of the school;
- 9) approves the conditions of and procedure for organisation of development conversations;

10) performs other functions imposed on the head of school by an Act or other legislation issued on the basis of an Act.

[RT I, 11.07.2013, 1 – entry into force 01.09.2013]

(3) The head of school issues directives within the limits of their competence.

(4) A public competition is organised in order to fill a vacant position of the head of a school.

(5) The owner of the school declares the competition for filling a vacant position of the head of the school.

(6) The owner of the school establishes the procedure for organising a competition for filling a vacant position of the head of the school and submit the procedure to the board of trustees beforehand so that the board of trustees can express its opinion on it.

[RT I, 11.07.2013, 1 – entry into force 01.09.2013]

(7) An employment contract with the head of a municipal school is concluded by the rural municipality or city mayor or an official authorised by the mayor. An employment contract with the head of a state school is concluded by the minister responsible for the field or an official authorised by the minister.

[RT I, 11.07.2013, 1 – entry into force 01.09.2013]

§ 72. Teachers' council

(1) A school has a teachers' council whose function is to analyse and assess teaching and education and make decisions and make teaching and education decisions within the limits of its competence.

[RT I, 11.07.2013, 1 – entry into force 01.09.2013]

(2) The head of school, head teacher, teachers, support specialists and other persons appointed by the head of school are members of the teachers' council. A representative of the student council is involved in the activities of the teachers' council.

[RT I, 11.07.2013, 1 – entry into force 01.09.2013]

(3) The minister responsible for the field establishes the functions and the rules of procedure of the teachers' council.

§ 73. Board of trustees

(1) The board of trustees is a standing body whose function is to ensure the joint activities of the students, teachers, owner, parents of students, graduates and organisations supporting the school in guiding, planning and observing teaching and education, and creation of better opportunities for teaching and education. The board of trustees is formed and its rules of procedure are established in accordance with the procedure established by the owner of the school.

[RT I, 11.07.2013, 1 – entry into force 01.09.2013]

(1¹) The board of trustees:

1) participates in preparing the development plan of the school and expresses its opinion on it before approval;

2) expresses its opinion on the approval and amendment of the statutes of the school;

3) expresses its opinion on the approval and amendment of the school curriculum, including grants its consent to the amendment of the list of subjects in accordance with the procedure set out in § 15 of this Act;

4) grants its consent to increase the number of basic school students in a class as an exception;

5) expresses its opinion on the draft admission conditions and procedure of the school;

6) grants its consent to the amendment of the school holidays established by the minister responsible for the field;

7) expresses its opinion on the approval and amendment of the internal rules of the school;

8) establishes the procedure for organising competitions for filling the vacancies of the head teacher, teachers, support specialists and other positions of persons working in the field of teaching and education;

9) expresses its opinion on the procedure for competition organised for filling the vacant position of the head of school;

10) expresses its opinion on the draft budget of the municipal school;

11) expresses its opinion on the draft conditions of and procedure for organisation of development conversations;

12) expresses its opinion on the internal evaluation procedure of the school;

13) expresses its opinion on the remuneration principles of the school;

14) expresses its opinion on the internal rules of the boarding school facilities;

15) makes an assessment of the needs and work organisation of the hobby activities, long day group and boarding school facilities;

16) expresses its opinion on the reorganisation and closure of the school;

17) performs other tasks imposed on it by an Act or legislation issued on the basis of an Act and makes proposals to the owner of the school for better resolution of school-related issues.

[RT I, 11.07.2013, 1 – entry into force 01.09.2013]

(2) The board of trustees of a basic school comprises the owner of the school, the teachers' council, representatives of parents, graduates and organisations supporting the school, whereby the representatives of

parents, graduates and organisations supporting the school make up the majority of the members of the board of trustees. Where a student council has been formed in a basic school, the board of trustees also includes the representative appointed by the student council.

(3) The board of trustees of an upper secondary school also includes a representative of students. In other respects, the provisions applicable to the composition of the board of trustees of a basic school are applied.

(4) The board of trustees of a basic school and an upper secondary school operating as a single institution includes at least two representatives of the teachers' council, one of whom represents the teachers of the basic school and the other the teachers of the upper secondary school, and the representatives of the parents of the students of the basic school as well as of the upper secondary school. In other respects, the provisions applicable to the composition of the board of trustees of an upper secondary school are applied.

(5) The board of trustees of a general education school and a child care institution operating as a single institution includes at least two representatives of the teachers' council, one of whom represents the teachers of the school and the other the teachers of the child care institution, and the representatives of the parents of the students of the school as well as of the parents of the children of the child care institution. In other respects, the provisions applicable to the composition of the board of trustees of a basic school or an upper secondary school are applied.

(6) In a school where only non-stationary studies are pursued, the board of trustees does not include any representatives of parents. In other respects, the provisions applicable to the composition of the board of trustees of an upper secondary school or a basic school and an upper secondary school operating as a single institution are applied.

(7) The composition of a general education school and a hobby school operating as a single institution also included a representative of the teachers' council who represents the teachers of the hobby school, and a representative of the students of the hobby school.

Where there is student self-government in such a school, the representative thereof is a member of the board of trustees as well. Where minors study in such a hobby school as well, a representative of the parents of the students of the hobby school is a member of the board of trustees as well.

(8) The representatives of the parents, graduates and organisations supporting the school who are members of the board of trustees must not be school employees.

(9) The board of trustees elects a chair and a vice chair from among its members. Meetings of the board of trustees are held at least once every four months during the academic year.

(10) The head of the school reports to the board of trustees.

(11) A student and a parent have the right to address the board of trustees of the school in the event of matters of dispute concerning teaching and education.

Division 4 School Employees

§ 74. School employees

(1) School employees include the head of school, the head teacher, teachers, support specialists, assistant teachers, other employees working in the field of teaching and education, and other employees.
[RT I, 22.01.2018, 1 – entry into force 01.02.2018]

(2) The composition of school employees is approved by the head of school in accordance with the procedure established by the owner of the school.

(3) The rights, duties, obligations and liability of school employees are provided for in the statutes of the school, in the rules of work organisation established by the employer, in a job description and in an employment contract.

(4) The head of the school signs employment contracts with school employees. The head of school concludes an employment contract with a teacher to be employed on the basis of an international agreement for the term determined by the international agreement.

(5) The qualification requirements for heads of school, head teachers, teachers and support specialists are established by a regulation of the minister responsible for the field.

(5¹) Upon recognition of the professional qualifications of a person who acquired the professional qualifications of a teacher or support specialist in a foreign state, the conditions and procedure established by the Recognition of Foreign Professional Qualifications Act are followed. The competent authority for the purposes of subsection 2 of § 7 of the Recognition of Foreign Professional Qualifications Act is the Ministry of Education and Research.

[RT I, 30.12.2015, 1 - entry into force 18.01.2016]

(6) To fill the positions of the head teacher, teachers, support specialists and other employees working in the field of teaching and education, the head of school organises a public competition, unless otherwise provided for in an international agreement. Based on a proposal of the head of the school, the board of trustees of the school establishes the procedure for organising the competition.

(7) Where in a competition organised for filling a vacant teacher position no teacher who meets the qualification requirements is found, the head of the school may conclude a fixed-term employment contract for a period of up to one year with a person who has at least secondary education and whose qualifications and pedagogical competence are sufficient to ensure fulfilment of the study goals established in the school curriculum and the attainment of the learning outcomes. In such an event the head of the school organises a new public competition within a year.

[RT I, 22.01.2018, 2 – entry into force 01.02.2018]

(8) A person convicted or subjected to coercive treatment for a criminal offence specified in clause 2 of subsection 2 of § 133, clause 2 of subsection 2 of § 133¹, clause 1 of subsection 2 of § 141, clause 1 of subsection 2 of § 142, clause 1 of subsection 2 of § 143 or clause 1 of subsection 2 of § 143¹ or §§ 144-146, subsection 1 of § 175 or §§ 178-179 of the Penal Code whose conviction records have not been expunged from the criminal records database under the Criminal Records Database Act or whose conviction records have been expunged from the criminal records database and transferred to the archives of the criminal records database cannot work as a teacher.

[RT I, 11.07.2013, 1 – entry into force 01.09.2013]

(9) The number of teachers employed by the school who meet the qualification requirements must, based on the volume of teaching and education carried out by them be sufficient to ensure the attainment of the study goals set out in the curriculum and the attainment of the learning outcomes.

[RT I, 22.01.2018, 2 – entry into force 01.02.2018]

§ 75. Teachers

[RT I, 11.07.2013, 1 – entry into force 01.09.2013]

(1) Class teachers and teachers of a single subject or multiple subjects work in basic schools and upper secondary schools.

(2) The main task of the teacher is to support the development of each student and to help the student to shape their studies according to their interests and abilities. The teacher's professional duty is to develop their professional skills and be familiar with education innovations.

(3) The teacher's working time is calculated and the teacher is remunerated on the basis of their position. The working time of the teacher is divided into direct teaching and education work and other tasks arising from the employment contract, job description and work organisations rules and tasks given by the employer.

(4) The minimum qualification requirement for teachers is higher education and the educational competencies corresponding to the qualification requirements established on the basis of subsection 74 (5) of this Act.

[RT I, 11.07.2013, 1 – entry into force 01.09.2013]

§ 76. Minimum wage of teachers

[RT I, 11.07.2013, 1 – entry into force 01.01.2014]

(1) On the conditions and in accordance with the procedure provided for in the Collective Agreements Act, the minimum wage of teachers is agreed on:

1) as the representatives of employers: by the minister responsible for the field, authorised representatives of national associations of local authorities, authorised representatives of local authorities and authorised representatives of private legal persons that manage private schools, and

2) as the representatives of employees: authorised representatives of registered associations of teachers.

(2) On the basis of the agreement specified in subsection 1 of this section, the Government of the Republic establishes the minimum wage of teachers by a regulation.

(3) Where the agreement specified in subsection 1 of this section is not reached, the minimum wage of teachers is established by a regulation of the Government of the Republic specified in subsection 2 of this section.

[RT I, 11.07.2013, 1 – entry into force 01.01.2014]

§ 77. Beginner's allowance for teachers

(1) Beginner's allowance for teachers (hereinafter *beginner's allowance*) is an allowance paid to a teacher who commences work in a school for the first time.

(2) The beginner's allowance may be applied for by a person who:

1) has completed teacher training at a higher education level and commences work as a teacher in a school for the first time within 18 months as of completing the teacher training. A person who commenced work as a teacher for the first time in the course of teacher training or bachelor's studies immediately preceding the teacher training may also apply for the beginner's allowance within four months as of completing the teacher training at a higher education level, provided that the period of time between the completion of the bachelor's studies and the commencement of teacher training does not exceed one year. The right of a person who is on pregnancy and maternity leave or a person liable to service in the Defence Forces who has been called up to perform the conscript service duty or a person undergoing pedagogical training in a foreign country in the year of completion of teacher training at a higher education level to apply for the beginner's allowance is extended by the period of time of the pregnancy and maternity leave and the parental leave, the period of time during which the person serves in the Defence Forces or in alternative service, or the duration of the pedagogical training; [RT I, 22.01.2018, 1 – entry into force 01.02.2018]

2) works as a teacher in a school with at least 0.5 workload, whereas the 0.5 workload also includes working at the same time as a vocational teacher in a vocational educational institution or as a teacher of general education subjects; [RT I, 22.01.2018, 1 – entry into force 01.02.2018]

3) complies with the qualification requirements established for the position, and

4) is proficient in Estonian at the C1 level provided for in the Language Act.

(3) The amount of the beginner's allowance is specified in the annual State Budget Act.

(3¹) Where a teacher work less than full-time, the amount of the beginner's allowance is revised in proportion to the occupied position in the academic year of payment of the beginner's allowance. [RT I, 11.07.2013, 1 – entry into force 01.09.2013]

(4) A person who has received the beginner's allowance is required to return the allowance paid to them where their continuous employment as a teacher ends before five years have passed from the receipt of the first portion of the allowance. Employment is deemed continuous at the time of incapacity or partial incapacity for work of the person who received the beginner's allowance or where the length of employment of the person who received the allowance is not interrupted in accordance with the conditions provided for in clauses 1 and 2 of subsection 2 of this section for more than three months at a time during the said five-year period. The beginner's allowance is returned within three years as of the submission of the notice of repayment of the allowance in the annual amount of one-third of the amount of the allowance to the repaid. [RT I, 13.12.2014, 1 – entry into force 01.07.2016 (entry into force amended – RT I, 17.12.2015, 1)]

(5) A person who has received the beginner's allowance is not required to repay the allowance paid to them where, due to a fundamental breach of an obligation by the employer, they have terminated the employment contract extraordinarily or where the employer has terminated the employment contract extraordinarily, because the continuance of the employment relationship on the agreed conditions becomes impossible due to a decrease of the volume of work or reorganisation of work or in another event of cessation of work (lay-off).

(6) The minister responsible for the field establishes the procedure for application, payment and recovery of the beginner's allowance.

§ 77¹. Beginner's allowance for support specialists

(1) Beginner's allowance for support specialists (hereinafter *beginner's allowance for support specialist*) is an allowance paid to a support specialist who commences work in a school for the first time.

(2) The beginner's allowance for a support specialist may be applied for by a support specialist who:

1) has completed support specialist training at a higher education level and commences work as a speech therapist, special education teacher, psychologist or social educator in a school for the first time within 18 months as of completing the support specialist training. A person who commenced work as a speech therapist, special education teacher, psychologist or social educator in a school for the first time for the first time in the course of acquiring higher education or in the course of higher education studies in the specialisation immediately preceding these may also apply for the beginner's allowance for a support specialist within four months as of acquiring higher education, provided that the period of time between the completion of the previous studies and the commencement of higher education studies in the specialisation does not exceed one year;

2) works as a speech therapist, special education teacher, psychologist or social educator in a school with at least 0.5 workload, whereas the 0.5 workload also includes working at the same time as a support specialist in a vocational educational institution;

3) complies with the qualification requirements established for the position, and

4) is proficient in Estonian at the C1 level provided for in the Language Act.

(3) The right of a person who is on pregnancy and maternity leave or a person liable to service in the Defence Forces who has been called up to perform the conscript service duty or a person undergoing speech therapist, special education teacher, psychologist or social educator training in a foreign country in the year of completion of teacher training at a higher education level to apply for the beginner's allowance is extended by the period of time of the pregnancy and maternity leave and the parental leave, the period of time during which the person serves in the Defence Forces or in alternative service, or the duration of the speech therapist, special education teacher, psychologist or social educator training.

(4) The amount of the beginner's allowance for a support specialist is specified in the annual State Budget Act.

(5) Where a support specialist works less than full-time, the amount of the beginner's allowance of the support specialist is revised in proportion to the occupied position in the academic year of payment of the allowance.

(6) The beginner's allowance for the support specialist is returned on the grounds provided for in § 77 of this Act.

(7) The procedure for application for, payment and recovery of the beginner's allowance for a support specialist is established by a regulation of the minister responsible for the field.

[RT I, 22.01.2018, 1 – entry into force 01.02.2018]

Division 5

Internal Evaluation of Schools

[RT I, 11.07.2013, 1 - entry into force 01.09.2013]

§ 78. Internal evaluation of schools

(1) Internal evaluation is carried out in schools. Internal evaluation is an ongoing process aimed at ensuring the conditions supporting the development of students and the consistent development of a school. To that end the strengths and weaknesses of a school are identified and the development plan of the school is drawn up on the basis thereof. Following the goal, teaching and education and management is analysed and their effectiveness is evaluated in the course of internal evaluation.

(2) Internal evaluation of a school is carried out at least once over the term of the development plan of the school.

(3) The procedure for internal evaluation of a school is established by the head of school who submits it to the board of trustees for obtaining its opinion beforehand.

[RT I, 11.07.2013, 1 – entry into force 01.09.2013]

§ 79. [Omitted.]

Division 6

Reorganisation, Transfer of Management and Closure of Schools

§ 80. Reorganisation and closure of school

(1) A school is reorganised and closed by the owner of the school who must listen to the opinion of the board of trustees and the student council beforehand. A state school is reorganised and closed on the basis of the Government of the Republic Act, taking into account the specifications provided for in this section.

[RT I, 11.07.2013, 1 – entry into force 01.09.2013]

(2) Schools are reorganised as follows:

1) schools are merged into one or several schools, whereby the merged schools are closed and a new school or new schools are founded on the basis of these schools;

2) a school or schools are merged with another school and the school or schools being merged are closed;

3) a school is divided into at least two schools and the school that is being divided is closed;

4) a school is separated from another school and as a result thereof a new school is founded and the initial school is preserved;

5) the form of operation of a basic school or upper secondary school provided for in § 2 of this Act is changed.

(3) No less than five months before the start of a new academic year, the Ministry of Education and Research, the school, the parents, the students and the rural municipality or city governments of the students' residence must be notified in a form reproducible in writing of a decision to reorganise and close a school.
[RT I, 04.07.2017, 1 – entry into force 01.09.2017]

(4) Where the owner of a school has made a decision to reorganise the school and change the form of operation of a basic school or upper secondary school in such a manner that teaching and education at some level of education or stage of the basic school are terminated, the reorganisation decision may state that the termination of teaching and education at the respective level of education or stage of the basic school takes place gradually and in some classes no teaching and learning takes place before the final reorganisation of the school.

(5) A school is reorganised or closed between July 1 and August 31 in the same year.

(6) In the events specified in clauses 1, 3 and 4 of subsection 2 of this section, an education licence is applied for a new municipal school founded as a result of the reorganisation.

(7) In the event specified in clause 5 of subsection 2 of this section, an education licence is applied for where, as a result of the reorganisation, teaching is to commence in the school at a stage of the basic school or at the level of education for which the school does not hold a valid education licence. Where, as a result of the reorganisation, teaching is terminated at a stage of the basic school or at an education level, the minister responsible for the field makes the respective amendments to the education licence issued to the school or issues a new education licence.

(8) In the event of a merger of a child care institution or a hobby school with a general education school, the provisions of this Act are applied. In the event of reorganisation and closure of a general education school and a child care institution operating as a single institution and a general education school and a hobby school operating as a single institution, the provisions of this Act are applied.

(9) The owner of a school must make certain that the students of the closed school can continue their studies in another school.

§ 81. Transfer of management of schools

(1) The state has the right to transfer the management of a state school to a rural municipality or city as a function of the local authority and the rural municipality or city has the right to transfer the management of a municipal school to the state or another rural municipality or city.
[RT I, 22.01.2018, 1 – entry into force 01.02.2018]

(2) Upon transfer of the management of a state school to a rural municipality or city and upon transfer of the management of a municipal school to the state or another rural municipality or city, the provisions of the Law of Obligations Act regarding the transfer of enterprise are applied with the specifications arising from this Act.

(3) Upon transfer of the management of a municipal school to another rural municipality or city, the transfer of the education licence to the receiving school is applied for at least two months before the entry into force of the administrative contract specified in subsection 4 of this section. Where the circumstances of the object of inspection of the education licence do not change upon handing over the management of a municipal school, the minister responsible for the field changes the addressee of the education licence issued to the municipal school or issues a new education licence. Upon refusal to transfer the education licence, the application for the transfer of the education licence is considered a new application for an education licence. Upon transfer of the management of a municipal school to the state, the minister responsible for the field withdraws the transferred education licence.
[RT I, 22.01.2018, 1 – entry into force 01.02.2018]

(3¹) Upon transfer of the management of a state school to a rural municipality or city, the minister responsible for the field issues to the transferred school an education licence for an unspecified period within one month following the conclusion of an administrative contract specified in subsection 4 of this section.
[RT I, 22.01.2018, 1 – entry into force 01.02.2018]

(4) The transfer of the management of a state school to a rural municipality or city and the transfer of the management of a municipal school to the state or another rural municipality or city is provided for in an administrative contract to be made between the rural municipality or city government and the minister responsible for the field or between rural municipality or city governments. The compulsory terms and conditions of the administrative contract are as follows:

- 1) the date of transfer of the management of the school;
- 2) the functions of the school to be transferred;
- 3) the conditions of and procedure for the continuance of the studies by the students;

- 4) the conditions of and procedure for the continuance of the work of the school employees in the school to be transferred, taking into account the conditions of and procedure for the legislation regulating employment relationships;
- 5) the conditions of, procedure for and deadline of transfer of the assets and property used by the school to the new owner of the school, taking into account the conditions of and procedure for provided by legislation;
- 6) the conditions of, procedure for and deadline of transfer of the records of the school to the new owner of the school;
- 7) resolution of possible organisational and budgetary issues and issues concerning other proprietary obligations and rights relating to the transfer of the management of the school.

(5) Upon transfer of the management of a school, the new owner of the school provides the students with the possibility to continue acquiring general education in the same school.
[RT I, 22.01.2018, 1 – entry into force 01.02.2018]

(6) The management of a school is transferred after the end of the last academic quarter. The students, their parents and employees of the school are notified of the decision to transfer the management of the school not later than two months before the start of the new academic year.
[RT I, 22.01.2018, 1 – entry into force 01.02.2018]

(7) The transfer of a general education school and a child care institution operating as a single institution and the transfer of a general education school and a hobby school operating as a single institution takes place in accordance with the procedure provided for in this section.

Chapter 6 FUNDING OF SCHOOLS

§ 82. Funding and budget of schools

(1) A school has its own budget.

(2) The budget revenue of a school comprises allocations from the budget of the state and a rural municipality or city, allocations from private entities, donations and revenue obtained from the school's extracurricular activities provided for in the statutes of the school.

(3) The expenses of a municipal school are covered by the owner of the school. Based on the number of students of municipal schools, the support to be allocated to rural municipalities and cities for covering the labour expenses and continuous training expenses of the teachers, heads and head teachers of the municipal schools and the expenses relating to educational literature are determined annually in accordance with the State Budget Act. Support is granted in the annual State Budget Act for the purpose of covering the operating expenses of the school regarding students who receive enhanced support or special support (hereinafter *operating expenses support*). The rural municipality or city may use:

[RT I, 22.01.2018, 1 – entry into force 01.02.2018]

1) the support for covering the labour expenses of teachers solely for covering the labour expenses of teachers, and where the coverage of the labour expenses of the teachers is ensured, then for covering the labour expenses of support specialists, provided that the support specialists are ensured salary equivalent to the minimum salary established to teachers;

[RT I, 22.01.2018, 1 – entry into force 01.02.2018]

2) the support for covering the labour expenses of heads and head teachers for covering the labour expenses and in-service training expenses of heads, head teachers and teachers, for covering the labour expenses and ensuring the services of support specialists, and for enabling free use of teaching and learning materials required for completing the school curriculum;

3) the support for covering the expenses relating to education literature for enabling free use of teaching and learning materials required for completing the school curriculum and where the free use of teaching and learning materials required for completing the school curriculum is ensured, for covering the labour expenses and in-service training expenses of heads, head teachers and teachers, and for covering the labour expenses and ensuring the services of support specialists;

[RT I, 31.12.2015, 11 – entry into force 01.01.2016]

4) operating expenses support for the purpose of application of enhanced support or special support and for covering the labour expenses where support specialists are ensured salary equivalent to the minimum salary established to teachers.

[RT I, 22.01.2018, 1 – entry into force 01.02.2018]

(4) The state budget allocates funds for supporting state-supported boarding school places (hereinafter *boarding school facilities support*) based on the number of students admitted to the boarding school places, the boarding school facilities support per place and the regulation established on the basis of subsection 6 of § 39 of this Act. The rural municipality or city and the Ministry of Education and Research concludes a contract for the purpose of supporting boarding school places.

[RT I, 11.03.2015, 3 – entry into force 21.03.2015]

(5) The Government of the Republic establishes the conditions of and procedure for using the boarding school facilities support and the division of the support between owners of schools. Upon division of the boarding school facilities support between the owners of schools, it is proceeded from the number of students in the state-supported places of boarding school facilities registered in the education information as of November 10 in the year preceding the planned year.

(6) Support for rural municipalities and cities may be granted in the state budget for covering transport-related expenses and accommodation of upper secondary school students. The Government of the Republic establishes the conditions of and procedure for using the support and the division of the support between rural municipalities and cities.

(6¹) Support for the labour expenses of the teachers of municipal schools may be made to rural municipalities and cities in the state budget, provided that the application of subsections 1 and 3 of § 21 of this Act or the number of students in the only municipal upper secondary school in the administrative territory of the rural municipality or city results in differences in implementing the national curriculum for upper secondary schools. The Government of the Republic establishes the conditions of and procedure for using the support and the division of the support between rural municipalities and cities.
[RT I, 11.03.2015, 3 – entry into force 21.03.2015]

(7) The calculation of the support to be allocated from the state budget to rural municipalities and cities for covering the expenses of municipal school specified in subsection 3 of this section is based on the number of students registered in the education information system as of November 10 in the year preceding the planned year.

(7¹) The state budget allocates funds in support of the labour expenses and in-service expenses of the teachers, heads of school and head teachers involved in in-prison education in schools that organise the same as well as in support of educational literature based on the number of students in in-prison education and on national curricula. The rural municipality or city and the Ministry of Education and Research conclude a contract for the purpose of supporting in-prison education.
[RT I, 11.03.2015, 3 – entry into force 21.03.2015]

(8) State budget allocates funds to public schools that organise in-patient education for covering the labour expenses and in-service expenses of the teachers, heads of school and head teachers involved in in-patient education as well as for covering the expenses of educational literature.
[RT I, 11.03.2015, 3 – entry into force 21.03.2015]

(9) The expenses of state schools are covered to the extent allocated to state schools under the expenses of the area of government of the Ministry of Education and Research in the annual State Budget Act.

(10) The board of trustees of the municipal school gives an opinion on the draft budget of the municipal school in accordance with the procedure established in the legislation of the rural municipality or city government. The owner of the municipal school approves the budget of the school in accordance with the legislation of the rural municipality or city council or the rural municipality or city government. The minister responsible for the field approves the budgets of state schools.

(11) Co-funding by students or parents must not be demanded for participation in basic or secondary education in a municipal or state school based on the curriculum of the school. In the event of an activity organised in a school, which is not part of the school's curriculum (*extracurricular activity*), the expenses may be covered on the terms and conditions and in accordance with the procedure established in the statutes of the school with co-funding by the persons participating in the extracurricular activity.
[RT I, 11.07.2013, 1 – entry into force 01.09.2013]

§ 83. Participation in covering operating expenses of municipal schools

(1) Other rural municipalities or cities participate in full in covering the operating expenses of a municipal school in proportion to the number of students enrolled in the school, whose place of residence, according to the population register, is located in the administrative territory of these rural municipalities or cities.
[RT I, 10.11.2017, 20 – entry into force 09.11.2017 – the judgment of the Constitutional Chamber of the Supreme Court declares unconstitutional the failure to pass such legislative acts, which would provide for the state budget financing of the duties imposed on a local authority under subsection 1 of § 83 of the Basic Schools and Upper Secondary Schools Act where the local authority has given all individuals that are its residents according to the population register the opportunity to study in its municipal school.]

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

(3) For the purposes of this Act, operating expenses have the meaning given to them in the Accounting Act.

(4) The following is not included in the operating expenses:

- 1) expenses relating to studies and the hobby activities of students, which are covered by the students or their parents;
- 2) expenses covered out of the allocations from the state budget;
- 3) expenses covered out of accruals from private entities, donations and revenue obtained from the extracurricular activities specified in the statutes of the school;
- 4) expenses relating to extracurricular activities;
- 5) operational lease expenses relating to school buildings;
- 6) depreciation and re-assessment of fixed assets;
- 7) value added tax expenses relating to the acquisition of fixed assets.

(5) Not later than by November 30 in the year preceding the budgetary year, the rural municipality or city government communicates the calculated cost of the operating expenses of a student place per student to the rural municipalities and cities participating in covering the operating expenses of municipal schools. The calculated cost of the operating expenses of a student place per student is obtained by dividing the amount of the operating expenses planned for the budgetary year of the municipal schools of the rural municipality or city by the number of students enrolled in the municipal schools located in the territory of the rural municipality or city as of November 10 in the year preceding the budgetary year, as indicated by the education information system.

(6) Upon covering the operating expenses, the amount of the operating expenses of a student place in the school where a student is enrolled is relied upon, which is obtained by dividing the amount of the operating expenses set in the budget of the school by the number of students of the school as of the 10th date of the month. Invoices for participating in covering the operational expenses are submitted on a monthly basis to the extent of 1/12 of the cost of the operating expenses of a student place. Where the cost of 1/12 of the operating expenses of a student place exceeds the limit of the operating expenses of a student place established on the basis of subsection 7, the limit of operating expenses per month is to be relied upon covering the operating expenses. [RT I, 22.01.2018, 1 – entry into force 01.02.2018]

(7) The Government of the Republic establishes the monthly limit of the operating expenses of a student place for each budgetary year. Upon establishing the limit of the monthly operating expenses of a student place, it is relied on the total of the operating expenses of municipal schools in the second-to-last budgetary year and the number of students as of November 10 in the year preceding the budgetary year, whereby the following is not included in the operating expenses:

- 1) expenses covered out of the state budget equalisation fund allocations;
- 2) operational lease expenses relating to school buildings;
- 3) depreciation and re-assessment of fixed assets;
- 4) value added tax expenses relating to the acquisition of fixed assets.

(8) The challenging of an amount payable for covering the operating expenses of a municipal school does not release another rural municipality or city from the obligation to pay the invoice.

Chapter 7

ADMINISTRATIVE SUPERVISION

§ 84. Exercising administrative supervision

(1) The Ministry of Education and Research (hereinafter *supervisory authority*) exercises administrative supervision over the lawfulness of the activities of schools and their owners with the aim of ensuring the availability of basic and general secondary education and accessibility thereto on equal grounds, the organization of teaching and education, and the quality and effectiveness thereof.

[RT I, 04.07.2017, 1 – entry into force 01.09.2017]

(2) [Repealed – RT I, 04.07.2017, 1 – entry into force 01.09.2017]

(3) The supervisory body appoints the persons exercising administrative supervision, involving experts, where necessary.

(4) [Repealed – RT I, 04.07.2017, 1 – entry into force 01.09.2017]

§ 85. Functions of officials exercising administrative supervision

[Repealed – RT I, 04.07.2017, 1 – entry into force 01.09.2017]

§ 86. Rights of officials exercising administrative supervision

An official exercising administrative supervision has the right to:

- 1) visit a school in order to inspect teaching and education activities and the provision of students with special educational needs with support, informing the head of the school thereof in advance;
- 2) participate in the meetings of the teachers' council, the board of trustees and parents;
- 3) access the documents of the school;

- 4) receive information from the school regarding the implementation of legislation;
- 5) inform the public and parents about infringements detected in the school;
- 6) take other measures of administrative supervision provided for in § 75² of the Government of the Republic Act.
[RT I, 22.01.2018, 1 – entry into force 01.02.2018]

§ 87. Results of administrative supervision

- (1) The results of administrative supervision are set out in a statement.
- (2) The statement must contain the time and place of drawing up the statement, brief details on the education institution, the supervisory body exercising supervision, the time of exercising administrative supervision, the names of the officials and experts who carried out administrative supervision, the results of administrative supervision, the time and description of offences, the precepts and proposals made, and the term of notification of complying with the precepts.
- (3) The following is specified in a precept:
 - 1) the name of the person or body whom the precept is aimed at;
 - 2) the obligation to make precepts required for the termination of the offence;
 - 3) the basis of the precept;
 - 4) the deadline for complying with the precept.
- (4) [Repealed – RT I, 04.07.2017, 1 – entry into force 01.09.2017]
- (5) The statement is communicated to the head of the school and the owner of the school within 60 calendar days as of the commencement of administrative supervision.
- (6) Where the owner of the school fails to comply with the precept within the term specified in the precept, the supervisory board may impose a penalty in accordance with the procedure provided for in the Substitutive Enforcement and Penalty Payment Act. The maximum limit of the penalty payment is 640 euros.
[RT I 2010, 41, 240 – entered into force 01.01.2011]
- (7) Where the owner of the school does not comply with a precept related to a breach of the duty to provide students with special education needs with support within the prescribed time limit in accordance with Division 4 of Chapter 3 of this Act, the maximum penalty payment is 10 000 euros.
[RT I, 22.01.2018, 1 – entry into force 01.02.2018]

§ 88. Administrative supervision over provision of health services at school

Within the limits of its competence the Health Board exercises administrative supervision over the provision of students with health services at school on the basis of this Act.

Chapter 8 IMPLEMENTING PROVISIONS

Division 1 Transition

§ 89. Bringing organisation of studies into compliance

- (1) [Repealed – RT I, 11.07.2013, 1 – entry into force 01.09.2013]
- (2) The national curriculum for basic schools and the national curriculum for upper secondary schools established on the basis of subsection 2 of § 3 of the Basic Schools and Upper Secondary Schools Act (RT I 1993, 63, 892; 2010, 22, 108) in force before the entry into force of this Act remain in force until they are brought entirely into compliance with this Act. The national curricula are brought into compliance with this Act not later than by 31 December 2010.
- (3) [Repealed – RT I, 11.07.2013, 1 – entry into force 01.09.2013]
- (4) In schools where upon entry into force of this Act the language of instruction at the upper secondary level is not Estonian, subsection 3 of § 21 of this Act is implemented with regard to students who commence their studies in an upper secondary school as of the academic year 2011/2012 and throughout upper secondary

schools studies are brought into compliance with subsection 3 of § 21 of this Act not later than by 1 September 2013.

(5) Subsection 3 of § 25 of this Act is applicable to students who commence studies in an upper secondary school in the academic year 2011/2012 or later.

(6) [Repealed – RT I, 11.07.2013, 1 – entry into force 01.09.2013]

(7) Until the end of the academic year 2010/2011 a composite class may be formed of the students of a basic school where the total number of students of two or three classes is 20 or less.

(8) The organisation of assessment at school is brought into compliance with the general conditions of and procedure for the assessment laid down in the national curricula on the basis of subsection 4 of § 29 of this Act, the use of an assessment system different from the assessment system provided for in subsection 2 of § 29 of this Act, notification of assessment, additional studies, transfer to the next class and requirement to repeat the grade: by 1 September 2011 with regard to grades 1, 4 and 7; by 1 September 2012 with regard to grades 2, 5 and 8; and by 1 September 2013 with regard to grades 3, 6 and 9 and the upper secondary school. Until the deadlines provided for in this section, the school may, upon organisation of assessment, follow the bases and conditions of and procedure for the assessment of students, transfer of students to the next class and requirement to repeat the grade established by the minister responsible for the field on the basis of subsection 1 of § 27 of the Basic Schools and Upper Secondary Schools Act (RT I 1993, 63, 892; 2010, 22, 108) in force before the entry into force of this Act.

(9) The minister responsible for the field establishes the subjects, forms and time of the harmonised final examinations of basic schools and the forms and time of state examinations in the academic year 2010/2011 not later than by 30 September 2010.

(10) Subsections 3 and 5 to 8 of § 31 of this Act are applicable as of 1 September 2013.

§ 90. Organisation of transport and compensation of travel expenses

The requirement for organisation of transportation of students specified in subsection 3 of § 49 of this Act is applicable as of 1 January 2011.

§ 91. Bringing supporting development of students into compliance

(1) Subsection 7 of § 32 of this Act is applicable as of 1 September 2011.

(2) The internal rules of schools are brought into compliance with subsection 2 of § 44 of this Act by 1 September 2011 and subsection 9 of § 58 of this Act not later than by 31 December 2010.

(3) Section 45 of this Act is applicable as of 1 September 2011.

§ 92. Establishment of conditions of and procedure for using boarding school facilities support and division of support

The Government of the Republic establishes the conditions of and procedure for using the boarding school facilities support specified in subsection 5 of § 82 of this Act and the division of the support between owners of schools starting from the budget of 2011. The conditions of and procedure for application, distribution and use of the boarding school facilities support, the forms of applications and reports and the division of the support between school owners established by the minister responsible for the field on the basis of subsection 3² of § 44 of the Basic Schools and Upper Secondary Schools Act (RT I 1993, 63, 892; 2010, 22, 108) in force before the entry into force of this Act remains in force until 31 December 2010.

§ 93. Bringing organisation of studies of students with special educational needs into compliance

(1) School curricula are brought into compliance with subsection 2 of § 47 of this Act and heads of school appoint special educational needs coordinators not later than by 1 September 2011.

(2) The teaching and education of schools is brought into compliance with § 48 of this Act not later than by 1 September 2011.

(3) At the moment of entry into force of this Act, remedial groups are renamed remedial instruction groups, classes for children with physical disabilities are renamed classes for students with physical/motor disabilities, classes for children with speech impairments are renamed classes for students with speech impairments, classes for children with sensory impairments are renamed classes for students with visual or hearing impairments, opportunity classes are renamed classes for students with specific learning difficulties acquiring basic education, classes for children with mental disorders are renamed classes for children with emotional and behaviour disorders acquiring basic education, supplementary learning classes are renamed classes for students with mild learning difficulties, coping classes are renamed classes for students with moderate learning difficulties, nursing classes are renamed classes for students with severe and profound learning difficulties and classes of sanatorium

schools are renamed classes of students with severe somatic illnesses for the purposes of subsection 1 of § 51 of this Act and their activities are brought into compliance with this Act not later than by 1 September 2011.

(4) Upon organisation of the activities of remedial instruction groups, admission or transfer of students to or exclusion of students from a remedial instruction group, the bases of the work organisation of remedial study groups established on the basis of subsection 5 of § 15 of the Basic Schools and Upper Secondary Schools Act (RT I 1993, 63, 892; 2010, 22, 108) in force before the entry into force of this Act are followed until the activities are brought into compliance with this Act.

(5) Upon organisation of the activities of classes for students with educational problems, admission or transfer of students with educational problems to or exclusion from a class for students with educational problems, the conditions of and procedure for the formation of classes for students with educational problems acquiring basic education established on the basis of subsection 1¹ of § 15 of the Basic Schools and Upper Secondary Schools Act (RT I 1993, 63, 892; 2010, 22, 108) in force before the entry into force of this Act is followed until the compliance with this Act is attained. The activities of classes for students with educational problems are brought into compliance with this Act not later than by 1 September 2011.

(6) Upon admission or transfer of students to or exclusion of students from a class for classes for students with physical/motor disabilities, classes for students with speech impairments, classes for students with visual impairments, classes for students with hearing impairments, classes for students with severe somatic illnesses, classes for students with emotional and behaviour disorders acquiring basic education, classes for students with multiple disabilities, classes for students with mild learning difficulties acquiring basic education, classes for students with moderate learning difficulties acquiring basic education, and classes for students with severe and profound learning difficulties acquiring basic education, the bases of and procedure for the admission of students to and exclusion of students from sanatorium schools and schools for students with special needs established on the basis of subsection 4 of § 21 of the Basic Schools and Upper Secondary Schools Act (RT I 1993, 63, 892; 2010, 22, 108) in force before the entry into force of this Act are followed until the end of the last academic quarter of the academic year 2010/2011.

(7) The bases of organisation of teaching and education in the classes and groups of the students with special needs specified in subsection 4 of § 51 of this Act and the conditions and procedure for the admission or transfer of students to and exclusion of students from a class or group are established by the minister responsible for the field not later than by 31 December 2010.

(8) The upper limit of the size of the following types of classes operating at the moment of entry into force of this Act is:

- 1) until 31 August 2011, 7 students in a class for students with multiple disabilities acquiring basic education and in a class for students with moderate or severe and profound learning difficulties acquiring basic education;
- 2) until 31 August 2011, 16 students in a class for students with specific learning difficulties acquiring basic education and in a class for students with mild learning difficulties acquiring basic education;
- 3) until 31 August 2011, 24 students in a class for students with somatic illnesses;
- 4) until 31 August 2011, 16 students and, until 31 August 2012, 10 students in a class for students with emotional and behaviour problems acquiring basic education.

(9) Clause 10 of subsection 1 of § 51 and § 52 of this Act are applicable as of 1 January 2011.

§ 94. Transition to regulation of determining schools of residence

(1) Rural municipality and city governments establish the conditions of and procedure for determining schools of residence provided for in subsection 1 of § 10 of this Act not later than by 1 April 2011. Until the establishment of the conditions of and procedure for determining schools of residence by a rural municipality or city, the legislation established on the basis of § 19 of the Basic Schools and Upper Secondary Schools Act (RT I 1993, 63, 892; 2010, 22, 108) in force before the entry into force of this Act are followed in the rural municipality or city.

(2) The requirement for determining the position or structural unit specified in subsection 1 of § 13 of this Act is applicable as of 1 January 2011.

§ 95. Bringing school documents into compliance

(1) The statutes of schools established on the basis of subsection 4 of § 12 of the Basic Schools and Upper Secondary Schools Act (RT I 1993, 63, 892; 2010, 22, 108) in force before the entry into force of this Act remains in force until they are brought into compliance with § 66 of this Act, but not longer than until 31 December 2010.

(2) The development plans of schools are brought into compliance with § 67 of this Act not later than by 1 September 2011.

§ 96. Changing fixed-term employment contracts of heads of school into employment contracts without specified term

The fixed-term employment contract of the head of a school appointed to office before 1 August 2008 on the basis of a competition specified in subsection 4 of § 71 of this Act, upon expiry, becomes a contract made for an unspecified term.

§ 97. Bringing procedure for formation of boards of trustees of schools and composition of boards of trustees into compliance

The procedure for formation of the board of trustees of a school and the rules of procedure of the board of trustees are established and the composition of the board of trustees is brought into compliance with § 73 of this Act not later than by 31 December 2010. Until the establishment of the rules of procedure of the board of trustees by the owner of the school, the work of the board of trustees is organised in accordance with the procedure for operation of board of trustees established by the minister responsible for the field on the basis of subsection 6 of § 41 of the Basic Schools and Upper Secondary Schools Act (RT I 1993, 63, 892; 2010, 22, 108) in force before the entry into force of this Act, but not longer than until 31 December 2010.

§ 98. Participation in covering operating expenses of municipal schools

The calculated cost of the operating expenses of a student place and the procedure for participation in covering the operating expenses of municipal schools established on the basis of § 44¹ of the Basic Schools and Upper Secondary Schools Act (RT I 1993, 63, 892; 2010, 22, 108) in force before the entry into force of this Act are followed until 31 December 2010 upon participating in covering the operating expenses of municipal schools.

§ 99. Application of qualification requirements for teachers

The higher education requirement established in subsection 4 of § 75 of this Act is not applied with regard to a basic school class teacher who has obtained the pedagogical secondary specialised education in the specialty of class teacher or elementary teaching before entry into force of this Act or with regard to a basic school subject teacher who has obtained pedagogical secondary specialised education in the taught subject or subject field before entry into force of this Act.

[RT I, 11.07.2013, 1 – entry into force 01.09.2013]

§ 100. Right of provision of health services at school

Doctors providing health services at school before 1 September 2010 have the right to continue providing the services that, as of 1 September 2010, include only nursing activities, until 31 August 2014.

§ 100¹. Forms of operation of school

A general education school and a hobby school operating as a single institution as of 1 September 2013 may continue operating as a single institution.

[RT I, 11.03.2015, 3 – entry into force 21.03.2015]

§ 100². Ensuring general secondary education

The state must fulfil the obligation to keep at least one upper secondary school in each county, which has been provided for in subsection 2 of § 7¹ of this Act, not later than by 1 January 2020.

[RT I, 11.07.2013, 1 – entry into force 01.09.2013]

§ 100³. Assessment of teachers

(1) An assessment of the professional skills, proficiency and level of qualifications of teachers specified in a regulation of the minister responsible for the field established on the basis of subsection 5 of § 74 of this Act and governed by the conditions of and procedure for assessment in force until 1 September 2013 on the basis of subsection 4 of § 75 of this Act is organised until 31 December 2013.

(2) The job grades attributed in an assessment organised until 31 December 2013 remain in force until their expiry.

[RT I, 11.07.2013, 1 – entry into force 01.09.2013]

§ 100⁴. Ensuring minimum wages of teachers

Upon establishment of the minimum wage of teachers specified in subsections 2 and 3 of § 76 of this Act, the minimum wages are ensured to teachers at least in the amount in force before 1 January 2014, in accordance with the job grades attributed upon assessment.

[RT I, 11.07.2013, 1 – entry into force 01.01.2014]

§ 100⁵. Ensuring availability of educational literature

(1) Subsection 2 of § 20 of this Act applies to ensuring the availability of the minimum educational literature required for completion of national curricula as of 1 May 2015.

(2) The requirement provided for in subsection 4 of § 20 of this Act to make educational literature digitally available in the portal run by the Ministry of Education and Research applies to educational literature published as of 1 May 2015.

(3) The digital educational literature portal specified in subsection 4 of § 20 of this Act is put into use and subsection 4 of § 20 and clause 3 of subsection 7 of § 20 of this Act apply to publishers of educational literature as of 1 May 2015.

[RT I, 11.07.2013, 1 – entry into force 01.09.2013]

§ 100⁶. Provision of services of support specialists by state

(1) The Ministry of Education and Research ensures the provision of schools with the special education teacher and psychologist services specified in subsection 2 of § 37 of this Act at least in each county not later than by 1 September 2014.

(2) The description of the services of the support specialists specified in subsection 2¹ of § 37 of this Act and the scope and conditions of and the procedure for provision of the services by the state are established by the minister responsible for the field no later than by 1 September 2014.

[RT I, 11.07.2013, 1 – entry into force 01.09.2013]

§ 100⁷. Permanent incapacity for work

Regarding a person who has been identified to have permanent incapacity for work based on the State Pension Insurance Act, the criterion of incapacity for work or partial incapacity for work set out in subsection 4 of § 77 of this Act is deemed to be met.

[RT I, 13.12.2014, 1 – entry into force 01.07.2016 (entry into force amended – RT I, 17.12.2015, 1)]

§ 100⁸. Transition to implementation of enhanced support and special support

(1) Recommendations given to students by the counselling committee before 1 February 2018, based on which studies specific to students with mild learning difficulties may be applied or a student may be transferred to a class of students with learning difficulties as well as decisions of the head of school to transfer a student to the class of students with behavioural problems, a class of students with severe somatic illnesses or a class of students with speech impairments are deemed to be recommendations for the application of enhanced support to the student as of 1 February 2018.

(2) Recommendations given to students by the counselling committee before 1 February 2018, based on which studies specific to students with moderate learning difficulties or with severe or profound learning difficulties or the studies focusing on teaching one student as well as recommendations to transfer a student to a small class or to a class of students with emotional and behaviour disorders, a class of students with multiple disabilities, a class of students with educational problems or a class of students with visual or hearing impairments are deemed to be recommendations to apply special support to the student as of 1 February 2018.

(3) Schools bring their activities in to compliance with the provisions of §§ 46–50 of this Act by 1 September 2018. Until the deadline, the school may, upon provision of a student with support, follow the measures provided for in §§ 46–54 of the version of this Act in force until 31 January 2018.

(4) Applications that are being reviewed by the counselling committee as of 1 February 2018 are decided on the basis of the legislation that entered into force on 1 February 2018.

[RT I, 22.01.2018, 1 – entry into force 01.02.2018]

§ 100⁹. Amount of beginner's allowance for support specialist in 2018

The amount of the beginner's allowance for a support specialist established on the basis of subsection 4 of § 77¹ of this Act is in 2018 equal to the amount of the beginner's allowance for teacher established in the State Budget Act for 2018 on the basis of subsection 3 of § 77 of this Act.

[RT I, 22.01.2018, 1 – entry into force 01.02.2018]

§ 100¹⁰. Allocating support from state budget for covering enhanced support and special support expenses in 2018

On the basis of subsection 3 of § 82 of this Act, support is allocated from the state budget for covering the costs of enhanced support and special support in 2018 starting from 1 January 2018.
[RT I, 22.01.2018, 1 – entry into force 01.02.2018]

**Division 2
Amendment and Repeal of Acts**

§ 101.–§ 126.[Omitted from this text.]

**Division 3
Entry into Force of Act**

§ 127. Entry into force

(1) This Act enters into force on 1 September 2010.

(2) Subsection 6 of § 7 and clause 21 of § 105 of this Act enter into force on 1 September 2011.

(3) Section 126 of this Act enters into force on the date specified in the decision of the Council of the European Union concerning declaring invalid the exception established with regard to the Republic of Estonia on the basis of Article 140(2) of the Treaty on the Functioning of the European Union.