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Private Schools Act

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Amended by the following acts

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

17.02.2011	RT I, 21.03.2011, 1	01.01.2012
23.02.2011	RT I, 25.03.2011, 1	01.01.2014
16.06.2011	RT I, 08.07.2011, 3	18.07.2011
23.11.2011	RT I, 12.12.2011, 1	01.01.2012
10.05.2012	RT I, 30.05.2012, 1	01.01.2013
18.04.2013	RT I, 26.04.2013, 3	06.05.2013
15.05.2013	RT I, 01.06.2013, 1	01.07.2013, in part 01.01.2014
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 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
05.12.2013	RT I, 22.12.2013, 1	01.01.2014
19.02.2014	RT I, 13.03.2014, 4	01.07.2014
05.06.2014	RT I, 29.06.2014, 1	01.07.2014
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.
28.10.2014	RT I, 29.10.2014, 9	28.10.2014 – The judgment of the Constitutional Review Chamber of the Supreme Court declares unconstitutional the non-adoption of such legislative acts that would provide for the funding of the duties imposed on local authorities by § 22 of the Private Schools Act from the state budget.
18.02.2015	RT I, 11.03.2015, 3	21.03.2015
18.02.2015	RT I, 23.03.2015, 5	01.07.2015
17.12.2015	RT I, 31.12.2015, 11	01.01.2016
07.06.2016	RT I, 16.06.2016, 1	26.06.2016, in part 01.01.2017
12.04.2017	RT I, 03.05.2017, 2	01.07.2017
14.06.2017	RT I, 04.07.2017, 1	01.01.2018, in part 01.09.2017
10.01.2018	RT I, 22.01.2018, 1	01.02.2018
10.01.2018	RT I, 22.01.2018, 2	01.02.2018
12.12.2018	RT I, 28.12.2018, 3	01.01.2019
20.02.2019	RT I, 13.03.2019, 2	15.03.2019
20.02.2019	RT I, 19.03.2019, 12	01.09.2019
12.12.2022	RT I, 28.12.2022, 8	01.09.2024

Chapter 1 GENERAL PROVISIONS

§ 1. Scope of application of Act

(1) This Act applies to legal persons in private law as a result of whose activities it is possible to acquire pre-school, basic or secondary education.

[RT I, 19.03.2019, 12 – entry into force 01.09.2019]

(2) This Act applies to self-employed persons and legal persons in private law who provide hobby education where the instruction organised by them lasts more than 120 hours or six months in a year.

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

(2¹) This Act applies to a private school of international military headquarters, which has been founded under an international agreement, given the differences arising from this Act.

[RT I, 01.06.2013, 1 – entry into force 01.07.2013]

(2²) The foundation of a private school owned by a legal person in private law whose founders, shareholders or members include the state or a local authority as well as the granting and revoking of an education licence

and closure of such a private school is regulated by the Private Schools Act and, in other respects, by the Act applicable to state or municipal schools of the same type.
[RT I, 19.03.2019, 12 – entry into force 01.09.2019]

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

§ 2. Definition of private school and types thereof

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

(1¹) The owner of a private school founded by international military headquarters is the international military headquarters.

[RT I, 01.06.2013, 1 – entry into force 01.07.2013]

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

- 1) a pre-school child care institution;
- 2) a pre-school child care institution and a general education school operating as a single institution;
- 3) a basic school;
- 4) a basic school where studies are pursued at stage I or at stages I and II, whereby at stage II studies do not need to be pursued to the extent of all the grades of stage II;
- 5) an upper secondary school;
- 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) [Repealed – RT I, 11.07.2013, 1 – entry into force 01.09.2013]

7) a vocational educational institution;

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

9) an institution of professional higher education that operates on the basis of the Higher Education Act;

[RT I, 19.03.2019, 12 – entry into force 01.09.2019]

10) a university that operates on the basis of the Higher Education Act.

[RT I, 19.03.2019, 12 – entry into force 01.09.2019]

11) a hobby school;

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

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

(3) A public limited company, private limited company, foundation or non-profit-association may be the owner of a private school specified in clauses 5-7 of subsection 2 of this section.

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

§ 2¹. Capital requirements

(1) [Repealed – RT I, 19.03.2019, 12 – entry into force 01.09.2019]

(2) [Repealed – RT I, 19.03.2019, 12 – entry into force 01.09.2019]

(3) A public limited company whose share capital is at least 63 900 euros, a private limited company whose share capital is at least 63 900 euros or a foundation or non-profit association whose equity capital is at least 63 900 euros may operate as the owner of a vocational educational institution.

[RT I 2010, 22, 108 – entry into force 01.01.2011]

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

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

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

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

3) submit a bankruptcy petition.
[RT I 2005, 65, 498 – entry into force 01.01.2006]

§ 3. Name of private school

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

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

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

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

(4) [Repealed – RT I, 23.03.2015, 5 – entry into force 01.07.2015]

Chapter 2 FOUNDATION

§ 4. Foundation

(1) A private school, except a hobby school and a vocational educational institution is deemed to be founded as of the entry of its first curriculum in the Estonian Education Information System.
[RT I, 19.03.2019, 12 – entry into force 01.09.2019]

(1¹) [Repealed – RT I, 19.03.2019, 12 – entry into force 01.09.2019]

(2) A hobby school is deemed to be founded as of the registration of the school and the first curriculum in the Estonian Education Information System.
[RT I, 25.03.2011, 1 – entry into force 01.07.2014 (entry into force amended – RT I, 22.12.2013, 1)]

(3) A vocational educational institution is deemed as founded as of the right to provide vocational instruction based on a directive of the minister in charge of the policy sector. The details of a vocational educational institution are entered into the sub-register of educational institutions of the Estonian Education Information System after the vocational educational institution received the right to provide instruction for the first time.
[RT I, 02.07.2013, 1 – entry into force 01.09.2013]

§ 5. Licence obligation

[RT I, 01.06.2013, 1 – entry into force 01.07.2014 (entry into force amended – RT I, 22.12.2013, 1)]

(1) The undertaking must hold an activity licence in order to operate in the following fields of activity:
[RT I, 01.06.2013, 1 – entry into force 01.07.2014 (entry into force amended – RT I, 22.12.2013, 1)]

1) provide education in a private school specified in subsection 2 of § 2 of this Act;
[RT I, 23.03.2015, 5 – entry into force 01.07.2015]

2) provide education on the basis of the curriculum of the International Baccalaureate Organization, a curriculum drawn up on the basis of the Convention defining the Statutes of the European Schools or the curriculum of a school founded by international military headquarters.
[RT I, 01.06.2013, 1 – entry into force 01.07.2014 (entry into force amended – RT I, 22.12.2013, 1)]

(2) The activity licence entitles an undertaking to provide instruction on the basis of the curriculum specified in the activity licence, within the limits of the level of education and in the administrative territory of the local authority.

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

(3) Subsection 2 of this section does not apply to the provision of education in a hobby school.
[RT I, 02.07.2013, 1 – entry into force 01.07.2014 (entry into force amended – RT I, 22.12.2013, 1)]

(4) The right to provide vocational education is granted to an undertaking by an activity licence granted for a fixed term or for an unspecified term, on the basis of which it holds the right to provide formal education in a relevant study programme group.

[RT I, 28.12.2018, 3 – entry into force 01.01.2019]

(5) [Repealed – RT I, 19.03.2019, 12 – entry into force 01.09.2019]

(6) Upon the first application for a basic school and upper secondary school activity licence, a fixed-term activity licence with a term of validity of up to five academic years is issued. During the period of validity of the fixed-term activity licence regulatory enforcement is exercised over the teaching and education activities of the

private school. Where no precepts are made in the course of regulatory enforcement or the precepts are complied with by the prescribed date, the data and documents specified in subsection 2 of § 5⁴ of this Act, except for the opinions specified in clause 8² of subsection 2 of § 5⁴, do not need to be annexed to the application for a new activity licence and a new activity licence is issued for an unspecified term, except in the event provided for in subsection 7 of this section.

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

(7) Where a private school operating under a fixed-term activity licence and applying for a new activity licence has submitted documents certifying that the precepts made in the course of regulatory enforcement have been fulfilled, but in the opinion of the Ministry of Education and Research new regulatory enforcement needs to be carried out for the purpose of verifying the actual compliance with the precepts, a fixed-term education licence is issued for a term of up to five academic years.

[RT I, 29.06.2014, 1 – entry into force 01.07.2014]

§ 5¹. Granting right to provide higher education

[Repealed – RT I, 19.03.2019, 12 – entry into force 01.09.2019]

§ 5². Granting right to provide vocational education

[Repealed – RT I, 02.07.2013, 1 – entry into force 01.07.2014 (entry into force amended – RT I, 22.12.2013, 1)]

§ 5³. Extension of right to provide vocational education

[Repealed – RT I, 28.12.2018, 3 – entry into force 01.01.2019]

§ 5⁴. Application for activity licence

(1) An application for an activity licence is reviewed by the Ministry of Education and Research.

(2) In addition to the information required in the General Part of the Economic Activities Code Act, an application for an activity licence must contain the following data and documents:

- 1) the statutes of the private school;
- 2) the curriculum that serves as the basis for education for the provision of which an activity licence is applied for and complies with the requirements established by law;
- 3) upon applying for the right to provide vocational education, a respective curriculum that complies with the requirements established by legislation and belongs to the relevant study programme group;
- 4) the development plan of the private school, except upon application for an activity licence for a hobby school;

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

5) a certificate certifying that the head of the private school and the persons belonging to the management bodies of the owner of the private school comply with the requirements set out in subsections 2 and 3 of § 19 of this Act;

6) a certificate of the owner of the school certifying that the head of the school, the head teacher and teachers of the school comply with the qualification requirements and, where the right to provide vocational education is applied for, the school has the required teaching staff;

7) information on the existence or use of the premises, buildings, furnishings, land and other property required for the activities of the private school under a leasing or tenancy contract and their compliance with the health, fire safety and rescue requirements;

8) written consent of the school health service provided regarding the provision of the school health service and information on the existence of the school health service activity licence in a basic school, upper secondary school and vocational educational institution;

8¹) in the case of a pre-school child care institution, the written opinion of the local authority of the seat of the institution;

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

8²) in the case of a basic school and an upper secondary school, the written opinion of the local authority of the seat of the private school;

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

9) upon applying for the right to provide vocational education, information about the fulfilment of the capital requirements provided for in subsection 2 or 3 of § 2¹ of this Act;

10) upon applying for the right to provide vocational education, the reasons of opening the study, including information on the target group;

11) upon applying for the right to provide vocational education, written opinions of the social partners corresponding to the study programme group.

(3) An activity licence for implementing a curriculum on the basis of which formal and supplementary training is provided to crew members may be granted to a person who holds an activity licence specified in clause 11 of § 7 of the Maritime Safety Act.

(4) Upon applying for an activity licence for provision of education on the basis of the curriculum of the International Baccalaureate Organization, a curriculum drawn up on the basis of the Convention defining the Statutes of the European Schools or the curriculum of a school founded by international military headquarters, the data and documents specified in clauses 1, 4 and 6 of subsection 1 of this section are submitted in the application for an activity licence. For the purpose of implementation of the curriculum of the International Baccalaureate Organisation, an additional document certifying the permit of the International Baccalaureate Organisation to implement the curriculum is submitted. For the purpose of implementation of the curriculum drawn up on the basis of the Convention defining the Statutes of the European Schools a document certifying that the private school has fulfilled the requirements established on the basis of the Convention defining the Statutes of the European Schools for teaching under the curriculum is submitted as well.

(5) An application for an activity licence must be submitted not later than five months before the start of the implementation of the curriculum and, in the event of applying for the right to provide vocational education, not later than six months before the planned start of teaching.

(6) The Ministry of Education and Research decides an application for an activity licence by granting the activity licence or refusing to grant the activity licence within two months and, in the event of applying for the right to provide vocational education, within four months after the submission of the application.

(7) The Ministry of Education and Research informs the rural municipality or city government on whose administrative territory the private school is located about the granting of an activity licence.
[RT I, 29.06.2014, 1 – entry into force 01.07.2014]

§ 5⁵. Object of inspection of activity licence

An activity licence is granted to a person where the person meets the following requirements:

- 1) the competencies, skills and knowledge established as the objective of the curriculum can be attained under the curriculum;
- 2) the material base of teaching allows for providing education at the respective level and meets the needs of the curriculum;
- 3) based on the development plan, the sustainability of the private school is ensured;
- 4) the head of the private school meets the requirements provided for in § 20 of the Child Protection Act;
[RT I, 16.06.2016, 1 – entry into force 26.06.2016]
- 5) the private school has fulfilled the requirements applicable to processing personal data of special categories under Regulation (EU) 2016/679 of the European Parliament and of the Council on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 04.05.2016, pp. 1–88);
[RT I, 13.03.2019, 2 – entry into force 15.03.2019]
- 6) the owner of the private school and the private school comply with the requirements established for the management of a private school under this Act.
[RT I, 02.07.2013, 1 – entry into force 01.07.2014 (entry into force amended – RT I, 22.12.2013, 1)]

§ 5⁶. Specifics of revocation of activity licence

(1) The Ministry of Education and Research may, in addition to the grounds laid down in the General Part of the Economic Activities Code Act, revoke an activity licence also in the following events:

- 1) teaching has not been commenced within 12 months after the granting of the activity licence or teaching has been suspended for 12 consecutive months;
- 2) false information has been submitted upon applying for the right to provide vocational education, in the course of an expert assessment or upon quality assessment.
[RT I, 28.12.2018, 3 – entry into force 01.01.2019]

(2) The Ministry of Education and Research informs the rural municipality or city government on whose administrative territory the private school is located about the revocation of an activity licence.
[RT I, 02.07.2013, 1 – entry into force 01.07.2014 (entry into force amended – RT I, 22.12.2013, 1)]

§ 6. Statutes

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

- 1) the name of the school;
[RT I, 19.03.2019, 12 – entry into force 01.09.2019]
- 2) the address of the school;
- 3) the structure of the school;
- 4) the competence and functions of the head of the school (hereinafter *head of school*) and the school board;
[RT I, 19.03.2019, 12 – entry into force 01.09.2019]
- 5) the procedure for the appointment and removal of the head and the members of the collegial management body (school board, panel, board of trustees or other) (hereinafter *board*) and their term of office;
- 6) the procedure for amendment of the statutes;

- 7) the level or classification of education (pre-school education, basic education, secondary education, vocational education or hobby education) and the type of the educational institution;
[RT I, 19.03.2019, 12 – entry into force 01.09.2019]
- 8) the grounds for the organisation of studies, in the event of a pre-school child care institution, in accordance with the general requirements for the organisation of studies laid down in the Pre-school Child Care Institutions Act or, in the event of a basic school or an upper secondary school, in accordance with those laid down in the Basic Schools and Upper Secondary Schools Act;
[RT I, 19.03.2019, 12 – entry into force 01.09.2019]
- 9) the procedure for the admission of children or pupils (hereinafter *students*) to the private school, exclusion of students from the school and graduation from the school;
[RT I, 19.03.2019, 12 – entry into force 01.09.2019]
- 10) the rights and obligations of students;
- 11) the rights and obligations of teachers and other employees;
[RT I, 11.07.2013, 1 – entry into force 01.09.2013]
- 12) the language of instruction and the language of administration;
- 13) the procedure and grounds for the establishment of tuition fees, grant of relief therefrom, grant of discounts and grant of education allowances;
- 14) the procedure for closure;
- 15) [Repealed – RT I, 19.03.2019, 12 – entry into force 01.09.2019]
- 15¹) [Repealed – RT I, 19.03.2019, 12 – entry into force 01.09.2019]
- 16) other information required in accordance with legislation regulating the operations of the corresponding state or municipal educational institution.
[RT I, 19.03.2019, 12 – entry into force 01.09.2019]

(2) The statutes of a private school are approved by the owner of the school and the statutes enter into force as of the entry of the first curriculum of the private school in the Estonian Education Information System or, in the case of a vocational educational institution, as of obtaining the first right to provide vocational instruction.
[RT I, 19.03.2019, 12 – entry into force 01.09.2019]

§ 7. Development plan

- (1) The following is set out in a development plan:
 - 1) the characteristics of the principal activities and idea of the private school (principles and directions of development, nature of the training services to be provided, description of the staff to be used, risks involved and the possible ways of avoiding such risks);
 - 2) information concerning the existence of financial resources or the sources thereof for at least the duration of a period corresponding to the nominal period of study as determined by the curriculum;
 - 3) [Repealed – RT I, 11.07.2013, 1 – entry into force 01.09.2013]

(2) The owner of the private school organises the publication of the development plan in accordance with the Public Information Act on the website maintained for the purpose of providing details of the activities of the private school (hereinafter *school website*).
[RT I, 11.07.2013, 1 – entry into force 01.09.2013]

§ 8. Expert assessment

(1) On the basis of a directive of the minister in charge of the policy sector, an expert assessment of the curriculum concerning which an education licence is applied for and of the material resources or development plan is conducted; an *ad hoc* expert committee is formed to assess whether the competence, skills and knowledge stated to be the objective of the instruction specified in the curriculum can be reached on the basis of the curriculum or whether the material resources enable to provide instruction of the corresponding level or conform to the needs arising from the curriculum or whether the sustainability of the school is ensured on the basis of the development plan.

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

(3) Before the conduct of the expert assessment, the applicant for the education licence pays, within one month as of the issuing of the directive specified in subsection 1 of this section, a security deposit in an amount prescribed in the directive, but not more than 640 euros, and the security deposit is refunded where the results of the assessment turn out to be positive. Where the results of the assessment turn out to be negative, the costs related to the conduct of the assessment are borne by the owner of the private school.
[RT I 2010, 22, 108 – entry into force 01.01.2011]

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

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

(6) The right to provide vocational education is applied for and granted and an expert assessment is carried out to the extent, on the conditions and in accordance with the procedure provided for in §§ 9-12 of the Vocational Educational Institutions Act.
[RT I, 28.12.2018, 3 – entry into force 01.01.2019]

(7) The quality of vocational education is assessed in accordance with § 14¹ of the Vocational Educational Institutions Act.
[RT I, 28.12.2018, 3 – entry into force 01.01.2019]

§ 9. Revocation of education licence

[Repealed – RT I, 02.07.2013, 1 – entry into force 01.07.2014 (entry into force amended – RT I, 22.12.2013, 1)]

§ 9¹. Revocation of right to provide vocational instruction

[Repealed – RT I, 02.07.2013, 1 – entry into force 01.07.2014 (entry into force amended – RT I, 22.12.2013, 1)]

§ 10. Foundation of foreign educational institutions and branches thereof

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

(2) Foreign educational institutions and branches thereof are registered by the Ministry of Education and Research in accordance with the procedure prescribed by this Act.

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

Chapter 3 ORGANISATION OF TEACHING AND EDUCATION

§ 11. Curriculum

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

(1¹) [Repealed – RT I, 23.03.2015, 5 – entry into force 01.07.2015]

(2) The curriculum of a private school is approved by the owner of the private school and the curriculum is entered in the Estonian Education Information System upon the issue of an education licence for the provision of pre-school, basic and secondary education.
[RT I 2008, 34, 208 – entry into force 01.09.2008]

(2¹) [Repealed – RT I, 19.03.2019, 12 – entry into force 01.09.2019]

(2²) The vocational education curriculum is approved by the owner of the private school and the curriculum is registered after obtaining the right to provide vocational instruction in the Estonian Education Information System. Where the vocational education curriculum is opened in a study programme group where the private school has the right to provide vocational instruction, it is registered in the Estonian Education Information System. The compliance of the curriculum with the requirements established for the relevant curriculum in legislation is verified in the course of registration. Where a curriculum does not comply with the requirements, the minister in charge of the policy sector or a person authorised by the minister in charge of the policy sector makes a decision not to register the curriculum. The decision is delivered to the school or owner of the school that submitted the curriculum for registration either by mail or electronically, as requested by the school or owner of the school.

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

(3) Amendments to the curriculum of a private school are made by the school board and approved by the owner of the private school. The amendments are submitted to the Ministry of Education and Research for registration within ten working days as of their approval.

[RT I, 19.03.2019, 12 – entry into force 01.09.2019]

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

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

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

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

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

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

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

4) in the event of a vocational educational institution, with the vocational education standard and the national curriculum for the vocation or profession or, in the event of a joint curriculum, also with the requirements of § 33 of the Vocational Educational Institutions Act;

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

5) [Repealed – RT I, 19.03.2019, 12 – entry into force 01.09.2019]

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

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

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

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

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

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

(1) Admission to a basic school, upper secondary school or vocational educational institution is subject to the admission requirements established by law for state and municipal schools of the same type. The board of a private school has the right to establish additional requirements for the admission of students.

[RT I, 19.03.2019, 12 – entry into force 01.09.2019]

(2) The requirements for exclusion from a private school are established by the school board.

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

§ 13. General requirements for organisation of studies and education

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

(1¹) [Repealed – RT I, 19.03.2019, 12 – entry into force 01.09.2019]

(1²) In a basic school and in an upper secondary school studies and education are organised in accordance with the Basic Schools and Upper Secondary Schools Act. The obligation to grant free use of educational literature established in subsection 1 of § 20 of the Basic Schools and Upper Secondary Schools Act is performed to the extent of the support allocated for it in the state budget.

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

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

(3) Students must have at least eight weeks of holiday per academic year, of which two weeks must be during the academic year. This provision does not apply to hobby schools or pre#school child care institutions.

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

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

§ 14. Institutional accreditation, assessment of quality of study programme group, activity support and state-commissioned education

[Repealed – RT I, 19.03.2019, 12 – entry into force 01.09.2019]

§ 15. Language of instruction and language of administration

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

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

(1¹) Upon deciding the language of instruction of a basic school and an upper secondary school, the requirements established by the Basic Schools and Upper Secondary Schools Act are followed where the owner, shareholder, founder or member of the basic school or the upper secondary school is the state or a local authority.

[RT I, 28.12.2022, 8 – entry into force 01.09.2024]

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

(3) In a vocational educational institution where the language of instruction is not Estonian, Estonian language instruction is compulsory to the extent determined by the curriculum of the school, which ensures that students are sufficiently proficient in Estonian for working in their acquired profession.

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

(4) The language of administration of a private school must be Estonian. In a private school where the language of instruction is not Estonian, the language of instruction of the private school or another foreign language may be used alongside Estonian as a language of internal administration.

[RT I 2004, 75, 524 – entry into force 19.11.2004]

§ 16. Students

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

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

[RT I, 19.03.2019, 12 – entry into force 01.09.2019]

(3) The owner of the private school publishes on the school website the tuition amount and the target groups of students who are entitled to tuition discounts during their studies in the private general education school or to study without paying tuition.

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

§ 17. Contract between student and private school

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

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

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

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

- 1) the date of commencement of the studies;
 - 2) the volume or duration of the studies;
 - 3) the location and address where the studies are to be undertaken;
 - 3¹) the conditions of and procedure for processing the personal data of the student;
- [RT I, 13.03.2019, 2 – entry into force 15.03.2019]
- 4) the size of the tuition (the sum of money) and the calculation method used;
 - 5) the procedure and term for payment of the tuition;
 - 6) the grounds and procedure for the refund of the tuition;
 - 7) the grounds and procedure for amendment and termination of the contract;
 - 8) the procedure for resolution of disputes;
 - 9) [Repealed – RT I, 19.03.2019, 12 – entry into force 01.09.2019]
 - 10) in the case of a vocational educational institution, the number of hours of auditory instruction;

[RT I, 19.03.2019, 12 – entry into force 01.09.2019]

11) in the case of a joint curriculum, the variations of provision of instruction arising from the cooperation contract.

[RT I, 19.03.2019, 12 – entry into force 01.09.2019]

(5) A curriculum, except subject syllabi, in compliance with the requirements provided for in subsection 1 of § 11 of this Act is formalised as a compulsory annex to the contract.

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

§ 18. Graduation documents of private school

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

(2) A state graduation document certifying education is issued on the conditions and in accordance with the procedure established by legislation for graduation from a state or municipal school of the same type. The board of a private school may establish additional requirements.

(3) A private school has the right to issue other documents certifying education.

[RT I, 19.03.2019, 12 – entry into force 01.09.2019]

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

(3²) A person who has completed a joint curriculum to the full extent is awarded a joint diploma as a document certifying state education where the conditions provided for in subsection 3 of this section are met.

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

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

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

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

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

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

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

§ 18¹. Documenting organisation of studies and preserving documents

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

(1) The organisation of teaching and education at a private school is documented and the documents are retained in accordance with the procedure established by legislation for the documentation of the activities and retention of documents of state or municipal schools of the same type.

[RT I, 19.03.2019, 12 – entry into force 01.09.2019]

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

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

Chapter 4 MANAGEMENT

§ 19. Management bodies

(1) The management bodies of a private school are the school board and the head of the school.

[RT I, 19.03.2019, 12 – entry into force 01.09.2019]

(2) A person who has the education and experience required for directing a private school and an impeccable reputation may be elected or appointed the head of a private school. The qualification requirements established

by law for candidates of heads of state and municipal schools apply to the head of a private school. The board of a private school has the right to establish additional requirements.

[RT I, 19.03.2019, 12 – entry into force 01.09.2019]

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

- 1) a person whose earlier activities have caused the bankruptcy or compulsory liquidation of a legal person;
- 2) a person with respect to whom a court has, in accordance with § 49 of the Penal Code, imposed a prohibition on acting as a member of the management board of a legal person;
- 3) a person whose earlier activities as the head of a legal person or a private school have shown that the person is not suited to manage the legal person or the private school in such a manner that the interests of the shareholders, members, creditors and clients are sufficiently protected.

(4) [Repealed – RT I, 13.12.2013, 5 – entry into force 23.12.2013]

§ 20. Head of school

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

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

(3) Once every six months, the head submits to the school board an overview of the provision of instruction at the private school, the financial status of the private school and the use of revenue accrued in the form of tuition and immediately gives notice of any material deterioration in the financial status of the private school and of any precepts issued by the regulatory enforcement body.

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

§ 21. School board

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

(2) The members of the board include:

- 1) the head of the school;
- 2) representatives of the teachers, who make up at least one-fifth of the membership of the board;
[RT I, 19.03.2019, 12 – entry into force 01.09.2019]
- 3) in the event of a pre-school child care institution or a nursery school and a basic school operating as a single institution or a basic school, representatives of the parents, who make up at least one-fifth of the membership of the board;
[RT I 2010, 41, 240 – entry into force 01.09.2010]
- 4) in the event of an upper secondary school or a vocational educational institution, representatives of the students, who make up at least one-fifth of the membership of the board;
[RT I, 19.03.2019, 12 – entry into force 01.09.2019]
- 5) representatives of the owner of the private school;
- 6) other persons prescribed by the statutes of the private school.

(3) The board of a private school:

1) submits proposals for amendment of the statutes of the private school to the owner of the school for approval;

¹⁾ [Repealed – RT I, 19.03.2019, 12 – entry into force 01.09.2019]

2) hears the annual overview of the fulfilment of the development plan by the head of the private school;

3) hears the overview concerning the budget of the private school and the annual report and interim report of the owner of the private school by the head of the school;

4) adopts a position in other questions which in accordance with this Act and the statutes of the private school fall within its competence.

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

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

§ 21¹. Board of governors

[Repealed – RT I, 19.03.2019, 12 – entry into force 01.09.2019]

§ 21². Board of advisors

(1) The board of advisors of a vocational educational institution is an advisory body binding the vocational educational institution and society, whose function is to advise the school upon planning development and organising teaching and economic activities.

(2) The board of advisors has at least seven members and the term of office of the members is set, the members are appointed and the rules of procedure are approved by the owner of the private school, having heard the opinion of the school board.

(3) Over a half of the members of the board of advisors must be representatives of business and professional organisations and registered associations of employers related to the vocations and professions of the study programme groups of the vocational educational institution.

(4) The board of advisors:

1) makes proposals to the owner and board of the private school regarding the development directions, activities, assets, budget, management and amendment of the statutes of the school;

2) assesses cooperation between the school and undertakings in organising the school's development efforts and practical training.

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

Chapter 5

FINANCING AND REGULATORY ENFORCEMENT

§ 22. Financing

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

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

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

(2) On the grounds and conditions established to municipal schools in §§ 42 and 82 of the Basic Schools and Upper Secondary Schools Act, earmarked support is annually allocated in the state budget to a basic school and an upper secondary school in support of the labour expenses and continuous training expenses of teachers, heads and head teachers, and teaching and learning literature of private schools, boarding school places specified in subsection 6 of § 39 of the Basic Schools and Upper Secondary Schools Act, and school lunch of students pursuing basic and secondary education in the stationary studies. 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. The owner of the private school and the Ministry of Education and Research conclude a contract of use of support.

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

(2¹) The study costs of a private school are financed in accordance with an administrative contract concluded between the vocational educational institution and the Ministry of Education and Research on the conditions provided for in subsection 11 of § 47 of the Vocational Educational Institutions Act within the limits of student places created on the basis of subsection 8 of § 47 of the Vocational Educational Institutions Act. Other costs of the private school are covered in accordance with the procedure established on the basis of subsection 9 of § 47 of the Vocational Educational Institutions Act.

[RT I, 28.12.2018, 3 – entry into force 01.01.2019]

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

(2³) [Repealed – RT I, 03.05.2017, 2 – entry into force 01.07.2017]

(3) [Repealed – RT I, 19.03.2019, 12 – entry into force 01.09.2019]

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

(5) Funds obtained from activity support may be used solely for the private school's teaching and learning activities, investments and coverage of infrastructure costs.

[RT I, 28.12.2018, 3 – entry into force 01.01.2019]

(6) The size of the tuition is determined by the owner of the private school and that amount cannot be changed during an academic year. The size of the tuition may be increased by up to 10 per cent between two academic years, unless otherwise provided by the contract between the owner of the private school and the student. The owner of a private general education school may increase the tuition by over 10 per cent between two academic

years, unless otherwise provided by the contract between the owner of the school and the student or the student's legal representative.

[RT I, 16.06.2016, 1 – entry into force 01.01.2017]

(6¹) [Repealed – RT I, 19.03.2019, 12 – entry into force 01.09.2019]

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

(8) [Repealed – RT I, 19.03.2019, 12 – entry into force 01.09.2019]

§ 22¹. Audit

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

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

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

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

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

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

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

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

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

§ 22². Rural municipality or city participation in covering operating expenses of private general education school

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

(1) A rural municipality or city participates in covering the operating expenses of a private general education school where, by a resolution of the rural municipality or city, it is necessary for ensuring the availability or diversity of education.

[RT I, 16.06.2016, 1 – entry into force 01.01.2017]

(2) [Repealed – RT I, 16.06.2016, 1 – entry into force 01.01.2017]

(3) [Repealed – RT I, 16.06.2016, 1 – entry into force 01.01.2017]

§ 22³. State participation in covering operating expenses of private general education school

(1) The owner of a private school may submit to the Ministry of Education and Research a request to receive support from the state budget for the purpose of covering the operating expenses of the private general education school (hereinafter *operating expenses support*).

(2) In order to receive operating expenses support, the owner of the private school submits data that proves the fulfilment of the requirements provided for in subsection 3 of this section.

(3) The Ministry of Education and Research allocates operating expenses support to the owner of the school where the following requirements are fulfilled:

1) the private general education school for which operating expenses support is applied for has operated for at least four years and an activity licence has been issued to it for an unspecified term with regard to at least one state of school;

2) the private general education school does not charge any tuition or it does not, for any student, exceed 25 per cent of the minimum monthly salary established on the basis of subsection 5 of § 29 of the Employment Contracts Act;

3) the owner of the private school invests the entire profit earned from the operations of the private general education school in teaching and education activities, including the study environment;

4) the owner of the private school ensures that the budget and education expenses of the private general education school are public;

5) the owner of the private school does not have any tax arrears towards the state, or the payment of the tax arrears has been staggered;

6) at the request of the owner of the private school, the local authority on the administrative territory of which the private general education school operates has granted the Ministry of Education and Research the consent to allocate operating expenses support to the private general education school. Upon stating the reasons for the consent, the local authority relies on ensuring the availability and diversity of education and the need for student places in its administrative territory.

(4) Where the local authority in whose administrative territory the private general education school operates has not granted the private general education school the consent to allocate operating expenses support, the Ministry of Education and Research may by way of exception allocate operating expenses support, provided that the other requirements for the allocation of the operating expenses support specified in subsection 3 of this section have been fulfilled and the allocation of operating expenses support is necessary for ensuring the diversity of education.

(5) The Ministry of Education and Research does not allocate operating expenses support where the non-compliance with the requirements specified in subsection 3 of this section has been identified or where the owner of the private school has submitted an application for termination of operating expenses support.

(6) The Ministry of Education and Research may not allocate operating expenses support where a reasoned doubt has emerged that the performance of the obligation to ensure the availability of education imposed on the local authority is being substituted with creating the student places of the private general education school.

(7) Within the meaning of this section, 'tuition fee' means any charge demanded from a student or their parent for the admission of the student to the private general education school or for completion of the curriculum, including for creation of the study environment. The tuition fee does not include the costs of extracurricular activities, including those of hobby activities and long day groups or the costs of school food, accommodation, transport and other services supporting learning.

(8) The amount of operating expenses support is calculated on the basis of the following indicators in the calendar year preceding the allocation of operating expenses support:

- 1) the number of students studying in the private general education school as of 10 November according to the Estonian Education Information System, and
- 2) the average operating expenses of a student place of a general education school in the administrative territory of the local authority where the private general education school operates, but no more than the limit established on the basis of subsection 7 of § 83 of the Basic Schools and Upper Secondary Schools Act.

(9) To allocate operating expenses support, the owner of the private school and the Ministry of Education and Research conclude an agreement annually.

(10) The Ministry of Education and Research has the right to recover allocated operating expenses support where it has been allocated based on incorrect data.
[RT I, 22.01.2018, 2 – entry into force 01.02.2018]

§ 23. Regulatory enforcement

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

(1) Regulatory enforcement over a private school, including over a private school operating on the basis of the Higher Education Act, is exercised by the Ministry of Education and Research on the conditions and in accordance with the procedure provided for in this Act and the Law Enforcement Act.
[RT I, 19.03.2019, 12 – entry into force 01.09.2019]

(2) Internal evaluation of a pre-school childcare institution, basic school, upper secondary school and vocational educational institution takes place in accordance with the legislation regulating the activities of the respective state or municipal educational institutions.
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

§ 23¹. Special measures of regulatory enforcement

A law enforcement authority may, for the purpose of exercising the regulatory enforcement provided for in this Act, take the special measures of regulatory enforcement provided for in §§ 30, 31, 32 and 50–53 of the Law Enforcement Act on the grounds and in accordance with the procedure provided for in the Law Enforcement Act.
[RT I, 22.01.2018, 1 – entry into force 01.02.2018]

Chapter 6 CLOSURE

§ 24. Closure

(1) The owner is required to initiate the closure of a private school in accordance with the procedure prescribed by legislation where:

- 1) the private school does not hold an activity licence or does not have the right to provide vocational instruction over a period of six months;
[RT I, 19.03.2019, 12 – entry into force 01.09.2019]
- 2) a liquidation procedure has been initiated against the owner;
- 3) the owner or the board of the private school has decided that it would be impractical for the private school to continue its operations;
- 4) the closure is prescribed by law.

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

(3) Upon closure of a private school, the owner of the private school ensures that the students have the opportunity to continue their studies in an educational institution providing instruction of the corresponding level.

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

Chapter 7

IMPLEMENTATION OF ACT

§ 25. Transition

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

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

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

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

(4) Institutions of higher education to which education licences have been issued prior to 30 June 2003 must bring their education activities into conformity with subsection 1 of § 2 of the Institutions of Professional Higher Education Act by 1 September 2005. Where, after the expiry of the specified term, less than two-thirds of the students are following professional higher education curricula, the minister in charge of the policy sector revokes the education licences of the private school and the owner of the private school is required to initiate the closure of the private school.

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

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

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

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

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

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

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

(8) Until 31 December 2026, subsection 2² of § 1 of this Act does not apply to a private school that operated at the time of entry into force of subsection 2² of § 1 of this Act and one of the founders, shareholders or members of the private legal person who owns the school was also a private person at the time of entry into force of the subsection.

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

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

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

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

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

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

§ 25². Implementation of Act

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

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

§ 26.–§ 32.[Omitted from this text.]

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

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

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

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

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

- 1) information concerning curricula according to which it is desired to provide instruction, including the objectives and learning outcome of the curricula;
- 2) information concerning the full-time teaching staff who provide instruction in the study programme group and their qualifications;
- 3) information concerning the material resources which are necessary for education and research and the sources of financing of the studies;
- 4) the development plan of the private school;
- 5) information concerning research and development;
- 6) by the decision of the applicant other information arising from the Estonian Education Information System and the Estonian Research Information System indicating the quality, resources or sustainability required for the provision of instruction;

7) in the event of a joint curriculum, information on the compliance of the joint curriculum with § 22¹ of the Universities Act and information on the compliance of the cooperation contract concerning the joint curriculum with § 22² of the Universities Act.

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

- 1) to grant a private school the right to provide instruction in a study programme group and to award the corresponding academic degree or diploma upon completion of the curriculum and to submit the proposal to the Government of the Republic for approval in an Appendix to the Standard of Higher Education (to accredit the study programme group positively);

2) to grant a private school the right to provide instruction in a study programme group for one up to three years and to award the corresponding academic degree or diploma upon completion of a curriculum and to submit the proposal to the Government of the Republic for approval in the Standard of Higher Education (to accredit the study programme group positively for a specified term);

3) not to grant a private school the right to provide instruction in a study programme group and to award the corresponding academic degrees or diplomas where, based on the information specified in subsection 3 of this section, it is obvious that it is not possible to provide high-quality higher education (to accredit the study programme group negatively).

(5) Where the Higher Education Quality Agency makes a proposal specified in clause 2 of subsection 4 of this section, the Higher Education Quality Agency sets a term upon the expiry of which the study programme group is re-evaluated in accordance with the procedure provided for in subsections 3 and 4 of this section.

(6) The study programme groups, in which a private school has the right to provide instruction, and the academic degrees and the diplomas awarded upon completion of the studies are designated by the Government of the Republic on the proposal of the minister in charge of the policy sector once a year in an Appendix to the Standard of Higher Education and up to twice a year in 2020 and 2011.
[RT I, 08.11.2010, 4 – entry into force 18.11.2010]

(7) Where the Higher Education Quality Agency makes a proposal specified in clause 3 of subsection 4 of this section to the minister in charge of the policy sector, the minister in charge of the policy sector does not submit it to the Government of the Republic and approves the proposal by a directive.
[RT I, 08.11.2010, 4 – entry into force 18.11.2010]

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

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

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

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

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

(3) As a result of accreditation on the basis applications for accreditation specified in subsection 1 of this section, the Higher Education Quality Agency makes a proposal to the minister in charge of the policy sector:

- 1) to accredit a curriculum or an educational institution positively until the Government of the Republic grants the right to provide instruction in the study programme group, whereto the curriculum to be accredited belongs, and to award the corresponding academic degree or diploma upon completion of the curriculum;
- 2) to accredit the curriculum negatively and; within the term specified which is not longer than three years, to terminate the admission of students to the relevant study programme group in the educational institution and studies according the relevant curriculum;
- 3) to accredit the educational institution negatively and to require the owner of the private school to initiate termination of the activities of the private school.

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

(5) Proposals made by the Higher Education Quality Agency as a result of accreditation are approved by a directive of the minister in charge of the policy sector. The minister in charge of the policy sector has the right to reject the proposal of the Higher Education Quality Agency by a reasoned directive and to submit the proposal to be reviewed for the second time.
[RT I 2008, 34, 208 – entry into force 01.09.2008]

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

(1) National graduation documents are issued to graduates who have completed curricula accredited in accordance with the procedure in force before 1 September 2008 where the curriculum has been accredited positively.

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

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

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

(1) Applications for education licences for the provision of higher education submitted before 1 September 2008 are processed under the conditions and in accordance with the procedure in force at the time of submission.

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

- 1) positive accreditation of the curriculum under the conditions provided for in § 34 of this Act in the case an application for accreditation of the curriculum was submitted before 1 September 2008;
- 2) negative accreditation of the curriculum under the conditions provided for in § 34 of this Act;
- 3) the Government of the Republic grants the right to provide instruction in the study programme group whereto the curriculum belongs and to award the corresponding academic degree or diploma;
- 4) 31 December 2010 in the event the curriculum has not been accredited and the Government of the Republic has not granted the right to provide instruction in the study programme group whereto the curriculum belongs and to award the corresponding academic degree or diploma upon the completion of the curriculum;
- 5) the minister in charge of the policy sector revokes the education licence in accordance with the procedure provided for in subsections 1 and 2 of § 9 of this Act.

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

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

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

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

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

- 1) an application to the Ministry of Education and Research for the registration of the joint curriculum by appending the documents certifying compliance with the requirements provided for in § 22¹ of the Universities Act, the cooperation contract concerning the joint curriculum complying with § 22² of the Universities Act and other information required for provision of instruction in accordance with this Act;
- 2) an application to the Higher Education Quality Assessment Council to extend to the joint curriculum the accreditation decision concerning the curricula which are the basis for the joint curriculum.

(3) The minister in charge of the policy sector registers a joint curriculum by a directive and the joint curriculum is entered in the Estonian Education Information System established on the basis of subsection 4 of § 36⁶ of the Republic of Estonia Education Act where:

- 1) the result of the assessment specified in subsection 5 of this section is positive;
- 2) the Higher Education Quality Assessment Council or, from 1 January 2009, the Higher Education Quality Agency decides to extend the accreditation decision concerning the curricula which are the basis for the joint curriculum to the joint curriculum on the basis of subsection 6 of this section.

(4) Clause 2 of subsection 1 and clause 2 of subsection 2 of this section do not apply upon the registration of a joint curriculum of Doctoral studies, except in the case the joint curriculum of the Doctoral studies complies with the requirements established in clause 2 of § 22¹ of the Universities Act.

(5) In order to assess the compliance of a joint curriculum and a cooperation contract concerning a joint curriculum with the requirements provided for in §§ 22¹ and 22² of the Universities Act, the minister in charge

of the policy sector orders an assessment of the joint curriculum and the cooperation contract concerning the joint curriculum by a directive and forms an ad hoc expert committee which conducts the assessment. Before the conduct of an assessment, the educational institution agreed upon in the cooperation contract concerning the joint curriculum pays, within one month as of the issuing of the directive specified in this subsection, a deposit in an amount prescribed in the directive which must not be higher than 10,000 kroons and which is returned where the results of the assessment turn out to be positive. Where the results of the assessment turn out to be negative, the costs related to the conduct of assessment are borne by the educational institution agreed upon in the cooperation contract concerning the joint curriculum.

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

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

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

§ 38. Opening joint curriculum until 31 December 2010

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

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

(3) Upon opening a joint curriculum for Doctoral studies, an education licence is issued to the owner of a private school, unless the joint curriculum of Doctoral studies complies with the requirements established in clause 2 of § 22¹ of the Universities Act.
[RT I 2009, 48, 324 – entry into force 23.10.2009]

§ 39. Validity of education licences issued for specific term

[Repealed – RT I, 25.03.2011, 1 – entry into force 01.07.2014 (entry into force amended – RT I, 22.12.2013, 1)]

§ 40. One-off selective accreditation of vocational education

During 2011, a one-off selective accreditation of the study programme groups is carried out in vocational educational institutions and institutions of professional higher education where vocational instruction is provided in study programme groups of accommodation and catering or construction and civil engineering works. A one-off selective accreditation and participation therein takes place in accordance with the procedure established in § 37² of the Vocational Educational Institutions Act and in accordance with the procedure established on the basis thereof.
[RT I, 08.07.2011, 3 – entry into force 18.07.2011]

§ 41. Transition to right of provision of vocational instruction

(1) The right to provide vocational instruction is deemed as granted to the owner of a private school providing vocational instruction before 1 September 2013 for three years in a study programme group where the curriculum for which the owner of the school was given an educational licence belongs.

(2) To extend the right to provide vocational education, the study programme group specified in subsection 1 of this section is accredited on the basis of a schedule drawn up by the accreditation institution.
[RT I, 02.07.2013, 1 – entry into force 01.09.2013]

(3) It is deemed that the right to provide education to study programme groups for which the school holds a six-year accreditation as of 31 August 2019 is granted for an unspecified period. The quality of vocational education provided by those who have obtained the right to provide education for an unspecified period is assessed in accordance with § 14¹ of the Vocational Educational Institutions Act.
[RT I, 28.12.2018, 3 – entry into force 01.01.2019]

(4) In the study programme groups in which the school holds a three-year right to provide education as of 31 August 2019, an expert assessment of the right to provide education is carried out in accordance with § 11 of the Vocational Educational Institutions Act. The costs of the expert assessment are covered by the Ministry of Education and Research.
[RT I, 28.12.2018, 3 – entry into force 01.01.2019]

§ 42. Formation of body of advisors of vocational educational institution

The body of advisors specified in § 21² of this Act is formed in a vocational education institution by 1 January 2014.
[RT I, 02.07.2013, 1 – entry into force 01.09.2013]

§ 43. Forms of operation of private 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]

§ 44. Support for covering operating expenses of private general education school

(1) Support for covering the operating expenses of a private general education school is allocated from the state budget until 31 December 2019 based on the number of students studying in the private general education school and the average amount of the operating expenses of a student place of the general education schools of the local authority in whose administrative territory the private general education school operates.

(2) The rate of the allocated support is 75 per cent of the average amount of the operating expenses of a student place in the local authority specified in subsection 1 of this section in 2016 based on the Estonian Education Information System, but no more than the limit of the operating expenses of a student place set for 2016 based on subsection 7 of § 83 of the Basic Schools and Upper Secondary Schools Act.

(3) The support is allocated based on the number of students of the private general education school as of November 10 of the year preceding the budgetary year according to the Estonian Education Information System.

(4) To allocate support for covering operating expenses, the owner of the private general education school and the Ministry of Education and Research enter into a contract.
[RT I, 16.06.2016, 1 – entry into force 01.01.2017]

(5) Support for covering operating expenses is not allocated under this section for students subject to enhanced support and special support.
[RT I, 22.01.2018, 1 – entry into force 01.02.2018]

§ 44¹. Implementation of operating expenses support paid based on § 22³ of this Act

(1) Where operating expenses support is allocated to the owner of a private school based on § 22³ of this Act, support is not allocated to the owner of the private school for covering the operating expenses of the private general education school in accordance with the procedure provided for in subsections 1 to 4 of § 44 of this Act.

(2) Operating expenses support is allocated in 2018 in accordance with the procedure established in § 22³ of this Act as of 1 January 2018 at the request of the owner of the private school.

(3) The four-year operation requirement specified in clause 1 of subsection 3 of § 22³ of this Act is not applied as a condition for allocation of operating expenses support to private general education schools that have received the activity licence before 1 January 2018. The requirement of an activity licence issued for an unspecified time, which is specified in the same clause, applies to those private general education schools as a condition for allocation of operating expenses support as of 1 January 2020.

(4) The tuition amount requirement specified in clause 2 of subsection 3 of § 22³ of this Act is applied as a condition for allocation of operating expenses support as of academic year 2020/2021.

(5) Until academic year 2019/2020, the tuition fee of a private general education school for the purpose of receiving the operating expenses support specified in § 22³ of this Act must be less than 35 per cent of the minimum monthly salary established on the basis of subsection 5 of § 29 of the Employment Contracts Act.

(6) The requirement of the consent of the local authority specified in clause 6 of subsection 3 of § 22³ of this Act is applied as a condition for allocating operating expenses support as of 1 January 2020.
[RT I, 22.01.2018, 2 – entry into force 01.02.2018]

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

On the basis of subsection 2 of § 22 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]

§ 45. Support for covering operating expenses of private general education school for students with special educational needs

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