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Institutions of Professional Higher Education Act

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19.06.2014	RT I, 29.06.2014, 109	01.07.2014, the ministers' official titles have been replaced on the basis of subsection 107 ³ (4) of the Government of the Republic Act.

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12.12.2018	RT I, 28.12.2018, 3	01.01.2019

Chapter 1 GENERAL PROVISIONS

§ 1. Scope of application of Act

(1) This Act lays down the grounds for the establishment, reorganisation, operation and closure of state institutions of professional higher education, the principles of management of such institutions, the conditions for acquiring higher education, the grounds for the organisation of studies, the basic rights and obligations of students, and the grounds for the budget, financing and administrative supervision of institutions of professional higher education.

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

(2) [Repealed – RT I 2003, 20, 116 – entry into force 10.03.2003]

(3) This Act applies to private institutions of professional higher education insofar as the Private Schools Act does not provide otherwise.

(4) 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.

[RT I 2002, 61, 375 – entry into force 01.08.2002]

§ 2. Institution of professional higher education

(1) An institution of professional higher education is an educational institution where professional higher education is provided, where Master's studies and vocational studies may be pursued, and where at least two thirds of the pupils and students study under professional higher education curricula.

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

(2) An institution of professional higher education for public defence is an educational institution where professional higher education in internal security and under other public service curricula specified in the statutes of the institution of professional higher education for public defence is provided, and where Master's studies and vocational studies may be pursued.

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

(3) An institution of professional higher education for national defence is an educational institution of the Defence Forces where professional higher education is provided under military curricula, and where Master's studies and vocational studies may be pursued.

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

(4) The functions of an institution of professional higher education are to promote lifelong learning corresponding to the needs of the labour market, to provide services including education and development, conduct applied research and help students become responsible citizens who are able to demonstrate initiative. Upon carrying out their mission, institutions of professional higher education cooperate with different institutions and actively communicate with the public, supporting the development of society through effective development and innovation as well as applied research in their field.

[RT I 2008, 34, 208 – entry into force 01.09.2009]

§ 3. Legal status of institution of professional higher education

(1) Institutions of professional higher education are state agencies administered by the Ministry of Education and Research.

(2) Institutions of professional higher education for public defence are state agencies administered by the Ministry of the Interior.

(3) Institutions of professional higher education for national defence are structural units of the Defence Forces.

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

§ 4. Statutes of institution of professional higher education

(1) The statutes of an institution of professional higher education must contain the following information concerning the institution:

- 1) the name in Estonian and English and the seat;
[RT I 2008, 34, 208 – entry into force 01.09.2008]
- 2) the name of the governmental authority that administers the institution;
- 3) the area of activity and the type of curriculum;
- 4) the grounds for the organisation of studies;
- 5) the management procedure;
- 6) members and their rights and obligations;
- 7) the structure and the management of structural units;
- 8) reporting and auditing;
- 9) the principles of election of the student council;
- 10) other material provisions concerning the organisation of operations.

(2) The statutes of an institution of professional higher education will be established by a regulation of the minister responsible for the field.

[RT I, 03.07.2014, 17 – entry into force 01.01.2015]

(3) The statutes of an institution of professional higher education for national defence will be established by a regulation of the minister responsible for the field.

[RT I, 03.07.2014, 17 – entry into force 01.01.2015]

(4) The statutes of an institution of professional higher education for public defence will be established by a regulation of the minister responsible for the field.

[RT I, 03.07.2014, 17 – entry into force 01.01.2015]

§ 5. Establishment of institution of professional higher education

The Government of the Republic will establish an institution of professional higher education on the proposal of the minister who directs the ministry under whose area of government the institution of professional higher education belongs.

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

§ 5¹. [Repealed – RT I 2008, 34, 208 – entry into force 01.09.2008]

Chapter 2 MANAGEMENT AND STRUCTURE

§ 6. Rector

(1) An institution of professional higher education is directed by a rector. The rector is in charge of the general state and development of the institution of professional higher education and for the legitimate and practical use of financial resources.

(1¹) An institution of professional higher education for national defence is directed by a commander who has the competence of a rector of an institution of professional higher education as provided for in this Act. The commander of an institution of professional higher education for national defence is a member of the institution. Subsection 7 (2) of this Act does not apply to the commander of an institution of professional higher education for national defence.

(2) The rector:

- 1) exercises the highest administrative and disciplinary authority in the institution within the limits of their competence;
- 2) represents the institution within the limits of the authorisation granted to them by this Act and the statutes of the institution;
- 2¹) appoints vice rectors and conclude employment contracts with them for a term of up to five years;
[RT I 2009, 48, 324 – entry into force 23.10.2009]
- 3) approves the internal procedure rules and documentary procedure rules of the institution by a directive;
- 4) approves the statutes of structural units of the institution by a directive;
- 5) ensures practical provision of education and development;
- 6) ensures that the draft budget and an application for financing the institution are drawn up;
- 7) approves the budget of the institution and ensure that it is implemented;

- 8) controls the budgetary funds of the institution within the limits of the authorisation granted to them by this Act and the statutes of the institution;
- 9) is accountable to the council of the institution and to the minister who directs the ministry under whose area of government the institution belongs;
- 10) resolves other issues placed within their competence by this Act and the statutes of the institution.

(3) The rector issues directives within the limits of their competence.
[RT I 2003, 20, 116 – entry into force 10.03.2003]

§ 7. Appointment of rector to office and release of rector from office

(1) A rector is elected by way of a public competition for a term of up five years in accordance with the procedure established by a regulation of the minister who directs the ministry under whose area of government the institution of professional higher education belongs. The minister who directs the ministry under whose area of government the institution belongs or the authorised representative of the minister concludes an employment contract with the rector.

[RT I, 03.07.2014, 17 – entry into force 01.01.2015]

(2) After being released from the duties of rector, a rector has the right to return to the position they occupied in the same institution prior to their election as rector.

(3) The Commander of the Defence Forces appoints the commander of an institution of professional higher education for national defence to office with the consent of the minister responsible for the field and the minister responsible for the field.

[RT I 2005, 37, 282 – entry into force 10.07.2005]

§ 8. Requirements for rector candidates

(1) Any person who is an Estonian citizen and who is or has been elected to the position of a professor or has been awarded at least a Master's degree or equal qualifications may be a candidate for the position of rector of an institution of professional higher education.

(2) If Master's study is conducted at an institution of professional higher education, any person who is an Estonian citizen and has been awarded a Doctorate or equal qualifications may be a candidate for the position of rector of the institution.

(3) Any person who, in addition to the requirements specified in subsections (1) and (2) of this section, has at least three years of management experience may run as a candidate for the position of the rector of an institution of professional higher education for public defence. If Master's study is undertaken in an institution of professional higher education for public defence, a person holding a Doctorate or equal qualifications or a person holding a Master's degree or equal qualifications and having at least five years of management experience may run as a candidate for the position of the rector of the institution.

[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

(4) An active serviceman with at least the rank of a senior officer who has been awarded a Master's degree or equal qualifications may be appointed to the position of commander of an institution of professional higher education for national defence. If Master's study is undertaken at an institution of professional higher education for national defence, an active serviceman with the rank of at least a senior officer who has been awarded a Doctorate or has equal qualifications or an active serviceman with at least the rank of a colonel who has been awarded a Master's degree or equal qualifications may be appointed commander of an institution of professional higher education for national defence. In all events provided for in this section, at least three years' experience of active service in a position requiring the rank of a senior officer is required.

[RT I, 10.07.2012, 2 – entry into force 01.04.2013]

§ 9. Council of institution of professional higher education

(1) The highest collegial decision-making body of an institution of professional higher education is the council of the institution (hereinafter *council*), the procedure for formation and the rules of procedure of which are provided for in the statutes of the institution.

(2) The following persons belong to the council:

- 1) the rector;
- 2) the vice rector(s);
- 3) representatives of teachers;
- 4) representatives of the student council who make up at least one-fifth of the membership of the council;
- 5) other persons prescribed by the statutes.

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

(3) The rector is the chair of the council.

(4) The council:

1) makes proposals for the initiation of amendment of the statutes of the institution to the minister who directs the ministry under whose area of government the institution belongs;

2) adopts a development plan for the institution, submit it for approval to the ministry under whose area of government the institution belongs and, in the event of an institution of professional higher education for national defence or public defence, obtain prior approval for the development plan from the Ministry of Education and Research;

[RT I, 03.07.2014, 17 – entry into force 01.01.2015]

3) approves the report on implementation of the budget of the institution;

4) elects the ordinary teaching staff;

4¹) establishes the conditions of and procedure for evaluation of teaching staff and research staff;

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

4²) establishes the terms and procedure for admission of students, including the minimum requirements for the level of proficiency of the language of instruction for the purpose of evaluation of the sufficiency of aliens' proficiency of the language of instruction in accordance with subsection 168 (2) of the Aliens Act;

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

4³) establishes the terms and procedure for exclusion of students from the institution;

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

5) makes decisions, to the extent and in accordance with the procedure provided by legislation, on issues relating to state assets that the institution is granted use of;

5¹) approves the conditions and procedure for assessing the qualifications of teaching staff and for taking account of the previous study results and professional experience of students;

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

5²) approves a joint curriculum before its approval by the minister under whose area of government the institution belongs and approves the conclusion of a cooperation contract on the joint curriculum;

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

6) resolves other issues placed within its competence in accordance with this Act and the statutes of the institution.

(5) The council makes decisions within the limits of its competence.

(6) A decision of the council is signed by the chair or, in their absence, by the eldest member of the council.

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

§ 10. Advisory body

(1) The advisory body is a body of advisors connecting an institution of professional higher education and society, which is comprised of representatives of the economic community, cultural community, registered professional and industry associations, federations of employers, state agencies, and local authority agencies.

(1¹) The heads of the relevant ministries and authorities operating in the fields covered by the curricula of an institution of professional higher education for public defence and other persons designated by the minister responsible for the field belong to the advisory body of the institution.

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

(1²) Representatives of the Ministry of Defence and the Defence Forces and other recognised national defence specialists belong to the advisory body of an institution of professional higher education for national defence.

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

(2) The minister who directs the ministry under whose area of government an institution of professional higher education belongs determines the number of members of its advisory body and their term of office, appoints the members of the advisory body and approves the rules of procedure of the body. The advisory body elects the chair of the body from among its members.

(3) At least once a year, the advisory body makes proposals and provides assessments to the council, to the minister who directs the ministry under whose area of government the institution belongs and, in the event of an institution of professional higher education for national or public defence, also to the minister responsible for the field on issues relating to the development of the institution, including issues relating to the development of curricula.

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

(4) An authorised representative of the advisory body has the right to participate in council meetings.

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

§ 10¹. Structure of institution of professional higher education

(1) The structural units of an institution of professional higher education are formed, altered and terminated by a decision of the council. The grounds for the operations of a structural unit of an institution of professional higher education will be established by the statutes approved by the rector.

(2) The structure of an institution of professional higher education may comprise agencies of the institution, which operate on the basis of statutes coordinated with the council and approved by the rector. The head of an agency of an institution of professional higher education is elected by way of a public competition for a term of up to five years on the conditions and in accordance with the procedure established by the council. The rector concludes an employment contract with the head of an agency of an institution of professional higher education.
[RT I 2009, 48, 324 – entry into force 23.10.2009]

Chapter 3 ORGANISATION OF STUDIES

§ 11. Admission to and exclusion from institution of professional higher education

(1) All persons with secondary education or equal foreign qualifications have equal right to compete for admission to an institution of professional higher education.
[RT I 2003, 20, 116 – entry into force 10.03.2003]

(1¹) All persons with secondary education or equal foreign qualifications who meet the requirements for entry into service in an occupation or profession corresponding to their curriculum, except requirements regarding age and vocational or occupational training, have equal right to compete for admission to an institution of professional higher education for public defence to study under internal security curricula. These requirements may also be extended to other public service curricula by the statutes of the institution of professional higher education for public defence if this is necessary to achieve the study objectives.
[RT I 2003, 20, 116 – entry into force 10.03.2003]

(1²) All Estonian citizens with secondary education or equal foreign qualifications who meet the requirements for admission to active service provided for in the Defence Forces Service Act and legislation adopted on the basis thereof have equal right to compete for admission to an institution of professional higher education for national defence to study under military curricula.
[RT I, 10.07.2012, 2 – entry into force 01.04.2013]

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

§ 12. Standard of Higher Education

(1) Uniform requirements for higher education studies will be established by a regulation of the Government of the Republic in the Standard of Higher Education.
[RT I 2008, 34, 208 – entry into force 01.09.2008]

(2) The Standard of Higher Education sets out the following:

- 1) requirements for curricula, including requirements for joint curricula and requirements for studies and graduation theses or final examinations;
 - 2) goals and objectives of higher education studies, learning outcomes to be achieved, total volume of study, including the principles of taking into account previous studies and work experience;
 - 3) general requirements for teaching staff and principles of establishment of special requirements, including principles of establishment of requirements for the research, pedagogical and professional qualifications of teaching staff;
 - 4) list of broad groups and fields of study;
 - 5) study programme groups where a specific educational institution has the right to provide instruction and issue respective academic degrees and diplomas.
- [RT I 2008, 34, 208 – entry into force 01.09.2008]

§ 12¹. General requirements for organisation of studies

(1) The study load is calculated in credit points. One credit point corresponds to 40 hours or one week of study by a student. The study load of one academic year is 40 credit points or at least 40 credit points in an institution of professional higher education for national defence. Upon implementation of the European Credit Transfer and Accumulation System (ECTS), one credit point corresponds to 26 hours of work spent by a student on studies, amounting to 1560 hours and 60 credit points per year. A system of calculation of the study load different from the one set out in this subsection may be applied with regard to a portion of a joint curriculum pursued in a foreign educational institution.
[RT I 2008, 34, 208 – entry into force 01.09.2008]

(2) In professional higher education or Master's study, an institution of professional higher education may take into account previous study results and professional experience in accordance with the principles of the Standard of Higher Education and to the extent and in accordance with the procedure established by the council of the institution.

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

(2¹) An institution of professional higher education enables students to attend lectures or otherwise participate in studies, pass examinations and assessments or otherwise complete the curriculum in accordance with the procedure established by the council of the institution of professional higher education.

[RT I, 30.05.2012, 1 – entry into force 01.01.2013]

(3) Academic leave taken by a student is not included in the standard period of study. A student is not entitled to complete the curriculum during their stay on academic leave, except if the student:

- 1) has a moderate, severe or profound disability, or
- 2) is a parent or guardian of a child under the age of three years or of a child with a disability, or
- 3) is on academic leave in connection with serving in the Defence Forces or in alternative service.

[RT I, 10.07.2012, 2 – entry into force 01.04.2013]

§ 12². Joint curriculum

In an institution of professional higher education, instruction may be provided on the basis of clause 13¹) of section 2 of the Universities Act in the framework of professional higher education and the same level of higher education and Master's study. Sections 22¹–22² and 22⁴ of the Universities Act apply to opening a joint curriculum.

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

§ 13. [Repealed - RT I 2002, 56, 348 – entry into force 05.07.2002]

§ 14. [Repealed – RT I 2002, 56, 348 – entry into force 05.07.2002]

§ 15. Professional higher education

(1) Professional higher education means instruction provided at the first level of higher education during which a student acquires the competencies necessary for pursuing a particular profession or continuing their education in Master's study.

(2) The standard period of study in professional higher education is three to four years. The standard period of study in obstetrics is four and a half years. The standard period of nursing study is generally three and a half years or, in the event of supplementary specialisation, four and a half years.

(3) The prerequisite for commencement of the acquisition of professional higher education is secondary education or equal foreign qualifications.

(4) Study in professional higher education ends with a final examination or the defence of a graduation thesis.

(5) A person who has acquired professional higher education has the right to continue their education in Master's study on the conditions and in accordance with the procedure established by the council of the educational institution.

(6) The framework requirements for midwifery and nursing studies will be established by a regulation of the Government of the Republic.

[RT I 2004, 45, 316 – entry into force 27.05.2004]

§ 15¹. Vocational education

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

(1) Study at an institution of professional higher education may be undertaken in the same study programme group as the curricula of professional higher education, provided that the learning outcomes of the curricula correspond to the fifth level of the qualifications framework established in the Professions Act. An institution of professional higher education for public defence, institution of professional higher maritime education and institution of professional higher education providing instruction in the field of vocational health care education may provide formal vocational education. The right to provide vocational education is granted to an institution of professional higher education in accordance with the procedure established in Chapter 3 of Vocational Education Institutions Act.

(2) An institution of professional higher education coordinates the introduction of vocational education with the ministry under whose area of government the institution belongs.

(3) The provisions of the Vocational Educational Institutions Act regulating vocational education curricula, the organisation of studies, teachers, financing, granting of the right to provide vocational education and the assessment of the quality of vocational education also apply to the implementation of vocational education in institutions of professional higher education.

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

§ 15². Master's study

(1) The provisions of the Universities Act regulating Master's study apply to the implementation of Master's curricula in institutions of professional higher education, with the specifications arising from this section.

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

(2) Master's study may be conducted in an institution of professional higher education on the following conditions:

1) as continuation of a curriculum of professional higher education in the same field of study;

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

2) [Repealed – RT I, 12.12.2011, 1 – entry into force 13.12.2011]

3) the rector of the institution complies with the requirements established for rector candidates in § 8 of this Act.

[RT I 2006, 49, 369 – entry into force 20.11.2006]

(3) The right to provide instruction at the level of Master's study is granted to an institution of professional higher education on the basis of curricula, following the procedure established in subsections 16¹(2) to (12) of this Act regarding application for the right, processing applications and revoking the right to provide instruction under a curriculum, taking into account the specifications arising from this section. After granting the right to provide education under a Master's curriculum, the curriculum is registered in the Estonian Education Information System established on the basis of subsection 36⁶(4) of the Republic of Estonia Education Act.

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

(4) The standard period of Master's study is one to two years. The total standard period of study in professional higher education and Master's studies is at least five years.

(5) The prerequisite for the commencement of Master's study is a Bachelor's degree, higher education acquired by completing a professional higher education curriculum or equal qualifications plus work experience of at least one year in a field of study corresponding to the Master's curriculum. The requirement for one year of work experience does not apply to a joint curriculum if some of the joint curriculum is carried out in a university or in a foreign educational institution. Depending on the characteristics of the field of study, the council of an institution of professional higher education has the right to establish a requirement for longer work experience as a prerequisite for the commencement of Master's study.

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

§ 16. [Repealed – RT I 2008, 34, 208 – entry into force 01.01.2011]

§ 16¹. Granting right to provide instruction

(1) The basis for provision of instruction is curricula corresponding to the Standard of Higher Education, which have been approved by the council of the institution of professional higher education and registered in the Estonian Education Information System established on the basis of subsection 36⁶(4) of the Republic of Estonia Education Act.

(2) The study programme groups where an institution of professional higher education has the right to open curricula and the academic degrees and diplomas awarded in the institution will be specified by the Government of the Republic on the proposal of the minister responsible for the field in the Annex to the Standard of Higher Education.

(3) For the purpose of opening a curriculum in a new study programme group, an institution of professional higher education submits an application to the ministry under whose area of government the institution belongs.

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

(4) If an institution of professional higher education that does not belong in the area of government of the Ministry of Education and Research applies for opening a curriculum in a new study programme group, the ministry under whose area of government the institution belongs will submit an application and the data specified in subsection (5) of this section to the Ministry of Education and Research within one month as of the submission of the application.

(5) The institution of professional higher education encloses the following with the application:

1) information about the curricula under which instruction is to be provided, including the objectives and learning outcomes of the curricula;

- 2) information about the ordinary teaching staff who are to provide instruction and of their qualifications;
- 3) information about the facilities and amenities required for teaching, learning and research, and about the sources of financing instruction;
- 4) reasons for the need to open a study, including information about the target group and proposals of the professional associations.
- 5) [Repealed – RT I, 12.12.2011, 1 – entry into force 01.01.2012]

(6) The Ministry of Education and Research organises expert assessment of the application and enclosed information, thereby assessing whether the quality of instruction, including the qualification requirements for teaching staff established by the council and the qualifications of the teaching staff involved in teaching and the resources required for provision of instruction are sufficient and whether the described learning outcomes can be achieved by the curriculum and whether they comply with the requirements for provision of instruction at the level of higher education and whether opening the study is reasoned. The Ministry of Education and Research involves the Estonian Higher Education Quality Agency in the assessment of the quality of instruction. The costs of the expert assessment are borne by the applicant, except in the event specified in subsection 21 (6). [RT I, 12.12.2011, 1 – entry into force 01.01.2012]

(7) Before the expert assessment specified in subsection (6) of this section, the minister responsible for the field sends a maritime education curriculum of an institution of professional higher maritime education to the Maritime Administration for approval. The institution also submits to the Maritime Administration the list of technical teaching aids and simulators and the list of teaching staff. The Maritime Administration assesses whether the curriculum complies with the international legislation regulating the respective profession, whether the teaching staff teaching practical specialities have professional work experience and whether the facilities and amenities allow for the provision of instruction at the given level. The Maritime Administration submits its opinion along with reasons to the minister responsible for the field within one month after the receipt of the curriculum.

(8) On the proposal of the minister responsible for the field the Government of the Republic has the right to:

- 1) grant an institution of professional higher education the right to provide instruction in a study programme group and award academic degrees or diplomas following completion of the curriculum;
- 2) for a term of one to three years, grant an institution of professional higher education the right to provide instruction in a study programme group and to award academic degrees or diplomas following completion of the curriculum.

(9) If the minister responsible for the field makes the proposal specified in clause 2) of subsection (8) of this section, the Minister will set a term upon whose expiry a repeat expert assessment of the study programme group will be carried out in accordance with the procedure provided for in subsections (3) to (7) of this section.

(10) If, based on the results of the expert assessment, the minister responsible for the field rejects the application for opening a curriculum in the new study programme group, the Minister will issue a directive rejecting the application.

(11) On the proposal of the minister responsible for the field, the Government of the Republic has the right to revoke the right specified in subsection (2) of this section if:

- 1) in the course of supervisory control or administrative supervision, the unlawfulness of the operations of an institution of professional higher education has been identified and a precept made for the purpose of stopping the infringement, prevention of further infringements and elimination of consequences caused by the infringement has not been complied with;

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

- 2) in the course of supervisory control or administrative supervision, it has been identified that the quality of the instruction assessed on the basis of clauses 1) to 3) of subsection (5) of this section has considerably worsened or the management, work organisation, instruction and research, and the environment of teaching, learning and research in an institution of professional higher education does not comply with the requirements;

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

- 3) an institution of professional higher education has failed to perform the duties provided for in subsection 21 (2) or subsection 21¹(2) of this Act;

- 4) on the proposal of the Minister under the area of government of whose ministry an institution of professional higher education belongs, the reorganisation or closure of the institution has been initiated;

- 5) the minister responsible for the field should, for the third time, make a proposal to the Government of the Republic regarding the same study programme group to grant the right to provide instruction and award respective academic degrees and diplomas in the study programme group for a term of one to three years.

(12) If the Government of the Republic revokes the right specified in subsection (2) of this section invalid, the institution of professional higher education will terminate admission and teaching in the respective study programme group and, in cooperation with the Ministry of Education and Research, enable students to continue their studies in the same or another educational institution in the same or similar field of study.

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

§ 17. Language of instruction

The language of instruction at institutions of professional higher education is Estonian. The use of other languages is decided by the minister who directs the ministry under whose area of government the particular institution of professional higher education belongs.
[RT I 2003, 20, 116 – entry into force 10.03.2003]

§ 18. Full-time study, part-time study and external study

(1) Study may be undertaken at an institution of professional higher education in the form of full-time study, part-time study or external study.

(2) In full-time study, a student cumulatively completes at least 75 per cent of the study load subject to completion under the curriculum by the end of each academic year. The council of an institution of professional higher education may specify curricula under which only full-time study may be undertaken and curricula regarding which higher requirements are set for full-time study undertaken thereunder.

(3) In part-time study, a student cumulatively completes 50 to 75 per cent of the study load subject to completion under the curriculum by the end of each academic year.
[RT I, 30.05.2012, 1 – entry into force 01.01.2013]

(4) When a student enrolls at an institution of professional higher education, they designate whether they are to study full-time or part-time in the first academic year, unless only full-time study may be conducted under the curriculum. In the following academic years, the institution of professional higher education bases its determination of whether the student is studying full-time or part-time on the student's completion of the study load subject to completion under the curriculum by the end of each academic year. The institution of professional higher education transfers a student who does not meet the requirements of full-time study to part-time study without excluding the student from the institution.
[RT I, 30.05.2012, 1 – entry into force 01.01.2013]

(4¹) In the event of studying under a joint curriculum, the study load completed in all the educational institutions participating in the joint curriculum is taken into account in determining full-time study and part-time study.
[RT I 2008, 34, 208 – entry into force 01.09.2008]

(5) Students at an institution of professional higher education for national defence have the right to be enrolled in part-time study only in the events provided for in the statutes of the institution.

(6) In external study, studying is an independent activity of a student in the course of which the student has the opportunity, under a contract, to use the study services provided by the institution of professional higher education under a curriculum to the extent and according to the structure requested by the student.

(7) The provisions of the Adult Education Act regulating formal education acquired within the adult education system extend to students enrolled in part-time study and external study.
[RT I, 23.03.2015, 5 – entry into force 01.07.2015]

§ 19. Graduation from institution of professional higher education

(1) If a student has passed the graded and pass-fail examinations and undergone the practical training prescribed in the curriculum, collected the required credit points and defended the graduation thesis or passed the final examination, the graduate will be awarded a diploma or, in the events specified in this section, a joint diploma certifying completion of the curriculum and the awarded qualifications together with a diploma supplement.
[RT I 2008, 34, 208 – entry into force 01.09.2008]

(2) A graduate may, on the conditions established by a regulation of the minister responsible for the field, be awarded a diploma *cum laude*.

(2¹) An institution of professional higher education has the right to award only national graduation documents. An institution of professional higher education issues graduation documents certifying higher education on the conditions and in accordance with the procedure established in the format and statute of diplomas and diploma supplements approved by a regulation of the Government of the Republic.
[RT I 2008, 34, 208 - entry into force 01.09.2008]

(2²) An institution of professional higher education issues, free of charge, a diploma supplement in English to a person who has graduated from the institution.

(2³) [Repealed – RT I 2008, 34, 208 – entry into force 01.08.2008]

(2⁴) [Repealed – RT I 2008, 34, 208 – entry into force 01.08.2008]

(2⁵) In the event of fulfilment of the conditions specified in subsection (2¹) of this section, a person who has fully completed a joint curriculum is given a joint diploma as the national document certifying education.
[RT I 2008, 34, 208 – entry into force 01.09.2008]

(2⁶) If a portion of a joint curriculum is undertaken in a foreign educational institution, a person who has fully completed the joint curriculum will receive:

1) from Estonian educational institutions participating in the joint curriculum, a national document certifying education – a diploma in accordance with subsection (2¹) of this section if one Estonian educational institution participates in the joint curriculum or a joint diploma in accordance with subsection (2⁵) of this section if at least two Estonian educational institutions participate in the joint curriculum;

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

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

(2⁷) An institution of professional higher education issues graduation documents certifying education to a person free of charge.

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

(3) The format and statute of diplomas and diploma supplements will be approved by a regulation of the Government of the Republic.

(4) Graduation documents issued by institutions of professional higher education are entered in the Estonian Education Information System founded on the basis of subsection 36⁶(4) of the Republic of Estonia Education Act.

[RT I 2004, 56, 404 – entry into force 01.09.2004]

§ 20. Further training

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

(1) Further training means refresher training for the purposes of the Adult Education Act.

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

(2) The formats of further training organised in an institution of professional higher education and the procedure for provision of further training will be established by the council of the institution.

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

§ 21. Institutional accreditation

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

(1) The institutional accreditation of an institution of professional higher education means external assessment in the course of which the compliance of the management, work organisation, teaching and research activities, and teaching, learning and research environment of the institution with the objectives and development plan of the institution is assessed.

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

(2) An institution of professional higher education is obligated to ensure that the Estonian Higher Education Quality Agency specified in § 10 or a foreign quality agency acting in concert with its and the ministry under whose area of government the institution belongs, carries out the institutional accreditation of the institution at least once in seven years or, in the event specified in clause 2) of subsection (3) of this section, within the term specified by the Estonian Higher Education Quality Agency.

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

(3) Following the institutional accreditation, the Estonian Higher Education Agency:

1) makes an assessment that the management, work organisation, teaching and research activities and the teaching, learning and research environment of the institution of professional higher education comply with the requirements and make a decision to accredit the institution for seven years;

2) makes an assessment that the management, work organisation, teaching and research activities and the teaching, learning and research environment of the institution of professional higher education have defects, give instructions for eliminating them and make a decision to accredit the institution for three years;

3) makes an assessment that the management, work organisation, teaching and research activities and the teaching, learning and research environment of the institution of professional higher education do not comply with the requirements and make a decision not to accredit the institution.

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

(4) In the event specified in clause 3) of subsection (3) of this section, the minister responsible for the field will:

- 1) give the institution of professional higher education a term of up to two years for elimination of the defects detected in the institutional accreditation and for participation in a new institutional accreditation, or
- 2) make a proposal to the Government of the Republic to revoke the right granted to the institution of professional higher education to provide instruction in study programme groups and award respective academic degrees and diplomas and will initiate the reorganisation or closure of the institution.

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

(5) Expenses relating to institutional accreditation are covered from the state budget.
[RT I 2008, 34, 208 – entry into force 01.09.2008]

(6) In the event specified in clause 2) of subsection (4) of this section, the minister responsible for the field will, if possible, initiate the granting of the right to provide instruction in study programme groups and to award the respective academic degrees or diplomas to another educational institution along with the obligation to ensure the quality and resources for provision of instruction in the curriculum group and give as many students of the study programme group as possible the chance to continue their studies. Subsections 16¹(2) to (5) of this Act do not apply to the procedure for granting the right to provide instruction in the study programme group under such circumstances and the costs of the expert assessment will be covered from the state budget.
[RT I, 08.11.2010, 4 – entry into force 01.01.2011]

§ 21¹. Quality assessment of study programme group

(1) Assessment of the quality of a study programme group means external assessment in the course of which the compliance of curricula as well as the study and study-related development based on the curricula with legislation, national and international standards and developments are assessed for the purpose of making recommendations for improvement of the quality of study.
[RT I, 08.11.2010, 4 – entry into force 18.11.2010]

(2) An institution of professional higher education is obligated to ensure that the Estonian Higher Education Quality Agency created on the basis of § 10 of the Universities Act or, in concert with it and the ministry under whose area of government the institution belongs, assesses the quality of the study programme group at least once in seven years or within a shorter term set by the Estonian Higher Education Agency.
[RT I, 08.11.2010, 4 – entry into force 18.11.2010]

(3) Expenses relating to quality assessment are covered from the state budget.
[RT I 2008, 34, 208 – entry into force 01.09.2008]

Chapter 4 MEMBERS

§ 22. Members

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

(1) The rector, vice rector (vice rectors), teaching staff, research staff, other employees, and the pupils and students of an institution of professional higher education constitute the members of the institution.
[RT I 2003, 20, 116 – entry into force 10.03.2003]

(2) A student means a person who has been admitted (matriculated) to full-time or part-time professional higher education or Master's study in an institution of professional higher education.
[RT I 2008, 34, 208 – entry into force 01.09.2008]

(2¹) In the event of a joint curriculum, the person specified in subsection (2) of this section is admitted (matriculated) to every educational institution providing instruction under the joint curriculum where the student studies.
[RT I 2008, 34, 208 – entry into force 01.09.2008]

(3) For the purposes of this Act, a pupil means a person who pursues vocational studies in an institution of professional higher education. Pupils have the rights and obligations established to pupils under the Vocational Educational Institutions Act.
[RT I, 02.07.2013, 1 – entry into force 01.09.2013]

§ 23. Teaching staff, research staff and other employees

(1) The teaching staff and research staff of an institution of professional higher education include professors, senior lecturers, lecturers, assistants and teachers. Teaching staff is divided into ordinary teaching staff and visiting teaching staff.

(2) A professor is a leading teacher of their profession who participates in research and development or other creative activities at an international level and organises and carries out instruction, leads research and

development or other creative activities and effectively supervises the students, teaching staff and research staff involved in these activities.

(3) A senior lecturer is a teacher who actively participates in research and development or other creative activities and may lead the research and development activities of their profession or other activities, carries out instruction and effectively supervises the students and teaching staff involved in these activities.

(4) A lecturer is a teacher who carries out instruction, may lead research and development projects or other creative activities and supervises students involved in these activities.

(5) An assistant carries out instruction, supervises practical work and field training and students' graduation theses and participates in research and development activities or other creative activities.

(6) A teacher carries out seminars and practical training and exercises and performs other practical teaching duties.

(7) A member of ordinary teaching staff or research staff is elected by way of competition.
[RT I, 03.07.2014, 17 – entry into force 01.01.2015]

(8) Without announcing a competition, the position of a member of ordinary teaching staff or research staff may be filled by the appointment of a person fulfilling the qualification requirements for teaching staff or research staff and concluding a fixed-term employment contract with the person if:

- 1) the competition for electing a member of teaching staff or research staff has been unsuccessful, or
- 2) the work to be performed in the position of temporary and fixed-term character.

[RT I, 03.07.2014, 17 – entry into force 01.01.2015]

(8¹) In the event specified in clause 1) of subsection (8) of this section, a fixed-term employment contract is concluded until the position is filled by a competition, but not for more than five years.
[RT I, 03.07.2014, 17 – entry into force 01.01.2015]

(9) On the conditions established by the council of an institution of professional higher education, the rector has the right to invite researchers or other outstanding persons working in artistic professions or outstanding practitioners of a speciality to carry out teaching as visiting members of the teaching staff for a term of up to five years without announcing a competition.

(10) The requirements applicable to members of the ordinary and visiting teaching staff will be established by the council of an institution of professional higher education on the basis of the principles provided for in the Standard of Higher Education.

(11) The position of a member of the teaching staff of an institution of professional higher education for national defence may be a position of military rank. Only an active serviceman who fulfils the qualifications requirements set out in the Standard of Higher Education may be appointed to a position of military rank. The provisions of subsections (7) to (9) of this section do not apply to the appointment of an active serviceman. Upon appointment of an active serviceman to a position with a military rank, the provisions of the Military Service Act apply.

[RT I, 03.07.2014, 17 – entry into force 01.01.2015]

(12) The council may appoint a member of the teaching staff who has worked as a professor in the institution of professional higher education for at least ten years and reached the age of old-age pension as professor emeritus. The professor emeritus has the right to participate in the activities of the institution of professional higher education, but not fill the position of an ordinary professor, and has the right to receive the pay of a professor emeritus in accordance with the procedure established by the council of the institution.

(13) The requirements applicable to the teaching staff of an institution of professional higher education are provided for in the Research and Development Organisation Act. The research staff of the institution of professional higher education may participate in teaching.

(14) The employment relationships of the employees of an institution of professional higher education are regulated in accordance with the legislation regulating employment relationships. The Military Service Act applies to employment relationships of an active serviceman in a position of military rank.

[RT I, 03.07.2014, 17 – entry into force 01.01.2015]

(15) The position of a member of the teaching staff of an institution of professional higher education for public defence may be the position of a police, rescue service, tax and customs or prison official.

[RT I 2009, 62, 405 - entry into force 01.01.2010]

§ 23¹. Specifications of conclusion of fixed-term employment contracts

Upon consecutive conclusion or renewal of a fixed-term employment contract with a rector, vice rector or visiting member of teaching staff, the employment relationship will not turn into an employment relationship established for an unspecified term.

[RT I, 03.07.2014, 17 – entry into force 01.01.2015]

§ 23². Evaluation of teaching staff and research staff

(1) An institution of professional higher education evaluates its ordinary teaching staff and research staff at least once every five years of work.

(2) If a member of ordinary teaching staff or research staff does not pass evaluation, the employment contract concluded with them may be terminated extraordinarily on the conditions and in accordance with the procedure established in the Employment Contracts Act.

(3) The compliance of an active serviceman in a position of military rank with the position is evaluated and the results of the evaluation are taken into account in accordance with the procedure established in the Military Service Act.

[RT I, 03.07.2014, 17 – entry into force 01.01.2015]

§ 24. Rights and obligations of students

(1) A student has the right to:

1) choose up to ten per cent of the courses for their curriculum from other curricula;

1¹) when studying under a joint curriculum, complete a substantial portion of the joint curriculum in another educational institution participating in the joint curriculum, whereby studying in any form of study is considered studying at another educational institution participating in the joint curriculum;

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

2) use the lecture halls, laboratories, computer rooms, libraries, equipment, facilities and other amenities of the institution of professional higher education free of charge in accordance with the procedure established in the institution;

2¹) acquire higher education without the reimbursement of study costs, unless otherwise specified in this Act;

[RT I, 30.05.2012, 1 – entry into force 01.01.2013]

3) elect their representatives and be elected to the student council of the institution of professional higher education;

3¹) academic affairs and career advice;

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

4) submit through the student council a reasoned proposal to the rector concerning the unsuitability of a member of the teaching staff to teach a course;

5) receive a student allowance and a student loan on the conditions and in accordance with the procedure provided for in the Student Allowances and Student Loans Act;

6) have at least eight weeks of holiday in each academic year;

7) take academic leave, generally of up to one year, once at each level of tertiary education in accordance with the procedure established by the council of the institution of professional higher education, and additional academic leave of up to two years for health reasons and up to one year in the event of service in the Defence Forces or alternative service and to care for a child until the child attains the age of three years;

[RT I, 10.07.2012, 2 – entry into force 01.04.2013]

8) receive information relating to the organisation of studies from the institution of professional higher education;

9) obtain a student identification card in accordance with the procedure established by a regulation of the minister responsible for the field;

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

11) exercise other rights granted to students by law, the statutes and internal procedure rules of the institution of professional higher education and other legislation.

(2) Students must fulfil the obligations imposed on them by this Act, the statutes and internal procedure rules of the institution of professional higher education and other legislation and bear liability for any violation thereof.

(3) The code of ethics of officials applies to students of an institution of professional higher education for public defence. The statutes of an institution of professional higher education for public defence may extend the rights and obligations prescribed for police, prison, rescue and public service officials to the students of the institution of professional higher education for public defence if this is necessary to achieve the study objectives. The right specified in clause 1) of subsection (1) of this section and the right to study allowance specified in clause 5) of the same subsection does not extend to such students.

[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

(3¹) A student of an institution of professional higher education for public defence is paid a scholarship the amount, terms of payment and procedure for payment of which will be established by a regulation of the Government of the Republic or a minister authorised by it.

[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

(4) The rights provided for in this section extend to a student of an institution of professional higher education for national defence who is in active service to the extent provided for in the statutes of the institution. The statutes extend the respective rights insofar as these are not in conflict with the regulation concerning service in the Defence Forces.

[RT I, 10.07.2012, 2 – entry into force 01.04.2013]

(5) A student of an institution of professional higher maritime education who studies under a curriculum serving as the basis for crew member training regulated by the Maritime Safety Act has the right to catering and a uniform financed from the state budget.

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

§ 25. Student body and student council

(1) The students and pupils of an institution of professional higher education constitute a student body.

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

(2) A student body independently decides on and manages, in accordance with law and legislation issued on the basis thereof, issues of student life based on the interests, needs, rights and obligations of students.

(3) A student body has the right to:

1) form representative, executive and supervisory bodies as well as associations and organisations with other student bodies on the grounds and in accordance with the procedure provided by legislation;

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

2) become a member of corresponding international organisations or to develop cooperation with such organisations;

3) elect their representatives to the council of the institution of professional higher education;

3¹) make proposals for improvement of the organisation of studies and management of the institution of professional higher education and consistently participate in the respective activities of the institution;

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

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

(4) A student body has statutes which set out the procedure for the formation, rights, obligations and liability of the student body's representative, executive and supervisory bodies, the principles of work organisation of these bodies, the grounds of student initiative and student voting, and other functions required for the attainment of the objectives specified in subsection (2) of this section.

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

(5) A student body adopts its statutes in accordance with the procedure provided for in the statutes of the institution of professional higher education. The student council submits the statutes of the student body to the council of the institution of professional higher education for approval. The council approves the statutes of the student body if the statutes comply with law, legislation issued on the basis thereof and internationally recognised democratic principles.

(6) The representative body of a student body, which is in charge of and governs the student body, is the democratically elected student council which represents the student body in relations with the institution of professional higher education and with Estonian and international organisations, agencies and persons.

(7) All the students of an institution of professional higher education have the right to elect the student council. The statutes of a student body formed as a result of the formation or reorganisation of an institution of professional higher education are adopted by the student body. The rector approves the rules of election of the first composition of the student council and organises the elections of the first student council in accordance with democratic principles.

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

(8) The budget of an institution of professional higher education allocates funds that the student council will use for student self-government for the purpose of performance of the functions arising from law and the statutes of the student body. The student council disposes of the funds independently on the basis of the authorisation granted by the rector and in accordance with the procedure established by the student body.

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

Chapter 5

FINANCING AND BUDGET

§ 26. Financing

(1) The costs of provision of instruction at the level of tertiary education are covered from the activity support amount allocated to an institution of professional higher education from the state budget and, in the event of allocation of earmarked support, from the amount of such support as well as from the funds received by way of reimbursement of study costs. The costs of provision of vocational training are covered in accordance with the Vocational Educational Institutions Act.

[RT I, 20.12.2016, 1 - entry into force 01.01.2017]

(2) The costs of research and development are financed in accordance with the Research and Development Organisation Act.

§ 27. Allocation of activity support and earmarked support and reimbursement of study costs

[RT I, 20.12.2016, 1 - entry into force 01.01.2017]

(1) The provisions of subsections 50¹(1) to (4) of the Universities Act apply to the granting of funds to institutions of professional higher education from the state budget for the provision of instruction at the level of tertiary education, taking into account the specifics of allocation of activity support to an institution of professional higher education.

[RT I, 20.12.2016, 1 - entry into force 01.01.2017]

(2) The grounds, conditions and procedure for the allocation of activity support to institutions of professional higher education for public defence for the provision of instruction at the level of tertiary education will be established by a regulation of the minister responsible for the field.

(3) The number of student places of an institution of professional higher education for national defence will be approved by the minister responsible for the field on the proposal of the Commander of the Defence Forces.

(4) The allocation of activity support to an institution of professional higher education and, in the event of granting earmarked support, the allocation thereof will be approved by a directive of the minister responsible for the field by a directive allocating activity support, taking among other things into account of the predicted need for specialists with higher education in the labour market and the proposals of ministries, local authorities associations and registered professional associations. The following is set out in the directive allocating activity support:

- 1) the amount of the activity support and, where necessary of the earmarked support;
- 2) obligations related to the provision of instruction at the level of tertiary education based on the functions of the institution of professional higher education and the needs of the state;
- 3) exceptions according to which the institution of professional higher education is not entitled to demand the partial reimbursement of the study costs from a student who is pursuing a curriculum or a field of study whose language of instruction is not Estonian or from a student who has not, by the upcoming semester, cumulatively completed the required study load in the previous semesters or from a student specified in subsection (7) of this section;
- 4) curricula based on which the institution of professional higher education is allowed to provide only part-time instruction;
- 5) the grounds of and volume for allocation of student scholarships from the scholarship fund established under subsection 50¹(9) of the Universities Act;
- 6) the form of reporting.

[RT I, 20.12.2016, 1 - entry into force 01.01.2017]

(5) The reimbursement of study costs cannot be demanded from a student who:

- 1) studies full-time under a curriculum whose language of instruction is Estonian and who has, by the upcoming semester, cumulatively completed the required study load in the previous semesters under the curriculum;
- 2) studies in a field of study or under a curriculum for which requirements other than those specified in clause 1) of this subsection have been approved by the directive for allocation of activity support.

(6) Unless otherwise approved in the directive for allocation of activity support, an institution of professional higher education is entitled to demand the partial reimbursement of study costs:

- 1) from a student who studies full-time under a curriculum whose language of instruction is Estonian and who has not, by the upcoming semester, cumulatively completed the required study load in the previous semesters under the curriculum;
- 2) from a student who studies part-time or under a curriculum whose language of instruction is not Estonian;
- 3) from a student specified in subsection (7) of this Act.

(7) Subsection (5) does not apply to a person from whom the reimbursement of study costs has not been demanded during at least one-half of the standard period of the curriculum within a period equal to the triple standard duration of the completed curriculum upon studies at the same academic level. The triple standard duration of the curriculum is calculated as of the matriculation of a student to an institution of professional

higher education on the basis of the curriculum where the person was matriculated. For the purposes of this section, professional higher education and Bachelor's studies are not considered the same academic levels.

(8) An institution of professional higher education is entitled to demand the partial reimbursement of study costs from a student who has been deleted from the matriculation register and matriculated again to the same curriculum within two years.

(9) The rate and conditions for the partial reimbursement of study costs of a person admitted to an institution of professional higher education will be established by the council of the institution of professional higher education at least four months before the commencement of an academic year. Upon establishing the rate of partial reimbursement of study costs of a student specified in clause (6) 1) of this section, the council of an institution of professional higher education takes into account the upper limit established under subsection 133 (5) of the Universities Act and the study load not completed by a student. The council of an institution of professional higher education may increase the rate of partial reimbursement of study costs of a person matriculated to an institution of professional higher education by up to ten per cent in comparison with the previous academic year.

(10) An institution of professional higher education will not be entitled to the reimbursement of study costs from a student who has not complied with the requirements specified in clause 1) of subsection (5) of this section if the student continues their studies under the same curriculum and if the student:

- 1) has a moderate, severe or profound disability;
- 2) is the parent or guardian of a child under seven years of age or of a disabled child.

(11) The requirement for the completion of the study load specified in clause 1) of subsection (5) of this section does not apply to semesters during which a student is studying, for at least three months, in a foreign educational institution, the studies completed in which are accounted for by an educational institution in the amount of at least fifteen credit points of the European Credit Transfer and Accumulation System as part of completing its curriculum, or to the semester following the studies abroad.

(12) In the event specified in subsection (11) of this section, the standard period of a curriculum is extended by every semester during which a student studied in a foreign educational institution.

(13) For the purposes of this Act, reimbursement of study costs means the reimbursement of study costs in the curricula of higher education which have been entered in the Estonian Education Information System founded on the basis of subsection 36⁶(4) of the Republic of Estonia Education Act.

(14) In the event specified in clause 1) of subsection (5) of this section, the study load completed with taking account of the previous studies and work experience is not included in the completed volume of a curriculum.

(15) An institution of professional higher education will not be entitled to charge a fee for the matriculation of a person or for performances aimed at fulfilment of admission requirements if the student commences their studies without reimbursement of study costs.

[RT I, 30.05.2012, 1 – entry into force 01.01.2013]

§ 27¹. Support for studies abroad

The Ministry of Education and Research may support, out of the funds prescribed for activity support in the state budget, the studies (including under a joint curriculum) of a student at a foreign institution of professional higher education or a foreign educational institution of equal status in a speciality prioritised by the state. Support for the studies of a student and the obligations of the student arising therefrom is regulated by a contract between the Ministry of Education and Research and the student or between a person authorised by the Ministry of Education and Research and the student or between the Ministry of Education and Research, the student and an employer or between a person authorised by the Ministry of Education and Research, the student and an employer.

[RT I, 30.05.2012, 1 – entry into force 01.01.2013]

§ 27². Financing of institution of professional higher education for public or national defence

(1) The provision of education by an institution of professional higher education for public defence is financed by the Ministry of the Interior. The provision of education by an institution of professional higher education for national defence is financed from the budget of the area of government of the Ministry of Defence.

(2) Public service curricula with a scope of application outside the area of government of the Ministry of the Interior may be financed by the agency that commissioned the provision of education under the corresponding curriculum.

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

§ 27³. Compensation of study costs at institution of professional higher education for public defence

[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

(1) A person who is deleted from the matriculation register of an institution of professional higher education for public defence is required to compensate the study costs incurred by the state for their studies if the student:

- 1) discontinues the studies without good reason;
- 2) is deleted from the matriculation register due to unsatisfactory academic progress;
- 3) is deleted from the matriculation register due to committing a disciplinary offence.

(2) A person who has graduated from an institution of professional higher education for public defence is required to compensate their study costs incurred by the state if the person:

- 1) does not commence employment or service in the Police and Border Guard Board, Rescue Board, the Ministry of the Interior or a agency of its area of government within three months after graduation from the institution of professional higher education for public defence, unless the person is not offered a job or official position that corresponds to the person's qualifications;
- 2) is released from public service upon the entry into force of a judgment of conviction;
- 3) is released from public service for a disciplinary offence or an act resulting in the loss of confidence by the employer;
- 4) is released from public service without good reason on the person's own initiative.

(3) A person who has graduated from the taxation and customs curriculum in an institution of professional higher education for public defence is required to compensate their study costs incurred by the state if the person:

- 1) does not commence employment or service in the Tax and Customs Board or the Ministry of Finance or a agency of its area of government within three months after graduation from the institution of professional higher education for public defence, unless the person is not offered a job or official position that corresponds to the person's qualifications;
- 2) is released from public service in the events specified in clauses 2) to 4) of subsection (2) of this section.

(4) A person who has graduated from an institution of professional higher education for public defence is not required to compensate their study costs incurred by the state if:

- 1) the person who completed the police or rescue curriculum has, following graduation, been employed or served in the Police and Border Guard Board, Rescue Board, the Ministry of the Interior or a agency of its area of government for a period equal to at least one standard period of study, but not for less than three years;
- 2) the person who completed the taxation and customs curriculum has, following graduation, been employed or served in the Tax and Customs Board or the Ministry of Finance or a agency of its area of government for a period equal to at least one standard period of study, but not for less than three years;
- 3) is released from employment or service on their own initiative due to incapacity for work or due to the need to care for a family member with a disability or a person of pensionable age who needs personal assistance or supervision;

[RT I, 17.12.2015, 1 - entry into force 01.07.2016]

- 4) the police or rescue official is appointed or assigned to another position and their right to exercise public authority is suspended on the basis of § 66 of the Police and Border Guard Act in force until 31 December 2011 or Division 4¹ of Chapter 5 in force from 1 January 2012 or on the basis of § 101 of the Rescue Service Act;
- 5) the person continues their studies in another curriculum of the field of public security in an institution of professional higher education for public defence.

(5) A notice is issued to a person deleted from the matriculation register, based on which the person required to compensate for the study expenses must compensate for the study expenses. If the person refuses to compensate for the expenses, the notice of the study expenses will be considered an enforcement title for the purposes of clause 2 (1) 21) of the Code of Enforcement Procedure.

(6) The conditions of and procedure for calculation of study expenses and the level of compensation will be established by a regulation of the minister responsible for the field in coordination with the Ministry of Justice and the Ministry of Education and Research.

[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

§ 27⁴. Filling student places

(1) A person who complies with the admission requirements specified in the terms for admission established by the council of an institution of professional higher education will be matriculated as a student. In reasoned cases, an institution of professional higher education may establish the upper limit for students to be matriculated in the terms for admission by filling student places based on the ranking of the applicants.

(2) Based on the prior qualifications or special needs of the applicants, an institution of professional higher education may divide them into groups upon filling of student places and establish different admission requirements for different groups. Upon the establishment of admission requirements, persons are not divided into groups based on whether or not the reimbursement of study costs can be demanded from them.

(3) The terms for admission established by the council of an institution of professional higher education must be based on objective criteria that have been previously disclosed.
[RT I, 30.05.2012, 1 – entry into force 01.01.2013]

§ 28. Services for charge

In order to perform the functions arising from this Act, an institution of professional higher education has the right to provide services related to its main activities for a charge (further training and external study, contractual development work, professional consultations, etc.) to the extent and in accordance with the procedure provided for in the statutes of the institution.

§ 29. Budget of institution of professional higher education

A balanced budget is prepared concerning the revenue and expenditure of an institution of professional higher education. The budget of the institution is approved by the rector.

Chapter 6 SUPERVISION

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

§ 30. Supervisory control

The ministry under whose area of government an institution of professional higher education belongs exercises supervisory control over the activities of the institution in accordance with the procedure provided by law.

§ 30¹. Authorities exercising administrative supervision

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]
Administrative supervision over the provision of education by an institution of professional higher education that does not belong under the area of government of the Ministry of Education and Research is exercised by the Ministry of Education and Research (hereinafter *administrative supervision authority*) with the approval of the ministry under whose area of government the institution belongs. The administrative supervision authority has the right to involve experts in the exercise of administrative supervision.
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

§ 30². Competence of administrative supervision authority

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

(1) An administrative supervision authority has the right to:

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

- 1) examine the evidence and information at the disposal of the institution of professional higher education on the basis of which it is possible to establish facts relevant for the exercise of supervision, and to make copies or extracts of documents;
- 2) attend lessons with the knowledge of the rector;
- 3) participate in the meetings of the council and the advisory body of an institution of professional higher education;
- 4) monitor the correct use of funds allocated from the state budget to the institution of professional higher education;

[RT I, 30.05.2012, 1 – entry into force 01.01.2013]

5) issue precepts, in accordance with the procedure provided for in § 30³ of this Act, for the termination of violations of requirements provided by law or legislation established on the basis thereof, prevention of further violations and elimination of the consequences of a violation.

(2) When performing its functions, the administrative supervision authority is required to be impartial in its assessments and to base its decisions on legislation and reliable information.

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

§ 30³. Precepts

(1) A precept must contain:

- 1) the grounds for the issue of the precept together with a reference to the relevant provisions of legislation;
- 2) the date on which the precept was issued;
- 3) the term for compliance with the precept;

- 4) the names, positions and signatures of the officials who exercised administrative supervision;
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]
- 5) the possibilities, term and procedure for contestation of the precept.

(2) The Ministry of Education and Research will notify the rector of the institution of professional higher education and the ministry under whose area of government the institution belongs of a precept by post within ten days as of signing the precept.

Chapter 7

REORGANISATION AND CLOSURE OF INSTITUTION OF PROFESSIONAL HIGHER EDUCATION

§ 31. Reorganisation and closure of institution of professional higher education

(1) The Government of the Republic will reorganise or close an institution of professional higher education on the proposal of the minister who directs the ministry under whose area of government the institution belongs.

(2) An institution of professional higher education will be reorganised or closed after the end of an academic year.

(3) Upon closure of an institution of professional higher education, the Ministry of Education and Research will ensure that the students have the opportunity to continue their studies at another institution of professional higher education in the same or a similar speciality.

(4) Upon closure of an institution of professional higher education for public or national defence, the ministry under whose area of government the institution belongs will, in cooperation with the authority specified in subsection 27²(2) of this Act or the Ministry of Education and Research, ensure that the students have the opportunity to continue their studies at another institution of professional higher education in the same or a similar field of study.

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

§ 31¹. Merger of institution of professional higher education with university in public law

(1) In the event provided for in subsection 31 (1) of this Act, the Government of the Republic has the right, on the proposal of the minister who directs the ministry under whose area of government a particular institution of professional higher education belongs, to permit the institution to merge with a university in public law (hereinafter *university*) on the conditions and in accordance with the procedure provided for in this section.

(2) The minister who directs the ministry under whose area of government the institution of professional higher education belongs will make a proposal to a university to merge the institution of professional higher education with the university.

(3) The minister who directs the ministry under whose area of government the institution of professional higher education belongs will decide whether to apply to the Government of the Republic for the permission specified in subsection (1) of this section in cooperation with the council and advisory body of the institution and the council of the university.

(4) The Government of the Republic will permit the merger of an institution of professional higher education with a university if the institution can perform the functions imposed on it more efficiently as an institution of the university and will authorise the minister who directs the ministry under whose area of government the institution belongs to enter into a contract concerning the merger.

(5) The merger of an institution of professional higher education with a university will be provided for in a contract entered into in accordance with this Act between the university and, on the authorisation of the Government of the Republic, the minister who directs the ministry under whose area of government the institution belongs. The mandatory general conditions for the contract are:

- 1) the date of the merger of the institution of professional higher education with the university;
- 2) the status and functions of the institution of the university formed on the basis of the institution of professional higher education;
- 3) the curricula under which the students will continue their studies at the institution of the university formed on the basis of the institution of professional higher education;
- 4) the conditions and procedure for the students of the institution of professional higher education to continue their studies at the institution of the university formed on the basis of the institution of professional higher education;
- 5) the conditions and procedure for the employees of the institution of professional higher education to continue employment at the institution of the university formed on the basis of the institution of professional higher education, on the bases, under the conditions and in accordance with the procedure provided for in legislation regulating employment relations;

- 6) the conditions, procedure and term for transfer of the state assets in the use of the institution of professional higher education to the university;
- 7) the conditions, procedure and term for transfer of the administration of the institution of professional higher education to the university;
- 8) settlement of possible organisational and budgetary issues and other issues concerning proprietary obligations and rights resulting from the merger of the institution of professional higher education with the university.

(6) The merger of an institution of professional higher education with a university will be effected before the beginning of an academic year.

(7) Upon the merger of an institution of professional higher education with a university, the Ministry of Education and Research will, in cooperation with the ministry under whose area of government the institution belongs, ensure that the students have the opportunity to continue their studies at an educational institution providing higher education in the same or a similar field of study.
[RT I 2003, 20, 116 – entry into force 10.03.2003]

Chapter 8

IMPLEMENTATION OF ACT

§ 32. Transition

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

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

(3) The statutes of institutions of professional higher education will be brought into compliance with this Act within six months after the entry into force of this Act.

(4) Collegial decision-making bodies and employees elected at institutions of professional higher education prior to the entry into force of this Act will continue to act until the end of the period for which they were elected.

(5) The minister responsible for the field will appoint the members of the advisory bodies of institutions of professional higher education within six months after the entry into force of this Act.

(6) The Standard of Higher Education will be brought into compliance with this Act within six months after the entry into force of this Act.

(7) Student self-governments will bring their statutes into compliance with this Act within the term specified in subsection (3) of this section.

(8) Any person who, before 30 June 2003, graduates from an institution of professional higher education on the basis of a curriculum which has been entered in the Estonian Education Information System founded on the basis of subsection 36⁶(4) of the Republic of Estonia Education Act, but which has not been accredited, will receive a national document certifying education from the institution of professional higher education, until the entry into force of an accreditation decision concerning the curriculum.

(9) [Repealed – RT I 2005, 37, 282 – entry into force 10.07.2005]

(10) Curricula will be brought into conformity with the requirements of this Act by 1 September 2002. The curricula apply to students matriculated to institutions of professional higher education as of academic year 2002/2003. An institution of professional higher education has the right to apply the curricula to students matriculated to the institution of professional higher education before academic year 2002/2003 if a student so requests.

(11) In order to provide students matriculated to diploma studies before 30 June 2002 with instruction, the diploma studies may continue at institutions of professional higher education until 1 January 2007.

(12) An institution of professional higher education has the right to apply for the extension of an accreditation decision before the expiry of the period of validity thereof concerning a curriculum which has been entered in the Estonian Education Information System founded on the basis of subsection 36⁶(4) of the Republic of Estonia Education Act before 1 June 2002 to a curriculum in the same field of study which has been approved by the council of the institution of professional higher education and which has been entered in the Estonian Education Information System founded on the basis of subsection 36⁶(4) of the Republic of Estonia Education Act as of

1 June 2002. The extension of an accreditation decision concerning a curriculum to curricula in the same field of study which have been approved by the minister responsible for the field and which have been entered in the register of curricula at the Ministry of Education and Research will be approved by the minister responsible for the field on the proposal of the Higher Education Quality Assessment Council.

(13) Subsection 19 (2²) of this Act applies to students who graduate as of academic year 2002/2003. Persons who graduate before academic year 2002/2003 have the right to receive a diploma supplement in English in accordance with the procedure established by the council of the institution of professional higher education.

(14) The statutes of institutions of professional higher education will be brought into conformity with the requirements of law by 1 September 2003.

(15) The council of an institution of professional higher education will approve the development plan for the institution and will submit it to the minister to whose area of government the institution belongs for approval not later than by 1 September 2003.

(16) Full-time and part-time study apply to students admitted to institutions of professional higher education as of academic year 2003/2004.

(17) Institutions of professional higher education will bring their teaching activities into compliance with subsections 2 (1) to (3) of this Act by 1 September 2005. If, after expiry of the specified term, at least two thirds of the pupils and students at an institution of professional higher education are not studying under professional higher education curricula, the minister responsible for the field will make a proposal to the Government of the Republic to close the institution.

(18) The European Credit Transfer and Accumulation System applies to curricula as of academic year 2009/2010. The issue of diploma supplements will be subject to the system of calculation of credit points of the European Credit Transfer and Accumulation System as of 1 January 2010, whereby credit points used for the calculation of the volume of study before academic year 2009/2010 will be recalculated into the credit points of the European Credit Transfer and Accumulation System.
[RT I 2006, 49, 369 – entry into force 20.11.2006]

(19) Section 15² of this Act will enter into force on 1 January 2004.

(20) Institutions of professional higher education will establish the conditions and procedure for assessing the qualifications of teaching staff and for taking account of the previous study results and professional experience of students as specified in clause 9 (4) 5¹) of this Act not later than by 1 September 2004. Institutions of professional higher education will, not later than by 1 September 2003, establish the conditions and procedure for taking account of the previous study results and professional experience of students who study in a field of study or under a curriculum specified in the state-commissioned education directive and on the basis of which the institution of professional higher education has opened student places for part-time study for the provision of state-commissioned education.

(21) The compensation of study costs specified in subsection 27 (6) of this Act applies to students admitted to institutions of professional higher education as of academic year 2003/2004.
[RT I 2008, 34, 208 – entry into force 01.09.2008]

(22) The regulation of partial reimbursement of study costs specified in subsections 27 (5) to (15) of this Act applies to students matriculated to an institution of professional higher education as of academic year 2013/2014.
[RT I, 30.05.2012, 1 – entry into force 01.01.2013]

(23) An institution of professional higher education has the right to demand that students matriculated to an institution of professional higher education before academic year 2013/2014 reimburse study costs on the conditions and in accordance with the procedure applied with regard to them before academic year 2013/2014 until the end of academic year 2015/2016. As of academic year 2016/2017, the provisions of subsections 27 (5) to (15) of this Act apply to the reimbursement of study costs of students matriculated to an institution of professional higher education before academic year 2013/2014.
[RT I, 30.05.2012, 1 – entry into force 01.01.2013]

(24) The regulation specified in subsection 12¹(3) of this Act, according to which a student may not complete a curriculum during their academic leave, apply to students matriculated to an institution of professional higher education as of academic year 2013/2014.
[RT I, 30.05.2012, 1 – entry into force 01.01.2013]

(25) Students matriculated to an institution of professional higher education before academic year 2013/2014 are entitled to complete a curriculum during their academic leave on the conditions and in accordance with the procedure established by the council of the institution of professional higher education until the end of academic year 2015/2016. As of academic year 2013/2014, a student matriculated to an institution of professional higher education before academic year 2013/2014 will be entitled to complete the curriculum during their academic leave if the student is a person with a moderate, severe or profound disability, the parent or guardian of a child

under three years of age or of a disabled child or if the student is on academic leave in connection with serving in the Defence Forces or alternative service. As of academic year 2016/2017, the provisions of subsection 12¹(3) of this Act apply to students matriculated to an institution of professional higher education before academic year 2013/2014.

[RT I, 10.07.2012, 2 – entry into force 01.04.2013]

(26) Upon allocation of funds from the state budget in 2013 to educational institutions for the provision of instruction at the level of tertiary education, the volume of state-commissioned education requested of the educational institution in 2012 will be accounted for to the extent of at least 80 per cent, and indicators relating to students who reimburse study costs and activities supporting studies of national importance to the extent of up to 20 per cent. Upon allocation of funds from the state budget in 2014 and 2015 to educational institutions for the provision of instruction at the level of tertiary education, the proportional volume of activity support allocated to the educational institution in the previous year will be accounted for to the extent of at least 80 per cent, and the extent, quality and efficiency of provision of instruction at educational institutions and activities supporting studies of national importance to the extent of up to 20 per cent.

[RT I, 30.05.2012, 1 – entry into force 01.01.2013]

(27) For an institution of professional higher education the ratio specified in subsection 50¹(2) of the Universities Act is calculated for calendar years 2017-2019 in accordance with subsection 56 (23) of the Universities Act.

[RT I, 20.12.2016, 1 - entry into force 01.01.2017]

§ 32¹. Extension of standard period of study

If, while acquiring higher education, a student who is not proficient in Estonian studies the official language in depth on the conditions and in accordance with the procedure established by the minister responsible for the field, the standard period of study will be extended by up to one academic year.

[RT I 2002, 90, 521 – entry into force 01.01.2003]

§ 32². Continuation of studies

(1) Students matriculated to an institution of professional higher education before 30 June 2002 have the right to continue their studies until 1 September 2007 on the conditions and in accordance with the procedure applied to them before 30 June 2002.

(2) A person who has completed diploma study at an institution of professional higher education has the right to continue their studies in Master's study under the conditions and in accordance with the procedure established by the council of the educational institution.

(3) Persons admitted to full-time or distance study in an institution of professional higher education before 30 June 2003 are considered students.

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

(4) The requirement on the study load to be completed under the curriculum in part-time study specified in subsection 18 (3) of this Act will be applied to students matriculated to an institution of professional higher education before academic year 2013/2014. If the minimum study load to be completed under a curriculum in part-time study established by the council of the institution of professional higher education has been less than 50 per cent in academic year preceding academic year 2013/2014, the students having studied part-time before academic year 2013/2014 are entitled to study part-time in academic year 2012/2013 and 2013/2014 if they have completed the curriculum less than 75 per cent but at least to the extent of minimum study load in part-time study established by the educational institution.

[RT I, 30.05.2012, 1 – entry into force 01.01.2013]

§ 32³. Application of requirements established for teaching staff

The requirements established by law for teaching staff in professional higher education will apply as of teaching staff elections held after 1 September 2002.

[RT I 2002, 56, 348 – entry into force 05.07.2002]

§ 32⁴. Implementation of state-commissioned education

(1) State-commissioned education determined for an institution of professional higher education before 1 June 2002 will be provided and financed under the conditions and in accordance with the procedure applied to state-commissioned education before 1 June 2002.

(1¹) State-commissioned education requested from an institution of professional higher education before 1 September 2008 will be provided and financed on the conditions and in accordance with the procedure applicable to state-commissioned education before 1 September 2008.
[RT I 2008, 34, 208 – entry into force 01.09.2008]

(1²) An institution of professional higher education will open the number of student places required for complying with the state-commissioned education specified in subsection (1¹) of this section on the basis of the curricula that have been positively accredited in accordance with the procedure in force before 1 September 2008. An institution of professional higher education may open student places on the basis of non-accredited curricula if it is provided for in a directive of state-commissioned education.
[RT I 2008, 34, 208 – entry into force 01.09.2008]

(2) If after the end of the standard duration of professional higher education study or Master's study the number of persons who have graduated the respective study in an institution of professional higher education is smaller than the number of graduates set by a state-commissioned education request submitted before 1 September 2008, the Ministry of Education and Research will have the right to, upon submission of state-commissioned education requests as of academic year 2008/2009, reduce the financing of the institution of professional higher education to the extent of non-performed state commissioned education, thereby either reducing the state budget funds allocated on the basis of a performance agreement or reducing the volume of state-commissioned education requested of the institution in the next academic year.
[RT I 2008, 34, 208 – entry into force 01.09.2008]

§ 32⁵. Specifications for restrictions on reimbursement of study costs

(1) Subsections 27 (6) to (7) of this Act do not apply to the studies of a person for the pursuing of which the person has been matriculated to an institution of professional higher education before 29 July 1996.
[RT I, 30.05.2012, 1 – entry into force 01.01.2013]

(2) With regard to persons matriculated to an institution of professional higher education after 29 July 1996, but before 10 March 2003, subsections 27 (6) to (7) of this Act apply on the following conditions:

- 1) the person has completed the studies in connection with the full completion of the curriculum, or
- 2) the person has been deleted from the matriculation register of the institution of professional higher education after 10 March 2003 on a ground other than the full completion of the curriculum.

[RT I, 30.05.2012, 1 – entry into force 01.01.2013]

(3) For the purposes of subsection 27 (7) of this Act, higher vocational education study and Bachelor's study as well as diploma study and Bachelor's study are not considered the same academic levels.
[RT I, 30.05.2012, 1 – entry into force 01.01.2013]

§ 32⁶. Employment contracts of teaching staff and research staff

(1) A fixed-term employment contract concluded with a member of ordinary teaching staff or research staff before 1 January 2015 remains in force on the conditions and in accordance with the procedure established therein until the expiry of the term specified in the employment contract.

(2) If an employment contract is concluded with a member of ordinary teaching staff or research staff after 1 January 2015 and at least two consecutive fixed-term employment contracts for the performance of similar work have been concluded with the same person or a prior fixed-term employment contract has been renewed more than once within five years, the employment relationship will be deemed as one of unspecified term from the beginning. The conclusion of fixed-term employment contracts will be deemed consecutive if the time between the expiry of one employment contract and the conclusion of the next employment contract does not exceed two months.

[RT I, 03.07.2014, 17 – entry into force 01.01.2015]

§ 33. [Omitted from this text.]

§ 34. [Repealed – RT I, 08.07.2011, 3 – entry into force 18.07.2011]

§ 35. Transition to assessment of study programme groups of educational institutions as of 1 January 2009

(1) [Repealed – RT I 2009, 48, 324 – entry into force 23.10.2009]

(2) Section 16¹ of this Act will enter into force on 1 January 2011.
[RT I 2009, 48, 324 – entry into force 23.10.2009]

(3) Until 31 December 2011 the Estonian Higher Education Quality Agency specified in § 10 of the Universities Act will assess the study programme groups of educational institutions, following the more detailed organisation established on the basis of subsection 56⁷(11¹) of the Universities Act.
[RT I 2009, 48, 324 – entry into force 23.10.2009]

(4) As of 1 January 2012 an institution of professional higher education may provide instruction only if, on the basis of the institution's application, the Government of the Republic has granted the institution the right to provide instruction at the level of tertiary education in the respective study programme group and award respective academic degrees and diplomas.

(5) In order to obtain the right to provide education in a study programme group and for the purpose of awarding the respective academic degrees and diplomas, an institution of professional higher education or, in the event of a joint curriculum, the educational institution specified in the cooperation contract will submit to the ministry under whose area of government the institution belongs an application accompanied by the details of the positive accreditation decisions of the curricula belonging in the study programme group and of the positive institutional accreditation decision in force and:

- 1) data of the curricula under which instruction is to be provided, including the objectives and learning outcomes of the curricula;
- 2) data of the ordinary teaching staff who are to provide instruction in the study programme group and of their qualifications;
- 3) information about the facilities and amenities required for teaching, learning and research, and about the sources of financing instruction;
- 4) at the discretion of the applicant, other data available in the Estonian Education Information System and in the Estonian Research Information System, which indicates the quality, resources or sustainability required for provision of instruction;
- 5) in the event of a joint curriculum, information about the compliance of the joint curriculum with § 22¹ of the Universities Act and information about the compliance of the joint curriculum with § 22² of the Universities Act.

(6) If the applicant is an institution of professional higher education that does not belong under the area of government of the Ministry of Education and Research, the ministry under whose area of government the institution belongs will submit the application and the enclosed data to the Ministry of Education and Research within one month as of the submission of the application.

(7) The Estonian Higher Education Quality Agency will, with the help of experts involved, assess on the basis of a proper application, enclosed data, the Standard of Higher Education and other legislation, whether the applicant has the required quality, resources and sustainability for provision of instruction and, in the event of a joint curriculum, whether the joint curriculum and the joint curriculum cooperation contract comply with the requirements of §§ 22¹ and 22² of the Universities Act, and, based on the results of the assessment, make a proposal to the minister responsible for the field:

- 1) to grant the institution of professional higher education the right to provide instruction in the study programme group and award the respective academic degree or diploma after completion of the curriculum and submit the said proposal to the Government of the Republic for approval in the Standard of Higher Education (positively accredit the study programme group);
- 2) to grant the institution of professional higher education the right to provide instruction in the study programme group and award the respective academic degree or diploma after completion of the curriculum for a term of one to three years and submit the said proposal to the Government of the Republic for approval in the Standard of Higher Education (positively accredit the study programme group for a fixed term);
- 3) not to grant the institution of professional higher education the right to provide instruction or issue respective academic degrees and diplomas if it appears from the data given in subsection (5) of this section that high-quality instruction at the level of tertiary education cannot be provided (negatively accredit the study programme group).

(8) If the Estonian Higher Education Quality Agency makes the proposal specified in clause 2) of subsection (7) of this section, it will set a term upon whose expiry a repeat assessment of the study programme group will be carried out in accordance with the procedure provided for in subsections (5) to (7) of this section.

(9) The study programme groups where an institution of professional higher education has the right to provide training and the academic degrees and diplomas to be awarded upon completion of studies will, on the proposal of the minister responsible for the field, be specified by the Government of the Republic in the Annex to the Standard of Higher Education once a year, in 2010, and in 2011 up to twice a year.
[RT I, 08.11.2010, 4 – entry into force 18.11.2010]

(10) If the Estonian Higher Education Quality Agency makes a proposal specified in clause 3) of subsection (7) of this section or, for the third time, the proposal specified in clause 2) of subsection (7) of this section to the minister responsible for the field, the minister will not submit it to the Government of the Republic and will, by a directive, approve the decision not to grant the institution of professional higher education the right to provide instruction in the study programme group or to award the respective academic degrees and diplomas. The institution of professional higher education will terminate the admission of students and instruction in the study programme group and, in cooperation with the Ministry of Education and Research, enable the students the chance to continue their studies at the same or another educational institution in the same or a similar field of study.
[RT I, 08.11.2010, 4 – entry into force 18.11.2010]

(11) A person has the right to receive a national graduation document also if, no sooner than two years before granting the study programme group of the institution of professional higher education the right to provide instruction and to award respective academic degrees and diplomas in accordance with the procedure specified in subsection (9) of this section, the person has received a graduation document certifying the completion of the curriculum of the respective study programme group in the institution of professional higher education.

(12) Institutional accreditation and the quality assessment of study programme groups will be applied for and carried out in an institution of professional higher education as of 1 January 2010 and if the institution of professional higher education has been granted the right to provide instruction at the level of tertiary education and award respective academic degrees and diplomas in at least one study programme group.
[RT I 2008, 34, 208 – entry into force 01.09.2008]

(13) An institution of professional higher education has the right to issue a document certifying education, which has not been approved by the state, to a person who has completed studies on the basis of a non-accredited curriculum if the institution of professional higher education has submitted an application specified in subsection (5) of this section for the purpose of obtaining the right to provide instruction and to award the respective academic degrees and diplomas in the study programme group where the curriculum belongs.
[RT I 2009, 48, 324 – entry into force 23.10.2009]

§ 36. Processing accreditation applications submitted before 1 September 2008

(1) Accreditation applications submitted before 1 September 2008 will be processed on the conditions and in accordance with the procedure in force at the moment of submission of the application, including on the basis of the requirements and the accreditation procedure established by a regulation of the Government of the Republic with regard to curricula and the institution of professional higher education that are being accredited, until 31 December 2009.

(2) As of 1 January 2009 the functions of the Estonian Higher Education Quality Assessment Council regarding processing the applications specified in subsection (1) of this section will be performed by the Estonian Higher Education Quality Agency specified in § 10 of the Universities Act.

(3) Following accreditation on the basis of the accreditation applications specified in subsection (1) of this section, the Estonian Higher Education Quality Agency will make a proposal to the minister responsible for the field to:

- 1) positively accredit the curriculum or the institution of professional higher education until the Government of the Republic grants the study programme group of the institution where the curriculum to be accredited belongs the right to provide instruction and to award the respective academic degree or diploma upon completion of the curriculum;
- 2) negatively accredit the curriculum and terminate admission of students to the curriculum at the institution of professional higher education and, within a fixed term of no longer than three years, terminate teaching and learning under the respective curriculum;
- 3) negatively accredit the institution of professional higher education and initiate the reorganisation or closure of the institution.

(4) In the events specified in clauses 2) and 3) of subsection (3) of this section, the institution of professional higher education will, in cooperation with the Ministry of Education and Research, enable the students to continue their studies in another institution of professional higher education in the same or in a similar field of study.

(5) A proposal of the Estonian Higher Education Quality Agency made following accreditation will be approved by a directive of the minister responsible for the field. The minister responsible for the field has the right to reject the proposal of the Estonian Higher Education Quality Agency with a motivated directive and submit it for a second examination.
[RT I 2008, 34, 208 – entry into force 01.09.2008]

§ 37. National recognition of graduation documents issued to graduates of curricula accredited in accordance with procedure in force before 1 September 2008

(1) A national graduation document will be issued to the graduates of curricula accredited in accordance with the procedure in force before 1 September 2008 if:

- 1) the curriculum has been accredited positively, or
- 2) the validity of the positive accreditation decision of the curriculum has terminated after 31 August 2009 and the institution of professional higher education has submitted the application specified in subsection 35 (5) to obtain the right to provide instruction and award the respective academic degrees and diplomas in the study programme group where the curriculum belongs.
[RT I 2009, 48, 324 – entry into force 23.10.2009]

(2) A person has the right to receive a national graduation document if no more than two years before the curriculum was positively accredited in accordance with the procedure in force before 1 September 2008 a document certifying education was issued to the person.
[RT I 2008, 34, 208 – entry into force 01.09.2008]

§ 38. Implementation of requirements for teaching staff

(1) The requirements for the teaching staff specified in § 23 of this Act apply to elections of teaching staff as of 1 January 2009. Employment contracts made with teaching staff before 1 January 2009 remain in force until expiry of the term specified in the employment contract.
[RT I 2009, 48, 324 – entry into force 23.10.2009]

(2) An institution of professional higher education will bring its operations into compliance with clause 9 (4) 4¹ of this Act not later than by 1 January 2010.
[RT I 2009, 48, 324 – entry into force 23.10.2009]

§ 39. Application for opening joint curriculum until 31 December 2008

(1) Until 31 December 2008 the educational institution specified in the joint curriculum cooperation contract will submit the following after the approval of the joint curriculum and approval of entry into the joint curriculum cooperation contract in the council of the educational institution:

- 1) to the ministry under whose area of government the institution of professional higher education belongs, an application to approve the joint curriculum, enclosing the respective joint curriculum compliant with § 22¹ of the Universities Act, other documents certifying compliance with the requirements provided for in § 22¹ of the Universities Act and the joint curriculum cooperation contract compliance with § 22² of the Universities Act;
- 2) to the Estonian Higher Education Quality Assessment Council, an application to extend to the joint curriculum the decision to accredit the curricula serving as the basis for the joint curriculum.

(2) The Ministry under whose area of government the institution of professional higher education belongs will approve the joint curriculum by a directive and it will be entered in the Estonian Education Information System founded on the basis of subsection 36 (4) of the Republic of Estonia Education Act if:

- 1) the result of the expert assessment specified in subsection (3) of this section is positive;
- 2) the Estonian Higher Education Quality Assessment Council or, as of 1 January 2009, the Estonian Higher Education Quality Agency, on the basis of subsection (4) of this section, decides to extend to the joint curriculum the decision to accredit the curricula serving as the basis for the joint curriculum.

(3) For the purpose of identifying whether the joint curriculum and the joint curriculum cooperation contract comply with the requirements provided for in §§ 22¹ and 22² of the Universities Act, the minister under whose area of government the institution of professional higher education belongs will order by a directive that an expert assessment of the joint curriculum and the joint curriculum cooperation contract be carried out and form an *ad hoc* expert committee for carrying out the assessment. Before the expert assessment, the educational institution specified in the joint curriculum cooperation contract will, within one month after the issue of the directive specified in this subsection, pay a security deposit for the amount requested in the directive, but no more than 10 000 kroons, which will be refunded if the result of the expert assessment is positive. If the result of the expert assessment is negative, the educational institution specified in the joint curriculum cooperation contract will bear the expenses of the expert assessment.

(4) Upon opening a joint curriculum, the Estonian Higher Education Quality Assessment Council or, as of 1 January 2009, the Estonian Higher Education Quality Agency will, on the basis of an application specified in clause 2) of subsection (1) of this section, decide on the extension of the accreditation decisions of the curricula, which serve as the basis for the joint curriculum, to the joint curriculum on the basis of the compliance of the curricula, which serve as the basis for the joint curriculum, with legislation and standards and the terms of validity of the accreditation decisions. The decision to extend the accreditation decisions of the underlying curricula to the joint curriculum will be effective to the extent of at least the standard duration of the joint curriculum, but no longer than until 1 January 2012. The extension of the decision to accredit a curriculum to a joint curriculum will be approved by a directive of the minister responsible for the field on a proposal of the Estonian Higher Education Quality Assessment Council or, as of 1 January 2009, on a proposal of the Estonian Higher Education Quality Agency.

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

§ 40. 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 an institution of professional higher education.

(2) A joint curriculum will be approved by the minister who directs the ministry under whose area of government the institution of professional higher education belongs.
[RT I 2009, 48, 324 – entry into force 23.10.2009]