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# Hobby Schools Act

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RT I 2007, 4, 19

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Amended by the following acts

Passed	Published	Entry into force
14.06.2007	RT I 2007, 45, 320	20.07.2007
10.04.2008	RT I 2008, 18, 124	01.09.2008
10.04.2008	RT I 2008, 18, 125	15.05.2008
17.12.2008	RT I 2009, 5, 35	01.07.2009
22.04.2010	RT I 2010, 22, 108	01.01.2011, enters into force on the date which has been determined in the Decision of the Council of the European Union regarding the abrogation of the derogation established in respect of the Republic of Estonia on the basis provided for in Article 140 (2) of the Treaty on the Functioning of the European Union, Council Decision No 10889/10 ECOFIN 360 UEM 209/10 2010 of 13 July 2010 (OJ L 197, 28.07.2010, p. 24-26).
09.06.2010	RT I 2010, 41, 240	01.09.2010
17.06.2010	RT I 2010, 44, 262	01.09.2010
20.06.2013	RT I, 11.07.2013, 1	01.09.2013
21.11.2013	RT I, 13.12.2013, 5	23.12.2013

## Chapter 1 GENERAL PROVISIONS

### § 1. Scope of application of Act

(1) This Act provides for the definition of hobby schools, the bases for the foundation, reorganisation, termination of activities, organisation of studies and financing of hobby schools, the principles for managing hobby schools, the rights and obligations of the staff and students of hobby schools and state supervision over the activities of hobby schools.

(2) This Act regulates the activities of municipal hobby schools (hereinafter hobby schools). This Act applies to private hobby schools in so far as the Private Schools Act does not provide otherwise.

(2<sup>1</sup>) Youth work may be organised in hobby schools for the purposes of Youth Work Act. This Act applies to the youth work organised in hobby schools in so far as the Youth Work Act does not provide otherwise.  
[RT I 2010, 44, 262 - entry into force 01.09.2010]

(3) This Act does not apply to educational activities carried out on the basis of the national study programme for pre-school child care institutions to which the provisions of Pre-school Child Care Institutions Act extend.  
[RT I 2008, 18, 124 - entry into force 01.09.2008]

(4) The provisions of the Adult Education Act concerning informal education acquired in the adult education system shall extend to adults studying at the hobby schools registered on the basis of this Act.

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

## **§ 2. Legal status of hobby school**

A hobby school is an establishment of a local government (hereinafter manager of a school).

## **§ 3. Definition of hobby school**

(1) A hobby school is an educational establishment operating in the area of youth work which creates an opportunity for the acquisition of hobby education and for the diverse development of the personality, including cultivation of one's own language and culture, in different areas of hobby education.

(2) [Repealed - RT I, 11.07.2013, 1 – entered into force 01.09.2013]

## **§ 4. Name of hobby school**

The name of a hobby school shall be clearly distinguishable from the names of the educational institutions established based on subsection 36<sup>6</sup>(4) of the Republic of Estonia Education Act and entered into the Estonian Information System for Education, and shall not be misleading with regard to the objective, activity, manager or legal form of the hobby school or the education acquired in the hobby school.

# **Chapter 2**

## **REGISTRATION OF HOBBY SCHOOLS**

## **§ 5. Operation as hobby school**

The manager of a school has the right to manage a hobby school if it has been registered in the Estonian Information System for Education.

## **§ 6. Application for registration of hobby school**

(1) The manager of a school shall submit an application for registration of a hobby school to the Ministry of Education and Research no later than four months prior to the beginning of the intended school year.

(2) The following shall be annexed to an application for registration of a hobby school:

- 1) the statutes of the hobby school;
- 2) study programmes for all the hobbies;
- 3) a list of school staff engaged in the educational activities of the hobby school;
- 4) data concerning the buildings, premises, construction works and equipment needed for hobby education;
- 5) a memorandum of association which determines the terms and conditions of and procedure for establishment, ownership, financing and operation of the hobby school if the hobby school has several founders.

(3) Before submission of an application for registration of a hobby school, the manager of the school must pay the state fee.

(4) The Ministry of Education and Research shall review the application for registration of a hobby school within two months after the date of receipt of the application. The Minister of Education and Research shall decide, by a directive, the registration of a hobby school or refusal to register a hobby school in the Estonian Information System for Education. The Minister of Education and Research shall notify the manager of a school of the decision to satisfy or refusal to satisfy the application for registration of the hobby school by post or by electronic means within ten working days as of issuing the directive.

(5) The Minister of Education and Research shall refuse to register a hobby school if:

- 1) the documents listed in subsection (2) of this section have not been annexed to the registration application;
- 2) the documents listed in subsection (2) do not conform to the established requirements and the applicant has not eliminated the deficiencies during the prescribed term;
- 3) the person submitting the registration application has submitted misleading or inaccurate data or falsified documents;
- 4) the state fee has not been paid.

## **§ 7. Statutes**

(1) The statutes of a hobby school shall provide:

- 1) the full name of the hobby school and the seat thereof;
- 2) the purpose of the activities and functions of the hobby school;
- 3) the structure of the hobby school and the functions of its structural units;

- 4) the language of instruction of the hobby school;
- 5) the rules of procedure of the teachers' council of the hobby school;
- 6) the rules of procedure of the board of trustees of the hobby school;
- 7) the rights and obligations of the staff and students of the hobby school;
- 8) the procedure for amendment of the statutes of the hobby school;
- 9) the procedure for approval of the period of study and school holidays of the hobby school;
- 10) the bases for financing, management and administration of the hobby school;
- 11) the bases of and procedure for reorganisation and termination of activities of the hobby school.

(2) The statutes of a hobby school shall be approved by the manager of the school.

#### **§ 8. Revocation of registration**

- (1) The Minister of Education and Research has the right to revoke the registration of a hobby school if:
- 1) it becomes evident in the course of state supervision that the activities of the hobby school are in conflict with the statutes of the hobby school or other legislation;
  - 2) the hobby school has failed to implement a precept of a state supervisory authority within the term or pursuant to the procedure prescribed;
  - 3) the hobby school has not provided, within the past academic year, instruction corresponding to the Standard for Hobby Education;
  - 4) the manager of the school has knowingly provided the Ministry of Education and Research with false information concerning facts which are relevant in the taking of a decision on registration;
  - 5) the manager of the school has terminated the activities of the hobby school or made a decision to reorganise or terminate the activities of the hobby school.

(2) A registration is revoked by a directive of the Minister of Education and Research, and the manager of the school is informed thereof by post or by electronic means within ten working days as of issuing the directive, and the data concerning the hobby school are deleted from the Estonian Information System for Education.

## **Chapter 3 ORGANISATION OF STUDIES**

#### **§ 9. Bases for organisation of studies**

(1) The Standard for Hobby Education establishes uniform requirements for study providing hobby education, the purposes and objectives of study, the bases for organisation of study, requirements for study programmes and registration of study programmes. The Standard for Hobby Education is the basic document of hobby schools which enables the acquisition of hobby education with the aim to promote the diverse development of the personality of the students.

(2) The Standard for Hobby Education shall be established by a regulation of the Minister of Education and Research.

(3) National general study programmes for hobbies shall be established by a regulation of the Minister of Education and Research. Before establishment of the national general study programme for a hobby, the Minister of Education and Research may involve experts in the assessment thereof and form *ad hoc* expert committees for such purpose.

(4) Learning at hobby schools shall take place during the time when the student is free from work, or from study at educational establishments offering pre-school, basic, general secondary, secondary vocational or higher education or professional education and training.

(5) Instruction shall be provided in study groups or individually. The size of study groups and the bases for the formation thereof shall be established by the manager of the school.

(6) Hobbies are taught at a hobby school based on study programmes.

#### **§ 10. Study programmes for hobbies**

(1) A study programme for a hobby shall be prepared for each hobby taught at a hobby school and shall be approved by the head of the hobby school.

(2) A study programme for a hobby shall conform to the Standard for Hobby Education and to the national general study programme for the hobby, if such programme exists.

(3) A study programme for a hobby shall determine:

- 1) the objectives of study and the period of study;
- 2) a list of subjects;
- 3) subject syllabi.

(4) Upon registration of a school in the Estonian Information System for Education, the manager of the school shall submit the study programmes for all the hobbies together under the conditions and pursuant to the procedure provided by the statutes of the Estonian Information System for Education.

(5) Upon registration or amendment of study programmes for hobbies in the Estonian Information System for Education, the manager of the school shall determine the inclusion of the study programme of each hobby into one of the fields listed below:

- 1) sports;
- 2) technology;
- 3) nature;
- 4) general culture, including ethnic schools;
- 5) music and arts.

(6) Proposals for alteration of a study programme of a hobby, for adding a new study programme or closing an existing study programme may be made by the manager of the school or an official duly authorised by the manager, or by the board of trustees or teachers' council of the hobby school. The proposals made are approved by the head of the hobby school. Alteration of a study programme of a hobby, adding a new study programme or closing an existing study programme shall take place after the end of the period of study of the corresponding hobby taught at the hobby school.

#### **§ 11. Data in Estonian Information System for Education subject to annual updating**

(1) The manager of the school is required to submit each year:

- 1) the number of students by the fields specified in subsection 10 (5) of this Act;
- 2) alterations made to study programmes for hobbies, study programmes for new added hobbies and notices on closing study programmes for existing hobbies.

(2) Alterations made by the manager of a school to the study programmes for hobbies or new study programmes for hobbies shall be registered in the Estonian Information System for Education after the Ministry of Education and Research has reviewed them.

#### **§ 12. School year**

(1) A school year consists of a period of study and school holidays.

(2) The period of study and school holidays shall be provided in the statutes of a hobby school.

(3) The duration of the period of study and school holidays may differ for various hobbies taught at a hobby school.

#### **§ 13. Admission to hobby school, dismissal from hobby school and graduation from hobby school**

(1) The conditions and procedure for admission to a hobby school, dismissal from the hobby school and graduation from the hobby school shall be established by the manager of the hobby school.

(2) A person is deemed to have graduated from a hobby school after completion of the study programme of the corresponding hobby.

(3) Graduation from a hobby school is certified by a graduation document which sets forth the time of study at the hobby school and a list of subjects completed.

## **Chapter 4 MANAGING OF HOBBY SCHOOLS**

#### **§ 14. Head of school**

(1) A hobby school is managed by the head of the school whose function is to ensure the effective operation of the school, and to be responsible for the general state and development of the school, and for the legitimate and expedient use of financial resources.

(2) The head of a school has the obligation to report to the manager of the school or an official duly authorised by the manager of the school.

(3) The head of a school shall:

- 1) conclude transactions for the benefit of the hobby school and in the name of the manager of the school to the extent which is necessary for the performance of his or her duties provided by law;

- 2) chair the teachers' council of the hobby school;
  - 3) ensure the implementation of decisions of the board of trustees and teachers' council of the hobby school;
  - 4) enter into, amend and terminate employment contracts with the staff of the school;
- [RT I 2009, 5, 35 - entry into force 01.07.2009]
- 5) approve of the operations procedure, internal rules and other documents for organisation of the work of the hobby school;
  - 6) approve of the study programmes for hobbies, making alterations thereto, adding new programmes and closing existing programmes;
  - 7) prepare the draft budget of the hobby school and submit it to the board of trustees for an opinion and to the manager of the school for approval;
  - 8) submit, at least once a year, a report on the operation of the hobby school to the board of trustees of the hobby school, and to the manager of the school or an official duly appointed by the manager;
  - 9) ensure the preparation and submission of reports prescribed by Acts and other legislation;
  - 10) resolve other issues placed within his or her competence pursuant to this Act, the statutes of the hobby school and his or her job description.

(4) In order to coordinate and organise the operation of a hobby school, the head of the school shall issue directives within the limits of competence provided by the law and the statutes of the hobby school.

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

(6) [Repealed -RT I, 13.12.2013, 5 - entry into force 23.12.2013]

### **§ 15. Appointment of head of school to office**

(1) The terms of and procedure for a competition organised to fill a vacant position of the head of a school, and the qualification requirements set for the director of the school, including the level of the necessary professional knowledge shall be established by the manager of the school. The manager of a school shall announce a competition for filling the vacant position of the head of the school.

(2) [Repealed – RT I 2008, 18, 125 – entered into force 15.05.2008]

(3) An employment contract with the head of a hobby school shall be concluded, amended and terminated by the rural municipality or city mayor or an official duly authorised by him or her.  
[RT I 2009, 5, 35 - entry into force 01.07.2009]

### **§ 16. Teachers' council of hobby school**

(1) The teachers' council of hobby school has the function to analyse and assess the provision of education and to make decisions necessary to direct such process.

(2) The school staff engaged in educational activities are the members of the teachers' council.

(3) The teachers' council shall adopt decisions to resolve individual matters within the limits of its competence.

### **§ 17. Board of trustees of hobby school**

(1) The board of trustees of a hobby school shall direct the activity of the hobby school and make proposals to the head of the hobby school and the manager of the school in matters related to the development, assets and budget of the hobby school. The manager of the hobby school shall form a board of trustees containing of five to nine members.

(2) The members of the board of trustees are the representatives of the manager of the school and organisations supporting the hobby school, a representative of the school staff engaged in educational activities and of the students, and a representative of the student self-government body if it exists. If the hobby school also provides instruction to minors, a representative of the parents shall also belong to the board of trustees.

(3) The board of trustees of the hobby school shall:

- 1) make proposals to inspect the activities of the hobby school to the manager of the school as necessary;
- 2) hear the report by the head of the hobby school on the activities of the hobby school and the implementation of the budget of the school, and shall forward it to the manager of the school together with its opinion;
- 3) hear the draft budget prepared by the head of the school and shall forward it to the manager of the school together with its opinion;
- 4) make proposals for alteration of the study programmes for hobbies or the organisation of studies at the school;
- 5) make proposals for alteration of the statutes of the hobby school.

(4) The board of trustees of a hobby school shall adopt resolutions in individual matters.

## **Chapter 5**

# **STAFF OF SCHOOLS AND STUDENTS**

### **§ 18. Staff of schools**

(1) The staff of a school are the employees of the school engaged in educational activities (above all, specialists in hobby education, teachers, vocational instructors, trainers, youth workers) and other employees.

(2) The rights, obligations, liabilities and tasks of school staff are provided in the statutes of the hobby school, job descriptions and contracts of employment.

(3) [Repealed -RT I, 13.12.2013, 5 - entry into force 23.12.2013]

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

### **§ 19. Rights and obligations of students**

(1) A student has the right to:

- 1) examine the study programmes, the statutes and internal rules of a hobby school before commencing and during the studies at the hobby school;
- 2) demand activities which are in compliance with the study programme for a hobby;
- 3) participate, through an elected representative, in the activity of the board of trustees of the hobby school;
- 4) form a student self-government body and participate in its activity;
- 5) exercise other rights established by law and the statutes of the hobby school.

(2) A student is required to:

- 1) observe the internal rules of the hobby school;
- 2) maintain the assets at the disposal of the hobby school;
- 3) perform other obligations provided by law and the statutes of the hobby school.

(3) A hobby school shall ensure the health protection of students during their stay at the hobby school.

## **Chapter 6**

# **ASSETS AND FINANCING OF HOBBY SCHOOLS**

### **§ 20. Management, use and disposal of assets of hobby school**

The procedure for the possession, use and disposal of the assets of a hobby school shall be established by the manager of the school.

### **§ 21. Financing**

(1) A hobby school shall have its own budget which is approved by the manager of the school.

(2) A hobby school may have its own bank account.

(3) The hobby school budget revenue comprises of allocations from the state budget or the rural municipality or city budget, revenue from the provision of fee-charging services related to the main activity of the hobby school, revenue from foundations, donations and income received from extracurricular activities provided for in the statutes of the hobby school and other funds. The expenses of a hobby school shall be covered based on the budget approved by the manager of the school.

(4) Based on the number of students acquiring hobby education in the hobby schools located within the administrative territory of a rural municipality or city, the fields of hobbies and national priorities, a grant shall be allocated each year from the state budget in compliance with the State Budget Act (hereinafter grant) to rural municipality and city budgets in order to partially cover the expenses related to the hobby schools.

(5) The grant shall be calculated on the basis of the number of students according to the data in the Estonian Information System for Education by the areas of hobbies set forth in subsection 10 (5) of this Act.

(6) The Government of the Republic shall establish, by a regulation, the conditions and procedure for division of the grant and the calculated amount of grant per student.

(7) Allocations from the state budget intended for a specific purpose shall be prescribed to rural municipality and city budgets as necessary in order to support projects related to hobby schools. The Minister of Education and Research shall establish the conditions and procedure for application for and allocation of project support.

## **§ 22. Accounting and reporting**

- (1) A hobby school shall keep accounts pursuant to the procedure established by legislation.
- (2) The report on the implementation of the budget of a hobby school shall be approved by the manager of the hobby school.
- (3) Hobby schools shall submit financial and statistical reports concerning their operation to the extent, pursuant to the procedure and during the terms established by legislation.

# **Chapter 7 STATE SUPERVISION**

## **§ 23. Exercise of state supervision**

- (1) The Ministry of Education and Research or a county governor of the location of a hobby school duly authorised by the Ministry of Education and Research (hereinafter together referred to as supervisory agency) shall exercise state supervision over the educational activities of hobby schools.
- (2) The supervisory agency shall appoint the persons to conduct supervision and involve experts as necessary.

## **§ 24. Tasks of persons conducting state supervision**

A person conducting state supervision shall have the following tasks:

- 1) to monitor the compliance with the requirements arising from legislation regulating the field of educational activities;
- 2) to analyse problems in the implementation of legislation regulating the field of educational activities;
- 3) to monitor the legality of the use of funds allocated to a hobby school from the state budget.

## **§ 25. Rights of persons conducting state supervision**

A person conducting state supervision has the right to:

- 1) visit educational activities after giving the head of the school prior notice thereof;
  - 2) participate in the meetings of the teachers' council and board of trustees;
  - 3) examine the documentation of the hobby school;
  - 4) obtain information on implementation of legislation from the hobby school;
  - 5) submit proposals to the head of the hobby school and the manager of the school in order to improve the activities of the hobby school and issue mandatory precepts in order to eliminate the deficiencies in educational activities;
  - 6) issue mandatory precepts to the head of a hobby school, the teachers' council, board of trustees or the manager of a school, except to a rural municipality or city government or a rural municipality or city council, for bringing legislation of specific application which has been issued thereby and is in conflict with an Act or other legislation issued on the basis of an Act into compliance with the Act or other legislation issued on the basis of the Act;
  - 7) make proposals to the county governor for exercise of supervision, pursuant to the Government of the Republic Act, over the legality of legislation of specific application issued by a rural municipality or city government or a rural municipality or city council;
  - 8) make a proposal to the manager of a school for termination of the employment contract with the head of a school who has committed an indecent act, professional offence or an act of corruption, or issue a precept for termination of the employment contract with the head of a school who is unsuitable for his or her office.
- [RT I 2008, 18, 125 - entry into force 15.05.2008]

## **§ 26. Results of state supervision**

- (1) The results of state supervision shall be documented in a certificate.
- (2) A certificate shall contain concise information concerning the educational institution, the names on the persons conducting supervision and the experts involved, a summary of the supervision and any precepts issued and proposals made.
- (3) A precept shall set out:
  - 1) the name of the person or body to whom the precept is addressed;
  - 2) a description of the facts of the violation;
  - 3) a demand to perform acts necessary to terminate the violation;
  - 4) the bases for the precept;
  - 5) the date of issue of the precept;

- 6) the term for compliance with the precept and notification of compliance;
- 7) the names and offices of the persons conducting state supervision and of the experts involved;
- 8) the possibilities, terms and procedure for contestation of the precept.

(4) The officials who participated in the exercise of supervision shall sign a certificate. The Minister of Education and Research or the county governor, correspondingly, shall approve a certificate.

(5) A hobby school and the manager of the school shall be notified of a certificate within sixty calendar days after the beginning of the exercise of supervision.

(6) If the manager of the school fails to comply with the precept within the term specified in the warning, the supervisory agency may impose penalty payment pursuant to the procedure provided in the Substitutive Enforcement and Penalty Payment Act. The maximum penalty payment is 640 euros.

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

## **Chapter 8**

# **REORGANISATION AND TERMINATION OF ACTIVITIES OF HOBBY SCHOOLS**

### **§ 27. Reorganisation and termination of activities of hobby schools**

(1) For the purpose of this Act, reorganisation of a hobby school is the merger of hobby schools or the division of a hobby school.

(2) The reorganisation or termination of the activities of a hobby school is decided by the manager of the school.

(3) A hobby school is reorganised or its activities are terminated after the end of the study period of the hobby school pursuant to the procedure provided by the statutes.

(4) A decision to reorganise a hobby school or to terminate its activities shall be communicated to the students, parents, school staff and the authorised employees of the Estonian Information System for Education at least four months prior to the end of the study period of the hobby school.

(5) In the case of reorganisation or termination of the activities of a hobby school, corresponding changes shall be made to the Estonian Information System for Education within two months after the communication of the decision.

## **Chapter 9**

# **IMPLEMENTING PROVISIONS**

### **§ 28. Bringing into conformity of statutes and study programmes of hobby schools**

The hobby schools operating at the time of entry into force of this Act shall bring their statutes and study programmes into conformity with the requirements of this Act not later than by 31 August 2008.

### **§ 29. Application of Act with respect to hobby schools operating before entry into force of this Act**

The managers of schools who hold an education licence for hobby schools issued before the entry into force of this Act are required to register their hobby schools in the Estonian Information System for Education not later than by 31 August 2008. The education licences issued before the entry into force of this Act shall become invalid as of 1 September 2008.

### **§ 29<sup>1</sup>. Application of restrictions**

The restrictions on employment of persons established in subsection 14 (5) and 18 (3) of this Act apply to persons who are to commence work related to children after the entry into force of the provisions.

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

### **§ 29<sup>2</sup>. Turn of employment contract of head of hobby school into contract for an unspecified term**

Valid employment contract entered into for a specified term with a head of a hobby school appointed to office based on a competition specified in subsection 15 (1) of this Act before 1 August 2008 turns into an employment contract entered into for an unspecified term upon the expiry of the term.

[RT I 2008, 18, 125 - entry into force 15.05.2008]



### **§ 30. Processing of education licences**

Upon processing applications for education licences submitted to the Ministry of Education and Research before the entry into force of this Act, the provisions of this Act shall apply in the part of the procedural acts which are performed after the entry into force of this Act.

**§ 31.–§ 41.**[Omitted from this text.]

### **§ 42. Entry into force of Act**

(1) This Act enters into force on 1 September 2007, except the provision specified in subsection (2) of this section.

(2) Section 37 of this Act enters into force on the day following publication of this Act in the Riigi Teataja.