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Preschool Child Care Institutions Act

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| 09.06.2010 | RT I 2010, 41, 240 | 01.09.2010 |
| 16.02.2011 | RT I, 14.03.2011, 1 | 01.01.2012 |
| 21.11.2013 | RT I, 13.12.2013, 5 | 23.12.2013 |
| 19.02.2014 | RT I, 13.03.2014, 4 | 01.07.2014, the words 'state supervision' have been replaced with the words 'administrative supervision' throughout the Act. |
| 19.06.2014 | RT I, 29.06.2014, 109 | 01.07.2014, official titles of ministers replaced on the basis |

Chapter 1

GENERAL PROVISIONS

§ 1. Definition of preschool child care institution

(1) A preschool child care institution (hereinafter preschool institution) is an educational institution providing care and preschool education for preschool children.

(2) A preschool institution supports the family of a child and promotes the growth and development of the child and his or her individuality.

§ 2. Preschool education

(1) Preschool education is the set of knowledge, skills, experience and behavioural rules which provides the prerequisites for coping successfully in everyday life and at school.

(2) Preschool education is acquired at a preschool institution or at home.

§ 3. Main function

Taking into account the age, sex and individual needs and characteristics of each child, the main function of a preschool institution is to:

- 1) create possibilities and conditions for the formation of a healthy personality who is socially and mentally alert, self-confident and considerate of others and who values the environment;
- 2) maintain and strengthen the health of the child and to promote his or her emotional, moral, social, mental and physical development.

§ 4. Legal status

(1) Preschool institutions are divided into municipal and private child care institutions.

(2) This Act regulates the activities of municipal child care institutions.

(3) This Act applies to private child care institutions and private pre-primary schools in so far as the Private Schools Act does not provide otherwise.

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

(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]

§ 5. Types of preschool institutions

(1) Taking into account the age and special needs of children, the types of preschool institutions are as follows:

- 1) crèche – for children of up to 3 years of age;
- 2) preschool – for children of up to 7 years of age;
- 3) preschool for children with special needs – for children with special needs who are of up to 7 years of age.

(2) A preschool and a basic school specified in the Basic Schools and Upper Secondary Schools Act may operate as one institution.

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

(3) In case of a preschool and a basic school operating as one institution, the provisions of this Act apply to the preschool part and the provisions of the Basic Schools and Upper Secondary Schools Act apply to the basic school part. The provisions of the Basic Schools and Upper Secondary Schools Act apply to reorganisation, transfer of the management of school, termination of activities and the membership of the board of trustees of a preschool and a basic school. The director of a preschool and a basic school operating as one institution shall have the competence resulting from this Act and the Basic Schools and Upper Secondary Schools Act.

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

§ 6. Groups

(1) The director of a preschool institution (hereinafter director) shall form crèche groups and preschool groups as necessary and where possible on the basis of this Act.

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

(2) Crèche groups are for children of up to 3 years of age.

(3) Preschool groups are divided by age:

- 1) children between 3 and 6 years of age;
- 2) children between 6 and 7 years of age and children whose commencement of compulsory school attendance has been postponed;

[RT I, 20.11.2014, 2 – entry into force 01.01.2015]

(4) Parents or guardians (hereinafter parents) may submit proposals for the formation of mixed groups. Mixed groups are composed of children of the ages of crèche groups and preschool groups.

[RT I, 20.11.2014, 2 – entry into force 01.01.2015]

(5) On the proposal of the director of a preschool institution, a rural municipality or city government may, as required, form in that preschool institution integration groups which include children with special needs together with other children and groups for children with special needs which include only children with special needs. If possible, the preschool institution shall proceed from the recommendations of the counselling committee specified in § 50 of the Basic Schools and Upper Secondary Schools Act upon the application of necessary conditions for the development of children with special needs.

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

(6) A child with special needs shall be admitted to an integration group or a group for children with special needs on the basis of a written application from a parent and a recommendation of the counselling committee specified in § 50 of the Basic Schools and Upper Secondary Schools Act.

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

(7) The bases and procedure for the admission of children to and dismissal of children from preschools for children with special needs or groups for children with special needs shall be established by a regulation of the minister responsible for the area.

[RT I 2004, 27, 180 - entry into force 01.05.2004]

§ 7. Number of children in groups

(1) The number of children registered in a group of a preschool institution shall be as follows:

- 1) up to fourteen children in a crèche group;
- 2) up to twenty children in a preschool group;
- 3) up to eighteen children in a mixed group.

(1¹) On the proposal of the board of trustees of a preschool institution and if the conditions necessary for the development of children exist, a rural municipality or city government has the right to increase the number of children in a crèche group by up to two children, the number of children in a preschool group by up to four children and the number of children in a mixed group by up to two children. The decision shall be made separately for each crèche group, preschool group and mixed group.

[RT I, 20.11.2014, 2 – entry into force 01.01.2015]

(2) The number of children in a group for children with special needs shall be as follows:

- 1) up to twelve children in a group for children with physical disabilities;
- 2) up to twelve children in a remedial group for children with specific development disorders;
- 3) up to seven children in a development group for children with mental disabilities;
- 4) up to ten children in a group for children with sensory disabilities;
- 5) up to four children in a group for children with multiple disabilities;
- 6) up to four children in a group for children with pervasive developmental disorders.

(3) The allowed maximum number in integration groups is smaller than in other preschool institution groups with the consideration that one child with special needs fills three spaces.

[RT I 2006, 46, 334 - entry into force 03.11.2006]

§ 8. Language

(1) Learning and teaching at a preschool institution shall be conducted in Estonian. Learning and teaching at a preschool institution or preschool institution group may be conducted in another language on the basis of a decision of the local government council.

(2) A local government council shall ensure that all Estonian-speaking children have the opportunity to attend a preschool institution or preschool institution group where learning and teaching is conducted in Estonian in the same rural municipality or city.

(3) [Repealed - RT I 2006, 46, 334 – entered into force 03.11.2006]

(4) At a preschool institution or a group thereof where learning and teaching is not conducted in Estonian, Estonian language instruction shall be ensured on the basis of the national curriculum for preschool child care institutions.

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

(4¹) For Estonian language training at a preschool institution or a group thereof where learning and teaching is not conducted in Estonian support shall be allocated from the state budget to the local government.

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

§ 9. Statutes

(1) A preschool institution shall operate pursuant to this Act, the Local Government Organisation Act, other legislation and its statutes.

(2) The statutes of a preschool institution shall set out:

- 1) the name of the preschool institution;
- 2) the location of the preschool institution;
- 3) the structure of the preschool institution;
- 4) the competence of the board of trustees and the director;
- 5) the procedure for the election of members of the board of trustees, and their term of authority;
- 6) the procedure for amendment of the statutes;
- 7) the type of the preschool institution;
- 8) the bases for the organisation of learning and teaching;
- 9) the rights and obligations of the children and their parents;
- 10) the rights and obligations of the teachers and other employees.

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

(3) The statutes of a preschool institution shall be approved and amended pursuant to the procedure provided by the relevant rural municipality or city council.

[RT I 2001, 75, 454 - entry into force 21.09.2001]

(3) The statutes of a preschool institution shall be approved and amended pursuant to the procedure provided by the relevant rural municipality or city council.

[RT I 2001, 75, 454 - entry into force 21.09.2001]

§ 9¹. Development plan

(1) In order to ensure the consistent development of a preschool institution, the latter shall prepare a development plan for the preschool institution in co-operation with the board of trustees and the teachers' council.

(2) A development plan shall set out:

- 1) the main objectives and areas of development of the preschool institution;
- 2) an activity plan for three years;
- 3) the procedure for renewal of the development plan.

(2¹) Upon preparation of an activity plan of a development plan specified in clause (2) 2) of this section, the strengths and areas for improvement indicated in the internal evaluation report specified in subsection 24²(3) of this Act shall be taken into account.

(3) A development plan shall be approved pursuant to the procedure provided by the manager of the relevant preschool institution.

(4) A manager of a preschool institution shall organise the disclosure of the development plan pursuant to the Public Information Act on the website maintained in order to provide details of the activities of the preschool institution (hereinafter website of a preschool institution).

[RT I 2006, 32, 246 - entry into force 01.09.2006]

§ 9². Internal rules

(1) The internal rules of a preschool institution shall be prepared and submitted for approval to the board of trustees of a preschool institution by the director. The internal rules are compulsory for the children, parents and employees of the preschool institution.

(2) The procedure for prevention of situations jeopardising the mental or physical security of children and employees of a preschool institution, reaction to such situations, notification of incidents, resolution of incidents and the procedure for the application of measures shall be provided for in the internal rules of a preschool institution.

(3) The internal rules shall be made public on the preschool institution's website and other possibilities of accessing the same shall also be created.

[RT I, 20.11.2014, 2 - entry into force 01.09.2015]

Chapter 2

ESTABLISHMENT AND EDUCATION LICENCE

§ 10. Duties of local governments

(1) A rural municipality or city government shall, at the request of the parents, provide all children from eighteen months to seven years of age whose residence is in the territory of the given rural municipality or city and whose residence coincides with the residence of at least one parent the opportunity to attend a preschool institution in the catchment area. A rural municipality or city government may, with the parent's consent, substitute the place of a child from eighteen months to three years of age in a preschool institution with childcare service, the financing of which shall be based on the provisions of subsections 27 (3) and (4) of this Act.

(2) A rural municipality or city government shall provide children whose commencement of compulsory school attendance has been postponed by one academic year on the basis of a recommendation of the counselling committee specified in subsection 9 (3) of the Basic Schools and Upper Secondary Schools Act, the opportunity to attend a preschool institution group provided for in clause 6 (3) 2) or subsection (4) of this Act, and children with special needs the opportunity to attend a preschool institution group provided for in subsection 6 (6) of this Act.

(3) In this Act, the residence of a person shall be deemed to be the address of residence of a person entered in the population register. The residence of a child receiving care in a substitute home or in a family shall be deemed to be the address of the substitute home or family under whose care the child is.
[RT I, 20.11.2014, 2 - entry into force 01.01.2015]

§ 11. Mandatory requirements for establishment and operations

(1) Preschool institutions shall be established by a rural municipality or city government following a resolution of the local government council and on the basis of an education licence issued by the minister responsible for the area.

(2) The following are necessary for the establishment and operation of a preschool institution:

1) teachers who meet the qualification requirements for teachers at preschool institutions as established by a regulation of the minister responsible for the area;

2) premises (buildings) and land with furnishings which are suitable for children to develop and play and which meet the health protection requirements established by the Government of the Republic and the requirements for fire safety and rescue established by legislation;

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

3) a curriculum of the preschool institution which complies with the national curriculum for preschool child care institutions established by a regulation of the Government of the Republic.

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

(3) Information concerning preschool institutions shall be entered in the Estonian Education Information System established on the basis of subsection 36⁶(4) of the Republic of Estonia Education Act.

[RT I 2006, 46, 334 - entry into force 03.11.2006]

§ 12. Education licence

(1) The format of education licences shall be established by a regulation of the minister responsible for the area.

(2) An education licence shall be issued for an unspecified term.

(3) A rural municipality or city government shall submit an application for an education licence to the minister responsible for the area not later than five months before the commencement of learning and teaching at the preschool institution.

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

(4) The following shall be annexed to an application for an education licence:

1) information concerning compliance with the conditions prescribed in subsection 11 (2) of this Act;

2) the statutes of the preschool institution.

(5) Following submission of the information set out in subsection (4) of this section, the term for reviewing an application for an education licence at the Ministry of Education and Research shall be two months.

(6) The minister responsible for the area shall not issue an education licence if the information prescribed in subsection (4) of this section concerning compliance with the conditions is missing or does not conform to the requirements established by legislation. A decision to issue or to refuse to issue an education licence shall be

communicated to the rural municipality or city government by post or by electronic means within ten working days as of the decision being made.

(7) Before submission of an application for the issue of an education licence, the rural municipality or city government shall pay a state fee.

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

§ 13. Revocation of education licence

(1) The minister responsible for the area shall revoke an education licence if:

- 1) in the course of administrative supervision it becomes evident that the activities of the preschool institution are in conflict with law, legislation issued on the basis thereof or the statutes of the preschool institution;
- 2) the preschool institution or the manager of the preschool institution has not, by the prescribed due date and pursuant to the prescribed procedure, complied with a precept issued upon exercise of administrative supervision;
- 3) the preschool institution has not commenced activities within one year after the issue of the education licence or has suspended or terminated its activities;
- 4) the local government council has taken the decision to terminate the activities of the preschool institution.

(2) The minister responsible for the area shall communicate a decision to revoke an education licence to the rural municipality or city government by post or by electronic means within five working days as of the decision being made.

(3) A rural municipality or city government or a county governor shall make a proposal for the revocation of an education licence pursuant to subsection (1) of this section.

[RT I 2006, 32, 246 - entry into force 01.09.2006]

§ 14. Children with special needs

(1) Rural municipality and city governments shall provide children with physical disabilities, speech disorders, sensory disabilities or mental disabilities or children who need special support or special care (hereinafter children with special needs) with the opportunity to develop and grow in the preschool institution of their residence.

(2) Conditions shall be created for children with special needs to grow in integration groups together with other children.

(3) If it is impossible for an integration group to be formed in the preschool of residence, the rural municipality or city government shall form groups for children with special needs or establish preschools for children with special needs.

[RT I 2004, 27, 180 - entry into force 01.05.2004]

§ 15. Catchment area

(1) The local government council shall approve the catchment area of a preschool institution.

(2) Parents may be free in their choice of a preschool institution for their child if there are vacant places in the preschool institution they wish the child to attend.

(3) A rural municipality or city government shall admit to the preschool institution first the children residing in the catchment area of the preschool institution, preferring the children, if possible, the other children of whose family residing at the same residence attend the same preschool institution. If vacant places exist at a preschool institution after the admission of children residing in the catchment area, children from outside the catchment area shall be admitted to the preschool institution starting with children residing in the same rural municipality or city and thereafter children of parents who are employed in the catchment area. When admitting children residing outside the catchment area, applications which were submitted earlier shall be considered first.

[RT I, 20.11.2014, 2 – entry into force 01.01.2015]

(4) The procedure for the admission of children to and dismissal of children from a preschool institution shall be established by the rural municipality government or city government.

[RT I 2006, 46, 334 - entry into force 03.11.2006]

Chapter 3 ORGANISATION OF LEARNING AND TEACHING

§ 16. Curriculum

(1) The curriculum of a preschool institution which complies with the national curriculum for preschool child care institutions shall be the basis for the organisation of learning and teaching in the preschool institution.

(2) The national curriculum for preschool child care institutions shall be established by a regulation of the Government of the Republic. The following shall be established by the abovementioned regulation:

- 1) the principles for the preparation of a curriculum for a preschool institution;
- 2) the organisation of learning and teaching;
- 3) the expected general skills of 6-7-year-old children;
- 4) the objectives and content of learning and teaching in different subject fields and the expected results of the development of 6-7-year-old children;
- 5) the principles for assessing the development of children.

(3) The curriculum of a preschool institution shall be prepared and developed by the teachers of the preschool institution by involving the parents. The director of a preschool institution shall approve the curriculum of the preschool institution on the proposal of the teachers' council after hearing the opinion of the board of trustees.
[RT I 2010, 41, 240 - entry into force 01.09.2010]

(4) A preschool institution shall have an activity plan and a daily schedule, upon the preparation of which the national curriculum for preschool child care institutions and the cultural identity and traditions of the area where the preschool institution is located are taken into account. The activity plan and daily schedule of a preschool institution shall be approved by the director.
[RT I 2010, 41, 240 - entry into force 01.09.2010]

(5) A preschool institution shall issue a readiness for school card to children who have completed the curriculum of the preschool institution, describing the results of development of the child. The parent shall submit the readiness for school card to the school in which the child commences his or her compulsory school attendance.
[RT I 2010, 41, 240 - entry into force 01.09.2010]

§ 16¹. Academic year

(1) The duration of an academic year is from the start of study in one calendar year until the start of study in the next calendar year.

(2) An academic year shall start on 1 September.
[RT I 2004, 30, 206 - entry into force 07.05.2004]

§ 17. Children's rights

Children acquiring preschool education at a preschool institution have the right to a mentally and physically healthy environment and to a daily schedule, activities which support self-confidence and mental alertness and the all-round assistance and support of teachers.

§ 18. Rights and duties of parents

- (1) Parents have the right to:
- 1) bring their children to and collect them from a preschool institution at a time which is suitable for the parents, taking account of the daily schedule of the preschool institution;
 - 2) demand that the necessary conditions are created for the comprehensive development and growth of children and to assist in the creation of those conditions;
 - 3) examine the curriculum and daily schedule of the preschool institution;
 - 4) obtain information concerning the organisation of work at the preschool institution.

- (2) Parents are required to:
- 1) create favourable conditions for their children to develop and acquire preschool education at a preschool institution;
 - 2) observe the daily schedule of the preschool institution and comply with the health protection and health promotion requirements for children.

§ 19. Working time of preschool institution

(1) The rural municipality or city government shall, on the proposal of the board of trustees, decide whether a preschool institution operates permanently or seasonally.

(2) The rural municipality or city government shall decide the opening hours of a preschool institution on the basis of a proposal from the board of trustees.

(3) If the temporary need for preschool institution places in the territory of a rural municipality or city is greater than the total number of existing places at preschool institutions, the rural municipality or city government shall provide all persons interested with the opportunity to obtain a part-time place at a preschool institution.
[RT I 2006, 46, 334 - entry into force 03.11.2006]

Chapter 4

MANAGEMENT AND STAFF

§ 20. Staff

(1) The employees of a preschool institution (hereinafter staff) consist of the teachers, health care professionals, employees who manage the child care institution and employees who assist the teachers. The minimum requirements for the number of staff at preschool institutions shall be approved by a regulation of the minister responsible for the area, on the basis of which the director of each preschool institution shall appoint the staff of the preschool institution.

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

(2) It is prohibited for staff to disclose any information obtained from a child concerning the family of the child.

(3) The staff shall provide information to rural municipality or city government officials responsible for social work or child protection issues if it becomes evident that the child's domestic environment is unsatisfactory or that the child is a victim of physical, emotional or sexual abuse.

(4) Contracts of employment with the teachers, health care professionals, employees who manage the preschool institution and employees who assist the teachers shall be entered into, amended and cancelled by the director.

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

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

(6) With the objective of ensuring a safe educational environment for children, the work organisation of the staff of a preschool institution shall be based on the principle that during the whole working time of a group there is a person employed in the field of learning and teaching or an employee assisting a teacher for up to seven children in a crèche group, up to nine children in a mixed group, up to ten children in a preschool group, up to eight children in an integration group and for two up to six children in a group for children with special needs depending on the special needs of the children. In the case provided for in subsection 7 (1¹) of this Act there may be a person employed in the field of learning and teaching or an employee assisting a teacher for up to eight children in a crèche group, up to ten children in a mixed group and up to twelve children in a preschool group.

[RT I, 20.11.2014, 2 - entry into force 01.09.2015]

§ 21. Director

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

(1) The duty of the director is to ensure the effective operation of the preschool institution and to direct the activities of the preschool institution in co-operation with the teachers' council and the board of trustees. The director is the legal representative of the preschool institution during the period of validity of his or her contract of employment.

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

(2) In order to perform the duties provided for in this Act, the director has the right to conclude transactions with the assets of the preschool institution pursuant to the procedure established by legislation.

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

(3) The director is responsible for the development of the preschool institution and for the purposeful and expedient use of its financial resources.

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

(4) The director shall submit a written overview of the learning and teaching provided at and the financial situation and use of money of the preschool institution to the rural municipality or city government and the board of trustees once a year and shall give written notice of any material deterioration of the economic state of the preschool institution and of any precepts issued by a supervisory agency.

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

(5) In order to fill a vacant position of a director, a public competition shall be organised. The rural municipality or city government shall announce the competition and establish the procedure for its conduct. The person who wins the competition shall be appointed to office by the rural municipality or city government.

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

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

(7) The contract of employment with the director shall be entered into, amended and cancelled by the rural municipality or city mayor or an official authorised by him or her.

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

§ 22. Teachers

(1) For the purposes of this Act, teachers, the director, the head teacher and other persons employed in the field of learning and teaching are deemed to be teachers.

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

(2) Teachers shall create conditions for the growth and development of children in an atmosphere of mutual respect and understanding with the children and their parents and shall take care of the life and health of the children at the preschool institution.

(3) Teachers are required to provide advice on issues of learning and teaching to the parents of children who attend the preschool institution and the parents of children who do not attend the preschool institution but who reside in the catchment area if the parents so request.

(4) In order to fill vacant positions of teachers, the head teacher or other persons employed in the field of learning and teaching, the director of the preschool institution shall organise a competition, the procedure for which shall be approved by the board of trustees on the proposal of the director.

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

(4¹) If a teacher who meets the qualification requirements is not found in a competition organised in order to fill vacant positions of teachers, the director shall organise a public competition within a year.

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

(4²) If a teacher who meets the qualification requirements established under clause 11 (2) 1) is not found in a competition organised in order to fill vacant positions of teachers, the director may enter into a fixed-term employment contract for a period of up to one year with a person who has at least secondary education.

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

(5) Evaluation shall be conducted in order to decide on the professional skills and professional competence of teachers and their level of qualification. The evaluation conditions and procedure shall be approved by a regulation of the minister responsible for the area.

(6) Teachers shall belong to the teachers' council of the preschool institution, the function of which is to analyse and assess the learning and teaching provided at the preschool institution and to submit proposals to the director, the board of trustees and the rural municipality or city government in order to improve the learning and teaching.

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

(7) Information concerning teachers shall be entered in the Estonian Education Information System established on the basis of subsection 36⁶(4) of the Republic of Estonia Education Act.

[RT I 2006, 46, 334 - entry into force 03.11.2006]

§ 23. Health care professionals

(1) A health care professional at a preschool institution shall:

1) monitor the health of the children on the basis of the health protection and health promotion requirements for children established by a regulation of the minister responsible for the area and by a regulation of the Government of the Republic and inform the parents and the doctor of a child of any health disorders the child may have;

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

2) prepare the daily schedule of the preschool institution, which complies with the requirements for the daily schedules of preschool institutions as established by a regulation of the minister responsible for the area and which is approved by the director;

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

3) verify whether the catering for the children meets the requirements for catering for children as established by a regulation of the minister responsible for the area;

4) advise parents and teachers on issues related to children's health.

(2) [Repealed - RT I 2006, 46, 334 – entered into force 03.11.2006]

§ 24. Board of trustees

(1) The board of trustees is a permanent body whose function is to make sure that the learning and teaching provided at the preschool institution corresponds to the development and interests of the children and also to co-operate in this field with the staff of the preschool institution.

(2) The board of trustees of a preschool institution shall include a representative of teachers, representatives of parents of each group and a representative of the rural municipality or city.
[RT I 2008, 13, 86 - entry into force 01.09.2008]

(3) The board of trustees shall:

1) hear the report of the director on the learning and teaching provided at and the management of the preschool institution;

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

2) make recommendations to the director and the rural municipality or city government for the preparation of the budget of the preschool institution and for the expedient use of the budget funds;

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

3) submit proposals to the director and the rural municipality or city government in order to ensure a favourable environment for development for children;

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

4) through a representative (representatives), participate in the work of the committee of a competition organised to fill the vacant position of director;

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

5) decide the daily cost of catering for children;

6) decide on other issues placed within the competence of the board of trustees by this Act or a resolution of the rural municipality or city council.

(4) The board of trustees has the right to obtain information necessary for its work from the director and from the rural municipality or city government.

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

(5) In order to organise its activities, the board of trustees shall elect a chairman and his or her deputy from among its members.

(6) The work format of the board of trustees shall be a meeting, which is to be held at least once a quarter on the proposal of the chairman of the board of trustees or the director.

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

§ 24¹. [Repealed - RT I 2010, 41, 240 – entered into force 01.09.2010]

Chapter 4¹

INTERNAL EVALUATION AT PRESCHOOL INSTITUTIONS AND COUNSELLING OF PRESCHOOL INSTITUTIONS IN ISSUES OF INTERNAL EVALUATION

[RT I 2006, 32, 246 - entry into force 01.09.2006]

§ 24². Internal evaluation at preschool institutions

(1) Internal evaluation shall be conducted at preschool institutions. Internal evaluation is a continuous process, the purpose of which is to ensure conditions promoting the development of children and the consistent development of a preschool institution by determining the strengths and areas for improvement of the preschool institution, on the basis of which the activity plan of a development plan specified in clause 9¹(2) 2) of this Act shall be prepared. Based on the abovementioned purpose, learning and teaching and the management of learning and teaching and the effectiveness thereof shall be analysed upon internal evaluation of a preschool institution.

(2) The procedure for conducting internal evaluation of a preschool institution shall be established by the director of the preschool institution.

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

(3) A preschool institution shall prepare an internal evaluation report at least once every three academic years. The report shall set out the strengths and areas for improvement of the preschool institution. An internal evaluation report shall be approved by the board of trustees of the preschool institution and the manager of the preschool institution and the report shall be confirmed by the director of the preschool institution.

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

§ 24³. Counselling of preschool institutions in issues of internal evaluation

(1) Preschool institutions shall be counselled in the issues of internal evaluation. The purpose of counselling is to give a preschool institution recommendations with respect to internal evaluation by analysing whether the internal evaluation is based on the purpose provided for in subsection 24²(1) of this Act.

(2) The conditions and procedure for the counselling of preschool institutions shall be established by a regulation of the minister responsible for the area.

Chapter 5 FINANCING

§ 25. Assets

Assets in the possession of a preschool institution shall be possessed, used and disposed of pursuant to the procedure established by the local government council.

§ 26. Budget

- (1) A preschool institution shall have its own budget which is approved by the local government council.
- (2) A preschool institution may have its own bank account.

§ 27. Financing

- (1) A preschool institution shall be financed:
 - 1) from the state budget and rural municipality or city budget funds;
 - 1¹) out of state budget funds on the bases provided for in the Adult Education Act;
 - 2) out of amounts covered by parents;
 - 3) out of donations.

(1¹) Support is allocated from the state budget to local governments for the creation of places in and renovation of preschool institutions, the development of the learning environment of preschool institutions and the wages of the teachers of preschool institutions on the condition that the relevant local government adds supplementary rural municipality or city budget funds (hereinafter own contributions) to the support allocated from the state budget.

[RT I 2009, 15, 93 - entry into force 01.03.2009]

(1²) The conditions and procedure for the allocation and use of the support specified in subsection (1¹) of this section and the amount of own contribution which is a prerequisite for obtaining the support shall be established by a regulation of the Government of the Republic.

[RT I 2007, 71, 434 - entry into force 01.01.2008]

(1³) The regulation specified in subsection (12) of this section shall, in the case of support for the creation of places in and renovation of preschool institutions, set out, *inter alia*, the purpose of granting support and the activities to be supported, the eligible costs, the maximum amount of support, the rate or amount of self-financing, the requirements for the applicant and the application, the conditions and procedure for satisfaction of or refusal to satisfy an application, the requirements for contracts regarding allocation of support, the procedure for making payments of support and the bases for the reclamation of support.

[RT I 2007, 71, 434 - entry into force 01.01.2008]

(1⁴) The plan for the distribution of support for the creation of places in and renovation of preschool institutions shall be approved by the Government of the Republic. The Government of the Republic may approve a list of projects for several coming financial years which shall be the basis for the application for support.

[RT I 2007, 71, 434 - entry into force 01.01.2008]

(1⁵) Funds for the acts related to the supervision of the allocation and use of support shall be prescribed from the funds prescribed for the creation of places in and renovation of preschool institutions annually allocated from the state budget.

[RT I 2007, 71, 434 - entry into force 01.01.2008]

(1⁶) The Government of the Republic may, by the regulation specified in subsection (1²) of this section, authorise the minister responsible for the area to transfer, by a contract under public law, the functions of the allocation, the supervision of the use and reclamation of support for the creation of places in and renovation of preschool institutions in part to a foundation which is founded by the state.

[RT I 2007, 71, 434 - entry into force 01.01.2008]

(2) The cost of catering for children at a preschool institution shall be covered by the parents. The daily cost of catering for children shall be decided by the board of trustees and approved by the director.

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

(3) Other costs (the management costs of the preschool institution, remuneration for staff, social tax and the costs of teaching aids) shall be covered out of the rural municipality or city budget funds and, on the resolution of the rural municipality or city council, partially by parents. The amount covered by parents per child shall not exceed 20 per cent of the minimum wage rate established by the Government of the Republic.

(4) If the costs specified in subsection (3) of this section are partially covered by parents, the rural municipality or city council shall establish the rate for the amount to be covered by parents which may vary depending on the age of the child, the management costs of the preschool institution or other circumstances.

(5) The representatives of local governments and the representatives of teachers from preschool institutions shall agree on the minimum salaries of teachers at preschool institutions.

(5¹) [Repealed - RT I 2003, 75, 496 – entered into force 13.12.2003]

(6) Other rural municipalities or cities shall fully participate in covering the management costs, remuneration for staff, social tax and costs of teaching aids at a preschool institution which are to be covered from the rural municipality or city budget in proportion to the number of children who reside in their administrative territory and attend the preschool institution.

[RT I 2006, 46, 334 - entry into force 03.11.2006]

(7) The rural municipality or city government shall approve the management costs, remuneration for staff, social tax and the costs of teaching aids at a preschool institution per child for each budgetary year.

Chapter 6

ADMINISTRATIVE SUPERVISION AND MANAGEMENT OF DOCUMENTS

[RT I 2006, 32, 246 - entry into force 01.09.2006]

§ 28. Exercising administrative supervision over learning and teaching at preschool institutions

(1) The Ministry of Education and Research or, at the request of the minister responsible for the area, the county governor of the location of the preschool institution (hereinafter together referred to as supervisory agency) shall exercise administrative supervision over the learning and teaching at preschool institutions.

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

(2) The priorities of administrative supervision, the exercise of topical administrative supervision, the procedure for documentation of the results and for notification of the results shall be established by a regulation of the minister responsible for the area for each academic year before the end of the previous academic year.

(3) The supervisory agency shall appoint the persons exercising supervision and involve experts if necessary.

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

(4) The qualification requirements for persons exercising administrative supervision shall be established by a regulation of the minister responsible for the area.

[RT I 2006, 32, 246 - entry into force 01.09.2006]

§ 29. Functions of persons exercising administrative supervision

The functions of a person exercising administrative supervision are as follows:

- 1) to monitor the compliance with the requirements arising from legislation regulating learning and teaching;
- 2) to analyse problems arising upon the implementation of the legislation regulating learning and teaching.

[RT I 2006, 32, 246 - entry into force 01.09.2006]

§ 30. Rights of persons exercising administrative supervision

[RT I 2006, 32, 246 - entry into force 01.09.2006]

A person exercising administrative supervision has the right to:

- 1) attend learning activities and teaching events by informing the director thereof beforehand;

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

- 2) participate in meetings of the board of trustees, the teachers' council and parents;

[RT I 2006, 32, 246 - entry into force 01.09.2006]

- 3) examine the documents of a preschool institution;

[RT I 2006, 32, 246 - entry into force 01.09.2006]

- 4) receive information from a preschool institution concerning the implementation of legislation;

[RT I 2006, 32, 246 - entry into force 01.09.2006]

5) make proposals to the director and the manager of a preschool institution for the improvement of the activities of the preschool institution and issue mandatory precepts for the elimination of any deficiencies in learning and teaching;

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

6) issue mandatory precepts to the director, the teachers' council, the board of trustees, the manager of a preschool institution, except to the rural municipality or city government or the rural municipality or city council, to bring individual acts issued by them which regulate learning and teaching and which are in conflict with law or other legislation issued pursuant to law into conformity with law or other legislation issued pursuant to law;

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

7) make proposals to the county governor for the exercise of administrative supervision over the legality of individual acts of the rural municipality or city government or the rural municipality or city council pursuant to the Government of the Republic Act;

[RT I 2006, 32, 246 - entry into force 01.09.2006]

8) make proposals to the manager of a preschool institution to terminate a contract of employment with a director who has committed an indecent act, official misconduct or act of corruption or to make proposals to terminate a contract of employment with a director who is unsuitable for his or her office.

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

§ 31. Results of administrative supervision

[RT I 2006, 32, 246 - entry into force 01.09.2006]

(1) The results of administrative supervision shall be documented in a certificate.

[RT I 2006, 32, 246 - entry into force 01.09.2006]

(2) A certificate shall include the time and place of drawing the certificate, brief information on the educational institution, supervisory agency exercising supervision, time of exercising supervision, the names of the persons exercising supervision and the names of the experts involved, the results of supervision, time and description of offences, precepts issued and proposals made and the term for notification of compliance with precepts.

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

(3) A precept shall set out:

- 1) the name of the person or body to whom the precept is addressed;
- 2) the obligation to perform acts necessary to terminate the offence;
- 3) the basis of the precept;
- 4) the term for compliance with the precept.

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

(4) The minister responsible for the area or the county governor shall approve the certificates.

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

(5) A preschool institution and a manager of a preschool institution shall be notified of a certificate within sixty calendar days as of the beginning of state supervision.

[RT I 2006, 32, 246 - entry into force 01.09.2006]

(6) If a manager of a preschool institution fails to comply with a precept during the term specified in the warning, the supervisory agency may impose a penalty payment pursuant to the procedure provided for in the Substitutive Enforcement and Penalty Payment Act. The upper limit for a penalty payment is 640 euros.

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

§ 32. Management of documents

The list of mandatory documents relating to the learning and teaching provided at a preschool institution and the procedure for completion thereof shall be established by a regulation of the minister responsible for the area.

[RT I 2006, 32, 246 - entry into force 01.09.2006]

Chapter 7 REORGANISATION, TRANSFORMATION AND CLOSURE OF PRESCHOOL INSTITUTIONS

[RT I 2001, 75, 454 - entry into force 21.09.2001]

§ 33. Reorganisation and transformation of preschool institutions

(1) A preschool institution shall be reorganised or transformed by the rural municipality or city government on the decision of the rural municipality or city council. A decision to reorganise or transform a preschool institution shall be made bearing in mind that it must be possible to inform the Ministry of Education and Research, the county governor, the preschool institution and the parents (guardians, curators) in writing at least five months before the term for the reorganisation or transformation.

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

(2) For the purposes of this Act, reorganisation of a preschool institution is the unification or division of preschool institutions. Preschool institutions shall be united or divided as follows:

- 1) preschool institutions are united into one preschool institution, for which the preschool institutions to be united are closed and a new preschool institution is formed on the basis thereof;
- 2) a preschool institution is joined to another preschool institution and the preschool institution joining the other preschool institution is closed;
- 3) a preschool institution is divided into at least two preschool institutions and the preschool institution being divided is closed;
- 4) a preschool institution is separated from another preschool institution, a new preschool institution is formed on the basis thereof and the initial preschool institution continues to operate.

(3) For the purposes of this Act, the transformation of a preschool institution is a change to the type of the preschool institution as specified in subsection 5 (1) of this Act.

(4) In the case of a preschool institution which is formed as a result of the reorganisation or transformation of a preschool institution, an education licence shall be applied for.

(5) Upon joining a preschool institution to a basic school, the provisions of the Basic Schools and Upper Secondary Schools Act concerning uniting of schools shall apply.

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

§ 34. Closure

(1) A rural municipality government or city government is required to initiate the closure of a preschool institution if:

- 1) the preschool institution operates without an education licence for six months;
- 2) the local government council has decided that it would be inexpedient for the preschool institution to continue its activities.

(1¹) A preschool institution shall be closed pursuant to the procedure provided for in subsection 33 (1) of this Act.

(2) Upon the closure of a preschool institution, the rural municipality or city government shall ensure that the children have the opportunity to continue to use preschool institution services at another preschool institution.

[RT I 2001, 75, 454 - entry into force 21.09.2001]

Chapter 8 IMPLEMENTATION OF ACT

§ 35. Exceptions to entry into force of Act

(1) Section 10 of this Act enters into force on 1 July 2002.

(2) Subsections 27 (5) and (6) of this Act enter into force on 1 January 2000.

(3) Clause 27 (1) 1¹) of this Act enters into force on 1 January 2001.

§ 36. Terms

(1) The statutes of operating preschool institutions shall be brought into compliance with this Act within six months as of the entry into force of this Act.

(2) [Repealed - RT I 2004, 30, 206 – entered into force 07.05.2004]

(2¹) Preschool institutions operating without an education licence at the time of entry into force of this Act shall, until 31 August 2007, be deemed to be equal with preschool institutions holding education licences. Until the term specified above, the manager of an operating preschool institution may append inspection reports containing the results of administrative supervision prepared within six years before the submission of the application for an education licence to the application instead of the documents specified in subsection 12 (4) of this Act. If the supervisory agency has not prepared an inspection report for an operating preschool institution within six years before the submission of an application, the documents specified in subsection 12 (4) shall be appended to the application for an education licence.

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

(2²) The education licences issued for a specified term valid as of 1 May 2005 are deemed to have been issued for an unspecified term.

(3) The rural municipality or city council shall approve the catchment area of a preschool institution on the basis of § 15 of this Act within six months as of the entry into force of this Act.

(4) If the director of a preschool institution is employed on the basis of a contract of employment entered into for an unspecified term and if he or she wishes to continue working, his or her contract of employment shall, by 1 January 2001, be changed to a contract of employment with a term of five years by the rural municipality or city mayor or an official authorised by him or her.

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

(4¹) The valid employment contract entered into for a fixed term of a director authorised to office on the basis of the competition specified in subsection 21 (5) of this Act before 1 August 2008 becomes an employment contract entered into for an unspecified term after expiry of the term.

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

(5) The development plans of operating preschool institutions shall be approved not later than by 1 September 2002.

(6) An activity plan of a development plan of a preschool institution shall be brought into conformity with subsection 9¹(2¹) of this Act not later than by 1 September 2010.

(7) The provisions of § 24² of this Act shall be implemented as of 1 September 2006.

(8) A preschool institution is required to prepare the internal evaluation report specified in subsection 24²(3) of this Act not later than by 1 September 2010.

(9) The priorities of administrative supervision, the exercise of topical administrative supervision, the procedure for documentation of the results and for notification of the results for the academic year of 2006/2007 shall be established by a regulation of the Minister of Education and Research by 1 September 2006.

(10) The restrictions upon employment of a person established in subsection 20 (5) of this Act shall apply after entry into force of the provisions concerning persons commencing employment related to children.

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

(11) The curricula of operating preschool institutions shall be brought into conformity with the provisions of § 16 of this Act by 1 March 2009.

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

(12) The decisions to increase the number of children regarding each group shall be brought into conformity with subsection 7 (1¹) of this Act by 1 September 2015.

[RT I, 20.11.2014, 2 – entry into force 01.01.2015]

§ 37. Kehtetuks tunnistamine

[Omitted from this text.]