

Issuer:	Riigikogu
Type:	act
In force from:	01.02.2018
In force until:	31.12.2018
Translation published:	29.01.2018

# Vocational Educational Institutions Act

Passed 12.06.2013

Amended by the following acts

Passed	Published	Entry into force
21.11.2013	RT I, 13.12.2013, 5	23.12.2013
05.12.2013	RT I, 22.12.2013, 1	01.01.2014
19.02.2014	RT I, 13.03.2014, 4	01.07.2014 Words 'state supervision' have been replaced with words 'administrative supervision' throughout the Act.
18.02.2015	RT I, 23.03.2015, 5	01.07.2015
09.12.2015	RT I, 30.12.2015, 1	18.01.2016, partially 01.01.2016
14.06.2017	RT I, 04.07.2017, 1	01.01.2018, partially 01.09.2017
10.01.2018	RT I, 22.01.2018, 1	01.02.2018
10.01.2018	RT I, 22.01.2018, 2	01.02.2018

## Chapter 1 General Provisions

### § 1. Scope of application of Act

(1) The Vocational Educational Institutions Act provides the bases for the establishment, maintenance, transfer, reorganisation and closure of vocational educational institutions (hereinafter schools), the bases for the right to provide instruction, management, organisation of studies, state-commissioned education and financing, the rights and obligations of members of schools, and administrative supervision over the activities of schools.

(2) The provisions of this Act apply to private schools insofar as the Private Schools Act does not provide otherwise. The provisions of this Act apply to institutions of professional higher education within the scope provided for in the Institutions of Professional Higher Education Act.

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

### § 2. Vocational training and learning outcomes

(1) For the purposes of this Act, vocational training means the aggregate of learning, teaching and organisational activities the purpose of which is to enable the acquisition of vocational education.

(2) For the purposes of this Act, learning outcomes mean the knowledge, skills and attitudes acquired as the result of learning which have been described in the minimum level necessary for the completion of a curriculum, module, topic or subject. The achievement of learning outcomes at a level exceeding the minimum shall be differentiated with an assessment, if necessary.

### § 3. Functions and obligations upon organisation of vocational training

(1) Vocational training shall be organised by schools. The purpose of organisation of vocational training is to create the possibilities for the formation of such individuals who possess the knowledge, skills and attitudes or competencies, and the experience and social readiness for working, participating in social life and for lifelong learning. In order to achieve the given purpose, the school shall perform the following main functions:

- 1) support the acquisition of competencies necessary for self-realisation and development, civil activity, social involvement, continuing education and employment (hereinafter key competencies) in order to enable the learner to manage successfully in the changing learning, physical and social and working environment;
- 2) support the formation of the student's vocational, professional and occupational competence in order to enable the student to perform successfully in the labour market;
- 3) develop and support the student's motivation for participation in lifelong learning.

(2) In order to perform the main functions and ensure the quality of education, the school shall:

- 1) organise teaching and education in formal education and continuing education in order to support the development of all learners;
- 2) ensure that learners have access to the support services, including career counselling, learning assistance, special needs and social educational and psychological services and access to the health services provided for in this Act;
- 3) conduct educational, methodological and technological development work in the taught areas;
- 4) ensure the availability of education by the creation of flexible learning possibilities for different target groups;
- 5) create possibilities for the catering and accommodation of pupils and support access to the related services;
- 6) create conditions for the hobby and self-initiative activities of pupils and support access to the related services;
- 7) ensure the mental and physical safety and health protection of learners during their stay at school;
- 8) cooperate nationally and internationally with other educational institutions, employees, employers, business and professional associations, undertakings and institutions related to the specialty (hereinafter social partners), local governments and other partners in order to establish the need for training, improve the quality of education and other relevant purposes;
- 9) ensure the work organisation and working environment for the employees for the performance of functions imposed thereon and the possibilities for self-development;
- 10) ensure the maintenance and development of the school's infrastructure;
- 11) form the reputation of the school and vocational education purposefully;
- 12) may provide services for a fee and sell products on the grounds provided for in the statutes of the school in order to support teaching and education and use its assets expediently and economically.

(3) The state shall ensure access to vocational training in all counties.

#### **§ 4. Legal status of school**

(1) State schools are state agencies administered by the Ministry of Education and Research. The manager of a state school shall be the state represented by the Ministry of Education and Research.

(2) Municipal schools are local government agencies. The manager of a municipal school shall be the city or rural municipality.

(3) State and municipal schools may perform economic activities for the performance of functions established in the curriculum and statutes of the school or in connection therewith. The notification or licence obligation shall not be applied to such economic activities whereas the provisions governing the relevant economic activities shall be applied.

(4) If the economic activity of the school is targeted to the production of goods and to the provision of services for consumers, it must be expressed in a way which is understandable for consumers.

## **Chapter 2**

### **Establishment, Source Documents and Name of School**

#### **§ 5. Establishment**

(1) A state school shall be established by the Minister of Education and Research.

(2) A municipal school shall be established by the rural municipality or city council.

(3) After the establishment of school the manager of a school shall apply for the right to provide instruction from the Minister of Education and Research on the conditions and pursuant to the procedure provided for in this Act. If the school is established by the Minister of Education and Research, he or she shall make the decision on the grant of the right to provide instruction simultaneously with the decision to establish the school.

(4) The data of the school shall be entered in the Estonian Education Information System (hereinafter Education Information System) founded on the basis of subsection 36<sup>6</sup>(4) of the Republic of Estonia Education Act.

(5) State and municipal schools shall be registered in the state register of state and local government agencies.

## **§ 6. Statutes and development plan of school**

- (1) A school shall have the statutes and development plan.
- (2) The statutes of a school shall be established by the manager of a school and the development plan of a school shall be approved by the manager of a school or a representative authorised thereby.
- (3) The statutes of a state school shall be established by a regulation of the Minister of Education and Research.
- (4) The development plan of a school shall be prepared for at least three years and it shall set out the main objectives of development of the school and the methods of application thereof based on nationally strategic documents.
- (5) The head of school shall organise the publishing of the development plan on the school's website.

## **§ 7. Name of school**

The name of a school shall not be misleading.

# **Chapter 3 Right to Provide Instruction**

## **§ 8. Right to provide instruction**

- (1) The right to provide instruction means the right granted to a school for a specified term to provide formal education in the relevant curriculum group with a directive of the Minister of Education and Research.
- (2) The right to provide instruction shall be granted upon the establishment of a new school or opening formal education in a new curriculum group at a school holding the right to provide instruction.
- (3) For the purposes of this Act, a curriculum group means the classification category of curricula used upon the organisation of vocational training and which has been described in the Vocational Education Standard.
- (4) Instruction in schools may also be carried out according to a curriculum of professional higher education which is in conformity with the Standard of Higher Education. The provisions of the Institutions of Professional Higher Education Act concerning the provision and financing of professional higher education and the assessment of the quality of a curriculum group apply to the implementation of curricula of professional higher education in schools and the corresponding functions of the Rector, the board and the advisory body of the institution of professional higher education shall be performed by the head of school, the school board and the advisory body according to their competence to the extent and pursuant to the procedure established by the statutes of the school. If at least two thirds of the pupils and students of the school study according to professional higher education curricula, the provisions concerning the accreditation of institutions of professional higher education shall also extend to the school.
- (5) Instruction in schools within the framework of professional higher education may be carried out on the basis of a joint curriculum if the joint curriculum and the instruction carried out on the basis thereof comply with the requirements arising from the Institutions of Professional Higher Education Act, the Standard of Higher Education and other legislation regulating joint curricula.

## **§ 9. Granting right to provide instruction upon establishment of school**

- (1) In order to receive the right to provide instruction upon the establishment of school, the manager of a school shall submit an application to the Ministry of Education and Research no later than six months before the planned commencement of studies.
- (2) The following documents shall be appended to the application:
  - 1) curriculum complying with the requirements provided for in the legislation;
  - 2) confirmation on the existence of teaching and education employees complying with the qualification requirements;
  - 3) certificates on the existence of premises and furnishings in compliance with health protection and safety requirements and technological equipment and other infrastructure corresponding to the curriculum;
  - 4) statutes of the school;
  - 5) draft development plan of the school;
  - 6) establishment resolution of the school;
  - 7) written opinion of the local government association on the need to establish the school and open study;

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

- 8) written opinions of the social partners corresponding to the curriculum group on the need to establish the school and open study;
- 9) written consent of the school health care provider to provide services and confirmation on the existence of school health care service activity licence.

(3) Before the submission of an application, the manager of municipal school shall pay the state fee.

(4) An application shall not be submitted upon the establishment of state school, the documents listed in subsection (2) of this section shall be assembled by the Minister of Education and Research no later than six months before the planned commencement of studies.

#### **§ 10. Granting right to provide instruction upon opening study in new curriculum group**

(1) In order to receive the right to provide instruction in a new curriculum group, the school shall submit an application to the Ministry of Education and Research no later than six months before the planned commencement of studies. An application of a municipal school must be coordinated with the manager of the school.

(2) The following documents shall be appended to the application:

- 1) the documents listed in clauses 9 (2) 1)–3) of this Act;
  - 2) the development programme of the school;
  - 3) written opinion of the advisory body of the school on opening formal education in a new curriculum group;
  - 4) written opinion of the local government association on the need to open formal education in a new curriculum group;
- [RT I, 04.07.2017, 1 - entry into force 01.09.2017]
- 5) written opinions of the social partners corresponding to the curriculum group on the need to open formal education in a new curriculum group.

(3) Before the submission of an application, the municipal school shall pay the state fee.

#### **§ 11. Assessment**

(1) An assessment of a curriculum group shall be conducted upon granting the right to provide instruction. The Minister of Education and Research shall form an expert committee which shall assess:

- 1) whether the learning outcomes provided for in the curriculum can be achieved;
- 2) whether the teaching and education employees comply with the qualification requirements;
- 3) whether the learning infrastructure is suitable in order to achieve the objectives established in the curriculum;
- 4) whether the study to be opened is sustainable pursuant to the development plan;
- 5) whether the study to be opened is purposeful in view of the labour market forecast, existence of potential pupils, opinions provided in clauses 9 (2) 7) and 8) and clauses 10 (2) 4) and 5) and evidence-based nature of studies.

(2) The costs of assessment shall be covered by the applicant for the right to provide instruction. The costs of assessment and the procedure for covering thereof shall be approved with the directive of the Minister of Education and Research whereas the cost shall not exceed 640 euros.

(3) An assessment shall be conducted after the costs of assessment approved with a directive have been covered in time.

(4) If the right to provide instruction is granted pursuant to the procedure provided for in subsection 9 (4) of this Act, the costs of assessment shall be covered by the Ministry of Education and Research.

#### **§ 12. Granting of right to provide instruction and refusal thereof**

(1) The Minister of Education and Research shall decide the granting of the right to provide instruction on the basis of documents submitted on the basis of section 9 or 10 of this Act and the assessment provided for in section 11 of this Act and additional evidence, if necessary.

(2) The Minister of Education and Research shall not grant the right to provide instruction if at least one of the following circumstances exists:

- 1) the documents submitted by the applicant on the basis of the provisions of section 9 or 10 of this Act do not comply with the requirements established by the legislation;
- 2) the result of assessment conducted pursuant to the procedure provided for in section 11 of this Act is negative.

(3) The term of proceeding the application for the right to provide instruction shall be four months since the submission of an application.

(4) The directive on granting the right to provide instruction or refusal thereof shall be delivered to the applicant according to the applicant's request whether by post or electronic means.

(5) The right to provide instruction upon the establishment of a new school or opening study in a new curriculum group shall be granted for three years.

(6) If a school provides instruction in a curriculum group only at a custodial institution, the school shall be granted, with the directive of a minister, the right to provide instruction in the curriculum group without a term for the provision of instruction at a custodial institution.

### **§ 13. Extension of right to provide instruction**

(1) Upon the extension of the right to provide instruction, the performance and sustainability of teaching and education, leading and management, human resources management, cooperation with interest groups and management of resources shall be evaluated.

(2) In order to extend the right to provide instruction, the relevant curriculum group shall be accredited. Accreditation means the external evaluation of curricula groups at schools, based on internal evaluation, and conducted by external independent assessors.

(3) The conditions and procedure for accreditation shall be established by a regulation of the Minister of Education and Research.

(4) Accreditation shall be organised by the Ministry of Education and Research. The Minister of Education and Research may authorise a state foundation to organise the accreditation by entering into a contract under public law therefor. Supervision over the implementation of the contract under public law shall be exercised by the Ministry of Education and Research.

(5) In order to extend the right to provide instruction, the school shall submit an application to the authority organising accreditation no later than twelve months before the expiry of the right to provide instruction in the relevant curriculum group.

(6) The Minister of Education and Research shall form an assessment council which shall approve the accreditation decision and make a proposal on the extension of the right to provide instruction. An assessment council shall have up to thirteen members and its membership shall include:

- 1) representatives of the Ministry of Education and Research;
- 2) six experts of different broad groups of study in which vocational education is provided and which have been specified in the Vocational Education Standard;
- 3) representatives of employers' central organisations and other interested parties.

(7) Three of the experts specified in clause 6 2) of this section shall be appointed by the body of chairmen of professional councils specified in subsection 7 (2) of the Professions Act and three experts by the Minister of Education and Research.

(8) The head of a school shall not be appointed to the assessment council.

(9) On the proposal of the assessment council the Minister of Education and Research shall make one of the following decisions:

- 1) to extend the right to provide instruction in a curriculum group by six years;
- 2) to extend the right to provide instruction in a curriculum group by three years;
- 3) to refuse to extend the right to provide instruction.

### **§ 14. Revocation of right to provide instruction and consequences of revocation of and refusal to extend right to provide instruction**

(1) The Minister of Education and Research shall have the right to revoke the right to provide instruction if at least one of the following circumstances exists:

- 1) it becomes evident that the activity of the school is in conflict with an act or legislation established on the basis thereof;
- 2) the school or manager of school has not complied with a precept issued as a result of supervision by the prescribed term and pursuant to the prescribed procedure;
- 3) the school has not commenced studies in the relevant curriculum group within twelve months after the receipt of the right to provide instruction;
- 4) the school has submitted false information upon the application for the right to provide instruction or accreditation.

(2) A decision on the revocation of the right to provide instruction shall be delivered to the manager of school and to the school by post or, with the consent of the addressee, by electronic means within five working days after making of the decision.

(3) If the extension of the right to provide instruction has been refused, the school shall lose the right to provide instruction upon the expiry of the term but not earlier than six months after the entry into force of the decision on refusal.

(4) If the right to provide instruction has been repealed or if the extension of the right to provide instruction has been refused, the manager of a school shall prepare the closure of formal education in the curriculum group and shall notify the pupils or their legal representatives thereof and allow for pupils to complete their studies at the same or another school.

(5) A school cannot reapply for the right to provide instruction in a curriculum group in which the right to provide instruction has been repealed on the grounds provided for in clause (1) 1), 2) or 3) of this section in which the school has not applied for the extension of the right to provide instruction in time or in which the extension of the right to provide instruction has been refused within three years after entry into force of the decision of revocation or refusal to extend the right.

## **Chapter 4 Management of School**

### **§ 15. Head of school**

(1) A school shall be managed by the head of the school.

(2) A head of school shall:

- 1) bear liability within the limits of his or her competence for the general state, teaching and education, development activities and for legitimate and purposeful use of financial resources of the school;
- 2) execute the highest administrative and disciplinary power at school within the limits of his or her competence;
- 3) represent the school within the limits of authorisations granted with this Act and the statutes of the school;
- 4) enter into contracts of employment with the employees of the school;
- 5) form a council pursuant to the procedure provided for in the statutes of the school;
- 6) approve the curricula of the school and other documents and reports prescribed by legislation, the approval of which does not fall under the competence of the council;
- 7) approve the budget of the school, report on the execution of the budget and procurement plan;
- 8) dispose of the budget funds of the school within the limits of authorisations granted with this Act and the statutes of the school;
- 9) approve the annual report of the school;
- 10) report to the advisory body of the school and manager of the school;
- 11) resolve other issues the resolving of which has not been delegated to other directing bodies with legislation.

(3) The head of school issues directives within the limits of his or her competence.

### **§ 16. Filling position of head of school**

(1) In order to fill a vacant position of a head of school, a public competition shall be organised.

(2) The procedure for a competition organised to fill a vacant position of a head of state school shall be established by a regulation of the Minister of Education and Research.

(3) The procedure for a competition organised to fill a vacant position of a head of municipal school shall be established by the rural municipality or city government.

(4) The employment contract with a head of state school shall be entered into, amended and cancelled by the Minister of Education and Research or his or her authorised representative.

(5) The employment contract with a head of municipal school shall be entered into, amended and cancelled by the mayor or rural municipality mayor or his or her authorised representative.

### **§ 17. Council**

(1) The highest collegial decision-making body of the school is the council, the function of which is to organise the activities and plan the development of the school.

(2) The procedure for formation of the council and the rules of procedure shall be provided for in the statutes of the school.

(3) The council shall include:

- 1) the head of school;
- 2) deputies of the head of school;
- 3) heads of structural units of the school and employees responsible for broad groups of studies;
- 4) representative of the student body;

5) trustee of the employees or in case lack thereof, the representative elected by the employees.

(4) The head of school shall direct the work of the council.

(5) The council shall:

- 1) discuss issues related to teaching and education and organisation of economic activities of the school;
- 2) make proposals to the manager of school for amending the statutes of the school;
- 3) coordinate the draft development plan of the school and submit it to the manager of school for approval;
- 4) approve the annual report of the school;
- 5) approve the rules for organisation of studies of the school;
- 6) approve the work schedule of the school for the academic year, including the training schedule of the teaching and education employees;
- 7) approve the budget of the school, report on the execution of the budget and procurement plan;
- 8) approve the school's internal assessment report;
- 9) approve the curricula of the school;
- 10) decide on issues related to public property given into the use of the school in the extent and pursuant to the procedure provided by legislation;
- 11) approve the statutes of the student body of the school;
- 12) form committees and working groups if necessary;
- 13) resolve other issues within the limits of its competence on the basis of legislation and statutes of the school.

(6) The council adopts decision within the limits of its competence.

### **§ 18. Advisory body**

(1) The advisory body is a body of advisors connecting the school and society and the function of which is to advise the school and manager of school upon planning the development and organisation of teaching and education and economic activities.

(2) The advisory body shall have at least seven members and it shall be formed by the manager of school for five years.

(3) The advisory body shall:

- 1) make proposals to the head of school and the council in issues related to the directions of development, activity, assets, budget, management and amendment of statutes of the school;
- 2) provide assessment on the cooperation of the school with state authorities, local governments and enterprises upon achievement of the objectives established in the school's development programme;
- 3) express an opinion on the application for the right to provide instruction in a new curriculum group;
- 4) provide assessment on the organisation of work practice at school, institutions and enterprises;
- 5) appoint a representative into the membership of the committee formed for the conduct of competition organised to fill the vacant position of a head of school;
- 6) express an opinion on the annual report of the school.

(4) The representative of the advisory body shall have the right to participate in the sessions of the council of the school.

(5) The procedure for formation and activity of the advisory body shall be established by a regulation of the Minister of Education and Research.

### **§ 19. Internal evaluation of school**

(1) Internal evaluation shall be conducted in schools. Internal evaluation is a continuous process, the purpose of which is to ensure conditions promoting the development of students and the consistent development of a school.

(2) Based on the purpose of internal evaluation, the internal evaluation of a school shall analyse the teaching and education, the management and evaluate the performance thereof. The internal evaluation shall form the basis for preparing the development plan of a school.

(3) A school shall prepare an internal evaluation report at least once during the period of the school's development programme.

(4) Based on the internal evaluation, the school shall prepare the curriculum group report in order to extend the right to provide instruction.

## **§ 20. Mandatory documents of school**

The requirements for mandatory documents related to the school's development activities, teaching and education and the procedure for the maintenance of documents shall be established by a regulation of the Minister of Education and Research.

## **§ 21. Emergency planning at school**

(1) For the purposes of this Act, an emergency means an event or chain of events which endangers the life or health of persons at school, damages the environment significantly or causes extensive financial damage.

(2) The manager of school shall create possibilities for the protection of pupils and employees in case of an emergency and the head of school shall be liable for the organisation thereof.

(3) The head of school shall establish an emergency plan.

# **Chapter 5**

## **Vocational Education Standard, Classification of Vocational Training and Curricula**

## **§ 22. Vocational Education Standard**

The Government of the Republic shall establish by a regulation the Vocational Education Standard which shall set out the following uniform requirements for vocational training:

- 1) the learning outcomes of vocational training, including in the area of key competencies and the link thereof with the Estonian Qualification Framework;
- 2) the functions of and requirements for the curricula and studies, including the volume of studies, requirements for the commencement and completion of studies, structure and volume of the studies of key competencies and specifications of joint curricula;
- 3) the principles for amendment of curricula;
- 4) the principles for recognition of prior learning and professional experience;
- 5) the list of broad groups of studies, fields of study and curricula groups.

## **§ 23. Types of vocational training**

(1) A type of vocational training is a classification category of vocational training curricula which is based on the levels of qualification framework (hereinafter qualification level) established in the Professions Act and accounts for the learning outcomes and requirements for commencement of studies.

(2) Vocational training is divided into formal education and continuing education:

- 1) for the purposes of this Act, formal education means vocational studies in the course of which a qualification corresponding to a certain qualification level is acquired and which enables access to the studies of the next qualification level;
- 2) for the purposes of this Act, continuing education means vocational studies in the course of which single competencies are acquired.

(3) Formal education is undertaken on the second to fifth qualification level.

(4) The placement of a curriculum on the qualification level shall be determined by the placement of a professional standard which serves as the basis of a curriculum on the Estonian qualification framework. The professional standards which serve as the basis of vocational training are placed on the second to fifth qualification level. In case of lack of a professional standard or in disputed cases, the qualification level of a curriculum shall be approved by the Minister of Education and Research, in case of military curricula by the Minister of the Defence and in case of public defence curricula by the Minister of the Interior or the person authorised thereby respectively.

(5) If a pupil completes the full curriculum which corresponds to the fourth qualification level, the nominal duration of which is at least three years and study volume 180 Estonian vocational education credit points and which includes the training of key competencies in the extent provided for in the Vocational Education Standard, the pupil acquires secondary education with vocational and professional competencies i.e vocational secondary education.

(6) The provisions governing continuing education provided for in the Adult Education Act shall be applied to continuing education.

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

(7) The conditions and procedure for organisation of continuing education shall be established by a regulation of the Minister of Education and Research.



## **§ 24. Curricula**

(1) A curriculum shall set out the objectives and functions of vocational, professional and occupational training, the learning outcomes to be achieved and the link thereof with the Estonian qualification framework, the requirements for the commencement and completion of studies, the curriculum modules and their volume together with learning outcomes and assessment criteria, the opportunities of and conditions for choosing modules and the opportunities for specialisation. On the basis of professional standards, the curricula shall set out the partial professions acquired in the course of training.

(2) Formal education curricula are divided into national curricula and school curricula.

(3) The national curricula shall be established by a regulation of the Minister of Education and Research whereas the Minister of Education and Research may establish the common part of all national curricula with a separate regulation.

(4) The provision of formal education shall be based on the school curricula registered in the Education Information System. The compliance of the curricula with the requirements set for the relevant curricula by legislation shall be inspected in the course of registration. Curricula not meeting the requirements shall not be registered with the decision of the Minister of Education and Research or a representative authorised thereby. A decision shall be delivered to the school or manager of school having submitted the curriculum for registration whether by post or electronic means according to the request.

(5) School curricula are divided into initial training and continuing training curricula:

- 1) vocational training is provided on the basis of initial training curriculum, in which the commencement of studies does not require the existence of previous professional competencies;
- 2) vocational training is provided on the basis of continuing training curriculum, in which the prerequisite for the commencement of studies is the acquisition of profession corresponding to the previous or the same qualification level or the corresponding competencies and level of education.

(6) A curriculum of vocational secondary education shall be prepared on the basis of the Vocational Education Standard and the corresponding national curriculum. In case of lack of a corresponding national curriculum, the school shall apply for a permit therefor from the Minister of Education and Research or a representative authorised thereby before opening the curriculum. Upon grant of a permit, compliance with the requirement specified in subsection (7) of this section shall be assessed.

(7) Continuing training curriculum and initial training curriculum without the relevant national curriculum shall be prepared on the basis of the Vocational Education Standard and relevant professional standard. In case of lack of a relevant professional standard, the school shall apply for approval to the curriculum from social partners.

(8) National curricula shall not be established for military and public defence specialities. The school curricula of military and public defence specialities shall be prepared on the basis of the Vocational Education Standard and relevant professional standard in case the latter exists.

(9) Continuing training curricula raising the qualification level and initial training curricula corresponding to the fifth qualification level can be opened if the right to provide instruction in the relevant curriculum group has been extended for six years or if the opening of a curriculum is supported by the social partners corresponding to the curriculum group and the manager of school.

## **Chapter 6 Organisation of Studies**

### **§ 25. Admission to school**

(1) Upon the commencement of studies on the basis of a curriculum enabling the acquisition of vocational secondary education, the existence of basic education shall be required and the existence of competencies corresponding to the level of basic education from a person without basic education of at least 22 years of age. The existence of the required competencies shall be assessed by the school.

(2) Upon the commencement of studies on the basis of a curriculum corresponding to the fourth qualification level, the existence of basic education shall be required.

(3) Upon the commencement of studies corresponding to the fifth qualification level, the existence of secondary education shall be required.

(4) The requirements for the commencement of studies related to the relevant vocational, professional and occupational area or qualification level shall be established in the Vocational Education Standard and in the corresponding national curriculum or in case lack thereof, in the corresponding school curriculum.

(5) The procedure for the admission of pupils at school shall be established by a regulation of the Minister of Education and Research.

(6) The conditions and procedure for admission at school and documents governing the organisation of studies, including the statutes of school, curricula and rules for organisation of studies and internal procedure rules shall be published on the school's website.

(7) Student cards shall be issued to students admitted to a school.

(8) The requirements for student cards and procedure for the issue of student cards shall be established by a regulation of the Minister of Education and Research.

(9) In order to determine and apply the necessary support services and measures, the head of school shall have the right to process the data entered in the Education Information System by another educational institution and the extracurricular counselling team on the recommendation of the extracurricular counselling team and on the support services and measures applied to the student receiving support, but only in the scope and extent necessary for the application of support services and measures.

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

## **§ 26. Estonian vocational education credit point**

(1) Estonian vocational education credit point (hereinafter credit point) is the unit of calculation of study volume which indicates the estimated volume of pupil's work necessary for the achievement of the learning outcomes described in the curriculum. One credit point corresponds to 26 hours spent by a pupil on studies upon the acquisition of skills and knowledge.

(2) Upon the application of credit points, the bases for the application of European Credit System for Vocational Education and Training, ECVET, shall be used and calculated.

## **§ 27. Academic year**

(1) An academic year starts on 1 September and ends on 31 August of the following year.

(2) For pupils an academic year consists of at least 40 weeks of studies and at least eight weeks of holiday.

(3) The study volume for an academic year shall be 60 credit points.

## **§ 28. Forms of study**

(1) Studies shall be conducted in the form of full-time study or non-stationary study.

(2) In case of full-time study, the independent work by a pupil forms less than one-half of the study volume according to a curriculum.

(3) In case of non-stationary study, the independent work by a pupil forms more than one-half of the study load according to a curriculum.

(4) Full-time study shall be divided into school-based or workplace-based form of study.

(5) In case of school-based form of study, work practice shall constitute up to one-half of the volume of a curriculum.

(6) In case of workplace-based form of study, work practice shall constitute at least two-thirds of the volume of a curriculum.

(7) The procedure for application of workplace-based study shall be established by a regulation of the Minister of Education and Research.

(8) In case of a vocational secondary education curriculum, the study load of key competencies shall not be included in the volume of a curriculum specified in subsections (5) and (6) of this section.

## **§ 29. Language of instruction**

(1) The language of instruction shall be deemed to be the language, the instruction provided in which makes at least 60 percent of the study volume provided for in the school's curriculum.

(2) The language of instruction of a vocational secondary education curriculum shall be Estonian. The language of instruction of another curriculum shall be decided by the manager of school.

(3) In case of a curriculum in which the language of instruction is other than Estonian, the instruction in Estonian shall be mandatory to the extent provided for in the school curriculum, which ensures proficiency in Estonian at a level necessary for working in the acquired profession.

(4) The requirement for the language of instruction of a vocational secondary education curriculum and the requirement for mandatory instruction in Estonian shall not be extended to pupils studying on the basis of international agreements.

### **§ 30. Work practice**

(1) Work practice is part of a curriculum in the course of which a pupil performs work and study assignments with specific study objectives in the working environment under the supervision of an instructor.

(2) Work practice and practical work performed in the study environment make at least one-half of the volume of a curriculum and are generally divided equally. In justified cases the school may amend the division of practical work and work practice.

(3) Upon organisation of the work practice of pupils, the relations between the school, the pupil or his or her legal representative and the person or institution who conducts the work practice shall be regulated by a contract entered into by them before commencement of the work practice, setting out the specific organisation of work practice and the rights and obligations of the parties to the work practice contract.

(4) The conditions and procedure for the organisation and conduct of work practice shall be established by a regulation of the Minister of Education and Research.

(5) Subsections (2) and (3) of this section shall not be applied to the organisation of work practice in military or public defence specialities. The conditions and procedure for the organisation and conduct of work practice in the given specialities shall be established in the documents regulation the organisation of studies of the relevant educational institution.

### **§ 31. Assessment**

(1) Assessment is a part of the study process in the course of which a fair and unbiased assessment shall be given to the compliance of the level of competencies acquired by the pupil with the learning outcomes described in the curriculum.

(2) The uniform assessment system used in vocational training, bases for assessment of the acquisition of learning outcomes, assessment methods and criteria and descriptions of marks shall be established by a regulation of the Minister of Education and Research.

### **§ 32. Specifications for organisation of studies**

(1) A school may provide vocational training for the pupils of basic school and upper secondary school, the curriculum of which shall be prepared by the school in cooperation with the basic school or upper secondary school on the basis of the relevant school curriculum and which allows pupils to acquire primary vocational, professional and occupational competencies within the framework of elective subjects prescribed on the basis of the national curricula for basic schools and upper secondary schools or the simplified national curriculum for basic schools.

(2) For the provision of instruction specified in subsection (1) of this section, a contract shall be entered into between the school and the basic school or upper secondary school in which the pupil acquires basic or general secondary education. A contract shall not be entered into in case the instruction is organised by a vocational educational institution and upper secondary school operating as a single institution.

(3) The schools shall issue certificates concerning the completion of vocational training provided at the basic school and the upper secondary school on the basis of subsection (1) of this section on the basis of which an entry certifying the completion of vocational training shall be made on the basic school leaving certificates or upper secondary school leaving certificates.

(4) At schools in which vocational training is conducted in music and performing arts curricula groups, study groups may be formed in music starting from the first form of basic school and in choreography starting from the fifth form.

(5) In the study groups specified in subsection (4) of this section, pupils shall acquire general education pursuant to the procedure provided for in the Basic Schools and Upper Secondary Schools Act.

(6) Upon graduation, the school specified in subsection (4) of this section shall issue a basic school leaving certificate or upper secondary school leaving certificate containing an entry on the completion of vocational training, or a leaving certificate of vocational educational institution or both.

(7) The conditions of and procedure for the study of persons with special needs at school shall be established by a regulation of the Minister of Education and Research.

(8) In order to account for the individuality of pupils, a school may make amendments or adjustments in the time of study, content and organisation of studies and study environment by preparing an individual curriculum for the pupil on the basis of the school curriculum. Thereby the learning outcomes of an individual curriculum must comply with the ones described in the school curriculum. Individual curricula shall be approved by the head of school.

### **§ 33. Specifications for studies in case of joint curricula**

(1) Joint curriculum means a school curriculum according to which instruction is provided at two or more schools. The requirements established for a school curriculum with this Act and the Vocational Education Standard shall be applied to joint curricula, taking account of the specifications provided for the joint curricula therein.

(2) A joint curriculum shall be prepared on the basis of a cooperation contract between schools in which the details of preparation of a joint curriculum, the organisation of instruction on the basis thereof and the issue of graduation documents have been agreed.

(3) The studies completed at schools participating in joint curriculum shall be recognised by the schools participating in the joint curriculum automatically and in full.

(4) In case of a curriculum corresponding to the fifth qualification level, joint curriculum may be applied in the cooperation of a vocational educational institution and institution of professional higher education.

(5) A cooperation contract concerning the joint curriculum shall be public.

### **§ 34. Completion of studies**

(1) Vocational training studies shall be deemed to be completed after the learning outcomes corresponding to the qualification or partial profession described in the curriculum have been achieved and a leaving certificate shall be issued to the graduate.

(2) The conditions for completion of studies cum laude of a pupil on the basis of a curriculum enabling the acquisition of secondary education shall be established by a regulation of the Minister of Education and Research.

(3) The school shall enter the data of the issued leaving certificates to the Education Information System.

(4) The formats of and the procedure for issue of leaving certificates and other documents issued by the school shall be established by a regulation of the Government of the Republic.

### **§ 35. Continuation of studies**

(1) Pupils shall have the right to continue studies commenced at one school at another school on the basis of the same vocational or professional curriculum in case vacant places exist. In such case and also upon transfer to another curriculum, the principles for recognition of prior learning and professional experience shall be applied.

(2) Persons who have acquired vocational secondary education have the opportunity to continue general education studies to the extent of one academic year at a vocational educational institution or upper secondary school.

(3) The conditions of and procedure for general education studies specified in subsection (2) of this section shall be established by a regulation of the Minister of Education and Research.

(4) Persons who have acquired vocational secondary education have the opportunity to continue studies on the first level of higher education.

## **Chapter 7 Members of School**

### **§ 36. Members of school**

(1) The members of school shall include the head of school, leading employees of teaching and education, teachers and other employees (hereinafter employees) and pupils and students.

(2) For the purposes of this Act, a pupil shall be a learner following the curriculum of formal vocational education.

(3) For the purposes of this Act, a student shall be a learner following the curriculum of professional higher education. The rights and obligations established with this Act shall be applied to students insofar as the Institutions of Professional Higher Education Act does not provide otherwise.

### **§ 37. Employees**

(1) The official duties and obligations of employees shall be determined in the job descriptions and employment contracts.

(2) The head of school shall enter into, amend and cancel employment contracts with employees.

### **§ 38. Teaching and education employees**

(1) For the purposes of this Act, teaching and education employees shall be deemed to be the head of school, leading employees of teaching and education, teachers and support specialists.

(2) The work organisation rules according to this Act shall be applied to teachers working at vocational educational institutions.

(3) The self-assessment of teachers shall be organised at schools annually. In the course of self-assessment the teacher shall prepare an assessment report on which his or her direct supervisor shall give feedback to.

(4) Teaching and education employees shall participate in continuing education according to the individual training need in order to maintain their professionalism. In case of teachers, practicing at an enterprise or institution shall also be taken into account as the performance of the obligation to pass continuing education courses. Practicing means professional work performed in a work environment with a specific purpose which has a direct link with the field taught by the teacher. During practice the teacher shall be released from teaching. The school shall establish the procedure for practicing.  
[RT I, 23.03.2015, 5 - entry into force 01.07.2015]

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

### **§ 39. Qualification requirements**

(1) The qualification requirements for a head of school require a Master's level degree or a qualification corresponding thereto, management competence and experience and educational competence.

(2) The qualification requirements for a leading employee of teaching and education shall require a Master's level degree or a qualification corresponding thereto, educational and management competence and at least three years of experience in education.

(3) The qualification requirements for teachers have been set out in the professional standards of teachers and vocational teachers. The percentage of teachers corresponding to the lowest level of a professional standard of vocational teacher shall not be more than 20% at the school. The restriction does not apply upon the provision of instruction in military specialities. The number of teachers who work at the school and comply with the qualification requirements must be sufficient, taking into account the scope of learning and teaching conducted thereby, to ensure the achievement of learning and teaching objectives determined in the curriculum and achievement of learning outcomes.  
[RT I, 22.01.2018, 2 - entry into force 01.02.2018]

(4) The qualification requirements provided for in the regulation of the Minister of Education and Research established on the basis of Basic Schools and Upper Secondary Schools Act shall be applied to support specialists.

(5) The head of school shall assess the compliance of teaching and education employees with the qualification requirements. Documents certifying foreign education shall be assessed on the conditions and pursuant to the procedure provided for in and established on the basis of § 281 of the Republic of Estonia Education Act. The recognition of professional qualifications of persons having acquired the foreign professional qualifications of a teacher or support specialist shall be based on the conditions and procedure established in the Recognition of Foreign Professional Qualifications Act. The competent authority provided for in subsection 7 (2) of the Recognition of Foreign Professional Qualifications Act is the Ministry of Education and Research.  
[RT I, 30.12.2015, 1 - entry into force 18.01.2016]

(6) A vacant position of a teaching and education employee shall be filled by way of a public competition. A position of a teaching and education employee may be filled without organising a public competition if the time of work at the position is less than 50 per cent of full time.

(7) An active serviceman who complies with the requirements for competence, education and work experience described in the relevant professional standard shall be appointed to a position of a teacher with military rank.

(8) The conditions and procedure for a public competition organised to fill vacant positions of teaching and education employees shall be established by a regulation of the Minister of Education and Research.

(9) If the public competition organised to fill a vacant position of a teaching and education employee fails, the head of the school may enter into an employment contract for a term of up to one year with a person who has completed at least secondary education and whose qualification and educational competence are sufficient to ensure the achievement of learning objectives and tasks determined in the curriculum and achievement of learning outcomes. If a competition organised to substitute for an employee who is temporarily absent fails, an employment contract for a specified term may be entered into with a person who has completed at least secondary education.

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

(10) A teacher may provide instruction, within three years, on a speciality or field of study for teaching in which he or she does not have the necessary qualification if he or she has started to acquire the necessary qualification.

#### **§ 40. Working time of teachers**

(1) The calculation of the working time and the remuneration of teachers shall be based on their position. The working time of teachers shall be divided between direct teaching and education and other functions arising from the employment contract, job description and work organisation rules or functions assigned by the employer.

(2) Upon the application of total working time, the period of calculation shall be an academic year. The parties may agree on the calculation period of total working time shorter than the academic year. Upon the application of total working time, the restriction established in subsection 46 (1) of the Employment Contracts Act shall be taken into account.

#### **§ 41. Beginner's allowance for teachers**

(1) Beginner's allowance for teachers is an allowance paid to teachers who commence work at school for the first time.

(2) Beginner's allowance for teachers may be applied by a person who:

1) has acquired higher education or completed teacher training at a higher education level and commences work as a teacher in a school for the first time, except in a school located in Tallinn or Tartu, within 18 months as of completing the teacher training. A person who commenced work as a teacher for the first time in the course of teacher training or studies at the first level of higher education immediately preceding teacher training may also apply for beginner's allowance for teachers within four months as of completing the teacher training at higher education level provided that the period of time between the completion of studies at the first level of higher education and the commencement of teacher training does not exceed one year. A person who worked as a teacher in a school before the commencement of the teacher training may also apply for the beginner's allowance within four months as of completing the teacher training at higher education level. The right of a person who is on pregnancy and maternity leave or a person liable to national defence obligation who has been called up to perform the conscript service duty or a person undergoing pedagogical training in a foreign country in the year of completion of teacher training at a higher education level to apply for the beginner's allowance shall be extended by the period of time of the pregnancy and maternity leave and the parental leave, the period of time during which the person performed the conscript service or the alternative service or the duration of the pedagogical training;

2) works as a teacher school with at least 0.5 workload, whereas the 0.5 workload also includes working at the same time as a teacher in I–III stage of study at a general education school or in the upper secondary school stage, except at a general education school in Tallinn or Tartu;

3) complies with the qualification requirements established for the position;

4) is proficient in Estonian at the C1 level provided for in the Common European Framework of Reference for Languages prepared by the Council of Europe.

(3) The beginner's allowance for teachers shall be applied for, paid and returned on the basis of and pursuant to the procedure provided for in § 77 of Basic Schools and Upper Secondary Schools Act.

#### **§ 42. Student body**

(1) The pupils and students of a school constitute the student body.

(2) Student bodies have the right to decide and manage independently, 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 unions and organisations with other student bodies on the basis of and pursuant to the procedure provided for in legislation;
- 2) become a member of international organisations or pursue cooperation with them;
- 3) appoint its adult representative to the school council;
- 4) decide and manage all other issues of student life which pursuant to law and legislation issued on the basis thereof are within the competence of a student body and which on the same grounds have not been transferred to any other person to decide or manage.

(4) The representative body which governs the student body is the elected student representative board which represents the student body in relations with the school and with Estonian and international organisations, agencies and persons.

(5) All students of a school have the right to elect the student representative board. The head of school shall organise the elections of the first membership of student representative board pursuant to the procedure provided for in the statutes of the school.

(6) Student bodies have statutes which provide the procedure for the formation of students' representative and executive bodies, and for the rights, obligations, liability, and rules of procedure thereof.

(7) A student body shall adopt its statutes pursuant to the procedure provided for in the statutes of the school. The student representative board shall submit the statutes of the student body to the school council for approval. The school council shall approve the statutes of the student body if the statutes comply with law and legislation issued on the basis thereof.

#### **§ 43. Rights and obligations of pupils**

(1) Pupils have the obligation to:

- 1) participate in studies by completing the curriculum and study assignments;
- 2) observe the obligations established by laws, the statutes and internal procedure rules of the school, the rules for organisation of studies and other legislation, and bear liability upon violation thereof.

(2) Pupils have the right to:

- 1) use all the opportunities created by the school for the acquisition of education;
- 2) choose elective subjects pursuant to the procedure provided for in the school curriculum;
- 3) participate in the elections of student representative board and run as a candidate for student representative board;
- 4) use the rooms, library, teaching aids, sports and technical equipment and other resources of their school in extracurricular activities without charge on the conditions and pursuant to the procedure established by the school;
- 5) receive student cards;
- 6) obtain a study allowance and a study loan under the conditions and pursuant to the procedure provided for in the Study Allowances and Study Loans Act;
- 7) obtain support for covering school lunch expenses on the conditions and pursuant to the procedure provided for in this Act;
- 8) obtain compensation for travel expenses on the conditions and pursuant to the procedure provided for in the Public Transport Act;
- 9) pursuant to the procedure established in the rules for organisation of studies of the school, take academic leave of up to two years for health reasons, of up to one year in the case of performing conscript or alternative service, and to care for a child until the child attains three years of age;
- 10) obtain support services free of charge for the support of studies;
- 11) turn to a health service provider for health reasons during the studies;
- 12) exercise other rights established by law, the statutes of the school and other legislation.

(3) Pupils studying in full-time study are provided with health services at school on the basis of § 43 of Basic Schools and Upper Secondary Schools Act.

(4) Pupils studying according to pre-training curricula being the basis for the training of crew members regulated with the Maritime Safety Act shall be entitled to the catering and uniform financed from the state budget. The school lunch allowance specified in § 48 of this Act does not extend to the given pupils.

(5) Pupils studying according to vocational training curricula of rescue or police specialities in full-time study shall be entitled to the catering and accommodation financed from the state budget on the conditions and pursuant to the procedure established by the school.

## **Chapter 8**

# Commissioned Education

## § 44. State-commissioned education in vocational training

(1) Student training places shall be ensured with state-commissioned education for persons who wish to pursue vocational training based on the needs of the labour market, strategic development plans of the state and development plans for different fields, studies and forecasts and the capacity of schools and the preferences of the persons who wish to study.

(2) State-commissioned education means the number of student training places financed from the state budget which are formed by curricula groups in formal education and by courses in continuing education.

(3) Upon the formation of state-commissioned education, the actual expenses of completion of curricula shall be taken into account, therefore the reimbursement of study costs shall not be demanded from the pupils studying in student training places formed on the basis of state-commissioned education in any educational institution providing vocational training, regardless of its form of ownership.

## § 45. Submission of state-commissioned education request and formation of training places

(1) State-commissioned education request may be submitted by the Ministry of Education and Research or another ministry to educational institutions providing vocational training which shall form training places for the conduct of vocational training on the basis of state-commissioned education.

(2) The state-commissioned education request submitted by the Ministry of Education and Research or another ministry shall be approved by the relevant minister. If the state-commissioned education is submitted by another ministry, it shall be coordinated with the Minister of Education and Research before the approval thereof.

(3) The procedure for the formation and submission of state-commissioned education shall be established by a regulation of the relevant minister.

(4) For the submission of state-commissioned education request to a local government, the local government and the ministry shall enter into a contract under public law in which the following shall be agreed:

- 1) the number of training places pursuant to curricula groups, including separately the number of training places for the conduct of vocational training for pupils with special educational needs and in a custodial institution;
- 2) the procedure for allocation of funds from the state budget;
- 3) the procedure and terms for submission of information necessary for keeping records of pupils studying at training places formed on the basis of state-commissioned education;
- 4) rights and obligations of the parties.

## § 46. Other commissioned education

The request for commissioned education of vocational training can also be submitted by a local government or other legal person. For the implementation of such commissioned education a contract shall be entered into by the school and the subscriber.

## Chapter 9 Financing

### § 47. School budget and financing

(1) Schools shall have a budget in which all the revenues, expenses and financing transactions of the school are reflected.

(2) Schools may be financed from the state budget, rural municipality budget or city budget, income received from economic activities, revenue and donations for specific purposes and other funds.

(3) Upon financing the performance of obligations and functions of schools provided for in § 3 of this Act from the state budget, financing principles which among others include components for the provision of teaching and education, availability of vocational training and performance-based financing of schools shall be applied.

(4) The financing principles and components specified in subsection (3) of this section and the conditions and procedure for implementation thereof and the application thereof to municipal and private schools shall be established by a regulation of the Government of the Republic.

(5) The expenses related to the provision of teaching and education shall be covered by the entity submitting the request for state-commissioned education on the basis of student training places formed on the basis of state-commissioned education and the relevant curriculum within the nominal duration of curriculum.



(6) The school shall be entitled to demand the reimbursement of study costs on the conditions and pursuant to the procedure established by the council only from pupils not studying at student places financed on the basis of state-commissioned education. The maximum rate for reimbursement of study costs shall be the cost of the student place formed on the basis of state-commissioned education in the relevant curriculum group or relevant curriculum in the same calendar year. The rate for reimbursement of study costs shall be established by the council at least four months before the commencement of an academic year. Upon establishment of the rate of reimbursement of study costs, the council may increase the rate by ten per cent in comparison with the previous academic year but not more than the maximum rate for reimbursement of study costs.

#### **§ 48. Support of coverage of expenses of school lunch**

(1) Subsidies shall be prescribed in the state budget for covering the expenses of school lunch of pupils up to twenty years of age who have not completed secondary education and who study in full-time study according to initial training curricula (hereinafter school lunch allowance). After the pupils have attained twenty years of age, the allowance shall be prescribed until the end of the current academic year.

(2) The allocation of school lunch allowance shall be based on the number of pupils specified in subsection (1) of this section, the calculated cost of a school lunch per pupil and the number of days of study in an academic year.

(3) The calculated cost of the school lunch per pupil and the procedure for the distribution of the school lunch allowance shall be established by a regulation of the Government of the Republic.

(4) The conditions and procedure for the use of school lunch allowance shall be established by the manager of school.

(5) The conditions of and procedure for the use of school lunch allowance of state schools shall be established by a regulation of the Minister of Education and Research.

## **Chapter 10 Reorganisation, Specifications for Management, Transfer and Closure of Schools**

#### **§ 49. Reorganisation and closure of schools**

(1) A school shall be reorganised and closed by the manager of school. A state school shall be reorganised and closed on the basis of an Act of the Government of the Republic, taking into account the specifications provided in this section.

(2) Schools shall be reorganised as follows:

- 1) schools shall be merged into one or several schools, whereby the merged schools shall be closed and a new school or new schools shall be founded on the basis of these schools;
- 2) a school or schools will be merged with another school and the school or schools being merged will be closed;
- 3) a school shall be divided into at least two schools and the school that is being divided shall be closed;
- 4) a school shall be separated from another school and as a result thereof a new school shall be founded and the initial school shall be preserved.

(3) No less than six months before the start of a new academic year, the school and pupils shall be notified in a form that can be reproduced in writing of a decision to reorganise and close a school. If a school does not belong under the area of government of the Ministry of Education and Research, the reorganisation or closure thereof shall be notified to the Minister of Education and Research no later than six months before the start of a new academic year.

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

(4) Schools shall be reorganised or closed between 1 July and 31 August in the same year.

(5) The manager of a school shall make certain that the pupils of the closed school can continue their studies.

(6) If a school does not have the right to provide instruction in any curricula groups, the manager of school shall initiate the closure of school.

## **§ 50. Transfer of management of school**

(1) The state has the right to transfer the management of a state school to a rural municipality or city and rural municipalities and cities have the right to transfer the management of municipal schools to the state or another rural municipality or city.

(2) Upon transfer of the management of a school, the provisions of the Law of Obligations Act regarding the transfer of enterprise shall be applied with the specifications arising from this Act.

(3) Simultaneously with the application for the transfer of the management of school, the transfer of the right to provide instruction in curricula groups of the transferred school together with other non-material assets of the school shall be applied for. An application for the transfer of the right to provide instruction in curricula groups shall be submitted to the Minister of Education and Research by the rural municipality or city to which the state school or municipal school shall be transferred.

(4) The transfer of the management of a school to the state or another rural municipality or city shall be set out in a contract under public law entered into between the local government and the Ministry of Education and Research or two local governments. The contract under public law shall set out the following:

- 1) the date of transfer of the management of the school;
- 2) the functions of the school to be transferred;
- 3) the conditions of and procedure for the continuance of the studies by pupils;
- 4) the conditions of and procedure for the continuance of the work of the school employees in the school to be transferred, taking into account the provisions of the legislation regulating employment relationships;
- 5) the conditions of, procedure for and the term of transfer of the assets and property used by the school to the new manager of school, taking into account the provisions of the legislation;
- 6) the conditions of, procedure for and term of transfer of the records of the school to the new manager of school;
- 7) resolution of possible organisational and budgetary issues and issues concerning other proprietary obligations and rights relating to the transfer of the management of the school.

(5) Upon transfer of the management of a school, the new manager of the school will provide the pupils with the possibility to continue their studies at the school.

(6) The management of a school shall be transferred from 1 July until 31 August in the same year. The pupils and employees of the school will be notified of the decision to transfer the management of the school not later than two months before the start of the new academic year.

## **§ 51. Operation of vocational educational institution and general education school as single institution**

(1) A vocational educational institution and an upper secondary school provided for in the Basic Schools and Upper Secondary Schools Act may operate as a single institution. In the case provided for in the Basic Schools and Upper Secondary Schools Act, a basic school may also be combined with the upper secondary school operating as a single institution with a vocational educational institution.

(2) In case of a vocational educational institution and upper secondary school operating as a single institution, the provisions of this Act shall be applied to the part of the vocational educational institution and the provisions of the Basic Schools and Upper Secondary Schools Act to the part of the upper secondary school.

(3) In addition to the data provided for in this Act, the statutes and development plan of a vocational educational institution and upper secondary school operating as a single institution shall also include the mandatory data provided for in the Basic Schools and Upper Secondary Schools Act concerning the part of the upper secondary school. The statutes and the development plan shall be approved pursuant to the procedure provided for in this Act.

(4) A vocational educational institution and upper secondary school operating as a single institution shall have a board of trustees, the formation and activity of which shall be governed by the Basic Schools and Upper Secondary Schools Act and an advisory body, the formation and activity of which shall be governed by this Act.

(5) The upper secondary school part of a vocational educational institution and upper secondary school operating as a single institution shall have a teachers' council operating on the basis of the Basic Schools and Upper Secondary Schools Act.

(6) A vocational educational institution and upper secondary school operating as a single institution shall form a council, the formation and competence of which shall be governed by this Act.

(7) The vacant position of a head of vocational educational institution and upper secondary school operating as a single institution shall be filled on the basis of the provisions of this Act. The head of vocational educational institution and upper secondary school operating as a single institution shall have the competence arising from this Act and the Basic Schools and Upper Secondary Schools Act.

(8) The provisions of the Basic Schools and Upper Secondary Schools Act shall be applied to the reorganisation, transfer of management and closure upon the merger of a vocational educational institution and

upper secondary school and vocational educational institution and upper secondary school operating as a single institution.

## **Chapter 11 Administrative Supervision**

### **§ 52. Exercise of administrative supervision**

(1) Administrative supervision over the legal activity of schools and the managers thereof shall be exercised by the Ministry of Education and Research (hereinafter the supervisory agency) with the objective of ensuring the availability of vocational education and access thereto on equal grounds, organisation of teaching and education and the quality and performance thereof.

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

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

### **§ 53. Functions of officials exercising administrative supervision**

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

### **§ 54. Rights of officials exercising administrative supervision**

Officials exercising administrative supervision have the right to:

- 1) visit a school in order to inspect teaching and education, informing the head of the school thereof in advance;
- 2) participate in meetings of the directing bodies of the school, employees, pupils and parents;
- 3) examine the documents of a school;
- 4) receive information from a school concerning the implementation of legislation;
- 5) [repealed -RT I, 04.07.2017, 1 - entry into force 01.09.2017]
- 6) [repealed -RT I, 04.07.2017, 1 - entry into force 01.09.2017]
- 7) [repealed -RT I, 04.07.2017, 1 - entry into force 01.09.2017]
- 8) [repealed -RT I, 04.07.2017, 1 - entry into force 01.09.2017]

### **§ 55. Results of administrative supervision**

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

(2) The certificate shall set out the following data:

- 1) the time and place of drawing up the certificate;
- 2) brief details on the school;
- 3) the supervisory body exercising administrative supervision;
- 4) the time of exercising administrative supervision;
- 5) the names of the officials and experts who carried out administrative supervision;
- 6) the results of administrative supervision;
- 7) the time and description of offences;
- 8) the precepts issued and proposals made;
- 9) the term of notification of complying with the precepts.

(3) The following shall be specified in a precept:

- 1) the name of the person or body whom the precept is aimed at;
- 2) the obligation to perform necessary acts for the termination of an offence;
- 3) the basis of the precept;
- 4) the term of complying with the precept.

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

(5) A head of school and a manager of school shall be notified of a certificate within sixty calendar days as of the beginning of the administrative supervision.

(6) If a manager of school fails to comply with a precept during the term specified in the certificate, the state supervisory body 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.

## **Chapter 12**

# Implementing Provisions

## § 56. Transition related to management of school

(1) The statutes of a school shall be brought into conformity with the requirements of this Act by 1 January 2014. The statutes applicable upon entry into force of this Act shall be valid until they have been brought into conformity with this Act but not longer than until 1 January 2014.

(2) School development plans approved before entry into force of this Act shall be valid until the end of their term.

(3) The management of a school shall be brought into conformity with the requirements specified in §§ 17 and 18 of this Act by 1 January 2014. Until 31 December 2013, schools shall be managed on the basis of provisions of the Vocational Educational Institutions Act (RT I, 08.07.2011, 9) applicable before the entry into force of this Act.

(4) The emergency plan specified in subsection 21 (3) of this Act shall be established by 1 January 2014.

(5) The school shall ensure access to the support services specified in clause 3 (2) 2) of this Act according to the pupil's needs from 1 January 2014.

## § 57. Transition to language of instruction in Estonian

(1) Schools shall ensure the transition to the language of instruction in Estonian in the curricula of vocational secondary education no later than by 1 September 2020.

(2) Pupils studying according to the curriculum of vocational secondary education, whose language of instruction is not Estonian shall pass the state examination of Estonian as second language for the completion of studies pursuant to the procedure established in § 31 of the Basic Schools and Upper Secondary Schools Act and in the regulation of the Minister of Education and Research established on the basis thereof. The given state examination may be substituted with passing a vocational examination or professional examination in Estonian. This provision shall not be applied to the pupils studying according to international agreements.

## § 58. Transition to right to provide instruction

(1) The right to provide instruction shall be deemed to be granted until 1 January 2017 in school curricula groups into which the curricula entered in the Education Information System as of 1 September 2013 belong and according to which instruction is provided.

[RT I, 30.12.2015, 1 - entry into force 01.01.2016]

(2) The extension of the right to provide instruction shall be implemented on the basis of this Act from 1 January 2014. The right to provide instruction in the curricula group specified in subsection (1) of this section shall be extended on the basis of the time schedule drawn by the institution that organises accreditation.

(3) If the right to provide instruction shall not be extended, instruction according to the curricula belonging to the curriculum group with a valid education licence may be provided until the expiry of term of the education licence. New pupils shall not be admitted to the curriculum within such period.

(4) The right to provide instruction shall be applied for upon the establishment of a new school after entry into force of this Act or opening studies in a new curriculum group according to this Act.

(5) The right to provide instruction shall be deemed to be extended for six years in school curricula groups having received a positive assessment or full accreditation in the course of single elective accreditation conducted in 2011–2013 from the entry into force of this Act.

## § 59. Transition to new vocational training curricula

(1) The national curricula applicable at the time of entry into force of this Act shall be valid until they have been brought into conformity with this Act but not longer than until 31 December 2016.

(2) School curricula shall be brought into conformity with national curricula brought into conformity with this Act within six months starting from the entry into force of the relevant national curriculum. The new curriculum shall be applied from the beginning of the academic year following the approval thereof.

(3) Pupils admitted to school before 1 September 2017 who study according to a school curriculum which is not in conformity with this Act, and who have completed less than one-half of the volume of curriculum by the time of application of the new curriculum shall be transferred to a curriculum brought into conformity with this Act, thereby their time of studies cannot be extended upon transfer to the new curriculum. From 1 September 2017, new pupils shall be admitted only to the school curricula brought into conformity with this Act.

(4) The curricula applicable before the entry into force of this Act shall be closed no later than on 31 August 2018 and pupils shall be transferred to curricula in conformity with this Act.

#### **§ 60. Transition to new forms of study**

(1) The forms of study according to this Act shall be applied to pupils admitted to formal training after entry into force of this Act.

(2) The form of study and study load applicable before the entry into force of this Act shall be applied to pupils studying according to the curricula of vocational training without the requirement of basic education, vocational training on the basis of basic education, vocational secondary education and vocational training on the basis of basic education before the entry into force of this Act.

#### **§ 61. Transition to credit points**

Credit points shall be applied in parallel with study weeks from the entry into force of this Act. In the documents certifying studies, the study volume unit, either study week or credit point respectively, used in the curriculum being the basis for the given document shall be used. In case of the curricula prepared on the basis of this Act only credit points shall be used.

#### **§ 62. Transition to new qualification requirements for teaching and education employees**

(1) An assessment of the professional skills, proficiency and level of qualifications of teachers specified in a regulation of the Minister of Education and Research established on the basis of subsection 30 (5) of the Vocational Educational Institutions Act (RT I, 08.07.2011, 9) and governed by the conditions of and procedure for assessment referred to in the given regulation shall be organised until 31 December 2013.

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

(3) Vocational teachers and teachers of general education subjects who commenced employment at a school before entry into force of this Act shall also be deemed to be teachers for the purposes of this Act.

#### **§ 63. Transition related to financing of schools**

(1) The financing of schools shall be brought into conformity with the requirements provided for in § 47 of this Act by 1 January 2014. Until 31 December 2013, vocational training shall be financed on the basis of §§ 33<sup>2</sup>–33<sup>4</sup> of the Vocational Educational Institutions Act (RT I, 08.07.2011, 9) applicable before entry into force of this Act.

(2) The allowance for covering the expenses of school lunch specified in § 48 of this Act shall apply to pupils studying in full-time study according to the curricula of vocational training without the requirement of basic education, vocational training on the basis of basic education and vocational secondary education or in full-time study according to the pre-training curricula.

**§ 64.–§ 87.**[Omitted from this text.]

#### **§ 88. Entry into force of Act**

(1) This Act enters into force on 1 September 2013.

(2) § 73 of this Act enters into force on 1 July 2014.  
[RT I, 22.12.2013, 1 - entry into force 01.01.2014]