

Issuer:	Riigikogu
Type:	act
In force from:	01.08.2012
In force until:	31.03.2013
Translation published:	30.10.2013

# Basic Schools and Upper Secondary Schools Act

Passed 09.06.2010  
RT I 2010, 41, 240  
Entry into force 01.09.2010

Amended by the following acts

Passed	Published	Entry into force
09.06.2010	RT I 2010, 41, 240	01.01.2011, shall enter into force on the date specified in the decision of the Council of the European Union concerning abrogation of the derogation established with regard to the Republic of Estonia on the basis of Article 140 (2) of the Treaty on the Functioning of the European Union, Decision No. 2010/146/EU of the Council of the European Union of 13 July 2010 (OJ L 196, 28.07.2010, pp. 24-26).
13.06.2012	RT I, 02.07.2012, 1	01.08.2012

## Chapter 1 GENERAL PROVISIONS

### § 1. Scope of application of Act

(1) This Act regulates the bases for organisation of studies of basic schools and upper secondary schools (hereinafter jointly *schools*), the rights and duties of students and students' parents or guardians (hereinafter *parents*), the rights and duties of school employees, the bases for management and funding of schools, and the bases for state supervision over the teaching and education activities of schools.

(2) This Act regulates the activities of schools operating as institutions administered by rural municipality or city authorities (hereinafter *municipal schools*) and schools operating as institutions administered by the Ministry of Education and Research (hereinafter *state schools*). A municipal school is managed by a rural municipality or city. A state school is managed by the state. This Act applies to schools operating as private legal entities (hereinafter *private schools*) insofar as the Private Schools Act does not provide otherwise.

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

### § 2. Basic schools and upper secondary schools and their forms of operation

(1) A basic school is a general education school that provides the opportunity to acquire basic education and fulfil the duty to attend school. The time prescribed for the fulfilment of the basic school curriculum (hereinafter *standard period of study*) is nine years. The stages of study of basic schools are:

- 1) stage I – grades 1–3;
- 2) stage II – grades 4–6;
- 3) stage III – grades 7–9.

(2) An upper secondary school is a general education school following a basic school, which provides opportunities to acquire general secondary education. The standard period of study in an upper secondary school is three years.

(3) The forms of operation of basic schools and upper secondary schools include the following:

- 1) a basic school;
- 2) a preschool child care institution (hereinafter *child care institution*) and a basic school that operate as a single institution and which, provided that the school is aimed at students with special educational needs, may also be combined with an upper secondary school (hereinafter *general education school and child care institution*);
- 3) a basic school where studies are pursued at stage I or at stages I and II, whereby at stage II studies do not need to be pursued to the extent of all the grades of stage II;
- 4) an upper secondary school;
- 5) a basic school and an upper secondary school that operate as a single institution, whereby in the basic school studies may be pursued in all grades or only in some consecutive grades preceding the upper secondary school;
- 6) a basic school and an upper secondary school that operate as a single institution where only non-stationary studies are pursued;
- 7) a general education school and a hobby school that operate as a single institution;
- 8) an upper secondary school and a vocational education institution that operate as a single institution.

(4) A school aimed at students with special educational needs can be founded and managed for the purpose of improvement of the organisation of the studies of students with special educational needs. The state shall ensure the foundation and management of schools for visually impaired, hearing impaired and speech impaired students who, in addition to a physical/motor disability, have an additional special educational need, as well as for students with multiple disabilities, students with intellectual disabilities, students with emotional and behavioural disorders, and students in need of special treatment due to behavioural problems.

(5) Where a general education school and a child care institution operate as a single institution, the child care part of the institution is governed by the Preschool Child Care Institutions Act and the general education school part of the institution is governed by this Act. The head of a general education school and a child care institution operating as a single institution has the competence arising from this Act and the Preschool Child Care Institutions Act.

(6) Where a general education school and a hobby school operate as a single institution, the basic school and upper secondary school part of the institution is governed by this Act and the hobby school part of the institution is governed by the Hobby Schools Act with regard to the issue and revocation of an education licence, registration of the hobby school, organisation of studies, supporting the development of students, ensuring the mental and physical security and protection of the health of students, the rights and duties of students, the funding of studies, the organisation of work of teachers, and state supervision. This Act governs statutes, development plans, the filling of vacancies of heads of schools, the composition and formation of teachers' councils and boards of trustees, reorganisation of schools, transfer of the management of schools, and closure of schools. The head of a general education school and a hobby school operating as a single institution has the competence arising from this Act and the Hobby Schools Act.

(7) The principles of operation of an upper secondary school and a vocational education institution as a single institution are governed by § 43 of the Vocational Education Institutions Act.

### **§ 3. Fundamental values of general education schools**

(1) General education schools support the mental, physical, ethical, social and emotional development of students. Conditions for the balanced development of the abilities and self-realisation of students and for the materialisation of their research-based worldview are created.

(2) The values arising from the ethical principles specified in the Constitution of the Republic of Estonia, the Universal Declaration of Human Rights, the Convention on the Rights of the Child and the fundamental documents of the European Union are considered important.

(3) The socialisation of the new generation is based on the traditions of Estonian culture, common European values, and the recognition of the main achievements of world culture and research. People who have acquired general education are able to integrate into society and contribute to the sustainable social, cultural, economic and ecologic development of Estonian society.

### **§ 4. Functions of basic schools**

(1) Basic schools have both educating as well as edifying functions. Basic schools help students become creative and versatile personalities who are able to effectively realise themselves in various roles: in the family, at work and in public life, and choose a study path corresponding to their interests and abilities.

(2) The function of basic schools is to provide students with a learning and teaching environment that corresponds to the age of students, is secure, has a positive impact and develops students, supports the development of their interest in learning, learning skills, self-reflection, critical thinking, knowledge and will-based characteristics, their creative self-expression and the development of their social and cultural identity.

## **§ 5. Functions of upper secondary schools**

(1) Upper secondary schools have both educating as well as edifying functions. The function of upper secondary schools is to prepare young people to act as creative, versatile, socially mature and trustworthy personalities who are conscious of their goals and objectives and able to attain them in various fields of life: as partners in their personal life, carriers and upholders of culture, in various occupations and roles in the labour market, and as citizens responsible for the sustainability of society and the natural environment.

(2) The main aspiration of teaching and educating in upper secondary schools is that students find a field of activity that interests them and corresponds to their abilities in order to continue their studies in the field. The function of upper secondary schools is to create conditions where students acquire the knowledge, skills and values that allow for continuing their studies in a higher education institution or post-upper secondary school vocational education without any impediments.

## **§ 6. Principles of organisation of studies**

Upon organisation of studies, the state, owners of schools and schools adhere to the following principles:

- 1) general education of good quality is equally available to all persons regardless of their social and economic background, nationality, gender, place of residence or special educational needs;
- 2) there are no curricula-based impediments to the movement of students from one stage of study, form of study or level of education to another;
- 3) upon organisation of their activities, schools act on the basis of the expectations of society expressed in national curricula and the needs and interests of students, taking into account the proposals of the students and parents as well as the characteristics of the region;
- 4) the needs and interests of students are taken into account upon designing the curricula of schools and implementing individual curricula.

## **§ 7. Availability of basic and upper secondary education**

(1) The existence of qualified teachers required for the implementation of national curricula, the existence of a learning and teaching environment that complies with the security, health protection and curriculum requirements, and the opportunities for supporting the development of students shall be ensured upon managing schools. Additionally, upon managing upper secondary schools, the capacity to offer optional subjects in addition to compulsory subjects shall be ensured and at least three fields of study comprising of optional subjects shall be formed in accordance with the requirements established in the national upper secondary school curriculum.

(2) At least 80 percent of the students for whom a basic school is the school of residence shall not spend more than 60 minutes travelling to the school.

(3) The opportunity to acquire general secondary education shall be ensured in each county.

(4) A municipal school may operate in the administrative territory of another rural municipality or city with the consent of the rural municipality or city.

(5) At the request of a parent a rural municipality or city shall provide children below the age of compulsory school attendance with opportunities for the acquisition of basic education in their school of residence, provided that the counselling committee or the child care institution that the child attends has assessed the child's readiness for school and has recommended commencement of school studies and the parent has informed the rural municipality or city government before May 1 in the current year of the desire to commence the studies. If the parent informs the rural municipality or city government after May 1 in the current year of the desire to commence the studies, the school of residence may admit the child in the event there is a vacant student place in the school.

(6) A rural municipality or city shall provide persons who are 17 years of age or older, who have not acquired basic education and whose place of residence is located in the rural municipality or city with opportunities for the acquisition of basic education by way of non-stationary studies.

(7) At the request of a parent, a rural municipality or a city shall provide the child of a representative of a foreign country or international organisation accredited to the Republic of Estonia who resides in the rural municipality or city with opportunities for the acquisition of basic education in the school of residence.

(8) Co-funding by students or parents shall not be demanded for participation in basic or secondary education in a municipal or state school based on the curriculum of the school. In the event of an activity organised in a school, which is not part of the school's curriculum (hereinafter *extracurricular activity*), the expenses may be covered on the terms and conditions and pursuant to the procedure established in the statutes of the school with co-funding by the persons participating in the extracurricular activity.

## **§ 8. Determination of place of residence of persons**

For the purposes of this Act, the place of residence of a person means the address of their place of residence registered in the Estonian population register. If the address of a person has not been registered with sufficient accuracy, the person shall determine the address of their place of residence to the missing extent themselves, informing the rural municipality or city government of residence thereof. The address of the substitute home, residential educational institution or youth home shall be deemed the place of residence of a person staying in a substitute home, residential educational institution or youth home.

# **Chapter 2**

## **ENSURING COMPULSORY SCHOOL ATTENDANCE**

### **§ 9. Compulsory school attendance**

(1) Compulsory school attendance means the duty to participate in the studies laid down in the daily schedule of a school or in an individual curriculum, to do study exercises and to acquire knowledge and skills according to one's abilities. The duty to attend school is not deemed as fulfilled if a person subject to the duty to attend school has not been enrolled in any school or is absent from studies without a good reason.

(2) A person who has reached the age of seven years before October 1 in the current year is subject to the duty to attend school (including a person having foreign citizenship or unspecified citizenship; excluding the child of a representative of a foreign country or international organisation accredited to the Republic of Estonia who resides in Estonia). A person is obligated to attend school until they acquire basic education or attain the age of 17 years.

(3) A person who, due to their state of health, has not achieved the readiness for school required for commencement of studies by the time of reaching the age of compulsory school attendance, may, on the basis of a recommendation of the counselling committee, commence the performance of the duty to attend school in the next academic year. A parent shall submit to the counselling committee an application for the postponement of the commencement of performance of the duty to attend school. The Minister of Social Affairs shall establish the conditions of and procedure for the postponement of performance of the duty to attend school.

### **§ 10. Duty of rural municipality or city to create opportunities for performance of duty to attend school**

(1) A rural municipality or city shall provide a person subject to the duty to attend school, whose place of residence is located in the administrative territory of the rural municipality or city, with the opportunity to acquire basic education. For the purpose of providing each person subject to the duty to attend school and the persons specified in subsections 7 (6) and (7) of this Act with the opportunity to acquire basic education a rural municipality or city shall establish the conditions of and procedure for determination of the municipal school of residence (hereinafter *school of residence*). Material circumstances to be taken into account by a rural municipality or city government upon determining the school of residence include the proximity of the place of residence of a student to the school, the enrolment of other children of the same family in the same school and, where possible, the requests of the parents.

(2) A rural municipality or city government shall organise the registration of persons subject to the duty to attend school. For the purpose of registration of performance of the duty to attend school, the data of the Estonian population register regarding persons subject to the duty to attend school, whose place of residence is located in the administrative territory of the rural municipality or city, shall be compared once per academic year, not later than by September 10, with the data of the Estonian Education Information System (hereinafter *education information system*).

(3) A municipal school of another rural municipality or city can be set as the school of residence of a student with the consent of the rural municipality or city government that is the owner of the school.

### **§ 11. Duties of parents upon ensuring performance of duty to attend school**

(1) A parent shall enable and facilitate the performance of the duty to attend school, including:

- 1) create conditions facilitating learning at home and the prerequisites for participation in studies for a student subject to the duty to attend school;
- 2) submit to the school its contact details and inform the school of any change thereof;
- 3) read instruments regulating school life;
- 4) cooperate with the school on the conditions and pursuant to the procedure provided for in this Act and in the legislation established on the basis thereof;
- 5) take the measures offered to the parent by the school or the rural municipality or city government of residence;
- 6) based on a proposal of the school, address the counselling committee;
- 7) where necessary, request that the school and the rural municipality or city government of residence of the student take the measures of ensuring the performance of the duty to attend school provided for in legislation.

(2) If a parent fails to perform the duties provided for in subsection (1) of this section, the rural municipality or city government shall take the required measures to protect the rights of the child.

#### **§ 12. Measures taken by school to ensure performance of duty to attend school**

(1) To ensure performance of duty to attend school, a school shall, depending on the reasons for absence, take one or several of the measures specified in subsection 58 (3) of this Act against a student who has been absent from study without a good reason.

(2) If the measures taken by the school do not have any impact or they cannot be applied because the school cannot get hold of the student or a parent, the school shall address the rural municipality or city government for taking further measures.

#### **§ 13. Measures taken by rural municipality or city to ensure performance of duty to attend school**

To ensure the performance of the duty to attend school the rural municipality or city of residence of a person subject to the duty to attend school supports, where necessary and possible, the person subject to the duty to attend school, the parents and the school, creating the conditions for the performance of the duty to attend school within the limits of its competence, including:

- 1) organises attendance to persons subject to the duty to attend school, identification of the reasons for failing to perform the duty to attend school and taking measures with regard to persons who do not perform the duty to attend school, appointing a position or structural unit entrusted with these functions;
- 2) where possible, organises training for parents whose children do not perform the duty to attend school, in order to support them in creating conditions for the performance of the duty to attend school;
- 3) in accordance with the Juvenile Sanctions Act, submits applications to the Juvenile Committee for discussing cases of offences committed by minors.

#### **§ 14. Liability of parents for failure to ensure performance of duty to attend school**

(1) A parent shall be punished by a fine of up to 200 fine units if their child who is subject to the duty to attend school has not been enrolled in any school or has been absent from more than 20 percent of the lessons during a quarter of the academic year without a reason.

(2) A parent is not punished if they have applied to the school or the rural municipality or city government of residence of the student for measures ensuring the performance of the duty to attend school, consent to the application of the measures suggested and funded by the school or the rural municipality or city government and actively participate in their application, provided that such measures call for the application, consent or active participation of a parent.

(3) The fine imposed on a parent may, with the parent's consent, be replaced with community service, educational training or joint activities with the child. The parent is required to engage in community service to the extent of 10-50 hours outside working and study time. Community service is not remunerated. Legislation regulating occupational health and safety and health protection are applicable to parents engaged in community service. If the parent evades community service, the fine imposed on them shall be enforced.

(4) The misdemeanours specified in subsection (1) of this section are governed by the provisions of the general part of the Penal Code and the Code of Misdemeanour Procedure and the rural municipality or city government of the place of residence of the student is the body conducting extrajudicial misdemeanour proceedings.

## **Chapter 3 ORGANISATION OF STUDIES**

### **Division 1 Curriculum**

#### **§ 15. National curriculum**

(1) National curricula set out the goals and objectives of studies, expected learning outcomes, assessment criteria and procedure, and requirements for the learning and teaching environment, organisation of teaching and education, graduation from school and school curricula.

(2) The basic education standard is established in the national curriculum for basic schools and, with regard to students with mild learning difficulties, students with moderate learning difficulties, and students with severe and profound learning difficulties acquiring basic education, in the simplified national curriculum for

basic schools. The standard of general secondary education is established in the national curriculum for upper secondary schools. The Government of the Republic shall establish the national curriculum for basic schools, the simplified national curriculum for basic schools and the national curriculum for upper secondary schools (hereinafter jointly referred to as *national curricula*).

(3) The subject syllabi of at least the following compulsory subjects are set out in the national curriculum for basic schools and in the national curriculum for upper secondary schools by subject areas:

- 1) language and literature: Estonian (in an Estonian-medium school), Russian (in a Russian-medium school) and literature;
- 2) foreign languages: Estonian as a second language; English, German, French and Russian as foreign language A; English, German, French and Russian as foreign language B;
- 3) mathematics: mathematics in the basic school; narrow mathematics and extensive mathematics in the upper secondary school;
- 4) natural science: biology, geography, physics, chemistry and, in the national curriculum for basic schools, also nature studies;
- 5) social studies: personal, social and health education, history, civics and citizenship education;
- 6) art subjects: music, arts;
- 7) technology in the national curriculum for basic schools: craft, handicraft and home economics, technology studies;
- 8) physical education: physical education.

(4) In addition, the national curriculum for basic schools and the national curriculum for upper secondary schools include religious studies and career studies, and the national curriculum for upper secondary schools also includes the syllabi of national defence studies and economics and business administration. The syllabi of other optional subjects may be set out in the national curriculum for basic schools and in the national curriculum for upper secondary schools.

(5) Upon the consent of the board of trustees and on the conditions and pursuant to the procedure provided for in national curricula, the list of subjects provided for in this section may be amended for the purpose of using integrated subject and language teaching, carrying out preliminary vocational training or vocational training or taking into account the unique characteristics of the school. Based on non-stationary studies or the special educational needs of students, the standard period of study and the academic workload may, on the conditions provided for in national curricula, differ from those provided for in this Act.

#### **§ 16. Studies under curriculum of International Baccalaureate Organization or under curriculum drawn up based on Convention defining the Statute of the European Schools**

(1) Teaching and education in a school may be carried out under the curriculum of the International Baccalaureate Organization and under a curriculum drawn up on the basis of the Convention defining the Statute of the European Schools (hereinafter jointly referred to as *international curriculum*).

(2) A school that has been accredited by the International Baccalaureate Organization may teach on the basis of the curriculum of the International Baccalaureate Organization. A school that has fulfilled the requirements established on the basis of the Convention defining the Statutes of the European Schools for teaching under the curriculum may teach under the curriculum drawn up on the basis of the Convention defining the Statutes of the European Schools.

(3) Studies may be pursued in a municipal or state school on the basis of an international curriculum provided that the school carries out teaching also on the basis of the national curriculum for basic schools at the same stage of study of the basic school and, in the upper secondary school, on the basis of the national curriculum for upper secondary schools. The implementation of an international curriculum is funded by the owner of the school. The owner of the school and the Minister of Education and Research enter into a public law contract for additional funding of studies from the state budget, specifying the grounds of additional funding, the number of student places and the grounds of admission of students.

(4) In the event of studies based on an international curriculum, the school or the owner of the school does not have to abide by this Act if the international curriculum provides otherwise or if a regulation is, under the international curriculum, within the competence of the school and the school has established a regulation different from this Act.

(5) No state supervision is exercised over studies based on an international curriculum in matters whereby, in accordance with subsection (4) of this section, the school or the owner of the school does not abide by this Act.

#### **§ 17. School curriculum**

(1) On the basis of national curricula a school draws up a curriculum that serves as the fundamental document of studies in the school.

(2) The curriculum of a school is established by the head of the school. The curriculum of the school and amendments thereto are submitted to the board of trustees, student council and teachers' council for the expression of an opinion before establishment.

(3) Information about the curriculum of a school is registered in the education information system's sub-register of curricula and education licences.

(4) By an agreement between the head of school or a teacher authorised by the head of school and a student or, where a student has limited active legal capacity, a parent, the school may consider studies or activities falling outside the school's curriculum, including studies in another general education school, as part of the teaching carried out by the school, provided that it allows the student to achieve the learning outcomes specified in the school curriculum or in the student's individual curriculum.

#### **§ 18. Individual curriculum**

(1) When teaching a student, a school may change or adjust the time, contents, process and environment of study. If the changes or adjustments substantially increase or decrease the weekly workload or intensity of studies in comparison with the school curriculum or reduce or replace the learning outcomes provided for in the national curricula, an individual curriculum shall be drawn up for the student pursuant to the procedure provided for in the national curricula.

(2) If the individual curriculum drawn up for a student with special educational needs lays down reduction or replacement of the learning outcomes provided for in the national curriculum or the release from learning a compulsory subject, the individual curriculum may be implemented on the basis of a recommendation of the counselling committee.

(3) The student or, if the student has limited active legal capacity, their parent and, where necessary, teachers and support specialists are involved in drawing up an individual curriculum.

#### **§ 19. Learning and teaching environment**

(1) The learning and teaching environment shall support the development of students.

(2) Upon organisation of teaching and education at school and outside school, the school follows the requirements established for the learning and teaching environment in the national curricula and other legislation.

(3) The Government of the Republic shall establish the health protection requirements applicable to the furnishings, rooms, buildings and territory of schools.

#### **§ 20. Educational literature**

(1) Schools allow students acquiring basic education to freely use textbooks, workbooks, exercise-books and worksheets required for completion of at least the school curriculum and allow students acquiring general secondary education to freely use textbooks required for completion of at least the school curriculum.

(2) The conditions of and procedure for using textbooks, workbooks, exercise books and worksheets and returning textbooks to the school are established in the internal rules of the school. The return of workbooks, exercise books and worksheets to the school shall not be demanded.

(3) The Minister of Education and Research shall establish requirements for textbooks, workbooks, exercise books and other educational literature, and for reviewing and reviewers of educational literature.

(4) The publisher of educational literature registers in the educational literature sub-register of the education information system the data of educational literature complying with the requirements established in the regulation of the Minister of Education and Research.

(5) Legal entities marketing teaching and learning materials in Estonia register the data of educational literature published abroad in the educational literature sub-register in the education information system.

(6) Schools choose textbooks, workbooks and exercise books required for studies in each grade from the sub-register of educational literature of the education information system.

(7) The Minister of Education has the right to delete a registration from the sub-register of educational literature in the education information system if:

- 1) the publisher of educational literature has submitted the respective reasoned application;
- 2) the educational literature does not comply with the national curricula or the requirements established for educational literature in the regulation of the Minister of Education and Research.

(8) If a publisher of educational literature has submitted an application for the deletion of a registration from the sub-register of educational literature, but the minister finds that the application is not reasoned and the registered

educational literature complies with the national curricula, the minister may refuse deletion of the registration, specifying the reasons for the refusal.

(9) The Minister of Education and Research informs a publisher of educational literature of the intent to delete a registration. Within 30 days after a notice being sent of the intent to delete the registration, the publisher of educational literature has the right to submit objections to the Minister of Education and Research regarding the deletion of the registration.

(10) Within five working days of deleting the registration, the Ministry of Education and Research informs the publisher of educational literature thereof in a format that can be reproduced in writing.

## **§ 21. Language of instruction**

(1) The language, in which studies are pursued amounts to no less than 60 percent of the lowest permitted study workload laid down in the national curricula, is deemed the language of instruction of a school or class. If are not pursued to the extent of 60 percent in any language, the studies are deemed bilingual. In the event of bilingual studies the two languages in which most of the studies are pursued are deemed as the languages of instruction.

(2) In basic schools the language of instruction is Estonian. In a municipal basic school or in single classes thereof the language of instruction may be any language on the basis of a decision of the council of the rural municipality or city government relying on a proposal of trustees of the school and in a state basic school or in single classes thereof the language of instruction may be any language on the basis of a decision of the Minister of Education and Research.

(3) In upper secondary schools the language of instruction is Estonian. In municipal upper secondary schools or single classes thereof of the language of instruction may be another language. The permission to pursue studies in another language or bilingual studies is granted by the Government of the Republic on the basis of an application of a rural municipality or city government. The board of trustees of the school makes such a proposal to the rural municipality or city government on the basis of the development plan of the school.

(4) In a school or class where the language of instruction is not Estonian, it is compulsory to teach Estonian as of the first grade. In such a school or class the school ensures the organisation of teaching Estonian at a level that allows the graduates of the basic school to continue their studies in an Estonian-medium educational institution.

(5) A school shall organise language and cultural teaching for students acquiring basic education whose native language is not the language of instruction or who communicate at home in a language different from the language of instruction, which is the native language of at least one parent, provided that no fewer than ten students with the same native language or with the same language of household communication request it.

(6) The Government of the Republic shall establish the conditions of and procedure for language and culture teaching specified in subsection (5) of this section.

(7) The Ministry of Education and Research shall organise the coordination of creation of opportunities for the language and cultural teaching provided for in subsection (5) of this section, including procurement of materials required for language and cultural teaching.

[RT I, 02.07.2012, 1 - entry into force 01.08.2012]

(8) For the purpose of organising the procurement of materials required for language and cultural teaching, the Minister of Research and Education may conclude a public law contract with a state foundation. The Ministry of Education and Research shall exercise supervision over performance of the public law contract.

[RT I, 02.07.2012, 1 - entry into force 01.08.2012]

## **§ 22. Stationary and non-stationary studies**

(1) Stationary or non-stationary studies or both stationary and non-stationary studies may be pursued in a school.

(2) Stationary studies are aimed at persons subject to the duty to attend school or students for whom learning is a full-time activity, whereby the share of activities instructed by the school exceeds that of independent learning.

(3) Non-stationary studies are studies aimed at adult learners, whereby independent learning has a larger share besides lessons in comparison with stationary studies. Lessons also include the time of provision of various services supporting the development of students, for instance, career counselling.

(4) Persons of 17 years of age or older can acquire basic education in the non-stationary studies. Based on a recommendation of the counselling committee, persons subject to the duty to attend school can acquire basic education in the non-stationary studies if they have special educational needs or another reason that makes the acquisition of education difficult in the stationary studies.



(5) In non-stationary studies the school ensures the student a workload of at least 24 lessons per week of a quarter of the academic year. In a class of up to ten students the school ensures the student a workload of at least 15 lessons per week of a quarter of the academic year. Upon consent of the student, the workload may be reduced. The workload of students is specified in the daily schedule of the school or, where necessary, in an individual curriculum.

(6) Single subjects can also be studied in the non-stationary studies. The workload of a student studying single subjects is laid down for each academic year in an individual curriculum.

(7) Students pursuing the non-stationary studies have the right to take a leave of absence from studies for one year once every three years.

(8) A basic school where non-stationary studies are pursued is obligated to provide persons who have exceeded the age of compulsory school attendance with the opportunity to graduate from the school as external students under the national curriculum for basic schools. An upper secondary school where non-stationary studies are pursued is obligated to provide the opportunity to graduate from the school as external students under the national curriculum for upper secondary schools.

(9) An employed student who pursues their studies in the non-stationary form has the right to be granted a study leave by their employer pursuant to the procedure provided for in the Adult Education Act.

### **§ 23. Home educating requested by parents**

(1) A student acquiring basic education may be taught by way of home educating at the request of a parent. Upon application of home educating requested by a parent, the parent organises and funds the part of the studies pursued outside the school.

(2) The Minister of Education and Research shall establish the conditions of and procedure for home education.

### **§ 24. Academic year**

(1) An academic year lasts from September 1 to August 31.

(2) An academic year consists of academic quarters and school holidays.

(3) An academic quarter contains at least 175 school days in total. In the final year academic quarters contain at least 185 school days in total. No lessons take place on the day of a final exam and on two preceding days. The day of a final exam and the preceding two days are included in the number of school days.

(4) A school day is a calendar day when a student is obligated to participate in studies under the daily schedule or individual curriculum. One week comprises up to five school days.

(5) A lesson is a period prescribed for instructed studies in the daily schedule of a school or in the individual curriculum of a student. Instructed studies are studies pursued in the manner determined by the school, for example, a lecture, individual lesson, consultation, e-learning and a study visit aimed at the acquisition of knowledge and skills and taking place in a learning and teaching environment where both the student and the teacher participate. The calculated length of a lesson is 45 minutes. A lesson is followed by a recess. A lesson may be divided into multiple parts and up to two consecutive lessons may be taught without a recess. The length of a recess is at least ten minutes per lesson.

(6) In a basic school, activities relating to additional studies may be organised during the summer holiday, taking into account that a holiday of no less than ten consecutive weeks without any activities relating to studies and examinations is ensured for a student acquiring basic education.

(7) The Minister of Education and Research shall establish school holidays. On the basis of a proposal of the head of the school and with the approval of the board of trustees, the owner of an upper secondary school may establish school holidays different from those established by the Minister of Education and Research, taking into account that during the academic year there are four school holidays with a total duration of at least 12 weeks, whereby the summer holiday lasts at least eight consecutive weeks.

### **§ 25. Academic workload and daily schedule**

(1) Students' weekly academic workload by subjects is laid down in the school curriculum.

(2) In lessons, the maximum weekly workload of a basic school student is as follows:

- 1) grade 1 – 20;
- 2) grade 2 – 23;
- 3) grades 3 and 4 – 25;

- 4) grade 5 – 28;
- 5) grades 6 and 7 – 30;
- 6) grades 8 and 9 – 32.

(3) The minimum permitted academic workload in an upper secondary school is 96 courses (72 in the non-stationary studies). In upper secondary schools the workload of compulsory studies common for all students is 63 courses (for students who learn Estonian as a second language, 67 courses). A course corresponds to 35 lessons taught under one subject.

(4) Upon planning and implementing teaching and learning, it is made certain that students' academic workload corresponds to their age and abilities, granting them time for resting and hobby activities.

(5) A teacher plans their work in cooperation with other teachers. The main topics covered during an academic quarter or course, the required learning materials, the organisation of assessment and planned events are communicated to basic school students in the beginning of the academic quarter and to upper secondary school students in the beginning of the course.

(6) The daily schedule of a school reflects the sequence and duration of study activities and extra-curricular activities supporting the school curriculum such as activities organised in long day groups, hobby groups and studios. The daily schedule of a school is established by the head of the school.

(7) The Minister of Social Affairs shall establish the health protection requirements for the daily schedules of schools and the organisation of studies.

#### **§ 26. Number of students in classes and study groups in basic school**

(1) The upper limit of the size of a class is 24 students in basic school. If studies have been organised in study groups, the upper limit of the size of a class is applied to the study groups as well.

(2) The owner of a school may establish an upper limit of the size of a class lower than the upper limits specified in subsection (1) of this section.

(3) The owner of a school may, on the basis of a proposal of the head of the school and with the approval of the board of trustees, establish an upper limit higher than the upper limit of the size of a class specified in subsection (1) of this section: up to 26 students. An upper limit higher than the upper limit provided for in this Act shall not be established with regard to the classes and groups specified in subsection 51 (1) of this Act.

(4) If the total number of students of two or three classes in a basic school is 16 or less, a composite class may be made of these students.

#### **§ 27. Admission of students to school**

(1) A basic school is obligated to admit all persons subject to the duty to attend school who have expressed such desire and for whom the school is the school of residence. Parents are free to choose a school for a person subject to the duty to attend school, if the desired school has vacant student places.

(2) A person who needs special treatment due to behavioural problems is admitted to school on the basis of a respective court judgment or ruling.

(3) The prerequisite for admission to an upper secondary school is the basic education or respective education acquired in a foreign country.

(4) The Minister of Education and Research shall establish the general conditions of and procedure for the admission of students to school.

(5) To the extent authorised by the regulation of the Minister of Education and Research established on the basis of subsection (4) of this section, the owner of a school or the head of school authorised by the owner of a school shall establish the conditions of and procedure for admission to the school, including the procedure for the evaluation of knowledge and skills upon admission to upper secondary school. The head of school shall prepare the draft conditions of and procedure for admission to the school and it shall be submitted to the board of trustees for the expression of an opinion before establishment.

(6) Heads of school make decisions to enrol persons, taking into account the provisions of this section.

#### **§ 28. Exclusion of students from school**

(1) A student shall be excluded from school:

- 1) if the student or a parent of a student with limited active legal capacity has submitted the respective application to the school;
- 2) if the student has commenced the acquisition of education in another general education school or in a foreign educational institution and has not submitted an application in accordance with subsection (3) of this section;

- 3) if studies are not pursued in the class where the student is supposed to continue their studies;
- 4) if by their behaviour the student jeopardises the security of other people in the school or repeatedly violates the internal rules, except a student subject to the duty to attend school;
- 5) if, upon acquisition of basic education, the student is absent from lessons without a good reason and they cannot therefore be transferred to the next class, except a student subject to the duty to attend school;
- 6) if the student fails to fulfil the conditions of graduation from an upper secondary school within the standard period of study and their period of study has not been extended under an individual curriculum;
- 7) if over a half of the course grades received by the student are “weak” or “poor” in three or more subjects over the academic year when studying in an upper secondary school;
- 8) if, while pursuing studies in the non-stationary form, the student has not participated in studies for five consecutive study weeks, except a student subject to the duty to attend school;
- 9) if the student acquired education in a school that organises teaching and learning in a prison or in a school for students who need special treatment due to behavioural problems and the student was released from prison or the term of staying at the school for students who need special treatment due to behavioural problems expired;
- 10) if the student has fulfilled the conditions of graduation from a basic school or an upper secondary school and a graduation certificate has been issued to the student;
- 11) in the event of the death of the student.

(2) Additional grounds for exclusion from upper secondary school may be specified in the internal rules of upper secondary schools.

(3) A student who, on a temporary basis, acquires education at the same level in a foreign educational institution, shall not be excluded from the list of the students of the school during the standard period of study if the student or, in the event the student has limited active legal capacity, a parent submits an application to the head of the school not later than by June 30 for keeping the student enrolled in the school in the next academic year. Upon continuing the studies in Estonia, the student shall continue their studies in the class where, taking into account the time of studying in the foreign educational institution, they would study if they continued their studies in Estonia and had been transferred to the next class after each academic year. At the request of the student or, in the event the student has limited active legal capacity, a parent, the student can, where necessary, continue their studies in a lower class.

(4) The Minister of Education and Research shall establish a procedure for exclusion of students from school.

(5) Heads of school make decisions to exclude students, taking into account the provisions of this section.

## **§ 29. Assessment of students**

(1) The purpose of assessment is to:

- 1) support the development of students;
- 2) give feedback on the academic achievement of students;
- 3) encourage and guide students to study with purpose;
- 4) guide the development of the self-esteem of students and to guide and support students in making their further education choices;
- 5) guide the activities of teachers in supporting learning and individual development;
- 6) provide a basis for the transfer of students to the next class and for making a decision to graduate from school.

(2) The knowledge, skills and experience of students are assessed on a five-point scale where the grade “5” means “very good,” “4” means “good,” “3” means “satisfactory,” “2” means “poor” and “1” means “weak.”

(3) At stages I and II of the basic school verbal assessments without any numerical equivalent may be used upon assessment of students. The use of descriptive verbal assessments shall be provided for in the school curriculum. If a student leaves school or not later than at the end of stage II, the verbal assessments of the current academic year, which serve as the basis for the transfer of the student to the next class, shall be transformed to the grade scale specified in subsection (2) of this section.

(4) The general conditions of and procedure for assessment, use of an assessment system different from the assessment system specified in subsection (2) of this section, notification of assessment, imposition of additional studies, transfer to the next class and requirement to repeat the grade shall be provided for in the national curricula and the detailed conditions and procedure shall be provided for in the school curriculum, except notification of assessment, which shall be provided for in the internal rules of the school.

## **§ 30. Graduation from basic school**

(1) The conditions of graduation from basic school are provided for in the national curriculum for basic schools and in the simplified national curriculum for basic schools, taking into account the provisions of this section.

(2) Final examinations in basic schools are examinations with harmonised assignments (hereinafter *harmonised final examinations of basic school*) and school examinations with materials approved by schools (hereinafter *school examinations of basic school*). The Minister of Education and Research shall establish the conditions of and procedure for preparing and conducting final examinations in basic schools as well as the conditions of and procedure for drawing up, assessing and preserving examination papers.  
[RT I, 02.07.2012, 1 - entry into force 01.08.2012]

(2<sup>1</sup>) The Ministry of Education shall organise the preparing and conducting of harmonised final examinations of basic school and the drawing up, assessing and preserving of examination papers.  
[RT I, 02.07.2012, 1 - entry into force 01.08.2012]

(3) For the purpose of preparing and organising the conducting of harmonised final examinations of basic school and drawing up, assessing and preserving examination papers, the Minister of Education and Research may conclude a public law contract with a state foundation. The Ministry of Education and Research shall exercise supervision over the performance of the public law contract.  
[RT I, 02.07.2012, 1 - entry into force 01.08.2012]

(4) For the purpose of graduation from basic school under the national curriculum for basic schools, the harmonised examinations of basic school or, in the events specified in the national curriculum for basic schools, the school examination of basic school are taken in the following subjects:

- 1) Estonian or, in the event specified in the national curriculum for basic schools, Estonian as a second language;
- 2) mathematics;
- 3) a subject chosen from among subjects established on the basis of subsection (4) of this section.

(5) The Minister of Education and Research shall establish the subjects, forms and times of harmonised final examinations of basic school not later than by May 25 in the academic year preceding the final examinations of basic school.

(6) The school shall, on the basis of a decision of the teachers' council, issue a basic school graduation certificate to a student or external student who has fulfilled the conditions of graduation from basic school. The data of basic school graduation certificates shall be registered in the sub-register of documents certifying education in the education information system.

(7) The Government of the Republic shall establish the statute and form of the basic school graduation certificate.

### **§ 31. Graduation from upper secondary school**

(1) The conditions of graduation from upper secondary school are provided for in the national curriculum for upper secondary schools, taking into account the provisions of this section.

(2) The final examinations of upper secondary school are state examinations and school examinations of upper secondary school. The Minister of Education and Research shall establish the conditions of and procedure for preparing and conducting final examinations in upper secondary schools as well as the conditions of and procedure for drawing up, assessing and preserving examination papers.  
[RT I, 02.07.2012, 1 - entry into force 01.08.2012]

(2<sup>1</sup>) The Ministry of Education shall organise the preparing and conducting of state examinations and the issue of state examination certificates.  
[RT I, 02.07.2012, 1 - entry into force 01.08.2012]

(2<sup>2</sup>) For the purpose of preparing and organising the conducting of state examinations, drawing up, assessing and preserving examination papers and issuing state examination certificates, the Minister of Education and Research may conclude a public law contract with a state foundation. The Ministry of Education and Research shall exercise supervision over performance of the public law contract.  
[RT I, 02.07.2012, 1 - entry into force 01.08.2012]

(3) Upon preparing state examinations, the learning outcomes specified in the national curriculum for upper secondary schools that are compulsory for all students, are followed. In mathematics, a state examination of narrow mathematics and a state examination of broad mathematics are prepared and upper secondary school graduates choose one of them.

(4) The Minister of Education and Research shall establish the forms and times of state examinations not later than by May 25 in the academic year preceding the final examinations of upper secondary school.

(5) A state examination has been passed if at least 50 percent of the maximum score has been obtained.

(6) In order to graduate from an upper secondary school, the following must be passed:

- 1) state examinations in Estonian or, in the events provided for in the national curriculum for upper secondary schools, in Estonian as a second language as well as in mathematics and in a foreign language;

- 2) a school examination of upper secondary school covering a field or fields arising from a specialty provided for in the school curriculum and social and natural fields;
- 3) a student investigation paper or practical work, except in the event of graduation from school as an external student.

(7) On the basis of subsection (2), the state examination in a foreign language required for graduation from upper secondary school may be replaced by an internationally recognised examination in the same language on the conditions and pursuant to the procedure established by the Minister of Education and Research.

(8) The Minister of Education and Research shall establish the conditions of and procedure for preparing and assessing student investigation papers and practical work.

(9) Results of state examinations and electronic certificates shall be made available to examinees electronically. The data of state examination certificates shall be registered in the sub-register of documents certifying education in the education information system.

(10) Upper secondary school graduation certificates shall be issued to students or external students who have fulfilled the conditions of graduation from upper secondary school. The data of upper secondary school graduation certificates shall be registered in the sub-register of documents certifying education in the education information system.

(11) The Government of the Republic shall establish the statute and form of the upper secondary school graduation certificate.

### **§ 32. Database of final examinations**

(1) For the purpose of creating and administering final examination assignments, drawing up and making available final examination papers and ensuring the taking and standardised assessment of final examinations the Government of the Republic shall establish the database of final examinations that forms a part of the state information system.

(2) The Government of the Republic shall approve the statutes of the database of final examinations.

(3) The chief processor of the database of final examinations is the Ministry of Education and Research.

### **§ 33. Challenging results of state examinations and harmonised final examinations of basic school**

(1) An appeal may be lodged with the Ministry of Education and Research against the results of a state examination and a harmonised final examination of basic school. An appeal shall be lodged within five working days as of the date of making the state examination certificate or school graduation certificate available. The Minister of Education and Research shall form an appeals committee for reviewing appeals lodged.

(2) Within ten days after an appeal was filed the appeals committee shall make one of the following decisions regarding an examination paper whose result was challenged:

- 1) not to change the examination result;
- 2) to raise the examination result;
- 3) to lower the examination result.

(3) On the grounds and pursuant to the procedure provided for in the Code of Administrative Court Procedure an appeal may be lodged with an administrative court regarding the results of a state examination and a harmonised final examination of basic school, provided that an appeal has been filed with the appeals committee beforehand and that the committee has returned the appeal, has not resolved it within the prescribed term, has refused to amend the examination result or lowered it.

### **§ 34. National assessment of learning outcomes**

(1) The purpose of national assessment of learning outcomes is to give students, parents, schools, owners of schools and the state as objective and comparable feedback as possible on the attainment of the learning outcomes provided for in the national curricula and the effectiveness of teaching and learning in schools and provide the state with necessary information for making education policy decisions.

(2) External valuation of learning outcomes shall take place through standard-determining tests, harmonised final examinations of basic school and state examinations.

(3) The Minister of Education and Research shall establish the subjects, forms and time of standard-determining tests, the conditions and procedure for preparing, drawing up, carrying out and assessing and the procedure for standard-determining tests and the conditions of and procedure for analysing harmonised final examinations of basic school and state examinations.

(3<sup>1</sup>) The Ministry of Education and Research shall coordinate the preparing, drawing up, conducting and assessing of standard-determining tests and the analysis of standard-determining tests, harmonised final examinations of basic school and state examinations.  
[RT I, 02.07.2012, 1 - entry into force 01.08.2012]

(4) For the purpose of preparing, drawing up, conducting and assessing standard-determining tests and analysing the results of standard-determining tests, harmonised final examinations of basic school and state examinations, the Minister of Education and Research may conclude a public law contract with a state foundation. The Ministry of Education and Research shall exercise supervision over performance of the public law contract.  
[RT I, 02.07.2012, 1 - entry into force 01.08.2012]

(5) The Minister of Education and Research or the institution specified in subsection (32) of this section shall inform schools of the results of the national assessment of learning outcomes.  
[RT I, 02.07.2012, 1 - entry into force 01.08.2012]

## **Division 2 Participation in studies**

### **§ 35. Participation in studies and absence from studies organised in school**

(1) Students have the right and duty to do study exercises and to participate in the studies laid down for them in the daily schedule of their school or in their individual curriculum.

(2) Absence from studies is permitted only with a good reason. The school assesses whether the reasons for absence from studies can be deemed good. Good reasons for absence from lessons are as follows:

- 1) the student falls ill or the provision of the student with a health service;
- 2) the road leading to the school is impassable or the occurrence of another *force majeure* circumstance, including the weather conditions specified in a regulation of the Minister of Social Affairs based on clause 8 (2) of the Public Health Act whereby the absence from studies is reasoned;
- 3) substantial family-related reasons;
- 4) other reasons deemed good by the school.

(3) Schools shall adopt a procedure for notifying of absence from studies in their internal rules.

(4) Schools shall keep account of absence from studies, make a summary thereof at least once per academic quarter and inform parents thereof.

### **§ 36. Notifying of absence of students subject to duty to attend school from studies**

(1) Not later than on the first school day of absence from studies a parent shall notify the school of the student's absence from studies and the reasons thereof. If the parent has not informed the school of the student's absence, the school shall inform the parent thereof not later than the next school day. The parent shall notify the school of the duration of the absence not later than on the second school day following the lapse of the reasons for absence.

(2) If a school employee has reasonable doubt that false information has been submitted when reasoning a student's absence, the school shall have the right to ask additional explanations from a parent or address the rural municipality or city government of the student's residence and the latter shall take measures to identify the actual reasons for absence and to ensure the performance of the duty to attend school.

(3) If a parent has not notified the school of a student's absence and the school cannot identify the reason for absence, the school shall inform the rural municipality or city government of the student's residence thereof not later than on the next day of absence from studies. In such an event the rural municipality or city government shall organise the taking of measures in order to identify the reasons for absence and ensure performance of the duty to attend school.

(4) Information about students who have been absent from studies without a good reason for more than 20 percent of lessons during one academic quarter is registered in the sub-register of students, higher education students and resident physicians.

## **Division 3 Supporting development of students at school**

### **§ 37. Supporting development of students**

(1) Teachers observe the development and coping of students at school and, where necessary, adjust studies according to the needs of students. For the purpose of developing the abilities and talents of students, their

individual study needs shall be identified, suitable teaching methods shall be chosen and, where necessary, differentiated teaching shall be carried out. Schools shall provide students who temporarily fall behind in attaining the presumable learning outcomes with additional pedagogical guidance outside lessons.

(2) Students shall be provided with the services of at least a special education teacher, psychologist and social educator (hereinafter *support specialists*). Owners of schools create and heads of school organise the opportunities for implementation of the services of support specialists.

(3) A developmental conversation is held at school with each student at least once per academic year for the purpose of supporting the development of the student, and further study and development goals are agreed on the basis thereof.

(4) The student, class teacher and, in the event the student has limited active legal capacity, a parent participate in a developmental conversation. If the school has been unable to get hold of a parent of a student obligated to attend school in order to agree on the time of a developmental conversation or has failed to attend the developmental conversation for the second time, the school shall inform the rural municipality or city government of the student's residence and the latter shall, where necessary, organise measures to be taken for the protection of the rights of the child. Where necessary, a parent of a student with active legal capacity, provided that the student has granted consent thereto, as well as other school employees, support specialists and representatives of the rural municipality or city government of the student's residence shall be involved.

(5) The conditions of and procedure for the organisation of developmental conversations shall be established by the head of school, who submits these to the teachers' council and the board of trustees for the expression of an opinion beforehand.

### **§ 38. Long day group**

(1) The head of a school may, upon the consent of the owner of the school, form long day groups in the school for students acquiring basic education. Supervision and pedagogical instruction and guidance in spending spare time, doing homework, pursuing hobbies and developing interests is offered to students as extracurricular activities organised in a long day group. On the basis of a proposal of the board of trustees, a school shall organise the formation of a long day group jointly with the owner of the school.

(2) The work organisation and daily schedule of a long day group shall be established by the head of school, setting a time for doing homework, outdoor recreation and hobby activities. The proposals of the board of trustees, the overall teaching and education goals of the school, the age and individual characteristics of the students of the long day group, the conditions at their homes, the reasoned requests of parents and students and the transport facilities shall serve as the basis for planning and organising the work of a long day group.

(3) The upper limit of the size of a long day group is 24 students. The owner of a school may, on the basis of a proposal of the head of the school and with the approval of the board of trustees, establish a higher upper limit.

(4) A student is admitted to and excluded from a long day group by a decision of the head of school and on the basis of a request of a parent or, in the event provided for in the Juvenile Sanctions Act, on the basis of a decision of the juvenile committee.

### **§ 39. Boarding school facilities**

(1) A school may have boarding school facilities that constitute a structural unit of the school under the statutes of the school.

(2) Extracurricular activities ensuring the learning, living and education conditions complying with the needs and interests of students are organised in boarding school facilities.

(3) The Minister of Education and Research shall establish the conditions of and procedure for operation of boarding school facilities.

(4) The organisation of the life of students in boarding school facilities and the conditions of and procedure for admission to and exclusion from boarding school facilities shall be specified in the internal rules of the boarding school facilities. The head of school shall establish the internal rules of the boarding school facilities and these shall be submitted to the teachers' council, board of trustees and student council for the expression of an opinion before establishment. The Minister of Education and Research may establish the general conditions of and procedure for admission of students to state-supported places in the boarding school facilities specified in subsection (7) of this section.

(5) The upper limit of the size of a group of boarding school facilities is 24 students. The owner of a school may, on the basis of a proposal of the head of the school and with the approval of the board of trustees, establish a higher upper limit.

(6) At the request of the owner of a school and with the approval of the governor of the county of location of the school, the Minister of Education and Research shall designate a municipal or private school whose existing boarding school facilities or whose boarding school facilities to be formed contain state-supported places for the basic education-acquiring children of families who have difficulties copies for the purposes of the Social Welfare Act (hereinafter *state-supported place in boarding school facilities*) and establish the number of state-supported places in the boarding school facilities in these schools.

(7) A reasoned application of the rural municipality or city government of the place of residence of the student, the approval of the governor of the county of the place of residence of the student and the location of the boarding school facilities, and the consent of the student or a parent of the student who has limited active legal capacity serves as the basis for the admission of the student to a state-supported place in the boarding school facilities.

(8) The following shall be specified in a reasoned application of a rural municipality or city government:

- 1) the term during which the student must be provided with accommodation in the boarding school facilities;
- 2) deficiencies in caring for and raising the student or other circumstances that prevent the student from performing the duty to attend school;
- 3) other social welfare measures taken with regard to the student and parents along with the reasons as to why these have not proven sufficient or why their use is not possible;
- 4) types and scope of assistance rendered to the student and parents during the time of staying at the boarding school facilities.

(9) A student admitted to a state-supported place in boarding school facilities is, at least until the end of the current academic quarter, allowed to go to the school in whose structural unit the boarding school facilities are.

#### **§ 40. Hobby activities at school**

(1) Hobby activities are activities supporting the completion of a school curriculum or other extracurricular activities taking place in or organised by a school. Various forms and methods of study, including hobby groups and studios, are used in hobby activities.

(2) In extracurricular activities a student has the right to use the civil engineering works, rooms and library of their school and the teaching and learning, sports, technical and other facilities of the school pursuant to the procedure provided for in the internal rules of the school.

#### **§ 41. School library**

(1) A school is required to have a library.

(2) The main function of a library is to support studies under the curriculum of the school, develop students' individual learning and information acquisition skills and their interest in reading through preservation of printed materials, audiovisual data media and other data media and through making these available.

(3) Based on the purpose of use, libraries are divided into the main collection and the educational literature collection.

(4) The Minister of Education and Research shall establish the bases of the work organisation of school libraries.

(5) A public library may perform the main function of a school library with regard to the main collection if the public library is located in the same building as the school or close enough to the school so the performance of the main function of the school library is not impeded. In such an event the school library is required to have at least a collection of educational literature.

#### **§ 42. Support covering school lunch expenses of municipal school students**

(1) The owner of a school organises catering for students at school in accordance with the health protection requirements established on the basis of the Public Health Act.

(2) The state budget contains support for covering the school lunch expenses (hereinafter *school lunch support*) of students acquiring basic education in the stationary studies in municipal and private schools. If the school lunch expenses of students acquiring basic education in the stationary studies in the administrative territory of a rural municipality or city, the school lunch support may be used for covering the school lunch expenses of other students of general education schools.

(3) The school lunch support is allocated on the basis of the number of students acquiring basic education in the stationary studies in the municipal and private schools in the administrative territory of a rural municipality or city and the calculated price of a school lunch per student.

(4) The Government of the Republic shall establish the school lunch support per student and the procedure for allocation of the school lunch support.



(5) The council of a rural municipality or city shall establish the conditions of and procedure for using the school lunch support.

#### **§ 43. Provision of health services at school**

(1) Students acquiring basic or general secondary education in the stationary studies are provided with health services at school, including activities carried out by nurses. The Minister of Social Affairs shall establish the activities to be carried out by nurses providing health services at school and the requirements for the time, scope, availability and location of the activities of the nurses.

(2) The owner of a school ensures the availability of health services at school and, for the purpose of ensuring consistency, cooperates with the provider of health services at school, ensures the existence of the rooms and non-medical equipment in accordance with the requirements established on the basis of subsection 25 (2) of the Health Care Services Organisation Act, bears the related expenses, and organises and funds the transportation of a student to the place of provision of health services in the event of an indispensable need and if a parent of the student is unable to organise transportation in such a situation.

#### **§ 44. Ensuring mental and physical security at school**

(1) Schools ensure the mental and physical security and the protection of the health of students during their stay at school.

(2) The procedure for prevention of situations jeopardising the mental or physical security of students and school employees, reaction to such situations, notification of incidents, resolution of incidents and the procedure for the application of the measure provided for in subsection (7) of this section shall be laid down in the internal rules of a school with the approval of the owner of the school.

(3) In accordance with the internal rules of a school, the owner of the school creates the opportunities for and the owner of the school organises the protection of the mental and physical security and protection of the health of students and school employees and for taking measures for the prevention of mental and physical violence.

(4) Supervision over students throughout the school day is ensured at school for the purpose of prevention of violence. The use of the rooms and territory is organised to the extent of the possibilities in such a manner that it would help to prevent the emergence of a situation jeopardising the mental or physical security of the students and school employees.

(5) For the purpose of preventing a situation threatening the security of students and school employees and reacting to a situation a school may use surveillance equipment for the purposes and pursuant to the procedure of the Security Act, taking into account the requirements provided for in the Personal Data Protection Act.

(6) The procedure for use of surveillance equipment is provided for in the internal rules of a school.

(7) For the purpose of ensuring surveillance over the security of students, school employees and students with limited active legal capacity, a school may control entry to and exit from the school building or territory and restrict the exit from the school building or territory by students with limited active legal capacity acquiring basic education in the stationary studies.

#### **§ 45. Resolution of emergencies at school**

(1) An emergency means an event or a chain of events that jeopardise the life and health of persons staying at school, causes substantial harm to the environment or extensive economic damage.

(2) The owner of a school shall create the opportunities for and the head of the school shall organise the protection of students and school employees in the event of an emergency.

(3) The head of a school shall organise the drafting of the emergency plan of the school, involving the teachers' council, the board of trustees and experts therein, where necessary. The following shall be laid down in an emergency plan:

- 1) general principles of resolving an emergency;
- 2) functions of the persons involved in resolving an emergency at school;
- 3) persons directing and contributing to the resolution of an emergency;
- 4) organisation of directing and coordinating the resolution of an emergency;
- 5) organisation of exchange of information;
- 6) organisation of notifying school employees, students, parents and, where necessary, other persons;
- 7) organisation of studies in the event of an emergency;
- 8) activities after an emergency.

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

## **Division 4**

# **Specifications of organisation of studies of students with special educational needs**

### **§ 46. Students with special educational needs**

(1) A student with special educational needs means a student whose talent, specific learning difficulties, health status, disability, behavioural and emotional disorders, longer-term absence from studies or insufficient proficiency in the language of instruction of a school brings about the need to make changes or adjustments in the subject matter, process, duration, workload or environment of study (e.g. teaching materials, school rooms, language of communication, including a sign language or other alternative means of communication, support staff, teachers who have received special training) or in the expected learning outcomes or in the work plan drawn up by a teacher for working with a class.

(2) For the purposes of this Act, the talent of a student is considered a special educational need whereby the student, owing to their great abilities, is able to achieve excellent results and has demonstrated either separately or in combination the following high abilities: overall intellectual capacity, academic ability, creative thinking, leadership abilities, abilities in visual arts or performing arts, psychomotor ability.

(3) A special educational need is identified using pedagogical-psychological assessment, repeat and more accurate observation of the behaviour of a student in different conditions, gathering information about the student and the environment of their upbringing, and medical and speech therapy examinations of the student. Talented students are also identified on the basis of the results of standardised tests carried out by licensed specialists, achievement of very good results in national or international subject Olympics, contests or competitions, and assessments of field experts.

### **§ 47. Organisation of studies of students with special educational needs**

(1) Upon the organisation of the studies of a student with special educational needs, the principles of inclusive studies, according to which students with special educational needs usually study in an ordinary class of their school of residence, are followed.

(2) The principles of organisation of studies for students with special educational needs shall be laid down in the school curriculum.

(3) The head of school appoints a person whose duty is to organise cooperation between support specialists, instructors of talented students and teachers (hereinafter *special educational needs coordinator*) for the purpose of supporting the teaching and development of a student with special educational needs.

(4) The special educational needs coordinator supports and instructs a teacher in identifying special educational needs and makes proposals to the teacher, parent and head of school regarding further educational work, application of measures offered by the school in support of the development of the student or conducting further investigations, thereby cooperating with teachers and support specialists.

### **§ 48. Measures applied by decision of school in support of student with special educational needs**

(1) By a decision of the head of school or a school employee authorised by the head of school the measures provided for in this chapter, including the support specialist service, implementation of an individual curriculum, admission to the long day group, admission to boarding school facilities and, with the approval of a parent, the transfer of the student to the group or class specified in clauses 51 (1) 1) to 4), may be applied to a student with special educational needs, unless a recommendation of the counselling committee is the prerequisite for the application of the measures.

(2) If the special educational needs of a student arise from their talent, the implementation of an individual curriculum and, where necessary, additional instruction by subject teachers or other specialists of the respective field shall be ensured through educational programmes or other educational institutions.

(3) In the period of application of a measure the teachers and support specialists attending to the student observe the development and coping of the student.

(4) For the purpose of assessment of the effectiveness of the application of the measures, all the teachers and support specialists who participated in the application of the measures shall describe the development and coping of the student and make their recommendations at least once per academic year.

(5) At the end of the period of application of the measures, the special educational needs coordinator shall assess the effectiveness of the measures in cooperation with teachers and support specialists and make proposals to the parents and, where necessary, to the head of school for further activities: termination of the application of the measures; continuance of the application of the measures in the same or improved manner; replacement of a measure or addition of another measure; conducting further investigations; recommending that the student see a specialist doctor, a specialist of a particular field or the consulting committee.

(6) The results of the pedagogical-psychological assessment carried out for identification of special educational needs, additional observations and recommendations of teachers regarding the strengths and weaknesses of a student, recommendations of the support specialists of the school, test and examination results, and the recommendations of the counselling committee regarding organisation of studies and the measures applied to the student on the basis thereof shall be documented in a child development observance chart drawn up for the purpose of observance of the development and coping of the student with special educational needs. The head of school shall appoint the persons in charge of drawing up and filling in the individual development observance map.

#### **§ 49. Measures applied by recommendation of counselling committee in support of student with special educational needs**

(1) By a recommendation of the counselling committee and with the approval of a parent, the school shall teach the student on the basis of the simplified national curriculum, transfer the student to a class of students with special educational needs specified in clauses 51 (1) 5) to 12) of this Act, organise studies pursuant to the simplified national curriculum for basic schools, apply home educating or one-to-one teaching based on the health status, replace or reduce the learning outcomes prescribed in the national curriculum for basic schools, or release from learning a compulsory subject.

(2) Upon organisation of studies and application of measures pursuant to the recommendations of the counselling committee, the observance of the development and coping of the student shall be continued. Upon expiry of the term set by the counselling committee or at least once per academic year the special educational needs coordinator assesses in cooperation with teachers and support specialists the impact of the organisation of studies or application of measures recommended by the counselling committee on the development and coping of the student and on the basis thereof makes proposals for further activities, including for conducting additional examinations or addressing the counselling committee for the purpose of obtaining new recommendations.

(3) If it is not possible to organise studies in the school of residence due to a student's special educational needs, the rural municipality or city of the student's residence shall, in cooperation with other schools and owners of schools, provide the student with opportunities of acquisition of education in accordance with the recommendations of the counselling committee. If, based on a recommendation of the counselling committee, the student commences studies in a school outside the administrative territory of the rural municipality or city of residence, the rural municipality or city of residence shall organise transportation or compensate for the student's travel expenses. The organisation of transport and travel expenses shall be compensated for pursuant to the procedure established by the rural municipality or city government, except if the travel expenses are compensated out of the state budget pursuant to the procedure established on the basis of subsection 28 (2) of the Public Transport Act.

#### **§ 50. Counselling committee**

(1) The county governor shall establish a counselling committee entrusted with the function of making recommendations for the postponement of the duty to attend school, admission of a person below seven years of age to school, and organisation of the teaching and education of persons with special educational needs in the events provided for in this Act and in the Preschool Child Care Institutions Act. With the approval of the governor of the county of location, a city government may establish the counselling committee of the city.

(2) The counselling committee has no less than five members. The counselling committee is required to include a special education teacher, a speech therapist, a school psychologist, a social worker and, respectively, a representative of the county or city government. Where necessary, the counselling committee may involve other experts in its work. The establisher of the counselling committee shall establish the rules of procedure of the committee.

(3) Upon making recommendations regarding a person with special educational needs, the counselling committee relies on the results of a prior pedagogical and psychological and, where necessary, medical examination of the person, which have been submitted to the committee.

(4) The Minister of Education and Research shall establish the conditions of and procedure for submission of applications to counselling committees.

(5) The counselling committee informs the school where a student studies of the recommendations of the committee regarding the student. The recommendations of the counselling committee are mandatory for the school organising studies of the student and, in the event the student has limited active legal capacity, a parent has granted their approval.

(6) The state budget shall include support for covering the operating the expenses of counselling committees.

## **§ 51. Groups and classes of students with special educational needs**

(1) For the purpose of better organisation of the studies of students with special educational needs, the following groups and classes may be formed in schools in order to create the required support services for students whom these cannot be ensured in an ordinary class:

- 1) remedial instruction groups for students acquiring basic education for provision of special education or speech therapy assistance – the upper limit of the size of the group is 6 students;
- 2) classes for students with behavioural problems acquiring basic education – the upper limit of the size of the class is 12 students;
- 3) classes for students with severe somatic illnesses – the upper limit of the size of the class is 12 students;
- 4) classes for students with a speech impairment, visual impairment, hearing impairment or physical/motor disability – the upper limit of the size of the class is 12 students;
- 5) classes for students with specific learning difficulties acquiring basic education – the upper limit of the size of the class is 12 students;
- 6) classes for students with mild learning difficulties acquiring basic education – the upper limit of the size of the class is 12 students;
- 7) classes for students with emotional and behavioural disorders acquiring basic education – the upper limit of the size of the class is 8 students;
- 8) classes for students with multiple disabilities acquiring basic education – the upper limit of the size of the class is 6 students;
- 9) classes for students with moderate learning difficulties acquiring basic education – the upper limit of the size of the class is 6 students;
- 10) classes for students acquiring basic education whom the counselling committee has, based on their specific educational needs, recommended studying in a small class, including students with autism spectrum disorders, activity and attention disorders or addiction disorders or students whose talent in combination with another special need results in the need to study in a small class – the upper limit of the size of the class is 4 students;
- 11) classes for students with severe and profound learning difficulties acquiring basic education – the upper limit of the size of the class is 4 students;
- 12) classes for students with educational problems acquiring basic education – the upper limit of the size of the class is 12 students.

(2) The classes and groups of students with special educational needs shall be specified in the statutes of schools. With the approval of the owner of the school the head of school may form classes and groups of students with special educational needs, which have not been specified in the statutes.

(3) A composite class whose size is determined on the basis of the special educational needs of specific students may be made of two or three classes of students with special educational needs, but in any event it shall not exceed 12 students.

(4) The Minister of Education and Research shall establish the bases of organisation of studies and education in classes and groups of students with special educational needs and the conditions of and procedure for admission to, transfer to and exclusion from a class or group.

## **§ 52. One-to-one teaching**

(1) By a recommendation of the counselling committee and with the approval of the student or, in the event the student has limited active legal capacity, a parent, one-to-one teaching is applied to the student who due to their health status requires constant supervision or assistance at school.

(2) The Minister of Education and Research shall establish the conditions of and procedure for the application of one-to-one teaching.

## **§ 53. Home educating and in-hospital teaching due to health status**

(1) Home educating means the organisation of educating at a student's home or in another place outside the school premises agreed with the student or, in the event the student has limited active legal capacity, a parent of the student. Home educating is applied to a student with special educational needs based on the student's health status.

(2) In-hospital teaching means the teaching of a hospitalised student acquiring basic or general secondary education.

(3) The Minister of Education and Research shall establish the conditions of and procedure for home educating and in-hospital teaching.

## **§ 54. Additional studies for students who have graduated from basic school under simplified national curriculum for basic schools**

(1) By a decision of the owner of a school additional studies may be organised in a basic school for students who have graduated from basic school under the simplified national curriculum for basic schools in order to provide additional preparation and support for the smooth continuance of studies or entry into the labour market.

(2) Students who have obtained a basic school graduation certificate in the same year and who are not ready to continue their studies or enter the labour market or who were not admitted to the desired educational institution are admitted to additional studies.

(3) The duration of additional studies is one academic year. Persons attending additional studies are provided with instructed studies to the extent of 1,050 lessons, including 525 lessons of general education studies and 525 lessons of vocational training and development of social and personal skills. Vocational training is carried out in cooperation with a relevant vocational education institution or employer.

(4) A transition plan is made for each student, specifying the subject matter and daily schedule of the studies of the student. The student's knowledge and skills, the requests and needs of the student and a parent, and the facilities of the school are taken into account upon drawing up the transition plan.

## **Chapter 4**

# **STUDENTS AND PARENTS**

### **§ 55. Notification of students and parents**

(1) Students and their parents have the right to receive information and explanations from the school regarding the organisation of studies and the rights and duties of students. The school is required to grant the parents of a student studying in the stationary form of study access to the information that is in the possession of the school regarding the student. By a written application, a student with active legal capacity can prohibit access to the information that is in the possession of the school regarding the student. Parents' access to the information about whether a student is enrolled in the school or not may be prohibited only with good reason.

(2) Schools disclose the conditions of and procedure for admission and the contact details of the institutions exercising state supervision over the school on their website.

(3) Students are notified of the main subjects covered during an academic quarter or course, the required learning materials, the organisation of assessment, and the planned events in the beginning of the academic quarter or course. The school provides the parents of students studying in the stationary form of study with the opportunities of accessing relevant information.

(4) The part of the daily schedule of the school applicable to the students is made available to the students and the parents of students studying in the stationary form of study pursuant to the procedure provided for in the internal rules of the school.

(5) Schools inform students and their parents of the grades of the students. If a student or, in the event a student has limited active legal capacity, a parent of a student has not granted approval to the electronic notification of the student's grades, the school shall inform the student and the parent of the student's grades via a report card or the student's record books issued on paper.

### **§ 56. Calling meeting of parents**

In order to coordinate cooperation between the school and the parents, the head of school calls a meeting of the parents of the students studying in the stationary form of study, thereby giving all parents the chance to participate in the parents' meeting at least once a year. In the event of the stationary form of study the head of school is obligated, at the request of the parents of at least one-fifth of the students of the class, to call a meeting of the parents of the students of the class.

### **§ 57. Commending students**

On the conditions and pursuant to the procedure established by the Minister of Education and Research students are commended during their studies, with distinction on their basic school graduation certificate and, upon graduation from an upper secondary school, by a gold or silver medal. Schools may provide for other measures of commandment in their internal rules.

### **§ 58. Application of support measures and imposition of sanctions on students**

(1) Reasoned, relevant and proportional support measures may be taken and sanctions may be imposed with regard to a student with the aim of influencing students to abide by the internal rules of the school, respect others and prevent the emergence of situations jeopardising safety at school.

(2) Before taking support measures or imposing sanctions, the student's explanations are heard and the choice of the support measure or sanction is reasoned to the student. A student and, before imposing the sanctions

specified in clause 12) of subsection (2) of this section, a parent of the student are allowed to express their opinion on the student's behaviour and the imposition of the sanction before the imposition of the sanction.

(3) The support measures (including conducting a developmental conversation, implementation of an individual curriculum, admission of the student to a long day group, hobby group or boarding school facilities of the school, provision of the services of a support specialist, transfer of the student to a class for students with behavioural problems or educational problems) may be taken against and one or several of the following sanctions may be imposed on a student on the conditions and pursuant to the procedure provided for in this Act:

- 1) discussion of the student's behaviour with the student's parent;
- 2) discussion of the student's behaviour with the student in the presence of the head of school or head teacher;
- 3) discussion of the student's behaviour with the student in the teachers' council or in the board of trustees;
- 4) appointment of a support person to the student;
- 5) a written reprimand;
- 6) taking custody by the school of objects used by the student in a manner not in accordance with the school's internal rules;
- 7) removal from a lesson along with the duty to stay in the prescribed place and achieve the required learning outcomes by the end of the lesson;
- 8) conciliation of parties involved in a conflict with the aim of achieving an agreement on further steps;
- 9) carrying out an activity that benefits the school, which may be applied only with the approval of the student or, in the event the student has limited active legal capacity, a parent of the student;
- 10) the duty to stay at school after the end of lessons and perform the prescribed activity to the extent of 1.5 hours during one day of study;
- 11) a temporary ban on participating in extracurricular activities (e.g. events and trips) at school;
- 12) a temporary ban on participating in studies along with the duty to achieve the required learning outcomes by the end of the period.

(4) The head of school or a person authorised by the head of school decides the imposition of the sanctions provided for in subsection (3) of this section, except for the imposition of the sanctions provided for in clause 12) of subsection (3), which is decided by the teachers' council.

(5) The objects that the school has taken custody of are preserved and returned pursuant to the procedure provided for in the internal rules of the school.

(6) If the student needs to use transport in order to get home from school, the organisation of transport shall be taken into account upon imposing the sanctions specified in clause 10) of subsection (3).

(7) At the time of imposition of the sanctions specified in clauses 7) and 10) of subsection (3) of this section the school shall ensure supervision over the student and, where necessary, the pedagogical instruction of the student.

(8) A temporary ban on participation in studies along with the duty to achieve the required learning outcomes by the end of the period may be applied with regard to a student to the extent of 10 days of study over a half-year. The decision on the imposition of a temporary ban on participation in studies is made in writing and delivered to the student or, in the event the student has limited active legal capacity, to a parent by mail or is handed over against signature. An individual curriculum is drawn up in cooperation with the student or, in the event the student has limited active legal capacity, a parent of the student on whom a temporary ban on participation in studies is imposed in order to ensure the achievement of the required learning outcomes. The parent of the student with limited active legal capacity ensures supervision over the student in the period of imposition of the sanction specified in this subsection and the organisation of studies pursuant to the individual curriculum.

(9) The procedure for notification of the application of support measures and imposition of sanctions shall be laid down in the internal rules of the school. A parent of a student with limited active legal capacity is informed at least of the imposition of the sanctions specified in clauses 10) and 11) of subsection (3) in a format that can be reproduced in writing.

## **§ 59. Issue of student cards**

Student cards of schools are issued free of charge at the request of students or parents of students with limited active legal capacity. The Minister of Education and Research shall establish the procedure for issuing student cards and the format of student cards.

## **§ 60. Student body and student council**

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

(2) The student body of a school has the right to decide and independently organise the matters of student life in accordance with acts and legislation adopted based on acts.

(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 without having the status of an entity specified in § 5 of the Non-Profit Associations Act and in subsection 5 (2) of the Foundations Act;

2) become a member of Estonian and international organisations or pursue cooperation with them through a student council;

3) decide and organise all the other matters of student life, which fall within the competence of student bodies under an act or legislation adopted on the basis of an act and which are not for anyone else to decide and organise on the same grounds.

(4) A student body has the right to elect a student council who represents the student body within the competence of the student council specified in the statutes of the student council in the internal relationships of the school and in relations with other organisations, institutions and persons. In its activities, the student council follows the interests, needs, rights and duties of students.

(5) The procedure for the formation, rights, duties, responsibilities and rules of procedure of a student council are laid down in the statutes of the student council. The student body draws up the statutes of the student council, thereby cooperating, where necessary, with the head of the school or the school employees appointed by the head of the school. The student body approves the statutes of the student council pursuant to the procedure laid down in the statutes of the school. The student council submits the statutes of the student council to the head of the school for approval. Within 30 days as of the receipt of the statutes the head of the school shall approve the statutes of the student council if it complies with acts, legislation adopted on the basis of acts and internationally recognised democratic principles or submits written reasons as to why the statutes cannot be approved.

(6) All the students of the school have the right to elect the student council. The head of the school organises the elections of the first student council pursuant to the procedure laid down in the statutes of the school, following democratic principles.

(7) Where possible, funds for funding the activities of the student council may be allocated in the school budget, considering the needs of the student council and students.

## **Chapter 5** **MANAGEMENT OF SCHOOLS**

### **Division 1** **Foundation of schools and education licences**

#### **§ 61. Foundation of schools**

(1) A state school shall be founded by the Minister of Education and Research and a municipal school by the council of a rural municipality or city.

(2) The county governor or, in the event of state schools, also the rural municipality or city of the location of the school shall express an opinion on the necessity of the foundation of a school based on the regional education policy and the need of development of the school network.

(3) A school founded jointly by several rural municipalities or cities (hereinafter *joint school*) shall be founded by rural municipality or city councils. The bases of operation of a joint school shall be laid down in a public law contract to be made by rural municipality or city governments authorised by rural municipality or city councils, setting out the rights, duties and obligations of the parties in managing the school.

(4) It may be stipulated in a decision of foundation of a school that teaching and education will not be carried out in all classes or at all the stages of study at once, but that teaching and education will be commenced gradually.

(5) The data of a school is registered in the education information system's sub-register of educational institutions.

(6) Municipal and state schools are registered in the national register of state and local agencies.

#### **§ 62. Name of school**

The name of a school shall clearly differ from the names of other educational institutions registered in the education information system and not be misleading with regard to the education level that can be acquired at the school.

### **§ 63. Education licence of municipal school**

(1) An education licence gives a rural municipality or city the right to organise teaching and education at the education levels or basic school stages in the respective school. The Minister of Education and Research shall decide on the granting of an education licence.

(2) The owner of a school shall submit an application for an education licence to the Minister of Education and Research at least five months before the start of the academic year.

(3) The following shall be appended to the application:

- 1) the decision to found the school;
- 2) the statutes of the school;
- 3) the school curriculum;
- 4) certificate of the owner of the school regarding the existence of teachers complying with the qualification requirements;
- 5) the written consent of a provider of health services at school to provide health services at school and information about the existence of an activity licence to provide health services at school;
- 6) information about the existence of the rooms, buildings, land, classrooms and the furnishings of the school buildings required for the operation of the school and their compliance with the health and safety requirements;
- 7) the opinion of the county governor regarding the school to be founded;
- 8) a document certifying payment of the state fee.

(4) In the event of the first application for an education licence a draft school curriculum without any subject syllabi may be submitted instead of a school curriculum.

(5) In the event of the first application for an education licence an education licence shall be issued for a term of up to five academic years. During the period of validity of an education licence issued for a specific term state supervision over the teaching and education carried out by the school shall be exercised. If no precepts are made in the course of state supervision or these are complied with by the prescribed time, the data and documents specified in subsection (3) of this section shall not have to be appended to the application for a new education licence and, at the request of the owner of the school, the Minister of Education and Research shall issue the new education licence for an unspecified term, except in the event specified in subsection (6).

(6) If a school operating under an education licence issued for a specific term and applying for a new education licence has submitted documents certifying that the precepts made in the course of state supervision have been fulfilled, but in the opinion of the Minister of Education and Research new state supervision needs to be carried out for the purpose of verifying the actual compliance with the precepts, the Minister of Education and Research shall issue an education licence for a term of up to five academic years.

(7) The Minister of Education and Research shall review an application for an education licence within two months as of the date of submission of the application. For the purpose of an expert assessment of the school curriculum the Minister of Education and Research may extend the term of reviewing the education licence by up to two months, notifying the applicant for the education licence in a format that can be reproduced in writing.

(8) The Minister of Education and Research shall not issue an education licence if the information or documents specified in subsection (3) of this section have not been appended to the application or if these do not comply with the requirements established by legislation, the material base of teaching and learning does not correspond to the needs arising from the school curriculum, the school has failed to abide by the requirements for processing sensitive personal data arising from the Personal Data Protection Act or the school that operated on the basis of an education licence issued for a specific term has failed to submit documents that certify the compliance with the precepts made in the course of state supervision.

(9) An applicant for an education licence is notified of the issue or refusal to issue an education licence within five working days in a format that can be reproduced in writing.

(10) The Minister of Education and Research shall establish the format of the education licence.

### **§ 64. Revocation of education licence of municipal school**

(1) The Minister of Education and Research shall declare an education licence invalid if:

- 1) it becomes evident in the course of state supervision that the teachers working in the school do not comply with the qualification requirements, the studies are not in compliance with the requirements for the national curricula or the school curriculum established on the basis thereof, the application of the measures provided for in legislation for the purpose of supporting the development of students is not in accordance with the requirements for the legislation, the learning and teaching environment is not in compliance with the security, health or curriculum requirements, or the activities of the school are otherwise in conflict with acts or legislation adopted on the basis thereof, and the precepts made for the purpose of elimination of deficiencies have not been complied with within the prescribed term or pursuant to the prescribed procedure;
- 2) within one year after the issue of the education licence the school has not commenced teaching and education;
- 3) the school has been closed.



(2) The rural municipality or city government is notified of the revocation of an education licence within five working days in a format that can be reproduced in writing.

#### **§ 65. Commencement of teaching and education in state school**

The existence of the information and documents provided for in subsection 63 (3) of this Act is the prerequisite for commencement of teaching and education in a state school.

## **Division 2 School documents**

#### **§ 66. Statutes of school**

(1) A school has statutes that lay down the following:

- 1) the name of the school;
- 2) the location and places of operation of the school;
- 3) the form of operation of the school;
- 4) the functions of the board of trustees and the head of the school;
- 5) the organisation of teaching and education in the school, including the type and level of the education to be acquired in the school, the language or languages of instruction, the stationary or non-stationary studies carried out in the school or both and, where necessary, the classes and groups of students with special educational needs operating in the school;
- 6) the bases of organisation of the extracurricular activities carried out in the school;
- 7) the rights and duties of students and parents, including the right of election of the first student council, and the procedure for the approval of the statutes of the student council by the student body;
- 8) the rights and duties of the school employees;
- 9) the bases of management and administration.

(2) The Minister of Education and Research shall establish the statutes of a state school, while the statutes of a municipal school shall be established pursuant to the procedure established by the owner of the municipal school. The statutes and amendments thereto are submitted to the board of trustees, student council and teachers' council for the expression of an opinion before establishment.

#### **§ 67. Development plan of school**

(1) The development plan of a school is drawn up for the purpose of ensuring the consistent development of the school. The development plan shall be made for at least three years. The development plan shall lay down the following:

- 1) the main directions and areas of development of the school, including ensuring security at school;
- 2) the plan for the in-service training of teachers;
- 3) in the event of a basic school where the language of instruction is not Estonian, the measures to be taken to provide the students with the opportunity to continue their studies at the secondary level in Estonian;
- 4) the action plan.

(2) The development plan and amendments thereto are prepared in cooperation with the board of trustees, student council, teachers' council and experts from the school or external experts. The development plan is approved pursuant to the procedure established by the owner of the school. The development plan and amendments thereto are submitted to the board of trustees, student council and teachers' council for the expression of an opinion before establishment.

(3) The strengths and weaknesses of the activities of the school specified in the internal evaluation report specified in subsection 78 (3) of this Act are taken into account upon drafting the development plan.

#### **§ 68. Internal rules of school**

(1) The head of the school establishes the internal rules of the school and the rules are compulsory for the students and school employees.

(2) The internal rules of the school and amendments thereto are submitted to the board of trustees and student council for the expression of an opinion before establishment.

#### **§ 69. Disclosure of school documents**

(1) Schools disclose their curriculum, statutes, development plan, internal rules and the internal rules of the boarding school facilities on their website and create the possibilities of accessing the same on paper in the school.

(2) The internal rules of the school and the internal rules of the boarding school facilities are displayed in a place visible to students in the school.

#### **§ 70. Compulsory teaching and education documents of schools**

(1) The compulsory teaching and education documents of a school include the following:

- 1) general work plan;
- 2) register of students;
- 3) class journal;
- 4) register of blank basic school and upper secondary school graduation certificates and results reports;
- 5) register of letters of distinction, medals and other rewards;
- 6) hobby school journal;
- 7) long day group journal;
- 8) boarding school facilities journal.

(2) The compulsory teaching and education documents of schools are kept on paper or electronically. The Minister of Education and Research shall prescribe the information to be given in the compulsory teaching and education documents of schools and establish the procedure for filling in and keeping the documents.

## **Division 3 Management of schools**

#### **§ 71. Head of school**

(1) A school is directed by a head of the school. Within the limits of their competence, the head of a school is responsible for teaching and education, other activities carried out in the school, the overall condition and development of the school, and the lawfulness and purposeful use of the funds.

(2) The head of a school represents the school, acts in the name of the school and makes transactions relating to the performance of their functions prescribed by law within the scope of the budget of the school.

(3) The head of a school issues directives within the limits of their competence.

(4) A public competition is organised in order to fill a vacant position of the head of a school.

(5) The owner of the school declares the competition for filling a vacant position of the head of the school.

(6) The owner of the school establishes the procedure for organising a competition for filling a vacant position of the head of the school.

(7) An employment contract with the head of a municipal school is made by the rural municipality or city mayor or their authorised representative. An employment contract with the head of a state school is made by the Minister of Education and Research.

#### **§ 72. Teachers' council**

(1) A school has a teachers' council whose function is to organise, analyse and assess teaching and education and make decisions required for the management of the school within the limits of its competence.

(2) The teachers of the school are members of the teachers' council. The representative of students appointed by the student council is involved in the activities of the teachers' council.

(3) The Minister of Education and Research shall establish the functions and the rules of procedure of the teachers' council.

#### **§ 73. Board of trustees**

(1) The board of trustees is a standing body whose function is to ensure the joint activities of the students, teachers, owner, parents of students, graduates and organisations supporting the school in guiding, planning and observing teaching and education, and creation of better opportunities for teaching and education. The board of trustees performs the functions imposed on it in and on the basis of acts and makes proposals to the owner of the school for better resolution of matters relating to the school. The board of trustees is formed and its rules of procedure are established pursuant to the procedure established by the owner of the school.

(2) The board of trustees of a basic school comprises the owner of the school, the teachers' council, representatives of parents, graduates and organisations supporting the school, whereby the representatives of parents, graduates and organisations supporting the school make up the majority of the members of the board of trustees. If a student council has been formed in a basic school, the board of trustees also includes the representative appointed by the student council.

(3) The board of trustees of an upper secondary school also includes a representative of students. In other respects the provisions applicable to the composition of the board of trustees of a basic school are applied.

(4) The board of trustees of a basic school and an upper secondary school operating as a single institution includes at least two representatives of the teachers' council, one of whom represents the teachers of the basic school and the other the teachers of the upper secondary school, and the representatives of the parents of the students of the basic school as well as of the parents of the children of the child care institution. In other respects the provisions applicable to the composition of the board of trustees of an upper secondary school are applied.

(5) The board of trustees of a general education school and a child care institution operating as a single institution includes at least two representatives of the teachers' council, one of whom represents the teachers of the school and the other the teachers of the child care institution, and the representatives of the parents of the students of the school as well as of the parents of the children of the child care institution. In other respects the provisions applicable to the composition of the board of trustees of a basic school or an upper secondary school are applied.

(6) In a school where only non-stationary studies are pursued, the board of trustees does not include any representatives of parents. In other respects the provisions applicable to the composition of the board of trustees of an upper secondary school or a basic school and an upper secondary school operating as a single institution are applied.

(7) The composition of a general education school and a hobby school operating as a single institution also included a representative of the teachers' council who represents the teachers of the hobby school, and a representative of the students of the hobby school. If there is student self-government in such a school, the representative thereof is a member of the board of trustees as well. If minors study in such a hobby school as well, a representative of the parents of the students of the hobby school is a member of the board of trustees as well.

(8) The representatives of the parents, graduates and organisations supporting the school who are members of the board of trustees shall not be school employees.

(9) The board of trustees elects a chair and a vice chair from among its members. Meetings of the board of trustees are held at least once every four months during the academic year.

(10) The head of the school reports to the board of trustees.

(11) A student and a parent have the right to address the board of trustees of the school in the event of matters of dispute concerning teaching and education.

## **Division 4**

### **School employees**

#### **§ 74. School employees**

(1) School employees include teachers and other employees.

(2) The Minister of Education and Research shall establish the minimum composition of school employees.

(3) The composition of school employees is approved on the basis of a proposal of the head of the school pursuant to the procedure established by the owner of the school, taking into account the minimum composition of school employees established by the Minister of Education and Research.

(4) The rights, duties, obligations and liability of school employees are provided for in the statutes of the school, in the rules of work organisation established by the employer, in a job description and in an employment contract.

(5) The head of the school signs employment contracts with school employees. The head of the school enters into an employment contract with a teacher to be employed on the basis of an international agreement for the term determined by the international agreement.

#### **§ 75. Teachers**

(1) For the purposes of this Act, heads of school, head teachers, teachers, assistant teachers and other persons engaged in teaching and education are considered teachers.

(2) The minimum qualification requirement for teachers is higher education and pedagogical and subject-related training that complies with the qualification requirements established on the basis of subsection (3) of this section.

(3) The Minister of Education and Research shall establish the qualification requirements for teachers.

(4) Assessment shall be organised for identifying the professional skills and proficiency of the teachers specified in the regulation of the Minister of Education and Research established on the basis of subsection (3) of this section and their level of qualification. The Minister of Education and Research shall establish the conditions of and procedure for assessment.

(5) For the purpose of filling vacant positions of teachers, except for that of the head of the school, the head of the school shall organise a public competition, unless otherwise provided in an international agreement. Based on a proposal of the head of the school, the board of trustees of the school establishes the procedure for organising the competition.

(6) If in a competition organised for filling a vacant teacher position no teacher who meets the qualification requirements is found, the head of the school 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. In such an event the head of the school shall organise a new public competition during the year.

(7) A person sentenced or subjected to coercive treatment for a criminal offence specified in clause 133 (2) 2), 141 (2) 1), 142 (2) 1), 143 (2) 1) or 143<sup>1</sup>(2) 1) or §§ 144-146 or §§ 175-178 of the Penal Code whose sentencing data has not been deleted from the penal register under the Penal Register Act or whose sentencing date has been deleted from the penal register and transferred to the archives of the penal register cannot work as a teacher.

#### **§ 76. Establishment of minimum wage of teachers**

Authorised representatives of the Government of the Republic, national associations of local authorities and registered associations of teachers shall agree on the nationwide minimum wages of teachers, including the wages of class teachers, based on the grades given to teachers upon assessment and the Government of the Republic shall establish these. If no agreement is reached, the Government of the Republic shall decide the size of the minimum wages.

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

(1) Beginner's allowance for teachers (hereinafter *beginner's allowance*) is an allowance paid to a teacher who commences work in a school for the first time.

(2) The beginner's allowance may be applied for by a person who:

- 1) has 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 bachelor's studies immediately preceding the teacher training may also apply for the beginner's allowance within four months as of completing the teacher training at a higher education level, provided that the period of time between the completion of the bachelor's studies and the commencement of teacher training does not exceed one year. The right of a person who is on pregnancy and maternity leave or a person liable to service in the Defence Forces 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 duty to serve in the Defence Forces or the duration of the pedagogical training;
- 2) works as a teacher in a school with at least 0.5 workload, whereas the 0.5 workload also includes working at the same time as a vocational teacher in a vocational education institution or as a teacher of general education subjects, except in a vocational education institution in Tallinn or Tartu;
- 3) complies with the qualification requirements established for the position, and
- 4) is proficient in Estonian at the C1 level provided for in the Language Act.

(3) The amount of the beginner's allowance shall be specified in the annual State Budget Act.

(4) A person who has received the beginner's allowance is required to return the allowance paid to them if their continuous employment as a teacher ends before five years have passed from the receipt of the first portion of the allowance. Employment is deemed continuous at the time of the permanent incapacity for work of the person who received the beginner's allowance or if the length of employment of the person who received the allowance is not interrupted pursuant to the conditions provided for in clauses 1) and 2) of subsection (2) of this section for more than three months at a time during the said five-year period. The beginner's allowance shall be returned within three years as of the submission of the notice of repayment of the allowance in the annual amount of one-third of the amount of the allowance to the repaid.

(5) A person who has received the beginner's allowance is not obligated to repay the allowance paid to them if, due to a fundamental breach of an obligation by the employer, they have terminated the employment

contract extraordinarily or if the employer has terminated the employment contract extraordinarily, because the continuance of the employment relationship on the agreed conditions becomes impossible due to a decrease of the volume of work or reorganisation of work or in another event of cessation of work (lay-off).

(6) The Minister of Education and Research shall establish the procedure for application, payment and recovery of the beginner's allowance.

## **Division 5**

### **Internal evaluation of schools and counselling schools in internal evaluation matters**

#### **§ 78. Internal evaluation of schools**

(1) Internal evaluation is carried out in schools. Internal evaluation is an ongoing process aimed at ensuring the conditions supporting the development of students and the consistent development of a school. To that end the strengths and weaknesses of the activities of a school are identified and the action plan of the school is drawn up on the basis thereof. Following the goal, teaching and education and management is analysed and their effectiveness is evaluated in the course of internal evaluation.

(2) The head of a school establishes the procedure for internal evaluation of the school.

(3) Schools draw up an internal evaluation report at least once every three academic years. The report indicates the strengths and weaknesses of the activities of the school. The internal evaluation report shall be established by the head of the school who submits it to the board of trustees and the owner of the school for the expression of an opinion beforehand.

#### **§ 79. Counselling school in matters of internal evaluation**

(1) A school is counselled in matters of internal evaluation. The goal of the counselling is to make recommendations to the school regarding the internal evaluation, analysing whether the goal specified in subsection 78 (1) of this Act has been followed.

(2) The Minister of Education and Research shall establish the general conditions of and procedure for counselling schools in matters of internal evaluation.

## **Division 6**

### **Reorganisation, transfer of management and closure of schools**

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

(1) The owner of a school reorganises and closes the school. A state school is reorganised and closed on the basis of the Government of the Republic Act, taking into account the specifications provided for in this section.

(2) Schools are reorganised as follows:

- 1) schools are merged into one or several schools, whereby the merged schools are closed and a new school is or new schools are founded on the basis of these schools;
- 2) a school or schools are merged with another school and the school or schools being merged are closed;
- 3) a school is divided into at least two schools and the school that is being divided is closed;
- 4) a school is separated from another school and as a result thereof a new school is founded and the initial school is preserved;
- 5) the form of operation of a basic school or upper secondary school provided for in § 2 of this Act is changed.

(3) No less than five months before the start of a new academic year, the Ministry of Education and Research, the governor of the county of location, the school, the parents, the students and the rural municipality or city governments of the students' residence shall be notified in a format that can be reproduced in writing of a decision to reorganise and close a school.

(4) If the owner of a school has made a decision to reorganise the school and change the form of operation of a basic school or upper secondary school in such a manner that teaching and education at some level of education or stage of the basic school are terminated, the reorganisation decision may state that the termination of teaching and education at the respective level of education or stage of the basic school shall take place gradually and in some classes no teaching and learning shall take place before the final reorganisation of the school.

(5) A school is reorganised or closed between July 1 and August 31 in the same year.

(6) In the events specified in clauses 1), 3) and 4) of subsection (2) of this section, an education licence is applied for a new municipal school founded as a result of the reorganisation.

(7) In the event specified in clause 5) of subsection (2) of this section, an education licence shall be applied if, as a result of the reorganisation, teaching shall commence in the school at a stage of the basic school or at the level of education for which the school does not hold a valid education licence. If, as a result of the reorganisation, teaching is terminated at a stage of the basic school or at an education level, the Minister of Education and Research shall make the respective amendments to the education licence issued to the school or issue a new education licence.

(8) In the event of a merger of a child care institution or a hobby school with a general education school, the provisions of this Act shall be applied. In the event of reorganisation and closure of a general education school and a child care institution operating as a single institution and a general education school and a hobby school operating as a single institution, the provisions of this Act shall be applied.

(9) The owner of a school shall make certain that the students of the closed school can continue their studies in another school.

### **§ 81. Transfer of management of schools**

(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 city or another rural municipality or city.

(2) Upon transfer of the management of a state school to a rural municipality or city and upon transfer of the management of a municipal school to the state or another rural municipality or city, the provisions of the Law of Obligations Act regarding the transfer of enterprise shall be applied with the specifications arising from this Act.

(3) Concurrently with applying for the transfer of the management of a state school to a rural municipality or city or of a municipal school to another rural municipality or city, an education licence shall be applied for the school to be transferred in accordance with the conditions and pursuant to the procedure provided by legislation. In the event of the transfer of a municipal school to the state, the education licence of the school to be transferred shall be revoked.

(4) The transfer of the management of a state school to a rural municipality or city and the transfer of the management of a municipal school to the state or another rural municipality or city shall be provided for in a public law contract to be made between the rural municipality or city government and the Minister of Education and Research or between rural municipality or city governments. The compulsory terms and conditions of the public law contract are as follows:

- 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 the students;
- 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 conditions of and procedure for the legislation regulating employment relationships;
- 5) the conditions of, procedure for and deadline of transfer of the assets and property used by the school to the new owner of the school, taking into account the conditions of and procedure for provided by legislation;
- 6) the conditions of, procedure for and deadline of transfer of the records of the school to the new owner of the 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 owner of the school shall provide the students with the possibility to continue acquiring general education in the school.

(6) The management of a school shall be transferred after the end of the last academic quarter. The students and employees of the school shall 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.

(7) The transfer of a general education school and a child care institution operating as a single institution and the transfer of a general education school and a hobby school operating as a single institution shall take place pursuant to the procedure provided for in this section.

## **Chapter 6 FUNDING OF SCHOOLS**

### **§ 82. Funding and budget of schools**

(1) A school has its own budget.

(2) The budget revenue of a school comprises allocations from the budget of the state and a rural municipality or city, allocations from private entities, donations and revenue obtained from the school's extracurricular activities provided for in the statutes of the school.

(3) The expenses of a municipal school are covered by the owner of the school. Based on the number of students of municipal schools, the support to be allocated to rural municipalities and cities for covering the expenses of the wages and in-service training of the teachers, heads and head teachers of the municipal schools, investments of the municipal schools and the expenses relating to the teaching and learning materials specified in subsection 20 (1) of this Act shall be determined annually in accordance with the State Budget Act. If the expenses relating to the teaching and learning materials specified in subsection 20 (1) of this section are covered or if the school curriculum does not demand the use of the materials, the allocation from the state budget for covering the expenses relating to the materials may be used for enabling the free use of other teaching and learning materials required for the completion of the school curriculum.

(4) The state budget contains earmarked allocations to the owner of a school for a state-supported place in boarding school facilities (hereinafter *boarding school facilities support*).

(5) The Government of the Republic shall establish the conditions of and procedure for using the boarding school facilities support and the division of the support between owners of schools. Upon division of the boarding school facilities support between the owners of schools, it is proceeded from the number of students in the state-supported places of boarding school facilities registered in the education information as of November 10 in the year preceding the planned year.

(6) Support for rural municipalities and cities may be granted in the state budget for covering transport-related expenses and accommodation of upper secondary school students. The Government of the Republic shall establish the conditions of and procedure for using the support and the division of the support between rural municipalities and cities.

(7) The calculation of the support to be allocated from the state budget to rural municipalities and cities for covering the expenses of municipal school specified in subsection (3) of this section is based on the number of students registered in the education information system as of November 10 in the year preceding the planned year.

(8) The state budget allocates support for owners of schools organising in-hospital teaching for covering the expenses of teachers' wages, textbooks and teaching and learning materials relating to in-hospital teaching, relying on the average number of days spent by students in in-hospital teaching last year.

(9) The expenses of state schools are covered to the extent allocated to state schools under the expenses of the area of government of the Ministry of Education and Research in the annual State Budget Act.

(10) The board of trustees of the municipal school gives an opinion on the draft budget of the municipal school pursuant to the procedure established in the legislation of the rural municipality or city government. The owner of the municipal school approves the budget of the school in accordance with the legislation of the rural municipality or city council or the rural municipality or city government. The Minister of Education and Research shall approve the budgets of state schools.

### **§ 83. Participation in covering operating expenses of municipal schools**

(1) Other rural municipalities or cities participate in full in covering the operating expenses of a municipal school in proportion to the number of students enrolled in the school, whose place of residence, according to the population register, is located in the administrative territory of these rural municipalities or cities.

(2) Upon covering the operating expenses of a municipal school, this Act shall be followed, unless the rural municipalities or cities have agreed otherwise between themselves.

(3) For the purposes of this Act, operating expenses have the meaning given to them in the Accounting Act.

(4) The following is not included in the operating expenses:

- 1) expenses relating to studies and the hobby activities of students, which are covered by the students or their parents;
- 2) expenses covered out of the allocations from the state budget;
- 3) expenses covered out of accruals from private entities, donations and revenue obtained from the extracurricular activities specified in the statutes of the school;
- 4) expenses relating to extracurricular activities;
- 5) operational lease expenses relating to school buildings;
- 6) depreciation and re-assessment of fixed assets;
- 7) value added tax expenses relating to the acquisition of fixed assets.

(5) Not later than by November 30 in the year preceding the budgetary year, the rural municipality or city government communicates the calculated cost of the operating expenses of a student place per student to the rural municipalities and cities participating in covering the operating expenses of municipal schools. The calculated cost of the operating expenses of a student place per student is obtained by dividing the amount of the operating expenses planned for the budgetary year of the municipal schools of the rural municipality or city by the number of students enrolled in the municipal schools located in the territory of the rural municipality or city as of November 10 in the year preceding the budgetary year, as indicated by the education information system.

(6) Upon covering the operating expenses, the cost of the operating expenses of a student place in the school where a student is enrolled is relied upon, which is obtained by dividing the amount of the operating expenses set in the budget of the school by the number of students of the school as of the 10<sup>th</sup> date of the month. Invoices for participating in covering the operational expenses are submitted on a monthly basis to the extent of 1/12 of the cost of the operating expenses of a student place. If the cost of 1/12 of the operating expenses of a student place exceeds the limit of the operating expenses of a student place established on the basis of subsection (7), the limit of operating expenses per month shall be relied on upon covering the operating expenses, except in the event of students who study in the classes of students with special educational needs specified in clauses 51 (1) 5) to 12).

(7) The Government of the Republic shall establish the monthly limit of the operating expenses of a student place for each budgetary year. Upon establishing the limit of the monthly operating expenses of a student place, it is relied on the total of the operating expenses of municipal schools in the second-to-last budgetary year and the number of students as of November 10 in the year preceding the budgetary year, whereby the following shall not be included in the operating expenses:

- 1) expenses covered out of the state budget equalisation fund allocations;
- 2) operational lease expenses relating to school buildings;
- 3) depreciation and re-assessment of fixed assets;
- 4) value added tax expenses relating to the acquisition of fixed assets.

(8) The challenging of an amount payable for covering the operating expenses of a municipal school does not release another rural municipality or city from the obligation to pay the invoice.

## **Chapter 7**

### **STATE SUPERVISION**

#### **§ 84. Exercising state supervision**

(1) The Ministry of Education and Research or, at the request of the Minister of Education and Research, the governor of the county of location (hereinafter jointly as *supervisory body*) exercises state supervision over teaching and education carried out by schools.

(2) The Minister of Education and Research shall establish the priorities of state supervision, the exercise of thematic supervision, the formalisation of the results thereof and the procedure for notification of the results by each academic year before the end of the previous academic year.

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

(4) The Minister of Education and Research shall establish the qualification requirements for the official exercising state supervision.

#### **§ 85. Functions of officials exercising state supervision**

The functions of officials exercising state supervision are as follows:

- 1) to inspect the adherence to the requirements arising from the legislation regulating teaching and education;
- 2) to analyse problems in the implementation of the legislation regulating teaching and education.

#### **§ 86. Rights of officials exercising state supervision**

Officials exercising state 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 the meetings of the teachers' council, the board of trustees and parents;
- 3) access the documents of the school;
- 4) receive information from the school regarding the implementation of legislation;
- 5) make proposals to the head of the school and the owner of the school for improvement of the operations of the school and mandatory precepts for elimination of deficiencies in teaching and education;
- 6) make mandatory precepts to the head of the school and the owner of a private school for bringing the individual legal instruments regulating teaching and education and issued by them in conflict with an act or other legislation issued on the basis of an act into compliance with the act or other legislation issued on the basis of an act;



7) make a proposal to the county governor for exercising supervision over the lawfulness of an individual legal instrument of a rural municipality or city government or a rural municipality or city council in accordance with the Government of the Republic Act;

8) make a proposal to the person whose competence includes termination of an employment contract with the head of the school to terminate the employment contract with the head of the school who has committed an indecent act, an offence related to office or a corruptive act or make a precept to terminate the employment contract with the head of the school who does not comply with the requirements for the position.

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

(1) The results of state supervision shall be set out in a statement.

(2) The statement shall contain the time and place of drawing up the statement, brief details on the education institution, the supervisory body exercising supervision, the time of exercising state supervision, the names of the officials and experts who carried out state supervision, the results of state supervision, the time and description of offences, the precepts and proposals made, and 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 make precepts required for the termination of the offence;
- 3) the basis of the precept;
- 4) the deadline for complying with the precept.

(4) The Minister of Education and Research or the county governor shall approve the statement.

(5) The statement shall be communicated to the head of the school and the owner of the school within 60 calendar days as of the commencement of state supervision.

(6) If the owner of the school fails to comply with the precept within the term specified in the precept, the supervisory board may impose a penalty pursuant to the procedure provided for in the Substitutive Enforcement and Penalty Payment Act. The maximum limit of the penalty payment is 640 euros.  
[RT I 2010, 41, 240 - entry into force 01.01.2011]

#### **§ 88. State supervision over provision of health services at school**

Within the limits of its competence the Health Board exercises state supervision over the provision of students with health services at school on the basis of this Act.

## **Chapter 8 IMPLEMENTING PROVISIONS**

### **Division 1 Transition**

#### **§ 89. Bringing organisation of studies into compliance**

(1) The activities of upper secondary schools shall be brought into compliance with the requirement established in subsection 7 (1) of this Act to ensure in any upper secondary school at least three fields of study complying with the requirements for the national curriculum for upper secondary schools not later than by 1 September 2013.

(2) The national curriculum for basic schools and the national curriculum for upper secondary schools established on the basis of subsection 3 (2) of the Basic Schools and Upper Secondary Schools Act (RT I 1993, 63, 892; 2010, 22, 108) in force before the entry into force of this Act remain in force until they are brought entirely into compliance with this Act. The national curricula shall be brought into compliance with this Act not later than by 31 December 2010.

(3) Not later than by 31 December 2010 the Government of the Republic shall establish the health protection requirements applicable to the furnishings, rooms, buildings and territory of schools. Until establishment the Government of the Republic establishes the health protection requirements applicable to furnishings, rooms, buildings and territory, the health protection requirements established for schools by the Minister of Social Affairs on the basis of subsection 121 (4) of the Basic Schools and Upper Secondary Schools Act (RT I 1993, 63, 892; 2010, 22, 108) shall be applicable.

(4) In schools where upon entry into force of this Act the language of instruction at the upper secondary level is not Estonian, subsection 21 (3) of this Act shall be implemented with regard to students who commence their studies in an upper secondary school as of the academic year 2011/2012 and throughout upper secondary schools studies shall be brought into compliance with subsection 21 (3) of this Act not later than by 1 September 2013.

(5) Subsection 25 (3) of this Act is applicable to students who commence studies in an upper secondary school in the academic year 2011/2012 or later.

(6) The restriction to raise the upper limit of the size of the class specified in subsection 26 (3) of this Act shall not be applicable during the standard period of study of the basic school with regard to students who commenced the acquisition of basic education in academic year 2010/2011 or earlier.

(7) Until the end of the academic year 2010/2011 a composite class may be formed of the students of a basic school if the total number of students of two or three classes is 20 or less.

(8) The organisation of assessment at school shall be brought into compliance with the general conditions of and procedure for the assessment laid down in the national curricula on the basis of subsection 29 (4) of this Act, the use of an assessment system different from the assessment system provided for in subsection 29 (2) of this Act, notification of assessment, additional studies, transfer to the next class and requirement to repeat the grade: by 1 September 2011 with regard to grades 1, 4 and 7; by 1 September 2012 with regard to grades 2, 5 and 8; and by 1 September 2013 with regard to grades 3, 6 and 9 and the upper secondary school. Until the deadlines provided for in this section, the school may, upon organisation of assessment, follow the bases and conditions of and procedure for the assessment of students, transfer of students to the next class and requirement to repeat the grade established by the Minister of Education and Research on the basis of subsection 27 (1) of the Basic Schools and Upper Secondary Schools Act (RT I 1993, 63, 892; 2010, 22, 108) in force before the entry into force of this Act.

(9) The Minister of Education and Research shall establish the subjects, forms and time of the harmonised final examinations of basic schools and the forms and time of state examinations in the academic year 2010/2011 not later than by 30 September 2010.

(10) Subsections 31 (3) and (5) to (8) of this Act shall be applicable as of 1 September 2013.

#### **§ 90. Organisation of transport and compensation of travel expenses**

The requirement for organisation of transportation of students specified in subsection 49 (3) of this Act shall be applicable as of 1 January 2011.

#### **§ 91. Bringing supporting development of students into compliance**

(1) Subsection 32 (7) of this Act shall be applicable as of 1 September 2011.

(2) The internal rules of schools shall be brought into compliance with subsection 44 (2) of this Act by 1 September 2011 and subsection 58 (9) of this Act not later than by 31 December 2010.

(3) Section 45 of this Act shall be applicable as of 1 September 2011.

#### **§ 92. Establishment of conditions of and procedure for using boarding school facilities support and division of support**

The Government of the Republic shall establish the conditions of and procedure for using the boarding school facilities support specified in subsection 82 (5) of this Act and the division of the support between owners of schools starting from the budget of 2011. The conditions of and procedure for application, distribution and use of the boarding school facilities support, the forms of applications and reports and the division of the support between school owners established by the Minister of Education and Research on the basis of subsection 44 (3<sup>2</sup>) of the Basic Schools and Upper Secondary Schools Act (RT I 1993, 63, 892; 2010, 22, 108) in force before the entry into force of this Act shall remain in force until 31 December 2010.

#### **§ 93. Bringing organisation of studies of students with special educational needs into compliance**

(1) School curricula shall be brought into compliance with subsection 47 (2) of this Act and heads of school shall appoint special educational needs coordinators not later than by 1 September 2011.

(2) The teaching and education of schools shall be brought into compliance with § 48 of this Act not later than by 1 September 2011.

(3) At the moment of entry into force of this Act, remedial groups shall be renamed remedial instruction groups, classes for children with physical disabilities shall be renamed classes for students with physical/motor disabilities, classes for children with speech impairments shall be renamed classes for students with speech impairments, classes for children with sensory impairments shall be renamed classes for students with visual or hearing impairments, opportunity classes shall be renamed classes for students with specific learning difficulties

acquiring basic education, classes for children with mental disorders shall be renamed classes for children with emotional and behaviour disorders acquiring basic education, supplementary learning classes shall be renamed classes for students with mild learning difficulties, coping classes shall be renamed classes for students with moderate learning difficulties, nursing classes shall be renamed classes for students with severe and profound learning difficulties and classes of sanatorium schools shall be renamed classes of students with severe somatic illnesses for the purposes of subsection 51 (1) of this Act and their activities shall be brought into compliance with this Act not later than by 1 September 2011.

(4) Upon organisation of the activities of remedial instruction groups, admission or transfer of students to or exclusion of students from a remedial instruction group, the bases of the work organisation of remedial study groups established on the basis of subsection 15 (5) of the Basic Schools and Upper Secondary Schools Act (RT I 1993, 63, 892; 2010, 22, 108) in force before the entry into force of this Act shall be followed until the activities are brought into compliance with this Act.

(5) Upon organisation of the activities of classes for students with educational problems, admission or transfer of students with educational problems to or exclusion from a class for students with educational problems, the conditions of and procedure for the formation of classes for students with educational problems acquiring basic education established on the basis of subsection 15 (11) of the Basic Schools and Upper Secondary Schools Act (RT I 1993, 63, 892; 2010, 22, 108) in force before the entry into force of this Act shall be followed until the compliance with this Act is attained. The activities of classes for students with educational problems shall be brought into compliance with this Act not later than by 1 September 2011.

(6) Upon admission or transfer of students to or exclusion of students from a class for classes for students with physical/motor disabilities, classes for students with speech impairments, classes for students with visual impairments, classes for students with hearing impairments, classes for students with severe somatic illnesses, classes for students with emotional and behaviour disorders acquiring basic education, classes for students with multiple disabilities, classes for students with mild learning difficulties acquiring basic education, classes for students with moderate learning difficulties acquiring basic education, and classes for students with severe and profound learning difficulties acquiring basic education, the bases of and procedure for the admission of students to and exclusion of students from sanatorium schools and schools for students with special needs established on the basis of subsection 21 (4) of the Basic Schools and Upper Secondary Schools Act (RT I 1993, 63, 892; 2010, 22, 108) in force before the entry into force of this Act shall be followed until the end of the last academic quarter of the academic year 2010/2011.

(7) The bases of organisation of teaching and education in the classes and groups of the students with special needs specified in subsection 51 (4) of this Act and the conditions and procedure for the admission or transfer of students to and exclusion of students from a class or group shall be established by the Minister of Education and Research not later than by 31 December 2010.

(8) The upper limit of the size of the following types of classes operating at the moment of entry into force of this Act shall be:

- 1) until 31 August 2011, 7 students in a class for students with multiple disabilities acquiring basic education and in a class for students with moderate or severe and profound learning difficulties acquiring basic education;
- 2) until 31 August 2011, 16 students in a class for students with specific learning difficulties acquiring basic education and in a class for students with mild learning difficulties acquiring basic education;
- 3) until 31 August 2011, 24 students in a class for students with somatic illnesses;
- 4) until 31 August 2011, 16 students and, until 31 August 2012, 10 students in a class for students with emotional and behaviour problems acquiring basic education.

(9) Clause 51 (1) 10) and § 52 of this Act shall be applicable as of 1 January 2011.

#### **§ 94. Transition to regulation of determining schools of residence**

(1) Rural municipality and city governments shall establish the conditions of and procedure for determining schools of residence provided for in subsection 10 (1) of this Act not later than by 1 April 2011. Until the establishment of the conditions of and procedure for determining schools of residence by a rural municipality or city, the legislation established on the basis of § 19 of the Basic Schools and Upper Secondary Schools Act (RT I 1993, 63, 892; 2010, 22, 108) in force before the entry into force of this Act shall be followed in the rural municipality or city.

(2) The requirement for determining the position or structural unit specified in subsection 13 (1) of this Act shall be applicable as of 1 January 2011.

#### **§ 95. Bringing school documents into compliance**

(1) The statutes of schools established on the basis of subsection 12 (4) of the Basic Schools and Upper Secondary Schools Act (RT I 1993, 63, 892; 2010, 22, 108) in force before the entry into force of this Act

shall remain in force until they are brought into compliance with § 66 of this Act, but not longer than until 31 December 2010.

(2) The development plans of schools shall be brought into compliance with § 67 of this Act not later than by 1 September 2011.

#### **§ 96. Changing fixed-term employment contracts of heads of school into employment contracts without specified term**

The fixed-term employment contract of the head of a school appointed to office before 1 August 2008 on the basis of a competition specified in subsection 71 (4) of this Act shall, upon expiry, become a contract made for an unspecified term.

#### **§ 97. Bringing procedure for formation of boards of trustees of schools and composition of boards of trustees into compliance**

The procedure for formation of the board of trustees of a school and the rules of procedure of the board of trustees shall be established and the composition of the board of trustees shall be brought into compliance with § 73 of this Act not later than by 31 December 2010. Until the establishment of the rules of procedure of the board of trustees by the owner of the school, the work of the board of trustees shall be organised in accordance with the procedure for operation of board of trustees established by the Minister of Education and Research on the basis of subsection 41 (6) of the Basic Schools and Upper Secondary Schools Act (RT I 1993, 63, 892; 2010, 22, 108) in force before the entry into force of this Act, but not longer than until 31 December 2010.

#### **§ 98. Participation in covering operating expenses of municipal schools**

The calculated cost of the operating expenses of a student place and the procedure for participation in covering the operating expenses of municipal schools established on the basis of § 44<sup>1</sup> of the Basic Schools and Upper Secondary Schools Act (RT I 1993, 63, 892; 2010, 22, 108) in force before the entry into force of this Act shall be followed until 31 December 2010 upon participating in covering the operating expenses of municipal schools.

#### **§ 99. Application of qualification requirements for teachers**

The higher education requirement established in subsection 75 (2) of this Act shall not be applied with regard to a basic school class teacher who has obtained the pedagogical secondary specialised education in the speciality of class teacher or elementary teaching before entry into force of this Act or with regard to a basic school subject teacher who has obtained pedagogical secondary specialised education in the taught subject or subject field before entry into force of this Act.

#### **§ 100. Right of provision of health services at school**

Doctors providing health services at school before 1 September 2010 have the right to continue providing the services that, as of 1 September 2010, include only nursing activities, until 31 August 2014.

## **Division 2 Amendment and repeal of acts**

§ 101.–§ 126.[Omitted from this text.]

## **Division 3 Entry into force of Act**

#### **§ 127. Entry into force**

(1) This Act shall enter into force on 1 September 2010.

(2) Subsection 7 (6) and clause 105 21) of this Act shall enter into force on 1 September 2011.

(3) Section 126 of this Act shall enter into force on the date specified in the decision of the Council of the European Union concerning declaring invalid the exception established with regard to the Republic of Estonia on the basis of Article 140 (2) of the Treaty on the Functioning of the European Union.