

# Republic of Estonia Education Act

Passed 23 March 1992

(RT<sup>1</sup> 1992, 12, 192; consolidated text RT I 2003, 33, 205),

entered into force 30 March 1992,

amended by the following Acts:

03.12.2003 entered into force 01.01.2004 - RT I 2003, 78, 526;

12.06.2003 entered into force 28.06.2003 - RT I 2003, 48, 342.

## I. General Provisions

### § 1. Purpose of Education Act

The purpose of the Education Act is to provide legal basis for the formation, functioning and development of the education system.

### § 1<sup>1</sup>. Application of Administrative Procedure Act

The provisions of the Administrative Procedure Act (RT I 2001, 58, 354) apply to administrative proceedings prescribed in this Act, taking account of the specifications provided for in this Act.

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

### § 2. Definition, objectives and levels of education

(1) For the purposes of this Act, education is a system of knowledge, skills, experience, values and behavioural norms which is determined by study modules, which is recognised by society and the acquisition of which is controlled by society.

(2) The fundamental principles of education are based on the recognition of universal and national values, of the individual and of freedom of religion and conscience.

(3) The objectives of education are to:

1) create favourable conditions for the development of the individual, the family and the Estonian nation, including ethnic minorities, and economic, political and cultural life in Estonian society and also nature conservation, within the context of the global economy and global culture;

2) shape individuals who respect and abide by the law;

3) create opportunities for everyone to engage in continuous learning.

(4) According to its objectives, education is divided into general education, vocational education and hobby education.

(5) Education has the following levels:

1) pre-school education;

2) basic education (first level of education);

3) secondary education (second level of education);

4) higher education (third level of education).

(29.01.2003 entered into force 10.03.2003 - RT I 2003, 20, 116)

(6) Requirements, called national standards of education, shall be determined for each level of education. The national standards of education shall be set out in national curricula. The curricula shall contain compulsory study modules setting out the content of education, and the prescribed duration of study and compulsory descriptions of knowledge, skills, experience and behavioural norms.

### § 3. Education system

(1) The education system is comprised of two subsystems:

1) education devised on the basis of the objectives and levels of education;

2) educational institutions as organisations responsible for implementing the objectives of education.

(2) Pre-school child care institutions, basic schools, upper secondary schools, vocational educational institutions, institutions of professional higher education, universities, hobby schools, further education institutions, etc., together with the research and methodology institutions which provide services to them, are educational institutions.

(15.09.93 entered into force 10.10.93 - RT I 1993, 63, 892)

(3) State and municipal educational institutions, except universities, shall be called public educational institutions.

(12.01.95 entered into force 18.02.95 - RT I 1995, 12, 119)

### § 4. Principles of organisation of education system

(1) The state and local governments shall ensure that everyone in Estonia has the opportunity to fulfil the obligation to attend school and the opportunity to engage in

continuing education, under the conditions and pursuant to the procedure prescribed by legislation.

(2) Within the territory of Estonia, the state and local governments shall ensure that opportunities exist for the acquisition of education in Estonian at all levels of education in public educational institutions and universities.

(3) The Republic of Estonia shall ensure that the Estonian language is taught in all public educational institutions and study groups where instruction is carried out in a language other than Estonian.

(4) The study and teaching of religious education shall be voluntary.

(5) The structure of the education system, along with the national standards of education, shall provide opportunities for everyone to move from one level of education to the next.

(6) The management of the financial affairs of educational institutions shall be separate from pedagogical supervision and control.

(7) The acquisition of secondary education in public educational institutions shall be free of any tuition fees.

(8) Forms of study undertaken in an educational institution shall be determined by law or the statutes of the educational institution.

(29.01.2003 entered into force 10.03.2003 - RT I 2003, 20, 116)

(9) The education system shall be managed on the basis of the principle of reasonable decentralisation.

(10) In the management of educational institutions, the personal responsibility of the head shall be combined with collegial decision-making and public supervision.

## II. Management of Education System

### § 5. Extent of authority of legislative and executive power

(1) The Riigikogu<sup>2</sup> has the exclusive authority to:

1) determine the principles of the formation, functioning and development of the education system;

2) establish tuition fees in public educational institutions and universities in public law;

3) decide on the establishment, merger, division and termination of the activities of universities in public law.

(02.06.93 entered into force 01.07.93 - RT I 1993, 35, 547; 12.01.95 entered into force 18.02.95 - RT I 1995, 12, 119)

(2) The Government of the Republic has the authority to:

1) adopt national education development programmes and provide guarantees for the implementation thereof;

2) establish the procedure for the establishment and reorganisation of public educational institutions and for termination of their activities, and to approve the statutes of state institutions of professional higher education;

(10.06.98 entered into force 16.07.98 - RT I 1998, 61, 980)

3) establish the tuition fees and rates for public educational institutions and universities in public law, and the procedure for remuneration;

4) establish the maximum size of study loans, the maximum interest rate and the maximum interest rate on arrears and the procedure for the grant and repayment of study loans, and to establish the provision of assistance in the repayment of study loans;

(21.05.97 entered into force 01.07.97 - RT I 1997, 42, 678)

5) establish state concessions and benefits, including credit concessions, for pupils, students and educators;

6) establish the bases for remuneration for the work of teachers in state nursery-primary schools (part of a primary school), primary schools, basic schools and upper secondary schools;

(13.06.2001 entered into force 22.07.2001 - RT I 2001, 65, 375)

7) establish the Standard of Higher Education;

7<sup>1</sup>) approve the framework requirements for teacher training;

(15.12.1999 entered into force 10.01.2000 - RT I 1999, 102, 908)

8) form the Higher Education Quality Assessment Council, approve the membership thereof and establish the procedure for the formation of the Higher Education Quality Assessment Council and its rules of procedure;

(29.01.2003 entered into force 10.03.2003 - RT I 2003, 20, 116)

9) determine the calculated basis for the scholarship fund which is allocated by the state and is payable to students at state and municipal vocational educational institutions and students at institutions of professional higher education and universities who study in student places formed on the basis of state-commissioned education, including master's candidates and doctorate candidates.

(18.05.99 entered into force 20.06.99 - RT I 1999, 51, 550)

§ 6. Authority of Ministry of Education and Research

(16.10.2002 entered into force 01.01.2003 - RT I 2002, 90, 521)

(1) The Ministry of Education and Research shall organise the preparation and implementation of national education development programmes.

(26.06.96 entered into force 26.07.96 - RT I 1996, 49, 953; 16.10.2002 entered into force 01.01.2003 - RT I 2002, 90, 521)

(2) The Ministry of Education and Research shall:

(16.10.2002 entered into force 01.01.2003 - RT I 2002, 90, 521)

1) (Repealed - 12.01.95 entered into force 18.02.95 - RT I 1995, 12, 119)

2) (Repealed - 12.01.95 entered into force 18.02.95 - RT I 1995, 12, 119)

3) co-ordinate and supervise local governments and other ministries of the Republic in the organisation of education and obtain their approval for proposals to establish, reorganise or close public educational institutions pursuant to the procedure established by legislation;

4) establish, reorganise and close state educational institutions, except universities and institutions of professional higher education;

5) direct and organise the preparation of study plans, study modules, textbooks, teaching aids and methodological materials for public educational institutions (except universities), ensure their publication and issue recommendations for the use of educational literature;

6) ensure a system whereby methodological services are provided to public educational institutions and teachers, and co-ordinate the operations of methodology institutions;

7) on the proposal of the Higher Education Quality Assessment Council, establish the procedure for the accreditation of universities and their curricula and register state-recognised and state graduation documents;

(12.01.95 entered into force 18.02.95 - RT I 1995, 12, 119; 03.06.98 entered into force 06.07.98 - RT I 1998, 57, 859)

8) establish the procedure for the attestation of educators and for the extension of their professional skills, and organise training and continuing training for educators;

9) participate in the implementation of state research policy and order research projects in the field of education;

10) participate in forecasting the need for specialists and skilled workers and in determining the provision of state-commissioned education;

(26.06.96 entered into force 29.07.96 - RT I 1996, 51, 965)

11) co-ordinate training for specialists and skilled workers at institutions of professional higher education and vocational educational institutions, and co-ordinate continuing training for and the retraining of specialists and skilled workers;

12) (Repealed - 12.01.95 entered into force 18.02.95 - RT I 1995, 12, 119)

13) co-operate with the educational and research institutions of other countries and international organisations;

14) develop the rules for the state financing of education;

15) issue and revoke education licences (activity licences) for private schools and other legal persons engaged in the provision of training;

(02.06.93 entered into force 01.07.93 - RT I 1993, 35, 547)

16) appoint heads of state educational institutions to office and release them from office;

(12.01.95 entered into force 18.02.95 - RT I 1995, 12, 119)

17) register universities and their statutes and graduation documents;

(12.01.95 entered into force 18.02.95 - RT I 1995, 12, 119; 26.06.96 entered into force 26.07.96 - RT I 1996, 49, 953)

18) establish a uniform marking system for each level of education;

(13.01.99 entered into force 15.02.99 - RT I 1999, 10, 150)

19) maintain a register of pupils and students according to the statutes for maintenance of the register of pupils and students as established by a regulation of the Minister of Education and Research.

(18.05.99 entered into force 20.06.99 - RT I 1999, 51, 550; 16.10.2002 entered into force 01.01.2003 - RT I 2002, 90, 521)

## § 7. Authority of local governments

(1) The authority of local governments is established by this Act, Acts on local governments and other legislation. The division of authority between levels of local governments shall be provided by law.

(2) Local governments shall:

- 1) plan education development programmes within their administrative jurisdiction and implement them;
- 2) establish, reorganise and close municipal educational institutions pursuant to the procedure prescribed by legislation, and register educational institutions established within their administrative jurisdiction;
- 3) ensure that economic support and financing is provided for municipal educational institutions within their administrative jurisdiction;
- 4) appoint heads of educational institutions subordinate thereto to office and release them from office;
- 5) forecast the need for teachers and assist educational institutions in finding employees;
- 6) ensure that teachers have living quarters and other benefits prescribed by legislation;
- 7) organise the protection of children's rights under the conditions and pursuant to the procedure provided by legislation;

(20.06.2002 entered into force 29.07.2002 - RT I 2002, 63, 389)

- 8) keep records of children of compulsory school age and ensure monitoring of compulsory school attendance, provide children with material and other assistance in the performance of the obligation to attend school, organise transport to the educational institution and back, and ensure medical care and meals during school hours;
- 9) organise the provision of methodological services to educational institutions and advise heads of educational institutions and teachers in issues pertaining to the organisation of study;
- 10) organise the provision of vocational information for children and young people and make appropriate recommendations to them;
- 11) keep records of disabled persons and organise teaching for them.

(3) In order for education development programmes within the administrative jurisdiction of a local government to be prepared and implemented, the body of executive power of the local government shall form a structural unit within its composition or appoint an appropriate official.

### III. Compulsory School Attendance

#### § 8. Compulsory school attendance and performance of such obligation

(1) Education is compulsory for children of school age to the extent established by legislation.

(2) A child shall attend school if he or she will have attained 7 years of age by 1 October of the year in question. A student shall attend school until such time as he or she has acquired basic education or attained 17 years of age.

(15.09.93 entered into force 10.10.93 - RT I 1993, 63, 892)

(3) (Repealed - 15.09.93 entered into force 10.10.93)

(4) The obligation to attend school may be performed by way of home schooling pursuant to the procedure prescribed by the Ministry of Education and Research.

(26.06.96 entered into force 26.07.96 - RT I 1996, 49, 953; 16.10.2002 entered into force 01.01.2003 - RT I 2002, 90, 521)

(5) The procedure for the performance of the obligation to attend school and for keeping records of children of school age shall be regulated by legislation.

(6) Children of citizens of foreign states and of stateless persons who reside in Estonia, except children of representatives of foreign states, are subject to the obligation to attend school.

#### § 9. Provision of study opportunities for orphans and children without parental care

Pursuant to the Republic of Estonia Child Protection Act, the state and local governments shall provide full state maintenance and the opportunity to study and to be provided with education to orphans and to children without parental care.

#### § 10. Teaching of children with special needs

(1) Local governments shall provide persons with physical disabilities, speech impairments or sensory or learning disabilities and persons who need special support with the opportunity to study at a school of their residence. If suitable conditions are not found, the state and local governments shall provide such persons, pursuant to the procedure and under the conditions prescribed by legislation, with the opportunity to study at an educational institution established for that purpose.

(2) The state and local governments shall provide children who need special treatment due to behavioural problems with the opportunity to study at an educational institution established for that purpose and shall ensure full state maintenance for such children pursuant to the procedure and under the conditions prescribed by legislation.

(3) The type of educational institution and the form of study shall be determined for or recommended to children with special needs on the basis of medical, psychological and pedagogical assessments.

### IV. Classification of Education on Basis of Objectives

#### § 11. General education

General education is a system of knowledge, skills, experience, values and behavioural norms which enables a person to evolve into a continuously developing personality who is capable of living with dignity, respecting himself or herself, his or her family, other people and nature, choosing and acquiring a suitable profession, acting creatively and being a responsible citizen.

#### § 12. Vocational education

Vocational education is a system of knowledge, skills, experience, values and behavioural norms which are required for working in a certain area of specialisation, for obtaining certain qualifications and for applying for and retaining a certain position, and the acquisition and improvement of that system creates the prerequisites for successful professional activity.

#### § 13. Hobby education

Hobby education is a system of knowledge, skills, experience, values and behavioural norms which, alongside general education and vocational education, creates additional prerequisites for the development of personality and assists a person in coping with his or her life and work.

### V. Classification of Education on Basis of Levels

#### § 14. Pre-school education

Pre-school education is a system of knowledge, skills, experience and behavioural norms which creates the prerequisites for succeeding in everyday life and at school.

(09.06.93 entered into force 16.07.93 - RT I 1993, 40, 593)

#### § 15. Basic education

Basic education is the minimum level of compulsory general education prescribed by the national standard of education. The acquisition of basic education provides the prerequisites and grants the right to continue studies to acquire secondary education.

(15.09.93 entered into force 10.10.93 - RT I 1993, 63, 892)

#### § 16. Secondary education

(1) Secondary education is a level of education which is based on basic education. Secondary education is divided into general secondary education and secondary vocational education.

(10.02.99 entered into force 21.03.99 - RT I 1999, 24, 358)

(2) General secondary education is a set of requirements established by the national curriculum for basic schools and upper secondary schools. The acquisition of general secondary education provides the prerequisites and grants the right to continue studies to acquire higher education.

(29.08.2001 entered into force 21.09.2001 - RT I 2001, 75, 454)

(3) Secondary vocational education is a set of requirements established by the national curricula for vocations, professions and occupations. Secondary vocational education is acquired on the basis of basic education or general secondary education. The acquisition of secondary vocational education provides the prerequisites and grants the right to start working in the acquired vocation, profession or occupation or to continue studies to acquire higher education.

(10.02.99 entered into force 21.03.99 - RT I 1999, 24, 358)

#### § 17. Higher education

(1) (Repealed - 12.01.95 entered into force 18.02.95 - RT I 1995, 12, 119)

(2) (Repealed - 12.01.95 entered into force 18.02.95 - RT I 1995, 12, 119)

(3) Education which is based on general secondary education but which is not recognised as higher education by the state is considered to be education between secondary education and higher education and such education is called vocational secondary education.

(4) (Repealed - 12.06.2002 entered into force 05.07.2002 - RT I 2002, 56, 348)

(5) (Repealed - 12.01.95 entered into force 18.02.95 - RT I 1995, 12, 119)

(6) (Repealed - 12.01.95 entered into force 18.02.95 - RT I 1995, 12, 119)

(7) An educational institution shall be granted the right to issue documents certifying higher education if its study modules and the conditions of their implementation comply with the national standard of education and if it has received state recognition to that effect.

#### § 18. Further education

(1) Further education is the general educational and professional knowledge, skills and experience, and the behavioural norms and values complying with the professional requirements, which are necessary for maintaining and expanding existing knowledge, skills, experience and behavioural norms and values.

(03.06.98 entered into force 06.07.98 - RT I 1998, 57, 859)

### VI. Educational Institutions

#### § 19. Definition and classification of educational institution

(1) An educational institution is an educational establishment where teaching and learning are undertaken according to a curriculum.

(17.06.98 entered into force 25.07.98 - RT I 1998, 64/65, 1007)

(2) Educational institutions are classified according to the objectives and levels of education acquired therein.

#### § 19<sup>1</sup>. Name of educational institution

(1) The name of an educational institution shall not be misleading with regard to the objectives, activities, owner or legal form of the educational institution.

(17.05.2000 entered into force 05.06.2000 - RT I 2000, 40, 255)

(2) An educational institution which organises informal education or provides hobby education for adults and to which the Minister of Education and Research has issued an education licence may use the word “*rahvaülikool*” [folk high school] in its name.

(17.05.2000 entered into force 05.06.2000 - RT I 2000, 40, 255; 16.10.2002 entered into force 01.01.2003 - RT I 2002, 90, 521; 29.01.2003 entered into force 10.03.2003 - RT I 2003, 20, 116)

#### § 20. Basic schools and upper secondary schools

(1) At a basic school, basic education is acquired.

(2) At an upper secondary school, general secondary education is acquired.

(3) The bases for the activities of basic schools and upper secondary schools shall be established by the Basic Schools and Upper Secondary Schools Act.

(10.02.99 entered into force 21.03.99 - RT I 1999, 24, 358)

#### § 21. Vocational educational institution

(1) At a vocational educational institution, secondary vocational education is acquired.

(2) The bases for the activities of vocational educational institutions shall be established by the Vocational Educational Institutions Act (RT I 1998, 64/65, 1007; 1999, 10, 150).

(10.02.99 entered into force 21.03.99 - RT I 1999, 24, 358)

#### § 22. Institutions of professional higher education

(1) At an institution of professional higher education, higher education is acquired.

(10.06.98 entered into force 16.07.98 - RT I 1998, 61, 980)

(2) The legal status of institutions of professional higher education shall be established by the Institutions of Professional Higher Education Act and the statutes of the institutions.

(10.06.98 entered into force 16.07.98 - RT I 1998, 61, 980)

### § 23. Universities

(1) At a university, higher education is acquired.

(12.01.95 entered into force 18.02.95 - RT I 1995, 12, 119)

(2) The legal status of universities shall be established by the Universities Act and the statutes of the universities.

### § 24. Pre-school child care institutions

(1) Pre-school education is mainly acquired at home and parents or persons substituting for parents shall be responsible therefor. Pre-school child care institutions shall support and complement family upbringing.

(09.06.93 entered into force 16.07.93 - RT I 1993, 40, 593)

(2) The legal status of pre-school child care institutions shall be established by the Pre-school Child Care Institutions Act and the statutes of the institutions.

### § 25. Hobby schools

(1) Hobby education can be acquired at hobby schools: special interest centres for children and young people, music schools, art schools and sports schools.

(2) Hobby education can be acquired in hobby groups, clubs and Sunday schools operating at agencies, businesses and organisations or established by legal or natural persons.

### § 26. Further education institutions

Further education can be acquired at universities, institutions of professional higher education, vocational educational institutions and evening schools, as well as at community cultural centres, libraries and other cultural establishments on the basis of which further education is organised; language schools, folk high schools, development and learning centres; enterprises, societies and associations which are engaged in the provision of training and which have the provision of training listed in their statutes or articles of association.

## VII Documents Certifying Education

### § 27. Type and format of documents certifying education

A person's education, vocation, area of specialisation and graduation from an educational institution shall be certified by a certificate or diploma, the format and statute of which shall be approved by the Government of the Republic.

(12.01.95 entered into force 18.02.95 - RT I 1995, 12, 119)

## § 28. Right to issue documents certifying education

(1) The right to issue documents certifying education shall be granted to an educational institution by the Minister of Education and Research.

(26.06.96 entered into force 26.07.96 - RT I 1996, 49, 953; 16.10.2002 entered into force 01.01.2003 - RT I 2002, 90, 521; 29.01.2003 entered into force 10.03.2003 - RT I 2003, 20, 116)

(2) The Republic of Estonia recognises certificates, diplomas and university diplomas issued by educational institutions under the conditions and pursuant to the procedure established by the Government of the Republic and documents issued abroad certifying education as documents certifying education.

(12.01.95 entered into force 18.02.95 - RT I 1995, 12, 119)

(2<sup>1</sup>) The list of the names of academic degrees awarded by educational institutions shall be established by a regulation of the Government of the Republic.

(29.01.2003 entered into force 10.03.2003 - RT I 2003, 20, 116)

(2<sup>2</sup>) The conformity of the qualifications of the Republic of Estonia and the qualifications of the former Union of Soviet Socialist Republics prior to 20 August 1991 shall be established by a regulation of the Government of the Republic.

(29.01.2003 entered into force 10.03.2003 - RT I 2003, 20, 116)

(2<sup>3</sup>) The conformity of foreign qualifications to Estonian qualifications shall be assessed by the Estonian National Academic Recognition Information Centre unless otherwise prescribed by legislation or international agreements. The conditions and procedure for assessment and academic recognition shall be established by a regulation of the Government of the Republic.

(29.01.2003 entered into force 10.03.2003 - RT I 2003, 20, 116)

(3) In the Republic of Estonia, certificates, diplomas and university diplomas issued in the territory of the Republic of Estonia and abroad prior to the entry into force of this Act are valid as documents certifying education.

(4) The issue of documents certifying education in Estonia shall be monitored by the Ministry of Education and Research.

(26.06.96 entered into force 26.07.96 - RT I 1996, 49, 953; 16.10.2002 entered into force 01.01.2003 - RT I 2002, 90, 521)

## VIII. Legal Bases for Activities of Educational Institutions

### § 29. Legal status of educational institutions

(1) The legal status of an educational institution shall be established by legislation and the statutes of the institution.

(17.06.98 entered into force 25.07.98 - RT I 1998, 64/65, 1007)

(2) Educational institutions shall act independently in the organisation of teaching and educating and in the use of money and assets within the limits established by legislation.

(Subsection (2) repealed, subsection (3) deemed to be subsection (2) – 14.06.95 entered into force 21.07.95 - RT I 1995, 58, 1003)

### § 30. Subordination of educational institution

(1) State educational institutions are subordinate to the Ministry of Education and Research or to another body of executive power, and municipal educational institutions are subordinate to the relevant local government.

(26.06.96 entered into force 26.07.96 - RT I 1996, 49, 953; 16.10.2002 entered into force 01.01.2003 - RT I 2002, 90, 521)

(2) Private schools are subordinate to the legal or natural person who established them.

(02.06.93 entered into force 01.07.93 - RT I 1993, 35, 547)

### § 31. Financing of educational institutions

(1) Public educational institutions and universities in public law shall be financed from public funds, municipal funds and own funds.

(2) Educational institutions shall be financed from public funds pursuant to the Act adopting the state budget and the procedure established by the Government of the Republic.

(3) Educational institutions which are owned by legal and natural persons and which are partially maintained by the state shall be supervised by the Ministry of Education and Research, the State Audit Office and the local government according to their authority.

(26.06.96 entered into force 26.07.96 - RT I 1996, 49, 953; 16.10.2002 entered into force 01.01.2003 - RT I 2002, 90, 521)

(4) The own funds of educational institutions are revenue from fee-charging services, production and research activities, contractual staff training programmes, donations from sponsors and private individuals, and other income. The procedure for the use of own funds in public educational institutions shall be established by the Minister of Education and Research.

(26.06.96 entered into force 26.07.96 - RT I 1996, 49, 953; 16.10.2002 entered into force 01.01.2003 - RT I 2002, 90, 521; 29.01.2003 entered into force 10.03.2003 - RT I 2003, 20, 116)

### § 32. Management of educational institutions

(1) An educational institution shall be managed by a head, a director or a Rector. The head of an educational institution shall be appointed by the owner unless otherwise prescribed by the statutes of the educational institution.

(2) The rights and obligations of the head of an educational institution shall be established by corresponding legislation and the statutes of the educational institution.

(3) The board of trustees, board of governors, council, teachers' council or research council of an educational institution shall act on the basis of its statutes or on the basis of the statutes of the educational institution.

(12.01.95 entered into force 18.02.95 - RT I 1995, 12, 119)

(4) The student self-government shall be involved in solving the problems of an educational institution pursuant to the procedure prescribed by the statutes of the educational institution.

### § 33. Legal status of pupils and students

(1) The rights and obligations of pupils and students shall be established by corresponding legislation and the statutes of the educational institution.

(2) State concessions and benefits for pupils and students in respect of study materials, meals, medical care, the use of student accommodation and public transport and the grant of loans and scholarships shall be established by legislation.

(3) Public educational institutions shall enable their pupils and students to use their study rooms, teaching aids and sports and cultural facilities free of charge.

(4) Local governments and legal and natural persons may provide assistance and additional concessions or benefits to pupils and students.

### § 34. Legal status of teachers

(1) For the purposes of this Act, persons employed in the field of schooling and education and the heads of educational institutions are deemed to be teachers. In universities, the work of teachers is related to research.

(2) Employment law regulates the employment relationships of teachers at educational institutions, taking into account the specifications arising from other legislation.

(17.06.98 entered into force 25.07.98 - RT I 1998, 64/65, 1007)

(3) (Repealed - 25.01.95 entered into force 01.01.96 - RT I 1995, 16, 228)

(4) Local governments may provide additional concessions or benefits for teachers.

#### § 34<sup>1</sup>. Teacher of official language

In order to ensure that Estonian is taught in all public educational institutions and study groups where instruction provided in a language other than Estonian, the Government of the Republic shall establish the status of teacher of the official language and the procedure for awarding that status.

(04.11.97 entered into force 30.11.97 - RT I 1997, 81, 1365)

#### § 35. Assets of educational institutions

(1) In order to organise education and schooling, an educational institution shall have assets and those assets shall consist of land, buildings, structures, equipment, fittings and other material assets which are in the ownership of the educational institution or the use of which has been granted to and which have been transferred into the possession of the educational institution by the owner for specific purposes. The legal status of the assets of universities shall be provided for in the Universities Act and the University of Tartu Act.

(2) The requirements for the material base required for the education and research activities of educational institutions providing higher education shall be established by a regulation of the Minister of Education and Research.

(29.01.2003 entered into force 10.03.2003 - RT I 2003, 20, 116)

### IX. Right of Foreign Citizens to Receive Education in Republic of Estonia

#### § 36. Right of foreign citizens to education

Foreign citizens acquire education in the Republic of Estonia pursuant to the procedure prescribed by this Act, international agreements of the Republic of Estonia and the statutes of the educational institutions of the Republic of Estonia.

#### IX<sup>1</sup>. Study Loan

(21.05.97 entered into force 01.07.97 - RT I 1997, 42, 678)

#### § 36<sup>1</sup>. Securing study loan

(1) An Estonian citizen or a person staying in Estonia on the basis of a permanent residence permit has the right to obtain a study loan provided that the duration of his or her studies, according to the curriculum, is nine months or more and that the person:

(13.01.1999 entered into force 01.09.2000 - RT I 1999, 10, 150)

1) is a student enrolled in full-time study at an Estonian university in public law or a state institution of professional higher education;

(29.01.2003 entered into force 10.03.2003 - RT I 2003, 20, 116)

2) is a student enrolled in full-time study at a private university or a private institution of professional higher education operating pursuant to the Private Schools Act (RT I 1998, 57, 859; 1999, 24, 358; 51, 550; 2000, 40, 255; 95, 611; 2001, 75, 454; 2002, 53, 336; 61, 375; 90, 521);

(29.01.2003 entered into force 10.03.2003 - RT I 2003, 20, 116)

3) is enrolled in full-time or daytime study on the basis of secondary education at a state or municipal vocational educational institution;

(29.01.2003 entered into force 10.03.2003 - RT I 2003, 20, 116)

4) is enrolled in full-time or daytime study on the basis of secondary education at a private vocational educational institution operating pursuant to the Private Schools Act;

(29.01.2003 entered into force 10.03.2003 - RT I 2003, 20, 116)

5) is enrolled at a foreign educational institution equivalent to an educational institution specified in clauses 1)-4) of this subsection.

(21.05.97 entered into force 01.07.97 - RT I 1997, 42, 678)

(2) A person specified in subsection (1) of this section has the right to obtain a study loan to the extent of the duration of his or her studies according to the curriculum of the corresponding field of study (nominal period of studies). A person enrolled at a foreign educational institution has the right to obtain a study loan to the extent of the duration of the studies according to the curriculum of the corresponding or closest field of study at an Estonian educational institution (nominal period of studies).

(21.05.97 entered into force 01.07.97 - RT I 1997, 42, 678)

(3) The state shall secure the study loan of the recipient to the extent of the maximum rate established by the Government of the Republic and the interest on the amount of the study loan payable to the credit institution by the recipient (state guarantee). Payments arising from a contract for the management of the grant of study loans entered into by the state and a credit institution on the basis of subsection 36<sup>3</sup> (2) of this Act shall be made in Estonian kroons. If the exchange rate of the Estonian kroon against the euro changes or if Estonia joins the European Monetary Union, payments arising from a contract for the management of the grant of study loans shall be adjusted in such a manner that the value of the payments corresponds to the exchange rate 1 euro = 15.64664 Estonian kroons. The maximum amount of a study loan secured by the state per applicant per year shall be established by the Government of the Republic not later than by 1 August every year.

(12.06.2003 entered into force 28.06.2003 - RT I 2003, 48, 342)

(3<sup>1</sup>) The commercial interest rate on the amount of a study loan secured by the state shall be twelve months Euribor + 2 per cent per year, but not less than 5 per cent per year. The interest rate shall be fixed for each subsequent interest period two banking days before 1 September. The basis for the calculation of interest is the actual number of days in a month and a year of 360 days. An interest period runs from 1 September to 31 August.

(12.06.2003 entered into force 28.06.2003 - RT I 2003, 48, 342)

(4) The recipient of a study loan shall pay the credit institution 5 per cent interest per year on the amount of the loan secured by the state. If the commercial interest rate is higher than 5 per cent per year, the state shall pay the credit institution the difference between the commercial interest rate and the interest rate payable by the recipient of the loan under the conditions prescribed by the contract for the management of the grant of study loans entered into by the state and the credit institution on the basis of subsection 36<sup>3</sup> (2) of this Act.

(12.06.2003 entered into force 28.06.2003 - RT I 2003, 48, 342)

(5) A study loan granted by an institution which grants study loans shall be secured by two sureties – Estonian citizens or persons staying in Estonia on the basis of a permanent residence permit – or real property located in Estonia.

(22.10.2002 entered into force 18.11.2002 - RT I 2002, 92, 5309;

(6) A person who is exmatriculated from an educational institution specified in subsection (1) of this section due to completing the curriculum to the full extent or a person who has finished his or her studies at such an educational institution due to completing the curriculum to the full extent and who has commenced service or employment in a state or local government authority or has commenced employment at a legal person in public law is entitled to have that part of the amount of his or her study loan secured by the state which has not yet been repaid written off by the authority or legal person in public law under the conditions and pursuant to the procedure established by the Government of the Republic.

(21.05.97 entered into force 01.07.97 - RT I 1997, 42, 678)

(6<sup>1</sup>) One parent raising a child of up to 5 years of age, if that parent finished his or her studies at an educational institution specified in subsection (1) of this section due to completing the study programme to the full extent, has the right to have that part of the amount of his or her study loan secured by the state which has not yet been repaid (with the exception of interest) partially written off under the conditions and pursuant to the procedure established by the Government of the Republic.

(03.12.2003 entered into force 01.01.2004 - RT I 2003, 78, 526)

(6<sup>2</sup>) As of the date on which a person specified in subsection (6<sup>1</sup>) of this section applies for that part of the amount of his or her study loan secured by the state which

has not been yet been repaid to be partially written off, the state shall assume the loan commitments of that person to a credit institution to the extent of 50 per cent for each child born or 75 per cent in the case of twins and 100 per cent in the case of triplets. For each subsequent child, the state shall assume the loan commitments of the person to the extent of 50 per cent of that part of the amount of his or her study loan which has not been yet been repaid and from which the loan commitments previously assumed by the state have been deducted.

(03.12.2003 entered into force 01.01.2004 - RT I 2003, 78, 526)

(6<sup>3</sup>) The state shall assume loan commitments on the basis of subsection (6<sup>1</sup>) of this section with regard to study loans taken as of the commencement of studies and for up to six academic years (except in the case of Doctoral study).

(03.12.2003 entered into force 01.01.2004 - RT I 2003, 78, 526)

(6<sup>4</sup>) A person does not have the right to have that part of the amount of his or her study loan secured by the state which has not yet been repaid partially written off on the basis of both subsections (6) and (6<sup>1</sup>) of this section concurrently.

(03.12.2003 entered into force 01.01.2004 - RT I 2003, 78, 526)

(7) The Government of the Republic may grant the incentive specified in subsection (6) of this section to a person who is exmatriculated from an educational institution specified in subsection (1) of this section due to completing the curriculum to the full extent or to a person who has finished his or her studies at such an educational institution due to completing the curriculum to the full extent and who has commenced employment at a legal person in private law in a rural area designated by the Government of the Republic as a priority area from the point of view of regional development or who has commenced operations as a business operator in such an area. The conditions and procedure for writing off study loans shall be established by a regulation of the Government of the Republic.

(21.05.97 entered into force 01.07.97 - RT I 1997, 42, 678)

#### § 36<sup>2</sup>. Application of state guarantee

(1) If the recipient of a loan fails to commence repayment of the loan within the term specified in subsection 36<sup>4</sup> (1) of this Act and the recipient or his or her sureties fail to perform the obligations arising from the study loan agreement, the credit institution has the right to demand that the state perform the obligation of the recipient of the loan or his or her surety to the extent of the state guarantee provided for the loan.

(2) If the state has performed the obligation of the recipient of a loan to a credit institution to the extent specified in subsection (1) of this section, the state has the right of claim against the recipient of the loan and his or her sureties in the entire amount paid by the state to the credit institution.

(3) On an amount paid to a credit institution by the state, the recipient of the loan or his or her surety shall pay 5 per cent interest per year to the state on the unpaid balance of the amount paid to the credit institution by the state.

(4) At the reasoned request of the recipient of a loan or his or her surety, the state may apply a schedule of payments to the collection of the amount paid to a credit institution and the interest prescribed in subsection (3) of this section.

(5) In the event of the death of the recipient of a loan, the credit institution shall waive the demand for the obligations arising from the study loan agreement to be performed to the extent of the state guarantee provided for the loan from the successors or sureties of the recipient of the loan and the credit institution has the right to demand that the state perform the obligation of the recipient of the loan to the specified extent.

(5<sup>1</sup>) If the recipient of a loan is declared permanently incapacitated for work with 80 to 100 per cent loss of his or her capacity for work, the credit institution shall waive the demand for the obligations arising from the study loan agreement to be performed to the extent of the state guarantee provided for the loan, which arose before the recipient of the loan was declared permanently incapacitated for work with 80 to 100 per cent loss of his or her capacity for work, by the recipient of the loan or his or her sureties and the credit institution has the right to demand that the state perform the obligation of the recipient of the loan to the specified extent.

(6) In the event of the death of the recipient of a loan or if the recipient of a loan is declared permanently incapacitated for work with 80 to 100 per cent loss of his or her capacity for work, the state shall waive the right of claim provided in subsection (2) of this section.

(7) If, upon the grant or collection of a study loan secured by the state, a credit institution fails to observe the conditions provided for the grant and collection of study loans in this Act, legislation issued on the basis thereof or the contract entered into by the state and the credit institution on the basis of subsection 36<sup>3</sup> (2) of this Act, the state has the right to refuse to apply the state guarantee.

(12.06.2003 entered into force 28.06.2003 - RT I 2003, 48, 342)

### § 36<sup>3</sup>. Institutions which grant study loans

(1) Credit institutions selected by way of a public competition are the institutions which grant study loans. A lender shall grant study loans from the funds of its credit resources.

(21.05.97 entered into force 01.07.97 - RT I 1997, 42, 678)

(2) The Minister of Finance shall announce the competition, determine the conditions, decide on the results and enter, in the name of the state, into a contract for the management of the grant of study loans with the credit institution selected by way of the competition.

(21.05.97 entered into force 01.07.97 - RT I 1997, 42, 678)

(3) The mandatory terms and conditions for a contract for the management of the grant of study loans shall be:

- 1) the conditions and procedure for the grant of study loans;
- 2) the conditions and procedure for application of the state guarantee;
- 3) the conditions and procedure for payment of the difference between the commercial interest rate and the interest rate payable to the credit institution by the recipient of a loan;
- 4) the standard form of a study loan agreement;
- 5) the standard form of a contract of suretyship for a study loan;
- 6) the mutual notification obligation of the credit institution and the state;
- 7) the liability of the parties.

(12.06.2003 entered into force 28.06.2003 - RT I 2003, 48, 342)

#### § 36<sup>4</sup>. Repayment of study loan

(1) The recipient of a loan shall commence repayment of the loan amount not later than twelve months after exmatriculation due to completing the curriculum to the full extent or after finishing his or her studies due to completing the curriculum to the full extent or for another reason if, during that time, the recipient of the loan has not begun to continue his or her studies at an educational institution specified in subsection 36<sup>1</sup> (1) of this Act in a form of study specified in the same subsection. If the recipient of the loan is continuing his or her studies, he or she has the right to receive a study loan on the basis of the existing study loan agreement to the extent provided in subsection 36<sup>1</sup> (2) of this Act.

(12.06.2003 entered into force 28.06.2003 - RT I 2003, 48, 342)

(2) The recipient of a loan shall undertake to repay the amount of the loan together with interest if:

- 1) the recipient of the loan was exmatriculated due to completing the curriculum to the full extent or the recipient of the loan finished his or her studies due to completing the curriculum to the full extent, over the course of double the nominal period of studies as of the beginning of repayment of the loan amount;
- 2) the recipient of the loan finished his or her studies for a reason other than those specified in clause 1) of this subsection, over the course of a period that equals one and a half times the period the person spent pursuing his or her studies at the educational institution, but is not shorter than six months, as of the beginning of repayment of the loan amount.

(12.06.2003 entered into force 28.06.2003 - RT I 2003, 48, 342)

(3) If the recipient of a loan continues his or her studies at an educational institution specified in subsection 36<sup>1</sup> (1) of this Act in a form of study specified in the same subsection within twelve months after exmatriculation or having finished his or her previous studies, he or she shall undertake to repay the entire loan amount together with interest over the course of a period that equals the sum of the periods calculated pursuant to the provisions of subsection (2) of this section, but is not longer than twenty years, as of the beginning of repayment of the loan amount.

(12.06.2003 entered into force 28.06.2003 - RT I 2003, 48, 342)

(4) The running of the term for repayment of a study loan and the payment of interest shall be suspended for the duration of any period during which the recipient of the loan is serving compulsory military service and, for one parent of a child of up to 3 years of age, for the duration of parental leave for three years after the birth of the child as of the moment of receipt of a corresponding certified request from the recipient of the loan. During the suspension of the payment of interest by the recipient of a loan, the state shall pay the credit institution the interest payable on the balance outstanding on the amount of the study loan to the extent of the commercial interest rate under the conditions provided for in the contract entered into by the state and the credit institution on the basis of subsection 36<sup>3</sup> (2) of this Act.

(12.06.2003 entered into force 28.06.2003 - RT I 2003, 48, 342)

(5) The procedure for the grant and repayment of study loans shall be established by the Government of the Republic.

(21.05.97 entered into force 01.07.97 - RT I 1997, 42, 678)

§ 36<sup>5</sup>. Management of state guarantee

(1) In the legal relationships arising from subsections 36<sup>2</sup> (2), (4) and (5) of this Act, the state shall be represented by the Ministry of Education and Research.

(21.05.97 entered into force 01.07.97 - RT I 1997, 42, 678; 16.10.2002 entered into force 01.01.2003 - RT I 2002, 90, 521)

(2) The Ministry of Education and Research shall maintain records of persons entitled to obtain a study loan and persons who have obtained a study loan. Universities, institutions of professional higher education and vocational educational institutions shall forward information on their students, master's candidates and doctorate candidates to the Ministry of Education and Research twice a year: by 1 February and 1 October.

(21.05.97 entered into force 01.07.97 - RT I 1997, 42, 678; 16.10.2002 entered into force 01.01.2003 - RT I 2002, 90, 521)

X. Implementation of Education Act

§ 37. Implementation

(1) The Republic of Estonia Education Act shall be established as of 30 March 1992.

(1<sup>1</sup>) Instead of the requirement for full-time study, persons who have enrolled at an educational institution prior to 30 June 2003 shall be required to study in day-time or full-time study when applying for a study loan.

(29.01.2003 entered into force 10.03.2003 - RT I 2003, 20, 116)

(2) The following are repealed:

1) the Estonian SSR Education Act of 26 April 1974 together with its subsequent amendments (*ENSV Teataja*<sup>3</sup> 1974, 23, 201; 1986, 20, 261);

2) Resolution of the Supreme Soviet of the Estonian SSR of 26 April 1974 “On Establishment of the Estonian SSR Education Act” (*ENSV Teataja* 1974, 23, 202);

3) Resolution of the Presidium of the Supreme Soviet of the Estonian SSR of 25 September 1986 “On Procedure for Application of §§ 23, 25 and 29 of the Estonian SSR Education Act”.

(3) The Government of the Republic and the Minister of Education and Research have the right to issue regulations on the basis and for the implementation of this Act.

(26.06.96 entered into force 26.07.96 - RT I 1996, 49, 953; 16.10.2002 entered into force 01.01.2003 - RT I 2002, 90, 521; 29.01.2003 entered into force 10.03.2003 - RT I 2003, 20, 116)

(4) Clause 5 (2) 6) of this Act enters into force on 1 January 2002.

(13.06.2001 entered into force 22.07.2001 - RT I 2001, 65, 375)

(5) Subsections 36<sup>1</sup> (6<sup>1</sup>)-(6<sup>4</sup>) of this Act apply:

1) in 2004 to a parent raising a child of up to 1 year of age;

2) in 2005 to a parent raising a child of up to 2 years of age;

3) in 2006 to a parent raising a child of up to 3 years of age;

4) in 2007 to a parent raising a child of up to 4 years of age;

5) as of 2008 to a parent raising a child of up to 5 years of age;

(03.12.2003 entered into force 01.01.2004 - RT I 2003, 78, 526)

<sup>1</sup> RT = *Riigi Teataja* = *State Gazette*

<sup>2</sup> *Riigikogu* = *the parliament of Estonia*

<sup>3</sup> *ENSV Teataja* = *ESSR Gazette*