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# Adult Education Act

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Amended by the following acts

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## Chapter 1 General Provisions

### § 1. Scope of application of Act

(1) The Adult Education Act provides the bases for the management of the area of adult education, the requirements for the management of continuing education institutions and for the provision of continuing education, the learner's right to study leave, the bases for financing continuing education and state and administrative supervision.

(2) Adult education is divided into formal education and continuing education.

(3) The organisation of formal education is governed by the Basic Schools and Upper Secondary Schools Act, Vocational Educational Institutions Act, Institutions of Professional Higher Education Act, Universities Act and Private Schools Act.

(4) Continuing education means the provision of purposeful and organised studies on the basis of a curriculum outside the formal education.

(5) This Act shall be applied to legal persons in private law providing continuing education, legal persons in public law, state and local government authorities and sole proprietors if pursuant to the law they have the obligation to apply for an activity licence for the provision of continuing education or if they have submitted a notice of economic activities for the provision of continuing education (hereinafter the manager of a continuing education institution).

(6) The General Part of the Economic Activities Code Act shall be applied to the commencement, performance and termination of economic activities of legal persons in private law and sole proprietors regulated in this Act, taking account of the specifications provided for in this Act. The provisions of the General Part of the Economic Activities Code Act and this Act concerning the submission of a notice of economic activities, the provision of continuing education and disclosure of information, notification of change in data and renouncement of economic activities shall be applied to continuing education institutions managed by legal persons in public law or state and local government authorities insofar as resulting otherwise from the specific character thereof.

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

### § 2. Management and development of area of adult education

(1) The functions of the Ministry of Education and Research in the area of adult education are the planning and implementation of the principles and objectives of the national education policy, development of the judicial area necessary for the implementation of the education policy and to ensure the purposefulness and continuity of implementation of the education policy. In addition, the Ministry of Education and Research shall ensure the analysis and evaluation of the training needs for the effective implementation of the education policy.

(2) The Adult Education Council is an advisory body comprised of the representatives of the relevant ministries, continuing education institutions, formal education institutions, representative organisations of employers and employees and other persons and authorities engaged in the area of adult education. The Adult Education Council shall be formed and the rules of procedure thereof shall be approved with a directive of the minister responsible for the area.

(3) The Adult Education Council shall:

- 1) advise the Ministry of Education and Research and other parties in matters relating to the strategic planning, financing and organisation of the area of adult education;
- 2) participate in the preparation of development plans relating to the area and in monitoring the implementation thereof;
- 3) give expert evaluations and mediate the opinions of the organisations represented in the Adult Education Council concerning the area.

## **Chapter 2**

### **Requirements for Management of Continuing Education Institutions**

#### **§ 3. Submission of notice of economic activities**

(1) In order to operate as the manager of a continuing education institution, the continuing education provider shall submit a notice of economic activities if pursuant to the law he or she is not required to apply for an activity licence for the provision of continuing education.

(2) In addition to the provisions of the General Part of the Economic Activities Code Act, the notice of economic activities for the provision of continuing education shall include the list of continuing education curricula groups (hereinafter continuing education curriculum group) established under subsection 9 (1) of this Act, in which continuing education is provided.

#### **§ 4. Name of continuing education institution**

(1) The manager of a continuing education institution who only provides continuing education may not in any manner refer to the possibility of providing formal education in the name of the continuing education institution.

(2) Only a continuing education institution which has a permanent place of business and which provides continuing education on a continuous basis in at least three continuing education curricula groups may use the word „*rahvaulikool*” [folk university] in its name.

#### **§ 5. Continuing education institution’s website**

The manager of a continuing education institution shall be required to maintain a website in order to disclose the information concerning continuing education.

#### **§ 6. Specifications for suspension, prohibition and renouncement of provision of continuing education as manager of continuing education institution**

(1) In case of material violation of the requirements for economic activities established for the manager of a continuing education institution, the Ministry of Education and Research may, with an administrative act, suspend or prohibit the provision of continuing education as the manager of a continuing education institution. If the Ministry of Education and Research issues an administrative act for the suspension or prohibition of provision of continuing education or issues a precept which upon failure to comply with may result in the issue of an administrative act for the suspension or prohibition of provision of continuing education, the Ministry of Education and Research shall publish the decision and justifications of the administrative act in the part for which there is public interest pursuant to the procedure provided for in § 31 of the Administrative Procedure Act and on its website.

(2) The provisions of § 34 of the General Part of the Economic Activities Code Act shall be applied to the renouncement of provision of continuing education. The manager of a continuing education institution who has failed to comply with the data submission obligation provided for in subsection 8 (5) of this Act within six months after the expiry of the term for compliance with the obligation shall also be deemed to have fully renounced the provision of continuing education.

## **Chapter 3**

# Provision of Continuing Education and Disclosure of Information

## § 7. Organisation of studies in continuing education and bases for ensuring quality of activities of continuing education institutions

(1) The manager of a continuing education institution shall establish the bases for the organisation of studies in continuing education and the bases for ensuring the quality of the activities of the continuing education institution.

(2) The bases for the organisation of studies in continuing education shall provide for the requirements and procedure for the admission of learners to and the exclusion from continuing education and the conditions and procedure for the payment of tuition for continuing education, release from the payment and the reimbursement thereof and other important conditions for the organisation of studies.

(3) The bases for ensuring the quality of the activities of a continuing education institution shall at least provide for the conditions and procedure for ensuring the quality of the continuing education curricula, adult educators and study environment and the procedure for gathering feedback on the continuing education.

## § 8. Disclosure of information relating to continuing education institution

(1) The manager of a continuing education institution shall disclose, through the Estonian Education Information System (hereinafter the Education Information System), the continuing education institution's curricula groups in which continuing education is provided, the curricula forming the bases for the issue of an activity licence for the provision of continuing education, the information concerning the activity licence, the contact information and website address of the institution.

(2) The manager of a continuing education institution shall disclose on its website the bases for the organisation of studies in continuing education, the continuing education curricula, the names of adult educators of the continuing education courses together with the description of the qualification, learning or work experience proving their competence, the information concerning the activity licence issued for the provision of continuing education with the authorisation obligation and the bases for ensuring the quality of the activities of the continuing education institution.

(3) The manager of a continuing education institution shall create the possibility to access the documents provided for in subsection (2) of this section at the continuing education institution.

(4) The manager of a continuing education institution shall not be required to disclose or make accessible the curricula and the information on adult educators connected therewith if the curriculum has been developed on the basis of a contract only for the training of persons specified in the contract.

(5) The performance indicators provided for in the regulation of the minister established under subsection 36<sup>6</sup>(3<sup>2</sup>) of the Republic of Estonia Education Act shall be made accessible through the Education Information System by the manager of a continuing education institution by 31 March each year for the previous calendar year.

(6) The manager of a continuing education institution shall ensure that the correctness of data specified in subsection (5) of this section can be substantiated with documents.

## § 9. Continuing education standard and continuing education curriculum

(1) The minister responsible for the area shall establish, by a regulation, the continuing education standard in which the requirements for the continuing education curricula, for the documents certifying the passing of and participation in continuing education and the list of continuing education curricula groups shall be provided for.

(2) Continuing education shall be provided according to the continuing education curriculum which is based on the learning outcomes and which has been approved by the manager of a continuing education institution, and the bases for the organisation of studies in continuing education.

(3) The volume of continuing education curricula shall be determined in academic hours. One academic hour corresponds to 45 minutes.

## § 10. Study environment

The study environment of a continuing education institution must be sufficient for the provision of continuing education and achievement of the objectives and learning outcomes of the curriculum. In the continuing

education curriculum, the manager of a continuing education institution shall describe the study environment in which continuing education is provided.

#### **§ 11. Adult educator**

(1) For the purposes of this Act, an adult educator means a specialist who supports the learning and personal development of adults in a purposefully created learning situation.

(2) For the provision of continuing education, the manager of a continuing education institution shall ensure the number of educators with the qualification, learning or work experience described in the curriculum which is necessary for achievement of the learning objectives and learning outcomes.

#### **§ 12. Notification of important conditions of continuing education**

(1) In addition to the provisions of subsection 31 (2) of the General Part of the Economic Activities Code Act, the manager of a continuing education institution shall notify the participants in continuing education and the entities funding the continuing education course at least of the following information and documents:

- 1) the continuing education curriculum;
- 2) the name of the adult educator providing the continuing education and the information on his or her qualification;
- 3) the time of the continuing education;
- 4) the place and address of provision of the continuing education;
- 5) the size of tuition and other expenses accompanying the studies, including the expenses on study aids;
- 6) the procedure and term for payment of tuition;
- 7) the bases of and procedure for reimbursement of tuition;
- 8) the procedure for settlement of disputes.

(2) If the party who commissions continuing education submits a request for continuing education pursuant to the Public Procurement Act or organises another competition therefor, the continuing education shall be provided according to the conditions notified by the party who commissions the continuing education.

## **Chapter 4 Learner's Right to Study Leave**

#### **§ 13. Application for and remuneration of study leave**

(1) In order to participate in formal education or continuing education provided by a manager of a continuing education institution, study leave shall be granted to employees and officials (hereinafter together the employee) on the basis of an application thereof and a notice from the education institution for up to thirty calendar days in a year. In case of a training based on the interests of an employer, the provisions of clause 28 (2) 5) of the Employment Contracts Act or § 31 of the Civil Service Act shall be applied. Study leave shall also be granted for participating in formal education or continuing education of an equal foreign educational institution.

(2) A note on staying on academic leave shall be made in the notice from an educational institution. An employer shall have the right to refuse to grant study leave for the passing or completion of the curriculum in which the studies have stopped due to academic leave.

(3) During the study leave granted for participation in formal education and continuing education with the purpose of professional development, an employee shall be paid the average study leave pay based on a calendar day for twenty calendar days pursuant to the procedure provided for in subsection 29 (8) of the Employment Contracts Act.

(4) For the completion of formal education, additional study leave of fifteen calendar days shall be granted for which the employee shall be paid study leave pay calculated on the basis of the minimum wage established under subsection 29 (5) of the Employment Contracts Act. Upon calculation of the study leave pay, the number of study leave days shall be multiplied by one month's average study leave pay rate per calendar day calculated on the basis of the minimum wage. In order to establish the month's average study leave pay rate per calendar day, the minimum wage shall be divided by the number of calendar days in a year and divided by twelve. An employer may refuse to grant study leave for the completion of formal education if he or she has already granted a leave to the same employee for the completion of the same curriculum.

(5) In the application for study leave, an employee shall determine whether he or she wishes to be granted a study leave for participation in studies or for the completion of formal education.

(6) An employee shall notify the employer of the use of study leave not indicated in the holiday schedule at least fourteen calendar days in advance in a format which can be reproduced in writing.

#### **§ 14. Refusal to grant study leave and interruption thereof**

(1) An employer has the right to refuse to grant study leave if the study leave day or consecutive study leave days only coincide with the employee's days off.

(2) An employer has the right to interrupt or postpone a study leave on the conditions provided for in subsection 69 (5) of the Employment Contracts Act. If the study leave was interrupted or postponed, the employee shall have the right to use the unused part of the study leave for participation in formal education or continuing education at a time suitable for him or her, taking account of the restrictions established in this chapter.

## **Chapter 5 Organisation of Financing of Continuing Education**

#### **§ 15. Financing of continuing education**

(1) The costs of continuing education shall be covered by the person or authority interested therein.

(2) Continuing education complying with the requirements established in this Act and in the legislation established on the basis thereof and which is provided by a manager of a continuing education institution is only allowed to be financed or reimbursed from the state and local government budget funds or structural funds.

(3) The condition established in subsection (2) of this section shall not be applied if the continuing education is provided by the employees of one person or authority to the employees of the same person or authority or if the training is provided by the employee of a state or local government authority to the employee of another state or local government authority or if the provision of training is part of the employment or service duties of the employee of a state or local government authority.

(4) As a justified exception, the condition established in subsection (2) of this section may not be applied if the needed continuing education is not organised by any manager of a continuing education institution.

#### **§ 16. State-commissioned continuing education**

(1) A ministry may submit a request for the provision of state-commissioned continuing education (hereinafter state-commissioned continuing education) to a manager of a continuing education institution or an association thereof. The formation of state-commissioned continuing education shall be based on the strategic development plans of the state and development plans for different areas, studies and forecasts of the need for labour and other information relating to the training needs.

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

(3) The cost per student place of state-commissioned continuing education shall be formed by the number of academic hours.

(4) The procedure for the formation and submission of a state-commissioned continuing education request and the cost of an academic hour by curricula groups shall be established by a regulation of the minister responsible for the area.

(5) Upon the establishment of the cost of an academic hour, the specifications of costs arising from the complexity of studies pursued in continuing education curricula groups, the costs of materials necessary for the provision of continuing education and the costs of the study environment shall be taken into account.

(6) Studying in a student place formed on the basis of state-commissioned continuing education is free of charge for a learner unless the extent of cost-sharing has been established for learners upon the submission of the state-commissioned continuing education request.

## **Chapter 6 State and Administrative Supervision**

#### **§ 17. State and administrative supervision over continuing education providers**

(1) The Ministry of Education and Research shall exercise state or administrative supervision over the managers of continuing education institutions and the compliance of their activities with the requirements established in this Act and on the basis thereof.

(2) The Ministry of Education and Research shall exercise state or administrative supervision over a person or authority who is not a continuing education institution and who provides continuing education if a serious or significant threat originates from the continuing education provided thereby and other law enforcement or economic administrative agencies are not competent to control the threat.

#### **§ 18. Special state supervision measures**

For the exercise of state supervision provided for in this Act, the agency exercising state supervision may apply the special state supervision measures provided for in §§ 30 and 50 of the Law Enforcement Act on the basis of and pursuant to the procedure provided for in the Law Enforcement Act.

#### **§ 19. Limit of penalty payment**

Upon failure to comply with a precept, the upper limit of penalty payment applied pursuant to the procedure provided for in the Substitutive Enforcement and Penalty Payment Act is 640 euros.

## **Chapter 7 Implementing Provisions**

#### **§ 20. Transitional provisions**

(1) The education licences or activity licences issued for the provision of professional education and training or informal education pursuant to the Private Schools Act before the entry into force of this Act shall be valid until 30 June 2016. The managers of adult training institutions operating on the basis of the aforementioned education licence or activity licence have been equalised with the managers of continuing education institutions for the purposes of this Act until the expiry of the term of validity of the licences.

(2) State and local government authorities and legal persons in public law having operated as adult training institutions before the entry into force of this Act have been equalised with the managers of continuing education institutions for the purposes of this Act until 30 June 2016.

(3) The managers of continuing education institutions shall establish the bases for ensuring the quality of the activities of a continuing education institution specified in subsection 7 (1) of this Act no later than by 1 July 2016.

#### **§ 21. - § 48. The amendment provisions of other Acts omitted from this translation.**

#### **§ 43<sup>1</sup>. Repeal of Adult Education Act**

The Adult Education Act (RT I 1993, 74, 1054) shall be repealed.  
[RT I, 10.06.2015, 9 – entry into force 01.07.2015]

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

This Act enters into force on 1 July 2015.