

# LAW OF GEORGIA

## ON LICENSING OF EDUCATIONAL ACTIVITIES

*Law of Georgia No 3533 of 21 July 2010 - LGH I, No47, 5.8.2010, Art. 303*

*Law of Georgia No 5650 of 27 December 2011 - website, 12.1.2012*

### **Article 1 - General provisions**

In accordance with to the Law of Georgia on Licences and Permits, this Law regulates relationships concerning granting licences for engaging in educational activities that are subject to licensing, and determines the licensing authority and additional licensing conditions.

*Law of Georgia No 2794 of 17 March 2006 - LGH I, No9, 31.3.2006, Art. 66*

*Law of Georgia No 3533 of 21 July 2010 - LGH I, No47, 5.8.2010, Art. 303*

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### **Article 2 - Definition of terms**

The terms used in this Law have the following meanings:

- a) (deleted);
- b) teaching staff - teachers, as well as persons directly participating in the educational process;
- c) (deleted);
- d) (deleted);
- e) educational activities - activities that in accordance with the legislation of Georgia are concerned with systemic caring, and for cognitive, emotional, physical and intellectual development of children outside of parental care and the provision of 24-hour service that aims to form their personal, moral, and intellectual skills, and adaptive behaviour,
- f) (deleted);

*Law of Georgia No 2794 of 17 March 2006 - LGH I, No9, 31.3.2006, Art. 66*

*Law of Georgia No 4533 of 28 March 2007 - LGH I, No15, 23.4.2007, Art. 122*

*Law of Georgia No 3533 of 21 July 2010 - LGH I, No47, 5.8.2010, Art. 303*

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### **Article 3 – Licensing Authority for educational activities**

1. Deleted.
2. A licence for educational activities is granted by an authorised agency of the Ministry of Labour, Health and Social Protection of Georgia.
3. Rights and obligations of the Ministry as a licensing authority, cited in paragraph 2 of this article are determined by the Law of Georgia on Licences and Permits and this Law.

*Law of Georgia No 2794 of 17 March 2006 - LGH I, No9, 31.3.2006, Art. 66*

*Law of Georgia No 4533 of 28 March 2007 - LGH I, No15, 23.4.2007, Art. 122*

*Law of Georgia No 3533 of 21 July 2010 - LGH I, No47, 5.8.2010, Art. 303*

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### **Article 4 - Deleted.**

*Law of Georgia No 2794 of 17 March 2006 - LGH I, No9, 31.3.2006, Art. 66*



*Law of Georgia No 4533 of 28 March 2007 - LGH I, No15, 23.4.2007, Art. 122*

*Law of Georgia No 2726 of 9 March 2010 - LGH I, No12, 24.3.2010, Art. 62*

*Law of Georgia No 3533 of 21 July 2010 - LGH I, No47, 5.8.2010, Art. 303*

*Law of Georgia No 5650 of 27 December 2011 - website, 12.1.2012*

## **Article 5 - Documents to be submitted to obtain a licence for educational activities**

1. In order to obtain a licence, along with the documents defined in Article 9 of the Law of Georgia on Licences and Permits, applicants shall submit to the licensing authority the following:

a) (Deleted - 27.12.2012, No5650);

b) educational programme complying with additional licensing conditions defined in Article 51 of this Law;

c) information about the number of teaching staff, and qualification certifying documents, as well as information on the main job and other jobs. Along with the submitted data on teaching staff applicants shall also submit contracts pending obtaining the license that complying with the procedure established by the legislation of Georgia. Information submitted by applicants shall comply with additional licensing conditions defined in Article 51 of this Law;

d) information on logistical support that must comply with additional licensing conditions defined in paragraph 3 of this article and Article 51 of this Law;

e) structural plan of buildings by storeys.

2. Buildings and structures where educational activities are to be carried out shall satisfy the hygiene and sanitary requirements defined by the legislation of Georgia.

2<sup>1</sup>. Deleted.

3. Educational activities licence applicants/holder shall have material and technical resources to carry out educational programmes determined by the licence that provide for recreation and physical development of pupils, and independent spatial orientation and movement of pupils with special needs.

4. Licence applicants shall submit statistical data on educational activities to the licensing authority, in compliance with the procedure, established by the licensing authority.

5. Deleted.

*Law of Georgia No 2794 of 17 March 2006 - LGH I, No9, 31.3.2006, Art. 66*

*Law of Georgia No 4533 of 28 March 2007 - LGH I, No15, 23.4.2007, Art. 122*

*Law of Georgia No 3533 of 21 July 2010 - LGH I, No47, 5.8.2010, Art. 303*

*Law of Georgia No 5650 of 27 December 2011 - website, 12.1.2012*

## **Article 5<sup>1</sup> - Additional licensing conditions for educational activities for licence applicants /holders**

1. To obtain a licence, licence applicants/holders shall include educational methods and timetables as per the programmes submitted.

2. (Deleted - 27.12.2012, No5650).

3. (Deleted).

4. (Deleted).

5. (Deleted).

6. (Deleted).

7. (Deleted).

8. (Deleted).

9. (Deleted).

10. Educational activities licence applicants/holders shall satisfy the following conditions and shall submit appropriate certifying documents:

a) they shall have premises and the right to possess and use the premises for at least six years. This right shall be confirmed in accordance with the procedure established by the legislation of Georgia. In the case of lease/rent, the right to possess and use the premises shall be confirmed by a record of the Public Registry. Based on the number of pupils, the premises shall include:



- a.a) bed room(s)
- a.b) kitchen/canteen
- a.c) toilet(s), bath(s) and wash-stand(s)
- b) items designated for pedagogical, educational, informational and cognitive activities and suitable for the age of pupils;
- c) bedroom inventory commensurate with the needs of pupils;
- d) dining area and appropriate individual inventory sufficient for providing meals for all the pupils simultaneously;
- e) conditions for independent spatial orientation and movement of pupils with special needs;
- f) the premises shall meet childcare standards.

*Law of Georgia No 2794 of 17 March 2006 - LGH I, No9, 31.3.2006, Art. 66*

*Law of Georgia No 4533 of 28 March 2007 - LGH I, No15, 23.4.2007, Art. 122*

*Law of Georgia No 3533 of 21 July 2010 - LGH I, No47, 5.8.2010, Art. 303*

*Law of Georgia No 5650 of 27 December 2011 - website, 12.1.2012*

## **Article 6 - Procedure for granting licences**

1. The licensing authority makes a decision to grant a licence in accordance with the procedure for public administration proceedings stipulated in Chapter IX of the General Administrative Code of Georgia, the Law of Georgia on Licences and Permits and this Law.
2. When granting a license determined by this Law, the licensing authority shall be authorised to extend the time limit for administrative proceedings to up to three months, if, to establish circumstances of significant importance to the case, a period longer than the period provided for by administrative proceedings is required.
3. A refusal of the Ministry to grant a licence may be appealed in court by applicants in compliance with the procedure established by the legislation of Georgia.
4. Licence holders are authorised to perform activities through their subsidiaries. To carry out activities subject to licensing a subsidiary does not need a separate licence, however, it must notify the licensing authority in advance if the subsidiary satisfies the licensing conditions. Prior to the commencement of licensed activities, the licensing authority is obliged to inspect whether the subsidiary satisfies licensing conditions. If the inspection reveals the noncompliance of subsidiary with licensing conditions established by this Law, the licensing authority is authorised to give to the licence holder a reasonable time to bring its activities into compliance with licensing conditions. In such a case, the subsidiary shall have no right to perform its activities until it satisfies the licensing conditions.
5. Fines imposed for violation of the licensing conditions by a subsidiary, including revocation of licence, shall apply to the part of activities of this subsidiary. The violation of regulatory licensing conditions by the subsidiary may not become the grounds for prohibiting the legal entity or any other subsidiary from performing the activities provided for in the licence.

*Law of Georgia No 2794 of 17 March 2006 - LGH I, No9, 31.3.2006, Art. 66*

*Law of Georgia No 5650 of 27 December 2011 - website, 12.1.2012*

## **Article 7 - On-site verification of compliance with licensing conditions**

1. For the purposes of verifying the compliance of a licence applicant or holder with licensing conditions, the licensing authority and other administrative bodies are authorised to verify the compliance of licence applicant or holder with licensing conditions on site, at the request of the licensing authority.
2. The licensing authority is authorised to check a license holder, if, according to substantiated information, the licence holder violates the licensing conditions provided for by the Law of Georgia on Licences and Permits and this Law.

*Law of Georgia No 2794 of 17 March 2006 - LGH I, No9, 31.3.2006, Art. 66*

*Law of Georgia No 4533 of 28 March 2007 - LGH I, No15, 23.4.2007, Art. 122*

## **Article 7<sup>1</sup> - Illegal educational activities**

Carrying out educational activities without a licence -  
shall entail a penalty of GEL 3 000.



## **Article 7<sup>2</sup> - Non-fulfilment of licence conditions of educational activities**

The failure to fulfil licensing conditions of educational activities -

shall entail a penalty of GEL 300.

*Law of Georgia No 5650 of 27 December 2011 - website, 12.1.2012*

## **Article 7<sup>3</sup> - Proceedings**

1. Resolutions imposing administrative penalties for administrative offences provided for by this Law are adopted (issued) by an appropriate agency (official) of the Ministry of Labour, Health and Social Affairs of Georgia.

2. In the case of committing an administrative offence provided for by this Law, proceedings shall be conducted in accordance with the Code of Administrative Offences of Georgia.

*Law of Georgia No 5650 of 27 December 2011 - website, 12.1.2012*

## **Article 8 - Deleted**

*Law of Georgia No 2794 of 17 March 2006 - LGH I, No9, 31.3.2006, Art. 66*

*Law of Georgia No 4533 of 28 March 2007 - LGH I, No15, 23.4.2007, Art. 122*

## **Article 9 - Transitional provisions**

1. Educational institutions licensed before coming into force of this Law, as well as legal entities under public law established before the introduction of changes and additions into legislative acts related to the Law of Georgia on Licences and Permits, and before coming into force of Ordinance No 121 of 29 July 2005 of the Government of Georgia on Procedures and Conditions of Licensing Educational Institutions, and legal entities under private law founded with 100 % state share, shall ensure compliance of their activities with licensing conditions provided for by this Law before the beginning of the academic year 2006-2007.

2. Every educational and pedagogical institution subject to licensing according to the Law of Georgia on Licences and Permits but not subject to licensing before coming into force of the Law of Georgia on Licences and Permits and carrying its activities with the status of legal entity under public law or legal entity under private law founded with 100 % state share, as well as institutions founded with 100 % share of educational institutions that were founded with 100 % state share, and educational institutions of the Georgian Apostolic Autocephalous Orthodox Church, and educational institutions licensed by the Ministry of Education, Culture and Sports of the Autonomous Republic of Ajara, and institutionally accredited higher educational institutions and institutions established by diplomatic missions accredited in Georgia and secondary educational institutions established by the State, performing their activities until 1 September 2010 shall be considered licensed.

3. Before 1 September 2008, under Article 3(2) of this Law the licensing authority shall be the Ministry of Education and Science of Georgia.

4. Ordinance No121 of the Government of Georgia of 29 July 2005 on Procedures and Conditions of Licensing Educational Institutions effective before the introduction of changes and additions into legislative acts related to the adoption of the Law of Georgia on Licences and Permits shall be considered invalid.

5. Institutions licensed for initial vocational education activities shall be considered as institutions licensed for vocational education activities.

6. Before 2013, secondary educational activities licence applicants/holders may carry out their educational activities with personnel who have higher pedagogical or appropriate higher or incomplete higher education.

7. Before 2013, vocational education licence applicants/holders may carry out their educational activities with teachers who have appropriate higher education, and instructors who have at least a three-year working experience in an appropriate field.

8. Before the beginning of the academic year 2009-2010, legal entities that have obtained a licence for secondary vocational education activities in compliance with the procedure established by the legislation of Georgia shall be considered licensed and shall comply with the following licensing conditions:

a) educational programmes submitted by specialties shall comply with standards approved by the Ministry of Education and Science of Georgia;

b) every teacher employed in the institutions shall have higher education, and an expert of industrial training (a teacher of practical training) shall have an appropriate professional education or appropriate practical experience of more than three years.

c) institutions shall ensure at least 4 m<sup>2</sup> area per pupil to carry out appropriate professional training. The right to possess and use the premises for at least three years shall be confirmed in compliance with the procedure established by the legislation of Georgia. In the case of lease/rent, the right to possess and use the premises shall be confirmed by a record of the Public Registry;



d) the institutions shall have documents made in compliance with the procedure established by the legislation of Georgia and effective for at least three years confirming their right to possess and use rooms and laboratories, practical training premises, clinics, workshops, tools and other facilities provided for by their curricula. In the case of lease/rent, the right to possess and use the area shall be confirmed by a record of the Public Registry.

*Law of Georgia No 2794 of 17 March 2006 - LGH I, No9, 31.3.2006, Art. 66*

*Law of Georgia No 4533 of 28 March 2007 - LGH I, No15, 23.4.2007, Art. 122*

*Law of Georgia No 1107 of 24 March 2009 - LGH I, No6, 26.3.2009, Art. 21*

*Law of Georgia No 4043 of 15 December 2010 - LGH I, No74, 24.12.2010, Art. 450*

*Law of Georgia No 4569 of 3 May 2011 - website, 18.5.2011*

*Law of Georgia No 2316 of 30 April 2014 - website, 13.5.2014*

## **Article 10 - Final Provisions**

This law shall come into force on the 15<sup>th</sup> day after its promulgation.

**The President of Georgia**

**M. Saakashvili**

**Tbilisi**

**10 March 2005**

**No1074-IS**

