

# Act of 17 July 1998 no. 61 relating to Primary and Secondary Education and Training (the Education Act)

with amendments as of 25 June 2010. In force as of 1 August 2010

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## **Act relating to Primary and Secondary Education and Training (the Education Act)**

Cf. Act of 4 July 2003 no. 84. Cf. *previous* Regulation of 23 Jan 1739, Proclamation of 5 May 1741, Acts 1 1816 sections 1 and 2, 14 July 1827, 26 Aug 1854, 16 May 1860, 22 May 1869, 22 May 1869, 31 May 1873, 19 June 1878 no. 2, 8 June 1881 no. 2 and 26 June 1889 no. 1 with supplementary Acts 21 March 1891, 6 July 1892 no. 1, 21 July 1894 no. 3, 9 May 1896 no. 1, 11 June 1898 no. 2, 31 May 1900 no. 1, 27 March 1905, 15 Aug 1908 no. 3, 18 Sep 1909 no. 1, 2 July 1910 no. 2, 13 Aug 1915 no. 1, 19 May 1917 no. 1, 5 Dec 1917 no. 2, 5 July 1918 no. 1, 25 Feb 1921 no. 1, 21 July 1922 no. 1, 1 Aug 1924 no. 1, 13 May 1927 no. 1, 1 July 1927 no. 5, 13 April 1928 no. 1, 29 April 1932 no. 1 and 21 June 1935 no. 5, 16 July 1936 no. 8 and 16 July 1936 no. 9 1 with supplementary Acts 17 June 1937 no. 5, 8 Nov 1946 no. 1 section 25, 23 May 1947 no. 1, 4 July 1947 no. 1, 13 Des 1948 no. 2, 15 Des 1950 no. 8 section 14, 23 Nov 1951 no. 2 section 24, 17 July 1953 no. 14, 30 June 1955 no. 3, 14 Des 1956 no. 1, 28 June 1957 no. 6, Acts 10 April 1959 no. 1, 13 June 1969 no. 24, 21 June 1974 no. 55.

## **Chapter 1. Objectives, scope and adapted education, etc.**

Heading amended by Act of 20 June 2008 no. 48 (in force 1 Aug 2008, pursuant to the Decree of 20 June 2008 no. 621).

### **Section 1-1. *The objectives of education and training***

Education and training in schools and training establishments shall, in collaboration and agreement with the home, open doors to the world and give the pupils and apprentices historical and cultural insight and anchorage.

Education and training shall be based on fundamental values in Christian and humanist heritage and traditions, such as respect for human dignity and nature, on intellectual freedom, charity, forgiveness, equality and solidarity, values that also appear in different religions and beliefs and are rooted in human rights.

Education and training shall help increase the knowledge and understanding of the national cultural heritage and our common international cultural traditions.

Education and training shall provide insight into cultural diversity and show respect for the individual's convictions. They are to promote democracy, equality and scientific thinking.

The pupils and apprentices shall develop knowledge, skills and attitudes so that they can master their lives and can take part in working life and society. They shall have the opportunity to be creative, committed and inquisitive.

The pupils and apprentices shall learn to think critically and act ethically and with environmental awareness. They shall have joint responsibility and the right to participate.

Schools and training establishments shall meet the pupils and apprentices with trust, respect and demands, and give them challenges that promote formation and the desire to learn. All forms of discrimination shall be combated.

Amended by Acts of 17 Sep 1999 no. 74 (in force 17 Sep 1999, pursuant to the Decree of 17 Sep 1999 no. 1011), 30 June 2000 no. 63 (in force 1 Aug 2000, pursuant to the Decree of 30 June 2000 no. 645), 4 July 2003 no. 84 (in force 1 Oct 2003), 19 Dec 2008 no. 118 (in force 1 Jan 2009, of 19 des 2008 no. 1424).

### **Section 1-2. *The scope of the Act***

The Act applies to primary, lower secondary and upper secondary education and training in publicly maintained schools and training establishments unless otherwise decided.

The Act also applies to primary, lower secondary and upper secondary education and training in private primary and lower secondary schools that do not receive state support pursuant to the Independent Schools Act, and private tuition at home at the primary and lower secondary levels.

Chapter 4A applies to education designed specifically for adults, for which the municipality or county authority is responsible.

Amended by Acts of 30 June 2000 no. 63 (in force 1 Aug 2000, pursuant to the Decree of 30 June 2000 no. 645), 20 June 2008 no. 48 (in force 1 Aug 2008, pursuant to the Decree of 20 June 2008 no. 621), 19 Dec 2008 no. 118 (in force 1 Jan 2009, pursuant to the Decree of 19 des 2008 no. 1424).

### **Section 1-3. *Adapted education***

Education shall be adapted to the abilities and aptitudes of the individual pupil, apprentice and training candidate.

Added by Act of 20 June 2008 no. 48 (in force 1 Aug 2008, pursuant to the Decree of 20 June 2008 no. 621), previous section 1-3 becoming new section 1-5.

### **Section 1-4. *Experimental activities***

The Ministry may, in response to an application from the municipality or county authority, permit departures from the Act and the regulations pursuant to the Act in connection with time-limited educational or organisational experiments.

### **Section 1-5. *Regulations***

The King in Council may issue regulations supplementing the overall aims and principles for the education and training.

Amended by Act of 20 June 2008 no. 48 (in force 1 Aug 2008, pursuant to the Decree of 20 June 2008 no. 621), section number changed from section 1-3.

## **Chapter 2. The primary and lower secondary school**

### **Section 2-1. *Right and obligation to attend primary and lower secondary education***

Children and young people are obliged to attend primary and lower secondary education, and have the right to a public primary and lower secondary education in accordance with this Act and regulations pursuant to the Act. The obligation may be met by means of publicly maintained primary and lower secondary schools or by means of other equivalent education.

The right to primary and lower secondary education applies when it is probable that the child will reside in Norway for a period of more than three months. The obligation to attend primary and lower secondary education commences as soon as residence has lasted for three months. The Ministry may in special cases exempt pupils from this obligation.

Children shall normally start to attend school in the calendar year in which they attain the age of 6 years. If after an expert assessment there is any doubt that a child is sufficiently mature to begin to attend school, the child has the right to postpone starting school by one year if its parents so demand. On the basis of an expert assessment and with the written consent of the parents, the municipality may in special cases decide to postpone commencement of school attendance by one year. If the parents so request or consent thereto, the municipality may, on the basis of an expert assessment, allow a child to start school one year earlier when he or she has reached the age of 5 years by 1 April.

The right and obligation to attend school last until the pupil has completed the tenth year of schooling. On the basis of an expert assessment and with the written consent of the parents, the municipality may decide wholly or partly to exempt a pupil from the obligation to receive education if this is found to be in the interests of the pupil.

If a pupil is absent from compulsory teaching without having the right to do so, his or her parents or those who are in loco parentis may be liable to fines if the absence is a result of deliberate or negligent actions on their part. Public prosecution is not instituted unless so decided by the municipality.

Amended by Act of 31Jan 2003 no.10.

### **Section 2-2.** *Time frameworks for primary and lower secondary education*

The Ministry issues regulations concerning the total number of teaching hours in primary and lower secondary education.

The municipality may issue regulations concerning teaching hours in excess of the allocation of hours stipulated in the regulations pursuant to the first paragraph. The requirement stated in section 38, first paragraph (c) of the Public Administration Act concerning publication in the Norwegian Legal Gazette do not apply.

The time allocated to teaching shall not be less than 38 weeks within a framework of 45 consecutive weeks during the school year.

The municipality issues regulations concerning school days and holidays for the pupils during the school year. These regulations shall be adapted to national tests and examinations. The requirement stated in section 38, first paragraph (c) of the Public Administration Act concerning publication in the Norwegian Legal Gazette shall not apply.

The Ministry may issue regulations concerning the daily number of teaching hours and breaks for the pupils.

### **Section 2-3.** *Content and assessment of primary and lower secondary education*

Primary and lower secondary education shall include Religion, Philosophies of life and Ethics, Norwegian, mathematics, foreign languages, physical education, home economics, social and natural sciences, and aesthetic, practical and social training. Some of the teaching time referred to in section 2-2 may be allocated to subjects and activities chosen by the school and the pupils, to school camp activities and to instruction at other schools or at a workplace outside the school. The municipalities are responsible for deciding the use of teaching hours in excess of the minimum number laid down in the regulations pursuant to section 2-2.

The primary and lower secondary school is divided into a primary level and a lower secondary level. The primary level consists of grades 1–7 while the lower secondary level consists of grades 8–10.

The Ministry issues regulations concerning school subjects, educational objectives, the duration and content of the instruction in the subjects and the conduct of the instruction. The Ministry issues regulations concerning assessment of pupils and external candidates

and concerning appeals against assessments, concerning examinations and concerning certificates.

The pupils shall be actively involved in the learning situation. The teaching staff shall organise and carry out teaching in accordance with subject curricula issued pursuant to the present Act. The head teacher shall organise the school in accordance with the first paragraph and regulations pursuant to the third paragraph and in accordance with section 1-1 and regulations laid down pursuant to section 1-3.

In response to an application from the municipality, the Ministry may permit a school to deviate from the first paragraph and from regulations concerning subject curricula provided that this involves no reduction in the total teaching requirements. Before such permission can be granted, the school's coordinating committee must have submitted a consultation statement.

Amended by Acts of 17 Sep 1999 no. 74 (in force 17 Sep 1999, pursuant to the Decree of 17 Sep 1999 no. 1011), 12 april 2002 no. 10 (in force 1 Aug 2002, pursuant to the Decree of 12 april 2002 no. 349), 17 June 2005 no. 105 (in force 17 June 2005, pursuant to the Decree of 17 June 2005 no. 660), 27 June 2008 no. 70 (in force 1 Aug 2008, pursuant to the Decree of 27 June 2008 no. 724), 19 Dec 2008 no. 118 (in force 1 Jan 2009, pursuant to the Decree of 19 Dec 2008 no. 1424).

### **Section 2-3a. *Exemption from activities, etc. in the teaching***

The school shall respect the religious and philosophical beliefs of pupils and parents and ensure their right to an equal education.

Following written notification by parents, pupils shall be exempted from attending those parts of the teaching at the individual school that they, on the basis of their own religion or own philosophy of life, perceive as being the practice of another religion or adherence to another philosophy of life, or that they on the same basis find objectionable or offensive. It is not necessary to give grounds for notification of exemption pursuant to the first sentence.

Exemption cannot be demanded from instruction in the academic content of the various topics of the curriculum. If the school does not accept a notification of exemption on such a basis, the school must deal with the matter in accordance with the provisions concerning individual decisions laid down in the Public Administration Act.

On notification of exemption, the school shall ensure that the exemption is implemented and make provisions for adapted teaching within the scope of the curriculum.

The school owner shall annually inform the pupils and the parents of pupils below the age of 15 of the rules for exemption.

Pupils who have reached 15 years of age shall themselves provide written notification as referred to in the first paragraph.<sup>1</sup>

Added by Act of 17 June 2005 no. 106 (in force 17 June 2005, pursuant to the Decree of 17 June 2005 no. 661), amended by Act of 27 June 2008 no. 70 (in force 1 Aug 2008, pursuant to the Decree of 27 June 2008 no. 724).

<sup>1</sup> Now see second paragraph.

#### **Section 2-4.** *Teaching in the subject Religion, Philosophies of life and Ethics*

Religion, Philosophies of life and Ethics is an ordinary school subject that shall normally be attended by all pupils. Teaching in the subject shall not involve preaching.

The teaching in Religion, Philosophies of life and Ethics shall provide knowledge of Christianity, other world religions and philosophies of life, knowledge of the significance of Christianity as a cultural heritage and of ethical and philosophical topics.

The teaching in Religion, Philosophies of life and Ethics shall promote understanding, respect and the ability to carry out a dialogue between people with differing views concerning beliefs and philosophies of life.

The teaching in Religion, Philosophies of life and Ethics shall present different world religions and philosophies of life in an objective, critical and pluralistic manner. The teaching of in the different topics shall be founded on the same educational principles.

Amended by Acts of 12 April 2002 no. 10 (in force 1 Aug 2002, pursuant to the Decree of 12 April 2002 no. 349), 17 June 2005 no. 106 (in force 17 June 2005, pursuant to the Decree of 17 June 2005 no. 661), 27 June 2008 no. 70 (in force 1 Aug 2008, pursuant to the Decree of 27 June 2008 no. 724).

#### **Section 2-5.** *Forms of Norwegian in primary and lower secondary education*

The municipality issues regulations concerning which form of the Norwegian language (Bokmål or Nynorsk) shall be the primary form in any given school. The primary form of Norwegian shall be used for written teaching and for written work. From grade 8 onwards, pupils themselves choose which primary written form of Norwegian they wish to use.

In the oral instruction, pupils and teaching staff decide themselves which form of the language they will use. However, in their choice of words and mode of expression, the teaching staff and the school leaders shall as far as possible take the spoken form used by the pupils into account.

The parents decide the form of Norwegian in the textbooks used by the pupils up to and including grade 7. From grade 8 onwards, pupils themselves choose which form of the language to use. Textbooks used for teaching Norwegian shall be in the primary form of Norwegian.

In cases where at least ten pupils attending one of grades 1–7 in a municipality wish to receive written instruction in a primary form of the language other than that decided by the municipality, they have the right to belong to a separate pupil group. This right shall continue to apply as long as at least six pupils remain in this group. In cases where the pupils attend several different schools in the municipality, the parents shall decide by simple majority which school shall offer teaching in the primary language form concerned.

Pupils who are transferred to a new school with a different primary form of Norwegian than they have used in grades 1–4 continue to have the right to receive written instruction in the original primary form of Norwegian. They have the right to receive Norwegian lessons in a separate group, regardless of how many they are.

During the final two years of the primary and lower secondary school, pupils shall receive instruction in both forms of Norwegian. The Ministry may issue regulations concerning the granting of exemption from instruction in the secondary form of Norwegian for pupils who receive special language instruction.

In connection with a change of primary form of Norwegian or when so required by a majority of the municipal council or at least  $\frac{1}{4}$  of those eligible to vote, a consultative referendum shall be held. Anyone who lives in a school's catchment area, cf. section 8-1, and who has the right to vote pursuant to section 2-2 of the Election Act have the right to vote in such a referendum. Parents and guardians of children attending the school's primary stage have the right to vote on matters concerning the written language of instruction, regardless of place of residence or nationality. The Ministry may issue further regulations.

Amended by Acts of 30 June 2000 no. 63 (in force 1 Aug 2000, pursuant to the Decree of 30 June 2000 no. 645), 27 June 2003 no. 69 (in force 1 Aug 2003, pursuant to the Decree of 27 June 2003 no. 774), 17 June 2005 no. 105 (in force 17 June 2005, pursuant to the Decree of 17 June 2005 no. 660), 20 June 2008 no. 48 (in force 1 Aug 2008, pursuant to the Decree of 20 June 2008 no. 621).

### **Section 2-6.** *Sign language instruction in primary and lower secondary education*

Pupils who have sign language as their first language or who on the basis of an expert assessment need such instruction, have the right to primary and lower secondary instruction both in the use of sign language and through the medium of sign language. The content of the education and the amount of time allocated to it are decided in regulations pursuant to sections 2-2 and 2-3 of this Act.

The municipality may decide that instruction through the medium of sign language and in the use of sign language shall be provided at a different location than the pupil's local school.

Children under compulsory school age with a special need for sign language instruction, have the right to such instruction. The Ministry issues further regulations.

Before a municipality makes any decision pursuant to the first and third paragraph, an expert assessment shall be made.

Amended by Acts of 17 Sep 1999 no. 74 (in force 17 Sep 1999, pursuant to the Decree of 17 Sep 1999 no. 1011), 20 June 2008 no. 48 (in force 1 Aug 2008, pursuant to the Decree of 20 June 2008 no. 621).

### **Section 2-7.** *Instruction in Finnish for pupils with a Kven-Finnish background*

When so required by at least three pupils of Kven-Finnish stock (Kvens) attending primary and lower secondary schools in Troms and Finnmark, the pupils have the right to receive instruction in Finnish. The content of the education and the amount of time allocated to it are laid down in regulations pursuant to sections 2-2 and 2-3 of this Act. From grade 8 onwards, pupils decide themselves whether they wish to receive instruction in Finnish.

The Ministry may issue regulations concerning alternative forms of instruction pursuant to the first paragraph when such instruction cannot be provided by suitable teachers at the school.

Amended by Act of 17 June 2005 no. 105 (in force 17 June 2005, pursuant to the Decree of 17 June 2005 no. 660).

**Section 2-8.** *Adapted language education for pupils from language minorities*

Pupils attending the primary and lower secondary school who have a mother tongue other than Norwegian or Sami have the right to adapted education in Norwegian until they are sufficiently proficient in Norwegian to follow the normal instruction of the school. If necessary, such pupils are also entitled to mother tongue instruction, bilingual subject teaching, or both.

The mother tongue instruction may be provided at a school other than that normally attended by the pupil.

When mother tongue instruction and bilingual subject teaching cannot be provided by suitable teaching staff, the municipality shall as far as possible provide for other instruction adapted to the pupils' abilities.

Amended by Acts of 4 July 2003 no. 84 (in force 1 Oct 2003), 2 July 2004 no. 69 (in force 1 Sep 2004, pursuant to the Decree of 2 July 2004 no. 1064).

**Section 2-9.** *School rules, etc.*

The municipality shall issue regulations concerning school rules for individual primary and lower secondary schools. The rules shall set out the rights and obligations of the pupils insofar as these are not laid down by law or in other ways. The rules shall include rules for conduct, the measures that may be used against pupils who break the rules and the procedure for dealing with such matters.

The school rules shall be made known to the pupils and the parents. The requirements stated in section 38, first paragraph (c) of the Public Administration Act concerning publication in the Norwegian Legal Gazette do not apply.

Corporal punishment or other humiliating forms of treatment must not be used.

Before taking any decision concerning disciplinary action, including exclusion from instruction, the pupil shall be given an opportunity to present his or her case orally to the person responsible for taking a decision.

**Section 2-10.** *Exclusion from the teaching*

The municipality may lay down in the school rules that pupils attending grades 8–10 who are guilty of serious or repeated violation of the rules may be excluded from teaching for up to three days, and that pupils attending grades 1–7 may be excluded from the teaching for individual periods or for the rest of the day.

The decision on exclusion from the teaching is made by the head teacher him/herself after consulting the pupil's teachers. Before such a decision is made, other remedial or disciplinary measures shall have been considered. The parents of pupils attending grades 1–7 shall be notified before such pupils are excluded from the teaching for the rest of the day.

Unless the municipality determines otherwise, the head teacher may decide that the teachers shall have the authority to make decisions on exclusion from their own teaching for one educational period, limited to two hours.

Amended by Acts of 17 June 2005 no. 105 (in force 17 June 2005, pursuant to the Decree of 17 June 2005 no. 660), 25 June 2010 no. 49 (in force 1 Aug 2010, pursuant to the Decree of 25 June 2010 no. 982).

### **Section 2-11.** *Leave of absence from compulsory education*

When defensible, the municipality may upon receipt of an application grant individual pupils leave of absence for up to two weeks.

Pupils who belong to a religious community outside the Church of Norway have, upon application, the right to be absent from school on those days their religious community celebrates as holy. This right is conditional upon the parents ensuring necessary tuition during the period of leave, so that the pupil is able to keep pace with the ordinary teaching when the period of leave is at an end.

### **Section 2-12.** *Private primary and lower secondary schools*

Private primary and lower secondary schools must be approved by the Ministry. Approval shall be granted when a school fulfils the requirements laid down in the second and third paragraph. Persons who run private primary and lower secondary schools without such approval are liable to fines.

Sections 1-1, 1-3, 2-3, 2-3a and 2-4 of the Act and regulations issued pursuant thereto apply for the content of and assessment in private primary and lower secondary schools insofar as such regulations do not violate Norway's obligations under international law.

For private primary and lower secondary schools sections 2-2, 2-5 first, second, third and sixth paragraph, 2-9, 2-10, 2-11, 8-2, 9-1, 9-2, 9-3, 9-4, 9-5, 9-6, Chapter 9a, sections 10-1, 10-6, 10-9, 11-1, 11-2, 11-3<sup>1</sup>, 11-4, 11-7, 11-10, 13-3b, 13 -7a, 13-10, 14-1, 15-3 and 15-4 also apply.

With regard to foreign and international primary and lower secondary schools in Norway, the Ministry may grant exemptions from the requirements laid down in the second and third paragraphs.

Amended by Acts of 20 Dec 2002 no. 112 (in force 1 April 2003, pursuant to the Decree of 20 Dec 2002 no. 1735), 27 June 2003 no. 69 (in force 1 Aug 2003, pursuant to the Decree of 27 June 2003 no. 774), 17 June 2005 no. 106 (in force 17 June 2005, pursuant to the Decree of 17 June 2005 no. 661), 29 June 2007 no. 91 (in force 1 Aug 2007, pursuant to the Decree of 29 June 2007 no. 758), 19 Dec 2008 no. 118 (in force 1 Jan 2009, pursuant to the Decree of 19 des 2008 no. 1424), 19 June 2009 no. 103 (in force 28 Dec 2009, pursuant to the Decree of 19 June 2009 no. 672), 25 June 2010 no. 49 (in force 1 Aug 2010, pursuant to the Decree of 25 June 2010 no. 982).

1 § 11-3 has been repealed by Act of 27 June 2003 no. 69.

### **Section 2-13.** *Application of the Act to private tuition in the home*

Sections 1-1, 1-3, 2-3 and 2-4 of the Act and regulations issued pursuant thereto apply for the content of private primary and lower secondary education in the home insofar as the regulations do not violate Norway's obligations under international law.

Amended by Act of 19 Dec 2008 no. 118 (in force 1 Jan 2009, pursuant to the Decree of 19 des 2008 no. 1424).

#### **Section 2-14.** *Braille instruction, etc.*

Visually impaired and blind pupils have the right to necessary instruction in the use of Braille and necessary technical aids. Such pupils have also the right to necessary orientation and mobility tuition in connection with movement at school, to and from school and at home. The duration and content of the education are decided in regulations pursuant to sections 2-2 and 2-3 of this Act. Before decisions are made concerning such tuition, expert assessments shall be made.

Added by Act of 30 June 2000 no. 63 (in force 1 Aug 2000, pursuant to the Decree of 30 June 2000 no. 645).

#### **Section 2-15.** *Right to free public primary and lower secondary education*

Pupils have the right to free public primary and lower secondary education. The municipality may not require pupils or their parents to cover the costs in connection with primary and lower secondary education, for example costs associated with teaching materials, transport during school hours, stays at school camps, excursions or other outings that are part of primary and lower secondary education.

Added by Act of 31 Jan 2003 no. 10.

### **Chapter 3. Upper secondary education and training**

#### **Section 3-1.** *Right to upper secondary education and training for young people*

Young people who have completed primary and lower secondary education or the equivalent have, on application, the right to three years' full-time upper secondary education and training. In subjects where the curriculum requires a period of instruction that is longer than three years, such young people have the right to education in accordance with the period of instruction determined in the subject curriculum. Young people who have reached the age of 15 years submit their own applications for entrance to upper secondary education and training.

Pupils, apprentices and training candidates have the right to education and training in accordance with this Act and regulations issued pursuant to the Act.

This right must normally be fully claimed during a continuous period of five years, or six years when the training is wholly or partly provided at a training establishment, and before the end of the year in which the person concerned reaches the age of 24. The county authority may on application permit the pupil, apprentice or training candidate to postpone or interrupt his or her education or training without this resulting in the loss of the right. The Ministry issues regulations concerning conditions that shall give the right to postponement or interruption of education and/or training.

Following an application for a change of course, the right to upper secondary education and training will be extended by a maximum of one school year.

A pupil, who, in accordance with the provisions given in Chapter 5, has the right to special education, has the right to a maximum of two years' additional upper secondary education and training if this is necessary with regard to the pupil's individual educational objectives. Before a decision is made by the county authority, an expert assessment shall be made of the special needs of the pupil. This right also applies for pupils who have the right both to instruction in sign language and to the use of sign language as the language of instruction pursuant to section 3-9 or the right to instruction in Braille pursuant to section 3-10.

Applicants have the right to admission to one of three alternative education programmes at Upper secondary level 1 that they have applied for, and to two years' upper secondary education within the education programme. Applicants who, in accordance with Chapter 5 of the Act, have the right to special education and who on the basis of expert assessment have particular needs for a specific education programme at Upper secondary level 1, have the right to admission to this education programme in accordance with regulations issued by the Ministry.

If a pupil, apprentice or training candidate has special difficulties in following the chosen course, the county authority shall offer another course.

The Ministry issues regulations concerning admissions.

Education and training provided at publicly-maintained upper secondary schools or training establishments are free of charge. The county authority is responsible for providing the pupils with the necessary printed and digital teaching materials and digital equipment. The pupils cannot be required to pay any of the costs for such materials and equipment in excess of that which is decided in the regulations. The county authority may require the pupils, apprentices and training candidates to provide themselves with other individual materials and equipment that are normally needed for the course they are attending. The Ministry may issue further regulations.

Young people with a right to upper secondary education and training pursuant to this section may on application and when there are special reasons for it instead receive upper secondary education and training in accordance with section 4A-3.

Amended by Acts of 30 June 2000 no. 63 (in force 1 Aug 2000, pursuant to the Decree of 30 June 2000 no. 645), 17 June 2005 no. 105 (in force 17 June 2005, pursuant to the Decree of 17 June 2005 no. 660), 29 June 2007 no. 91 (in force 1 Aug 2007, pursuant to the Decree of 29 June 2007 no. 758), 20 June 2008 no. 48 (in force 1 Aug 2008, pursuant to the Decree of 20 June 2008 no. 621).

### **Section 3-2.** *Time framework for upper secondary education and training*

The Ministry issues regulations concerning the total number of teaching hours in upper secondary education and training, including the total length of apprenticeship or training periods for apprentices and training candidates.

The time allocated to teaching in school shall not be less than 38 school weeks within a framework of 45 consecutive weeks during the school year.

The county authority issues regulations concerning school days and holidays during the school year for the pupils. The regulations shall take be adapted to national tests and examinations. The requirements stated in section 38, first paragraph (c) of the Public Administration Act concerning publication in the Norwegian Legal Gazette do not apply.

The Ministry may issue regulations concerning the daily number of teaching hours and breaks for the pupils.

Amended by Act of 30 June 2000 no. 63 (in force 1 Aug 2000, pursuant to the Decree of 30 June 2000 no. 645).

### **Section 3-3.** *Organisation of upper secondary education and training*

Upper secondary education and training shall lead to university and college admissions certification, vocational qualifications or documented partial competence.

Education in school shall consist of Upper secondary level 1, Upper secondary level 2 and Upper secondary level 3. Each level shall normally last one school year.

Vocational training normally involves two years' education in school and one year's apprenticeship training. When apprenticeship training is combined with productive work in the enterprise, the apprenticeship training may extend over two years. The Ministry issues regulations in accordance with section 3-4 first paragraph concerning which subjects are to have apprenticeship training in enterprises, and more detailed regulations about the training schemes for the different subjects.

In individual cases the county authority may approve an apprenticeship contract or training contract containing deviations from the determined apprenticeship scheme. The Ministry may issue further regulations.

If the county authority is not able to procure apprenticeship training in an enterprise for those who wish it, the apprenticeship training must also take place at school.

The county authority must offer instruction that apprentices and training candidates are unable to receive in the training establishments.

Amended by Acts of 17 Sep 1999 no. 74 (in force 17 Sep 1999, pursuant to the Decree of 17 Sep 1999 no. 1011), 30 June 2000 no. 63 (in force 1 Aug 2000, pursuant to the Decree of 30 June 2000 no. 645), 27 June 2003 no. 69 (in force 1 Aug 2003, pursuant to the Decree of 27 June 2003 no. 774), 17 June 2005 no. 105 (in force 17 June 2005, pursuant to the Decree of 17 June 2005 no. 660), 29 June 2007 no. 91 (in force 1 Aug 2007, pursuant to the Decree of 29 June 2007 no. 758), 25 June 2010 no. 49 (in force 1 Aug 2010, pursuant to the Decree of 25 June 2010 no. 982).

### **Section 3-4.** *Content and assessment in upper secondary education and training*

The Ministry issues regulations concerning levels and programme areas, concerning subjects, educational objectives, the scope and content of instruction in subjects and the organisation of the education and training. The Ministry issues regulations concerning the assessment of pupils, apprentices, training candidates, external candidates and candidates for experience-based trade certification, concerning complaints against assessments and concerning examinations, trade and journeyman's examinations and

certificates. The Ministry issues regulations concerning accreditation of previous training or practice.

The pupils, apprentices and training candidates shall take active part in the learning situation. The teaching staff is to organise and carry out their teaching in accordance with subject curricula issued pursuant to the present Act. The head teacher shall organise the school in accordance with regulations pursuant to the first paragraph and in accordance with sections 1-1 and 3-3 and regulations pursuant to section 1-3.

The Ministry may on application from the county authority permit a school to deviate from regulations concerning subject curricula. Before such permission is granted, the school's coordinating committee must have submitted a consultation statement.

Amended by Acts of 17 Sep 1999 no. 74 (in force 17 Sep 1999, pursuant to the Decree of 17 Sep 1999 no. 1011), 30 June 2000 no. 63 (in force 1 Aug 2000, pursuant to the Decree of 30 June 2000 no. 645), 17 June 2005 no. 105 (in force 17 June 2005, pursuant to the Decree of 17 June 2005 no. 660), 19 Dec 2008 no. 118 (in force 1 Jan 2009, pursuant to the Decree of 19 Dec 2008 no. 1424).

### **Section 3-5.** *Trade and journeyman's examinations without apprenticeship and schooling*

It is possible to sit a trade or journeyman's examination on the basis of sufficiently broad working experience of a trade of a duration that is 25 per cent longer than the stipulated apprenticeship period. The county authority decides whether the working experience indicated by the applicant can be approved, and may in special cases approve shorter periods of experience.

Amended by Act of 29 June 2007 no. 91 (in force 1 Aug 2007, pursuant to the Decree of 29 June 2007 no. 758).

### **Section 3-6.** *The follow-up service*

The county authority shall provide a follow-up service for young people who have the right to education and training pursuant to section 3-1, and who are neither attending a course of education nor are employed. This service shall be made available until the end of the year during which the person concerned reaches the age of 21. The service also follows up young people who have lost the right to upper secondary education and training pursuant to section 3-8 or 4-6.

The Ministry issues regulations concerning the duties of the follow-up service.

Amended by Act of 17 June 2005 no. 105 (in force 17 June 2005, pursuant to the Decree of 17 June 2005 no. 660).

### **Section 3-7.** *School rules, etc.*

The county authority shall issue regulations concerning school rules for individual upper secondary schools. The rules shall regulate the rights and obligations of the pupils insofar as they are not determined by legislation or in any other manner. The rules shall regulate behaviour as well as specifying measures that may be used against pupils who break the rules and the procedure for dealing with such matters.

The school rules shall be made known to the pupils and the parents. The requirements stated in section 38, first paragraph (c) of the Public Administration Act concerning publication in the Norwegian Legal Gazette do not apply.

Corporal punishment or other humiliating forms of treatment must not be used.

Before a decision is taken concerning disciplinary action, involving for example exclusion from the teaching or loss of rights, the pupil shall be given the opportunity to present his or her case orally to the person responsible for taking a decision.

### **Section 3-8.** *Exclusion from the teaching and loss of rights*

The county authority may lay down in the school rules that pupils guilty of serious or repeated violations of the rules may be excluded from the teaching for up to five days. It shall be the responsibility of the head teacher him/herself to decide whether a pupil shall be excluded from the teaching pursuant to this paragraph after consulting the pupil's teachers. Unless the county authority determines otherwise, the head teacher may decide that the teachers shall have the authority to make decisions on exclusion from their own teaching for one educational period, limited to two hours.

When a pupil persists in behaving in such a way as to seriously disturb working conditions and discipline at the school, or seriously neglects his or her obligations, the pupil may be excluded from the teaching for the remainder of the school year. In connection with a decision concerning exclusion from the teaching for the remainder of the school year, the county authority may also decide that the pupil shall lose the right to upper secondary education and training pursuant to section 3-1. The county authority may not delegate to a body at the school the responsibility for deciding pursuant to the present paragraph that a pupil shall be excluded from the teaching or lose the right to upper secondary education.

Before taking a decision concerning exclusion from the teaching or loss of rights, an assessment shall be made as to whether it is possible to use other measures to help or discipline the pupil.

Amended by Acts of 17 June 2005 no. 105 (in force 17 June 2005, pursuant to the Decree of 17 June 2005 no. 660), 25 June 2010 no. 49 (in force 1 Aug 2010, pursuant to the Decree of 25 June 2010 no. 982).

### **Section 3-9.** *Sign language instruction in upper secondary education*

Young people who have the right to upper secondary education pursuant to section 3-1 and who have sign language as their first language or who, following expert assessment, need such instruction, have the right to choose upper secondary education and training in and through the medium of sign language in a sign language environment as defined in the second paragraph or the right to use a sign language interpreter in ordinary upper secondary schools. The same applies to adults admitted to upper secondary education without rights pursuant to section 3-1. Before a decision is made by the county authority, an expert assessment shall have been submitted.

For the purposes of this Act, the term sign language environment shall refer to schools that have specially adapted educational provisions both in the use of sign language and through the medium of sign language for hearing impaired pupils.

The right to instruction both in the use of sign language and through the medium of sign language pursuant to the second paragraph is limited to the education programmes and programme areas provided by these schools. Parts of this instruction may be provided with the help of an interpreter.

The duration and content of the education are decided in regulations pursuant to sections 3-2 and 3-4 of this Act.

The Ministry may issue further regulations, among other things concerning admissions.

Added by Act of 17 Sep 1999 no. 74 (in force 1 Aug 2000, pursuant to the Decree of 30 June 2000 no. 639), amended by Act of 17 June 2005 no. 105 (in force 17 June 2005, pursuant to the Decree of 17 June 2005 no. 660).

### **Section 3-10.** *Braille instruction, etc.*

Visually impaired and blind pupils have the right to necessary instruction in the use of Braille and necessary technical aids. Such pupils have also the right to necessary orientation and mobility instruction in connection with movement at school, to and from school and at home. The duration and content of the education are decided in regulations pursuant to sections 3-2 and 3-4 of this Act. Before decisions are made concerning such instruction, expert assessments must have been submitted.

Added by Act of 30 June 2000 no. 63 (in force 1 Aug 2000, pursuant to the Decree of 30 June 2000 no. 645).

### **Section 3-11.** *International agreement concerning private upper secondary schools*

The Ministry may approve a private upper secondary school if there is an international agreement to this effect. In connection with such approval the Ministry can deviate from the requirements in the Education Act and from regulations decided pursuant to the Act.

Added by Act of 29 June 2007 no. 91 (in force 1 Aug 2007, pursuant to the Decree of 29 June 2007 no. 758).

### **Section 3-12.** *Adapted language education for pupils from language minorities*

Pupils attending upper secondary education and training who have a mother tongue other than Norwegian or Sami have the right to adapted education in Norwegian until they are sufficiently proficient in Norwegian to follow the normal teaching of the school. If necessary, such pupils are also entitled to mother tongue instruction, bilingual subject teaching, or both.

The mother tongue instruction may be provided at a school other than that normally attended by the pupil.

When mother tongue instruction and bilingual subject teaching cannot be provided by suitable teaching staff, the county authority shall as far as possible provide for other instruction adapted to the pupils' requirements.

Added by Act of 20 June 2008 no. 48 (in force 1 Aug 2008, pursuant to the Decree of 20 June 2008 no. 621).

## **Chapter 4. Upper secondary education and training in enterprises**

### **Section 4-1. *Definition of the terms apprentice and training candidate***

For the purposes of this Act, an apprentice is defined as a person who has entered into an apprenticeship contract with a view to taking a trade or journeyman's examination in a trade that requires an apprenticeship in accordance with regulations issued pursuant to section 3-4. Pursuant to this Act, a training candidate is defined as a person who has entered into a training contract with a view to taking a less extensive examination than a trade or journeyman's examination.

Amended by Acts of 30 June 2000 no. 63 (in force 1 Aug 2000, pursuant to the Decree of 30 June 2000 no. 645), 29 June 2007 no. 91 (in force 1 Aug 2007, pursuant to the Decree of 29 June 2007 no. 758).

### **Section 4-2. *Special rights and obligations for the apprentice and the training candidate***

Apprentices and training candidates have the right to education and training in accordance with the apprenticeship contract and the training contract.

Apprentices and training candidates are employees of the training establishment with which they have a contract of employment and placement, with rights and obligations pursuant to legislation and collective agreements. In the cases where apprentices and training candidates have both a contract of employment and an apprenticeship contract or training contract with the same party, the contract of employment cannot be cancelled unless the apprenticeship contract or training contract can be rescinded in accordance with section 4-5, third paragraph and section 4-6, final paragraph.

When the apprenticeship or training period is over, or when the contract is rescinded in accordance with section 4-6, the contract of employment also ceases to apply. If the apprentice or training candidate is to continue employment in the enterprise concerned, a new contract of employment must be entered into.

Apprentices and training candidates shall have the same access to the educational and psychological counselling service as pupils attending upper secondary schools.

Training candidates who either do not or are unable to benefit satisfactorily from ordinary training provisions have the right to special education pursuant to Chapter 5. For such training, section 5-1 with the exception of the final sentence of the second paragraph, in addition to sections 5-3, 5-4, 5-5 and 5-6 apply accordingly.

Amended by Acts of 30 June 2000 no. 63 (in force 1 Aug 2000, pursuant to the Decree of 30 June 2000 no. 645), 29 June 2007 no. 91 (in force 1 Aug 2007, pursuant to the Decree of 29 June 2007 no. 758).

### **Section 4-3. *Approval of training establishments***

Establishments that assume the responsibility for training one or more apprentices or training candidates must be approved by the county authority. Approval to function as training establishments can be granted to private and public enterprises and institutions and to bodies for collaboration between enterprises that assume a joint responsibility for

training (training offices or training circles). The training establishment must have been professionally assessed by the county vocational training board before the county authority can give it its approval. The county authority shall place decisive emphasis on the professional assessment of the vocational training board before making a final decision.

To gain approval as a vocational training office or training circle, the individual enterprises making up the office or ring must be approved by the county authority. If the training office or training circle changes in the way it is composed, the office or circle must notify the county authority which must then reassess its approval.

A training establishment must be able to provide training that satisfies the requirements laid down in regulations pursuant to section 3-4 concerning the content of training. In the event of the training establishment being a training office or a training circle, the collaborating enterprises must provide documentation that they together satisfy the requirements in section 3-4 of the regulations concerning the content of training. The training office must have rules regulating the relations between the collaborating enterprises. The training circle must have regulations governing the relations between the cooperating enterprises. These regulations shall determine which training is to be provided by the individual enterprise, and how the grant is to be allocated among the enterprises. A training establishment must have in its employ one or more professionally qualified persons (training supervisor) with the responsibility for the training and for ensuring that the Education Act and its regulations are followed. Each enterprise shall have one or more instructors responsible for training the apprentices and training candidates.

The Ministry may issue further regulations concerning conditions for approval of training establishments and loss of approval.

Amended by Acts of 30 June 2000 no. 63 (in force 1 Aug 2000, pursuant to the Decree of 30 June 2000 no. 645), 29 June 2007 no. 91 (in force 1 Aug 2007, pursuant to the Decree of 29 June 2007 no. 758).

#### **Section 4-4.** *The rights and obligations of the training establishment, etc.*

The training establishment is obliged to organise production and training so that the apprentice and the training candidate can achieve the objectives of the prescribed curriculum. If a training candidate is entitled to special education pursuant to Chapter 5, an individual subject curriculum is to be prepared, cf. section 5-5, first paragraph. The training establishment must prepare an internal plan for the training to ensure that the apprentice or training candidate receives a training that meets the requirements of the curriculum, or the individual subject curriculum if applicable. If parts of the training are to be provided by others than the training establishment, the training establishment must facilitate this.

The training establishment shall create a good working and learning environment. The working and training hours of the apprentice and training candidate shall together not exceed the number of working hours that apply to other employees in the trade.

The training establishment registers the apprentice for the trade or journeyman's examination which is held closest to the date of expiry of the period of apprenticeship. On completion of the contract period, training candidates shall be given the opportunity to take a competence test to show the level of qualification they have reached. The training establishment provides the necessary work space, materials, tools, equipment and

assistant(s) for the examination or competence test. The product is to be the property of the establishment. If the trade or journeyman's examination or competence test is taken at a school and the school covers the cost of materials, the product is the property of the school.

If the training establishment is discontinued or develops in such a way that it no longer finds it possible to provide the apprentice or training candidate with satisfactory training, the establishment shall inform the county authority.

Training establishments receive grants for the training from the county authority pursuant to regulations issued by the Ministry.

Amended by Acts of 30 June 2000 no. 63 (in force 1 Aug 2000, pursuant to the Decree of 30 June 2000 no. 645), 17 June 2005 no. 105 (in force 17 June 2005, pursuant to the Decree of 17 June 2005 no. 660), 29 June 2007 no. 91 (in force 1 Aug 2007, pursuant to the Decree of 29 June 2007 no. 758).

#### **Section 4-5. *Apprenticeship contract and training contract***

A written apprenticeship contract shall be entered into between the training establishment and the apprentice at the beginning of the apprenticeship. At the start of training, a written training contract shall be drawn up between the training establishment and the training candidate. The contract must show who is responsible for the different parts of the training in accordance with the prescribed curriculum.

To be valid the contract must be approved by the county authority, and it then takes effect from the date the employment starts. The contract shall refer to the working contract or contracts the apprentice or training candidate has entered into. The Ministry may issue further regulations concerning the content and form of the contract.

Apprentices who have reached the age of 21 years and who enter into an apprenticeship contract involving full apprenticeship training, cf. section 3-3 sixth paragraph, shall be subject to a probationary period of six months. During the probationary period both the training establishment and the apprentice may terminate the apprenticeship regardless of section 4-6. The provisions laid down in sections 15-3 and 15-6 of the Working Environment Act apply even if the apprentice has not been employed in writing for a specified probationary period.

The consent of a parent/guardian is not required when entering into an apprenticeship contract.

Amended by Acts of 30 June 2000 no. 63 (in force 1 Aug 2000, pursuant to the Decree of 30 June 2000 no. 645), 17 June 2005 no. 62 (in force 1 jan 2006, pursuant to the Decree of 17 June 2005 no. 609), 29 June 2007 no. 91 (in force 1 Aug 2007, pursuant to the Decree of 29 June 2007 no. 758).

#### **Section 4-6. *Amendment and rescission of the apprenticeship contract and training contract***

With the consent of the county authority, the traineeship contract between the training candidate and the training establishment may be changed during the contract period to an ordinary apprenticeship contract leading to a trade or journeyman's certificate. With the consent of the county authority the apprenticeship contract between the apprentice and the training establishment may be changed during the contract period to a training contract with the objective of taking a competence test.

The apprenticeship contract or training contract may be rescinded by the parties if they are agreed on this and after the county authority has been informed in writing by the training establishment.

With the consent of the county authority the contract may be rescinded both by the training establishment and by the apprentice or training candidate if:

- (a) the other party is guilty of serious breaches of his or her duties connected with work,
- (b) the apprentice, training candidate or training establishment proves to be incapable of continuing the apprenticeship, or
- (c) the apprentice or training candidate declares in writing that it would be an unreasonable inconvenience for him or her to continue until the end of the contractual period.

The county authority decides in such cases when the apprenticeship shall cease. The training establishment shall issue a certificate for the completed part of the contractual period with a statement about this part of the training.

If the contract is voluntarily rescinded by the apprentice or training candidate, the right to upper secondary education and training pursuant to section 3-1 ceases to apply unless the county authority decides otherwise. When a decision is made to rescind the contract at the request of the training establishment, the right of the apprentice or training candidate to upper secondary education and training continues to apply unless the decision stipulates that it shall cease to apply.

Before taking a decision concerning rescission at the request of the training establishment or before taking a decision concerning loss of rights, the apprentice or training candidate shall be given an opportunity to present his or her case orally to the person responsible for taking a decision.

With the consent of the county authority the apprenticeship period may be interrupted by leave of absence.

If the training establishment is discontinued or no longer fulfils the conditions for approval pursuant to section 4-3, or if the county authority finds that the training is not satisfactory, the county authority shall try to procure new placements for the apprentices or training candidates for the remainder of the contract period. The new training establishment enters into the contract in the former establishment's stead. With the consent of the county authority, the contract period in the new establishment may be extended by up to one year if training has been inadequate.

The apprenticeship contract or training contract may not be amended or rescinded in any other way than in accordance with this section. Exceptions apply to apprentices who have a probationary period pursuant to section 4-5, third paragraph.

Amended by Acts of 30 June 2000 no. 63 (in force 1 Aug 2000, pursuant to the Decree of 30 June 2000 no. 645), 29 June 2007 no. 91 (in force 1 Aug 2007, pursuant to the Decree of 29 June 2007 no. 758).

#### **Section 4-7.** *Internal control in the individual training establishments*

The training establishment shall have internal quality assurance systems so that the apprentice or training candidate receives training in accordance with this Act and its regulations. One or more representatives for the employees shall assist the training supervisor(s) regularly to ensure that the training establishment fulfils its obligations in accordance with the Education Act and its regulations.

The training establishment is to make an annual report to the county authority about the training provided for apprentices and training candidates. The Ministry may issue further regulations regarding the training establishments' obligation to report.

Amended by Acts of 30 June 2000 no. 63 (in force 1 Aug 2000, pursuant to the Decree of 30 June 2000 no. 645), 29 June 2007 no. 91 (in force 1 Aug 2007, pursuant to the Decree of 29 June 2007 no. 758).

#### **Section 4-8.** *The county authority's duties concerning vocational education and training*

The county authority also has duties concerning vocational education and training pursuant to sections 4-3, 4-5 and 4-6. In connection with the approval of training establishments the county authority shall advise and follow up the enterprises, as well as ascertaining that the individual enterprise meets the requirements for approval.

The county authority shall submit to the vocational training board cases of significance for vocational education and training before the county authority takes any decision in the matter. Cases concerning approval of training establishments, loss of approval and the quality assurance system for vocational education and training shall always be submitted to the board. The county authority shall duly consider the decision or opinion of the vocational training board when deciding matters concerning vocational education and training. In connection with the approval of training establishments or decisions concerning the loss of approval, the county authority shall place decisive emphasis on the expert assessment of the vocational training board, cf. section 4-3.

The county authority issues trade and journeyman's certificates on the grounds of passed examinations and vocational training certificates on the basis of completed training.

The county authority approves the practical experience of candidates registering for the trade or journeyman's examination without an apprenticeship period, cf. section 3-5.

Following proposals from the vocational training board the county authority appoints one or, if necessary, more examination boards for the trades where there are examination candidates. The county authority may appoint examination boards in cooperation with other county authorities.

Amended by Act of 29 June 2007 no. 91 (in force 1 Nov 2007, pursuant to the Decree of 29 June 2007 no. 758).

### **Chapter 4A. Education and training organised especially for adults**

Chapter added by Act of 30 June 2000 no. 63 (in force 1 Aug 2000 with the exception of sections 4A-1, 4A-2, 4A-7 and 4A-8 which entered into force 1 Aug 2002, pursuant to the Decree of 30 June 2000 no. 645).

#### **Section 4A-1.** *The right to primary and lower secondary education for adults*

Persons above compulsory school age who require primary and lower secondary education have the right to such education unless they have the right to upper secondary education and training pursuant to section 3-1. The right to education normally includes the subjects required for the certificate of completed primary and lower secondary education for adults. The education shall be adapted to individual needs.

No charge shall be made for the education or teaching materials.

Added by Act of 30 June 2000 no. 63 (in force 1 Aug 2002, pursuant to the Decree of 26 April 2002 no. 414).

#### **Section 4A-2.** *The right to special education at primary and lower secondary level*

Adults who either do not or are unable to benefit satisfactorily from the ordinary educational provisions for adults have the right to special education.

Adults with a special need for education and training in order to develop or maintain basic skills have the right to such training.

For education pursuant to this section, section 5-1, third paragraph with the exception of the final sentence, and sections 5-3, 5-4, 5-5 and 5-6 apply accordingly.

Added by Act of 30 June 2000 no. 63 (in force 1 Aug 2002, pursuant to the Decree of 26 April 2002 no. 414).

#### **Section 4A-3.** *The right to upper secondary education and training for adults*

Adults who have completed primary and lower secondary education or the equivalent but who have not completed upper secondary education and training have on application the right to take upper secondary education and training. The first sentence applies to adults as of the year they become 25 years of age. Education for adults shall be adapted to individual needs. This right may, among other ways, be met by means of distance education facilities. The Ministry issues further regulations concerning issues such as the question of who shall be entitled to this right, admissions, ranking and preferential rights, among others.

Adults who have been admitted to upper secondary education and training have the right to complete the full course of training. This applies even if they do not have the right to upper secondary education pursuant to the first paragraph.

In the case of subjects where the curriculum stipulates a period of education and training that is longer than three years, adults admitted to upper secondary education and training have the right to education in accordance with the period laid down in the curriculum.

Education and training provided at publicly-maintained upper secondary schools or training establishments are free of charge. The county authority is responsible for providing adults in upper secondary education and training with the necessary printed and digital teaching materials and digital equipment. Adults receiving upper secondary education and training cannot be required to pay any of the costs for such materials and equipment in excess of that which is decided in the regulations. The county authority may require adults receiving upper secondary education and training to provide themselves with other individual materials and equipment that are normally needed for the course they are attending. The Ministry may issue further regulations.

Adults who have the right to upper secondary education and training have the right to an assessment of their formal, informal and non-formal competence and to a certificate of competence. Persons who do not have the right to upper secondary education and training shall receive an assessment of their formal, informal and non-formal competence if so referred by the municipality or the Norwegian Labour and Welfare Administration (NAV). The Ministry may issue further regulations.

The county authority shall issue a certificate of competence on the basis of an assessment of formal, informal and non-formal competence at the upper secondary level. The Ministry may issue further regulations.

Added by Act of 30 June 2000 no. 63 (in force 1 Aug 2000, pursuant to the Decree of 30 June 2000 no. 645), amended by Act of 14 March 2003 no. 17, 16 June 2006 no. 20 (in force 1 July 2006, pursuant to the Decree of 16 June 2006 no. 631), 29 June 2007 no. 91 (in force 1 Aug 2007, pursuant to the Decree of 29 June 2007 no. 758), 20 June 2008 no. 48 (in force 1 Aug 2008, pursuant to the Decree of 20 June 2008 no. 621).

**Section 4A-4.** *The duty of municipalities and county authorities to provide primary and secondary education and training for adults*

Sections 13-1 to 13-3a and 13-10 apply to education and training provided pursuant to this chapter.

In fulfilling their duty to provide education for adults, municipalities and county authorities may avail themselves of the services of adult education associations, distance education institutions and other institutions providing primary and secondary education.

Municipalities and county authorities are responsible for ensuring that adults receive documentation of the education and training that they have completed.

Municipalities and county authorities shall make provisions to ensure that adults receiving education and training pursuant to this chapter are allowed to take an active part in efforts to foster a satisfactory learning environment and education.

The Ministry issues further regulations concerning assessment, appeals against assessment, examinations and documentation.

Added by Act of 30 June 2000 no. 63 (in force 1 Aug 2000, pursuant to the Decree of 30 June 2000 no. 645), amended by Acts of 12 April 2002 no. 10 (in force 12 April 2002, etter res 12 April 2002 no. 349), 27 June 2003 no. 69 (in force 1 Aug 2003, pursuant to the Decree of 27 June 2003 no. 774).

**Section 4A-5** *Qualification requirements for teachers*

Section 10-1 and pursuant regulations apply accordingly to education and training provided pursuant to this Chapter. Notwithstanding this, the Ministry may issue regulations permitting the appointment of teaching staff without formal educational qualifications.

Section 10-1 and pursuant regulations do not apply to education provided pursuant to the second paragraph of section 4A-2. However, such education shall be subject to professional and pedagogical guidance and responsibility.

Added by Act of 30 June 2000 no. 63 (in force 1 Aug 2000, pursuant to the Decree of 30 June 2000 no. 645).

#### **Section 4A-6. *Content of the education and training***

Section 1-1 applies as far as it is applicable to education and training pursuant to this Chapter. Curricula pursuant to sections 1-3, 2-3, 3-4 and 6-4 apply with the adaptations provided for in this chapter

Added by Act of 30 June 2000 no. 63 (in force 1 Aug 2000, pursuant to the Decree of 30 June 2000 no. 645), amended by Act of 19 Dec 2008 no. 118 (in force 1 Jan 2009, pursuant to the Decree of 19 Dec 2008 no. 1424).

#### **Section 4A-7. *School transport, etc.***

Adults who have not completed primary and lower secondary education and who live more than four kilometres from the school have the right to free school transport while receiving primary and lower secondary education pursuant to this Chapter.

Adults who need transport due to disabilities, sickness or injury have the right to free school transport regardless of distance while receiving primary and lower secondary education pursuant to this chapter. Section 7-4 applies accordingly.

When daily transport pursuant to the first and second paragraph is not appropriate, the municipality shall provide lodgings for the adults. When necessary, section 7-1, fourth paragraph concerning supervision applies accordingly.

Otherwise, section 13-4 shall apply accordingly for the obligations pursuant to this section.

Added by Act of 30 June 2000 no. 63 (in force 1 Aug 2002, pursuant to the Decree of 26 April 2002 no. 414).

#### **Section 4A-8. *Counselling***

Adults with the right to education pursuant to sections 4A-1 and 4A-2 have the right to counselling to clarify which provisions they need.

Added by Act of 30 June 2000 no. 63 (in force 1 Aug 2002, pursuant to the Decree of 26 April 2002 no. 414).

#### **Section 4A-9. *Exclusion from the teaching***

When a pupil or participant persists in behaving in such a way as to seriously disturb working conditions and discipline at the school or seriously neglects his or her obligations, the municipality or county authority may exclude the pupil or participant from the remainder of the course to which he or she has been admitted. In connection with a decision concerning exclusion from the teaching for the remainder of a course, the county authority may also decide that the pupil /participant shall lose the right to upper secondary education and training pursuant to section 4A-3.

The municipality or county authority may not delegate to a school body the responsibility for deciding pursuant to this section that a pupil or participant shall be excluded from the teaching or lose the right to education.

Before taking a decision concerning exclusion from the teaching or loss of rights, an assessment shall be made as to whether it is possible to use other measures to help or discipline the pupil or participant.

Added by Act of 30 June 2000 no. 63 (in force 1 Aug 2000, pursuant to the Decree of 30 June 2000 no. 645).

#### **Section 4A-10.** *Supervision, control and appeals*

Sections 14-1, 15-1 first paragraph and 15-2 also apply for education provided pursuant to this Chapter.

Added by Act of 30 June 2000 no. 63 (in force 1 Aug 2000, pursuant to the Decree of 30 June 2000 no. 645).

#### **Section 4A-11.** *Experimental activities*

Section 1-4 applies accordingly for education provided pursuant to this Chapter.

Added by Act of 30 June 2000 no. 63 (in force 1 Aug 2000, pursuant to the Decree of 30 June 2000 no. 645).

#### **Section 4A-12** *Adapted education*

Section 1-3 applies accordingly for education provided pursuant to this Chapter.

Added by Act of 20 June 2008 no. 48 (in force 1 Aug 2008, pursuant to the Decree of 20 June 2008 no. 621).

### **Chapter 5. Special education**

Amended by Act of 17 June 2005 no. 105 (in force 17 June 2005, pursuant to the Decree of 17 June 2005 no. 660).

#### **Section 5-1.** *The right to special education*

Pupils who either do not or are unable to benefit satisfactorily from ordinary teaching have the right to special education.

In assessing what kind of instruction shall be provided, particular emphasis shall be placed on the pupil's developmental prospects. The content of the courses offered shall be such that the pupil receives adequate benefit from the instruction as a whole in relation to other pupils and in relation to educational objectives that are realistic for the pupil. Pupils who receive special education shall have the same total number of teaching hours as other pupils, cf. sections 2-2 and 3-2.

**Section 5-2.** (Repealed by Act of 30 June 2000 no. 63 (in force 1 Aug 2002, pursuant to the Decree of 26 April 2002 no. 414).)

#### **Section 5-3.** *Expert assessment*

Before the municipality or the county authority takes a decision concerning special education pursuant to section 5-1, or a decision concerning special educational assistance

pursuant to section 5-7, an expert assessment shall be made of the pupil's specific needs. This assessment shall determine whether the pupil needs special education, and what kind of instruction should be provided.

The expert assessment shall consider and determine the following:

- the pupil's learning outcome from the ordinary educational provisions
- learning difficulties the pupil has and other special conditions of importance to education
- realistic educational objectives for the pupil
- whether it is possible to provide help for the pupil's difficulties within the ordinary educational provisions
- what kind of instruction it is appropriate to provide

The Ministry may issue further regulations concerning expert assessment.

If the decision of the municipality or county authority differs from the expert assessment, the municipality or county authority shall explain in the grounds for the decision among other things why it is of the opinion that the instruction received by the pupil nevertheless fulfils the pupil's rights pursuant to sections 5-1 or 5-7.

Amended by Act of 20 June 2008 no. 48 (in force 1 Aug 2008, pursuant to the Decree of 20 June 2008 no. 621).

**Section 5-4.** *More details about administrative procedures in connection with decisions concerning special education*

The pupil or the parents of the pupil may require the school to carry out the necessary investigations to establish whether the pupil needs special education, and, if so, what form of education the pupil needs. The teaching staff shall consider whether a pupil needs special education, and notify the head teacher about any such need.

Before carrying out an expert assessment and before taking a decision to commence special education, the consent of the pupil or the parents of the pupil shall be obtained. Within the limits pursuant to the rules concerning confidentiality and section 19 of the Public Administration Act, the pupil or the parents of the pupil have the right to acquaint themselves with the content of the expert assessment and to state their views before a decision is made.

As far as possible, the special education that is provided shall be planned in collaboration with the pupil and the pupil's parents, and considerable emphasis shall be placed on their views.

**Section 5-5.** *Exceptions from the provisions concerning the content of education*

The provisions concerning the content of teaching in this Act and in regulations pursuant to this Act shall apply to special education insofar as they are applicable. Individual subject curricula shall be prepared for pupils receiving special education. Such curricula shall specify educational objectives and content and indicate how the teaching is to be

carried out. Deviating contractual conditions for apprentices may also be set out in individual subject curricula.

Each half-year, the school shall prepare a written summary of the education received by the pupil and an assessment of the pupil's development. The school shall send this summary and the assessment to the pupil or to the pupil's parentse pupil and to the municipality or county authority.

Amended by Act of 27 June 2003 no. 69 (in force 1 Aug 2003, pursuant to the Decree of 27 June 2003 no. 774).

#### **Section 5-6. *Educational and psychological counselling service***

Each municipality and county authority shall provide an educational and psychological counselling service. The educational and psychological counselling service in a municipality may be organised in collaboration with other municipalities or with the county authority.

The service shall assist the school in work on competence enhancement and organisational development in order to improve the adaptation of the education for pupils with special needs. The educational and psychological counselling service shall ensure that expert assessments are prepared where this is required by the Act. The Ministry may issue regulations concerning the other responsibilities of the service.

#### **Section 5-7. *Special educational assistance for children under compulsory school age***

Children under compulsory school age with a specific need for special educational assistance, have the right to such assistance. The assistance shall include an offer of the provision of advice for parents. The assistance may be attached to kindergartens, schools, social and medical institutions, etc., or be organised as separate measures. The assistance may also be provided by the educational and psychological counselling service or by another expert body.

For special educational assistance section 5-4, second and third paragraph of the Act apply. Section 5-5, second paragraph of the Act applies insofar as it is applicable.

#### **Section 5-8. *Health services***

The Ministry may issue regulations concerning medical supervision and assistance for pupils who receive special education.

#### **Section 5-9. *The duty of the State to ensure the availability of teaching aids***

The Ministry shall ensure that textbooks and other teaching aids are prepared for special education.

## **Chapter 6. Sami education**

### **Section 6-1. *Definitions***

For the purposes of the present Act, the following definitions shall apply:

- Sami: person who can be registered in the Sami electoral register, cf. section 2-6 of the Act concerning the Sami Parliament and other Sami legal matters (the Sami Act), and the children of those who can be so registered
- Sami: North Sami, South Sami or Lule Sami
- Sami district: 1) the Sami administrative area pursuant to section 3-1 of the Sami Act, 2) other municipalities or parts of municipalities pursuant to regulations issued by the King in Council after the Sami Parliament, the municipalities and the county authorities concerned have submitted their comments

### **Section 6-2.** *Sami instruction in the primary and lower secondary school*

In Sami districts all children at the primary and lower secondary level have the right to receive their education both in Sami and through the medium of Sami.

Outside Sami districts, if at least ten pupils in a municipality wish to receive instruction in and through the medium of Sami, they have the right to such education as long as there remain at least six pupils in the group.

The municipality may decide to offer Sami instruction at one or more of the schools in the municipality.

The municipality may issue regulations stipulating that all children at the primary and secondary level in Sami districts shall receive instruction in Sami.

Outside Sami districts, Sami children at the primary and lower secondary level have the right to receive Sami instruction. The Ministry may issue regulations concerning alternative forms of such instruction when it cannot be provided by suitable teachers at the school attended by the children.

From grade 8, pupils decide for themselves whether they will receive Sami instruction pursuant to the first, second and fifth paragraph.

Amended by Act of 17 June 2005 no. 105 (in force 17 June 2005, pursuant to the Decree of 17 June 2005 no. 660).

### **Section 6-3.** *Sami upper secondary education and training*

Sami pupils in upper secondary education and training have the right to receive Sami instruction. The Ministry may issue regulations concerning alternative forms of such instruction when it cannot be provided by suitable teachers at the school attended by the pupils.

The Ministry may issue regulations stipulating that certain schools shall provide instruction in or through the medium of Sami or in specific Sami subjects in upper secondary education within certain courses or for certain groups. The county authority may also elect to offer such instruction.

### **Section 6-4.** *The content of the education and training*

Regulations concerning curricula pursuant to sections 2-3 and 3-4 shall require the provision of education concerning the Sami peoples and language, culture and civic life in conjunction with other subjects. Within a framework determined by the Ministry, the Sami Parliament issues regulations concerning the content of such education.

The Sami Parliament issues regulations concerning curricula for instruction in the Sami language in primary and lower secondary education and in upper secondary education and training, and concerning curricula for specific Sami subjects in upper secondary education and training. The regulations must lie within the scope and allocation of resources determined by the Ministry.

The Ministry issues regulations concerning other special curricula for education in Sami districts and for pupils outside Sami districts who receive Sami instruction. The Sami Parliament shall draft these regulations in consultation with the Ministry.

In force 1 Aug 1999, pursuant to the Decree of 27 Nov 1998 no. 1096, yet still so that the current Curriculum for the 10-year compulsory school in Norway (L97 and L97S) and the current curricula for upper secondary education and training will be continued until the Sami Parliament has passed new curricula. Amended by Act of 30 June 2006 no. 57 (in force 1 Jan 2007, pursuant to the Decree of 30 June 2006 no. 764).

## **Chapter 7. Transport and accommodation**

### **Section 7-1. *Transport and accommodation in primary and lower secondary education***

Pupils attending grades 2–10 who reside more than four kilometres from the school have the right to free transport. For pupils in grade 1, the transport limit is two kilometres. Pupils who have a particularly dangerous or difficult way to school have the right to free transport regardless of distance.

When necessary, pupils have the right to free boat transport regardless of distance.

The Ministry issues further regulations concerning the safety of pupils during school transport.

When daily transport is not appropriate, the municipality shall provide accommodation for pupils. When assessing this, particular emphasis shall be placed on factors affecting the individual pupil, such as age, disabilities, travelling time and safety, and on whether daily transport results in extraordinary expense or difficulties for the municipality. In cases of doubt, the parents decide whether the pupil shall be provided with transport or accommodation.

The municipality supervises primary and lower secondary school pupils who have been provided with accommodation.

Amended by Acts of 20 Dec 2002 no. 112 (in force 1 April 2003, pursuant to the Decree of 20 Dec 2002 no. 1735), 20 June 2008 no. 48 (in force 1 Aug 2008, pursuant to the Decree of 20 June 2008 no. 621).

### **Section 7-2. *Transport and accommodation in upper secondary education***

Pupils in upper secondary education who reside more than six kilometres from the school, have the right to free transport or full reimbursement of transport expenses. When necessary, pupils have the right to free boat transport regardless of distance. The Ministry

may issue regulations stipulating that in special cases the transport of pupils can be covered in other ways.

The Ministry issues further regulations concerning the safety of pupils during school transport.

The county authority shall assist in procuring accommodation for those upper secondary pupils who, because their homes are so situated or their journey is so long, cannot make use of the daily transport to school. If necessary, the county authority shall build boarding facilities.

Amended by Act of 20 Dec 2002 no. 112 (in force 1 April 2003, pursuant to the Decree of 20 Dec 2002 no. 1735).

### **Section 7-3.** *Transport for disabled and temporarily ill or injured pupils*

Pupils who need transport due to disabilities or temporary injury or illness have the right to this regardless of the distance between home and school.

Pupils who have a place in the day-care facilities for school children, cf. section 13-7 of the Education Act, and who need transport due to disabilities or temporary injury or illness, are entitled to transport to and from the day-care facilities. This right does not apply to transport during school holidays. The right to transport applies regardless of the distance between the home and the day-care facilities for school children.

Amended by Act of 25 June 2010 no. 49 (in force 1 Aug 2010, pursuant to the Decree of 25 June 2010 no. 982).

### **Section 7-4.** *Escort and supervision*

Pupils have the right to necessary escort while travelling. The pupils have the right to necessary supervision while waiting for classes to start each day and when classes are finished at the end of the day. The right to necessary escort and necessary supervision also applies to children who are entitled to transport to and from the day-care facilities for school children pursuant to section 7-3, third paragraph.

Amended by Act of 25 June 2010 no. 49 (in force 1 Aug 2010, pursuant to the Decree of 25 June 2010 no. 982).

**Section 7-5.** (Repealed by Act of 30 June 2000 no. 63 (in force 1 Aug 2002, pursuant to the Decree of 26 April 2002 no. 414).)

### **Section 7-6.** *Transport for children under compulsory school age*

Children with the right to special educational assistance pursuant to section 5-7 have the right to transport when, owing to special considerations, this is necessary in order to receive the assistance. Section 7-1, third and fourth paragraphs, and section 7-4 apply correspondingly.

## **Chapter 8. Organisation of the teaching**

### **Section 8-1. *The school***

Primary and lower secondary school pupils have the right to attend the school that is closest to where they live or the school designated for the catchment area where they live. The municipality may issue regulations concerning which schools are designated for specific catchment areas in the municipality. The requirements stated in section 38, first paragraph (c) of the Public Administration Act concerning publication in the Norwegian Legal Gazette do not apply.

On application, the pupil may be accepted for another school than is designated for the area where he or she resides.

When due consideration for the other pupils so indicates, a pupil may under special circumstances be moved to a school other than the one that the pupil has the right to attend pursuant to the first paragraph. Before a decision is made to move a pupil, other measures shall have been attempted. When necessary, the pupil may be moved to a school outside the municipality, but not if this requires the pupil to leave home or if transport between home and school thereby becomes unreasonably long.

Amended by Act of 30 June 2000 no. 63 (in force 1 Aug 2000, pursuant to the Decree of 30 June 2000 no. 645).

### **Section 8-2. *Organisation of pupils in groups***

The pupils may be divided into groups as necessary. The groups must not be larger than is justifiable in relation to pedagogy and security. The organisation shall safeguard the pupils' need for social belonging. Pupils shall not normally be organised according to level of ability, gender or ethnic affiliation.

Each pupil shall be attached to a teacher (contact teacher) with specific responsibility for the practical, administrative and social educational tasks concerning the pupil, including contact with the home.

Amended by Act of 27 June 2003 no. 69 (in force 1 Aug 2003, pursuant to the Decree of 27 June 2003 no. 774).

**Section 8-3.** (Repealed by Act of 27 June 2003 no. 69 (in force 1 Aug 2003, pursuant to the Decree of 27 June 2003 no. 774).)

**Section 8-4.** (Repealed by Act of 27 June 2003 no. 69 (in force 1 Aug 2003, pursuant to the Decree of 27 June 2003 no. 774).)

## **Chapter 9. School management, functions, equipment and educational resources**

### **Section 9-1. Management**

Each school is to have a sound professional, educational and administrative management.

Teaching in schools shall be led by head teachers. The head teachers shall maintain familiarity with the day-to-day activities of the schools and endeavour to further develop the activities. Persons appointed as head teachers must have pedagogical qualifications and the necessary leadership abilities. Head teachers may be appointed on fixed-term contracts.

The Ministry may upon application make exceptions from the provisions laid down in the second paragraph and allow other ways of organising the school management.

Amended by Acts of 27 June 2003 no. 69 (in force 1 Jan 2004, pursuant to the Decree of 27 June 2003 no. 774), cf same Act II of 17 June 2005 no. 105 (in force 17 June 2005, pursuant to the Decree of 17 June 2005 no. 660).

### **Section 9-2. Counselling and school library facilities**

The pupils have the right to necessary counselling concerning education, careers and social matters. The Ministry issues further regulations.

The pupils shall have access to a school library. The Ministry may issue further regulations.

### **Section 9-3. Equipment**

Schools shall have access to necessary equipment, furniture and fittings and educational resources.

Amended by Act of 20 des 2002 no. 112 (in force 1 April 2003, pursuant to the Decree of 20 Dec 2002 no. 1735).

### **Section 9-4. Textbooks and other teaching aids**

In subjects other than Norwegian, textbooks and other teaching aids may only be used when they are simultaneously available in both Bokmål and Nynorsk at the same price. In special cases the Ministry may make exceptions from this rule.

Norwegian and Sami textbooks and equivalent digital teaching aids that are used in schools shall conform to official orthography. The Nynorsk versions shall conform to the standard orthography for school textbooks (*læreboknormalen*). The term "textbooks" here refers to all printed learning materials that are regularly used by pupils in order to achieve essential parts of the competence objectives of a subject.

Readers for the subject Norwegian in the primary and lower secondary school shall include sufficient material in both forms of Norwegian so that the pupils learn to read both Bokmål and Nynorsk.

Glossaries and dictionaries for use in schools are subject to approval by the Norwegian Language Council.

The Ministry issues further regulations concerning which teaching aids that are covered by the requirements stated in the second paragraph.

The rules in the first and fourth paragraphs do not apply to Sami teaching aids.

Amended by Acts of 30 June 2000 no. 63 (in force 1 Aug 2000, pursuant to the Decree of 30 June 2000 no. 645), 17 June 2005 no. 105 (in force 17 June 2005, pursuant to the Decree of 17 June 2005 no. 660), Act of 25 June 2010 no. 49 (in force 1 Aug 2010, pursuant to the Decree of 25 June 2010 no. 982).

### **Section 9-5. *School premises***

The municipalities shall ensure the provision of suitable primary and lower secondary schools.

Primary and lower secondary schools should not normally be organised with more than 450 pupils.

In primary and lower secondary schools and in combined premises for schools and other purposes alcohol must not be served nor may alcohol be brought into such premises for consumption in connection with public or private events. On special occasions, in combined premises for schools and other purposes exceptions may be made when these premises are used for cultural and social purposes outside school hours.

### **Section 9-6. *Concerning advertising in schools***

School owners shall ensure that the pupils are not exposed to advertising that may exert commercial pressure, or that may substantially influence attitudes, behaviour and values, amongst other places on the school premises and in the grounds, in textbooks and other teaching resources used in the teaching. The Ministry may issue further regulations.

Added by Act of 29 June 2007 no. 91 (in force 1 Aug 2007, pursuant to the Decree of 29 June 2007 no. 758).

## **Chapter 9a. The pupils' school environment**

Chapter added by Act of 20 Dec 2002 no. 112 (in force 1 April 2003, pursuant to the Decree of 20 Dec 2002 no. 1735).

### **Section 9a-1. *General requirements***

All pupils attending primary and secondary schools are entitled to a good physical and psychosocial environment conducive to health, well-being and learning.

Added by Act of 20 Dec 2002 no. 112 (in force 1 April 2003, pursuant to the Decree of 20 Dec 2002 no. 1735).

### **Section 9a-2. *The physical environment***

Schools shall be planned, constructed, adapted and run in such a way as to provide for the safety, health, well-being and learning of the pupils.

The physical environment of the school shall comply with the special standards at any time recommended by the competent authorities. If particular environmental conditions

deviate from these standards, the school must be able to document that the environment nevertheless has a satisfactory effect on the health, well-being and learning of the pupils.

All pupils are entitled to a workplace adapted to their needs. The school shall be equipped to provide for the needs of the pupils at the school who have disabilities.

If a pupil or parent, or one of the councils or committees at the school where such are represented, requests measures to correct physical environmental conditions, the school shall as soon as possible consider the matter in accordance with the provisions concerning individual decisions laid down in the Public Administration Act. If the school has not made a decision in the matter within a reasonable time, an appeal may nevertheless be brought pursuant to the provisions of the Public Administration Act as if an individual decision had been made.

Added by Act of 20 Dec 2002 no. 112 (in force 1 April 2003, pursuant to the Decree of 20 Dec 2002 no. 1735).

### **Section 9a-3. *The psychosocial environment***

The school shall make active and systematic efforts to promote a good psychosocial environment, where individual pupils can experience security and social belonging.

If any school employee learns or suspects that a pupil is being subjected to offensive language or acts such as bullying, discrimination, violence or racism, he or she shall investigate the matter as soon as possible and notify the school leaders and, if necessary and possible, intervene directly.

If a pupil or parent requests measures concerning the psychosocial environment, including measures against offensive behaviour such as bullying, discrimination, violence or racism, the school shall as soon as possible deal with the matter pursuant to the provisions concerning individual decisions laid down in the Public Administration Act. If the school has not assessed the matter within a reasonable time, an appeal may nevertheless be brought pursuant to the provisions of the Public Administration Act as if an individual decision had been made.

Added by Act of 20 Dec 2002 no. 112 (in force 1 April 2003, pursuant to the Decree of 20 Dec 2002 no. 1735).

### **Section 9a-4. *Systematic efforts to promote the health, environment and safety of the pupils (internal control)***

The school shall actively make continuous and systematic efforts to promote the health, environment and safety of the pupils in order to meet the requirements laid down in or pursuant to this chapter. The school management is responsible for the day-to-day implementation of this. Such efforts shall apply to both the physical and the psychosocial environment.

Added by Act of 20 Dec 2002 no. 112 (in force 1 April 2003, pursuant to the Decree of 20 Dec 2002 no. 1735).

### **Section 9a-5. *Pupil participation in school environment work***

The pupils shall be involved in planning and performance of the systematic work on health, environment and safety at the school. The school shall adapt tasks to the pupils according to that which is natural for the individual grades.

The pupils' council may appoint school environment representatives to safeguard the interests of the pupils in relation to the school and the public authorities in matters concerning the school environment. The school environment representatives take part in the planning and performance of the systematic health, environment and safety work at the school to the extent it affects the pupils' school environment.

In relation to issues concerning the pupils' school environment, the pupils may be represented by a maximum of two school environment representatives in the working environment committee or other collaborative body where such a body has been established by the school in accordance with Chapter 7 of the Working Environment Act. The school environment representatives then have the right to speak and the right to have their views recorded in the minutes. The school environment representatives shall not attend when the committee deals with matters subject to the duty of confidentiality pursuant to statutes or regulations.

The school environment representatives are entitled to access to the information they need to deal with a matter provided that the information is not subject to the duty of confidentiality pursuant to statutes or regulations.

The school environment representatives have the right to any necessary training and exemption from attendance of classes in order to perform such duties.

Added by Act of 20 Dec 2002 no. 112 (in force 1 April 2003, pursuant to the Decree of 20 Dec 2002 no. 1735), amended by Acts of 17 June 2005 no. 105 (in force 17 June 2005, pursuant to the Decree of 17 June 2005 no. 660), 17 June 2005 no. 62 (in force 1 jan 2006, pursuant to the Decree of 17 June 2005 no. 609).

### **Section 9a-6. *Duty to disclose information and right to state views***

The coordinating committee, the school board, the school environment committee as well as the pupils' council and parents' council shall be kept continuously informed of all circumstances – including events, plans and decisions – of major significance for the school environment. The councils and committees have on request the right of access to documentation of the systematic health, environment and safety work at the school.

The councils and committees referred to in the first paragraph shall at as an early stage as possible be included in the planning and performance of environmental measures at the individual school, and have the right to state their views and submit proposals concerning all matters of significance for the school environment.

If the school becomes aware of circumstances regarding school environment that may have negative consequences for the health of the pupils, the pupils and their parents or guardians shall be notified at the earliest opportunity.

Added by Act of 20 Dec 2002 no. 112 (in force 1 April 2003, pursuant to the Decree of 20 Dec 2002 no. 1735), amended by Act of 17 June 2005 no. 105 (in force 17 June 2005, pursuant to the Decree of 17 June 2005 no. 660).

### **Section 9a-7. *Penalties***

Any person who wilfully or negligently violates the requirements of this Chapter or regulations laid down pursuant to this Chapter is subject to fines or imprisonment for a term not exceeding three months or both.

Complicity is punishable in the same manner.

Added by Act of 20 Dec 2002 no. 112 (in force 1 April 2003, pursuant to the Decree of 20 Dec 2002 no. 1735).

### **Section 9a-8.** *Day-care facilities for school children*

The provisions of this Chapter shall also apply to day-care facilities for school children established pursuant to this Act.

Added by Act of 20 Dec 2002 no. 112 (in force 1 April 2003, pursuant to the Decree of 20 Dec 2002 no. 1735).

### **Section 9a-9.** *Regulations*

The Ministry may issue further regulations concerning the pupils' school environment.

Added by Act of 20 Dec 2002 no. 112 (in force 1 April 2003, pursuant to the Decree of 20 Dec 2002 no. 1735).

## **Chapter 10. The school staff**

### **Section 10-1.** *Qualification requirements for teaching staff*

Persons appointed to teaching posts in primary and lower secondary education and in upper secondary education shall have relevant professional and educational qualifications. The Ministry issues further regulations concerning requirements regarding educational qualifications and experience for persons appointed to teaching posts in different grades and different types of school.

Amended by Act of 17 June 2005 no. 105 (in force 17 June 2005, pursuant to the Decree of 17 June 2005 no. 660).

**Section 10-2.** (Repealed by Act of 27 June 2003 no. 69 (in force 1 Jan 2004, pursuant to the Decree of 27 June 2003 no. 774).)

### **Section 10-3.** *Staff at permanent school camps*

Teaching staff at permanent school camps shall be employed by the municipalities where the camp is located. The Ministry may issue regulations concerning qualification requirements for the staff at permanent school camps.

Amended by Act of 17 Sep 1999 no. 74 (in force 17 Sep 1999, pursuant to the Decree of 17 Sep 1999 no. 1011).

### **Section 10-4.** *Advertising of posts*

Teaching posts and head teacher posts shall be publicly advertised. The requirement of such advertisement does not apply to posts that are vacant for a period shorter than six months, or when the employer intends to offer the post to a current or former employee pursuant to section 14-2 of the Working Environment Act, concerning preferential claims to employment, section 14-3, concerning preferential claims for employees working part time, or section 15-7, concerning protection against dismissal.

Amended by Act of 17 June 2005 no. 62 (in force 1 Jan 2006, pursuant to the Decree of 17 June 2005 no. 609), Act of 25 June 2010 no. 49 (in force 1 Aug 2010, pursuant to the Decree of 25 June 2010 no. 982).

#### **Section 10-5.** *Selection between two or more applicants*

When choosing between two or more applicants to a post, emphasis shall be placed on education and experience, the teaching needs that the appointment aims to fulfil and the applicant's other qualifications for the post.

#### **Section 10-6.** *Temporary appointments*

If no applicants satisfy the qualification requirements laid down in this Act, a temporary appointment may be made. Unless a shorter period of appointment is agreed, such appointments shall last until 31 July.

In force 27 Nov 1998 (pursuant to the Decree of 27 Nov 1998 no. 1096).

#### **Section 10-7.** *Teaching practice positions in schools*

The Ministry may in individual cases or in regulations order municipalities or county authorities to provide university and university college students with practical training and guidance in schools, and to select a person to be responsible for such practical training.

#### **Section 10-8.** *Competence enhancement*

The school owner is responsible for ensuring correct and necessary competence at the school. The school owner shall have a system for providing teaching personnel, school leaders and personnel with special responsibilities in the school system with opportunities for necessary competence enhancement with a view to refreshing and extending their professional and educational knowledge and enabling them to keep informed and on a par with developments in the school and in society.

Amended by Act of 17 June 2005 no. 105 (in force 17 June 2005, pursuant to the Decree of 17 June 2005 no. 660).

#### **Section 10-9.** *Police certificate*

Persons who are to take up appointments in primary and lower secondary education must present a police certificate. This certificate shall indicate whether they are/have been charged, indicted or found guilty of sexual abuse of children. Persons found guilty of sexual abuse of children may not be employed in the primary and lower secondary school.

The municipality may also request police certificates pursuant to the first paragraph for other persons who regularly visit primary and lower secondary schools.

Persons who are to take up appointments in upper secondary education must present a police certificate. The police certificate shall indicate whether the person concerned is/has been charged, indicted or found guilty of sexual abuse.

The Ministry issues further regulations.

Amended by Act of 17 June 2005 no. 105 (in force 17 June 2005, pursuant to the Decree of 17 June 2005 no. 660).

### **Section 10-10.** *Collective agreements concerning pay and working conditions*

For positions that fall within this Act, pay and working conditions are laid down in the collective agreement. The King in Council stipulates who shall negotiate with the trade unions that have the right to negotiate pay and working conditions.

## **Chapter 11. School bodies for user participation**

### **Section 11-1.** *Coordinating committees at primary and lower secondary schools*

At each primary and lower secondary school there shall be a coordinating committee with two representatives for the teaching staff, one for other employees, two for the parents' council, two for the pupils and two for the municipality. One of the representatives for the municipality shall be the head teacher of the school. The pupils' representatives shall not be present when matters subject to the duty of confidentiality pursuant to statutes or regulations are dealt with by the coordinating committee.

The coordinating committee has the right to express its views on all matters relating to the school.

If administrative tasks are delegated to the coordinating committee by the municipality, the municipality may appoint additional representatives to the coordinating committee. The municipality may appoint the coordinating committee to act as the school board pursuant to section 11 and section 20, paragraph 4 of the Local Government Act. If the municipality appoints a board for the school other than the coordinating committee, at least two representatives from the parents' council shall sit on the board. None of the groups consisting of pupils, staff or parents may alone hold a majority of seats on the board. The head teacher has the right to attend, speak and submit proposals.

The municipality may establish a joint coordinating committee for primary and lower secondary school and municipal kindergarten. By agreement, a corresponding arrangement can be made between a private kindergarten and a municipal school. The committee shall have two representatives for the pupils, one representative for the teaching staff, one representative for other employees of the school, two representatives for the kindergarten staff, two representatives for the parents' council at the school and two representatives for the parents' council at the kindergarten. In addition to the representatives for the municipality pursuant to the first and third paragraph, the owner of the kindergarten may appoint up to two members.

Amended by Act of 16 April 1999 no. 18 (in force 1 July 1999, pursuant to the Decree of 16 April 1999 no. 388).

**Section 11-1a.** *School environment committees at primary and lower secondary schools*

At each primary and lower secondary school there shall be a school environment committee. The pupils, the parents' council, the employees, the school management and the municipality shall all be represented on the school environment committee. The school environment committee shall be composed in such a way that the representatives of the pupils and the parents together comprise a majority.

The coordinating committee may itself perform the functions of the school environment committee. When the coordinating committee acts as a school environment committee, additional representatives must be appointed for the pupils and parents so that they together constitute a majority.

Pupils' representatives shall not be present when matters subject to the statutory duty of confidentiality are dealt with by the school environment committee. When the pupils are not present, the parents' representatives shall have extra votes corresponding to the votes of the absent pupils' representatives or the number of parents' representatives shall be increased correspondingly.

The school environment committee shall make efforts to ensure that the school, the employees, the pupils and the parents take an active part in work on creating a satisfactory school environment. The school environment committee is entitled to state its views on all matters concerning school environment, cf. chapter 9a.

Added by Act of 17 June 2005 no. 105 (in force 17 June 2005, pursuant to the Decree of 17 June 2005 no. 660).

**Section 11-2.** *Pupils' councils at primary and lower secondary schools*

At each primary and lower secondary school there shall be one pupils' council for grades 5–7 and one for grades 8–10 with pupil representatives. The municipality shall determine the number of pupils' representatives. The representatives shall be elected at the latest three weeks after the beginning of the autumn semester.

A member of the teaching staff at the school shall have the responsibility for assisting the pupils' council in its work. This staff contact for the pupils' council has the right to attend and speak at meetings of the pupils' council.

The chairperson of the pupils' council may call a meeting of the council in consultation with the staff contact for the pupils' council. A meeting of the council shall in all events always be called when so requested by one-third of the members of the council or by the head teacher.

The pupils' council shall promote the joint interests of the pupils at the school and work to create a good learning and school environment. The council may also express its views and present proposals in matters relating to the pupils' local environment.

Amended by Acts of 27 June 2003 no. 69 (in force 1 Aug 2003, pursuant to the Decree of 27 June 2003 no. 774), 17 June 2005 no. 105 (in force 17 June 2005, pursuant to the Decree of 17 June 2005 no. 660).

**Section 11-3.** (Repealed by Act of 27 June 2003 no. 69 (in force 1 Aug 2003, pursuant to the Decree of 27 June 2003 no. 774).)

**Section 11-4.** *Parents' councils at primary and lower secondary schools*

At each primary and lower secondary school there shall be a parents' council where all parents who have children at the school are members.

The parents' council shall promote the parents' shared interests and help to ensure that pupils and parents take an active part in working to create a satisfactory school environment. The parents' council shall work to promote an atmosphere of solidarity between home and school, lay a basis for well-being and positive development for the pupils and foster contact between the school and the local community.

The parents' council elects an executive committee, which itself elects two representatives with personal deputies to the coordinating committee. The chairperson of the executive committee shall be one of these representatives.

**Section 11-5.** *School committees at upper secondary schools*

At each upper secondary school there is to be a school committee consisting of representatives for the staff and the county authority and two representatives elected by the pupils' council. The head teacher of the school is to be a representative for the county authority.

The school committee has the right to express its views on all matters relating to the school.

The county authority may appoint the school committee to act as a board for the school pursuant to section 11 and section 20, paragraph 4 of the Local Government Act. If the county authority appoints a board for the school other than the school committee, at least two representatives from the pupils' council shall sit on the board. Neither of the groups consisting of pupils or staff may alone hold a majority of seats on the board.

The head teacher has the right to attend, speak and submit proposals.

Amended by Act of 16 April 1999 no. 18 (in force 1 July 1999, pursuant to the Decree of 16 April 1999 no. 388).

**Section 11-5a.** *School environment committees at upper secondary schools*

At each upper secondary school there is to be a school environment committee. The pupils, the employees, the school management and the county authority shall all be represented on the school environment committee. The school environment committee is to be composed in such a way that the pupils' representatives constitute a majority.

The school committee may itself be the school environment committee. When the school committee functions as a school environment committee, one or more additional representatives must be appointed for the pupils so that they constitute a majority.

The school environment committee shall make efforts to ensure that the school, the employees and the pupils take an active part in efforts for creating a good school

environment. The school environment committee has the right to state its views on all matters concerning school environment, cf. Chapter 9a.

Added by Act of 17 June 2005 no. 105 (in force 17 June 2005, pursuant to the Decree of 17 June 2005 no. 660).

### **Section 11-6.** *Pupils' councils and general meetings at upper secondary schools*

At each upper secondary school there is to be a pupils' council consisting of at least one member for every twenty pupils. The pupils' council shall be elected by written ballot.

Among other matters, the pupils' council shall work to improve the learning environment, working conditions and promote the welfare interests of the pupils.

If so requested by the pupils' council or by one-fifth of the pupils, a general meeting shall be held for all the pupils of the school. The pupils' council is bound by decisions of the general meeting in matters referred to in the summons to the meeting when more than half of the school's pupils are present and vote.

### **Section 11-7.** *Joint provisions*

Pursuant to the provisions given in sections 11-1 to 11-6, councils and committees shall elect their own chairperson and vice-chairperson. They also elect a secretary.

### **Section 11-8.** *Pupils' representatives in county boards*

Representatives for the pupils in upper secondary education have the right to attend and speak at meetings of county boards in accordance with provisions corresponding to those applying to employees, cf. section 26 of the Local Government Act.

### **Section 11-9.** *The National Parents' Committee for Primary and Lower Secondary Education*

The King in Council appoints the National Parents' Committee for Primary and Lower Secondary Education. The committee shall have a chairperson, vice-chairperson and five other members. The term of office is four years. The Ministry issues further regulations concerning the scope and content for the work of the National Parents' Committee.

Amended by Act of 20 June 2008 no. 48 (in force 1 Jan 2009, pursuant to the Decree of 20 June 2008 no. 621).

### **Section 11-10.** *Exemptions*

The Ministry may in special cases grant exemptions from the provisions laid down in sections 11-1 to 11-7.

## **Chapter 12. Bodies associated with vocational training in training establishments**

### **Section 12-1.** *Body for collaboration on vocational training*

The Ministry appoints a body for collaboration on vocational education and training. This body shall advise the Ministry and take initiatives to promote vocational education and training. The body is to include representatives for the social partners and for the Ministry. The Ministry decides the composition and functions of the body.

Amended by Acts of 30 June 2000 no. 63 (in force 1 Aug 2000, pursuant to the Decree of 30 June 2000 no. 645), 2 July 2004 no. 69 (in force 1 Sep 2004, pursuant to the Decree of 2 July 2004 no. 1064).

### **Section 12-2. *Advisory councils***

The Ministry appoints advisory councils for vocational education and training. Each trade or trade area for which apprenticeship training may be provided in training establishments shall be affiliated to an advisory council. The Ministry decides on the advice of the body for collaboration on vocational education and training which advisory councils shall be appointed, the size of the councils, what professional field each council shall cover and the rules concerning the responsibilities of the councils.

Amended by Acts of 30 June 2000 no. 63 (in force 1 Aug 2000, pursuant to the Decree of 30 June 2000 no. 645), 2 July 2004 no. 69 (in force 1 Sep 2004, pursuant to the Decree of 2 July 2004 no. 1064).

### **Section 12-3. *County vocational training boards and vocational training committees***

The county authority appoints a vocational training board with responsibilities pursuant to sections 4-3, 12-3 and 12-4.

This board shall consist of members with personal deputies that together have a broad insight into all vocational education and training and into industrial and employment issues. In all events representatives of the social partners shall be appointed on the recommendation of the employees' organisations and on the recommendation of the employers' organisations. The representatives of the social partners shall constitute the majority of the board members. In addition there shall be at least one representative for the pupils, apprentices or training candidates on the recommendation of organisations or bodies that represent these groups. The county authority may ask the teachers' organisations to propose board members.

The board elects its own chairperson and deputy chairperson. The board's term of office is the same as that of the County Council. The pupils', apprentices' and training candidates' representatives are appointed for two years at a time.

The county authority is responsible for preparing any business to be dealt with by the board.

The Ministry may issue further regulations concerning the work of the board.

The board is to appoint an advisory vocational training committee for each of the trades or trade areas, or use the examination board as a vocational training committee. The Ministry may issue regulations concerning the composition and activities of the vocational training committee.

Section 14, subsection 1a, of the Local Government Act does not apply to the appointment of members to the vocational training board.

Amended by Acts of 30 June 2000 no. 63 (in force 1 Aug 2000, pursuant to the Decree of 30 June 2000 no. 645), 29 June 2007 no. 91 (in force 1 Nov 2007, pursuant to the Decree of 29 June 2007 no. 758).

#### **Section 12-4.** *The duties of the county vocational training board*

The county vocational training board shall present the needs and views of working life to the county authorities.

The county vocational training board shall express its opinions in the form of resolutions in such cases as the county authority is obliged to present to the board pursuant to section 4-8. This applies amongst other things to the approval of training establishments and withdrawal of approval, and concerning the county authority's quality system for vocational training.

The county vocational training board shall work to increase the quality of the entire vocational training system. The county vocational board shall in particular

- submit proposals concerning organisation, working methods and strategies for quality enhancement in vocational education and training
- assess and give statements concerning the county authority's routines for ensuring the quality of vocational education and training
- assess how the social partners are to contribute to quality enhancement and quality assurance in vocational education and training
- assess how collaboration between schools and training establishments may be improved
- assess how to ensure competence enhancement.

The county vocational training board shall work to achieve the best possible dimensioning of upper secondary education and training and to advise the county authority on measures concerning the annual decisions on the courses to be offered.

The county vocational board shall to work to ensure the best possible counselling concerning vocational education and training, and to propose measures where it finds it necessary.

The county vocational board shall give advice about how the development of vocational education and training and the collaboration between schools and training establishments can contribute to regional development, amongst other things the development of new enterprises and jobs.

The county vocational board may empower the county authority to undertake the professional assessment of training establishments or to perform other tasks that pursuant to legislation or regulations are the responsibility of the county vocational board.

Amended by Acts of 30 June 2000 no. 63 (in force 1 Aug 2000, pursuant to the Decree of 30 June 2000 no. 645), 2 July 2004 no. 69 (in force 1 Sep 2004, pursuant to the Decree of 2 July 2004 no. 1064), 29 June 2007 no. 91 (in force 1 nov 2007, pursuant to the Decree of 29 June 2007 no. 758).

### **Section 12-5. Curriculum groups**

The Ministry appoints curriculum groups that shall assist with the work on deciding the content of training in trades or areas of work for which apprenticeship training is provided in training establishments.

The Ministry is to ensure that both working life and the school system may take part in work on the development of new curricula.

Amended by Act of 2 July 2004 no. 69 (in force 1 Sep 2004, pursuant to the Decree of 2 July 2004 no. 1064).

### **Section 12-6. Appeals board for craft and journeyman's examinations**

The Ministry shall appoint appeals boards for appeals against decisions on candidates who have failed the craft or journeyman's examination. Each board is to have three members. Two of the members are to have vocational qualifications. The Ministry decides who are to be chairperson and deputy-chairperson.

When appeals boards shall be appointed for craft and journeyman's examinations, recommendations shall be made by the advisory council for the trade concerned.

The members with personal deputies, including the chairperson and deputy chairperson, are appointed for four years at a time.

Amended by Act of 2 July 2004 no. 69 (in force 1 Sep 2004, pursuant to the Decree of 2 July 2004 no. 1064).

### **Section 12-7. Members of bodies, councils and boards**

Persons who are appointed or elected as members of the body for cooperation on vocational training, of advisory councils, of examination boards or of appeals boards, are obliged to take office. Members may however request exemption from re-appointment for the same period of time as they have served continuously. Persons who have reached the age of sixty have the right to be exempted.

Amended by Act of 2 July 2004 no. 69 (in force 1 Sep 2004, pursuant to the Decree of 2 July 2004 no. 1064).

## **Chapter 13. The responsibility of the municipality, the county authority and the State**

### **Section 13-1. The duty of the municipality to provide primary and lower secondary education and special educational assistance**

The municipality shall comply with the right of all residents in the municipality to primary and lower secondary education and special educational assistance pursuant to this Act. This responsibility does not apply to pupils and other persons for whom the county authority is responsible pursuant to sections 13-2 and 13-3a.

The Ministry issues regulations or instructions in individual cases concerning who may be regarded as residents of the municipality, and concerning reimbursement of expenses for primary and lower secondary education incurred by other municipalities.

Publicly-maintained primary and lower secondary schools shall be run by municipalities. In special cases the State or the county authority may run primary and lower secondary schools. In such cases, county authorities must receive the approval of the Ministry.

The municipal administration shall have personnel above the level of the school with educational qualifications.

Amended by Act of 31 Jan 2003 no. 10.

**Section 13-2.** *Duty of the county authority to provide primary and lower secondary education, special educational assistance and upper secondary education in institutions pursuant to the Child Welfare Act*

When decisions are made concerning placement in institutions pursuant to the Child Welfare Act, it is the county authority where the institution lies that is responsible for complying with the right to primary and lower secondary education, special educational assistance and upper secondary education and training in the institution pursuant to this Act. The county authority where the institution lies has the right to remuneration of expenses for such education from the county authority where the child or young person is resident at the point in time where a decision was made about the placement, according to rates determined by the Ministry.

This responsibility involves children and young people attending institutions in the county authority for which the state regional child welfare authorities are responsible pursuant to section 5-1 of the Child Welfare Act, and children and young people in private and municipal institutions authorised pursuant to section 5-8 of the Child Welfare Act. If the education takes place in the institution, the institution shall provide the necessary premises for such education.

The Ministry issues regulations concerning remuneration of expenses incurred in the education of children and young people from other county authorities.

Amended by Acts of 12 April 2002 no. 10, 9 May 2003 no. 29 (in force 1 Jan 2004, pursuant to the Decree of 9 May 2003 no. 596), 16 Jan 2004 no. 6 (in force 1 Jan 2004), 30 June 2006 no. 57 (in force 1 Jan 2007, pursuant to the Decree of 30 June 2006 no. 764), 14 Dec 2007 no. 115 (in force 1 Jan 2008, pursuant to the Decree of 14 Dec 2007 no. 1438).

**Section 13-3.** *Duty of the county authority to provide for upper secondary education and training*

The county authority shall comply with the right of all residents of the county authority to upper secondary education and training pursuant to this Act.

The county authority shall provide places for applicants without rights pursuant to section 3-1 or section 4A-3.

The Ministry issues regulations or instructions in individual cases concerning who may be regarded as residents of the county authority. The Ministry may issue regulations requiring the county of residence to be responsible to a reasonable extent for refunding expenses

incurred in connection with upper secondary education and training in another county. The Ministry may order the county authority to provide upper secondary education to applicants from other counties.

The county authority is responsible for upper secondary education and training in prisons. The Ministry may in special cases assign duties to the county authority in connection with other education in prisons.

The county authority shall plan and develop facilities for upper secondary education with regard *inter alia* to national objectives, the wishes of the applicants and the needs of society for upper secondary education and training in all areas of study and for different age groups, and taking into consideration its responsibility for education in prisons and in welfare and medical institutions and the need for special education.

Publicly-maintained upper secondary schools shall be run by county authorities. In special cases the State or a municipality may run upper secondary schools. In such cases, municipalities must receive the approval of the Ministry.

Amended by Acts of 30 June 2000 no. 63 (in force 1 Aug 2000, pursuant to the Decree of 30 June 2000 no. 645), 17 June 2005 no.105 (in force 17 June 2005, pursuant to the Decree of 17 June 2005 no.660).

**Section 13-3a.** *The county authority's obligation to provide primary and lower secondary education and training, special educational assistance and upper secondary education and training in health institutions*

The county authority where an institution lies shall comply with the right to primary and lower secondary education, special educational assistance and upper secondary education pursuant to this Act for patients resident in health institutions owned by a regional health enterprise and for patients in private health institutions that have an agreement with regional health enterprises. The county authority's responsibility only applies to patients in institutional places funded by regional enterprises. If the education takes place in the institution, the institution shall provide the necessary premises for the purpose.

The Ministry may issue further regulations or instructions in individual cases concerning the responsibility of the county authority.

Added by Act of 12 April 2002 no. 10, amended by Act of 16 Jan 2004 no. 6 (in force 1 Jan 2004), amended by Act of 30 June 2006 no. 57 (in force 1 Jan 2007, pursuant to the Decree of 30 June 2006 no. 764).

**Section 13-3b.** *The municipality's and the county authority's obligation to provide accident insurance*

The municipality and the county authority are obliged to provide accident insurance for the pupils. The Ministry may issue further regulations concerning accident insurance.

Added by Act of 29 June 2007 no. 91 (in force 1 July 2008, pursuant to the Decree of 29 June 2007 no. 758).

**Section 13-4.** *Responsibility for providing school transport, etc.*

The municipality is responsible for transport of primary and lower secondary school pupils and adults who have the right to transport owing to an especially dangerous or difficult way to school. The municipality is responsible for compliance with the right of pre-school children to transport pursuant to section 7-6. The municipality shall provide escort and supervision for pre-school children, primary and lower secondary school pupils and adults. Otherwise the county authority is responsible for transport, escort and supervision pursuant to the provisions laid down in Chapter 7. The municipalities reimburse the cost of transport of primary and lower secondary school pupils and adults transported by the county authority at the current rate for passenger transport.

The county authority shall organise school transport in collaboration with the municipality. If the municipality and the county authority do not reach agreement on the way in which school transport shall be organised and financed, the Ministry may issue instructions.

The Ministry may issue regulations concerning journeys home, escort and accommodation for pupils who must be provided with board and lodging in order to receive assistance or schooling pursuant to this Act, as well as regulations concerning school transport, reimbursement of transport expenses and the responsibility of the county of residence for refunding costs associated with transport in connection with upper secondary education in another county.

Amended by Acts of 12 April 2002 no. 10 (in force 1 Jan 2003, pursuant to the Decree of 12 April 2002 no. 349), 17 June 2005 no. 105 (in force 17 June 2005, pursuant to the Decree of 17 June 2005 no. 660).

#### **Section 13-5.** *Obligation of school owners to provide free fruit and vegetables*

The school owner shall provide the pupils with free fruit and vegetables. The Ministry may issue further regulations concerning the responsibility for this scheme and the extent of the obligation.

Repealed by Act of 30 June 2000 no. 63 (in force 1 Aug 2000, pursuant to the Decree of 30 June 2000 no. 645), added by Act of 20 June 2008 no. 48 (in force 1 Aug 2008, pursuant to the Decree of 20 June 2008 no. 621).

#### **Section 13-6.** *Provision of courses in music and other cultural activities*

All municipalities, either alone or in collaboration with other municipalities, shall provide courses in music and other cultural activities for children and young people, organised in association with the school system and local cultural life.

The provision in section 10-9, first and fourth paragraphs, applies to appointments in municipal schools of music and performing art.

Amended by Act of 25 June 2010 no. 49 (in force 1 Aug 2010, pursuant to the Decree of 25 June 2010 no. 982).

#### **Section 13-7.** *Day-care facilities for school children*

The municipality shall provide day-care facilities for school children both before and after school hours for grades 1–4 and for children with special needs attending grades 1–7.

Day-care facilities for school children shall be designed for play as well as cultural and leisure activities appropriate to the age, functional level and interests of the children. Day-care facilities shall provide the children with care and supervision. Disabled children shall be given good conditions for development. Spaces, both outdoors and indoors, shall be suitable for the purpose.

Day-care facilities for school children shall have by-laws concerning:

- a. ownership
- b. who has authority to admit children
- c. admission criteria
- d. the period for which children are admitted and the time-limit for notice of termination
- e. parents' fees
- f. the area stipulated per child for play and other activities
- g. daily opening hours and annual dates of opening and closing
- h. staffing and management.

When day-care facilities are associated with schools, the head teacher shall normally be the leader. The Ministry may grant exceptions from this requirement.

The municipality may require the costs associated with day-care facilities for school children to be covered through fees paid by the parents.

The provision in section 10-9, first and fourth paragraphs, applies to appointments at day-care facilities for school children.

The municipality may use others to meet its obligations to provide day-care facilities for school children provided that such services meet the conditions laid down in this section. The municipality supervises private day-care facilities for school children.

The Ministry may issue further regulations concerning day-care facilities for school children.

Amended by Acts of 27 June 2003 no. 69 (in force 1 Aug 2003, pursuant to the Decree of 27 June 2003 no. 774), 17 June 2005 no. 105 (in force 17 June 2005, pursuant to the Decree of 17 June 2005 no. 660), Act of 25 June 2010 no. 49 (in force 1 Aug 2010, pursuant to the Decree of 25 June 2010 no. 982).

### **Section 13-7a *The municipality's obligation to provide homework help***

The municipality shall provide homework help for pupils in years 1 – 4.

This help shall be free of charge for the pupils. The pupils shall have the right to take part in the provided homework help, but their participation is voluntary.

The provision in section 10-9, first and fourth paragraphs, also applies to persons giving homework help.

The Ministry will issue further regulations concerning the provision of homework help.

Added by Act of 25 June 2010 no. 49 (in force 1 Aug 2010, pursuant to the Decree of 25 June 2010 no. 982).

### **Section 13-8.** *Oslo municipality*

Oslo municipality also has the rights and obligations which in this Act are invested in county authorities.

### **Section 13-9.** *State support*

The State grants support for partial coverage of the costs incurred by the municipalities and county authorities. This support is normally given in the form of block grants pursuant to rules issued by the Ministry.

### **Section 13-10.** *Scope of responsibility*

The municipality/county authority and the school owner of a private school pursuant to section 2-12 are responsible for ensuring compliance with the requirements of the Education Act and regulations issued pursuant to the Act, including the provision of the resources necessary for compliance with these requirements.

The municipality/county authority and the school owner of a private school pursuant to section 2-12 shall have a satisfactory system for assessing compliance with the requirements of the Education Act and regulations issued pursuant to the Act. The municipality/county authority and the school owner of a private school pursuant to section 2-12 shall have a satisfactory system for following up the results of these assessments and national quality assessments conducted by the Ministry pursuant to section 14-1, fourth paragraph.

Added by Act of 27 June 2003 no. 69 (in force 1 Aug 2003, pursuant to the Decree of 27 June 2003 no. 774), amended by Act of 2 July 2004 no. 69 (in force 1 Sep 2004, pursuant to the Decree of 2 July 2004 no. 1064).

## **Chapter 14. Supervision and control**

### **Section 14-1.** *State supervision and control*

The Ministry provides advice and guidance in issues concerning activities pursuant to this Act, and shall otherwise collaborate with municipalities, county authorities and owners of private schools in order to ensure the provision of good and equivalent educational facilities in compliance with statutes and regulations.

The Ministry supervises activities pursuant to this Act and shall in this connection have access to school premises and documentation.

If conditions are detected that are in violation of this Act or regulations issued pursuant thereto, the Ministry may instruct that such conditions be corrected.

The Ministry may issue regulations instructing those responsible for educational activities pursuant to this Act and those who receive such education and training to provide

information and take part in evaluations and report on factors of importance for the evaluation of educational activities that fall within the scope of this Act.

Amended by Act of 4 July 2003 no. 84 (in force 1 Oct 2003), as amended by Act of 4 July 2003 no. 85.

### **Section 14-2.** *Municipal supervision of home tuition*

The municipality supervises compulsory education for children and young people who do not attend school, and may also summon them for special tests. The municipality shall require that the child or young person shall attend school if the requirements regarding home tuition laid down in the present Act and regulations issued pursuant thereto are not fulfilled.

## **Chapter 15. Application of the Public Administration Act. Duty to provide information**

### **Section 15-1.** *Application of the Public Administration Act*

The Public Administration Act applies to establishments which pursuant to the present Act are run by public administrative bodies, subject to the special provisions laid down in the present Act.

The provisions concerning the duty of confidentiality laid down in sections 13–13e of the Public Administration Act also apply to private schools approved pursuant to section 2-12 of the present Act.

### **Section 15-2.** *Special provisions concerning appeal bodies*

The Ministry is the appeal body for individual decisions in the primary and lower secondary education and for individual decisions concerning special educational assistance prior to compulsory school age pursuant to section 5-7. For individual decisions in personnel matters, the provisions concerning appeal bodies laid down in section 28 of the Public Administration Act shall apply notwithstanding.

The Ministry is the appeal body for individual decisions concerning admissions and special education in upper secondary education and training, individual decisions concerning loss of the right to upper secondary education pursuant to sections 3-8 and 4-6 and individual decisions concerning education for an additional period of two years pursuant to section 3-1, fifth paragraph, and individual decisions concerning physical and psychosocial environmental factors pursuant to sections 9a-2 and 9a-3.

In connection with appeals concerning admissions to upper secondary education, the Ministry may not overturn a decision of the county authority concerning which education programme at Upper secondary level 1 or programme areas at Upper secondary levels 2 and 3 or which school an applicant shall be admitted to. For such decisions, the provisions concerning appeal bodies in section 28 of the Public Administration Act apply. The Ministry is the appeal body for individual decisions concerning admissions to a specific education programme at upper secondary level 1 on the basis of expert assessment.

In force 1 Aug 1999, pursuant to the Decree of 27 Nov 1998 no. 1096, however immediately in cases of individual decisions and regulations determining the rights and obligations of the pupils/apprentices as of the school year of 1999-2000. Amended by Acts of 30 June 2000 no. 63 (in force 1 Aug 2000, pursuant to the Decree of 30 June 2000 no. 645), 16 Jan 2004 no. 6 (in force 1 Jan 2004), 17 June 2005 no. 105 (in force 17 June 2005, pursuant to the Decree of 17 June 2005 no. 660), 29 June 2007 no. 91 (in force 1 Aug 2007, pursuant to the Decree of 29 June 2007 no. 758).

### **Section 15-3. *Duty to provide information to the Child Welfare Service***

Personnel working in schools pursuant to this Act shall in the course of their work take note of circumstances which may entail measures on the part of the Child Welfare Service.

The duty of confidentiality notwithstanding, the personnel shall on their own initiative inform the Child Welfare Service when there is reason to believe that a child is being ill-treated at home or that other forms of serious failure of care are occurring, cf. sections 4-10 to 4-12 of the Act of 17 July 1992 no.100 relating to child welfare services, or when a child has shown serious and lasting behavioural problems, cf. section 4-24 of the same Act. Personnel are also obliged to give such information if so instructed by the bodies responsible for the implementation of the Act of 17 July 1992 no.100 relating to child welfare services.

### **Section 15-4. *Duty to provide information to the social services***

Personnel working in schools pursuant to this Act shall in cases concerning individual clients provide advice and guidance to the social services in the municipality. The personnel shall take note of circumstances which should entail measures on the part of the social services, and shall on their own initiative inform the social services of such circumstances. Such information may only be provided with the consent of the pupil, or if appropriate the parents, or otherwise to the extent that the information is not subject to the duty of confidentiality.

## **Chapter 16. Entry into force and transitional provisions. Amendments to other Acts**

### **Section 16-1. *Entry into force***

The Act enters into force from such date as the King decides. The separate provisions of the Act may enter into force on different dates.

From Aug 1999, pursuant to the Decree of 27 Nov 1998 no. 1096.

### **Section 16-2. *Transitional provisions***

Personnel working in the primary and lower secondary school who are employed in non-terminable posts when the Act enters into force may not be dismissed. For this personnel, section 24, sub-section 1, second paragraph, and subsection 2 of the Act of 13 June 1969 no.24 concerning primary and lower secondary education continue to apply.

For a period of five years from the date the Act enters into force, schools that have established a management organisation pursuant to section 17, sub-section 4, third paragraph of the Act of 13 June 1969 no.24 concerning primary and lower secondary

education shall be excepted from the requirement concerning the head teacher pursuant to section 9-1, second paragraph.

The right and obligation to ten years of primary and lower secondary education pursuant to section 2-1 applies to children born in 1991 and later. Other children and young people have the right and obligation to nine years of primary and lower secondary education, but advance by one grade, so that they complete the primary and lower secondary school in the tenth grade.

Amended by Acts of 17 June 2005 no. 105 (in force 17 June 2005, pursuant to the Decree of 17 June 2005 no. 660), 20 June 2008 no. 48 (in force 1 Aug 2008, pursuant to the Decree of 20 June 2008 no. 621).

**Section 16-3.** *Repeal of other Acts*

The following Acts are repealed: - - -

**Section 16-4.** (Repealed by Act of 17 Dec 1999 no. 97 (in force 1 Jan 2000).)

(Database updated as of 29 September 2010)