

The Upper Secondary School Act

No. 92, 12 June 2008

CHAPTER I

Scope, Objective and Administration

Article 1

Scope

This Act covers school activities at upper secondary level. Upper secondary level education is organised in continuation of compulsory school education that includes studies at primary and lower secondary levels. Upper secondary level studies conclude with a final examination, such as upper secondary school leaving certificate, vocational education providing professional rights, matriculation examination, or other defined study completion that may be aimed at specific occupations and provide relevant professional rights.

The Act covers public upper secondary schools, cf. chapter II of this Act, and other schools at upper secondary level that have been accredited by the Minister of Education, Science and Culture, cf. chapter III of this Act.

Article 2

Objective

The objective of the upper secondary school is to encourage the overall development of all pupils and encourage their active participation in democratic society by offering studies suitable to the needs of each pupil.

The upper secondary school prepares pupils for employment and further studies. It shall strive to strengthen its pupils' skills in the Icelandic language, both spoken and written, develop moral values, sense of responsibility, broadmindedness, initiative, self-confidence and tolerance in its pupils, train them to apply disciplined, autonomous working methods and critical thought, teach them to appreciate cultural values and encourage them to seek further knowledge. The upper secondary school shall strive to communicate knowledge and train pupils in a way that provides them with skills to carry out specialised work and with solid foundations to pursue further education.

Article 3

Administration

The Minister of Education, Science and Culture governs the affairs covered by this Act, and is ultimately responsible for the following:

- a. General policy making regarding upper secondary school matters
- b. National Curriculum Guide and validation of school curriculum guide and study programme descriptions

- c. Supervision of school administration and school activities
- d. Providing support for developmental work in upper secondary schools and for development of instructional material
- e. Gathering, processing and disseminating information on school activities

CHAPTER II

Public Upper Secondary School

Article 4

Establishment of upper secondary schools

The public upper secondary school is a state institution under the auspices of the Minister of Education, Science and Culture.

The Minister of Education, Science and Culture, when relevant in cooperation with one or more local authorities, can initiate the establishment of a public upper secondary school. A public upper secondary school is established with financial allocation from *Althingi* (The Icelandic Parliament) providing the school with capital out of the national budget.

Public upper secondary schools do not need a special accreditation but shall fulfil all general conditions for upper secondary school accreditation cf. Article 12.

Article 5

School board

The Minister of Education, Science and Culture shall appoint a school board for each upper secondary school for a four-year period. A school board shall be comprised of five members. Two of them shall be appointed by nomination of the local authorities and three others appointed without nomination. Alternate members shall be appointed in the same manner. The board elects its chair for one year at a time. There shall be three non-voting observers, with a right to speak and propose a motion, one nominated by the teachers' assembly, one by the pupils' association and one by the parents' council. The head teacher shall attend school board meetings as a non-voting observer with the right to speak and propose a motion. The head teacher shall serve as director of the board.

The role of the school board is:

- a. To determine the emphases in school activities and contribute to the best service possible to the community in which the school operates, and to promote the school's connections with local economical, social and cultural activities
- b. To confer with the head teacher regarding studies offered
- c. To confirm the school curriculum guide based on a reference from the school general assembly and to follow up on curriculum implementation
- d. To provide the head teacher with reference regarding the annual operating and financial plan according to national budget provisions and to follow up on the plan's implementation
- e. To assist the head teacher in determining the amount of fees established by the head teacher, cf. Article 45.
- f. To assist the head teacher concerning agreements made in the name of the school
- g. To assist the head teacher regarding personnel matters
- h. To provide the Minister of Education, Science and Culture with reference regarding applicants for the position of head teacher

Article 6
Head teacher

The Minister of Education, Science and Culture appoints a head teacher for a period of five years. The school board provides reference regarding applicants for the position of head teacher. A teacher, who is appointed head teacher, shall be granted a leave from teaching while holding the post of head teacher.

The head teacher is the director of the school. The head teacher manages daily administration and school activities and ensures that school operations comply with all Acts, Regulations, the National Curriculum Guide and other provisions currently in force. The head teacher is responsible for devising a financial plan and ensuring that the school budget is followed, and shall take initiative in formulating the school curriculum guide and organise developmental work within the school.

Article 7
School council

The school council shall provide consultation and assistance to the head teacher. The head teacher serves as chair to the school council, which, in addition to the head teacher, shall be comprised of the head teacher's assistant and representatives of teachers and pupils. Further provisions on the composition of the school council, its role and operations may be prescribed in a Regulation.

Article 8
Upper secondary school personnel

The head teacher hires administrative staff, teachers and other school personnel in consultation with the school board.

The head teacher shall hire the assistant head teacher for up to a five-year period. A teacher, who is appointed assistant head teacher, shall be granted leave from teaching as needed while holding the post of assistant head teacher.

Eligibility requirements for the positions of head teacher and upper secondary school teacher shall be according to provisions set forth in the current Act on Education and Recruitment of Teachers and Head Teachers in Pre-School, Compulsory School and Upper Secondary School.

Individuals who have been convicted for violating provisions of Chapter XXII of the Criminal Act may not be hired to work in an upper secondary school. Upon recruitment, the person's criminal record shall be available or an authorisation for the head teacher to obtain information from the official charge sheet.

The Minister of Education, Science and Culture shall issue a Regulation including provisions on educational requirements and the defined role of the educational and vocational guidance counsellors, resource centre staff and other upper secondary school personnel as needed. This also applies to the role of head teacher and teachers.

Article 9
School assembly

Upper secondary schools shall organise a school assembly at least once every school year. All school personnel and pupils' representatives, according to further decision by the head teacher, have a right to sit in the school assembly. The school assembly discusses school matters.

The head teacher summons the assembly, proposes the meeting schedule and chairs the meeting, or delegates the chair. The school assembly minutes shall be presented to the school board.

The head teacher is obliged to summon a school assembly if one third of permanent staff requires so.

Article 10

Teacher assembly

Upper secondary schools shall organise a teacher assembly at least twice every school year. The head teacher summons the assembly, proposes a schedule and chairs the assembly, or delegates the chair. The teacher assembly minutes shall be presented to the school board. The teacher assembly in upper secondary schools shall cover policy making for school activities, such as organisation of study, methods of instruction, structure of school curriculum guide and organisation of examinations and study assessments.

The school board, the head teacher and the school council can appeal to the teacher assembly regarding other matters.

At the beginning of each fall semester, the teacher assembly shall elect representatives for the school council. The teacher assembly shall also elect a non-voting observer for the school board.

All teachers of the school have a right to sit in the teacher assembly. The head teacher prepares matters that shall be addresses by the teacher assembly but everyone who has a right to sit in the assembly is entitled to suggest matters for discussion.

Article 11

Educational leave

Teachers who have worked for at least five years can request a special study leave for the purpose of improving their professional knowledge and teaching skills. The teacher in question shall submit a request for study leave to the Ministry of Education, Science and Culture. The Ministry may, after a reference from the head teacher, grant study leave for up to one year with full salary. A teacher taking advantage of a study leave can also apply for a grant to cover costs of travel and accommodation for the purpose of the study leave. Upon completion of their study leave, teachers are obliged to send the Ministry a report of their work during the study leave period.

The provisions of this Article shall also apply to head teachers and other professional administrative staff.

The Minister of Education, Science and Culture shall issue a Regulation on teachers' study leave, cf. this Article.

CHAPTER III

Other Schools at Upper Secondary Level

Article 12

Accreditation

The Minister of Education, Science and Culture can provide schools, other than those coming under Chapter II of this Act, with accreditation to carry out instruction at upper secondary level. Such schools can be run as non-profit organisations, limited public companies or as other types of accepted legal entities. The conditions for accreditation concern the following:

- a. Role and objectives of the school
- b. Administration and organisation
- c. School curriculum guide and study programme descriptions
- d. Organisation of teaching and learning
- e. Personnel qualifications requirements
- f. Admission requirements for pupils
- g. Pupils' rights and duties
- h. Working conditions for teachers and pupils as well as their support structures
- i. Internal quality management system
- j. Finances and insurances

Accreditation of an upper secondary school provides a confirmation that, at the time in which accreditation is granted, the activities of the respective school comply with general conditions of this Act and other law and regulations issued under this Act. A school that has received accreditation is autonomous as far as regards school operations and activities, apart from the conditions stipulated in this Act, regulations or other official edicts issued under this Act.

An accreditation does neither incur a commitment on behalf of the authorities for financial contribution out of the national budget to the corresponding upper secondary school, nor any responsibilities for the school's commitments.

A school that has received accreditation shall endeavour to solve issues regarding pupils' rights and duties according to law and good administrative practice.

If a school that has been accredited fails to meet the conditions of this Act and rules and requirements issued under this Act, the Minister of Education, Science and Culture can revoke its accreditation.

A Regulation shall be issued to further stipulate conditions for accreditation and how accreditation is provided, how school activities are supervised cf. Chapter VII, and withdrawal of accreditation.

Article 13

Head teacher and teachers

The board of directors of schools that receive accreditation from the Minister of Education, Science and Culture on the basis of Article 12, has the responsibility of hiring a head teacher to manage daily operations of the respective school. The head teacher is responsible for school activities on behalf of the board of directors or other liable parties, in compliance with the statutes, charter or other founding documents of the respective school.

Eligibility requirements for the positions of head teacher and upper secondary school teacher shall be according to provisions set forth in the current Act on Education and Recruitment of Teachers and Head teachers in Pre-School, Compulsory School and Upper Secondary School.

The Minister of Education, Science and Culture may deviate from the teachers' educational requirements in schools that have been accredited cf. Article 12, whenever the study programme in question is not based on the National Curriculum Guide for upper secondary schools, but is a specialised vocational study programme.

Article 14

School and teacher assemblies

As regards school and teacher assemblies, provisions in Articles 9 and 10 of this Act shall apply.

CHAPTER IV Study Organisation, Study Completion

Article 15

Credit units

All school work carried out by pupils in the upper secondary school shall be evaluated in standardised credit units and every credit unit shall represent about the same amount of pupil contribution. One school year, measuring all of the pupil's work during that year with satisfactory results, provides 60 credit units, given that pupils contribute annually at least 180 working days.

The Minister of Education, Science and Culture issues further rules regarding study evaluation for credit units and pupil's work in the upper secondary school, in the National Curriculum Guide.

Article 16

Upper secondary school leaving certificate

In order to graduate with an upper secondary school leaving certificate, a pupil shall have completed studies equivalent to 90-120 credit units according to curriculum and study programme description validated by the Minister of Education, Science and Culture, cf. Article 23.

Article 17

Vocational education

In order to graduate from upper secondary school with a vocational certificate providing professional rights, pupils shall have completed their studies with satisfactory results according to curriculum and study programme description validated by the Minister of Education, Science and Culture, cf. Article 23.

Article 18

Matriculation examination

In order to graduate from upper secondary school with a matriculation examination, pupils shall have completed their studies with satisfactory results according to curriculum and study programme description validated by the Minister of Education, Science and Culture, cf. Article 23. A study programme leading to matriculation examination shall include a minimum of 45 credit units that are divided between core subjects in the upper secondary school, i.e. Icelandic, mathematics and English according to further provisions in the National Curriculum Guide.

One of the objectives of the matriculation examination is to prepare pupils for studies at higher education level. When a study programme description leading to matriculation examination is evaluated and then validated by the Ministry of Education, Science and Culture, it shall be ensured that the examination fulfils general requirements made by higher education institutions for preparation for higher education level studies.

Article 19

Other final examinations

Upper secondary schools can offer studies leading to other defined study completion than those stipulated in Articles 16, 17 and 18 as part of study programmes that have been validated by the Minister of Education, Science and Culture, cf. further provisions in Chapter V.

Article 20

Post-secondary education

Upper secondary schools may offer study programmes organised in continuation of defined study completion at upper secondary level, cf. Articles 17, 18 and 19. The Minister of Education, Science and Culture shall confirm study programme descriptions for such studies according to further provisions in Chapter V and the title of the study degree in question.

Study programmes organised according to this Article shall be evaluated in credit units cf. Article 15 and when applicable in higher education level study credits cf. Article 6.

Studies offered on the basis of this Article can provide specific or further professional rights.

CHAPTER V

Curriculum and Study Programmes

Article 21

National curriculum

The National Curriculum Guide for Upper Secondary Schools, issued by the Minister of Education, Science and Culture, stipulates the objectives and organisation of school activities at upper secondary level. The National Curriculum Guide for Upper Secondary Schools is divided into two parts; general part cf. this Article and descriptions of study programmes cf. Article 23. Announcement regarding entry into force of the National Curriculum Guide or parts thereof shall be issued in the Law and Ministerial Gazette.

The general part of the National Curriculum Guide shall describe the objectives and operations of the upper secondary school. The general part of the National Curricula Guide shall at least include the following:

- a. Provisions on the structure of study programme descriptions and on the relevance between core subjects in the upper secondary school
- b. Conditions on how the objectives of specific courses, study programmes as well as final learning objectives shall be defined
- c. Criteria for study requirements and study process
- d. Rules for evaluation methods, reporting and grading
- e. Definition of work based learning and rules regarding organisation of work based learning
- f. Rules for evaluation of vocational training and definition of skills objectives
- g. Rules for recognition of non-formal and informal learning, equivalence of learning and evaluation of learning when pupils move between schools or study programmes
- h. General rules on school curricula guides
- i. Provisions on evaluation of school activities
- j. General rules on rights and duties of pupils and on conflict resolution

Article 22

School curriculum guide

Each upper secondary school shall issue a school curriculum guide. The school curriculum guide is divided into two parts, general part and descriptions of study programmes.

The general part of the school curriculum guide shall describe school activities, main emphases and policy, school administration, study offer and study organisation, instructional methods, study evaluation, support measures, guidance and counselling and other pupils' services, rights and duties of pupils, school-parent cooperation and cooperation with third parties, self-evaluation and quality control, as well as anything else that the school chooses to stipulate in the school curriculum guide. The school shall also describe how it fulfils the requirements according to the general part of the National Curriculum Guide for upper secondary schools and the objectives of this Act and of Regulations issued under this Act.

Formulation of study programme descriptions in the school curriculum guide shall be cf. Article 23.

The school board shall confirm the curriculum guide upon reference by the school assembly cf. Article 5. The school board monitors school curriculum guide implementation.

Article 23

Study programmes description

Upper secondary schools shall formulate descriptions of their study programmes and submit for Minister approval. Upon confirmation from the Minister, the description of the upper secondary school study programmes become part of the upper secondary school National Curriculum Guide. Two or more upper secondary schools can jointly formulate study programme descriptions to submit for confirmation. Minister confirmation of a study programme description shall be published in the Law and Ministerial Gazette. Elision of a study programme description shall be published in the same way.

Study programme descriptions shall be organised according to provisions in the general part of the National Curriculum Guide and the school curriculum guide of the relevant school. Study programme descriptions shall stipulate the content and relevancy of course units within individual subjects, study coherency, relevancy of study programme components and learning outcomes. They shall determine minimum number of course units and credit units in individual subjects, as well as the main content of the study.

The Minister of Education, Science and Culture may formulate specific rules on categorisation and stages of study according to criteria for learning outcomes.

Minister certification of a study programme description is subject to it fulfilling conditions of Article 21 of the National Curriculum Guide.

The Minister may issue study programme descriptions that can serve as guidelines for individual upper secondary schools in their work. Such study programme guidelines are then part of the upper secondary school curriculum guide and may cover the following study programmes:

- a. Vocational study programmes leading to professional rights including journeyman's certificate
- b. Study programmes leading to matriculation examination
- c. Other study programmes leading to defined final examinations according to Minister decision

Article 24

Occupational councils, appointment

The Minister of Education, Science and Culture shall appoint, for four years at a time, Occupational Councils for occupational groups or individual occupations. Each Occupational Council shall be comprised of five to nine representatives out of which two to four shall be nominated by federations of employers, two to four by federations of employees from the relevant occupations and one representative jointly nominated by the Association of Icelandic Upper Secondary Schools and the Icelandic Teachers' Union. Alternates shall be appointed in the same way.

The Occupational Councils shall elect a chair and a vice-chair from among the representatives for a two year term. The nominating parties shall bear the cost of participation by their representatives in the Occupational Council. The Ministry of Education, Science and Culture shall bear the cost of specialist assistance in compiling curriculum guides.

Article 25

Role of occupational councils

The Occupational Councils shall advise the Minister regarding vocational education at upper secondary school level in their respective occupations. Their role is as follows:

- a. To propose general study objectives and define the needs for knowledge and skills which the study programme descriptions for the respective occupations shall be based on, and shall form a part of the general part of the National Curriculum Guide, and to make proposals for learning outcomes
- b. To devise criteria for division of study between school-based and workplace learning
- c. To make proposals regarding structure and content of examinations for individual occupations
- d. To keep a record of companies and workplaces that fulfil the requirements for providing workplace learning cf. Article 28
- e. To make proposals for study programme descriptions for individual study programmes which upper secondary schools can use as guidelines cf. Article 23, and
- f. To provide the Minister of Education, Science and Culture with reference on study programme descriptions for vocational education and training whenever individual schools apply for confirmation from the Minister, cf. Article 23

The Minister of Education, Science and Culture can seek the opinion of an Occupational Council regarding certification requests from upper secondary schools, cf. Article 12.

The Ministry of Education, Science and Culture shall cover the expenses of a specialist carrying out work according to paragraph 1, points a. and d.

The Minister of Education, Science and Culture shall issue a Regulation regarding the structure and activities of Occupational Councils, cf. Article 24.

Article 26

Professional councils

Occupational Councils can establish Professional Councils for each occupation or occupational groups with representatives from individual occupations and vocational teachers and/or other specialists. The Professional Councils provide advice on innovation and development within the relevant occupational fields and proposals on particular pilot projects and development projects. Occupational councils shall formulate additional rules on activities of Professional Councils.

Article 27

Occupational committee, appointment and role

The chairs of the Occupational Councils shall appoint representatives for a special Occupational Committee, as well as chair and vice-chair for the committee, appointed without nomination.

The role of the Occupational Committee shall be to advise the Minister of Education, Science and Culture regarding policy making and implementation of vocational education, to serve as platform for collaboration and coordination for the Occupational Councils, and to provide opinion of categorisation and division of occupations between Occupational Councils.

The Occupational Councils shall bear the cost of participation by its representatives in the committee. The Ministry of Education, Science and Culture shall bear the cost of participation of representatives appointed without nomination.

Article 28

Workplace learning

Vocational education and workplace learning are based on general provisions on work based training in the National Curriculum Guide.

The upper secondary school is responsible for making a training contract regarding work based learning with the workplace, association or other parties qualified to provide the pupil with the necessary instruction and training. Vocational training contracts shall stipulate the rights and duties of the employer, school and pupil/apprentice, the objectives and quality requirements of the workplace learning, the contract duration, handling of disputes and contract termination.

Should it be necessary to make a special job contract between the pupil/apprentice and the employer, it shall be verified by the school. Such contracts shall be in accordance with current collective bargaining agreements for apprentices in the occupation concerned.

Occupational Councils shall keep a record of companies and workplaces that fulfil the requirements for providing workplace learning.

The upper secondary school can make an agreement with a third body to administer the implementation and registration of training contracts as well as supervision thereof. A representative of the administrating body may be entrusted with certification of the training contract, as well as its termination if relevant, in which case the procedure shall be according to the Administrative Procedures Act and further provisions in the contract of workplace learning or employment. In the case of a conflict about pupils' rights and obligations regarding the implementation of the administrating body, the head teacher shall rule.

After soliciting the opinion of the social partners and of the pupils' associations the Minister of Education, Science and Culture may issue a Regulation regarding workplace learning, work based training and the authorisation of the upper secondary school to entrust the administration of the workplace learning contract to a third party, cf. paragraph 5.

Article 29

Core schools

The Minister of Education, Science may designate an upper secondary school as core school in a particular field for a certain period of time. A core school shall take the initiative in developing instructional material, study structure and instructional methods and shall assist other upper secondary schools and companies in improving instruction and training in the relevant field.

An agreement between the Minister of Education, Science and Culture and the upper secondary school assuming the role of core school, shall define the project, its management, the

duration of the contract and how the project shall be assessed. Interested parties from industry and Occupational Councils may be parties to such a contract.

The Ministry of Education, Science and Culture provides special budget to core school for carrying out the agreed projects.

Article 30

Study assessment

General study assessment in upper secondary schools is in the hands of teachers, under the supervision of the head teacher. The assessment is based on objectives set for school activities in the National Curriculum Guide and the school curriculum guide.

Pupils have the right to get explanations for the assessment behind their final course grade within five working days after the grade was revealed. If a pupil, who has not attained the minimum grade required, is not content with the teacher's assessment, he or she can turn to the head teacher and solicit the evaluation of a special examination moderator. In this case, an unbiased moderator shall be brought in to evaluate the examination results. The moderator's decision is final and cannot be submitted to a higher authority.

Pupils wishing to take the matriculation examination shall have concluded all courses required according to the National Curriculum Guide with satisfactory results according to evaluation of the relevant institution. In upper secondary school core subjects cf. Article 18, study assessment for final courses leading to matriculation examination shall be based on reference examinations which the Minister of Education, Science and Culture provides or accredits. The Minister of Education, Science and Culture may also decide to put on assessment examinations in individual upper secondary school subjects, as well as skills examinations, cf. Article 23 concerning learning outcomes.

Studies in the certified trades conclude with a journeyman's examination. The Minister of Education, Science and Culture shall issue a Regulation stipulating the structure and implementation of journeyman's examinations. The Minister of Education, Science and Culture may appoint specific apprenticeship committees for the coordination, implementation and evaluation regarding the organisation of journeyman's examinations. The Minister of Education, Science and Culture may also entrust the apprenticeship committee the evaluation of other vocational education and training as applicable.

The Minister of Education, Science and Culture shall issue a Regulation which further stipulates the organisation and implementation of examinations of pupils' knowledge and skills applied in upper secondary schools.

Article 31

Mutual recognition of study and courses

Pupils transferring between institutions that operate according to National Curriculum Guide for upper secondary schools have the right to have their former studies validated for course units in the receiving institution as long as those correspond to the school curriculum guide and the study programme description in question. Study units that do not correspond to the core subjects for the relevant study programme, shall be validated as elective courses.

CHAPTER VI

Pupils

Article 32

Admission, right to education

Any individual who has completed compulsory education, has had equivalent basic education or has reached the age of 16 is entitled to enrol in upper secondary school. Those that have the right to enrol in upper secondary school studies according to this paragraph, also have a right to study in upper secondary schools until the age of 18 cf. provisions in Article 2 and Article 33.

Each upper secondary school shall be responsible for admission of pupils and the obligations of each upper secondary school regarding pupils' enrolment and the requirements for admission made by the school shall be prescribed in an agreement cf. Article 44 between the upper secondary school and the Ministry of Education, Science and Culture. The upper secondary school may place specific demands for enrolment in individual study programmes in the upper secondary school regarding preparation and study results.

The Minister of Education, Science and Culture may issue a Regulation with further recommendations and provisions regarding pupils' enrolment.

Article 33

School rules and case procedure

The school curriculum guide of each upper secondary school shall contain rules that prescribe the rights and duties of pupils. The school rules shall contain provisions regarding the following:

- a. School attendance
- b. Behaviour and conduct
- c. Study assessment, study progress and examination rules
- d. Penalty for violation of school rules
- e. Rules on conflict resolution and penalty exertion

For decisions by the head teacher concerning rights or obligations of pupils cf. Article 1, paragraph 2 of the Administrative Procedures Act, such as expulsion from school for more than one day or if a pupil is refused access to the classroom in a particular field or subject for a period of time, procedures shall follow the Administrative Procedures Act. Head teacher's decisions are subject to appeal to the Ministry of Education, Science and Culture. Provisions in Chapter VII of the Administrative Procedures Act shall apply to case submissions.

Article 34

Pupils with special needs

At upper secondary school level, pupils with disabilities, cf. Article 2 of Act no. 59 from 1992 on Affairs of People with Disabilities, and pupils with emotional or social difficulties shall be provided with instruction and special study support. Specialised assistance and appropriate facilities shall be provided as considered necessary by the Ministry of Education, Science and Culture. Pupils with special needs shall study side by side with other pupils whenever possible.

The Minister of Education, Science and Culture may, with agreement with an upper secondary school, authorise operation of special study programmes for pupils with disabilities in upper secondary schools.

Pupils with reading difficulties shall, whenever possible, have access to specialised instructional material. The upper secondary school defines in its school curriculum guide how it conducts screening and analysis for dyslexia, as well as its measures for follow-up and support for pupils analysed as dyslexic.

Upper secondary schools shall strive to provide special support to pupils that have specific study difficulties or illnesses.

The Minister of Education, Science and Culture may issue a Regulation further stipulating rights, instruction and studies in upper secondary schools. A Regulation shall also stipulate the rights of hearing impaired or deaf pupils to instruction in the Icelandic sign language.

Article 35

Languages, pupils with other mother tongue than Icelandic

The language of instruction in upper secondary schools shall be Icelandic.

Schools may conduct studies in other languages than Icelandic when:

- a. Entailed by the nature of studies or curricula and
- b. When the study programme in question is intended for pupils that do not have command of the Icelandic language or must carry out, or have carried out, part of their studies abroad.

Pupils who do not have Icelandic as their native language have the right for instruction in Icelandic as second language. The same applies to pupils that have stayed for a long time abroad and have little knowledge of Icelandic. The objective is to provide pupils, whose native language is not Icelandic, with the opportunity to maintain their native language as an optional subject, through distance learning or otherwise.

Upper secondary schools shall devise a plan for reception of pupils. The upper secondary school's reception plan shall be accessible for pupils and parents, and it shall e.g. include information about studies and school activities in general as well as information for parents whose mother tongue is not Icelandic and for deaf parents concerning the possibilities for interpretation services. Reception plans for pupils whose mother tongue is not Icelandic shall take into account pupil's background, language skills and skills in other fields of study.

A Regulation shall further stipulate the rights of pupils to be instructed in the Icelandic language, as well as the structure and evaluation of the study.

Article 36

Health care, healthy living, preventive measures

The upper secondary school head teacher shall seek cooperation with a local health care centre regarding preventive health care and healthy living promotion. The upper secondary school and the local health care centre shall make an agreement regarding organisation of the health care service provided to pupils.

Each upper secondary school shall ensure that it can offer, within the walls of the school, healthy food in accordance with national dietetic recommendations.

Upper secondary schools shall encourage pupils to lead a healthy lifestyle and participate in suitable exercise. Each upper secondary school shall issue a policy for preventive measures. The school shall report regularly how it organises and implements its preventive measures.

Article 37

Educational and vocational guidance and counselling

Pupils have the right to receive educational and career guidance and counselling within the compulsory school from the appropriate specialists.

The upper secondary school curriculum guide shall include description of the school's objectives and policy concerning educational and vocational guidance and counselling and it shall also describe how the school fulfils its role and duty in this regard.

Article 38

Study records

Upper secondary schools shall keep all information about their pupils' study records and provide pupils with access to their personal data. With regard to third party access to information about individuals' study records, provisions in Article 55 shall apply and Regulations issued accordingly.

Article 39

Pupils' association

Every upper secondary school shall operate a pupils' association. The pupils' association manages pupils' social activities, their welfare and general interests. It shall set its own rules regarding composition, role and working methods. The upper secondary school is responsible for the operation of their pupils' associations. The upper secondary school shall provide facilities for the operation of a pupils' association.

The upper secondary school may provide funding for the pupils' association and the accounts of the association shall be subject to the same auditing as other school finances.

CHAPTER VII

Evaluation and Quality Control

Article 40

Objectives

The objectives of evaluation and quality control in upper secondary schools are:

- a. To provide information about school activities, its achievements and development to educational authorities, upper secondary schools, personnel, receiving schools, the economy, parents and pupils
- b. To ensure that school activities are according to Law, Regulations and National Curriculum Guide for Upper Secondary Schools
- c. To increase the quality of studies and school activities and encourage developmental work
- d. To ensure that pupils' rights are respected and that they get the service they are entitled to according to law

Article 41

Internal evaluation

Each upper secondary school systematically evaluates the achievements and quality of school activities cf. Article 40, with active participation from school personnel, pupils and parents as relevant.

The upper secondary school issues publicly information on its internal evaluation, its connections with school curriculum guide and plans for development.

Article 42

External evaluation

The Ministry of Education, Science and Culture administers the acquirement, analysis and dissemination of information regarding upper secondary school activities as an integral part of regular external quality control of school activities, together with assessments, surveys and studies.

External evaluation can apply to the upper secondary school as a whole, to internal evaluation methods or other defined parts of upper secondary school activities. External evaluation can also involve several upper secondary schools simultaneously. Upper secondary schools shall provide all the information and assistance required in the evaluation procedure, including the results of internal evaluations. Evaluation reports produced on the basis of this Act shall be published. Upon completion of external evaluation, upper secondary schools shall state how they intend to react to the evaluation results. The Ministry of Education, Science and Culture shall strive to follow up on internal and external evaluation by providing the relevant institutions with support, instruction and counselling in order for the evaluation procedure to result in reforms in school activities.

The Ministry of Education, Science and Culture sets an agenda for three years at a time regarding surveys and assessments that aim at providing information on implementation of this Act, of the National Curriculum Guide and other school activities. The Minister of Education, Science and Culture may also decide to carry out special external evaluation of an upper secondary school or of individual parts of its activities if considered necessary. Assessments of upper secondary schools shall be carried out no less than every five years and shall be assigned to independent agents.

External evaluation shall only apply to upper secondary schools that receive allocation out of the National Budget and are subject to contracts cf. Article 44.

The Minister of Education, Science and Culture shall issue a Regulation regarding internal and external evaluation.

CHAPTER VIII
Administration and Finances

Article 43

Administrative budget

The National Treasury shall provide operational funding for upper secondary schools that receive public funding. Upper secondary schools that receive funding out of the National Treasury are considered public upper secondary schools, and so are other upper secondary schools that conclude a service agreement with the Minister of Education, Science and Culture regarding instruction at upper secondary level, as long as they have been certified cf. Article 12.

Each upper secondary school shall receive an independent budget allocation from the National Treasury. The Minister of Education, Science and Culture shall make proposals for budget allocations for each school for instruction and other activities as needed. The proposals are made on the basis of a calculation model prescribed in a Regulation issued by the Minister of Education, Science and Culture. The calculation model shall take into account the estimated number of pupils, estimated number of teaching hours, study offer, costs resulting from collective bargaining for teachers and other personnel, school housing and facilities, and other factors that are considered important by the Minister of Education, Science and Culture.

Operational funding cf. paragraph 1 is not intended to bear the cost of fees for courses, registration and enrolment collected by other schools such as music schools, for studies that may be evaluated towards course units at upper secondary level. The Minister of Education, Science and Culture may, through agreements thereof cf. Article 44, permit upper secondary schools to enter into contracts regarding payments for those studies.

Article 44

Agreements with upper secondary schools

The scope of upper secondary school operations, to the extent to which they are funded with allocations from the National Treasury, shall be determined by the annual national budget.

Agreements between the Minister of Education, Science and Culture and individual upper secondary schools, made for a period of 3-5 years at a time, shall specify main emphases in school activities, school curricula, study offer, organisation of instruction, quality control and evaluation, as well as other matters which the parties to the agreement consider feasible. The implementation of these agreements shall be reviewed annually and valid agreements revised if the parties to the agreements consider necessary.

Service agreements made with other than public upper secondary schools shall, in addition to the items mentioned in paragraph 2, stipulate pupil's legal status, number of pupils, fee collection from pupils and payments for other services than those provided on the basis of the agreement.

Article 45

Permission for fee collection in public upper secondary schools

The head teacher shall decide on the amount of fee for enrolment and material that pupils have to pay at the outset of a school year or semester:

- a. The enrolment fee shall take into account costs incurred by pupils' registration. Pupils who are allowed to enrol outside of predefined enrolment period may be charged 25% higher fee, which may be conferred to school funds, since its income shall be allocated in the interest of pupils according to the school charter
- b. Schools may not collect fee for material, which it decides unilaterally to give to pupils. Fee for material provided to pupils by the school can be collected, whenever the material is of use or benefit to pupils. The fee shall be based on real material cost and contribution to schools out of the National Budget to meet cost of material. Financial accounts shall be kept accordingly. Rules for general operations apply to revisions hereof.

The Minister of Education, Science and Culture prescribes the limit of enrolment and material fee in a Regulation.

Upper secondary schools may offer studies outside of their normal operating period during the summertime and may collect fee from pupils to meet specific wage costs incurred by the instruction provided.

Upper secondary schools may offer studies outside normal school hours and through distance learning and may collect fees from pupils corresponding to as much as 10% of average teaching contribution per pupil at upper secondary level according to the National Treasury based on full time study. Otherwise, the fee shall be calculated in proportion to number of subjects.

Upper secondary schools may collect fees from pupils for optional activities offered, such as study tours, museum visits or theatre trips.

Upper secondary schools may collect fees for other services offered which are not considered part of or connected to the school's legal role, such as for membership cards, locker rent, etc.

The Minister of Education, Science and Culture sets further provisions for fee collection cf. this Article in a Regulation.

Decisions regarding fee collection according to this Article are subject to appeal to the Minister of Education, Science and Culture. Provisions of the Administrative Procedures Act shall apply to case submissions.

Article 46

Pupils' residences in public upper secondary schools

Agreements between the Ministry of Education, Science and Culture and the upper secondary school cf. Article 44, may stipulate the operation of pupils' residence in connection with an upper secondary school. The Minister of Education, Science and Culture shall apply to the National Budget for contribution to meet the costs of supervision and general operations. The pupils themselves shall bear part of specific costs of the residence, which are prescribed in a Regulation issued by the Minister of Education, Science and Culture. The head teacher shall be responsible for the operation of the pupils' residence, but can outsource daily supervision and operation to a third party.

Article 47

Capital investment cost of public upper secondary schools

When establishing a new upper secondary school, an agreement shall be concluded regarding capital investment costs and division of costs between the parties involved in establishing the upper secondary school. Capital investment costs include housing and general equipment that the parties to the agreement agree to provide to the school. Local authorities shall provide building lots for upper secondary schools without charge. The Minister of Education, Science and Culture sets the guidelines for capital investment costs of upper secondary schools in consultation with the Association of Local Authorities in Iceland.

When the Minister of Education, Science and Culture and local authorities jointly decide to establish an upper secondary school, an agreement shall be made concerning preparation and supervision of capital implementation. Capital implementation can be under supervision and responsibility of the state, local authorities or jointly of state and local authorities, according to agreement:

- a. When local authorities administer preparations and work implementation cf. paragraph 2 the National Treasury pays 60% of costs incurred by capital implementation, other building lot work, capital equipment and if relevant, pupils' residence, according to specific criteria for capital investment.
- b. When the Ministry administers preparations and work implementation, cf. paragraph 2, local authorities pay 40% of costs incurred by capital implementation, other building lot work, capital equipment and if relevant, pupils' residence, according to specific criteria for capital investment.
- c. In the case of a joint implementation, the National Treasury pays 60% and local authorities 40%.

If the state and local authorities, one or more, decide to provide their joint school with housing and equipment owned by a third party, division of incurred costs shall be especially

agreed upon. Division of costs between state and local authorities shall be treated similarly as if it were an implementation under their administration cf. paragraph 2.

Should *Althingi* approve the establishment of a school without participation of local authorities the capital investment cost shall be borne by the National Treasury.

The use of pupils' residence facilities outside the regular school year shall be negotiated especially. Finances for such usage shall be kept separate in upper secondary school financial accounts.

Article 48

Maintenance cost, ownership, alternative usage of public school housing

The Minister of Education, Science and Culture may entrust supervision of an upper secondary school housing to a public institution or other relevant party in return for payment. Any major maintenance of upper secondary schools owned by the state or local authorities, which is not administered in the aforementioned way, shall be paid with special allocation defined in the national budget.

Shareholdings of school housing owned by the state and local authorities shall be proportional to capital investment payments, or of initial payments division in the case of older housing. Should upper secondary school housing be assigned for other use than for upper secondary school activities, owners shall make an agreement thereof. Should a property be sold to either of the owners, cost estimation shall be done by court-appointed individuals.

Article 49

Funds

A head teacher may, given the school committee's reference and consent from the Ministry of Education, Science and Culture, establish special funds in public upper secondary schools. Such funds shall be established with a charter, certified and published in the Law and Ministerial Gazette.

CHAPTER IX

Miscellaneous Provisions

Article 50

Parent council

A parent council shall be operated in each upper secondary school. The head teacher shall summon its inaugural meeting. The role of the parent council is to support school activities, tend to pupils' interests and collaborate with the school in strengthening cooperation between parents and legal guardians of underage pupils in the school. Members shall be parents of pupils in the upper secondary school.

Board members shall be elected in the council's general assembly. The parent council nominates one observer to sit on the school committee. The parent council shall set its own rules.

Article 51

Instructional material

The national budget shall annually specify the amount allocated to meet pupils' costs of instructional material. The Minister of Education, Science and Culture issues rules for financial division and organisation of the support.

Article 52

Innovation in school activities

The Minister of Education, Science and Culture may allow upper secondary schools to introduce innovation in school activities or experiment with particular elements thereof with exemption from provisions of this Act and Regulation that may be passed on the basis of this Act. Such experiments shall always be carried out within normal time limits and a written permission shall stipulate final evaluation thereof.

Article 53

Venture fund

A venture fund shall support development and innovation in school activities according to official policy and National Curriculum Guides. The fund shall be common for preschools, primary schools and upper secondary schools.

Contributions shall be made to the fund according to the annual national budget. The Minister of Education, Science and Culture administers the fund and issues a regulation for allocation of grants. A Regulation may be issued, entrusting institutions under the authority of the Ministry of Education, Science and Culture with administration of the fund and fund allocations.

Article 54

Role of public upper secondary schools in lifelong learning

Given the consent of the Minister of Education, Science and Culture, upper secondary schools may participate in the operation of a lifelong learning centre in partnership with local authorities, professional associations, trade unions, employers' associations or other interest groups. The cooperating partners shall conclude an agreement regarding the operation.

Given the consent of the Minister of Education, Science and Culture, upper secondary schools may organise courses and education for adults, in partnership with local authorities, professional associations, trade unions, employers' associations or other interest groups. Operational cost shall be kept separate from the school's administrative finances and paid in full by the partners or through course fees.

The Minister of Education, Science and Culture may issue further rules on the basis of this Article.

Article 55

Information Provision

In keeping with its legal role of evaluation and monitoring, the Ministry of Education, Science and Culture is responsible for collecting and disseminating information regarding school organisation and activities at upper secondary level. Upper secondary schools shall report to the Ministry of Education, Science and Culture on the organisation and implementation of school activities, on a yearly basis at least or as requested.

The Minister of Education, Science and Culture issues a Regulation with further instructions regarding the upper secondary school's reporting responsibilities of school activities, as well as other systematic data collection in the school and treatment of personal data, such as pupils' study reports.

Article 56

Reports to Althingi

The Minister of Education, Science and Culture reports every three years to *Althingi* (The Icelandic Parliament) about school activities in upper secondary schools in the country.

CHAPTER X
Entry into Force, etc.

Article 57
Entry into Force

This Act shall enter into force on 1 August 2008. At the same time, the Upper Secondary School Act no. 80/1996 shall be repealed.

Temporary Provisions

I

Notwithstanding provisions of Article 57, upper secondary schools in operation upon entry into force of this Act shall comply with provisions in Chapters IV and V no later than 1 August 2011.

II

Upper secondary schools that come under Chapter III shall have acquired accreditation by the Minister of Education, Science and Culture no later than 1 August 2011, cf. Article 12.

III

Regulations, advertisements and other provisions issued according to Act no. 80/1996 with later amendments shall remain valid as long as they do not conflict with this Act, until new Regulations, advertisements or other procedures have come into effect.

IV

School boards that were elected according to Article 6 of the Upper Secondary School Act no. 80 from 1996 shall operate until the end of their appointed term.