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*Lov om videregående  
opplæring.*

Norwegian Ministry of Church and Education.

# ACT

of 21 JUNE 1974

## CONCERNING THE UPPER SECONDARY SCHOOL

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### *1. The Scope of the Act*

This Act applies to upper secondary education which builds on the basic school or which provides instruction which would normally be found in the 10th—12th years of schooling. Upper secondary education may also provide instruction beyond the 12th year of schooling.

The Act applies also to similar instruction for adults receiving upper secondary education.

The Crown shall determine the schooling and education regarded as falling under this Act.

### *2. Purpose*

The purpose of upper secondary education is to give a preparation for work and for life in the community, to lay a foundation for more advanced education, and to assist pupils in their personal development.

Upper secondary education shall contribute to developing knowledge and understanding of the basic christian values, our national cultural heritage, democratic concepts, and rational means of thought and work.

Upper secondary education shall advance human equality, freedom of thought and tolerance, understanding of our environment, and international co-responsibility.

### *3. School Organisation*

The upper secondary school shall offer the following types of course:

1. 1-year and 2-year foundation courses. The 1-year courses shall provide a basic vocational training plus teaching in general subjects, or provide a general education. The 2-year courses shall contain a nucleus of general subjects; in addition pupils shall be able to choose a basic vocational training, general subjects, aesthetic subjects, physical education, or combinations from these subject-groups.

2. 1- or 2-year advanced courses in which the emphasis is placed on general subjects or on vocational training.
3. Shorter courses.
4. Courses authorised under 1—3 above or sections of such courses, as part-time education.

In the courses authorised under 1—2 above, part of the training may take place in working life, through apprenticeship or otherwise.

To the extent that this is possible, opportunities should also be available for taking part in the study of individual subjects in ordinary courses.

Individual schools may offer one or more lines of study.

#### *4. Plans at County Level for the Development of Upper Secondary Education*

The county authority shall be responsible for a continuing plan covering upper secondary education within its area. This shall set out as far as possible to meet the need for upper secondary education, including also short courses and part-time education as described in paragraphs 3.3 and 3.4 and to meet the demand for different lines of study, while paying regard to the possibilities for employment in different occupations. The plan shall also aim to meet the training needs of the handicapped.

The county council shall adopt the plans for the development of upper secondary education in the county after the county school board had made its recommendation. A minority in the county council may refer a decision on appeal to the Ministry. This must be done within 6 weeks of the date of the county council's decision, and a final decision will be taken by the county council after the Ministry has made its recommendation.

Two or more counties may cooperate over educational provision. If they are unable to agree on the terms of such cooperation, the Ministry will decide the issue.

#### *5. Range of Subjects and Syllabus*

The Ministry shall lay down the range of subjects for the courses operated in accordance with paragraphs 3.1 and 3.2 and determine guidelines for syllabuses which shall include a statement of the aim of the course and the main teaching points it covers.

The Ministry may authorise a school to depart from the regulations about the range of subjects. Before doing so it will require the consent of the county school board, and the recommendation of the teachers' council, the pupils' council and the school committee.

Pupils who are members of non-Christian religious communities may on application be excused in whole or part from the instruction in religion.

#### 6. *Assessment and Certificates*

The Ministry shall issue regulations on the assessment of pupils' performance and on the issue of certificates.

#### 7. *Intake of Pupils*

The normal condition of entry to upper secondary education is that one should have completed the 9-year basic school (including herein attendance at an institution providing special education or some similar teaching). Other pupils may be accepted in accordance with further regulations issued by the Ministry. On entry the applicant's preferences for a line of study and for optional subjects shall be taken into consideration as far as possible.

A committee elected by the county school board shall accept pupils for the basic and further courses and allocate them among the municipal and county municipal upper secondary schools in the county.

The Ministry may issue further instructions on intake, including the intake of pupils from other counties, and on the procedure when there are more applicants than places.

#### 8. *School Attendance*

A pupil accepted for an upper secondary school shall — as far as possible — be able to continue his education there for three years, or more if he has chosen a line of study which requires a longer time. Handicapped pupils similarly have the right to more than 3 years' study at an upper secondary school if expert opinion is that they require the extra time and can absorb the teaching.

If a pupil encounters difficulties over following his chosen course, the school shall endeavour to identify and provide another course appropriate to his needs. If this proves difficult, the school committee shall refer the matter to the county school board, which shall try to arrange a suitable course for him at another school either within or outside the county.

### *9. The Organisation of Teaching and other Duties*

The Ministry may lay down regulations for the calculation of teachers' hours of work in individual schools and other regulations for the organisation of teaching and for special duties. The school committee shall make the arrangements for each year within this framework. A teacher's hours of work must be approved by the board for the school.

The Ministry may lay down special regulations for the calculation and approval of teachers' hours of work in short courses, in part-time education and in special education.

### *10. The length of Schooling*

The Ministry shall issue regulations on:

- a) the annual length of schooling for pupils;
- b) the number of lessons per week, and the number of schooldays per week;
- c) the length of lessons.

Special regulations may be laid down for short courses and for part-time education.

The school committee for each school shall make arrangements within the framework of the regulations in accordance with the first two paragraphs of this Section.

### *11. Special Education, Pedagogic-psychological Counselling, and Social-Pedagogic Provision*

Pupils who in expert opinion require special pedagogical help and assistance shall be given special education.

Such education may be provided either internally or externally. By internal special education is meant special education provided in a normal upper secondary school; external special education is special education provided either in separate schools or in medical or social institutions. Special education may also be provided on a domiciliary basis or as part of training at the place of work.

The county-municipality shall ensure that pupils in upper secondary schools have access to appropriate pedagogic-psychological counselling.

The educational facilities in upper secondary schools shall include the necessary social-pedagogic provision.

The Ministry may issue further regulations to promote special education, the pedagogic-psychological counselling service, and social-pedagogic provision in upper secondary schools and in the process of adaptation to working life.

### *12. School Buildings, Pupils' hostels and Equipment*

The county-municipality shall be responsible for providing sites and school premises for the schools administered by the county. The schools shall be furnished and equipped as necessary.

The Ministry may issue regulations about school premises, furnishings and equipment and detailed guidance on matters relating to the building or extension of schools or pupils' hostels. Choice of site, and plans for the building or extension of a school or pupils' hostel shall be submitted to the local board of health for its opinion. As far as possible, school premises, pupils' hostels, and furnishings shall meet the requirements of the physically handicapped.

The county school board shall lay down regulations about the hire or loan of premises and equipment. These shall be expressed in such a way that no one is excluded on religious or political grounds.

The cleaning of premises shall be subject to Section 6 of the Act of 28 June 1957 concerning Health in Schools and other Educational Institutions.

### *13. Transport and Accommodation*

For those pupils who must use transport each day to reach school, the county-municipality shall provide transport or pay a travelling allowance. The county-municipality may delegate to a municipality responsibility for organising and providing transport to an upper secondary school in, or for pupils from, that municipality.

For physically handicapped pupils the county-municipality shall similarly, if necessary, be responsible for providing transport, irrespective of the distance to school.

The Ministry shall issue further regulations on the organisation of transport. The arrangements made must be approved by the director of schools.

The school shall assist in the provision of accommodation for pupils whose homes are so sited, or who live such a long way away, that they cannot make use of daily transport to the school. If it is necessary to build a pupils' hostel, this shall be the responsibility of the county-municipality.

If pupils attend a school for external special education, or live in a pupils' hostel attached to the school, their expenses on travel and on board and lodging etc. shall be met by the municipality in which they live in accordance with Section 6 of the Act of 5 June 1964 on Social Care no. 2.



#### *14. Health Supervision*

Health supervision shall be subject to the provisions of Section 6 of the Act of 28 June 1957 concerning Health in Schools and Other Educational Institutions.

The Ministry shall issue further regulations about health supervision and medical provision for pupils who receive special education.

#### *15. The Working Environment and the Rights and Duties of Pupils*

Great importance must be attached to creating a good working environment for, and satisfactory means of co-operation between, all those connected with the school, whether as pupils or teachers or in some other capacity.

Each school shall have a set of regulations laid down by the school committee. This shall include instructions on the rights and duties of the pupils in so far as they have not been laid down elsewhere, regulations concerning conduct, the sanctions open to the school in respect of pupils who break these regulations, and the procedure to be followed in dealing with such cases.

The Ministry may issue further instructions on the content of the set of regulations, including the right of the school to exclude a pupil from instruction for a short period.

#### *16. Expulsion of Pupils*

When a pupil has been guilty of serious offences or negligence, the school shall first endeavour to help him through pedagogical-psychological counselling or some other form of counselling, or shall assist by providing some other type of expert help from outside.

If a pupil consistently behaves in a fashion which seriously offends against discipline and disturbs the peace of the school, or if he seriously neglects his duties, he may be expelled from the school. If the pupil is not legally of age, his parents or guardians must have been informed previously of his behaviour or his neglect, in accordance with paragraphs 1 and 2 of Section 17 of the Act on Child Protection. The decision on expulsion must be taken by the teachers' council, and requires a two-thirds majority of all the members of the council.

The pupil shall be given an opportunity to explain his conduct orally to the teachers' council before any decision about his expulsion is reached, in accordance with Section 21 of the Act on Child Protection.

### *17. Teaching Posts etc.*

The Ministry shall lay down what teaching posts and other educational appointments there shall be in an upper secondary school.

Teaching may be carried out by staff in full-time posts or in part-time posts, in accordance with detailed regulations issued by the Ministry.

When necessary, substitute teachers may be employed, or teachers may be appointed temporarily for up to one year.

### *18. Training Requirements etc.*

The provisions of the Act on the Training of Teachers shall apply to the training required for posts under Section 17.

The Ministry may specify particular requirements for the training of staff undertaking special pedagogic duties.

### *19. Advertising of Vacancies and Appointment*

Vacant posts in an upper secondary school shall be advertised by the county school board. The advertisement shall make known the conditions and the closing date for applications. The closing date shall be at least three weeks after the post is first advertised.

The county school board shall make appointments to upper secondary schools on the basis of the recommendations of the school committee.

A minority in the county school board can make it known before the end of the meeting that it is appealing to the Ministry against a decision on an appointment; the Ministry may either dismiss the appeal or appoint the candidate proposed by the minority.

The applicant appointed must send in his written acceptance or refusal of the post within eight days of receiving notification of it. The county school board may extend this period.

The principal shall appoint substitutes for periods of up to three months. Longer periods of substitution and temporary appointments shall be treated in the same way as normal appointments.

The county school board must not either in the advertisement or by any other means require applicants to provide information about their views on questions of a political or cultural nature.

### *20. The Duties of Staff*

Staff have, severally and jointly, and in co-operation with the pupils, responsibility for ensuring that the school is conducted in accordance with the objectives set for it.

The teaching staff have a duty to teach at the levels and in the subjects determined by the authorities of the school, and are bound to attend meetings for planning and consultation outside their teaching hours; they are also bound to perform other tasks connected with the teaching activities of the school.

The teaching staff have a duty to act as supervisors for practice teachers at the high schools and departments of education who are doing a period of practice teaching at the school.

The Ministry shall issue sets of regulations and instructions relating to the staff referred to in Sections 17 and 28.

### *21. Leave of Absence*

The county school board may grant a teacher or other employee leave of absence in accordance with regulations issued by the Ministry. It may delegate to the school committee responsibility for granting leave of absence for short periods.

### *22. Terms of Employment etc.*

Staff in upper secondary schools administered by a county are regarded as employees of the county authority.

Terms and conditions of employment, dismissal and notice, suspension, retirement and other legal relationships affecting senior appointments and teaching appointments shall be laid down in law.

### *23. County School Boards*

In every county-municipality there shall be a county school board with a minimum of seven and a maximum of fifteen members. The county council shall determine the number.

The members of the county school board with their deputies shall be elected by the county council for a period of 4 years at the first county council meeting after new municipal elections. The election shall be held in accordance with the principles of proportional representation if some one so demands (cf. Section 7 of the Act of 16 June 1961 No. 1 concerning county municipalities). Anyone who has been a member for the last four years may decline re-election for a similar period.

For such schools as are conducted jointly by several county-municipalities the Ministry may determine the composition of the board, the procedure for its election, and its duties.

The following shall be entitled to attend meetings of the county school board, to express their views, and to have these recorded in the minutes:

- a) the chairman of the county council;
- b) the county governor;
- c) the county superintendent of schools;
- d) one representative each of the principals, teachers, and other staff of the schools conducted by the county-municipality, and two representatives of the pupils;
- e) the county director of schools.

The county school board shall determine how the representatives under d) are to be chosen.

#### *24. The Functions of the County School Board*

The county school board shall be the governing body for the upper secondary schools conducted by the county-municipality except when the law determines otherwise.

The county school board shall ensure that the schools are conducted in accordance with the laws and provisions prevailing at the time and with the decisions of the county-municipality, and see to it that the schools fully meet the needs which exist at the time.

The county school board shall co-operate in enabling the teachers to maintain their knowledge and to keep abreast of modern developments in their subjects.

The Ministry may issue further instructions for the functions of the county school board.

The county school board may appoint its own committees and give such committees the power to take decisions. In schools which provide vocational training an advisory vocational committee shall be appointed.

The provisions of Section 23 (final paragraph) and of Section 25 shall apply similarly to such committees as far as appropriate.

#### *25. Procedure at Meetings*

The county school board shall itself elect its chairman and vice-chairman for two years at a time. There shall be separate elections for chairman and vice-chairman. If no candidate has a majority after the first vote, the county school board shall take a second vote, and the candidate who then received the most votes shall be elected. If two or more members receive the same number of votes, the election shall be decided by the drawing of lots between them.

Anyone who has been chairman for two years may decline re-election for a similar period.

The chairman or vice-chairman shall summon and chair the meetings. If both are absent, the members of the county school board shall elect another chairman for the meeting from among their own members.

The meetings of the county school board shall be open to the public. The board may, however, resolve that a particular question shall be discussed in camera. When the chairman thinks it necessary, or the county school board so resolves, the same shall apply to the discussion of whether a matter should be handled in camera.

To form a quorum, more than half of the members must be present.

Members of the county school board who are present when a matter is put to the vote have the obligation to vote. In matters concerned with elections or appointments the county school board may make a decision to take a written vote. The county school board reaches its decision by a normal majority vote. Blank voting slips in a matter concerning elections or appointments shall not count. If the numbers of votes are equal, the chairman's vote shall be decisive, except that for elections and appointments the provisions of the first paragraph of this section shall apply.

The Ministry may issue further instructions regarding the procedure at meetings.

#### *26. The Administration of the County School Board*

In each county-municipality there shall be a county superintendent of schools. The county superintendent of schools shall be appointed by the county committee on the recommendation of the county school board.

The county superintendent of schools shall be the administrative head of the county municipal school system under the county school board. He shall prepare matters for discussion by the county school board.

The county council shall determine the other posts to be established in or linked to the office of the county school board. These persons shall be appointed by the county school board.

#### *27. School Committees*

At each school there shall be a school committee consisting of 7 members; two of these shall be elected by the county school board, two by the teachers' council, two by the pupils' council and one by the council for other employees at the school. The representatives of the pupils'

council, with their deputies, shall be elected for one school year at a time, the remainder for two school years at a time. The school committee shall itself elect its chairman and vice-chairman, who shall hold office for one school year at a time.

The Principal shall take part in the meetings of the school committee, but he shall have no right to vote unless he has been elected as a member by the teachers' council.

The provisions of Section 25 shall apply to the procedure at meetings of the school committee as far as they are appropriate.

The county school board may in special cases allow exceptions to these enactments.

The Ministry may issue further instructions as to the functions of the school committee.

### 28. *The Principal*

The Principal is the pedagogic and administrative head of the school. He shall ensure that the current provisions of the law, the regulations and instructions are carried out.

### 29. *Teachers' Councils*

At each school there shall be a teachers' council which shall consist of the Principal and all the teachers who occupy at least half-time teaching posts. The teachers' council shall itself elect its chairman and vice-chairman, who shall hold office for one school year at a time.

The provisions of Section 25 shall apply to the procedure at meetings of the teachers' council as far as they are appropriate.

The Ministry may issue regulations for the organisation of teachers' councils.

### 30. *Councils for Other Employees than Teaching Staff*

At each school there may be a council for employees who are appointed. The Ministry may issue regulations for the organisation of teachers' council.

This council shall itself elect its chairman and vice-chairman, who shall hold office for one year at a time.

The Ministry may issue regulations for the organisation of councils for other employees than teaching staff.

### *31. Pupils' Councils and General Meetings*

Each school shall have a pupils' council which shall consist of at least one member for every twenty pupils. The pupils' council shall itself elect its chairman and vice-chairman.

If the pupils' council or a fifth part of the pupils so desire, a general meeting may be held for all the pupils at the school.

The pupils' council shall be elected by written vote.

The Ministry may set out regulations for the functions of pupils' councils.

### *32. Educational Guidance Service*

There should be in each county-municipality an educational guidance service for teachers in upper secondary schools. The Ministry shall issue further regulations for the organisation of the guidance service.

### *33. The Council for Further Education*

To assist the Ministry by proposing innovations, and providing advice and supervision for the schools under the jurisdiction of this Act, the Crown shall appoint a council, the Council for Further Education. The Ministry shall issue further regulations relating to the composition, duties and organisation of this council, and to the length of time for which it shall operate.

### *34. Non-divulgement of Confidential Information*

Everyone dealing with matters under this Act shall be under the obligation to prevent others acquiring the knowledge that he himself acquires in the fulfilment of his duties about any private individual and that individual's relationship with the school. Such information may, however, be utilised with the concurrence of the individual who is entitled to the protection of secrecy, or if the information is divulged in such a fashion that only someone previously acquainted with the case could identify the individual concerned. The same exception shall apply when there is no justifiable reason for regarding the information as secret; for example a factor to be taken into consideration is whether the situation is generally known or whether the information is generally available from other sources.

This obligation as defined in the paragraph above shall not prevent:

- a) the information being made available to anyone who is a party in the case;

- b) the information being used as necessary for a proper preparation of the case and for implementing the decision which is reached in it;
- c) the information being made accessible to other officials to the extent necessary for the proper functioning of an office and filing system, for records and for statistical purposes, or for audit or any other type of inspection of the activity falling under this Act;
- d) the information being made available to the necessary extent to other officials as one element in cooperation over the duties of the school within the framework of this Act;
- e) the reporting of punishable offences to the appropriate authorities, when such a report has a reasonably close connection with the duties of the school according to this Act.

Anyone who receives information in accordance with provisions c) and d) of paragraph 2, shall be bound by the obligation as defined in paragraph 1 of this Section.

The Crown may issue further regulations on the custody of documents to which this obligation applies, on the destruction of such documents and on the cessation of the obligation after a set time. The obligation shall cease after 60 years unless the Crown should otherwise determine.

### 35. *Obligations of the County Municipality*

The schools providing education in accordance with this Act shall be county schools. In special circumstances the State, or, with the permission of the Ministry, a municipality may conduct an upper secondary school. For private schools the provisions of Section 39 shall apply.

The county-municipality is further responsible for ensuring that the provisions of this Act are implemented.

The county-municipality shall meet the expenses of the upper secondary schools it conducts and receive a grant from the State in accordance with the provisions of the law. Pupils in public upper secondary schools shall not pay school fees.

The Ministry shall issue regulations concerning the obligations of county-municipalities in respect of special education provided in accordance with Section II other than in the ordinary schools conducted by the county-municipality.



*36. Concerning Upper Secondary Schools conducted by the State or a Municipality*

The Ministry shall appoint a board for the upper secondary schools conducted by the State. The local school board shall be the board for the upper secondary schools conducted by a municipality. These boards shall have the rights and duties accorded to the county school board in Sections 5, 19, 21, 24 and 27.

The municipality of Oslo shall have the rights and duties which by this Act are accorded to a county-municipality, and the Oslo school board shall have the rights and duties accorded to a county school board.

*37. State Grants*

The State shall provide the following grants:

- a) towards the operating expenses of upper secondary schools, on the basis of the normal cost per pupil for each full year. The Crown shall determine the factors forming the basis for calculating the subsidy;
- b) towards transport costs in accordance with the arrangements authorised in detailed regulations issued by the Ministry;
- c) towards the purchase of new mechanical and technical equipment in accordance with detailed regulations issued by the Ministry;
- d) towards the construction of school buildings and pupils' hostels. Parliament shall grant an annual sum to be allocated by the Ministry.

The grants under a) b) and c) shall be within the range of 30—75 %. The Ministry may rule that the provisions of this Section shall apply similarly to an upper secondary school conducted by a municipality.

The Ministry shall determine the normal cost per pupil for each full year, and the percentage rate of grant for each county-municipality or municipality.

*38. Textbooks and other Teaching Aids*

The State shall co-operate in furthering the rational production and use of teaching aids.

Textbooks and other teaching aids in subjects other than Norwegian must be made available at the same time and at the same price in both forms of the Norwegian language (bokmål and nynorsk)). The Ministry may authorise exceptions to this ruling.

Parliament shall grant an annual sum towards subsidising the production of textbooks. This sum shall be allocated by the Ministry.

The Ministry shall issue detailed regulations about the authorisation of textbooks.

### *39. Concerning Private Schools*

No private upper secondary school may be conducted without the authorisation of the Ministry, which may not be granted except on the recommendation of the county school board. The Ministry may lay down conditions for such authorisation, and may withdraw this if the conditions are not fulfilled.

With regard to public grants to private upper secondary schools the provisions of the Act of 6 March 1970 No. 4 on Grants to Private Schools shall apply.

### *40. Transfer of Staff*

The Ministry shall issue regulations about the transfer of staff to the upper secondary school from the types of school which are incorporated in it.

### *41. Operation of the Act, etc.*

#### I

This Act shall take effect from a date to be determined by the Crown. In accordance with a subsequent decision by the Crown, Section 19, in so far as it relates to the advertising of posts and the appointment of teaching staff as defined in Section 17, shall be put into effect from a later date than the remainder of the Act.

Meanwhile the Crown shall issue the detailed regulations for the appointment of teaching staff.

#### II

1. From the date from which this Act shall take effect, the following Acts are repealed:
  - a) the Act of 1 March 1940 concerning Vocational Schools for Craft and Industry. This notwithstanding, this Act shall remain valid for the technical schools and the schools of art and crafts until otherwise decided by the Crown or by law.
  - b) the Act of 6 July 1957 No. 3 concerning Commercial Colleges and Vocational Schools for Commerce and Office-work.

- e) the Act of 12 July 1964 No. 2 concerning the previous Intermediate and Upper Secondary Schools (realskoeler and gymnas).
- 2) However the provisions of these Acts shall continue to apply after the present Act comes into effect, in respect of rights and duties obtained or incurred before that date.

### III

The Ministry may by statute determine that the Acts referred to in II shall continue to apply in whole or in part for a transitional period and for certain schools or types of schools. The Ministry may also on application determine similarly in respect of individual schools.