

Upper Secondary Education Act

2008 No 92 12 June

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*Any reference in this Act to “the Minister” or “the Ministry” not accompanied by express mention of or reference to a specific field of responsibility shall be understood as being a reference to the **Minister of Education, Science and Culture** or to the **Ministry of Education, Science and Culture** as responsible for the implementation of this Act.*

Section I Scope, role, general administration

☐ Article 1 *Scope*

☐ This Act applies to schooling at the upper secondary level. Studies at the upper secondary level are organised as a continuation of compulsory school education. The studies conclude with a final examination such as the upper secondary school leaving certificate, a professional qualification examination, the matriculation examination, or any other formal conclusion of studies, linked, as the case may be, to specific occupations and granting special rights in relation thereto.

☐ This Act applies to public upper secondary schools, see further Section II, as well as other schools at the upper secondary level that have obtained accreditation by the Minister, see further Section III.

☐ Article 2 *Role*

☐ The role of upper secondary schools is to promote the all-round development of all students and their active participation in democratic society by offering studies suiting the needs of each student.

☐ Upper secondary schools shall prepare students for participation in working life and further studies. They shall strive to develop their students’ proficiency in the Icelandic language, both spoken and written, reinforce their moral values, sense of responsibility, broadmindedness, initiative, self-confidence and tolerance, train them to apply disciplined, independent working methods and critical thinking, teach them to appreciate culture and encourage them to seek further knowledge. Upper secondary schools shall communicate knowledge and train students in a way that provides them with the skills required for specialised occupations and the prerequisites to pursue further education.

☐ Article 3 *General administration*

☐ The [Minister]⁽¹⁾ shall assume responsibility for the general administration of any matter governed by this Act and for all of the following:

- a. General policy-making regarding upper secondary education;
- b. The National Curriculum Guide and the confirmation of individual school curriculum guides and study programme descriptions;
- c. Quality assurance with regard to the administration and operation of schools;

- d. The provision of support for developmental work in upper secondary schools and for the development of instructional material;
- e. The collection, analysis and dissemination of information on the operation of schools.

⁽¹⁾Act No 126/2011, Article 493.

Section II Public upper secondary schools

Article 4 Establishment of upper secondary schools

Public upper secondary schools are state-run institutions operated under the auspices of the [Minister].⁽¹⁾

The Minister, where appropriate in cooperation with one or more local authorities, may take the initiative to establish a public upper secondary school. The establishment of a public upper secondary school takes place by means of a decision by the Althing to provide the school with working capital through an appropriation under the Budget Act.

While public upper secondary schools do not require specific accreditation, they must meet all general requirements for accreditation of upper secondary schools pursuant to Article 12.

⁽¹⁾Act No 126/2011, Article 493.

Article 5 School boards

Each upper secondary school shall have a school board to be appointed by the Minister for a four-year term. The school board shall be comprised of five members, two of which shall be appointed by nomination of the relevant local authorities, with the three remaining members being appointed without nomination. Alternate members shall be appointed in the same manner. The board shall elect its chair for a one-year term. Three non-voting observers with a right to speak and propose motions shall be nominated for a one-year term, one each by the teachers' assembly, the students' association and the parents' council. The headteacher shall attend the meetings of the school board as a non-voting observer with the right to speak and propose motions, and shall also serve as the board's managing director.

The role of the school board shall be:

- a. To decide on the school's priorities and to promote the best service possible to those living in the school's catchment area and its relationship to the local economic, social and cultural community;
- b. To confer with the headteacher regarding the study programmes to be offered;
- c. To confirm the school curriculum guide after obtaining the opinion of the school's general assembly, and to monitor its implementation;
- d. To provide the headteacher with an opinion on the annual operating and financial plan drawn up based on the Budget Act, and to follow up on its implementation;
- e. To provide consultation to the headteacher regarding the amount of fees established by the headteacher, cf. Article 45;
- f. To provide consultation to the headteacher regarding agreements entered into by the school;
- g. To provide consultation to the headteacher regarding staff matters;
- h. To submit to the Minister an assessment of each applicant for the position of headteacher.

Article 6 Headteacher

The headteacher of an upper secondary school shall be appointed by the Minister for a period of five years. The school board shall provide an assessment of applicants for the position of headteacher. A teacher who is appointed headteacher shall be granted leave from teaching duties while holding the post of headteacher.

The headteacher is responsible for the direction of the school. The headteacher is responsible for the daily administration and operation of the school and shall ensure that it operates in compliance with applicable acts and regulations, as well as with the National Curriculum Guide and any other administrative provision in force at each time. The headteacher shall be

responsible for setting the school's budget and ensuring that it is adhered to, and for leading the way in drawing up the school curriculum guide and instigating reforms within the school.

☐[The Minister may charge a headteacher with the direction of more than one upper secondary school.]⁽¹⁾

⁽¹⁾Act No 71/2010, Article 1.

☐**Article 7 School councils**

☐The school council shall provide consultation and assistance to the headteacher. The headteacher shall chair the school council, the other members of which shall be the deputy headteacher and teacher and student representatives. Further provisions on the composition of the school council, its role and mode of operation may be laid down in a Regulation.

☐**Article 8 Upper secondary school staff**

☐The headteacher shall hire administrators, teachers and other members of the school's staff after consultation with the school board.

☐The headteacher shall appoint a deputy headteacher for a term of up to five years. A teacher who is appointed deputy headteacher shall be granted leave from teaching as needed while holding the post of deputy headteacher.

☐[Eligibility requirements for the positions of headteacher, teacher and school counsellor (educational and career counsellor) at upper secondary schools shall be as stipulated in the Act on the education and recruitment of teachers and administrators of preschools, compulsory schools and upper secondary schools, and the Act on school counsellors, currently in force.]⁽¹⁾

☐Persons having been convicted for violating the provisions of Section XXII of the General Penal Code may not be hired as employees of an upper secondary school. Prospective employees shall present their criminal records or authorise the headteacher to obtain the record from the penal register.

☐The Minister shall issue a Regulation stipulating the education requirements for and the field of responsibility of ...⁽¹⁾ school library staff and other employees of upper secondary schools, as appropriate. The same shall apply to the fields of responsibility of headteachers and teachers.

⁽¹⁾Act No 35/2009, Article 9.

☐**Article 9 School meetings**

☐Upper secondary schools shall schedule a school meeting at least once every school year. All school personnel have the right to attend school meetings, as have students' representatives as further decided by the headteacher. The school meeting shall discuss issues concerning the school. The headteacher shall summon the meeting, propose an agenda and either chair the meeting or delegate that task to another person. The minutes of school meetings shall be presented to the school board.

☐The headteacher is obliged to summon a school meeting if one third of permanent staff requires so.

☐**Article 10 Teachers' meetings**

☐Upper secondary schools shall schedule a teachers' meeting at least twice every school year. The headteacher shall summon the meeting, propose an agenda and either chair the meeting or delegate that task to another person. The minutes of teachers' meetings shall be presented to the school board. General teachers' meetings in upper secondary schools shall discuss the school's strategic direction, including study arrangements, teaching methods, the development of the school curriculum guide, examination arrangements and assessment.

☐The school board, the headteacher and the school council may refer other matters to the teachers' meeting.

☐A teachers' meeting scheduled at the start of each autumn term shall elect the teachers' representative(s) to the school council. The meeting shall also elect an observer to the school board.

All teachers of a school shall be entitled to attend the teachers' meeting. The headteacher shall propose the agenda of the teachers' meeting, but all those with a right to attend shall be entitled to suggest matters for discussion.

Article 11 Study leave

Teachers who have accumulated at least five years of work experience may apply for a special study leave to enhance their expertise and teaching skills. Requests for study leave shall be addressed to the [Ministry]⁽¹⁾. Having obtained the headteacher's opinion, the Ministry may grant paid study leave for up to one year. A teacher who has been granted study leave may apply for a supplementary grant to cover travel and accommodation costs in relation to the leave. Upon completion of a study leave, the teacher concerned shall submit a report to the Ministry of the work carried out during the study leave period.

The provisions of this Article shall also apply to headteachers and other educational administrators.

The Minister shall issue a Regulation⁽²⁾ on study leaves granted pursuant to this Article.

⁽¹⁾Act No 126/2011, Article 493. ⁽²⁾Regulation No 762/2010.

Section III Other schools at the upper secondary level

Article 12 Accreditation

The Minister can grant accreditation to provide instruction at the upper secondary level to other schools than those coming under Section II above. Such schools may operate as non-profit organisations, as companies limited by shares or take any other recognised legal form. The requirements for accreditation pertain to the following:

- a. The role and objectives of the school;
- b. The school's governance and organisational structure;
- c. School curriculum guides and study programme descriptions;
- d. Teaching and learning arrangements;
- e. Qualification standards for academic staff;
- f. Admission requirements for students;
- g. Students' rights and obligations;
- h. Working conditions and environment of teachers and students and the services provided;
- i. The internal quality assurance system;
- j. Finances and insurance.

The accreditation of a school amounts to a confirmation that, at the time the accreditation is granted, the school is operated in compliance with the general conditions set out in this Act and any rules adopted pursuant to it. Accredited schools shall operate autonomously, subject to the provisions of this Act and of any rules or other regulatory provisions adopted on the basis thereof.

Accreditation neither implies a commitment to provide the school concerned with financial contributions from the Treasury nor any responsibility for the school's obligations.

Accredited schools shall endeavour to solve issues regarding students' rights and obligations in accordance with law and sound administrative practice.

Where an accredited school fails to conform with the requirements of this Act or with rules and conditions adopted on the basis thereof, the Minister may withdraw the accreditation.

Further provisions on the requirements for accreditation shall be laid down in a Regulation⁽¹⁾, which shall also cover the procedure for granting accreditation, quality assurance with regard to the operation of schools pursuant to Section VII, and the withdrawal of accreditation.

⁽¹⁾Regulation No 426/2010.

Article 13 Headteacher and teachers

The administrative body of a school accredited by the Minister pursuant to Article 12 shall

hire a headteacher to manage the daily operations of the school. The headteacher shall assume responsibility for the school's operations on behalf of the administrative body or any other responsible party in accordance with the school's statutes, charter or other founding document.

☐ Eligibility requirements for the positions of headteacher and teacher shall be as stipulated in the Act on the education and recruitment of teachers and administrators of preschools, compulsory schools and upper secondary schools.

☐ The Minister may grant an exemption from the educational requirements for teachers in schools accredited pursuant to Article 12, provided that this is not in relation to study programmes based on the National Curriculum Guide for Upper Secondary Schools but to specialised vocational study programmes.

☐ **Article 14** *School meetings and teachers' meetings*

☐ School meetings and teachers' meetings are governed by the provisions of Articles 9 and 10 of this Act.

Section IV Organisation of the studies; completion of studies

☐ **Article 15** *Credits*

☐ All school work carried out by students of upper secondary schools shall be assessed in standardised credits, each credit being awarded for approximately the same amount of student contribution. Students are awarded 60 credits for each school year, provided that all of their work during that year has been completed with the required results. This presupposes an annual number of working days per student of at least [175]⁽¹⁾ days.

☐ The Minister shall include in the National Curriculum Guide further rules regarding assessment toward credits and the work of students in upper secondary schools.

⁽¹⁾Act No 71/2010, Article 2, read in conjunction with the Transitional Provisions of the same Act.

☐ **Article 16** *Upper secondary school leaving certificate*

☐ Students wishing to graduate with an upper secondary school leaving certificate must complete studies equivalent to 90 to 120 credits as defined in the curriculum guide and a study programme description confirmed by the Minister pursuant to Article 23.

☐ **Article 17** *Professional qualification examination*

☐ Students wishing to graduate from an upper secondary school with a professional qualification examination must complete their studies with the required results as defined in the curriculum guide and a study programme description confirmed by the Minister pursuant to Article 23.

☐ **Article 18** *Matriculation examination*

☐ Students wishing to graduate from an upper secondary school with a matriculation examination must complete their studies with the required results as defined in the curriculum guide and a study programme description confirmed by the Minister pursuant to Article 23. Programmes preparing students for the matriculation examination must include a module of a minimum of 45 credits divided between the upper secondary school core subjects—Icelandic, mathematics and English—as further provided for in the National Curriculum Guide.

☐ One of the objectives of the matriculation examination is to prepare students for tertiary-level studies. The assessment of a study programme description leading to the matriculation examination and its confirmation by the Minister must ensure that the examination meets the general requirements of higher education institutions for access to tertiary-level studies.

☐ **Article 19** *Other final examinations*

☐ Upper secondary schools may offer studies leading to a formal conclusion of studies other than those referred to in Articles 16, 17 and 18, as part of study programmes confirmed by the Minister, cf. further provisions in Section V.

☐ **Article 20** *Post-secondary education*

Upper secondary schools may offer study programmes organised in continuation of formal conclusion of studies at the upper secondary level pursuant to Articles 17, 18 and 19. The Minister shall confirm study programme descriptions for any such programme, in accordance with the provisions of Section V, as well as the title of the examination in question.

Studies pursued in accordance with this Article shall be assessed in credits pursuant to Article 15 and, when applicable, in tertiary-level credits pursuant to Article 6 of Act No 63/2006.

Study programmes offered in accordance with this Article may provide specific or extended professional rights.

Section V Curriculum guides and study programmes

Article 21 *National Curriculum Guide*

The National Curriculum Guide for Upper Secondary Schools, issued by the Minister, lays down the objectives and the organisation of schooling at the upper secondary level. The National Curriculum Guide for Upper Secondary Schools is divided into two parts: a general part as further described in this Article and a set of study programme descriptions pursuant to Article 23. An announcement regarding the entry into force of the National Curriculum Guide or parts thereof shall be published in the Law and Ministerial Gazette.⁽¹⁾

The general part of the National Curriculum Guide contains a description of the mode of operation and the objectives of upper secondary schools. The general part of the National Curriculum Guide shall at least include the following:

- a. Provisions on the structure of study programme descriptions and on the relative weighting of core subjects in upper secondary schools;
- b. Requirements regarding the definition of objectives for individual courses and study programmes and of learning outcomes;
- c. Guidelines on study requirements and study progress;
- d. Rules regarding assessment and grading;
- e. A definition of work-based learning and rules regarding its organisation;
- f. Rules regarding the evaluation of vocational education and training and the definition of skills outcomes;
- g. Rules for the validation of competence, the equivalence of studies and the validation of studies in the case of transfer between schools or study programmes;
- h. General rules regarding school curriculum guides;
- i. Provisions for the evaluation of school performance;
- j. General rules regarding the rights and obligations of students and on conflict resolution.

⁽¹⁾Notice No 674/2011.

Article 22 *School curriculum guide*

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

The general part of the school curriculum guide shall contain a description of how the school operates; its key priorities and strategic direction; its organisational structure; the study programmes offered and their organisation; teaching methods; assessment; support, counselling and other services available to students; student's rights and obligations, school-parent cooperation and cooperation with third parties; self-evaluation and quality assurance; and any other matter which the school sees fit to provide for in the school curriculum guide. The school shall also detail the approach taken to meet the requirements of the general part of the National Curriculum Guide for Upper Secondary Schools as well as the objectives of this Act and of any rules issued under it.

Study programme descriptions included in the school curriculum guide shall be drawn up in accordance with Article 23.

☐The school board shall confirm the school curriculum guide after obtaining the opinion of the school meeting, cf. Article 5. The school board shall monitor the implementation of the school curriculum guide.

☐**Article 23** *Study programme descriptions*

☐Upper secondary schools shall submit their study programme descriptions to the Minister for confirmation. Upon confirmation by the Minister, descriptions of upper secondary school study programmes become part of the National Curriculum Guide for Upper Secondary Schools. Two or more upper secondary schools may cooperate on a study programme description and submit it jointly for confirmation. An announcement of the Minister's confirmation of a study programme description shall be published in the Law and Ministerial Gazette. The removal of a study programme description shall be announced in the same manner.

☐Study programme descriptions shall be structured as provided for in the general parts of the National Curriculum Guide for Upper Secondary Schools and of the school curriculum guide of the school concerned. Study programme descriptions shall provide for the content and weighting of courses in individual subjects, the continuity of studies, the weighting of study programme components and learning outcomes. They shall stipulate the minimum number of courses and credits to be completed in individual subjects, as well as the broad outline of the study programme.

☐The Minister may lay down specific rules on the classification of study programmes and their division into stages, based on skills and learning outcomes.

☐The Minister's confirmation of a study programme description shall be made conditional on the fulfilment of the requirements of the National Curriculum Guide pursuant to Article 21.

☐The Minister may issue study programme descriptions intended as guidelines for individual upper secondary schools. Such curriculum guidelines then become part of the National Curriculum Guide for Upper Secondary Schools and may cover the following types of study programme:

- a. Vocational study programmes leading to a professional qualification examination, including those leading to the journeyman's certificate;
- b. Study programmes leading to the matriculation examination;
- c. Other study programmes leading to an examination and the formal conclusion of studies, as decided by the Minister.

☐**Article 24** *Occupational councils—appointment*

☐For each occupation or group of occupations, the Minister shall appoint an Occupational Council for a four-year term. Each Occupational Council shall be comprised of five to nine members, between two and four members of which shall be nominated each by employers' organisations and by federations of employees in the relevant occupations, with one member being jointly nominated by the Association of Icelandic Upper Secondary Schools and the Icelandic Teachers' Union. Alternate members shall be appointed in the same manner.

☐Each Occupational Council shall elect a chair and a vice-chair from among its members for a two-year term. The nominating parties shall bear the cost of the participation of their representatives in the Occupational Council. The [Ministry]⁽¹⁾ shall bear the cost of specialist assistance in compiling curriculum guides.

⁽¹⁾Act No 126/2011, Article 493.

☐**Article 25** *Role of Occupational Councils*

☐The Occupational Councils, each in their respective occupations, shall advise the Minister on matters regarding vocational education and training at the upper secondary level. Their tasks are as follows:

- a. To propose general study objectives and define the needs for knowledge and skills on which to base study programme descriptions for the occupations concerned and which form

part of the general part of the National Curriculum Guide for Upper Secondary Schools, and to make proposals for learning outcomes;

b. To devise criteria for the division of study programmes into school-based and work-based learning;

c. To make proposals regarding the structure and content of examinations in individual occupations;

d. To keep a record of companies and workplaces that meet the requirements for providing work-based learning pursuant to Article 28;

e. To make proposals for study programme descriptions for individual study programmes, intended as guidelines for upper secondary schools, cf. Article 23; and

f. To provide the Minister with an opinion on study programme descriptions for vocational training submitted by individual schools for confirmation by the Minister pursuant to Article 23.

☐☐☐The Minister can seek the opinion of an Occupational Council regarding accreditation requests by upper secondary schools pursuant to Article 12.

☐☐☐The [Ministry]⁽¹⁾ shall bear the cost of the contribution of experts to work carried out pursuant to the first paragraph, points a and d.

☐☐☐The Minister shall issue a Regulation⁽²⁾ on the appointment of Occupational Councils pursuant to Article 24 and on their activities.

⁽¹⁾Act No 126/2011, Article 493. ⁽²⁾Regulation No 711/2009, cf. No 1007/2009.

☐☐☐**Article 26 Professional Councils**

☐☐☐Occupational Councils may establish, for each occupation or group of occupations, a Professional Council composed of representatives of individual occupations and vocational teachers and/or other experts. The Professional Councils shall provide advice on innovation and development in the relevant occupational fields and make proposals on particular pilot and development projects. Further rules governing the tasks of Professional Councils shall be laid down by the Occupational Councils.

☐☐☐**Article 27 Occupational Committee—appointment and role**

☐☐☐The chairs of the Occupational Councils shall form a special Occupational Committee, which shall be led by a chair and a vice-chair, appointed without nomination.

☐☐☐The role of the Occupational Committee is to provide strategic advice to the Minister regarding vocational training and its implementation, to serve as a platform for collaboration and coordination between the Occupational Councils, and to issue opinions on the division and classification of occupations between Occupational Councils.

☐☐☐The Occupational Councils shall bear the cost of the participation of their representatives in the committee. The [Ministry]⁽¹⁾ shall bear the cost of the participation of members appointed without nomination.

⁽¹⁾Act No 126/2011, Article 493.

☐☐☐**Article 28 Work-based learning**

☐☐☐Vocational education and occupational training in the workplace are governed by the general provisions of the National Curriculum Guide on work-based learning.

☐☐☐[At the start of any work-based learning, a occupational training contract shall be drawn up, stipulating the rights and obligations of the employer, the school and the student respectively, objectives and quality requirements for the work-based learning, its duration, the handling of disputes and the termination of the contract.]⁽¹⁾

☐☐☐Where a special job contract between the apprentice and the employer becomes necessary, the contract must be approved by the school. Such contracts must be in line with collective agreements applicable to apprentices pursuing the vocational training.

☐☐☐Occupational Councils shall keep a record of companies and workplaces that meet the requirements for providing work-based learning.

[The Minister may by contract delegate the administrative task of drawing up and registering contracts and monitoring their implementation to a school or other party.]⁽¹⁾ Furthermore, a representative of that administering body may be entrusted with the task of approving and, where relevant, terminating the training contract, provided that the procedure followed is in compliance with the Administrative Procedures Act and any additional provisions contained in the occupational training or employment contract. In the case of dispute regarding students' rights or obligations in relation to the actions of the administering body, the [Minister]⁽¹⁾ shall rule.

Having obtained the opinion of the social partners and of the students' association(s), the Minister may issue a Regulation⁽²⁾ on work-based learning and occupational training in the workplace and authorising schools to delegate the administration of occupational training contracts to a third party pursuant to the fifth paragraph above.

⁽¹⁾Act No 71/2010, Article 3. ⁽²⁾Regulation No 840/2011.

Article 29 *Core schools*

The Minister may assign to an upper secondary school the role of operating as a core school in a particular field for a longer or shorter period of time. Core schools shall be at the forefront of the development of instructional material, study arrangements and teaching methods and shall assist other schools and companies in improving instruction and training in the field concerned.

A contract entered into between the Minister and the school assuming the role of core school shall contain provisions on the definition of the project, its management, the duration of the contract and arrangements for evaluating the project. Interested parties from among the social partners as well as Occupational Councils may be parties to such a contract.

The [Ministry]⁽¹⁾ shall make special financial resources available to core schools for carrying out contractual projects.

⁽¹⁾Act No 126/2011, Article 493.

Article 30 *Assessment*

General educational assessment in upper secondary schools is performed by teachers under the supervision of the headteacher. Assessment is based on the goals of schooling as laid down in the National Curriculum Guide and the school curriculum guide.

Students are entitled to receive an explanation of the assessment behind their final course grade within five working days of the grade being released. Where a student who has not attained the minimum grade required is unwilling to accept the teacher's assessment, he or she may address a request to the headteacher for reassessment by a specially appointed moderator. In such cases, an external moderator shall be brought in to assess the examination results. The moderator's decision is final and cannot be appealed to a higher authority.

Students aiming for the matriculation examination must have completed all courses required by the National Curriculum Guide with satisfactory results, as determined by the school concerned. As regards the upper secondary school core subjects, cf. Article 18, the assessment in final courses leading to the matriculation examination shall be carried out with reference to model examinations issued or accredited by the Minister. Furthermore, the Minister may decide to conduct national coordinated examinations in individual upper secondary school subjects, as well as skills examinations, cf. Article 23 concerning skills outcomes.

Training in regulated crafts and trades concludes with a journeyman's examination. The Minister shall issue a Regulation⁽¹⁾ stipulating the structure and conduct of journeymen's examinations. For each regulated craft or trade, the Minister may appoint a special journeyman's examination committee to handle the coordination, conduct and assessment of journeymen's examinations. Where appropriate, the Minister may also delegate to the committee the assessment of other types of education in crafts or trades.

The Minister shall issue a Regulation further providing for the organisation and conduct of

skills examinations and national coordinated examinations in upper secondary schools.

⁽¹⁾*Regulation No 698/2009.*

Article 31 *Recognition of qualifications and competence*

Students transferring between schools operating in accordance with the National Curriculum Guide for Upper Secondary Schools shall be entitled to having previously completed studies recognised for credits at the receiving institution, provided that such studies are compatible with the school curriculum guide and the study programme description of the school concerned. Recognised study programme components that do not correspond to the core subjects of the relevant study programme shall be validated as elective courses.

Students enrolling at upper secondary schools shall be entitled to the validation of their competence for course equivalence and for credits, provided that the validated competence is compatible with the school curriculum guide and the study programme description of the school concerned. Recognised competence that falls outside the core subjects for the relevant study programme shall be validated as elective courses.

The Minister shall include in the National Curriculum Guide a set of rules on the recognition of qualifications and the validation of competence, and the arrangements therefor.

Section VI Students

Article 32 *Admission, right to education*

All those who have completed compulsory school or received equivalent basic education or reached the age of 16 shall have the right to be admitted to an upper secondary school. Those entitled to enrol at an upper secondary school pursuant to this paragraph shall also be entitled to pursue upper secondary level studies until the age of 18, cf. the provisions of Articles 2 and 33.

While upper secondary schools shall be individually responsible for admission procedures, the obligations of each upper secondary school with regard to enrolment, as well as the admission requirements of the school, shall be specifically stipulated in an agreement between the school and the [Ministry]⁽¹⁾ pursuant to Article 44. Upper secondary schools may impose special conditions as regards preparation and academic achievements for admission to specific study programmes.

The Minister may issue a Regulation⁽²⁾ containing further instructions and provisions regarding enrolment.

⁽¹⁾*Act No 126/2011, Article 493.* ⁽²⁾*Regulation No 1150/2008, cf. No 204/2012.*

Article 33 *[Students' rights]*

The upper secondary school is the workplace of students. All students of upper secondary schools shall be entitled to receive suitable instruction, carried out in a stimulating study environment and appropriate premises, which takes into account their needs and general well-being. Upper secondary schools shall in all respects operate in a manner promoting a sense of security in students and the development of their potential. Schools shall organise their activities so as to respect general occupational safety principles. Students shall have the right to express their views on the study environment, learning arrangements, the organisation of schooling, and any other decision concerning them. These views shall be taken into account where possible.⁽¹⁾

⁽¹⁾*Act No 68/2012, Article 1.*

Article 33a *Students' responsibilities*

Students shall be responsible for their own studies, their conduct and their social interactions.

Students must follow the instructions of teachers and school staff regarding any school-related matter, obey school rules, and respect general rules of conduct in their interactions with school staff and fellow students.

☐ In the case of highly inappropriate behaviour by a student, the school shall attempt to discover the causes of that behaviour and seek ways to improve it, including through conversations with the student and, in the case of underage students, with her/his parents.

☐ While a case pursuant to the third paragraph remains unresolved, the headteacher may suspend or permanently dismiss the student, provided that the decision to do so is reported immediately to the student, as well as to her/his parents in the case of underage students. Any such decision shall be governed by the provisions of the Administrative Procedures Act. In the case of permanent dismissal of a student under 18 years of age, the school shall advise the student on possible ways to return to her/his studies.

☐ Any decision by the headteacher concerning rights or obligations pursuant to Article 1, paragraph 2 of the Administrative Procedures Act, such as the suspension of a student from school for longer periods of time than one day or the temporary exclusion of a student from attending classes in a particular subject, shall be governed by the procedural rules of the Administrative Procedures Act. The headteacher's decisions are subject to appeal to the Minister. Appeals shall be governed by the provisions of Section VII of the Administrative Procedures Act.

☐ The Minister shall issue a Regulation containing more detailed provisions on the implementation of this Article.]⁽¹⁾

⁽¹⁾Act No 68/2012, Article 2.

☐ **Article 33b** *School atmosphere*

☐ Every member of the school community shall contribute to the creation and maintenance of a good working spirit and a positive school atmosphere.

☐ School leaders and teachers shall consult with parents on matters regarding the behaviour, well-being and social interactions of their children under 18 years of age. Similarly, parents shall consult with the school on the schooling of their children. The same shall apply to other legal guardians of students of the school concerned.

☐ Every school shall establish school rules and publish them as part of the school curriculum guide. Aspects covered by the rules shall include students' behaviour and general conduct, social interaction, healthy lifestyle, attendance, study progress, dispute resolution and the application of penalties.

☐ Upper secondary schools shall maintain a coherent policy on ways to prevent physical, verbal and social aggression within the school.

☐ Schools shall furthermore maintain a plan on the implementation of the mandatory reporting duty under the Child Protection Act, as well as on the response to cases involving bullying, other types of aggression or social exclusion.

☐ The Minister may issue a Regulation pursuant to this Article and Article 33a jointly, further providing for the responsibilities and obligations of members of the school community. The Regulation shall include provisions on a professional council set up by the Ministry as an advisory body on bullying.]⁽¹⁾

⁽¹⁾Act No 68/2012, Article 2.

☐ **Article 34** *Students with special needs*

☐ At the upper secondary level, appropriate instruction and special pedagogic support shall be provided to students with a disability, within the meaning of Article 2 of the Act on the Affairs of Disabled People, No 59/1992, and to students with emotional or social difficulties. Expert assistance shall be provided and appropriate facilities made available as needed. Whenever possible, students with disabilities shall pursue their studies in the same venues as other students.

☐ The Minister may, by contract, authorise upper secondary schools to operate special study programmes for students with disabilities.

☐ Wherever possible, dyslexic students shall be provided with specialised instructional

material. Upper secondary schools shall in their school curriculum guides explain their approach to the screening for and diagnosis of dyslexia, as well as their follow-up and support measures for students diagnosed as dyslexic.

☒ Upper secondary schools shall strive to provide special support to students with specific learning difficulties or suffering from an illness.

☒ The Minister may issue a Regulation⁽¹⁾ further providing for rights, teaching and learning at upper secondary schools. A Regulation shall also provide for the right of hearing impaired and deaf students to be taught Icelandic sign language in special classes.

⁽¹⁾Regulation No 230/2012.

☒ **Article 35** *Languages; students whose native language is not Icelandic*

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

☒ Schools may offer studies in other languages than Icelandic when:

a. the nature of the studies or the curriculum guide make this necessary; and
b. the study programmes concerned are specifically designed for students who do not master the Icelandic language or who must pursue, or have pursued, part of their studies abroad.

☒ Students whose native language is not Icelandic shall be entitled to training in Icelandic as a second language. The same shall apply to students who have lived abroad for extended periods of time and who have little knowledge of Icelandic. In principle, students whose native language is not Icelandic shall be afforded the opportunity to maintain their native language by studying it as an elective subject, through distance learning or otherwise.

☒ Upper secondary schools shall devise a plan for the reception of students. The reception plan shall be made available to students and parents and should include information about the studies and the operation of the school in general, as well as information for parents whose native language is not Icelandic and for deaf parents about the availability of interpretation services. Reception plans for students whose native language is not Icelandic shall take into account the students' background, their language skills and their competence in other fields of study.

☒ Further provisions on the right of students to be taught the Icelandic language, as well as regarding the structure of the studies and assessment, shall be laid down in a Regulation⁽¹⁾.

⁽¹⁾Regulation No 654/2009.

☒ **Article 36** *Health care, hygiene, prevention*

☒ The headteacher of each upper secondary school shall seek cooperation with a local health care centre on health care and hygiene. The upper secondary school and the relevant local health care centre should enter into a formal agreement on the organisation of the health care services to be provided to students.

☒ Each upper secondary school shall provide, within its premises, access to healthy meals corresponding to national nutritional objectives.

☒ Upper secondary schools shall promote a healthy lifestyle among their students and encourage their participation in physical exercise. Each upper secondary school shall adopt and publish a prevention policy. The school shall report regularly on the implementation of its prevention measures.

☒ **Article 37** *School counselling*

☒ [Students shall have the right to receive school counselling (educational and career counselling) in upper secondary school from persons meeting the requirements of the Act on school counsellors.]⁽¹⁾

☒ The school curriculum guide of each upper secondary school shall include a description of the school's objectives and policy regarding counselling, and shall further outline the school's approach to fulfilling its obligations and role in this field.

⁽¹⁾Act No 35/2009, Article 9.

☒ **Article 38** *Study records*

Upper secondary schools shall maintain all information about their students' studies and provide the students with access to that information. Access to study records by third parties shall be governed by further rules laid down in Article 55 and any Regulation issued on the basis thereof.

Article 39 *Students' associations at upper secondary schools*

A students' association shall be operated at every upper secondary school. The students' association shall, amongst other things, occupy itself with the management of students' social activities, their general interests and their welfare. It shall set its own rules regarding its composition, role and working methods. Students' associations operate under the responsibility of the school concerned. Schools shall provide facilities for the operation of their respective students' associations.

Upper secondary schools may provide funding for their students' associations, in which case the accounts of the associations shall be subject to the same auditing as other finances of the school.

[Section VI A School library]⁽¹⁾

⁽¹⁾Act No 71/2010, Article 4.

Article 39a *School library*

Each upper secondary school shall make the necessary arrangements for the operation of a school library or ensure by other means that its students have access to the services of such a library.

The role of school libraries is to serve as information centres for students and teachers. Each school library shall be equipped with books and audiovisual materials in addition to resources for the subjects taught at the school. Reading facilities shall be made available in connection with each school library, providing access to reference materials in the library.

One of the priorities of school libraries shall be to train students in searching for information independently and in the use of data banks.]⁽¹⁾

⁽¹⁾Act No 71/2010, Article 4.

Section VII Evaluation and quality assurance

Article 40 *Objective*

The objective of evaluation and quality assurance in upper secondary schools is as follows:

a. To make information on schooling, its results and its development available to educational authorities, staff at upper secondary schools, receiving schools, economic actors, parents and students;

b. To ensure that schools are operated in compliance with applicable laws and regulations and with the National Curriculum Guide for Upper Secondary Schools;

c. To increase the quality of learning and schooling and promote improvement work;

d. To ensure that students' rights are respected and that they receive the service they are entitled to according to law.

Article 41 *Internal evaluation*

Each upper secondary school shall systematically evaluate the results and the quality of schooling pursuant to Article 40 with the active participation of its staff and of students and parents as appropriate.

Schools shall publish information about their internal evaluation, its relation to the school curriculum guide and any planned improvements.

Article 42 *External evaluation*

The [Ministry]⁽¹⁾ shall collect, analyse and disseminate information on the operation of upper secondary schools as part of a regular external evaluation of the quality of schooling, which also covers surveys, studies and research.

☐ An external evaluation can extend to an upper secondary school as a whole, to its internal evaluation methods, or to other specified aspects of its operation. An external evaluation may also extend to several upper secondary schools at a time. Upper secondary schools shall provide any assistance or information required by the evaluation procedure, including the results of internal evaluations. Evaluation reports produced on the basis of this Act shall be published. Upon completion of an external evaluation, the upper secondary school concerned shall explain how it intends to react to its results. The [Ministry]⁽¹⁾ shall strive to follow up on both internal and external evaluation by providing support, training and consultancy to the schools concerned so as to promote improvement in schools' operations as a result of such evaluations.

☐ The [Ministry]¹⁾ shall draw up a three-year plan on studies and surveys aiming at providing information about the implementation of this Act, of the National Curriculum Guide for Upper Secondary Schools and of other aspects of schooling. Where necessary, the Minister may furthermore decide to carry out a special external evaluation of an upper secondary school or of individual aspects of its work. Surveys of upper secondary schools shall be carried at least once every five years by an independent party.

☐ External evaluations shall only extend to upper secondary schools receiving appropriations under the Budget Act and having signed a contract pursuant to Article 44.

☐ The Minister shall issue a Regulation⁽²⁾ regarding internal and external evaluations.

⁽¹⁾Act No 126/2011, Article 493. ⁽²⁾Regulation No 700/2010.

Section VIII Operation and finances

☐ Article 43 *Operational funding*

☐ Under this Act, operational funding for upper secondary schools receiving appropriations under the Budget Act shall be provided by the Treasury. Schools that receive appropriations under the Budget Act include public upper secondary schools as well as any other upper secondary school with which the Minister concludes a service agreement to provide instruction at the upper secondary level, provided that it has been accredited pursuant to Article 12.

☐ A separate appropriation shall be provided under the Budget Act for each school. The Minister shall make proposals for budget appropriations for each school to cover teaching costs and, where appropriate, the cost of other activities. Proposals shall be based on a calculation model laid down by the Minister in a Regulation. The calculation model shall be based on aspects including the projected number of students, the projected number of teaching hours, the study programmes offered, the costs resulting from the collective agreements of teachers and other staff, school housing, and any other factor judged relevant by the Minister.

☐ Operational funding provided pursuant to the first paragraph is not intended to cover course, registration or enrolment fees collected, as the case may be, by other schools, including music schools, in relation to studies to be validated for credits at an upper secondary school. By contracts drawn up pursuant to Article 44, the Minister may authorise upper secondary schools to enter agreements regarding payments for such studies.

☐ Article 44 *Contracts with upper secondary schools*

☐ The scope of operation of upper secondary schools, to the extent to which they are funded through contributions from the Treasury, shall be determined in the Budget Act.

☐ Contracts signed between the Minister and individual upper secondary schools and having a period of validity of three to five years shall contain provisions on the key priorities for the school, its school curriculum guide, the study programmes offered, teaching arrangements, evaluation and quality assurance, as well as any other matter as considered desirable by the parties. The implementation of such contracts shall be reviewed annually, including a revision of still valid contracts if deemed appropriate by the parties.

☐ Service contracts signed with any party other than public upper secondary schools shall contain, in addition to the aspects listed in the second paragraph, provisions on students' legal status, the number of students, fees to be paid by students, and the cost of other services than those provided on the basis of the contract.

☐ **Article 45** *Public upper secondary schools' powers to charge fees*

☐ The headteacher shall decide on the enrolment fee and the materials fee to be charged to students at the beginning of a term or school year:

a. The amount of the enrolment fee shall be based on the actual cost of admitting students. A 25 per cent surcharge may be applied in the case of students who receive permission to enrol outside of the advertised enrolment period and the income thus generated may be allocated to the school's endowment fund provided that its charter stipulates that its income be used in the interest of students;

b. Schools may not charge fees for materials provided to students by unilateral decision of the school. A materials fee may be charged for materials provided to students by the school where such materials are of special benefit or use to students. Such fees shall be based on the actual cost of providing the materials and on contributions made available to the school according to the Budget Act to cover the cost of material. Fees thus collected shall be subject to financial reporting. Auditing shall be carried out according to the same rules as apply to other operations.

☐ The Minister shall issue a Regulation stipulating the maximum amount of enrolment and materials fees.⁽¹⁾

☐ Upper secondary schools may offer study programmes outside of their normal operating period during the summer, in which case a fee may be charged to students to meet the specific wage costs incurred by the instruction provided.

☐ Upper secondary schools may provide access to study programmes outside normal school hours or through distance learning, in which case a fee may be charged to students corresponding to up to 10 per cent of the average contribution per full-time student for teaching at the upper secondary level according to the Budget Act. For non-full-time students, the fee shall be calculated in proportion to the number of subjects studied.

☐ Upper secondary schools may charge fees to students for any optional activities, such as study trips and museum or theatre visits.

☐ Upper secondary schools may collect fees for other services which are not considered as being a part or corollary of the school's statutory role, such as for membership cards, locker rent, etc.

☐ The Minister shall issue a Regulation⁽¹⁾ further providing for the collection of fees pursuant to this Article.

☐ Decisions regarding the collection of fees pursuant to this Article are subject to appeal to the Minister. Appeals shall be governed by the provisions of the Administrative Procedures Act.

⁽¹⁾Regulation No 614/2009.

☐ **Article 46** *Residence halls at public upper secondary schools*

☐ Contracts signed between the Ministry and upper secondary schools pursuant to Article 44 may include provisions on the operation of a residence hall in connection with an upper secondary school. The Minister shall seek an appropriation in the Budget Act to cover administrative expenses and general running costs. Part of the specific running expenses of the residence hall, as defined in a Regulation issued by the Minister, shall be paid by the students themselves. The headteacher shall be responsible for the operation of the residence hall, although the day-to-day administration and running of the hall may be delegated by contract to a third party.

☐ **Article 47** *Initial investment cost of public upper secondary schools*

☐ When establishing a new upper secondary school, a contract shall be concluded regarding

the initial investment cost and its division between the founding parties. The initial investment cost shall be understood as including the cost related to buildings and any general facilities that the parties decide to provide to the school. Local authorities shall provide land for the building of upper secondary schools at no cost. The Minister shall issue criteria for the initial investment cost of upper secondary schools in consultation with the Association of Local Authorities in Iceland.

☐ Where an upper secondary school is established by joint decision of the Minister and local authorities, a contract shall be drawn up concerning the preparation and execution of the initial construction project. The initial construction project can be under the supervision and responsibility of the State, of the local authorities or of the State and the local authorities jointly, as agreed upon in each case:

a. Where local authorities assume responsibility for preparatory and construction work pursuant to the second paragraph, contributions from the Treasury shall cover 60 per cent of the cost of initial construction, other on-site work, initial equipment and, where appropriate, residence halls, according to the specific criteria for initial investment cost;

b. Where the Ministry assumes responsibility for preparatory and construction work pursuant to the second paragraph, contributions from the local authorities shall cover 40 per cent of the cost of initial construction, other on-site work, initial equipment and, where appropriate, residence halls, according to the specific criteria for initial investment cost;

c. In the case of a joint project, 60 per cent of the cost shall be borne by the Treasury and 40 per cent by the local authorities.

☐ If the State and one or more local authorities decide to provide a jointly run school with housing and equipment owned by a third party, an *ad hoc* contract shall be drawn up on the division of costs. In such cases, the division of costs between the State and local authorities shall in principle be decided in a similar way as in the case of a joint project pursuant to the second paragraph.

☐ Where the Althing decides on the establishment of a school without the participation of a local authority, the initial investment cost shall be borne by the Treasury.

☐ Special contracts shall be drawn up for the use of residence halls during periods outside the school year. Upper secondary schools shall keep separate financial accounts for any such use.

☐ **Article 48** *Maintenance cost, ownership, changes in the use of public school premises*

☐ The Minister may entrust the administration of upper secondary school premises to a public institution or other competent party in return for payment. Where major maintenance work on upper secondary schools owned by the Treasury and local authorities has not been outsourced in the aforementioned way, it shall be financed through a special appropriation in the Budget Act.

☐ The ownership of school buildings owned by the state or local authorities shall be divided in the same proportions as current payments of initial investment cost or, in the case of older buildings, previous payments. Where the premises of an upper secondary school are assigned for other uses, the owners shall draw up an agreement on this. Where the property is sold to either of the owners, its value shall be determined by court-appointed appraisers.

☐ **Article 49** *Support funds*

☐ Headteachers of public upper secondary schools may set up special support funds after obtaining the opinion of the school board and the consent of the [Ministry]⁽¹⁾. Such funds shall be established with a charter, which shall be submitted for approval and published in the Law and Ministerial Gazette.

⁽¹⁾Act No 126/2011, Article 493.

Section IX Miscellaneous provisions

Article 50 *Parents' council*

A parents' council shall be operated at every upper secondary school. The headteacher shall convene the council's inaugural meeting. The role of the parents' council shall be to support the school's work, safeguard the interests of students and join hands with the school in strengthening the cooperation of the parents and legal guardians of the school's underage students. Membership of the council is open to parents of students at the school.

The council shall elect its board at its general assembly. The parents' council shall nominate one observer to the school board. The council shall set its own rules of procedure.

Article 51 *Instructional material*

The annual Budget Act shall specify the amount allocated to offset students' expenses for instructional material. The Minister shall issue rules on the division of this allocation and the general arrangement of the support.

Article 52 *Innovation in schooling*

The Minister may authorise upper secondary schools to introduce innovation in schooling or experiment with particular elements thereof, thereby granting an exemption from the provisions of this Act or any Regulation issued on the basis thereof. Such experiments shall always be subject to reasonable time limits and the authorisation shall provide for a final assessment of the experiment.

Article 53 *Innovation Fund*

An Innovation Fund shall support development and innovation in schools in accordance with official policy and the National Curriculum Guide. The Fund shall be common to preschools, compulsory schools and upper secondary schools.

Contributions to the Fund shall be as determined in the annual Budget Act. The [Ministry]⁽¹⁾ shall administer the Fund and issue a Regulation⁽²⁾ on the allocation of grants. By means of a Regulation, the administration of the Fund and the award of grants may be entrusted to an institution under the authority of the Ministry or to another competent party.

⁽¹⁾Act No 126/2011, Article 493. ⁽²⁾Regulation No 242/2009.

Article 54 *Role of public upper secondary schools in lifelong learning*

Subject to the Minister's approval, upper secondary schools may enter into partnerships with local authorities, professional associations, trade unions, employers or other interest groups on the operation of lifelong learning centres. The cooperating partners shall conclude a contract on the operation.

Subject to the Minister's approval, upper secondary schools may enter into partnerships with professional associations, trade unions, employers or other interest groups on the organisation of courses or educational programmes for adults. The cost of such courses shall be kept separate from the rest of the school's finances and paid in full by the school's partners in the organisation of the courses or through course fees.

The Minister may issue further rules on activities carried out pursuant to this Article.

Article 55 *Reporting*

The [Ministry]⁽¹⁾ shall collect and disseminate information on schooling and the operation of schools at the upper secondary level to the extent that this information relates to its statutory monitoring role. Upper secondary schools shall report to the Ministry on the operation of schools on a yearly basis or as requested.

The Minister shall issue a Regulation⁽²⁾ containing further instructions regarding upper secondary schools' reporting obligation, as well as regarding other systematic record-keeping by schools and their treatment of personal data, including students' study records.

⁽¹⁾Act No 126/2011, Article 493. ⁽²⁾Regulation No 235/2012.

Article 56 *Reports to the Althing*

The Minister shall every three years submit a report to the Althing on the operation of

Icelandic schools at the upper secondary level.

Section X Entry into force etc.

☒ **Article 57** *Entry into force*

☒ This Act shall enter into force on 1 August 2008. ...

Transitional provisions

☒ **I.** Notwithstanding the provisions of Article 57, upper secondary schools which are in operation upon the entry into force of this Act shall comply with the provisions of Sections IV and V no later than 1 August 2011. [Upper secondary schools shall issue study programme descriptions pursuant to Article 23 no later than 1 August 2015.]⁽¹⁾

⁽¹⁾Act No 71/2010, Article 5.

☒ **II.** Upper secondary schools that come under Section III must have obtained accreditation by the Minister pursuant to Article 12 no later than 1 August 2011.

☒ **III.** Regulations, Notices and other administrative provisions laid down pursuant to Act No 80/1996, as amended, shall remain in force, insofar as they are not in conflict with this Act, until the entry into force of new Regulations, Notices or other administrative provisions.⁽¹⁾

⁽¹⁾See now Regulations No 132/1997, No 138/1997, No 139/1997, No 140/1997, No 141/1997, No 279/1997, No 328/1997, No 335/1999, cf. Notice No 4/2001; Regulations No 6/2001, No 1150/2006 and No 1100/2007.

☒ **IV.** School boards appointed pursuant to Article 6 of the Upper Secondary School Act, No 80/1996, shall remain in place until the end of their appointed term.

☒ **V.** Notwithstanding the provisions of Article 45, first paragraph, item b, upper secondary schools shall retain the possibility during the 2009–2010, 2010–2011, [2011–2012, 2012–2013 and 2013–2014] school years⁽¹⁾ to charge fees for materials provided to students receiving practical training and which are indispensable for their studies. The fees shall be based on the actual cost of providing the materials. However, such materials fees may not exceed the amount of ISK 50,000 for an entire school year or ISK 25,000 for one term. Fees thus collected shall be subject to financial reporting. Auditing shall be carried out according to the same rules as apply to other operations.]⁽²⁾

⁽¹⁾Act No 68/2012, Article 3. ⁽²⁾Act No 89/2009, Article 1.

☒ **VI.** Notwithstanding the provisions of Article 45, fourth paragraph, upper secondary schools may until the end of the 2011–2012 school year charge a special fee to students in the amount of up to ISK 7,500 for each course credit within a limit not exceeding the average appropriation received by the school for each full-time student under the relevant annual Budget Act.]⁽¹⁾

⁽¹⁾Act No 133/2009, Article 1.