

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 as referred to in Section II, as well as other schools at the upper secondary level that have obtained accreditation ...⁽¹⁾ as referred to in Section III.

⁽¹⁾Act No 91/2015, Article 10.

■ 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 for further studies. They shall strive to develop 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 impart 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 annual Budget Act.
- Although public upper secondary schools do not require specific accreditation, they must meet all general requirements for the 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, appointed by the Minister for a four-year term. Each school board shall be comprised of five members, two of which shall be appointed by nomination of the relevant municipal council, 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 ensure that it provides the best service possible to those living in the school's catchment area and maintains a good relationship with the local economic, social and cultural community;
 - b. To provide consultation to 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 annual 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 contracts 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 the school's manager. 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 provisions 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 appoint a headteacher as manager 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 school personnel 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 duties as necessary while holding the post of deputy headteacher.

[Eligibility requirements for the positions of headteacher, teacher and educational and vocational guidance practitioner 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 in the Educational and Vocational Guidance Practitioners Act, 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 such information from the penal register.

The Minister shall issue a Regulation stipulating the education requirements for and the fields 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 submitted to the school board.

The headteacher is obliged to summon a school meeting if requested by one-third of permanent staff.

■ 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 submitted 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 a 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 teachers' meetings. The headteacher shall propose an agenda for each meeting, but all those with a right to attend shall be entitled to add topics to the agenda.

■ **Article 11** *Study leave*

Teachers who have accumulated at least five years of work experience may apply for special study leave for the purpose of enhancing 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 report to the Ministry on the work carried out during the study leave period.

[Headteachers, other educational administrators, and educational and vocational guidance practitioners shall also be covered by the provisions of this Article.]⁽²⁾

The Minister shall issue a Regulation⁽³⁾ on study leaves granted pursuant to this Article.

⁽¹⁾Act No 126/2011, Article 493. ⁽²⁾Act No 5/2015, Article 1. ⁽³⁾Regulation No 762/2010.

Section III Other schools at the upper secondary level

■ **Article 12** *Accreditation*

The Minister may grant accreditation to provide instruction at the upper secondary level to schools not covered by Section II. Such schools may operate as non-profit organisations, as companies limited by shares, or take any other recognised legal form. [The Minister may delegate to the Directorate of Education the task of granting accreditation pursuant to this Article.]⁽¹⁾ 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. [The use, for the purposes of teaching, of school buildings which comply with relevant legal and regulatory provisions];⁽²⁾
- 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 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 contributions from the government budget 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. The Minister may delegate to the Directorate of Education the task of

withdrawing accreditation pursuant to this Article.]⁽¹⁾

Further provisions on the requirements for accreditation shall be laid down in a Regulation,⁽³⁾ 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⁾Act No 91/2015, Article 10. ⁽²⁾Act No 5/2015, Article 2. ⁽³⁾Regulation No 426/2010.

■ **Article 13** *Headteacher and teachers*

[The administrative body of a school accredited by the Minister, or by the Directorate of Education as appropriate, pursuant to Article 12 shall hire a headteacher to manage the daily operations of the school.]⁽¹⁾ 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.

⁽¹⁾Act No 91/2015, Article 10.

■ **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** *[Credit units and academic year]*⁽¹⁾

All school work carried out by students of upper secondary schools shall be assessed in standardised credit units, each unit being awarded for approximately the same amount of student contribution. Students shall be awarded 60 credit units for each school year, provided that they have completed all of their school work during that year with satisfactory results. This presupposes an annual number of working days per student of at least [175]⁽²⁾ 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.

[The Minister shall issue a Regulation on the academic year at upper secondary schools.]⁽¹⁾

⁽¹⁾Act No 5/2015, Article 3. ⁽²⁾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 between 90 and 120 credit units as defined in the curriculum guide and a study programme description confirmed pursuant to Article 23.]⁽¹⁾

⁽¹⁾Act No 91/2015, Article 10.

■ **Article 17** *Professional qualification examination*

Students wishing to graduate from an upper secondary school with a professional qualification examination must complete their studies with satisfactory results as defined in the curriculum guide and a study programme description confirmed ...⁽¹⁾ pursuant to Article 23.

⁽¹⁾Act No 91/2015, Article 10.

■ **Article 18** *Matriculation examination*

[Students wishing to graduate from an upper secondary school with a matriculation examination must complete their studies with satisfactory results as defined in the curriculum guide and a study programme description confirmed pursuant to Article 23. Programmes