

# Compulsory School Act

2008 No 91 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.

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## Section I Scope; role of compulsory schools; compulsory schooling

### ■ Article 1 *Scope*

This Act applies to municipal compulsory schools, to independent compulsory schools ...<sup>(1)</sup>, and to accredited compulsory-level educational programmes. All schools offering education at the compulsory level are referred to as compulsory schools.

<sup>(1)</sup>Act No 76/2016, Article 1.

### ■ Article 2 *Objectives*

The role of compulsory schools is to cooperate with homes in promoting the all-round development of all pupils and their participation in a democratic society in constant evolution. The manner of operation of compulsory schools must be characterised by tolerance and charity, guided by the Christian heritage of Icelandic culture, and marked by equality, democratic cooperation, responsibility, consideration, forgiveness and respect for human worth. Compulsory schools must also seek to organise their work in a way that corresponds as fully as possible with the circumstances and needs of pupils, and to promote the all-round development, well-being and education of each individual.

Compulsory schools must work to promote open-mindedness among pupils and strengthen their proficiency in the Icelandic language and their understanding of Icelandic society, its history and specificities, people’s living conditions, and of the individual’s duties to the community, the environment and the world. Pupils must be given the opportunity to show creativity and to acquire knowledge and skills in the constant pursuit of education and personal development. Schooling should provide the foundations necessary for pupils to demonstrate initiative and independent thinking, and enhance their cooperation skills.

Compulsory schools should promote close cooperation between the home and the school with a view to ensuring successful schooling and the general welfare and safety of pupils.

■ **Article 3** *Compulsory schooling*

□ The duration of compulsory schooling shall generally be ten years, but may be shortened in accordance with Article 32. School attendance is mandatory for all children, in general between the ages of 6 and 16.

□ Parents must safeguard the interests of their children of compulsory school age. For the purposes of this Act, a ‘parent’ is understood to be any individual who has custody of a child within the meaning of the Act in Respect of Children.

**Section II Governance of compulsory schools**

■ **Article 4** *General administration*

□ The [Minister]<sup>(1)</sup> has responsibility for the general administration of any matter governed by this Act; the issuing of the National Curriculum Guide for Compulsory Schools; the provision of learning materials to compulsory schools; the monitoring of quality assurance in schools; the collection, analysis and dissemination of information; support for developmental work in schools; and rulings on any disputes that may arise in accordance with the provisions of this Act. The [Ministry]<sup>(1)</sup> has responsibility for ensuring that local authorities meet their obligations pursuant to this Act, any regulations or rules issued on the basis thereof, or the National Curriculum Guide for Compulsory Schools. The Minister is to submit to the Althing every three years a report on the implementation of compulsory education in Iceland, based amongst other things on reports on the operation of schools submitted by local authorities pursuant to Article 37.

<sup>(1)</sup>Act No 91/2011, Article 1.

■ **Article 5** *Local authorities*

□ Local authorities are responsible for the operation of regular compulsory schools and for the cost thereof. Local authorities have the responsibility for the general organisation of schooling in their compulsory schools; the development of individual schools; the premises and equipment provided to compulsory schools; special classes in compulsory schools; [school services];<sup>(1)</sup> evaluation and quality assurance measures; the collection and dissemination of information; and the implementation of compulsory schooling in the municipality. Local authorities must establish a general policy on the operation of compulsory schools and make it known to their inhabitants. The Municipal Council is to instigate cooperation between preschools and compulsory schools, as well as between compulsory schools and upper secondary schools.

□ Local authorities are responsible for all cooperation between a compulsory school and parties external to the school.

□ Local authorities have the obligation to ensure that children of compulsory school age, within the meaning of Article 3, who are legal residents of the municipality, as well as children who have been placed in the care of foster parents who are legal residents of the municipality, are able attend a compulsory school as further provided in this Act. [Prior to placing a child in foster care, the relevant child protection committee must investigate the circumstances of the case in consultation with the local school authorities and assess the potential of the compulsory school concerned to meet the needs of the child.]<sup>(2)</sup>

□ If the legal residence of a child has not been determined by the competent authority, the Municipal Council is to decide on the child’s compulsory schooling, provided that the child resides in the municipality and that a request for its admission to school has been submitted pursuant to Article 19. The refusal of the Municipal Council to admit a child is subject to appeal under Article 47. The [Ministry]<sup>(3)</sup> may issue a ruling requiring a local authority to admit a child to a compulsory school in the municipality.

□ The Municipal Council of the municipality in which a child has legal residence may conclude an agreement with another local authority to admit the child to a compulsory school,

in which case the receiving municipality has the same obligations in relation to the child's schooling as if it had been a legal resident of that municipality.

[After having consulted with the Association of Local Authorities in Iceland, the Government Agency for Child Protection and other public authorities, the Minister is to issue a Regulation<sup>(4)</sup> on the implementation of this Article, including provisions on the schooling of foster children, both on the professional and financial aspects thereof and on the cooperation of the parties concerned. Any disputes are to be resolved by a complaints board composed of representatives of the Ministry, the Association of Local Authorities and the Government Agency for Child Protection.]<sup>(2)</sup>

<sup>(1)</sup>Act No 76/2016, Article 1. <sup>(2)</sup>Act No 91/2011, Article 2. <sup>(3)</sup>Act No 126/2011, Article 492. <sup>(4)</sup>Regulation No 547/2012.

#### ■ Article 6 School Boards

Each local authority must operate a School Board which, on its behalf, manages compulsory school affairs pursuant to applicable laws and regulations and as determined by the Municipal Council(s) concerned.

The main tasks of the School Board are:

a. To ensure that all children of compulsory school age who have the right to attend school in the municipality receive legally mandated compulsory education;

b. To approve each school's annual operating plan and school curriculum guide;

c. To oversee the implementation of education and teaching in the municipality and the development of school curriculum guides, and to make proposals to the headteacher and/or the Municipal Council regarding improvement in schooling;

d. To oversee and promote the access by pupils and schools to [school services];<sup>(1)</sup>

e. To ensure at all times the existence of appropriate premises for teaching and that of other facilities, including an outdoor area and playground for pupils;

f. To monitor compliance with the provisions of laws and regulations and submit proposals to the Municipal Council on possible improvements;

g. To promote contacts and cooperation between preschools and compulsory schools, as well as between compulsory schools and upper secondary schools.

The School Board is to be elected by the relevant Municipal Council at the start of each elective term. Elections to the School Board and its manner of operation are governed by the provisions of the Local Government Act and by the ordinances of the municipality concerned. Alternate board members should be of the same number as principal members and elected in the same way.

Headteachers, compulsory school teachers and parents in a municipality each elect from among their number one principal and one alternate representative to attend School Board meetings, with the right to speak and propose motions.

...<sup>(2)</sup>

<sup>(1)</sup>Act No 76/2016, Article 1. <sup>(2)</sup>Act No 76/2016, Article 2.

#### ■ Article 7 Headteachers

Every compulsory school must have a headteacher who has the direction of the school, provides professional leadership, and is responsible to the Municipal Council for the school's work. The headteacher is to promote cooperation between all members of the school community. Teachers' meetings are to be called by the headteacher as required during the compulsory school's academic year. Teachers' meetings should be attended by teachers and other staff with specialist training. Staff meetings are to be called by the headteacher as required.

The headteacher makes proposals to the Municipal Council regarding the administrative organisation of the compulsory school, taking into account the needs of the school in question. The headteacher decides on the tasks of the other administrators of the school, one of which should serve as deputy headteacher.

The headteacher of a compulsory school with fewer than 60 pupils and no other administrators should designate, at the beginning of each school year, one of the school's permanent teachers as substitute headteacher.

■ **Article 8 School Councils**

Each compulsory school must operate a School Council serving as a forum for consultation between the headteacher and the school community regarding the operation of the school. The School Council should participate in setting the school's strategic direction and in developing its specific character. The School Council is to discuss the school curriculum guide, the school's annual operating plan, its financial plan, and any other plans relating to the work of the school. The School Council must be invited to comment on any plans involving major changes to the operation and work of the school before a final decision is made. The School Council should have general oversight of the safety, welfare and general well-being of pupils. After having obtained the consent of the Municipal Council, the School Board established pursuant to Article 6 may assign specific additional tasks to individual School Councils.

[Each School Council is to be composed of nine members, appointed for a two-year term, including two teachers' representatives, one representative of other staff at the school concerned, two pupils' representatives and two parents' representatives, as well as the headteacher, who chairs the Council and is responsible for its establishment. In addition, the School Council should select as one of its members either a representative of the local community or an additional parent representative. Moreover, the headteacher is to summon once a year a joint meeting of the School Council and the board of the pupils' association. A temporary exemption from the provisions of this paragraph may be requested through an application addressed to the Ministry and accompanied by a reasoned statement. The Minister may delegate to the Directorate of Education the task of granting exemptions pursuant to this Article. The reasoned statement must make clear how the tasks of the School Council will be performed. Any exemption must be justified by objective reasons, such as a small pupil population or special circumstances.]<sup>(1)</sup>

The Minister is to issue a Regulation<sup>(2)</sup> on the operation of School Councils in consultation with the associations of local authorities, teachers and parents.

<sup>(1)</sup>Act No 91/2015, Article 10. <sup>(2)</sup>Regulation No 1157/2008.

■ **Article 9 Parents' associations**

Every compulsory school must have a parents' association. The headteacher is responsible for its establishment and for ensuring that it receives the necessary support. The role of a parents' association is to support the school's work, promote the welfare of pupils and strengthen the relations between the home and the school.

The parents' association of each school sets its own rules, including on elections to its board and the election of representatives to the School Council.

■ **Article 10 Pupils' associations**

Every compulsory school must have a pupils' association, the headteacher being responsible for its establishment. The role of a pupils' association includes promoting social, general-interest and welfare issues of concern to pupils, the headteacher being responsible for ensuring that the association receives the necessary support.

The pupils' association of each school sets its own rules, including on elections to its board and the election of representatives to the School Council pursuant to Article 8, second paragraph.

### **Section III Staff of compulsory schools**

■ **Article 11 Recruitment**

The recruitment of headteachers and other staff of compulsory schools is governed by the provisions of the Local Government Act and, where applicable, by more detailed provisions contained in the relevant local government ordinance.

[Recruitment requirements for headteachers, teachers and educational and vocational guidance practitioners of compulsory schools are governed by relevant legislation.]<sup>(1)</sup>

Persons having been convicted for violating the provisions of Section XXII of the General Penal Code must not be hired to a position at a compulsory school. Prospective employees must present a criminal record certificate or authorise the headteacher to obtain the relevant information from the penal register.

<sup>(1)</sup>Act No 35/2009, Article 9.

#### ■ Article 12 Staff

All staff of compulsory schools must exhibit professionalism, commitment and conscientiousness in their work. Staff must exercise courtesy, consideration and tact in their relations with children, their parents, and co-workers.

All staff of compulsory schools must observe utmost confidentiality with regard to information on the personal situation of children and their parents of which they gain knowledge in their work and which is covered by a secrecy requirement mandated by law, ordered by superiors, or deriving from the nature of the case. The obligation to maintain confidentiality continues to apply after the termination of employment. The obligation of confidentiality of compulsory school staff does not extend to information on incidents that are subject to statutory reporting requirements. The headteacher has the responsibility to remind staff of the existence of the above obligations, in particular the statutory reporting requirement of the Child Protection Act.

At the headteacher's initiative, each school is to elaborate a lifelong learning plan for its staff so as to achieve the best alignment with the priorities laid down by the school and the local authority, as well as in the National Curriculum Guide.

Headteachers and teachers of compulsory schools must be given the opportunity to engage regularly in lifelong learning in order to enhance their professional competence. This should include the possibility to take study leaves.

### Section IV Pupils

#### ■ Article 13 Pupils' rights

Compulsory schools are the workplace of pupils. All pupils in compulsory schools are entitled to receive suitable instruction within a stimulating study environment and in appropriate premises adapted to their needs and furthering their general well-being. Compulsory schools must in all respects organise their work so as to promote a sense of security in pupils and support the development of their potential. Pupils have the right to enjoy the benefit of their childhood in all school work. Care must be taken to maintain a reasonable workload so as to ensure that pupils get sufficient rest from organised activities within each school day and over the school year, including by organising continuous breaks over Christmas and Easter. Pupils 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 should be taken into account where possible.

Every pupil must have a class teacher. Class teachers must closely monitor the schooling of their pupils, their development, well-being and general welfare, guide them in their studies and school work, assist and advise them regarding personal matters, and work to strengthen the cooperation between the school and the home.

[Compulsory school pupils are entitled to receive educational and vocational guidance provided by persons meeting the requirements of the Act on educational and vocational guidance practitioners.]<sup>(1)</sup>

<sup>(1)</sup>Act No 35/2009, Article 9.

#### ■ Article 14 Pupils' responsibilities

Pupils are responsible for their own learning, their behaviour and their social interactions, account being taken of their age and level of maturity.

- Pupils must follow the instructions of teachers and compulsory school staff regarding any school-related matter, obey school rules, and respect general rules of conduct in their interactions with school staff and fellow pupils.
- In the case of highly inappropriate behaviour by a pupil, the pupil's teacher must attempt to determine the causes of the behaviour and seek to improve it, including through conversations with the pupil and her/his parents. If the situation nevertheless does not improve, the teacher must solicit the help of the headteacher and experts from among the school's counsellors, who should then seek appropriate remedies, taking due account, where applicable, of the role of child protection authorities.
- While a case pursuant to the third paragraph remains unresolved, the headteacher may suspend or permanently dismiss the pupil, provided that any decision to this effect is reported immediately to the pupil's parents and to the School Board. Such decisions are governed by the provisions of the Administrative Procedures Act. The School Board has an obligation to ensure, within reasonable time limits, that a suspended pupil receives suitable instruction.
- Decisions pursuant to the fourth paragraph are subject to appeal under Article 47. If the local authority fails to ensure instruction for the pupil, the Ministry may issue a ruling requiring it to provide the pupil with further specified instruction within a certain time limit.
- The Minister is to issue a Regulation containing more detailed provisions on the implementation of this Article.<sup>(1)</sup>

<sup>(1)</sup>Regulation No 1040/2011.

#### ■ Article 15 *Compulsory schooling*

- Pupils are obliged to attend compulsory school pursuant to Article 3. Compulsory schooling may be provided by municipal compulsory schools, by independent compulsory schools, or through other accredited education programmes in accordance with this Act.
- A child's compulsory schooling normally starts at the beginning of the school year on the calendar year in which the child reaches six years of age. Parents may request or consent to an earlier or later start to their child's schooling. The headteacher may authorise this, after obtaining the opinion of the [school services].<sup>(1)</sup>
- The headteacher may exempt a pupil from compulsory schooling in a particular subject if this can be objectively justified. The headteacher may likewise recognise learning provided outside the compulsory school system as equivalent to compulsory education.
- At the request of the parents of a child of compulsory school age to exempt the child temporarily from attendance in a particular subject or from school attendance in general, the headteacher may grant such an exemption if this is considered to be objectively justified. In such cases, the parents must ensure that the pupil makes up any school work missed during the time that the exemption applies.
- Decisions to grant or refuse exemptions pursuant to the third or fourth paragraphs are governed by the provisions of the Administrative Procedures Act. The decisions are subject to appeal under Article 47. The Minister may issue a ruling providing for a full or partial exemption to be granted, even where the local authority has declined a request for exemption.
- Guidelines on the granting of exemptions pursuant to this Article are to be issued as part of the National Curriculum Guide for Compulsory Schools.

<sup>(1)</sup>Act No 76/2016, Article 1.

#### ■ Article 16 *Reception plans; pupils whose native language is not Icelandic*

- Instruction in compulsory schools must be in Icelandic. Other languages may be used for instruction whenever this is required by the nature of the matter or by the National Curriculum Guide.
- Compulsory schools must adhere to the reception plan of the relevant school or municipality when receiving children who are starting school, transferring between schools or who have not attended school previously in Iceland. At that point, parents must be provided with information about their child's schooling and the operation of the school in general, and

parents whose native language is not Icelandic and deaf parents must be informed of their right to interpretation services.

Reception plans for pupils whose native language is not Icelandic must take into consideration the pupils' background, their language skills, and their competence in other subject areas. Schools must ensure that the pupils and their parents receive counselling and that they have access to information about the work of compulsory schools.

Pupils whose native language is not Icelandic are entitled to training in Icelandic as a second language. The aim of the training is for the pupils to become actively bilingual and to render them capable of studying at compulsory schools and becoming active participants in Icelandic society. Compulsory schools may validate the native language skills of pupils whose native language is not Icelandic as part of their compulsory schooling, replacing the compulsory study of another foreign language.

#### ■ **Article 17** *Pupils with special needs*

Pupils are entitled to have their needs for education met in a regular, inclusive, compulsory school, regardless of their physical or mental abilities.

Pupils whose learning difficulties are caused by specific learning disorders, emotional or social difficulties, and/or disabilities within the meaning of Article 2 of the Act on the Affairs of [Disabled People],<sup>(1)</sup> as well as pupils with dyslexia, suffering from long-term illnesses or with health-related special needs, are entitled to special learning support based on an assessment of their special needs.

Pupils who because of an accident or long-term illness are unfit to attend school, as determined by a physician, are entitled to receive instruction for medical reasons either at home or at a medical facility. The local authority concerned has the responsibility for providing instruction for medical reasons.

Where a child, in the opinion of its parents, headteachers, teachers or other specialists, will not be able to receive suitable instruction at a regular compulsory school, the parents may request that the child be admitted either to a special class in a compulsory school or to a specialised school.

Disputes concerning a pupil's schooling must be resolved with due regard to the provisions of the Administrative Procedures Act. Any decision must take into consideration the opinion of experts and the need to protect the overall interests of the child. Decisions are subject to appeal under Article 47.

The Minister is to issue a Regulation<sup>(2)</sup> containing more detailed provisions on the implementation of this Article and the procedure to be followed. When the Ministry rules on cases referred to it on the basis of this Article, it may issue further instructions on the organisation of the pupil's schooling and on the local authority's obligations in relation thereto.

<sup>(1)</sup>Act No 115/2015, Article 25. <sup>(2)</sup>Regulation No 585/2010, as amended by No 148/2015.

## **Section V** Parents

### ■ **Article 18** *Parents; management of data*

Parents must safeguard the interests of their children of compulsory school age. Parents have the right to choose a compulsory school for their children within their municipality according to rules laid down by the local authority. They are likewise entitled to receive information about the operation of the schools and the schooling of their children.

Parents have an obligation to provide the compulsory school with any information regarding their child that is necessary for the operation of the school and with respect to the child's welfare. Personal data acquired in this way or accompanying a child from preschool are subject to a strict requirement of confidentiality and to the procedures stipulated by the currently applicable [Data Protection Act]<sup>(†)</sup>. Parents must be provided with access to any such information. The headteacher, or other experts employed by the local authority concerned,

have the responsibility for the management of data as further decided by the local authority. The Minister is to issue a Regulation<sup>(1)</sup> on the management, deletion and dissemination of information and on parents' right to access information about their children. [The right of a parent not having custody of a child to access information about the child pursuant to this Act is governed by the provisions of Article 52 of the Act in Respect of Children, No 76/2003.]<sup>(2)</sup>

Parents must consult with the compulsory school regarding their children's schooling, monitor and support their education and study progress, and make efforts to ensure that the children come to school rested and that they obey school rules. Parents must have the opportunity to participate in their child's education and in the work of the school in general.

In the case of parents who are not native speakers of Icelandic or who communicate in sign language, the school must endeavour to provide them with interpretation of any information necessary for effective communication between parents and the school pursuant to this Article.

<sup>(†)</sup>Short form of the title as listed by the Icelandic Data Protection Authority. <sup>(1)</sup>Regulation No 897/2009, as amended by No 657/2011. <sup>(2)</sup>Act No 38/2009, Article 2.

#### ■ Article 19 Parents' responsibilities

Parents are responsible for their children's studies and have the responsibility to monitor their progress in cooperation with the children themselves and with their teachers. The parents of a child of compulsory school age are responsible for enrolling the child in school when it reaches that age and for its school attendance. In the case of failure by a child of compulsory school age to attend school, and where this is not due to illness or other objective reasons, the headteacher must seek a solution and decide on remedial measures. The headteacher must likewise report the case to the relevant child protection authorities. The headteacher must handle the case in accordance with the provisions of the Administrative Procedures Act. Decisions are subject to appeal under Article 47.

The [Ministry]<sup>(1)</sup> may issue a ruling requiring a local authority to provide specified instruction to a particular pupil, including by admitting the pupil to a particular school within the relevant municipality.

<sup>(1)</sup>Act No 91/2011, Article 1.

### Section VI Buildings and facilities of compulsory schools

#### ■ Article 20 [School buildings]<sup>(1)</sup>

The construction of school buildings is the responsibility of the relevant Municipal Council in consultation with the School Board and the School Council. The local authority concerned is liable for the initial investment cost of municipal compulsory schools. Local authorities are also responsible for implementing and financing the maintenance of school buildings, as well as for the renewal and maintenance of equipment. Space must be specifically reserved for [school services]<sup>(2)</sup> for children with special needs, and for working facilities for staff.

[Each compulsory school must make the necessary arrangements for the operation of a school library or ensure by other means that its pupils have access to the services of such a library, the purpose of which is to serve as an information centre for pupils and teachers. School libraries should be equipped with books and audiovisual materials as well as other library resources having a relation to subjects and subject areas covered by the National Curriculum Guide for Compulsory Schools.]<sup>(1)</sup>

Buildings and grounds of compulsory schools must correspond to the requirements of this Act, the [Working Conditions Act]<sup>(†)</sup> and the National Curriculum Guide for Compulsory Schools. Buildings and other facilities must conform to the objective of ensuring the safety and well-being of pupils and staff, including in terms of suitable furnishings, acoustics, lighting and ventilation.

Local authorities must consult with interested parties within the school community and with members of the local community regarding the design, construction and renovation of compulsory school premises.

After having consulted with the Association of Local Authorities in Iceland, the Minister is to issue a Regulation<sup>(3)</sup> on the premises and equipment of compulsory schools, containing more detailed requirements regarding facilities, equipment, the prevention of accidents, and general safety measures within the buildings and grounds of compulsory schools.

<sup>(1)</sup>Act No 91/2011, Article 4. <sup>(2)</sup>Act No 76/2016, Article 1. <sup>(†)</sup>English version of the short form of the title.  
<sup>(3)</sup>Regulation No 657/2009, as amended by No 599/2014.

■ **Article 21 Administration of school buildings**

The headteacher is responsible for the daily administration of school buildings as further determined by the Municipal Council.

In consultation with the headteacher, the Municipal Council may allocate school buildings or any part thereof to other uses, provided that this does not interfere with the legal use of the buildings.

■ **Article 22 School transport**

Local authorities are responsible for organising school transport where appropriate, and for its financing. The Minister is to issue more detailed rules<sup>(1)</sup> concerning school transport in consultation with the Association of Local Authorities in Iceland. School transport must be provided to pupils free of charge.

<sup>(1)</sup>Regulation No 656/2009, as amended by No 882/2009 and No 605/2012.

■ **Article 23 School meals**

Compulsory school pupils must have the possibility during school hours to have a meal conforming to national dietary goals. Local authorities may charge fees for school meals based on a special schedule of fees which they issue.

Decisions on fees pursuant to this Article are subject to appeal under Article 47.

**Section VII Study content; learning plans; study programmes; assessment; academic year**

■ **Article 24 National Curriculum Guide**

A National Curriculum Guide for Compulsory Schools<sup>(1)</sup> is to be issued by the Minister and revised at regular intervals. The Guide should contain detailed provisions on the child-rearing role of compulsory schools and main strategies as regards teaching and teaching arrangements, in accordance with the role of compulsory schools as outlined in Article 2. The National Curriculum Guide should include an emphasis on:

a. pupils' self-awareness, moral conscience, social awareness and awareness of civil responsibility and duties;

b. physical and mental well-being, a healthy lifestyle, and a responsible attitude to living beings and the environment;

c. training in the use of Icelandic in all studies;

d. dramatic and artistic expression;

e. pupils' ability to understand causal relationships and draw logical conclusions;

f. comprehension and productive and creative work, innovation, and entrepreneurial studies;

g. a good balance between academic and practical studies;

h. the use of play as a means of learning and development for children;

i. education that will be useful to pupils in their daily lives as well as in future studies and employment;

j. the preparation of both sexes equally for active participation in society, family life and work;

k. a variety of ways to acquire knowledge through the use of technological media, information and communication technology, and library and source work;

l. educational and vocational guidance and the presentation of different occupations and study programmes as an aid in the choice of future studies and employment.

□ In devising the National Curriculum Guide, in the planning of learning and teaching, and in developing and selecting learning materials, special care must be taken to ensure equal opportunities to learn for all pupils and that they are given the possibility to choose between subject-matters and approaches in their own learning.

□ Learning and teaching objectives and the manner of operation of compulsory schools must be such as to prevent discrimination on the basis of ethnicity, gender, sexual orientation, place of residence, social background, religion, health, handicap, or general situation.

□ In all their work, schools should promote a healthy lifestyle and take into account the personality, level of maturity, abilities, skills and interests of each individual.

<sup>(1)</sup> Notice No 760/2011. Notice No 364/2013. Notice No 838/2015. Notice No 894/2016.

### ■ Article 25 *Learning objectives*

□ The National Curriculum Guide should outline the main objectives of learning and teaching, the structure and organisation of the studies, as well as the proportional division of time between different subjects and subject areas in compulsory schools. Care must be taken to ensure a cohesive education programme, whilst leaving to each compulsory school the decision whether to teach individual subjects and subject areas as separate or integrated courses. The National Curriculum Guide must define learning outcomes within each subject area. Pupils must be given the possibility to fulfil the learning objectives of individual subjects and subject areas in different ways. Performance criteria defined in the National Curriculum Guide must make it possible to determine when a pupil has completed an individual subject or subject area. Criteria must also be formulated for those pupils who complete compulsory education in less than 10 years. The National Curriculum Guide must make provisions for the cooperation of compulsory schools with preschools and upper secondary schools respectively, and for the approach to be used to help pupils adjust and move between school levels.

□ The National Curriculum Guide must stipulate the content and structure of education in Icelandic; Icelandic as a second language or Icelandic sign language; mathematics; English; Danish or another Nordic language; arts and crafts; the natural sciences; physical education; the social sciences; equal rights; religion; life skills; and information and technology.

### ■ Article 26 *Choice in school education*

□ From the start of compulsory education, pupils must have a certain amount of choice regarding their education, including between topics, learning methods and subjects, in accordance with the criteria of the National Curriculum Guide for Compulsory Schools and the organisation of the school concerned. The objective is to ensure that pupils take responsibility for their learning, and to introduce flexibility in schooling. Studies may also be partly composed of distance education and web-based learning.

□ [At the lower secondary level, i.e. in grades 8 to 10, pupils' choice of subjects and subject areas should account for up to one-fifth of their study time, in accordance with further criteria laid down in the National Curriculum Guide for Compulsory Schools. In grades 8 to 10, schools may schedule varying proportions of elective courses in each grade, and limit pupils' choice partly to specified subject areas.]<sup>(1)</sup>

□ Formal education outside compulsory schools, for example in musical schools, may be evaluated as part of compulsory education as further stipulated in the National Curriculum Guide for Compulsory Schools. For pupils engaging in such studies, the Municipal Council concerned is under no obligation to pay the attendant costs, even where the studies are recognised as a suitable replacement for compulsory education instruction. Temporary participation in gainful employment, social activities, sports, or organised voluntary work may also be evaluated as part of formal education, provided that this is consistent with the objectives of schooling.

□ Compulsory school pupils who demonstrate the necessary competence are entitled to be admitted to studies in particular subjects at the upper secondary level while still attending

compulsory school.<sup>(2)</sup> The headteacher of the compulsory school concerned may authorise the pupil to pursue such studies outside the school based on criteria laid down in the National Curriculum Guide. Decisions made by the headteacher pursuant to this Article are governed by the provisions of the Administrative Procedures Act.

Refusals to evaluate studies or to issue an authorisation pursuant to this Article are subject to appeal under Article 47. The [Ministry]<sup>(3)</sup> may issue a ruling ordering the headteacher of a compulsory school to authorise a pupil to enrol in studies at the upper secondary level pursuant to the fourth paragraph.

<sup>(1)</sup>Act No 91/2011, Article 5. <sup>(2)</sup>See further Act No 91/2011, 'Transitional Provisions'. <sup>(3)</sup>Act No 126/2011, Article 492.

#### ■ Article 27 Assessment

The assessment of pupils' academic performance and progress is a regular part of schooling. The purpose of the assessment is to evaluate how successfully pupils meet the objectives of the National Curriculum Guide as well as individually determined learning objectives, to encourage pupils to make progress, and to determine who among them may be in need of special support. More detailed provisions on assessment are to be laid down in the National Curriculum Guide for Compulsory Schools.

Information about individual pupils' assessment may only be disclosed to the pupils themselves and to their parents. However, disclosure of such information is permitted in cases of transfer of pupils between schools and in relation to their admission to upper secondary school, subject to a strict requirement of confidentiality and to the procedures stipulated by the currently applicable [Data Protection Act]<sup>(†)</sup>.

Pupils and their parents are entitled to receive information on assessment results, assessment methods and assessment techniques, including by viewing assessed assignments and examination papers. They are also entitled to an oral explanation of the assessment and to the revision by the compulsory school of the results of the assessment. Such revisions are in no case to be considered equivalent to an administrative appeal within the meaning of the Administrative Procedures Act.

The Minister is to issue a Regulation<sup>(1)</sup> containing more detailed provisions on the management of assessment results in compulsory schools and on the disclosure of information on assessment in cases of transfer of pupils between schools and in relation to their admission to upper secondary school, as well as on parents' right to access such information.

<sup>(†)</sup>Short form of the title as listed by the Icelandic Data Protection Authority. <sup>(1)</sup>Regulation No 897/2009, as amended by No 657/2011.

#### ■ Article 28 Academic year and school hours

For pupils in compulsory schools, the academic year must have a duration of at least nine months. This should include at least 180 days of school attendance. The headteacher is responsible for deciding on the division of this period into days of instruction and other days of school attendance in consultation with the School Council and after obtaining the approval of the School Board.

Minimum weekly instruction time for compulsory school pupils is as follows:

- a. 1,200 minutes in grades 1 to 4;
- b. 1,400 minutes in grades 5 to 7;
- c. 1,480 minutes in grades 8 to 10.

In concert with the School Council, the headteacher decides on the more detailed arrangement of weekly instruction, [as well as on the more detailed arrangement of integration between school and after-school activities, as applicable]<sup>(1)</sup> The daily and weekly instruction time of pupils in compulsory schools must be decided so as to ensure a continuous school day with appropriate breaks, and a reasonable workload considering the pupils' age and level of maturity.

Minimum weekly instruction pursuant to the second paragraph may be deviated from temporarily provided that this is compensated for, within the same school year, by supplementary instruction of equivalent length.

[Each Municipal Council may decide to fix the dates of certain school holidays for all schools within the municipality, in consultation with interested parties.](<sup>2</sup>)

(<sup>1</sup>)Act No 76/2016, Article 3. (<sup>2</sup>)Act No 91/2011, Article 6.

■ **Article 29** *School curriculum guide; operational plan*

Each compulsory school must adopt a school curriculum guide and an operational plan. The headteacher is responsible for the adoption of these documents and for drawing them up in concert with teachers. A school curriculum guide is a more detailed version of the National Curriculum Guide for Compulsory Schools as regards the objectives pursued, study content and assessment, the manner in which a school is operated, and evaluation and quality assurance in schools. A school curriculum guide must take into consideration the specific character and special circumstances of the compulsory school concerned and should be revised at regular intervals.

The annual operational plan must include details on the school calendar, including the duration of Christmas, Easter and other winter holiday periods; pupils' study schedule; school rules; support services; social activities; and any other aspects of the annual operation of the school. The operational plan is to be submitted annually to the School Board, which confirms its entry into force after ascertaining that it has been drawn up in accordance with legal and regulatory requirements, the National Curriculum Guide, collective agreements, and the Municipal Council's decisions regarding the operation of schools.

The headteacher has the responsibility for implementing the above provisions, as well as for ensuring appropriate discussion within the school and in the School Council, and for keeping the School Board informed about the way in which the plans have been implemented. The operational plan and the school curriculum guide must be made accessible to all members of the school community.

■ **Article 30** *[School atmosphere]*

All members of the school community must contribute to the creation and maintenance of a good working environment and a positive school atmosphere.

Headteachers and teachers are under an obligation to consult with parents regarding the behaviour, well-being and social interactions of their children. Parents must similarly consult with the school on the schooling of their children. The same applies to other legal guardians of pupils attending the school concerned.

Compulsory schools must maintain a coherent policy on ways to prevent cases of physical, verbal and social aggression within the school. Schools must likewise maintain a plan on the implementation of the statutory reporting requirement of the Child Protection Act, as well as on the response to cases involving bullying, other types of aggression, or social exclusion. Part of the implementation of the plan must be for each school to establish school rules. School rules should cover aspects such as general conduct, social interactions, punctuality, diligence in study, and the pursuit of a healthy lifestyle. The rules should also specify how the school intends to respond to cases of violation of the rules.

The Minister may lay down further provisions on the responsibilities and obligations of members of the school community by means of a Regulation(<sup>1</sup>) issued pursuant to this Article and Article 14 jointly. The Regulation must include provisions on an expert panel set up by the Ministry as an advisory body on bullying.](<sup>2</sup>)

(<sup>1</sup>)Regulation No 1040/2011. (<sup>2</sup>)Act No 91/2011, Article 7.

■ **Article 31** *Cost to pupils of attending compulsory school*

The instruction of pupils in public compulsory schools as part of compulsory schooling must be provided free of charge, and neither pupils nor their parents may be charged fees for the instruction or services provided, for learning materials, or for other materials that pupils are required to use in their studies in conformity with the provisions of this Act and with the

National Curriculum Guide. The same applies to compulsory school pupils' participation in courses at upper secondary level whenever the studies are defined as part of compulsory school studies. However, public authorities are not required to provide pupils with materials for personal use, such as writing implements and paper.

Where a compulsory school pupil attends upper secondary level courses assigned as part of compulsory education, teaching costs at the upper secondary level are governed by the provisions of the Upper Secondary Education Act. At the same time, the local authority concerned is liable for the cost of learning materials and admission, as well as for any materials fee. Any further implementation and organisational details are a matter of negotiation between the compulsory and upper secondary schools concerned.

[The Ministry must provide compulsory schools with learning materials corresponding to the main objectives of learning and teaching at the compulsory level as laid down in the National Curriculum Guide. The Minister may delegate the fulfilment of this obligation to the Directorate of Education.]<sup>(1)</sup>

No fees may be collected from pupils for trips classified as field trips or which qualify otherwise as part of their compulsory schooling. However, subsistence fees may be charged for pupils' study trips, in consultation with parents.

Decisions on the collection of fees pursuant to this Article are subject to appeal under Article 47.

<sup>(1)</sup>Act No 91/2015, Article 10.

#### ■ **Article 32** *Completion of compulsory school*

Upon completion of compulsory education, pupils must be awarded a certificate attesting to the fact that they have completed the education required by this Act. The certificate must contain the pupil's assessment report for studies during the final year of compulsory school.

The headteacher determines whether a pupil has completed compulsory education, and has the responsibility for the pupil's graduation from compulsory school. A pupil may be permitted to graduate from compulsory school before completing 10 years of compulsory schooling, provided that the pupil meets compulsory school graduation requirements as described by the final learning outcomes contained in the National Curriculum Guide. Further provisions on the implementation of this Article are to be laid down in the National Curriculum Guide for Compulsory Schools. The headteacher's decisions in this regard are governed by the provisions of the Administrative Procedures Act. Decisions to refuse graduation from compulsory school pursuant to this Article are subject to appeal by parents under Article 47.

#### ■ **Article 33** [*Extra-curricular and social activities*]<sup>(1)</sup>

In every compulsory school, pupils must have the opportunity to participate in extra-curricular and social activities. Extra-curricular and social activities may be organised either as part of daily school work or outside normal school hours. ...<sup>(1)</sup>

Local authorities may charge fees for [extra-curricular and social activities]<sup>(1)</sup> based on a special schedule of fees which they issue. Decisions on fees pursuant to this Article are subject to appeal under Article 47.

<sup>(1)</sup>Act No 76/2016, Article 4.

#### ■ **[Article 33a** *After-school centres*

All children in the younger cohorts of compulsory school must have the opportunity to enjoy the services of an after-school centre. After-school centres are facilities where children can engage in after-school activities and which emphasise children's own choice, free play, and diversity in the activities pursued and the environment provided. The organisation of the services provided by after-school centres must take into account the needs, level of maturity and interests of each child.

Each local authority is responsible for guaranteeing the professionalism of after-school centres, and for deciding on the organisation of their activities and the legal form chosen,

using the integration of school and after-school activities and the needs of children as guiding principles.

The operation of after-school centres is governed by the general provisions of this Act, and by regulations issued pursuant to the Act and relating to the safety and well-being of children, their rights and obligations, statutory notification obligations, and the prohibition to hire people with criminal records.

After having consulted with the Association of Local Authorities in Iceland, the Ministry is to issue quality criteria for after-school activities, including regarding their purpose and aims, organisational and operational details, operating methods, diversity, administration, and education requirements for staff.

Where objectively justified, for instance by the local situation, local authorities may decide not to operate after-school centres.

Local authorities may charge fees for the time spent by children in after-school centres based on a schedule of fees which they issue and publish. Decisions on fees pursuant to this Article are subject to appeal under Article 47.<sup>(1)</sup>

<sup>(1)</sup>Act No 76/2016, Article 5.

#### ■ Article 34 *Innovation Fund for Schools*

The role of the Innovation Fund for Schools is to support development and innovation in schools in accordance with official policy and the National Curriculum Guide. Contributions to the Fund are determined in the National Budget. The [Ministry]<sup>(1)</sup> administers the Fund and issues a Regulation<sup>(2)</sup> on the allocation of grants. The Fund is common to preschools, compulsory schools and upper secondary schools.

The administration of the Fund and the award of grants may be entrusted, by means of a Regulation, either to an institution under the authority of the Ministry or to another competent party.

<sup>(1)</sup>Act No 91/2011, Article 1. <sup>(2)</sup>Regulation No 242/2009.

### Section VIII Evaluation and quality assurance in compulsory schools

#### ■ Article 35 *Objectives*

The objectives of evaluation and quality assurance in compulsory schools are:

- a. To make information on schooling, its results and its development available to educational authorities, school staff, receiving schools, parents and pupils;
- b. To ensure that schools are operated in compliance with law, regulations and the National Curriculum Guide for Compulsory Schools;
- c. To increase the quality of learning and schooling and contribute to improvements;
- d. To ensure that pupils' rights are respected and that they receive the services to which they are entitled according to law.

#### ■ Article 36 *Internal evaluation*

Each compulsory school carries out a systematic evaluation of the results and the quality of schooling pursuant to Article 35 with the active participation of school staff, pupils and parents as appropriate.

Compulsory schools must make public information about their internal evaluation, its relation to the school curriculum guide, and plans for improvements.

#### ■ Article 37 *External evaluation by local authorities*

[Local authorities are responsible for performing evaluation and quality assurance in schools pursuant to Articles 5 and 6, and for providing the Ministry with information regarding the operation of schools, their internal evaluation, external evaluation carried out by local authorities, the implementation of their school policy, and plans for improvements. The Minister may delegate to the Directorate of Education the task of receiving information pursuant to this Article.]<sup>(1)</sup>

Local authorities should follow up on internal and external evaluations to ensure that they lead to improvement in education.

<sup>(1)</sup>Act No 91/2015, Article 10.

■ **Article 38** *External evaluation by the [Ministry]*<sup>(1)</sup>

[The Ministry or, by delegation, the Directorate of Education undertakes the analysis and dissemination of information about the work of compulsory schools, using information provided by local authorities pursuant to Article 37 and independently assembled data. The Minister may delegate tasks pursuant to this Article to the Directorate of Education.]<sup>(2)</sup>

The [Ministry]<sup>(3)</sup> establishes a three-year plan on surveys and assessments aimed at providing information on the implementation of this Act and of the National Curriculum Guide for Compulsory Schools, and on other aspects of schooling. Moreover, the [Ministry]<sup>(3)</sup> is responsible for organising participation in international educational and comparative studies.

The Minister is to issue a Regulation<sup>(4)</sup> pertaining to internal and external evaluations and the obligation of local authorities to provide information, in consultation with the Association of Local Authorities in Iceland.

<sup>(1)</sup>Act No 126/2011, Article 492. <sup>(2)</sup>Act No 91/2015, Article 10. <sup>(3)</sup>Act No 91/2011, Article 1. <sup>(4)</sup>Regulation No 658/2009.

■ **Article 39** *Coordinated assessment*

The [Ministry]<sup>(1)</sup> is responsible for organising coordinated assessment in compulsory schools, providing schools with national coordinated examinations for this purpose, and implementing the coordinated assessment.

[All pupils in grades 4 and 7 of compulsory school must undergo national coordinated examinations in Icelandic and mathematics. Pupils at the lower secondary level, that is those attending grades 8 to 10, must take coordinated examinations in Icelandic, mathematics and English. Other examinations are to be held as decided by the Minister.

Where objectively justified and as consented by parents, the headteacher may exempt pupils from undergoing national coordinated examinations in individual examination subjects.

The Directorate of Education, or another competent entity as decided by the Minister, is to be charged with the development and implementation of coordinated assessment and examinations pursuant to this Article. The Minister is to issue a Regulation<sup>(2)</sup> containing more detailed provisions on the organisation and implementation of coordinated assessment, examinations and surveys in compulsory schools, and on individual pupils' exemptions from coordinated assessment pursuant to this Article.]<sup>(3)</sup>

<sup>(1)</sup>Act No 91/2011, Article 1. <sup>(2)</sup>Regulation No 435/2009, as amended by No 662/2009. <sup>(3)</sup>Act No 91/2015, Article 10.

**Section IX [School services]<sup>(1)</sup> and support structures of compulsory schools**

<sup>(1)</sup>Act No 76/2016, Article 1.

■ **Article 40** *Structure and implementation of [school services]*<sup>(1)</sup>

Local authorities must ensure the availability of [school services]<sup>(1)</sup> in compulsory schools, decide on their organisation, and seek to ensure that they can be provided within the schools themselves. [School services]<sup>(1)</sup> comprise on one hand support for pupils and their families, and on the other support for the work carried out in compulsory schools and for their staff.

From the start of each pupil's schooling, compulsory schools must implement preventive measures consisting of screenings and observations intended to ensure that pupils receive adequate instruction and learning support. Moreover, pupils with psychological or social difficulties liable to affect their schooling must receive appropriate diagnosis. All observations by a school concerning individual pupils must take place in consultation with and with the consent of their parents; no fee may be charged for such observations. The results of such observations must be reported to the parents.

A diagnosis pursuant to this Article may be requested by parents or, after consulting with them and with their consent, by the school's headteacher or one of its teachers or health service staff. The [school services]<sup>(1)</sup> are responsible for ensuring that the diagnosis is carried out, submitting a proposal on appropriate action to the headteacher, monitoring any measures to improve the situation, and evaluating the results.

[Through the establishment of a Pupil Welfare Council, the headteacher is to coordinate within each school the work of those responsible for individual pupils' cases within the fields of [school services],<sup>(1)</sup> educational guidance and school health services. Where considered necessary, the municipal social services and child protection authorities should also be consulted regarding individual pupils' cases. A temporary exemption from specific provisions of the Regulation on Pupil Welfare Councils may be requested through an application addressed to the Ministry and accompanied by a reasoned statement. Any exemption must be justified by objective reasons, such as a small pupil population or special circumstances. The Minister may delegate to the Directorate of Education the task of granting exemptions pursuant to this Article.]<sup>(2)</sup>

Local authorities operating compulsory schools must initiate collaboration between [the school services]<sup>(1)</sup> and social services, child protection authorities and health care services within the municipality, with regard to pupils with special needs or suffering from long-term illnesses. Local authorities must also take the initiative for the collaboration of [the school services]<sup>(1)</sup> with those responsible for specialised diagnostic and treatment services organised by central government to meet the needs of individual pupils.

In implementing [school services],<sup>(1)</sup> local authorities must lay particular weight on promoting good contacts between preschools, compulsory schools and upper secondary schools in the interest of continuity of schooling.

The Minister is to issue a Regulation<sup>(3)</sup> on [school services]<sup>(1)</sup> and the operation of Pupil Welfare Councils, in consultation with the Association of Local Authorities in Iceland.

A decision to refuse a parent's request for diagnosis pursuant to the third paragraph is subject to appeal under Article 47. The Ministry may issue a ruling requiring a particular pupil to be provided with diagnosis pursuant to this Article.

<sup>(1)</sup>Act No 76/2016, Article 1. <sup>(2)</sup>Act No 91/2015, Article 10. <sup>(3)</sup>Regulation No 584/2010, as amended by No 986/2010.

#### ■ Article 41 School health services

School health services in compulsory schools are governed by the relevant provisions of the Health Services Act. The structure and organisation of school health services in compulsory schools is to be decided in consultation with the School Board and the headteacher.

The headteacher must ensure that pupils receive school health services within each school in accordance with the arrangement decided upon pursuant to the first paragraph.

Local authorities are liable for the initial capital cost of premises intended for health services in schools and responsible for the operation thereof. The salaries of the staff of school health services, as well as any specific costs incurred by those services, shall be borne by the budget of the local health care centre as 'other costs' associated with the provision of primary health care services; staff is to be recruited on the same basis.

#### ■ Article 42 Special classes

Local authorities may set up special classes in compulsory schools or establish special schools in those cases where regular learning or teaching practices do not adequately serve pupils' needs or interests. The purpose of such classes and schools is to provide pupils with a specialised learning environment for shorter or longer periods of time, while at the same time emphasising the provision of support and pedagogical counselling to staff at regular compulsory schools.

## **Section X [Independent compulsory schools]<sup>(1)</sup>**

<sup>(1)</sup>Act No 76/2016, Article 6.

### **■ Article 43 [Independent compulsory schools]**

Although operated in accordance with this Act, independent compulsory schools are run by private entities, generally on the basis of a service agreement entered into with the relevant local authority.

The enrolment of a child in an independent compulsory school is subject to the free choice of its parents, unless otherwise stipulated in the relevant service agreement. Where enrolment in an independent compulsory school is not subject to the free choice of parents, the conditions of Article 43e must be complied with in addition to other applicable requirements.]<sup>(1)</sup>

<sup>(1)</sup>Act No 76/2016, Article 6.

### **■ [Article 43a Service agreements]**

A service agreement must be drawn up between the local authority of the municipality in which a school is operated and the school's operating entity. Through the agreement, the local authority consents to the setting up of the school, confirms its right to funding in accordance with Article 43b, and accepts the obligation to supervise its activities.

The service agreement must be approved by the Ministry after it has determined that all legal requirements are fulfilled. The school may not commence operations until the Ministry's approval has been obtained. The Minister may delegate to the Directorate of Education the task of approving service agreements.

A local authority may decline to enter into a service agreement, or decide to limit any such agreement to a specified number of pupils, for instance where there is a risk that contributing financially to the school could adversely impact the operation of the municipality's own schools and the funding thereof. Where a local authority declines to enter into a service agreement, any authorisation to operate the school is governed by the provisions of Article 46.

The service agreement must cover, at least, the following:

1. A school curriculum guide consistent with the National Curriculum Guide.
2. Evaluation and quality assurance pursuant to Article 37.
3. The financial relationship between the parties, including contribution payment schedules and the financial aspects of services provided to pupils with special needs.
4. Services provided to pupils based on an assessment of their special needs.
5. The validity of the agreement, including provisions on a trial period and periods of notice. As regards the maximum term of validity of agreements, the provisions of Article 100 of the Local Government Act shall not apply.
6. The maximum number of pupils which may attend the school, determined by factors such as the premises used, the working environment of pupils and staff, the capacity to organise the supervision of the school's activities, and secure operational funding.
7. The maximum number of pupils attending the school for which the local authority is under an obligation to provide funding in accordance with Article 43b, determined by factors such as the funding contributions decided by the local authority.
8. Enrolment and school fees. Local authorities may place an upper limit on school fees based on its own financial contributions to the school.
9. The organisation of school transport, where applicable.
10. The procedure for terminating the service agreement, and remedies in cases of failure to respect obligations under the agreement.]<sup>(1)</sup>

<sup>(1)</sup>Act No 76/2016, Article 6.

### **■ [Article 43b Municipal funding]**

Each independent compulsory school with a valid service agreement entered into pursuant to Article 43a is entitled to receive operational funding from the municipal budget for those of its pupils who are legal residents of the municipality in which it operates. The funding provided must amount to at least 75 per cent of the weighted average total operating cost per

pupil in all municipal compulsory schools in Iceland, as calculated by Statistics Iceland. This percentage applies to schools with up to 200 pupils; for each additional pupil the required contribution is 70 per cent.

The calculation by Statistics Iceland, which should be available on the fifth day of each month, is to be based on data for the previous month and corrected for price changes.

Municipal funding is to be paid out at regular intervals in accordance with the provisions of the service agreement. Payments are to be adjusted upward or downward in accordance with the calculation by Statistics Iceland.

Local authorities may decide to provide independent compulsory schools with a special start-up contribution. Any such funding may only benefit the educational activities of the school.]<sup>(1)</sup>

<sup>(1)</sup>Act No 76/2016, Article 6. The provisions of the second and third paragraphs will be implemented from 1 January 2017 as stipulated in Article 11 of the same Act.

■ **[Article 43c** *General requirements for private operators of compulsory schools*

The private operator of a compulsory school must:

1. Be a legal entity operating in the form of a non-profit organisation, a company limited by shares, or in another legal form. The legal entity must be governed by a Board of Directors which assumes responsibility for the financial operation of the school in its relations to the relevant local authority and other public authorities. The financial responsibility of members of the Board of Directors is determined by generally applicable rules;

2. Adopt articles of association and post these publicly on the school's website. Whilst the articles of association are governed by generally applicable rules, they must contain, at least, provisions on the main aspects of the operator's internal management, on the professional independence of the educational activities, and on the main aspects of the division of tasks between the Board of Directors, on one hand, and the professional staff of the compulsory school, on the other;

3. Include in its articles of association a provision stating that its purpose is to operate a compulsory school. The stated purpose can also cover the operation of other accredited educational institutions and related projects. The latter must not be a significant part of the operator's activities;

4. Include in its articles of association a provision stating that public funding will only benefit the educational activities of the school. However, any termination of the legal entity's activities is governed by generally applicable rules.

Members of the Board of Directors are bound by the provisions of the Administrative Procedures Act as regards limitations on their eligibility, as well as by confidentiality clauses.]<sup>(1)</sup>

<sup>(1)</sup>Act No 76/2016, Article 6.

■ **[Article 43d** *General requirements pertaining to the operation of independent compulsory schools*

The following rules apply to the financial management and general operation of independent compulsory schools:

1. The work of the compulsory school, including its administrative organisation and teaching practices, must conform fully with the provisions of this Act, with any rules laid down pursuant to it, and with the National Curriculum Guide, except where specifically exempted by law or on the basis of a legal provision authorising such an exemption.

2. The operating entity's Board of Directors is responsible for the tasks assigned to the Municipal Council by Article 7 and Article 21.

3. Exemptions granted pursuant to Article 15 must be reported to the municipality's School Board.

4. Except where the provisions of Article 43e apply, the decision to enrol a child in the school must be made by its parents.

5. The headteacher is responsible for the enrolment of pupils unless the service agreement stipulates that the enrolment procedure be handled by the local authority.

6. A school fee may be charged independently of any other provisions of this Act relating to the cost to pupils of attending compulsory school.

7. The legal entity's Board of Directors must adopt general rules on decisions made in accordance with points 5 and 6 and post them publicly on the school's website.

8. The management and storage of documents and information relating to schooling provided in independent compulsory schools are governed by the same general legal provisions as apply to regular municipal compulsory schools, including the provisions of the Administrative Procedures Act, the Information Act, and the Public Archives Act.

9. The provisions of the Act on the education and recruitment of teachers and administrators of preschools, compulsory schools and upper secondary schools apply to compulsory schools accredited by the Minister in accordance with this Act.<sup>(1)</sup>

<sup>(1)</sup>Act No 76/2016, Article 6.

#### ■ [Article 43e *Independent compulsory schools with non-optional enrolment*

□ Where, because of the way in which the operation of compulsory schools in the municipality is organised, parents are not free to choose whether to enrol their children in an independent compulsory school, the local authority concerned must ensure that the pupils of the independent school have in all respects the same rights, receive the same level of services, and enjoy a similar status as pupils attending a municipal compulsory school. Depending on the circumstances, this may entail:

1. An obligation to provide in the service agreement for appropriate funding in excess of that required by Article 43b, including for the purpose of ensuring free schooling and school services to the extent that the local authority chooses not to operate such services itself;

2. An obligation to ensure through the service agreement the right of the local authority to take over any necessary aspects of the operating entity's activities, including employment contracts and contracts relating to school premises, as well as documents, case files and other items related to the teaching and regarded as part of the school's operations, in cases where the operating entity needs to cease or terminate its activities or where the local authority has a legitimate reason to terminate its agreement with the entity;

3. An obligation to ensure the right of the local authority as laid down in point 2 in cases where the operating entity enters into other agreements, such as with creditors, landlords or staff.

□ In addition, independent compulsory schools have the obligation to ensure that pupils and their parents are in a situation equal to that of pupils attending a municipal compulsory school, including the obligation to cooperate with other public authorities. At the same time, the school is entitled to receive funding pursuant to the first paragraph of point 1, and has the right to enforce that right in court in accordance with generally applicable rules.

□ The Municipal Council must make known to the inhabitants of the municipality its intention to enter into agreements on or organise the operation of a school in the manner referred to in the first paragraph, in accordance with Article 5, first paragraph, and the provisions of the Local Government Act on public consultation.<sup>(1)</sup>

<sup>(1)</sup>Act No 76/2016, Article 6.

#### ■ [Article 43f *Regulatory powers*

□ The Minister is to issue a Regulation<sup>(1)</sup> on the implementation of Article 43, Articles 43a to 43e and Article 46 in consultation with the Association of Local Authorities in Iceland and Statistics Iceland. The Regulation must contain, among other things, provisions on: the requirements for the conclusion of a service agreement; the form and content of service agreements; information relating to an operating entity which local authorities must obtain when entering into an agreement; requirements for the approval of a service agreement; the administration of funding provided to the operating entities of schools; information to be provided to local authorities and to the Ministry; the supervision of the activities; special

obligations of local authorities and private compulsory schools in cases of non-optional enrolment in independently operated schools; the authorisation to grant exemptions from the provisions of the Act and from the National Curriculum Guide in cases where a school follows an accredited foreign or international curriculum and learning plan; the revocation of the Minister's approval of a service agreement; and the termination by a local authority of a service agreement for failure to comply with its provisions.](<sup>(2)</sup>

<sup>(1)</sup>Regulation No 699/2012. <sup>(2)</sup>Act No 76/2016, Article 6.

## **Section XI [Experimental schools, joint operation, home education, dispute resolution, etc.](<sup>(1)</sup>)**

<sup>(1)</sup>Act No 76/2016, Article 10.

### **■ Article 44(<sup>(1)</sup>) Experimental schools**

The Minister may grant local authorities and independent compulsory schools authorisations to operate experimental schools or to experiment with particular aspects of schooling by derogation from the provisions of this Act, any Regulation issued on the basis thereof, and the National Curriculum Guide for Compulsory Schools. Such experiments should always be subject to reasonable time limits and to a requirement for post-experiment evaluation.

Financial support may be provided for experimental schools as well as for special innovations, to the extent permitted by the National Budget at each time.

<sup>(1)</sup>This Article was moved to Section XI by Act No 76/2016, Article 6.

### **■ Article 45(<sup>(1)</sup>) Joint operation**

[Local authorities may cooperate on the operation of compulsory schools. Such cooperation is governed by the provisions of the Local Government Act. Cooperation agreements must be approved by the Minister after obtaining the opinion of the minister responsible for local government. The Minister may delegate to the Directorate of Education the task of approving such agreements.

An agreement setting up an inter-municipal cooperative society must specifically stipulate how the role of the School Board will be executed. The Board of Directors of the inter-municipal cooperative society fulfils that role unless otherwise specified. The agreement must also provide for an authorisation to enter into agreements with private actors on the operation of compulsory schools in accordance with the provisions of this Act.

Where an agreement provides for the operation of a compulsory school by one local authority on behalf of another, the provisions of Article 5 must be taken into consideration. Where a significant number of children from one municipality attend school in another municipality on this basis, the local authorities concerned may decide in their respective local government ordinances to reserve a seat on the School Board of the receiving municipality for a representative elected by the Municipal Council of the municipality in which the children have their legal residence, with the right to speak and propose motions. The agreement must also provide for an authorisation to enter into agreements with private actors on the operation of compulsory schools in accordance with the provisions of this Act.

A local authority may decide, after having obtained the opinions of the relevant School Boards, to join the operations of a compulsory school, a preschool and a music school in one unit led by a single headteacher. The director of such an institution must be the holder of a certificate to teach at the preschool or the compulsory school level. The Municipal Council concerned may decide to join in one council the activities of the School Council and those of the Parents' Council set up pursuant to the Preschool Act. This provision also applies to schools operated pursuant to the first paragraph. In other respects, the united school should be operated in accordance with the Acts governing the respective school levels.](<sup>(2)</sup>

<sup>(1)</sup>This Article was moved to Section XI by Act No 76/2016, Article 6. <sup>(2)</sup>Act No 76/2016, Article 7.

### ■ Article 46<sup>(1)</sup> Exemptions

- The Minister may grant accreditation to compulsory schools, as well as to study programmes within regular compulsory schools, that follow an accredited foreign or international curriculum and learning plan. [The Minister may delegate to the Directorate of Education the task of granting accreditation.]<sup>(2)</sup>
- Parents wishing to obtain an exemption from the provisions of Article 3 in order to provide partial or full home education to their children must apply for such authorisation to the relevant local authority. The headteacher may grant the exemption after having consulted with the School Board and the [school services].<sup>(3)</sup> Although exempt from compulsory schooling pursuant to Article 3, children who receive home education are subject to supervision and regular assessment, and must undergo harmonised examinations as provided for in this Act. [The Minister may delegate to the Directorate of Education the task of receiving notifications pursuant to this Article.]<sup>(2)</sup>
- Decisions by the Municipal Council pursuant to the second paragraph are subject to appeal under Article 47. The [Ministry]<sup>(4)</sup> may issue a ruling ordering a local authority to grant the parents of a child authorisation pursuant to the second paragraph.
- [Where a local authority has declined to enter into a service agreement with an independent compulsory school, the Minister may nevertheless issue an authorisation for the operation of the school pursuant to this Act, after having obtained the opinion of the local authority in question. The ministerial authorisation does not confer a right for the school to receive public funding. The school is subject to the rules laid down in this Act, with the exception of the provisions of Articles 43a, 43b and 43e. The Minister lays down conditions for the operation of the school in accordance with the provisions of Article 43a, and supervises its activities.]<sup>(5)</sup>
- [The Minister is to issue a Regulation<sup>(6)</sup> on the requirements for home education at the compulsory school level, as well as on the accreditation of compulsory schools pursuant to this Article.]<sup>(7)</sup> Local authorities must notify the Ministry of all authorisations issued pursuant to this Article.

<sup>(1)</sup>This Article was moved to Section XI by Act No 76/2016, Article 6. <sup>(2)</sup>Act No 91/2015, Article 10. <sup>(3)</sup>Act No 76/2016, Article 1. <sup>(4)</sup>Act No 91/2011, Article 1. <sup>(5)</sup>Act No 76/2016, Article 8. <sup>(6)</sup>Regulation No 531/2009. <sup>(7)</sup>Act No 91/2011, Article 10.

### ■ Article 47 Right of complaint

- [Decisions relating to the rights and obligations of pupils which are made on the basis of this Act are subject to appeal to the Minister. The right to appeal also applies to similar decisions relating to the rights and obligations of pupils of independent schools.
- Assessment decisions are not subject to appeal.]<sup>(1)</sup>

<sup>(1)</sup>Act No 76/2016, Article 9.

## Section XII Entry into force

- Article 48 This Act shall come into force on 1 July 2008. ...

### Transitional provisions

- I. Existing compulsory schools operating pursuant to Article 56 of the Compulsory School Act No 66/1995, as amended by Article 22 of Act No 98/2006, are entitled to receive funding from the municipal budget pursuant to this Act despite lacking specific accreditation by the Minister. However, the local authority concerned may limit municipal funding to a maximum number of pupils.
- The government's stake in compulsory school buildings previously owned, in whole or in part, by the State is to be written off in 15 equal instalments in the period 1996 to 2010 and added to the balance sheet of the municipalities responsible for the operation of the schools and the maintenance of school premises. In the case of premises formerly used for the operation of a school but no longer used for that purpose, the government's stake is to remain unchanged.

■ **II.** Local authorities must pay an amount equal to 1.3 per cent of their teachers' and headteachers' base salaries into a special fund administered and maintained by the Association of Local Authorities in Iceland. The fund is to be used to pay the salaries of teachers and headteachers of compulsory schools during study leaves lasting up to one year. Likewise, the fund is responsible for the administration of the government's financial contributions to lifelong learning schemes for teachers and headteachers. The Association of Local Authorities appoints five members to the fund's board, of which two are to be nominated by the Icelandic Teachers' Union and three by the Association of Local Authorities. The board sets its own rules of procedure and must make them public.

□ Notwithstanding the provisions of the first paragraph, it may be decided to pay financial contributions for teachers' and school administrators' study leaves into a special fund agreed upon in collective agreements between municipalities and their negotiating partners. Appropriations in the National Budget towards lifelong learning schemes for teachers and headteachers may be allocated in the same manner.

□ Where municipalities and their negotiating partners establish a fund pursuant to the second paragraph, the Minister is to publish in the B section of the Law Gazette a notice announcing that the fund is to replace the fund provided for in the first paragraph.

□ [Notwithstanding the provisions of the first sentence of the first paragraph, contributions pursuant to that paragraph during the 2015 budget year, in the amount of ISK 44.6 million, are to be paid from the Municipal Equalisation Fund on behalf of the municipalities. The contribution is to be deducted from the contributions paid by the Municipal Equalisation Fund to local authorities in proportion to their population figures on 1 January 2015.]<sup>(1)</sup>

□ [Notwithstanding the provisions of the first sentence of the first paragraph, contributions pursuant to that paragraph during the 2016, 2017 and 2018 budget years are to be paid from the Municipal Equalisation Fund on behalf of the municipalities. In keeping with the agreement of 13 April 2016 on funding for music education and on measures to reduce discrepancies in pupils' access to music education, the contribution is to be deducted from the contributions paid by the Municipal Equalisation Fund to local authorities in proportion to their population figures on 1 January of each year.]<sup>(2)</sup>

<sup>(1)</sup>Act No 72/2015, Article 3. <sup>(2)</sup>Act No 78/2016, Article 3.

■ **III.** Regulations, Notices and other administrative provisions laid down pursuant to Act No 66/1995, as amended, 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.<sup>(1)</sup>

<sup>(1)</sup>See now Regulation No 220/1999.

■ **IV.** School boards elected pursuant to the Compulsory School Act No 66/1995 retain their mandates.

■ **V.** ...<sup>(1)</sup>

<sup>(1)</sup>Act No 34/2009, Article 1.

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*Disclaimer: This is an English translation. The original Icelandic text, as published in the Law Gazette (Stjórnartíðindi) is the authoritative text. Should there be discrepancy between this translation and the authoritative text, the latter prevails.*