

Act on the Folkeskole

The Danish Primary and Lower Secondary School

Ministry of Education Consolidation Act No. 55 of 17 January 1995

Chapter 1

The Aims of the Folkeskole

1. (1) The Folkeskole shall - in cooperation with the parents - further the pupils' acquisition of knowledge, skills, working methods and ways of expressing themselves and thus contribute to the all-round personal development of the individual pupil.

(2) The Folkeskole shall endeavour to create such opportunities for experience, industry and absorption that the pupils develop awareness, imagination and an urge to learn, so that they acquire confidence in their own possibilities and a background for forming independent judgements and for taking personal action.

(3) The Folkeskole shall familiarize the pupils with Danish culture and contribute to their understanding of other cultures and of man's interaction with nature. The school shall prepare the pupils for active participation, joint responsibility, rights and duties in a society based on freedom and democracy. The teaching of the school and its daily life must therefore build on intellectual freedom, equality and democracy.

2. (1) The Folkeskole is a municipal matter. It shall be the responsibility of the municipal council to ensure all children in the municipality free education in the Folkeskole. The municipal council shall lay down the targets and framework of the activities of the schools within the provisions of this act, cf. section 40.

(2) The individual school shall within the given framework be responsible for the quality of the teaching in accordance with the aims laid down for the teaching in the Folkeskole, cf. section 1, and it shall itself make decisions in relation to the planning and organisation of the teaching.

(3) Pupils and parents shall cooperate with the school with a view to meeting the aims of the Folkeskole.

Chapter 2

The Structure and Content of the Folkeskole

3. (1) The Folkeskole shall comprise a one-year pre-school class, a nine-year basic (primary and lower secondary) school, and a one-year 10th form.

(2) Special education and other special educational assistance shall be given to children whose development requires special consideration or support. The Minister of Education shall lay down regulations to this effect and may in this connection deviate from the provisions laid down in sections 5, 7, 8, 13, 14 and 16.

(3) The Folkeskole may offer instruction to pupils in their leisure time.

(4) The Folkeskole may offer children access to a school-leisure time provision, if the children are enrolled in the school or have attained the minimum age for enrolment in the pre-school class.

(5) The Folkeskole may offer adults the opportunity of participating in the instruction in the 8th to 10th forms of the Folkeskole.

(6) The Folkeskole may - in cooperation with the socio-cultural and associative life of the local community, the voluntary child and youth work as well as other circles of interested citizens - contribute to or be in charge of and coordinate local cultural centre activities.

4. (1) According to rules laid down by the Minister of Education, special educational assistance shall be offered to children who have not yet started school.

(2) Pupils, whose development requires extensive consideration or support, may be offered 11 years of instruction in addition to the preschool class.

5. (1) The content of the teaching shall be selected and organised so that it gives the pupils a possibility of absorption, a general view and a feeling of coherence. The teaching shall enable the pupils to acquire the forms of cognition and working methods of the individual subjects. The pupils shall - in an interaction with this - have the opportunity to practise and develop the acquired knowledge and skills through the instruction in interdisciplinary topics and issues.

(2) The teaching in the nine-year basic school shall cover the following subjects for all pupils:

1) a) Danish at all form levels,

b) English at the 4th to 9th form levels,

c) Christian studies at all form levels except for the form level where the confirmation preparation takes place,

d) history at the 3rd to 8th form levels,

e) social studies at the 9th form level,

2) a) PE and sport at all form levels,

b) music at the 1st to 6th form levels,

c) art at the 1st to 5th form levels,

d) textile design, wood/metalwork and home economics at one or more form levels within the 4th to 7th form level,

3) a) mathematics at all form levels,

b) science at the 1st to 6th form levels,

c) geography and biology at the 7th and 8th form levels, and

d) physics/chemistry at the 7th to 9th form levels.

(3) The pupils shall be offered instruction in German at the 7th to 9th form levels.

(4) The pupils may be offered instruction in French instead of German at the 7th to 9th form levels.

(5) The instruction in the individual subjects may also be given at higher form levels than those laid down in (2).

(6) Pupils, who have changed school or have been without instruction for an extended period of time, shall when necessary be given supplementary instruction or another kind of educational support. Supplementary instruction or other specially organised instruction may be given to pupils who may for other reasons need temporary subject-related support.

(7) Non-Danish-speaking pupils may be offered specially organised Danish language instruction, when the need arises. The Minister of Education may furthermore resolve that non-Danish-speaking pupils shall be offered instruction in their mother tongue. The Minister of Education shall lay down detailed rules regarding the teaching of non-Danish-speaking pupils.

6. (1) The central knowledge area of the subject of Christian studies shall be the Evangelical Lutheran Christianity of the Danish national Church. At the oldest form levels, the instruction shall furthermore comprise foreign religions and other philosophies of life.

(2) If requested, a child shall be exempted from participation in the instruction in the subject of Christian studies, when the person who has custody of the child submits a written declaration to the headteacher of the school to the effect that he/she will personally assume the responsibility of the child's religious instruction. Exemption can normally only take effect from the beginning of a school year. If the child has reached the age of 15, exemption can only be granted with the child's own consent.

7. (1) The instruction offered in the basic school shall include the following obligatory topics:

1) traffic safety

2) health and sex education and family knowledge

3) educational, vocational and labour market orientation.

8. (1) In the 10th form, instruction must be offered in the subjects of Danish, mathematics, PE and sport, Christian studies/religious education, social studies, English, and physics/chemistry.

(2) If a pupil does not choose Danish, the instruction must include parts of this subject, and if a pupil does not choose social studies, the instruction must include parts of this subject.

(3) Pupils, who - in pursuance of section 5 (3) - have accepted the offer of instruction in German, must be given the offer of continued instruction in the subject in the 10th form. The same shall apply to pupils, who have accepted the offer of instruction in French in pursuance of section 5 (4).

(4) The provisions laid down in section 5 (1) and (6) and in section 10 shall also apply to the instruction in the 10th form.

9. (1) In addition to the instruction which must be offered in pursuance of sections 5, 7 and 8, instruction may be offered to the pupils at the 8th to 10th form levels in the following subjects and topics (optional subjects):

1) French,

- 2) word processing,
- 3) technology,
- 4) media,
- 5) art,
- 6) photography,
- 7) film knowledge,
- 8) drama,
- 9) music,
- 10) textile design,
- 11) wood/metalwork,
- 12) home economics,
- 13) engine knowledge,
- 14) other workshop subjects, and
- 15) vocational studies.

(2) Instruction in Latin may be offered to pupils at the 10th form level.

(3) Pupils who have accepted the offer of French instruction in pursuance of section 5 (4) may be offered instruction in German at the 8th to 10th form levels.

(4) The school may offer pupils in the 8th to 10th forms the opportunity of spending shorter periods of pre-vocational training in industry and institutions.

(5) The school may furthermore offer pupils in the 8th to 10th forms instruction which combines the practical and theoretical content in a course which can take place at or outside the school, cf. section 33.

(6) The Minister of Education may lay down regulations as to which subjects and topics other than those mentioned in (1) the municipalities can offer to the pupils at the 8th to 10th form levels.

(7) The municipal council may approve that the pupils are offered instruction in other practical or artistic subjects or topics.

(8) The pupils at the 8th to 10th form levels shall choose at least one optional or elective subject. In the 8th and 9th forms, the pupils shall be offered optional subjects corresponding to an extent of no less than 4 lessons per week and in the 10th form corresponding to an extent of no less than 6 lessons per week.

10. (1) The Minister of Education shall lay down regulations pertaining to the aim of the teaching in subjects and obligatory topics in pursuance of sections 5 - 9 and shall indicate central knowledge

and proficiency areas. The Minister may issue curriculum guidelines with a description of the content of the teaching and with examples of differentiated teaching. The Minister may furthermore issue suggested material regarding the teaching in interdisciplinary topics and issues as well as suggested exercise papers, examples of timetables etc.

11. (1) The teaching in pre-school classes shall as far as possible be given in the form of play and other developing activities. It shall be endeavoured to familiarize the children with the daily routines of school life.

12. (1) The pupils shall be given instruction at the form level in the basic school which corresponds to their school age. A pupil may however with the approval of his/her parents, cf. section 54, attend the same form for two years, if he/she has been without instruction for an extended period of time, or if other special reasons indicate that he/she will benefit from such measures. A pupil may also, under very special circumstances, skip a form.

(2) Referral to special education which is not of a temporary nature shall be made upon pedagogical and psychological counselling and upon consultation of the pupil and his/her parents.

(3) Decisions regarding the choice of subjects, cf. section 5 (3) and (4), sections 8 and 9, and regarding continued schooling in the 10th form shall be made by the pupils upon consultation of the parents, cf. section 54, and the school.

13. (1) The pupils and their parents, cf. section 54, shall be regularly informed of the opinion of the school about the pupils' benefit from their school attendance.

(2) As part of the teaching, there shall be a regular assessment of the pupils' benefit from the teaching. The assessment shall form the basis of the guidance of the individual pupil with a view to the further planning of the teaching.

(3) For pupils at the 8th to 10th form levels and for pupils leaving school after the 7th form, the assessment of the level of attainment of the pupils in the subjects covered by section 14 (1)-(4) shall be expressed in marks (proficiency marks).

(4) Proficiency marks shall be given at least twice a year at the 8th to 10th form levels. The last proficiency marks shall be given immediately before the written examinations and shall express the pupil's proficiency in the subject at that time.

(5) At the 9th and 10th form levels, the pupils shall carry out an obligatory project assignment, for which the assessment shall be given in the form of a written statement and by a mark, if the pupil so wishes. The Minister of Education shall lay down the framework for the obligatory project assignment.

(6) At the 9th and 10th form levels, the pupils may furthermore carry out a free assignment on a topic chosen by themselves. This assignment may be assessed in the form of a written statement and/or by a mark, if the pupil so wishes.

(7) The school shall issue a leaving certificate for pupils leaving school at the end of the 7th form, or later. The leaving certificate shall contain information on the educational activities in which the pupil has participated as well as the most recent proficiency marks given. The leaving certificate shall furthermore include information on the assessment at examinations, if any, cf. section 14 (1)-(4). A written statement and/or a mark for the obligatory project assignment may be indicated in the leaving certificate, if the pupil so wishes. An assessment of the free assignment, if any, may also be indicated in the leaving certificate, if the pupil so wishes. Any written assessment in other

subjects than the examination subjects may be indicated in or enclosed the leaving certificate as part hereof, if the pupil so wishes.

14. (1) In each of the subjects of Danish, mathematics, English, German and physics/chemistry, the pupils can present themselves for the leaving examination of the Folkeskole on completion of the 9th form. On completion of the 10th form, the pupils can in each of the subjects mentioned present themselves for either the advanced leaving examination of the Folkeskole or the leaving examination of the Folkeskole. The same shall apply to those pupils, who have accepted the offer of instruction in French instead of German in pursuance of sections 5 (4) and 8 (3).

(2) Pupils who have accepted the offer of instruction in the optional subject of French in pursuance of section 9 (1) can present themselves for the leaving examination of the Folkeskole on completion of the 9th form and for the advanced leaving examination or the leaving examination of the Folkeskole on completion of the 10th form. The same shall apply to those pupils, who have accepted the offer of instruction in German as an optional subject in pursuance of section 9 (3).

(3) In the subject of Latin, the pupils can present themselves for an examination upon completion of the teaching.

(4) In the subjects of textile design, wood/metalwork and home economics/typewriting, the pupils can present themselves for the leaving examination upon completion of the 8th form or later. The Minister of Education may decide that the same shall apply to other practically oriented subjects covered by section 9.

(5) The questions for the written examinations shall be drawn up by the Minister of Education. The other examination questions shall be drawn up by the teacher or by an external examiner according to a decision taken by the Minister.

(6) It shall be up to the pupils themselves to decide whether they want to present themselves for examinations - upon consultation of the parents, cf. section 54, and the school.

(7) The municipal council shall comply with pupils' wishes and present themselves for the leaving examinations of the Folkeskole and see to it that such examinations are held for persons, who are under 18 years of age at the beginning of the school year, and who do not otherwise have the possibility to present themselves for the examination.

(8) The Minister of Education shall lay down regulations pertaining to the examination requirements in each of the subjects, pupils' eligibility to present themselves for the examinations, the holding of examinations, pupil assessment and marking, and the design of the leaving certificates.

(9) The individual school may deviate from the examination regulations in the case of pupils with special needs and non-Danish-speaking pupils. The Minister of Education may lay down more detailed regulations to this effect.

15. (1) The school year shall begin on 1 August, and it shall normally comprise 200 school days.

(2) Each year, the Minister of Education shall fix the day on which the summer holidays shall begin, and he may issue guidelines to the placing of holidays and other days off.

16. (1) The weekly minimum number of lessons for the pupils shall be as follows:

1) in the pre-school class and at the 1st and 2nd form levels, 20 lessons,

2) at the 3rd form level, 22 lessons

3) at the 4th and 5th form levels, 24 lessons

4) at the 6th and 7th form levels, 26 lessons

5) at the 8th to 10th form levels, 28 lessons.

(2) The Minister of Education may lay down more detailed regulations regarding deviations from the stipulations laid down in (1) hereof.

(3) The weekly number of lessons for the obligatory instruction at the 8th and 9th form levels, cf. section 5 (2), must not exceed 25.

(4) The daily number of lessons for the pupils must not exceed:

1) in the pre-school class and at the 1st and 2nd form levels, 5 lessons,

2) at the 3rd to 5th form levels, 6 lessons,

3) at the 6th and 7th form levels, 7 lessons, and

4) at the 8th to 10th form levels, 8 lessons.

(5) When fixing the number of lessons pursuant to subsections (1) to (4), a lesson shall be a period of 45 minutes' teaching.

(6) The provisions in subsections (1) to (5) shall not cover educational activities outside school hours in accordance with section 3 (3) or supplementary educational activities in accordance with section 5 (6) and (7).

17. (1) The number of pupils in the pre-school class and in the classes of the basic school must normally not exceed 28 at the beginning of the school year. In special cases, the municipal council may approve a higher number, however not more than 30.

(2) The Minister of Education may lay down provisions regulating the municipalities' operational expenditure per pupil.

18. (1) The organisation of the teaching, including the choice of teaching and working methods, teaching materials and the selection of subject-matter, shall in each subject live up to the aims of the Folkeskole and shall be varied so that it corresponds to the needs and prerequisites of the individual pupil.

(2) It shall be up to the headteacher to ensure that the class teacher and the other teachers of the class plan and organise the teaching in such a way that it offers challenges to all pupils.

(3) In the subjects, in which the pupils can present themselves for leaving examinations, cf. section 14, the content of the teaching shall be fixed in such a way that it can meet the examination requirements in the individual subjects.

(4) At each form level and in each subject, the teacher and the pupil shall cooperate continuously on determining the objectives which are sought met. The work of the pupil shall be organised under due consideration of these objectives. The establishment of working methods and the selection of subject-matter shall as far as possible take place in cooperation between teachers and pupils.

(5) The class teacher shall cooperate with the pupils on the solution of special tasks in relation to the class, and the subject of the class teacher shall be allocated an extra weekly lesson with a view to carrying out this task.

19. (1) The necessary teaching materials must be made available to the pupils free of charge. This shall however not apply to instruments and equipment used for educational activities outside school hours in pursuance of section 3 (3), and which are taken home by the pupils for their private use.

(2) At each independent school, a school library shall be established as a pedagogical service centre. The school library shall be part of the school's activities, and it shall cooperate with the public library. The school library shall make teaching materials available for the teaching of the school, including also books which the pupils can read in their leisure time, and it shall offer guidance in the use hereof.

(3) The Minister of Education may lay down more detailed provisions regarding the aims and functioning of the school.

19 a. (1) Each independent school shall set up an educational counselling service, which must offer the pupils advice and guidance with a view to preparing them for their choice of education and occupation.

(2) The Minister of Education may lay down more detailed provisions regarding the educational counselling service.

Chapter 3

The Organisation of the School System

20. (1) The municipal council shall be responsible for the establishment of pre-school classes and for the educational provision in the basic school and the 10th form, including special education and other special educational assistance for children and young people under 18 years of age, who live or have their residence in the municipality, and whose parents wish them to be enrolled in the Folkeskole, cf. section 54. The municipal council shall furthermore be responsible for the provision of special educational assistance to children who have not yet started school.

(2) Outside of the municipalities of Copenhagen and Frederiksberg, it shall however be the responsibility of the county council to see to the special educational provision for children and youth under 18 years of age, who live or have their residence in the county, and whose development calls for special, extensive consideration or support. The county council shall also be responsible for the provision of special educational assistance to children who have not yet started school.

(3) Special education of a nature as that mentioned in (2) may be established in the form of boarding schools.

(4) Pupils, who reach the age of 18 during the school year, shall be entitled to continue their schooling for the rest of the school year.

21. (1) The municipal council shall submit a recommendation to the county council about special education and other special educational assistance to children who are enrolled in the schools of the municipality, if the development of the children calls for special extensive consideration or support, cf. subsection (2). It is also the municipal council which shall recommend that special educational assistance be given to children who have not yet started school.

(2) The county council (in the municipalities of Copenhagen and Frederiksberg the municipal council) shall decide on the provision of special education and other special educational assistance to children enrolled in the pre-school class and in the 1st to 10th form levels, if the development of the children calls for special extensive consideration or support. It is also the county council, (in Copenhagen and Frederiksberg the municipal council) which shall decide on the provision of special educational assistance to children who have not yet started school.

22. (1) Upon agreement with the State, other municipalities or private schools, the municipal council may refer pupils to teaching at State schools, the schools of another municipality or private schools. Upon agreement with the State, another county, a municipality or private schools, the county councils and the municipalities of Copenhagen and Frederiksberg may similarly refer pupils to special education of the type mentioned in section 20 (2) in State schools, in the schools of another county, in municipal schools or in private schools etc.

(2) Referral of pupils to private schools etc. can only take place with the approval of the parents, cf. section 54.

(3) Referral to the schools of another municipality can only take place for pupils attending the 7th to 10th form levels and pupils who are to be taught in special classes or in special schools, as well as pupils who live in outlying districts of a municipality and closer to a school in a neighbouring municipality.

(4) Teaching in pursuance of sections 8 and 9 may be shared by pupils from several schools.

(5) Teaching in pursuance of sections 8 and 9 may be organised in cooperation with the municipal youth school so that pupils can be referred to it, if necessary. The pupils shall however, if they so wish, be offered the possibility of receiving instruction in the Folkeskole for the full weekly number of lessons stipulated in the timetable.

23. (1) Pupils who cannot attend school for an extended period of time due to danger of infection or out of consideration for their health or welfare shall be taught in their homes or at the institution where they are staying.

(2) It shall be the responsibility of the municipal council to organise teaching in pursuance of subsection (1) at hospitals and other institutions in the municipality, which receive children between 6 and 18 years of age, unless the teaching of the children has been taken care of in some other way. The teaching may also be organised by the county council. The institution shall provide suitable premises for the teaching of the children.

(3) The Minister of Education shall lay down regulations pertaining to the teaching in pursuance of subsections (1) and (2), and may in this context decide that the budgets of the municipalities for this teaching shall be submitted to the county council for approval.

24. (1) Each independent school must include at least 3 consecutive form levels. In this context, the pre-school class shall be considered to be the lowest form level. Schools consisting as a maximum of the lowest 3 or 4 form levels may be placed under the management of another school, unless the number of pupils exceeds 100.

(2) The municipal council shall decide on the closing down of an independent school according to rules laid down by the Minister of Education. Final decisions on the closing down of a school must be taken no later than 1 December of the year prior to the beginning of the school year in which the closing down is expected to take place.

25. (1) The schools shall be divided into classes according to the number of pupils enrolled, cf. section 17 (1). At small schools, a class may be made up of several form levels within the 1st to 7th form level range.

(2) When distributing children in the 1st forms of the schools of the municipality, it must be endeavoured to keep each class together throughout the subsequent form levels in the basic school. A renewed division of classes cannot be made on the basis of the choice of subjects in pursuance of section 12 (3).

(3) For the pre-school class and the 1st and 2nd form levels, an integration of parts of the teaching may be organised. At small schools, the entire teaching at these form levels may be common. The Minister of Education may in special cases permit that an integration of the teaching shall also comprise older form levels than the pre-school class and the 1st and 2nd form levels.

(4) At the 1st to 10th form levels, the teaching may be organised in groups within the individual class or transversely to classes and form levels, where this is practical and pedagogically justified. At the 8th to 10th form levels, the teaching may furthermore be organised in groups within the individual class and transversely to classes and form levels on the basis of a continuous evaluation of the different needs of the pupils, cf. sections 13 (2) and 18 (4). This cannot be fixed in advance for an entire school year at a time. At all form levels, the pupils must be taught together for the major part of the school day.

26. (1) The municipal council shall see to the transport between the school and the home or the proximity of the home of:

1) Pupils in pre-school classes and the 1st to 3rd form levels, whose distance to school is more than 2, km; pupils at the 4th to 6th form levels, whose distance to school is more than 6 km; pupils at the 7th to 9th form levels, whose distance to school is more than 7 km; and pupils in the 10th form, whose distance to school is more than 9 km, and

2) pupils, whose distance to school is shorter than the above-mentioned, if considerations of their safety in traffic makes it particularly necessary.

(2) The municipal council shall furthermore see to the transport, to and from school, of sick and disabled pupils.

(3) The county council, and in Copenhagen and Frederiksberg the municipal council, shall see to the transport to and from school of pupils who receive instruction of the type mentioned in section 20 (2).

(4) In pursuance of the Social Assistance Act, the provisions laid down in subsections (1) to (3) above shall apply by analogy to the transport between school and daycare centre or private daycare facility provided by the municipality for pupils placed in daycare centres etc. outside school hours.

(5) The obligation to provide transport in pursuance of subsection (1) may be fulfilled by referring pupils to public transport or by refunding the expenses incurred in connection with their individual transport.

(6) The provisions in subsection (1) do not apply to pupils who attend another school than the district school.

(7) The Minister of Education may lay down more detailed provisions regarding the transport.

27. (1) With the approval of the parents, cf. section 54, the municipal council may arrange accommodation in the school town for pupils at the 7th to 10th form levels, if the daily transport between school and home is considered particularly unsafe or time-consuming.

(2) The accommodation may be arranged by referral to a boarding school, cf. section 22 (1) to (3).

Chapter 4

The Teachers

28. (1) In order to be considered for a teaching post in the basic school and the 10th form, a candidate must have completed the Folkeskole teacher training programme, cf. however subsections (2) and (3), or other teacher training approved by the Minister of Education in this respect. The approval may be made conditional upon the candidate passing a test at a college of education. The Minister of Education may in special cases deviate from the provision laid down in the first clause.

(2) Persons with special qualifications may be appointed to teach certain subjects.

(3) Pre-school teachers and infant school teachers, who have received training in pursuance of the regulations laid down to this effect, may teach at the 1st to 4th form levels as well as PE, textile design and home economics at the other form levels.

29. (1) In order to be considered for a teaching post in a pre-school class, a candidate must have completed the training course for educators or one of the training programmes mentioned in section 28 (3) or a similar programme approved by the Minister of Education in this respect. The approval may be made conditional upon the candidate passing a test at an educator training college. The Minister of Education may in special cases deviate from the provision laid down in the first clause.

30. (1) The teaching in pursuance of section 25 (3) shall be taken care of by staff with qualifications as those mentioned in sections 28 or 29.

30.a. (1) The Minister of Education may lay down more detailed provisions regarding the qualification requirements for persons, who are to assume special teaching tasks or tasks of a special nature in connection with the teaching.

31. (1) If requested, a teacher may be exempted from teaching the subject of Christian studies. If, on account of the exemption, full duty hours cannot be arranged for him, his salary shall be reduced accordingly; for teachers who are earning pension time, however, without any lowering of the pension age.

Chapter 5

Compulsory Education

Enrolment in and Admission to the Folkeskole

32. (1) Any child resident in this country shall be subject to compulsory education under the provisions laid down in sections 33 to 35, unless the child is covered by provisions on compulsory education laid down in other legislation. The same shall apply to children who are to stay in this country for a minimum period of 6 months.

33. (1) Compulsory education means an obligation to participate in the teaching provided in the Folkeskole or in teaching which is comparable to what is usually required in the Folkeskole.

(2) Children who participate in the teaching provided in a registered free elementary school, in a private upper secondary school, in a State upper secondary school, in a municipal or county upper secondary school, and children who receive teaching in a 24-hour institution in pursuance of the Social Assistance Act or who receive home tuition in pursuance of the provisions laid down in the Act on Free Schools and Private Elementary Schools, do not have to participate in the teaching of the Folkeskole. The same shall apply to pupils who, after having completed the 7th form, participate in courses at an approved continuation school ("efterskole"), home economics school, or a youth boarding school, or pupils who have been admitted to an approved course, where the teaching corresponds to that of the Folkeskole. The Minister of Education shall lay down rules pertaining to the extent to which the compulsory education requirement can be considered met beyond the period of the course.

(3) After the 7th form, the compulsory education requirement may furthermore be met through participation in full-time instruction in the municipal youth school in pursuance of the Act on Youth Schools, Production Schools and Non-Residential Folk High Schools as well as through participation in teaching in pursuance of section 9 (5).

(4) At the request of the parents, cf. section 54, the head of the school may permit that a pupil, after 7 years of education, is wholly or partly meeting the compulsory education requirement through participation in vocational training or occupational employment, when special circumstances indicate that this is to the benefit of the pupil. For pupils covered by subsection (2), the decision shall be made by the municipal council. The permission may be made conditional upon the pupil's participation in supplementary instruction in the youth school.

34. (1) Compulsory education shall commence on 1 August of the calendar year of the child's 7th birthday, and it shall terminate on 31 July, when the child has received regular instruction for 9 years (not including the pre-school class). The compulsory education requirement shall however terminate on 31 July of the calendar year of the child's 17th birthday at the latest or when he has completed basic school or equivalent education, cf. section 33 (2)-(4).

(2) At the request of the parents or with their consent, cf. section 54, the municipal council may authorize that a child's education be postponed to one year after the normal commencement of compulsory education, when such a step is justified by the child's development. The authorization may be made conditional upon the child's enrolment in a kindergarten or a preschool class.

35. (1) The person who has custody of the child or the person who is actually taking care of the child shall see to it that the child meets the compulsory education requirement and must not obstruct this.

36. (1) At the request of the parents, cf. section 54, a child may be enrolled in a school from the beginning of the calendar year of his/her 5th birthday.

(2) The parents shall be entitled to have their child enrolled in a school in the district where the child lives or is resident, cf. subsection (3). The parents shall moreover be entitled to have their child enrolled in a school outside the district, if the school in question consents to enroll the child, and if it can be done within the overall financial framework laid down by the municipal council. The same shall apply, if the parents want to change school in the course of schooling.

(3) The municipal council shall determine the school districts of the municipality and may decide on the number of classes which can be established at the individual schools. Children shall be enrolled in a school in the district where they live or are resident. The municipal council may

however decide that parents shall be free to choose from among several, or all, of the schools of the municipality.

(4) If the municipal council has decided that parents shall be free to choose from among several or all of the schools of the municipality, and if it is not possible to comply with all wishes of enrolment in a given school, the children living closest to the school shall be given priority. The municipal council shall lay down any additional more detailed guidelines for the distribution of the children between the schools of the municipality.

(5) The municipal council may decide that applications for enrolment shall be submitted within a certain deadline.

(6) The Minister of Education may lay down provisions to the effect that a child may in special cases be admitted to or remain in a school in another municipality than the municipality of residence, including provisions pertaining to the payment by the municipality of residence to the municipality in which the school is located.

37. (1) At the request of the parents, cf. section 54, a child shall be admitted to a pre-school class in the calendar year of his/her 6th birthday, or later.

(2) At the request of the parents, cf. section 54, a child shall be admitted to a pre-school class in the calendar year, in which he/she will be 5 years old before 1 October, if he/she is considered to be able to follow the instruction in the pre-school class with a view to proceeding to the 1st form of the basic school in the following year.

38. (1) At the request of the parents, cf. section 54, a child shall be admitted to the 1st form in the calendar year in which he/she will be 6 years old before 1 October, if he/she is considered to be able to follow the instruction in class.

39. (1) It shall be the responsibility of the head of the school that all children enrolled in the school attend their respective classes.

(2) If a child has been absent from school, the parents shall, personally or in writing, inform the school of the cause of the child's absence, cf. section 35. If the child has been absent due to illness of more than 2 weeks' duration, the school may request a medical certificate to this effect.

Chapter 6

The Administration of the Municipal School System

The Municipal Council

40. (1) The municipal council shall have the overall responsibility for the school system of the municipality, and it shall see to it that all children of school age in the municipality are enrolled in the Folkeskole or receive an instruction of a similar standard to that which is normally required in the Folkeskole. The municipal council shall lay down the targets and framework for the activities of the schools. The municipal council shall supervise the activities of the schools.

(2) The municipal council shall make decisions in the following matters:

1) Grants to the school system and the financial framework of the individual schools.

2) The appointment and dismissal of headteachers and teachers. Decisions regarding the appointment of headteachers and teachers shall be taken on the recommendation of the school board concerned, cf. section 44 (7).

3) The school structure, including the number of schools and the size of each school in terms of form levels, special education and special educational assistance in pursuance of sections 3 (2) and 4 (2), leisure-time education in pursuance of section 3 (3), and the school leisure-time scheme in pursuance of section 3 (4). The decisions shall be made upon consultation of the school boards of the schools concerned.

4) The framework for the setting up of classes, the number of lessons of the pupils, and special education etc.

5) General guidelines for the activities of the schools in pursuance of section 3 (5) and (6).

6) Other matters that are not delegated to the individual schools, including special educational assistance pursuant to section 4 (1), referral of pupils to instruction in other schools, guidelines for enrolment and admission, wholly or partly free provision of school meals as well as the school library scheme in the municipality.

(3) The municipal council shall approve the curricula of the schools upon proposal by the individual school boards.

(4) The municipal council may - wholly or partly - delegate its powers in pursuance of this Act to the school boards, with the exception of the powers following from its competence as grant-awarding authority and employer.

41. (1) After having heard the opinion of the school boards, the municipal council shall lay down a statute for the administration of the municipal school system. The statute shall among other things contain provisions about the following:

1) The number of parent representatives on the school board.

2) Voting members on the school board, cf. section 42 (4).

3) The appointment of a possible member of the municipal council to the the school board, cf. section 42 (3).

4) The procedure for the election of representatives to the school board.

5) The composition of possible joint advisory bodies for the municipal school system, cf. section 40 (4).

(2) The statute shall furthermore contain a description of any powers that may be delegated to the school board in pursuance of section 40 (4).

(3) Decisions made by the municipal council regarding the school structure etc., cf. section 40 (2), items 3) to 6) shall be recorded in an annex to the statute.

The School Board

42. (1) A school board shall be set up at each independent school, and it shall have the following composition:

1) 5 or 7 parent representatives elected by and from among persons who have custody of children enrolled in the school, cf. however, section 43 (1). The number of parent representatives must be 7, if the staff representatives are given the right to vote. The number of parent representatives must also be 7 in cases where a school comprises special classes, and the parent representation for such classes must be at least 1.

2) 2 representatives of the teachers and other staff elected by and from among the staff of the school.

3) 2 pupil representatives elected by and from among the pupils of the school.

(2) At the request of the school board, the municipal council may - at schools which only offer the first 5 form levels - deviate from the provision regarding pupil representation on the school board.

(3) At the request of the school board, the municipal council may decide that one of its members shall attend the meetings of the board in a non-voting capacity.

(4) The parent representatives shall be voting members. The municipal council may decide to grant voting rights to the teacher representatives and other staff representatives. The municipal council may moreover decide that the pupils shall be granted voting rights and whether such voting rights shall be restricted to specific matters. The parent representatives must at all times constitute a majority of the voting members.

(5) The chairman of the school board shall be appointed from among the parent representatives.

(6) The headteacher of the school shall serve as secretary to the board and shall take part in its meetings in a non-voting capacity.

(7) The parent representatives shall be elected for 4 years, cf. however subsection (8). The other members shall be elected for 1 year. No person serving on the staff of the school can be a parent-elected member of the school board.

(8) The municipal council can - regardless of the stipulation in subsection (7), item 1 - decide that a new election shall take place to the school board of the school which receives all or a significant part of the pupils from a closed-down school.

(9) In those cases where 2 schools are merged, the municipal council may decide that all school board members function together until the expiry of the election period of the individual members.

(10) The pupil representatives shall not be permitted to attend that part of the deliberations which concerns individual pupils or teachers.

43. (1) The Minister of Education shall lay down rules pertaining to the election of parent representatives to the school board.

(2) A parent representative forfeits his eligibility to serve on the board, if his child is enrolled in one of the schools referred to in section 33 (2). A parent representative may demand to be exempted from membership of the school board, if his child leaves the school. Exemption from election and from membership as such shall be subject to the same stipulations as those laid down in the Local Government Election Act.

(3) The municipal council may grant per diem allowances, compensation for documented lost earnings, and travel allowances etc. to the parent representatives according to the stipulations laid down in the Local Government Act.

44. (1) The school board shall conduct its activities within the target and framework laid down by the municipal council, cf. section 40, and it shall moreover supervise the activities of the school.

(2) The school board shall lay down the principles for the activities of the school, including

1) the organisation of the teaching, and in this context the number of lessons of the pupils at each form level, the supply of optional subjects, the provision of special education at the school, and the distribution of pupils in classes,

2) the cooperation between school and home,

3) the information of parents about the pupils' benefit from the teaching,

4) the distribution of the work between the teachers, and

5) joint arrangements for the pupils during school hours, school camps, work experience etc.

(3) The school board shall approve the budget of the school within the financial framework laid down for the school.

(4) The school board shall approve teaching materials and draw up school rules.

(5) The school board shall - within guidelines laid down by the municipal council - decide whether adults shall be allowed to take part in the teaching of the Folkeskole in pursuance of section 3 (5), and it shall lay down principles to this effect.

(6) The school board shall - within guidelines laid down by the municipal council - decide whether the activities of the school shall comprise activities in pursuance of section 3 (6), and it shall lay down principles to this effect.

(7) The school board shall submit a recommendation to the municipal council regarding the appointment of headteachers and teachers, cf. section 40 (2), item 2.

(8) The school board shall draw up a proposal for the curricula of the school for submission to the municipal council. The school board shall submit its recommendation to the municipal council regarding innovation and development work to the extent such work exceeds the target and framework laid down by the municipal council.

(9) The school board may make recommendations and proposals to the municipal council pertaining to all issues relating to the school in question. The school board shall submit recommendations regarding all questions submitted to it by the municipal council.

The Headteacher of the School

45. (1) A headteacher shall be appointed at each independent school. The headteacher of a school shall be responsible for the administrative and educational management of the school and for the activities of the school vis-à-vis the school board and the municipal council.

(2) The headteacher shall be responsible for the supervision of and distribution of work tasks between the staff of the school, and he shall take all concrete decisions regarding the pupils of the school.

(3) The headteacher shall draw up proposals for the school board regarding the principles for the activities etc. of the school, cf. section 44 (2), and proposals for the budget of the school, cf.

section 44 (3) within the financial framework laid down by the municipal council, cf. section 40 (2), item 1.

(4) The headteacher shall carry on his activities in cooperation with the staff.

Advisory Bodies

46. (1) A pedagogic council, which shall act as an advisor to the headteacher, shall be set up at each school. The council shall consist of all staff performing teaching and pedagogic tasks at the school.

(2) At all schools with 5 or more form levels, the pupils shall set up a pupils' council.

Chapter 7

The Administration of the County School System

47. (1) The county council shall appoint and dismiss headteachers and teachers in the county school system within the area of the Folkeskole. Appointments shall be made upon the recommendation of the school board of the school concerned.

(2) The Minister of Education shall be responsible for the supervision of the county school system within the area of the Folkeskole.

48. (1) The stipulations laid down in sections 42-46 shall apply by analogy to the county primary and lower secondary schools (Folkeskoler) with the modifications which follow from the special conditions relating to these schools.

Chapter 8

Expenditures in Relation to the Folkeskole

49. (1) All expenditures relating to the teaching of the Folkeskole shall rest with the municipalities in as far as there is no explicit legal framework establishing that these expenditures shall rest wholly or partly with the State, the counties or other authorities.

(2) Expenditures relating to special education in pursuance of section 20 (2) shall rest with the counties, with the exception of an amount per pupil determined by the Minister of Education, which shall rest with the municipalities.

(3) Expenditures relating to education at institutions outside the municipalities of Copenhagen and Frederiksberg, cf. section 23 (2), shall rest with the counties.

(4) The Minister of Education may lay down rules determining which municipality and which county shall have the final responsibility for expenditures relating to the teaching of the Folkeskole.

50. (1) The municipal council may request payment from

1) parents of pupils, who participate in educational activities in their leisure-time in pursuance of section 3 (3).

2) adults participating in the teaching of the Folkeskole in pursuance of section 3 (5).

3) persons participating in the activities of the cultural centres in pursuance of section 3 (6).

(2) The municipal council shall request payment from parents of children enrolled in a school-leisure-time provision, cf. section 3 (4). The Ministry of Social Affairs' rules regarding payment for participation in day-care provisions for children and young people shall apply to the allocation of a family moderation for families with more than one child enrolled in school-leisure-time provisions, day-care institutions etc. and in the event that a municipality decides to grant a wholly or partly free place on account of the financial circumstances of the parents or if social or pedagogical reasons call for it.

(3) Payment in pursuance of subsections (1) and (2) can be collected in pursuance of the provisions pertaining to the collection of personal taxes.

(4) If a person, who receives social benefits in pursuance of the Act on Social Assistance, has omitted to pay for the school-leisure-time provision, cf. section 3 (4), the municipal council may withhold further monthly payments of future social benefits.

(5) Arrears of payment for children' s participation in the schooleisure-time provision can be collected by means of a set-off in the family allowance according to provisions laid down in the Act on Family Allowance.

Chapter 9

Complaints

51. (1) Complaints about decisions taken by the individual schools may - within a deadline of 4 weeks from the notification of the decision - be brought before the municipal authorities.

(2) A decision taken by the municipal council in pursuance of subsection (1) and other decisions taken by the municipal council regarding the municipal school system cannot be brought before a higher administrative authority. The Minister of Education may however lay down rules to the effect that certain decisions can be brought before the Minister.

(3) Decisions taken by the county council in pursuance of subsection (1) and other decisions taken by the county council regarding the municipal school system cannot be brought before a higher administrative authority, cf. however subsection (4).

(4) Decisions taken by the county council regarding the teaching in pursuance of section 20 (2) may - within a deadline of 4 weeks from the notification of the decision - be brought before the Minister of Education by the authorities, organisations or persons who are affected by the decision.

Chapter 10

Other Provisions

52. (1) The Minister of Education may lay down general rules regarding measures to further good order in the schools, including rules regarding the referral of pupils to other schools in the municipality and rules regarding the referral of pupils in the 10th form to other educational or occupational measures. The Minister of Education may furthermore lay down rules regarding the schools' supervision of the pupils during school hours.

53. (1) Upon negotiation between the municipal council and the ministers in the municipality, time shall be set aside for the preparation for confirmation. If agreement cannot be reached between the

parties, the decision shall be taken by the municipal council upon consultation of the parish councils involved.

(2) The preparation for confirmation shall be ensured the necessary time within the framework indicated in section 16 (4).

54. (1) The rights of the parents in pursuance of sections 12, 13, 14, 20, 22, 27, 33, 34 and 36-38 and the rules laid down in pursuance of the act shall rest with the person(s) who has(have) the legal custody of the pupil. Pupils, who are not subject to the rules about parental custody, shall make their own decisions in pursuance of sections 12 (1) and (3), 14 (6), 20 (1), 22 (2), and 27 (1).

(2) The school may consider the person who has the pupil in his care as authorized to act on behalf of the person who has the legal custody of the pupil, except when it comes to questions of school start and duration of schooling.

55. (1) The Minister of Education may deviate from the provisions of the present act, with the exception of the provisions laid down in chapters 1 and 4, to the extent it is deemed necessary in order to promote innovative work or pedagogical development work or in order to keep small schools in operation.

(2) Subject to the Minister of Education' s decision, the State may award grants to innovation activities and pedagogical development work.

56. (1) For the performance of i.a. legislative and guidance functions, the Minister of Education may request any information that he deems necessary for the performance of these tasks from the municipal council and the county council.

Chapter 11

The Folkeskole Council

57. (1) The Minister of Education shall set up a Folkeskole Council. The Folkeskole Council shall act as an advisor to the minister in all questions relating to the Folkeskole and may in this context recommend the initiation of development work and research projects in relation to the Folkeskole to the Minister.

(2) The council shall consist of a chairman and 14 members, who shall be appointed by the Minister of Education in the following way:

- 1) The chairman shall be appointed by the Minister of Education,
- 2) 2 members with subject-related and pedagogical expertise shall be appointed by the Minister of Education,
- 3) 2 members shall be appointed upon the recommendation of the National Association of Local Authorities and the municipalities of Copenhagen and Frederiksberg jointly,
- 4) 2 members shall be appointed upon the recommendation of the Danish Union of Teachers,
- 5) 2 members shall be appointed upon the recommendation of the parents' organisation, "Skole og Samfund",
- 6) 2 members shall be appointed upon the recommendation of the pupil organisations,

- 7) 1 member shall be appointed upon the recommendation of the National Association of Headteachers,
 - 8) 1 member shall be appointed upon the recommendation of the National Association of School Directors,
 - 9) 1 member shall be appointed upon the recommendation of the Joint Council for Youth and Adult Education, and
 - 10) 1 member shall be appointed upon the recommendation of the Danish Youth Council and the Joint Sports Council jointly.
- (3) The members shall be appointed for a period of up to 3 years.
 - (4) The Folkeskole Council shall lay down its own rules of procedure.
 - (5) The Ministry of Education shall assume the secretarial functions of the council.

Coming into Force

58. (1) The present act shall come into force on 1 August 1994.

The present act will not