

# **Basic Education Act**

## **628/1998**

Amendments up to 1136/2004

### **Chapter 1**

#### **Application and objectives**

##### **Section 1**

###### **Application**

1. This Act provides for basic education and compulsory schooling.
2. In addition, the Act provides for pre-primary education, which is primarily given during the year preceding compulsory schooling, for voluntary additional basic education for those who have completed the basic education syllabus, for instruction preparing immigrants for basic education, and for before- and after-school activities. If pre-primary education referred to in this Act is provided in a day-care centre referred to in Section 1(2) or (3) of the Act on Children's Day-care (36/1973), pre-primary education shall further come under the provisions of the Act on Children's Day-care or the Decree enacted pursuant to it. (Amendment 1136/2004)
3. Basic education provided for persons other than those of compulsory school age comes under Section 46.
4. Before- and after-school activities come under Section 8 a. Other provisions of this Act to be applied to before- and after-school activities are Sections 40, 41, 43, and 44(2) and (3). (Amendment 1136/2003)

##### **Section 2**

###### **Objectives of education**

1. The purpose of education referred to in this Act is to support pupils' growth into humanity and into ethically responsible membership of society and to provide them with knowledge and skills needed in life. Furthermore, the aim of pre-primary education, as part of early childhood education, is to improve children's capacity for learning.
2. Education shall promote civilisation and equality in society and pupils' prerequisites for participating in education and otherwise developing themselves during their lives.
3. The aim of education shall further be to secure adequate equity in education throughout the country.

##### **Section 3**

###### **The foundation for education**

1. Education shall be governed by a unified national core curriculum in accordance with this Act.
2. Education shall be provided according to the pupil's age and capabilities and so as to promote healthy growth and development in the pupil. (Amendment 477/2003)
3. Those providing education shall cooperate with pupils' parents/carers.
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## **Chapter 2**

### **Local authority as education provider**

#### **Section 4**

##### **Statutory duty to arrange basic education and pre-primary education**

(Amendment 1288/1999)

1. The local authority shall have an obligation to arrange basic education for children of compulsory school age residing in its area and pre-primary education during the year preceding compulsory schooling. In addition, the local authority shall have an obligation to arrange pre-primary education for children within prolonged compulsory schooling referred to in Section 25(2) and for children who, under Section 27, start basic education one year later than prescribed. The local authority may arrange the services referred to in this subsection alone or in collaboration with other local authorities or purchase the services from a basic education provider referred to in Section 7 or 8. The local authority may also purchase pre-primary education services from a public or private service provider. The local authority shall be responsible for ensuring that the services acquired by it are arranged in accordance with this Act. (Amendment 1288/1999)
2. For the purpose of the collaborative provision referred to in Subsection 1, local authorities may establish a municipal consortium. The provisions concerning education providers shall apply to municipal consortiums.
3. The local authority on whose area a hospital is located shall be responsible for arranging teaching to a pupil who is a patient to the extent that his or her health and other circumstances allow.
4. The local authority in a municipality which has both Finnish and Swedish-speaking residents shall be responsible for arranging basic and pre-primary education separately for both linguistic groups. (Amendment 1288/1999)

**Section 5****Other education and education for persons other than those of compulsory school age**

(Amendment 1288/1999)

1. The local authority may arrange instruction preparing immigrants for basic education and voluntary additional basic education. The local authority shall decide on the provision of education for persons other than those of compulsory school age.

**Section 6****The determination of a pupil's school**

1. Education shall be arranged in municipalities so as to make pupils' travel to and from school as safe and short as possible in view of the habitation, the location of schools and other places of education, and public transportation. In the arrangement of pre-primary education, account shall additionally be taken of the participating children's access to day-care services. (Amendment 1288/1999)
2. The local authority shall assign to a child of compulsory school age and others receiving education under this Act a neighbourhood school or some other appropriate place where education is given under Section 4(1) and (2) in his or her native language in which the local authority is obliged to provide education. A pupil participating in pre-primary education may also be assigned a day-care facility which fulfils comparable criteria or some other appropriate facility as a place of education. For a well-founded reason relating to educational arrangements, the local authority may change the place of education without changing the language of instruction. (Amendment 1288/1999)
3. A child may not, without the consent of the parent/carer, be assigned to education for which a fee is charged under Section 31(3), or to education which, in accordance with the local authority's decision or the authorisation to provide education, follows a given ethical or pedagogic system.
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**Chapter 3****Other education providers****Section 7****Registered association or foundation as education provider**

1. The government may authorise a registered association or a foundation to provide education referred to in this Act. Such an authorisation shall be conditional on a specific educational or cultural need for the provision and on an agreement between the education provider and the local authority in whose area the education is provided. An authorisation may be granted to provide education by the medium of a foreign language, special-needs education, education according to a particular ideology or education for students other than children of compulsory school age on the grounds of regional or national educational and cultural needs even though the education provider has not concluded an agreement referred to above. The authorisation may also be granted for education provided abroad.

2. The condition for the authorisation shall be that the applicant has the professional and financial prerequisites for arranging the education appropriately. Basic education may not be provided in pursuit of financial gain.
3. The authorisation referred to in subsection 1 shall determine the municipalities where the education is provided, the language of instruction, the special educational mission, the form of education and other necessary conditions relating to the provision of education. Changes in the authorisation to provide education shall be decided by the competent Ministry.
4. The government may revoke an authorisation to provide education if the education provision does not fulfil the conditions for authorisation laid down in subsection 1 or 2 or if the education is otherwise provided contrary to this Act or statutes or regulations issued by virtue thereof.
5. An education provider authorised to provide pre-primary education may purchase pre-primary education services from a public or private service provider. The education provider shall be responsible for ensuring that the services purchased by it are arranged in compliance with this Act. (Amendment 1288/1999)

## **Section 8**

### **Government as education provider**

1. The government may provide education referred to in this Act. The provision of education and the termination of the operations shall be decided by the competent Ministry in accordance with the provisions of Section 7(2-4), where applicable.

## **Chapter 4**

### **Education**

## **Section 9**

### **Duration of education**

1. The extent of the basic education syllabus shall be nine years.
2. Pre-primary education and voluntary additional basic education shall be one year in duration. The duration of pre-primary education in special-needs education given to pupils within prolonged compulsory schooling under Section 25(2) and in foreign-language education authorised by the competent Ministry under Section 10(4) shall be two years.
3. The extent of instruction preparing immigrants for basic education shall correspond to a six-month syllabus.
4. Further provisions concerning the duration of education shall be issued by decree.

## **Section 10**

### **Language of instruction**

1. The language of instruction and the language used in extracurricular teaching shall be either Finnish or Swedish. The language of instruction may also be Saame, Roma or sign language. In addition, part of teaching may be given in a language other than the pupils' native language referred to above, provided that this does not risk the pupils' ability to follow teaching. (Amendment 1288/1999)
2. Pupils living in the Saame home area who are proficient in the Saame language shall be primarily taught in Saame. Pupils with auditory impairments must be given teaching in sign language, when needed.
3. If the education provider provides education in more than one of the languages of instruction referred to in subsections 1 and 2 in which the pupil can study, the parent/carer shall choose the language of instruction.
4. Additionally, in a separate teaching group or in a separate school, teaching may be given primarily or totally in a language other than those referred to in subsection 1.

## **Section 11**

### **Content of education**

1. The basic education syllabus shall contain, as enacted by virtue of Section 14, the following core subjects: mother tongue and literature, the second national language, foreign languages, environmental studies, health education, religious education or ethics, history, social studies, mathematics, physics, chemistry, biology, geography, physical education, music, art, crafts, and home economics. Education may, as enacted by virtue of Section 14, be based on syllabi of different extent. Providers of basic education who have been assigned a special educational mission under Section 7 or 8 may deviate from the provisions of this subsection. (Amendment 453/2001)
2. A pupil may be taught subjects suited for basic education other than those referred to in subsection 1, as determined in the curriculum. These subjects may be partly or totally free-choice or optional.
3. The pupil shall be given guidance counselling.
4. Notwithstanding the provisions of this Section, pre-primary education, additional voluntary education and education preparing for basic education shall be governed by the provisions of Section 14.

## **Section 12**

### **Mother tongue**

1. As mother tongue, the pupil shall be taught Finnish, Swedish or Saame in keeping with the language of instruction.
2. As mother tongue, the pupil may also be taught the Roma language, sign language or some other language which is the pupil's native language.

**Section 13****Religious education and ethics**

(Amendment 454/2003)

1. The provider of basic education shall provide religious education in accordance with the religion of the majority of pupils. In this case, religious education is arranged in conformity with the religious community to which the majority of pupils belong. A pupil who does not belong to this religious community may attend the said religious education after the provider of basic education has been notified of the matter by the parent/carer.
2. Three or more pupils belonging to the Evangelical-Lutheran Church or the Orthodox Church who do not participate in religious education referred to in subsection 1 shall be provided education in accordance with their own religion.
3. Three or more pupils belonging to a religious community other than those referred to in subsection 2 who do not participate in religious education referred to in subsection 1 shall be provided religious education in accordance with their own religion, if their parents/carers so request.
4. If a pupil belongs to more than one religious community, the pupil's parent/carer shall decide in which religious education the pupil will participate.
5. Pupils who do not belong to any religious community and do not take part in religious education referred to in subsection 1 shall be taught ethics. A pupil belonging to a religious community who is not provided religious education in accordance with his or her religion shall be taught ethics when requested by his or her parent/carer. The provider of basic education shall organise ethics education if there are at least three pupils entitled to it.
6. A pupil who does not belong to any religious community may, at the request of his or her parent/carer, also participate in religious education provided by the provider of basic education which, in view of his or her upbringing and cultural background, evidently corresponds to his or her religious beliefs.

**Section 14****Distribution of lesson hours and core curriculum**

1. The government shall determine the general national objectives of education referred to in this Act and the distribution of lesson hours to the teaching of different subjects and subject groups and to guidance counselling (distribution of lesson hours).
2. The National Board of Education shall determine the objectives and core contents of different subjects and cross-curricular themes, guidance counselling and other education referred to in this Act and the basic principles of home-school cooperation and pupil welfare under the purview of the local education authority (core curriculum).

(Amendment 477/2003)

3. As concerns pre-primary education, the decision on the distribution of lesson hours referred to in subsection 2 shall be prepared by the Ministry of Education in cooperation with the Ministry of Social Affairs and Health. As concerns pre-primary education, pupil welfare and home-school cooperation, the decision on the core curriculum referred to in subsection 2 shall be prepared by the National Board of Education in cooperation with the National Research and Development Centre for Welfare and Health. (Amendment 477/2003)

## **Section 15**

### **Curriculum**

1. The education provider shall adopt a curriculum for education referred to in this Act. The curriculum shall be adopted separately for education given in the Finnish, Swedish and Saame languages and in other languages, where needed.
2. The curriculum shall be drawn up, to the extent provided in Section 14(3) concerning the core curriculum, in cooperation with the local executory social and health authorities. The education provider shall also determine the organisation of home-school cooperation and of pupil welfare laid down in the core curriculum. (Amendment 477/2003)
3. When authorised by the competent Ministry, a common curriculum may be adopted for basic education and upper secondary education or a basic education curriculum may contain vocational studies.

## **Section 16**

### **Remedial teaching**

1. A pupil who has fallen temporarily behind or who otherwise needs special support shall be given remedial teaching.

## **Section 17**

### **Special-needs education**

1. A pupil who has moderate learning or adjustment difficulties shall be entitled to special-needs education alongside other teaching.
2. If, owing to a disability, an illness, retarded development, an emotional disturbance or a comparable cause, a pupil cannot be otherwise taught, the pupil must be admitted or transferred to special-needs education. As far as possible, special-needs education shall be organised in conjunction with other education or else in a special-needs classroom or some other appropriate facility. The education of a pupil referred to in this subsection may deviate from the provisions of Section 11 as laid down in Section 14. An individual educational plan shall be devised for the pupil.
3. Before a decision to admit or transfer a pupil to special-needs education referred to in subsection 2, the parent/carer of the pupil shall be consulted and, if possible, a psychological or medical examination or a social background assessment shall be made of the pupil and his or her learning capacity. (Amendment 477/2003)

4. If an education provider who is other than the local authority does not provide education referred to in subsection 2, the decision to admit or transfer the pupil to special-needs education shall be made by the local authority of the pupil's place of residence on the education provider's referral.
5. In addition to the provisions of the Administrative Procedure Act (598/1982), the procedure for admitting or transferring a pupil to education referred to in subsection 2 shall come under provisions enacted by decree. The formation of teaching groups in education referred to in subsection 2 shall also be enacted by decree. (Amendment 1188/1998))

## **Section 18**

### **Special teaching arrangements**

1. A pupil's education may to a certain degree be arranged otherwise than provided in this Act if:
  - (1) the pupil is considered to have some degree of prior knowledge and skills corresponding to the basic education syllabus;
  - (2) the completion of the basic education syllabus would in some respect be unreasonable for the pupil in view of the circumstances and prior learning; or
  - (3) it is justified for reasons relating to the pupil's health.
2. If the pupil's parent/carer has not proposed learning arrangements in a manner referred to in subsection 1 or in provisions enacted by virtue thereof, the parent/carer shall be given an opportunity to be heard before the decision is made. In education other than that arranged for pupils of compulsory school age, the student shall correspondingly be given an opportunity to be heard. (Amendment 477/2003)

## **Section 19**

### **Public education**

1. Education referred to in this Act shall be public. For well-founded reasons, the right to follow education may be restricted.

## **Section 20**

### **Piloting**

(Amendment 477/2003)

1. Pilots undertaken to develop education or teaching may deviate from the distribution of lesson hours and the core curriculum referred to in Section 14 and from regulations concerning:
  - (1) the annual and weekly number of lessons given to pupils and the daily work load of the pupil;
  - (2) the point in time when a pupil begins school; and
  - (3) transferral from one year-class to another.
2. Pilots shall be authorised by the Ministry of Education. If the pilot does not deviate from the provisions of subsection 1(1-3) or from the distribution of lesson hours, the authorisation shall be granted by the National Board of Education.

3. The authorisation of a pilot shall be granted on the education provider's application. An authorisation for a necessary pilot may be granted to an education provider who has the capacity for carrying out the pilot in an appropriate manner and without jeopardising pupils' educational rights. When schools run by several different education providers take part in the same pilot, the schools shall be chosen so as to be as representative in regional and linguistic terms as possible.
4. The authorisation to conduct a pilot shall be granted for a maximum of three years and may be extended by a maximum of two years. The pilot shall conform with the pilot programme adopted by the National Board of Education.

## **Chapter 5**

### **Evaluation and assessment**

#### **Section 21**

##### **Educational evaluation**

(Amendment 32/2003)

1. The purpose of the evaluation of education is to assure that the purpose of this Act is carried out, to support educational development and to improve conditions for learning.
2. An education provider shall evaluate the education it provides and its impact and take part in external evaluations of its operations.
3. For the purpose of external evaluation, there shall be a separate Education Evaluation Council attached to the Ministry of Education to organise activities in a network with universities, the National Board of Education and other evaluation experts. Further provisions concerning the mandate and composition of the Education Evaluation Council shall be enacted by Government Decree. The Ministry may assign evaluations to a person or a body other than the Education Evaluation Council.
4. The salient findings of evaluation shall be published.
5. Further provisions concerning evaluation and its development shall be enacted by Government Decree.

#### **Section 22**

##### **Pupil assessment**

1. The aim of pupil assessment is to guide and encourage learning and to develop the pupil's capability for self-assessment. The pupil's learning, work and behaviour shall be variously assessed.
2. The assessment of learning attainment and progress in studies shall be governed by the provisions enacted by decree and regulations issued by the National Board of Education. The information to be recorded in report cards shall be determined by the National Board.

3. Unless a pupil's parent/carer has proposed that the pupil repeat a year-class because of the pupil's overall school attainment, the parent/carer shall be given an opportunity to be heard before a decision is made in the matter. (Amendment 477/2003)

## **Chapter 6**

### **Working time**

#### **Section 23**

##### **School year**

1. The school year in basic education shall begin on the first of August and end on the 31st of July. The school year shall comprise 190 school days. With the authorisation of the competent Ministry, the number of school days may, for a special reason, exceed the mandatory number. However, Independence Day, Epiphany and the First of May which fall on a weekday other than Saturday shall be deducted from the number of school days in the school year.
2. The end of the school year shall be enacted by decree.
3. Whenever, for a compelling reason, it has not been possible to arrange teaching on the statutory school days and the curricular objectives cannot be otherwise achieved, the lost school days shall be replaced by the addition of a maximum of six days to the annual number of school days.

#### **Section 24**

##### **Pupil's work load**

1. The pupil's work load in basic education must be such as to allow him or her enough time for rest, recreation and hobbies over and above the time spent in school, school travel and homework.
2. The daily and weekly amount of basic education attended by the pupil shall be enacted by decree.

## **Chapter 7**

### **Compulsory education and the pupil's rights and duties**

#### **25 Section**

##### **Compulsory education**

1. Children permanently residing in Finland shall attend compulsory schooling. Compulsory schooling shall start in the year during which the child turns seven. Compulsory schooling shall end when the basic education syllabus has been completed or ten years after the beginning of compulsory schooling.
2. If, owing to the child's disability or illness, the objectives set for basic education cannot be achieved in nine years, compulsory schooling shall begin one year earlier than provided in subsection 1 and be 11 years in duration.

**Section 26****Completion of compulsory schooling**

1. A child of compulsory school age must attend basic education provided in accordance with this Act or otherwise obtain knowledge corresponding to the basic education syllabus. Those within prolonged compulsory schooling referred to in Section 25(2) above shall participate in pre-primary education during the first compulsory school year. (Amendment 477/2003)
2. The education provider shall monitor the absences of a pupil in basic education and notify the pupil's parent/carer of unauthorised absence. The parent/carer of a pupil in compulsory education shall see to it that compulsory schooling is completed. (Amendment 477/2003)
3. If a child of compulsory school age does not participate in education provided under this Act, the local authority of the pupil's place of residence shall supervise his or her progress.

**Section 26 a****Right to pre-primary education**

(Amendment 1288/1999)

1. A child shall have the right to pre-primary education during the year preceding the beginning of compulsory schooling. A child within prolonged compulsory schooling referred to in Section 25(2) above and a child who under Section 27 begins basic education a year later than enacted, shall be entitled to pre-primary education during the first year of statutory compulsory schooling.
2. Participation in pre-primary education, with the exception referred to in Section 26(1), shall be decided by the pupil's parent/carer. Provisions concerning enrolment in pre-primary education shall be enacted by decree, where necessary.
3. Provisions concerning the formation of teaching groups in pre-primary education shall be enacted by decree, where necessary.

**Section 27****Exception to school starting age**

1. A child who, based on a psychological and, where necessary, a medical examination, has the requisite capacity for learning shall have the option of starting basic education one year earlier than enacted. Based on said examinations, an education provider may allow the child to start basic education one year earlier than enacted.

**Section 28****Place of schooling**

1. In basic education the pupil shall have the right to attend a school referred to in Section 6(2).

2. A child of compulsory school age may also apply for a place in a school other than one referred to in subsection 1. In the admission of pupils referred to in this subsection, the applicants shall be subject to equal selection criteria. If education is given according to a curriculum with special emphasis on one or several subjects, the admission of pupils may also be based on a test showing aptitude for said education. The selection criteria and the aptitude test shall be made known in advance. However, the local authority may decide to give precedence to children residing in its area in admission to education provided by it.

## **Section 29**

### **Right to a safe learning environment**

1. A pupil participating in education shall be entitled to a safe learning environment.
2. The education provider shall draw up a plan, in connection with curriculum design, for safeguarding pupils against violence, bullying and harassment, execute the plan and supervise adherence to it and its implementation. The National Board of Education shall issue regulations in the core curriculum concerning the formulation of the plan.  
(Amendment 477/2003)
3. The education provider shall adopt school rules or issue other regulations to be applied in the school with a view to promoting internal order in the school, unhindered learning and the safety and satisfaction of the school community. (Amendment 477/2003)
4. School rules and other regulations referred to in subsection 3 may lay down practical arrangements and proper conduct necessary for safety and satisfaction at school. Regulations may further be issued concerning the handling of school property and staying and moving on the school premises and in the school area. (Amendment 477/2003)

## **Section 30**

### **Right to education**

1. An enrolled pupil shall be entitled to curricular teaching and guidance counselling on school days.
2. The teaching groups shall be formed so that the instruction can achieve the objectives set in the curriculum.
3. The pupil's parent/carer shall make the decisions concerning the choice of subjects and syllabi referred to in Section 11. A chosen subject or syllabus may, after the parent/carer has been heard in the matter, be substituted for another if teaching cannot be appropriately arranged in the pupil's own school or in another school.

## **Section 31**

### **Free education**

1. Teaching, the necessary textbooks and other learning materials, and school equipment and materials shall be free of charge for the pupil. A disabled child or a child with special educational needs has additionally the right to get the interpretation and assistance services he or she needs to participate in education, other educational

services, special aids and the services provided under Section 39 free of charge.  
(Amendment 477/2003)

2. A pupil attending basic education shall be provided with a balanced and appropriately organised and supervised meal on every school day.
3. Notwithstanding the provisions of subsections 1 and 2, moderate fees may be charged to pupils for education arranged abroad and for education provided by a private organisation or foundation in a language other than those referred to in Section 10(1) based on a special educational mission assigned by the competent Ministry.

### **Section 31 a**

#### **Pupil welfare**

(Amendment 477/2003)

1. A pupil shall be entitled to free pupil welfare necessary for participation in education. Pupil welfare means action promoting and maintaining good learning, good mental and physical health and social well-being, and conditions conducive to these.
2. Pupil welfare shall encompass pupil welfare determined in the curriculum adopted by the education provider and pupil welfare services, which comprise school health care referred to in the Public Health Act (66/1972) and support to education and parenting referred to in the Child Welfare Act (683/1983).
3. The education provider shall ensure that a pupil whose conduct has brought about a sanction referred to in Section 36(1) below or who has been temporarily banned from participating in education under Section 36(2) or (3) below, is provided the necessary pupil welfare care. A pupil may not be left unsupervised after measures taken under Section 36(2) or (3).

### **Section 32**

#### **School travel**

1. If the distance to school for a pupil in basic education or in additional voluntary education exceeds five kilometres, the pupil shall be entitled to free transportation. If the distance for a pupil in pre-primary education from home to school or from day-care referred to in the Day Care Act to the place of pre-primary education exceeds five kilometres, the pupil shall correspondingly be entitled to free transportation from home directly to pre-primary education or from day-care to pre-primary education and from pre-primary education home or to day-care. Additionally a pupil in basic education, in additional voluntary education or in pre-primary education shall be entitled to free transportation when the travel referred to above is too difficult, strenuous or dangerous in view of the pupil's age or other circumstances. An alternative to free transportation is an adequate subsidy for transporting or accompanying the pupil to school. (Amendment 1139/2003)
2. The daily school travel referred to in subsection 1 above, including waiting time, may take a maximum of two and half hours. If the pupil has turned 13 by the beginning of the school year or if the pupil receives special-needs education referred to in Section 17(2), the school travel may take a maximum of three hours.

3. If a pupil referred to in subsection 1 is admitted to a school or teaching facility other than those referred to in Section 6(2), the admission may be made conditional on the parent/carer assuming responsibility for the cost of transporting or accompanying the pupil to school.
4. A pupil awaiting transportation shall be given an opportunity to participate in guided activities.

**Section 33**  
**Accommodation**

1. If the school travel of a pupil in basic education, in additional education or in pre-primary education for those within prolonged compulsory schooling under Section 25(2) cannot be arranged in a manner referred to in Section 32(2), the pupil shall be entitled to free accommodation and board. (Amendment 1288/1999)
2. During the school year, the pupil shall be entitled to free travel between the place of accommodation and his or her home during holidays and weekends.
3. Pupils in accommodation shall do a reasonable number of chores suited for them in their place of accommodation.
4. Notwithstanding subsections 1 and 2, modest fees may be charged to a pupil who has been admitted to a school other than those referred to in Section 6(2).

**Section 34**  
**Treatment of an accident and health care**

1. An injury due to an accident which takes place at school or in some other place of teaching, during school travel and in accommodation shall be treated free of charge for the pupil. (Amendment 1288/1999)
2. Separate provisions shall be enacted concerning school health care and services needed to deal with pupils' social and psychological problems.

**Section 34 a**  
**Collaboration in rehabilitation**  
(Amendment 508/2003)

1. Collaboration in rehabilitation shall come under the provisions of the Act on Co-operation in Respect of Rehabilitation Service (497/2003).

**Section 35**  
**The pupil's duties**

1. The pupil shall attend basic education unless he or she has been temporarily exempted for a special reason.
2. The pupil shall complete his or her assignments diligently and behave correctly.

**Section 36****Discipline**

(Amendment 477/2003)

1. A pupil who disrupts teaching or otherwise transgresses against school order or cheats may be kept in detention for a maximum of two hours or may be given a written warning. If the offence is serious or if the pupil carries on inappropriate conduct referred to above after detention or a written warning, the pupil may be suspended for a maximum of three months. A written warning and suspension are sanctions.
2. A pupil who disrupts teaching may be dismissed from the classroom or other teaching facility for the remainder of the class or be ordered to leave a school function.
3. A pupil may be banned from participating in education at the most for the remainder of the school day if there is a risk that the pupil's violent or aggressive behaviour will endanger the safety of another pupil or a person working at the school or another teaching facility or that the pupil's disruptive behaviour will inordinately complicate teaching or an activity associated with it.
4. A pupil who has neglected to do his or her home work may be ordered to do the assignments under supervision for a maximum of one hour at a time after school.

**Section 36 a****Procedure in a disciplinary matter and enforcement of suspension**

(Amendment 477/2003)

1. Before a pupil is kept in detention, before a written warning is issued to a pupil and before a pupil is suspended, the deed or dereliction of duty which has caused the disciplinary measure must be specified, the pupil must be heard, and any other necessary investigation must be made. Before a disciplinary action is taken, the pupil's parent/carer must be given an opportunity to be heard. The pupil's parent/carer has to be notified of measures other than those referred to in Section 36 and, where necessary, an executory social welfare official in the municipality where the school is situated must be notified if a pupil is temporarily banned from participating in education. A formal decision must always be issued concerning a detention and a written warning, and other measures referred to in Section 36 must be recorded.
2. The education provider shall arrange teaching to prevent a suspended pupil from falling behind the progress made by his or her year-class and teaching group. A personal plan based on the curriculum according to which teaching is given and learning monitored shall be devised for the suspended pupil.
3. The enforcement of a decision on suspension shall come under the provisions of Section 31(1) and (2) and Section 32 of the Administrative Judicial Procedure Act (586/1996) as well as the provisions of subsection 4 below.
4. When a pupil has behaved so violently or threateningly as to endanger the safety of another pupil or a person working at the school or in another teaching facility and there is a manifest risk that the violent or threatening conduct will recur, suspension may be enforced whether or not the decision on suspension has come into effect.

5. The decision concerning the enforcement of a pending decision on suspension and the date on which its enforcement is instigated shall be made simultaneously with the decision on suspension.
6. Further provisions concerning the headteacher's and the teacher's authority and the matter referred to in Section 36(2–4) shall be enacted by Government Decree.

### **Section 36b**

#### **Removal of a disruptive and potentially dangerous pupil**

(Amendment 477/2003)

1. The headteacher and teacher shall have the right to remove from the classroom or other teaching facility a pupil who does not obey a dismissal referred to in Section 36(2). The headteacher and teacher shall also have the right to remove from the school premises a pupil who does not leave after having been temporarily banned from participating in education under Section 36(3).
2. If the pupil to be removed seeks to resist efforts to remove him or her, the headteacher and teacher shall have the right to remove the pupil using force which can be deemed justifiable in view of the pupil's age and the imminence of threat or the severity of the resistance and which is based on an overall assessment of the situation.
3. The headteacher and teacher may act together or separately in a situation referred to in subsections 1 and 2. No implements of force may be used to remove a pupil. A teacher or a headteacher who has resorted to force shall submit a written account of the occurrence to the education provider.
4. Provisions concerning excessive use of force are laid down in Chapter 4, Section 6(3) and (7) of the Penal Code (39/1889).

### **Section 36 c**

#### **Disciplinary action in relation to pending legal action and a court order**

(Amendment 477/2003)

1. During legal action pending against a pupil in a court of law, a disciplinary measure may not be instigated or enforced against him or her for the same reason.
2. If a court of justice has acquitted a pupil of a charge, a disciplinary measure for the same reason may not be instigated or enforced except for an action which cannot be considered a crime but is punishable by a disciplinary measure.
3. If a court of law has sentenced a pupil to a punishment, no disciplinary action may be taken against him or her for the same reason. However, the pupil may be suspended if justified in view of the pupil's crime or associated factors.

## **Chapter 8**

### **Miscellaneous provisions**

#### **Section 37**

##### **Staff**

1. Each school providing education referred to in this Act shall have a headteacher responsible for operations.
2. The education provider shall have a sufficient number of teaching posts or teachers under employment contract in view of the form of education. In addition, the education provider may have hourly-paid teachers, classroom assistants and other personnel.
3. Provisions concerning the qualifications of a headteacher and a teacher shall be enacted by Government Decree. The National Board of Education may issue supplementary regulations, where necessary. The Ministry of Education may, for a special reason, grant exemptions from the qualification requirements. (Amendment 516/2000)

#### **Section 38**

##### **Separate examination**

1. The basic education syllabus or parts thereof can be taken in a separate examination as provided by decree.

#### **Section 39**

##### **Supportive services relating to special-needs education**

1. The competent Ministry may decide that the education provider must arrange rehabilitation in conjunction with special-needs education referred to in Section 17(2) and see to development, guidance and support relating to said education.

#### **Section 40**

##### **Confidentiality**

1. Members of bodies responsible for education provision, persons referred to in Section 37 and teacher trainees may not without authorization divulge to outsiders what they have learned in the course of their educational duties about the personal and financial circumstances of pupils or personnel referred to in this Act or the members of their families.
2. Persons referred to in subsection 1 above and persons responsible for school health care and other pupil welfare services may, notwithstanding the provisions of subsection 1 or other statutes concerning confidentiality, provide each other and educational authorities with information necessary for appropriate teaching arrangements.

#### **Section 41**

##### **Access to data**

1. In the execution of its duties, the education provider has the right to obtain from state and local authorities statistical and other corresponding data necessary for the planning and provision of education.
2. When requested, the education provider shall furnish state educational authorities with data specified by them as necessary for educational evaluation and development, the compilation of statistics and monitoring.
3. If education is provided for a pupil in a school not situated in the pupil's home municipality, the education provider shall notify the pupil's home municipality of the pupil for the purposes of supervising the completion of compulsory schooling.

## **Section 42**

### **Appeal**

(Amendment 477/2003)

1. An appeal against an education provider's decision regarding religious and ethics instruction referred to in Section 13 of this Act, a warning issued to a pupil, a suspension, a benefit and right referred to in Sections 31, 31 a, 32, 33 and Section 34(1) shall be lodged with an administrative court in accordance with the provisions of the Administrative Judicial Procedure Act. Decisions referred to in Section 36 other than those referred to in this subsection may not be appealed against.
2. Notwithstanding subsection 1, an appeal against a decision shall be lodged with the state provincial office in accordance with the provisions of the Administrative Judicial Procedure Act, if the decisions concerns:
  - (1) admission to a school;
  - (2) admission or transfer to special-needs education referred to in Section 17(2) against the parent/carer's will or contrary to an individual educational plan;
  - (3) special teaching arrangements referred to in Section 18; and
  - (4) an exemption from the school starting age referred to in Section 27.
3. An appeal against a decision made by the state provincial office concerning an appeal against a matter referred to in subsection 2 (1–3) shall be lodged with an administrative court in accordance with the provisions of the Administrative Judicial Procedure Act. A decision of the state provincial office concerning an appeal referred to in subsection 2 (4) may not be appealed against.
4. An appeal against a decision referred to in subsection 2 or 3 or a decision to issue a written warning to a pupil or to suspend a pupil shall be lodged within 14 days of the date on which the pupil's parent/carer was notified of the decision. Matters referred to in this subsection shall be processed as urgent.
5. The ruling of an administrative court concerning a matter referred to in subsections 3 and 4 may not be appealed against.
6. A decision concerning pupil assessment referred to in Section 22 above may not be appealed against. A pupil's parent/carer may request that a decision to make a pupil repeat a class or that an end-of-school assessment be redone. If the parent/carer is not satisfied with the new assessment made upon request or a decision to deny the request,

he or she may request that the state provincial office rectify the assessment. Further provisions concerning re-assessment and the rectification of an assessment shall be enacted by decree.

7. When education is provided abroad, the competent administrative court is the Helsinki Administrative Court and the competent state provincial office the State Provincial Office of Southern Finland.

### **Section 43** **Financing**

1. Financing towards the establishment and operating costs of education and before- and after-school activities referred to in this Act shall be granted in accordance with the provisions of the Act on the Financing of Education and Culture (635/1998).  
(Amendment 1288/1999)

### **Section 44** **Fees to be charged to pupils**

1. The decision on fees to be charged to pupils, where applicable, shall be made by the competent Ministry in accordance with the provisions concerning charges for transactions subject to public law in the Act on Criteria for Charges Payable to the State (150/1992).
2. If a fee charged to a pupil under this Act has not been paid by the due date, an annual interest may be charged on overdue payments in accordance with the Interest Act (633/1982).
3. The fee may be recovered without court ruling or decision in accordance with the provisions of the Act on the Collection of Taxes and Charges by Execution Measures (367/1961).

### **Section 45** **Dereliction of supervisory duties**

1. If a pupil's parent/carer neglects his or her duty to ensure the completion of compulsory schooling, he or she shall be sentenced to fine for dereliction of a duty to ensure completion of compulsory schooling.

### **Section 46** **Education for persons other than pupils of compulsory school age**

1. Basic education provided to persons other than pupils of compulsory school age come under the provisions of Section 2, Section 3(1) and (2), Section 9(1), Sections 10–15, 18–22 and 29, Section 30(1), and Sections 35, 37, 38 and 40–44. Teaching, textbooks and other learning material, school equipment and work materials shall be free of charge for the pupil. In education arranged in the form of a boarding school in accordance with a decision of a local authority or a municipal consortium or with a stipulation of an authorisation referred to in Section 7, the pupil shall be entitled to accommodation and sufficient daily meals free of charge. In full-time studies, the

student shall be entitled to a free meal on school days on which the student is required to be present according to the curriculum at a place designated by the education provider. On grounds referred to in Section 36(1), a student may be issued a written warning or be suspended for a maximum of one year.

2. A person who intends to study only the syllabus of one or several subjects included in the basic education curriculum may also be admitted as a student. Students referred to in this subsection may be charged moderate tuition fees.
3. Education referred to in subsections 1 and 2 may deviate from the provisions of Sections 11 and 13 to an extent determined in the core curriculum. A student over 18 years of age shall be taught either religious education or ethics according to his or her choice.
4. Education referred to in this Section may be arranged either partly or totally in the form of distance education.

**Section 47**  
**Supportive activities**

1. Library, club and other activities closely relating to education may be arranged in conjunction with basic education.

**Section 48**  
**Further provisions**

1. Further provisions concerning the implementation of this Act shall be enacted by decree.

**Chapter 8 a**  
**Before- and after-school activities**  
(Amendment 1136/2003)

**Section 48 a**  
**Aims and guidelines**

1. The purpose of before- and after-school activities is to support the school's and the home's educational work and the development of the child's emotional life and ethical growth. In addition, before- and after-school activities shall promote children's welfare and equality in society and prevent exclusion and promote inclusion.
2. The before- and after-school activities shall offer children varied opportunities to participate in guided and refreshing activities and to enable them to rest in calm surroundings under the supervision of a competent person suitable for the task.
3. The National Board of Education shall determine the aims and central content of before- and after-school activities referred to in this Act (guidelines for before- and after-school activities). The National Board shall prepare the guidelines in cooperation with the National Research and Development Centre for Welfare and Health.

**Section 48 b****Provision and extent**

1. The local authority may provide and acquire before- and after-school activities referred to in this Act. If a local authority provides before- and after-school activities referred to in this Act, it shall be available to first- and second-year pupils of the schools operating in the municipality and, as regards other year-classes, to pupils referred to in Section 17(2) in the extent determined by the local authority.
2. The application for before- and after-school activities shall be made as determined by the local authority. The local authority shall provide information about the venues of before- and after-school activities, their starting and ending times and the procedure for applying for before- and after-school activities. In admission to before- and after-school activities, the selection criteria shall be applied equally to all children.
3. The local authority may arrange before- and after-school activities alone or jointly with other local authorities or purchase these services from a public or private service provider. The local authority may also acquire the services by granting subsidy to a service provider for the purpose. The arrangements shall cater for the needs of different linguistic groups. The local authority shall ensure that the services acquired by it are arranged according to this Act. The arrangement of before- and after-school activities shall ensure that the children entitled to free school travel under Section 32 are able to use this benefit.
4. Before- and after-school activities shall be offered for 570 hours during the school year to each participating child. The activities may be principally arranged between 7.00 and 17.00 on week days. The planners of the activities must cooperate with pupils' families and the service providers. The local authority shall adopt an action plan for before- and after-school activities referred to in this Act. Further provisions concerning the content of the action plan may be issued by Government Decree.

**Section 48 c****Evaluation**

1. The purpose of before- and after-school activities is to secure the achievement of the aims determined in Section 48 a. The local authority shall evaluate the before- and after-school activities provided or acquired by it and to take part in external evaluation of its activities. The findings of the evaluations shall be published.

**Section 48 d****Right to a safe activity environment and to school benefits**

1. A child participating in before- and after-school activities has a right to a safe activity environment. A child participating in before- and after-school activities must be offered a snack. The care due to an accident which takes place in before- and after-school activities shall be free of charge for the child.

**Section 48 e****Personnel**

1. The before- and after-school activities shall have a sufficient number of staff in relation to the form of arrangement. The qualifications required of instructors in the before- and after-school activities shall be enacted by government Decree.

#### **Section 48 f**

##### **Fees**

1. A monthly fee may be charged for before- and after-school activities. The local authority shall determine the monthly fee to be charged for before- and after-school activities, which may be 60 euros at a maximum. The fee may be charged for each month during which the child participates in the before- and after-school activities. If before- and after-school activities are provided for a maximum of 10 days in a month, only half of the fee shall be charged. Similarly, if the child cannot participate in the before- and after-school activities on more than 10 days owing to an illness, only half of the fee shall be charged. If absence due to an illness lasts for the whole calendar month, no fee shall be charged. If the child cannot participate in the activities for some other reason for a whole month, only half of the fee shall be charged. No other fees may be charged for participation in the activities.
2. The fee may be left uncharged or be reduced when warranted by the parent's/carer's obligation to provide maintenance, income or care-related considerations.

## **Chapter 9**

### **Coming into force and transitional provisions**

#### **49 Section**

##### **Coming into force**

1. This Act will come into force on the first of January 1999.