Rules for Upper Secondary Schools in the County of Østfold

1. Purpose
The rules shall contribute to a good working and learning environment for the pupils and the development of their social skills. The rules shall regulate behaviour in schools as well as specify what action can be taken against pupils who break the rules and the procedure for dealing with such cases, cf. Section 3-7 of the Education Act.

2. Validity
The regulations relating to school rules are effective from 01.08.2011, adopted by the County Director of Education on 15.05.11 pursuant to Section 3-7 of the Education Act following delegation by the County Council to the Chief County Executive on 07.12.05 and further delegation from the Chief County Executive to the County Director of Education on 01.03.06.

3. Scope
These rules are issued pursuant to the Act of 17th July 1998 no. 61 relating to Primary and Secondary Education and Training (the Education Act) Section 3-7, and Section 3-5 of the regulations to the Education Act. The rules apply to pupils at upper secondary schools in the County of Østfold. As far as they are suitable, the rules also apply to pupils in adult education classes and others who might receive education and training arranged by upper secondary modern schools in the county.

The rules apply to behaviour in the classroom and the school premises in general, in areas close to the school, during school time, on the way to and from school, as well as during activities and events organised by the school. The rules shall also apply in situations that are clearly related to attending school.

4. Limitations
The rules shall regulate the rights and obligations of the pupils insofar as they are not determined by legislation or in any other manner, cf. Section 3-7 of the Education Act.

5. Rights
The school shall provide education and training services in accordance with the Education Act and appurtenant regulations, relevant steering documents and decisions taking by the County Municipal Authority.

Chapter 9a of the Education Act gives the pupils the right to a good physical and psychosocial environment conducive to health, well-being and learning.

The school shall arrange for pupil participation pursuant to the Education Act and appurtenant regulations, through bodies such as the school committee, the school environment committee and pupils’ council. The pupil is entitled to actively participate in

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1 The regulations concerning school rules for upper secondary schools in Østfold adopted by the County Director of Education on 02.03.06 are annulled with effect from the same date. Similarly, local school rules adopted by the school councils at the individual municipal upper secondary schools in Østfold are also annulled with effect from the same date.
the planning, implementation and evaluation of the learning at the school, as well as an introductory training course to enable the pupil to actively participate in this work.

Pupils who are absent due to illness for a long period of time are entitled to assistance and support from the school to avoid missing out on the education or training and basis for assessment.

6. School attendance
1. The pupil shall attend classes unless agreed otherwise with the school
2. Absence from school is reported in days and hours
3. Absence from school is reported on certificates of upper secondary education and certificates of competence
4. With planned absences, the pupil shall notify the teacher of this as early as possible

Refer to Section 3-47 of the regulations to the Education Act.

7. Rules concerning general order and good conduct
Pupils shall contribute to a good working and learning environment for the entire school community. All pupils are obliged to behave properly and politely and abide by the laws, regulations and instructions that apply to the school at any one time and society in general.

Pupils shall follow instructions from the school and its staff. The basis for assessing order and conduct is linked to what degree the pupil behaves in relation to the school rules, cf. Section 3-5 of the regulations to the Education Act and Directorate of Education circular Udir-1-2010.

7.1 General order
a) The pupil shall arrive on time for classes and actively participate in the learning process
b) If the pupil is prevented from attending class on time, the pupil shall notify his or her class teacher as soon as possible. If the pupil is absent for more than three days, the school should be notified of this.

c) The pupil is responsible for finding out what he or she has missed during his or her absence and what homework has been issued
d) The pupil shall have all books and equipment necessary for each individual class
e) When using ICT resources, the pupil shall abide by the rules laid down by Østfold Municipal Authority
f) The pupil is responsible for acquiring all educational material specified by the school within 14 days of school-start, including any special clothing and protective equipment
g) The pupil shall keep his or her workspace in order

7.2 Good conduct

What is expected of the pupils:
a) The pupil shall contribute to a peaceful working environment and show due consideration and respect for others.

b) The pupil shall help keep the school premises tidy, as well as other locations where teaching is undertaken

c) The pupil shall notify the class teacher/subject teacher if he or she has to leave a class early

d) The pupil should be able to prove his or her identity when challenged by a member of staff

e) The pupil shall look after school property at all times, including PCs, books and other borrowed equipment

f) The pupil shall contribute to maintaining a peaceful environment on the school premises

g) Pupils shall contribute to ensuring that entrances, exits and corridors are at all times kept free of hindrances

**What pupils are not permitted to do:**

h) Pupils are not permitted to use mobile telephones, music players or other electronic equipment in class, unless agreed otherwise with the teacher.

i) No pupil shall smoke and/or use snuff (snus) or e-cigarettes in school hours. This applies regardless of where the pupil is.

j) Pupils shall not subject others to offensive language, violence or insulting or threatening behaviour or other breaches of what is generally accepted as normal behaviour, be it physical, verbal, through digital media or some other form.

k) The possession of pornographic, racist or other offensive or illegal material on the school premises is strictly forbidden. Downloading, reading and distributing such material electronically is also strictly forbidden.

l) The possession of weapons or other dangerous items is strictly forbidden.

m) The sale, purchase or use of alcohol or other intoxicating substance is strictly forbidden. It is also strictly forbidden to attend school under the influence of such substances

8. **Preventive action against drugs**

Deleted from the rules on 29.9.2013.

9. **Protective equipment, safety rules**

Pupils are obliged to:

a) obtain and use any protective equipment required in class in accordance with the rules for the individual subjects
b) acquaint themselves with the school’s fire regulations and take part in mandatory fire drills
c) participate in the school’s health, environment and safety (HES) work

10. **School books, equipment, etc.**
Pupils must treat school property, teaching materials/equipment/PCs properly and with respect.

11. **Cheating or attempts at cheating**
Cheating or attempts at cheating is/are strictly forbidden. The use of unlawful/banned aids and banned communication with others during tests and examinations is not allowed and is deemed to be cheating.

If cheating or attempts to cheat is/are identified in connection with examinations and tests and/or other forms of assessment, these can be annulled. This can result in a lower grade for conduct; cf. Section 3-5 of the Regulations to the Education Act.

12. **Breaking the school rules**
In the event of a pupil or pupils breaking a school rule, the school can take disciplinary action against the pupil or pupils responsible. The disciplinary action must be in accordance with the school rules and commensurate with seriousness of the offence. Disciplinary actions should be implemented as soon after the offence is committed as possible. Pupils must be made aware of the consequences of breaking the rules beforehand.

As well as resulting in a lower grade for order and/or conduct, breaking a school rule can result in the school informing the parents or guardians of pupils below 18 years of age.

12.1 **The following disciplinary actions may be used against pupils who break the school rules:**

a) censure or a black mark from the school’s staff
b) confiscation of non-permitted items
c) orders to make good any damage the pupil may have done to school property (picking up rubbish, washing the floor, removing tagging and the like)
d) orders to attend school before or after normal school hours in connection with discussions with a teacher/the head teacher and/or carrying out instructions (detention)
e) exclusion from a class/group for the rest of the teaching period, limited to two hours
f) restricted access to or exclusion from using the school’s ICT resources/intranet for a certain period of time
g) limited access to special activities, if the offence is repeated or in the event of a serious breach of orders or instructions that have been given for such activities

12.2 **The following disciplinary actions may be used for serious or repeated violation of the rules**

a) temporary or permanent change of class (the head teacher’s decision)
b) exclusion from the teaching for the remainder of the day (the head teacher’s decision)
c) exclusion from teaching for up to five school days (the head teacher’s decision)
d) exclusion from the teaching for the remainder of the school year or the course in accordance with a decision for by Østfold County Municipal Authority, cf. the Education Act, Section 3-8, second paragraph and 4A-9
e) loss of the right to upper secondary education and training pursuant to the Education Act, Section 3-1, cf. Section 3-8, second paragraph, and 4A-9

13. **Reporting acts of crime**
The school, courtesy of the head teacher, should report to the police any offences that are punishable by law.

14. **Compensation, etc.**
In addition to imposing a disciplinary action, the pupil can also be held liable in accordance with rules governing damages. If a pupil damages or soils school property, he or she may be ordered to rectify the damage and/or a claim for compensation made against the parents in accordance with rules governing damages.

15. **Local school rules**
Within the framework of the law, regulations and these rules, a school committee may agree additional rules specific to the respective school. Such rules must first be approved by the County Director of Education.

16. **Form of procedure for implementing disciplinary action**

16.1 **The Education Act, Section 3-7, last paragraph**
Before a decision is taken concerning disciplinary action, involving for example exclusion from the teaching or loss of rights, the pupil shall be given the opportunity to present his or her case orally to the person responsible for taking a decision, cf. the Education Act, Section 3-7, last paragraph. This right to present his or her case applies to all types of disciplinary action, and the pupil has the right to present his or her case direct to the person responsible for taking a decision.

16.2 **Form of procedure for disciplinary action that is not an individual decision**
 Chapters 4 to 6 of the Public Administration Act do not apply in cases where a disciplinary action is not an individual decision, such as censure or orders from members of the school staff. This means there is no right of appeal for disciplinary actions that are not individual decisions. In addition, disciplinary actions that are not individual decisions shall be implemented in writing except where, for practical reasons, this would be particularly burdensome for the school.

16.3 **Form of procedure for disciplinary action that is an individual decision**
Disciplinary actions such as, for example, exclusion from the teaching for one or more days or decisions to move the pupil in question to another class are individual decisions pursuant to Section 2 of the Public Administration Act. In addition to the procedural rules laid out in Chapters 2 and 3 of the Public Administration Act, the procedural rules in Chapters 4 to 6 are also applicable.
Appendix: Further about individual disciplinary actions and forms of procedure. This appendix forms part of the school rules

1. Exclusion from the teaching for up to five days, cf. Section 3-8, first paragraph of the Education Act

Pupils guilty of serious or repeated violations of the rules may be excluded from the teaching for up to five days. It is the responsibility of the head teacher, after consulting the pupil’s teachers, to decide whether a pupil shall be excluded from the teaching pursuant to this paragraph. The head teacher may authorise teachers at the school to take decisions about excluding pupils from their respective classes for up to two hours.

Before taking a decision concerning exclusion from the teaching or loss of rights, an assessment shall be made as to whether it is possible to use other measures to help or discipline the pupil, cf. the Education Act, Section 3-8, last paragraph.

2. Exclusion from the teaching for the remainder of the school year pursuant to Section 3-8, second paragraph of the Education Act

When a pupil persists in behaving in such a way as to seriously disturb working conditions and discipline at the school, or seriously neglects his or her obligations, the pupil may be excluded from the teaching for the remainder of the school year. The authority to exclude a pupil for the remainder of the school year is delegated to the administrative committee’s negotiating committee. Before taking a decision concerning exclusion from the teaching or loss of rights, an assessment shall be made as to whether it is possible to use other measures to help or discipline the pupil, cf. the Education Act, Section 3-8, last paragraph.

3. Loss of right to upper secondary education and training pursuant to Section 3-8, second paragraph of the Education Act

In connection with a decision concerning exclusion from the teaching for the remainder of the school year, the county authority may also decide that the pupil shall lose the right to upper secondary education and training pursuant to the Education Act, Section 3-1, cf. Section 3-8, second paragraph. The authority to take such a decision is delegated to the administrative committee’s negotiating committee. Before taking a decision concerning exclusion from the teaching or loss of rights, an assessment shall be made as to whether it is possible to use other measures to help or discipline the pupil, cf. the Education Act, Section 3-8, last paragraph.

4. Liability

In addition to the imposition of a disciplinary action in accordance with the rules, the pupil may also be held liable for damages in accordance with the rules governing damages. Regardless of blame, for damage caused intentionally or negligently by children in their care and under 18 years of age and living at home, parents are liable for a maximum amount of NOK 5,000 per damage event, cf. Section 1-2, no. 2 of the Act relating to compensation in certain circumstances.

5. Confiscation of illegal or dangerous items

Illegal or dangerous items shall be dealt with as follows:

- a) illegal or dangerous items shall be confiscated
- b) dangerous items that are not illegal may be returned to the pupil after school
- c) illegal items shall be delivered to the police
6. Procedure relating to disciplinary action

6.1 The Education Act, Section 3-7, last paragraph
Before a decision is taken concerning disciplinary action involving, for example, exclusion from the teaching or loss of rights, the pupil shall be given the opportunity to present his or her case orally to the person responsible for taking a decision, cf. the Education Act, Section 3-7, last paragraph. This right to present his or her case applies to all types of disciplinary action, and the pupil has the right to present his or her case direct to the person responsible for taking a decision.

6.2 Form of procedure for a disciplinary action that is not an individual decision
Chapters 4 to 6 of the Public Administration Act do not apply to such decisions. However, in addition to Section 3-7, last paragraph of the Education Act (see above), Chapters 2 and 3 of the Public Administration Act do apply. Pursuant to the Public Administration Act there is no right of appeal for disciplinary actions that are not individual decisions. In addition, disciplinary actions that are not individual decisions shall be implemented in writing except where, for practical reasons, this would be particularly burdensome for the school, cf. Section 23 of the Public Administration Act.

6.3 Form of procedure for a disciplinary action that is an individual decision
Decisions concerning the exclusion of a pupil from the teaching for one or more days as well as decisions about exclusion for the remainder of the school year and loss of right to upper secondary education and training are individual decisions pursuant to Section 2 of the Public Administration Act. A decision to move a pupil to another class is also an individual decision.

In addition to the procedural rules laid down in Chapters 2 and 3 of the Public Administration Act (PAA), the procedural rules in Chapters 4 to 6 are applicable. This means inter alia that the following procedural rules must be followed (the following list is not exhaustive):

7. PAA Section 11 (duty to provide guidance)
Within its sphere of competence, the school has a general duty to provide guidance. The purpose of such guidance shall be to enable the parties and other interested persons to safeguard their interests in specific cases in the best possible way. The school that deals with cases involving one or more private parties shall of their own motion assess the parties' need for guidance. At the request of a party and otherwise when the nature of the case or the party's circumstances so warrant, the school shall provide guidance concerning current statutes and regulations and common practice in the administrative sphere in question. In addition, the school shall provide guidance on rules of procedure, especially those concerning the parties' rights and duties pursuant to the Public Administration Act. For further information refer to Section 11 of the PAA.

8. PAA Section 16 (advance notification)
Pursuant to the PAA, Section 16, first paragraph, the party (the pupil and the parents if the pupil is a minor) who has not already expressed his or her opinion on the case through an application or by other means shall be notified before an administrative decision is made and be given an opportunity to express his/her opinion within a stipulated time limit. If a minor over 15 years of age is a party to the case and is represented by a guardian, this provision shall also apply to the minor him/herself. Notification shall be given in writing.

However, as mentioned above, before a decision is taken concerning disciplinary action involving, for example, exclusion from the teaching or loss of rights, the pupil shall be given the
opportunity to present his or her case orally to the person responsible for taking a decision, cf. the Education Act, Section 3-7, last paragraph. Pursuant to Section 16 of the PAA the pupil will then or by other means have expressed his or her opinion on the case. As far as minors are concerned, Section 16 of the PAA also covers the rights of guardians. If a guardian has not already expressed his or her opinion on the case through an application or by other means, then pursuant to Section 16 he or she shall be notified before an administrative decision is made and will be given an opportunity to express his or her opinion within a stipulated time limit.

As far as requirements to the content of such notification are concerned, reference is made to Section 16, second paragraph of the PAA.

For further information refer to Section 16 of the PAA.

9. PAA Section 17 (the school’s duty to clarify the case and to provide information)
Pursuant to Section 17, first paragraph of the PAA, the school shall ensure that the case is clarified as thoroughly as possible before any administrative decision is made. Refer to Section 17, first paragraph of the PAA.

10. PAA Section 18, cf. Section 19 (the right of the parties to acquaint themselves with the documents in the case)
A party has the right to acquaint him or herself with the documents in the case pursuant to Section 18, cf. Section 19 of the PAA.

11. Formal requirements for individual decisions
An individual decision shall be in writing except where, for practical reasons, this would be particularly burdensome for the school, cf. Section 23 of the PAA.

Grounds shall be given for individual decisions. The school shall state the grounds at the same time the decision is made, cf. Section 24 of the PAA. The grounds shall refer to the rules on which the administrative decision is based, unless the party is familiar with the rules. Insofar as it is necessary in order to enable the party to understand the administrative decision, the grounds shall also cite the contents of the rules or the assessment of the problem on which the administrative decision is based. The grounds shall also mention the factual circumstances upon which the administrative decision is based, and finally mention should be made of the chief considerations which have been decisive for the exercise of the administrative body’s discretionary powers. Refer to Section 25 of the PAA.

The administrative agency that has made the administrative decision shall ensure that the parties are notified of the decision as soon as possible. Where the pupil concerned is a minor, written notification of the decision shall be given to both the pupil and his or her guardians (usually the parents). The notification shall re-state the grounds for the decision provide information on the right of appeal, the time limit for an appeal, the appellate instance, and the specific procedure to be followed for appeals as well as on the right to examine the documents in the case pursuant to Section 18, cf. Section 19. If it is conceivable that the administrative decision may be implemented to the detriment of a party before the appeal case is decided, the said party shall be notified of the right to request that such implementation be deferred, cf. section 42, first paragraph. Refer to Section 27 of the PAA.

12. Appeals against administrative decisions
An individual decision may be appealed by the pupil, cf. Section 28 of the PAA. If the pupil is a minor, both he or she and his or her parents have a right to appeal. Notice of appeals shall be submitted in writing.

In the case of an individual decision concerning exclusion or change of class, the appellate instance is the County Executive Committee in the Østfold County Municipal Authority. Individual decisions concerning the loss of right to upper secondary education and training pursuant to the Education Act, Section 3-8, second paragraph, can be appealed to the Chief Executive Office of Østfold County.

The time limit for lodging an appeal is three weeks from the date on which notification of the administrative decision has reached the party concerned, cf. Section 29 of the PAA. If the time limit is exceeded, the appeal can be dealt with if the conditions stated in Section 31 (exceeding the time limit for an appeal) are satisfied.

The notice of appeal shall be presented to a subordinate instance, i.e. the body that has made the individual decision. The notice of appeal shall be signed by the appellant or his or her proxy. The notice of appeal shall also mention the administrative decision against which the appeal is lodged, as well as the alteration desired in the administrative decision which is the object of the appeal. The notice should also mention the grounds on which the appeal is based. If a notice of appeal contains errors or defects, the administrative body shall set a short time limit for correcting or supplementing the notice. Refer to Section 32 of the PAA.

An appeal case shall be prepared in accordance with Section 33 of the PAA. The subordinate instance shall carry out such investigations as are warranted by the appeal. It may rescind or alter the administrative decision if it considers the appeal justified. A decision can thus be altered to the appellant’s benefit, though without prejudice. If the subordinate instance does not rescind or alter its decision, the subordinate instance shall decide whether the decision shall be upheld and the case’s documents be sent to the appellate instance as soon as the case is organised. The parties shall be notified about the decision made by the subordinate instance pursuant to Section 33 of the PAA. For more information refer to Section 33 of the PAA.

The competence of the appellate instance is covered by Section 34 of the PAA. The appellate instance may try all aspects of the case and thereunder take new circumstances into consideration. The appellate instance shall consider the views presented by the appellant, and may also take into consideration matters not addressed by him/her. For more information refer to Section 34 of the PAA.

13. Deferred implementation of an administrative decision

The subordinate instance, the appellate instance or other superior agency may decide that an administrative decision shall not be implemented until the time limit for an appeal has expired or the appeal has been decided, cf. Section 42 of the PAA. The decision thus presupposes that the decision can be implemented as soon as it is made. However, the pupil, or his/her guardians if he/she is a minor, may request a deferment of the implementation of a decision. Requests for deferment shall be decided as soon as possible.

Grounds shall be given if a request for deferment is refused, cf. Section 42, second paragraph of the PAA.

Refer to Section 42 of the PAA.