



LÆRINGS- OG
OPPVEKSTMILJØET



Pupils' school environment

Chapter 9a of the Education Act

Act relating to primary, lower secondary
and upper secondary education



Directorate for Primary and
Secondary Education

Chapter 9a of the Education Act The school environment of pupils:

Chapter 9a underlines that each pupil has the right to a good physical and psycho-social environment. If the pupils believe that their rights are not properly protected, they or their parents may ask the school to rectify any breach of the law. Such requests must be processed as an administrative decision in an individual case pursuant to the Public Administration Act. The person making the request is entitled to appeal against the decision if he or she is not satisfied with it.

The Public Administration Act:

The objective of the act is to strengthen each individual's legal protection in relation to the public administration. The act lays down rules for administrative procedures which are also useful to the administrative authorities. Under this act, every school has a duty to inform parents and pupils of the routines for taking administrative decisions and the possibility for appealing against such decisions.

The Act relating to the Municipal Health Services, and the "Regulations relating to environment-related Health Care in Kindergartens and Schools etc."

Here the health authorities specify the requirements to the school's physical and psycho-social environment. These provisions and chapter 9a complement each other and should therefore be assessed jointly.

School owner:

The school owner has an superior responsibility for the schools. Normally the municipal authorities own the primary and secondary schools, while the county authorities own the upper secondary schools. In addition, there are private owners of private schools at the primary, lower secondary and upper secondary levels.



The pupils' "working environment act" in Norway:

Chapter 9a of the Education Act came into force on 1 April 2003. Under the new provisions, "all pupils in primary, lower secondary and upper secondary schools are entitled to a good physical and psycho-social environment that will promote health, well-being and learning". By this section, all pupils and their parents have been granted greater user participation and an improved right of appeal. The schools' obligations have been defined more clearly, particularly with regard to the psycho-social environment.

The school environment is of great importance to pupils' well-being and learning results. It is the pupils themselves who know and should report of any aspect of the school environment that needs improvement. The purpose of this translated brochure is to give information about pupils and parents rights in Chapter 9a of the Education Act, and about how they should proceed if they wish to report of or complain about any aspect of their school en-

vironment they are dissatisfied with. In an international perspective the brochure gives a description of what the Act includes and how to deal with the conformity with the Norwegian Public Administration Act's provisions for administrative decisions. The schools must work systematically to follow up the pupils' school environment and implement measures to comply with the new requirements of the Education Act. The law is there for you. Use it!



Section 9a – 1 of the Education Act

General provisions

All pupils in primary, lower secondary and upper secondary schools are entitled to a good physical and psycho-social environment that will promote health, well-being and learning.

On 1 April 2003, every pupil in the primary, lower secondary and upper secondary schools in Norway was granted a statutory right to a good school environment. Anyone who feels that the indoor climate or any other aspect of a school building or playground cause discomfort, can now turn to the school and ask for any deficiency to be remedied. In the same way, all those who feel harassed by offensive words and acts, such as bullying, violence, discrimination, racism and ostracism, can contact the school and ask for something to be done about this. Both pupils and

parents can contact the school and ask for improvements to the school environment. The advice is that it should be done in writing.

The school has a duty to take such requests seriously and handle them in conformity with the rules of procedure set forth in the Norwegian Administration Act. This means that the school must as soon as possible reach a decision on any complaint by making an administrative decision. The person who has asked for measures to be taken is entitled to receive written notification of this

« All pupils have finally been given a statutory right to a good physical and psycho-social school environment. Both pupils and parents should notify the school in writing if they think it does not safeguard the rights pupils have pursuant to Chapter 9a of the Education Act. Pupils and parents may send a complaint to the school if they feel the school does not take their case seriously. »

decision. If the pupil or his/her parents are dissatisfied with the decision taken, they may appeal against it. It is also possible to appeal if the school does not react to their request. The appeal should be handled by the school/the school owner. If the appeal is not approved, the school/school owner must forward the appeal to the County Governor.

If the County Governor supports the complainant, the school must comply with the County Governor's orders.

Chapter 9a in the Educational Act instructs all schools to make continuous efforts to ensure that their school environment promotes the pupils' health and safety. According to this chapter, the school must involve the pupils in planning and implementing measures that will improve health, environment and safety, and pupils and parents should take part in this work. The various school, pupil and parent councils must be kept infor-

med at all times of anything that may materially affect the school environment, such as incidents, plans and decisions. The student council may appoint one or several school environment representatives. They are entitled to training that will enable them to take an active part in the work to develop their school environment. The parents should also be involved in this work.

On the following pages we will explain what is meant by the physical and the psycho-social school environment. We have also included a couple of examples of how you, as a pupil or parent, may formulate a letter to the school if you think there are deficiencies in the physical or psycho-social environment that need to be righted. We will also provide an example of how to formulate an appeal if the school does not give an answer – or if pupils receive an answer that they are dissatisfied with.



Section 9a – 2 the school’s physical environment:

Section 9a–2, first subsection, of the Norwegian Education Act *Schools must be planned, built, organised and operated in a way that will ensure that the safety, health, well-being and learning of all pupils are safeguarded.*

In brief, “the school’s physical environment” means how the school building and the school’s recreation areas function. As all pupils are entitled to a good physical environment, lighting in classrooms and corridors must be good. The noise level must not be too high. Indoor temperatures must not be too high or too low. The school premises must be clean and hygienic. The air must be fresh and good to breathe and must not contain any harmful substances or gases. The standard and hygiene of toilets and other sanitary installations must be good. Both

outdoor and indoor facilities must be pleasant and designed to minimise the risk of pupils getting hurt.

The school must have a systematic plan for controlling that it complies with all public requirements to the pupils’ physical environment. This is called internal control. The school must be able to document that its physical environment meets these requirements.

« If one of more pupils think that the school has a physical environment causing them discomfort, they or their parents may send a written notice to the school. This notice must indicate what seems to be wrong with the physical school environment and if possible contain proposals about what should be done. The school must make an administrative decision when receiving such a letter. If this is not done, or if those who sent the letter are not satisfied with the decision, they may appeal against it. »

Everyone may contact the school management and ask for an overview of the various aspects of their school environment and the school's plans and routines for improving its physical environment.

All school employees must do their best to ensure a good physical environment at the school. However, this is above all a leadership responsibility. The management is in particular responsible for making sure that the school's internal control registers unsatisfactory conditions in the school environment. Routines must be established to improve the environment whenever required, and to assess the effect of measures implemented to improve the situation. For some parts of the physical environment it is simple to measure whether the environment is good or bad. All pupils should take an interest in this and the school should teach pupils to measure such things as light conditions, noise, air quality and temperatures.

If any pupil should feel discomfort which he/she believes is related to the physical environment, the pupil or his/her parents may ask the school to take measures to improve the situation. Such a request should be in writing and will be dealt with in conformity with the Norwegian Public Administration Act's provisions for administrative decisions. If the person requesting measures to be taken is not satisfied with the school's decision, or if the school does not take a decision within a reasonable time, the person in question will be entitled to appeal. An appeal against an administrative decision should be addressed to the County Governor, but sent to the school, so that the school/school owner may deal with it. If the school/school owner does not support the complainant, the appeal must be brought before the County Governor as quickly as possible.



Section 9a – 3: The school’s psycho-social environment

Section 9a – 3, second subsection, of the Education Act

If any school employee should come to know or suspect that a pupil is being subjected to offensive words or acts, such as bullying, discrimination, violence or racism, he or she must as soon as possible look into the matter and notify the school’s management and, if necessary and possible, intervene directly.

”The school’s psycho-social environment” deals with how employees and pupils behave towards one another at school. It is impossible to make detailed rules for and formulate expectations to all types of conduct, but every pupil has an individual right not to be insulted by offensive words or acts, such as **bullying, violence, racism, discrimination and ostracism**. This means that everyone working at a school has a duty to ensure that not a single pupil is exposed to such words and deeds. The school’s management must see to it that the school’s

routines are good enough to detect any offensive incidents quickly, and that the measures to solve such problems are effective. The school’s internal control system must furthermore ensure that all offensive incidents are registered and that the effect of any counter-measures is assessed.

Both pupils and parents may contact the school’s management and ask for an overview of the occurrence of bullying, violence, racism, discrimination and ostracism. They may also ask to see written plans for handling such problems.

« If one or more pupils feel harassed by offensive words or acts, without the school intervening to put a stop to this, he/she or his/her parents may notify the school/school owner in writing. The letter should indicate what the pupil feels as offensive. The school must adopt an administrative decision when receiving such a letter. If this is not done, or if the person who sent the letter is not satisfied with the decision, he/she may appeal against it. »

Violence means the use of physical power to hurt others.

Racism means that someone is treated unequally or nuisance, for example because he/she has different skin colour or speaks a different language.

Discrimination means that a person is treated unfairly or harassed, for example because of gender, disabilities, faith, skin colour or origin (national or ethnic).

Ostracism means that a person is nearly always excluded from a group or class.

Bullying means that one or more pupils say or do hurtful or unpleasant things to another pupil. In bullying this happens repeatedly and the person who is victimised has difficulties defending himself/herself.

Violence, racist statements, discrimination and ostracism can be offensive elements used in bullying repeatedly and over time, victimising a person who cannot defend himself/herself.

It is not always easy to distinguish between the offensive acts mentioned in section 9a-3. The list above is merely an indication. The most important thing is to remember that every pupil has a right not to be subjected to offensive words and deeds and that all employees at the school have a duty to react if they learn of or suspect that a pupil is being victimised. They must look into the matter, notify the school's management and if necessary intervene themselves. The school's management has a duty to prepare plans against such violations and to inform both pupils and parents of their rights in relation to this.

Examples of letters to the school

If you, as pupil or parent, have any objections to the school's physical or psychosocial environment, you should contact the school. If you think the school is not doing enough to help you, you should put this in writing. A letter can be formulated as in the following examples.

If you feel that the school's **physical environment** is an impediment to your child (see section 9a-2 of the Education Act), your letter may look like this::

23th September 2004

To: the Principal

As Herdis' parent I should like to inform you that she comes home every day with runny eyes and a runny nose. She is allergic to dust and needs a clean environment. I refer to section 9a-2 of the Education Act. We ask the school to give us an account of what will be done to improve the situation.

*Yours sincerely
Parent*

If you think that the **school's psychosocial environment** is an impediment to your child (see section 9a-3 of the Education Act), your letter may be formulated as follows:

23th September 2004

To: the Principal

As Jorgen's parent I should like to inform you that he is being subjected to bullying by some of the pupils at the school (or in the group/class). I refer to section 9a-3 of the Education Act. We ask the school to give us an account of what will be done to stop my son being bullied.

*Yours sincerely
Parent*

The school has a duty to deal with such requests pursuant to the provisions of the Public Administration Act and answer quickly and no later than 4 weeks, in accordance with generally accepted administration principles. Regardless of the school's answer, the school must state that this is an administrative decision and that you are entitled to appeal against it, and explain how to proceed if you wish to appeal.

Examples of appeals

If you are dissatisfied with the school's answer, or you have not received any reply by four weeks, you may appeal against the decision. You should direct your appeal to the County Governor, but it must be sent to the school to allow the school or the school owner to review the case again.

An appeal against the school's administrative decision following a letter asking for improvements to the school's **physical**

environment (see section 9a-2 of the Education Act) may be formulated as follows:

23th September 2004

To: the County Governor

As Herdis' parent I have, with reference to section 9a-2 of the Education Act, asked School to improve the cleaning of the school for my daughter, who is allergic to dust. I am dissatisfied with the answer from the school because it does not contain a single credible measure that could help put an end to her problems. I believe the following must be done:.....

*Yours sincerely
Parent*

I am dissatisfied with the answer because it does not contain a single credible measure that could put an end to the bullying. I believe the following must be done:.....

*Yours sincerely
Parent*

The school must now come to a decision on the appeal and give an answer. If the school complies with the wishes of the complainant, the case ends there. If the school is not willing to make any changes, the case will be forwarded to the school owner and from there to the County Governor.

The County Governor is authorised to decide whether the school has complied or not with the requirements of chapter 9a of the Education Act. If the County Governor finds that the school has failed to do so, the school will be ordered to take the necessary measures immediately.

Please note that if the school notifies the parents that their child is being subjected to offensive conduct, for example bullying, the procedures for administrative decisions may not always be followed. However, the pupils/parents can ask for these procedures to be applied. The request may look like this:

Or, where applicable:

More than four weeks have now passed since I wrote to the school. I have sent a reminder, but have not received an answer.

A complaint against an administrative decision from the school following a request for an improvement of the psycho-social environment (see section 9a-3 of the Education Act) may look like this:

23th September 2004

To: the County Governor

As Jørgen's parent I have, with reference to section 9a-3 of the Education Act, asked School to put an end to the bullying of my son.

Today the school has notified me that my son is being subjected to bullying. I ask for measures be taken to put an end to this.

Chapter 9a of the Education Act – “the pupils’ working environment act” - gives each pupil an individual right to a good school environment.

The Act is there for you. Use it!



Directorate for Primary and
Secondary Education

The Directorate for Primary and Secondary Education

P.O. Box 2924 Tøyen

N-0608 Oslo

Tel: (+ 47) 23 30 12 00

Fax: (+ 47) 23 30 12 99

Internet: <http://www.utdanningsdirektoratet.no>

E-mail: post@utdanningsdirektoratet.no