

# Act on the education and recruitment of teachers and administrators of preschools, compulsory schools and upper secondary schools

2008 No 87 12 June

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**Entry into force 1 July 2008.** Amended by Act No 26/2010 (entry into force 1 July 2010; *EEA Agreement: Annex VII, Directive 2005/36/EC*), Act No 126/2011 (entry into force 30 September 2011), Act No 139/2011 (entry into force 4 October 2011), Act No 151/2012 (entry into force 3 January 2013), and Act No 71/2014 (entry into force 7 June 2014).

Any reference in this Act to “the Minister” or “the Ministry” not accompanied by express mention of or reference to a specific field of responsibility shall be understood as being a reference to the **Minister of Education, Science and Culture** or to the **Ministry of Education, Science and Culture** as responsible for the implementation of this Act.

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## Section I Scope

### ■ Article 1 *Scope*

☐ This Act covers the education and recruitment of teachers and headteachers of pre-schools, compulsory schools and upper secondary schools, as well as the regulation of their professional titles and qualifications.

### ■ Article 2 *Objective*

☐ The objective of this Act is to ensure that those entrusted with teaching and raising children in pre-schools, compulsory schools and upper secondary schools have an education appropriate to their work tasks and responsibilities.

## Section II Teacher training; professional titles; licences

### ■ Article 3 *The professional title of ‘preschool teacher’*

☐ The right to use the professional title of ‘preschool teacher’ and work in that capacity in public preschools and comparable schools shall be limited to those who have been granted a licence to do so by the [Minister].<sup>(1)</sup>

☐ A licence to use the professional title of ‘preschool teacher’ may only be granted to those who have completed:

1. a Master’s degree from a higher education institution accredited by the Minister in accordance with the Higher Education Act, No 63/2006, in a discipline accredited by the Minister for the purposes of teaching at preschools; or
2. studies equivalent to a Master’s degree pursuant to point 1 and accredited by the Minister for the purposes of teaching at preschools.

<sup>(1)</sup>Act No 126/2011, Article 489.

■ **Article 4** *The professional title of ‘compulsory school teacher’*

□ The right to use the professional title of ‘compulsory school teacher’ and to work in that capacity in public compulsory schools and comparable schools shall be limited to those who have been granted a licence to do so by the [Minister].<sup>(1)</sup>

□ A licence to use the professional title of ‘compulsory school teacher’ may only be granted to those who have completed:

1. a Master’s degree from a higher education institution accredited by the Minister in accordance with the Higher Education Act, No 63/2006, in a discipline accredited by the Minister for the purposes of teaching at compulsory schools; or

2. studies equivalent to a Master’s degree pursuant to point 1 and accredited by the Minister for the purposes of teaching at compulsory schools; or

3. training for a qualification as master craftsman in a trade relevant for teaching a specific subject or subject area at the compulsory level, in which case the licence shall indicate any such specialisation, in addition to 60 credits in teaching and pedagogic studies; or

4. a final diploma in the fields of the arts, technology or the crafts relevant for teaching a specific subject or subject area at the compulsory level, in which case the licence shall indicate any such specialisation. The studies completed shall comprise at least 270 to 300 credits, including at least 60 credits in teaching and pedagogic studies.

<sup>(1)</sup>Act No 126/2011, Article 489.

■ **Article 5** *The professional title of ‘upper secondary school teacher’*

□ The right to use the professional title of ‘upper secondary school teacher’ and to work in that capacity in upper secondary schools shall be limited to those who have been granted a licence to do so by the [Minister].<sup>(1)</sup> The licence shall indicate the subject(s) or specialist field(s) of the upper secondary school teacher concerned, as further stipulated in a Regulation.

□ A licence to use the professional title of ‘upper secondary school teacher’ may only be granted to those who have completed:

1. a Master’s degree from a higher education institution accredited by the Minister in accordance with Act No 63/2006, in a discipline accredited by the Minister for the purposes of teaching at upper secondary schools; or

2. studies equivalent to a Master’s degree pursuant to point 1 and accredited by the Minister for the purposes of teaching at upper secondary schools; or

3. [training for a qualification as master craftsman in a trade, or other professional training accredited by the Minister, relevant for teaching a specific subject or subject area at the upper secondary level, in addition to 60 credits in teaching and pedagogic studies; or]<sup>(2)</sup>

4. a final diploma in the fields of the arts, technology or the crafts relevant for teaching a specific subject or subject area at the upper secondary level, in which case the licence shall indicate any such specialisation. The studies completed shall comprise at least 270 to 300 credits, including at least 60 credits in teaching and pedagogic studies.

<sup>(1)</sup>Act No 126/2011, Article 489. <sup>(2)</sup>Act No 71/2014, Article 1.

■ **Article 6** *Qualifications earned in a country within the EEA or in an EFTA Member State*

□ [The [Minister]<sup>(1)</sup> shall confirm the right to use one of the professional titles of ‘preschool teacher’, ‘compulsory school teacher’ or ‘upper secondary school teacher’ in response to an application by a citizen of a country within the European Economic Area, or of the Faroe Islands, if the applicant submits a certificate of recognised teaching qualifications in a country within the area, or in the Faroe Islands, in accordance with the provisions of Directive 2005/36/EC on the recognition of professional qualifications.]<sup>(2)</sup>

□ In response to an application from a citizen of a State party to the convention establishing the European Free Trade Association, the Minister shall confirm the right to use one of the professional titles of ‘preschool teacher’, ‘compulsory school teacher’ or ‘upper secondary school teacher’ subject to the same conditions as stipulated in the first paragraph, provided

that the applicant submits a certificate of recognised teaching qualifications in a member state of the association.

<sup>(1)</sup>Act No 126/2011, Article 489. <sup>(2)</sup>Act No 26/2010, Article 12.

#### ■ **Article 7** *Evaluation committee*

☐ In the case of doubt as to whether an applicant for a licence to use one of the professional titles of ‘preschool teacher’, ‘compulsory school teacher’ or ‘upper secondary school teacher’ meets the requirements of this Act, the application shall be referred to an evaluation committee appointed by the [Minister]<sup>(1)</sup> for a four-year term.

☐ The evaluation committee shall be composed of five members: one member nominated by the Standing Committee of the Rectors of Higher Education Institutions, two members nominated by an umbrella organisation for teachers, one representative of the Association of Local Authorities, and one member appointed without nomination who shall chair the committee. An equal number of alternates shall be appointed in the same manner.

☐ The committee’s working methods shall be further stipulated in a regulation.<sup>(2)</sup>

<sup>(1)</sup>Act No 126/2011, Article 489. <sup>(2)</sup>Regulation No 241/2009.

#### ■ **Article 8** *Content of the education of preschool, compulsory school and upper secondary school teachers*

☐ [The Minister]<sup>(1)</sup> shall issue a Regulation<sup>(2)</sup> defining in more detail the content of the education of preschool, compulsory school and upper secondary school teachers with respect to minimum requirements for the weighting of teaching and pedagogic studies and of specialisation subjects respectively.

☐ For the purposes of this Act, the term ‘credits’ means either ECTS credits or standardised credits within the meaning of the Higher Education Act, No 63/2006.

<sup>(1)</sup>Act No 126/2011, Article 489. <sup>(2)</sup>Regulation No 872/2009.

### **Section III Professional qualifications and recruitment — Preschools**

#### ■ **Article 9** *Preschool teachers and their recruitment*

☐ An applicant for a post of preschool teacher must have been granted a licence to use the professional title of ‘preschool teacher’ pursuant to Articles 3 and 21.

☐ In each preschool, at least  $\frac{2}{3}$  of the full-time equivalent positions dedicated to teaching, child care and the upbringing of children shall be preschool teacher positions.

☐ Preschool teachers and headteachers shall be recruited by the Municipal Council, or by any party entrusted with its authority, or by other operators, in accordance with this Act, the stipulations of the Preschool Act and the provisions of the Local Government Act.

#### ■ **Article 10** *Recruitment of preschool headteachers*

☐ Applicants for a position of headteacher or deputy headteacher of a preschool must hold the professional title of ‘preschool teacher’ and possess either additional qualifications in management or teaching experience at the preschool level.

### **Section IV Professional qualifications and recruitment — Compulsory schools**

#### ■ **Article 11** *Recruitment of compulsory school teachers and specialists*

☐ Applicants for a position of compulsory school teacher must have been granted a licence to use the professional title of ‘compulsory school teacher’ pursuant to Articles 4 and 21.

☐ Headteachers shall recruit compulsory school teachers for temporary and substitute teaching positions, as well as other specialists pursuant to the third paragraph.

☐ Notwithstanding the first paragraph, specialists may be recruited to teach their specialist subjects on a temporary basis for a maximum of one school year at a time, provided that the teaching assignment is limited to 240 minutes per week or less.

■ **Article 12** *Recruitment of compulsory school headteachers*

□ Applicants for a position of headteacher or deputy headteacher of a compulsory school must hold the professional title of ‘compulsory school teacher’ and possess either additional qualifications in management or teaching experience at the compulsory school level.

**Section V Professional qualifications and recruitment — Upper secondary schools**

■ **Article 13** *Staff of upper secondary schools and their recruitment*

□ Applicants for a post of upper secondary school teacher must have been granted a licence to use the professional title of ‘upper secondary school teacher’ pursuant to Articles 5 and 21. In principle, upper secondary school teachers shall teach those subjects or subject areas covered by their education.

□ The headteacher of an upper secondary school shall recruit its staff in accordance with the provisions of the Upper Secondary Education Act and the Government Employee Act.

□ Notwithstanding the first paragraph, the headteacher may recruit specialists to teach their specialist subjects on a temporary basis for a maximum of one school year at a time, provided that the teaching assignment is limited to 240 minutes per week or less.

■ **Article 14** *Administrators of upper secondary schools*

□ Applicants for administrative positions in upper secondary schools must hold the professional title of ‘upper secondary school teacher’ and possess either additional qualifications in management or teaching experience at the upper secondary school level.

■ **Article 15** *Vacancy notices and recruitment*

□ All vacant teaching and administrative positions in upper secondary schools shall be advertised in accordance with rules issued by the [Minister responsible for the recruitment of civil servants]<sup>(1)</sup> regarding the publication of vacancy notices. Vacancy notices shall include information on teaching subjects or specialist fields. No vacancy notice is required for the positions referred to in Article 16. When possible, the recruitment of teachers shall be completed by 31 May each year.

<sup>(1)</sup>Act No 126/2011, Article 489.

■ **Article 16** *Special cases*

□ When possible, teaching duties shall be assigned to upper secondary school teachers already in post. However, upper secondary school teachers, as well as other specialists pursuant to Article 13, third paragraph, may be hired for temporary and substitute teaching assignments without the publication of a vacancy notice for reasons including leave, illness, maternity/paternity leave or study leave, provided that the expected duration of such temporary recruitment is limited to 12 consecutive months.

□ Upper secondary school teachers may also be hired for teaching assignments lasting no longer than two months, as well as for temporary positions corresponding to less than 1/4 of a full time position.

□ Recruitments pursuant to the first and second paragraphs shall take place on the basis of an employment contract with a mutual term of notice of three months, reduced to one month during the first three months of the contract, provided that the expected duration of the recruitment is at least three months.

**Section VI Exemptions**

■ **Article 17** *Authorisation to grant exemptions for preschools*

□ Where repeated vacancy notices for a preschool teacher, headteacher or deputy headteacher position attract no applications from qualified preschool teachers, cf. Article 9, second paragraph, the position may be filled by recruiting a person who is not a preschool teacher temporarily for a maximum of one year at a time. The same shall apply where an applicant does not meet the general requirements necessary for recruitment. Where the position of an