

## Title: Individual Decisions (Enkeltvedtak)

Approval by: Principal

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### 1 When “Enkeltvedtak” shall be used

Certain decisions by the school affecting a person’s rights or duties shall be made as Individual Decisions according to the Public Administration Act (in Norwegian “Enkeltvedtak”, in this document referred to as EV). Relevant examples referred to in the Education Act (Opplæringsloven, or oppl.) and the Private School Act (prskol.) are:

- Removal from class for more than the remainder of the lesson (oppl. § 3-10) or from exams (§ 3-34).
- Decisions on applications for admission (prskol. § 3-1)
- Student leave of absence (prskoll. § 3-13)

### 2 “Enkeltvedtak” – content and procedure

The full description of how an EV is made can be found in the Public Administration Act §§ 23 – 27. All EVs are in writing and shall be communicated to the recipient without undue delay. These are the most important considerations, and an EV must contain the following:

- The factual background for the case. References to previous correspondence may be used, in which case it should be attached to the EV. Any investigations to establish the factual background should be completed before the EV is made.
- The legal and other formal references which are relevant for the case (typically, references to paragraphs in oppl. or prskol., and references to internal IST procedures, rules and handbooks). The formal rules may be quoted if necessary to give the context for the decision.
- An explanation of the subjective judgement used, if applicable, to reach a decision
- A clear description of the decision taken. Include, if relevant, the actions to be taken, their deadline, and the person responsible for each action
- A standard text explaining the recipient’s right to appeal. The form is **Attachment 1** to this procedure, also available as a separate document.

The EV and the appeals text shall always be in both English and Norwegian. All EVs shall be signed by the Principal.

## 2.1 Children's rights

Students affected by an individual decision<sup>1</sup> have a right to be heard before the decision is made, ref. the UN Convention on the Right of the Child. This applies even if parents or guardians have requested that the student should not be involved, in which case the parents will be informed about the student's right to be heard. The student may choose not to give a statement or to be represented by parents or others.

## 2.2 Standard form

To simplify the writing of a correct EV, a standard form has been developed, see **Attachment 2**. This may be used in the following cases:

Situation	Legal references in Attachment 2
Removal from class	Oppl. § 3-10 and QD 3.6 School Rules section 3.3 or 3.3.1
Student leave of absence	Prskol. § 3-13, QD 3.6 School Rules (attachment on Authorised absence)

The Principal decides for each case whether the standard form or another form covering all the required elements shall be used. Standard admissions letters are included in QD 3.4 Student admissions. The appeals text (attachment 1) shall be included in admissions letters as well.

## 3 Appeals

The right to appeal an EV is described in the law (Pub.Adm.Act ch. 6) and reflected in attachment 1, included with all EVs. The appeal shall be directed to the school. If the Principal decides to reverse the original decision based on the appeal, he may inform the appellant directly. If not, the case shall be forwarded to the Board for consideration. If the decision is upheld by the Board, the appeal shall be forwarded to Fylkesmannen I Telemark without undue delay.

The Board will receive the result of an appeal to Fylkesmannen and instruct the Principal to carry out appropriate action.

## 4 Register

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<sup>1</sup> This does not apply to decisions on admissions

The Principal shall maintain a register for all cases for which he has issued an “Enkeltvedtak”. The Board shall be informed periodically about the number of EV cases and the types of issues they cover.

## Your right to appeal

This decision is an **Individual Decision (“Enkeltvedtak”)** and as such will be treated according to the Public Administration Act. The decision may be appealed, with a deadline of three weeks after receipt of this letter (see the Public Administration Act §§ 28 & 29). Any appeal must be made in writing and contain reasons for the appeal. The appeal should be sent to the School. If the School does not reverse its decision based on the appeal, the appeal will be forwarded to “Fylkesmannen i Telemark”. The decision made by “Fylkesmannen i Telemark” is final and may not be appealed.

You have, with certain exceptions, the opportunity to see documents relating to this matter, according to the Public Administration Act §§ 18&19. We also refer to the Public Administration Act § 12, which states that a party has the right to legal assistance or assistance from another authorized agent through all steps of the procedure. Any person of full age and legal capacity or person from an organization you are a member of may be used as your representative.

You may apply to have the original decision put on hold until the appeal deadline has expired or until the decision is final, ref. the Public Administration Act § 42.

## Klagerett

Avgjørelsen som er tatt er et **enkeltvedtak**, og saksbehandlingen er underlagt bestemmelsene i Lov om behandlingsmåten i forvaltningssaker (fvl.) Vedtaket kan påklages, med en klagefrist på tre uker regnet fra det tidspunkt dette brevet er mottatt, jf. fvl. §§ 28 og 29. En eventuell klage må være skriftlig og begrunnet. Klagen sendes til skolen. Klagen vil bli oversendt Fylkesmannen i Telemark dersom ikke skolen finner å kunne ta klagen til følge. Fylkesmannens avgjørelse er endelig og kan ikke påklages.

Du har, med visse unntak, anledning til å se sakens dokumenter jf. fvl. §§ 18 og 19. Det vises samtidig til fvl. § 12, som blant annet fastslår at en part har rett til å la seg bistå av advokat eller annen fullmektig på alle trinn av saksbehandlingen. Som fullmektig kan brukes enhver myndig person eller en organisasjon som vedkommende er medlem av.

Du har adgang til å søke om å få utsatt iverksettingen av vedtaket inntil klagefristen er ute eller klagen er avgjort, jf. forvaltningsloven § 42.

### Individual Decision

Student's Name / Navn: XXXXXXX XXXXXXXXX  
Date of Birth / Fødselsdato: XX/XX/20XX  
Class / Klasse: XXXX

We refer to **the meeting/your correspondence** of **XX/XX/20XX**, where you state that:

Repeat the background and key facts in the case. Refer to previous correspondence if relevant, and if so include it as attachment.

We also refer to the following legal and other formal documents which are relevant to this case:

References to the Education Act, the Private School act or others, citing paragraphs  
References to internal documents (QDs, handbooks etc.), citing section or page  
Quote the references if necessary to give the context

International School Telemark placed emphasis on the following when making its decision:

The objective and/or subjective evaluation of the case, giving the reason for the decision below

Based on the above, International School Telemark hereby makes the following **individual decision**:

<b>Decision</b>	
<b>Length of time</b>	
<b>Person responsible for following up</b>	

You have the right to appeal this decision, as described in the enclosed sheet "Your right to appeal".

Porsgrunn, date, year 10 May 2023

<name>  
Principal

### Enkeltvedtak

Det vises til **møtet/ditt brev** av dato **XXXXXXX**, hvor det fremkom at:

Gjenta bakgrunnen og viktige fakta for saken. Henvis til tidligere korrespondanse hvis dette er relevant, og inkluder i så fall dette som vedlegg.

Vi henviser også til følgende lovbestemmelser og andre formelle dokumenter som er relevante for saken:

Referanse til Opplæringsloven, Privatskoleloven eller andre. Henvis til paragraf(er).  
Referanse til interne dokumenter (QD, håndbøker etc.), med henvisning til kapittel eller side  
Siter referansene helt eller delvis dersom det er nødvendig for sammenhengen.

International School Telemark la vekt på følgende i vurdering av saken:

Skolens faktiske og/eller skjønnsmessige vurdering av saken, som begrunnelse for beslutningen nedenfor.

Med begrunnelse i ovennevnte fatter skolen med dette **følgende vedtak**:

<b>Tiltak</b>	
<b>Varighet</b>	
<b>Ansvarlig for oppfølging</b>	

Du har rett til å klage på denne avgjørelsen, som beskrevet i vedlagte skriv "Klagerett".

Porsgrunn, dato, år

<navn>

Rektor