

Act no. 1605 of 26/12/2013 (In force)

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Subsequent amendments to the provisions
CONSOLIDATION ACT no. 916 of 13/08/2014
CONSOLIDATION ACT no. 1021 of 19/09/2014
CONSOLIDATION ACT no. 995 of 12/09/2014
CONSOLIDATION ACT no. 1041 of 15/09/2014
ACT no. 1539 of 27/12/2014
CONSOLIDATION ACT no. 782 of 15/06/2015
CONSOLIDATION ACT no. 783 of 15/06/2015

The Act on Folk High Schools

WE, MARGRETHE II, Queen of Denmark by the Grace of God, hereby proclaim:

Folketinget, the Danish Parliament, has passed and We have by consent given Our Royal Assent to the following Act:

Chapter 1

Scope and function of the Act

Section 1. (1) The Act shall apply to folk high schools that provide teaching and fellowship in courses with the primary aim of advancing life enlightenment, public enlightenment and democratic education and training and that have been approved by the Minister for Culture for grants. The teaching shall be of a comprehensively general nature. Individual subjects or subject groups may feature prominently, but never at the expense of generality. The activities of the schools shall be organised according to their self-elected basic values.

(2) Youth folk high schools shall be defined as folk high schools that by the end of 1971 have been approved for offering courses for students that do not meet the age requirement of this Act.

Section 2. (1) Folk high school students shall live in at the school for the duration of the course.

(2) The schools may to a limited extent admit day students, who shall not be required to live in at the school for the duration of the course.

(3) The Minister for Culture may lay down rules on day students, including rules on the number of day students.

Chapter 2

Basic conditions

Section 3. (1) Folk high schools shall meet the following conditions:

- 1) The school must be a private, self-owned institution within section 1. The management and governance of the school must be regulated by articles of association.
- 2) The school must be independent in its activity as a self-owned educational institution, and the school's funds may only benefit the school's school and education activities, however cf. subsections (2) and (3).
- 3) The school must have a parents' association or a body of representatives which shall be behind the establishment and operation of the school.
- 4) The school must have at its disposal suitable and adequate student rooms, principal and teacher accommodation, dining and living rooms, classrooms and equipment and mainly constitute one geographic and structural unit, however cf. subsection (4).



- 5) The school must be able to begin its operations on an adequate financial basis.
- 6) Schools that have submitted or will submit proposals for articles of association after 7 May 1996 with a view to becoming approved for grants must be owners of the school buildings and areas, or the majority of these, and may not own buildings or areas jointly with others, however cf. subsections (5) and (6).
- (2) Subsection (1), no. 2) notwithstanding, a folk high school may under a written agreement perform administrative tasks for other folk high schools that are approved under this Act.
- (3) Subsection (1), no. 2) notwithstanding, the school may to a limited extent use its own funds for non-formal adult education activity in Denmark.
- (4) Subsection (1), no. 4), notwithstanding, a school may, when it has buildings and areas located outside the school's geographic and structural unit, purchase new buildings and areas outside the school's geographic and structural unit. However, it is a condition that the new buildings and areas be purchased to replace buildings and areas that are located outside the school's geographic and structural unit. Further, it is a condition that the new buildings and areas be located at a closer distance from the school's geographic and structural unit than the buildings and areas they replace.
- (5) A folk high school within subsection (1), no. 6), may lease buildings and areas for a period of up to 10 years on one of the following conditions:
- 1) To replace existing buildings or areas,
 - 2) if expanding with new buildings and areas or
 - 3) if establishing a new school.
- (6) Subsection (1), no. 6) notwithstanding, a folk high school may own jointly with others a minor amount of the school's teaching facilities that are not part of the core facilities.
- (7) The Minister for culture may lay down more detailed rules on the conditions imposed by subsection (1), including rules on buildings and areas, on the administrative tasks within subsection (2), including rules on the nature of the administrative tasks permitted and the extent thereof, and on the extent of the non-formal adult education activity within subsection (3).

Chapter 3

Terms

Section 4. (1) The time limit for submitting applications with a view to obtaining approval for grants shall be 10 months prior to the desired start of the school's activities eligible for grants.

(2) A school which has not received grants for 2 consecutive fiscal years and which desires to regain grant approval shall apply for a new approval for grants in accordance with subsection (1).

(3) The Minister for Culture may lay down more detailed rules on the necessary actions for applying for approval for grants and for regaining such approval, including rules on time limits, procedure and information.

Section 5. (1) The school's board of governors shall have the responsibility for the school's articles of association. In connection with the school's establishment, merger or demerger and in connection with the establishment or discontinuance of combination with another school form, the Minister for Culture shall approve the articles of association.

(2) The school's articles of association shall include provisions on the management and governance of the school, on the procedure for the closing of the school and on the school's basic values. The school may not provide other objects for the school in the articles of association than the objects within this Act and within other legislation in the area of education. The school's articles of association shall include a provision that, in the event of the closing of the school, the school's surplus funds shall, subject to approval by the Minister, be used for school activity supported under this Act.

(3) The school's articles of association shall be published on the school's homepage along with the dates of the annual general meeting's or the board of governors' approval, of the approval of the Minister under subsection (1) and of the publication on the homepage. The articles of association may take effect no earlier than at the time of publication on the homepage.

(4) The Minister for Culture may lay down more detailed rules on the content of the articles of association, including rules on what powers may be given to an annual general meeting, a parents' association, etc. , and rules providing that certain amendments to the articles of association must be reported to the Ministry of Culture.



Section 6. (1) The top-level governance of the school shall be carried out by a board of governors, which shall be responsible towards the Minister for Culture. The board of governors shall also be responsible towards the parents' association or body of representatives. The majority of the members of the board of governors shall be elected at the school's annual general meeting or meeting of representatives from among the members of the parents' association or body of representatives.

(2) The following persons may not sit on the board of governors:

- 1) Persons who lease property etc. to the school.
- 2) Members of the boards of directors of foundations, companies, associations or other businesses that lease property etc. to the school or control the lessor of property etc. to the school.
- 3) Lawyers, accountants or similar advisers to persons within no. 1) or to foundations, companies, associations or other businesses within no. 2).
- 4) Employees holding executive positions with persons within no. 1) or with foundations, companies, associations or other businesses within no. 2).
- 5) Members of the board of governors of another folk high school.

(3) Subsection (2), numbers 1) to 4), shall not apply if the lease is of insignificant scope.

(4) The Minister for Culture may give dispensation from the provision of subsection (2) to former and current combined education institutions.

(5) The provisions of for example Chapter 2 and Chapter 8 the Danish Public Administration Act shall also apply to the board of governors, the principal and the other employees of the school.

(6) The day-to-day management shall be carried out by a principal, who shall also have the pedagogical responsibility.

(7) The Minister for Culture may lay down rules on the board of governors' duty of notification and on a triviality limit regarding the significance of a lease for the independence of the members of the board of governors, cf. subsection (3).

Section 7. (1) The board of governors shall manage the school's funds to the greatest possible benefit of the school. Cash and cash equivalents that are not needed for the daily operations shall with due regard to security be placed in one or more of the following ways:

- 1) As deposits in banks based in Denmark or in another country within the European Economic Area (EEA).
- 2) In investment securities issued by Danish mortgage credit institutions, the Credit Institution for Local and Regional Authorities in Denmark or other Danish financial institutions under state supervision.
- 3) In investment securities or debt instruments of which the Danish state or a Danish municipality is the issuer or guarantor.
- 4) In securities from an EU/EEA country that are comparable to the assets mentioned in numbers 2) and 3) with regard to their type and security.

(2) Subsection (1), no. 4), shall not apply to shares and investment fund certificates. However, the school may with the greatest possible regard to security and to the extent necessary place cash and cash equivalents in unit certificates with limited liability or in shares in the bank used by the school as its usual bank connection and in unit certificates with limited liability in utility companies etc. if this results in financial benefits to the school. The unit certificates and shares shall be sold if the school changes banks or no longer has the provided advantage.

(3) The Minister for Culture may lay down rules on the use of financial instruments in connection with the raising of loans.

Section 8. (1) The school must have other types of income than government grants.

(2) The school shall set student fees for participation in courses. The student fees may not be significantly above the average for folk high schools. A minimum student fee shall be set in the annual central government budgets. The minimum student fee shall not include payments charged for individual purposes or separately for field trips. (3) The school may following individual assessment reduce the student's self-payment to an amount below the minimum student fee, cf. subsection (2). However, self-payment may only be reduced to an amount equivalent to no less than half the minimum student fee.

(4) The requirement as to the size of the self-payment of the second sentence of subsection (3) shall not apply to students who at the beginning of the course are 17½ years of age and have not yet reached 25 years of



age and who have no qualifying education, have begun a course of no less than 12 weeks' duration, are not in the process of education under the Act on Secondary Education for Young People with Special Needs or the Act on Basic Vocational Training, in whose education plan is included a stay at a folk high school and who are attached to a mentor from the mentor programme established at the school.

Section 9. (1) The school year shall be from 1 August to 31 July.

(2) A folk high school shall have no less than 24 full-time equivalent students, cf. sections 11 and 12, during the school year ending in the calendar year prior to the fiscal year, or as an average of this school year and the 2 previous school years.

(3) A newly established school that has not been in operation during the entire school year ending in the calendar year prior to the fiscal year shall meet the requirement of no less than 24 full-time equivalent students during the first entire fiscal year. An existing school that has not obtained the right to a grant in the year prior to the fiscal year under subsection (2) shall meet the full-time equivalent student requirement in the fiscal year in which it once again receives a grant.

(4) For a school within subsection (2), the requirement as to the number of full-time equivalent students shall be proportionately reduced if the school has less than 36 course weeks in the school year. For a school within subsection (3), the requirement shall be reduced if the school has less than 36 course weeks in the school year.

(5) A folk high school shall successfully conduct long-term courses of no less than 4 weeks' duration for no less than 20 weeks every school year. Of these, at least one course shall have no less than 12 weeks' duration. If a school does not successfully conduct this minimum number of long-term courses in a school year, the school shall not be eligible for a grant in the fiscal year in which the school year ends.

(6) A newly established school and a school that has not obtained the right to a grant in the year prior to the fiscal year shall meet the grant conditions of subsections (3) and (5) within 12 months of the start date of course activity.

Section 10. (1) The Minister of Education may approve that a folk high school within this Act as a combined institution also conducts school and teaching activity as a continuation school, a home economics school, a arts and crafts school, a private independent basic school or a private independent upper secondary school or a private higher preparatory examination course (private HF programme).

(2) Approval of a combined institution shall be subject to the combined institution meeting the legislative requirements for conducting school and educational activity and the combined institution's basic values justifying the combination.

(3) The Minister for Culture shall lay down rules on combined institutions within subsections (1) and (2), including rules on approval for grants, on requirements as to building conditions, on articles of association and on grants.

(4) The Minister for Culture may in special cases grant exemptions from the requirement of section 3(1), no. 4), that a combined institution mainly constitute one geographic and structural unit.

Chapter 4

Full-time equivalent student figure

Section 11. (1) Students must be 17½ years of age at the beginning of the course in order to be counted in the full-time equivalent student figure.

(2) For youth folk high schools, the students must be at least 16½ years of age but not have reached 19 years of age at the beginning of the course in order to be counted in the full-time equivalent student figure. Students that have reached 16 years of age but are still not 16½ years old at the beginning of the course may be counted if their education plans include a stay at a folk high school. In courses of a total duration of up to 4 weeks in the school year, however, the school may count students that have reached 19 years of age at the start of the course.

(3) In order to be counted in the full-time equivalent student figure, students must pay student fees in accordance with section 8.

(4) In order to be counted in the full-time equivalent student figure, the students must state their civil registration numbers and show documentation of citizenship to the school when enrolling. The school shall pass on this information for use by the public authorities performing tasks under this Act.



(5) Students who in combined institutions, cf. section 10, result in a government grant under the Act on Folk High Schools, Continuation Schools, Home Economics Schools and Arts and Crafts Schools, the Act on Private Independent Schools and Private Independent Basic Schools etc. or the Act on Private Independent Upper Secondary Schools, Adult Upper Secondary Level Courses and Courses Leading to the Higher Preparatory Examination may not also result in a government grant under this Act to the combined institution. The combined institution may choose that the student instead result in a government grant under this Act.

Section 12. (1) The school's full-time equivalent student figure shall be the number of students, cf. section 11, in each course week in 1 year divided by 40. A course week shall be 7 course days of 24 hours each.

(2) The school shall have a duty to register the students' participation in the school's courses week by week.

(3) The Minister for Culture shall lay down more detailed rules on the calculation of the full-time equivalent student figure, including rules on the time of calculation and on reduced inclusion in the full-time equivalent student figure of day students and students in courses or course weeks with a duration of less than 1 week, and rules on requirements for the school's registration of student participation in courses and on the possible division of courses.

Chapter 5

Courses and teaching

Section 13. (1) At least half of the teaching received by the individual student shall be of a comprehensively general nature. Students with more than 28 weekly class hours shall receive minimum 14 class hours of comprehensively general teaching.

(2) Courses shall be open for all who meet the conditions of section 11(1) and (3). However, participation in a course may be subject to a higher age than provided by section 11, but not on any specific abilities, education degrees, posts, trades or employment relationships within a business, etc. or on membership of specific associations or organisations.

Section 14. (1) Courses shall last no less than 4 consecutive days with teaching equivalent to no less than 4 whole school days with no less than 17 class hours per student.

(2) Courses of 1 week or more shall for each week include teaching equal to no less than 5 whole school days with no less than 21 weekly class hours per student.

(3) In courses of a duration of over 12 weeks, the schools may reduce the first course week and the last course week to no less than 4 course days with teaching equivalent to no less than 4 whole school days with no less than 17 class hours.

(4) Each course shall be conducted with no less than 8 students participating during the entire course. Each course week shall be conducted with no less than 12 students participating during the entire week.

(5) A course shall be conducted with a majority of Danish citizens or students comparable to Danish citizens.

(6) The Minister for Culture may lay down rules on course organisation, including rules on calculating numbers of weeks and school days, and on teaching, field trips and the number of teachers working at the schools, etc., and more detailed rules on the requirement of a majority of Danish citizens of subsection (5), including rules on documentation of citizenship etc., and, additionally, the Minister may in special cases dispense with the requirement of a majority of Danish citizens.

Section 15. (1) Folk high schools may not conduct tests and examinations except for tests for preparatory adult education (FVU).

(2) As part of a taking a folk high school course, students may receive examination-oriented and qualifying teaching pursuant to other legislation when such teaching constitutes no more than 15 hours per week and is provided by an educational institution that under other legislation is approved for this.

(3) Students receiving examination-oriented teaching within subsection (2) shall receive from the folk high school no less than 15 hours of teaching per week of which no less than 11 hours shall be teaching of a comprehensively general nature.

(4) On courses of a duration of no less than 12 weeks, the school shall guide the students on choice of education and occupation with a view to assisting and supporting the students in gaining clarification on these matters. The school shall publish its strategy for this guidance work. When announcing the course activities,



the school shall provide information that the guidance offer is part of the course content. An explanation of the way in which the guidance will be conducted shall be published on the school's homepage.

(5) Upon request, the schools shall issue certificates to students who have completed a course of a duration of minimum 4 weeks.

(6) The Minister for Culture may lay down rules on examination-oriented and qualifying teaching, including rules on the terms for participating in such teaching and on the distribution of grants for the part of a course in which the student receives such teaching.

Section 16. (1) Folk high schools may offer special needs teaching and other types of special needs support.

(2) The following shall apply to students who have not reached 18 years of age at the start of the course at a youth folk high school:

- 1) The school's most recent school municipality shall provide pedagogical-psychological counselling free of charge.
- 2) Based on a statement from the student's most recent school municipality on pedagogical-psychological counselling and approval of such statement by the student's municipality of residence, the schools may refer students to special needs teaching or other types of special needs support in the Folkeskole (the Danish municipal primary and lower secondary school). Additionally, the schools may refer students to another private independent boarding school or private independent basic school by agreement with such school.
- 3) A municipality may require that education expenses for students referred to special needs teaching or another type of special needs support in the Folkeskole pursuant to the first sentence of no. 2) be reimbursed by the student's municipality of residence.

Chapter 6

Additional terms

Section 17. (1) The school shall publish its basic values on its homepage. The board of governors shall prepare a plan for the school's evaluation of the school's activity in relation to the basic values. The school shall perform such evaluation at least every 2 years.

(2) The board of governors shall annually approve a plan for the school's activity (annual plan) and a plan for the content of the individual courses (the content plan). The school shall publish its annual plan on the school's homepage. The board of governors may authorise the principal to approve the content plan.

(3) The Minister for Culture shall lay down rules on the annual and content plans.

Section 18. The remuneration and employment terms of principals, vice-principals and teachers shall comply with the provisions agreed or laid down by the Minister of Finance, also with respect to pensions.

Section 19. (1) Agreements, including tenancy and property agreements, shall be entered into on terms that do not disfavour the schools any more than normal market terms and steps shall be taken to change them if the development in market terms warrants this.

(2) The Minister for Culture may lay down more detailed rules on tenancy agreements and may for special cases provide that tenancy agreements be entered into on other terms than mentioned in subsection (1).

(3) Regarding schools that have commenced their activities after 1 August 1996, the Minister for Culture may lay down more detailed rules on expenses for buildings and areas. The maximum expense per full-time equivalent student for buildings and areas shall be set in the annual central government budgets.

Section 20. (1) When distributing grants to the schools, the Minister for Culture may set terms that serve the purpose of the Active Employment Measures Act (Social Clauses).

(2) The Minister for Culture may lay down requirements for the school regarding information and procedure in relation to requirements.

Section 21. The Minister for Culture may dispense with the provisions of sections 8 to 14 and 17 of the Act in order to advance the experiment and development work within the scope of the Act.



Chapter 7
Government grants

Section 22. (1) The school shall have free discretion when using public grants, since it is presupposed that the purposes of the grants will be fulfilled.

(2) A combined institution, cf. section 10, shall have free discretion when using the total grant under the Acts for the individual school types, since it is presupposed that the purposes of the grants will be fulfilled.

(3) The school may save up grants to the following fiscal years and raise loans for school and teaching activity.

(4) The Minister for Culture may lay down rules on advance payment during the fiscal year until the basis of the grant calculation has been settled.

Section 23. (1) The government shall to each school distribute an annual basic grant set in the annual central government budgets. A proportionate basic grant shall be distributed to schools that begin their activities during the fiscal year. Basic grants shall be reduced by a percentage or be cancelled for schools with particularly large incomes from activities outside the scope of this Act. Percentage and limit amount for particularly large incomes shall be set in the annual central government budgets.

(2) The Minister for Culture may lay down more detailed rules on the income within subsection (1) and the calculation thereof.

Section 24. (1) The government shall distribute grants set in the annual central government budgets in accordance with the following criteria with an amount per full-time equivalent student:

- 1) Grants for students who have completed courses of 1 week's duration or less than 2 weeks of a course of a duration of more than 1 week.
- 2) Grants for students who have completed no less than 2 and less than 12 weeks of a course.
- 3) Grants for students who have completed no less than 12 weeks of a course.

(2) Grants under subsection (1) shall be distributed based on the school's full-time equivalent student figure of the school year ending in the fiscal year. A grant based on the full-time equivalent student figure reached in the fiscal year shall be distributed to newly established schools and schools that have not obtained the right to a grant in the year prior to the fiscal year.

(3) For schools that have been active in the entire school year ending the year prior to the fiscal year, the government shall distribute an advance payment based on the school's full-time equivalent student figure in this school year. An advance payment based on the full-time equivalent student figure expected for the fiscal year shall be distributed to newly established schools and schools that have not obtained the right to a grant in the year prior to the fiscal year.

(4) The Minister for Culture may lay down more detailed rules on the distribution of advance payments.

Section 25. (1) The government shall distribute a special grant (extra rate) to the following groups of students who are 17½ years of age but have not yet reached 25 years of age at the beginning of the course and who have no qualifying education:

- 1) Students who have begun a course of no less than 12 weeks' duration, are not in the process of education under the Act on Secondary Education for Young People with Special Needs or the Act on Basic Vocational Training, in whose education plan is included a stay at a folk high school and who are attached to a mentor from the mentor programme established at the school.
- 2) Students who have been categorised in accordance with section 24(1), no. 3), and whose education plan does not include a stay at a folk high school.

(2) The extra rates shall be set in the annual central government budgets.

(3) The schools may retrieve information from students as provided by subsection (1), numbers 1) and 2), about their national backgrounds and previous schooling.

(4) The Minister for Culture shall lay down more detailed rules on the conditions for and the calculation of grants etc. under subsection (1).

Section 26. The government shall distribute grants to youth folk high schools based on a full-time equivalent student figure which only includes students that have not yet turned 18 at the beginning of the course multiplied by an extra rate set in the annual central government budgets. When calculating this full-



time equivalent student figure, only students on courses of no less than 2 weeks' duration who have completed at least 2 course weeks shall be included. Section 24(2) and (3) shall apply *mutatis mutandis*.

Section 27. (1) The government shall distribute grants for special needs teaching and other types of special needs support for students with special needs, including grants to schools that are permitted to have a special needs education package offer. The grant shall be distributed with a rate per full-time equivalent student to be set in the annual central government budgets

(2) The government shall distribute grants to cover additional expenses approved by the Ministry of Culture for teacher hours, practical assistance, and aids for students with severe disabilities. The grant shall be set in the annual central government budgets and be regulated according to the grants actually given.

(3) The Minister for Culture shall lay down more detailed rules on the administration of the grants within subsections (1) and (2), including rules on application, time limits, award and payment, advance payments to the schools and reimbursement by the schools. The Minister for Culture may lay down a ceiling for the number of students in the individual course for which grants are distributed under subsection (1) and may lay down more detailed rules delimiting the group of students under this provision. The Minister for Culture may decide that the grant be administered by a government agency and that the individual schools must submit the necessary information to such agency in connection with the award of the grant, and the Minister may in this connection provide the format in which the delivery is to take place.

Section 28. (1) The government may distribute grants for continuing education courses for principals, vice-principals and teachers. The government may distribute grants for the school's additional expenses for paid leaves and temporary staffing in connection with continuing education courses for principals, vice-principals and teachers. The government may distribute grants for temporary staffing related to the participation of principals, vice-principals and teachers in organisation work and grants for special schemes for older employees, premature retirement schemes and *efterindtægt* (i.e. allocations to public servants' surviving relatives).

(2) The government may distribute grants for experiment and development work within the scope of the Act.

(3) The Minister for Culture may authorise school associations that operate within the Act to distribute and administrate the grants.

(4) The Minister for Culture may lay down more detailed rules on the distribution of grants pursuant to subsections (1) and (2), on financial reporting and auditing etc. and on the administration of the scheme, including rules on fixing time limits, on payment of advances and on saving up non-used amounts for use in the following fiscal year.

(5) The Minister for Culture may decide that the Act on Public Access to Documents in Administrative Files and the Public Administration Act shall apply in relation to the school associations' administration of grants, cf. subsection (3).

Section 29. (1) The government may distribute grants for complete or partial coverage of student fees on courses of no less than 12 weeks' duration for students who are not Danish citizens or regarded as similar to Danish citizens, cf. section 14(5).

(2) The Minister for Culture may lay down more detailed rules on the distribution and administration of the grant, advance payments, saving up unused amounts for use in following fiscal years, financial reporting and auditing, etc. The Minister for Culture may authorise school associations that operate within the scope of the Act to distribute and administer the grants. The Minister for Culture may decide that the Act on Public Access to Documents in Administrative Files and the Public Administration Act shall apply in relation to the school associations' administration of grants.

Section 30. (1) Financial support may be provided for Danish students' participation in courses at state-approved folk high schools in the other Nordic countries.

(2) The Minister for Culture may authorise school associations that operate within the scope of the Act to distribute and administrate the grants. The Minister for Culture may decide that the Act on Public Access to Documents in Administrative Files and the Public Administration Act shall apply to the school associations' administration of grants.



Chapter 8

Municipal grants and contributions

Section 31. (1) The municipal council of the municipality in which the school is located may distribute grants for construction costs and similar investment costs related to the establishment and later extension of the school.

(2) The municipal council of the municipality in which the school is located or in which the student is registered as resident may distribute grants for special needs education and other types of special needs support.

(3) The municipal council of the municipality in which the student is currently, or was most recently, resident may distribute grants for the reduction of a student's student fee.

Section 32. (1) The municipal council of the municipality of residence shall pay a contribution to the state for students who on 5 September of the calendar year prior to the contribution charge were under 18 years of age and who are students at a youth folk high school. The contribution shall be set in the annual central government budgets.

(2) The municipality of residence shall be the municipality in which the student is registered in the municipal registry on 5 September of the calendar year prior to the contribution charge.

(3) The municipal council of the municipality of residence may claim reimbursement of contributions within subsection (1) from another municipality for students who in connection with calculation of municipal equalisation for municipalities is counted as part of the other municipality's population.

(4) The municipalities' contribution to the state may be offset against the government grant for the municipality.

(5) The Minister for Culture shall lay down more detailed rules on the procedure for charging contributions and calculating contributions.

Chapter 9

Financial reporting and auditing

Section 33. (1) The schools' financial year shall be the calendar year. The financial statements shall be audited by a state-authorized or registered public accountant. The board of governors shall notify the Ministry of Culture of the chosen accountant and of any changes of accountant.

(2) The auditor shall check the school's information to be used for the calculation of the government grant.

(3) The board of governors shall ensure that the auditor comply with the provisions on independence of the Act on Approved Auditors and Audit Firms. Further, the board of governors may not engage an auditor who is also the auditor of the lessor of property etc. used by the school or of foundations, companies, associations or other businesses that control such lessor, unless the lease is of insignificant scope.

(4) When submitting the annual report for the Ministry of Culture, the members of the board of governors shall make a solemn declaration that they meet the conditions of section 6 for sitting on the board of governors.

(5) The Minister for Culture may lay down rules providing when a lease is of insignificant scope. The financial statements shall be prepared and audited in accordance with rules laid down by the Minister for Culture. If the auditor does not in a satisfactory manner meet the requirements for auditing under this Act or rules laid down in pursuance thereof, or if the auditor otherwise neglects his or her duty as auditor, the Minister for Culture may order the board of governors to appoint another auditor within a specified time limit.

Chapter 10

Supervision and complaints

Section 34. (1) The Minister for Culture shall supervise schools that receive government grants under this Act. If the Minister for Culture finds the activities of a school not to be in compliance with this Act or the rules or agreements laid down or entered into in pursuance of the Act, the Minister may order the school to change such activities.

(2) The Minister for Culture may retrieve from the school all types of information on course activity, students, staff, equipment, tenancy agreements, agreements on purchase of property and other agreements and



about other aspects of the school operations for the use of setting grant sizes, reviewing annual reports, carrying out supervision and preparing statistics. The Minister for Culture may provide that such information be supplied in electronic form, and in connection with this provide the format in which such supply is to take place. The Minister for Culture may lay down more detailed rules on this.

(3) The Minister for Culture may lay down rules on electronic communication between the school and the Ministry of Culture, between the school and other public authorities and between the school and the users of the school, including rules on use of digital signature.

Section 35. Decisions on the distribution of grants for special needs education etc. for students with special needs, cf. section 27 (1), and for teaching etc. of severely disabled students, cf. section 27(2), may be brought before the Appeals Board for Educational Support pursuant to the Act on the Appeals Board for Educational Support within 4 weeks of receiving notification of such decision.

Chapter 11

Violations

Section 36. (1) As regards schools that do not comply with the provisions of this Act, the rules or agreements laid down or entered into in pursuance of the Act or the orders of the Minister for Culture, the Minister for Culture may withhold grants, cancel grants in full or in part or require that grants be reimbursed in full or in part.

(2) Further, the Minister for Culture may following discussion with The Association of Folk High Schools in Denmark decide that no grant be given to a school if teaching or other conditions are found to be clearly contrary to normal folk high school practice.

(3) The Minister for Culture may withhold grants or cancel grants for schools for which a winding up petition has been filed or that have suspended payments or when a school otherwise faces a risk of having to cease operations.

(4) The Minister for Culture may also require that grants be reimbursed if the basis on which the grant was calculated was wrong or if the grant calculation was otherwise erroneous.

(5) Grants that are cancelled or reimbursed shall accrue to the state.

(6) Excess grant funds paid may be offset against coming grant payments.

Section 37. The Minister for Culture may decide that no grants be distributed to schools, including new schools, if in the Minister's assessment there is not sufficient certainty that the school meets the requirement imposed by section 3(1), no. 2) on the independence and management of the school's funds. In this regard, it may be taken into account whether:

- 1) The school is part of a community of or cooperation between schools, institutions, foundations, businesses, associations, etc. that imply a clear risk of the school being controlled by others.
- 2) The school's funds are being used for purposes outside the school.
- 3) The school's management and teachers are legally or financially dependent on any of the institutions etc. mentioned in no. 1).
- 4) The school's students perform work, including fund-raising work or similar, in a manner that is unusual for the type of school.
- 5) The school enters into lease agreements or other agreements that imply a clear risk of the school being controlled by others.

Section 38. If the Minister for Culture in pursuance of section 36(1) has decided that the grant be cancelled in full on grounds that the school does not meet the conditions of section 3(1), numbers 1) to 4) or 6), the school may regain its grant rights in accordance with the rules for approval for grants. The same shall apply to the schools for which the Minister has decided that no grant be given under section 36(2) or section 37.

Chapter 12

Effect and transitional provisions

Section 39. (1) The Act shall take effect on 1 August 2014.

(2) Folk high schools that are approved at the date on which the Act takes effect shall be considered



approved for grants under Chapter 2 of this Act.

(3) The provision of section 3(1), no. 3), shall not apply to schools that prior to 1 January 1994 have been approved without a parents' association or a body of representatives.

(4) The provision of section 6(1), the second and third sentences, shall not apply to schools whose board of governors prior to 1 January 1994 was put together differently pursuant to approved articles of associations or was approved without a parents' association or a body of representatives.

(5) The provision on right-granting teaching of section 1(2) of the Act on Folk High Schools, Home Economics Schools and Continuation Schools, cf. Consolidation Act no. 661 of 26 October 1988, shall continue to apply to folk high schools that before 1 January 1994 were given permission to offer such teaching.

(6) The provision on schools without a student dormitory of section 5(1), second sentence, of the Act on Folk High Schools, Home Economics Schools and Continuation Schools, cf. Consolidation Act no. 661 of 26 October 1988, shall continue to apply to schools that before 1 January 1994 were approved without a student dormitory.

(7) The provision on dispensation from the requirement for course lengths of section 11(3), of the Act on Folk High Schools, Home Economics Schools and Continuation Schools, cf. Consolidation Act no. 661 of 26 October 1988, shall continue to apply to schools that were exempt from the requirement on 1 January 1994.

[Chapter 13 has been omitted in this translation]

Given at Marselisborg Castle on 26 December 2013

Under Our Royal Hand and Seal

MARGRETHE R.

/ Marianne Jelved



Comments on the individual provisions of the bill

On section 1

The proposed provision is to a high degree a continuation of the current section 1 of the Act on Private Independent Boarding Schools, in regard to folk high schools, and contains the general objective of folk high schools.

The provision provides the folk high schools with a primary aim covering the folk high school's task in relation to the relationship between people, nation, state and communities of state. The primary aim is life enlightenment, public enlightenment (i.e. non-formal adult education activity) and democratic education and training. Life enlightenment is an idea that imply issues that are universal and common to all mankind. Life enlightenment is rooted in the enduring tradition of enlightenment of the private independent schools and concerns the great questions in life. This highlights the existential nature of the objective of the folk high schools, which is built on the self-elected basic values of the individual school. Public enlightenment implies enlightenment about large and small communities and about how this relates to the concept of individuality. In public enlightenment, individuality and commonality are two sides of the same coin and prerequisites for one another. Democratic education and training emphasises the objective of maintaining and developing a process that leads towards democracy. It highlights that it is the duty of folk high schools to educate their students to become involved citizens with the desire and ability to be active in a democratic society. The concept relates to both the topics being taught and the organisation of the courses. The teaching at a folk high school must be of a comprehensively general nature. The school may organise its teaching on the basis of a specific topic so that some subjects or subject groups have many weekly class hours, but this must not happen at the expense of the comprehensively general nature of the teaching. The concept of basic values serves to highlight the fact that folk high schools are schools carried by ideas and that they themselves choose the values upon which the school's object, practice and self-evaluation rest.

The primary aim underlines the fact that folk high school stays are intended to result in more than just short-term and personal benefits. A stay at a folk high school must put emphasis on the personal and existential perspective as well as on the societal and democratic challenge. All students must receive teaching of a comprehensively general nature. This underlines the objective that the teaching be put into an e.g. philosophical, historical, political, social scientific or natural scientific perspective. A stay at a folk high school is about more than just teaching. This is underlined by the social activities that are in alignment with the schools' tradition of boarding school stays. The objective of the teaching and the social activities at a folk high school is the general enlightenment about the common human condition.

The purpose of the provision is to assist the students' cognition, to strengthen their desire and ability to participate in family, work, social and cultural life and to be a force for international understanding. It is the intention that the students via a stay at a folk high school strengthen their personal, general and subject-related competencies.

The provision of subsection (2) implies that folk high schools, cf. subsection (1), that are approved as youth high schools before the end of 1971 may generally offer courses to students who do not meet the age requirements imposed by section 11.



For additional information, please see the general comments in paragraph 2.1.3.¹

¹ <https://www.retsinformation.dk/Forms/R0710.aspx?id=158425>

I, the undersigned Anders Ulvskov Jørgensen, authorized translator and interpreter of the English language, hereby certify the preceding text to be a true and faithful translation of the attached photocopy in the Danish language. In Witness Whereof I have here unto set my hand and affixed my Seal of Office this 30th day of November 2015

Anders U. Jørgensen

