Strengths, Pitfalls, and Potential in Norway’s Approach to Special Education

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Abstract
Despite not having specific special education laws, Norway’s Lov om grunnskolen og den vidaregåande opplæringa (Act Relating to Primary and Secondary Education and Training) law provides individualized instruction to students who qualify for special education services after an extensive evaluation process. Improvements are recommended in special education competency among general education teachers to improve the educational outcomes of students with behavioral challenges and also to help educators meet Norway’s preference to keep students with disabilities in general education classrooms.

Keywords
Norwegian special education, teacher preparation in Norway, Norwegian Education Act

Norway has a positive reputation around the world for its quality of living. It is a country with a high index of economic, political, and social stability. Almost 98% of youth enroll in upper secondary education immediately following compulsory education of the lower grades (Halvorsrud, 2017). According to the 2019 Better Life Index of the Organisation for Economic Co-operation and Development (OECD, n.d.), 82% of adults between the ages of 25 and 64 years completed upper secondary education. Norway’s citizenry is highly knowledgeable and generally satisfied with their quality of life (Anderson & Terras, 2015).

Despite successes in various areas of quality of life, significant concerns about schooling came to light following the publication of the 2000 Program for International Students Assessment (PISA) conducted by the OECD. The PISA is conducted every 3 years to assess student performance in mathematics, science, and reading. According to Partouche (2018), Norway’s Ministry of Education and the public had high expectations for the performance of their schools but were shocked that Norwegian 15-year-olds scored below the mean compared with many other youth in participating European countries. Furthermore, the 2000 PISA report showed a large discrepancy between high- and low-performing students in Norway (Hausstätter & Takala, 2011). Since the 2000 PISA report, Norway has sought to determine which aspects of their educational system are weak. A significant difference between Norway and the country that ranked at the top of the PISA report was the approach to special education (Hausstätter & Takala, 2011; Partouche, 2018).

The purpose of this article is threefold: (a) describe Norway’s approach to special education, drawing attention to the referral and evaluation process; (b) discuss Norwegian special education teacher preparation as a major area in need of improvement; and (c) highlight improvements of the special education approach as a potential way of decreasing the juvenile criminal rate.

Norwegian Education Emphasizes Equality

The Norwegian school system emphasizes equality (Anderson & Terras, 2015; Partouche, 2018). As such, educational decisions are made with the effort to teach all students in the same manner and in the same environment
Legal Aspects of Special Education in Norway

Norway does not have specific special education laws. The rights of students with disabilities are included in the country’s constitution and education laws. Article 109 of Kongeriket Norges Grunnlov (Grunnlova) LOV-1814-05-17 (The Constitution of the Kingdom of Norway) establishes the right of every individual to education, including individuals with disabilities. Article 109 provides educational rights to all students in primary school through upper secondary school. It also states that individuals who meet the qualifications of admission have the right to attend higher education. Because students with disabilities are not explicitly excluded, Article 109 is interpreted to apply in the same way that it applies to students without disabilities. In other words, Article 109 of Norway’s Constitution is a basic access federal law that makes a commitment to provide equal educational opportunities to all of Norway’s young citizens in Grades 1 to 13, as well as offering students the opportunity to attend university based on qualifications determined through academic performance.

The second Norwegian federal education law which provides education for students with disabilities is the Lov om grunnskolen og den vidaregående opplæringa (opplæringsslova) LOV-1998-07-17-61 (Act Relating to Primary and Secondary Education and Training, henceforth referred to as the Education Act) of 1998. Although not specifically a special education law, the Education Act establishes educational rights and procedures for all students in Norway, including students with disabilities. Three terms are necessary to understand the Norwegian special education system: (a) ordinary education, (b) adapted education, and (c) special education.

Ordinary education is a right for all students in Norway and is also referred to as regular or general education. Ordinary education is bound by regulations and provisions established within the Education Act and it must also meet the requirements of the Knowledge Promotion reform in academic content. As such, schools must adhere to subject competency goals and a specified number of instructional hours that schools are required to offer their students in each subject (Utdanningsdirektoratet, 2019).

The second term is adaptive education and refers to extensive and mandatory modifications to ordinary education (Anderson & Terras, 2015). Section 1-3 of the Education Act states that all education must be adapted to the abilities and needs of each student. Adaptive education operates within the scope of ordinary education. The goal of adapted ordinary education is to offer every student the best possible learning outcome within ordinary education by adapting the curriculum and teaching methods in the student’s classroom. The curriculum in each academic subject provides a scope for adaption and recognizes that students can reach the same competence goals in different ways, for instance, adaptation through the choice of teaching materials, learning strategies, and organization of the teaching environment (Utdanningsdirektoratet, 2018a).

The third term, special education, is a right reserved for students who need educational support to benefit from teaching beyond adaptive measures implemented in ordinary education, and can be due to any learning difficulty, behavioral difficulty, or sensory loss (§ 3-1. Rett til spesialundervisning; Utdanningsdirektoratet, 2014). Norway’s special needs education approach emphasizes equal and inclusive special education services to students with disabilities in the general education classroom (Halvorsrud, 2017). All students who receive special education go through two levels of evaluation.

Referral and Evaluation Process

Norway’s special education referral and evaluation processes are extensive, requiring first an evaluation of the student and the learning environment by the school, which serves as the prereferral to the special education process. After this first evaluation by the school, a formal evaluation is carried out by the Pedagogical and Psychological (PP) service, which consists of professionals trained to assess and assist people with special needs (Utdanningsdirektoratet, 2017a). The PP service conducts a second evaluation of the student in relation to what he or she is expected to learn in the school environment and makes a recommendation about the student’s needs to the
school, the owner of which makes the final decision about special education services (Utdanningsdirektoratet, 2014).

**Evaluation of Student and Learning Context**

Norway requires a thorough assessment of the student and the learning context as the first step in the special education process. The legal language in Norway’s special education referral process is found in Chapter 5 of the Education Act. Section 5-1 says that in “assessing what kind of instruction should be provided, particular emphasis must be placed on the pupil’s developmental prospects.” The school must consider factors of the learning context such as the student-to-teacher ratios, size of the classroom, and the teacher’s competence. The school must also assess the courses the student is enrolled in and determine the expected learning outcomes for the student in ordinary education. When making this determination, the school has to consider how the student in question is functioning academically, not only in relation to other students but also in relation to the educational objectives of the Knowledge Promotion reform. The school must also determine if the same objectives set for other students are realistic for the student in question. The school must conclude whether they believe the student is receiving adequate benefit from ordinary instruction. Finally, the school must, based on its assessment, implement relevant instructional adaptations within ordinary education to attempt to ensure that the student is benefiting from instruction (Utdanningsdirektoratet, 2014).

**Evaluation of Student’s Needs and Learning Context**

If the student’s academic problems persist after the adaptations were implemented by the school, or if it is requested by the student’s parents, the PP service conducts a formal evaluation of the student (Utdanningsdirektoratet, 2014). Section 5-3 of the Education Act indicates that the PP service is responsible for carrying out the evaluation of the student being considered for special education services. The end goal of the special education referral process in Norway is to determine the needs of the student referred for evaluation, not to determine what disability the student might have (Utdanningsdirektoratet, 2014). The first step of the PP service evaluation is to assess if the student is benefiting sufficiently from ordinary education after adaptive measures have been implemented. Thus, for the first part of the evaluation, the PP service conducts a similar assessment to the one required from the school at the prereferral level. In addition, the PP service must also take the student’s special needs into account, consider realistic learning goals for the student, what the student’s opportunities in ordinary education would be, and what would amount to a satisfactory education (Utdanningsdirektoratet, 2014). As part of the evaluation for special education, a variety of sources of information must be considered, including the parents and the student in question, the prereferral assessment from the school, and reports from other experts. The PP service must conduct surveys, observations, and psychological tests to add to the information collected by the school in its prereferral assessment. Based on these additional assessments, the PP service provides its recommendation on whether special education is warranted (Utdanningsdirektoratet, 2014).

The recommendation of the PP service is considered in the context of the individual student’s ability, the competence that he or she is expected to achieve in ordinary education according to the Knowledge Promotion reform, and the school’s ability to adapt ordinary education for the student. The recommendation of the PP service must detail realistic competency goals that indicate the learning goals for the student, which would include possible deviations from the curriculum specified in the Knowledge Promotion reform. Finally, it must describe what would be satisfactory education for the student, encompassing realistic competence goals and the organization of the teaching environment. The recommendation must also specify the extent of special education services in terms of the number of teaching hours in each subject (Utdanningsdirektoratet, 2014). If the PP service decides that the criteria for receiving special education are not met, then the recommendation would also include how adaptations to ordinary education should be implemented to ensure that the student receives a satisfactory education.

**Special Education Services and Individual Training Plan**

Decisions about special education services rest on the school owners. The school owners are understood to be the county or county municipality for public schools, or the school board for private or independent schools (Utdanningsdirektoratet, 2016). Section 5-3 of the Education Act requires the school owners to provide justification in cases where they act contrary to the PP service’s recommendation. The school owners may delegate authority to the school principal or another school official. In cases where the PP service has rendered a recommendation that the student did not fulfill the need for special education, the Education Act gives parents the opportunity to appeal to the County Governor about the special education evaluation outcome, the content of the individual decision on special education, the case processing, and the implementation of the special education (Utdanningsdirektoratet, 2014).

Utdanningsdirektoratet (2014) explained that a decision on special education is based solely on the need for special education, that is, not benefiting adequately from adapted ordinary education, not the cause of the need, for instance, a disability. Therefore, special education in Norway is
delivered in an entirely noncategorical way; that is to say, the evaluation process for special education does not render special education services based on categories such as specific learning disabilities, autism, or emotional and behavioral disorders. The special education process in Norway is only concerned with students’ needs to benefit from instruction, not what category they fit into that might prevent them from learning. Section 5-5 of the Education Act establishes guidelines for the development and administration of an individual training plan (ITP). According to Utdanningsdirektoratet (2014) the ITP contains information such as academic content, deviations from the ordinary curriculum, and exemption from testing as they pertain to the student who will receive special education. Furthermore, the ITP contains a statement about the number of instructional hours which will be necessary for the student to meet competence goals and where special education will be delivered. The statement must also indicate whether the student will remain in his or her classroom, require a separate classroom, or a different learning environment. The same statement must indicate whether the student requires one-on-one instruction or a small group. If the recommendation is that the student can learn in a group, the ITP must indicate the size of the group. Finally, the ITP must include a statement specifying content-specific objectives and how to reach them. Nothing can be added to the ITP further than what is specified in the school’s decision on special education (Utdanningsdirektoratet, 2014).

Who pays for special education services? Special education services stipulated in the ITP are free of cost to the student’s family (Partouche, 2018). According to Section 13-10 of the Education Act, school owners are responsible for providing the necessary resources to students receiving special education. The state has the duty to ensure that textbooks and other teaching aids are prepared for special education (Anderson & Terras, 2015). The municipality in which health care, juvenile correctional, and child protection service institutions are located is responsible for meeting the educational requirements of all students who are residents (Section 13-2 of the Education Act). A municipality cannot legally refuse a decision on special education because they did not set aside sufficient funds in the municipal budget (Utdanningsdirektoratet, 2014). It is important to recognize, however, that the right to special education is not a right to an optimal education, but a right to an education that ensures that the student benefits adequately (Utdanningsdirektoratet, 2014). The financial considerations of the school’s economy can only be taken into account if the parents or the PP service proposes an educational recommendation that goes beyond the minimum requirement of benefiting the student (Utdanningsdirektoratet, 2014).

Norway’s notable emphasis on social equality extends to its educational system (Partouche, 2018). The special education referral process requires multiple assessments of the learning environment and of the student in relation to what he or she is expected to learn before any decision to provide special education services is made. It is apparent that in Norway, schools must justify their different treatment of students with disabilities because great emphasis is placed on the concept of equal right to participation (Partouche, 2018). According to Partouche (2018), special education is perceived to be a barrier to inclusionary practices.

**Behavioral Disabilities and Juvenile Delinquency**

Students whose disabilities are unattended cause them to engage in disruptive behavior (Özerk, 2018). There is evidence that teachers who lack classroom management skills or behavior management skills tend to be less effective teachers, and more punitive when students engage in minor disruptive classroom behavior (Hausstätter & Takala, 2011).

There is a growing number of criminal offenses committed by youth in Oslo (Oslo Politidistrikt, 2019). It is likely that despite Norway’s efforts to adapt ordinary education to meet the needs of all students with disabilities, some students in Norway who have behavioral disabilities go through school without appropriate education. In countries such as the United States where the special education system uses a categorical system (e.g., emotional behavioral disorders, autism, learning disabilities, hearing impairments, physical impairments, intellectual impairments), researchers have noted that some categories of students with disabilities (mainly emotional and behavioral disorders and learning disabilities) have a higher risk of engaging in delinquent behavior and incarceration (Sickmund & Puzzanchera, 2014).

There are few statistics available of juvenile crime rates in Norway and no statistics stating that students with disabilities are involved with juvenile corrections. This is not remarkable as the Human Rights Watch World Report of 2016 states that most countries do not keep any accurate records of the numbers of children who are incarcerated for breaking the law. In addition, it is difficult to get an accurate sense of the number of children because governments keep children in several different kinds of facilities or deal with them through different systems (Human Rights Watch, n.d.). This is the case in Norway where responding to children breaking the law sometimes is done through the criminal justice system, but more often done through the child welfare system which is largely unregulated and hidden according to Van Wormer (1990). Therefore, it is not known how many students with disabilities, who did not benefit from the adaptations in ordinary instruction, become involved in delinquency.

The SaLTo report is published yearly by the Oslo municipality and Oslo Police District and aims to increase the knowledge about crime and substance abuse among children and adolescents in Oslo. According to the report,
offenses committed by people younger than 18 years in Oslo seem to have risen from 5.8% of all criminal offenses in 2016 to 7.8% in 2018 (Oslo Politidistrikt, 2019). The recent increase contrasts with previous statistics, indicating that punishable offenses among adolescents younger than 18 years have been decreasing since the record high of 8.4% in 2007 (Oslo Politidistrikt, 2019). Perceptions of the current crime trend in Norway have become a source of worry for the general public, law enforcement, and politicians. It is important to note that while more criminal offenses are being committed in Oslo, the offenses appear to be committed by a smaller number of adolescents who reoffend. Statistics in 2018 showed that both the 15- to 17-year-old and 18- to 22-year-old age groups witnessed an increase in registered offenses, but a decrease in the number of offenders. The SaLTo report defines repeat offenders as anyone who is registered with four or more offenses in one calendar year. The number of repeat juvenile offenders in Oslo has increased from the record low number of 88 individuals in 2015 to SaLTo’s highest reported number of 182 in 2018. Of the total number of registered offenses committed by adolescents in Oslo, repeat offenders were responsible for 37% of all crime in 2017 and 47% in 2018, highlighting the contribution that repeat juvenile offenders make to the crime rate (Oslo Politidistrikt, 2019).

In 2018, police recorded an increase in violent crime among youth, especially against other adolescents and law enforcement, as well as robberies. They also reported more illicit drug use and store theft. In the past 9 years, the number of young individuals who have not been registered with any criminal offenses has remained above 97% in Oslo, showing that most youth are law-abiding citizens (Oslo Politidistrikt, 2019). Nevertheless, the Norwegian public worries about the increase in young repeat offenders who are portrayed in the media as more violent and uncontrollable than before. This public concern has prompted some politicians from conservative parties to suggest solutions that are more punitive, for instance, by locking up youth engaged in delinquent behavior in institutions that would be operated similarly to prisons under the direction of the children protection service (Haugan, 2019).

**Recommendations**

There are three aspects of Norway’s approach to special education that should receive special attention by educators and policymakers as suggestions to improve special education and help reduce the rise of juvenile delinquency: (a) strengthening the special education competence of general educators, (b) examining the possibility that the extensive referral and decision process might disadvantage students who are in need of immediate intervention, and (c) evaluating the quality of special education services Norwegian youth receive when they have to transfer schools under the protection of the child welfare service and in institutions outside of the formal school system.

Strengthening special education competence among general education teachers and reducing the special education teacher shortage is the first recommendation. Norwegian education places emphasis on being inclusive and prioritizes keeping students in general education classrooms as long as the student is benefiting adequately from the instruction provided (Halvorsrud, 2017; Utdanningsdirektoratet, 2014). Due to this inclusive approach, special education revolves mainly around the providing of specialized instruction.

Utdanningsdirektoratet explains that as far as possible it is preferred that students are receiving most of their special education support in a general education setting (Utdanningsdirektoratet, 2014). Thus, following a decision on special education, the ITP will in a majority of cases describe adaptations that will be implemented partly, or entirely, in a general education setting. Therefore, special education competence seems paramount for the effectiveness and quality of the Norwegian special education approach.

In a study conducted by Buli-Holmberg and Jeyaprathaban (2016), the researchers pointed out the current variation in advantages and disadvantages in the delivery of special education to students. Furthermore, Anderson and Terras (2015) found that the most pressing issue facing teachers were related to instructional and behavioral challenges.

Another recommendation is to examine the possibility that the current extensive special education referral and decision process might lead to minor problems escalating because early intervention did not take place. The extensive prereferral process that is required to be conducted by the school prior to referring a student for assessment by the PP service might encourage educators to be more reflective and introspective about their teaching, so that they better fulfill the requirement of providing adapted education to all their students. However, it is also possible that the lengthy process might prevent meaningful and necessary intervention when a student first is identified as not benefiting from instruction. It is possible that minor problems escalate in the time it takes for a decision on special education to be made, which might further disadvantage the student (Kauffman, 1999). The Education Act does not specify time frames for the PP service to conduct its expert assessment, but Utdanningsdirektoratet (2014) stated that it must be done within a reasonable time. Partouche (2018) found that the early intervention by properly trained educators is key to providing effective special education to students with disabilities in Norway (Partouche, 2018). Therefore, it is possible that the lengthy referral and decision process might be a disadvantage to students with special needs who require immediate intervention.

Finally, it is important to examine the quality of special education Norwegian youth receive in institutions outside
of the formal school system. Children and adolescents who live in child welfare institutions and juvenile correctional facilities, or who are patients in health care institutions, keep their rights under the Education Act while in the institution. It is the legal, academic, and financial responsibility of the county municipality where the institution is located to ensure that the residents of the institutions have their rights fulfilled in accordance with the Education Act (Utdanningsdirektoratet, 2017b). Section 8-1 states that, if possible, students at institutions should continue their schooling at their local school. When this is not possible, the student must be offered education at a school near the institution, or at a school affiliated with the institution itself. The education must be in accordance with the Curriculum for the Knowledge Promotion reform, including subject and hour distribution and education according to competence goals in all subjects. In fact, the Education Act stipulates that students who receive special education in an institution must have the same total number of hours as other students who are in a school in the community (Utdanningsdirektoratet, 2017b). It is likely that many children and adolescents who are in the care of the child welfare service, are patients in a health care facility, or are residents in a juvenile correctional facility, will have to receive education away from their local school, at least for some period of time (NOU 2018: 18, 2018, p. 58). This suggests that the quality of special education services should be examined for children and adolescents who have to transfer schools while under the protection of the child welfare service, as well as the quality of special education that is provided to students outside of the formal educational system.

Conclusion

It is clear that the Norwegian educational system stresses equality and inclusion, and thus favors keeping students with special needs in general education classrooms as long as the student is benefiting adequately from the instruction (Partouche, 2018). A decision on providing special education services for a student can only be made after an extensive prereferral process, and an expert assessment conducted by the PP service where both the student’s needs and the learning context are assessed. The decision on special education is determined on the basis of what is required for a student to ensure that they are benefiting from the education, something which oftentimes will depend on the existing resources and competence in a school (Utdanningsdirektoratet, 2014). With these three recommendations that specify the strengthening of special education competence, examining if the extensive special education decision process might disadvantage students in need of quick intervention, and to examine the quality of special education for children outside of the formal school system, and hopefully will improve special education in Norway. In addition, because research has shown a correlation between behavioral and emotional disabilities and crime, it could be expected that strengthening the special education system will contribute to decreasing the juvenile crime rates in Norway.

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