

The Preschool Act

No. 90, 12 June 2008

CHAPTER I Scope and Objective

Article 1

Scope

This Act covers preschool activities. The preschool constitutes the first level of education in the school system and is intended for children below the compulsory school age. Under this Act, the preschool undertakes at the request of parents, the upbringing, caring and education of children of preschool age.

According to this Act, parents are defined as those individuals that are responsible for the legal custody of children according to the definition of the Children's Act.

Article 2

Objective

Children's interests and welfare shall be the primary mission of all preschool activities. Children shall be provided with care and education, offered a healthy and encouraging environment to grow up in, as well as safe conditions to learn and play. Learning through play shall be encouraged in a creative environment where children enjoy a variety of possibilities to grow. Preschool practice and methods shall be characterised by tolerance and affection, equality, democratic cooperation, responsibility, concern, forgiveness, respect for human values and the Christian heritage of Icelandic culture.

The main objectives of upbringing and instruction in the preschool shall be:

- a. To monitor and encourage children's general development in close cooperation with parents
- b. To provide systematic linguistic stimulation and contribute to common skills in the Icelandic language
- c. To provide children with mental, intellectual and physical care according to the needs of each individual, so that they may enjoy their childhood
- d. To encourage children's broadmindedness and strengthen their moral values
- e. To lay the foundation necessary for the children to become independent, autonomous, active and responsible participants in a democratic society which is undergoing rapid and continuous development
- f. To cultivate children's expressive and creative abilities with the aim of strengthening their self esteem, health awareness, confidence and communication skills

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CHAPTER II
Preschool Administration

Article 3
Administration

The Minister of Education, Science and Culture governs the affairs covered by this Act, excluding matters regarding foundation and management of preschools, cf. Chapter IX. The Minister of Education, Science and Culture shall ensure compliance with the provisions of this Act and any Regulations issued thereof, cf. Chapter V.

The Minister of Education, Science and Culture reports to Althingi (the Icelandic Parliament) every three years on the implementation of preschool activities in Iceland.

Article 4
Local authorities

Local authorities are responsible for preschool operations. Local authorities shall take the initiative of ensuring places for children in preschool and are responsible for the general organisation of school operations of the municipality's preschools, the development of individual preschools, housing and facilities, special solutions on offer in preschools, specialist services, evaluation and monitoring, information collection and distribution as well as for the implementation of preschool activities in the municipality. Local authorities shall formulate a general policy for preschool operations in the municipality and present it to its inhabitants.

A preschool committee, elected by the local authorities, shall be in charge of preschool affairs on behalf of the local authorities. Preschool head teachers, preschool personnel and parents of the municipality shall each elect one representative and one alternate to represent them in the committee meetings, with the right to speak and propose a motion.

Article 5
Preschool head teacher

The preschool shall have a head teacher who is the director of its operations on behalf of the operating body. The preschool head teacher administers daily operations and activities of the preschool and ensures that preschool activities comply with law and Regulations, the National Curriculum Guide for Preschools and other current provisions. The preschool head teacher shall encourage cooperation between parents, preschool personnel and other professionals, with children's welfare as main objective. The preschool head teacher calls meetings of teachers and personnel as needed.

The preschool head teacher shall report to the preschool operators and the local authorities on preschool activities in an annual report.

CHAPTER III
Preschool Personnel

Article 6
Recruitment

Upon recruitment of preschool head teacher and preschool personnel, provisions of the Local Government Act shall apply as well as further provisions of the local government board agreement as applicable.

Preschool head teacher, assistant preschool head teacher and preschool teachers shall have completed preschool teacher education according to the Act on Education and Recruitment of Teachers and Head Teachers in Pre-School, Compulsory School and Upper Secondary School. Non-skilled personnel may participate in the care and education of children, provided that skilled preschool teachers are not available. A Regulation may stipulate further the preschool head teacher's instructional and administrative role towards other preschool personnel.

Individuals who have been convicted for breaking provisions of Chapter XXII of the Criminal Act may not be hired for this purpose. Upon recruitment, the person's criminal record shall be available or the head teacher be authorised to obtain information from the official charge sheet.

Article 7

Personnel

Preschool personnel shall carry out their job in a professional, attentive and conscientious manner. All personnel shall show politeness, consideration and subtlety in their demeanour towards children and parents as well as co-workers.

The preschool head teacher shall take the initiative to formulate a plan of how to organise lifelong learning for the personnel, to best comply with the emphasis of the preschool, the municipality and the preschool curriculum guide.

Preschool head teachers and preschool teachers shall, according to the local authorities' decision and provisions in general wage agreements, offered the chance to participate in lifelong learning with the purpose of enhancing their professional competences, to study the latest development in preschool matters and pedagogy and get support concerning innovation and development.

Article 8

Obligation of confidentiality

Preschool personnel is obliged to observe confidentiality in regard to the situation of children and parents of which they gain knowledge in their work and shall be regarded as confidential according to law, superiors' instruction or by nature of the matter. The obligation of confidentiality remains even after the staff member concerned leaves the job.

The obligation of confidentiality of preschool personnel does not include matters which may be appealed according to law. The head-teacher shall emphasise these obligations to the personnel, especially the obligatory notification according to the Child Welfare Act

CHAPTER IV

Parents and Parent Council

Article 9

Parents

Parents of preschool children shall look out for the interests of their children. They shall consult closely with preschool personnel and follow their children's schooling and provide all requested information, which might matter for the organisation of preschool activities and for the children's welfare. Parents shall also have the right to information about school activities and their children's situation.

In the case of parents who are not native speakers of Icelandic or who use sign language, the school shall endeavour to ensure interpretation for all information necessary for communication between parents and school on the basis of this Article.

Article 10

Cooperation between parents and preschool personnel

The preschool head teacher shall encourage cooperation between parents and preschool personnel with the children's welfare as main objective. Should there be a wish to establish a parents' association, the preschool head teacher shall assist in its foundation.

Article 11

Parent Council

The preschool shall elect representatives for a parent council and the preschool head teacher shall take the initiative for council elections. At least three parents shall sit on the parent council. Elections for the parent council shall be every September for a one-year term at a time. The parent council shall define its own rules. The preschool head teacher can apply to the municipality for exemption of founding a parent council if there are valid reasons for the exemption, such as a small number of preschool children.

The role of the parent council is to provide reference to the preschool and the committee cf. Article 4, paragraph 2, on the preschool curriculum guide and other plans for preschool operations. The council shall also follow closely the implementation of the school curriculum guide and other plans within the preschool, as well as the presentation thereof to parents. The parent council shall have the right for reference regarding all major changes in preschool activities.

CHAPTER V

Preschool Housing and Facilities

Article 12

Housing and number of children in preschools

The structure of preschool housing and facilities shall take into account the needs of children and the activities carried out in preschool. Emphasis shall be placed on providing a safe and spacious study and work environment. Buildings and all other facilities shall be aimed at ensuring safety and well being of children and personnel with regard to convenient furnishing, sound setting, lighting and air-conditioning. Special space shall be allocated for specialist services for children with special needs as well as facilities for staff.

On determining the number of children for each preschool, various factors shall be taken into account, such as age distribution and special needs of children, their length of stay, the size of the space for instruction and play and composition of personnel.

The Minister of Education, Science and Culture shall issue a Regulation regarding preschool premises and facilities in cooperation with the Association of Local Authorities. The Regulation shall stipulate e.g. children's safety requirements and accident prevention, the minimum requirements made for housing and accommodation for children and staff, children's daily length of stay and facilities for services for children with special needs.

CHAPTER IV
Curriculum Guides and Cooperation between School Levels

Article 13

National curriculum guide

The Minister of Education, Science and Culture issues a National Curriculum Guide for Preschools, which shall be revised on regular basis. It shall stipulate the main objectives of preschool activities and the preschool's role in providing upbringing and education, cf. Article 2. The National Curriculum Guide shall emphasise the value of play in all preschool activities. It shall also address the objectives of preschool studies, parent cooperation, innovation and development, evaluation of preschool activities and the connection between the preschool and the compulsory school. The National Curriculum Guide shall define learning outcomes for preschool studies, based on children's age and maturity.

Upon entry into force of the National Curriculum Guide for Preschools, an advertisement shall be issued in the B-section of the Law and Ministerial Gazette.

Article 14

School curriculum guide and operational plan

Each preschool shall issue a school curriculum guide under the responsibility of the preschool head teacher. The school curriculum guide is a more detailed version of the National Curriculum Guide for Preschools, and includes the preschool's operational plan for upbringing and education with objectives and defined ways to reach those objectives. The school curriculum guide shall take into consideration the preschool's characteristics and the educational policy of the municipality in question. The school curriculum guide shall be revised regularly.

The preschool head teacher issues annually a special operational plan. The operational plan shall provide information on annual activities of the preschool, such as the preschool calendar and other aspects concerning preschool activities.

The school curriculum guide and the operational plan shall be confirmed by a committee cf. Article 4 paragraph 2, after a reference by the parent council and presentation for parents.

Article 15

Preschool venture fund

A venture fund shall support development and innovation in school activities according to official policy and the National Curriculum Guide for Preschools. Contributions shall be made to the fund from the annual national budget. The Ministry of Education, Science and Culture shall administer the fund and issue a regulation for allocation of grants. There shall be one common fund for preschools, compulsory schools and upper secondary schools.

Supervision of the fund and its grants may be delegated to an institution under the auspices of the Ministry of Education, Science and Culture, or to other relevant parties.

Article 16

Cooperation between preschool and compulsory school

The local authorities shall establish an interactive cooperation between the preschool and the compulsory school. The school curriculum guide shall provide

information on the cooperation between the preschool and the compulsory school and on how to organise children's transfer and adaptation between school levels.

Personal information about each child in preschool that is necessary for the child's welfare and adaptation in compulsory school shall follow the child, provided that full confidentiality is ensured and that procedures take into account provisions of current legislation on personal protection and personal information. This information shall be presented to parents. Evaluation of the information and the initiative and responsibility for communicating it shall be the responsibility of the preschool head teacher or other specialists from the municipality according to its decision.

The Minister of Education, Science and Culture shall issue a Regulation regarding deliverance and communication of information between preschool and compulsory school, stipulating e.g. the kind of information covered by this Article, the treatment, elimination and deliverance of information between school levels and the position and rights of parents to access information concerning their children.

CHAPTER VII

Evaluation and Quality Control of Preschool Activities

Article 17

Objective

The objectives of evaluation and quality control in preschools are:

- a. To provide information about school activities, school achievements and development to educational authorities, preschool personnel, receiving schools and parents
- b. To ensure that school activities are according to law, Regulations and National Curriculum Guide for Preschools
- c. To increase the quality of education and school activities and encourage improvements
- d. To ensure that children's rights are respected and that they get the service they are entitled to according to law

Article 18

Internal evaluation

Each preschool shall systematically evaluate the achievements and quality of preschool activities cf. Article 17, with active participation from preschool personnel, children and parents as relevant.

The preschool issues publicly information on its internal evaluation, its connections with school curriculum guide and plans for improvement.

Article 19

External evaluation by municipalities

Municipalities shall administer evaluation and quality control of preschool activities and provide the Ministry of Education, Science and Culture with information about implementation of preschool operations, internal evaluation of the preschool, external evaluation by municipalities, process of preschool policy and plan for improvement.

Municipalities shall follow up on internal and external evaluation, so that such evaluation leads to improvements in preschool operations.

Article 20

External evaluation by the Ministry of Education, Science and Culture

The Ministry of Education, Science and Culture administers the analysis and dissemination of information regarding preschool activities on the basis of information provided by the municipalities cf. Article 19, and on autonomous data collection.

The Ministry of Education, Science and Culture sets an agenda for three years at a time regarding surveys and assessments that aim at providing information on implementation of this Act, of the National Curriculum Guide for Preschools and other school activities.

The Minister of Education, Science and Culture shall issue a Regulation regarding internal and external evaluation and regarding the municipalities' duty to provide information in consultation with the Association of Local Authorities.

CHAPTER VIII

Specialist Services and Support System in Preschools

Article 21

Organisation of specialist services

Municipalities shall organise specialist services for preschools. Specialist services include support for preschool children and their families, as well as support for preschool activities and its personnel. The municipalities shall determine the organisation of specialist services and endeavour to provide the services within the preschool itself.

Specialist services for preschools may be operated jointly with specialist services for compulsory schools. Municipalities can then cooperate in operating the services or conclude a service agreement with other municipalities, institutions or other parties that provide the service needed at each time.

The Minister of Education, Science and Culture shall issue a Regulation regarding specialist services in preschools in consultation with the Association of Local Authorities.

Article 22

Implementation of specialist services

Children who need special assistance and training according to evaluation by recognised diagnostic specialists are entitled to such services within the preschool. The service shall be carried out under specialist supervision according to decision by the preschool head teacher and the specialist services, cf. Article 21, with the parents' collaboration.

The preschool head teacher shall coordinate the work of those that take care of matters concerning individual children cf. Article 21. The municipality social services shall also be consulted in matters concerning individual children as needed.

When organising specialist services, municipalities shall emphasise good connection between the preschool and compulsory school with the aim of reaching coherence in school activities.

Article 23

Preschool education specialists

Municipalities shall recruit preschool education specialist to provide counselling and support to preschools regarding innovation and development in preschool activities. They shall also take care of monitoring preschool operations and encourage cooperation between preschools as well as between school levels.

CHAPTER IX Establishment and Operation of Preschools

Article 24

Announcements

Local authorities shall announce their intention of establishing a new preschool or of closing down a preschool to the Ministry of Education, Science and Culture.

Article 25

Permission to operate a preschool

Local authorities may grant permission to third parties for building and operating a preschool as non-profit organisations, as limited companies or as other recognised legal forms. The consent of the municipality may be subject to a certain maximum number of children. Same law and regulations shall apply to those preschools as to other preschools as applicable according to this Act. The preschool in question shall e.g. apply provisions of the Administrative Procedures Act in making decisions that are subject to right of appeal cf. Article 30 of this Act. However, this does not apply to decisions regarding fee collection. Municipalities shall lay down the rules for granting an operating permit. They shall be issued publicly and be accessible to the municipality's inhabitants.

The rights and duties of the operating body shall be clearly stipulated in the operation permit. The operation permit shall cover specifically the personnel's obligation of confidentiality cf. Article 8; housing and number of children cf. Article 12; the structure of the preschool curriculum guide cf. Article 14; the obligation of the operating party to evaluate achievements and quality of preschool activities on a regular basis cf. Article 18; the duty to provide the municipality with information and data with regard to monitoring cf. Article 19 and the organisation and implementation of specialist services cf. Articles 21 and 22. Local authorities can make an agreement with the preschool in question regarding organisation of services and fee collection.

The local authorities shall notify the Ministry of Education, Science and Culture of each new operating permit, as well as of any expired operating permit.

Article 26

Rules for enrolment

Local authorities may devise their rules regarding preschool enrolment within the municipality, given that the preschool in question receives funding from local government funds. These rules shall take into account the situation of children and parents as well as the situation in the municipality's preschools.

The local authorities' rules cf. this Article shall be issued publicly and be accessible to the municipality's inhabitants.

Article 27

Fee collection

Local authorities may determine fee collection for a child's preschool attendance, but the fee collected for each child may not exceed the average real cost incurred by each child's attendance in preschools operated by the municipality.

Provisions of this Article do not cover preschools that have been granted operational permit cf. Article 25, unless stipulated in an agreement between a municipality and a body holding an operational permit cf. Article 25.

Article 28

Cooperative operation

Municipalities, two or more, may cooperate in operating a preschool, cf. Chapter VIII of the Local Authorities Act. An agreement shall be concluded between the municipalities stipulating the role of the board cf. Article 4, paragraph 2. Should the municipalities choose to run a preschool in the form of a municipal cooperative unit cf. Article 82 of the Local Authorities Act, the board of the municipal cooperative unit shall take on the role of a committee cf. Article 4, paragraph 2, unless a special committee is established by the municipal cooperative unit to carry out that role. Provisions on such a committee shall be stipulated in the agreement for the municipal cooperative unit establishment.

Should municipalities cooperate in running a school at preschool level, with children from a particular municipality attending preschool operated by another municipality, agreements between municipalities cf. Article 5 of the Compulsory School Act shall apply. If a number of children from one municipality attends preschool in another municipality on these grounds, the municipalities in question may conclude in their agreement with the local authorities, that a representative elected by the local authorities of the municipality where the children have their legal residence, sit on the committee cf. Article 4, paragraph 2, of the receiving municipality, with the right to speak and propose a motion.

Municipalities may cooperate in running a preschool, compulsory school and music school managed by one head teacher, given the consent of the committee cf. Article 4, paragraph 2. The director of such an institution shall have professional rights to work as teacher at preschool and/or compulsory school level. Local authorities may decide that a parent council cf. Article 11 and a school council cf. Article 8 of the Compulsory School Act shall operate jointly as one council. This provision shall apply also for schools operated cf. paragraph 1.

The cooperative school shall be operated in all other respects according to legislation for the relevant school levels.

Article 29

Experimental preschools

The Minister of Education, Science and Culture may authorise municipalities and privately run preschools to organise experimental and developmental preschools or to carry out experiments in particular aspects of school activities by exempting them from provisions of this Act, Regulations issued thereof, and from the National Curriculum Guide for Preschools. Reasonable time limits shall always be stipulated for such experiments and provisions made for their evaluation upon conclusion of the experiment.

Financial support may be provided for experimental preschools as well as for special innovations to the extent permitted by the national budget at each time.

CHAPTER X
Conflict Resolution

Article 30
Right of appeal

Decisions on the rights of individual children which are made on the basis of Article 22 on the right to special support and training, on school attendance cf. Articles 4 and 26, and on fee collection for preschool attendance cf. Article 27, may be referred to the Minister of Education, Science and Culture. In the case of appeal, procedure shall be as specified in the Administrative Procedure Act.

The local authorities may conclude in an agreement on the municipality's administration that the matter shall first be referred to a committee cf. Article 4, paragraph 2, or to another particular body within the municipality's administration, before a decision may be appealed cf. paragraph 1. Should this authorisation be applied, the local authorities shall determine whether this right of appeal applies to part of the decisions cf. paragraph 1 or to all of them. In the case of appeal at the municipality level, procedures shall be as specified in the Administrative Procedures Act.

Should a decision be taken on behalf of the municipality cf. Article 22 of this Act on the right for special support and training, or on preschool access cf. Articles 4 and 26, not be considered to be according to law, the Minister of Education, Science and Culture may rule, on account of an administrative procedures appeal, that the municipality in question shall provide the child with such training or support or with preschool access.

CHAPTER XI
Entry into Force, etc.

This Act shall enter into force on 1 July 2008. At the same time, the Preschool Act no. 78/1994 shall be repealed.

Temporary Provisions

Regulations, advertisements and other provisions issued according to Act no. 78/1994 with later amendments shall remain valid as long as they do not conflict with this Act, until new regulations, advertisements or other legislation has come into effect.