

Preschool Act

2008 No 90 12 June

Entry into force 1 July 2008 Amended by Act No 38/2009 (entry into force 8 April 2009), Act No 126/2011 (entry into force 30 September 2011) and Act No 91/2015 (entry into force 5 August 2015 with the exception of Article 1 and Articles 4 to 7: entry into force 1 July 2015).

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

Section I Scope and objective

■ Article 1 *Scope*

This Act concerns the operation of preschools. Preschool constitutes the first level of the education system and is attended by children below the compulsory school age. At the request of parents, preschools provide upbringing, care and education for children of preschool age in accordance with this Act.

For the purposes of this Act, a ‘parent’ is any individual who has custody of a child within the meaning of the Act in Respect of Children.

■ Article 2 *Objective*

Children’s interests and well-being should be the primary mission of all preschool activities. Children must be provided with care and education, a healthy and stimulating environment to grow up in, and safe conditions for learning and play. Learning through play should be encouraged in a creative environment where children are afforded a variety of opportunities to grow. Preschools should operate in a manner characterised by tolerance and charity, equality, democratic cooperation, responsibility, consideration, forgiveness and respect for human worth, and guided by the Christian heritage embedded in Icelandic culture.

The main objectives of upbringing and instruction in preschools shall be:

a. To monitor and promote children’s overall development in close cooperation with parents;

b. To provide children with systematic linguistic stimulation and help them to acquire normal Icelandic language skills;

c. To aid the mental, intellectual and physical development of children according to their individual needs, thereby enabling them to enjoy their childhood;

d. To encourage broadmindedness among children and strengthen their moral values;

e. To lay the foundation necessary for the children to become autonomous, active and responsible participants in a democratic society undergoing rapid and continuous development;

f. To cultivate children’s expressive and creative abilities, including for the purpose of strengthening their personal identities, health awareness, confidence, and human relations skills.

Section II Administration of preschools

■ Article 3 *General administration*

The [Minister]⁽¹⁾ has responsibility for the general administration of any matter governed by this Act, except as regards the establishment and operation of individual preschools, which are governed by the provisions of Section IX. The Minister ensures compliance with the provisions of this Act and of the Regulation issued pursuant to it, see Section V.

Every three years, the Minister submits a report to the Althing on the implementation of preschool education in Iceland.

⁽¹⁾Act No 126/2011, Article 491.

■ Article 4 *Local authorities*

The operation of preschools is the responsibility of local authorities. Each local authority must take the initiative to ensure that children can attend preschool and assume responsibility for the general manner in which its preschools are operated; the development of individual preschools; the premises and facilities used by preschools; special support available to children attending preschool; specialist services; evaluation and quality assurance; the collection and dissemination of information; and the implementation of preschool education in the municipality. Each local authority should formulate a general policy for the operation of its preschools and make it known to the local community.

A board (“the Board”) is to be elected by each municipal council to manage the affairs of preschools on its behalf. Headteachers, other preschool staff, and parents in the municipality, are each to elect one principal and one alternate representative to attend the Board’s meetings with the right to speak and propose motions.

■ Article 5 *Headteacher*

Each preschool shall have a headteacher who assumes responsibility for its direction on behalf of the operating body(ies). The headteacher is responsible for the day-to-day operation and work of the preschool and for ensuring that education and care takes place in compliance with legal and regulatory provisions, the National Curriculum Guide for Preschools and other provisions in force. The headteacher should promote cooperation between parents, preschool staff and other professionals in the interest of children’s well-being. The headteacher should call teacher and staff meetings as required.

An annual report by the headteacher on the operation of the preschool is to be submitted to the operating body and to the Municipal Council.

Section III Preschool staff

■ Article 6 *Recruitment*

The recruitment of headteachers and other preschool staff are governed by the provisions of the Local Government Act, as well as by more detailed provisions contained in the relevant local government ordinance, where applicable.

The headteacher, assistant headteacher and teachers of each preschool must have the qualifications required of preschool teachers pursuant to the Act on the education and recruitment of teachers and administrators of preschools, compulsory schools and upper secondary schools. Where no qualified preschool teacher is available for a position, staff without preschool teacher qualifications may participate in the upbringing and education of the children. Preschool teachers’ instructional and administrative role toward other preschool staff may be stipulated in a Regulation.

Persons having been convicted for violating the provisions of Section XXII of the General Penal Code must not be hired to a position at a preschool. Prospective employees must present their criminal records or authorise the headteacher to obtain the relevant information from the penal register.

■ **Article 7** *Staff*

- Preschool staff must exhibit professionalism, commitment and conscientiousness in their work. Staff must exercise courtesy, consideration and tact in their relations with children, their parents, and co-workers.
- At the initiative of the headteacher, a plan is to be drawn up on how continuing education for staff can best be organised so as to achieve alignment with the priorities established by the preschool and the local authority, and in the school's curriculum guide.
- As decided by the Municipal Council and, where applicable, as provided in collective agreements, headteachers and other preschool staff should have the possibility to receive continuing education in order to enhance their professional competence, keep up-to-date on preschool education and pedagogy, and receive support for innovation and the development of new ideas.

■ **Article 8** *Confidentiality*

- All preschool staff must observe the utmost confidentiality with regard to information on the personal situation of children and their parents of which they gain knowledge in their work and which is covered by a secrecy requirement mandated by law, ordered by superiors, or deriving from the nature of the case. The obligation of confidentiality shall continue to apply even after the employment of person in question ends.
- The obligation of confidentiality of preschool staff does not extend to information on incidents that are subject to statutory reporting requirements. The headteacher has the responsibility to remind staff of the existence of the above obligations, in particular the statutory reporting requirement of the Child Protection Act.

Section IV Parents and parents' councils

■ **Article 9** *Parents*

- Parents of preschool children must safeguard the interests of their children. They should maintain close contact with the staff of the preschool and monitor their children's schooling, and provide any information which may be relevant for the organisation of the school's activities and for the well-being of the children. Parents shall also have the right to information about the care and education provided and their children's situation. [The right of a parent not having custody of a child to data about the child pursuant to this Act is governed by the provisions of Article 52 of the Act in Respect of Children, No 76/2003.]⁽¹⁾
- In the case of parents who are not native speakers of Icelandic or who communicate in sign language, the school should endeavour to provide them with interpretation of any information necessary for effective communication between parents and the school pursuant to this Article.

⁽¹⁾Act No 38/2009, Article 1.

■ **Article 10** *Cooperation between parents and staff*

- The headteacher should promote cooperation between parents and preschool staff for the benefit of the children's well-being. If there is an interest in forming a parents' association, the headteacher should assist in its foundation.

■ **Article 11** *Parents' councils*

- Each preschool shall have a parents' council, elected at the initiative of the headteacher. At least three parents must have seats on the parents' council. The parents' council is to be elected every September for a one-year term. The parents' council should set its own rules of procedure. The headteacher has an obligation to cooperate with the parents' council. The headteacher may apply to the local authority for an exemption from the obligation to establish a parents' council provided that such an exemption is justified by such circumstances as the small number of children attending the preschool.

The role of the parents' council is to give opinions to the preschool and to the Board set up pursuant to Article 4, second paragraph, regarding the school's curriculum guide and any other plan relating to its operation. The council should also closely monitor the preschool's implementation of its curriculum guide and other plans, and the way these are made known to parents. The parents' council is entitled to give an opinion on all major changes in the way the preschool is operated.

Section V Buildings and facilities used by preschools

■ Article 12 *Preschool buildings, number of children admitted*

The design of preschool buildings must take into account the needs of children and the work carried out in preschools. The provision of a safe environment with adequate space for study and work should be a special priority. Buildings and other facilities must conform to the objective of ensuring the safety and well-being of the children and staff, including in terms of suitable furnishings, acoustics, lighting and ventilation. Space must be specifically reserved for specialist services for children with special needs and for working facilities for staff.

The number of children to be admitted to a preschool should be decided taking into account such factors as the age distribution and special needs of the children, the length of daily stay, the size of the space used for play and instruction, and the composition of staff.

The Minister issues a Regulation⁽¹⁾ pertaining to the work environment at preschools in consultation with the Association of Local Authorities in Iceland. The Regulation must include provisions on the safety of the children and the prevention of accidents; minimum requirements for housing and the facilities provided for the children and staff; the children's length of daily stay; and facilities provided for services for children with special needs.

⁽¹⁾Regulation No 655/2009.

Section VI Curriculum guides and inter-level cooperation between schools

■ Article 13 *National Curriculum Guide*

The Minister issues a National Curriculum Guide for Preschools, which should be revised at regular intervals. The Guide should lay down the main objectives of preschool education and the preschool's role in providing upbringing and education, see Article 2. The National Curriculum Guide should include an emphasis on the value of play in all preschool activities. It should also cover the objectives of preschool education; parent cooperation, innovation and development; the evaluation of preschool activities; and the relations between preschools and compulsory schools. The National Curriculum Guide should define learning outcomes for preschool education adapted to the children's age and development.

A Notice⁽¹⁾ on the entry into force of the National Curriculum Guide for Preschools is to be published in the Law Gazette, Section B.

⁽¹⁾Notice No 631/2011.

■ Article 14 *School curriculum guide; operational plan*

Each preschool must issue a school curriculum guide elaborated under the responsibility of the headteacher. The school curriculum guide implements the National Curriculum Guide for Preschools in more detail and constitutes a plan for the school's pedagogic and educational work, including the objectives set and the steps to be followed to reach those objectives. The school curriculum guide should take into account the school's specific situation and the relevant local authority's educational policy. The school curriculum guide should be revised at regular intervals.

An operational plan is to be drawn up annually by the headteacher. The plan should contain information on the activities of the preschool during the year, including a school calendar and other aspects of the preschool's activities.