

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.

The school curriculum guide and the operational plan must be approved by the Board set up pursuant to Article 4, second paragraph, after obtaining the opinion of the parents' council, and should be communicated to parents.

■ **Article 15** *Innovation Fund for Schools*

The Innovation Fund for Schools supports development and innovation in schools in accordance with official policy and the National Curriculum Guide for Preschools. Contributions to the Fund will be as determined in the annual Budget Act. The [Ministry]⁽¹⁾ administers the Fund and issues a Regulation⁽²⁾ on the allocation of grants. The Fund is common to preschools, compulsory schools and upper secondary schools.

The administration of the Fund and the award of grants may be entrusted, by means of a Regulation, to an institution under the authority of the Ministry or to another competent party.

⁽¹⁾Act No 126/2011, Article 491. ⁽²⁾Regulation No 242/2009.

■ **Article 16** *Relations between preschools and compulsory schools*

Each municipal council must establish a programme of mutual cooperation between preschools and compulsory schools. The school curriculum guide should provide a framework for cooperation between preschools and compulsory schools, and outline the process of transition and adaptation between school levels.

Where a preschool holds personal information about an individual child which is considered necessary for its well-being and adaptation in compulsory school, such information must accompany the child, subject to a strict requirement of confidentiality and to the procedures stipulated by the currently applicable Act [on the Protection of Privacy and the Processing of Personal Data]^(*). Parents must be notified of the transfer of any such information. The headteacher, or other experts employed by the local authority, have the responsibility for the treatment of such information as further decided by the local authority.

The Minister issues a Regulation⁽¹⁾ on the submission and dissemination of information between preschools and compulsory schools, including provisions on the types of information covered by this Article, the treatment, removal and dissemination of information between school levels, and the status and rights of parents with regard to accessing information concerning their children.

^(*)Provisional translation of the title.

⁽¹⁾Regulation No 896/2009, as amended by No 856/2011.

Section VII Evaluation and quality assurance of preschool education

■ **Article 17** *Objective*

The objective of evaluation and quality assurance in preschools is as follows:

- a. To provide educational authorities, preschool staff, receiving schools, and parents with information on the education and care provided, its outcomes and its development;
- b. To ensure that schools operate in compliance with the provisions of law, regulations and the National Curriculum Guide for Preschools;
- c. To increase the quality of the education and care provided in preschools and promote improvement;
- d. To ensure that children's rights are respected and that they receive the services to which they are legally entitled.

■ **Article 18** *Internal evaluation*

Each preschool should systematically evaluate the outcomes and the quality of the education and care provided, on the basis of Article 17, recruiting the active participation of staff, the children and the parents, as appropriate.

The preschool should make public information about their internal evaluation, its relation to the school curriculum guide and any planned improvements.

■ **Article 19** *External evaluation by local authorities*

Local authorities have the responsibility for evaluation and quality assurance in schools, and for providing the Ministry with information regarding the operation of schools, their internal evaluation, external evaluation by local authorities, the implementation of their school policy and any planned improvements. [The Minister may delegate to the Directorate of Education the task of receiving information pursuant to this Article.]⁽¹⁾

Local authorities should follow up on internal and external evaluations to ensure that they lead to improvement in preschool education.

⁽¹⁾Act No 91/2015, Article 10.

■ **Article 20** *External evaluation by the [Ministry]*⁽¹⁾

[The Ministry undertakes the analysis and dissemination of information about the work of preschools based on the information provided by local authorities pursuant to Article 19 and independently assembled data. The Minister may delegate tasks pursuant to this Article to the Directorate of Education.]⁽²⁾

The [Ministry]⁽¹⁾ draws up a three-year plan on surveys and assessments aimed at providing information about the implementation of this Act and of the National Curriculum Guide for Preschools, as well as about other aspects of the work of preschools.

The Minister issues a Regulation⁽³⁾ on internal and external evaluations, as well as on the obligation of local authorities to provide information, after consulting with the Association of Local Authorities in Iceland.

⁽¹⁾Act No 126/2011, Article 491. ⁽²⁾Act No 91/2015, Article 10. ⁽³⁾Regulation No 893/2009.

Section VIII Specialist services and support structures in preschools

■ **Article 21** *Organisation of specialist services*

Local authorities must operate specialist services for their preschools. Specialist services comprise, on the one hand, support for preschool children and their families and, on the other, support for the work carried out in preschools and for their staff. The arrangement of specialist services should be decided by each local authority, which should nevertheless endeavour to provide the services within the preschool.

Specialist services for preschools may be operated jointly with specialist services for compulsory schools. In such cases, local authorities may cooperate on the operation of the services or conclude service contracts with other local authorities, institutions or other parties to provide the services needed at each time.

The Minister issues a Regulation⁽¹⁾ regarding specialist services for preschools in consultation with the Association of Local Authorities in Iceland.

⁽¹⁾Regulation No 584/2010.

■ **Article 22** *Implementation of specialist services*

Children who are in need of special assistance and training, as determined by qualified practitioners, are entitled to receive such services within the preschool. The services are to be provided under specialist supervision as decided by the headteacher and the specialist services operated pursuant to Article 21, in consultation with parents.

Within each preschool, the headteacher is responsible for coordinating the work of those handling individual children's cases pursuant to Article 21. In addition, the municipal social services should be consulted on individual children's cases as needed.

In implementing specialist services, local authorities should attach particular weight to promoting good contacts between preschools and compulsory schools in the interest of continuity of schooling.

■ **Article 23** *Preschool education experts*

Local authorities must employ preschool education experts to provide counselling and support to preschools with regard to innovation and development in their work. The experts should also monitor the work carried out in preschools and promote cooperation between individual preschools as well as between school levels.

Section IX Establishment and operation of preschools

■ Article 24 *Notifications*

[Municipal councils must notify the Ministry whenever a new preschool is established or an existing preschool ceases operations. The Minister may delegate to the Directorate of Education the task of receiving notifications pursuant to this Article.]⁽¹⁾

⁽¹⁾*Act No 91/2015, Article 10.*

■ Article 25 *Authorisations to operate preschools*

Municipal councils may authorise third parties to build and operate preschools using the form of a non-profit organisation, a company limited by shares, or any other recognised legal form. The local authority concerned may limit any such authorisation to a certain maximum number of children. Preschools authorised in this manner are governed by the same legislative and regulatory provisions as other preschools operated pursuant to this Act, as appropriate. This entails an obligation on the part of the school concerned to comply with the provisions of the Administrative Procedures Act when making decisions that are subject to appeal under Article 30. This does not apply, however, to decisions on any fees to be charged. Local authorities must lay down rules for the issuing of operating licences. The rules must be made public and be accessible to all inhabitants of the municipality in question.

The rights and obligations of the operating body must be clearly stipulated in the operating licence. The operating licence must specifically cover the obligation of confidentiality of staff, see Article 8; the premises to be used and the number of children, see Article 12; the drawing up of the school curriculum guide, see Article 14; the obligation of the operating body to evaluate, at regular intervals, the outcomes and the quality of the work carried out in the school, see Article 18, and to submit documents and information relating to quality assurance to the Municipal Council, see Article 19; and the organisation and implementation of specialist services, see Articles 21 and 22. Municipal councils may enter into contracts with the preschools in question concerning the organisation of the services provided and the fees to be charged.

[Municipal councils must notify the Ministry whenever a new operating licence is issued and whenever an operating licence expires. The Minister may delegate to the Directorate of Education the task of receiving notifications pursuant to this Article.]⁽¹⁾

⁽¹⁾*Act No 91/2015, Article 10.*

■ Article 26 *Enrolment regulations*

Each municipal council may regulate enrolment in preschools operating within the municipality, provided that they receive municipal funding. Enrolment regulations should take into account the situation of children and parents, on the one hand, and the situation in the municipality's preschools, on the other.

Regulations issued by municipal councils pursuant to this Article must be made public and be accessible to all inhabitants of the municipality.

■ Article 27 *Fees to be charged*

Municipal councils may decide on fees to be charged for children attending preschool. However, the fee charged for each child must not exceed the average actual cost incurred as a result of children's attendance in preschools operated by the local authority.

The provisions of this Article do not apply to preschools holding an operating licence issued pursuant to Article 25, unless otherwise specified in a service contract entered into between the local authority and the party holding an operating licence issued pursuant to Article 25.

■ Article 28 *Joint operation of schools*

Two or more local authorities may cooperate on the operation of a preschool, in accordance with Section VIII of the Local Government Act. An agreement should be concluded between the local authorities concerning the role of the Board to be set up pursuant

to Article 4, second paragraph. Where local authorities decide on the joint operation of a preschool in the form of an inter-municipal cooperative society, in accordance with Article 82 of the Local Government Act, the tasks of the Board to be set up pursuant to Article 4, second paragraph, should be entrusted to the board of the inter-municipal cooperative society unless the society sets up a special board to carry out that role on its behalf. The agreement on the establishment of the inter-municipal cooperative society should stipulate this arrangement.

Where cooperation between local authorities on the operation of preschools involves the attendance by children from one municipality of a preschool operated in another municipality, agreements drawn up between the local authorities are governed by the provisions of Article 5 of the Compulsory School Act. Where a certain number of children from one municipality attend preschool in another municipality on this basis, the local authorities concerned may decide in their respective local government ordinances to reserve a seat on the Board set up in the receiving municipality pursuant to Article 4, second paragraph, for a representative elected by the Municipal Council of the municipality where the children have their legal residence, with the right to speak and propose motions.

A local authority may decide, after obtaining the opinion of the Board set up pursuant to Article 4, second paragraph, to operate a preschool, a compulsory school, and a music school as one unit led by one headteacher. The director of such an institution must be the holder of a certificate to teach at the preschool and/or compulsory school level. Municipal councils may decide to set up a joint council combining the roles of the parents' council, see Article 11, and of the school council, see Article 8 of the Compulsory School Act. This provision also applies to schools operated pursuant to the first paragraph.

In other respects, the united school should be operated in accordance with the Acts governing the respective school levels.

■ **Article 29** *Experimental preschools*

The Minister may authorise local authorities and privately run preschools to operate experimental preschools, or to experiment with particular aspects of preschool education, by derogation from the provisions of this Act, of any Regulation issued on the basis thereof, or of the National Curriculum Guide for Preschools. Such experiments should always be subject to reasonable time limits and to a requirement for a post-experiment evaluation.

Financial support may be provided for the work of experimental preschools, as well as for specific novel approaches, to the extent permitted by the annual Budget Act at each time.

Section X **Dispute resolution**

■ **Article 30** *Right of appeal*

Decisions on the rights of individual children, made on the basis of Article 22 on the right to special assistance and training; on access to schools, see Articles 4 and 26; and on the fees charged for children attending preschool, see Article 27, are subject to appeal to the Minister. Appeals are governed by the provisions of the Administrative Procedures Act.

Each Municipal Council may decide in its local government ordinance that any appeal to the Minister pursuant to the first paragraph must be preceded by a referral to the Board set up pursuant to Article 4, second paragraph, or to another specified local government entity. In its application of this provision, the Municipal Council should determine whether this right of complaint is to apply to particular categories of decisions pursuant to the first paragraph, or to any such decision. Appeal procedures at the municipal level are governed by the provisions of the Administrative Procedures Act.

Where a decision by a local authority, made pursuant to Article 22 and concerning the right to special assistance and training, or concerning access to schools, see Articles 4 and 26, is found to be in non-compliance with law, the Minister, when ruling on an administrative

complaint, may order the local authority in question to provide the child with such training or assistance or with access to preschool.

Section XI Entry into force etc.

■ **Article 31** This Act shall come into force on 1 July 2008. ...

■ **Transitional provisions** Regulations, Notices and other administrative provisions laid down pursuant to Act No 78/1994, as amended, remain in force, insofar as they are not in conflict with this Act, until such time as new Regulations, Notices or other administrative provisions come into force.

Disclaimer: This is an English translation. The original Icelandic text, as published in the Law Gazette (Stjórnartíðindi) is the authoritative text. Should there be discrepancy between this translation and the authoritative text, the latter prevails.