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# Child Care institutions in Norway

## Act no. 19 of 5 May 1995 on Day Care Institutions with Regulations (Day Care Institutions Act)

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## Chapter I Day care institutions' purpose, content and design

### *Section 1 Purpose*

Day care institutions shall provide children of under school age with good opportunities for development and activity in close understanding and collaboration with the children's homes.

Day care institutions shall assist in giving the children an upbringing that accords with Christian values.

Owners of private day care institutions may prescribe in the by-laws that the second paragraph shall not apply.

Private day care institutions and day care institutions owned or run by parishes of the Norwegian State Church may incorporate in their by-laws special provisions in regard to ideological aims.

### *Section 2 Content of day care institutions*

Day care institutions shall be educationally-oriented.

The Ministry shall lay down a framework plan for day care institutions. The framework plan shall provide guidelines for day care institutions' content and tasks.

The owner of a day care institution may adapt the framework plan to local conditions. The coordinating committee for each day care institution shall establish an annual plan for the educational activity.

### ***Section 3 Design of day care institutions***

Day care institutions shall have premises and outdoor areas that are suited to the age of the children and the amount of time they spend there. The children shall have opportunities for a variety of activities in a safe environment.

The outdoor area shall normally be immediately adjacent to the day care institution's premises.

## **Chapter II Parental participation**

### ***Section 4 Parents' council and coordinating committee***

In order to secure co-operation with the children's homes, each day care institution shall have a parents' council and a coordinating committee.

The parents' council comprises the parents/guardians of all the children attending the day care institution.

The coordinating committee comprises parents/guardians and staff at the day care institution such that each group is equally represented. The owner of the day care institution may participate if he/she so wishes, but may not have more representatives than either of the other groups.

The Ministry lays down regulations concerning the functions of the parents' council and the coordinating committee.

### ***Section 5 Joint coordinating committee for a day care institution and a school***

The municipality may decide that there shall be a joint coordinating committee for a municipal day care institution and a primary school. Where both parties so wish, a corresponding arrangement may be established for a private day care institution and a municipal or private school. The coordinating committee shall also in such cases be composed in accordance with section 4, third paragraph, but such that parents/guardians and staff from both the day care institution and the school shall be represented, cf. section 32, subsection 7, of the Primary and Lower Secondary Education Act and section 22, third paragraph, of the Private Education Act.

### ***Section 6 Owner's board appointed under section 11 of the Local Government Act***

If the municipal council appoints a separate board for municipal day care institutions, cf. section 11 of the Local Government Act, at least two representatives of the parents shall be included on the board. If the board only has three members, the parents shall have one representative.

## **Chapter III Responsibility and authority**

***Section 7 Responsibility of the municipality***

The municipality is responsible for the development and operation of day care institutions in the municipality.

The pattern of development and modes of operation shall be adapted to local conditions and needs.

Day care institutions for Sami children in Sami districts shall be based on the Sami language and culture.

***Section 8 Approval authority***

The municipality approves day care institutions.

Before the municipality makes a decision regarding approval pursuant to this Act, conditions imposed in or pursuant to this Act shall have been elucidated.

Decisions of the municipality may be appealed to the county governor.

***Section 9 Children with disabilities***

Children with disabilities shall be given priority admission provided that it is deemed by expert assessment that the child will be able to benefit from attending the day care institution. The expert assessment shall be undertaken in collaboration with the person(s) who has (have) parental responsibility. The person(s) having parental responsibility make the final decision as to whether the child may benefit from attendance.

The municipality is responsible for ensuring that children with disabilities gain admission to a day care institution.

***Section 10 Supervision***

The municipality maintains the local supervision of undertakings pursuant to this Act. The municipality shall give guidance to day care institutions, and may order the rectification of unwarrantable or unlawful circumstances at undertakings that have been approved or are subject to approval. If the deadline for complying with the order is not observed, or if the circumstance cannot be rectified, the municipality may order the temporary or permanent closure of the undertaking. The municipality's closure order shall be sent to the county governor for his/her information.

The county governor is responsible for giving guidance to municipalities and owners of undertakings pursuant to this Act, and may on his/her own initiative exercise supervision identical to that of the municipality.

Decisions of the county governor in the first instance may be appealed to the Ministry.

***Section 11 The supervisory authority's right of inspection***

The head teacher or owner of the undertaking is duty bound to provide the supervisory authorities with such information as is deemed necessary to exercise supervision pursuant to this Act.

The head teacher or owner of the undertaking is also duty bound to provide the supervisory authorities with access to premises where a day care institution or undertakings which are or may be

subject to approval pursuant to this Act are run.

## **Chapter IV Approval and by-laws**

### ***Section 12 Approval***

Undertakings that satisfy applicable requirements on day care institutions are entitled to approval.

When giving approval the competent authority stipulates the area for children's play and other activities. Limits may be set as regards the children's age and the time they may spend in the institution per day or week.

### ***Section 13 Approval obligation***

Undertakings that provide supervision and care of children under school age are obliged to seek approval as a day care institution when:

- a. the activity is regular and the majority of the children attend for more than 20 hours per week, and
- b. the number of children present at the same time is 10 or more when the children are three years of age or older, in the event five or more when the children are under three years of age, and
- c. the supervision is carried out for reward.

Undertakings pursuant to the first paragraph must have been approved before going into operation.

### ***Section 14 Family day care institutions***

Approval of family day care institutions encompasses both the organisation of the activity and the individual home.

The Ministry may lay down regulations concerning approval and operation of family day care institutions. The regulations may deviate from the provisions of section 12, second paragraph and section 15, third paragraph, litera h.

### ***Section 15 By-laws***

Each day care institution shall have by-laws.

The by-laws shall provide information of significance to the parents'/guardians' relationship to the day care institution.

The by-laws shall contain provisions on:

- a. ownership,
- b. aims, should the owner desire special provisions with regard to ideology pursuant to section 1, fourth paragraph,
- c. any reservation in regard to section 1, second paragraph, cf. third paragraph, of this Act,
- d. who has authority to admit children,
- e. admission criteria,
- f. the period for which children are admitted and the time-limit for notice of termination,
- g. who is to stipulate parents' fees,

- h. area stipulated per child for play and other activities and
- i. the day care institution's opening hours.

The owner of the day care institution him/herself lays down those provisions of the by-laws that do not follow from the municipality's conditions for municipal support. If the municipality has set such conditions they shall be incorporated in the by-laws.

The by-laws shall refer to or reproduce the day care institution's documentation of its internal control system.

Draft by-laws shall accompany an application for approval. Adopted by-laws and amendments shall be forwarded to the municipality for its information.

## **Chapter V Staff**

### ***Section 16 Head teacher***

Each day care institution shall have a head teacher who is responsible for the day-to-day management of the institution.

The head teacher shall be a trained preschool teacher.

When a day care institution and a primary school are organised as one unit, the head teacher of the school may be the head teacher of the day care institution.

The municipality may in special cases grant temporary dispensation from the qualification requirement in the second paragraph. Conditions may be attached to such dispensation. The Ministry lays down supplementary regulations.

The Ministry may lay down regulations on permanent dispensation from the qualification requirement.

### ***Section 17 Remaining staff of the day care institution***

Teaching staff must be trained preschool teachers.

The municipality may grant temporary dispensation from the qualification requirement. Conditions may be attached to such dispensation. The county governor may in special cases grant permanent dispensation from the qualification requirement.

The Ministry lays down supplementary regulations.

Staffing at the day care institution must be sufficient for the staff to be able to carry on satisfactory educational activity. The Ministry lays down supplementary regulations on teaching staff ratios.

### ***Section 18 Staff working at the day care institution at night***

The qualification requirement in section 17, first paragraph, does not apply to persons working at the day care institution at night. The municipality shall approve the staffing plan and the individual appointment.

Decisions of the municipality may be appealed to the county governor.

### ***Section 19 Advertising positions***

The owner of the day care institution may not, in advertisements for new employees or by other means, require applicants to supply information on their views on political, religious or cultural issues, or on whether they are members of wage-earner organisations. Nor may the owner take steps to obtain such information by other means.

These provisions do not apply if the owner has laid down special provisions in regard to ideology in the day care institution's by-laws, and the information is warranted by the nature of the position and the position is of importance for realising the aim. In the event that such information will be required, this must be stated in the advertisement of the position.

### ***Section 20 Police certificate***

Whoever intends to work at a day care institution must produce a satisfactory police certificate. The certificate shall show whether the person concerned has been accused of, indicted for or convicted of sexual abuse of children.

Persons convicted of sexual abuse of children are barred from employment in day care institutions.

The municipality may also require a police certificate pursuant to the first paragraph for other persons who are regularly present in the day care institution.

The Ministry lays down supplementary regulations to this section.

## **Chapter VI Duty of confidentiality and duty of disclosure**

### ***Section 21 Duty of confidentiality***

The rules on confidentiality in sections 13 and 13a-f of the Public Administration Act apply correspondingly to undertakings falling within this Act.

### ***Section 22 Duty of disclosure to the social services***

The day care institution staff shall assist the social services in client-cases. They shall in their work be alert to circumstances which ought to lead to action on the part of the social services, and they shall on their own initiative provide the social services with information on such circumstances. They may only disclose information on their own initiative after the client has given his/her consent, or otherwise insofar as the information may be disclosed notwithstanding the duty of confidentiality. Information shall normally be disclosed by the head teacher.

### ***Section 23 Duty of disclosure to the child welfare service***

The day care institution staff shall in their work be alert to circumstances which may lead to action on the part of the child welfare service.

Notwithstanding the duty of confidentiality, the day care institution staff shall on their own initiative disclose information to the child welfare service when there is reason to believe that a child is being mistreated at home or is exposed to other serious deficit of parental care, cf section 4-10, section 4-11, section 4-12 of the Child Welfare Services Act, or when a child has shown persistent, serious behavioural problems, cf. section 4-24 of the same Act. Day care institution staff are also obliged to disclose such information when ordered to do so by the agencies responsible for implementing the Child Welfare Services Act. Information shall normally be disclosed by the head teacher.

## **Chapter VII Miscellaneous provisions**

### ***Section 24 Practice teaching***

The owner of the day care institution is obliged to make the institution available for practice teaching for students undergoing preschool teacher training.

The day care institution's head teacher and teaching staff are obliged to provide guidance to students during such practice teaching.

### ***Section 25 Health check-ups for children and staff***

Before a child starts at a day care institution, a statement concerning the child's health shall be produced. If the child has attended the local mother-and-child clinic for regular check-ups, such statement may be made by the child's parents/guardians.

The day care institution staff are obliged to undergo an adequate check-up for tuberculosis.

### ***Section 26 Facilities for six-year-olds***

The Ministry may lay down regulations concerning educational provision and extracurricular activities for six-year-olds on the school's premises, and may in such regulations grant exemption from the qualification requirement in section 17, first paragraph.

## **Chapter VIII Commencement and amendments to other Acts**

### ***Section 27 Commencement. Amendments to other Acts***

#### **I**

This Act comes into force on the date decided by the King. From the same date the Kindergarten Act, no. 30 of 6 June 1975, is repealed.(1)

#### **II**

The following amendments to other Acts take effect as from the date this Act comes into force.

#### **Regulations to Act no. 19 of 5 May 1995 on Day Care Institutions (Day Care Institutions Act)**

Laid down by the Ministry of Children and Family Affairs on 1 December 1995 in pursuance of Act no. 19 of 5 May 1995 on Day Care Institutions.

#### **I**

#### **1. Regulation concerning the Day Care Institution's Parents' Council**

(Laid down on 1 December 1995 pursuant to section 4, fourth paragraph)

##### **Section 1 Tasks**

The parents' council shall promote the parents' shared interests and contribute to ensuring that



collaboration between the day care institution and the parents creates a good day care institution environment.

### **Section 2 Rights**

The parents' council shall have submitted to it, and has the right to express an opinion in, matters of importance to the parents' relationship to the day care institution.

### **Section 3 Voting**

When a vote is taken by the parents' council one vote is conferred for each child, and decisions are by simple majority.

## **2 Regulation concerning the Day Care Institution's Coordinating Committee**

(Laid down on 1 December 1995 pursuant to section 4, fourth paragraph)

### **Section 1 Tasks**

The coordinating committee shall be an advisory, contact-creating and coordinating body. The committee shall in particular participate in discussion of the day care institution's underlying aims and practice and seek to promote contact between the day care institution and the local community.

### **Section 2 Election of representatives**

The parents' council and the employees each elect the required number of representatives for the day care institution's coordinating committee.

### **Section 3 Term of office**

Representatives of the parents and staff are elected for one year at a time. The term of office for representatives, if any, of the owner shall be stipulated by the owner him/herself.

### **Section 4 Constitution**

The coordinating committee constitutes itself.

### **Section 5 Voting**

If a vote has to be taken by the coordinating committee, each representative has one vote, and decisions are made by simple majority. In the event of a tied vote the chairman has a double vote.

### **Section 6 Rights**

The coordinating committee shall have submitted to it, and has the right to express an opinion in, matters of importance for the day care institution's content, activities and relationship to the parents. Such matters include budget proposals, changes in operation, utilisation of outdoor and indoor areas, etc.

### **Section 7 Relationship to the owner and supervisory authorities**

The coordinating committee shall alert the owner, and may notify the municipality or the county governor as the supervisory authority, if the day care institution is not being run within the framework

of applicable laws, regulations, the day care institution's by-laws and the said institution's budget.

### **Section 8 Rights of the head teacher**

The head teacher has the right to attend, speak and make proposals at meetings of the coordinating committee.

## **3 Regulation concerning Family Day Care Institutions**

(Laid down on 1 December 1995 pursuant to section 14)

### **Section 1 Approval of organisational set-up**

A family day care institution shall as a general rule be a joint activity comprising at least two homes, or comprising at least one home and an ordinary day care institution. In special cases the municipality may approve a single home as a family day care institution.

### **Section 2 Approval of homes**

The activity shall primarily take place in inhabited homes.

If inhabited homes cannot be obtained the municipality may in special cases approve uninhabited premises as one home in a family day care institution. When such approval is considered, importance shall be attached to the homelike qualities of the premises.

When approval of an individual home is considered, the home's suitability for operation as a family day care institution shall be taken into account.

Approval cannot be given for double groups in uninhabited premises.

### **Section 3 Number of children**

A home may be approved for a maximum of five children above three years of age who attend at the same time. A home that is suitable for it may be approved for a double group of a maximum of ten children above three years of age who attend at the same time.

A limit may be set to the number of children in a home on the basis of the home's suitability.

If the majority of the children are below three years of age, the number must be reduced.

There shall as a general rule be at least two children in a home forming part of a family day care institution .

The number of children includes the home's own children below school age who participate in the arrangement. At least half of the children in a family day care institution group must be other than the home's own children.

### **Section 4 Teaching guidance**

In family day care institutions teaching guidance shall be given to the assistant in the individual home during the institution's opening hours. The teaching guide shall be a trained preschool teacher.

### **Section 5 Temporary dispensation from the qualification requirement**

If after public advertisement no-one with preschool teacher training has applied for the position of teaching instructor at a family day care institution, the municipality may, after an overall assessment of the actual qualifications of the person for whom dispensation is sought, grant temporary dispensation from the qualification requirement for one year at a time.

Temporary dispensation may as a general rule be granted for a maximum of two years. In special cases the municipality may grant temporary dispensation for a further year at a time for a maximum of five years.

Decisions of the municipality in matters of temporary dispensation from the qualification requirement may be appealed to the county governor.

### **Section 6 Staffing norm**

A family day care institution may have a maximum of 30 children per preschool teacher.

One assistant may be responsible for up to five children when the majority of the children are above three years of age.

Staffing must be sufficient in relation to the age composition of the children.

## **4 Regulation concerning Temporary and Permanent Dispensation from the Qualification Requirement for Head Teachers**

(Laid down on 1 December 1995 pursuant to section 16, fourth and fifth paragraph)

### **Section 1 Temporary dispensation**

The municipality may, after application from the owner of the day care institution, grant temporary dispensation from the qualification requirement for head teachers for up to one year at a time after the position has been publicly advertised and no qualified applicant has come forward.

After an overall assessment of the actual qualifications of the person for whom dispensation is sought, the municipality may attach conditions regarding for example teaching guidance when granting dispensation. In private day care institutions guidance may be provided by the municipality.

### **Section 2 Persons undergoing preschool teacher training**

When the person for whom dispensation is sought is attending decentralised or part-time preschool teacher training, the municipality may grant temporary dispensation from the qualification requirement until such training is completed.

### **Section 3 Appeal**

Decisions of the municipality in matters of temporary dispensation from the qualification requirement may be appealed to the county governor.

### **Section 4 Permanent dispensation**

When the position of head teacher has been filled by a person who has had temporary dispensation from section 1 of this regulation for three years, the position shall be publicly advertised. The county governor may grant the person in question permanent dispensation from the qualification requirement

if no qualified applicant comes forward and there are very good reasons for doing so. Application shall be made by the owner of the day care institution and contain a statement of opinion from the municipality.

## **5 Regulation concerning Temporary and Permanent Dispensation from the Qualification Requirement for Teaching Staff**

(Laid down on 1 December 1995 pursuant to section 17, second paragraph)

### **Section 1 Temporary dispensation**

The municipality may, after application from the owner of the day care institution, grant temporary dispensation from the qualification requirement for teaching staff for up to two years at a time after public advertisement of the position and no qualified applicant has come forward.

After an overall assessment of the actual qualifications of the person for whom dispensation is sought, the municipality may attach conditions regarding for example teaching guidance when granting dispensation. In private day care institutions guidance may be provided by the municipality.

### **Section 2 Persons undergoing preschool teacher training**

When the person for whom dispensation is sought is attending decentralised or part-time preschool teacher training, the municipality may grant temporary dispensation from the qualification requirement until such training is completed.

### **Section 3 Appeal**

Decisions of the municipality in matters of temporary dispensation from the qualification requirement may be appealed to the county governor.

### **Section 4 Permanent dispensation**

When a teaching position has been filled by a person who has had temporary dispensation from section 1 of this regulation for two years, the position shall be publicly advertised. The county governor may thereafter grant the person in question permanent dispensation from the qualification requirement if no qualified applicant comes forward. An individual assessment shall be made of the actual qualifications of the person in question. Application shall be made by the owner of the day care institution and contain a statement of opinion from the head teacher of the day care institution and the municipality.

## **6 Regulation concerning Teaching Staff**

(Laid down on 1 December 1995 pursuant to section 17, third paragraph)

### **Section 1 Norm for teaching staff**

There shall be one teacher per 14-18 children above three years of age and one teacher per 7-9 children below three years of age when the children attend for more than six hours each day. In day care institutions in which the children spend less time each day, the number of children per teacher may be increased somewhat.

The county governor may grant dispensation from this regulation.

## **Section 2 Head teacher's administration time**

The head teacher's time spent on administrative duties is normally additional to the norm for teaching staff.

## **Section 3 Temporary dispensation**

The municipality may grant temporary dispensation from section 1 of this regulation for up to two years at a time when after public advertisement no person has come forward who meets the qualification requirement in section 17, first paragraph, of the Act. A concrete assessment shall be made of how the overall teaching staff can best be utilised.

Decisions of the municipality may be appealed to the county governor.

## **7 Regulation concerning Police Certificates**

(Laid down on 1 December 1995 pursuant to section 20, third paragraph)

### **Section 1 Introductory provision**

Whoever intends to work in a day care institution shall produce a satisfactory certificate from the police; see section 20, first paragraph, of the Act. Under section 20 of the Day Care Institutions Act "satisfactory certificate" means a certificate showing whether the person has been accused of, indicted for or convicted of violations of the provisions of the General Civil Penal Code referred to in section 3, second paragraph, of this regulation. A satisfactory certificate is a condition for appointment. The certificate shall not be more than three months old.

"Whoever intends to work in a day care institution" means all day care institution staff carrying out various tasks in the institution, persons holding long-term contracts, substitutes attached to a more established substitution arrangement and persons performing civilian work in lieu of military service.

When considering approval of a private day care institution the municipality shall, in cases where the owner him/herself intends to work in or for other reasons to be regularly present in the day care institution, verify that a satisfactory police certificate exists for the owner.

### **Section 2 Scope**

All approved day care institutions are encompassed by this regulation.

### **Section 3 Content of the police certificate**

The police certificate shall state whether the person has been accused of, indicted for or convicted of sexual abuse of children, see section 20, first paragraph, of the Act.

"Sexual abuse of children" means violations of sections 195; 196; 212, first paragraph, subparagraph 3; and section 212, second paragraph, of the General Civil Penal Code.

Impositions of fines, referrals to a municipal mediation board, waivers of prosecution and withdrawn charges and indictments shall not be stated in the certificate.

### **Section 4 Procedure**

The employer shall in the text of the advertisement make applicants aware that a police certificate will be required upon appointment, but that it shall not be enclosed with the application. A certificate shall only be required of the applicant who is offered the position. A police certificate shall be available before the person takes up the position.

Act no. 52 of 11 June 1971 on Registration of Convictions and Regulation no. 4 of 20 December 1974 on Registration of Convictions apply to the issue of certificates, subject to the exclusions and specifications stated in section 3 of this regulation.

### **Section 5 Treatment of police certificate**

The police certificate shall be kept in a place inaccessible to unauthorised persons, and shall be destroyed immediately after being used in connection with appointment or for the purpose for which it was obtained, cf. section 4 of the regulation.

### **Section 6 Duty of confidentiality**

Whoever becomes aware of information through a police certificate is obliged to prevent unauthorised persons gaining access to or knowledge of such information. Violation may be punished under section 121 of the General Civil Penal Code.

### **Section 7 Consequences of an unsatisfactory police certificate**

If a person who is offered employment in the day care institution is unable to produce a satisfactory police certificate, the person in question may not work there.

The municipality may refuse to approve a day care institution if, after a police certificate is demanded in conformity with section 20, third paragraph, of the Act, a police certificate is not produced or the certificate produced is not satisfactory.

## **8 Regulation concerning Facilities for Six-year-olds on the School's Premises**

(Laid down on 1 December 1995 pursuant to section 26)

### **Section 1 Facilities for six-year-olds**

Day care institution facilities for six-year-olds on the school's premises comprise educational provision and in the event extracurricular activities. Extracurricular activities may be organised jointly with the school's extracurricular activities.

### **Section 2 Qualification requirement for teaching staff**

Teaching staff for facilities for six-year-olds on school premises shall be trained preschool teachers or ordinary primary school teachers.

### **Section 3 Staff responsible for extracurricular activities**

No special training is required of the supervisor or other staff responsible for extracurricular activities.

### **Section 4 Teaching staff**

In day care institution facilities for six-year-olds on the school's premises, the number of children per teacher shall not exceed the school's ratios in respect of class sizes; cf. section 5 of the Primary and

Lower Secondary Education Act.

## II

Commencement

These regulations come into force on 1 January 1996.

(1)By virtue of Royal Decree of 1 December 1995, this Act comes into force on 1 January 1996.

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