



When Law Meets Practice: How Leaders Handle Legal and Relational Challenges in Schools and Early Childhood Education and Care

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Abstract

Leadership in schools and early childhood education and care settings is becoming more legally complex. Legal risk arises when leaders must balance employer responsibility with professional judgement. At the same time, they must uphold the rights of staff, children, pupils, and parents. This is closely linked to values-based leadership and organisational culture [4] [16] [31]. This study examines how school and ECEC leaders describe their handling of legal risk in everyday practice. The study is based on 92 written assignments from leaders taking continuing education in law for the education sector. The assignments were analysed using a qualitative thematic approach. The findings suggest that employment-law issues are the most common. These include sick leave, accommodation, dismissal, organisational change, and the limits of managerial prerogative. Issues related to the school environment, the duty to act, and the best interests of the child also appear as important [11] [13]. The study further indicate that legal risk is not only about rules. It also grows out of time pressure, documentation demands, relational tensions, and responsibility for both staff and pupils [8] [28]. The findings point to a need for stronger legal competence in leadership development. Employment law, education law, and professional judgement need to be understood together [26].

Keywords: Educational leadership; legal risk; employment law; education law; professional judgement.

Introduction

Leadership in schools and ECEC takes place within strong legal frameworks, high quality expectations, and growing complexity. Although the school or ECEC provider holds overall responsibility for compliance with legislation and regulations, day-to-day responsibility rests with local leaders. It rests with the individual leader, who is expected to provide sound pedagogical and administrative leadership. This means that legal, organisational, and pedagogical considerations must be handled at the same time. It often takes place under conditions in which responsibility is decentralised, and support structures are experienced as weaker than before [5] [7] [22] [23] [25] [30].

In this context, legal competence appears to be a necessary part of the leadership role. Leadership in schools and early childhood settings requires the ability to interpret and apply legislation in practice. At the same time, professional, ethical, and organisational judgement must be understood in relation to one another [17] [24]. The legislation regulates not only employer responsibility, but also the rights of children, pupils, and parents. Leaders must therefore often deal with cases in which several legal positions operate at the same time. These interests do not necessarily align easily. This may be understood as a three-way relationship in which legal and relational considerations are closely connected. Perspectives on values-based leadership and organisational culture make it clear that such cases are not only about the application of rules. They are also about balancing norms, relationships, and formal requirements [4] [16] [31]. Against this background, legal risk is used here as an analytical concept for examining how challenging cases arise and are handled in practice. In the leader's assignments, risk does not primarily appear as a lack of legal knowledge. Rather, it emerges when several legitimate considerations collide, and when relationships between the parties make the leader's room for manoeuvre more difficult to use. The study is guided by the following research question:

How is the handling of legal risk described by school and early childhood leaders in cases where employment-related, pedagogical, and relational considerations must be balanced?



To explore this research question, the article draws on a theoretical framework that links legal risk to organisation, practice, and leadership through three main perspectives. First, legal risk is understood as a practice-near phenomenon that arises when legislation is interpreted and applied in complex everyday situations. Second, employment law is understood as an integrated part of pedagogical practice in schools and early childhood settings. Third, relational and trust-based leadership is seen as central to legitimate and professionally responsible handling of legally challenging cases.

Legal Risk as a Practice-Near Phenomenon in Complex Organisations

Legal risk in schools and early childhood education and care settings, can hardly be understood as a matter of rules alone. Risk arises in the application of legislation in situations where several considerations operate at the same time. From a structural perspective, organisations may be understood as frameworks of rules, procedures, and formal lines of responsibility. These are intended to ensure predictability and legal protection [8]. At the same time, such structures are incomplete. Rules are not self-executing. In complex organisations, rules will often be open to interpretation or exist in tension with one another. Legal risk is therefore linked not only to whether rules are followed, but also to how they are prioritised and applied in specific situations. Evans and Harris (2004) show that increased rule governance does not necessarily reduce the space for discretion. It may also create new spaces for interpretation. Hupe and Hill (2007) likewise emphasise that rules must always be interpreted in light of the situation in which they operate. Interpretations become particularly clear in welfare organisations, where several legal positions and expectations operate simultaneously. Interpretive judgement does not stand outside rule-based governance. It is necessary to make the legal framework work in practice. This is consistent with analyses of street-level bureaucracy, in which frontline actors work under time pressure, resource constraints, and unclear goals. Leaders must make decisions even when the legal framework does not provide unambiguous answers [15] [20]. The exercise of discretion varies in both degree and form. Interpretive judgement is a recurring feature of frontline work. Frontline actors must interpret the lack of clarity and gaps within the legal framework in order to make their work function [9] [12] [29]. In this context, leadership practice becomes a key point at which law, policy, and relationships meet. In practice, it is leaders' decisions and patterns of action that realise policy [20]. Bolman and Deal's (2024) political and human resource perspectives add further depth to this point. They portray organisations as arenas shaped both by formal structures and by human interaction, interests, and negotiation [8]. Legal risk must therefore be understood as closely connected to the organisation's practical and relational working conditions.

Employment Law as an Integrated Part of Pedagogical Practice

The understanding of leadership practice is particularly relevant in employment-law matters in schools and early childhood education and care settings. Legal risk-cases rarely arise as clearly delimited personnel matters. Instead, they emerge in situations where the follow-up of staff, consideration for children and pupils, and expectations from parents operate at the same time. Employment law therefore does not appear as separate from pedagogical activity. Instead, it forms an integrated part of the leader's responsibility for sound operation, quality of provision, and a safe and development-oriented environment. Research on ECEC leadership shows that legal competence is not only about compliance. It is also about leading the core activity through a combination of legal understanding, professional judgement, and organisational development [18] [19]. In such cases, assessments of sick leave, workplace accommodation, conflict, redeployment, or dismissal are closely bound up with pedagogical and relational considerations. Legal risk therefore extends beyond the employer's duties towards staff. It also has implications for children's and pupils' right to a high-quality educational provision, as well as for parents' expectations of stability, quality, and safety. Employment law should therefore be understood as part of pedagogical practice rather than as a separate administrative field. This is supported by research on school leadership, which shows that the administrative, relational, and pedagogical dimensions of leadership are closely interconnected [21]. From a structural perspective, employment-law matters involve rules, procedures, and lines of responsibility that are meant to ensure predictability and legal protection [8]. From a human resource perspective, these matters also involve relationships, needs for support, and perceptions of fairness. Personnel matters cannot therefore be reduced to technical questions of regulation. They affect trust, collaboration, and professional confidence within the organisation. Findings from ECEC leadership point precisely to the fact that legal competence may contribute to clearer communication, greater legitimacy, and fairer processes. In this way, it may strengthen both leadership practice and the organisation's learning capacity [18] [19]. Employment



law may also be understood as part of a broader space of accountability. Frontline actors are accountable not only upwards in the hierarchy. They are also accountable sideways in relation to colleagues, professional communities, parents, and other partners [15]. In schools and early childhood settings, this means that leaders must balance legal requirements against pedagogical considerations, relational obligations, and organisational conditions. Increased rule governance does not necessarily reduce the space for discretion. This is particularly clear in employment-law cases, where standardised answers are rarely sufficient [12].

Relational and Trust-Based Leadership

Legally challenging cases in schools and early childhood education and care settings can rarely be handled through procedures alone. Leaders must balance different considerations, expectations, and needs. This often takes place under conditions of uncertainty, time pressure, and conflicting demands. The exercise of judgement required in such situations appears more legitimate when it is grounded in relationships characterised by trust. When staff experience that a leader acts with openness, professional grounding, and ethical awareness, the possibility of handling disagreement, change, and difficult cases is strengthened. This can happen without weakening the professional community. This understanding is supported by research on pedagogical leadership, professional learning communities, ethical leadership, and transformative forms of leadership [1] [3] [6] [32]. Pedagogical leadership is not only about internal organisation. It is also about interpreting and translating expectations between different levels and actors in the organisation [32]. At the same time, the development of professional learning communities depends on inclusive values, close pedagogical collaboration, and forms of leadership that facilitate participation and democratic processes [3]. The relational context also has a clear ethical dimension. Leadership is linked to justice, empathy, openness, integrity, and trust [6]. In this way, trust is connected to how leadership is experienced both morally and relationally.

Research suggests that strong relation between leader and staff member may increase employees' willingness to express ideas and participate actively [2]. Trust develops through the way leaders communicate, listen, justify decisions, and act in everyday practice. Dialogue is described as a central resource in this work. It is also understood as an arena in which meaning is developed through conversation, reflection, and learning [1]. This is particularly relevant in cases where legal requirements must be translated into practice through collaboration, clarification, and difficult prioritisation. Transferred to schools and early childhood settings, this means that trust-based relationships do not only have value in themselves. They also shape the organisation's capacity to handle legal risk. Relational approaches may strengthen learning and development by linking personal, social, and institutional dimensions [34]. Relationships, dialogue, ethical awareness, and trust therefore appear to be important for turning legal requirements into legitimate and professionally responsible decisions in practice.

Method

This study draws on qualitative material from school and early childhood education and care leaders undertaking continuing education. The data consist of written evaluations from school and ECEC leaders (n = 92), providing experience-near descriptions of challenges in everyday leadership practice. The study was conducted as a qualitative interpretive thematic analysis with a hermeneutic and abductive orientation. The analysis began with open coding and thematic sorting, and themes were developed through repeated movement between individual statements and the whole [27]. The abductive approach involved moving back and forth between empirical material and theory in order to develop the most plausible interpretation. Theory was used as an expanding and corrective lens, not as a fixed answer. A strength of the study is the extensive material of open written evaluations produced close to participants lived experiences. At the same time, the analysis is based on self-reported data. The findings therefore primarily reflect participants' experiences and interpretations rather than actual interaction in practice [14]. The analysis also requires reflexive awareness of the researcher's pre-understanding [10] [33]. The following analysis examines how legal risk appears in the leaders' descriptions. It first focuses on the three-way relationship between staff, children or pupils, and parents. It then turns to the child rights, parental perspectives, employment-law frameworks, and the cross-cutting themes of documentation, time pressure, and relational vulnerability.

Legal Risk in the Three-Way Relationship Between Staff, Children or Pupils, and Parents



The findings indicate that legal risk in schools and early childhood education and care settings is not only something leaders address through follow-up, clarification, and measures. Employment-law issues form the clearest area of emphasis. In particular, this applies to cases involving sick leave, workplace accommodation, follow-up of staff, dismissal, organisational change, downsizing, and the limits of managerial prerogative. At the same time, these cases rarely appear as clearly delimited personnel matters. They develop at the intersection of staff rights, the needs of children and pupils, parents' expectations, and the organisation's responsibility to provide sound services. Legal risk therefore concerns not only which rules apply, but also how leaders create a defensible course of action when several legitimate considerations operate at the same time. This supports an understanding of legal risk as something that arises in the application of legal rules within complex organisations. Here, rules and procedures are not self-executing but must be interpreted and applied under competing demands and practical constraints [8] [12] [15].

The findings point to handling as work in which legal requirements are translated into practical processes. Cases must be examined, information gathered, documentation built up, measures considered and followed through, and relationships maintained as the case moves forward. Legal risk is therefore not only about whether the law is followed. It is also about how different considerations are balanced in the same case. Documentation, time pressure, professional judgement, and relationships interact in ways that make assessments demanding. Handling does not appear as a linear procedure, but as an ongoing form of leadership work in which assessments and actions are adjusted along the way. The descriptions indicate that leaders often work to move cases from uncertainty into a form that can be handled within the framework of law and organisation. This can be understood in light of decision-making in welfare organisations under conditions of uncertainty, unclear goals, and limited resources [20]. Such work often takes place in gaps within the legal framework, where actors must interpret and fill in what is not clearly regulated [29]. The three-way relationship emerges as a particularly exposed arena for both legal risk and legal handling. It is here that employment-law assessments, pedagogical considerations, and relational pressure are most often woven together. In many of the texts, the leader is positioned as the person who must hold the case together when different legal positions and expectations pull in different directions. This makes clear that leadership takes place in a field where legal questions cannot be understood in isolation but must be handled in relation to organisational conditions and relational dynamics. In light of Bolman and Deal's (2024) perspectives, legal risk-cases appear to be shaped both by formal structures and by human interaction, interests, and negotiation. This applies in cases where staff need accommodation. It also applies in cases concerning the school or ECEC environment, and in cases where parents challenge the assessments made by the school or the ECEC setting. The findings indicate that handling in many cases often consists of creating progress and direction in difficult situations. Situations can easily become stuck in conflicting perceptions, emotional pressure, or a lack of shared understanding. Leaders must therefore do more than relate to the legal framework. They must also work to ensure that the case takes a form that is experienced as legitimate, understandable, and open to review.

The Child's Rights as an Intensifying Dimension

A related form of legal handling appears in cases concerning the rights of the child. Leaders describe why the duty to act, documentation requirements, or school absence can be difficult to deal with. They also clarify how such cases must be followed up through investigation, reporting, documentation, and measures. One school leader links the challenge to *"the school's duty to act, documentation requirements, how to investigate the case thoroughly enough and analyse the findings, the pupil's subjective experience and the interpretation of this, cooperation with parents, time pressure, and complaint handling."* This shows that legal risk does not stem from one single factor. Several demands arise and must be handled at the same time. Increased rule governance does not remove discretion but may create new spaces for interpretation and new forms of responsibility in practice [12] [15].

Cases concerning the school environment are demanding because they require more than correct rule application. They also require judgement in assessing the pupil's subjective experience, the speed of follow-up, the quality of the investigation, and the ability to maintain cooperation with parents. Handling is therefore not only about knowing the legal framework. It is also about creating a process that makes it possible to act quickly enough, investigate thoroughly enough, and ensure that the child's or pupil's experience is taken seriously. Handling must be translated into action under conditions where the legal framework does not provide clear answers [20]. Differences in interpretation among staff appear to be an important part of this risk. When harassment, exclusion, or bullying are understood differently, action may be delayed. Leadership



handling then becomes work aimed at creating a shared understanding and embedding measures in a clear and documentable practice. Legal risk does not arise only from the incident itself. It also depends on whether the organisation is able to build a shared understanding of the case and agree on what needs to be done. From this perspective, structure alone is not enough. Rules and procedures provide a framework, but they must be interpreted and put into practice through interaction and judgement.

The same pattern appears in cases concerning school absence. One school leader writes: *“In many cases, it is the parents’ voice that is heard, and the child’s experience is communicated through them. It also happens that the school is not allowed by the parents to speak with the child.”* This points to situations in which the pupil’s right to participation and follow-up depends on the relationship with parents. The risk is therefore not only about the legal framework, but also about access to information and the possibility of establishing a sufficient basis for further assessment and action. In this way, the rights of the child or pupil are closely tied to the relational conditions in which they are to be realised. Handling then appears as work aimed at moving the case forward in a way that is professionally sound, legitimate, and open to review.

Parents’ Perspectives as Part of the Risk Landscape

Cooperation with parents is described as more than a pedagogical form of collaboration. It also forms part of legal handling, especially in cases where parents’ expectations, the child’s best interests, and the institution’s professional assessments do not fully align. In such situations, leaders describe their role as clarifying boundaries, explaining professional assessments, balancing participation against confidentiality, and at the same time preserving trust. One ECEC leader emphasises that the setting must both uphold the child’s best interests and ensure that parents *“experience themselves as genuine partners in cooperation.”* This shows that relational work and legal handling are closely connected.

Handling has a clear communicative dimension. When one ECEC leader writes that *“parents’ right to participation must be balanced against the duty of confidentiality,”* it becomes clear that legal risk is also about form, timing, and language in communication. Berges-Puyó (2022) links ethical leadership to justice, empathy, openness, and trust. Adams et al. (2023) and Skjæveland et al. (2017) likewise highlight dialogue and relational grounding as central conditions for legitimate leadership. Balancing participation and confidentiality are not only a matter of legal correctness. It is also a question of what appears fair, respectful, and responsible in encounters with children, parents, and staff. This supports perspectives on values-based leadership and organisational culture. Norms, relationships, and formal requirements work together in leadership practice [4] [16] [31]. The findings therefore indicate that legal risk in many cases can hardly be separated from the way relationships are maintained or challenged through the handling itself.

In some cases, parents’ perspectives also become part of the personnel side of leadership work. This is particularly clear in situations where parental concerns about a teacher’s language, relational competence, or teaching practice overlap with internal tensions or collaboration problems among staff. In such cases, the matter is no longer only about pedagogical quality or parent-school relations. It also becomes a personnel issue that may involve follow-up of an individual staff member, concerns about the working environment, and questions about how the case should be handled in a legally proper way. At the same time, the leader must take account of the pupil’s right to a safe and high-quality provision and the parents’ concerns. This supports an understanding of employment law as an integrated part of pedagogical practice rather than a side field detached from the core activity [18] [19] [21]. In this way, parents’ perspectives appear as an active part of how legal risk develops and how such personnel-related conflicts must be handled in practice.

Staff Professional Practice and Employment-Law Frameworks as Legal Risk and Legal Handling

Employment-law issues appear as the largest area of risk in the material. Sick leave and workplace accommodation emerge as legally demanding aspects of leadership practice. The same applies to poor work performance, redeployment, and dismissal. Downsizing and the limits of managerial prerogative also stand out as legally difficult areas. Such matters affect the organisation’s operation and may also have implications for quality. At the same time, they often shape relationships within the workplace and between the institution and its wider stakeholders. Such descriptions reinforce the view that employment law is an integrated part of the leader’s everyday responsibility for sound operation and pedagogical quality, rather than a specialist field separate from the core activity [18] [19]. Cases concerning sick leave and accommodation make this especially clear. Leaders describe an ongoing tension between taking care of staff and at the same time ensuring stability and quality for children and pupils.



This tension also becomes visible in how such matters are handled in practice. Handling is not just about meeting legal requirements. It involves ongoing practical work: preparing follow-up plans, assessing work capacity, discussing possible measures, and securing substitute staff when needed. These tasks require leaders to balance the needs of individual employees against the pressure to maintain stable daily operation. As one leader notes, much time is spent on “*staff scheduling, recruitment of substitutes, and follow-up of employees on sick leave,*” leaving less time for professional leadership and quality development. In this way, legal handling becomes a form of leadership work that must hold together documentation, procedural follow-up, and everyday operations at the same time.

Accommodation also appears as more than an individual matter. Consideration for the employee must be balanced against the needs of children and pupils, the workload of colleagues, and the overall running of the organisation. Employment-law assessments therefore also become organisational and pedagogical assessments. What becomes visible here is that accountability extends beyond formal lines of authority, as leaders must respond both to expectations from higher levels of the system and to those arising from colleagues, parents, and professional communities (Hupe & Hill, 2007). From a Bolman and Deal (2024) perspective, these cases are shaped both by structural demands and by human resource concerns. These problems often emerge gradually. Firstly, these issues rarely present themselves as clearly defined cases. Rather, they tend to develop through absence, reduced work capacity, collaboration difficulties, and poor work performance. When staff “often engage in hidden accommodation” for colleagues with health-related challenges, loyalty and relationships may both reduce and increase risk. Practices of this kind can delay leadership oversight and make it harder to assess the need for formal measures. The pattern is consistent with an understanding of organisations as both structural and relational systems, in which informal practices influence how formal rules actually work [8].

Cases involving reorganisation, allocation of work tasks, redeployment, and downsizing appear especially uncertain and serious. They affect relationships, loyalty, and trust. They also influence the working environment beyond the individual case. The descriptions therefore suggest that employment-law risk is linked not only to individual decisions, but also to organisation, lines of responsibility, and the sustainability of the overall operation. Increased rule governance does not necessarily reduce the space for discretion, especially in cases where standardised solutions are not enough [12].

Legal Risk and Legal Handling at the Intersection of Documentation, Time Pressure, and Relational Vulnerability

The analysis indicates that legal risk in schools and early childhood education and care settings is not only about the possibility of making decisions that may later be challenged. It is also about leaders’ ongoing work to find ways forward that can be defended both legally and professionally. Across the different areas, documentation, time pressure, and relational conditions repeatedly shape the situations leaders face. In turn, these factors influence both how legal risk arises and how it can be handled. Documentation becomes crucial for legal protection and accountability. At the same time, it often has to be built up during cases marked by incomplete information. Time pressure intensifies the complexity further because assessments and priorities must be made under uncertainty. This is closely aligned with descriptions of decision-making in welfare organisations under conditions marked by ambiguity and limited resources [15] [20]. At the same time, relational vulnerability ties the other dimensions together. Conflict, trust, and the sharing of information affect both the basis for assessment and the possibilities for action. This is consistent with research that highlights dialogue, ethical orientation, and relational grounding as central conditions for leadership in complex professional organisations [1] [3] [34]. Taken together, the findings indicate that legal risk arises at the intersection of law, organisation, and relationships. The handling of such cases therefore appears as an integrated part of everyday leadership practice.

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