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## Changes in the Polish Education System after 1989

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### Introduction

Once Poland was re-established as a state after WWII, education law was undergoing perpetual changes. The structure of schools itself, as well as their types and the administration of education were frequently altered in particular. Apart from political parties, with completely distinct programs of education development in Poland competing with each other, the following issues have contributed to that state of affairs: firstly, economic and social changes, and secondly the geopolitical situation, connected at first with the fighting on the WWII fronts and the occupation, and subsequently, with the submission of the country to the Soviet Union and socialism.

### The education system in the Polish People's Republic

In the Polish People's Republic, apart from necessary legal acts regulating various areas of social life, regulations referring to detailed aspects of the functioning of the education system were multiplied – schools primarily. Therefore, the following issues were determined meticulously by the authorities: forms of extra-curricular

activities, methods of teaching, and even the limit of student-interest clubs. A number of circulars issued by the Ministry of Education were devoted to the prevention of unfortunate accidents during PE lessons, swimming classes, at ice rinks, and during school trips. The state regulated the issues concerning the organization of a school year, the preparation of decorations, the program of the end of the school year ceremonies or the topics for a morning assembly<sup>1</sup>.

The aim of the education policy of the Polish People's Republic was to “create a unitary education system serving to create an entirely developed socialist society, making education available to everyone, guaranteeing every citizen elementary education, providing a qualified staff for work in the economy”<sup>2</sup>.

Furthermore, the policy was aimed at the democratization of the school system (which in its name itself was obviously contradictory to the communist centrally planned economy) and creation of conditions and opportunities for comprehensive development of one's personality i.e. by implementing the principles of so-

<sup>1</sup> K. Kotarski, *Praca szkoły w świetle obowiązujących przepisów*, Warszawa 1968, pp. 76–87.

<sup>2</sup> M. Pęcherski, *System oświatowy w Polsce Ludowej na tle porównawczym*, Wrocław 1981, p. 125.

cialist morality, with its call for an active participation in the development of socialism<sup>3</sup>.

Education available to everyone and a unitary school system had been established to achieve the above mentioned aims. The system guaranteed the same and common elementary education and made available all directions for further education available to everyone. As far as higher education was concerned, it had to be diversified, but equally important in terms of its value. Secular, free-of-charge and state-run by the state education was another principle of the school system. Education run by the state manifested itself in: the central direction and administration of educational and upbringing issues, the central planning of the development of education or founding and running schools and other educational institutions by the state, providing funds from the state budget as well as a required number of teachers and school employees<sup>4</sup>.

Minor changes in the education system have become visible soon after the Round Table Talks Agreement. The arrangements concerning the school system made during the Talks had been implemented to the applicable Act on the Development of Education System. One of the first changes made in compliance with the standpoint of the Commission in charge of Learning, Education and Technological Advancement (the component of the Round Table) was to expunge from Article 1 on the Development of Education System<sup>5</sup> the following words: "socialist morality and socialist rules of social cooperation". Competences intended so far for the Council of Ministers had been delegated to respective ministers. What is more, the Ministry of Education had been transformed into the Ministry of National Education<sup>6</sup>. Additionally, the local government organs, the communes, have been given competences that used to fall under the jurisdiction of national councils<sup>7</sup>.

However, the most anticipated change was a comprehensive reform of the education system including all of its areas. During the Round Table Talks, the participants of the Commission in charge of Learning,

Education and Technological Advancement consensually agreed that the education system in Poland needed a thorough restructuring. Moreover, it was claimed that the changes should be holistic and global. Therefore, the participants recommended an overall abolition of the Act of 1991 on the Development of Education System. Simultaneously, they pointed out that the new act should regulate the overall situation of the education system, and be synchronized with changes in social, political and economic life, especially in view of the progressive democratization and pluralism<sup>8</sup>.

The fundamental postulates of the educational reform, apart from creating a new system of teachers' training and their further education, were the demopolization of education (delegating schools to local governments, establishing non-public schools) and adjusting the education system to the needs of a democratic, market-driven society<sup>9</sup>.

The first project of the entirely new act on the education system was introduced on 6<sup>th</sup> April. Even though the act prepared by the Council of Ministers had not been passed, the majority of its regulations were implemented into the following project – prepared by the members of Parliament and ultimately passed on 7<sup>th</sup> September 1991<sup>10</sup>. Project legitimization of the Act once again stated that an entirely new legal act concerning the education system was required. Further amending of the act was insufficient due to the fact that different structural and socio-economic conditions forced the government to abolish the existing regulations as they were incompatible with the reality of the Third Republic of Poland<sup>11</sup>.

<sup>8</sup> *Stanowisko podzespołu ds. oświaty, nauki i postępu technicznego Okrągłego Stołu*, <http://ofop.eu/sites/ofop.eu/files/biblioteka-pliki/porozumienia-okraglego-stolu.html> [23.07.2013]

<sup>9</sup> Ministerstwo Edukacji Narodowej, *Priorytety edukacyjne w Polsce. Maszynopis powielony*, Warszawa 1990, cit. Cz. Kuźpisiewicz, *Propozycje i kierunki reform szkolnych w USA, Anglii i Polsce na przełomie lat osiemdziesiątych i dziewięćdziesiątych*, Warszawa 1994, p. 37.

<sup>10</sup> There were long discussions around the government project of the Act on the Education System in the Education, Learning and Technological Advancement Commission and the Legislative Commission as well as during Senate and Sejm sessions. The problematic issue concerned the question of teaching Religious Education at schools and referring to Christian values at the beginning of the Act, See: *Biuletyn z posiedzenia Komisji Edukacji, Nauki i Postępu Technicznego oraz Komisji Ustawodawczej Nr 1412/X kad.*, Warszawa 1991; *Druk Sejmowy nr 1017, Sejm RP X kadencji*, Warszawa 1991; *Sprawozdanie Stenograficzne z 70 posiedzenia Sejmu w dniu 24 sierpnia 1991 r.*, Warszawa 1991, pp. 483–511.

<sup>11</sup> *Uzasadnienie do projektu ustawy o systemie oświaty*, *Druk sejmowy nr 814, Sejm RP X kadencji*, Warszawa 1991, p. 1.

<sup>3</sup> *Ibidem*, p. 125.

<sup>4</sup> *Ibidem*, pp. 127–131.

<sup>5</sup> *Ustawa z dnia 15 lipca 1961 r. o rozwoju systemu oświaty i wychowania*, Dz. U. nr 32 poz. 160, further: u.r.s.o.w.

<sup>6</sup> Art. 1 pkt 1–2 of *Ustawa z dnia 17 maja 1990 r. o zmianie ustawy o rozwoju systemu oświaty i wychowania oraz ustawy – Karta Nauczyciela*, Dz. U. nr 34 poz. 197.

<sup>7</sup> Art. 1 pkt 5 of *Ustawa z dnia 17 maja 1990 r. o podziale zadań i kompetencji określonych w ustawach szczególnych pomiędzy organy gminy a organy administracji rządowej oraz o zmianie niektórych ustaw*, Dz. U. nr 34 poz. 198.

## General changes in the education system after the 1989 transformation

The regulations of The School Education Act of 7 September 1991<sup>12</sup> included significant changes in the legal status of the head of a school. Since 7<sup>th</sup> September 1991, the head of a school has been appointed through open competition for a five-year term. The Teacher's Charter had been amended in order to make the competences of a school head are consistent with the newly passed Act on the Education System.

The Act proposes slightly different formation of social organs at school. In accordance with the provisions of the fourth section of the Act under discussion, schools can appoint a school council, a parents' council and a pupils' self-government body. These organs' responsibility is to support the operation of a school. A school council is a newly-formed institution that can operate optionally in schools. A parents' council is considered a continuation of the parents' committees operating in the Polish People's Republic. Like in case of pupils' self-government, its nature had been slightly altered. Obviously, due to the recent structural transformations, the propagandist and socialist objectives set before 1989 had been replaced with some general objectives, for instance, educational, organizational and developmental objectives, etc. Pupils are allowed to freely define the rules of the establishing, election and functioning of self-government bodies. Analogously, the competences of pupils' self-government bodies are to be regulated in the school statute<sup>13</sup>.

An option to draft school statutes in an abstract way is the significant change in the new education system. As provided under Article 60 of u.s.o., only the elements of a statute have been defined and respective ministers are to draft frame school statutes.

Article 39 u.r.s.o.w. had been replaced with an entire section in the new Act on the Education System. Actual legal regulations had been created for running these types of schools by natural and legal persons. Articles 82–90 u.s.o. regulate the issue of establishing schools, including the issue of an educational institution's registration into the records of the education superintendent. In the new system, establishing a non-public school does not depend on the Minister of Education, but solely, on receiving the entry in the above men-

tioned records. The entry can be obtained, provided that the conditions determined in the Act on the Education System have been met<sup>14</sup>.

Out of all the regulations of the new Act on the Education System, a particular attention should be given to the regulation of Article 5 u.s.o. which serves as the legal basis for running public and non-public schools in Poland. Article 5 (2) u.s.o. includes the list of natural and legal persons entitled to establishing and administering (also maintaining) schools. The new regulation differs completely from the previous Article 4 u.s.r.o.w., under which schools could be established and run only be the state. In the first draft of the Act, ministers as well as other national administrative organs, communes, municipal unions, as well as other legal entities were entitled to establish and run schools. Not only had the non-public school system been restored, but also subjects of private law had been allowed to run public schools. The author of the project focused particularly on creating laws that would enable foundations and associations to establish and run public schools. The first item of the government project legitimization points out that the legal system should provide opportunities for the running of various types of schools and educational institutions. Therefore, the regulation which allows everyone to establish a school as well as define the way of its functioning and the curriculum had been adopted<sup>15</sup>.

At present, the regulations of the Act on the Education System clearly indicate that mainly local government bodies are responsible for establishing and administering schools, even though other natural and legal persons as well as some ministers, had been given this privilege too<sup>16</sup> (the purpose was to improve the quality of education not to redirect responsibility when it comes to the process of establishing new public schools). Bearing that in mind, it has to be emphasized that the responsibility for providing the elementary general education still lies directly with the local authorities, especially communes<sup>17</sup>.

<sup>14</sup> Art. 82 section 1a of u.s.o.

<sup>15</sup> *Uzasadnienie do rządowego projektu ustawy*, pp. 1–3.

<sup>16</sup> Art. 5 section 5–5b of u.s.o.

<sup>17</sup> *Wyrok NSA z dnia 9 lutego 2006 r.*, I OSK 1372/2005; *wyrok NSA z dnia 1 grudnia 2006 r.*, I OSK 1334/06, [www.orzeczenia.nsa.gov.pl](http://www.orzeczenia.nsa.gov.pl) [15.01.2014].

<sup>12</sup> *Ustawa z dnia 7 września 1991 r. o systemie oświaty*, Dz. U. nr 95, poz. 425, further: u.s.o.

<sup>13</sup> *Uzasadnienie do projektu ustawy o systemie oświaty*, p. 8.

## The structure of the education system

One cannot talk about the education system in Poland without mentioning the changes that have been made in its structure within the last 27 years. The structure is presented in the regulation of Article 2 u.s.o. It is a closed catalogue of the subjects of law that were mentioned by the legislator and constitute the education system<sup>18</sup>.

Interestingly, *numerus clausus* of the education system entities means that it only encompasses the entities mentioned in the Act. However, the legislator can make changes at any time, i.e. certain units can be excluded or added, the name. Moreover, a profile or form of an operation can be altered as well. In accordance with the first draft of the regulation of Article 2 u.s.o., the school system comprised (1) pre-school institutions including kindergartens for children with special needs as well as (2) primary, lower secondary, upper secondary schools (except institutions of higher education) including artistic and special schools, (3) educational institutions enabling pupils to broaden and develop their interests and skills, complement knowledge, gain skills, as well as enjoy various forms of leisure activities including organized leisure in a variety of forms, e.g. camps (away from home or in the place of living), (4) career guidance centers, counseling and guidance centers and other educational institutions providing advisory and professional guidance for children, teenagers, parents and teachers as well as the guidance for pupils in choosing a career path, (5) educational care facilities and rehabilitation institutions that provide education, upbringing and care for young and teenage learners who lack parental care either entirely or partially, (6) foster families, (7) adoption and care centers initiating and supporting alternative forms of care for children without the adequate family support, (8) Voluntary Labor Corps, (9) teacher training institutions and in-service teacher training institutions and eventually (10) pedagogical libraries.

The regulation mentioned above has been changed several times. As a result of these transformations, some entities have been excluded from the education system (for instance foster families), and some entities have been included. However, none of these changes has been as revolutionary as the amendment to the Act on the Education System, implemented on 1<sup>st</sup> January 1999<sup>19</sup>.

<sup>18</sup> M. Pilich, *Komentarz do art. 2, teza 1, Ustawa o systemie oświaty. Komentarz*, Warszawa 2012; D. Kurzyńska-Chmiel, *Oświata jako zadanie publiczne*, Warszawa 2013, p. 28.

<sup>19</sup> *Ustawa z dnia 25 lipca 1998 r. o zmianie ustawy o systemie oświaty*, Dz. U. 1998 nr 117 poz. 759.

At present, pre-school institutions are considered the first level of the education system. They comprise kindergartens, pre-school classes in primary schools, kindergartens for children with special needs, and alternative pre-school education settings. Nonetheless, schools are considered the basic element of the education system. Currently, the school system in Poland comprises primary, lower secondary, upper secondary schools and artistic schools<sup>20</sup>. The types of schools including artistic ones, are stated respectively in Article 9 u.s.o. and in Regulation of the Minister of Culture of 29<sup>th</sup> December 2004<sup>21</sup>. The 6-year primary school is the basic element of the Polish education system and serves as the basis for further education. An external standardized test is carried out upon the completion of primary school<sup>22</sup>. Apart from the most typical primary schools, special education is an integral part of the Polish education system. Types of primary schools stated in Article 2, point 2a u.s.o. are as follows: special schools (applying specific methods of teaching and educating which incorporate special education needs of pupils attending those schools), integration schools and schools with special units (both healthy pupils and pupils with disorders attend those schools), sports schools, athletic championship schools and schools with sports units (providing training in one or a few sports disciplines)<sup>23</sup>. The 3-year lower secondary school is the second stage in education, concluded with an external exam giving access to the upper secondary education<sup>24</sup>. The types of lower secondary schools are similar to the types of primary schools. However, there is a possibility of establishing bilingual lower secondary schools, schools with bilingual units and schools with units preparing school leavers for employment<sup>25</sup>.

Upper secondary education is the most crucial stage of the education. Lower secondary school graduates can continue their education in the following types of upper secondary schools:

- 3-year basic vocational school that leads to receiving a diploma confirming vocational qualifications in a given profession; the graduates of basic vocational

<sup>20</sup> Art. 2 section 2 of u.s.o.

<sup>21</sup> *Rozporządzenie Ministra Kultury z dnia 29 grudnia 2004 r. w sprawie typów szkół artystycznych publicznych i niepublicznych*, Dz. U. 2005 nr 6 poz. 42.

<sup>22</sup> Art. 9 section 1 of u.s.o.

<sup>23</sup> M. Pilich, *Komentarz do art. 9, teza 1 i 5, Ustawa o systemie oświaty. Komentarz*.

<sup>24</sup> Art. 9 section 1 of u.s.o.

<sup>25</sup> Art. 2 section 2b of u.s.o.



schools are able to continue their education in general upper secondary schools for adults starting with grade 2;

- 3-year comprehensive secondary school leading to receiving the matriculation certificate upon passing of the external matriculation exam;
- 4-year technical secondary school leading to receiving a diploma confirming vocational qualifications upon passing of an examination, and also offering a possibility of receiving the matriculation certificate upon passing of the matriculation exam;
- post-secondary non-tertiary school lasting up to 2.5 years and enabling pupils who have completed comprehensive upper secondary education to acquire a diploma confirming vocational qualifications upon passing of a vocational exam.
- 3-year special vocational school that leads to receiving a certificate confirming preparation for employment of pupils with moderate and severe disabilities as well as multiple disabilities<sup>26</sup>.

Notwithstanding the subtype, upper secondary schools may operate as: public schools, special schools, integration schools, bilingual schools, schools with special units, sports schools, athletic championship schools, agricultural schools and forest schools<sup>27</sup>.

At the same time, artistic schools are run in the education system. Their types are stated in Regulation of the Minister of Culture of 29<sup>th</sup> December 2004. These schools provide two types of education: either education in arts or both artistic and general education. The latter type of artistic schools can be divided into: 6-year comprehensive music schools of the 1<sup>st</sup> degree (offering elementary education in music and general education from primary school) and 6-year general music schools of the 2<sup>nd</sup> degree (offering the education of a professional musician and general education from lower secondary and upper secondary schools and a possibility to receive the matriculation certificate upon passing of the matriculation exam). Furthermore, there are art schools which comprise 6-year general schools of fine arts offering the education of a visual artist and general education from lower and upper secondary schools and a possibility to receive of the matriculation certificate upon passing of the matriculation exam. Then, there are 9-year general ballet schools which offer the education of a dancer, general education from primary (grades 4–6), lower secondary and upper secondary schools and a possibil-

ity to receive the matriculation certificate upon passing of the matriculation exam<sup>28</sup>. The types of artistic schools that offer solely artistic education are as follows: music schools, ballet schools, acrobatic school of circus art and post-secondary non-tertiary schools. Music schools are divided into music schools of the 1<sup>st</sup> degree (4 or 6-year training depending on students age, which provides the basics of music education) and music schools of the 2<sup>nd</sup> degree (4 or 6-year training depending on the selected specialization which provides qualifications required to be a professional musician). Ballet schools (comprising schools of dance arts) are 6 or 9-year trainings depending on students age which provide qualifications necessary to be a dancer. 4-year acrobatic schools of circus art provide the qualifications needed to be a circus performer. Post-secondary non-tertiary schools provide opportunities to acquire or complement the education in artistic professions<sup>29</sup>.

Educational institutions also comprise the education system. Their aim is to enable the development of interests and abilities and to use various forms of leisure and recreation activities. The educational institutions stated by the legislator in Article 2, point 3 u.s.o comprise mainly youth hostels, catechetical centers and non-school institutions providing care i.e. youth palaces, youth culture centers, interscholastic sports centers, Jordan's gardens and special institutions in non-school settings included in Regulation of the Minister of National Education of 12<sup>th</sup> May 2011<sup>30</sup>.

The education system provides institutions enabling acquisition and completion of knowledge, skills and vocational qualifications, i.e. continuing education institutions, practical education institutions and in-service trainings and professional development institutions. All of them serve to broaden knowledge, improve skills and qualifications as well as gain supplementary education.

Artistic institutions, and other entities of the education system, enable to develop artistic interests and skills. They are intended for gifted students. It is worth mentioning that these institutions used to be a part of

<sup>26</sup> Art. 9 section 1 of u.s.o.

<sup>27</sup> Art. 2 section 2c of u.s.o.

<sup>28</sup> *Rozporządzenie Ministra Kultury z dnia 29 grudnia 2004 r. w sprawie typów szkół artystycznych publicznych i niepublicznych*, § 1.

<sup>29</sup> *Ibidem*, § 2.

<sup>30</sup> *Rozporządzenie Ministra Edukacji Narodowej z dnia 12 maja 2011 r. w sprawie rodzajów i szczegółowych zasad działania placówek publicznych, warunków pobytu dzieci i młodzieży w tych placówkach oraz wysokości i zasad odpłatności wnoszonej przez rodziców za pobyt ich dzieci w tych placówkach*, Dz. U. 2011 nr 109 poz. 631, § 2.

other educational institutions, as they were subordinate to a proper minister of culture and national heritage<sup>31</sup>.

Moreover, the education system comprises psychological-pedagogical centers, which provide children and teenagers with psychological-pedagogical support as well as education and career guidance. Furthermore, parents and teachers receive psychological-pedagogical support concerning care and education of children and young people<sup>32</sup>.

The entities of the education system defined in Article 2, point 5 u.s.o., a very broad category, which comprises institutions specializing in satisfying educational needs of children and young people with social, intellectual or motor disorders, for example reclamation centers, sociotherapy centers, residential special schools and special schools for children and young people who require special learning environment as well as methods of learning and care<sup>33</sup>.

The education system also includes institutions, which provide pupils with care and upbringing during their education away from home, namely boarding schools or holiday camps children<sup>34</sup>.

Pedagogical libraries play a significant role in the education system. They provide access to literature, not only to teachers and other people associated with the education system, but also students and academic teachers.

The education system comprises teacher training centers institutions: teacher training colleges and foreign language teacher training colleges<sup>35</sup> which educate teaching staff, i.e. provide qualifications for teachers as well as in-service teacher training institutions which, as the name indicates, provides opportunities to upgrade professional skills of teachers. Schools of social work play a similar role in the education system. They provide education for social workers. In accordance with the Act of 5<sup>th</sup> November 2009 on amending the Act of the Law on Higher

Education<sup>36</sup>, Article 261a has been added. The article entitles the Minister of Higher Science and Education to establish public schools of higher vocational education on the basis of teacher training colleges, foreign language teacher training colleges and schools of social work or, after receiving the permission of the senate of a public higher education institution, to either incorporate these institutions into a public institution or combine them into a public school of higher vocational education. In the long run, the law has been intended to consolidate all the institutions mentioned in the given paragraph with the higher education system.

## Conclusion

In the Polish People's Republic period, the education system – analogously to all aspects of life – was subordinated to the central government, which had been consistently implementing the policy of central planning and administering the education system for 50 years. The weakness of this policy was a very detailed legislation concerning the education system, the lack of diversity and an extremely difficult access to the possibility of establishing and administering educational institutions by normal persons and legal persons. Along with the structural transformation in 1989, the education system had been changed, i.e. decentralized. Since then, normal and legal persons have been permitted to establish and administer schools, pre-schools or other educational and care-providing institutions. After the fall of communism the education system in Poland has been diversified due to the legal, political and economic transformations. The responsibility for the organization and functioning of education as well as the competitiveness of schools and educational institutions has increased.

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<sup>31</sup> M. Pilich, *Komentarz do art. 2, teza 7, Ustawa o systemie oświaty. Komentarz*.

<sup>32</sup> *Rozporządzenie Ministra Edukacji Narodowej z dnia 1 lutego 2013 r. w sprawie szczegółowych zasad działania publicznych poradni psychologiczno-pedagogicznych, w tym publicznych poradni specjalistycznych*, Dz. U. 2013 poz. 199.

<sup>33</sup> D. Kurzyńska-Chmiel, *Oświata jako zadanie publiczne*, pp. 33–34.

<sup>34</sup> *Rozporządzenie Ministra Edukacji Narodowej z dnia 12 maja 2011 r. w sprawie rodzajów i szczegółowych zasad działania placówek publicznych, warunków pobytu dzieci i młodzieży w tych placówkach oraz wysokości i zasad odpłatności wnoszonej przez rodziców za pobyt ich dzieci w tych placówkach*, § 42.

<sup>35</sup> *Rozporządzenie Ministra Edukacji Narodowej z dnia 12 sierpnia 1997 r. w sprawie zakładów kształcenia nauczycieli*, Dz. U. 1997 nr 104, poz. 664.

<sup>36</sup> *Ustawa z dnia 5 listopada 2009 r. o zmianie ustawy – Prawo o szkolnictwie wyższym*, Dz. U. 2009 nr 202 poz. 1553.

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