

Summary of the dissertation

Educational obligations. Administrative-legal study

The aim of the dissertation is to determine what falls within the scope of the concept of educational obligations, what is the content of individual educational obligations and what the mechanism of their compulsory implementation looks like. The main inspiration and reason for choosing the topic was the polemic that has been going on for many years regarding various aspects of compulsory education, including the definition of individual stages of the compulsory learning process, the content of educational obligations, the forms of their implementation, responsibility for their implementation and the process of administrative enforcement.

The dissertation is divided into nine chapters. The first chapter is an introduction to educational issues in Poland. It shows the place of broadly understood education law in the entire legal system. In this part of the dissertation, a detailed theoretical and terminological analysis of educational obligations was made, introducing their definitions and indicating their sources. Due to the choice of the research tool, which is the construction of an administrative legal relationship, it became necessary to review the achievements of the doctrine in this area. The second chapter was entirely devoted to historical and legal considerations. The basic and most important legal acts relating to compulsory education and the school system over the last hundred years have been analyzed here - starting from the period of the Second Polish Republic, through the times of World War II, the Polish People's Republic, up to the times of the political transformation carried out at the turn of 1989 and 1990. This chapter also discusses changes in the school system made during the Third Polish Republic until the current Education Law came into force. The considerations contained in the third chapter directly refer to the elements of the administrative and legal relationship relating to educational obligations. The entities of educational obligations, their subject and content, which include all the rights and obligations of the entities, were characterized. A new definition of a student was proposed, which is more than the current definition from the Act on... reflects the nature of this entity, as well as the "zero student" obliged to perform the obligation of one-year preschool preparation. An important part of the chapter is the analysis of the obligations imposed by the provisions of the Education Law on parents of children subject to educational obligations. Their legal nature and

their place within the separate elements of the administrative legal relationship were resolved, as well as the entities responsible for the implementation of educational obligations were presented. Chapter four of the dissertation describes the obligations imposed on public entities that serve to implement educational obligations. This part identifies the entities responsible for establishing and running specific types of educational institutions, describes the planning process for the network of public kindergartens and schools, and analyzes issues related to guaranteeing free transport and conducting recruitment based on the principle of universal accessibility. This chapter also includes considerations devoted to the material assistance system, which is divided into social assistance and motivational assistance. The issue of educational obligations is closely related to the organization of forms and methods enabling their implementation. For this reason, chapter five is entirely devoted to public forms of fulfilling educational obligations permitted by the Education Law. The concepts of public kindergarten, public other form of preschool education and public school were analyzed. Much attention was devoted to the issue of public educational institutions as administrative institutions providing educational services. The analysis of legal regulations relating to special education and rehabilitation and educational classes also plays an important role in the considerations made. It is impossible not to notice that the legislator allows for the fulfillment of educational obligations in forms outside school, which are the subject of chapter six. Most of them refer to extracurricular training. These forms include: practical vocational training, practical preparation at the employer's, vocational qualification courses and universities. Extracurricular forms of fulfilling all educational obligations include the so-called home education, which was also analyzed in this part of the dissertation. The seventh chapter discusses the issues of non-public forms of fulfilling educational obligations and the privatization of educational tasks. The definition of a non-public kindergarten, another form of pre-school education, a school and a non-public art school with the rights of a public school was indicated, as well as the legal regulation relating to the establishment of non-public institutions was analyzed. Considerations were made on the legal status of non-public kindergartens and schools. The description of the legal situation of a student carrying out educational duties in a non-public administrative institution is also of particular importance for this part of the dissertation. Control of the fulfillment of educational obligations and their administrative enforcement are the leitmotif of chapter eight. The entities responsible for controlling these obligations are indicated here, along with the means available to them. Of particular importance are considerations regarding the control of parents' obligations by the headmaster of a district primary school, as well as the possibility of controlling such obligations

by the guardianship court. At this point, the premise of admissibility of administrative enforcement of educational obligations is resolved, thus answering the question of what unjustified absence is. The entities of the administrative enforcement relationship and the sequence of procedural activities performed by its participants are shown. An important point of the chapter is the description of possible enforcement measures for compulsory fulfillment of the obligation of annual preschool preparation, compulsory schooling and compulsory education. The dissertation ends with chapter nine, which is comparative legal considerations, comparing the Polish regulation of compulsory education to the education systems of Finland, Estonia and Japan. The choice of countries was not accidental, because their education systems are considered the best in the world, thus obtaining the best places in rankings conducted by independent organizations. The Constitutions and the most important educational legal acts of the mentioned countries are interpreted here. The chapter summary shows the similarities and differences of the legal solutions adopted in Finnish, Estonian and Japanese laws and in the Polish Education Act.

To achieve the set goal of the dissertation, the research carried out mainly used the formal-dogmatic research method. Legal norms contained in legal acts of various importance were analyzed. The second is the historical-legal research method, which is especially noticeable in the second chapter. The third research method used in the dissertation is comparative-law method. Its purpose is to show similarities and differences between the Polish compulsory education system and the compulsory education system in countries considered to have the best and most effective educational solutions in the world. An additional empirical method was used, consisting in the analysis of research conducted and published in reports of legal institutions, such as the Central Statistical Office or the Office for Personal Data Protection.

Keywords: educational obligations, administrative obligations, obligation of the one-year kindergarten preparation, school obligation, obligation to continue education, legal-administrative relationship

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