

Reforming the Legal Status of Teachers in Poland

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I. Which categories of teachers are distinguished in your country?

Teachers working in state schools follow a precisely defined path of professional promotion and a salary range connected with that path. Particular levels of professional promotion are determined by the fulfilment of appropriate conditions. The Teacher's Charter (Karta Nauczyciela)¹ lists conditions necessary to obtain the successive levels of teachers' professional promotion under the Polish legal system.

In Poland the Teacher's Charter defines the rule by which a person who has not yet obtained one of the stages of promotion established by this statute, on the day their employment contract commences obtains the entry level of a „trainee” teacher.

The Charter identifies the following stages of promotion for teachers:

- Trainee teacher,
- Contract teacher,
- Nominated teacher,
- Certified teacher.

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The Polish law allows to employ a teacher granting a higher level of professional promotion than the initial level of a trainee teacher. The level of a contract teacher is granted to academic teachers who have at least three years' employment history at a higher education institution, or persons with at least five years' employment history and significant professional achievements. The level of a nominated teacher may be granted to academic teachers who, beginning their employment at a teacher training centre, already have a degree and at least three years' employment history at a higher education institution.²

In 2013 the Ministry of National Education introduced new regulations defining the procedure of teachers' professional promotion. They have been adjusted to the new regulations concerning the substitute care system. The legally binding promotion procedure is defined in the order of the Ministry of National Education of 1 March 2013 on obtaining professional promotion levels by teachers (Law Journal. pos. 393), which entered into force on 27 March 2013. The introduction of this regulation was necessary due to exclusion of teachers employed in public educational care centres and adoption-care centres from the scope of provisions of the Teacher's Charter.

The legal basis of professional promotion is regulated by:

- The statute of 26 January 1982 The Teacher's Charter
- The Minister of National Education and Sport Order of 1 December 2004 referring to obtaining the levels of professional promotion by teachers.

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1 <http://www.prawo.vulcan.edu.pl/przegdok.asp?qdatprz=akt&qplikid=2>

2 More: <http://education.stateuniversity.com/pages/1217/Poland-TEACHING-PROFESSION.html>

- The Minister of National Education and Sport Order of 23 April 2004 referring to pedagogical supervision.
- Regulation of 9 June 2011 on the support for family and substitute care system (Law Journal from 2013 pos. 135,).

II. Which qualifications (diplomas) are required for each respective category? Are there any other requirements to be fulfilled (nationality, residence)? (Please mention the legal norms and law).

Among the necessary conditions that ought to be fulfilled by persons wishing to work on the position of a teacher in Poland there are: holding appropriate educational qualifications, pedagogical training, completing a qualifying employment period and obtaining positive evaluation of one's work achievements. The particular levels of professional promotion also necessitate the fulfilment of additional requirements.

The Teacher's Charter lists the following conditions necessary to be fulfilled in order to obtain a higher level of a teacher's professional promotion:

- holding a higher education degree with proper pedagogical training or completing a teachers training centre and accepting a position these qualifications are sufficient for (depending on the type of school),
- completing a qualifying period /work experience period,
- obtaining positive evaluation of a teacher's work achievements.

Obtaining each of the successive levels of promotion is connected with the necessity to fulfil the following conditions:

- in case of a trainee teacher - obtaining acceptance of the qualifying committee after a qualifying interview,
- in case of a contract teacher - passing an exam in front of an examination committee,
- in case of a nominated teacher - obtaining acceptance of a qualifying committee after the analysis of the teacher's work achievements and a qualifying interview.

Qualifying or examination activities are conducted by a committee on the teacher's motion filed directly either to the school head teacher or an organ which runs the school, or an organ which holds pedagogical supervision, or a proper minister.

One of the organs- a proper one in a particular case - issues a decision on granting or refusal to grant the level of professional promotion.³

Another important element of the process of obtaining levels of professional promotion is a qualifying period/work experience period. The teacher who has not obtained any level of professional promotion begins his/her employment with a qualifying period. The qualifying period starts at the beginning of the school year, however not later than 14 days since lesson activities began (The Teacher's Charter art. 9d reg.1). If the teacher signed an employment contract after the given date he/she cannot begin the qualifying period until the end of the school year (The Teacher's Charter art. 9d reg. 2).

A trainee teacher begins his qualifying period without filing a motion, whereas other teachers on their motion filed to the school head teacher.

³ The decision is issued until the 31 August of a given year, presented to the teacher who filed the motion to start a qualifying or examination action before the 30 June of a given year. If the teacher files such a motion until 31 October of a given year the decision is issued until the 31 December of the same year.

The length of the qualifying period depends on what level of promotion is in question. In the case of applying for the level of a contract teacher the qualifying period lasts 9 months (the Teacher's Charter art. 9c reg. 1 p. 1), while in the case of a nominated and certified teacher - 2 years and 9 months. During the qualifying period the teacher has a duty to realize one's own plan of professional development accepted by the school head teacher. After the completed qualifying period the teacher submits the report on the realization of this plan to the head teacher.

A trainee teacher and a contract teacher are assigned a mentor of the qualifying period (the Teacher's Charter art. 9c reg. 4), who is selected by the head teacher and whose task is to aid the teacher during the qualifying period, in particular in preparation and realization of the teacher's development plan (the Teacher's Charter, art. 9c reg. 5), as well as preparation of evaluation of the teacher's work achievements during the qualifying period. The mentor can be chosen from among nominated or certified teachers, however, not necessarily of the same subject; the mentor should take part in activities conducted by the trainee teacher at least once a month (Order § 6 reg. 1 p. 3). Once a month the trainee teacher should take part in activities conducted by the mentor of the qualifying period or another teacher (Order § 6 reg. 1 p. 2). Within 30 days after completing the qualifying period the teacher ought to submit to the head teacher a report on the realization of the professional development plan (Order § 4 reg. 4).

The work achievement of the teacher during the qualifying period is then evaluated. The evaluation is done by the school head teacher, within maximum 21 days since the day the report on the realization of work development plan was submitted. Parents' board should also express an opinion on the subject (within 14 days since receiving information about the process of evaluation of the teacher).

Having obtained acceptance of the committee the teacher receives a certificate of the acceptance. The record of issued certificates is kept by the school head teacher (the Teacher's Charter art. 9g reg. 9). Once all the conditions have been fulfilled, the school head teacher, on administrative decision level, grants the trainee teacher the promotion to a contract teacher.

The level of a certified teacher can be applied for by a school head teacher with at least 3 years continual experience on this position, and in the case of a head teacher holding at least a PhD- at least 2 years experience and outstanding work evaluation. According to the requirements, during the qualifying period the trainee teacher has to acquire the following knowledge and skills:

- knowledge of the organization and rules of functioning of the school in which the teacher has undergone the qualifying period (§ 6 reg. 2 p. 1)
- the skill of conducting lessons in a way that ensures proper realization of statutory tasks of the school in which the teacher has undergone the qualifying period (§ 6 reg. 2 p. 2)
- knowledge of the environment of students, their problems, as well as the skill to cooperate with the student environment (§ 6 reg. 2 p. 3)
- the skill to discuss one's own as well as observed lessons (§ 6 reg. 2 p. 4).

III. What is the nature of the teacher's employment contract (public, private, %)? Are teachers considered civil servants?

http://eacea.ec.europa.eu/education/eurydice/documents/key_data_series/134en.pdf
(Please mention the legal norms and law).

Under art. 63 reg. 1 the Teacher's Charter grants the teacher the status of a public officer (art. 63 reg. 1 of the charter determines that, the teacher, during or with reference to the fulfilled professional duties, takes advantage of protection provided for public officers based on the principles defined in the Criminal Code of 6 June 1997 (Law Journal No 88, pos. 553, with further amendments"). This means that the teacher is granted protection based on the principles defined in the act mentioned above. Reg.

2 of the Teacher's Charter states that „the body which runs the school and the school head teacher are obliged to stand in defence of the teacher, on behalf of the office, when the rights defined for a teacher are violated”.

The teacher is entitled to protection during or with reference to the performed professional duties. The teacher is not a public officer, but merely takes advantage of legal protection provided for public officers when performing professional duties. “The introduction of the protection in question, resulting from the fact of granting the teacher the status of a public officer is an expression of creating a greater sense of security for teachers themselves, who do their work in increasingly difficult times, often characterized by brutalization of life at school of the 21st century.”⁴

Legal basis:

- statute of 26 January 1982 The Teacher's Charter (Law Journal from 2006, no 97, pos. 674 with further amendments),
- regulation of 6 June 1997 Criminal code (Law Journal from 1997 no 88, pos. 553 with further amendments),
- regulation of 11 April 2007 on the change of the regulation on the system of education and the change of selected other regulations (Law Journal from 2007 no 80, pos. 542).

The following issue concerning professional contracts, teachers' employment contracts, is connected with establishing employment status with the teacher. Employment of the teacher is established on the basis of:

1. a fixed-term contract of employment,
2. a contract of employment for an indefinite period,
3. nomination.

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(art. 10 of The Teacher's Charter).

The analysis of regulations allows to conclude that the higher the level of professional promotion, the more stable the form of teacher's employment is. The type of contract signed with the teacher depends largely on the level of professional promotion obtained by the teacher:

1. teachers „trainees” are employed for one year in order to undergo the qualifying period/work experience period,
2. contract teachers are employed for an indefinite period,
3. nominated and certified teachers are employed on the principle of nomination.

(art. 10 reg. 2, reg. 4 and reg. 5 of The Teacher's Charter), provided that they fulfil the following additional conditions:

1. they hold Polish citizenship, albeit the requirement does not apply to citizens of the member countries of the European Union, Swiss Confederation or member countries of the European Free Trade Association (EFTA), sides of the agreement on European Economic Area;
2. they hold full legal capacity and ability to take advantage of public rights;
3. no penal or disciplinary proceedings, or proceedings on incapacitation are conducted against them;
4. they have no criminal record for offences done wilfully;
5. they have qualifications required to take a given position;
6. there are conditions for full-time employment of the teacher at school and for an indefinite period (this condition concerns only teachers employed on the principle of nomination).

4 P.Nowak, Ochrona nauczyciela jako funkcjonariusza publicznego, *Życie Szkoły. Czasopismo dla nauczycieli*, (Protection of a teacher as a public officer, *The Life of School. A journal for teachers*) 2012, <http://www.zycieszkoly.com.pl/dla-nauczycieli/art,5,ochrona-nauczyciela-jako-funkcjonariusza-publicznego.html>

(art. 10 reg. 5 the Teacher's Charter).

The basic form of employment for a nominated and certified teacher is nomination. The only prerequisite of such a form of employment is the possibility to offer the teacher full-time employment for an indefinite period. According to art. 10 reg. 6 of the Teacher's Charter if there are no conditions to offer a nominated or certified teacher full-time employment for an indefinite period, an employment contract can be signed with such a teacher for a fixed-period and part-time position, with the reservation of reg. 7, which means that the employment contract can be signed for a fixed-period of time if teaching organization requires so, or if the employment provides replacement for another teacher.

The notion of „nomination” exists in educational law in two meanings, which in practice generates a number of misunderstandings. For nomination is a level of professional promotion of a teacher and in this sense contributes mainly to financial profits, as the base salary of a teacher depends, among others, on the level of professional promotion. Nomination is also an alternative form of employment of a teacher. This form of employment is more advantageous than an employment contract as it involves greater stability of employment, moreover, it conditions the application of certain regulations of the Teacher's Charter which refer only to teachers employed on the principle of nomination.

The teacher can have a single employment contract with the same employer and within the same professional duties. The job position of a teacher defines the number of weekly hours of compulsory didactic, educational care activities (quota of teaching hours). The notion of a teacher's job position should be interpreted in accordance with art. 42 reg. 3 of the Teacher's Charter. If there are vacancies at school, employment of a new teacher should be the first decision. If this is impossible, one should consider allocating the working hours, as overtime hours, among teachers working in accordance with their qualifications. The second employment contract can be signed in case of a temporary replacement for another teacher, or when it is not possible to employ a new teacher for the position.

The employer and employee can sign an additional employment contract under the condition that its subject will be work of a different character than the one hitherto done. Such a contract cannot violate working time regulations. Signing an additional employment contract with a teacher who already is a holder of full-time employment cannot serve as avoidance of work regulations concerning the so called increased quota of teaching hours - art. 42 reg. 4a of the Teacher's Charter. In exceptional situations, e.g. in case it is not possible to guarantee full-time employment to a teacher on a given position, the teacher can combine activities of various quotas of teaching hours within one job position. A necessary condition for such a situation is for the teacher to have the required qualifications for all realized activities (e.g. mathematics and physics, biology and geography). It is possible to employ a new teacher as a replacement. The duration of a replacement contract is defined by the time of justified absence of another teacher (e.g. for the duration of a sick leave, maternity leave, or any other absence due to which a fixed-term employment contract is signed with a replacing teacher). The moment the absent teacher is capable of commencing work, the replacement employment contract is automatically (legally) terminated.

In Poland, the competences to define weekly compulsory quota of working hours for teachers realizing their duties based on an employment contract performed in accordance to particular job positions with various quota of working hours, are within the authority of a body which runs the school, after obtaining an opinion from an institution providing pedagogical supervision. The competences of the body with management capabilities are performed respectively on a local level by: municipality council, country (powiat) council, voivodeship regional council.

IV. Who is the teacher's employer (state, local community, specific educational body)? Who pays the teacher's remuneration? (Please mention the legal norms and law).

School is a multi-element (administrative, financial, pedagogical/educational and axiological) institution in the educational system. Teachers are employed by the head teacher of a particular educational institution, and the educational institution is financed by an organ which runs the school and which is a unit of a local self-government. According to the Labour Code the employment rules for teachers apply not only to teachers but also caretakers and pedagogical staff (e.g. library employees) employed in state institutions: preschools and schools, reformatories and youth shelters, adoption centres, educational care centres etc., as well as teachers training centres. In the light of the law the trainee teachers, that is persons without professional promotion level, are also teachers, provided that they are holders of at least part-time employment.

The consent of an organ which runs the school for additional employment, e.g. a teacher assistant, is required in all cases when it is not possible to place a student e.g. in an integrated school.

It is necessary to stress that the cost of employment of a teacher assistant is high as he/she is employed on the same basis as an ordinary teacher, i.e. based on the regulations of 26 January 1982 the Teacher's Charter (Law Journal from 2006 No 97, pos. 674 with amendments) and his/her salary is calculated according to general regulations. As a teacher assistant is a holder of a full-time employment, he/she works 20 hours a week.

According to the proposal of the Ministry of National Education, the units of a local self-government have to define in the new statute the allowances rate and the conditions of granting them, the conditions for calculating allowances for overtime hours and replacement hours as well as the rate and conditions for particular elements of salary, if they have not been defined in law regulations.

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Employment rules of teachers in preschools, schools and institutions are defined in the statute of 26 January 1982 - the Teacher's Charter (Law Journal from 2006 No 97, pos. 674, with further amendments). According to art. 11 of the said act a school head teacher establishes employment status with a teacher accordingly to the teacher's competences and the level of promotional promotion. The employment contract is signed at school, and in the case of a separate organizational unit- in a school complex based on the employment contract or nomination.

In case of a person who has adequate qualifications and who starts work at school, employment is established based on an employment contract for a fixed period of time for one school year to complete the qualifying period/work experience period, which is necessary to obtain the level of a contract teacher. Employment with a contract teacher is established based on an employment contract for an indefinite period.

The school head teacher employs a teacher when the didactic- educational activities in a particular institution begin, i.e. usually on 1 September. Employing a teacher during the school year is acceptable in special situations:

- the necessity resulting from teaching organization,
- the necessity to replace an absent teacher.

These conditions are defined in the order of the Ministry of National Education and Sport of 18 April 2002 on the organization of the school year (Law Journal no 46, pos. 432 with amendments). However, this does not refer to public art schools, schools in reformatories and centres for adolescents.

Employing a teacher on the basis of a work contract is a rule only in state schools. Teachers employed by a head teacher in a state school are liable to the Teacher's Charter which assumes only an employment

contract or nomination. These requirements do not refer to private schools. Such schools, apart from work contracts, also accept civil contracts, e.g. a commission contract or a contract for a specific task. However, it is not allowed to replace an employment contract when elements of work contract are retained. Such a limitation results from art. 22 of the Labour Code. Thus, it is important for civil contracts not to include elements characteristic for work contracts and not to be performed for an employer, under his/her supervision as well as the time and place defined by the employer.

V. How are teachers recruited?

Recruitment process depends, first of all, on whether a given person fulfils the criteria to be employed on the position of a teacher. Detailed conditions which a candidate for the job of a teacher must fulfil are defined in art. 10 reg. 5 of the Teacher's Charter. The position of a teacher in Poland can be offered to a person who:

1. is a graduate of a higher education institution with proper pedagogical training, or a graduate of a teachers training centre and is accepting a position these qualifications are sufficient for;
2. follows moral code ;
3. fulfils health conditions necessary to perform professional duties (art. 9 reg. 1 of the Teacher's Charter).

Further conditions which must be fulfilled by a candidate for the position of a teacher at school or educational institution have been defined in art. 10 reg. 5 and reg. 8 of the Teacher's Charter:

1. the teacher is a Polish citizen, albeit the requirement does not apply to citizens of member countries of the EU, Swiss Confederation and member countries of the European Free Trade Association (EFTA), sides of the agreement on European Economic Area (the condition of employment on the principle of nomination),
2. the teacher holds full legal capacity and ability to take advantage of public rights,
3. no penal or disciplinary proceedings, or proceedings on incapacitation are conducted against the teacher,
4. the teacher has no criminal record for offences done wilfully,
5. the teacher has qualifications required to accept a given position,
6. there are conditions for full-time employment of the teacher at school and for an indefinite period (this condition applies only to teachers employed on the principle of nomination).

Recruitment of teachers is conducted by the school head teacher who, first of all, determines whether the candidate fulfils formal requirements. Additional qualifications and a predicted professional development plan may play a significant role in the recruitment process of teachers. A person taking part in the recruitment process (a candidate) for the position of a teacher should fulfil the conditions defined in art. 10 reg. 5 of the Teacher's Charter. However, there are situations in which the head teacher can employ a candidate who does not fulfil all the requirements. Each candidate taking part in the recruitment process for the position of a teacher has to hold full legal capacity and ability to take advantage of public rights. This means that a teacher cannot be a person under age, or a person with criminal record for offences done wilfully. Moreover, the rules of the recruitment process do not allow to employ a person against whom penal or disciplinary proceedings, or proceedings on incapacitation are being conducted. An essential condition that must be fulfilled by a candidate are the qualifications necessary to perform duties at a given position. These qualifications are defined in art. 9 of the Teacher's Charter and the order of the Minister of National Education on detailed qualifications required from teachers and defining schools and cases in which it is possible to employ teachers without a higher education degree or who have not graduated from teachers training centres. The regulations present in these documents also enumerate circumstances in which the head teacher can employ a person who is not a teacher, but who has qualifications and work experience in the profession that enables conducting certain educational activities. Employment of persons without pedagogical training most often takes

place in vocational schools, when the head teacher does not have the possibility to employ a specialist with a teacher's qualifications.

Additional requirements for the position of a teacher oblige the head teacher, who would like to employ a nominated or certified teacher, to choose from among the candidates who are Polish citizens or hold citizenship of a member country of the EU or a member country of the European Free Trade Association, sides of the agreement on the European Economic Area as well as citizens of Iceland, Lichtenstein and Norway.

Recruitment of teachers aims at selecting the best candidates, thus the head teacher, apart from verifying formal requirements, should also pay attention to the candidate's experience and methods of work with students preferred by the pedagogue.

Legal basis: art. 9, 10 reg. 5 of the order of 26 January 1982. - the Teacher's Charter (text from the Law Journal from 2006 No 97, pos. 674 with amendments), art. 7 reg. 1 of the order of 7 September 1991 on the system of education (text from the Law Journal from 2004 No 256, pos. 2572), order of the Minister of National education of 12 March 2009 on detailed qualifications required from teachers and defining schools and cases in which it is possible to employ a teacher without a higher education degree or who are not graduates of teachers training centres (Law Journal No 50, pos. 400).

VI. Is permanent appointment as a teacher possible? Under what conditions?

A teacher can be employed for an indefinite period on the principle of nomination if he/she has obtained the level of a nominated teacher and if the organization sheet of the school states that it is possible to offer him/her part-time employment. The conditions to employ a teacher on full-time quota allow the teacher to apply for the transformation of the employment contract into the act of nomination. In such a case it is the head teacher's duty to determine whether the teacher fulfils the conditions for employment on the principle of nomination that were defined in art. 10 reg. 5 of the Teacher's Charter. Only after completing the procedure is the contract transformed and the employment conditions changed. Conversion of the contract usually takes place on the first day of the month after the month in which the teacher obtained the level of a nominated teacher. This applies to teachers who have been employed on the principle of an employment contract for an indefinite period yet have not obtained the required level of professional promotion. The school head teacher is obliged to issue a written confirmation of the act of nomination and the conversion of the employment contract. The contract of nomination is signed for an indefinite period.

In case of teachers who have obtained the required level of professional promotion and are holders of a full-time, but fixed-time employment, the change of contract is possible only after the employment contract is terminated.

VII. What are the career possibilities of a teacher? (salary, promotion?)

(Please mention the legal norms and law).

The career possibilities of a teacher are strictly connected with the levels of professional promotion and qualifications which the teacher obtains in the process of life-long learning. The higher the level of professional promotion, the higher the salary. The teacher's base salary, also the trainee teacher's salary, is supplemented with additional types of allowance: rural allowance amounting to 10% of the basic salary, for work in towns with population under 5 thousand; motivational allowance for the care over youth organizations or preparation of knowledge contest participants; pedagogical allowance,

for the care over a particular class of students. The teacher is also granted additional remuneration for replacement lessons.

The Teacher's Charter (Chapter 5 Work conditions and remuneration) in Art. 30.

1. states that the teacher's remuneration, with the exception of art 32, consists of:
 1. base salary;
 2. allowances: seniority, motivational and function allowances, as well as the allowance for working conditions;
 3. overtime remuneration and replacement hours remuneration;
 4. awards and other benefits resulting from employment, with the exception of school social benefits defined in art. 54.
2. Base salary depends on the level of professional promotion, qualifications and the number of compulsory activities, while the value of allowances accordingly to seniority, the quality of performed professional duties or additional activities, or the performed function as well as difficult or strenuous working conditions.
3. The average base salary for teachers amounts to:
 1. 100% for the trainee teacher,
 2. 111% for the contract teacher,
 3. 144% for the nominated teacher,
 4. 184% for the certified teacher,
 5. of the base amount defined for teachers annually in the budget regulations.

A teacher can also motion to be awarded the Title of an Honorary Professor of Education.⁵ *A teacher applying for the title of an Honorary Professor of Education must fulfil three conditions:*

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- a. he/she is required to have at least 20 years experience on the position of a teacher,
- b. including at least 10 years experience as a certified teacher,
- c. he/she is required to have substantial and recognized professional achievements (the procedures listed above have been in operation since 1 October 2012).

The title is awarded on the motion of the Chapter of Professors of Education, by a minister adequate for the issues of education. Such a teacher is also required to have substantial and recognized professional achievements. Motions are filed to the chapter by an organ which conducts pedagogical supervision (The Teacher's Charter, art. 9, reg. 1,2).

According to the regulations of the Chapter the title of an honorary professor ought to be awarded to the best of Polish teachers and should not be treated as a level of professional promotion of a teacher.

Legal basis:

1. Art. 9 of the regulation 26 January 1982 The Teacher's Charter (uniform content in the Law Journal from 2006 No 97, pos. 674 with further amendments)
2. Order of the Ministry of National Education of 4 September 2008 on the Chapter of Professors of Education (Law Journal. No 163 pos. 1017)

⁵ Professor of Education is an honorary title granted to teachers of elementary, lower secondary and upper secondary schools (general upper secondary, technical secondary and vocational schools)

VIII. Can teachers be transferred to another school (voluntarily, involuntarily?). Under what conditions? (Please mention the legal norms and law).

Teachers employed on the basis of the Teacher's Charter can be transferred to another school, or to a different position in the same or another school, based on their current employment contract. However, regulations of the Teacher's Charter do not define this problem precisely.

The statute of the 26 January 1982 the Teacher's Charter (Law Journal from 2003 no 118, pos. 1112 with amendments) in art. 18 and 19 assumes the possibility of a new form of employment duties of nominated and certified teachers in the form of transfer. This is a peculiar form of transfer which does not require previous termination of an employment contract. These changes can come into effect on a teacher's request or following office regulations, but with a teacher's consent, and can concern transfer to another or different position at the same or different school in the same or different town (art. 18 of the Teacher's Charter). The teacher's transfer can be executed by the head teacher of the school to which the teacher is to be transferred, after obtaining an opinion of the organ which manages the school, and with the consent of the head teacher of the school in which the teacher is employed. In such a case the employment contract is not terminated, merely the employer / the head teacher is changed. This is also why in such cases the teacher does not receive a work certificate. However, the new educational institution receives full documentation, that is the personal files of the teacher.

The teacher who is transferred according to office regulations, and with his/her consent, to another town, receives: a flat adequate for his family status as well as a job position for the spouse if the spouse is a teacher, as well as compensation for the expenses connected with the transfer, according to the regulations defined for civil servants.

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The teacher who changes the place of residence due to transfer is exempt from professional duties for a suitable period of time, not longer than 7 days. The mode of transfer of a religion teacher employed on the principle of nomination has been defined separately. It is dependent on issuing a referral to a given teacher (they can be both clergymen: priests, nuns, or secular persons) by proper authorities. In such a case the organ authorized to transfer the teacher is the head teacher of the school to which the teacher has received the referral, in agreement with the head teacher of the school in which the teacher is employed. The transfer also requires submission of a notice to the organs which run the schools.

Transferring a teacher to another institution is not tantamount to termination of his/her previous employment status. Thus, in such a situation, the teacher is not entitled to redundancy payment which is predicted for teachers being made redundant, even if the reason for the transfer is closure of a school where he/she was hitherto employed.

After the transfer the teacher has the same status of employment with the new employer, albeit the conditions of employment may change. The transfer results in continuity of employment, despite the change of the employer.

The organ which runs the school can also transfer the teacher employed on the principle of nomination to another institution without his/her consent. This takes place if it is necessary to provide the school with personnel on the position of a teacher with qualifications required for the curriculum demands of the school (art. 19 of the Teacher's Charter). This type of transfer cannot last more than 3 years and the teacher preserves the right to return to the previous position. The teacher has a right to return to home school, however, he/she does not need to do it, which in practice means that the teacher transferred in this mode has a single employment status, and on the transfer to another school the hitherto employment is terminated. After the period of "transfer" (lasting not longer than 3 years) the teacher can demand to be re-employed at the school where he previously worked, however he/she has a right to continue working at the school to which he/she has been transferred. In case the teacher is refused re-employment in the previous institution, he/she can appeal to the Labour Code and demand

to be employed within 14 days since receiving the notice on the refusal to be accepted to the position. (art. 264 § 3 the Labour Code).

According to art. 19 of the Teacher's Charter the teacher who has been transferred to another school, in another town is entitled to: four- day work week, allowance for difficult working conditions in the amount of 20% of base salary, accommodation in the place of temporary employment, exemption from professional duties for an adequate period of time, not longer than 7 days.

IX. Is a part-time teaching job feasible? Under what conditions? (Please mention the legal norms and law).

It is possible to limit the quota of hours for a teacher only to a part-time (more precisely- half-time) job. (art. 22 reg. 2 of the Teacher's Charter). According to the Teacher's Charter limiting the quota of hours for a teacher employed on the principle of nomination to the number of working hours not lower than half of the compulsory quota, and proportional reduction of salary, is executed with the teacher's consent for reasons discussed in art. 20 reg. 1 of the Teacher's Charter, if it is not possible to employ a teacher full-time and if there are no conditions to complete the weekly compulsory quota of didactic, educational or care hours in another school. If a teacher employed on the principle of nomination does not agree for the quota of working hours to be limited and for the proportional reduction of salary, the head teacher terminates employment with the teacher, or, on the teacher's motion, he/she becomes an inactive employee.

Due to the regulation mentioned above the head teacher is unable to limit employment of the teacher employed on the principle of nomination to the quota of hours lower than half of the compulsory working hours. In case it is not possible to guarantee this number of hours, the head teacher terminates employment with the teacher established on the principle of nomination according to art. 20 reg. 1 p 2 of the Teacher's Charter at the end of the school year with a three month notice period. The Teacher's Charter does not include regulations enabling the transformation of employment on the principle of nomination into an employment contract.

It is necessary to stress that despite the application of limitation in employment, the form of a teacher's employment does not change. The limitation in employment is introduced for one school year. If the schedule of work organization for the following year still does not enable full-time employment, it is necessary to re-limit the working hours to less than half of the compulsory quota or terminate the employment contract with the teacher.

If, after the termination of employment on the principle of nomination, there are conditions to employ a teacher with the number of working hours lower than half of the compulsory quota the head teacher can employ the teacher on the principle of an employment contract. The Teacher's Charter does not include regulations enabling the transformation of employment on the principle of nomination into an employment contract.

Part-time employment of a teacher is applied in the case of a teacher who has terminated employment and obtained retirement rights. He/she can later be employed and will not lose retirement benefits for this reason (art. 88 reg. 1 of the Teacher's Charter). There are no legal obstacles for the teacher to be re-employed at school and there is no need for a strictly defined employment gap. The pension system does not prohibit employment after obtaining pension benefits, even with the same employer.

When employing a teacher-pensioner it is necessary to remember that the same employment contract regulations operate as in the case of all other teachers. There are also the same requirements from the candidate for the position. A teacher-pensioner already has a definite level of professional promotion, which must be taken into account when employing such a teacher. If there are conditions at school to provide full-time employment for a fixed-period, nomination will have to be the basis for employment

(as it is difficult to assume that a teacher-pensioner has not obtained the level of a contract or certified teacher).

Legal basis:

- art. 20 reg. 1 p 2, art. 22 reg. 1 and 2 of the act of 26 January 1982 – the Teacher’s Charter (Law Journal from 2006 No 97 pos. 674 with amendments),
- art. 38 § 1 of the act of 26 June 1974 the Labour code (Law Journal from 1998 No 21, pos. 94 with amendments).

X. Can a teaching job be combined with other paid activities (e.g. as a self-employed person)? Under what conditions? (Please mention the legal norms and law)

It is possible to follow the profession of a teacher and undertake other paid jobs under the condition that the other activities are not in conflict with the teacher’s work.

Art. 6. (Chapter 2 Teachers’ responsibilities) indicates that: „The teacher is obliged to:

1. dutifully realize tasks connected with the position and the basic functions of school: didactic, educational and care, including tasks connected with ensuring students’ safety during activities organized by the school;
2. support all students in their development;
3. pursue one’s own personal development;
4. teach and educate the youth in the atmosphere of love for Motherland, respect for the Constitution of the Republic of Poland, in the atmosphere of freedom of conscience and respect for all human beings;
5. nurse the students’ moral and civic attitudes in accordance with the idea of democracy, peace and friendship between people of different races, nations and viewpoints”.

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During a holiday leave teachers receive salary, but they are allowed to be employed. e.g. as caretakers for students or on summer and winter camps. They are not allowed to do so if they are taking advantage of a health leave.

XI. Do teachers receive in-service training? (Please mention the legal norms and law)

In-service teacher training is an indispensable element of teachers’ professional development. Most often it is identified with purposeful, planned and constant process of lifelong education. It consists in increasing and modifying professional competences and qualifications of a teacher, comprehensive personality development organized and realized by specialized institutions, as well as in the process of self-education and self-improvement. In-service teacher training is usually done as: 1. self-education, 2. in-school teacher training and 3. institutional training realized outside school.

1. Self-improvement activities imply individual pursuit of knowledge and skills, in the form of reading professional literature, using professional Internet sites, watching selected television programs, exhibitions, experience and knowledge exchange during business and private meetings and conversations, cooperation with universities, organizations and associations connected with education, the subject taught etc.

2. In-school teacher training realized at school is an open form (it assumes both inside school cooperation and cooperation with outside school subjects) and integrates teaching (pedagogical) community of the school around collectively prepared concepts (educational and teaching), aims and tasks of the school. In order to realize the in-school teacher training aims task teams are formed, leaders of subject teams as well as the leader/coordinator of training are selected. Within in-school training teachers can take advantage of aid from experts and outside educators.

3. Institutional forms of teacher education refer to institutions providing the following forms of activities: post-graduate studies, qualifying courses, training on particular topics, workshops, seminars, training for various subjects of widely understood education. Some of the training forms mentioned above result in gaining new qualifications and entitlements, e.g. to teach a new subject, etc. Teachers usually take advantage of the offer of: Centres for Education Development, Teacher Training Centres as well as non-government organizations and national and international institutions (among others, training within EU projects).

The school head teacher is responsible for increasing the competences of the team and it is the head teacher who organizes and monitors the in-service teacher training. The head teacher is limited in the organization of in-service training by regulations of education law and the economizing policy of local self-governments. In November 2012 amendments came into force in the order on teacher training centres. The Ministry of National Education order, which amends the order on teacher training centres, introduced new regulations which support the process of modernization of the system of in-service teacher training. The new solutions assume support in the creation of a network of cooperation between teachers from different schools, aim at increasing competences by experience exchange, analysis of good practices and self-education. The order introduced a unification of compulsory tasks of public in-service teacher training institutions, run by self-government organs, by indicating the scope of the training. Public in-service training institutions have to support the school head teacher and teachers in the realization of requirements resulting from the regulation on pedagogical supervision, realization of core curriculum, diagnosing students' needs, preparation to the analysis of results and conclusions of pedagogical supervision, diagnosing the needs of the school and in management of the school. In-service teachers training centres are to support professional development of the teacher by the organization and management of the network of cooperation, which assumes meetings with experts, demonstration lessons or discussions on good practices of teachers and head teachers from various schools. The scope of the provided support results from individual analysis of the institution and answers its particular needs, defined in the analysis. Thanks to that the teacher's professional development, which is his/her duty according to the Teacher's Charter, is to become more adjusted to realistic needs. The order amending the order on in-service training centres aims at improving the conditions in which teachers' and head teacher's professional development takes place.

Legal basis:

The Minister of National Education Order of 31 October 2012 amending the order on in-service teacher training centres (Law Journal from 2012 Pos. 1196).

The legal basis for the organization of in-service teachers training has been included in the ministerial order of 19 November 2009 on in-service teachers training centres (Law Journal No 200, pos. 1537).

*Only in 2016 will the: § 11 reg. 1 p. 2, § 16 reg. 1 p. 1 and 2 as well as § 22 reg. 3 p. 4 of the Order of the Minister of National Education and Sport of 19 November 2009 on teachers training centres (Law Journal No 200, pos. 1537 with further amendments), which concern the in-service teachers training, come into life.

XII. Is a leave of absence possible? For what reasons (sabbatical, vacation, educational leave, leave for social reasons, medical reasons,...)? (Please mention the legal norms and law).

A teacher employed during a school year is not entitled to a holiday leave for the whole period of holidays, but for the period proportional to the length of employment period, in other words it is not necessary to employ a teacher during the holidays in order to take advantage of the due holiday leave.

The teacher employed for less than 10 months at school where work organization assumes school holidays is entitled to a holiday leave for a period of time proportional to the period of time in which the teacher was due to conduct lessons (art. 64 reg. 5 of the Teacher's Charter).

Currently regulations limit the period of teachers' holiday leave to summer and winter holidays, however, they allow to oblige the teacher to work in these periods for up to 7 days. This solution raises doubts whether during these 7 days the teacher is taking advantage of a holiday leave and should perform only particular duties defined for this period, or whether these are ordinary work days and teachers should be e.g. available for students' parents. What is more, there are no regulations which would enable to return the holiday leave to teachers who, e.g. due to student recruitment process at school, worked during the holidays more than 7 days.

One of the reasons for receiving the consent for a longer leave is convalescence. Convalescence leave is provided only to teachers who are employed full-time for an indefinite period. Teachers with part-time employment or replacement employment cannot apply for such a leave.

Convalescence leave can be granted by the head teacher to a teacher who works the quota of hours appropriate for the character of work, i.e.:

- 18 hours a week in the case of primary, lower secondary and comprehensive upper secondary school teachers,
- 30 hours a week in the case of teachers librarians,
- 25 hours a week in the case of preschool teachers working with children under the age of 6,
- 22 hours a week in the case of teachers of preschools and preschools institutions working with 6-year-old children,
- 20 hours a week in the case of employees of learning disabilities centres.

The leave can be applied for by teachers with at least 7 years experience. The length of the leave cannot exceed 1 year. In case of teachers who reach retirement age within the given year, the convalescence leave can be granted for the period until the month preceding the month in which the teacher obtains the right to retirement (art. 73 reg. 1 and 2 the Teacher's Charter).

Another possibility concerns a paid training leave. Depending on whether the employee raises qualifications on his own initiative or does it on the referral of the school head teacher, he/she has different entitlements. According to art. 68 of the Teacher's Charter teachers with full-time employment are entitled to a paid training leave. This right is provided to teachers working at schools and preschools as well as other institutions defined in art. 1 of the Teacher's Charter, among others in learning disabilities centres. According to the Ministry of National Education order on detailed regulations of granting teachers leaves for further training, for academic, artistic and educational purposes and for other important reasons as well as exemptions and benefits connected with this training, as well as organs authorised to grant them, the training leave can be granted to teachers who:

1. study at a university;
2. study at teachers training centres.

However, not in all cases the teachers who study at a university can apply for a training leave. The head teacher's referral for further training is a crucial factor. If the teacher is not raising professional qualifications on the employer's initiative or with his/her consent, the teacher is entitled only to:

- exemption from the whole or part of work day without the right for remuneration,
- an unpaid leave,
- in the scope defined in the agreement between the employer and employee.

Legal basis:

- Regulation of 26 January 1982 the Teacher's Charter (Law Journal from 2006 No 97, pos. 674).
- Further amendments are planned to the Teacher's Charter. They are to concern, among others, defining the length of holiday leave for teachers, criteria of granting the teachers convalescence leaves as well as the method of accounting for the means spent by self-governments on teachers' salaries.
- The Ministry of National Education Order as well as the Ministry of Labour and Social Policy of 12 October 1993 on the principles and conditions of raising professional qualifications and general education of adults (Law Journal No 103, pos. 472).
- The Ministry of National Education Order of 19 December 2000 on detailed principles of granting teachers leaves for further training, for academic, artistic and educational purposes and for other important reasons as well as exemptions and benefits connected with this training, as well as organs authorised to grant them (Law Journal. No 1, pos. 5). Art. 1031 - 1036 of the Labour Code.

XIII. Is there a specific liability for teachers? (Please mention the legal norms and law)

A teacher is a public officer, which is defined in the following regulations:

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- art. 63 reg. 1 of the Teacher's Charter states that a teacher, during or with regard to professional duties, takes advantage of protection provided for public officers according to regulations defined in the act of 6 June 1997.
- The Criminal Code art. 115 § 13 p 3 of the Criminal Code states that a public officer is:
 - a person ruling in disciplinary organs functioning on the basis of legal acts, e.g. a disciplinary spokesman,
 - a head teacher as a teacher also takes advantage of protection discussed in art 63 reg. 1 of the Teacher's Charter.
- art. 115 § 13 p. 4 of the Criminal Code states that a public officer is a civil servant, a person working for another state agency or local self-government, unless he or she performs only service functions, and any other person within the area in which he/ she is entitled to issue administrative decisions (e.g. a school head teacher issuing administrative decisions on school and education duty, on excluding a person from the list of students).

The types of liability of a teacher include: employee responsibility (in respect of order and material liability⁶), penal liability⁷, liability for an offence.

Civil liability (regulation of 23 April 1964 – Civil Code (Law Journal 1964, No 16, pos. 93 with further amendments) is contractual liability (arising from non-fulfilment of an obligation and/or improperly fulfilled obligation) as well as tortious liability (in connection with inflicting damage, civil offence).

6 Material employee liability on general principles (basic) art. 114 -122 of Labour Code, employee liability for entrusted property (qualified) art. 124-127 of Labour Code

7 Regulation of 6 June 1998 – Criminal Code (Law Journal 1997. No 88, pos. 553 with further amendments)

Legal liability has a personal character and it cannot be “transferred” to the organ which runs the school.

Art. 75. 1. indicates that nominated and certified teachers are liable to disciplinary responsibility for offending the dignity of a teacher’s job or negligence of duties discussed in art 6.

Contract teachers and trainee teachers are liable only to responsibility in respect of order based on the regulations of the Labour Code (on the same principles as other school employees).

Legal basis:

- In order to ensure the protection for teachers provided for public officers, regulations of the statute of 26 January 1982 - the Teacher’s Charter are in use (Law Journal from 2006 No 97, pos. 674 with further amendments):
- Art. 12. 1. states that teachers employed on the principle of nomination are not liable to official subordination defined in other legal acts for nominated state officers. /.../
- Art. 63. indicates that with regard to professional duties the teacher takes advantage of the right for protection provided for state officials. The organ which runs the school is legally obliged to protect the teacher when his/her rights have been violated.
- Regulation of 2 January 1982 the Teacher’s Charter (Law Journal from 2006 . No 97, pos. 674 with further amendments).
- Regulation of 7 September 1991 on the system of education (Law Journal 2004 No 256, pos. 2572, with further amendments).
- Civil Action Code of 17 November 1964 (Law Journal from 1st December 1964 No 43 pos. 296 with further amendments).
- More: E. Walkiwewicz, *Odpowiedzialność prawna pracowników szkoły za zapewnianie bezpieczeństwa uczniów* (Legal responsibility of school employees for providing safety to students), ORE (Centre for Education Development):

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http://dko.womczest.edu.pl/pliki/20130319/agresja_i_przemoc_poradnik_odpowiedzialnosc_prawna_pracownikow_szkoly.pdf

XIV. What is the disciplinary status of teachers? Is there a specific teacher’s ethics? What are the disciplinary sanctions?(Please mention the legal norms and law)

Teachers’ disciplinary liability is divided into the following types:

- responsibility in respect of order resulting from art. 75 reg. 2 of the Teacher’s Charter (Law Journal from 2006 r. no 97 pos. 674 with further amendments)⁸ and the Labour Code (Law Journal from 1998 No 21 pos. 94 with amendments),
- „specific type of liability” the so called disciplinary liability.

In accordance to art 6 of the Teacher’s Charter (Teacher’s Responsibilities) the teacher is obliged to:

1. dutifully realize duties connected with the job position and basic functions of school: didactic, upbringing and care, including tasks connected with providing the students with safety during activities organized by the school;
2. support every student in his/her development;

8 From 2006. No 170 pos. 1218, No 220 pos. 1600; from 2007 No 17 pos. 95, No 80 pos. 542, Nr 102 pos. 689, No 158 pos. 1103, Nr 176 pos. 1238, No 191 pos. 1369, No 247 pos. 1821; from 2008 No 145 pos. 917, No 227 pos. 1505; from 2009. No 1 pos. 1, No 56 pos. 458, No 67 pos. 572, No 97 pos. 800.

3. pursue one's own personal development;
4. teach and educate youth in the spirit of love for Motherland, respect for the Constitution of the Republic of Poland, in the atmosphere of freedom of conscience and respect for all human beings;
5. foster students' moral and civic attitudes in accordance with the ideas of democracy, peace and friendship between people of different races and viewpoints.

Responsibility in respect of order

Established organization and order in the work process:

- the regulations of pedagogical board activities,
- the school statute,
- the head teacher's regulations issued based on the operating law,
- the Labour Code,
- discipline at work (e.g. duty during school breaks, punctual beginning and finishing of educational activities, care during events and school celebrations),
- instructions on organization of tests and exams.

Safety, work hygiene and fire prevention regulations

- classroom regulations, chemical substances security, using electric equipment etc.

Confirmation of arrival and presence at work and justification of absence at work

- according to work regulations.

From 2 August 2009 disciplinary liability is binding for all teachers, educators and other pedagogical staff employed in preschools, schools and other institutions listed in art. 1 reg. 1 of the Teacher's Charter, (until 23 August 2009. only those teachers who at the moment of committing an act were nominated or certified teachers).

Legal basis:

- Art. 81 of the regulation of 26 January 1982 - the Teacher's Charter (Law Journal from 2006 no 97, pos. 674 with amendments),
- the Ruling of the Supreme Court of 11 May 2001, III SZ 2/00 (Supreme Court ruling 2001/17/545).
- Art. 108 of the Labour Code,
- Regulation of 22 January 1998 on disciplinary commissions for teachers and disciplinary procedure (Law Journal no 15, pos. 64).

Laws regulating cases of disciplinary liability:

1. Chapter 10 „Disciplinary responsibility” of the Teacher's Charter;
2. Regulation of the Minister of National Education of 22 January 1998 on disciplinary commissions for teachers and disciplinary procedures (Law Journal No 15, po. 64).

The job of a teacher is not listed among liberal professions, teachers are not associated in professional self-governments. Their way of performing work duties and the principles of professional ethics, though in a very general way, as well as the principles of professional responsibility, are defined in the statute of the Teacher's Charter. The basic duties of a teacher have been defined in article 6 of the Teacher's Charter. In spite of their general character they are the basis for evaluation of the teacher's work, and their violation can result in disciplinary, or professional responsibility. According to art. 6a of the Teacher's Charter the work of a teacher, including the methods of work, are subject to evaluation either on the teacher's motion or the motion of other organs.

Art. 26 reg. 1 p 1 of the Teacher's Charter assumes termination of employment in case sanctions in a disciplinary action particular to teachers are applied. According to art. 63 of the Teacher's Charter teachers take advantage of protection provided for public officers according to the principles defined in the Criminal Code. Such protection is not provided for persons belonging to liberal professions. Finally, the rules of disciplinary, i.e. professional, responsibility have been defined in Chapter 10 of the Teacher's Charter, regardless of an employee's responsibility discussed in art 108 of the Labour Code .

According to art. 76 of the Teacher's Charter offences in professional dignity or negligence in duties defined in art 6, including offences in professional ethics, will be followed by disciplinary punishment, beginning from a reprimand with a warning and ending with disciplinary dismissal from the teacher's profession. The disciplinary punishments are administered by a disciplinary committee functioning at a voivodeship's office. In such a case, with present legal status, there is no place for the introduction of a teachers' Ethics Code which would also need to include the principles of professional responsibility for violating its regulations, as well as indicate an organ which would execute this responsibility. For this reason the introduction of an Ethics Code would require substantial legal reconstruction of teachers' professional status, which has not yet happened.

At schools and educational institutions a teachers' Ethics Code is being introduced, or there are attempts to introduce it. An Ethics Code is a set of rules serving a teacher as aid in solving ethical problems of his/her profession. The code is an expression of a conviction that a teacher's actions towards his/her recipients, students or their parents or caretakers, undertaken in the sphere of professional duties, have an exceptional ethical dimension resulting from the teacher's social role (Code, p. 1).

However, from a legal point of view the code has no legal power, also with regard to the lack of legal delegation to introduce such regulations. (based on: B. Soczynski, *Opinia w sprawie tzw. Kodeksu etyki nauczycieli* (Opinion on the so called Teachers' Ethics Code), Gdańsk, 23.11.2010 r.

148 Legal basis:

- Art. 81 of the regulation of 26 January 1982 – the Teacher's Charter (Law Journal from 2006 n 97, pos. 674 with amendments),
- Supreme Court ruling of 11 May 2001 , III SZ 2/00 (OSNP 2001/17/545),
- Art. 108 of the Labour Code, order of 2 January 1998 on disciplinary committees for teachers and the mode of disciplinary action (Law Journal no 15, pos. 64).
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- Order of the Minister of National Education of 22 January 1998 on disciplinary committees for teachers and the mode of disciplinary action (Law Journal No 15 ,pos 64) Teacher's Ethics Code:
- ftp://ftp.wsap.edu.pl/Biblioteka_@ntykorupcyjna/KODEKS%20ETYCZNY%20NAUCZYCIELA.pdf,
- Teacher's Ethics Code, Polish Teachers Association, 3rd Ed. Warsaw 1997
B. Soczynski, *Opinia w sprawie tzw. Kodeksu Etyki Nauczycieli* (Opinion on the so called Teachers' Ethics Code , Gdańsk, 23.11.2010.

XV. What reforms on the status of teachers are planned taking into account the financial constraints in the sector? (Please mention the legal norms and law)⁹

The Polish government noticed that the currently binding law regulating the status of teachers does not match the education system needs. In September, 2013 the Ministry of Education launched a public

9 Point no. 15 has been prepared in cooperation with Marta Ponikowska, MA (Educational Research Institute, m.ponikowska@ibe.edu.pl)

consultation on the bill amending the Teacher's Charter¹⁰. The bill amending the Teacher's Charter shall enter into force on 1 January 2014. The Ministry proposed changes in the following aspects of the teacher's profession: the system of remuneration, conditions of leave, registration of activities undertaken by teachers, procedure of promotion, teachers responsibilities concerning the safety of students.¹¹ According to the Ministry, the recommended changes should not affect the state budget and will cause only a relocation of the funds already available for the education sector. The Ministry of Education issued an explanatory note, in which each of the proposed Teacher's Charter amendment is explained in details¹² (some of them are presented further). Ministerial officials state that the implementation of the given amendments will bring certain benefits, among others:

- increase the quality of school system and students' safety;
- increase the quality of further teachers training adjusted to students' needs;
- clarify the provisions concerning the teacher's leave;
- improve the management of teachers' work;
- improve the quality of communication between parents and teachers.

The remuneration of teachers

According to the changes proposed in the remuneration policy, the introduction of the new bill should lead to the strengthening of the high quality of teacher's work, hence the quality of school performance. Moreover, the new bill allows for more flexible and simple relocation of funds. Also, under the new bill, the motivation procedures for the best teachers would allow to increase the salary rate in a convenient way from the school management point of view. Additionally, the new bill changes the rules of granting bonuses and deletes the provisions that allow teachers to receive special bonuses for the period of time when they were not professionally active at school.

It also changes the provisions concerning additional remuneration for teachers who work in rural areas. According to the new bill the amount of this special remuneration shall be constant and shall not depend on the salary rate. Another advantage of the given legislative change is a clarification in the rules and the scope of financing teacher's further training. Additionally, the bill deletes the provisions that are not adequate to the current socio economic situation in Poland. An example of this is the provision that states that teachers would no longer have the right to rent or have usufruct rights to the school apartments or estates.

The scope of registration of activities undertaken by teachers

The new bill extended the scope of teachers' activities that should be registered. The new activities that were added to the original wording of the Teacher's Charter include: meetings with parents, participation in the school's management meetings, further professional training activities. Moreover, a central register of disciplinary decisions was introduced as a mechanism which should increase the quality of school system functioning. According to the bill provisions the given register should be kept by the minister of education.

What is more, the proposed new legal solutions create a possibility to recognize early education teachers' work experience gained in a workplace other than school. Another newly introduced idea is the facilitation of financing of the activities and projects run by teachers and co-funded by the European Union. Last but not least, the bill amending the Teacher's Charter highlights the role of parents in the teachers' work assessment process and their promotion process.

10 Text of the bill amending the Teacher's Charter, Version of 19 September 2013: http://www.men.gov.pl/images/stories/KN_19_09.pdf

11 Ministry of Education portal: http://men.gov.pl/index.php?option=com_content&view=article&id=5631%3Aprojekt-ustawy-karta-nauczyciela-skierowany-do-konsultacji&catid=125%3Aksztacenie-i-kadra-aktualnoci&Itemid=76

12 Ministry of Education portal: http://www.men.gov.pl/images/stories/uzasadnieniez_OSZR.pdf

XVI. How does the government deal with the problems of teaching as becoming an ageing profession and how will it make the teaching profession attractive for younger teachers?

(Please mention the legal norms and law)

There is a decreasing number of young teachers at Polish schools. At the same time, there is an increasing number of those who have obtained the highest level of professional promotion and thus completed their career paths. In 2009 over 1200 teachers over the age of 70, and over 30 teachers over 80 were employed in the education system. The oldest teachers are usually teachers of vocational subjects who, as a rule, are older on average than teachers of general subjects.¹³ In the analysis of costs of functioning of the Teacher's Charter¹⁴ prepared in January 2013 by the Ministry of Education, there appears a list of the number of teachers' job positions. In 2009 the total number of teaching job positions amounted to approximately 519 thousand. Among them there were slightly over 5 thousand trainee teachers and approximately 100 thousand contract teachers. In 2011 the number of teaching job positions was reduced by 3 % to the level of approximately 504 thousand. The number of trainee teachers was reduced nearly by 25 % to 18,5 thousand and contract teachers by 15 % to 85,5 thousand. In 2011 The Ministry of National Education excluded from the statistics those teachers who were on maternity leaves or unpaid leaves. In the group of certified teachers, the highest level of professional promotion, in the years 2009-2011 the number of pedagogues increased by 13 % from 233,5 thousand to 264,5 thousand.

The distribution of age among pedagogical staff is not uniform. The number of teachers entering the profession does not reflect the number of teachers with longer experience in the teaching profession.

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Retraining programs for teachers dismissed from schools are planned; the programs are based on expanding qualifications or a complete change of the profession. The financial means provided for this purpose would be used by local self-governments for the organization of courses, training sessions or for the creation of new job positions for teachers who were not provided with employment at school.

The governmental bill amending the Teacher's Charter was presented for public consultation in September 2013. Ministerial officials claim that the implementation of the given amendment will increase the quality of school system in Poland. The Ministry of Education proposes legal changes in the following aspects of the teacher's profession: the system of remuneration, conditions of leave, registration of classes and activities undertaken by teachers, promotion procedures.¹⁵

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13 See: http://www.lodz.znp.edu.pl/dodatkowe/2011/publikacje/raport_o_stanie_educacji_2010_nauczyciele.pdf

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