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Lex Czarnek 3.0? Obywatelski projekt zmian w prawie oświatowym do dalszych prac

TEMAT DNIA | Monika Sewosztanowicz | ZARZĄDZANIE OŚWIATĄ | SZKOŁA I UCZEŃ | AKTUALNOŚCI

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Prowadzenie lekcji przez organizację pozarządową ma być poprzedzone uzyskaniem pozytywnej opinii rady rodziców, rady placówki oraz poinformowaniem organu prowadzącego i kuratora oświaty - to główne założenia projektu zmian w prawie oświatowym, który wniósł komitet obywatelski. Wniosek o odrzucenie zmian przepadł, a projekt obywatelski nie podlega dalszym pracom.

Переклади на українську

OŚWIATA - OSTATNIO DODANE

Organizator kolonii musi zgłosić je do kuratorium | 01.30

Nauczyciel na "kompensowca" jeszcze przez rok może pracować w szkole bez obow. o zawieszenie świadectwa | 08.15

Dodatek 1125 zł dla nauczyciela tylko w jednej szkole | 05.30

Trudna będzie reklamacja sprzętu laptop, a na uzyskanie bonusu nauczyciel może poczekać | 03.08 2023

Nauczyciele liceów bez limitu godzin ponadwymiarowych | 02.08 2023

Wcześniej niż emerytura nauczycieli już od 2024 r. | 31.07 2023

Lex Czarnek 3.0? Citizens' draft amendments to the education law for further work

Conducting lessons by a non-governmental organization is to be preceded by obtaining a positive opinion from the parents' council, the school board, and informing the leading authority and the school superintendent - these are the main assumptions of the draft amendments to the education law, which was brought by the civic committee. The motion to reject the changes was lost, and the civic project is not subject to discontinuation, so it will also be processed after the elections.

- The collection of signatures went very smoothly, letters of support are still being sent to the Committee's address, there are thousands of them." - Karolina Paleń, director of the homes for children and young people in Stalowa Wola and plenipotentiary of the Citizens' Initiative Committee, said, submitting the project to the Sejm. She stressed that signatures "flowed in from the country, but also from abroad." - We managed to collect a quarter of a million signatures in three months. This is an incredible success, which we are very happy about. We are counting on parliamentarians to start the procedure for our bill as soon as possible," she stressed.

Lex Czarnek 3.0? Perhaps already in the autumn>>

Lex Czarnek with a slight modification

This is another iteration of the same idea restricting the activities of representatives of social organizations on school grounds. Quite tendentiously, the authors of the bill describe it as: "a law against the sexualization of children." Currently, the Education Law stipulates (Article 86(2)) that the commencement of activities in a school or institution by an association or other organization requires the consent of the head of the school or institution, given after agreeing on the terms of such activities and after obtaining a positive opinion of the school or institution's council and the parents' council.

After the changes, in addition, an association or other organization intending to start activity in a school or institution would provide its director - in electronic and paper form - with information containing, in particular: a description of its previous activity; the goals and content to be implemented in the school or institution; a description of the materials used to achieve these goals.

Subsequently, the head of the school or institution, immediately upon receipt of an application from an association or organization, would request an opinion from the school or institution council and the parents' council, at the same time informing the competent pedagogical supervisory authority and the authority in charge of the school or institution of the application. After receiving the opinions, the school director will allow parents to familiarize themselves with them. Lack of positive opinions will result in preventing the association or organization from conducting activities. In addition, participation in activities will require approval. An opinion would not be required for activities conducted:

within the framework of tasks assigned by the government administration; within the framework of tasks carried out by the National Center for Counteracting Addiction;

by a scout organization covered by the Honorary Protectorate of the President of the Republic of Poland operating on the territory of the Republic of Poland or by the Polish Red Cross operating on the territory of the Republic of Poland under the supervision of the Prime Minister.

A dam for organizations and associations

The project was endorsed by Law and Justice Chairman Jaroslaw Kaczynski himself. - The idea is that children - in this case, clearly children - should not be subjected to practices that are certainly harmful to them and that can lead to far-reaching psychological changes, to all sorts of difficulties, at that time when they will already be older, and even as early as adulthood," he said, stressing that the issue is the sexualization of children. He even stressed that this kind of practice is happening in Poland at the moment, not everywhere, of course, but there is no such very clear legal barrier.

Check with LEX: Can meetings with residents be held at educational institutions? >

Such a barrier was supposed to be - twice vetoed by the president - the Lex Czarnek bill. It must be admitted that the civic draft is not so restrictive, because the ministerial one did not stop at the necessity of notifying the superintendent, it required obtaining his positive opinion, and thus - de facto - made the possibility of holding a lesson by an organization completely dependent on the opinion of the pedagogical supervisory authority. Even earlier, similar changes were called for by the President (who also wanted each parent to review the lesson plan in addition to the board's opinion). In 2018, changes in this regard were also advocated by the Ordo Iuris Institute, which even proposed that parents of students should be compensated for lessons conducted in violation of procedures.

Opposition opposed, United Right accuses of wanting to sexualize children

The discussion of the bill was heated - opposition deputies moved to reject the bill, but were outvoted. MP Agnieszka Dziemianowicz-Bąk (Left) assessed that the bill is "the third attempt to push lex Czarnek through the Sejm." -This bill has nothing to do with citizenship and nothing to do with protecting children and young people. Its introduction will mean that young people will be deprived of the chance to obtain reliable knowledge about health and safety, which is not provided to them by the formal education system," she said.

Katarzyna Lubnauer was of a similar opinion - pointing out that the project is not a civic one, but supported by the Law and Justice party. Lubnauer pointed out that sexualization is "that which makes a child a sexual object or which teaches a child to see himself through the prism of physical attractiveness." "None of us wants sexualization," she added. - she asserted. She added that "the best way to prevent children from the threat of sexualization is through sound sex education." The bill was defended by the chairwoman of the Parliamentary Committee on Education, Science and Youth, MP Mirosława Stachowiak-Rozecka (Law and Justice) - she noted that the bill does not talk about limiting sex education in schools. - Sensible, informed education, without some pushy themes related to sexualization is, must be and will be. No one is making changes in this regard," she said. At the same time, she stressed that the people who can teach children in school are teachers, not educators. - There is a powerful resistance on your part to the fact that parents, in the matters most important to them, the upbringing of their children, have the right to find out from an NGO what the NGO proposes and what it wants to discuss with their children. In your opinion, some interest is, I don't know whose and why, so that it remains a mystery and a surprise," she assessed.

Optional classes anyway

It should be noted that extra classes conducted by organizations are, with rare exceptions, optional anyway, the purpose and need for the new legislation is questionable in this context. In the context of such ideas, there is always the opinion that the idea is to have a chilling effect and drive out of schools those organizations that conduct activities that do not follow the line of the government side. In this case, such an effect could be the obligation to notify the school superintendent each time.

Moreover, classes conducted by non-profit organizations are not only sex education, they are also, for example, first aid courses or assistance organized after a crisis situation at school (such as a student's suicide). Although it won't be as bad as Lex Czarnek, the introduction of the changes envisaged by the civic project will lengthen the procedure for organizing such classes at school.

<https://www.prawo.pl/oswiata/projekt-przeciwko-seksualizacji-dzieci-nowela-prawa-oswiatowego,520899.html>

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