

# **PRIVATISATION IN EDUCATION CASE: POLAND**

**CEE ROUND TABLE BUCHAREST, 19-21 OCTOBER 2015**



# THE STORY BEGINS WITH THE DREAM...

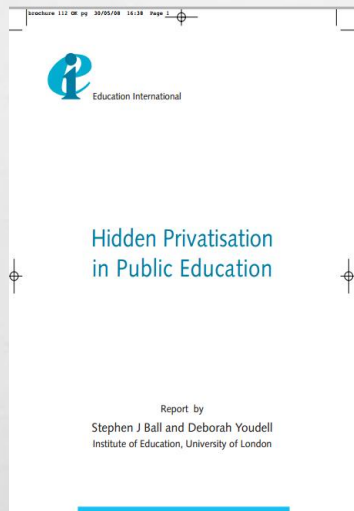


Forget about oil, gold or stocks. There's a billion bucks in those schools. It's like taking candy from babies...

**WITH THE NEOLIBERAL DREAM...**

**NEOLIBERALISM DESCRIBES A MARKET-DRIVEN APPROACH TO ECONOMIC AND SOCIAL POLICY BASED ON NEOCLASSICAL THEORIES OF ECONOMICS THAT STRESSES THE EFFICIENCY OF PRIVATE ENTERPRISE, LIBERALIZED TRADE AND OPEN MARKETS, AND THEREFORE SEEKS TO MAXIMIZE THE ROLE OF THE PRIVATE SECTOR IN DETERMINING THE POLITICAL AND ECONOMIC PRIORITIES OF THE STATE.**

# HIDDEN PRIVATISATION



**THE TREND TOWARDS PRIVATISATION OF PUBLIC EDUCATION IS HIDDEN.**

**IT IS CAMOUFLAGED BY THE LANGUAGE OF „EDUCATIONAL REFORM”, OR INTRODUCED STEALTHILY AS “MODERNISATION”.**

**HENCE THE TITLE FOR THE EI -STUDY: „HIDDEN PRIVATISATION IN PUBLIC EDUCATION”.**

# HIDDEN PRIVATISATION

**Many of the changes are the result of deliberate policy, often under the banner of „educational reform”.**

**Other changes may be introduced un-announced:**

- **Changes in the way schools are run which may be presented as “keeping up with the times”,**
- **Or given parents the opportunity for „choice” – the other magic word used by neoliberal politicians**

**But in reality, changes reflect an increasingly market-based, competitive and consumerist orientation in our world.**



# **PRIVATISATION IN PUBLIC EDUCATION DEFINITION - COMMERCIALISATION**

## **THE 'ENDOGENOUS' PRIVATISATION**

**SUCH FORMS OF PRIVATISATION INVOLVE THE IMPORTING OF IDEAS, TECHNIQUES AND PRACTICES FROM THE PRIVATE SECTOR IN ORDER TO MAKE THE PUBLIC SECTOR MORE LIKE BUSINESSES AND MORE BUSINESS-LIKE. THE BEST EXAMPLE OF THIS KIND OF PRIVATISATION IS TQM – TOTAL QUALITY MANAGEMENT.**

# **PRIVATISATION OF PUBLIC EDUCATION – DEFINITION**

## **THE 'EXOGENOUS' PRIVATISATION**

**SUCH FORMS OF PRIVATISATION INVOLVE THE OPENING UP OF PUBLIC EDUCATION SERVICES TO PRIVATE SECTOR PARTICIPATION ON A FOR-PROFIT BASIS AND USING THE PRIVATE SECTOR TO DESIGN, MANAGE OR DELIVER ASPECTS OF PUBLIC EDUCATION.**

**THE VERY GOOD EXAMPLE OF THIS KIND OF PRIVATISATION ARE PRIVATE PUBLISHERS OF STUDENTS AND TEACHERS MATERIALS, TESTS AND EVALUATION INSTRUMENTS.**

# WHAT HAPPENED IN POLAND?

SINCE 2007 MORE THAN **2 000** SCHOOLS WERE CLOSED

MORE THAN **500** WERE TRANSFERRED BY LOCAL GOVERNMENTS TO EXTERNAL PARTIES:

- **FOUNDATIONS**
- **ASSOCIATIONS**
- **PARTNERSHIPS**

**FOR A COUPLE OF YEARS NOW WE ARE FACING A REDUCTION IN PUBLIC SCHOOL FACILITIES AND AN INCREASE IN PRIVATE PARTIES GOVERNING SCHOOLS.**

# **A PUBLIC SCHOOL – WHAT IS IT?**

**IN ZNP'S OPINION, A PUBLIC SCHOOL WITHIN THE MEANING OF ART. 70 OF THE POLISH CONSTITUTION IS ONLY AND EXCLUSIVELY A STATE SCHOOL, THAT IS FOR TODAY A SCHOOL RUN, AS A RULE, BY A LOCAL GOVERNMENT ENTITY, AS OPPOSED TO A NON-PUBLIC SCHOOL, I.E. A SCHOOL RUN BY PRIVATE ENTITIES (NATURAL PERSONS AND LEGAL ENTITIES OTHER THAN LOCAL GOVERNMENT ENTITIES).**

**THE ZNP ALSO INVOKES:**

**THE CONSTITUTIONAL TRIBUNAL, WHICH IN THE STATEMENT OF THE GROUNDS FOR THE JUDGMENT OF 9 JUNE 2010 INDICATES THAT THE ENTITIES THAT ARE EXCLUSIVELY AUTHORIZED TO ESTABLISH AND RUN SCHOOLS ARE LOCAL GOVERNMENT ENTITIES;**



# **A PUBLIC SCHOOL – WHAT IS IT?**

**THE JUDGEMENT OF THE SUPREME ADMINISTRATIVE COURT IN WARSAW OF 5 DECEMBER 2006 AND THE JUDGEMENT OF THE VOIVODSHIP ADMINISTRATIVE COURT IN OLSZTYN OF 20 SEPTEMBER 2011 WHICH INDICATE THAT COMMUNE'S RESPONSIBILITY FOR ESTABLISHMENT AND RUNNING OF PUBLIC EDUCATIONAL FACILITIES MAY NOT BE TRANSFERRED TO A SEPARATE LEGAL ENTITY.**

**THE OBLIGATORY NATURE OF THOSE TASKS MAKES IT IMPOSSIBLE FOR A COMMUNE TO RESIGN FROM THEIR IMPLEMENTATION OR TRANSFER THEM TO BE IMPLEMENTED BY ANOTHER ENTITY, E.G. A FOUNDATION.**

# LIQUIDATION AND TRANSFER

**IN ACCORDANCE WITH THE ACT ON THE SYSTEM OF EDUCATION (AS AT 1 FEBRUARY 2014) A SCHOOL/EDUCATIONAL FACILITY MAY BE LIQUIDATED OR TRANSFERRED TO BE RUN BY ANOTHER ENTITY.**

**A local government may transfer only small schools up to the maximum of 70 students. And it must leave at least one public school to be run by itself in its area.**

**IN ORDER TO CLOSE DOWN A FACILITY A LOCAL GOVERNMENT HAS TO ADOPT AN INTENTIONAL RESOLUTION BY THE END OF FEBRUARY, AND A FINAL RESOLUTION BY THE END OF THE SCHOOL YEAR. LIQUIDATION MAY TAKE PLACE ONLY ON THE CONDITION THAT ALL OF THE STUDENTS ARE PLACED IN ANOTHER PUBLIC SCHOOL, WHICH MAY BE RUN BY AN ENTITY OTHER THAN A LOCAL GOVERNMENT.**

# IT ALL STARTED WITH LOOKING FOR SAVINGS – HANNA



**„Teachers ruin local budgets. Such is the truth” - commune’s head said.  
The idea that originated in her office was simple and to a certain moment  
compliant with the educational law – to shift school administration onto another  
entity.**

# **AGAINST THE LAW - HANNA**



**“In 2007 I decided to reform our educational system and liberate it from the regulations of the Teacher’s Charter. We started in 2008. The inhabitants were afraid that I wanted to closed down those schools for them. A referendum was held to remove me from my position, but because of small turnout it was invalid.”**

**So Hanna has ignored law. It has handed over all schools to a foundation, although such practices are prohibited by both the Constitution and the Act on the System of Education.**

**The opinion that decision of commune are unlawful is shared by both the Ombudsman and the Ministry of National Education.**

# What has changed in Hanna?



**The extensive interventions of the ZNP did not prevent the commune head implementing her educational plan.**

**The last public primary and secondary schools were transferred to the foundation on 25 February 2011. Since then Hanna has been the only commune in Poland without any public school of its own!**

**In the foundation-run schools, which are cheaper, the Teacher's Charter does not fully apply. Teachers are employed in accordance with the Labour Code. Some of them accepted the new, worse conditions because of the absence of other prospects.**

# MINISTER HELPS - HANNA



**What the Hanna commune head hoped, instead of saving half a million zlotys she faced the threat of bankruptcy. As a result of such an educational reform the commune could have lost the majority of the hitherto received educational subsidy.**

**The commune received help from an unexpected side – from the Ministry of Education, which changed the regulation concerning the distribution of the educational portion of the general subsidy for local government entities in 2014. One of the elements of the algorithm has been changed, which will ensure funding for the schools in Hanna commune on the hitherto level.”**

**“I believe she did a remarkable job.” – Commented Minister of Education on the doings of the commune head. “Teachers look after the children also on Saturdays, and the schools provide hot meals. Additionally, each school has a pre-school class.”**

# ALL THOSE GOOD GUYS - LEŚNIEWICE



**On 27 October 2011 the Commune Council of Leśniewice resolved to run schools through an association established upon the initiative of the local authorities. As it follows from the substantiation of the relevant resolution the aim of its adoption was to deprive the teachers in local schools of the entitlements arising from the Teacher’s Charter. All councillors voted in favour of the „new model of the functioning of the educational system in the commune” consisting in entrusting school administration to “own association”. The board of the association, which included two employees of the Municipal Office and chairman of the Commune Council.**

# WITHOUT PUBLIC SCHOOLS - LEŚNIEWICE



**As the public middle school in sielec is attended by more than 70 students and it could not be legally transferred to the association, leśniewice commune head stopped enrolment to the 1st grade of the public middle school in sielec and permitted those grades to be run by the leśniewskie stowarzyszenie oświatowo-samorządowe totally against the procedure laid down in the regulations: no resolutions were adopted in that matter although in accordance with art. 17.4 of the act on the educational system it is the commune council that is responsible for the plan of the primary and middle school network, and thus is the authority responsible for establishment of new schools and liquidation of the existing ones. The board of education was not notified of the procedure and therefore did not issue an opinion in that matter. Teachers were not informed, trade unions were not informed, students' parents were not informed.**



# TRUST ME AND VOTE! - LEŚNIOWICE

**PSL** SAMORZĄD TU ZACZYNA SIĘ POLSKA

**Zaufajcie i zagłosujcie**  
na doświadczonych, skutecznych działaczy samorządowych, których doskonale znacie, gdyż żyją i pracują razem z Wami!!!

Komitet Wyborczy  
Polskiego Stronnictwa Ludowego

KANDYDAT NA WÓJTA I KANDYDACI DO RADY GMINY LEŚNIOWICE

KANDYDATY DO RADY POWIATU W CHELMIE

Maria Oszust  
lista PSL poz. 4

Marlena Sereba  
lista PSL poz. 8

**Wiesław Radzięciak**

Krzysztof Białas  
lista PSL poz. 1

Grzegorz Michalski  
lista PSL poz. 2

Janusz Fryk  
lista PSL poz. 3

Zygmunt Knapczak  
lista PSL poz. 5

Krzysztof Kowalczyk  
lista PSL poz. 6

Bogdan Zimoch  
lista PSL poz. 7

Beata Kubiś  
lista PSL poz. 9

Przemysław Jankowski  
lista PSL poz. 10

Wiesław Radzięciak  
lista PSL poz. 11

Barbara Marzec  
lista PSL poz. 12

Janusz Sidoruk  
lista PSL poz. 13

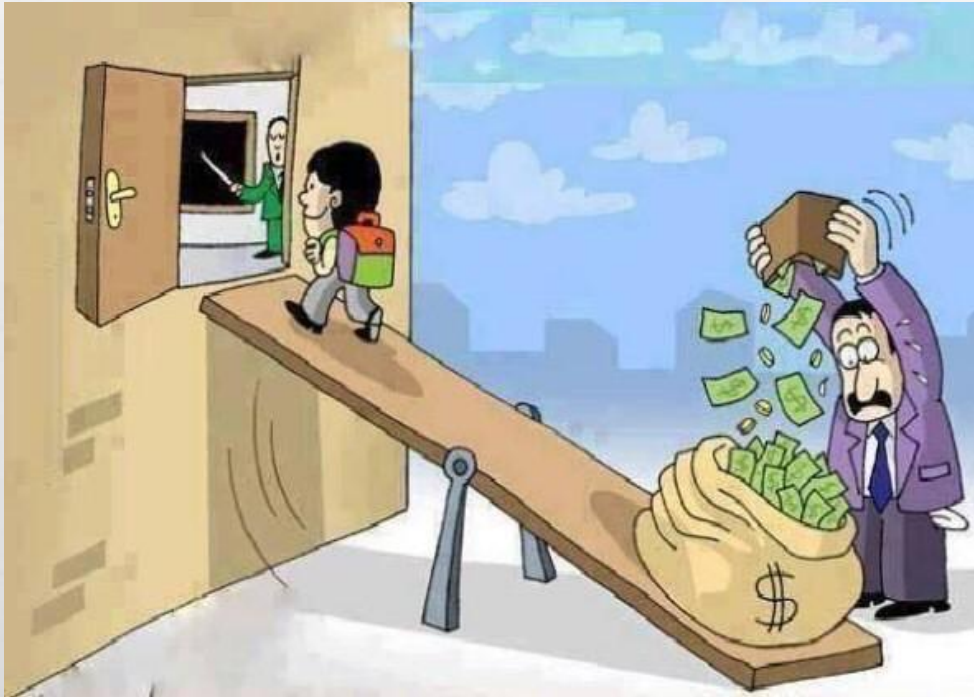
Barbara Proszak  
lista PSL poz. 14

Wiesław Jankowski  
lista PSL poz. 15

Marek Borkowski  
lista PSL poz. 16

**As the one of public schools was attended by more than 70 students and it could not be legally transferred to the association, commune head stopped enrolment to the 1st grade of this school totally against the procedure laid down in the regulations: no resolutions were adopted in that matter although in accordance with the Act on the Educational System it is the commune council that is responsible for the plan of the school network, and thus is the authority responsible for establishment of new schools and liquidation of the existing ones. **The Board of Education was not notified of the procedure and therefore did not issue an opinion in that matter. Teachers were not informed, trade unions were not informed, students' parents were not informed.****

# SAVING MONEY – THE MYTHOS



**The transfer of schools in Leśniewice has not resulted even in a considerable reduction of the amount the commune needs to outlay on schools from its own budget. In 2011 it was less than 37 percent, in 2012 – 31 percent. Let us add that in 2010 commune outlays from its own budget on education were much less – 30 percent. There is only one conclusion to be drawn – despite the fact that the schools are now run by the association, their upkeep has not become cheaper.**

# CIESZANÓW: SCHOOL LTD.

**“We would like the parent to have a choice between a public and a non-public school, like in big cities – argued the mayor. Parents were to be encouraged to chose a non-public school by the allegedly better work of teachers. “They will work longer , thanks to which children will be looked after longer. The teachers were to be motivated by the market conditions: the better their performance, the more they would earn”.**



# SCHOOLS ON THE PASTURE - CIESZANÓW



**“Can you be involved in selling tobacco, breeding sheep and goats, cultivate corn and running a school at the same time? Yes, it is possible in Cieszanów in podkarpackie voivodship” – wrote *GŁOS NAUCZYCIELSKI*. (GN NR 4/2012).**

**In March 2012 the mayor of Cieszanów issued a decision permitting the municipal company to establish two kindergartens, six primary schools and three secondary schools in the commune.**

**The company was established to implement own tasks in the area of public services. The company, which is in 100 percent controlled by the commune, manages hundreds of hectares of pastures and organizes public transport.**

# Mills of justice grind slowly...



**Privatisation of education  
its going like clockwork!**

**The ZNP addressed, as a matter of urgency, an inquiry to the Minister of Education (and also the schools Superintendent and the Voivod of Podkarpacie Voivodship) whether the setting up of limited liability companies by local governments in order to run kindergartens and schools is in compliance with the applicable laws. ZNP is of the opinion that it is not.**

**The legal arguments raised by the ZNP were shared by the Ombudsman, the Minister of National Education and the schools Superintendent of Podkarpackie voivodship.**

**The decision of the ministry outraged the mayor. “Even if we have to go to the EU Court of Justice, we shall not leave it as it is.” The company appealed against the decision of the Ministry to the Voivodship Administrative Court. But because...**

# TEACHERS' VOICE



***GŁOS NAUCZYCIELSKI* carried many articles on commercialization and consequences of neo-liberal reforms:**

**in 2012 – 52 articles**

**in 2013 – 58 articles**

**Despite the many statements of the different bodies that educational activities may not be understood as business activities and a local government may not waive the obligations of running public schools. The present state of the educational law does not allow for a public school to be turned over for administration to a company established by a commune. The transfer of schools and kindergartens to limited liability companies set up by communes should be assessed as infringing the law (...).” Dealings is doing well**

# THE PROTEST

## We demand:

- **An increase in funds spent on education**

**For a few years now the funds spent on education in Poland are getting lower and lower. In relation to the GDP - in 2015 those funds were only 2,52% of the GDP. The funds spent on education do not reflect the real, essential needs with regards to education**

- **Counteracting the privatization of education**
- **Halting the law-breaking that is going on by local governments governing schools**

**There is an increase in communities that transfer schools and kindergartens unlawfully. The lack of concrete action by the Ministry of Education is encouraging more and more communities to eliminate public school facilities.**



**THANK YOU VERY MUCH FOR YOUR  
ATTANTION!**



***DOROTA OBIDNIAK – ZNP-COORDINATOR OF INTERNATIONAL COOPERATION***

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