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## **The Constitutional Right to Education and the Cultural and Social Conditions of Tutoring in Poland**

**Keywords:** cultural capital, tutoring, higher education, sociology of youth, sociology of education, the right to education, equal access to education

**Słowa kluczowe:** kapitał kulturowy, korepetycje, szkolnictwo wyższe, socjologia młodzieży, socjologia edukacji, prawo do nauki, równy dostęp do nauki

### **Abstract**

The right to education is at the heart of the notion of cultural rights, established in basic laws and international treaties. Meanwhile, outside the official educational system, the phenomenon of tutoring is becoming an increasingly influential factor contributing to the deepening of inequalities in access to education. This article presents the results of research carried out using the survey method – auditorium questionnaire, on the total population of the first-year students of first-cycle programme and long-cycle Master’s programme at the University of Rzeszów. The aim of the article was to indicate the cultural and social factors that determine the use of private tutoring by the surveyed students. The University of Rzeszów is the largest public institution of higher education in south-eastern Poland. The research provided interesting conclusions for the discussion

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on the development of informal education in the form of additional paid lessons and their impact on the formal education system in Poland.

## Streszczenie

### **Konstytucyjne prawo do nauki a kulturowe i społeczne uwarunkowania pobierania korepetycji w Polsce**

Prawo do nauki znajduje się w samym centrum problematyki praw kulturalnych, zapisanych w ustawach zasadniczych, jak i umowach międzynarodowych. Poza oficjalnym systemem edukacyjnym funkcjonuje tymczasem jego nieformalny nurt – korepetycje, stanowiące coraz mocniej oddziaływający czynnik, który przyczynia się do pogłębiania nierówności w dostępie do edukacji. Artykuł prezentuje wyniki badań zrealizowanych za pomocą metody sondażowej – ankiety audytoryjnej, na całościowej populacji studentów pierwszego roku Uniwersytetu Rzeszowskiego studiów I stopnia oraz jednolitych studiów magisterskich. Celem artykułu było wskazanie kulturowych i społecznych czynników warunkujących korzystania z korepetycji przez badanych studentów. Uniwersytet Rzeszowski jest największą publiczną uczelnią wyższą w południowo-wschodniej części Polski. Badania dostarczyły interesujących wniosków do dyskusji dotyczącej rozwoju nieformalnego szkolnictwa w postaci, dodatkowych płatnych lekcji oraz ich wpływu na formalny system edukacji funkcjonujący w Polsce.

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## I. Introduction

Universal access to education is one of the greatest achievements of modern civilization<sup>3</sup>. The right to education is one of the main determinants of modern society and an essential element of the catalogue of basic human rights in contemporary basic laws<sup>4</sup>, as it directly relates to what distinguishes humans from other living organisms – their rational nature, which on the one

<sup>3</sup> Ł. Kierznowski, *Historia prawa do nauki w polskich konstytucjach*, "Miscellanea Historico-Iuridica" 2017, T. XVI, No. 2, p. 159.

<sup>4</sup> S. Jarosz-Żukowska, Ł. Żukowski, *Prawo do nauki i jego gwarancje*, [in:] *Realizacja i ochrona konstytucyjnych wolności i praw jednostki w polskim porządku prawnym*, ed. M. Jabłoński, Wrocław 2014, p. 631.

hand manifests itself in the ability of independent thinking, and on the other hand in the ability to create organized societies<sup>5</sup>. It grants every human being the right to education in all its forms and indirectly acts for human rights by conditioning their development and equipping the individual with intellectual capabilities that condition the exercise of the rights<sup>6</sup>. The right to education is currently guaranteed in a large scope by acts of international law in the universal system of human rights protection – the United Nations, as well as regional systems, both European (the Council of Europe and the European Union) and non-European ones (the American Convention on Human Rights or the African Charter on Human and Peoples' Rights)<sup>7</sup>.

In the Polish internal legal order, the right of a child to education is regulated by the basic law and the Act on the Education System<sup>8</sup> and its secondary legislation<sup>9</sup>. In Art. 70 paras 1, 2 and 4 of the Polish Constitution, the legislator guarantees everyone the right to education in public schools: “Art. 70 par. 1. Everyone has the right to education. Education is compulsory until the age of 18. The manner of performing compulsory education is specified by law. 2. Education in public schools is free. Law may allow for some educational services to be provided by public institutions of higher education against payment. 3. Parents are free to choose schools other than public ones for their children. Citizens and institutions have the right to establish primary, secondary and higher schools as well as educational centers. The conditions for the establishment and operation of non-public schools and the participation of public authorities in their financing, as well as the principles of pedagogical supervision over schools and educational centers, are specified by law. 4. Public authorities ensure universal and equal access to education for citizens. To this end, they create and support systems of individual financial and organizational assistance for pupils and students. The terms of providing such assistance are specified by law”<sup>10</sup>. It follows from the content of this article

<sup>5</sup> *Konstytucja RP. Komentarz*, ed. M. Safjan, L. Bosek, t. I, Warsaw 2016, p. 1575.

<sup>6</sup> J. Mikosz, *Prawo do nauki*, [in:] *Prawa człowieka. Model prawny*, ed. R. Wieruszewski, Wrocław–Kraków–Warsaw 1991, p. 980.

<sup>7</sup> S. Jarosz-Żukowska, Ł. Żukowski, op.cit., p. 633.

<sup>8</sup> Act of September 7, 1991 on the education system (Dz.U.No. 95, item. 425).

<sup>9</sup> M. Kozak, *Prawo dziecka do edukacji. Założenia pedagogiczno prawne i bariery realizacyjne*, Warsaw 2013, p. 107.

<sup>10</sup> Constitution of the Republic of Poland of April 2, 1997 (Dz.U.No. 78 item 483).

that the right to education implies the possibility of acquiring knowledge (education), conducted in organized forms, on a regular and continuous basis. It covers a certain set of basic information of a general nature, and then enables obtaining in-depth specialist knowledge, obtaining documents that allow for continuing education, or performing a specific profession uniformly on a national scale<sup>11</sup>. This implies the imposition of numerous obligations on public authorities. They must establish and operate a system of public schools in which each child can actually exercise the right to education. Moreover, the public authorities have the freedom to, for example, establish individual types of schools, determine the order in which schools operate, including the issue of maintaining discipline, and establish school curricula. These regulations may apply to both public and private schools<sup>12</sup>.

In every society, the formal education system has to fulfill certain functions of social, cultural, and economic nature. It must be remembered that the financing of the education system from the preschool level to secondary education is one of the most important items on the list of expenditure budgets of local government units. Apart from the official education system there is present an informal trend called a “shadow education system” or “grey zone of education”. In recent years a lot of myths and controversies have aroused around private tutoring. Tutoring is a complex phenomenon, which proves difficult for unanimous assessment. On the one hand, it allows students to strengthen their skills, on the other hand, it contributes to the deepening of inequalities in access to education. Some experts dealing with this issue claim that private tutoring has become a new form of segregation.

During the People’s Republic of Poland private tutoring and all the issues associated with it was taboo, and the school was presented as the ideal institution that caters to every student’s need and does not necessitate any complement in the form of additional extramural classes. The private tutoring was considered illegal and harmful, and the press portrayed it as a relic of a noble and bourgeois past. An increased interest in private tutoring services was recorded in the 60s of the twentieth century. The reasons for this state of affairs should be seen in the state-introduced preferential credits for higher ed-

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<sup>11</sup> L. Garlicki, M. Derlatka, *Comment to art. 70 [in:] Konstytucja Rzeczypospolitej Polskiej. Komentarz. Tom II*, ed. L. Garlicki, M. Zubik, Warsaw 2016, LEX online.

<sup>12</sup> *Ibidem*.

ucation for working-class and peasant youths<sup>13</sup>. The advent of the free market caused that after 1989 private tutoring became something natural and even desirable in view of inadequacy of mass education of young Poles compared to dynamically emerging needs of a rapidly modernizing society. “Metropolitan Poland” and dynamically enriching families, often characterized by a deficit of cultural capital, wanted to quickly remedy their children’s educational deficiencies by means of extra, paid lessons. Since the collapse of the socialist bloc in the early 90s. there can be seen a clear trend to popularize private education, not only in Poland but also in other countries of Central and South-Eastern Europe and Central Asia. Today in these countries private tutoring is offered in various forms, as lessons conducted by individuals or as preparatory courses offered by public and private educational institutions. These forms of non-formal education penetrate into different levels of the education system, from kindergartens to secondary schools and universities. A strong interest in private tutoring and preparatory courses made them a major segment of the educational market, offering employment for diverse groups of service providers, such as school teachers, university professors and specialists<sup>14</sup>.

## II. Theoretical Context of the Research

The term private tutoring lived many definitions. Private tutoring is defined as paid school subject lessons. Therefore, tutoring includes individual classes, group lessons, classes conducted in tutoring schools (especially popular in the Far East) and preparatory courses for universities<sup>15</sup>. One of the better-known researchers of this phenomenon, Mark Bray defines it as private lessons given by a teacher to one or more students, as well as lessons, courses and classes conducted in specially established evening schools, and even hol-

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<sup>13</sup> M. Szewczyk-Jarocka, A. Nowacka, *Korepetycje – współczesny problem szarej strefy edukacji szkolnictwa średniego w Polsce*, Płock 2012, p. 14.

<sup>14</sup> I. Silova, *Private tutoring in Eastern Europe and Central Asia: policy choices and implications*, “Compare” 2010, vol. 40, No. 3, p. 327.

<sup>15</sup> E. Putkiewicz, *Korepetycje – szara strefa edukacji*, “Instytut Spraw Publicznych. Analizy i opinie”, 2005 No, 56 (12), p. 2.

iday schools<sup>16</sup>. An important feature of private tutoring is that it relates to the curriculum content of academic education covered by exam standards for: the mother tongue, mathematics, history, science, and languages instructed in a school of foreign languages. According to the accepted definition, private tutoring does not refer to knowledge extending classes, complementary to the academic set of subjects (e.g. courses in dance, music, visual arts or sports), unless they are subjects taught at school (e.g. music or ballet school)<sup>17</sup>.

Private tutoring is a widespread and global phenomenon, comparable in its scale to institutional teaching<sup>18</sup>. This is largely due to changes in the educational system and changes taking place in the social system. On the one hand, dysfunctions of the educational system, on the other hand, inflation of diplomas, growing competition for high social positions, increased importance of meritocracy, and the pursuit of success create a positive context for private tutoring<sup>19</sup>. According to studies carried by the Open Society Institute, in post-socialist countries, including Poland, there is a new, buoyant tutoring market called “the third sector of education”<sup>20</sup>. All this has its origins in demographic changes that take place in these societies and social changes, which are the consequences of systemic transformation. In Poland since the beginning of the twenty-first century, we have seen an increase in the number of students of high schools at the expense of vocational schools, the introduction of external secondary school leaving examinations (Matura exam) in 2005. The advent of the knowledge society and the growing importance of meritocracy made of education a “commodity”. Youth and their parents attach great importance to education. They treat it as a tool, cherishing a belief that it can help in finding a good job, achieving a high social status or a high quality of life. A diploma, and especially a diploma of a prestigious field of

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<sup>16</sup> M. Bray, *The shadow education system: Private tutoring and its implications for planners*, Paris 1999.

<sup>17</sup> M. Szewczyk-Jarocka, A. Nowacka, op.cit., p. 14.

<sup>18</sup> H.H. Dang, F.H. Rogers, *The Growing Phenomenon of Private Tutoring: Does it Deepen Human Capital, Widen Inequalities, or Waste Resources?* “The World Bank research observer” 2008, vol. 23, No. 2 (Fall 2008).

<sup>19</sup> P. Długosz, *Korepetycje maturzystów pogranicza w latach 2008–2011*, “Kultura i Edukacja” 2012, No. 2 (88), pp. 89–90.

<sup>20</sup> J. Madalińska-Michalak, *Korepetycje a jakość kształcenia w publicznych liceach ogólnokształcących w Łodzi*, “Studia Dydaktyczne” 2014, No. 26, p. 260.

study at a renowned university, is now becoming a very desirable commodity among the young generation of Poles. Access to the best credentials has those students who achieve the best results in a secondary school leaving exam (Matura)<sup>21</sup>. The massification of private tutoring was undoubtedly triggered by the reform of the education system introduced in Poland in 1999. The reform changed the ways of assessing students and schools.

### III. Results and Discussion

The study included full-time first year students following the first cycle program and a long cycle Master programme in all fields of study at the University of Rzeszów. The study was conducted in late December 2016 and January 2017 using a sample survey. The data collection was based on the random survey questionnaire technique. The research sample was comprehensive in nature since all students present in the class were covered by the study. A total of 1,404 students were surveyed.

The research results show some interesting conclusions.

Private tutoring classes before Matura exams were more often attended by girls (52.0%) than boys (43.1%). This is a factor that has a significant statistical correlation with attending private tutoring classes or free of charge additional lessons ( $\gamma = 0.077$ ;  $p < 0.005$ ). The use of private tutoring is also dependant on a place of residence ( $\gamma = 0.132$ ;  $p < 0.0001$ ). Private tutoring services were more often used by persons who lived in a city/town (57.7%) while attending secondary school, than those residing in rural areas (44.4%). It turns out that the size of a city/town differentiated the intensity of tutoring services only to a slight degree. Another factor that determined the use of private tutoring services by first year students of the University of Rzeszow, was their parents' education. The mother's education was statistically stronger in determining the son or daughter's attendance in additional paid activities preparing for Matura exam ( $\gamma = 0.122$ ;  $p < 0.0001$ ) than the father's education ( $\gamma = 0.088$ ;  $p < 0.005$ ). As the breakdown shows, parents with secondary or higher education more often chose to send their children to private tutoring classes than parents with vocational or elementary education.

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<sup>21</sup> P. Długosz, *op.cit.*, p. 88.

The measure of the cultural capital acquired in the family home which this study bases on is represented by three factors: parents' education, the number of books at home, and the number of books read over the last year (including e-books), excluding textbooks and academic set books. Based on the answers to these four questions the author developed a holistic indicator, which consisted of the father's education (25.0% weight), the mother's education (25.0% weight), the number of books in the family home (25.0% weight) and the number of reading books (25.0% weight). Cultural capital is interrelated with the use of private tutoring. The analysis showed that there is a statistically significant correlation between the level of cultural capital and attending paid extramural classes preparing for the secondary school leaving exams in subjects included in the school curriculum ( $\gamma = 0.119$ ;  $p < 0.0001$ ). A higher level of cultural capital was related to the greater participation of the respondents in private tutoring.

The analysis covered the relation between the use of private tutoring and young people's desire to study at the prestigious fields of studies which draw the largest number of candidates. Studying in one of the ten most popular fields of study has been associated with the use of private tutoring ( $\gamma = 0.137$ ;  $p < 0.0001$ ). The persons who were admitted to one of the most popular fields of study were found to more often benefit from private tutoring (55.6% of the respondents attended private lessons) than those who studied in other fields (41.7% of the respondents attended private lessons). Variation in the level of use of private tutoring services by the respondents was also observed in the breakdown into the fields of studies grouped by the domains of sciences in which they are situated. Paid, extra lessons preparing for the Matura exam were usually sought by students of legal sciences, medical and health sciences, and social sciences. The least likely to extend their knowledge at additional paid lessons were students of technical and agricultural sciences and the students of humanities.

The factor that determined the use of private tutoring by the first year students of the University of Rzeszow, was the financial situation of the family ( $\gamma = 0.154$ ;  $p < 0.0001$ ). The better the financial situation, the higher the level of using tutoring assistance by students. The financial situation is a clear barrier to the use of additional paid lessons. This is also visible in the case of choice of studies. There is a statistically significant association between the financial sit-



uation of the family and the student's field of studies. The fields of studies considered the most popular (and attended) were chosen by persons with a good financial situation ( $\gamma = 0.111$ ;  $p < 0.001$ ). In the sub-population of students who studied in the fields in which the largest number of applicants want to be enrolled in, there was a correlation between the financial situation and attending private tutoring classes ( $\gamma = 0.138$ ;  $p < 0.005$ ). People with a good financial situation more often declared the use of private tutoring services than people with the average or poor financial situation. In the sub-population of respondents studying in less popular fields, the level of using private tutoring remained at a similar level. Overall, in this sub-population the percentage of respondents benefiting from tutoring assistance amounted to 42.3%.

These data may indicate a disturbing fact that access to prestigious fields of study requires the knowledge acquired during school lessons to be extended with additional, paid classes. Those whose financial situation does not allow the use of private tutoring have less chances of applying for the fields of study most desired by secondary school graduates. The chance of being enrolled in these fields of study has only the most talented persons whose financial situation does not allow the use of tutoring. Less talented individuals from less economically advantaged families have limited chances.

#### **IV. Conclusions and Implications**

The surveys carried among the first-year students of the University of Rzeszów have shown that there are socio-cultural conditions of using private tutoring. The percentage of students who benefited from private tutoring in preparation for the Matura exams and those who did not attend them were practically identical. Slightly more than half of the respondents declared that they did not attend any additional, paid lessons in curriculum subjects, which were included in the thematic scope of the secondary school leaving exams (50.1%). This result shows that private tutoring preparing for the secondary school leaving exams is a common phenomenon and keeps a permanent – shadow – place in the Polish education system.

The place of residence is a factor that clearly impacts benefiting from additional, paid lessons. The analysis of the research material showed that liv-

ing in rural areas limits the use of private tutoring assistance. An interesting correlation was found when analyzing the relationship between the size of a city/town and attendance in additional, paid lessons. This form of complementing their knowledge was more often sought by the students who in the period of their secondary school attendance lived in the smallest towns. The size of the city getting larger, the percentage of those benefiting from private tutoring gets smaller. This can be explained by the fact that secondary school students residing in major urban centers can count on a better quality school education, and therefore there is no need for them to complement their education by additional paid lessons. The factor that strongly determines the use of private tutoring is the parents' education. It is clear that for parents who are holders of at least secondary education degrees private tutoring is a form of investment in the human capital of their children. This relation can be seen particularly clearly in the case of mothers who have a university degree. Using private tutoring services involves the family cultural capital. There is a relationship between the level of the cultural capital and attending additional paid classes. They were more often chosen by students with higher cultural capital. The research has also shown that private tutoring services are more often used by secondary school graduates who plan to study in prestigious fields in which the largest number of applicants seek to be enrolled in. Winning the student logbook at the most popular fields of study is largely associated with attending additional, paid activities. A good result obtained at the school leaving exams is a kind of admission ticket to the prestigious fields of study.

The presented situation should also be considered in the context of the principle of equal access to education, guaranteed in the above-mentioned Art. 70 of the constitution. It provides for the prohibition of legal differences leading to discrimination. The understanding of this principle cannot be limited only to the elimination of legal differences. It should also take into account real equality of access to education. Public authorities are obliged to undertake "compensatory" measures, understood, for example, as an appropriate redistribution of financial resources (eg. creation of social and scientific scholarships, support programs). In the education system adopted in Poland, the results of the exams determine the chances of admission to specific higher education schools. The research shows that students who want to study in more prestigious fields of study more often use tutoring to increase

their chances. In this context, it is questionable whether the existing education system is built in a way that ensures equal access to education.

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