



Małgorzata Turczyk

[orcid.org/0000-0003-4095-9294](https://orcid.org/0000-0003-4095-9294)  
Jagiellonian University in Krakow

## Legal and Normative Competences of Early Education Teachers

### Kompetencje prawnonormatywne nauczycieli wczesnej edukacji

#### KEYWORDS

law, teacher competences, early school education, children's rights, teacher.

#### ABSTRACT

The aim of the article is to present the concept of legal and normative competences of a kindergarten teacher and early school education teacher in terms of the protection of children's rights in the educational reality. Nowadays, the role of the teacher, especially the period of the earliest education, becomes justified not only in the context of the didactic, upbringing and caring design of the education process, but also in terms of education and protection in the area of children's rights. The article includes the analysis of a specific segment of social reality, which is the normative aspect of teaching competences related to securing a child in the processes of education, upbringing and care. It presents the key components of teachers' competences related to the use of law as a tool for shaping the preschool and school environment in terms of education, promotion and protection of the rights of all subjects of educational activities. In terms of methodology, the article is a description of the results of the qualitative research of legal and pedagogical texts. The research included the analysis of the legal acts related to teaching competences connected with shaping the competences of using the law in shaping the educational reality and teaching competences in the field of protection of the rights of children. The subject of the study also included the provisions of the core curriculum for preschool and integrated education, which indicate the necessity for the occurrence of such competences if we want to achieve the goals and contents of general education in preschool and early school education.

## SŁOWA KLUCZE ABSTRAKT

prawo, kompetencje  
nauczyciela,  
wczesna edukacja,  
prawa dziecka,  
nauczyciel

Celem artykułu jest analiza znaczenia i miejsca kompetencji prawno-normatywnych nauczyciela przedszkola i wczesnej edukacji w aspekcie ochrony praw dziecka w rzeczywistości edukacyjnej. Współcześnie rola nauczyciela, szczególnie okresu najwcześniejszej edukacji, staje się zasadna nie tylko w kontekście projektowania dydaktycznego, wychowawczego i opiekuńczego procesu kształcenia, ale także w aspekcie edukacji i ochrony w obszarze praw dziecka. Artykuł zawiera analizę konkretnego wycinka rzeczywistości społecznej, jakim jest normatywny aspekt kompetencji nauczycielskich związanych z zabezpieczeniem dziecka w procesach edukacji, wychowania i opieki. Artykuł prezentuje komponenty kluczowe kompetencji nauczyciela związanych z wykorzystywaniem prawa jako narzędzia kształtowania środowiska przedszkolnego i szkolnego w aspekcie edukacji, promocji i ochrony praw wszystkich podmiotów działań edukacyjnych. W obszarze metodologicznym artykuł ma charakter komunikatu z jakościowych badań tekstów prawnych i pedagogicznych. Badaniu poddane zostały akty prawne dotyczące sfery nauczycielskich kompetencji związane z problematyką kształtowania kompetencji korzystania z prawa w kształtowaniu rzeczywistości edukacyjnej oraz nauczycielskich kompetencji w zakresie ochrony praw dziecka, ucznia i wychowanka. Przedmiotem badania stały się również zapisy Podstawy programowej wychowania przedszkolnego i kształcenia zintegrowanego, które wskazują na konieczność zaistnienia tych kompetencji dla realizacji celów i treści kształcenia ogólnego w przedszkolu i we wczesnej edukacji.

## Transformations in teacher competence. Towards legal-normative competence

The transformation of contemporary educational reality is determined by a multitude of interrelated influencing factors, including demographic, sociological, pedagogical, legal, economic, as well as those related to the dynamics of social change and family relations. The contemporary teacher faces those social changes and increasing inflation in the field of educational law<sup>1</sup>. It is largely on the teacher's orientation in this patchwork of legal changes, and on his/her competence in the area of their

1 The term "legal inflation" is used colloquially to describe the phenomenon of creating an excess of legislative acts in relation to actual social needs, or to emphasize the excessive detail of these acts. As a result, a situation of excess and constant variability of legal acts lowers the prestige of the law and reduces the effectiveness and possibility of socialising legal norms in the social order. The creation of an excessive number of regulations and their excessive detail causes many adverse consequences, such as the inconsistency of regulations, the dilution of responsibility for their implementation, discretion in interpretation, formalism, the need for frequent amendments, the growth of bureaucracy and an increase in the workload

interpretation, structuring and ability to implement them in everyday educational work, that the proper safeguarding of children's rights in the school environment depends.

The shape of contemporary pre-school and early childhood education requires the teacher to meet many challenges, not only in the educational dimension. The Ministry, the local educational authority, and ultimately the kindergarten and the school as the basic organisational units of the educational system, place demands on the teacher regarding ever new areas of knowledge, skills and competences. Legal acts, both internal and international, also set out new areas of teacher competence. For example, the European Commission, in the framework of the Lisbon Strategy, presented a document entitled *Common European Principles for Teacher Competences and Qualifications*, pointing to the urgent need to develop new teacher competences as a result of the transformation of the educational environment (Brett et al., 2009, p. 14). In addition to competences related to professional knowledge of pre-school and early childhood pedagogy, teaching and upbringing skills related to the area of educational strategy design, in the work of the teacher there is also a need for competences in the following areas:

- communication with parents, shaping their parenting skills, responding to crisis situations in the family, such as violence, parental divorce, death of a loved one,
- intercultural communication, multiculturalism, which are so important in the face of increasingly culturally and ethnically diverse classrooms or pre-school groups,
- awareness of global processes that directly affect the field of early childhood education, involving it in a common project of development and learning,
- digital competences, the importance of which has been strengthened in the age of remote education,
- methodological competences required to teach about children's and human rights in early childhood education,
- the important dimension of legal-normative competences, which will allow the teacher to find his/her place and function in the world of legal conditions of educational processes. These are competences that, for the teacher, will become a kind of compass among the normative meanders of the educational system.

The shape of the contemporary educational system and socio-economic processes require teachers to be professionally prepared also in the field of law. In all of the above-mentioned areas, the issue of knowledge of the law and the ability to use it in specific educational situations becomes crucial for securing one's own rights as a human and teacher, but also the rights of the child as the student. These are new

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of offices. A well-known maxim by Tacitus from the first century AD describes the phenomenon of law inflation as follows: "The greater the disorder in the state, the more numerous the laws".

challenges for which teachers are often not prepared in the course of their studies of specialisation, teaching or pedagogy.

Numerous categorisations of teacher competences can be found in the literature of the subject (cf. Łukawska, 1994; Szempruch, 2000; Sajdak, 2007; Staszak, 2003; Strykowski et al, 2003). However, among the many theoretical positions, I do not find this important aspect in the professional preparation of the teacher which includes the competence related to the necessity to function in an educational environment that is increasingly normativised by the legal system. Therefore, what seems to be an important challenge for the contemporary system of teacher and educator preparation is the expansion of the area of professional qualifications by the scope of legal-normative competences which will enable teachers to make use of legal knowledge in educational practice and to take actions towards the protection of the rights of their students and pupils (Kozak, 2014, p. 63). What appears in the research conducted by Małgorzata Kozak in the field of didactic aspects of education for human rights is the concept of these legal-normative competences of a teacher, understood as a part of a system of theoretical knowledge, skills and attitudes or personal qualities (Kozak, 2014).

While analysing the issue of these competences, we can point out, following the author, that the basic components of legal-normative competences are:

- the **legal knowledge** needed for students of pedagogic and teaching faculties to be able to critically reflect on and understand the issue of children's rights, human rights and their procedural implications for school reality;
- **skills** in the aspect of searching for, interpreting and applying specific legal norms in educational practice, so as to not only make proper use of their human rights, but also to teach their students and pupils about their rights and how to claim and protect them;
- **attitudes** that will become an opportunity to build a climate of respect for the rights of every human being in the educational environment, and a readiness to promote and safeguard the rights of all educational entities.

Treating legal-normative competences as an important element of general pedagogical qualifications and shaping them in the course of academic training of teachers and pedagogues creates an opportunity to properly secure the welfare of the child and to fulfill his/her right to education, upbringing and care. On the other hand, however, it is an opportunity to secure the legal situation of the teacher himself in the aspect of increasingly difficult situations in school and kindergarten. This is extremely important, because teachers, in order to fulfill the functions entrusted to them correctly, must be a social group that has not only the knowledge of the law, but also the sense of autonomy and agency in exercising their human rights. Experiencing the respect for one's own human rights (those of an employee or a parent) in the work environment, i. e. in the kindergarten or at school, gives rise to a natural readiness to safeguard the

rights of the children entrusted to the teacher. Maria Czerepaniak-Walczak addressed this issue, emphasising that “the sense of limitation and deprivation is a source of negation, or at least disregard for the rights of others” (1997, p. 66). It is, therefore, very important to shape the legal-normative competences of teachers in terms of safeguarding, educating and promoting the rights of the youngest subjects of education.

For the purposes of this article, legal acts concerning the sphere of teachers’ competences related precisely to the problem of improving the competence to use the law in shaping the educational reality and in protecting the rights of the child and the student were examined. The subject of the study also included the provisions of the Core Curriculum for preschool education and integrated education which indicate the necessity of the existence of these competences for the implementation of the objectives and content of general education in kindergarten and early childhood education. The planned and implemented research of legal documents concerned the following specific questions:

1. What are the contents of teacher competences related to the use of the law in everyday practice in early childhood education in the light of the teacher education standards?
2. What areas related to the legal aspects of the child’s functioning in kindergarten and in grades I-III are included in the Core Curriculum for preschool and integrated education? And finally the question:
3. What is the relationship between the teacher’s legal competence and the ability to implement the core curriculum for preschool education and integrated teaching?

These questions have been singled out in such a way as to show the full extent of the issue of the influence of the normative world on the shape of the child’s education in kindergarten and school, and the safeguarding of his/her human rights. The analysis of the research material presented in the article, due to editorial possibilities, has the character of only a fragmentary, descriptive and generic message from the research, presenting the current state and challenges for the contemporary system of educating teachers of early childhood education.

## Law as a subject of educating teachers and pedagogues

The content related to the issue of the functioning of the law in educational reality, its analysis, interpretation and application in everyday school life, has only recently appeared in regulations concerning teacher training. Meanwhile, the necessity of teaching human and children’s rights in Polish schools is mentioned in one of the first provisions of the Act on Educational Law. The detailed executive regulations of the

Act, acts of international law, such as the Convention on the Rights of the Child, the recommendations of the Council of Europe on the European strategy on the rights of the child, and the numerous recommendations of the Committee of Ministers of the Council of Europe on the issue of teaching about human rights, unequivocally indicate the obligation of the Polish school, and therefore also of the kindergarten, to not only respect and promote, but also teach about the rights of the child/human. A detailed analysis of the above-mentioned legal acts and recommendations makes it possible to formulate a thesis of the necessity of professional preparation of teachers and educators in the field of children's/human rights. The above-mentioned legal acts imply, on the part of the teacher, the necessity to use specific factual knowledge in the field of children's/human rights, the ability to use the law as a tool in the didactic process, i. e., among other things, to teach about children's/human rights at school/preschool, but also the teacher's attitudes towards the law, such as respect for the law as a value of civil society, respect and an attitude of protection of the rights of his/her pupils, or an attitude towards the welfare of the child and the protection of his/her rights. The very idea of safeguarding the child's welfare becomes the central axis of the teacher's actions (cf. Kusztal, 2018). The profile of the teacher's legal-normative competences in protecting the rights of the child has just been outlined above. At this point, however, an important question arises: But where is the early childhood education teacher to draw the necessary knowledge, skills and attitudes from?

In the search for an answer to such a question, the provisions of legal acts concerning the subject of educating teachers of preschool and early childhood education were analysed. This was not an easy task. Even a cursory analysis perfectly illustrates the disturbing phenomenon of inflation and rapid changeability of the educational law. In the 2007 education standards (they are not valid now) for the faculty of pedagogy (Regulation..., 2007, appendix 78), the legislator only mentions some complementary subjects that include classes on educational law, organisation and functioning of the educational system, and the role of internal regulations concerning the operation of schools and institutions. In turn, within the specialisation in the faculty of pedagogy there are contents from the field of family and guardianship law, criminal law, social law, or from the field of rehabilitation of the disabled. However, in subsequent regulations in this area issued by the Minister of Science and Higher Education on 17 January 2012 (Regulation..., 2012) and on 1 August 2017 (Regulation..., 2017b), we no longer find any content related to the preparation of teachers for activities in the area of promotion, education and protection of children's rights. Also noteworthy is the content context of the learning outcomes included in the Regulation of the Minister of Science and Higher Education of 4 November 2011 on model learning effects (Regulation..., 2011) for the faculty of pedagogy where the legislator does not provide for any content related to this issue (Regulation..., 2016).

Another current act that was analysed is Appendix 2 to the relatively “new” Regulation of the Minister of Science and Higher Education of 25 July 2019 on standards of education preparing for the teaching profession (Regulation..., 2019). In this regulation, we can find a provision on specific learning outcomes. The legislator has provided for the following content related to the issue in question in this document: The organisation of the work of the kindergarten and school with elements of educational law and children’s rights, and the culture of the kindergarten and school, including with regard to the education of students with special educational needs and disabilities. The fulfilment of this content is to take 60 out of 2800 hours of education, and 7 ECTS points out of 300 points that are to be collected within the course of studies. When we separate from this content issues not directly related to teaching about children’s rights, little space is left for the issues related to elements of educational law and children’s rights.

In the area of the graduate’s profile, the legislator stipulates that, in terms of social competence, the graduate of the preschool and early childhood pedagogy faculty will:

1. be ready to use the universal ethical principles and norms in his/her work, following the idea of respect for each person;
2. know children’s rights and the rights of a person with disability (G.W5);
3. know the basis of the educational law (G.W2);
4. know the teacher’s professional pragmatics, including the rights and obligations of teachers (G.W3); as well as
5. know the principles of the internal law of a given kindergarten and school (G.W4).

The 2019 regulation clearly enriches the effects and content of the education of future preschool and early childhood education teachers with the knowledge of regulations concerning the legal aspects of children’s rights and the functioning of students with disabilities in kindergarten and school. The first teachers educated on the basis of the new educational standards enriching their knowledge in the field of educational law and related to the protection of the disabled child will start working in the education system in 2024. It is to be hoped that the education process in teacher training studies will also be based on the formation of legal literacy, which the legislator has not assumed in the standards under review, and that such education process will ultimately contribute to the formation of legal-normative competences of future teachers and pedagogues. This is because the mere knowledge of the legal norms, without the ability to interpret them and to use them appropriately in everyday school practice, will not contribute to the protection of children’s rights in school and kindergarten.

What emerges from the above analyses is the observation that, during their preparation for the profession, teachers are not sufficiently prepared to address educational challenges in the area of human and children’s rights. Methodology for teaching about

children's rights is a pedagogical sub-discipline in a state of formation and what is currently available in the literature of the subject are only emerging sources and concepts related to this issue. On the basis of an analysis of the educational standards, we can conclude that teachers are not prepared in the course of academic training to take action, in their everyday school and preschool life, related to the promotion and protection of educational rights, and they are also often unprepared to respect these rights in their teaching and educational work. The issues of building a climate of respect for the law in kindergarten and school, as well as an atmosphere of respect for human rights, are often not based on concepts of normative socialisation, but only result from the level of legal culture represented by the school authorities and individual teachers. Meanwhile, in the case of early childhood education, where normative socialisation enters the institutional stage and its quality is of paramount importance for a young person's later attitude to the law as a system of norms and its observance, deliberate measures taken by the teacher in teaching the law and creating a climate of respect for human rights in the kindergarten or school are extremely necessary.

At this point, it is worth recalling the new Regulation of the Minister of Education and Science of 25 August 2022 on the evaluation of teachers' work (Regulation..., 2022). In this act, the legislator provides for mandatory and additional criteria for the evaluation of a teacher's work. It is worth paying attention to the mandatory aspects among which there are such areas of work to be evaluated as:

1. knowledge of the law related to the child, including the rights mentioned in the Convention on the Rights of the Child and their implementation, as well as being guided by the welfare of the pupil and concern for his/her health with respect for his/her dignity;
2. compliance with the law on the functioning of the school and with the internal conditions of the school in which the teacher is employed;
3. shaping in pupils a respect for others; an awareness of their rights and a civic, pro-social attitude, including through the teacher's own example (Regulation..., 2022, § 2, p. 2).

Thus, the legislator, when designing teacher evaluation measures, considers the criteria related to the category of children's rights as mandatory. In order to implement these criteria, it becomes necessary for the teacher to have legal-normative competences.

## The core curriculum for preschool and early childhood education, and teacher's legal-normative competence

The legal act under analysis at this stage is the Regulation of the Minister of National Education of 14 February 2017 on the core curriculum for preschool education



and the core curriculum for general education for primary school, including for pupils with moderate or severe intellectual disabilities, general education in 1-st degree vocational secondary school, general education for a special needs vocational school and general education for a post-secondary school (Regulation..., 2017a). In the subject of the analysis of the core curriculum for preschool education and general education for primary school, at the stage of preschool and grades I-III, there are essentially only two areas of contents directly related to the legal-normative competences of the teacher.

In the area of the child's social education in kindergarten, the legislator indicates, as a learning outcome at the end of the preschool education stage, the attitude of a child who "respects the rights and duties of himself/herself and others, paying attention to their individual needs" (Regulation..., 2017a, p. 5). In turn, at the stage of early childhood education, in the field of social education, among the achievements in the area of understanding the social environment, the pupil "explains that all people have rights and duties, lists their own rights and duties, respects them and applies them in everyday life (Regulation..., 2017a, p. 39).

However, these are only direct provisions of the core curriculum related to the issue of children's and human rights. Among many other provisions, we can find the necessity of the idea of protection of rights for the achievement of educational goals, such as the provision indicating the educational effect in the area of communication with other children and adults, using verbal and non-verbal communication, so that the child expresses his/her social expectations towards another child/group or names and recognises values related to social skills and behaviour, e. g. respect towards children and adults, respect for the country, kindness shown to children and adults, sense of duty, friendship, and joy. Also, in the cognitive area, the core curriculum emphasises the importance of taking up the challenge of respecting minority, ethnic and national rights from the earliest stages of education.

However, a detailed analysis of the Regulation of the Minister of National Education on the core curriculum for kindergarten and grades I-III shows that the legislator does not assume, apart from the two educational outcomes mentioned at the beginning, the need for the teacher to use legal-normative competences to implement the core curriculum. Only the quoted two passages of the core curriculum for these stages of education require the teacher to be familiar with the provisions on the concept of children's rights, human rights and the mechanisms for their protection.

It is now worth mentioning the role of the internal law of the school and kindergarten in this area. The school and kindergarten statutes, individual regulations and procedures should secure the observance of the rights of the child, teacher and parent on the premises of the institution. The Regulation of the Minister of National Education of 21 May 2001 on framework statutes of public kindergarten and public schools (Regulation..., 2001) in Appendix 1 (*Framework statute of public kindergarten*), para.

16 indicates that the statute should include the rights and obligations of the child in kindergarten, and Appendix 2 (*Framework statute for public primary school*) repeats the provision that the issue of pupils' rights and obligations should be included in the content of the statute. Furthermore, all internal standards and procedures for the operation of schools and kindergartens are based on the idea of protecting the rights and welfare of the child.

The specific features, importance and concern for the quality of early childhood education, both in terms of the goals of upbringing and teaching, suggest that the process of educating teachers should include the content related to the history, promotion and protection of human, child and citizen rights, as well as the procedural aspects of the application of this knowledge in everyday educational life in relations with children, with other teachers and with parents.

## Conclusions and recommendations

Many barriers to the access to education, as well as educational constraints in the educational system in Poland, are rooted in ignorance of the law, as well as in the inability of educational authorities, teachers and parents to use it (Kozak, 2013). Knowledge of legal norms concerning the education system, family law or elements of criminal law, is the basis for shaping the normative competence of teachers. However, the very knowledge of the law is not enough as it will not make a teacher able to use the law as a tool in the educational process. In order to do this, in addition to knowledge, the teacher needs such competency components as the ability to use this knowledge in the fulfillment of teaching tasks and educational work, as well as attitudes of respect for the law or the conviction of being able to effectively influence the reality of one's students and pupils with the help of the law. It is not enough merely to postulate the introduction of specific content related to the law, human rights or instruments of their protection into the standards of teacher education. In order to build attitudes of respect, promotion and education concerning children's/human rights in kindergarten and school, it is necessary to broaden the standards of teacher education to include broadly understood legal-normative competences. Knowledge alone is not enough; there is a need for skills and specific attitudes of teachers towards the law, other human beings and themselves as guardians of the rights of the youngest, so that, by their own example and individual experience of the idea of children's rights as a value, they can shape a space of respect for human rights in their actions. The development of these competences in teachers of early childhood education should be treated as a priority for both legislative and didactic action in the field of pedagogical education. The law is nowadays becoming an important tool for teachers and pedagogues. It is a tool for

protecting the rights of students, a tool for protecting oneself in one's professional role, and, ultimately, a tool for building a legal culture at school and a climate of respect for the rights of every individual in the educational space. This is particularly important because "we teach children's rights with our own example rather than by dictating norms and writing standards on boards, which does not mean that the latter is of no value in itself" (Utrat-Milecki, 2002, p. 140).

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## CORRESPONDENCE ADDRESS

Małgorzata Turczyk  
 Jagiellonian University in Krakow  
 e-mail: m.turczyk@uj.edu.pl