



The Role of Law in the Development of Parental Culture (with Particular Emphasis on the Principle as an Educational Leader)
Rola prawa w rozwoju kultury rodzicielskiej (ze szczególnym uwzględnieniem dyrektora jako edukacyjnego przywódcy)

ABSTRACT

RESEARCH OBJECTIVE: To show the role of law in shaping parental culture.

THE RESEARCH PROBLEM AND METHODS: The influence of law on the formation on parental culture based on the analysis and synthesis of the output of pedagogical, legal and management sciences.

THE PROCESS OF ARGUMENTATION: The starting point for the discussion is the claim that the main educational actors must work together as partners. I argue that, based on the idea of partnership, parental culture is an important element of building relationships between school and home. I also examine the legal, social and political conditions for the functioning of a public school and the dual model of education management that is currently implemented in Poland. Legal solutions are seen as factors that can interfere with the process of community involvement. For this reason, I look at a solution that has been proposed in the science of law (pedagogy of law): the use of the educational impact of law through legal education among parents. The final part indicates the areas in which the school principle as an educational leader can exert influence.

RESEARCH RESULTS: To determine the possibility of applying the pedagogical approach of community involvement in schools. This solution is based on the findings of legal sciences on the development of civil and responsible society, represented by parents of students.

CONCLUSIONS, INNOVATIONS AND RECOMMENDATIONS: The recommendation emphasizes the importance of the legal context of community involvement.

→ **KEYWORDS:** **COMMUNITY, EDUCATIONAL PARTNERSHIP, PARENTAL CULTURE, LEGAL AWARENESS, EDUCATIONAL LEADERSHIP**

STRESZCZENIE

CEL NAUKOWY: Ukazanie roli prawa w kształtowaniu kultury rodzicielskiej.

PROBLEM I METODY BADAWCZE: Wpływ prawa na kształtowanie się kultury rodzicielskiej na podstawie analizy i syntezy systemowej literatury.

PROCES WYWODU: Punktem wyjścia do rozważań jest teza o konieczności współdziałania podstawowych środowisk wychowawczych. Następnie przywołana zostaje kategoria kultury rodzicielskiej jako istotnego elementu budowania opartych na idei partnerstwa relacji na linii szkoła – dom. Równolegle skonfrontowana ona zostaje z krajowymi prawno-ustrojowymi uwarunkowaniami funkcjonowania szkoły publicznej i realizowanym obecnie dualnym modelem zarządzania oświatą. Jako propozycję neutralizacji hamującego proces uspołecznienia wpływu rozwiązań normatywnych wskazano rozwiązanie proponowane w nauce prawa (pedagogika prawa) – wykorzystania wychowawczego wpływu prawa poprzez rozwijanie edukacji prawnej wśród rodziców. W końcowej części wskazano obszary, w których dyrektor jako edukacyjny przywódca może tego typu oddziaływania podejmować.

WYNIKI ANALIZY NAUKOWEJ: Ustalenie możliwości realizacji pedagogicznej ścieżki uspołecznienia w warunkach oświatowych z wykorzystaniem dorobku nauk prawnych dotyczącego rozwoju obywatelskiego i odpowiedzialnego społeczeństwa, reprezentowanego przez rodziców uczniów.

WNIOSKI, INNOWACJE, REKOMENDACJE: Sformułowano rekomendację dotyczącą wagi formalnego kontekstu uspołecznienia.

→ **SŁOWA KLUCZOWE:** **USPOŁECZNINIENIE, PARTNERSTWO EDUKACYJNE, KULTURA RODZICIELSKA, ŚWIADOMOŚĆ PRAWNA, PRZYWÓDZTWO EDUKACYJNE**

Introduction

The concept of parental culture originates in pedagogy and is defined in terms of education studies. However, it should be noted that it also has formal and legal determinants. These can have a supportive effect, by creating a favorable context for parental activation; or they can have a suppressive effect. When it comes to these issues, the assessment of the legal regulations that govern the Polish educational system is not conclusive. There is no doubt that the current legal acts provide for an education model based on the ideal of community involvement in school. Its implementation, however, faces a number of obstacles, both in terms of how the law is created and of its quality; and in terms of the mentality of Polish people who are convinced of their lack of agency and who display their dominant attitudes of passivity and entitlement.

The law can provide a strong basis for changing reality towards building relationships based on educational partnership and making parents allies of the school, provided

there is legal awareness among the potential parties to this relationship. For even the best written letter of the law cannot influence actual social relations if the citizens do not know the law, internalize it or apply it to their daily life situations. In other words, legal consciousness is fundamental to this process.

Parental participation

The starting point for this discussion is the issue of the relationship between the basic educational settings (home and school). Fundamentally, these are shaped differently and operate under different principles, but have the common goal of the child's development and educational and personal success. To make this goal plausible, we need a consistent educational message, i.e. a situation in which teachers (school) and parents (home) work together. Where there is cooperation, there is a legitimization of the efforts of each party to shape a positive attitude towards learning, but more importantly to create optimal conditions for self-realization in accordance with one's internalized values (Epstein, 1992, after Mendel, 2009, p. 19). Today, parent-school cooperation seems to be the basis for thinking about valuable education for children, as well as a beneficial solution for the broader community, the family and the local government (Mendel, 2009, p. 185). The discussion on this subject is part of the trend in pedagogical debates on community involvement in the school.

When analyzing community involvement in the educational context, it is necessary to situate this concept as a frontier for such fields as pedagogy, sociology of education and educational policy. This means reducing the influence of the state or administration on school in favor of subordinating it to the influence of self-government authorities, broadening the access of various social groups to education, and satisfying some social needs through education (Gozdowska & Uryga, 2014). In this view, socialization is associated with the principles of democratization of education, because these efforts are addressed at citizens who exercise control over educational institutions at the level of local communities, participate in their management and influence the educational process (Hernik, 2018, p. 6).

The literature on the issue of community involvement in schools falls into two categories: the first includes concepts that relate to the entire system (the macro-scale perspective); whereas the second includes model proposals that relate to elements of the system (the micro-scale perspective) (Mendel, 2009, p. 201). In all concepts, the relationship between teachers (school) and parents (home) is a defining characteristic as well as an indicator of the degree of community involvement. Another important aspect of these concepts is the school's relations with the local community and the local space. A special role is given to parents and teachers as the actors who are most responsible for the successful development and education of young people (Winiarski, 2013, p. 39).

The relationships between the subjects of education (the student, the educator and the parents) are fundamental to the success of the micro-socialization process. They

should forge relations of educational partnership, which are characterized by working together towards a common goal that is accepted by all parties, a positive emotional attitude towards each other, mutual respect, cooperation and shared responsibility (Miler-ski & Śliwerski, 2000, p. 144). The concept of educational partnership is based on the theory of Joyce L. Epstein (the theory of overlapping spheres of influence). According to this notion, educational partnership is a kind of alliance between the family, school and their closest community, which is forged in order for the child to realize the maximum of his or her potential (Epstein, 1987, 1995, cited in Mendel, 2009, p. 122). This idea has found advocates in Poland, as it fit into the framework of educational reform during the period of political transformation (Mendel, 1998). As a result of legislative changes in the area of running and managing public educational institutions (decentralization of education) and the establishment of parents' councils as an obligatory body in each school, community involvement became a normative goal with formal and legal conditions. For this reason, a comprehensive analysis of this process requires framing it in terms of macro-politics. As for the factors that determine community involvement in a particular institution, parental culture should be considered an important element in building school-home relations in the spirit of educational partnership.

It is one of the three (along with teacher and student culture) components which co-exist in the school space for building an alliance based on mutual recognition of each other's rights and obligations to the child; getting to know each other; effective communication; jointly building relationships based on respect, understanding and trust; and parental participation in decision-making about the child and the school (Mendel, 2007, p. 7). Both pedagogical and psychological studies on the developmental or learning patterns of children (Więckowski, 1993) argue for the legitimacy of this approach. It is one of the most current and important tasks, both in terms of educational activity and implementation of social policy (Mendel, 2007, p. 73). As it is a new approach, it needs to be nurtured and developed, because the success of community involvement in the school cannot occur without it (Mendel, 2009, p. 221; Mendel, 2020, pp. 92-99).

The principal as an educational leader

It is the factors that make up educational policy that determine the extent to which the idea of community involvement is applied in school education. At the most basic level (micro-policy), it is formed by elements that strengthen intra-school self-regulatory mechanisms for the development of procedures which are based on interaction and team and individual decision-making. This decision-making, in turn, is connected with the competencies of those who work in the school. The existence of these elements is associated with the distribution and enforcement of power, and depends mainly on the principal who is responsible for creating educational micro-policies in the institution he or she manages (Nowosad, 2014, p. 209; Rosalska, 2016, p. 16). The formation of parental culture and increasing this group's legal awareness within a specific institution is a task

that falls within the principal's sphere of activity and within the philosophy of his or her internal policy. This is due to several reasons.

First of all, it should be emphasized that the principal, as a mandatory body of an educational institution, is an element of the system that cannot be ignored. Because of his or her status, it becomes difficult to activate interaction, which is the central focus of educational partnerships, when the circumstances do not favor voluntary participation and full egalitarianism of the actors or the partnership (Winiarski, 2013, p. 27). This raises the question of the role of the school leadership in shaping the parental culture in the spirit of educational partnership.

In defining this role, it is important to keep in mind the phenomenon of dual subordination: the principal must meet both the requirements of educational supervision and, if the institution is run by the local government, the expectations of the municipal authorities. The complex nature of these conditions and dependencies, occurring despite the legislative changes in educational law that were initiated in the post-1989 period, still persists and has a major impact on the management of the institution and the degree of its openness to social expectations and needs.

Another thing that determines the way in which the school is managed and run is the open catalog of powers (and also duties) of the school principal (Ustawa z dnia 14.12.2016 r. Prawo oświatowe, 2016, Article 68(1)). The tasks of the principal are diverse and entrenched in laws that govern relations other than administrative (including labor, financial or civil relations). This translates into a complex legal situation of the person in charge of an educational institution, whose role is not limited to the management of pedagogical and educational affairs, but also includes efficient management of the institution with further consequences (especially in the area of legal liability).

The principle's position, which combines the traditional and the managerial model, is unique as demonstrated by the nature of their dependencies, and the range of their competencies (but also other factors, such as the method of their election and dismissal). He or she is both a manager and a leader, that is, he or she functions in a dichotomy of roles. In a school based on the idea of social participation and the principles of educational partnership, the role of the leader is crucial. He or she launches and develops activities geared towards community involvement in general and community involvement in the school leadership process in particular.

The idea of modern leadership in education is associated with the concept of educational leadership. This means adapting the vision of effective management to the specific conditions of the educational system. The ongoing discussion of this concept is part of a broader trend of changes and reforms intended to improve the quality of schools and entire educational systems (Mazurkiewicz, 2015, p. 23). Examples of this interest include studies on the importance of educational leadership that have been carried out on a European and global scale. They argue, for instance, that effective school leadership is one of the most important factors shaping the general conditions for teaching and learning, stimulating the aspirations of students, parents and staff and providing them with support, and thus contributing to better educational outcomes. If we are to defend

a publicly funded education system, we need to focus on educational leadership that responds to the expectations of a democratic society. Democracy requires people's participation in governance; respect for the input of participants is a core value and means prioritizing equality and participation over control (Collinson & Cook, 2007, p. 137). Progressive qualitative change in the sphere of education towards democratization and the formation of civil society depends on the functioning of such institutions.

To properly define educational leadership at the national level, one must take into account the aforementioned formal-legal context and social-political considerations, including those related to the dichotomy of the principal's roles. Something that is particularly symptomatic of the school director's power is special institutional authority. It is defined as the sum of the powers of the institution's bodies and employees over the users. It is the ability, inherent in administrative law, for an institution to apply, within the limits of applicable law, orders and coercion towards the users. Special institutional authority is a form of state authority (Homplewicz, 1984, p. 170). As noted in the literature, this power does not derive from the discretion of the school authorities, but from the provisions of school law that regulate the operation of the school. These regulations are binding on school bodies and legally demarcate the institutional authority vested in them, including assessments of the legality of each act of this authority (Homplewicz, 1984, p. 170). The powers of the principal as a school authority are one of the domains of this authority. The existence of this power – which the principal is formally obliged to exercise – means that it becomes necessary to modify the concept of educational leadership to incorporate the top-down, official asymmetry in the relationships between the actors who are involved in the child's education process.

In order to meet these needs, we can apply the approach of leadership that is useful for a particular organization or community (Mazurkiewicz, 2011, p. 28). According to this approach, all model proposals should be treated as a framework for constructing leadership that responds to the needs of a particular organization and takes into account its specific characteristics; in other words, leadership that is developed in context (Fullan, 2006, p. 15). This may refer not only to a cultural, geographic, or temporal context, but also to a legal one. It is the latter that makes it necessary to further analyze and define the two basic forms of interaction, parenting and co-management, which, according to the theory of intersecting influences, are the cornerstones of educational partnership.

The role of the principal in shaping parenting culture

In theoretical terms, parenting includes activities that lead to a mutual understanding of the roles (of the student in the family, and of the son, daughter in the classroom) (Mendel, 2009, p. 198). The school, when working together under this model, should demonstrate an effort to gain the deepest possible understanding of parents (including their rights and responsibilities) and the family, its uniqueness, strengths and weaknesses,

etc. In turn, the family is expected to show concern for the fullest possible support and satisfying the needs of the child who is a student.

Scholars who deal with this form of interaction put forward a suggestion to categorize potential opportunities aimed at joint action. The idea is to provide and develop knowledge: 1/ about each other's rights and responsibilities; this knowledge allows for mutual respect of each other's autonomy and enables more effective cooperation in all areas of school life; 2/ about the child at home and school; the exchange of information about the child, his or her current situation, school and home learning, and health and safety allows mutual understanding and brings us closer to a common goal. Awareness of one's legal status, both in teachers and parents, is fundamental at this level of building partner relationships (Mendel, 2002, pp. 191-193). As the literature stresses, "If we are to understand each other, we should know our legal status."

Co-management, on the other hand, means the participation of parents in decision-making about students and the school. It is a direct consequence of "type one" interaction (parenting), i.e. the realization of parents' rights and responsibilities, which takes place at the level of organization. In addition, co-management provides opportunities for each of the other types of interaction (parenting, communication, volunteering, home learning, working with the community) to develop. If the school implements this form of co-management, it means mainly involving parents in school decision-making and activities focused on choosing leaders and representatives among the parents (Mendel, 2002, pp. 199-200).

In both forms of interaction, the principal can engage in various forms of activity. One of them is raising legal awareness in this group. The key concept here is law, the educational functions of which have been widely discussed in the literature on the sociology of law and legal pedagogy. The statement that:

[...] law generates an invaluable educational potential, capable of steering many people towards constructive, creative and responsible actions and attitudes [...] Positive law is, of course, not a sufficient normative base for the organization of social life, as it remains secondary and relative to morality, religion, culture and philosophy, but even law that is somewhat imperfect is a necessary element of social life (Zamelski, 2019, p. 126).

Law has another function, which is fundamental from the perspective of partner relations in education, and of shaping social relations. In view of the above, both the legal norm and the attitudes represented towards it are determinants of community involvement in education.

When we consider different attitudes to the law, we should pay special attention to indifference to the law in the context of parental culture. It is often viewed as a result of ignorance, or "the eternal enemy of the rule of law" (Nieborak, 2021, p. 268). One of its causes, which affects the quality of democracy in the state, may be negligence in the shaping of the legal consciousness of society, which is a variety of social consciousness, formed by different attitudes, beliefs, ideas, views or values. We can raise this type of awareness through legal education, involving all sorts of projects addressed to various

social groups, which aim to increase their knowledge and understanding of the law. It is an element of civic education (Nieborak, 2021, p. 269) and a factor that contributes to the development of a responsible society.

Research on legal awareness in Poland mostly focuses on general knowledge,¹ while studies among educational subjects are incidental and fragmentary. Research carried out locally (Poznań) among teachers in the late 1990s provided interesting findings in this area. It revealed that teachers exhibited legal nihilism. "This nihilism [...] was one of the most salient features of the totalitarian regime. Despite 10 years of political transformation, the legal awareness of the respondents remains very low, and perpetuates the state of things from the previous era. The benefits of knowledge about the law are still not very well understood, and, in view of the above, there is no habit of ordering school life according to rules that are established together beforehand in order to obey them later" (Dąbrowska-Bąk, 1992, p. 179). Having identified this problem in the parent community, we should diagnose the needs for legal education that would raise their legal awareness, and, consequently, shape institutional order and good governance in the school. These attitudes promote the development of parental culture, and, just as importantly, limit the repressive aspects of the institution and the arbitrariness of the administration's decisions (Dąbrowska-Bąk, 1999, p. 179).

The principal, on the other hand, should fulfill his or her role in the legal education of parents by following the paths that educators have charted of increasing community involvement in the school and in the school management process. One of the suggestions is to concentrate on forms of interaction between the two educational settings (home and school), which enable building partnerships, especially in the area of parenting and co-managing of the institution within the limits of the law.

Through internal policies, the principal can shape parental culture and contribute to increasing the level of informed participation in the child's school education. Efforts focusing on legal education can bring tangible results such as increased interest among parents in basic forms of interaction. From a theoretical point of view, this proposal is an attempt to build on the achievements of educators (family pedagogy, social pedagogy), specialists in the field of organization and management sciences (educational management) and lawyers (educational law, legal pedagogy), as part of an interdisciplinary discussion on the essence, legitimacy and ways of democratizing social life and empowering individuals in different spheres of life. At the same time, it still takes into account the existing legal and constitutional conditions, including the nexus of regulations that define the complex status of the principal of a Polish school.

¹ In the period before the political transformation on the state, the following authors wrote about legal awareness among Polish citizens: Koralewicz, J., & Ziółkowski, M. (1990a, 1990b). Today, the studies of the Supreme Audit Office (NIK) on the conditions of providing free legal aid provide the most current data: Najwyższa Izba Kontroli (2018).

Conclusion

Building a culture in the school space that is based on parental participation requires not only teacher activism (something that M. Mendel, for example, has written extensively about), but also an institution managing the school that is oriented towards cooperation and dialogue. This point of view extends the formula that has been used in the pedagogical literature for interpreting educational partnerships from the perspective of the three-actor community of teachers-parents-students. Because of the position of the principal in a school, it is impossible to overlook him or her in the process of developing the institution towards better community involvement. In particular, the powers of the principal, which often have an authoritative and decision-making character, are a legal obstacle. The principal, in most relations with other educational entities, acts in the role of the dominant party, and has a whole arsenal of legal means to enforce employee compliance. With these legal realities in mind, instead of overlooking (which is symptomatic in the pedagogical discourse on educational partnership) the presence and authoritative position of this mandatory body, it is necessary to follow the lead of experts in educational management by underlining the importance of the concept of educational leadership. From this point of view, it is possible to make the postulates of developing the various forms of cooperation of educational subjects more realistic, while forming legal consciousness through activities advocated by e.g. the pedagogy of law.

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