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The 2024–2025 changes in religious instruction in Polish public schools and their legality

Zmiany w nauczaniu religii w polskich szkołach publicznych w latach 2024–2025 i ich legalność

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Abstract: In 2024 and 2025, Poland's Minister of Education issued three ordinances aimed at changing the status quo in the field of religious instruction in the country's public schools. The major amendments introduced include the possibility of merging school groups for religion classes, reducing the number of weekly religion lessons to one hour, making it obligatory to conduct religion lessons directly before or after mandatory classes, and eliminating religion marks from the grade point average. The main concern regarding these ordinances is the procedure used for their issuance. The ordinances were issued by the Minister of Education without the prior consent of the religious communities, even though Article 12 para. 2 of the Education System Act (1991) requires them to be issued "in agreement" with the authorities of religious communities. In the recent judgments of the Polish Constitutional Tribunal (cases no. U 10/24, U 11/24, and U 2/25), it was declared that the issuance of these ordinances violated this provision (in addition to other incompatibilities with the provisions of the Polish Constitution and Polish Concordat, among other acts). Additionally, the majority of the jurists' opinions raise serious doubts regarding the conformity of these ordinances with the Polish legal system. Indeed, the linguistic, logical, functional, and historical interpretations all lead to the conclusion that Article 12 para. 2 of the Education System Act introduces the requirement of acceptance of the authorities of religious communities when the government is about to issue or change regulations concerning religious education in Polish public schools. Until such consent is obtained, the government is obliged to maintain the status quo, provided that Article 12 para. 2 is in force.

Key words: religious education; public school; Catholic Church; churches and other religious organisations; religious communities; educational system

Streszczenie: W Polsce w latach 2024 i 2025 Minister Edukacji wydał trzy rozporządzenia mające na celu zmianę *status quo* w zakresie nauczania religii w szkołach publicznych. Najważniejsze wprowadzane zmiany to możliwość łączenia klas szkolnych do przeprowadzania lekcji religii, skrócenie tygodniowego wymiaru lekcji religii do jednej godziny, obowiązek prowadzenia lekcji religii bezpośrednio przed lub bezpośrednio po obowiązkowych zajęciach oraz wyeliminowanie oceny z religii ze średniej ocen. Głównym problemem w odniesieniu do wspomnianych rozporządzeń jest tryb ich wydania. Rozporządzenia zostały wydane przez Ministra Edukacji bez uprzedniej zgody związków wyznaniowych, mimo że art. 12 ust. 2 ustawy o systemie oświaty wymaga, aby były wydawane „w porozumieniu" z władzami związków wyznaniowych. W ostatnich orzeczeniach Trybunału Konstytucyjnego (sygn. U 10/24, U 11/24 i U 2/25) uznano, że rozporządzenia te zostały wydane z naruszeniem tego przepisu (poza innymi niezgodnościami z przepisami Konstytucji RP, konkordatu i niektórych ustaw). Również większość opinii przedstawicieli doktryny zgłasza poważne wątpliwości co do zgodności tych rozporządzeń z polskim systemem prawnym. Istotnie, wykładnia językowa, logiczna, funkcjonalna i historyczna prowadzi do wniosku, że art. 12 ust. 2 ustawy o systemie oświaty wprowadza wymóg zgody władz związków wyznaniowych, w przypadku gdy minister właściwy do spraw oświaty i wychowania zamierza wydać lub zmienić przepisy dotyczące nauczania religii w polskich szkołach publicznych. Do czasu uzyskania takiej zgody władze państwowe są zobowiązane utrzymywać *status quo*, przynajmniej tak długo, jak długo obowiązuje art. 12 ust. 2 ustawy o systemie oświaty.

Słowa kluczowe: nauka religii; szkoła publiczna; Kościół Katolicki; kościoły i inne związki wyznaniowe; wspólnota religijna; system oświaty

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Introduction

In 2024 and 2025, Poland's Minister of Education issued ordinances aimed at changing the status quo in the field of religious instruction in the country's public schools, especially regarding matters such as eliminating religion marks from the grade point average, merging groups for conducting religion classes, reducing the number of weekly religion lessons, and conducting religion lessons directly before or after mandatory classes. The amendments to previous rules concerning the organisation of religion lessons were implemented without the prior consent of the religious communities; in fact, they explicitly expressed objections. This action of the Minister of Education not only changes the previously existing practice[1] but also raises serious doubts regarding conformity with constitutional and statutory rules.[2] The main question is not whether these amendments are compatible with the substantive provisions of the higher-level acts in the constitutional hierarchy of legal acts (and thus with which the amendments must comply[3]) but, rather, whether the procedure of adopting them required the consent of religious communities, which was not granted.

Legal regulations governing religious education in public schools in Poland have been the subject of previous research, the majority of which has been published in the Polish language.[4] However, some research dealing with legal issues concerning this matter have been written in English[5] (frequently en passant when dealing with other aspects of religious instruction in public schools – e.g., political, sociological, or pedagogical). The above-described recent changes to religious instruction in Polish public schools were also the subject of scientific studies in the Polish law literature (there is also one article in Italian[6]); however, owing to the short time since the government authorities' adoption of the new regulations, few studies have been published.[7] As of this writing, none of the research dealing with these issues and presenting the latest developments (especially the judgments of the Polish Constitutional Court from May and July 2025) has been published in English.[8] In light of the major character of the introduced changes and

1 Stanisz, Walencik 2024, 369–370. See also Borecki 2024a, 136–138.

2 Before the elections, the Ministry of Education also planned to introduce mandatory participation in either religion classes or ethics classes, depending on the decision of the child's legal representative or the pupil (after 18 years old), but this plan was postponed. See Pankiewicz 2023, 204–205.

3 Cf. Pankiewicz 2023, 212.

4 See, inter alia, Abramowicz 2012; Borecki 2008; Brzozowski 2010, 203 ff.; Czuryk 2014, 216 ff.; Filak 2019; Jeżowski, Madalińska-Michalak 2018, 220–221; Kielczyk 2022, 58 ff.; Goliszek 2020, 180–191; Krzywkowska 2017; Mąkosa 2005, 64–69; Mezglewski 2000a; Mezglewski 2000b; Mezglewski 2005; Mezglewski 2009a; Mezglewski 2009b; Mezglewski 2011; Pankiewicz 2023, 208–212; Pilich 2012, 19 ff.; Pilich 2015, 242–264; Pisarek 2013, 84 ff., 117–138; Piszko 2018, 111–117; Sobczyk 2008, 216 ff.; Sobczyk 2014; Stanisz 2014; Sztychmiler 2021, 214 ff.; Warchałowski 2023, 260 ff.; Zieliński 2009; Zieliński 2023; Zonik 2012, 172–175. See also Tomasik 2010, 139–143; Garlicki 2009; Szymanek 2012, 69 ff.; Szczepaniak 2015.

5 Abramowicz 2015; Horowski 2022, 239–240; Kasiński 2019, 86–88; Kroczek 2015, 206–211; Krukowski 2011, 385 ff.; Mąkosa 2015, 55–56; Ponikowska-Stejskal, Przywora 2022; Rogowski 2015, 189–191, 193 ff.; Stanisz 2023, 141–146, marginal no. 300–321; Zielińska, Zwierżdżyński 2013, 265–268; Zwierżdżyński 2017, 144–146. See also Anczyk, Grzymała-Moszczyńska 2018, 184–185; Hejwosz-Gromkowska 2020, 85–86; Matwiejuk 2023, 179–180; Przybylska, Wajsprych 2020, 206–207; Zielińska, Zwierżdżyński 2017, 14–15.

6 Stanisz 2025.

7 Bernaciński 2025; Borecki 2024a Olszówka 2025, footnote 20; Stanisz 2025; Stanisz, Walencik 2024. See also Matwiejuk 2023, 180–181.

8 Some of the amendments were briefly described in English in Chrostowski 2025, 300.

their impact on parents' right to ensure their children a moral and religious upbringing and teaching in accordance with their convictions, coupled with the practice of providing religious instruction in Polish public schools, it is valuable to supply foreign legal scholars with up-to-date information on the issue in English. Thus, the first aim of this paper is to present in the English language the changes in religious education in public schools in Poland introduced by the government authorities in the years 2024–2025 (along with a comparison to previous solutions) as well as the most recent opinions and court verdicts. The second aim of this article is to discuss some aspects of the substantial conformity of the new regulations with constitutional and concordantial standards as well as the procedural correctness of their adoption.

1. General rules for creating a legal framework for religious education in public schools in Poland

Even before the current Polish Constitution came into force, religious instruction was introduced in public schools in Poland. In 1990, after the country's era of communist rule (1945–1989), which eliminated religious lessons in schools run by the state,[9] religious education was reintroduced into Polish public schools on the grounds of ministerial instruction.[10] However, a new era of legal regulation concerning religious education in Polish public schools started in 1991 with the Act of 7 September 1991 on the system of education.[11]Since 2017, this act has been complemented by the Act of 14 December 2016 – the Education Law.[12] The changes brought about in 1991 were implemented at the level of legal guarantees and related to the rules for creating a legal framework for religious education.

First, the rule regarding organising religious education in public schools at the request of parents (or pupils of the age of majority) gained statutory status; the decision regarding whether religious instruction would be provided in Polish public schools was no longer left to the executive powers. According to Article 12 para. 1 u.s.o.:

> Acknowledging the right of parents to the religious upbringing of their children, public elementary schools organize religious education at the request of parents, public secondary schools – at the request of either parents or the students themselves; after reaching the age of majority, receiving religious education is decided by students.

9 See further Mezglewski 2009b, 37 ff.; Różański 2024. See also Byrska 2016, 69–70; Czekalski 2010, 117–122; Kiciński 2018, 23–24; Kielczyk 2022, 34–54; Mezglewski 2000b, 97–104; Misztal 2000, 18–19; Stanuch 2014, 49 ff.

10 Stanisz 2023, 141–142, marginal no. 303. See also Byrska 2016, 71; Czekalski 2010, 122–223; Chrostowski 2025, 300; Goliszek 2020, 187–188; Kielczyk 2022, 58–61; Krukowski 2011, 386; Ponikowska-Stejskal, Przywora 2022, 191; Rogowski 2015, 189; Sobczyk 2014, 122–124; Zielińska, Zwierżdżyński 2013, 268; Stanisz 2025, 2. See further Filak 2019, 151; Jabłoński 2009, 292–296; Mąkosa 2005, 67; Janiga, Mezglewski 2001, 132–133; Mezglewski 2005, 66–70; Mezglewski 2000b, 104–105; Mezglewski 2009b, 61–64; Więcek 2013, 195–198.

11 Ustawa z dnia 7 września 1991 r. o systemie oświaty, Dziennik Ustaw [Journal of Laws, hereinafter: Dz. U.] 1991 item 425 [hereinafter: Education System Act or u.s.o.].

12 Ustawa z dnia 14 grudnia 2016 r. – Prawo oświatowe, consolidated text: Dz. U. 2024 item 737 [hereinafter: Education Law].

This regulation is widely interpreted as an obligation of state authorities to not only allow religious communities to teach religion in classes in public schools but to also finance religion teachers' salaries, admit them to teachers' councils, and to empower them to make notations in school records.[13] This provision remains in force today (with some technical amendments only), and its effectiveness is not undermined by recent acts of the Polish government, as they do not affect the organisation of religious education itself (i.e., religion lessons are still organised in public schools); however, they change the way in which religious education in Polish public schools is organised.

Additionally, the Education System Act (1991) introduced rules for creating a legal framework for organising religious instruction in public schools in Poland. It was no longer the decision of the executive powers alone to introduce rules regarding how religious education in public schools would be organised, but from that moment, the rules would have to be issued in cooperation with the religious communities.[14] In addition, the main issues with the recent regulations of the Minister of Education concern improper cooperation with the religious communities; thus, the most important matter for further analysis is the wording of the second paragraph of Article 12 u.s.o., which requires that "the conditions and manner" of religious education in public schools must be regulated "in agreement" with religious authorities. This regulation (Article 12 para. 2 u.s.o.) is cited in extenso:

> The minister responsible for education and upbringing, in agreement with the authorities of the Catholic Church and the Polish Autocephalous Orthodox Church and other churches and religious organisations, shall determine, by way of an ordinance, the conditions and manner of performing by schools the tasks referred to in paragraph 1.[15]

On the grounds of this regulation, executive provisions were issued in the form of the governmental ordinance titled Ordinance of the Minister of National Education of 14 April 1992 on the conditions and manner of organising religious instruction in public kindergartens and schools.[16]

At the time of the passing of the Education System Act and the issuing of Ordinance 1992, the return of religious instruction to public schools in Poland was vigorously debated. After acknowledging that non-obligatory religion classes are not incompatible with the secular character of the Polish state,[17] and after many discussions that gradually faded away many years ago,[18] it seemed that the rules on religious instruction that were introduced in Poland between 1991 and 1992 established a modus vivendi between the state and religious communities that would have ended the debate on the model of religious

13 See Mezglewski 2009a, 104–105. For contrary opinions, see Pilich 2015, 251–252.

14 The model of relations in the field of religious education is sometimes called "coordinated separation," Rogowski 2015, 190.

15 For the Italian (partial) translation, see Stanisz 2025, 2.

16 Rozporządzenie Ministra Edukacji Narodowej z dnia 14 kwietnia 1992 r. w sprawie warunków i sposobu organizowania nauki religii w publicznych przedszkolach i szkołach, Dz. U. 1992 item 155 (original text)[hereinafter: Ordinance 1992].

17 For examples of this view, see Mezglewski 2009a, 104; Milerski 2009, 336; Pietrzak 1990, 121.

18 For a discussion regarding the introduction of religious education in Poland in 1990, see Zwierżdżyński 2017, 138–144.

education in Poland. Truly, the practice of religious instruction in public schools in Poland was established and lasted for more than 30 years, with only some minor changes[19] to the way in which the subject was taught.[20] Guarantees for retaining the status quo were sought by some authors[21] in the above-described condition of "agreement" prescribed in Article 12 para. 2 u.s.o.

2. Constitutional and concordantial background

The right to teach religion in public schools, as well as parents' right to have religious education provided to their children, is enshrined in the Polish Constitution.[22] Constitution RP is one of the few constitutions dealing with religious education in public schools.[23] According to Article 53 para. 4 of Constitution RP: "The religion of a church or other legally recognized religious organisation may be taught in schools, but other peoples' freedom of religion and conscience shall not be infringed thereby."[24] The first sentence of Article 53 para. 3 states that "Parents shall have the right to ensure their children a moral and religious upbringing and teaching in accordance with their convictions."[25] These provisions are assessed as concordant from the point of view of the rule of equal rights of religious communities.[26] Parents' rights are guaranteed in the first sentence of Article 48 para. 1 of Constitution RP, according to which parents shall have the right to raise their children in accordance with their own convictions.[27]

19 For a summary of these amendments, see Kielczyk 2022, 64–65, 68–69.

20 Cf. Stanisz 2023, 142, marginal no. 304; Stanisz 2025, 2. See also Bernaciński 2025, "Wprowadzenie" section; Chrostowski, Kropač 2023, 160; Mezglewski 2005, 86; Stanisz, Walencik 2024, 362; Zieliński 2009, 507. The matter of religious education in public schools arose from time to time during political campaigns before parliamentary or presidential elections, mainly as left-wing parties or candidates proposals focused on the elimination of religious education from public schools in a way that resembled the French model of religious education (or at least limiting the number of hours of religious education during the school week) as well as eliminating grades for "ethics/religion" from school certificates and grade point average. There were also propositions for co-financing religion lessons by religious communities. Other (of minor significance) proposals were the mandatory scheduling of religion in schools only in the first or last lesson. See, inter alia, Matwiejuk 2023, 178–181; Steczkowski 2016, 28–29, 31; Stępień 2023, 344–345, 347–348, 350; Strzała 2024, 644, 647, 649, footnote 28. Regarding the differences in the approaches of the political parties and Polish society to the issue, see Jedynak 2019a. Regarding the sociological aspects, see Chrostowski, Kropač 2023, 160–164; Horowski 2022, 239, 241; Jedynak 2019b, 215–222; Jeżowski, Madalińska-Michalak 2018, 224 ff.; Kiciński 2018, 24–25; Klimski 2021, 36–42; Rogowski 2015, 186–189; Słotwińska 2000, 34–38; Zielińska, Zwierżdżyński 2013, 269; Zellma, Buchta Cichosz 2022, 223–225; Zwierżdżyński 2017, 147 ff. The major difference regarding the present situation is that such proposals were never previously forced by the ordinance of the Minister of Education (with the exception of removing grades for "ethics/religion" from grade point average).

21 See, e.g., Goliszek 2020, 190; Mąkosa 2005, 69.

22 The Constitution of Poland of 2 April 1997, Dz. U. 1997 item 483 as amended [hereinafter: Constitution RP]. For the English translation, see https://www.sejm.gov.pl/prawo/konst/angielski/kon1.htm [accessed: 15 June 2025].

23 Mezglewski 2005, 65–66; Mezglewski 2000a, 112–113.

24 https://www.sejm.gov.pl/prawo/konst/angielski/kon1.htm [accessed: 15 June 2025].

25 Ibidem. It is worth noting that these provisions are interpreted as an implicit obligation of state to finance religious education in public schools – see Mezglewski 2005, 74; Mezglewski 2009a, 105; Poniatowski 2014, 174–187.

26 See especially Abramowicz 2012; Abramowicz 2015.

27 Cf. Krukowski 2011, 384–385; Ożóg 2015, 264–266, 276–278.

Guarantees of religious instruction in public schools are also included in the Polish Concordat.[28] According to Article 12 of the Concordat, the state recognises the right of parents regarding the religious upbringing of their children and guarantees that public primary and secondary schools and kindergartens run by state or local governments will organise religious instruction within the school and kindergarten schedule in accordance with the will of those interested.[29]

3. Change 1: Religion marks in grade point average (Ordinance of March 2024)

Historically, one major issue regarding the Polish system of religious instruction in public schools was the inclusion of religion lesson marks on school certificates and in the calculation of the overall mark.[30] Since the Education System Act came into force in 1991, there were school years in which religion marks were included in the grade point average calculation (from 2007 to the present or from 2007 to 2024, if recent amendments are considered binding) and school years when it was not (2002–2007).[31] Some scholar's opinions[32] were against including religion/ethics marks in the grade point average, indicating, for example, that based on the legislation of that time, the average should be calculated only for compulsory subjects, and religion was the only optional subject (apart from the languages of national and ethnic minorities) to be included in the average.

In 2024, religion marks have been still included in the calculation for grade point average. The Ordinance of the Minister of National Education of 22 February 2019 on the assessment, classification, and promotion of pupils and students in public schools[33] stated that a pupil who has attended additional educational classes or religion classes, or ethics classes, shall also have his or her annual grade obtained in these classes included in the average grade (§ 18 para. 2 Ordinance 2019). The same was applicable to the average grade after the completion of education in schools of a particular level (e.g., primary or secondary school) (§ 19 para. 2 Ordinance 2019). Consequently, according to these rules, the religion/ethics grade was treated similarly to other additional classes.[34]

In March 2024, the Minister of Education issued an Ordinance amending the regulation on the assessment, classification, and promotion of pupils and students in public

28 Konkordat między Stolicą Apostolską i Rzecząpospolitą Polską, podpisany w Warszawie dnia 28 lipca 1993 r., Dz. U. 1998 item 318.

29 Regarding clauses concerning education in modern concordats, see Němec 2015. See further Warchałowski 1998, 39 ff.

30 These issues were the subject of European Court of Human Rights jurisprudence; see, inter alia, Fancourt 2024, 53, 143–148; Krukowski 2011, 392.

31 Before school year 2002/2003, practices varied (Filak 2019, 162). See also Krukowski 2011, 397; Stanisz 2023, 144, marginal no. 312; Więcek 2013, 203 ff.; Zwierżdżyński 2017, 146.

32 See, inter alia, Filak 2019, 175, 187; Kasiński 2019, 96; Jabłoński 2009, 301; Pilich 2015, 259; Szymanek 2012, 90–91; Zieliński 2009, 516. See further Brzozowski 2010, 203–205; Borecki 2007, 35 ff.; Mezglewski 2009b, 82–84; Sobczyk 2008, 224–225; Sobczyk 2011, 195 ff.

33 Rozporządzenie Ministra Edukacji Narodowej z dnia 22 lutego 2019 r. w sprawie oceniania, klasyfikowania i promowania uczniów i słuchaczy w szkołach publicznych, consolidated text: Dz. U. 2023 item 2572 as amended [hereinafter: Ordinance 2019].

34 See also Mezglewski 2005, 84–85.

schools.[35] The above mentioned ordinance, starting from 1 September 2024, amended Ordinance 2019 (if this amendment is considered valid). Among other amendments (unrelated to religious instruction), it changed both § 18 para. 2 and § 19 para. 2 of Ordinance 2019 by eliminating the words "religion or ethics." Thus, additional educational courses are included in calculating grade point average, with the exception of religion/ethics courses, thereby raising questions regarding the compliance of such regulations with the rule that the treatment of religion/ethics classes should be equal to that of other educational courses.[36]

4. Change 2: Merger of groups for religion lessons (Ordinance of July 2024)

Ordinance 1992 (§ 2 para. 1) introduced[37] the simple rule that kindergartens and schools are required to organise religion lessons for a group of no fewer than seven children in a school class or kindergarten division (if the number of children is below this threshold, religion lessons should be organised in an inter-class/inter-division group).[38] This meant that whenever seven children in a class (or kindergarten division) were slated for religious education, the public school had to organise a religion lesson for the particular group (division).[39] The first measure taken by the government against the previous rules was aimed at this obligation of public schools to organise religious education in every class in which seven children signed up for the subject.

The Ordinance of the Minister of Education of 26 July 2024 amending the ordinance on the conditions and manner of organising religious instruction in public kindergartens and schools[40] changed previous rules. The amendment entered into force on 1 September 2024. The amendment separated (if considered valid) the previous regulation into two paragraphs (§ 2 paras. 1–1a Ordinance 1992 as amended), but most importantly, it allowed the merger of classes (divisions) for religious education. Previously, on the

35 Rozporządzenie Ministra Edukacji z dnia 22 marca 2024 r. zmieniające rozporządzenie w sprawie oceniania, klasyfikowania i promowania uczniów i słuchaczy w szkołach publicznych, Dz. U. 2024 item 438 [hereinafter: Ordinance of March 2024].

36 This argument was already raised during the time when religion/ethics marks were not taken into account when calculating the overall school mark. See, inter alia, Janiga, Mezglewski 2001, 148–149; Mezglewski 2009b, 87. Cf. Mezglewski 2011, 66–67, 78.

37 Whether the ministry was entitled to introduce any such limits was questioned. It is generally noted that there should be some limits for organising religious education (for example, to not organise classes for every student representing only his or her denomination), but they should have grounds in the act of parliament. See Borecki 2008, 33–36; Janiga, Mezglewski 2001, 146; Mezglewski 2005, 81–82; Mezglewski 2000a, 113–114. See also Ponikowska-Stejskal, Przywora 2022, 192–193; Zielińska, Zwierżdżyński 2013, 268. It is true that limiting religious education in classes for smaller denominations (i.e., with fewer than seven students in the class or school) is in fact a limitation of religious freedom but is justifiable; see Abramowicz 2012, 250–251; Abramowicz 2015, 20–21. For contrary opinions, see Leszczyński 2012, 125; Pilich 2012, 46–48. Cf. also Szczepaniak 2015, 74–76.

38 If in the school or kindergarten, there are fewer than seven children, religious instruction is to be organised at an inter-school or catechetical point.

39 Cf. Abramowicz 2012, 249; Krukowski 2011, 388–389; Piszko 2018, 113, marginal no. 2; Pilich 2015, 257; Stanisz 2023, 143, marginal no. 307; Zieliński 2009, 508; Zwierżdżyński 2017, 145.

40 Rozporządzenie Ministra Edukacji z dnia 26 lipca 2024 r. zmieniające rozporządzenie w sprawie warunków i sposobu organizowania nauki religii w publicznych przedszkolach i szkołach, Dz. U. 2024 item 1158 [hereinafter: Ordinance of July 2024].

grounds of the wording of Ordinance 1992, religious education was possible only if the number of children was fewer than seven (§ 2 para. 1, first sentence of Ordinance 1992). According to the new regulations (§ 2 para. 1b of Ordinance 1992 as amended), public schools are authorised to teach religion in merged groups consisting of children from different classes:

1) groups consisting of children from classes with fewer than seven children attending religion lessons;
2) groups consisting of children from classes with more than seven children attending religion lessons;
3) groups consisting of children from classes with fewer than seven children attending religion lessons and children from classes with more than seven children attending religion lessons.

Moreover, the merger could be executed not only among children from classes in the same grade (first year with first year, second year with second year, etc.) but also those from different grades (§ 2 para. 1b of Ordinance 1992 as amended). The limitation (§ 2 para. 1c of Ordinance 1992 as amended) is that these mergers can be implemented among children from classes in grades I–III, IV–VI, or VII–VIII (Polish elementary schools have eight grades). No such limitation exists in secondary schools; consequently, groups can be created from children in all grades (Polish secondary schools typically have four grades). The other limitation (§ 2 para. 1d of Ordinance 1992 as amended) deals with the maximum number of children in such merged groups (25 in kindergarten and grades I–III in elementary schools; 28 in other cases).[41]

It should be noted that according to general statutory provisions, classes can be merged only in exceptional cases – that is, when operating in particularly difficult demographic or geographic conditions (Article 96 paras. 4 and 6–7 of Education Law).[42] Although such conditions obviously do not occur in all schools and kindergartens in Poland, the provisions of the Ordinance of July 2024 allow for the merger of groups in all schools and kindergarten in Poland. However, in Polish hierarchical system of legal acts, ordinance must be interpreted in light of the rules of statutes (in this case it must be interpreted in the light of the Education Law). This means that even if the Ordinance of July 2024 is valid (see paragraphs 7 and 8 below), school authorities can merge groups for religion lessons only when the prerequisite of "difficult demographic or geographic conditions" is met.[43]

41 Cf. Bernaciński 2025 para. 3; Stanisz 2025, 2; Stanisz, Walencik 2024, 362.

42 Bernaciński 2025 para. 5. The inter-class groups or inter-division groups for religious lessons mentioned in Ordinance 1992 are the types of merged classes in the sense of Article 96 of the Education Law – see Olszówka 2025, chapter 3.

43 There is an opinion that because of the entering into force of Article 96 of the Education Law, which generally does not allow mergers of classes, the provisions included in the original text of Ordinance 1992 about the mergers of classes for religious education were already modified, and the possibility of a merger since 2017 was limited to the extraordinary situations described in Article 96 of the Education Law only (Olszówka 2025). Another problem is that merged groups implement different school programmes, resulting in practical difficulties. See Bernaciński 2025 para 4.

5. Change 3: Reduction in the amount of religion education provided (Ordinance of January 2025)

Almost exactly half a year after the Ordinance of July 2024 introduced provisions about organising religious education in merged groups, the Minister of Education made another amendment to Ordinance 1992. The Ordinance of the Minister of Education of 17 January 2025, amending the conditions and manner of organising religious instruction in public kindergartens and schools,[44] that entered into force 1 September 2025, changed (if considered valid) the amount of religious education taught during the school week.[45]

The original text (§ 8 para. 1) of Ordinance 1992 stated that religious education in all types of schools is delivered in the form of two hours of lessons per week (the weekly number of ethics lessons was to be determined by the school principal). Owing to a lack of sufficient teaching staff, in individual cases, the weekly amount of religious education may be reduced to one lesson of one school hour per week. However, such a reduction required the consent of the diocesan bishop (in the case of the Catholic Church) or the superior authorities (in the case of the Polish Autocephalous Orthodox Church or other religious communities).[46] This regulation was also unchanged in its substance for almost 33 years, apart from the inclusion of public kindergartens among the entities obliged to organise religion education owing to the amendment from 1999,[47] which was itself the result of the Concordat entering into force.

The new regulation brought about by the Ordinance of January 2025 states that religious education in kindergartens is provided in the form of two classes per week, while in primary and secondary schools, it is one lesson of one school hour per week. The weekly class load for ethics has also been changed. Ethics instruction in schools is to be provided at the rate of one lesson per week.[48]

6. Change 4: Organising religious lessons directly before or after mandatory classes (Ordinance of January 2025)

In its original text, Ordinance 1992 did not regulate when religion lessons should be conducted during the school day. However, there were proposals[49] that a rule should

[44] Rozporządzenie Ministra Edukacji z dnia 17 stycznia 2025 r. zmieniające rozporządzenie w sprawie warunków i sposobu organizowania nauki religii w publicznych przedszkolach i szkołach, Dz. U. 2025 item 66 [hereinafter: Ordinance of January 2025].

[45] Other important change introduced by Ordinance of January 2025 concerned organising religious education as the first or last lesson of the school day and is addressed in the next paragraph of this article. Other amendments deal primarily with technical issues or are of less significance (e.g., eliminating the possibility of mergers in classes in grades I–III).

[46] Cf. Mezglewski 2000a, 114; Pilich 2015, 259; Stanisz 2023, 143, marginal no. 309.

[47] Rozporządzenie Ministra Edukacji Narodowej z dnia 30 czerwca 1999 r. zmieniające rozporządzenie w sprawie warunków i sposobu organizowania nauki religii w szkołach publicznych, Dz. U. 1999 item 753. See further Goliszek 2020, 188–189.

[48] According to the government authorities, the aim of this regulation was to guarantee the same number of ethics lessons and religion lessons. As it was argued convincingly (Bernaciński 2025 para. 9), this effect can be achieved by, for example, increasing the number of ethics lessons to two per week; therefore, it was unnecessary to reduce the religion lessons in secondary schools to one hour per week.

[49] See, among others, Jabłoński 2009, 300; Pilich 2015, 244.

be introduced in the provisions of this ordinance, according to which religion or ethics lessons must be organised as the first or last classes.

The new regulation brought about (if considered valid) by the Ordinance of January 2025 (new § 8a paras. 1 and 3 of Ordinance 1992, as amended with the force from 1 September 2025) states that religious or ethics instruction is organised immediately before the start of compulsory educational classes scheduled for a student on a given day or immediately after the end of these classes. This rule can be disregarded in an elementary school as if all the students of a particular division at the date of September 15 of a given school year participate in religion or ethics lessons (new § 8a para. 2 of Ordinance 1992 as amended with the force from 1 September 2025).

In the literature it was argued that:

1) religion and ethics are the only optional classes that have a strict place in the school day timetable;
2) this regulation limits the headmaster's ability to arrange the weekly timetable in an optimal way for the school community;
3) in the case of schools run by religious communities, it is detrimental to their denominational identity;
4) such provisions limit constitutional rights and freedoms, which to be valid must be introduced by an act of parliament and not by governmental ordinance.[50]

These arguments can be countered by the following positions. The specific regulation of the place of religion/ethics lesson in the timetable can be justified by the fact that religion/ethics classes are generally the only lessons that must be organised in schools across the entire country (on the condition that a sufficient number of children enrol). Indeed, the new rules limit the competence of the headteacher, the member of the school administration who is generally subjected to the laws issued by the proper government authorities. Nothing in this regulation affects the core identity of public schools run by religious communities. Even if we consider the rule that religion/ethics lessons must be organised directly before or after the obligatory classes as a limitation of constitutional rights and freedoms,[51] it can be argued that this rule can be justified within the constitutional framework.[52]

[50] Bernaciński 2025 paras. 14–19.

[51] Cf. Filak 2019, 156.

[52] If one considers this rule as a constitutional freedom limitation, any decision of the school principal regarding the place of religion/ethics lessons in the weekly class timetable must also be treated as such a limitation. In fact, assuming that the right of parents to ensure religious education according to their belief includes the right to decide when during the school day religion/ethics class must be conducted, any decision by school authorities must be treated as a limitation of constitutional rights and freedoms, which require statutory regulation. However, the regulations of the Education Law and Education System Act can be treated as a statutory limitation of constitutional rights and freedoms (e.g., it limits personal freedom by introducing a school system with mandatory classes and exams). It is also in accordance with the Constitution RP which allows the general rules introduced by statutory laws to be regulated further in the details in the sub-statutory legal acts, including governmental ordinances. In light of the above, limitations that arise from governmental ordinances or school principals' decisions regarding the place of religion/ethics classes in timetables are only an explication of the statutory rule that these timetables are decided by the school principals (Article 110 para. 4 of the Education Law). It is only modified by Article 12 para. 2 u.s.o. regarding special rules for decisions about religion lessons – that is, regulating them in agreement with the religious communities. In other words, if the procedural rules (agreement with the religious communities involved) are

In fact, some aspects of organising religion as the first or last lesson during the school day guarantee non-discrimination. As these lessons must be conducted directly before or after the mandatory classes, the school administration cannot designate religion/ethics lessons long before or long after them, as this would have a dissuasive impact on religion/ethics lesson attendance. The problem lies in ensuring a sufficient number of religion/ethics teachers, because as groups can be merged only in extraordinary circumstances, almost every school group with seven attending children twice a week must conduct religion/ethics lessons before the first or after the last mandatory lesson. This means that in many cases, religion/ethics lessons will be conducted at the same time in different groups. Therefore, the regulation is impractical, but in its substance, it is not illegal.

However, to be legal, the organisation of religion lessons directly before or after the mandatory classes must fulfil other requirements. Religion/ethics lessons must be organised during the standard hours of the particular school or kindergarten.[53] It should also be noted that Article 53 para. 4 of the Constitution RP treats religion as the school's subject[54]; consequently, it should be treated the same as other school subjects. If other subjects are not conducted before a certain hour, religion/ethics lessons should not be either.[55] This interpretation is also strengthened by Article 12 para. 1 of the Concordat, which states that religion lessons are organised "within the framework" of the school or kindergarten class schedule, which implies that religion lessons are like those of every other school subject and thus should be inserted into timetables the same as every other school subject.[56] This rule also applies to religious communities other than the Catholic Church on the grounds of the constitutional rule of equal rights of religious communities (Article 25 para. 1), as no reasons justify different treatment in this scope for non-Catholic religious communities. Treating religious lessons equally to other school subjects also results from the rule that participation or non-participation in preschool or school religious or ethical education may not be a reason for discrimination by anyone in any form (§ 1 para. 3 of Ordinance 1992). Simultaneously, this non-discrimination rule seems to imply that non-attending children cannot be forced to wait until religion classes are over to enter school, which means that the parents[57] of non-attending children can bring them to school at the same time that religion/ethics classes start (in the case of these classes starting before the mandatory classes). The school is obliged to take responsibility for and care of these children during the religion/ethics lessons. This interpretation is

followed, introducing rule that religion lessons are organised as the first or last of the day, meets the conditions for valid limitations of constitutional rights and freedoms.

53 For example, if the school day starts at 8:00 A.M., religion classes must not be scheduled before this hour (if they have to be conducted before mandatory classes).

54 Zieliński 2009, 505. Cf. Pisarek 2013, 84–85.

55 Cf. Goliszek 2020, 184.

56 Kielczyk 2022, 67. Cf. Krukowski 2014, 45–46; Pisarek 2013, 101–102; Warchałowski 1998, 115. See also Mezglewski 2009b, 77 ff.; Szymanek 2012, 79–81. There are also opinions that similar provisions even prohibit the school authorities from adopting the rule regarding organising religious education as the first or last lesson of the day; see Tomasik 2014, 67.

57 It is also important that organising religion lessons cannot be detrimental to the situation of parents of non-attending children (e.g., forcing them to postpone attending work owing to the necessity of waiting until the end of the religion/ethics class for their children to be transferred to the school administration).

strengthened by the rule that schools are obliged to provide care or educational activities during religion or ethics lessons for pupils who do not attend them (§ 3 para. 3 of Ordinance 1992).

7. Lack of agreement

The main problem regarding the above-described changes to religious education in public schools in Poland is not the substantial conformity with constitutional or concordantial standards but, rather, the procedure whereby these amendments were adopted. The regulations that later became ordinances from March 2024, July 2024, and January 2025 had been presented to the religious communities, which refused to accept the proposed amendments.[58]

Despite the opposition of the religious communities, the Minister of Education signed the ordinances of March 2024, July 2024, and January 2025. The formal opinion of the minister on the legality of such an action is difficult to present because in the statements filed in the procedures before the Constitutional Court, the ministry refused to take part in the proceedings and did not present legal arguments on the issue.[59] However, some of the legal arguments presented by the Minister of Education can be reconstructed from the conversations during meetings with the representatives of the religious communities and correspondence with them. The arguments presented by the Ministry of Education[60] focused on the inadequate powers of religious communities to issue ordinances, which (in its view) led to the conclusion that the phrase "in agreement" used in Article 12 para. 2 u.s.o. must not be interpreted as "consent," as this would *de facto* grant religious communities the power to shape the provisions of the ordinance.[61] The Minister of Education also referred to the verdict of the Constitutional Court in the 12/92 case.[62]

58 Cf. Stanisz 2025, 7. For details, see Stanisz, Walencik 2024, 371–376. See also Orzecznictwo Trybunału Konstytucyjnego Zbiór Urzędowy [the official journal of the Polish Constitutional Tribunal, hereinafter: OTK] A 2025, item 52, https://otkzu.trybunal.gov.pl/downloadOTK?mpo=48065 [accessed: 23 June 2025], 10 para. 3.5.

59 See statement of the Minister of Education in case no. U 11/24 (https://ipo.trybunal.gov.pl/ipo/dok?dok=74f49eab-010a-4e95-9811-8b4f5c7ac5b8%2FU_11_24_ME_2024_10_21_ADO.pdf [accessed: 8 August 2025]). In case no. U 10/24, in the documentation of the case on the website of the Constitutional Court (https://ipo.trybunal.gov.pl/ipo/Sprawa?cid=2&sprawa=28105 [accessed: 8 August 2025]), there is no statement by the Minister of Education. However, in the transcript from the court session (https://ipo.trybunal.gov.pl/ipo/dok?dok=c3caded4-5d32-4073-a993-59daeae648a8%2FU_10_24_2024_11_27_transkrypcja.pdf [accessed: 8 August 2025]), it is mentioned that the Minister of Education filed a statement similar to the above-mentioned ones but without arguments concerning merit. In case no. U 2/25, in the documentation of the case on the website of the Constitutional Court (https://ipo.trybunal.gov.pl/ipo/Sprawa?cid=1&sprawa=28624 [accessed: 8 August 2025]), there is no statement by the Minister of Education.

60 For details, see Stanisz, Walencik 2024, 371 ff., who mention the statement of the Minister of Education dated 24 June 2024, https://legislacja.rcl.gov.pl/docs//579/12384702/13056494/13056498/dokument674408.pdf [accessed: 8 August 2025].

61 See also Zieliński 2023, 85.

62 Regarding the interpretation of this verdict, see below in paragraph 7.2. The view presented by the Minister of Education did not mention that in other verdicts of the Constitutional Court (dealing with the problem of the issuance of an ordinance "in agreement" with other than religious community entities that are not entitled to issue ordinances), the Court stated that this phrase does not equal "consent" but also described prerequisites which must be fulfilled by the state authority when issuing an ordinance. Among them are attempts to harmonise and mutually adapt contrary propositions to the expectations of the partners involved; the development of a final, as far as possible

These arguments are not convincing. Indeed, religious communities are not granted powers to issue ordinances; however, this does not mean that an act of parliament cannot provide that some ordinances be issued by the minister after consent of the religious communities is obtained. In fact, this is the system preferred by Constitution RP in the matters of the status of religious communities (and this includes religious instruction in public schools). If we use the argument of the minister (that the lack of the right of religious communities to issue ordinances implies that statutes cannot introduce the "consent" of religious communities as a prerequisite to issue an ordinance) consistently, it will lead to an unacceptable conclusion that the lack of legislative powers of religious communities excludes provisions which require the consent of religious communities before parliament passes the statutes. This conclusion is contrary to Article 25 para. 5 of Constitution RP, which explicitly stipulates that the relations between the Republic of Poland and churches and other religious organisations shall be determined by the statutes adopted pursuant to the agreements concluded between their appropriate representatives and the Council of Ministers.

Nonetheless, the opinion presented by the Minister of Education is disputable because of another issue. The ministers are not competent to assess the statute's provisions are constitutional; in fact, the ministers are bound by the statutes. Thus, even if (hypothetically) the Minister of Education was correct that "agreement" in Article 12 para. 2 of the Education System Act being taken to mean "consent" is unconstitutional, the text of this act would still be binding for the Minister of Education. The proper way for the Minister of Education to challenge the provision in question would be to ask the Prime Minister to file a motion before the Constitutional Tribunal about its conformity with Constitution RP. It should also be mentioned that ministers are not entitled to file such motions (Article 192 of Constitution RP), which only confirms their subordination to the text of statutes (religious communities are entitled to start proceedings before the Constitutional Court).

Thus, if the arguments raised by the Minister of Education are not decisive, the main question is whether the proper interpretation of Article 12 para. 2 u.s.o. leads to the conclusion that the consent of religious communities was a prerequisite for implementing amendments to Ordinance 1992, as there were none.

7.1. Linguistic-logical interpretation

In light of the linguistic-logical interpretation of the wording of the crucial Article 12 para. 2 u.s.o., which established the method of introducing regulations about religious education in Polish public schools ("in agreement with the authorities […] of the religious organisations"; in Polish: "w porozumieniu z władzami […] związków wyznaniowych"), the answer to the question, if the consent of religious communities is a prerequisite for implementing amendments to ordinance regulating religious instruction, is

joint and optimal, legislative decision; and justification of the need to adopt the minister's version in the event of a disagreement on the content of the final draft. These conditions were also not met in the case of the disputed amendments. See Stanisz, Walencik 2024, 367.

affirmative. Lexically, in the Polish language, the first meaning of the noun "porozumienie" (agreement) is equivalent to "unanimity of opinion, being on good terms, consent, understanding," and "contract, deal."[63] As there is no legal definition of the term "agreement" in the Education System Act, it should be interpreted based on its standard lexical meaning (ordinary/plain meaning principle).[64]

The same exact phrase as used in Article 12 para. 2 u.s.o. "w porozumieniu" ("in agreement") is commonly used in the Education System Act (16 times).[65] For example, if a diploma examination is invalidated owing to irregularities, the re-examination date must be set "in agreement" with the minister responsible for culture and national heritage, as prescribed by the director of the art school (Article 44zp para. 3 u.s.o.). The established practice is that the minister approves or does not approve the proposition of the art school director, and lack of consent on the part of the minister prevents the art school director from setting the date.[66] In other words, the director is obliged to submit a proposed date to the minister and await his or her opinion, which is binding.[67] As it can be argued that the binding nature of this "in agreement" procedure is the result of the involvement of state authorities with executive powers,[68] another example of the use of this phrase should be mentioned. According to Article 90g para. 10 u.s.o., the amount of a scholarship for learning or sport achievements is to be determined by the school principal "in agreement" with the school governing body (which can be a religious community or its organisational unit, if it has a legal personality). Once again, this is interpreted as the obligation to agree on the amount granted.[69] Thus, as the phrase "in agreement" is interpreted as an obligation to achieve consent in other cases of the use of this phrase in the Education System Act, it should be interpreted in the same way in regard to Article 12 para. 2 u.s.o. (in keeping with the principle of terminological consistency).

7.2. Historical interpretation

The Education System Act is the law passed in parliament during a special time of transition from regulations of communist origin to new laws rooted in liberal democracy. During the passing of the Education System Act, there was a proposal to replace the

63 s.v. "Porozumienie". In: *Słownik języka polskiego*, vol. 6: *P–Prę*, ed. Witold Doroszewski, 1st ed., 1066–1067. Warszawa: Państwowe Wydawnictwo Naukowe, 1964. Cf. Stanisz, Walencik 2024, 364.

64 This meaning is also adopted in the rules for preparing legal texts by government, introduced by Ordinance of the President of the Council of Ministers of 20 June 2002 on the Principles of legislative technique [rozporządzenie Prezesa Rady Ministrów z dnia 20 czerwca 2002 r. w sprawie „Zasad techniki prawodawczej"], consolidated text: Dz. U. 2016 item 283. See Borecki 2024a, 133–34; Stanisz, Walencik 2024, 365. It is a strong argument that even governmental authorities consider the expression "in agreement" to be synonymous with "consent." However, even an amendment of these rules or lack of them did not change the decisiveness of the lexical meaning, as these are not rules of binding interpretation; they are addressed to organisational units of government aiming at uniformity of legal drafts and have no obligatory meanings to be used by parliament.

65 Article 9d para. 5; Article 11 para. 4; Article 44zp para. 3; Article 44zq; Article 44zw para. 4; Article 44zz para. 2; Article 44zzq para. 3a; Article 44zzy paras. 7 and 10; Article 44zzzga para. 4; Article 44zzzgb; Article 44zzzr paras. 6 and 9; Article 90g para. 10; Article 90v para. 5.

66 Piszko 2018, 300, marginal no. 2.

67 Pilich 2015, 817 ff., marginal no. 1.

68 See Stanisz, Walencik 2024, 365.

69 Pilich 2015, 1349 ff., marginal no. 8.

term "in agreement" with the expression "after consultation"; however, it was rejected by the parliament majority. As far as the text of Article 12 para. 2 u.s.o. is concerned, members of parliament undoubtedly had in mind the consent of religious communities when voting in 1991 on adoption of the Education System Act.[70]

Important arguments are provided by the circumstances surrounding the issuance of Ordinance 1992. Before it was promulgated, the Minister of Education contacted 14 religious communities, of which 13 responded. Before the promulgation, representatives of 12 of these religious communities signed the original Ordinance 1992 document as an indication of their approval.[71] Consequently, at the time of the issuance of Ordinance 1992, it was understood that Article 12 para. 2 u.s.o. required the consent of those of the religious communities, that religion was to be taught in public schools in Poland, and the practice of co-signing was established.

The term "in agreement" was already the subject of the verdict of the Constitutional Tribunal. In case no. U 12/92,[72] the Constitutional Court preferred a functional interpretation, stating that it was unlikely that in regard to organising religious instruction in public schools, an agreement among all the existing religious communities in Poland and covering all the relevant details would be reached. Thus, "in agreement" cannot be understood as "consent."[73] The following was stated by the Court:

> In this situation, the term "in agreement" used in the Act on the Education System means only an obligation for the Minister of National Education to collect information and exchange views on the positions of all Churches and religious associations interested in teaching religion in public schools in order to be able to take their expectations into account as fully as possible, while remaining in accordance with the provisions of the Constitution and the acts.

Besides the fact that the problem resolved by this excerpt related to whether it is valid to issue an ordinance with the consent of only some of the existing religious communities and did not relate to the interpretation of the term "agreement" itself,[74] it should not go unnoticed that it is possible to issue an ordinance regulating religious instruction in public schools with the consent of all the interested religious communities (e.g., an ordinance with chapters concerning each particular denomination and with each such chapter included with the consent of the particular religious community).

The term "in agreement," used in Article 12 u.s.o., was previously interpreted by the governmental authorities in a manner contrary to the now-held position. There were some cases when works on the amendments were not started or discontinued by the minister based on the explanation that changes to Ordinance 1992, in light of Article 12 para. 2 u.s.o., required the consent of the religious communities.[75]

70 Borecki 2024a, 134–136.
71 Borecki 2024a, 136–137.
72 Verdict of the Constitutional Tribunal of 20 April 1993, U 12/92, OTK 1993, no. 1, item 9.
73 Cf. Jabłoński 2009, 299.
74 See Stanisz, Walencik 2024, 368–369. Cf. Koredczuk 2014, 85; Sobczyk 2014, 127, footnote 25.
75 See Borecki 2024a, 137 ff.

7.3. Systematic interpretation

The Education System Act, as well as the ordinance mentioned in Article 12 para. 2, is part of administrative law. The term "in agreement" is commonly used in administrative law and means "consent." For example, according to the Act of 27 March 2003 on spatial planning and development,[76] if a public-purpose investment extends beyond the area of a single municipality, the decision determining the location of the investment is made by the head of the municipality, mayor, or city president in whose area of jurisdiction the largest part of the land on which the investment is to be carried out is located. This is decided in agreement with the interested heads of municipalities, mayors, or city presidents (Article 51 para. 3). The same wording ("in agreement") is interpreted as a necessity to reach a consensus.[77] If the legal system is to be coherent, the phrase used in Article 12 para. 2 u.s.o. should be interpreted the same way, provided that there are no strong arguments to do otherwise.

Article 12 para. 2 u.s.o., as well as Ordinance 1992, is also part of the law on religion, whose principles should be taken into account in the interpretation. The constitutional context has changed since 1991, and today, the rules of autonomy of religious communities and cooperation of state with them, are enshrined in the Constitution RP (Article 25 para. 3). This further strengthens the interpretation that the minister must obtain consent to introduce or change the rules of organisation regarding religious education in public schools.[78] Considering that the issue of religious instruction is a component of the "relations with the religious communities" in the sense of Article 25 paras. 4 and 5 of Constitution RP, legal regulation should be the effect of the consent between the state and religious communities (and should be included in a statute, not an ordinance).[79]

Apart from the arguments regarding the linguistic–logical principles of legal interpretation, the constitutional principle of consensual regulatory relations with religious communities is the strongest argument. If the matters concerning religious instruction (especially in regard to a particular religious community) were to be regulated in the form of an act of parliament (statute), the act should be preceded by the agreement with the religious community in the light of Article 24 para. 5 of Constitution RP. No legal argument supports the view that the ordinance (which is an act of lower rank than the statute) regulating such matters could be issued in a less strict procedure if it regulates the same scope of the topics. Such a statutory regulation could delegate some matters to be regulated by ordinance of the Minister of Education (even without the consent of the religious community); however, as the statutory regulation requires the consent of the religious community, such a delegation must be the result of the decision of the religious community to delegate such powers solely to the Minister of Education. In the case of disputed amendments, there was no agreement with the religious community to

[76] Ustawa z dnia 27 marca 2003 r. o planowaniu i zagospodarowaniu przestrzennym, consolidated text: Dz. U. 2024 r. item 1130 as amended.
[77] Despot-Mładanowicz in: Plucińska-Filipowicz, Wierzbowski, Filipowicz (eds.) 2024, 690, marginal no. 8.
[78] See further Stanisz, Walencik 2024, 365–366, 370–371. Cf. Borecki 2024a, 141–142.
[79] Pilich 2012, 39.

change the substance of the delegation in Article 12 para. 2 u.s.o. in a way that would negate the need for the consent of the religious communities.

7.4. Teleological interpretation

Other issues are the practical consequences of the interpretation of Article 12 para. 2 u.s.o. as presented by the Minister of Education. If the phrase "in agreement," contrary to its vocabulary meaning, signifies only an obligation to contact religious communities for their opinion, the Minister of Education will have a wide margin of regulation, not to say discretionary power. This is because the scope of delegation for the issuance of the ordinance from Article 12 para. 2 u.s.o. is broad ("the conditions and manner" of religious education in public schools) and has no guidelines regarding the substance of the regulation.

In particular, if we (hypothetically) adopt the view of the Minister of Education, the subject of the controversial amendments was at his discretion. Thus, the religion mark in calculating grade point average, the creation of groups for religious instruction, the weekly amount of religion taught, and the place of religion in the school timetables were to be the sole decisions of the Minister of Education, who would be obligated only to ask religious communities for their non-binding opinions. This would lead to the conclusion that almost every regulation (even if controversial[80]) is in conformity with Article 12 para. 2 u.s.o., whereas the practical purpose of Article 12 para. 2 u.s.o. is to guarantee the necessary coordination between the state authorities and religious communities.

8. Latest Constitutional Court's verdicts

After some of the religious communities asked the First President of the Polish Supreme Court to intervene, she filed two separate motions (dated 26 August 2024[81] and 22 April 2025[82]) before the Polish Constitutional Tribunal to demand verification of the conformity of both ordinances from July 2024 and January 2025 (accordingly) with Constitution RP, the Polish Concordat, and the Education System Act. The main objections raised in motions deal with the infringement of the constitutional rule of the consensual regulation of relations between the state and religious communities (Article 25 para. 3 of the Constitution RP) and the provisions of Article 12 para. 2 u.s.o. Regarding the merger of groups for religion lessons, the reduction of the amount of religion taught to one hour

[80] Imagine that the Minister of Education raises the number of weekly religion lessons to 40, almost doubling the total number of all the weekly classes; this would probably result in the majority of pupils withdrawing from the religion classes, not to mention the difficulties that the religious communities would face vis-à-vis providing the necessary number of religion teachers. Conversely, the Minister of Education would be able to limit the religion lesson to one throughout the entire school year.

[81] See https://ipo.trybunal.gov.pl/ipo/dok?dok=e54e5140-e6cc-4fc8-8a79-a46e656c8c10%2FU_10_24_wns_2024_08_26_ADO.pdf [accessed: 23 June 2025].

[82] See https://ipo.trybunal.gov.pl/ipo/dok?dok=13605cec-7774-44ff-ad98-08627cecadd5%2FU_2_25_wns_2025_04_22_ADO.pdf [accessed: 23 June 2025].

per week, and the organisation of these lessons directly before or after other classes, the motions stated that the amendments, for example, violate the parental right to ensure religious education (Article 48 para. 1, and Article 53 para. 3 of the Constitution RP) because new regulations result in education that is inadequate for children of this age and maturity level (the motions supported this argument citing the provisions of the Education Law, which requires that school programmes be adequate vis-à-vis children's capabilities).

After examining the first motion, the Constitutional Court of Poland declared in a ruling dated 27 November 2024[83] (case no. U 10/24) that Ordinance 2024 was in its entirety incompatible with Article 12 para. 2 u.s.o. (rule of issuing an ordinance on a religious lessons "in agreement" with religious communities) taken together with Article 25 para. 3 of the Constitution RP (described by the Court as a rule of consensual regulatory relations with religious communities).[84] In the justification of this verdict, the Constitutional Tribunal expressed the view that issuing an ordinance "in agreement" with the religious communities requires them to have a real influence on the content of the ordinance and that the wording of Article 12 para. 2 u.s.o. does not mean only allowing one to express an opinion prior to the issuance of the ordinance. It was even stated that "the most basic formal requirement […] in order to fulfil the condition of acting in agreement" (set out in Article 12 para. 2 u.s.o.) is to "forward the signed ordinance for signature to the authorities" of religious communities.[85]

Another case was initiated by the group of members of parliament, which filed a motion[86] concerning the validity of eliminating religion from the grade point average by the Ordinance of March 2024.[87] In the ruling dated 22 May 2025[88] (case no. U 11/24), the Constitutional Court of Poland declared that the Ordinance of March 2024 in the scope regarding of eliminating the religious mark from the grade point average is incompatible with Article 25 para. 3 of the Constitution RP, Article 12 para. 2 u.s.o. (rule regarding issuing an ordinance on a religious lesson "in agreement" with religious communities), and Article 12 paras. 1–2 of the Concordat (e.g., the right of parents to the religious upbringing of their children; the guarantee of organising religious education in accordance with the will of those interested; and the rule that the curriculum of Catholic religion and textbooks shall be developed by the church authorities). It is also incompatible with Article 27 of the Concordat (rule that matters requiring new or additional solutions will be regulated by new agreements between the contracting parties or arrangements

83 OTK-A 2024, item 118, https://otkzu.trybunal.gov.pl/downloadOTK?mpo=47738 [accessed: 23 June 2025].

84 The Constitutional Tribunal also acknowledged violation of Article 92 para. 1 (rules of issuing ordinances), Article 2 (rule of democratic state of law) and Article 7 (rule that public authorities act on the grounds and within the boundaries of the law) of Constitution RP.

85 OTK-A 2024, item 118, 18–19. Cf. Olszówka 2025, footnote 20; Stanisz 2025, 7.

86 See https://ipo.trybunal.gov.pl/ipo/dok?dok=b154cacb-e986-420d-8ffb-abeb15d1a1bd%2FU_11_24_wns_2024_08_29_ADO.pdf [accessed: 23 June 2025].

87 The motion also included a claim about the Ordinance of July 2024, but in regard to this act, proceedings were discontinued because this ordinance was already the subject of the Constitutional Tribunal ruling in case no. U 10/24.

88 See https://trybunal.gov.pl/en/hearings/judgments/art/nauka-religii-w-publicznych-przedszkolach-i-szkolach-8 [accessed: 23 June 2025]. Officially published in: OTK-A 2025, item 52, https://otkzu.trybunal.gov.pl/downloadOTK?mpo=48065 [accessed: 23 June 2025].

between the Government of the Republic of Poland and the Polish Episcopal Conference authorised by the Holy See). In justification of this verdict, the Constitutional Tribunal expressed the view that even though the legal delegation for the Ordinance of March 2024 about school grades is formally not Article 1 para. 2 u.s.o. (which deals with religion lessons) but Article 44zb point 9 u.s.o. (which deals with grades in general), it also deals with the "manner of performing by schools the tasks" of organising religion education in the sense of Article 12 para. 1 u.s.o. Thus, it is the subject of the special procedure described in Article 12 para. 2 u.s.o. – that is, "agreement" with the religious communities.[89]

The second motion (case no. U 2/25) of the First President of the Supreme Court was resolved in favour of the complainant. In the verdict, dated 3 July 2025,[90] the Constitutional Court generally reiterated the views presented in the verdict issued in case no. U 10/24, as both cases concerned similar circumstances surrounding the issuance of the two ordinances (i.e., lack of "agreement" – only encouragement from state authorities addressed to religious communities to deliver their opinions without guaranteeing them influence on the content of new regulations) which were the subjects of these two rulings. Once again, the Court declared (among other violated provisions[91]) a violation of Article 12 para. 2 u.s.o. (rule of issuing ordinances on religious lesson "in agreement" with religious communities) in connection with Article 25 para. 3 of the Constitution RP. The justification of this verdict argues that the term "in agreement," as mentioned in Article 12 u.s.o., must be interpreted as consent and is a legal condition for changes in Ordinance 1992.[92] Thus, as the statutory rules for amendments to Ordinance 1992 were not met, Ordinance January 2025 was declared null and void in its entirety.

Conclusion

Despite the rulings of the Constitutional Court, the situation is far from clear. Political arguments about the method of appointing judges to the Constitutional Court resulted in completely different opinions of the leading political parties regarding whether some persons were appointed as judges. This resulted in a dispute about whether and which compositions of the Court in particular cases met the requirements for it to be treated as the Constitutional Court, especially when it involves a person whose appointment to the Court is put to question.[93] Another issue is the promulgation of the verdicts. To enter into force, the verdicts of the Polish Constitutional Court should be published in the official Polish journal Dziennik Ustaw, which is governed by the speaker of the Sejm (Polish lower chamber of parliament). As the majority in this chamber opts for the invalidity of nominations to the Court, the speaker refuses to accept the verdicts on the grounds

89 Ibidem, 9–10 paras. 3.4–3.5. Regarding the term "organising" used in Article 12 para. 1 u.s.o., see Sobczyk 2014, 126.
90 OTK-A 2025, item 75, https://otkzu.trybunal.gov.pl/downloadOTK?mpo=48181 [accessed: 29 July 2025].
91 See footnote 84 above.
92 Ibidem, 9–10 para. 3.5.
93 Cf. Stanisz 2025, 7.

that they are not issued by the judges of the Court and thus refuses to publish them.[94] The practice of the government is to enforce the amendments included in the ordinances from March 2024, July 2024, and January 2025, even after the above-described verdicts of the Constitutional Court. Despite the legal status of the Constitutional Court, which this article does not assess, the courts in resolving particular cases could and should judge the arguments raised in the justifications of these verdicts.

The majority of scholar's opinions are that all three ordinances from March 2024, July 2024, and January 2025 were issued in violation of the procedure for ordinances dealing with the organisation of religious education in public schools, as described in Article 12 para. 2 u.s.o., which requires "agreement" with the authorities of religious communities that must be understood as consent.[95] Indeed, linguistic, logical, functional, and historical interpretations all lead to the conclusion that Article 12 para. 2 u.s.o. introduces the requirement of acceptance by the authorities of religious communities when the government is about to issue or change regulations concerning religious education in Polish public schools. Until such consent is obtained, the government is obliged to maintain the status quo – at least as long as Article 12 para. 2 u.s.o. is in force.

References

Abramowicz, Aneta. 2012. „Prawo do nauki religii w publicznych szkołach i przedszkolach a zasada równouprawnienia związków wyznaniowych". *Studia z Prawa Wyznaniowego* 15: 235–254. https://www.kul.pl/files/214/studia_15/full_text/aneta_abramowicz_studia_z_prawa_wyznaniowego_15.2012.pdf [accessed: 23 June 2025].

Abramowicz, Aneta Maria. 2015. „Teaching of Religion in the System of Public Education and Equality of Religious Organizations". *Roczniki Nauk Prawnych* 25(3): 7–32. https://doi.org/10.18290/rnp.2015.25.3-1.

Anczyk, Adam, Joanna Grzymała-Moszczyńska. 2018. „Religious Discrimination Discourse in the Mono-Cultural School: The Case of Poland". *British Journal of Religious Education* 40(2): 182–193. https://doi.org/10.1080/01416200.2016.1209457.

Bernaciński, Łukasz. 2025. „Uwagi do projektu rozporządzenia Ministra Edukacji zmieniającego rozporządzenie w sprawie warunków i sposobu organizowania nauki religii w publicznych przedszkolach i szkołach (wersja z dnia 30 września 2024 r.)". *The Legal Culture* 7 (May). https://doi.org/10.37873/legal.2024.7.136.

Borecki, Paweł. 2007. „Konstytucyjność wliczania stopnia z religii do średniej ocen szkolnych". *Państwo i Prawo* 9: 35–42.

Borecki, Paweł. 2008. „Konstytucyjność regulacji szkolnej nauki religii (głos w dyskusji)". *Studia Prawnicze* 2(176): 31–40. https://www.ceeol.com/search/article-detail?id=1130938 [accessed: 23 June 2025].

Borecki, Paweł. 2024a. „Opinia prawna w sprawie zgodności z odpowiednimi postanowieniami Konstytucji RP, Konkordatu polskiego oraz właściwych ustaw Rozporządzenia Ministra Edu-

[94] Ibidem.

[95] Bernaciński 2025; Borecki 2024a, 138–139, 151; Borecki 2024b, 20; Olszówka 2025, footnote 20; Stanisz 2025; Stanisz, Walencik 2024. For similar opinions before the amendments, see, inter alia, Krukowski 2014, 48, 52–53; Sobczyk 2014, 140 (presumably). For contrary opinions before the amendments, see Mezglewski 2009b, 90–91, 96–97; Koredczuk 2014, 90–92 (presumably). See also Krukowski, Warchałowski 2014, 8–9.

kacji z dnia 26 lipca 2024 r. zmieniającego rozporządzenie w sprawie warunków i sposobu organizacji nauki religii w publicznych przedszkolach i szkołach". *Studia Prawa Publicznego* 3(47): 131–152. https://doi.org/10.14746/spp.2024.3.47.6.

Borecki, Paweł. 2024b. „Wykonanie i respektowanie polskiego Konkordatu z 1993 r. Wybrane zagadnienia w ujęciu krytycznym". *Studia Prawa Publicznego* 4(48): 9–36. https://doi.org/10.14746/spp.2024.4.48.1.

Brzozowski, Wojciech. 2010. „Glosa do wyroku Trybunału Konstytucyjnego z dnia 2 grudnia 2009 r. (sygn. akt U 10/07)". *Przegląd Sejmowy* 48(4): 196–206.

Byrska, Joanna Mysona. 2016. „Moral Education and Development in Poland after 1989". *Ethics & Bioethics* 6(1–2): 69–77. https://doi.org/10.1515/ebce-2016-0007.

Chrostowski, Mariusz. 2025. „Teaching Religion in Postmodern Society: Some Insights from the German "Carousel of Concepts" for the Renewal of Catholic Religious Education in Poland". *British Journal of Religious Education* 47(3): 295–313. https://doi.org/10.1080/01416200.2024.2413098.

Chrostowski, Mariusz, Urlich Kropač. 2023. „Between "Religious Denomination" and "Social Diversity": On the Future of Religious Education in Poland". *Paedagogia Christiana* 51(1): 157–182. https://doi.org/10.12775/PCh.2023.007.

Czekalski, Ryszard. 2010. „Rys historyczny lekcji religii katolickiej w Polsce". *Studia Katechetyczne* 7: 99–125.

Czuryk, Małgorzata. 2014. „Prawa rodziców i uczniów dotyczące nauczania religii w szkole publicznej w prawie polskim". In: *Religia i etyka w edukacji publicznej*, eds. Józef Krukowski, Paweł Sobczyk, Michał Poniatowski, 1st ed., 211–229. Warszawa: Wydawnictwo Naukowe UKSW.

Fancourt, Nigel. 2024. *Religions, Beliefs and Education in the European Court of Human Rights: Investigating Judicial Pedagogies*, 1st ed. Routledge Research in Religion and Education. Abingdon, Oxon [UK]. New York, NY: Routledge. https://doi.org/10.4324/9781003393276.

Filak, Agnieszka. 2019. „Wybrane kwestie organizacji nauczania religii w szkołach publicznych". *Rocznik Teologiczny* 61(1): 149–194. https://doi.org/10.36124/rt.2019.07.

Garlicki, Leszek. 2009. „Religia a szkoła publiczna (na tle aktualnego orzecznictwa strasburskiego)". In: *Pro bono Reipublicae. Księga jubileuszowa Profesora Michała Pietrzaka*, eds. Paweł Borecki, Tadeusz J. Zieliński, Andrzej Czohara, 244–254. Warszawa: LexisNexis Polska.

Goliszek, Piotr. 2020. „Nauczanie religii w polskich przedszkolach i szkołach publicznych". *TEKA Komisji Prawniczej PAN – Oddział w Lublinie* 13(2): 177–195. https://doi.org/10.32084/tekapr.2020.13.2-15.

Hejwosz-Gromkowska, Daria. 2020. „Religious Education in Poland: Between Absence and Presence". *Family Upbringing* 22(1): 81–96. https://doi.org/10.61905/wwr/170460.

Horowski, Jarosław. 2022. „Religion Lesson in Schools in Poland – the Subject of Dispute and the Unused Potential". *British Journal of Religious Education* 44(3): 238–245. https://doi.org/10.1080/01416200.2021.2024341.

Jabłoński, Krzysztof H. 2009. „Rzecznik Praw Obywatelskich wobec problemu nauczania religii w szkołach publicznych". In: *Pro bono Reipublicae. Księga jubileuszowa Profesora Michała Pietrzaka*, eds. Paweł Borecki, Tadeusz J. Zieliński, Andrzej Czohara, 291–304. Warszawa: LexisNexis Polska.

Janiga, Waldemar, Artur Mezglewski. 2001. „Nauczanie religii w szkołach publicznych". *Roczniki Nauk Prawnych* 11(1): 131–160.

Jedynak, Witold. 2019a. „Nauczanie religii w szkole w opiniach i ocenach polskiego społeczeństwa". *Roczniki Nauk Społecznych* 11(47) (3): 79–101. https://doi.org/10.18290/rns.2019.11.3-4.

Jedynak, Witold. 2019b. „Nauczanie religii w polskich szkołach – sukces czy porażka?". *Poznańskie Studia Teologiczne* 32(August): 207–228. https://doi.org/10.14746/pst.2018.32.13.

Jeżowski, Antoni J., Joanna Madalińska-Michalak. 2018. „Etyka i religia jako przedmioty nauczania: konkurencyjność czy komplementarność?". *Forum Oświatowe* 30(2): 219–241. http://forumoswiatowe.pl/index.php/czasopismo/article/view/655 [accessed: 23 June 2025].

Kasiński, Michał. 2019. „Religious Instruction in Polish Public Schools in Light of Universal and European Standards". *Acta Iuris Stetinensis* 27: 81–100. https://doi.org/10.18276/ais.2019.27-05.

Kiciński, Andrzej. 2018. „Katecheza a nauczanie religii katolickiej w Polsce". *Roczniki Teologiczne* 65(11): 17–34. https://doi.org/10.18290/rt.2018.65.11-2.

Kielczyk, Sławomir. 2022. „Lekcja religii w szkole w Polsce w czasach powojennych i współczesnych. Rys historyczny". *Warszawskie Studia Pastoralne* 58(4): 33–76. https://doi.org/10.21697/wsp.2022.4.02.

Klimski, Wojciech. 2021. „Przyszłość lekcji religii w trzydziestą rocznicę powrotu do szkoły. Konteksty socjologiczne". *Studia Humanistyczne AGH* 20(3): 33–50. https://doi.org/10.7494/human.2021.20.3.33.

Koredczuk, Józef. 2014. „Kompetencje Ministra Edukacji Narodowej dotyczące nauczania religii i etyki w szkołach publicznych". In: *Religia i etyka w edukacji publicznej*, eds. Józef Krukowski, Paweł Sobczyk, Michał Poniatowski, 1st ed., 77–93. Warszawa: Wydawnictwo Naukowe UKSW.

Kroczek, Piotr. 2015. „Religious Freedom in the Context of Education in Poland. Relationship between Polish State and the Catholic Church". *Analecta Cracoviensia* 47: 197–215. https://doi.org/10.15633/acr.1757.

Krukowski, Józef. 2011. „Religion in Public Education – Poland". In: *Religion in Public Education: Proceedings of the Conference, Trier, 11–14 November 2010*, ed. Gerhard Robbers, 383–398. Germany: European Consortium for Church and State Research.

Krukowski, Józef. 2014. „Religia w edukacji publicznej w państwach Unii Europejskiej. Panorama systemów". In: *Religia i etyka w edukacji publicznej*, eds. Józef Krukowski, Paweł Sobczyk, Michał Poniatowski, 1st ed., 27–54. Warszawa: Wydawnictwo Naukowe UKSW.

Krukowski, Józef, Krzysztof Warchałowski. 2014. „Wprowadzenie". In: *Religia i etyka w edukacji publicznej*, eds. Józef Krukowski, Paweł Sobczyk, Michał Poniatowski, 1st ed., 7–10. Warszawa: Wydawnictwo Naukowe UKSW.

Krzywkowska, Justyna. 2017. „Uregulowania prawne i praktyka w zakresie nauczania religii w szkołach publicznych w Polsce". *Studia Prawnoustrojowe* 38: 355–368.

Leszczyński, Paweł A. 2012. „Czy nauczanie religii w publicznych placówkach oświatowych jest funkcją religijną czy oświatową?". In: *Obecność religii w publicznym systemie oświaty w aspekcie prawnym*, ed. Tadeusz J. Zieliński, 1st ed., 121–126. Warszawa: Wydawnictwo Naukowe Chrześcijańskiej Akademii Teologicznej.

Matwiejuk, Jarosław. 2023. „State Relations with Churches and Other Religious Organizations in Poland – Proposals for Changes after the Parliamentary Elections in 2023". *Studia Sieci Uniwersytetów Pogranicza* 7: 171–185. https://doi.org/10.15290/sup.2023.07.10.

Mąkosa, Paweł. 2005. „Trwałe miejsce nauczania religii w polskim systemie oświatowym". *Katecheta* 49(1): 63–69.

Mąkosa, Paweł. 2015. „Confessional and Catechetical Nature of Religious Education in Poland". *The Person and the Challenges. The Journal of Theology, Education, Canon Law and Social Studies Inspired by Pope John Paul II* 5(2): 53–66. https://doi.org/10.15633/pch.1521.

Mezglewski, Artur. 2000a. „Przepisy kształtujące rozwiązania systemowe w zakresie nauczania religii w szkołach publicznych w Polsce na tle standardów międzynarodowych". In: *Katecheza*

dzisiaj. Problemy prawne i teologiczne, eds. Waldemar Janiga, Artur Mezglewski, 109–116. Krosno–Sandomierz: Wojewódzki Ośrodek Metodyczny w Krośnie; Wydawnictwo Diecezjalne w Sandomierzu.

Mezglewski, Artur. 2000b. „Usunięcie i przywrócenie nauczania religii do szkół". In: *Katecheza dzisiaj. Problemy prawne i teologiczne*, eds. Waldemar Janiga, Artur Mezglewski, 97–108. Krosno–Sandomierz: Wojewódzki Ośrodek Metodyczny w Krośnie; Wydawnictwo Diecezjalne w Sandomierzu.

Mezglewski, Artur. 2005. „Kwestie problematyczne związane z wprowadzeniem nauczania religii do szkół publicznych w Polsce". *Prawo –Administracja – Kościół* 3(22): 65–88.

Mezglewski, Artur. 2009a. „Nauczanie religii a zasada świeckości szkoły oraz bezstronności władz publicznych w sprawach przekonań religijnych, światopoglądowych i filozoficznych". In: *Bezstronność religijna, światopoglądowa i filozoficzna władz Rzeczypospolitej Polskiej*, ed. Tadeusz J. Zieliński, 95–105. Warszawa: Chrześcijańska Akademia Teologiczna.

Mezglewski, Artur. 2009b. *Polski model edukacji religijnej w szkołach publicznych. Aspekty prawne*, 1st ed. Lublin: Wydawnictwo KUL.

Mezglewski, Artur. 2011. „Zasada równouprawnienia religii jako przedmiotu nauczania w szkołach publicznych oraz jej prawne i faktyczne konsekwencje". *Prawo i Religia* 2: 65–83.

Milerski, Bogusław. 2009. „Edukacja religijna w szkole neutralnej światopoglądowo". In: *Pro bono Reipublicae. Księga jubileuszowa Profesora Michała Pietrzaka*, eds. Paweł Borecki, Tadeusz J. Zieliński, Andrzej Czohara, 333–341. Warszawa: LexisNexis Polska.

Misztal, Henryk. 2000. „Prawa rodziny w zakresie wychowania dzieci". In: *Katecheza dzisiaj. Problemy prawne i teologiczne*, eds. Waldemar Janiga, Artur Mezglewski, 13–31. Krosno–Sandomierz: Wojewódzki Ośrodek Metodyczny w Krośnie; Wydawnictwo Diecezjalne w Sandomierzu.

Němec, Damián. 2015. „Regulation of Education of Catholic Religion in Concordat Agreements with Post-Communist Countries". *Kościół i Prawo* 4(1): 103–123. https://doi.org/10.18290/kip.2015.4.1-8.

Olszówka, Marcin. 2025. „Organizowanie lekcji religii w grupie międzyklasowej. Glosa do wyroku Naczelnego Sądu Administracyjnego z dnia 15 stycznia 2021 r., III OSK 2907/21". *Studia z Prawa Wyznaniowego*, January. Online First: https://doi.org/10.31743/spw.17878.

Ożóg, Michał. 2015. „Prawo rodziców do wychowania dziecka zgodnie z własnymi przekonaniami w świetle Konstytucji Rzeczypospolitej Polskiej z dnia 2 kwietnia 1997 r.". *Studia z Prawa Wyznaniowego* 18: 263–85.

Pankiewicz, Ryszard. 2023. „Prawo czy obowiązek nauczania religii w szkołach katolickich w Polsce". *Biuletyn Stowarzyszenia Absolwentów i Przyjaciół Wydziału Prawa Katolickiego Uniwersytetu Lubelskiego* 18(20): 203–218. https://doi.org/10.32084/bsawp.7776.

Pietrzak, Michał. 1990. „Państwo laickie". In: *Studia Konstytucyjne*, vol. 7: *Teoretyczne problemy państwa*, ed. Sylwester Zawadzki, 102–140. Uniwersytet Warszawski. Wydział Prawa i Administracji. Warszawa: COM SNP.

Pilich, Mateusz. 2012. „Prawne aspekty nauczania religii i krzewienia religijności w szkołach publicznych". In: *Obecność religii w publicznym systemie oświaty w aspekcie prawnym*, ed. Tadeusz J. Zieliński, 1st ed., 17–61. Warszawa: Wydawnictwo Naukowe Chrześcijańskiej Akademii Teologicznej.

Pilich, Mateusz. 2015. *Ustawa o systemie oświaty. Komentarz*, 6th ed. Praktyczne Komentarze LEX. Warszawa: Wolters Kluwer.

Pisarek, Mateusz. 2013. *Obecność nauczania religii w publicznym systemie oświaty w świetle obowiązującego prawa*. Rzeszów: Wydawnictwo i Drukarnia Diecezji Rzeszowskiej.

Piszko, Agata. 2018. *Ustawa o systemie oświaty. Komentarz*, 1st ed. Komentarze Praktyczne. Warszawa: Wolters Kluwer Polska.

Plucińska-Filipowicz, Alicja, Marek Wierzbowski, Tomasz Filipowicz (eds.). 2024. *Planowanie i zagospodarowanie przestrzenne. Komentarz*, 4th ed. Komentarze. Warszawa: Wolters Kluwer.

Poniatowski, Michał. 2014. „Podstawy finansowania nauczania religii w szkołach publicznych z budżetu państwa". In: *Religia i etyka w edukacji publicznej*, eds. Józef Krukowski, Paweł Sobczyk, Michał Poniatowski, 1st ed., 169–209. Warszawa: Wydawnictwo Naukowe UKSW.

Ponikowska-Stejskal, Marta, Bogusław Przywora. 2022. „A Legal Framework for Teaching Religion and Ethics in the Polish Education System". In: *Law, Education, and the Place of Religion in Public Schools: International Perspectives*, ed. Charles J. Russo, 184–200. Routledge Research in Religion and Education 20. New York (N.Y.)–London: Routledge.

Przybylska, Ewa, Danuta Wajsprych. 2020. „Social Worlds and Religious Education in Poland: Towards the Elimination of Disharmony". *British Journal of Religious Education* 42(2): 202–213. https://doi.org/10.1080/01416200.2018.1556601.

Rogowski, Cyprian. 2015. „Religious Education at Schools in Poland". In: *Religious Education at Schools in Europe*, eds. Martin Jäggle, Martin Rothgangel, Thomas Schlag, 1st ed., 185–208. Göttingen: V&R Unipress. https://doi.org/10.14220/9783737005135.185.

Różański, Mieczysław. 2024. „Proces eliminowania nauczania religii w szkołach publicznych Polski Ludowej w latach 1945–1961". *Biuletyn Stowarzyszenia Absolwentów i Przyjaciół Wydziału Prawa Katolickiego Uniwersytetu Lubelskiego* 19(21): 221–235. https://doi.org/10.32084/bsawp.9219.

Słotwińska, Helena. 2000. „Katechizacja w szkole w opinii młodzieży – po dziesięciu latach nauczania". In: *Katecheza dzisiaj. Problemy prawne i teologiczne*, eds. Waldemar Janiga, Artur Mezglewski, 33–42. Krosno–Sandomierz: Wojewódzki Ośrodek Metodyczny w Krośnie; Wydawnictwo Diecezjalne w Sandomierzu.

Sobczyk, Paweł. 2008. „Wolność religijna a nauczanie w szkole". *Prawo Kanoniczne* 51(1–2): 211–227. https://doi.org/10.21697/pk.2008.51.1-2.11.

Sobczyk, Paweł. 2011. „Wliczanie rocznych ocen z religii do średniej ocen w kontekście wolności religijnej w wymiarze indywidualnym i wspólnotowym". In: *Bilateralizm w stosunkach państwowo-kościelnych*, ed. Marek Bielecki, 1st ed., 195–210. Lublin: Wydawnictwo KUL.

Sobczyk, Paweł. 2014. „Kształtowanie pozycji prawnej religii jako przedmiotu w edukacji publicznej". In: *Religia i etyka w edukacji publicznej*, eds. Józef Krukowski, Paweł Sobczyk, Michał Poniatowski, 1st ed., 121–141. Warszawa: Wydawnictwo Naukowe UKSW.

Stanisz, Piotr. 2014. „Symbole religijne w szkole publicznej". In: *Religia i etyka w edukacji publicznej*, eds. Józef Krukowski, Paweł Sobczyk, Michał Poniatowski, 1st ed., 143–167. Warszawa: Wydawnictwo Naukowe UKSW.

Stanisz, Piotr. 2023. *Religion and Law in Poland*, 3rd ed. Alphen aan den Rijn: Wolters Kluwer Law International.

Stanisz, Piotr. 2025. "L'insegnamento della religione nelle scuole: la crisi nelle relazioni Stato-Chiesa in Polonia". *L'Osservatore Romano*, 15.02.2025. https://www.osservatoreromano.va/it/news/2025-02/quo-038/l-insegnamento-della-religione-nelle-scuole-la-crisi-nelle-relaz.html [accessed: 23 June 2025].

Stanisz, Piotr, Dariusz Walencik. 2024. „Tryb nowelizacji rozporządzenia Ministra Edukacji Narodowej z dnia 14 kwietnia 1992 r. w sprawie warunków i sposobu organizowania nauki religii w publicznych przedszkolach i szkołach". *Studia z Prawa Wyznaniowego* 27: 361–379. https://doi.org/10.31743/spw.17760.

Stanuch, Zbigniew. 2014. *Walka o religię. Katechizacja szkolna i pozaszkolna na Pomorzu Zachodnim w latach 1945–1961*. Szczecin: Instytut Pamięci Narodowej – Komisja Ścigania Zbrodni przeciwko Narodowi Polskiemu. Oddział w Szczecinie.

Steczkowski, Piotr. 2016. „Kwestie wyznaniowe w programach polskich partii politycznych". In: *Polityka wyznaniowa a prawo III Rzeczypospolitej*, eds. Michał Skwarzyński, Piotr Steczkowski, 19–32. Lublin: Wydawnictwo KUL.

Stępień, Jakub. 2023. „Relations Between the Third Republic of Poland and the Catholic Church in the Program Documents of Political Parties. An Attempt of Classification and Evaluation of Selected Postulates". *Przegląd Prawa Konstytucyjnego* 75(5): 339–351. https://doi.org/10.15804/ppk.2023.05.24.

Strzała, Marek. 2024. „Religious Freedom and the Implementation of Electoral Programmes after the 2023 Parliamentary Elections in Poland". In: *Naděje Právní Vědy 2023: Právní Věda v Praxi*, eds. Vilém Knoll, Jakub Hablovič, 639–652. Plzeň: University of West Bohemia, Czech Republic. https://doi.org/10.24132/ZCU.NADEJE.2023.639-652.

Szczepaniak, Damian. 2015. „Wolność sumienia i wyznania a nauczanie religii w świetle orzecznictwa Europejskiego Trybunału Praw Człowieka". In: *Międzynarodowa ochrona praw człowieka – współczesne problemy na świecie*, eds. Tomasz Jurczyk, Mariusz Jabłoński, Patryk Gutierrez, 1st ed., 63–81. e-Monografie, no. 63. Wrocław: E-Wydawnictwo. Prawnicza i Ekonomiczna Biblioteka Cyfrowa. Wydział Prawa, Administracji i Ekonomii Uniwersytetu Wrocławskiego. http://www.bibliotekacyfrowa.pl/publication/67621 [accessed: 23 June 2025].

Sztychmiler, Ryszard. 2021. „Gwarancje wychowania religijnego dzieci w prawie polskim". *Studia z Prawa Wyznaniowego* 24: 211–228. https://doi.org/10.31743/spw.12733.

Szymanek, Jarosław. 2012. „Nauczanie religii w szkole publicznej w orzecznictwie Trybunału Konstytucyjnego (kwestie wybrane)". In: *Obecność religii w publicznym systemie oświaty w aspekcie prawnym*, ed. Tadeusz J. Zieliński, 1st ed., 63–104. Warszawa: Wydawnictwo Naukowe Chrześcijańskiej Akademii Teologicznej.

Tomasik, Piotr. 2010. „Nauczanie religii katolickiej w strukturze polskiej szkoły". *Studia Katechetyczne* 7: 126–148.

Tomasik, Piotr. 2014. „Stanowisko Konferencji Episkopatu Polski w sprawie nauczania religii w szkołach publicznych". In: *Religia i etyka w edukacji publicznej*, eds. Józef Krukowski, Paweł Sobczyk, Michał Poniatowski, 1st ed., 55–76. Warszawa: Wydawnictwo Naukowe UKSW.

Warchałowski, Krzysztof. 1998. *Nauczanie religii i szkolnictwo katolickie w konkordatach współczesnych*, 1st ed. Prace Wydziału Nauk Prawnych 7. Lublin: Towarzystwo Naukowe KUL.

Warchałowski, Krzysztof. 2023. „Nauczanie religii i szkolnictwo katolickie wedle gwarancji Konkordatu między Stolicą Apostolską a Rzecząpospolitą Polską z dnia 28 lipca 1993 r. – analiza stanu współczesnego". In: *Rzeczpospolita Polska zapewnia Kościołowi Katolickiemu wolność sprawowania kultu.. Publikacja z okazji 30-lecia zawarcia konkordatu*, eds. Patryk Palczewski, Michał Adam Szymański, 257–278. Łódź: Wydawnictwo Naukowe ArchaeGraph.

Więcek, Katarzyna Małgorzata. 2013. „Nauczanie religii katolickiej w polskiej szkole publicznej w kontekście prawa rodziców do wychowania religijnego dzieci – aspekty historyczne i wybrane aktualne problemy". *Studia z Prawa Wyznaniowego* 16: 185–211. https://www.kul.pl/files/214/studia_16/full_text/katarzyna_wiecek_studia_z_prawa_wyznaniowego_16.2013.pdf [accessed: 23 June 2025].

Zellma, Anna, Roman Buchta, Wojciech Cichosz. 2022. „The (Non)Transgressive Character of Religious Education for Children and Young People in Polish Schools". *British Journal of Religious Education* 44(3): 223–237. https://doi.org/10.1080/01416200.2021.1887082.

Zielińska, Katarzyna, Marcin K. Zwierżdżyński. 2013. „Religious Education in Poland". In: *The Routledge International Handbook of Religious Education*, eds. Derek H. Davis, Elena Miroshnikova, 1st ed., 264–271. The Routledge International Handbook Series. London: Routledge. https://doi.org/10.4324/9780203106075-36.

Zielińska, Katarzyna, Marcin K. Zwierżdżyński. 2017. „Sacred or Profane? Human Rights in Religious Education in Poland". In: *Religion, Education and Human Rights: Theoretical and Empirical Perspectives*, eds. Anders Sjöborg, Hans-Georg Ziebertz, 1st ed. Religion and Human Rights 1. Cham: Springer.

Zieliński, Tadeusz J. 2009. „Konstytucyjne granice obecności religii w szkole publicznej". In: *Pro bono Reipublicae. Księga jubileuszowa Profesora Michała Pietrzaka*, eds. Paweł Borecki, Tadeusz J. Zieliński, Andrzej Czohara, 502–528. Warszawa: LexisNexis Polska.

Zieliński, Tadeusz J. 2023. „Merytoryczne i legislacyjne uwagi do rozporządzenia Ministra Edukacji Narodowej z 1992 r. dotyczącego nauczania religii i etyki". *Studia z Teorii Wychowania* 14(4): 69–90. https://doi.org/10.5604/01.3001.0054.1196.

Zonik, Aleksandra. 2012. „Nauczanie religii w Kodeksie Prawa Kanonicznego z 1983 r. i polskim Konkordacie z 1993 r.". *Kościół i Prawo* 1(14): 167–177. https://ojs.tnkul.pl/index.php/kip/article/view/9909/9839 [accessed: 23 June 2025].

Zwierżdżyński, Marcin K. 2017. „The Politics of Religious Education in Poland After 1990". In: *Religion, Politics, and Values in Poland: Continuity and Change Since 1989*, eds. Sabrina P. Ramet, Irena Borowik, 1st ed., 137–159. Palgrave Studies in Religion, Politics, and Policy. New York: Palgrave Macmillan. https://doi.org/10.1057/978-1-137-43751-8.