

Legal considerations regarding incorrect assessment of matriculation exams in Poland

Since 2005 the matriculation exam in Poland has a new status and function in the education process. Changes that have been introduced touched upon every single aspect of the exam. Some of the changes have been key to the subject matter of the project. One of the few being: the result of the matriculation exam as the only legally significant criterion pertinent to the selection of tertiary education candidates, the establishment of a system of answer keys, and the matriculation exam being of an external nature. Hence, the matriculation exam has gained not only educational, but also legal significance. The exam has become the basic, standardized, and in most cases the only legal tool enabling an individual to exercise legal, constitutionally guaranteed right to tertiary education. One may call it a legal buckle, bringing together the general education system and tertiary education.

The problem of incorrect assessment of the matriculation exam came into existence ever since the introduction of the 'new matriculation' exam. It quickly became apparent, that the establishment of rigid rules of answer evaluation does not prevent incorrect answer assessments. Although there has been data on incorrect assessment, as well as symptoms signaling the importance of the problem (such as press releases describing mistakes that were being made in assessing matriculation exams, difficulties in accessing exam sheets and their copies, high media profile trials of students who were suing for a change of their test scores, the growing number of students applying to gain access to their exams and so on), the 2015 Supreme Audit Office (Najwyższa Izba Kontroli, also abbreviated "NIK") report publication on the "System of external exams in the education system" has been a real turning point. According to the report, in the years 2009-2013 almost $\frac{1}{4}$ (25,8%) of the exams which were under scrutiny due to reevaluation petitions, have been incorrectly assessed. The audit made by "NIK", and the disturbing results, have made the problem relevant in the eyes of the public, and sparked a national debate on the issue of incorrect matriculation exam assessment. More importantly however, the legal procedures pertinent to the matriculation exam have been challenged. Yet, the academic society remained silent on the matter. Generally speaking, most sciences tackle the problem in a very concise way. Significantly, in the realm of law, the problem is disregarded or marginalized. Therefore, it needs to be highlighted, that the legal function of the matriculation exam in the context of many educational steps is considerable, and the consequences of incorrect assessment grave. The lack of a thorough study leaves a void necessary to be filled.

The point of departure of the proposed project is a statement, that any assessment is dependent on many elements that include, but are not limited to factors such as: the organizational structure, pedagogical training, financing and so on. The investigation of such a multitude of factors should be that of an interdisciplinary nature, concluded within a span of a couple of years. The formula of the research will hinder on the current law and its execution. In conclusion, on one hand the norms regulating education in areas such as the organization, conduction and assessment of the matriculation exam may deepen the occurrence of incorrect assessment, therefore shadowing its real scale and hindering the investigation of true causes of the problem. On the other, they may also mitigate the risk of incorrect interpretation, as well as highlight and underpin true causes therefore allowing to counteract the negative said occurrence.

Said circumstances lead to the following conclusion: there is an alarming scientific need to explore the legal reasons of incorrect assessment of matriculation exams. The results will be novel, and will bring in new information relevant to education law as well as tertiary education law. However, if the problem persists, it may lead to a serious deformation of the comparability and credibility of the matriculation exam, and eventually result in an unsatisfactory realization of the constitutional right of equal access to education – in this instance tertiary education.

The main goal of proposed research is establishing the legal reasons for the incorrect matriculation exam assessment, as well as investigating preventative legal measures. The prediction is that the research results will help create a recommendation to the legislative body and well as relevant education authorities.

The proposed research can contribute to a more transparent and effective recruitment system, progressively changing the polish external examination system. The projects results will be visible in the legal and educational sphere.