European Guidelines to tackle school segregation

Introduction

In the last decade, fighting school segregation as a mechanism to favour equality of educational opportunities has acquired a notorious prominence in the recommendations of international and European institutions (European Commission, 2015; Council of Europe, 2017; UNESCO, 2020). In some countries, yet timidly, the question of school segregation has also begun to be present in national discourses to improve education equity.

School segregation is not an isolated phenomenon, but rather a structural problem of most education systems. This generates the need to reform central aspects over which

different levels of educational administration have competence or capacity to act upon. Consequently, it is essential to establish the foundations for the configuration of an educational systems that, regardless of the distribution of competencies in education and the different scales of governance, places educational equality and the fight against school segregation as priority objectives.

Education systems are complex and operate at national, regional and local scales. Different education systems respond to a different distribution of responsibilities and interactions among actors at different levels. However, recent trends in educational reform show that national governments transfer greater control over educational processes to local authorities, while maintaining responsibility for the quality (effectiveness, efficiency, equity) of the overall system (European Commission 2018).

Regardless of the particular attribution of responsibilities to each administration level, it is important that education policies prioritize equity and inclusion, allowing at the same time the necessary flexibility to meet the diverse needs of learners, both within and outside of mainstream education. Policymaking needs to involve all relevant stakeholders to achieve this objective and create shared ownership and accountability. Equally, in order to be effective – and to support schools' development – policies need high quality feedback loops and access to information to support evidence-based action. Both are crucial for the motivation and engagement of all actors to enhance positive changes (European Commission 2018).

Objectives of the guidelines

This document defines Guidelines for national Ministries of Education of EU member states on key lines of action that should be developed to tackle school segregation. These are necessarily general recommendations that must be useful for all member states, regardless of their legal frameworks. The Guidelines contain relevant suggestions to carry out education policy initiatives oriented to reduce school segregation and increase educational inclusion.

Structure of the guidelines

The first section of the Guidelines starts with a short review of the legal framework that supports the need to develop political agendas at European, national, regional, and local governance levels to tackle school segregation. Following this initial section, three sections are presented for Planning action. These are: 1) Building a system of equivalent schools, 2) Funding and 3) Information for policies. Two main broad objectives are defined for each of these topics, together with a set of specific actions to achieve them.

Legal framework

The relationship between Childs' Rights and the Right to Education is reflected in several international and national legal documents that pose a positive obligation to the European States that have adhered to them. These binding legal documents imply the responsibility of the States and supranational institutions to develop the necessary measures (norms, policies, and programmes) to guarantee their fulfilment.

The Universal Declaration of Human Rights (art. 26 UDHR) declares the right to education for all persons on equal terms, as well as access to free, compulsory, and universal basic education aimed at the full development of the human personality. Articles 28 and 29 of the UN Convention on the Rights of the Child (1989) recognise the right to education on the basis of equal opportunities for all children. This right must be ensured by the States without discrimination of any kind (art.2) and considering first the best interests of the child (art.3). This right is extensively defined in the Convention against Discrimination in Education (1960). This binding international instrument defines education as a fundamental human right that States must guarantee without discrimination and in order to promote equality of educational opportunities.

The right to education is an end in itself, and at the same time a means to the fulfilment of other rights. The International Covenant on Economic, Social and Cultural Rights (art. 13 ICESCR) further recognises that education shall enable individuals to participate effectively in a free society and promote understanding, tolerance and friendship among all nations and peoples. It also connects the right to education with the development of the human personality and the sense of its dignity, and with the respect for human rights and fundamental freedoms. Therefore, it connects the satisfaction of the right to education with other social benefits such as social cohesion, freedom, equity, and fraternity.

At the European level, the Council of Europe and the European Union incorporate the content of international treaties into their own regulation. This is the case, for instance, of the Additional Protocol to the European Convention on Human Rights (Art. 2 ECHR),

the European Social Charter (Art. 17 ESC), and in the Charter of Fundamental Rights of the European Union (Art.14).

The contravention of both the Rights of the Child and the Right to Education has been reported by different European organisations. The *European Network of Ombudspersons for Children* (ENOC) Position Statement on Equal Opportunities in Education (2016) states that the inequality of educational opportunities affecting children in Europe due to their socioeconomic background, their ethnicity, their disabilities or special educational needs, or their specific circumstances (i.e. children under custody of the state, children on the move, etc.) is a violation of the child's right to education. Further, the ENOC Statement claims for a widen conceptualisation of the right to education, not only able to capture the relevance of compulsory or basic education, and of the access to pre and post compulsory education, but also of informal and non-formal educational options. The inequalities in all these dimensions of education are a violation of the right to education for the most disadvantaged children.

The Council of Europe report on *Fighting school segregation in Europe through inclusive education* (2017) details some key impacts of school segregation on the children's right to education and on the rights that are eroded for its violation. According to this report, school segregation is a violation of the children's rights as it threatens their learning opportunities. Furthermore, as long as school segregation affects especially to vulnerable groups of children (ethnic minorities, socioeconomically disadvantaged students, children with disabilities, among others) it adds another layer of discrimination to their daily lives. And this layer impacts on a social institution -education- that is precisely aimed at improving the social opportunities of all children, and especially of those in a more disadvantaged position. Therefore, school segregation is particularly harmful for the cohesion of societies as it contributes to perpetuate discriminatory practices against individuals and social groups.

Against this situation, the last two documents urge the European Member States to promote reactive but mainly proactive initiatives to improve the regulation of the national education systems in order to revert and prevent school segregation.

Planning action: Building a system of equivalent schools

Regardless of the distribution of responsibilities and cooperation among actors at different levels, governments can develop basic regulations and establish other policy measures to ensure quality for all in the education system. To tackle school segregation, all schools should enjoy a similar quality. Two main objectives may serve as the basis for the adoption of specific measues by regional or local authorities.

Objective 1: Ensure heterogeneous compositions in all schools.

School diversity has many positive impacts, especially for most vulnerable students (Dronkers et al. 2011). First, good students can help their weaker peers (both through the provision of help and their acting as examples); second, students with greater difficulties enjoy a better curriculum (since teachers prepare it for the highest performing students) and, third, best students deepen their learning thanks to their dedication to the lower level students.

These benefits cannot occur in a context of school segregation, where there is no diversity among classmates and the interaction is limited to peers with a similar background. In this segregated scenario, contact among peers will have a minor impact on students' learning experience. The homogenisation of students' profiles limits the possibilities of gaining from the different attitudes and expectations that can take place in more diverse classrooms.

Measures within Objective 1 include those related to achieve a balanced distribution of students across schools and those addressed to improve the quality of the school supply, specifically in schools in deprived areas where most vulnerable students are enrolled.

- **Measure 1.1: Define catchment areas that facilitate enrolment in schools nearby students' residential areas**. In most European cities levels of residential segregation are lower than school segregation. With some exceptions, favouring enrolment nearby students' homes can help to reduce school segregation. Therefore, systems of some form of controlled choice are better than open enrolment systems to ensure more diverse schools. Regulations on catchment areas should meet the following basic criteria.

o Public and subsidised private schools must belong to a single, common school map in each catchment area.

o Each catchment area must be socially heterogeneous (according to level of education, economic level, etc.) to prevent socially homogeneous catchment areas being translated into socially segregated schools.

o The number of school places must be sufficient and balanced according to the needs of each catchment area. Shortages or oversupply in the availability of school places can neutralise the positive effects of the establishment of heterogeneous catchment areas by forcing students to enrol in other catchment areas or by attracting students from other areas.

- **Measure 1.2: Reserving seats for socially disadvantaged pupils.** Evidence shows that socially disadvantaged students are more likely to experience educational needs associated to socio-economic reasons. Quotas for these children should be equivalent among the schools in the same catchment area, while catchment areas should be designed considering social heterogeneity. For example, a detection of a 15% of 'socioeconomic special needs' pupils in a catchment area would result in an equivalent 15% of reserved seats for these students in each school belonging to that area.

o While the general recommendation should be to reserve the same number of places for each school within the catchment area, differentiated quotas could be allowed when these might contribute to increase the heterogeneity of schools' social composition. For instance, in a school with a high percentage of socio-economic advantaged students in a heterogeneous area, it could be recommended to reserve a number of places for socioeconomically disadvantaged students above the average of the catchment area.

- **Measure 1.3: Establish school admission procedures to avoid middle-class families' strategic behaviour in the school choice process**. Different allocation algorithms may favour or neutralise families' behaviour in the school choice process. The "Differed acceptance algorithm" is strategy-proof and eliminates the capacity of choosers to strategically use the system rules to maximise their admission possibilities. Since information is unequally distributed, eliminating strategic behaviour in school choice may favour a better school social composition.

Objective 2: Boost the system's quality and cohesion.

Regardless of the system of school choice prevailing at each country, rising the quality of education is an objective to benefit all pupils, and in particular those in a vulnerable situation. In contexts of high competition among schools to attract students, it is especially important to develop initiatives of cooperation among teachers, students, and families. Developing policies boosting 'a sense of educational community' beyond the individual school is essential, while providing those schools facing more difficulties with extra-resources to improve the opportunities for their children may help to improving the educational quality of most disadvantaged schools.

- **Measure 2.1: Providing a network resources to segregated schools** that build alliances with public or private reference institutions in a specific field of knowledge: museums, research centres, professional organisations, etc. These alliances are aimed at developing innovative and quality education projects in the most vulnerable schools in order to improve their education projects and to attract new families.

- **Measure 2.2: Allocating trained professionals in segregated schools through career or economic incentives**. Socio-economically disadvantaged schools usually face high levels of teacher turnover and teachers with little experience, which prevents the consolidation of stable and long-term educational projects. Improving the allocation of trained professionals in these schools may contribute to improve their projects and to rise their education quality standards.

- **Measure 2.3: Opening schools as community resources** -and for other schools-, promoting the concept of school as a civic centre, a place for inclusion, open to the territory and for the community, through the activation and support of initiatives such as:

  o the expansion of after school activities

  o sharing facilities and spaces among schools of the same neighbourhood to build a sense of community and belonging.

- **Measure 2.4: Organise join campaigns by all schools in a neighbourhood or territory** able to reduce the logics of competitiveness and to transmit a sense of public service. These campaigns may focus on the quality of the whole supply (i.e. open days) or can structure extra-curricular common activities for the students, regardless of the school they are enrolled.

Planning action: Funding for equity

Although the development of school desegregation policies does not depend exclusively (or even primarily) on educational funding, funding is certainly a necessary condition - though not sufficient - for the reduction of segregation. The underfunding of education impacts on school segregation in three different ways. Firstly, it induces the existence of cost sharing and co-payment mechanisms, both in public and in publicly funded private schools. Co-payment creates financial barriers to access for many students, while some schools may use these barriers as a selection mechanism. Secondly, it stimulates private expenditure, which gives room to models of educational differentiation that are not only diverse but also unequal in terms of quality. Learning opportunities are differentiated in terms of schedules, activities, and educational services, and contribute to the social and academic segregation of students. Finally, underfunding is also visible in notable differences in educational infrastructures and other material resources. In lower-income neighbourhoods, schools tend to have poorer facilities, and as a consequence are less attractive for some families.

In order to prevent these impacts, it is highly recommended to promote models of funding addressed to remove those economic barriers that hamper educational inclusion and achieve real gratuity. This can be achieved by combining the rise of public resources with the development of normative and other strategic tools that associate school fund to school needs and specific commitments.

Objective 3: Develop funding schemes tied to equity benchmarks and social needs

There are different strategies to design funding schemes oriented to incentivize schools' commitment towards equity in school admission processes, to penalise them for selecting students, or to compensate those schools in most disadvantaged areas or attending the most vulnerable students.

- **Measure 3.1: Creating formula funding systems**. Policymakers may set up variable systems of funding linked to a specific formula. The formula may include a number of factors (with different weights), associated to aspects such as the percentage of pupils with specific learning needs, the degree of stability of the

staff, or the need in school facilities. The aim of this instrument is to modulate public funding according to the characteristics and needs of schools. In the field of educational inclusion, therefore, the formula funding system should be able to allocate resources to schools according to their social complexity (and their capacity to be inclusive).

- **Measure 3.2: Condition part of the funding of subsidised schools to the achievement of objectives set by the administration and tied to the reduction of school segregation and to the inclusive education**. By linking public funding to private schools to equity and desegregation objectives, private subsidised school will be impelled to enrol socially disadvantaged students and other students with specific learning needs. Together with other measures addressed to ensuring the balanced distribution of disadvantaged among the schools, this strategy may be crucial to eliminate the economic barriers that prevent a more inclusive education.

- **Measure 3.3: Controlling the costs of educational services and products such as textbooks, meals, or school uniforms**. Some of these services and products are often not covered by public administration and become compulsory expenditures for families, which can add economic access barriers and increase school segregation. Therefore, it is crucial to establish the regulatory mechanisms to guarantee the non-lucrative nature of these educational services and products.

Objective 4: Expand funding to additional educational activities to reduce economic accessing barriers.

In addition to educational services, many public and private-subsidised schools offer additional educational activities during or after the school day. These activities include educational visits, school camps, and other extra-curricular activities. The absence of regulation and effective funding mechanisms for these activities generates large differences in the capacity of schools to offer additional educational activities, which can generate significant differences in the economic costs among schools. Despite the normally formal voluntary nature of these activities, its inclusion as services offered by some schools often constitutes an economic barrier for some families. The awareness of these cost differences may prevent some families from choosing certain schools and it increases the gap of learning opportunities among students.

- **Measure 4.1: Regulate the nature of additional educational activities**. Authorities should include norms to prevent any form of economic, social or cultural discrimination in the planning of yearly additional educational activities.

- **Measure 4.2: Establishing a minimum number of additional educational activities publicly funded and free of charge for all schools** in order to guarantee a minimum of these educational experiences to all the students.

- **Measure 4.3: Ensuring that any supply of additional educational activities follows the principle of accessibility and non-exclusion**. While schools may offer additional activities that are not free of charge, under no circumstances should any pupil be excluded from accessing because of economic reasons. The participation of all pupils can be ensured by means of public resources (via calls for applications for grants) or by means of internal school redistribution systems.

- **Measure 4.4: To establish regulatory mechanisms that set a maximum for voluntary contributions from families in grant-aided schools and for exceptionally and justified reasons**. The inclusion of a threshold can be associated with the suppression of the agreement or its reduction through the modification of the conditional funding formula (see Measure 3.2).

Planning action: Information for policies

Research on school segregation provides relevant information for evaluating equity of education systems. However, many European countries have not yet developed their own information systems to provide accurate and detailed data on socio-spatial inequalities. Experts and policymakers have still to relay on data at the national level, such as the PISA tests. Despite its richness, this data has limitations for a systematic and periodic analysis of school segregation. In particular, an in-depth analysis of school segregation would require universal data or at least stratified and meaningful samples of territories and schools. The PISA sample is a sample of pupils, which inevitably limits the depth of the analysis at territorial and school level and, moreover, covers only pupils in compulsory secondary education. This imposes serious limitations to knowledge on school segregation in countries that don't have their own information systems on education equity.

The limits of information systems make it difficult, when not impossible, developing ambitious and effective policies to reduce school segregation. In addition, regional and local administrations are often unaware about the policies being developed elsewhere in their own countries and which could become a reference of action. In this sense, many governments lack the capacity to identify and disseminate strategies to tackle school segregation and to carry out impact evaluations regarding their effectiveness.

Objective 5: Create information systems on school segregation and education inclusion at national, regional and local scales.

In the last decades there has been a clear progress made in the collection and publication of data on the education system in a systematic and harmonised way at national and European levels. However, the availability of comparable, traceable and updated primary data on education equity and school segregation is still underdeveloped in many European countries, especially at a regional and local scale. The design of public policy should, as far as possible, rely on contextually-based evidence

to ensure policies feasibility and effectiveness, and for this better information systems are needed.

- **Measure 5.1: Include the question of school segregation into existing or new national, regional and local observatories**. A monitoring system of school segregation can be set for each governance level to inform about the evolution of school segregation in each territory.

- **Measure 5.2: Create and information system on school segregation and educational inclusion at national, regional and local levels**, with relevant indicators for each territorial level.

  o These indicators are to be constructed based on the aggregation and/or combination of data collected by the system of information. They should not become public if data may harm the situation of most disadvantaged schools and worsen school segregation.

  o What information should be collected and who should be responsible for it is a necessary condition to set a good information system. Without prejudice to other data, for a correct assessment it is essential to collect information on the characteristics of the pupils and their families, and on schools' characteristics.

  o The indicators should cover at least the following dimensions: Access to school (social composition of schools and accessing conditions), Characteristics of the educational supply, School segregation (indexes), Mobility (distance between home and school), Performance (individual and school)

Objective 6: Guarantee the monitoring and evaluation of those policies designed to tackle school segregation.

Any public programme developed to tackle school segregation and to improve the inclusiveness of the education systems must be accountable. Only by developing quality evaluations it is possible to know their effectiveness in relation to the stated objectives. Empirical evidence on school segregation in each context should be provided before the implementation of political initiatives to revert or to prevent it. Existing evidence helps to assess the appropriateness of such initiatives, balancing both the changes they promote and their costs. In addition, in course evaluation may help to monitor new policies during their implementation.

Likewise, it is also recommended to promote a database that systematically collects specific information on the policies developed by the various educational levels of governance and that makes possible to establish *what* works, *for whom* it works, *for whom it does not* work, and *how* it works.

- **Measure 6.1: Ensuring that the measures developed to tackle school segregation and to promote inclusive education are designed in such a way that they can be monitored and evaluated.** This implies:

  o Setting clear and measurable short-, mid-, and long-term objectives, including key performance indicators for each objective.

  o Elaborating an initial diagnose of the territorial context to improve policy designs and to set the basis for the impact evaluation.

  o Defining feasible and ambitious benchmarks for a 10-year period.

- **Measure 6.2: Establishing mechanisms for the dissemination of policies to tackle school segregation that are being developed at national, regional, and local level, their implementation conditions and their impact**. The dissemination could take the form of a catalogue of policies at different administration levels and include both good practices and unsuccessful initiatives that can prevent mistakes in other contexts. At least two dimensions should be included in the catalogue:

  o The descriptive dimension should at least provide information about 1) the characteristics of the policy, 2) its objectives, 3) its level of implementation (national, regional, local), 4) its dimension of intervention (planning of the supply, admission process, schooling management, information or compensatory), 5) budget, 6) its leadership and 7) the actors involved in its implementation.

  o The assessment dimension should at least provide information about 1) the expected results of the policy, 2) the mechanisms set to monitor it, and 3) the obtained results.