

REPORT ON SCHOOL SEGREGATION IN ROMANIA

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■ Authors

Claudiu Ivan
Cerasela Bănică

Project implemented by

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School segregation is a phenomenon closely related to educational inequity, with wide implications in society and at the level of the quality of educational services provided. OECD analyzes of PISA data from 2018 show that school segregation has a negative impact on the overall educability of the mass of students¹. Through this phenomenon, disadvantaged groups of students are separated and “enclaved” in the educational process, who receive educational services of lower quality, even deficient, being performed by less qualified teachers and in a school environment that predisposes to school failure or educational growths at levels below expectations. International literature has documented and analyzed the negative social effects of school segregation² and how this phenomenon can be identified and diagnosed³. It is meritorious, in this framework, to analyze school segregation, to have established a mechanism for monitoring and evaluating effective school segregation. In essence, school segregation means separating students into various learning spaces according to certain criteria that create a disadvantage for them in the educational process. In Romania, school segregation is discouraged and prohibited, regulations in this sense being included in the National Education Law no. 1/2011, with subsequent amendments and additions and in the Order of the Minister of National Education no. 6134/2016 regarding the prohibition of school segregation in pre-university education units. It was also adopted in Romania and Order no. 5633 of 23.12.2019 for the approval of the “Methodology for monitoring school segregation in pre-university education”. Thus, it is explicitly aimed at monitoring and identifying cases of school segregation in order to combat and reduce the manifestation of this phenomenon.

The “School for all children! -II” project carried out by the Center for Advocacy and Human Rights in partnership with the Association of Consultants in Community Development - ACCD comes precisely in this line of interest, aiming to give a verdict and feedback on how the educational system in Romania is prepared to monitor and evaluate school segregation, respectively to identify the specific challenges that will be encountered in this process. Last but not least, through the approach initiated in this project, it is aimed to analyze the extent to which the regulations in Romania stipulated in the mentioned normative acts will be able to lead to the real diagnosis of the level of school segregation, in accordance with the intentions stipulated by the legislator.

¹ OECD. (2019). *Balancing School Choice and Equity: An International Perspective Based on PISA*, PISA, OECD Publishing, Paris.

<https://doi.org/10.1787/2592c974-en>.

² Council of Europe. (2017). *Fighting school segregation in Europe through inclusive education: a position paper*; McGrew, Will. (2019). *U.S. school segregation in the 21st century. Causes, consequences, and solutions*. Washington Center for Equitable Growth.; Palardy, G.J. (2013). High school socioeconomic segregation and student attainment. *Am. Educ. Res. J.* 50(4), 714–754; Palardy, G.J., Rumberger, R.W., Butler, T. (2015). The effect of high school socioeconomic, racial, and linguistic segregation on academic performance and school behaviors. *Teach. Coll. Rec.* 117(12), 1–53.

³ Kertesi, G., & Kézdi, G. (2013). Ethnic segregation between Hungarian schools: Long-run trends and geographic distribution. *Hungarian Statistical Review*, 16, 18–45. http://www.ksh.hu/statszemle_archive/2012/2012_K16/2012_K16_001.pdf; García, Emma. (2020). *Schools are still segregated, and black children are paying a price*. Economic Policy Institute: Washington, DC. Available at <https://files.epi.org/pdf/185814.pdf>

1. The legal framework regarding the prohibition of school segregation

UNESCO Convention against Discrimination in Education (CADE)

International and European legal Standards

The UNESCO Convention against Discrimination in Education (CADE) is one of the human rights treaties that specifically addresses and prohibits segregation in education. The convention is ratified by Decree no. 149 of April 20, 1964, published in the Official Gazette, no. 5 of April 20, 1964.

Article 1 of the Convention prohibits discrimination and defines it including in relation to school segregation, as regulated in letter c, paragraph 1. In the sense provided for in Article 1, discrimination includes “any distinction, exclusion, limitation or preference which, being based on race, colour, sex, language, religion, political or other opinion, national or social origin, economic condition or birth, has the purpose or effect of nullifying or impairing equality of treatment in education and in particular:

- a. Of depriving any person or group of persons of access to education of any type or at any level;
- b. Of limiting any person or group of persons to education of an inferior standard;
- c. Subject to the provisions of article 2 of this Convention, of establishing or maintaining separate educational systems or institutions for persons or groups of persons;
- d. Of inflicting on any person or group of persons conditions which are incompatible with the dignity of man.”

Article 2 expressly regulates situations that do not constitute discrimination or prohibited segregation, in the field of education. Thus, according to the provisions of Article 2 of the Convention, “if they are admitted by States, the following situations are not considered to constitute discrimination within the meaning of Article 1 of this Convention:

- a. The establishment or maintenance of separate educational systems or institutions for pupils of the two sexes, if these systems or institutions offer equivalent access to education, provide a teaching staff with qualifications of the same standard as well as school premises and equipment of the same quality, and afford the opportunity to take the same or equivalent courses of study;
- b. The establishment or maintenance, for religious or linguistic reasons, of separate educational systems or institutions offering an education which is in keeping with the wishes of the pupil’s parents or legal guardians, if participation in such systems or attendance at such institutions is optional and if the education provided conforms to such standards as may be laid down or approved by the competent authorities, in particular for education of the same level;
- c. The establishment or maintenance of private educational institutions, if the object of the institutions is not to secure the exclusion of any group but to provide educational facilities in addition to those provided by the public authorities, if the institutions are conducted in accordance with that object, and if the education provided conforms with such standards as may be laid down or approved by the competent authorities, in particular for education of the same level.”

International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)

The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) prohibits “racial discrimination” and defines it in **Article 1(1)** as “any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.”

According to **Article 3** of the Convention “States Parties particularly condemn racial segregation and apartheid and undertake to prevent, prohibit and eradicate all practices of this nature in territories under their jurisdiction.”

The UN Committee on the Elimination of Racial Discrimination in Recommendation XIX showed that segregation can be caused by both intentional and unintentional actions of public or private actors, and based on several grounds such as race, color, ethnic origin or income. The committee recommended the states to monitor all trends that may give rise to racial segregation, and to combat any negative consequences resulting from this. (Recommendation XIX, points 3, 4). Also, in Recommendation XXVII, the UN Committee requested states to prevent and to avoid the segregation of Roma students, while keeping open the possibility of bilingual education or in the mother tongue. (Recommendation XXVII, point 18)

According to paragraph 4 of **Article 1** of the Convention “ Special measures taken for the sole purpose of securing adequate

advancement of certain racial or ethnic groups or individuals requiring such protection as may be necessary in order to ensure such groups or individuals equal enjoyment or exercise of human rights and fundamental freedoms shall not be deemed racial discrimination, provided, however, that such measures do not, as a consequence, lead to the maintenance of separate rights for different racial groups and that they shall not be continued after the objectives for which they were taken have been achieved.”

The UN Committee on the Elimination of Racial Discrimination in Recommendation 32 indicated that **Article 1**, paragraph 4, provides for limitations on the adoption of special measures by States Parties. The first limitation is that the measures “should not lead to the maintenance of separate rights for different racial groups”. This provision is worded restrictively to refer to “racial groups” and reminds us of the segregation practices mentioned in **Article 3** of the Convention and in the preamble to the Convention. The notion of inadmissible “separate rights” must be distinguished from rights accepted and recognized by the international community to ensure the existence and identity of groups such as minorities, indigenous peoples and other categories of persons whose rights are similarly accepted and recognized under universal human rights.

Romania acceded to the Convention on July 14, 1970, through Decree no. 345 and formulated the declaration regarding the recognition of the competence of the Committee for the Elimination of Racial Discrimination by Law no. 612 of November 13, 2002.

Art. 2 of Protocol no. 1 of the European Convention on Human Rights recognizes an individual right to education as well as the right of parents to ensure the education of their children in accordance with their own religious and philosophical beliefs. **Article 14** guarantees protection against discrimination in the exercise of the rights provided for in the Convention. This protection was extended by **art.1 of Protocol no. 12** to the Convention which prohibits discrimination “in the exercise of any right provided for by law” and thus establishes a general prohibition of discrimination. Practically, if a state applies a differentiated treatment based on ethnic origin or applies an apparently neutral measure that disadvantages a group in relation to its ethnic origin, in the sphere of education, a question of discrimination may arise that falls within the scope of **art. 14** or **Protocol no. 12** to the Convention.

Romania ratified the Convention through **Law no. 30** of May 18, 1994, published in the Official Gazette no. 135/May 31, 1994 and **Protocol no. 12** by **Law no. 103** of April 24, 2006, published in the Official Gazette no. 375 of May 2, 2006.

The European Court of Human Rights has ruled in six cases on the right to education of Roma children: DH and others v. the Czech Republic (2007), Sampanis and others v. Greece (2008), Oršuš and others v. Croatia (2010), Sampanis and others v. of Greece (2012), Horvath and Kiss v. Hungary (2013) and Lavidia and others v. Greece (2013). In all six cases, the European Court of Human Rights found that by enrolling Roma children in school institutions, school units or separate education classes, **art. 2 of Protocol 1** (“The right to education”) in conjunction with **Article 14** (“Prohibition of discrimination”) of the European Convention on Human Rights are violated. The European Court of Human Rights ruled that the Roma constitute a disadvantaged and vulnerable minority, which requires special protection in the field of education (DH and others v. the Czech Republic (2007, point 182). Considering the vulnerability of the Roma, it is necessary to apply a treatment which has as a purpose the correction of the inequalities faced by Roma children and may require the

education authorities to facilitate the school enrollment of these children even in the absence of presentation of administrative documents (Sampanis and others v. Greece (2008, point 86) or , in some cases, requires the active and structured involvement of relevant social services to support Roma children or of school authorities to assist Roma children to overcome the difficulties they face in completing the educational curriculum. (Oršuš and others v. Croatia, para. 177, Horvath and Kiss v. Hungary, § 104)

The measures regarding the enrollment of Roma children in different school units or study classes must be transparent, based on clearly defined criteria (Sampanis and others v. Greece , § 89, Oršuš and others v. Croatia, § 182), contain sufficient guarantees that the needs of Roma children are duly taken into account (DH and others v. the Czech Republic, § 107, Sampanis and others v . Greece, § 103). The lack of intention to discriminate on the part of the school authorities is not sufficient because a measure can produce discriminatory effects even in the absence of intention. In addition, states have a positive obligation to take effective measures against segregation (Lavidia and others v. Greece, § 73) and measures to avoid the perpetuation of discrimination including practices that take the form of apparently neutral tests, but which have discriminatory effects (Horvath and Kiss v. Hungary, § 116).

Framework Convention for the Protection of National Minorities

In the field of education, **Article 4** of the Framework Convention for the Protection of National Minorities of the Council of Europe guarantees equal access to education and prohibits discrimination, while **Article 6** requires participating states to encourage tolerance, dialogue and mutual understanding between different groups living in the country. In the field of education, this imposes requirements both in relation to the content of education and in relation to the form, teaching staff, structures and educational institutions.

Romania ratified the Framework Convention through **Law no. 33** of April 29, 1995, published in the “Official Gazette”, part I, no. 82 of May 4, 1995.

Directive 2000/43/EC implementing the principle of equal treatment between persons, regardless of race or ethnic origin, prohibits discrimination based on criteria such as race or ethnic origin in the field of education.

According to **Article 3** paragraph (1) letter (g) of the RED Directive, “Within the limits of the powers conferred upon the Community, this Directive shall apply to all persons, as regards both the public and private sectors, including public bodies, in relation to (...) education”. Thus, all types of education are covered, from pre-school to higher, technical and vocational education (explicitly mentioned in **Article 3(1)(b)**), formal or informal, public or private, religious or secular. In addition, the Preamble of the Directive states that specific actions on discrimination based on race or ethnic origin must go beyond access to activities carried out as an employee or independent person and cover areas such as education (Directive 2000/43/EC, preamble point 12.).

The Court of Justice of the European Union recently ruled that Directive 2000/43/EC is the expression of the principle of equality, one of the general principles of Union law, recognized in **Article 21** of the Charter of Fundamental Rights of the European Union and that the scope of the directive must be interpreted as being a broadly defined one. (Runevič-Vardyn and Wardyn, C -391/09 , point 43 , CHEZ Razpredelenie Bulgaria, C -83/14 , point 42). Therefore, an interpretation of the notion of “education”,

In the Commentary on education under the Framework Convention for the Protection of National Minorities, the Advisory Committee shows that equal access of Roma children to a good quality education and their integration into society is a persistent problem in many signatory states of the Convention. The Advisory Committee has repeatedly criticized the practice of segregating Roma students and welcomed efforts to end such practices. (Comment on education according to the Framework Convention for the Protection of National Minorities, page 23).

in the sense of Directive 2000/43, requires, first of all, that access to education be considered one of the essential aspects of this notion, given that there can be no education without the possibility of having access to it. (Heiko Jonny Maniero, C-457/17, points 36, 37)

The Racial Directive is transposed in Romania by Government Ordinance no. 137/2000 on the prevention and sanctioning of all forms of discrimination, published in the Official Gazette no. 431 of September 2, 2000, with subsequent amendments and additions, republished. The European Commission asked Hungary (formal letter of notice, 26.05.2016), Slovakia (formal letter of notice, 29.04.2015) and the Czech Republic (formal letter of notice, 25.09.2014) to align the education legislation and policies at national level with the standards of Directive 2000/43/EC, which prohibits discrimination based on ethnic origin in the field of education. The purpose of the Commission’s action is to ensure, for Roma children, the same conditions of access to quality education that all other children benefit from, which is a determining factor in terms of employment opportunities and an indispensable element for the integral inclusion of the Roma.

The Racial Equality Directive of the European Union

Recommendations at European level regarding combating school segregation of Roma children

In 2021, the Council of the European Union recommended that Member States ensure that all Roma have effective equal access to and are able to participate in all forms and stages of education. In the opinion of the Council, Member States must improve equal access to quality education for Roma students, including through: measures to prevent and eliminate any form of segregation in education; measures to prevent and eliminate misdiagnosis leading to inappropriate placement of Roma pupils in special needs education; recognizing and redressing inequities in education, including segregation, inappropriate placement of Roma pupils in special needs education and unequal treatment; measures to promote inclusion and diversity in the educational system. (Recommendation regarding the equality, inclusion and participation of the Roma, 12.03.2021, Secondary objectives, Access to education including quality, points 5 and 6). The Council of the European Union adopted a similar recommendation in 2013 when it requested the Member States to adopt measures for eliminate any form of school segregation of Roma children and ensure that national regulations do not encourage segregation practices (**Council Recommendation of December 9, 2013 regarding measures for the effective integration of Roma in the Member States**, point 1.3.).

In 2020, the European Commission invited the Member States to include in the national strategic framework for the Roma ambitious commitments, among other things, to present a plan or a set of measures to prevent and combat negative attitudes towards the Roma and discrimination, segregation in the education sector, as well as anti-Roma prejudices and stereotypes. (A Union of Equality: The EU strategic framework for Roma equality, inclusion and participation, 2020-2030, point 3.1.) Previously, the European Commission requested that Member States should ensure that all Roma children have access to a quality education, and that they are not subject to discrimination or segregation. (European Commission, An EU framework for national Roma integration strategies until 2020, point 3).

In 2020, the European Parliament invited Member States to ensure that all schools and inspectorates effectively fulfill their legal obligation to combat segregation in schools and also to commit to collecting and publishing annually reports on the situation of school segregation at all levels, including by sanctioning those who do not follow the rules; encouraged Member States to share best practices on setting up, empowering and funding a ministerial anti-segregation commission to support schools that want to tackle segregation and sanction those that do not comply. (European Parliament resolution on the implementation of

National Roma Integration Strategies: combating negative attitudes towards people with Romani background in Europe, 17.09.2020, points 34, 35.).

Also in 2020, at the level of the Council of Europe, the Committee of Ministers emphasized the fact that the Roma continue to be victims of various forms of discrimination, including school segregation, and the importance of inclusive education and ensuring the legal prohibition of policies and practices of school segregation. (Strategic Action Plan for the Inclusion of Roma and Travelers (2020-2025), point 5.3)

In 2017, the Parliamentary Assembly of the Council of Europe invited member States to ensure, in particular, that all Roma children have real access to early education; that school segregation is eliminated, and an inclusive environment is created for these children in the educational system. (Resolution 2153 (2017) regarding the Promotion of the inclusion of Roma and Travellers, 27.01.2017, point 4.3.) In a similar resolution, the Parliamentary Assembly requested member States to adopt concrete measures to eliminate school segregation and promote inclusion through public policies that put into practice long-term commitments to inclusive education through national and local action plans, accompanied by financial, legal and administrative measures and the request to local authorities to develop desegregation plans. (Resolution 1927 (2013) on Ending discrimination against Roma children, 23.04.2013, point 7, 7.3. para 7.3.3.).

The European Commission against Racism and Intolerance (ECRI) of the Council of Europe has recommended that the governments of the member States take urgent measures, including legal and political, to stop the segregation to which Roma children are subjected in schools, and to integrate them into the schools they attend by the majority population. (General policy recommendation no. 13 regarding combating anti-gypsyism and discrimination against Roma, 24.06.2011, point 4 letter d.).

In previous recommendations, ECRI called on governments to adopt anti-racial discrimination legislation that would recognize segregation as a form of discrimination. Segregation is the act by which a (natural or legal) person separates other persons on the basis of one of the enumerated grounds without an objective and reasonable justification, in conformity with the proposed definition of discrimination. (General policy recommendation no. 7 on national legislation to combat racism and racial discrimination, 13.12.2002, amended 7.12.2017, III. Civil and administrative law, point 6, Explanatory Memorandum, paragraph 6 of the recommendation, point 16).

The issue of school segregation of Roma children in Romania in the opinion of European institutions

The Fundamental Rights Report published in June 2021 by the European Union Agency for Fundamental Rights (FRA) shows that, although Roma participation in compulsory education has increased, school segregation in the EU remains an urgent problem that undermines inclusion and access to quality education. In nine EU Member States, including Romania, 46% of Roma children attend schools where all or most of their classmates are Roma, which prevents access to equal and quality education (FRA, Report, pp. 123,128-129).

The European Commission's report on the implementation of national Roma integration strategies from 2019 shows that among the most significant challenges in the field of education is the fight against segregation in Romania, along with three other Member States, and a systematic, complex and on-going approach is necessary long term to combat school and classroom segregation, which remains a pressing issue. (COM (2019) 406 final).

The ECRI report on Romania from 2019 draws attention to the fact that a reason for concern is the segregation of Roma children, which still persists, and recommends the authorities to amend the anti-discrimination legislation, in order to align it with the ECRI General Policy Recommendation No. 7 from the perspective of the prompt prohibition of school segregation as a form of discrimination and the regulation of positive obligations for public authorities to promote equality, in the exercise of their functions. (ECRI, Report Romania, para 74).

Consultative Committee of the Framework Convention on

the Protection of National Minorities in **the 2018 Opinion on Romania** emphasized that the segregation of Roma children at school persists, despite the stated objective of the authorities to eradicate it. In the Committee's opinion, desegregation is sometimes carried out very superficially, and research shows that segregation persists in a certain form in many schools of the country. Roma children continue to face difficulties in accessing education. (Opinion on Romania, 2018, points 115, 116).

The report of the EU Agency for Fundamental Rights : a persisting concern: anti-Gypsyism as a barrier to Roma inclusion published in 2018 showed that the proportion of Roma students in classes where "all the classmates are Roma", on average, increased from 10% in 2011 to 15% in 2016. In the Czech Republic, Hungary, Romania and Spain, the segregation situation did not change significantly during the specified period. The Agency for Fundamental Rights recommended that Member States prioritize measures to combat any form of school segregation of Roma children. (FRA, A persisting concern, page 11, 31).

The European Commission's 2017 report on the mid-term evaluation of the EU framework for national Roma integration strategies showed that while education is the area where the greatest progress has been made, important systemic challenges remain. Eliminating segregation in the field of education and eliminating the inappropriate placement of Roma in schools for children with special needs have been highlighted as priorities within the EU (COM (2017) 458 final, point 2.1., 3.1.1.).



Regulations of the Ministry of Education regarding the school segregation of Roma children

1. On April 20, 2004, the Ministry of Education adopted [Notification no. 29323/2004](#) which prohibited the segregation of Roma children and stipulated that segregation is a serious form of discrimination. Despite this, the notification was devoid of legal force and any sanctions.

2. On July 19, 2007, the Minister of Education issued [Order 1540/2007 regarding the prohibition of school segregation of Roma children](#), published in the Official Gazette no. 692 of 11.10.2007. The purpose of the order was to prevent, prohibit and eliminate segregation, seen as a serious form of discrimination, with negative consequences on children's equal access to a quality education. The formation of segregated 1st and 5th classes, with predominantly or only Roma students, was prohibited, the practices leading to segregation as well as the exceptions to segregation were defined.

3. On March 3, 2010, the Ministry of Education adopted [Notification no. 28463/2010 noting trends of segregation of Roma children](#) from other children, contrary to the legislation and regulations of the Ministry, in force.

4. On December 21, 2016, the Ministry of Education adopted [Framework Order no. 6134/2016 regarding](#)

the prohibition of school segregation in pre-university education units and [Order 6158/22.12.2016 regarding the adoption of the Action Plan for school desegregation](#). The Framework Order provides that in pre-university education, school segregation based on ethnicity, disability or special educational requirements, based on the socioeconomic status of families, the residential environment and the school performance of the primary beneficiaries of education is prohibited.

5. By [Order no. 3,141 of February 8, 2019](#) and [Order 4789 of August 19, 2019](#) of the Minister of Education regulated the establishment, organization and operation of the National Commission for Desegregation and Educational Inclusion. The National Commission for Desegregation and Educational Inclusion is mandated to coordinate the implementation of the Action Plan for school desegregation in pre-university education units.

6. By [Order no. 5,633 of December 23, 2019](#), published in the Official Gazette, no. 1.056/31.12.2019 to the Minister of Education approved the Methodology for monitoring school segregation.



School segregation in the context of anti-discrimination legislation in Romania

The school segregation of Roma children in Romania was considered by the National Council for Combating Discrimination to be a form of discrimination based on the criterion of ethnic origin, in some cases as direct discrimination and in others as indirect discrimination, without being very clear, sometimes, the elements of differentiation of discrimination, in the approach of cases by the NCCD.

NCCD decision	Article violated the anti-discrimination law	Form of discrimination established	Sanction
Decision no. 218 of 23.06.2003	Art. 2 paragraph 2 current Art. 2 paragraph 4	Active or passive behavior	Warning
Decision no. 75 of 02.03.2006	Art. 2 paragraph 2 current Art. 2 paragraph 4	Active or passive behavior	Warning
Decision no. 103 of 24.05.2007	Art. 2 paragraph 1 and 3	Direct discrimination	Recommendation
Decision no. 356 of 27.08.2007	Art. 2 paragraph 2 and 4	Indirect discrimination	Warning
Decision no. 338 of 03.09.2007	Art. 2 paragraph 1	Discriminatory treatment	Recommendation
Decision no. 306 of 13.05.2008	Art. 2 paragraph 1	Direct discrimination	Recommendation
Decision no. 330 of 27.03.2008	Art. 2 paragraph 1 and 4	Direct discrimination	Recommendation
Decision no. 733 of 11.06.2008	Art. 2 paragraph 1, 3 and 4	Direct/indirect discrimination	Recommendation
Decision no. 234 of 20.06.2011	Art. 2 paragraph 3	Indirect discrimination	Warning
Decision no. 559 of 2.12.2012	Art. 2 paragraph 3	Indirect discrimination	Fine 2000 RON
Decision no. 679 of 20.1.2013	Art. 2 paragraph 3	Indirect discrimination	Fine 1000 RON
Decision no. 769 of 7.12.2016	Art. 2 paragraph 1 and 4	Direct discrimination	Fine 3000 RON, 5000 RON
Decision no. 770 of 07.12.2016	Art. 2 paragraph 1 and 4	Direct discrimination	Fine 2000 RON
Decision no. 504 of 17.06.2020	Art. 2 paragraph 1 and 4	Direct discrimination	Fine 4000 RON

The cases of school segregation of Roma children ruled by the NCCD were broadly in line with the patterns of school segregation cases resolved by the European Court of Human Rights, which we reproduce in the table below.

a. Enrollment in schools for children with special needs (similar to the cases of DH and others v. The Czech Republic and Horvath and Kiss v. Hungary)

Example	Different treatment	in comparison	Criterion invoked	School justification	ECHR
Decision 733/2008	Registration, transfer procedure, Disproportion of Roma students in the school for children with special needs	Non-Roma students procedure lack disproportion	Ethnic origin	Parents' option, in the absence of a certificate Socio-economic facilities for children with disabilities	The implementation of the evaluation system and the granting of financial support leads to discrimination

b. Registration or maintenance in separate buildings or in annex buildings of the school (similar to the Sampanis, Sampani, Lavida v. Greece cases)

Example	Different treatment	in comparison	Criterion invoked	School justification	ECHR
Decision 218/2003	Distribution of Roma students in the annex building, classes exclusively for Roma students	Non-Roma students enrolled in the main building, common classes	Ethnic origin	The pedagogical principle of maintaining homogeneity The principle of enrolling in the home-based school	Different physical conditions Dividing classes subjective criteria represents discrimination
Decision 306/2008	Separate classes exclusively for Roma students Community school	Non-Roma students enrolled in different classes Non-Roma students enrolled in another school	Ethnic origin	The parents' option of enrolling students in the school assigned to the Roma community	Forming schools, classes, groups, keeping them compact represents discrimination
Decision 769/2016	Separate body with classes for Roma students	Non-Roma students enrolled in classes proportionally	Ethnic origin	The school has no declared Roma children Distribution according to the principle of proximity to the domicile	Splitting into a separate body is discrimination regardless of declared or undeclared ethnicity

c. Enrollment or maintenance in separate classes (similar to the Sampanis, Sampani, Lavida v. Greece cases)

Example	Different treatment	in comparison	Criterion invoked	School justification	ECHR
Decision 75/2006	Separate classes exclusively for Roma in a common building	Non-Roma students enrolled in different classes in the common building	Ethnic origin	The pedagogical principle of maintaining homogeneity	Imbalances in the distribution of students in classes maintained from the previous cycle represent discrimination
Decision 103/2007	Separate classes exclusively for Roma students	Non-Roma students enrolled in different classes in the common building	Ethnic origin	The principle of class continuity	Establishing, maintaining and moving a compact is discrimination
Decision 338/2007	Forming classes exclusively for Roma students, maintaining, taking over, moving to the same structure	Non-Roma students enrolled in different classes in the common building	Ethnic origin	Pedagogical reasons, hygienic and sanitary conditions, educational and cultural differences The principle of class continuity	The principle of class continuity and homogeneity cannot justify segregation
Decision 356/2007	Separate classes exclusively for Roma students	Non-Roma students enrolled in classes proportionally	Ethnic origin	Pedagogical reasons, the homogeneity of the students in the class, coming from the same kindergarten	Enrolling Roma students in classes exclusively made up of Roma students represents discrimination
Decision 350/2008	Separate classes exclusively for Roma students	Non-Roma students enrolled in classes proportionally	Ethnic origin	Pedagogical reasons	Enrolling Roma students in classes exclusively made up of Roma students represents discrimination
Decision 234/2011	Classes predominantly or exclusively Roma students	Non-Roma students enrolled in classes proportionally	Ethnic origin	Parents' option, late submission of enrollment applications	Enrolling Roma students in classes exclusively made up of Roma students represents discrimination
Decision 559/2012	Separate class exclusively for Roma students	Non-Roma students enrolled in classes proportionally	Ethnic origin	Enrollment of students in order of submission of applications	Enrolling Roma students in classes exclusively made up of Roma students represents discrimination
Decision 770/2016	Separate classes mainly Roma students	Non-Roma students enrolled in classes proportionally	Ethnic origin	Parents' option, degrees of kinship between students' families	Enrolling Roma students in classes made up of Roma students represents discrimination
Decision 504/2020	Separate class exclusively for Roma students	Non-Roma students enrolled in classes proportionally	Ethnic origin	Parents' option The principle of class continuity in the homogeneous structure, the proximity of the domicile	Enrolling Roma students in a separate class represents discrimination

The merit of the NCCD to find the first case of school segregation of Roma children in 2003 and the decisions made in the previous cases must be recognized. However, it should be noted that the non-governmental organizations that have addressed complaints to the NCCD in relation to school segregation have indicated that the resolution of the files in some cases took approximately 10-12 months or more than 12 months, given that the resolution deadline is 90 days, even if this is a recommendation term. (Romani CRISS, Protection of human rights and combating discrimination against Roma in Romania).

In cases of school segregation, NCCD referred to international and European human rights instruments, to the jurisprudence of the European Court of Human Rights, to European organizations and institutions that monitor the situation of respect for human rights, and found that the enrollment of Roma children in special schools, education, buildings or annexes as well as separate classes in schools can lead to discrimination, all these elements representing aspects of progress in the national context.

On the other hand, the High Court of Cassation and Justice provided benchmarks regarding the role of the courts, including the NCCD, must fulfill in relation to the investigation and complete analysis of discrimination cases, including cases of school segregation of Roma children:

■ Bucharest Court of Appeal, by civil sentence no. 98 of January 13, 2009 ordered the annulment of NCCD Decision no. 395 of January 14, 2008 by which it was decided that the segregation of Roma children in separate classes it does not constitute discrimination and obliging the NCCD to proceed with a new investigation on the merits of the complaint made by Romani CRISS. By Civil Decision no. 401 of January 28, 2010, High Court of Cassation and Justice upheld as legal the Sentence of the Bucharest Court of Appeal, the NCCD being obliged to investigate the merits of the complaint regarding school segregation. The High Court of Cassation and Justice held that “NCCD is an authority with jurisdictional administrative activity and has the obligation to rule on the fact of discriminatory nature with which it was notified, and in the hypothesis in which it did not proceed with the substantive analysis of the notification, the administrative court may compel the authority to proceed with the resolution of the referral. The High Court took note of the fact that, in the case, the Board of Directors retained only the definition of segregation from the notification of the MEC of April 20, 2004, without actually analyzing the notification, in relation to the concrete fact of discrimination with which it was charged.

■ In a case of segregation of Roma children in the hospital, the Bucharest Court of Appeal annulled NCCD Decision no. 873/2008 and ordered the resending of the file to complete the investigation. By sentence no. 3173/2010 Court of Appeal considered that the NCCD did not clarify or at least did not take all the possible steps to clarify the factual aspects relative to this distribution. By Decision no. 2636/2012 High Court of Cassation and Justice found that “correctly, the court of the merits, analyzing the concrete factual aspects considered by NCCD as a result of those reported, considered these aspects to be completely unclear. This is the reason why, in order to clarify the factual situation and find out the truth, and not to take the evidence in place of the plaintiff-respondent, the NCCD is going to clarify the aspects which the trial court considered to be unclear”.

■ In decision no. 1015/2020, the High Court of Cassation and Justice held that the trial court wrongly applied the anti-discrimination law and the Order of the Ministry of Education prohibiting school segregation of Roma children and did not take into account the provisions of art. 3 of the International Convention on the elimination of all forms of salary discrimination, art. 14 of the European Convention on Human Rights, art. 1 of Protocol no. 12 to the European Convention, General Recommendation XXVII on discrimination against Roma of the Committee on the Elimination of Racial Discrimination, European Union acts.... The national act represented by OG no. 137/2000, taking the definitions and interpretations given by the acts and treaties regarding the rights and freedoms of citizens, to which Romania is a party, prohibits discrimination based on ethnicity,.... By Order of the Minister of Education no. 1540/2007 recognized that segregation is a serious form of discrimination.

From this perspective, it is essential, on the one hand, that both judges and members of the National Council for Combating Discrimination continue to benefit from relevant training courses on the subject of school segregation and aspects related to inclusive education in order to comprehensively quantify and evaluate the phenomenon in the light of European standards and practices in the field of human rights and, on the other hand, that the members of the National Council for Combating Discrimination benefit from training courses in relation to the tools and means necessary to ensure an effective investigation of school segregation in education.

Obviously, such training courses should also be provided for the relevant staff members of the Ministry of Education, School Inspectorates and schools, involved in the process of monitoring and implementing the Minister’s Order prohibiting all forms of school segregation.

2. Coordinates of the analysis carried out in the project

Analytical framework and pursued objectives

The project aims to develop a methodology for monitoring the application and progress of the school segregation monitoring process organized by the Romanian Ministry of Education. This process is legally regulated under Order no. 5633 of 23.12.2019 for the approval of the „Methodology for monitoring school segregation in pre-university education”⁴. This order follows the regulations specified in the National Education Law no. 1/2011, with subsequent amendments and additions and in the Order of the Minister of National Education no. 6134/2016 regarding the prohibition of school segregation in pre-university education units.

The present methodology aimed at:

- analysis of the process and results of the official monitoring organized by the ministry from the perspective of:
 - the organization of the school segregation monitoring process - the institutional framework established in this sense, the training of school system representatives (Inspectorates, School Units, etc.) in order to carry out the monitoring process, the existence of a recommended system at the school level for collecting and recording the data necessary for the evaluation of school segregation, the existence of a framework for protecting the collected personal data, etc.
 - evaluation of official data held by alternative public institutions - the National Institute of Statistics, the National Agency for Roma and its offices in the territory, the National Council for Combating Discrimination, the social assistance departments within local authorities, etc. If the monitoring process of school segregation has been started by the ministry and there are available data, the shares of vulnerable children identified in the ministerial monitoring will be reported to their share according to other statistical data - such as Census, reports of Country Offices for Roma, studies, etc. In this approach, data owned by various stakeholders will be centralized.
 - consultation with relevant local actors - such as school mediators, school assistants, local facilitators, local NGOs, teachers, school management, etc. on the validity of the conclusions and data of the official monitoring carried out by the ministry.
 - comparing ministerial monitoring results with alternative data.
- It should be stated from the very beginning that the present methodology primarily aims to monitor ethnic school segregation, especially the school segregation to which Roma children in Romania fall victim, but it will also monitor relevant aspects regarding other types of segregation, such as the one related to the criterion of disability, socio-economic situation or school performance. The planned monitoring process will cover only the primary and secondary levels, leaving for another occasion the monitoring of segregation at the pre-school, preschool or high school level.

The developed methodology became a critical watch-dog type tool for the official monitoring process of school segregation organized by the Ministry of Education.

In order to evaluate the large-scale manifestation of the pandemic caused by the infection with the SARS-CoV-2 coronavirus and its effects on the school process, it was also aimed to expand the definition of school segregation also at the level of some forms of online teaching and education. School segregation can, theoretically, also take place in the online environment (can all students, regardless of socio-economic-demographic characteristics, participate in online courses?) or in hybrid teaching forms. A legitimate question in this regard is whether there are differences in terms of the socio-demographic profile of children who participate in face-to-face classes and those who participate in online classes.

⁴Document available here:

https://www.edu.ro/sites/default/files/_fi%C8%99iere/Legislatie/2020/ordin%205.633_2019.pdf

What area did the monitoring cover?

The monitoring of the implementation of the Segregation Monitoring Methodology of the Ministry of National Education (MEN) concerned the situation in the following counties:

- **Suceava, Botoșani, Iași**
- **Maramureș, Cluj, Mureș, Brașov**
- **București (sectoare 2 și 5), Prahova, Ialomița, Constanța**

The monitoring covered all rural and urban school units in the mentioned counties, primary and secondary level. The situation in the school units targeted by the monitoring process was constituted as a barometer of the situation in schools of this profile, possibly suggesting the extension of monitoring according to the model applied to a wider population of schools and students (possibly at the national level).

The selection of counties was made according to:

1. the regional criterion (counties from each historical region were chosen);
2. the criterion of the incidence of segregation identified in the project carried out by the CADO Association in the project “School for all children! - 1” implemented during 2015-2016;
3. the inclusion of counties where the Ministry of Education decided to pilot test the Methodology for monitoring school segregation in 2019.

We confirm that the selection of the counties where the project took place did not pursue national representativeness; the assumed purpose of the project was, rather, to test the methodological instrument for monitoring school segregation to assess its validity, the ability to capture school segregation and the potential obstacles that may be encountered when this process will take place officially, under the coordination of the Ministry of Education.

At the time of writing this report, according to our knowledge, the process of official monitoring of school segregation in Romania has not been started.

The stages of testing the monitoring process

A set of essential, relevant stages were established, which took the form of evaluation indicators of two key components of the development of the monitoring methodology as it is reflected in the normative act issued by the Ministry of Education:

1. Organization of the monitoring process of school segregation, the degree of preparation of the actors in the Romanian educational system to support the development of this process.
2. The results of the monitoring process or the conclusions of this process.

The calculation of the indicators used in the monitoring process was carried out based on the data provided by the school units by means of a standardized form sent to them for completion, and the accuracy of the data was verified by the contribution of some monitors, local experts of the project partners.

In the case of the evaluation of the results of the monitoring process and the conclusions of this process, centralized data at the class/structure level were requested from the schools, on the basis of which it was possible to extract a diagnosis regarding the level of school segregation. In the absence of these centralized data, it is obvious that the school has not started / has not organized at the school level the process of monitoring school segregation.

The data provided by the school were not personal data, relative to the person of a particular student, identifiable by name or surname, but only cumulative data, at the level of school structure / building / class / the last two benches in the class. In the next section we provide more details on the data that was collected from the schools.

Type of data collected

In order to evaluate the results of the school segregation monitoring process, relevant data were requested from the school units, according to the methodology approved by ministerial order, at the **SCHOOL STRUCTURE level** (whether it is a school unit with or without legal personality - coordinated structure, if there are several structures within a school unit). The school structure is the primary institutional entity from which it is planned, according to the ministerial order, to collect data. In the monitoring process, relevant data were requested at the **CLASS level**, in the case of the primary/secondary education level, and by summing up the data at their level, data were obtained at the other levels necessary to monitor school segregation - the educational cycle (primary/ secondary school), respectively school buildings and structures/school units. In this way, no personal data was requested as long as it is not possible to identify, from the data reported by the school, personal characteristics (socio-demographic data) related to a specific person, a specific student or parent (the data provided are centralized at class/or group level).

The data provided by the schools covered the dimensions specified in the **METHODOLOGY FOR MONITORING SCHOOL SEGREGATION**, as mentioned below:

DATA COLLECTED AT CLASS LEVEL, AT EACH EDUCATIONAL LEVEL

- 1) No. total number of students at the level of CLASS A, B, C, D, E, etc.
 - 2) No. total of students of ROMA ETHNICITY, with disabilities, with a certain parental educational level at the level of CLASS A, B, C, D, E, etc.;
 - 3) No. total of students of ROMA ETHNICITY, with disabilities, with a certain parental educational level **WHO PARTICIPATED AT LEAST 80% IN THE ONLINE COURSES HELD DURING THE SUSPENSION OF SCHOOL COURSES** at CLASS A, B, C, D, E etc. level;
 - 4) No. total number of students of ROMA ETHNICITY, with disabilities, with a certain parental educational level **WHO NEED REMEDIAL EDUCATION DUE TO NOT PARTICIPATING IN THE ONLINE COURSES HELD DURING THE SUSPENSION OF SCHOOL COURSES** at CLASS A, B, C, D, E etc. ;
 - 5) No. total number of students at the level of CLASS A, B, C, D, E, etc. from the last TWO BENCHES (where the spatial arrangement of the classroom preserves the form of rows of benches);
 - 6) No. total of students of ROMA ETHNICITY, with disabilities, with a certain parental educational level) at the level of CLASS A, B, C, D, E, etc. from the last TWO BENCHES;
- DATA FROM POINTS 1-6 WILL BE COLLECTED FOR EACH EDUCATIONAL YEAR AT THE SCHOOL UNIT LEVEL, as follows: Preparatory Class, First Class, Second Class, Third Class, Fourth Class, Fifth Class, etc. up to the 8th grade (if the respective educational level exists within the school unit).**
- 7) It was specified in which of the BUILDINGS OF THE SCHOOL UNIT each class carries out its school activity (where the school organizes the didactic activity in several buildings). **By adding up the students from the classes located in each school building, the number of students, from each category of interest, in each SCHOOL BUILDING was automatically obtained.**
 - 8) **Data on the cumulative number of students from the entire school unit, for each category of interest, were obtained automatically from the summation of the figures at the level of all classes in the school.** It was specified in which of the school's structures each class carries out its educational activity (where the school organizes the didactic activity in several structures). In this way, data could also be obtained at the school structure level.
 - 9) **The percentage of the population belonging to each ethnic group at the level of the administrative-territorial unit where the pre-university education unit operates** (these data were obtained from the INS; they are not requested from schools).
 - 10) The percentage of graduating/repeating students belonging to each ethnic group for each cycle of education (4th grade / 8th grade) at the level of the pre-university education unit, for the last school year, but also for each year of study.
 - 11) The percentage of those who signed up for the National Assessment at the end of the 8th grade among those who graduated the 8th grade.

In addition to the indicators provided for in the order, data were also collected, as stated above in points 3) and 4), on the **number of students in each class who did not attend at least 80% of the online courses** organized during the period the suspension of school activity caused by the pandemic and regarding the **number of students who require remedial school activities as a result of the fact that they could not participate in the online courses organized during the period of the suspension of face-to-face school activity.** In this way it was possible to assess to what extent there is a certain concentration of students who were affected during the pandemic in certain classes / buildings / among those in the last two benches among the vulnerable groups of students as defined in the ministerial order - students of Roma ethnicity or with disabilities, coming from families with a certain parental educational level, with a certain school performance.

Organization of the school segregation monitoring process

The indicators regarding the organization of the monitoring process sought to evaluate the following aspects:

A. The institutional framework established for the process.

In this chapter, the existence of some institutional instruments that allow schools to carry out the school monitoring process was investigated. Specifically, it was considered:

1. If there is an address/communication addressed to schools through which they are notified of the start of the school segregation monitoring process, the need for the school to provide the necessary support in this process;
2. The existence of a communication addressed to schools describing the school unit's participation protocol in this process, the role played by the school in this process, how the results and conclusions will be used;
3. If there is a description, officially communicated, of how the relevant data necessary for the monitoring process will be collected by the school representatives;
4. The existence of managers at the level of school units, specially assigned to participate in the process of monitoring school segregation - those who collect data on the characteristics of students, those who centralize this data, those who transmit the data to the ministry and the inspectorate, who upload the data into a dedicated system (e.g. IISER - The Integrated Information System of Education in Romania), those who aim to update the data in accordance with the changes made along the way (student transfer, repetition, school dropout, etc.);
5. If there is a decision/minute of the school's Board of Directors or another decision-making structure within the school regarding the initiation and management of the school segregation monitoring process;
6. If the process of monitoring school segregation has been integrated into the internal managerial control system - through the existence of a specific procedure for monitoring school segregation at the level of the educational unit, including the description of the process of collecting and transmitting relevant data;
7. If there are any sanctions or negative consequences (sanction, administrative reprimand, etc.) provided if the school unit will not participate in the school segregation monitoring process?
8. Other aspects of interest.

B. Training the representatives of the school system (Inspectors, School Units, etc.) in order to carry out the monitoring process.

In this section, the degree of readiness of the school unit to participate in the school segregation monitoring process was evaluated. Thus, it was followed:

1. The degree to which the school is prepared to assess school segregation (does it have a written guide for organizing the school segregation monitoring process, are the relevant normative acts regulating school segregation in Romania known?);
2. If relevant representatives of the school have participated in specific training/information on how to conduct the school segregation process (what aspects remained unclear regarding the school segregation monitoring process, what additional information/training needs schools have in organizing this process, what are the anticipated risks in the course of the process and if there are known means of reducing these risks);
3. To what extent certain aspects specific to the process of school segregation are known to the representatives of the school unit (the relevant normative acts, the definition and what school segregation means, the purpose of school segregation, the type of data to be collected, types of school segregation, the indicators used to evaluate segregation school and their calculation method, where the data identified and collected at the school level will be transmitted, what are the stages of school segregation monitoring – the restricted and the extended one, what decisions should the school take in case there is school segregation confirmed at the unit level schools, how the relationship with parents and relevant public authorities should be managed in this process, etc.)
4. Other aspects of interest.

C. The existence of a recommended system at the school level for collecting and recording the data necessary to assess school segregation.

In this chapter it was aimed to identify the degree to which the school has at its disposal the necessary tools to collect the data necessary to monitor school segregation and provide a verdict on the existence or not of school segregation.

1. Is there a standardized sheet/questionnaire at the school level for collecting the data needed in the school segregation monitoring process?
2. Is it clear at the school level how exactly the collection data will be reported (in IISER, the sheets are sent to the School Inspectorate to which they belong, uploaded to a dedicated platform, etc.)?
3. Is there a protocol signed with parents/guardians in order to collect the necessary data in the process of monitoring school segregation?
4. Data are available at the school level that can be used to characterize the phenomenon of school segregation - the share of students of Roma ethnicity/with disabilities or with special educational needs - SEN/who come from families with a certain educational level/with a certain level of performance/from certain residential environments at the level by school unit, at the level of classes, at the level of the last two benches, at the level of the school district or of the UAT (administrative-territorial unit)?
5. Is it established, at the school level, how exactly the data on the ethnicity of the students will be collected - through hetero-identification or self-identification? What about disability data? What about data on parental educational status, level of school performance? Who will the data be collected from – parents/guardians, students, local mediators/facilitators?
6. Other aspects of interest.

D. The existence of a framework established at the level of the school unit for compliance with the personal data regime.

According to article 5 of the Order of the Ministry of Education for the monitoring of school segregation, it is specified that “ Within the monitoring of school segregation, pre-university education units, as well as all the factors involved, have the obligation to ensure the protection of personal data in the processes of their collection, processing and communication, provided for in this methodology for monitoring school segregation.” In this sense, the assessment of the following aspects at the level of the school unit was followed:

1. How does the school management assess the level of familiarity with legal regulations regarding personal data?
2. Have people employed within the school unit attended training courses on how to comply with the personal data regime?
3. Is there a school-wide procedure incorporated into the internal management control system for compliance with the personal data regime? Is the process of collecting personal data necessary to monitor segregation (ethnicity, parental education, student’s level of disability, performance, residential environment) subject to rules derived from compliance with the regulations in force regarding the personal data regime?
4. Is personal data collected at school unit level?
5. Is there a designated person to take responsibility for compliance with personal data?
6. How are personal data archived / anonymized – are they kept anonymized for a certain period, how long is the student enrolled in the school unit?
7. Other aspects of interest.

Each of the indicators mentioned above have been operationalized within some items included in a sheet that will be sent to be completed by each school unit.



3. Testing the application of the school segregation monitoring methodology

The degree of coverage and relevance of the approach employed

In this chapter we will focus our attention on the fundamental challenges associated with the process of monitoring and evaluating school segregation, we will highlight aspects that, if not adequately managed, will risk leading to an incomplete or incorrect diagnosis of school segregation and, implicitly, to insufficient substantiation of intervention policies.

Testing of the application of the school segregation monitoring methodology was organized in 11 counties of Romania (Botoșani, Brașov, Bucharest - sectors 2 and 5, Cluj, Constanța, Ialomița, Iași, Maramureș, Mureș, Prahova, Suceava). As I have already stated, the results are not nationally representative, such a target exceeded the possibilities of the present project. The intention was to analyze the mechanism for monitoring school segregation, how viable it can be, taking into account the situation at the time of the analytical approach (school year 2021-2022) on a segment of school units, in the specified geographical area. Of course, the evaluation of the incidence of school segregation as a social phenomenon and the diagnosis of the manifestation of the phenomenon in the area where the monitoring test was carried out was also of interest, but this aspect has a rather provisional character as long as the official process of institutional and administrative preparation of the schools has not started yet.

An extremely important mention should be made here: carrying out the process of monitoring school segregation requires a thorough preparation of the schools in order to adequately collect the data. The assumption that schools are already prepared, through the expertise of the human resources they have at their disposal or the expertise of their legal representatives, to play their part in the process of monitoring and diagnosing school segregation, is totally wrong. The results of the present analysis provide evidence in this sense and, on the other

hand, it must be said that the process of monitoring school segregation is based on a rigorous social data management process at the school level, through its representatives, those who are called to provide these data. As long as the data is not collected by external experts, outside the school, but by school representatives (teachers, principals, school counselors, mediators, school facilitators, school principals or even people in charge of the school secretariat) it is a legitimate question whether they have the ability, know and have the necessary expertise to properly collect this data. It is a tradition in the post-Decembrist Romanian school to ask schools for all kinds of data (for example data to evaluate the degree of education quality assurance, data in IISER) but it has not been seriously analyzed at all, how exactly schools collect those data, based on which processes, with which logic and in which management key. We exemplify the importance of this aspect, which we will develop in the paper, by collecting ethnic data. First of all, it is necessary to comply with the legal provisions regarding the regime of personal data, but also to clarify which of the following two options for identifying a student's ethnicity applies: a) hetero-identification (through evaluation by third parties - teaching staff or other experts involved by the school in the process), concluding on the student's ethnicity without the parent or the student being asked what ethnicity they assume or b) self-identification, taking into account only the statement of the parent (or/and the student)? Faced with this dilemma, school representatives, in most cases, find it difficult to give a clear answer. So, in reality, there is a diversity of handling this aspect relative to each school, as each representative of the school understands or as it is easier, which option consumes less time - because time, just like for any other organization, is an important resource within the school unit.

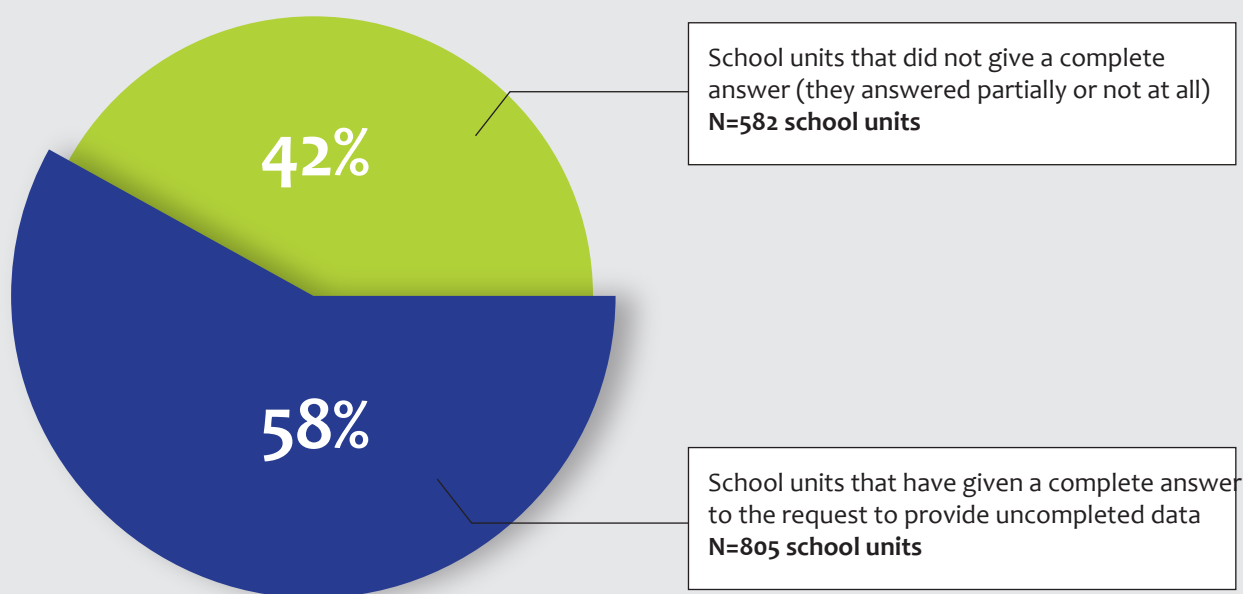
The present approach has focused on such extremely concrete challenges, but

of utmost importance, for the analysis of the institutional mechanisms through which school segregation can be monitored, evaluated and even combated. This approach initiated by CADO allowed, even without being representative at the national level, the anticipation of some challenges and obstacles at the level of the entire school system, and even certain principled limits of the attempt to accurately capture the phenomenon of school segregation - which represents a real benefit to those called to manage the process officially.

CADO's approach can be seen as an objective simulation of how the "Methodology for monitoring school segregation in pre-university education", adopted by the Ministry

of Education, will work in real terms, in the process of its application. It should be noted, first of all, that in the 11 counties covered by our approach, there are 1387 school units (with legal personality) that we approached to participate in the project by providing data on the phenomenon of school segregation and understanding the way in which the process of monitoring this approach takes place. Of the 1387 schools targeted, we received a response to our request to provide data necessary for monitoring and evaluating school segregation from only 863 school units with legal personality, of which only 805 provided complete data necessary for monitoring school segregation, which represents a complete response rate of 58%.

Share of school units that responded to CADO's request to provide, in full, data necessary for monitoring and evaluating school segregation (N=1387 schools to which the request was addressed)



It should be stated that each of the called schools had the opportunity to provide the data either by filling them in directly, within an online platform (a platform developed within the project, similar in working procedure to the IISER platform) or by sending - scanned - the of a standard data sheet that was sent to them by the experts involved in the project. Normally, as long as this data was available

at the school level to be uploaded to one of the platforms provided by the ministry (the IISER platform or the ARACIP platform - Romanian Agency for Quality Assurance in Pre-University Education) it was easy for them to be submitted as a result of the CADO request. It returned to the schools at least twice with the request to transmit the data necessary for the monitoring of school segregation.

The response rate of 58% of schools suggests at least the following explanatory aspects:

- either the fact that they, deliberately or through negligence, did not take into account the CADO request (which was also addressed based on Law no. 544 on free access to information of public interest, the requested data being the result of school management activities, have were requested anonymously, at the class level, so they constituted public information);
- or the fact that they did not have the requested data available, in a verified form, so that they could not comply with the request from the CADO - nor could they organize themselves to obtain this data.

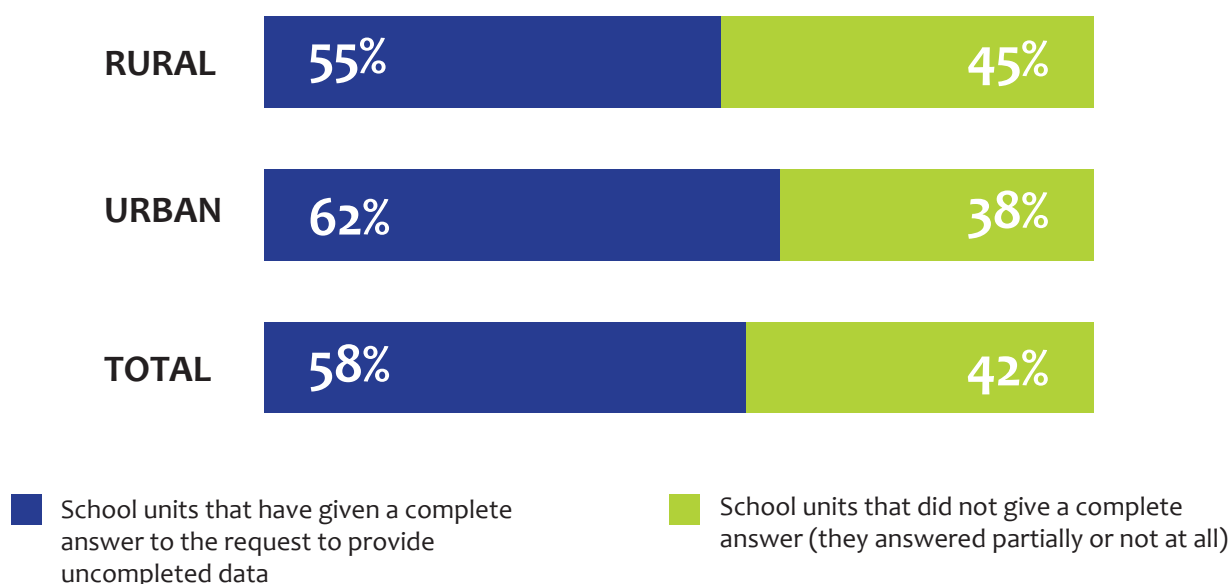
A first, pertinent question is whether the schools actually have the requested data. A corollary to this question is whether schools trust the data they have on matters of school segregation, or the extent to which they believe that data accurately reflects reality. Discussions initiated with some of the schools on this topic showed that they do not hold certain data sets (such as data on the ethnicity of students), do not know how and where to get this data, whether it is necessary or not to hold it, etc. Otherwise, the schools could make a subjective, and obviously approximate, estimate of all the necessary data categories, but which they were aware might not faithfully represent the reality of the school. The data reporting process is in many cases treated superficially, with this task being delegated to an employee not specialized in this regard (such as the school secretary or a teacher). In general, this process is not perceived to be particularly important, actors in the school do not see major negative consequences if the reports are inaccurate or approximate.

On the other hand, there is also a reluctance of certain schools to provide data in conditions where there are suspicions regarding segregation situations or in conditions where the school did not have the resources (expertise, human resources) to identify the requested data in a way very accurate. The data requester being a non-governmental organization, and not the Ministry or the School Inspectorate, automatically and the level of authority is different. In addition, a non-governmental organization could have made, based on the data, official and legal steps for desegregation when such a situation was found. To avoid such a risk, it is likely that some schools deliberately avoided providing data.

The situation described by the answers received from the schools, however, constitutes an alarm signal for the way the official process of collecting the data necessary to monitor school segregation will take place, given that 42% of the schools we called, by the fact that they do not have complete response to CADO's request, raises consistent suspicions about the ability to identify the necessary data or about the intention to hide the reality of school segregation.

The analysis of the response rate according to the residence environment of the targeted school units shows that in the urban environment there was a higher rate of providing complete answers compared to the rural environment (62% vs. 55%). It is a fairly consistent difference that shows us that there will be a higher problem in collecting data and evaluating school segregation especially in rural areas. One of the explanations for this difference between rural and urban areas in the rate of data reporting is probably to be found in the different data management and processing capacity. Field visits to schools confirmed such an explanation.

Proportion of schools that provided a complete response by school's area of residence (N=1387 schools that were asked)



The degree of institutional preparation of the monitoring and evaluation process of school segregation

This chapter will answer the question of the current capacity of schools to identify and centralize data on school segregation. It is also important to discuss the degree to which the school understands, through its representatives, the stakes of school segregation. It is also important to assess the degree to which the education system, in all its relevant sectors, has put in place the necessary steps to identify the relevant data and processes for monitoring and evaluating school segregation. Along with the specific training dedicated to this process, the schools through its representatives must be able to follow certain specific procedures adopted at the school level.

We will discuss the degree of institutional preparation for the process of monitoring school segregation separately, with reference to each of the natural stages that must be completed in this process and which condition obtaining a valid diagnosis of the phenomenon. We focused on:

- a) identifying and reporting the data necessary to monitor school segregation by the school,
- b) the institutional capacity of schools to monitor and evaluate school segregation,
- c) how the personal data regime is respected.

A. Identifying and reporting the data necessary to monitor school segregation by the school

The data needed to monitor school segregation represent those characteristics of the student required to be reported by the school so that, based on their analysis, a verdict can be given on the level of school segregation in the school.

There are a set of specific challenges that must be carefully considered when collecting the data needed to monitor school segregation. These can be grouped around the following questions:

- How is ethnicity identified?
- How is the educational level of the parents identified?
- How to identify the disability/quality of social scholarship beneficiary?

Identifying and reporting the data needed to monitor school segregation accurately and honestly is a challenge in itself. Necessarily, school representatives need to understand the mechanism by which it is advisable to identify those characteristics of the students that will form the basis of the evaluation of the level of school segregation. Essentially, each student characteristic provided by the school must be based on an official statement / document reported by the parent/legal guardians (in the case of ethnicity, parental education) or a legal authority (in the case of children with disabilities, social scholarship file). Hence, in the case of identifying ethnicity or education, the basic rule is the “self-identification” of the child’s parent; in the case of disability or being a beneficiary of a social scholarship, these characteristics are certified by a legal document. In exceptional cases, hetero-identification of ethnicity can be invoked, through the cooperation of several stakeholders (teachers, Roma experts, school mediators, etc.). However, such challenges need to be described and clearly specified in a guide that the school can use.

In our endeavor we have collected a set of indicators on the degree to which school units are prepared to identify and report the data necessary for school segregation – see table 1.I below. Of the school units that responded to CADO’s request, approximately 32.3% declare that they were not notified of the start of the school segregation monitoring process. To our knowledge, such an approach has not actually started. Most likely, many schools have

interpreted certain addresses received, which are aimed at something else than the start of the school segregation monitoring process organized by the Ministry of Education, in the sense of the notification regarding the start of the data collection process. Findings from the field, following discussions with school representatives, confirmed to us the schools’ confusion between the start of the ministerial segregation monitoring process and the CADO approach, which is essentially just a test exercise. It is an illustration of the level of understanding of the whole process at the level of the schools.

It is also important to point out that about half (48.6%) of the schools that answered the questions asked by CADO state that they have not received any protocol that describes in detail how the school unit participates in the process of monitoring school segregation. Although 67.7% declare that they received an address notifying the start of the process, only 51.4% declare that they also received the protocol for participating in the related school segregation monitoring process. And in this case, it is most likely a matter of confusion on the part of the schools regarding the reception of the protocol in question. When the representatives of the schools where field visits were made during the project were asked about this protocol, if any, they confirmed that they had thought of other documents that were in no way a protocol describing exactly how that is, the school will be involved in the process of monitoring school segregation.

More than half (54%) of responding schools say they have not formally received a description of how data will be collected in this process. This step is essential, such a written document showing how the school will collect the data needed to monitor school segregation should exist. Data collection itself is a process that requires care and a certain level of professionalism and specialization. Given that there is no guarantee of the existence of a necessary level of expertise at the school level for the identification and management of student data, a written document must be submitted that indicates, in easy language, how the school can adequately identify the data required for monitoring the process of school segregation.

Table 1.I
The degree of preparation of schools for the collection of data necessary for monitoring school segregation - I

PLEASE ANSWER BY CIRCLING YES or NO

1. Was an address/communication received at the level of your school unit informing you of the start of the school segregation monitoring process and the need for the school to provide the necessary support in this process?

N total = 669



2. An address/communication has been received at the level of your school unit describing the school unit's participation protocol in the school segregation monitoring process / the role played by the school in this process / how the results will be used and the conclusions?

N total = 667



3. Has the description of how the relevant data necessary for the monitoring process will be collected by the school representatives been officially communicated to you?

N total = 665



Another important aspect at this stage is the designation of a person to deal devotedly with the process of monitoring school segregation, identifying and coordinating the data collection process. One in three schools (33.5%) stated that they did not designate such a person specifically tasked to participate in the process of monitoring school segregation, to deal with identifying the necessary data and uploading it to the IISER – see table 1.II below.

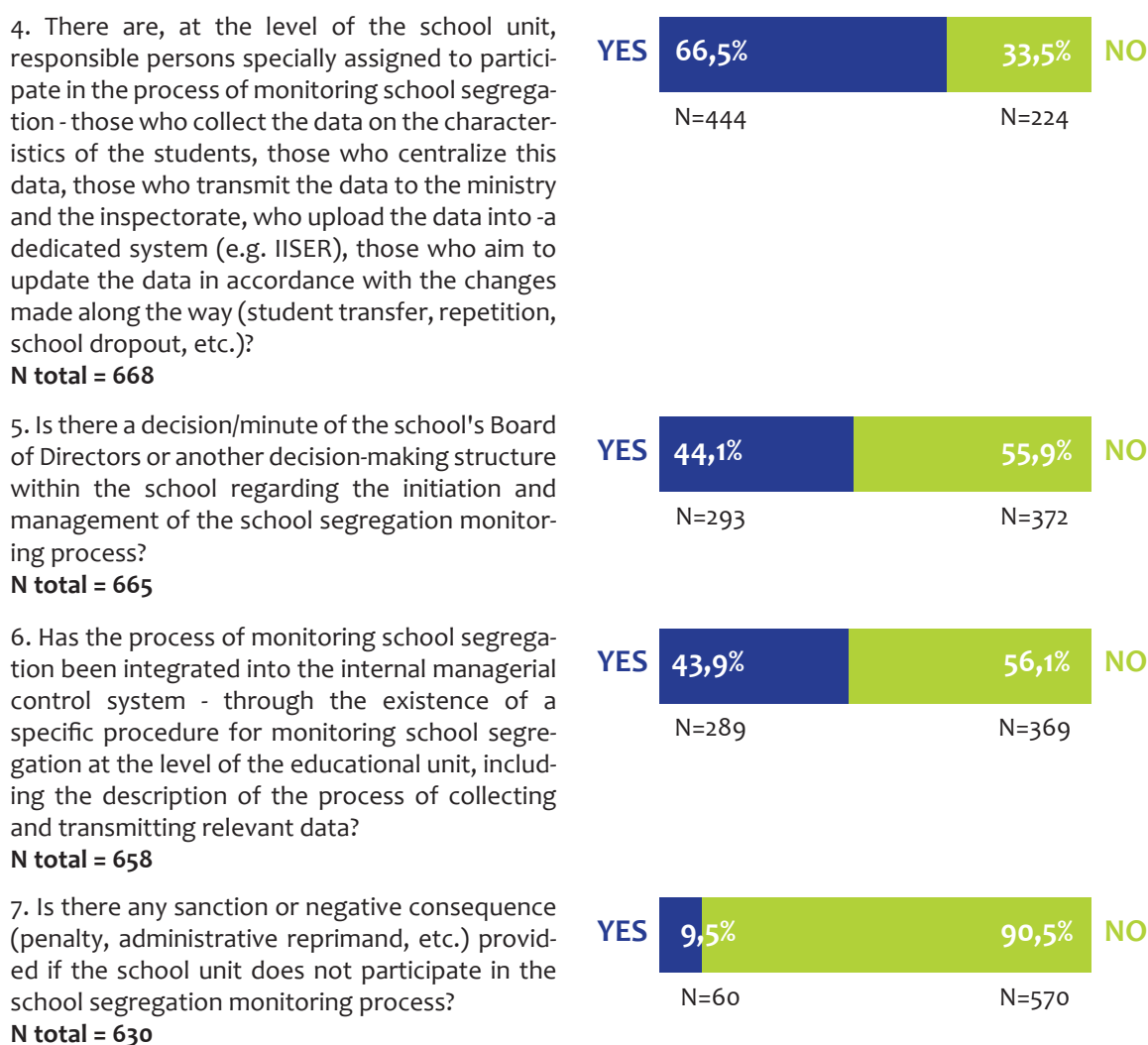
The answers given by the schools show us that the majority of them (55.9%) did not make administrative decisions (in the school's Board of Directors) regarding the initiation and management of the school segregation monitoring process, and 56.1% of the schools that answered confirmed that the process of monitoring school segregation was not integrated into the internal managerial control system - a recommended step for organizing the process of monitoring school segregation, of collecting the data necessary for its diagnosis. From this point of view, it is advisable to be developed, by the ministry or the school inspectorates, as a model, a specific internal managerial control procedure that defines the process of collecting the necessary data and monitoring school segregation.

Finally, it is relevant to show that 90.5% of the responding schools do not see any negative consequence that would derive from the non-participation of the school unit in the monitoring process of school segregation. This fact is extremely significant. This result denotes a weak motivation of the school units to treat this approach seriously, to ensure that the data provided corresponds to reality and to consistently monitor the phenomenon of school segregation. The spectrum of consequences, in this case, can take various forms. One of these is the reaction of the local beneficiaries of the school services, the parents. In fact, however, even school segregation itself could be prevented by the solidarity reaction of parents, of all parents receiving educational services in a particular school - but this does not happen for reasons that we do not have space to develop here. Another consequence could come from other institutions that coordinate or have authority over schools - such as the School Inspectorate, the Ministry. The local authority could also play a role in this process by having representatives on the school's Board of Directors. But what remains is that formal sanctions established specifically for refusing to participate in this process do not exist. The most normal thing would be for

school representatives to understand the background of this approach, its usefulness, and to participate out of conviction in the process of monitoring and evaluating school segregation - not as an imposition. In fact, school desegregation efforts represent a means of developing the quality of the services provided in the school and more adequately fulfilling the mission assumed by the school. The discussions engaged in the field visits reflect, however, that the schools do not adequately understand the positive stake of this approach, which they consider rather a bureaucratic exercise that must be done: a kind of form without substance. That is why we believe it is important that school representatives are trained and explained to them the stakes of school segregation, why, after all, it is important to provide desegregated education, for all students regardless of their social origin and for society as a whole.

Table 2.II
The degree of preparation of schools for the collection of data necessary for monitoring school segregation

PLEASE ANSWER BY CIRCLING YES or NO



It is not the purpose of this analysis to develop such a topic, but it must be promoted among schools and parents that desegregated education benefits not only disadvantaged students and this approach is not only one that responds to some desires related to social justice (this is right, that every child, regardless of the social context of origin, has an equal chance to receive the same quality of educational services) but it is also an approach that contributes to sustainable social welfare, economic development and a better socio-economic context favorable to all members of the community.

B. Institutional capacity of schools to monitor and evaluate school segregation

Here, we emphasize a perhaps trivial but extremely important fact: it is not enough for the school representatives to know how to use IISER to upload data related to students there and thus the process of monitoring school segregation is carried out. As we discussed in the previous section, it is necessary beforehand to adequately identify the characteristics of each student in the form of data that allow school segregation to be monitored and evaluated.

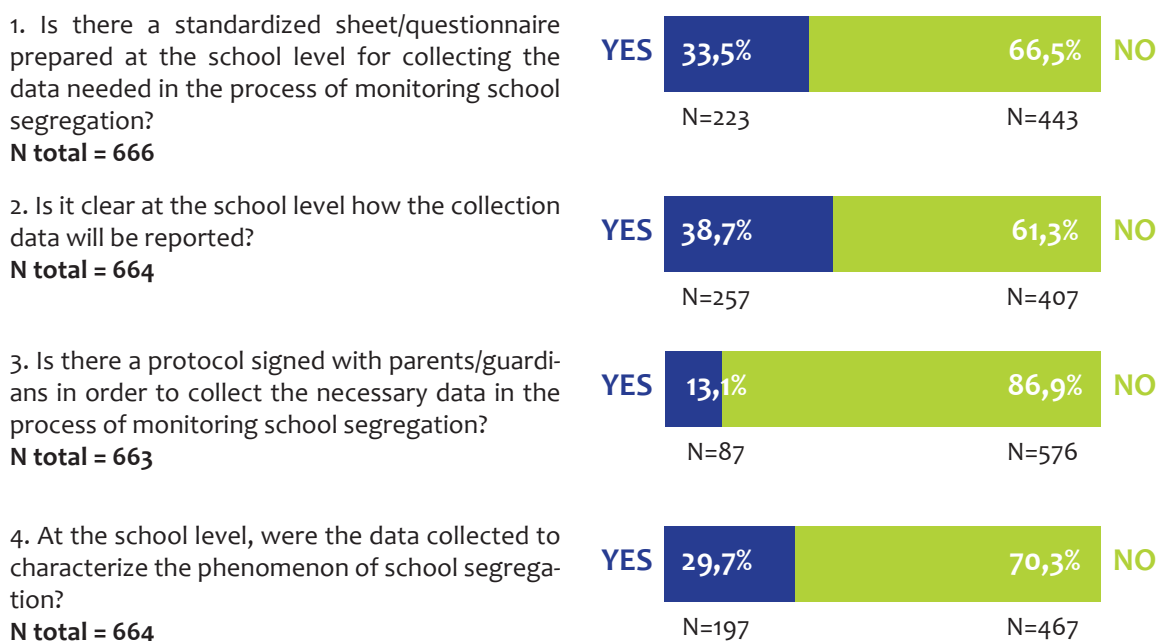
The answers given by the schools indicate that most of them are little prepared to start and manage the process of monitoring school segregation and, implicitly, to adequately collect relevant data (necessary preliminary stage). In 66.5% of the school units that responded to the CADO questions, there is no sheet or standardized questionnaire prepared for use at the school level, although this would be necessary; 61.3% of schools report that it is not clear to them how they will report the collected data; 86.9% have not established a working protocol with parents/guardians for the collection of this data and 70.3% declare that they have not collected the data necessary to characterize the phenomenon of school segregation. The protocol with parents is, for example, a necessary step to

obtain their consent for the provision of personal data.

All this shows us that, in fact, most schools are currently unprepared to provide the necessary data that will form the basis of monitoring and evaluation of school segregation. The collection of data related to each student is a rigorous management process that requires a set of tools to use, such as a questionnaire or sheet in which to note the characteristics of each student according to the order of the Ministry of Education for monitoring school segregation. From another point of view, certain data already existing at the school level could be used, such as those from the registration form for the preparatory class in which, for example, the nationality of the student is requested. Some schools have started European projects in which they had to identify student characteristics such as those needed in the process of monitoring school segregation. There are, in some schools, school monitors, facilitators or Roma experts who have data about certain students and can help to identify this data appropriately. In any case, a unitary approach is needed, at the level of the educational system, so that each school can adequately provide data relevant to the monitoring and evaluation of school segregation; and this approach is currently lacking.

Table 2.
The existence of the institutional framework for monitoring school segregation

PLEASE ANSWER BY CIRCLING YES or NO

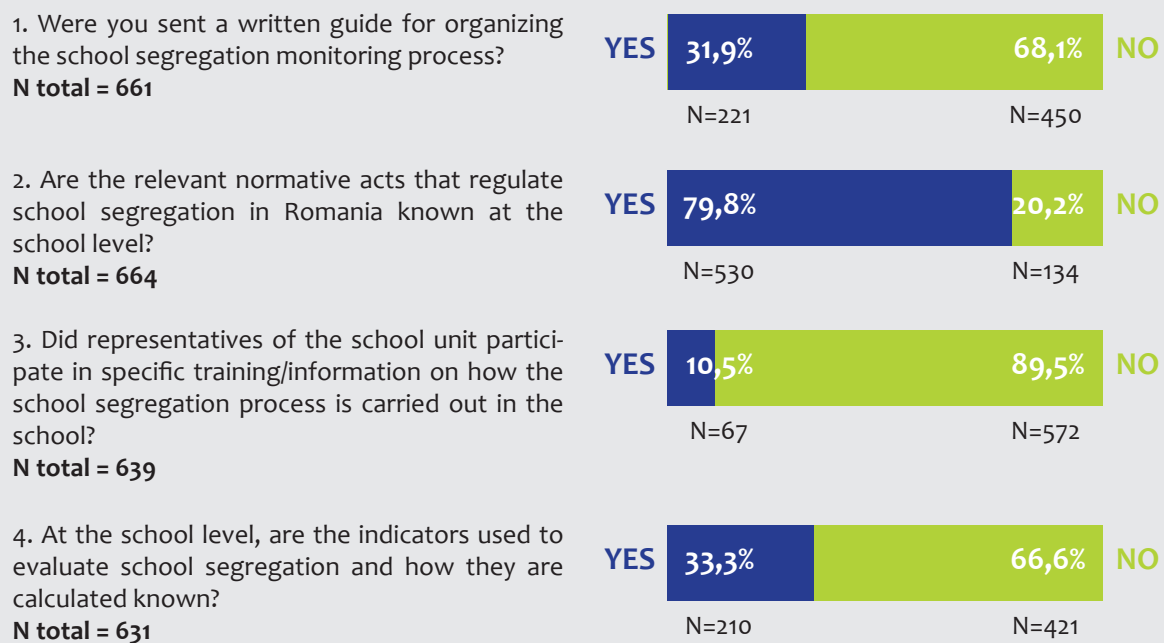


The analysis of the factual situation carried out through the project showed us that there are gaps in the preparation of the school segregation monitoring process, gaps that need to be covered before it starts. Without the prior and thorough preparation of the schools, the stages of identification, collection and reporting of data relevant to the diagnosis of school segregation risk turning into a fiasco. In this sense, it is important to note that the schools' answers show us that school representatives are not yet adequately prepared to transmit and provide data necessary to monitor school segregation (see table 3):

- seven out of ten schools that responded to the CADO request (68.1%) did not receive a written guide to guide them in organizing the school segregation monitoring process;
- in nine out of ten cases (89.5%) the representatives of school units did not participate in specific training/information regarding the process;
- in 66.7% of the schools that answered the CADO questions, the indicators used to evaluate school segregation and their calculation method are not known (aspects described, moreover, in the Order of the Romanian Ministry of Education no. 5633/2019 for the approval of the Methodology for monitoring school segregation in pre-university education).

Table 3.
Education and training of relevant actors in the school

PLEASE ANSWER BY CIRCLING YES or NO



However, eight out of ten schools (79.8%) responding to the CADO approach confirmed that they are aware of the relevant normative acts that regulate school segregation in Romania. It remains to be seen whether this knowledge is limited only to the name of the normative acts or whether the content and details of these normative acts are also known. Such an inquiry is legitimate given that only 33.3%

of schools declared that they know what the indicators are used to evaluate school segregation and how they are calculated - indicators that are described in detail in the relevant normative acts, including the Order Ministry of Education from Romania no. 5633/2019 for the approval of the Methodology for monitoring school segregation in pre-university education.

In this situation, it is imperative that representatives, employees or collaborators from each school participate in a training process in which they understand how to collect data relevant to the monitoring of school segregation, how this process will take place, the relevant legal framework. It would be advisable, in this sense, for the Ministry of Education to also initiate the creation of a practical guide that would show each school how it can properly manage the data identification process, its collection, centralization, transmission and the significance/importance of this approach.

The normative acts regulating the management of school segregation contain a complex terminology, describing

different types of school segregation (at the level of school structures, at the level of buildings, at the level of classes, in the placement in benches). Achieving the assumed legal objectives involves a thorough understanding of the issue of school segregation, the stakes of the process, what data is used and how to monitor and evaluate the phenomenon, etc. Most of the schools discussed during the field visit do not know how the school segregation scores will be calculated and what their significance will be. It is important that this aspect is also known because, in this way, the schools will be able to manage, later on, the participation in the development of the school desegregation plans that are to be carried out in the event that situations of school segregation are found.

C. How to comply with the personal data regime

The data needed to monitor and evaluate school segregation must comply with the personal data regime (GDPR). These data must be collected in a manner that ensures their confidentiality and the guarantee that they will be used only for purposes that improve the overall quality of school education provided in Romania. The storage of this personal data needs to be secured at the school level and possibly even anonymized. The agreement of the providers of personal data (parents) must exist and confirm that the consented information on legal rights has been achieved. It is important, we reiterate this, that the school has effective mechanisms to preserve the confidentiality of the data obtained.

The information collected from schools on how personal data is handled (Table 4 below) shows us some aspects of interest, which could be considered in the process of preparing the monitoring and evaluation of school segregation. Thus, the quasi-generalized majority of schools appreciates that the legal regulations regarding the use of personal data are known within them. It is an effect of the extensive popularization, in the media and probably in various work circles, of this theme. However, it is also important how well these regulations are known, in detail and in the process of their application in school management.

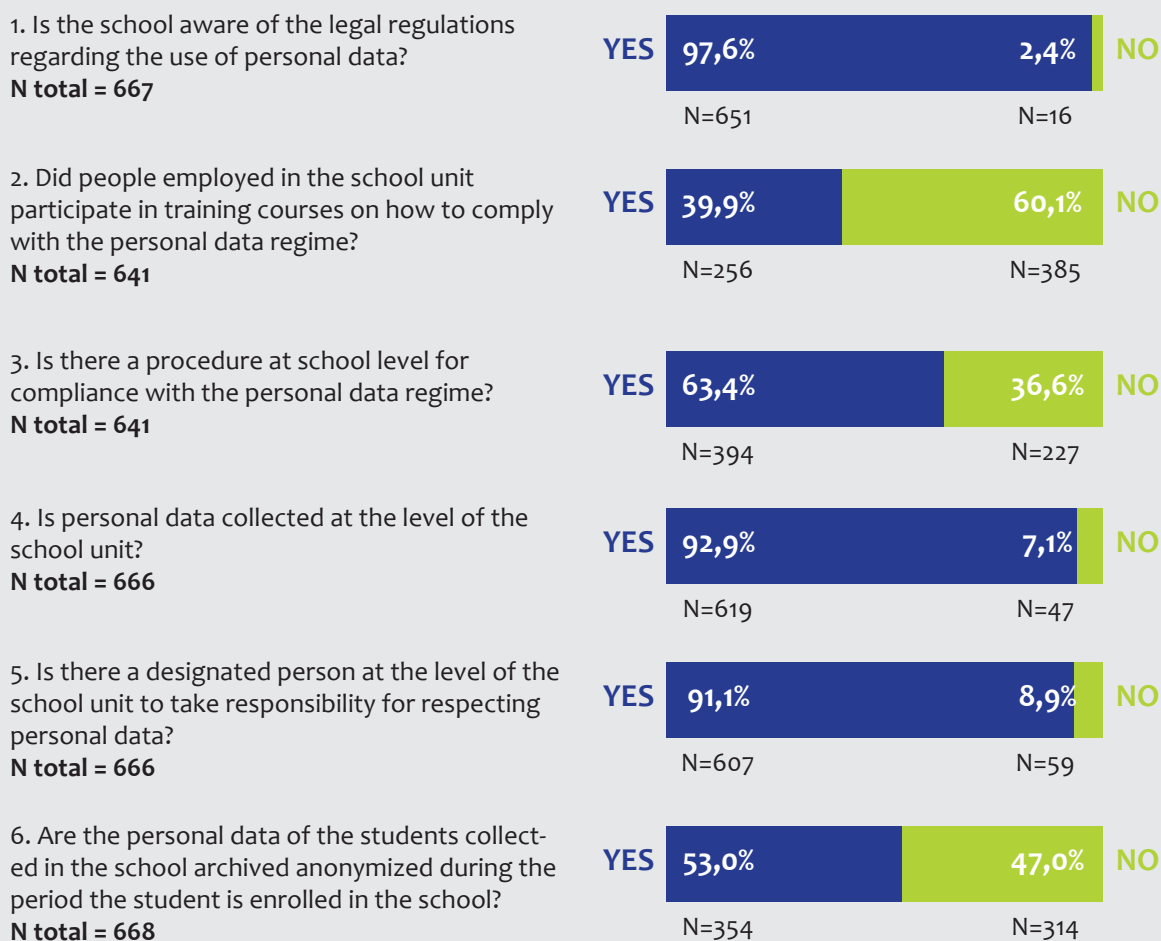
Approximately 60% of the schools (see table 4 below) declare that they do not have employees within the school unit participating in specialized training courses in the management of personal data. The complexity and novelty of the regulated field, however, calls for such specialized training. In any case, in order to comply with the regime of personal data, an inherent aspect of school management that currently processes and stores data of this type, it is important to have a set of written guidelines mentioning the way of action in concrete situations. The answers of the schools indicate that 63.4% have such a

procedure adopted at the school level, to comply with the personal data regime. Normally, such a procedure should exist at the level of all schools in Romania. Without such a procedure, the guarantee of completing some action sequences in the school to anonymize the stored data or to preserve their confidentiality is diminished.

Another relevant aspect revealed by the conducted analysis is related to the share of schools that declare that personal data collection takes place at the level of the school unit. It is, of course, inevitable that such data is collected in the school as a result of the legislation and regulations for enrolling students in the school (for example at the time of enrollment in the preparatory class). However, in order to ensure adequate management of the provision of educational services in the school unit, centered on the needs of students (which may vary from one social category to another, defined by characteristics such as parents' education, family poverty, ethnicity, disabilities, etc.), it is necessary to collect such data on students. From this point of view, I draw attention to the 47 schools, representing 7.1% of all those who responded, which declare that no personal data is collected in them. This fact is totally implausible, most likely their answer derives from the lack of adequate knowledge of the real, legal meaning of personal data.

Table 4.
Institutional capacity to comply with the personal data regime

PLEASE ANSWER BY CIRCLING YES or NO



The centralized responses from the schools also show us that **91.1%** of them have a designated person to take responsibility for respecting personal data. It is one of the necessary steps in complying with the personal data regime. It is important, on the other hand, that the person in question has the knowledge and ability to manage that data effectively, following the necessary steps in accordance with the law. In addition, approximately one in ten schools (**8.9%**) declare that they do not even have such a designated person.

Finally, the study also revealed the fact that there is a share of approximately half of the schools (**47%**) that archive the data collected from students without anonymizing them, the rest proceed to anonymize them. In fact, it is not the most relevant that these data are anonymized (by assigning a digital code, etc.), but especially that the access to these data is secured (data stored in a protected hardware space, which cannot be exposed to attacks their extraction) and restricted to the access of a certain number of people, who are obliged and trained to respect the

confidentiality of these data, not to disclose them or use them for purposes other than those for which the school collected them or the law allows.

The practical application of the rigors of the personal data regime also encounters other particularities and specific challenges that should be considered and clarified – this is not the place to develop these aspects, we only point out the need for schools to be capable in this direction. An example that we will give here though is related to how data is collected from illiterate people, illiterate parents. There are such situations, some of the schools visited in the project encounter such situations. In this case, the legitimate question arises: how exactly does the assumed consent of these persons for the provision and processing of their personal data take place? In the absence of a general direction, a unitary practice disseminated in the educational system, the situation is reached where each school interprets and applies a specific practice, more or less legal, which responds more or less to the legal rights of individuals or the best interest of to the child enrolled in school.

Limitations and key challenges of the monitoring process and methodology approved by the ministry

The school segregation monitoring methodology must remain an open tool, permanently adapted to school segregation situations that arise and can be reported. More concretely, we want to point out the fact that in practice other school segregation situations can be identified than those anticipated and described in the Order of the Minister of National Education no. 6134/2016 regarding the prohibition of school segregation in pre-university education units and Order no. 5633 of 23.12.2019 for the approval of the „Methodology for monitoring school segregation in pre-university education”.

The ongoing project gave us the opportunity to ascertain certain specific situations that can constitute forms of segregation and that should be treated as such in the legislation. One such situation is the drawing of school constituencies to preferentially serve certain residential areas populated primarily by people with a better socio-economic position; we refer to the drawing of these constituencies deliberately with the aim of including certain premises and dwellings in a certain school district and, at the same time, to exclude certain premises and dwellings - starting from the demographic profile of the inhabitants of those premises and dwellings, with the intention of assign students and families with a certain preferential social status to a school district. It is, for example, the theoretical situation of a school for which it is decided to serve a school district that covers an area of newly built blocks nearby, but the area of old, improvised houses, etc. is excluded from the same school district. located at the same distance from the school. It is obvious that such a practice is unbecoming and immoral, with segregationist effects at the school level. Such a segregationist phenomenon cannot be caught by the current system of monitoring and evaluating school segregation as it is currently thought and regulated simply because such a situation was not foreseen.

Another criterion that can lead to school segregation would be the consideration of remedial needs: students who have fallen behind during school, needing remedial education, are placed in certain classes (or school buildings or structures) deliberately. It is a discussion here whether the number of students with remedial needs in education derives from the quality of educational services provided within a school structure, the higher concentration of students at risk of accumulating such educational gaps, or deliberately certain students with remedial needs more accentuated are deliberately placed in certain school structures.

The key challenge of the process of monitoring and evaluating school segregation, however, remains, from our point of view, the fact that the diagnosis is based on data that are identified, collected, centralized and provided by the representatives of the school unit. Practically, without an external control filter, the approach is based solely on the competence, good faith and honesty of the school representatives providing this data. Without starting from the presumptions of bad intention or incompetence, it is still necessary to establish an additional mechanism to ensure the quality of data provided by school units through various possible mechanisms such as:

- a) the availability of declarations made by the parents regarding the observed characteristics (ethnicity, level of education) or of documents attesting to certain characteristics (social scholarship file, disability file);
- b) increasing the capacity of schools to manage data identification and reporting (standard data collection procedure, orientation guide, data collection tools – questionnaire, training of school representatives, etc.);
- c) the establishment of incentive mechanisms for assuming responsibility in this process.



4. Diagnosis of school segregation. Results

The overview of school segregation

The approach organized by CADO for testing the process of monitoring and evaluating school segregation in accordance with the methodology established by the Ministry of Education also analyzed the functionality of the designed process, the degree to which it can adequately lead to a diagnosis of school segregation and, based on this, to measures to combat this phenomenon.

Within the 805 schools that fully responded to the CADO request by providing the data necessary to monitor school segregation, following the methodology proposed by the ministry, we were able to calculate the school segregation score for each school. Being just an exercise, we considered in the analysis three of the forms of segregation mentioned in the methodology adopted by the minister, the most relevant in our

1. at the school unit level, official data were needed to characterize the school district that each school serves (the share of students from different categories in the school district, etc.), data that are not available in official statistics.
2. in the case of the benches, the quality of the data provided is highly dependent on the reporting of each teaching staff, there is a need to check the way the teaching space is organized, if there is a periodic rotation of students in the benches, etc.
3. even if a level of segregation were found today in the organization of placing students in benches, the next day the verdict can be immediately changed by re-placing the students in benches in another way.

The CADO analysis could itself, through its conclusions, have become a variable that would have influenced the decision to organize the benches without being able to maintain the diagnosis of segregation. In short, we believe that, although it is meritorious to include in the ministerial order the form of school segregation by organizing placement in benches, drawing attention to this possibility, it is difficult to capture in practice in a systematic way. The effect will be to raise the awareness of the

- 1) **ethnic,**
- 2) **disability,**
- 3) **parents' level of education,**
- 4) **the student's characteristic of being a beneficiary of a social scholarship,**
- 5) **the school performance criterion (operationalized by the student's repeat status, the distribution of repeat students in the learning spaces).**

Criteria 3) and 4) considered by us are subject to the criterion of the socio-economic status of the family. In the methodology adopted by the ministry, there is also mentioned another criterion, that of the residence environment, which, however, we did not address in the analysis because it concerns the high school level of study (segregation of high school classes according to the residence environment from which the student comes), level of study that we deliberately excluded from the analysis.

opinion: segregation at the level of school structures (in relation to the school unit, if the school has several school structures), at the building level (in relation to the school structure - if the school has several school structures - or the school unit) and at the class level (if within the school structure or school unit, at the considered level of study, the education of students takes place in two or more classes). We have given up pursuing school segregation in the other two possible forms mentioned in the ministry's order, at the level of the school unit in relation to the school constituency (in the case of the ethnic criterion) and at the level of sitting in the last two benches in relation to the situation in the class/group.

Certain reasons made us proceed as follows:

actors, at the level of the system, to avoid this form of segregation, but difficult to capture in the monitoring and evaluation process.

Following the methodology adopted by the ministry, the calculated score could take a value from 1 to 10, and we considered the score of segregation by buildings and classes, according to 5 criteria established in accordance with the methodology adopted by the ministry:

We have set as a reference threshold score the value of 1, which means that there is in the school unit at least one considered school space (building, classroom) in which the share of students from the disadvantaged category mentioned in the methodology is at least 10% higher than the percentage the same category of students in the reference school space (in the case of buildings

- 1) not participating in at least 80% of the online courses organized during the pandemic and
- 2) the need for remedial education of the student.

We decided to include these criteria considering their special stake in relation to the school process. Participating in online courses during the pandemic reflects the student's vulnerability in relation to the school process, the risk of accumulating school gaps and gaps that are difficult to overcome later. The vulnerability manifested in the process of participating in online courses can reflect on the one hand, both the reduced availability of family support for adapting to the exceptional situation of organizing online school education, but it can also reflect a certain organizational deficiency of the school representatives in charge of educating students.

The need for remedial education became acute among the mass of students during the pandemic, it is also a reflection

this is the school structure/unit, in the case of the class this is the educational level of which the class is a part). In addition to the provisions of the methodology assumed by the ministry, we added two other criteria according to which we evaluated the school segregation of students:

of the gaps accumulated following the period of online education organization during the pandemic.

The concentration of students with low participation rates in online school education and with remedial education needs rather in certain educational facilities (buildings, school structures, classes) reflects the uneven distribution of disadvantaged students in school spaces, a fact that interests the public decisions in the field of education and society in general, being an aspect on which the general socio-economic well-being and development depends.

The following table shows the number of schools in which at least a score of 1 was recorded for each type and form of segregation considered:

Type of segregation	Form of segregation	Number of schools where at least a score of 1 was recorded (the share of students from the disadvantaged category is at least 10% > than the percentage of the same category of students in the reference school area)	Share of the total number of schools in which the respective form of segregation could be manifested (from the total number of those that reported complete data)
On the ethnic criterion	At the level of school structures (vs. education unit)	93 school units that include 211 school structures	78.2% school units (out of 119 school units that have at least 3% Roma students and at least 2 school structures), respectively 54.9% school structures (from the 384 school structures that are part of school units with at least 3% Roma students and with at least 2 school structures)
	At building level (vs. education unit/school structure)	28	27.5% (from the total of 102 schools that have at least 3% Roma students and at least two buildings in which they operate)
	At grade level (vs. educational level)	83*	66.4% (from the total of 125 schools that have at least 3% Roma students and at least an educational level with two grades)

On the criterion of disability and SEN	At the level of school structures (vs. education unit)	11 school units that include 12 school structures	3.4% (from the total of 323 schools that have at least two school structures in which they operate), respectively 1.2% school structures (from the total of 956 school structures that are part of school units that have at least 2 school structures)
	At building level (vs. education unit/school structure)	3	1% (from the total of 303 schools that have at least two buildings in which they operate)
	At grade level (vs. educational level)	29	7.9% (from the total of 367 schools that have at least an educational level with two classes)
Based on the educational status of the parents (at most 8 completed classes)	At the level of school structures (vs. education unit)	172 school units that include 350 school structures	53.3% (from the total of 323 schools that have at least two school structures in which they operate), respectively 36.6% school structures (from the total of 956 school structures that are part of school units that have at least 2 school structures)
	At the building level (vs. educational unit)	59	19,5% (from the total of 303 schools that have at least two buildings in which they operate)
	At grade level (vs. educational level)	161	43,9% (from the total of 367 schools that have at least an educational level with two classes)
On the criterion of the social scholarship beneficiary characteristic	At the level of school structures (vs. education unit)	54 de unități școlare care includ 77 structuri școlare	16.7% (from the total of 323 schools that have at least two school structures in which they operate), respectively 8% school structures (from the total of 956 school structures that are part of school units that have at least 2 school structures)
	At the building level (vs. educational unit)	27	8,9% (from the total of 303 schools that have at least two buildings in which they operate)

	At grade level (vs. educational level)	101	27,5% (from the total of 367 schools that have at least an educational level with two classes)
On the basis of repetition	At grade level (vs. educational level)	65	17,7% (from the total of 367 schools that have at least an educational level with two classes)
On the criterion of NOT participating at least 80% in the online courses held during the suspension of school courses during the pandemic	At grade level (vs. educational level)	112	30,5% (from the total of 367 schools that have at least an educational level with two classes)
On the basis of the need for remedial education	At grade level (vs. educational level)	158	43% (from the total of 367 schools that have at least an educational level with two classes)

*among these, there are situations in which school segregation is an exception approved by law, in the conditions in which it finds its explanation in the organization of classes with teaching in the mother tongue. Of these schools where we identified ethnic segregation at the 10th grade level, they reported that they organized classes taught in the mother tongue. The list of these schools is presented in the Appendix. Such cases must be analyzed punctually..

We can note, from the previous table, a set of interesting aspects. We reiterate, first of all, the fact that these data are not representative at the national level, not even at the level of the 11 counties where we ran the school segregation monitoring simulation. Let's remember that only 58% of schools responded fully to the request to provide data, and we found that many schools do not yet have an adequate understanding of how data should be collected and reported accurately. With all these limits of representativeness we can note that there is a consistent variation of school segregation defined according to different criteria and in different school spaces. Thus, classes (vs. educational level) and school structures (vs. educational unit) are more frequent spaces of school segregation than buildings (vs. educational unit/school structure) - a fact perhaps understandable since there are fewer situations in which there are more buildings in the school compared to situations where we encounter more classes and, in certain situations, classes are organized ethnically segregated for teaching in the mother tongue. Also, in the case of school structures, segregation occurs as a result of the residential concentration (or segregation) of certain categories of students.

Below we reproduce also graphically, for a better visualization, the data presented in the previous table.

As a benchmark, in the analysis carried out, we only referred to the facilities where the type of segregation analyzed could be manifested. Thus, we took into account in the analysis of ethnic segregation only those schools where there are at least 3% Roma students and:

- in the case of segregation by school structures, only those school units where the activity takes place in at least 2 school structures,
- in the case of school segregation by building, only those schools where there are at least 2 existing buildings where school activities take place,
- respectively, in the case of class segregation, only those schools in which there is at least one educational level in which at least 2 classes are organized.

Thus, **if we refer only to segregation in school structures**, we can note that:

- **the ethnic criterion and parents' education produce the most situations of school segregation;**
- the intermediate level is represented by situations of segregation based on the characteristic of being a beneficiary of a social scholarship,
- and the third level as frequency of segregation is represented by disability.

Table of school segregation: percentage of schools in which there is segregation (minimum 10% difference compared to the non non-segregation situation) from the total number of schools in which the respective type of segregation could have existed



We did not follow the segregation at the level of school structures depending on the repetition of students, the non-participation of at least 80% in the online courses held during the suspension of school courses during the pandemic or the need for remedial education.

If we refer to the school units in which it would have been possible to manifest school segregation based on ethnicity, in a share of 78.2% of them there is a disproportionate allocation of at least 10% of Roma students in at least one particular school structure in relative to the percentage of Roma students at the level of the entire school unit to which the respective school structure belongs. Segregation according to

the educational level of the parents (parents with no more than 8 completed classes) shows a share of 53.3% of the school units in which this type of segregation is manifested within at least one of the school structures belonging to it (using the threshold of 10% allocation above the reference threshold constituted by the weight in the entire school unit of parents with education below 8 grades). We must take into account the fact that such situations also occur as a result of residential segregation, of the fact that in certain residential areas of the same locality, where there are placements in proximity and certain school structures, predominantly students who come from families with a particular socio-demographic profile (ethnic, educational, income situation, etc.)

Thus, if we refer only to segregation in classes, we can note that:

- **the ethnic criteria, parents' education and the need for remedial education produce the most situations of school segregation;**
- the intermediate level is represented by the situations of non-participation of at least 80% in the online courses held during the suspension of school courses during the pandemic or the characteristic of being a beneficiary of a social scholarship,
- and the third tier as frequency of segregation is represented by repetition and disability.

Signals of ethnic segregation by class are noted at a very high level where in 83 schools, which represent 66.4% of the total of 125 schools that have at least 3% Roma students and at least one educational level with at least two classes, there is a disproportionate allocation of at least 10% of students in a certain class in relation to the percentage of Roma students at the educational level in which the class is organized. We must remember that, among these, there are situations in which school segregation is an exception approved by law, in the conditions in which it finds its explanation in the organization of classes with teaching in the mother tongue. Such cases must be analyzed punctually, we preferred to keep them in the list of those reported to also allow the documentation of their situation. Specifically, for example, the situation in which the organization of classes according to the logic of the mother tongue led to exclusively Roma classes alongside other classes of other students of other ethnicities, at the same educational level, is of interest. It is important to evaluate, in these situations, comparatively, the situation of the quality of educational services provided in the two educational facilities.

We can also notice strong signals of segregation according to the criterion of educational level of parents and students who require remedial education. In these situations, we identified a share of 43.8% of schools (among those that have at least two classes at, at least, one educational level) where there is a disproportionate allocation of at least 10% of students in a certain class in relation to the percentage of students of whose parents have no more than 8 classes from the educational level in which the class is organized, respectively 43% for students who require remedial education.

Also of concern is the share of schools that show signs of segregation in classes depending on the share of students receiving social scholarships (27.5%), the share of students who did not participate in at least 80% of the online courses held during the suspension of school courses during the pandemic (30.5%), of students in school repetition (17.7%) or students with disabilities (7.9%).

The separate analysis, only at the building level, shows us that the most frequent situations of segregation are again determined by ethnicity (27.5% raise signals of this type of segregation), the level of parents' education (19.4%), respectively the criterion of social scholarships (8.9%).

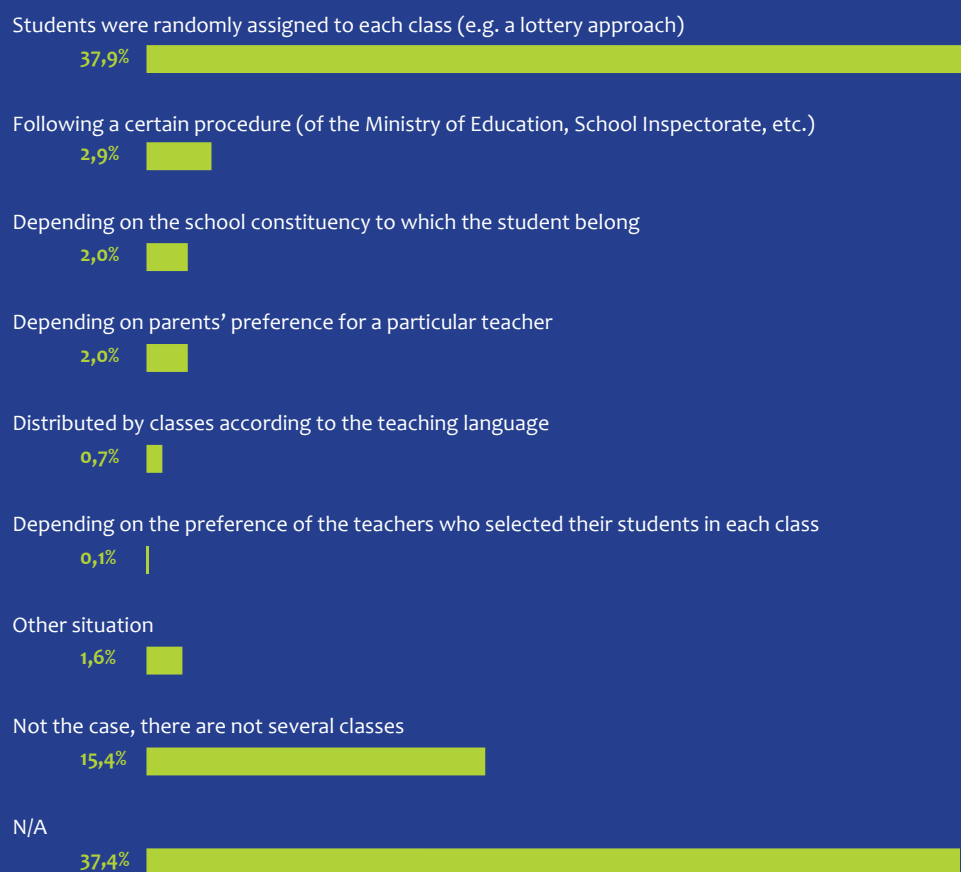
School segregation in buildings, according to disability, was reported very rarely, in 1% of cases. This latter situation is probably also explained by the fact that currently many students with disabilities have not been integrated into mainstream education, being, still, part of the so-called "special education".

It is worth noting that the need for remedial education is unevenly distributed, it seems, in different classes in many school structures; also, the vulnerability during the pandemic, translated into non-participation in online classes, was also unevenly distributed among classes in schools in Romania. These aspects reflect, in fact, the family's ability to support the student's educational process (through support in completing homework, guiding the student in relation to the requirements of the school program, monitoring school deficiencies and difficulties and adopting remedial measures, facilitating participation in extracurricular activities that increase the student's adaptability in learning, etc.). It is not surprising that we notice a similar level of segregation by class according to the level of parental education (an indicator of the family's ability to support the student's school participation) and that according to the need for remedial education or non-participation in online education. In this framework, it would be advisable to include in the list of school segregation criteria the one that captures the student's need for remedial education.

We remind you that we excluded from the start the analysis of school segregation at the bench level, as this is a form of segregation that can be easily masked, either by declaring the rotation of students in benches (without a control on the degree to which this actually takes place) or by placing the students in a circle. We consider it meritorious that this criterion was included in the methodology assumed by the ministry, in this sense it will send a signal that the placement of students in benches is also important for their school performance, but we consider that it is difficult to really evaluate this type of segregation in the absence of a means of objective observation of the way students are positioned in the benches.

It is also important to show how the schools responded in terms of how they organize the allocation of the student to the classes in which they study, at the level of the preparatory class - see the following graph. The majority of schools, almost four in ten (37.9%), say that students are assigned to classes randomly, like a lottery, so that teachers or parents have had no influence in assigning their child to a certain class. There are also schools that follow a specific procedure (without mentioning what exactly this consists of) - 2.9% or depending on the constituency to which the student belongs or his domicile - 2%. In the latter case, the situation of children who are assigned to a certain school structure by their residence is considered. A share of 2% of the schools declare that, however, students are distributed in classes according to the parents' preference for a certain teacher, and only 0.1% according to the teacher's preference. An important share of schools did not provide any answer (37.4%).

What was the main criterion according to which students were assigned to the classes in which they study, when the preparatory classes were formed? N=805 schools that responded completely



These data show us that some efforts have been made for a process of randomly assigning students to classes. However, there are still situations in which this student allocation procedure is not observed, and which should be analyzed punctually. But, even more importantly, it is important to follow the degree to which the way the classes are constituted, at the level of the preparatory class, when random allocation is carried out, is preserved over time. There is a risk that, despite an initial random allocation of students to classes, later there will be movements of students between classes creating the conditions for school segregation.

The school visits and investigations carried out as part of the project found that the County School Inspectorates (CSIs) do not check with priority how schools organize the distribution of pupils in preparatory classes, this being, as

a rule, a decision of the school. There were recommendations from some County Inspectorates (Timiș, Bucharest) for the distribution of students in classes to be done randomly or in alphabetical order, so that parents and teachers could no longer influence the space and class where the child is assigned. There are also situations in other counties where the random allocation of students to classes is practiced, in part. However, as long as the random allocation of students to classes (where there are several classes at the educational level) is not included as a regulation to be followed in the Methodology for enrolling children in primary education, it remains an option at the discretion of the decision-makers in the school units. That is why there is currently a lack of a legal instrument to monitor and verify the way this process is carried out.

Segregation based on ethnic criteria

We ran a specific analysis regarding ethnic segregation, aiming to show what was the rate of response and participation in the CADO approach among school units where we expected there to be significant shares of Roma students. In this approach, we considered only the rural localities in the 11 counties where the school segregation testing exercise took place. We proceeded in this way because the public data from the last Population Census carried out in 2011 provides the number of Romanian citizens of Roma ethnicity only at the locality level (not at the school district level), and in the urban localities, which are larger in size large, there are multiple schools serving multiple school districts. Therefore, although the data per urban locality would have indicated a significant share

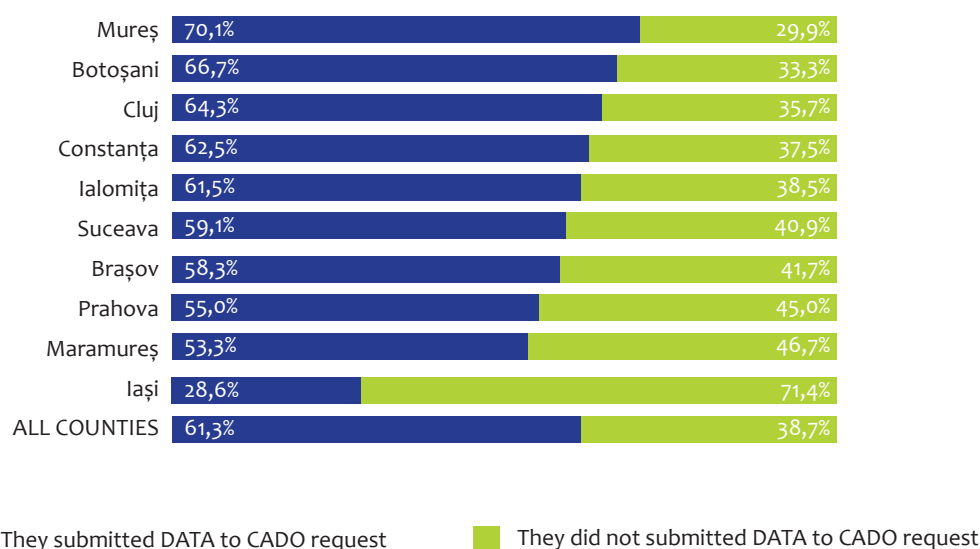
of Roma students, we did not have enough arguments to consider that a certain school in the locality should, logically, have Roma students (they could be concentrated in another school constituency / unit school).

In the 10 counties covered by the CADO project (Bucharest, sectors 2 and 5 are also added to them, but obviously this area was not included in the analysis of the situation of rural localities) there are 253 rural localities in which, at the last Census of 2011, it was recorded a share of at least 2% of Romanian citizens who assumed Roma ethnicity; the total number of Romanian citizens who self-declared of Roma ethnicity in these localities was 98,297, whose distribution we can see in the table presented below:

County	Number of localities	Number of Romanian citizens of Roma ethnicity - by self-assumption of Roma ethnicity
Botoşani	6	1286
Braşov	36	13702
Cluj	42	12515
Constanţa	8	2478
Ialomiţa	13	8399
Iaşi	14	6590
Maramureş	15	4353
Mureş	77	33400
Prahova	20	7844
Suceava	22	7730
Grand total	253	98 297

The most localities that fully responded to the CADO request were in Mureş County, and the fewest - as a percentage of localities - were in Iaşi county. At the level of each county, the share of localities in which a complete response was received from at least one school unit located in the locality varied as can be seen in the following graph.

Chart 1. Share of rural localities in the counties where the project took place with at least 2% self-declared Roma at the 2011 Census that submitted data as a result of the CADO request



County	Localities where there are schools that responded to the request	Number of Roma	Townships where no school responded to the request	Number of Roma
Mureș	54	24145	23	9255
Botoșani	4	1016	2	270
Cluj	27	8243	15	4272
Constanța	5	1178	3	1300
Ialomița	8	2186	5	6213
Suceava	13	5885	9	1845
Brașov	21	6819	15	6883
Prahova	11	3362	9	4482
Maramureș	8	2353	7	2000
Iași	4	1577	10	5013
Total counties	155	56764	98	415333

In total, we received a complete response from 159 schools located in 155 localities in the countryside where there was a share of at least 2% Romanian citizens who declared their belonging to Roma in the 2011 Census, while from 98 localities rural areas with the same minimum share of Roma (2%) in the 2011 Census, no complete response was received from any school in the locality.

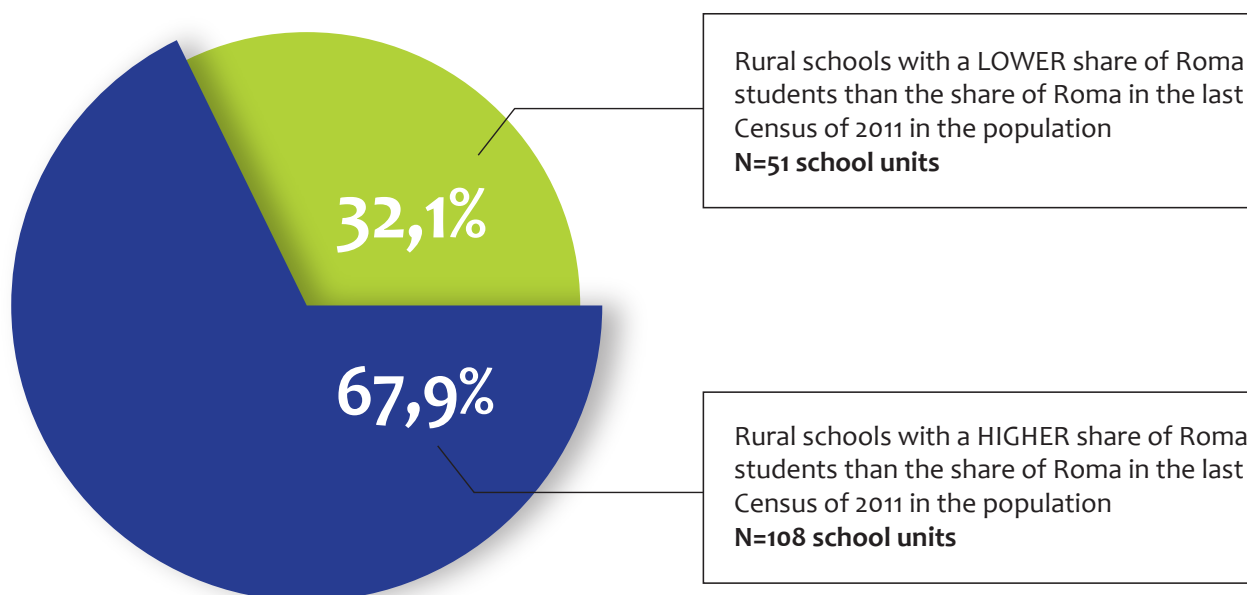
Among the 159 schools located in rural localities with at

least 2% Roma according to the 2011 Census and which responded to the CADO request, approximately one third (32.9%) - 51 school units - registered a lower share of Roma students in the school than the share of Romanian citizens who declared themselves Roma in the locality at the 2011 Census - see the following table. In these cases, there are reasonable suspicions, consequently, that the share of Roma students in the school unit was not adequately estimated by the representative of the school unit.

Table. School units in rural areas with shares of Roma students according to the share of the Roma population at the 2011 Census

County	School units in rural areas with a Roma share < Census	School units in rural areas with a Roma share > Census
Botoşani	1	3
Braşov	9	12
Cluj	6	21
Constanţa	4	2
Ialomiţa	7	1
Iaşi	1	3
Maramureş	1	7
Mureş	13	42
Prahova	5	7
Suceava	4	10
All counties	51	108

Schools that responded to the CADO request in rural areas with a lower share of Roma students than the share of Roma in the last Census of 2011 in the population. N=159



We have already shown what was the percentage of schools where there is ethnic school segregation by concentrating Roma students in buildings or in certain classes, according to the data reported by the schools - see also the following graph. We resume here the discussion of these data in the context of the response rate received from schools. As I have already said, there are 98 rural localities with at least 2% self-declared Roma at the 2011 Census that did not respond to the CADO request. Practically, in these localities it was not possible to give a verdict on ethnic school

segregation, although this possibility existed. In addition, there are probably other schools in the urban environment among those that did not respond to the CADO request where there were Roma students - situations in which it was also not possible to give a verdict on ethnic school segregation.

In the assessment of ethnic school segregation, two additional filters were applied to determine the catchment area where ethnic school segregation might have occurred.

The first filter was the establishment of a threshold of 3% share of Roma students in the school, according to the schools' reporting. This share was arbitrarily chosen, but based on the logic that below this threshold the number of Roma students in the school is so small that their segregation would be pointless (3% of the students in a school of 100 students means 3 Roma students). This resulted in 228 schools that responded to the CADO request and in which there was at least one school structure in which the share of Roma students is at least 3%.

The second filter is that of schools that had at least one educational level with at least 2 classes (to make sense of the assessment of ethnic school segregation by classes), respectively schools that had at least 2 distinct buildings where school activities took place.

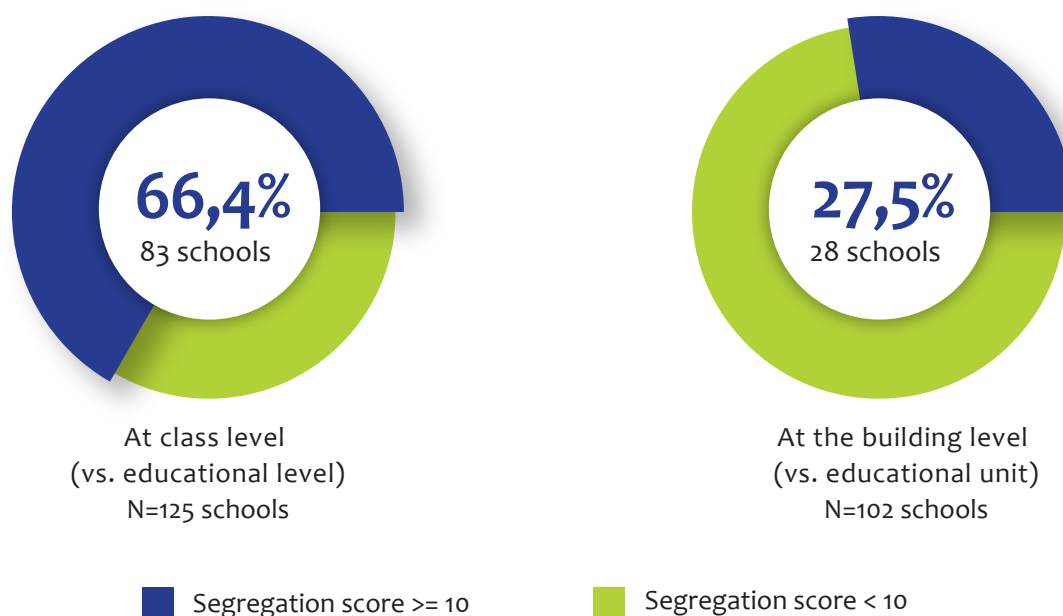
Applying the mentioned filters resulted in the existence of:

- a) 125 schools that meet both the criterion of the minimum share of Roma students (3%) and the criterion of the existence within them of a minimum educational level of 2 classes, respectively
- b) 102 schools that meet both the criterion of the minimum proportion of Roma students (3%) and the criterion of the existence of at least 2 buildings in which school courses are organized.

The following graph shows the schools in each category considered according to the segregation criterion (classrooms or buildings) in which there is at least one identified case in which the share of Roma students in a considered educational facility (classroom, building) exceeds their percentage by 10% in the benchmark considered: in the case of the class criterion, the benchmark is the percentage of Roma students at the educational level, in the case of buildings, the benchmark is the percentage of Roma students in the entire school structure (or the school unit if there are no more school structures).

Segregation the ethnic criterion.

Percentage of schools in which there is ethnic school segregation above the minimum threshold of 10% variation - out of the total of those in which ethnic segregation could have occurred



The rate of 66.4% of schools in which ethnic school segregation is manifested by the distribution of Roma students in classes, respectively the rate of 27.5% ethnic school segregation by the distribution of students in certain school buildings, is undoubtedly worrying.

School segregation is accompanied, very often, by a different, unfavorable quality of educational services. The next step calls for the evaluation of the teaching conditions, the conditions for the provision of educational services in the mentioned educational facilities. An explanation of school segregation based on ethnic criteria, excepted by law, is the organization of teaching in the mother tongue. Among the 83 schools where we identified ethnic school segregation by classes (see the list of schools in the Appendix), a number of 10 reported that they also organize classes with teaching in the mother tongue (see the table below and the Appendix). However, the situation of these schools needs to be analyzed punctually according to the level of studies, the number of existing classes, the ethnic distribution in the school, etc. This is why we have kept these schools in the list of schools identified as showing worrying signals of ethnic segregation by grade.

Braşov	Theoretical High School “Ioan Pascu” Codlea Secondary School “Bethlen Samuel” Racoş Secondary School No. 5 Sacks
Cluj	“Nicolae Iorga” Secondary School Cluj-Napoca
Constanţa	Secondary School No. 1 Mangalia
Iaşi	“Ion Creangă” Secondary School, Beautiful Fair
Maramureş	Agricultural Technological High School “Alexiu Berinde” Seini Secondary School “Petofi Sandor” Coltau
Mureş	“Nicolae Bălcescu” Secondary School, Tîrhu Mureş “Traian” Secondary School, Tarnaveni

The following graph shows the distribution of schools in which school segregation is manifested at class level in the rural and urban areas:

Segregation by ethnic criterion at class level - rural vs. urban.

Percentage of schools in which there is ethnic school segregation above the minimum threshold of 10% variation - out of the total of those in which ethnic segregation could have occurred



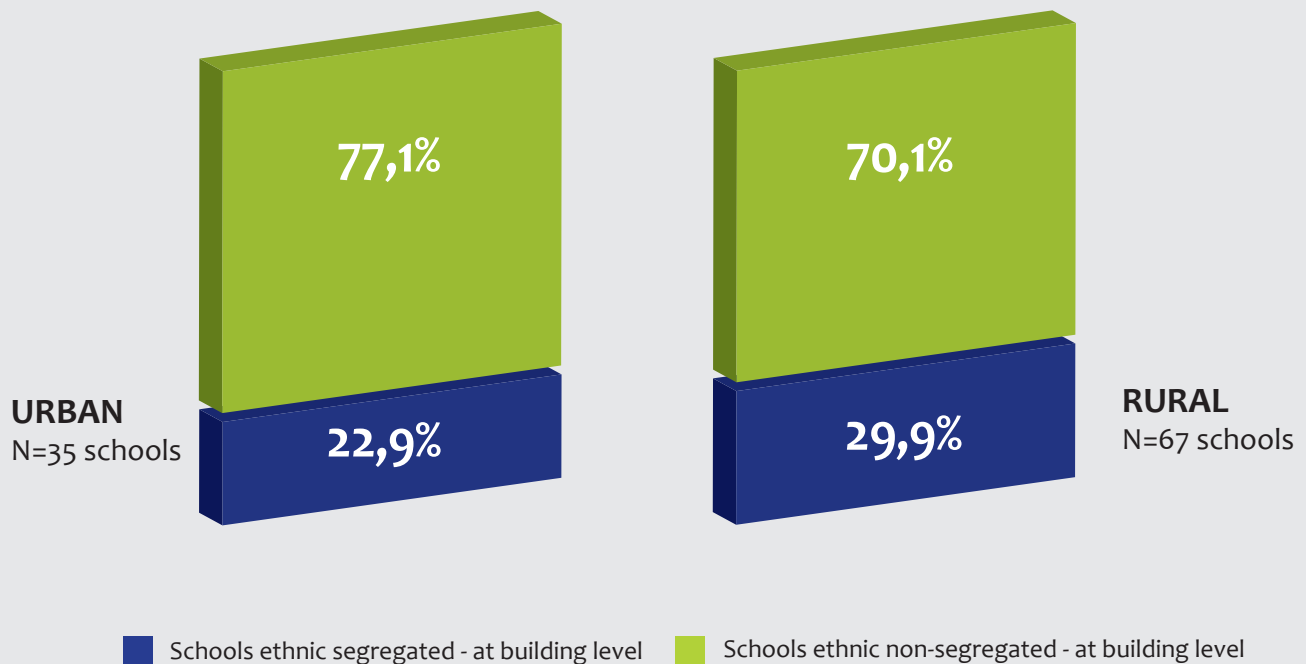
We can note, thus, that in the urban environment the share of schools that show school segregation at class level is somewhat higher compared to the rural environment, but not significantly so.

On the other hand, regarding the ethnic segregation at

building level, the situation is somewhat reversed between residential environments: we find a higher share of ethnic segregation at building level in the rural environment compared to the urban environment (29.9% vs. 22.9%) – see the following graph.

Segregation by ethnic criterion at building level - rural vs. urban.

Percentage of schools in which there is ethnic school segregation above the minimum threshold of 10% variation - out of the total of those in which ethnic segregation could have occurred



A desegregation plan is mandatory, according to the law, in situations of established school segregation. This desegregation plan would imply, on the one hand, efforts to ensure educational services of a similar level in all classes/buildings regardless of the proportion of students of a certain ethnicity (school infrastructure conditions, level of teacher training, support services of the pedagogical process, etc.) and, inevitably, on the other hand, measures for school desegregation, either by reorganizing the

distribution of students in classes/buildings (if this fact does not, of course, create situations likely to generate even worse conditions for students, for example having in view of certain emotional attachments developed by students who have learned together for a long period of time), or by instituting practices that prevent future school segregation. In all cases the sovereign principle that must guide the actions of decision-makers is the best interest of the child as defined in national and international legislation.

Segregation based on the disability/SEN criterion

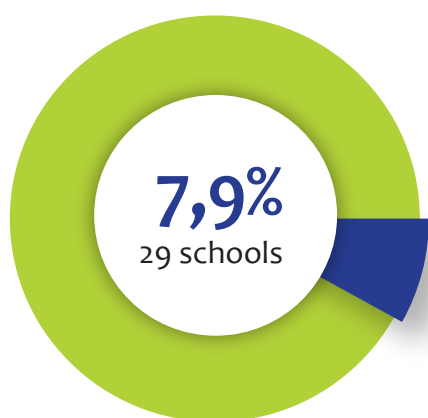
In the case of segregation based on the disability criterion, a single filter was applied, of schools that have at least one educational level with several classes and that operate in at least two distinct buildings. We can note that in the case of the disability criterion and SEN, the share of situations in which students are predominantly placed in certain educational facilities is lower compared to the situation of Roma students, but such situations still exist. This fact is partly explained by the fact that students with disabilities have not been integrated into mainstream education and special education still operates where children with disabilities are placed separately.

Among the 367 schools that have at least 2 classes at a certain educational level, in 7.9% of them (29 schools) there was an allocation of students with disabilities/SEN, in at least one of the classes, with at least 10 % more than the percentage represented by this category of students at the entire educational level. It is the sign of school segregation that must be prevented and fought; with regard to the situation at building level, only in 1% of cases (3 schools) was it possible to ascertain the situation in which students with disabilities/SEN were allocated at least 10% higher share in a certain building than their share in the level of the entire school structure (if the school unit had several

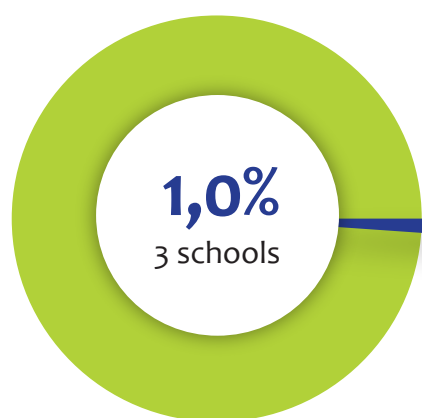
school structures, the analysis was always done at the level of the school structure, as a facility for organizing school education, considering the allocation in the buildings related to the respective school structure; each school structure was considered as a separate analysis universe of school segregation).

Segregation on the basis of disability and SEN

Percentage of schools where there is school segregation, the criterion of disability and SEN above the minimum threshold of 10% variation



At classes level (vs. educational level)
N=367 schools



At the buildings level (vs. educational unit). N=303 schools

■ Segregation score $\geq 10\%$

■ Segregation score $< 10\%$

On the criterion of disability and SEN	At the building level (vs. 3 educational unit)	1% (from the total of 303 schools that have at least two buildings in which they operate)
	At class level (vs. 29 educational level)	7-9% (from the total of 367 schools that have at least an educational level with two classes)

It is also worth mentioning how students with disabilities or SEN are identified and reported. Most schools reported using the correct and recommended way of identifying these cases (based on the GDSACP (General Directorate of Social Assistance and Child Protection) file or the certificate attesting to SEN): **42.1%** of schools indicated this practice, see the following graph. However, there are important shares of schools that did not provide an answer to this question (**37.4%**) or indicated inadequate approaches to identifying students with disabilities or SEN. Thus, a number of schools indicated mixed approaches,

primarily mentioning the identification of disability or SEN through “discussion with parents”, “depending on the behavior shown” or “through identification by people working for the community” and adding, to such practices, and consulting the SEN file or certificate – **10.3%** of schools responded in this way. Another category of schools based their identification of students with disabilities or SEN exclusively on “discussion with parents”, according to their statement - **8.6%** of schools are in this situation.

Is it established, at school level, how exactly data on student disabilities is collected? N=805

No, it is not set/ It is not collected

0,5% 

Yes, following the hetero-identification by community workers (e.g. local leader, school mediator, health mediator, etc.)

0,2% 

Mixed approaches, including DGASPC file / SEN certificate, where the following are mentioned first: “discussion with parents”, “according to the manifested behaviour” or “by hetero hetero-identification ...”

10,3% 

Yes, following the discussion with the parents

8,6% 

Yes, by a declaration of disability endorsed by parents/ guardians/ legal representatives

0,9% 

Yes, based on the General Directorate of Social Assistance and Child Protection (DGASPC) file that ascertains special medical cases or SEN based on the County Resource and Educational Assistance Center...

42,1% 

N/A

37,4% 

All this shows that there is still a need for training schools in participating in the process of monitoring and evaluating school segregation as long as there is still a diversity of approaches to identifying data on the basis of which school segregation is analyzed and,

moreover, there are important shares of schools that have inadequate disability / SEN data identification practices or simply did not provide a response, most likely a sign that they do not know what to declare under this heading.

Segregation on the basis of socio-economic status

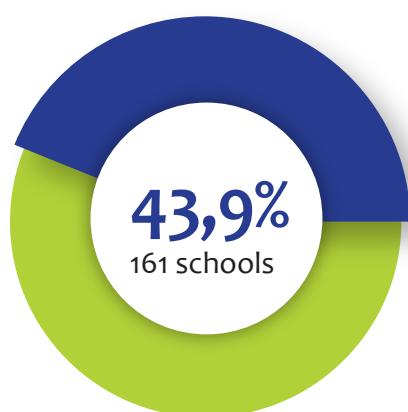
School segregation according to socio-economic status was operationalized in two dimensions:

- 1) parents' educational level (defined as the highest educational level completed by one of the parents or legal guardians) and
- 2) the student's characteristic of being a social scholarship recipient.

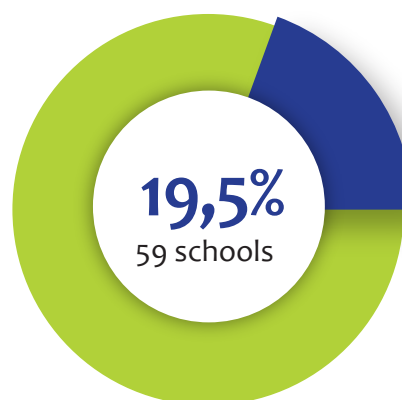
The following graph shows the cases of school segregation according to the criterion of parents' education. There are 43.9% (161 schools), of those that have at least an educational level with 2 classes, in which there is at least one situation of school segregation: at least one class with a minimum of 10% more students whose parents have a maximum 8 graduated classes compared to the share of this category of students on the entire educational level of which the class is a part).

Segregation based on the educational status of the parents (at most 8 completed classes).

Percentage of schools where there is school segregation above the minimum threshold of 10% variation



At classes level (vs. educational level)
N=367 schools



At the buildings level (vs. educational unit)
N=303 schools

■ Segregation score \geq 10%

■ Segregation score $<$ 10%

Based on the educational status of the parents (at most 8 completed classes)	At the building level (vs. 59 educational unit)	19,5% (from the total of 303 schools that have at least two buildings in which they operate)
	At grade level (vs. 161 educational level)	43,9% (from the total of 367 schools that have at least an educational level with two classes)

Among the schools that responded to the CADO request and have at least one school structure where classes take place in several buildings, 59 schools were identified (representing 19.5% of the total of 303 schools that have at least two buildings in which they operate) where in a building there are at least 10% more students whose parents have at most secondary school education compared to the share of the same category of students in the school structure to which the building belongs.

We can state that the phenomenon of the predilected grouping of students from families with low educational stock in certain educational facilities (classrooms or buildings) is quite extensive, encountered in a significant number of schools. This phenomenon can be combated, most directly, by assigning students randomly or in alphabetical order to classes, respectively the classes in the buildings where the courses are held. Class segregation and building segregation are two interrelated phenomena; segregation in buildings is favored by the prior existence of segregation in classes, so that then the activity of certain classes is rather organized in certain buildings.

The phenomenon of segregation based on the criteria of parents' education derives, most often, from the positioning of parents in search of the best educational solution for their children. When the educational stock of the parents is higher, implicitly the ability to identify the best educational solutions offered within the school structures in the vicinity is greater - through more extensive relationships in the community and superior social capital, through a broader and complex understanding of the situation, through greater adaptability, through easier access to relevant information regarding those more performing teachers, regarding the endowments of certain educational facilities, through greater capacity to influence the distribution of one's own child in a certain desired school facility, etc.. It also matters in this equation

that families with a higher educational stock also have higher resources, the correlation between the level of education and the level of income being well known. But, assuming that the quality of educational services in school facilities close to the family or in which the family is interested are similar, the influence and assiduous effort to ensure that the child's education takes place in a particular school space would be largely without sense. Of course, even in conditions of similarity of the quality of educational services in all school facilities, there may be certain preferences regarding the social composition of the class, preference regarding the socio-demographic profile of the child's fellow students. In this case, considering the negative consequences for the entire community of school segregation, measures are needed to prevent such a parental conception by legal means and to explain the lack of foundation of this attitude.

The financial situation of the family also materializes, it seems, as a generating factor of school segregation. Thus, the data collected from the schools show us that there are 101 schools - representing 27.5% of those that responded to the CADO request and that have at least one educational level with two classes - where there is at least one class case in which the percentage of students who benefit from a social scholarship is at least 10% higher than the percentage of students in the same category at the entire educational level of which the class is a part - see the following graph.

Segregation on the basis of the social scholarship beneficiary characteristic .
 Percentage of schools where there is school segregation above the minimum threshold of 10% variation

At classes level
 (vs. educational level).
N=367 schools



101 schools segregated scholar

At the buildings level
 (vs. educational unit).
N=303 schools



27 schools segregated scholar

■ Segregation score >= 10% ■ Segregation score < 10%

On the criterion of the social scholarship beneficiary characteristic	At the building level (vs. 27 educational unit)	8,9% (from the total of 303 schools that have at least two buildings in which they operate)
	At grade level (vs. 101 educational level)	27,5% (from the total of 367 schools that have at least an educational level with two classes)

Also, the collected data also identified the situation of 27 schools among those with at least 2 buildings where school education takes place where the percentage of students receiving social scholarships is at least 10% higher than the percentage of the same category of students in the entire school structure of which the building is a part - **8.9%** of all schools that have at least 2 buildings in which they operate.

The student's characteristic of being a beneficiary of

a social aid scholarship reflects a precarious material situation of the family, which can affect the student's school participation, and which can have a negative impact on his school performance. It is precisely for this reason that it is important that these students benefit from the best educational facilities that the school has available and are placed in the most advantageous school spaces. We can say that the school segregation of these students in facilities with low quality of education goes against the just intention of the school being an ally in their success in life.

Segregation on the basis of school performance

School performance is another criterion according to which school segregation can manifest itself. If the other criteria for defining segregation discussed so far can represent a cause of segregation (a characteristic of the student, such as ethnicity, disability, level of education of parents, social situation causes them to be allocated to certain educational facilities), school performance can be to the same extent a consequence of school segregation – the lower quality of services in certain segregated school spaces can lead to poor school outcomes. In other words, the concentration of students with lower school performance in certain school spaces can represent a result of the very process of school segregation according to certain socio-demographic criteria such as ethnicity, parents' level of

education, disability or the family's economic situation. The collected data also show us that the phenomenon of the concentration of students with remedial educational needs rather in certain classes is manifested to a certain extent - in almost four out of ten schools (**43.1%**), where there is at least one educational level with two classes, there is a situation of a class with a concentration of students with remedial needs above the 10% variation threshold; in three out of ten schools (**30.5%**) there are situations of students, who did not participate in at least 80% of the online courses during the pandemic, rather concentrated in a certain class and in almost two out of ten schools (**17.7%**) are situations where repeat students are concentrated in certain classes - see the following graph.

Segregation on the basis of school performance.

Percentage of schools where there is school segregation above the minimum threshold of 10% variation

On the basis of the need for remedial education - at classes level (vs. educational level)
N total = 367



N=158 school segregated scholar

On the criterion of NOT participating at least 80% in the online courses held during the suspension of school courses during the pandemic - at classes level (vs. educational level)
N total = 367



N=112 school segregated scholar

On the basis of repetition - at classes level (vs. educational level)
N total = 367



N=65 school segregated scholar

■ Segregation score >=10%

■ Segregation score <10%

In general, it should also be said that the phenomena of school segregation are associated with a different quality of the educational services provided - defined by the performance of the teaching staff, their competence and motivation, the classroom equipment and the access to educational materials available to students to increase pedagogical productivity, etc. It is important and necessary, therefore,

that all cases where school segregation of any type has been identified be documented and from the point of view of the quality of the educational services provided and that action be taken both through a school desegregation plan and to increase the quality of school services where there are gaps in this chapter in relation to other educational facilities within the same structure or school unit.

On the basis of repetition	At grade level (vs. 65 educational level)	17,7% (from the total of 367 schools that have at least an educational level with two classes)
On the criterion of NOT participating at least 80% in the online courses held during the suspension of school courses during the pandemic	At grade level (vs. 112 educational level)	30,5% (from the total of 367 schools that have at least an educational level with two classes)
On the basis of the need for remedial education	At grade level (vs. 158 educational level)	43% (from the total of 367 schools that have at least an educational level with two classes)

The situation of intersectional segregation

Intersectionality is the phenomenon by which vulnerability is amplified by the accumulation, by the same person, of several characteristics that determine his vulnerability. A student is intersectionally vulnerable in the school process if he simultaneously accumulates several characteristics that make him vulnerable in this context, such as Roma ethnicity, low parental educational stock, disability and poor material situation in the family. It is obvious that such a student is significantly more vulnerable in relation to a Roma student, who, however, has parents with university degrees, who do not suffer from any disability and, in addition, has a more than decent family material situation.

The data collected by us in this endeavor is not at an individual level, at the level of each student - this is not even possible, at least if we consider the regime of personal data. The smallest unit for which data were collected in the CADO approach was the class and, based on the concatenation of data at the class level, data were obtained for the characterization of school segregation in relation to other school spaces such as school buildings or structures (when the school unit has several school structures in its composition). The 805 school units from which we received complete data include 1438 school structures. According to the school segregation monitoring methodology adopted by the ministry, the analysis of the segregation phenomenon at the level of buildings or classes is done in the perimeter delimited by the school structure.

In the present section it is important to show, we believe, the intersectionality at the level of school structures. The

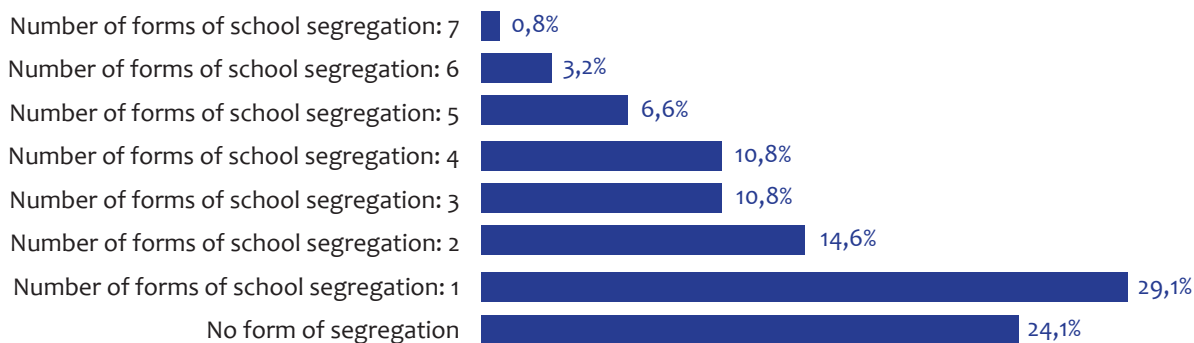
following graph shows the share of school structures, which have at least one educational level with a minimum of 2 classes (= 378 such school structures), depending on the number of manifest forms of segregation. 7 forms of school segregation were considered:

- 1) ethnic,
- 2) disabilities,
- 3) depending on the level of education of parents,
- 4) depending on the characteristic of being a recipient of a social scholarship,
- 5) depending on repetition,
- 6) depending on not participating in at least 80% of the online courses and
- 7) depending on the need for remedial education.

It can be noted that a quarter of the school structures that have at least one educational level with at least 2 classes do not show any form of school segregation at class level according to the data received (24.1%). Instead, there are 3.2% of school structures that confirm, simultaneously, the existence of 6 forms of school segregation. Approximately one in ten (10.8%) school structures have at least three forms of school segregation or four forms of school segregation (10.8%) – see the following chart.

Intersectional school segregation at grade level.

N= 378 school structures that have at least one educational level with at least 2 classes

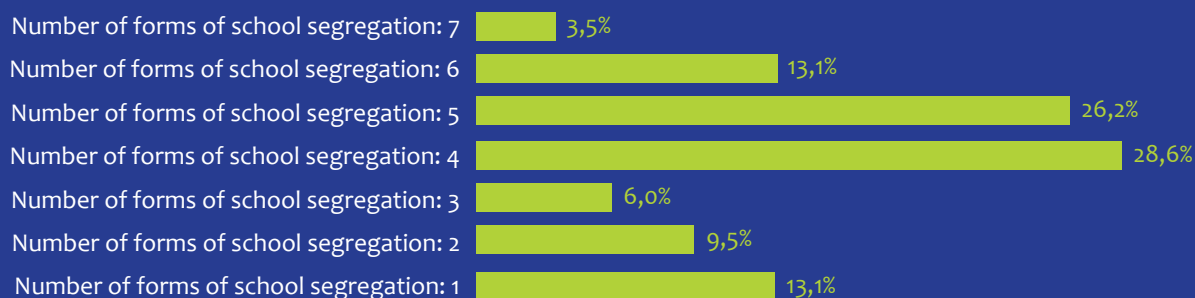


A more detailed analysis of the situations of ethnic segregation shows us that there are 84 school structures where there is ethnic segregation at class level (that is, a level of the calculated score above the set threshold of at least 10% more Roma students in at least one class in relation to the share of Roma students at the educational level of which the class is a part). Among these school structures

in which we identified ethnic segregation at class level, in 86.9% of cases (73 school structures) there is simultaneously another form of segregation in addition to the ethnic one. The following graph shows the share of school structures with at least one educational level with 2 classes in which there is ethnic school segregation, and which simultaneously accumulate other forms of school segregation.

Intersectional segregation at class level.

N = 84 school structures that have at least one educational level with at least 2 classes and in which ethnic segregation is manifested at class level

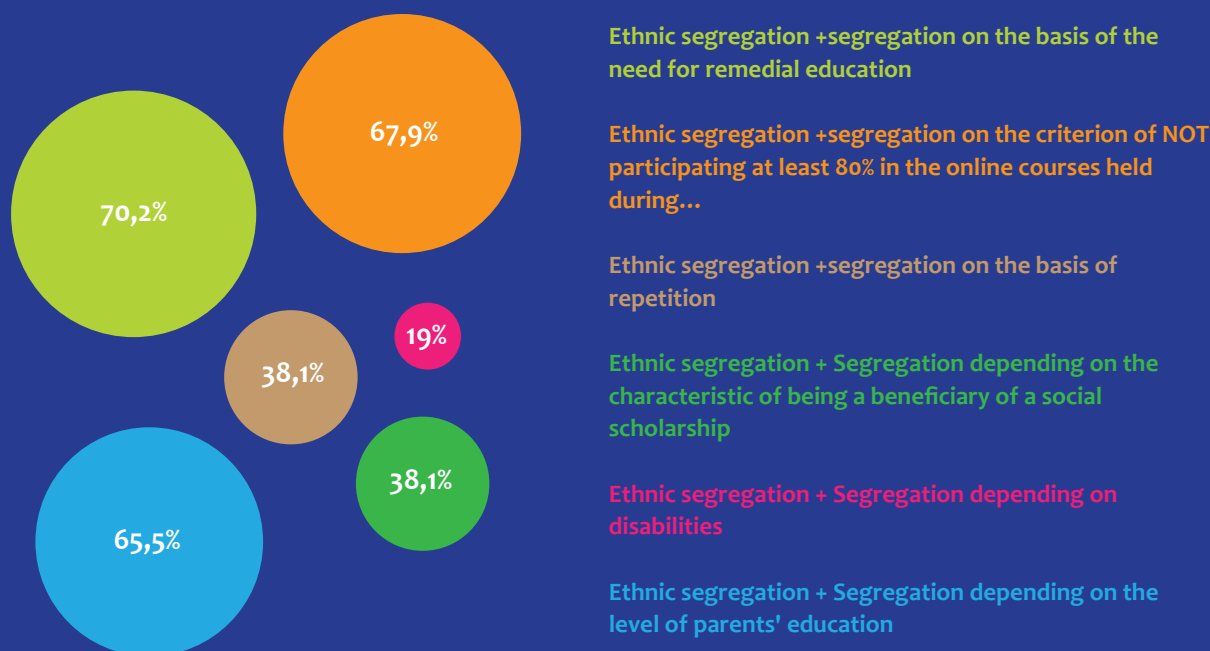


The following graph shows the share of school structures that have shown school segregation at class level (N=84 school structures) that also have another type of school segregation specified. We can see from the graph that in the case of ethnic segregation at the class level, the highest intersectional association is with the segregation

generated by the concentration of students with remedial needs in certain classes (70.2%), the school segregation manifests in relation to the students who did not participate in the minimum 80% of online courses during the pandemic (67.9%) respectively segregation of students according to parental educational status (at most 8 classes) – 65.5%.

Ethnic intersectional segregation + other type of class class-level segregation.

N = 84 school structures that have at least one educational level with at least 2 classes and in which ethnic segregation is manifested at class level

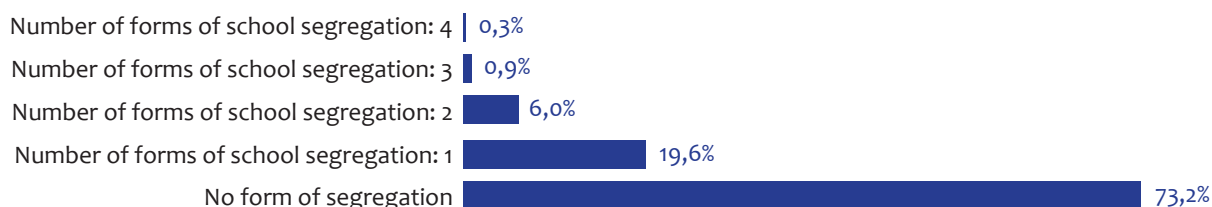


Regarding intersectional school segregation at the level of buildings, 4 forms of school segregation were considered:

- 1) ethnic,
- 2) disabilities,
- 3) depending on the level of parents' education,
- 4) depending on the characteristic of being a beneficiary of a social scholarship.

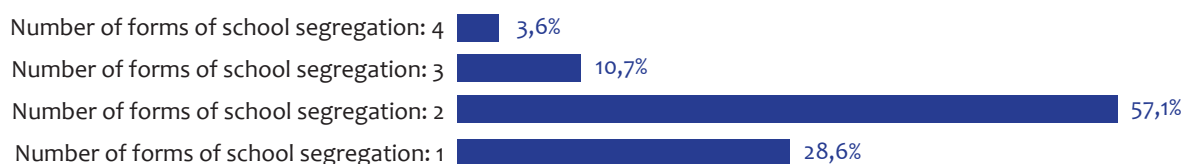
From the following graph it can be noted that of the 332 school structures with at least 2 buildings, in the case of 73.2% no form of school segregation was identified, and in the case of 19.6% of the school structures there is at least one form of segregation it also shows two forms of school segregation in the case of 6% of the school structures.

Intersectional school segregation at building level.
N= 332 school structures that have at least 2 buildings



The following graph presents the situation of ethnic segregation at building level from the perspective of the existence of another type of segregation at the same time.

Intersectional segregation at building level.
N= 28 school structures that have at least 2 buildings and where there is ethnic segregation at building level

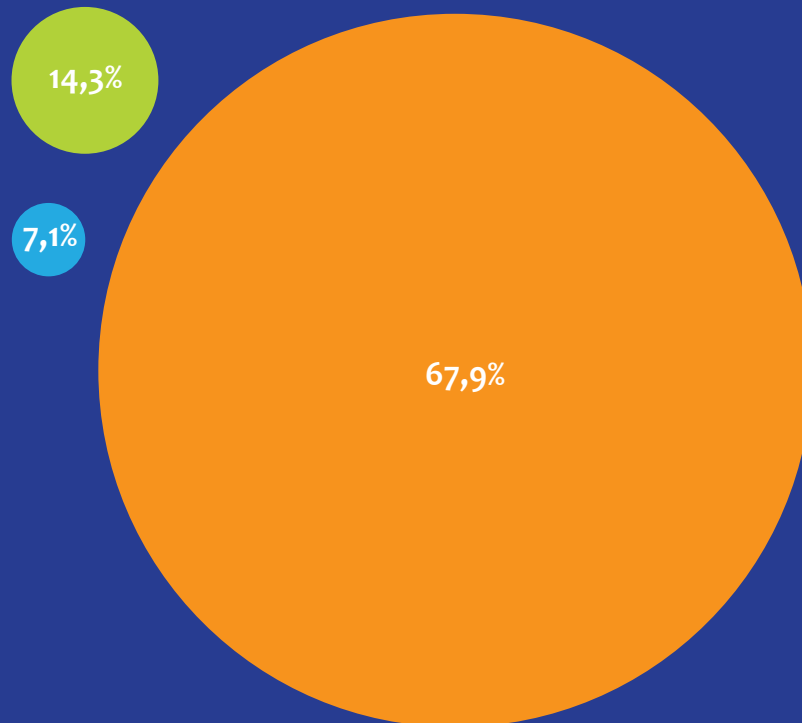


We can note from the previous graph that in 28.6% of school structures where there are at least 2 buildings and there is ethnic segregation in the distribution of students in these buildings, there is no other type of segregation at the same time. Instead, in 57.1% of cases there is at least one other form of school segregation in the distribution of students in buildings, in 10.7% of cases there are 2 other forms of segregation at the same time and in 3.6% of cases there are, along with ethnic segregation in the allocation of students at building level, and 3 other forms of school segregation.

The following graph shows the share of school structures where ethnic segregation is manifested in which there is simultaneously another specific type of school segregation. Thus, in 14.3% of the schools where there is ethnic segregation at the level of the distribution of students in the buildings, there is also segregation at the level of the distribution of beneficiaries of social scholarships in the buildings where the courses are held in the respective school structure.

Ethnic intersectional segregation + other type of segregation at building level.

N = 28 school structures that have at least 2 buildings and in which ethnic segregation is manifested at the building level



Ethnic segregation + Segregation depending on the characteristic of being a beneficiary of a social scholarship

Ethnic segregation + Segregation depending on the level of parents' education

Ethnic segregation + Segregation depending on disabilities

However, the highest association of ethnic segregation in school buildings is with the segregation of students whose parents have at most 8 classes: in 67.9% of the ethnically segregated schools at building level there is also segregation according to the level of parental education. There are also 7.1% of ethnically segregated schools at the level of buildings where segregation based on students' disabilities is also manifested.

5. Practices of school segregation. Case studies

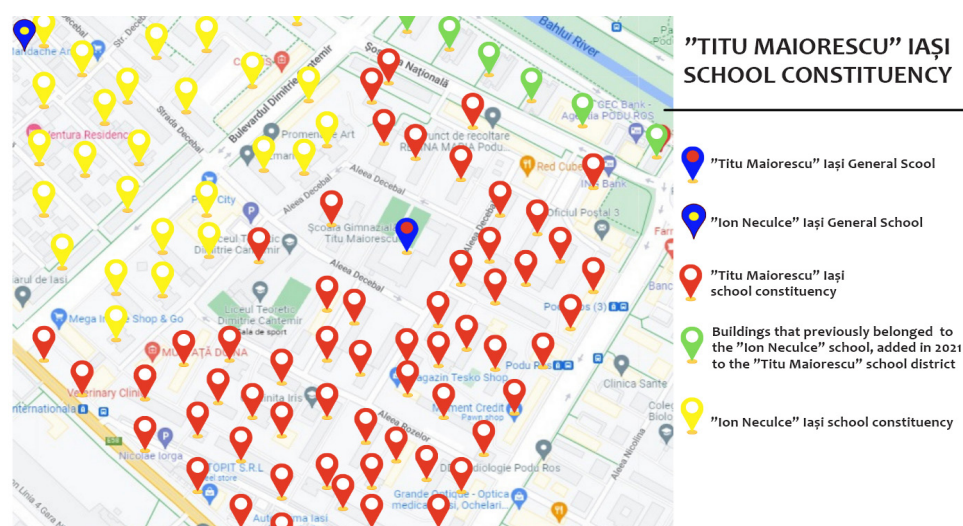
De jure segregation – setting up segregationist school districts

This type of segregation, determined by the way the school district is configured, requires special attention because it is possible, on a theoretical level, but it cannot be caught with the tools provided by the current legislative framework to combat school segregation.

In fact, this type of segregation refers to the situation in which students with certain characteristics (such as a certain ethnicity, a certain socio-economic status, disability, deficient school situation, etc. - provided by the normative acts in force that propose to combat school segregation) end up being distributed in certain school units by drawing the school

constituencies of some neighboring schools in such a way as to generate school segregation – concentration of students similar from the point of view of the mentioned criteria in the same school, by excluding their residence from the constituency of another school from which they were, perhaps, closer.

A situation of this kind was encountered, by chance, during the development of the project, in the city of Iași. It is more precisely the situation of the Titu Maiorescu Iași and Ion Neculce schools in Iași. The following graph shows the configuration of each school district related to each of the 2 mentioned school units.



We can note residence points that are closer to the "Ion Neculce" Iași School but were included, de facto, within the constituency related to the "Titu Maiorescu Iași" school (the residence points marked in yellow between Bld. Dimitrie Cantemir marked on the graph and the "Titu Maiorescu" school). There are also some residential points that belong to the constituency factor of the "Titu Maiorescu" school but are closer to the "Ion Neculce" school (the points marked in red on the left side of the graph).

There is also the situation of the residence points marked in green in the graph that

belonged until 2021 to the Ion Neculce school but starting from 2021 they became part of the constituency of the "Titu Maiorescu" school, although, as we will see below, the number of children from the district assigned to it exceeds its logistical capabilities.

The Titu Maiorescu School is a school that is highly sought after by parents, it has enrollment requests exceeding its schooling capacity. This fact contrasts with the situation of the Ion Neculce school. It is understandable if we consider that the results recorded by the students in the national assessments are totally contrasting:

27.01.2015 (Ziarul de Iasi, <https://www.ziaruldeiasi.ro/stiri/rusinea-invatamanantului-din-iasi-gimnaziul-a-ion-neculcea-un-nou-top-al-scolilor-86252.html>) - reported on the situation of the results of the national assessment: "Following the first simulation session of the national assessment, in the 8th grade, the County School Inspectorate made a list of the schools that have the highest passability in this exam". Schools with a good passing percentage, up to 73% - Titu Maiorescu School with 73%. In the same article it is mentioned that - "two schools that beat the record and where there is not a single student who got a passing grade in this exam. It is Crucea Secondary School and "Ion Neculce" Secondary School in Iasi."

On the other hand, the "Ion Neculce" school has two structures, one in the Nicolina neighborhood, the other in the Cantemir neighborhood. There are no children of Roma ethnicity in the Nicolina structure. The management of the school believes that the school will be closed due to the lack of children to enroll, although, as we have seen, the other school, Titu Maiorescu, is overloaded in enrolling students in the school in relation to its logistical possibilities.

The T. Maiorescu School was 400 m from the Ion Neculce School. Having students enrolled beyond its space capacities, the T. Maiorescu school placed, following an institutional agreement, a class in the spaces owned by the Ion Neculce school. Practically, the buildings of the Ion Neculce school host formally regimented classes at the T. Maiorescu school where teachers from the T. Maiorescu school go to teach. From the official documents it appears that in the building of the Ion Neculce school there are 4 classes of the Titu Maiorescu School. The justification of the management of the Titu Maiorescu school is that they decided in this way to be able to cope with the increased request for enrollment of students in the school - this while at the other school, Ion Neculce, located 400 meters away,

there is a risk of closure due to lack of students who to be served with educational services.

But the classes of the T. Maiorescu school that run their teaching hours in the premises and buildings of the Ion Neculce school have enrolled zero (0) Roma students, while the Ion Neculce school has a very high percentage of Roma students. Thus, it seems like a miracle by which the constituency of the T. Maiorescu school was expanded beyond its possibilities of space and coverage with educational services of all the students resident here and, due to lack of space, it created satellite classes in the premises of the Ion Neculce school where its teachers teach. They only took over the space in use, but also the students from the Ion Neculce school constituency or teachers there. In addition, in order to avoid interaction between the students of the classes of the T. Maiorescu school placed for teaching activities in the premises of the Ion Neculce school with those of the latter, it seems that the break schedule has been changed so that it is different for the classes that belong to the two schools which operate in the same premises. This fact was also reported in the local press:

In the article of the Mediafax agency, dated 5.11.2019 - <https://www.mediafax.ro/social/asociatie-elevii-romi-ai-un-ei-scoli-din-iasi-au-pauze-la-intervale-orare-diferite-face-de-ceilalti-18545220> mentions the situation related to the placement of Titu Maiorescu's children's classes in the classrooms of the Ion Neculce school. The scandal started from the complaint of the Pro Europa Roma Party that the Roma students of the Neculce School have breaks at different time intervals compared to the other students of the Titu Maiorescu School who study practically in the same building.

This is what the principal of the "Titu Maiorescu" school declared at the time of the investigation:

"There is no Roma community in my constituency, but beyond the boulevard the Roma community begins, but it belongs to the other school (school Ion Neculce)." A few blocks (nn - from the constituency) were taken one year and given back. "Here is my constituency, here is Boulevardul Cantemir and immediately very close is that Roma block. It's across the boulevard. Even from Boulevardul Cantemir, even if they are on my side, there are also data at school 21 (nn - Neculce School). Constituency means all nearby blocks. Constituency changes are proposed by the schools, approved by the CSIs, and every year, before enrollment in preparatory courses, the constituencies are reconfigured. For example, when they took the blocks from me on Cantemir and gave them to Neculce school, they wanted a balance so that no more than 200 students would come to Titu and 21 would go to Ion Neculce. The

same boulevard on Splai Bahlui. They were taken and given to Neculce. They left the right side, they took the left side. Although there were two steps. Still in the idea of balancing constituencies."

The situation is therefore clear: the configuration of the constituencies means that certain streets and residential points where Roma children are concentrated are given to the Ion Neculce school, an avoided school, and the other school is given residential points that accumulate fewer Roma children.

But, for good overall education and in the idea of a widely educated Romania, good educational services at the level of those provided by the T. Maiorescu school should be provided equally to all children in the area, including those vulnerable through the lens of discrimination derived from their ethnic affiliation or other characteristics that make them vulnerable in the school process.

The intervention of the state authorities is needed in order to achieve the higher goals of education and social development. Perhaps the solution would be for the two schools to become one and the classes formed by random distribution of students in them, generating socio-economic and ethnic homogeneity, just as these children will live in their adulthood in Romanian society for more than a few decades.

School segregation in different building structures and bodies

Such a case was identified during the implementation period of the project at Păltinoasa Secondary School, Jud. Suceava, based in Păltinoasa Commune, Suceava County. Roma children living in the hamlet of Țîmpoceni in the village of Capu Codrului belonging to the Păltinoasa Commune study in the festive hall of the Păltinoasa

Gymnasium School in the Suceava county, they are segregated at school in separate structures and buildings and are victims of much lower education quality than practiced in other bodies of the same school. Păltinoasa Secondary School had, until the beginning of the 2021-2022 school year, three “structures”, each with a main building:

1. Structure no. 1 - a central body - in the village/municipality of Păltinoasa - Păltinoasa Secondary School - with primary and secondary education,
2. Structure no. 2 - a main building body with classrooms, toilets and event hall and a separate body with a gym - in the village of Capu Codrului - Bogdan Vodă Secondary School - with primary and secondary education
3. Structure no. 3 - a body in the hamlet of Țîmpoceni from the village of Capu Codrului - Țîmpoceni Primary School - with primary education.

The building of the 3rd structure, the Primary School in Țîmpoceni, was demolished in 2021. The hamlet of Țîmpoceni is administratively included in the village of Capu Codrului in the commune of Păltinoasa. The community of Țîmpoceni is made up mainly of people of Roma ethnicity, with a difficult financial situation, having no constant income. The community is isolated from the village of Capu Codrului, at a distance of approximately 3 km. There is no means of public transport to reach the Țîmpoceni community and there was, until the 2021-2022 school year, no school minibus to facilitate the access of secondary school children to the Bogdan Vodă Secondary School in Capul Codrului.

The building body of Structure no. 3, the one in Țîmpoceni, which served the predominantly Roma rural community from the hamlet of Țîmpoceni, was unsuitable for carrying out educational activities in conditions of safety and public health. Moreover, the CADO Association, through its local monitors, identified the case in the 2015-2016 period as one of segregation in education and drew the attention of the competent authorities, including County School Inspectorate Suceava. The state of this building also emerges from the report from 2015 that attracted the attention of the public and the competent authorities, namely <https://www.youtube.com/watch?v=Koj9oZEEdcw>. In the school in Țîmpoceni, which had only two rooms, the classes were simultaneous, the classes being held by two teachers: one for classes 0, 1 and 3 and one for classes 2 and 4.

This school was decommissioned at the end of the 2020-2021 school year and was demolished, with a new building to be built through a PNDR project – the building’s completion date is uncertain. At the same time, a school minibus was made available to the students to transport

the children from the village of Țîmpoceni to the Bogdan Vodă Secondary School in Capu Codrului. The Bogdan Vodă Secondary School in Capu Codrului has two buildings, one main, which houses the classrooms, event hall, bathrooms, etc., as well as a separate one, which only houses the gym and the changing rooms. Both are in the same yard.

After the decommissioning of the building where the 3rd Structure of the Păltinoasa Secondary School was operating, in the year 2021-2022, Structure no. 3 - Țîmpoceni Primary School was not abolished but continued to exist, scripturally, by the decision of the school management, existing only in school documents. Because, in reality, the children from the former Țîmpoceni Primary School were moved to the Bogdan Vodă School in the village of Capu Codrului, but in a separate building, in the gym. Moreover, all Roma students are learning simultaneously in one classroom, with one or two teachers, the classroom is not sufficiently heated during the winter, and the access of all children to the toilet is by going outside and then entering the main school unit.

At the same time, the monitoring visits as well as the data provided by the school show that the children of class 0 of the families in Țîmpoceni were not enrolled in the class 0 with all students of the same school age, but in the simultaneous class together with all Roma children with different school age.

The data provided by the school are presented below.

Structure no. 2 - Bogdan Vodă Secondary School from Capu Codrului	Structure no. 3 Țîmpoceni Primary School – (which operates in the gym of Structure no. 2 - Bogdan Vodă Secondary School in Capu Codrului, in the same courtyard)
Class 0 A – 1/22 children are Roma; Class I A – 0/20 children Roma;	Class 0 A – 13/13 children are Roma; Class I A – 8/8 children are Roma;
Class II A – 2/20 children are Roma; Class III A – 3/18 children are Roma Class IV A – 0/26 children Roma.	Second Class A – 8/8 children are Roma; Class III A – 7/7 children are Roma Class IV A – 8/8 children Roma.

The presented school segregation has negative effects on the children of Țîmpoceni as long as they learn simultaneously, in a single room, cold, without toilets, isolated, in a separate building in the same yard as the Bogdan Vodă School, which has other classrooms where other students learn and where students from Țîmpoceni could be included – the number of students allows this approach.

CADO submitted a complaint at National Council for Combating Segregation demanding that this case to be assessed as educational segregation and a discrimination act, followed by minimum **urgent measures to be implemented** by the public institutions responsible to correct the school segregation:

- the re-formation of classes I-IV so that in all school bodies and in all classes of the same level there is a relatively proportional number of Roma/non-Roma, cf. art. 2 of the Methodology;
- supporting, through additional educational activities, the Roma students to accumulate as quickly as possible the knowledge provided for in the school curriculum for the class in which they are enrolled;
- the preparation of the teachers of the school, especially from the primary education level, in order to acquire inclusive education skills (communication techniques between fellow students, between students and teachers, techniques for strengthening students' self-confidence, etc.);
- concluding and implementing a partnership agreement for monitoring the desegregation and remediation plan with non-governmental organizations active in the field of school desegregation and inclusive education.



Conclusions regarding the diagnosis of school segregation

The data collected allowed a test diagnosis regarding school segregation in Romania and the degree to which it can be evaluated and monitored with the existing institutional resources, in the 11 counties where the approach was carried out. From the total number of schools called for an answer, namely 1387 school units (with primary and secondary cycles) to which the request was sent, 805 schools (58%) responded to the request to provide complete data in the platform specially created by CADO in the project - a similar system IISER, with specific data for monitoring and evaluating school segregation. This fact shows that there is a significant share of schools that do not have the necessary segregation assessment data ready to report.

The step taken to test the monitoring of school segregation showed still existing gaps in the institutional organization of the process, gaps that require a remedy before the effective start of the data collection process for the assessment of school segregation in Romania, through the IISER system. These gaps have been presented and discussed in this report.

The results obtained show that the assumption that schools are already prepared, through the expertise of the human resources they have at their disposal or the expertise of their legal representatives, to play their role in the process of monitoring and diagnosing school segregation, is totally wrong. Discussions initiated with some of the schools on this topic revealed that they do not hold certain data sets (such as data on student ethnicity) or do not know how and where to obtain this data, whether or not it is necessary to hold this data, etc. Otherwise, the schools could make a subjective, and obviously approximate, estimate of all the necessary data categories, but which they were aware might not faithfully represent the reality of the school. The data reporting process is in many cases treated superficially, with this task being delegated to an employee not specialized in this regard (such as the school secretary or a teacher). In general, this process is not perceived to be particularly important, actors in the school do not see major negative consequences if the reports are inaccurate or approximate. **That is why our recommendation is that schools should be informed of the stake of this approach, why it is important and what are the consequences of a faulty transmission of the data needed to monitor and evaluate school segregation.**

Identifying and reporting the data needed to monitor school segregation accurately and honestly is a challenge in itself. Necessarily, school representatives need to understand the mechanism by which it is advisable to identify those characteristics of the students that will form the basis of the evaluation of the level of school segregation. Essentially, each student characteristic provided by the school must be based on an official statement / document reported by the parent/legal guardians (in the case of ethnicity, parental education) or a legal authority (in the

case of children with disabilities, social scholarship file).

It is advisable that this fact be conveyed to all schools so that they have a unified approach in this regard.

More than half (54%) of the responding schools indicate that they have not formally received a description of how data is to be collected in the monitoring process. In reality, the percentage is probably much higher. Our approach has shown that there is some confusion at the school level in identifying the addresses and communications that come distinctly regarding the school segregation monitoring and evaluation process. We make it clear here that the centralization and collection of data, in itself, is a process that requires care and a certain level of professionalism and specialization. **That is why it is necessary to submit a written document, a guide, which indicates, in easy language, how the school can adequately identify the data necessary to monitor the school segregation process.**

One out of three responding schools (33.5%) stated that they did not designate a person specially tasked to participate in the process of monitoring school segregation, to deal with the identification of the necessary data and uploading them to the IISER. Also, the majority of schools (55.9%) did not make administrative decisions (in the school's Board of Directors) regarding the initiation and management of the school segregation monitoring process, and 56.1% of the schools that responded confirmed that the monitoring process of school segregation has not been integrated into the internal managerial control system - recommended stage for organizing the process of monitoring school segregation, collecting the data necessary for its diagnosis. **Consequently, it is advised that the ministry or the school inspectorates elaborate, as a model, a specific internal managerial control procedure that defines the process of collecting the necessary data and monitoring school segregation, to define the responsible persons in the school who manage the process of data collection and transmission and leading to administrative decisions necessary to organize the process at the school level.**

A significant fact revealed by the CADO approach is that 90.5% of the responding schools do not see any negative consequence that would derive from the non-participation of the school unit in the school segregation monitoring process. This result denotes a weak motivation of the school units to treat this approach seriously, to ensure that the data provided corresponds to reality and to consistently monitor the phenomenon of school segregation. The spectrum of consequences, in this case, can take various forms:

- 1) as a reaction of the local beneficiaries of school services, of the parents,
- 2) as a reaction from the hierarchical layers above the school - such as the School Inspectorate, Ministry
- 3) as a reaction from the local authority who could also play a role in this process by having representatives on the school's Board of Directors.

But what remains is that formal sanctions established specifically for refusing to participate in this process do not exist. The most normal thing would be for school representatives to understand the background of this approach, its usefulness, and to participate out of conviction in the process of monitoring and evaluating school segregation - not as an imposition. In fact, school desegregation efforts represent a means of developing the quality of the services provided in the school and more adequately fulfilling the mission assumed by the school. The discussions engaged in the field visits reflect, however, that the schools do not adequately understand the positive stake of this approach, which they consider rather a bureaucratic exercise that must be done: a kind of form without substance. **That is why we believe it is important that school representatives are trained and explained to them the stakes of school segregation, why, after all, it is important to provide desegregated education, for all students regardless of their social origin and for society as a whole.** It is desirable to promote among schools and parents the fact that desegregated education benefits not only disadvantaged students - and this approach is not only one that responds to some desires related to social justice (this is right, like every child, regardless of the social context of origin, to have an equal chance to receive the same quality of educational services) - but it is also an approach that contributes to sustainable social well-being, economic development and a more favorable socio-economic context for all members of the community.

The answers given by the schools indicate that most of them are little prepared to start and manage the process of monitoring school segregation and, implicitly, to adequately collect relevant data (necessary preliminary stage). In 66.5% of the school units that responded to the CADO questions, there is no sheet or standardized questionnaire prepared for use at the school level, although this would be necessary; 61.3% of schools report that it is not clear to them how they will report the collected data; 86.9% have not established a working protocol with parents/guardians for the collection of this data and 70.3% declare that they have not collected the data necessary to characterize the phenomenon of school segregation. The protocol with parents is, for example, a necessary step to obtain their consent for the provision of personal data. **It would be advisable, in this sense, for the Ministry of Education to also initiate the creation of a practical guide that would show each school how it can properly manage the data identification process, its collection, centralization, transmission and the significance/importance of this approach. It would be useful if this guide also contained a set of tools to use, such as a questionnaire or sheet in which to note the characteristics of each student according to the order of the Ministry of Education for monitoring school segregation.** A unified approach is needed, at the level of the educational system, so that each school can adequately provide data relevant to the monitoring and evaluation of school segregation.

The results also showed us that:

- seven out of ten schools that responded to the CADO request (68.1%) did not receive a written guide to guide them in organizing the school segregation monitoring process;
- in nine out of ten cases (89.5%) the representatives of school units did not participate in specific training/information regarding the process;
- in 66.7% of the schools that answered the CADO questions, the indicators used to evaluate school segregation and their calculation method are not known (aspects described, moreover, in the Order of the Romanian Ministry of Education no. 5633/2019 for the approval of the Methodology for monitoring school segregation in pre-university education).

In this situation, it is imperative that representatives, employees or collaborators from each school participate in a training process in which they understand how to collect data relevant to the monitoring of school segregation, how this process will take place, the relevant legal framework, how namely, the calculation of school segregation scores will take place and what will be their significance.

In order to ensure adequate management of the provision of educational services in the school unit it is necessary to collect such data regarding students. Approximately 60% of the schools declare that they do not have employees within the school unit participating in specialized training courses in the management of personal data; 36.6% of the schools do not have a school-level procedure for respecting the personal data regime and 47 schools, representing 7.1% of the total of those who responded, declare that no personal data is collected within them (unlikely fact).

The key challenge of the process of monitoring and evaluating school segregation, however, remains the fact that the diagnosis is based on data that is identified, collected, centralized and provided by the representatives of the school unit. Practically, without an external control filter, the approach is based solely on the competence, good faith and honesty of the school representatives providing this data. Without starting from the presumptions of bad intention or incompetence, it is still necessary to establish an additional mechanism to ensure the quality of data provided by school units through various possible mechanisms such as:

- a) the availability of declarations made by the parents regarding the observed characteristics (ethnicity, level of education) or of documents attesting to certain characteristics (social scholarship file, disability file);
- b) increasing the capacity of schools to manage data identification and reporting (standard data collection procedure, orientation guide, data collection tools – questionnaire, training of school representatives, etc.);
- c) the establishment of incentive mechanisms for assuming responsibility in this process.

Of the schools that reported data - 805 schools - 62% were from urban areas and 55% from rural areas. Regarding the diagnosis of school segregation, a number of 285 of the schools that answered (35.4%) register, according to the data submitted, at least one form of segregation.

In addition to the provisions of the methodology assumed by the ministry, two other criteria were added to the CADO approach according to which the school segregation of students was evaluated:

- 1) non-participation in at least 80% of the online courses organized during the pandemic and
- 2) the need for education remedial of the student.

The results confirm the basis of this decision, there is a significant number of schools where there are signs of school segregation of students with remedial educational needs. The study found that the need for remedial

Thus, **if we refer only to segregation in classes**, we could find that:

- **the ethnic criteria, parents' education and the need for remedial education produce the most situations of school segregation;**
- the intermediate level is represented by the situations of non-participation of at least 80% in the online courses held during the suspension of school courses during the pandemic or the characteristic of being a beneficiary of a social scholarship;
- and the third tier as frequency of segregation is represented by repetition and disability.

Signals of ethnic segregation by class were found at a very high level because in 83 schools, which represent 66.4% of the total of 125 schools that have at least 3% Roma students and at least one educational level with at least two classes, there is a disproportionate allocation of at least 10% of students in a certain class in relation to the percentage of Roma students at the educational level in which the class is organized.

The study identified a share of 43.8% of schools (among those that have at least two classes at, at least, one educational level) where there is a disproportionate allocation of at least 10% of students in a certain class in relation to the percentage of students whose parents they have at most 8 classes from the educational level in which the class is organized. The share of schools that have signs of segregation in classes, depending on the share of students receiving social scholarship (27.5%), the share of students who did not participate in at least 80% of the online courses held during the suspension of school courses during the pandemic, also raises concern (30.5%), of students in school repetition (17.7%) or students with disabilities (7.9%).

The separate analysis, only at the level of buildings, shows us that the most frequent situations of segregation are again determined by ethnicity (27.4% raise signals of this type of segregation), the level of parents' education (19.4%), respectively the criterion of social scholarships (8.9%). School segregation in buildings, according to

education is significantly unevenly distributed, it seems, in different classes in numerous school structures - 43.1% of schools (of those that have at least two classes at least one educational level) have an allocation disproportionate of at least 10% of the students in a particular class in relation to the students who require remedial education. **In this framework, it would be advisable to include in the list of school segregation criteria the one that captures the student's need for remedial education.**

The results also show that there is consistent variation in school segregation defined according to different criteria and in different school settings. Thus, **classrooms are more common spaces of school segregation than buildings** - a fact perhaps understandable since there are fewer situations in which there are several buildings in the school compared to situations in which we encounter several classes.

disability, was reported very rarely, in 1% of cases.

The majority of schools, almost four in ten (37.9%), say that pupils are allocated to preparatory level classes randomly, as in a lottery, so that teachers or parents have had no influence on their child's allocation in a certain class. A share of 2% of the schools declare that, however, students are distributed in classes according to the parents' preference for a certain teacher and 0.1% according to the teacher's preference. A significant share of schools did not provide any response (37.4%) to CADO's request to specify how children are assigned to classes.

The school visits and the investigations carried out as part of the project found that the CSIs do not check with priority how the schools organize the distribution of students in the preparatory classes, this being, as a rule, a decision of the school. There were recommendations from some County Inspectorates (Timiș, Bucharest) for the distribution of students in classes to be done randomly or in alphabetical order, so that parents and teachers could no longer influence the space and class where the child is assigned. There are also situations in other counties where the random allocation of students to classes is practiced, in part. **In this context, our recommendation is that the random allocation of students to classes (where there are several classes at the educational level) be regulated as a mandatory practice to be followed specified as such in the Methodology for enrolling children in primary education.**

Recommendations

Recommendations addressed to the Ministry of Education

- The inclusion in the primary legislation, even in the education law, of the assumption by Romania of the principal of school non-segregation as a way of organizing school education and of the explicit prohibition of the organization of school education in a segregated form;
- The development of a model of internal managerial control procedure recommended for school units that describes and defines, at least: 1) the stages of the process of collecting the necessary data and monitoring school segregation, 2) the type of data to be collected and the method of collection of them, 3) the school officials who manage the data collection and transmission process 4) the type of administrative decisions necessary to organize the school segregation monitoring process at the school level;
- Facilitating the participation of Romanian school representatives in information sessions to explain the stakes of school segregation: why it is important to provide desegregated education both for all students, regardless of their social origin, and for society as a whole;
- The organization of training and training opportunities for representatives of school units to present the way in which the process of identifying the data necessary to monitor school segregation, their collection, centralization, transmission and the finality of this endeavor must be adequately managed. In this process, it must be explained very well how to collect data relevant to the monitoring of school segregation, how this process will take place, the relevant legal framework, how the calculation of school segregation scores will take place and what will be their meaning and use;
- Facilitating access for Romanian school representatives to a set of tools to be used in the data collection process, such as a questionnaire or sheet in which to identify the characteristics of each student according to the order of the Ministry of Education for monitoring school segregation and indications for using these tools;
- The adoption of directives for school units so that the data collected in the process of monitoring and evaluating school segregation at the level of each school respects the regime of personal data, specifically the personal data collected are secured and possibly even anonymized. The agreement of the providers of personal data (parents) must exist and confirm that the consented information on legal rights has been achieved. It is important that the school has effective mechanisms to preserve the confidentiality of the data obtained;
- Steps to support the random allocation of students in preparatory classes (where there are several classes at the educational level), this procedure should become a current practice in the process of enrolling children in primary education;
- Stimulating collaboration between school units, school inspectorates and other civil society associations or organizations to act preventively and responsibly to combat and prevent the phenomena of school segregation.

Specific recommendations addressed to school inspectorates

- Facilitating the adoption within each school of a specific internal managerial control procedure that will define the process of collecting the necessary data and monitoring school segregation, define the responsible persons in the school who will manage the process of data collection and transmission and that will lead to administrative decisions necessary to organize the process at the level of each school.
- Initiating steps to prepare schools for the data collection process necessary to monitor and combat school segregation by explaining the stakes of this process, its school and social implications;
- Promoting the random allocation of students in preparatory classes (where there are several classes at the educational level) so that it becomes a current practice in the process of enrolling children in primary education.
- Facilitating the participation of representatives of school units in the county in training and training for the adequate management of the process of identifying the data necessary for monitoring school segregation, their collection, centralization, transmission and the significance/importance of this endeavor.
- The adoption of measures to promote at the level of each school the appropriate application of the provisions of the personal data regime. The agreement of the providers of personal data (parents) must exist and confirm that the consented information on legal rights has been achieved. It is important that the school has effective mechanisms to keep the data obtained confidential.

- Initiating proactive steps to involve all relevant factors in the process of combating the phenomenon of school segregation - experts, civil society organizations, public authorities, etc.

Specific recommendations addressed to school units

- Stimulating the adoption within school units of a specific internal managerial control procedure that will define the process of collecting the necessary data and monitoring school segregation, define the school officials who will manage the process of data collection and transmission and that will lead to administrative decisions necessary to organize the process at the school level;
- School representatives to participate in training sessions to explain the stakes of school segregation, why, after all, it is important to provide desegregated education, for all students regardless of their social origin and for society as a whole;
- The participation of school representatives in training and training for the adequate management of the process of identifying the data necessary to monitor school segregation, their collection, centralization, transmission and the significance/importance of this endeavor. In this process, it is necessary to understand very well the way of collecting data relevant to the monitoring of school segregation, the way in which this process will take place, the relevant legal framework, how the calculation of school segregation scores will take place and what will be their significance;
- Taking steps to identify and access a set of tools to be used in the data collection process, such as a questionnaire or sheet in which to note the characteristics of each student according to the order of the Ministry of Education for monitoring school segregation;
- At the level of each school, it is recommended that the storage of personal data be secured and possibly even anonymized. The agreement of the providers of personal data (parents) must exist and confirm that the consented information on legal rights has been achieved. It is important that the school has effective mechanisms to preserve the confidentiality of the data obtained;
- It is advisable that the random allocation of students in preparatory classes (where there are several classes at the educational level) become a current practice in the process of enrolling children in primary education
- Schools should initiate a proactive process of collaboration with the School Inspectorate and other civil society associations or organizations to act preventively and responsibly to combat and prevent the phenomena of school segregation.

Specific recommendations regarding the Methodology of enrolling children in primary education

The recommendations detailed below were already sent by CADO to the Ministry of Education before the publication of the Methodology for enrolling children in primary education for the school year 2021-2022, but the Ministry did not consider these recommendations, maintaining the risk of segregation for vulnerable pupils right from the beginning of their school journey.

CADO believes that the recommendations submitted could have drastically reduce the risk of segregation of these students from the early stage, which would have increased the chances of an inclusive educational environment and, at the same time, avoided future desegregation actions which would require higher number of human, financial and material resources

The recommendations were developed from the perspective of harmonizing the Methodology for enrolling children in primary education for the 2021-2022 school year with the provisions and monitoring indicators provided by the School Segregation Monitoring Methodology.

The proposals advanced here will ensure the framework and elements necessary to prevent school segregation at the level of the preparatory class (but also in the case of other educational levels, in the perspective of the following years) on the basis of ethnicity, disability or special educational requirements, on the basis of the socio-economic status of families, of the residential environment and of the school performance of the primary beneficiaries of education.

The proposals of the signatory organizations are as follows:

- ***The introduction within the Methodology of enrolling children in primary education, in the form of an annex, of a single standard Application (at the national level) for enrolling in the preparatory class that includes the minimum mandatory information for all educational units;***
- ***The inclusion in the single-type Application (at the national level) of enrolling in the preparatory class of a separate field in which parents are asked for data on the level of formal education they have - information that represents an indicator distinctly appropriate monitoring School Segregation Monitoring Methodology;***

About 30% of the monitored schools did not provide data on the level of formal education of the parents. Also, during the school visits, it was found that 100% of the schools that did not provide data on the level of education of the parents, stated that they could not provide this data, because the registration form application or other official request documents on students (including IISER) does not request this type of information. At the same time, the schools that provided this data mentioned that it was collected through various methods, such as during meetings with parents, questionnaires or student profile sheets (without there being, therefore, a standard, common procedure of identification of this data). The introduction of this data **request in the single-type request (at the national level) for enrollment in the preparatory class** will allow both the standardization of the collection of this type of data and the use of this information in the school management of the enrollment in the preparatory class of students for the fair distribution of students (in weights similar in school facilities such as school structures, buildings, classrooms, benches) including depending on the level of education of the parents. This measure will prevent the segregation of students in preparatory classes based on socio - economic criteria by invoking the reason of ignorance of these data by those who participate in the process of setting up learning facilities (school structures, buildings, classrooms, benches) for students in the preparatory class. This desire comes in the spirit and intention of the Order of the Minister of National Education no. 6134/2016 regarding the prohibition of school segregation in pre-university education units.

- ***The request in the single-type Application (at the national level) for enrollment in the preparatory class of the information if the child who will be enrolled comes from the institutionalized protection system or is in foster care, which represents a monitoring indicator according to the School Segregation Monitoring Methodology;***

This measure is necessary to prevent the segregation of students in preparatory classes based on the criteria regarding the students' residence environment due to the ignorance of these data by those who participate in the process of setting up the preparatory classes.

- ***In the single-type Application (at the national level) for enrollment in the preparatory class for information on the family's income level with the insertion of options on the income level;***

The data obtained from visiting the schools showed that the family income data are used by the educational units to identify the beneficiaries of social scholarships, these data being requested after the formation of the preparatory classes in order to prepare the respective files. Thus, the segregation on the socio-economic criterion can be achieved accidentally due to obtaining the information post formation of classes and not ante. Therefore, it is necessary to request this information through the registration-type application with variants regarding the minimum and maximum thresholds, one of the variants including the information used to obtain the social scholarship.

- ***The request in the single-type Application (at the national level) for enrollment in the preparatory class for information on ethnicity, which represents a monitoring indicator according to the School Segregation Monitoring Methodology, as a distinct, explicit option in the nationality section;***

During the monitoring, some schools stated that they cannot collect data on ethnicity because according to the standardized enrollment form only nationality is requested (which, in the common understanding, does not overlap with ethnicity in all cases). To clarify the confusion regarding this section, we request the introduction of ethnicity alongside nationality as an alternative and complementary option regarding the student's origin. This request is in accordance with art. 2 of the Governmental Ordinance 137/2000 on the prevention and sanctioning of all forms of discrimination which provides for the prohibition of discrimination both on the basis of nationality and ethnicity, illustrating the difference and independence of the two notions⁵.

- ***The introduction of provisions in the Educational Contract to regulate the agreement of parents regarding the collection, processing and storage of personal data, including explicit reference to the types of information and data mentioned above, necessary for the monitoring and evaluation of school segregation;***

According to the data obtained, 86.9% stated that there is **NO** protocol signed with the parents/guardians in order to collect the necessary data including in the process of monitoring school segregation (as would be advisable). The collection and processing of personal data, especially those considered sensitive data, such as nationality and ethnicity, without prior information of the legal representatives of the students regarding the purpose of the collection and written consent, represent serious violations of the provisions of Law 677/2001 for the protection persons regarding the processing of personal data and the free movement of such data⁶.

- ***The introduction into the school constituencies of all schools in the immediate vicinity (maximum distance 2 km) of the illegally improvised communities to avoid the refusal to enroll school-age children who do not have their residence in the respective school constituencies. This provision will prevent children from such communities from being enrolled in only one school and/or in separate classes.***

In urban areas, where there are illegally improvised Roma communities, only some schools accepted the enrollment of students who came from these communities, some not being in the immediate vicinity of the community. The main

argument used by the schools in the proximity of the communities regarding the non-acceptance of students is the lack of domicile of the legal representatives in their constituency. The explanation comes from the lack of domicile and the location per se of the communities, which most of the time are not in the residential areas of the cities, they do not have streets and numbers, which makes it impossible to obtain domicile in that area. Most of the members who hold identity documents are domiciled in other neighborhoods or even towns, even if they have lived in that community for a long time. I mentioned that in some schools that accepted the enrollment of students from these communities, cases of class segregation based on ethnic or socio-economic criteria were identified⁷.

Therefore, in order to avoid segregation per school units or per classes on the two criteria mentioned above, we recommend the introduction of illegally constituted communities **in the school districts of all schools in the immediate vicinity (maximum distance 2 km)** for the distribution of school-age children equally and not merging them into a certain school.

- **Compulsory registration of school-aged children who do not have a birth certificate;**

Bringing the new enrollment methodology into line with art 16 (4) of the amended Law 1/2011 on national education which provides that: In order to ensure access to compulsory general education provided for in paragraph (1), pre-university education units have the obligation to enroll people who do not have a personal numerical code.

Also, in 2021, the joint order of the Ministry of Internal Affairs no. 165/2021 and of the Ministry of Education no. 3.080/2022, published today in the Official Gazette no. 132, by which the methodological rules for the application of this measure are established which regulate that enrollment in the education system in Romania can be done on the basis of the identification data declared by the parent or legal representative of the minor, such as: surname and first name; the declared date and place of birth of the minor for whom registration is requested; the surname and first name of the parents or, as the case may be, the surname and first name of the legal representative, as well as the domicile of the minor.

- **Maintaining the obligation for educational units to distribute students enrolled in classes (where there are several classes per educational level) will be carried out only after the completion of the registration process and the standardization of the method of assigning students to preparatory classes, in order to avoid the segregation of students by class on different criteria.**

According to the results of the investigation of cases of segregation reported by class regarding ethnic criteria or socio-economic status, CADO found that the main argument used by school units is the late enrollment of students of Roma ethnicity or with a low socio-economic status (stage II) after the formation of the preparatory classes, a fact that clearly shows the ignorance of the regulations of the registration methodology which does not provide that the distribution by classes is done chronologically according to the stages of registration.

Another problem reported is that the County School Inspectorates, according to the registration methodologies of the last two years, can choose the method of forming the formations of students in the preparatory class, which leads to various methods that differ from county to county, such as the use of the algorithm of assigning students in alphabetical order or drawing lots of students per class. While the alphabetical algorithm method is verifiable, we draw attention to the fact that the lottery method maintains the risk of non-transparency and discrimination because there is no clear methodology for verifying the fairness of the process. Due to the lack of uniformity in the method of constituting the preparatory classes at the national level and the possible risks of segregation, we propose the introduction of the following regulation:

The formation of student formations in the preparatory class is done after the completion of the entire registration process, according to the Calendar, by using the algorithm for distributing students in alphabetical order, respecting the criteria of transparency, equity, non-discrimination and inclusion.

- **The introduction of the obligation to assign teachers to the formations of students in the established preparatory class, by drawing lots.**

To reduce the risk of segregation per class depending on the teaching staff assigned to the preparatory class, we recommend an objective method of designation such as drawing lots.

All the proposals presented herein are in line with the spirit and intention of the Order of the Minister of National Education no. 6134/2016 regarding the prohibition of school segregation in pre-university education units, as well as with the regulations specified within the National Education Law no. 1/2011, with subsequent amendments and completions.

⁵ **Art 2(1)** According to this ordinance, discrimination means any difference, exclusion, restriction or preference based on race, **nationality** , **ethnicity** , language, religion, social category, beliefs, sex, sexual orientation, age, disability, disease chronic non-contagious, HIV infection, belonging to a disadvantaged category, as well as any other criterion that has the purpose or effect of restricting, removing the recognition, use or exercise, under equal conditions, of human rights and fundamental freedoms or rights recognized by law , in the political, economic, social and cultural field or in any other fields of public life. Published in the OFFICIAL MONITOR no. 166 of March 7, 2014.

⁶ **Art 5(1)** Any processing of personal data, with the exception of processing aimed at data from the categories mentioned in art. 7 para. (1), art. 8 and 10, can only be carried out if the data subject has expressly and unequivocally consented to that processing.

Art 7(1) The processing of personal data related to racial or ethnic origin, political, religious, philosophical or similar beliefs, trade union membership, as well as personal data regarding health or sexual life is prohibited. (2) The provisions of para. (1) does not apply in the following cases:

- a) when the data subject has expressly consented to such processing;
- b) when processing is necessary for the purposes of carrying out the specific obligations and exercising specific rights of the controller in the field of employment law, with due regard to the guarantees laid down by law; any disclosure to a third party of the processed data may only be made if there is a legal obligation on the controller to do so or if the data subject has given express consent to such disclosure;
- c) when processing is necessary to protect the vital interests of the data subject or of another person, in case the data subject is physically or legally incapable of giving consent;
- d) when processing is carried out in the course of its legitimate activities by a foundation, association or any other not-for-profit organization with a political, philosophical, religious or trade union aim, provided that the data subject is a member of that organization or has regular contact with it in connection with its specific activities and that the data are not disclosed to third parties without the data subject's consent;
- e) when processing relates to data which are manifestly made public by the data subject;
- f) when processing is necessary for the establishment, exercise or defense of a legal claim;
- g) when processing is necessary for reasons of preventive medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services on the basis of Union or Member State law or pursuant to contract with a health professional and subject to the conditions and safeguards referred to in paragraph 3;
- h) when the law provides for this explicitly for the purpose of protecting an important public interest, provided that the processing is carried out with respect for the rights of the data subject and the other guarantees laid down in this law.

⁷ As the present report shows

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