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Equal Access to Quality Education For Roma

Slovakia
Update 2008

Prepared by Mirka Hapalova, Človek v tisni;
Stano Daniel, Roma Public Policy Institute

Monitoring report

2008



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1. Summary

The purpose of this study is to update the EUMAP's (EU Monitoring and Advocacy Programme of the Open Society Institute) report Equal Access to Quality Education for Roma, (hereafter EAQER) published in December 2007.¹ In September 2008 the new Act 245/2008 Z.z. on Education (hereafter School Act),² which initiated the reform of the educational system, has been in force in Slovakia. This report focuses on the impact of this reform on education for Roma and examines the participation of civil society in preparing this school reform and their actions since the launch of the EAQER report.

The long-awaited reform of the school system does not appear to promote significant changes for Roma children; rather it summarizes existing documents and conceptions.³ Even though the real impact of the reform will be evident only after several years, the new School Act and the associated legal regulations brought some new partial measures. Among the most positive aspects of the reform are the flat abolishment of fees for the last year of pre-school attendance for all and a prohibition of all forms of discrimination including segregation in education. On the other hand, the reform retains and actually broadens the opportunities to place Roma children into separate classes on the basis of social disadvantage, it preserves the duplicated system of pedagogical-psychological counselling, which provides space for biased diagnostics in placing children into special schools, and does not form conditions for preferring individual integration of pupils with special educational needs.

Non-governmental organisations (NGOs) are deeply concerned about the changes in the school system and there were several efforts to modify the act as well as to intervene in the process of the school reform. However the effort as a whole resulted only in small scattered success.

Education of Roma is therefore still not addressed by the law and brought into the system in a way that the law would ensure equal access of Roma children to quality education. Therefore several NGOs expressed their will to continue their advocacy efforts in this respect. The authors of this report believe that the EAQER update together with monitoring of NGO past, current as well as planned future activities could serve as a stable foundation for such actions.

2. Access to Education

Several research studies conducted in the past repeatedly pointed at an unequal access of Roma children to quality and adequate education⁴. Children's school results are highly dependent on their socio-economical background,⁵ which implies that the educational system did not follow

¹ Equal Access to Quality Education for Roma, EU Monitoring and Advocacy Program of the Open Society Institute; 2007; available at

http://www.eumap.org/topics/minority/reports/roma_education/reports/ [10.12.2008].

² Act 245/2008 Z.z. on education (School Act) and on modifications and amendments of some other acts, available [in Slovak] at: http://www.minedu.sk/data/USERDATA/Legislativa/Zakony/2008_245.pdf [5.12.2008].

³ Opinions of several experts (from non-governmental organisations, National Institute for Education) interviewed as part of the present research.

⁴ Equal Access to Quality Education for Roma, EUMAP, 2007; Krieglervová, E.: Dopad opatrení zameraných na zlepšenie situácie rómskych detí vo vzdelávaní [Impact of Measures Aimed on Improving of the Situation of Roma Children in Education], SGI, 2006, available [in Slovak] at www.cvek.sk/uploaded/files/Microsoft%20Word%20-%20dopad_vzdelavanie_Romovia.pdf [10.12.2008]; Stále segregovaní, stále v nerovnom postavení [Still Segregated, Still Unequal], Amnesty International, 2007, available at:

http://www.amnesty.sk/article_files/AI_SK_Sprava_vzdelavanie_na_Slovensku.pdf [10.12.2008]; a ďalšie

⁵ PISA SK 2003 – National report. 2004. Bratislava: ŠPÚ, 2004

the requirement of providing education to all according to their abilities and did not secure social equality in education.

2.1 Data Collection

As noted in the 2007 EAQER report, according to Act 428/2002 on the protection of personal data, it is forbidden to process personal data that will reveal racial or ethnic background, political view, religion, membership in political parties, or data regarding health and sexual life.⁶

However statistical data disaggregated by ethnicity are considered to be very important by civil society. Many groups support the collection of ethnic data, which would allow for better prepared and better targeted programs for Roma in all fields, would make evaluation of programs much more effective and help to get a clear picture of the current state of so-called Roma issues in all spheres of life.

The School Act, along with other legislation, does not address measures targeting Roma directly, but instead uses the proxy of “material disadvantage” (see section 3 below). However, the disadvantages faced by Roma in many spheres, including education, are often not determined by their material conditions; therefore the targeting of disadvantage through the system of social support is not sufficient. Problems often come from the attitude of the majority population towards Roma. Therefore, social data cannot provide a complete picture, and ethnic data are needed for adequate monitoring in education.

In the 2008 the United Nations Development Programme (UNDP) in Bratislava published a study on the collection of ethnic data - Ethnicity as a statistical indicator in monitoring living conditions and discrimination, Analytic report and recommendations for the Slovak Republic.⁷ In this report the authors stipulate that the prohibition on the collection of ethnic data in Slovakia is not absolute, because the Act on protection of personal data⁸ grants exceptions when this prohibition does not apply. This issue was previously highlighted in the 2007 EAQER report, which noted that that the prohibition on the collection of ethnic data given in European legislation does not apply in this case. European legislation does not directly prohibit ethnic data collection, but distinguishes between individually identifying personal data and collective data. Statistics, according to the Council of Europe, are not personal data, as they cannot be linked to individually identified person.⁹

Both above mentioned publications supported the ongoing discussion about the need of collection of data disaggregated by ethnicity. On 7 April 2008 there was an open discussion between civil society and representatives of state bodies dealing with data collection under the patronage of Committee of the National Council of the Slovak Republic for Human Rights, Minorities and Status of Women.

⁶ Act 428/2002 Z.z. on protection of personal data, available [in Slovak] at www.zbierka.sk/zz/predpisy/default.aspx?PredpisID=16630&FileName=02-z428&Rocnik=2002 [5.12.2008]

⁷ Daniel Škobla, Tadas Leončikas, Martina Štěpánková, *Etnicita ako štatistický ukazovateľ pri monitorovaní životných podmienok a diskriminácie* (Ethnicity as a Statistical Indicator in Monitoring of Living Conditions and Discrimination). UNDP, 2008, available at <http://europeandcis.undp.org/home/show/01DAD0CB-F203-1EE9-BAC00FE726EF57CE> (hereafter, D. Škobla et al., *Ethnicity as a Statistical Indicator*)

⁸ Act 428/2002 Z.z. on protection of personal data, available [in Slovak] at www.zbierka.sk/zz/predpisy/default.aspx?PredpisID=16630&FileName=02-z428&Rocnik=2002 [5.12.2008]

⁹ Equal Access to Quality Education for Roma, EU Monitoring and Advocacy Program of the Open Society Institute; 2007; page 43; available at http://www.eumap.org/topics/minority/reports/roma_education/reports/ [10.12.2008]

The most significant result of the discussion was Resolution 133 of the Committee from the 31st meeting on April 30, 2008,¹⁰ on the issue of collection of ethnic data, where the Committee declares the need to collect ethnic data to formulate targeted and addressed policies and programs, to evaluate them as well as to eliminate cases of indirect discrimination and the necessity of keeping all democratic requirements demanded by protection of personal data in collecting of ethnic data. The Committee further gives tasks to the Deputy Prime Minister:

- to financially support the work of the Working Group to Prepare the Indicators of Ethnicity and Methods of Measuring in the Field of Human Rights, which was established at the Slovak National Centre for Human Rights in cooperation with the UN Development Program, with the objective to conduct a representative empirical research to verify the proposed indicators in the field of equal treatment focused on ethnic groups;
- to establish a multidisciplinary working group to design the basics for the national conception of ethnic data collection;
- to inform the Committee of the National Council of the SR for Human Rights, Minorities and Status of Women about proposals in the points B1 and B2 [points 1 and 2 above] until September 1, 2008.¹¹

In his response from August 26, 2008¹² the Deputy Prime Minister explained that he does not have his own budget he could devote to task B1 and lists the areas his office can financially support according to the regulations administering their budget. The Deputy Prime Minister further suggests that the group should apply for a grant within the governmental Action plan to prevent all forms of discrimination, racism, xenophobia and other demonstrations of intolerance for years 2006 - 2008,¹³ with the deadline on 2 September 2008.

Regarding task B2, the Deputy Prime Minister stated that as the ongoing activities of the working group at the Centre [for Human Rights] were verified, he proposed to the director that the group should include more members from the Office of the Government, Ministry of Construction and Regional Development, Ministry of Healthcare, Ministry of Interior, non-governmental organisations dealing with Roma issues, Information Office of the Council of Europe and Representation of the European Commission in Slovakia in order to give the group a multidisciplinary dimension. The Deputy Prime Minister also proposed that this group should focus on the preparation of the conception of ethnic data collection.

The Deputy Prime Minister further reported that on 23 October 2008, the Plenipotentiary for Roma Communities Anina Botošová (hereafter, the Plenipotentiary) and the director of the Regional Centre of the UNDP Ben Slay signed a Memorandum of Understanding which creates a framework for cooperation in the field of collection, analysis and distribution of data linked to the living conditions of Roma communities in Slovakia. This memorandum was signed for 5 years. However, so far, no activities implementing the Memorandum by the Office of the Plenipotentiary and the UNDP were reported.

¹⁰Committee of the National Council of the Slovak Republic for Human Rights, Minorities and Status of Women, Decree 133 from April 30, 2008; available [in Slovak] at <http://www.nrsr.sk/appbin/xweb/VyboryNR%5Clnz%5CUznesenia/31.%20sch%C3%B4dza%2030.%2004.%202008/Uznesenie%20LPNZ%20133.doc> (hereafter, Committee of the National Council of the Slovak Republic for Human Rights, Minorities and Status of Women, Decree 133).

¹¹ Committee of the National Council of the Slovak Republic for Human Rights, Minorities and Status of Women, Decree 133 from April 30, 2008; available [in Slovak] at <http://www.nrsr.sk/appbin/xweb/VyboryNR%5Clnz%5CUznesenia/31.%20sch%C3%B4dza%2030.%2004.%202008/Uznesenie%20LPNZ%20133.doc> [5.12.2008].

¹²Letter from the Deputy Prime Minister Dusan Caplovic to the Chairman of the Committee of the NC SR for Human Rights, Minorities and Status of Women, August 26, 2008; reg. nr. 4662/2008/SLPM

¹³ This Action Plan was developed in accordance with the declaration of the second UN Decade for Education on Human Rights for the period 2005 - 2014 on 59th UN General Assembly as well as with the commitments arising from membership in the EU and other international organizations.

The Plenipotentiary in cooperation with the Statistical Office, other professionally related institutions of public and state administration and other institutions assigned the task of statistical collection of data to the Statistical Office in order to gain objective information about the number of Roma settlements and situation in these settlements, and the level of integration/segregation of Roma in particular municipalities. This data collection will be a part of the Programme of State Statistic Surveys approved for the years 2008-2010, which will be issued in the Law Collection of the Slovak Republic. The reporting obligation to fill in the statistical form will be given to the municipality, which has the responsibility to do so by article 18 of the act 540/2001 on State Statistics.¹⁴

As mentioned in the 2007 EAQER report, detailed data on the category of children from a socially disadvantaged environment, which is in practice used as a proxy for the term “Roma children”, is not available. The Institute of Information and Prognosis of Schooling at the Ministry of Education continuously collects only official data about the number of pupils from a socially disadvantaged environment that did not finish the school year, but does not collect data on the total number of these children.¹⁵ The detailed analysis of the situation of children from a socially disadvantaged environment in the primary and secondary education is being prepared by the Roma Education Centre, which is part of the Methodical Centre in Prešov.¹⁶ This analysis will have a similar extent to the research report published by the centre in 2006, which still serves as the resource for governmental conceptions¹⁷ and many institutions use it as the basic source of information about the Roma children in the Slovak education system¹⁸. The new publication should be available in the beginning of 2009.

The implementation of the so-called Central Register, part of which will be the register of schools and school facilities and the register of pupils, should be a step forward in the availability of data on children from a socially disadvantaged environment. The new School Act obliges schools to keep a register of children, pupils and students, within which and apart from other data about the children, the schools will also list the number of pupils with special educational needs according to educational programmes.¹⁹ Selected data from school registers will be collected in the regional registry and later in the Central Register at the Ministry of Education. The detailed structure of the registry of children, pupils and students in the database should be designed by the Ministry of Education during 2009 and according to the information from the Ministry it should include data about pupils’ special educational needs.²⁰

2.2 Enrolment data

The statistics reviewed in the EAQER report published in 2007 served mainly as illustrative figures. There is no up-to-date statistics available for comparison at this time. Since 2007, no change in collecting Roma-specific statistics was made, and these data are still collected by estimates, or informally by ascribed ethnicity. Several non-governmental studies are currently

¹⁴ Letter from the Deputy Prime Minister Dusan Caplovic to the Chairman of the Committee of the NC SR for Human Rights, Minorities and Status of Women, August 26, 2008; reg. nr. 4662/2008/SLPM

¹⁵ Ing. Čambalová, Institute of Information and Prognosis of Schooling, email communication, 28.7.2008

¹⁶ Methodical Centre ROCEPO - PaedDr. Viera Šándorová, interviewed on November 27, 2008

¹⁷ e.g. Konceptcia integrovaného vzdelávania rómskych detí a žiakov, vrátane rozvoja stredoškolského a vysokoškolského vzdelávania [Conception of Integrated Education of Roma Children and Pupils, Including the Development of High School and University Education; approved by the Decree of the Government 206 from April 2, 2008; available [in Slovak] at:

http://www.minedu.sk/data/USERDATA/RegionalneSkolstvo/VaVNM/MZCHVaVNM/Koncepcia_RD.pdf

¹⁸ Office of the Plenipotentiary of the Government for Roma Communities, PhDr. Marta Šikrová, interviewed on December 10, 2008.

¹⁹ School Act, § 158.

²⁰ Interview with Katarína Ondrášová, Ministry of Education, 22 December 2008.

underway, but any data collected unofficially/informally will not be accepted by the government in evaluating school practices unless the government is directly involved in the data collection.

2.3 Retention and completion

Changes in the statistical collection of data should also influence the availability of data about school results, school success and completion (also dropping out without finishing the full basic, so-called lower education).²¹ As the data of such character have not been available so far, this will allow a more detailed monitoring of the access of part of Roma children (children from a socially disadvantaged environment) to education, as well as the evaluation of governmental policies towards these children.

2.4 Types and extent of segregation

The new School Act, apart from the prohibition of segregation, does not involve any further references to desegregation or integration policies or programmes. Expectations were raised when the government defined solving the problems of marginalised Roma communities as one of the horizontal priorities in using the EU structural funds.²² However, no particular programmes in segregation in education (as well as in other areas) were designed so far, which has been often criticised by non-governmental organizations.

In the 2007 report, EUMAP outlined various types of segregation in practice; many other organisations and initiatives also revealed segregation in schools. Regardless of this fact, the new School Act does not tackle the phenomenon of segregation. The Act still permits the existence of all kinds of segregated education for Roma – a high number of Roma in special schools, Roma-only schools, Roma-only classes at mixed schools or segregation in extracurricular activities.

The prohibition of segregation is a very important step, but alone it is not sufficient. As mentioned before, currently there is no definition of segregation. Also there are no general data available about its extent in practice. Unless segregation is clearly defined and the methodology and models of integration are designed, schools will still have too many options to segregate Roma children in education under various pretexts, including meeting special educational needs, or creating a specialised curriculum for children with special educational needs.

2.4.1 Segregated pre-schools and schools

The school reform not only fails to deal with the problem of establishment of segregated schools (pre-schools, primary schools), but even allows the creation of separate or specialised classes for pupils with special educational needs (including children/pupils from a socially disadvantaged environment) in mainstream schools.²³ In the case of separate classes at pre-schools, the Act prohibits enrolling children “exclusively on the basis of their origin from socially disadvantaged environment”,²⁴ which is a big step forward in comparison with the previous legislation where there was no limitation on forming “Roma classes” in kindergartens.²⁵ However in case of

²¹ Interview with Katarína Ondrášová, Ministry of Education, 22 December 2008.

²² Národný strategický referenčný rámec [National Strategic Reference Framework for the period of 2007 – 2013]; approved by the Slovak Government on December 6. 2006 and by European Commission on August 17. 2007; available [in Slovak] at: <http://www.strukturalnefondy.sk/narodny-strategicky-referencny-ramec-2007-2013/>.

²³ Decree 320/2008 Coll. of the Ministry of Education of the Slovak Republic from 23 July 2008 on primary school, para. 13, available [in Slovak] at: www.minedu.sk/data/USERDATA/Legislativa/Vyhlasiky/2008_320.pdf [10.12.2008].

²⁴ School Act, § 28, section 9.

²⁵ Decree of the Ministry of Education of the Slovak Republic No. 353/1994 Coll. on preschool facilities, available [in Slovak] at: http://www.kapitula.sk/dsu/html/data/d_vzp/353_1994.pdf [2.2.2009]; and its amendments: Decree 81/1997 Coll. from 21 February 1997, which amends the Decree of the Ministry of

special or specialised classes at mainstream primary schools this prohibition is not part of the law.

2.4.2 Special schools

In the new School Act there are two dimensions of special schooling - schools “for children or pupils with health disabilities”²⁶ and also specifically “primary school[s], where the upbringing and education takes place according to the educational programmes for children with mental disabilities”.²⁷ Children can be enrolled into these types of schools only on the basis of “their health disability after a diagnostic examination, aimed at finding their special educational needs, while the examination is done by the Facility of upbringing prevention and guidance”.²⁸ So the only reason for enrolling a Roma child into a special school remains the diagnosis of a health disadvantage or disability (mental handicap, personal development disorders, behavioural disorders, visual or auditory disorders, physical handicap, pervasive development disorders, etc.)²⁹. This regulation was in force since 2004 in the form of a Decree of the Ministry of Education;³⁰ under the new School Act it was accorded higher legal power and is accordingly more difficult to amend. Any amendment must go through three hearings at the National Parliament, while decrees are issued directly by the Ministries and even though the decree process is also somewhat complex, it is still more straightforward than the legislative procedure.

Although there was a declared effort³¹ to decrease the percentage of Roma children attending special primary schools for children with mental disabilities and to reintegrate them into mainstream schools, the number of transfers from mainstream schools to special schools is still the same. In 2007/2008 there was even an increase in this number, caused by regions Prešov and Košice, i.e. regions with highest representation of Roma children. While in other regions number of children transferred from mainstream schools to special schools was decreasing annually, in Prešov and Košice regions the number continuously increases and makes up about a half of total transfers (550 children in 2006/2007; 751 children in 2007/2008; 745 in 2008/2009).³²

Education and Science of the Slovak Republic, No. 353/1994 Coll. on preschool facilities, , available [in Slovak] at:

<http://www.epi.sk/Main/Default.aspx?Template=~/Main/TArticles.ascx&LngID=0&zzsrlnkid=3491918&phContent=~/ZzSR/ShowRule.ascx&RuleId=13554&Version=1&key=&scw=1> [2.2.2009]; Decree

540/2004 Coll., available [in Slovak] at:

<http://www.epi.sk/Main/Default.aspx?Template=~/Main/TArticles.ascx&LngID=0&zzsrlnkid=3491898&phContent=~/ZzSR/ShowRule.ascx&RuleId=29702&Version=1&key=&scw=1> [2.2.2009].

²⁶ School Act, § 94, section 1, letter a).

²⁷ School Act, § 94, section 1, letter b).

²⁸ School Act, § 95, section 3.

²⁹ School Act, § 2, letters k), l).

³⁰ “Into the special schools such children are enrolled and transferred whose health handicap does not allow them to be educated in basic [mainstream [school.” Decree of the Ministry of Education, Youth and Sports of the Slovak Republic 212/1991 on special schools in concordance with the Decree 63/2000, Decree 364/2003 and the Decree 49/2004, § 14, section 1); available [in Slovak] at:

http://www.mcmb.sk/predmety/sped/dokumenty/212-1991_rtf [19.12.2008].

³¹ Koncepcia integrovaného vzdelávania rómskych detí a žiakov, vrátane rozvoja stredoškolského a vysokoškolského vzdelávania [Conception of Integrated Education of Roma Children and Pupils, Including the Development of High School and University Education; approved by the Decree of the Government 206 from April 2, 2008; available [in Slovak] at:

http://www.minedu.sk/data/USERDATA/RegionálneSkolstvo/VaVNM/MZCHVaVNM/Koncepcia_RD.pdf.

³² *Statistic Yearbook of Schooling*. Institute of Information and Prognosis of Schooling. available at: <http://www.uips.sk/externe/statisticke-rocenky> [19.12.2008].

Table 1: Number of children transferred from mainstream primary schools to special schools for children with mental disabilities

	School year			
	2005/2006	2006/2007	2007/2008	2008/2009
Grades 1 to 4	951	871	1005	943
Grades 5 to 9	366	310	347	367
Total	1,317	1,181	1,352	1,310

Source: Institute of Information and Prognosis of Schooling

EAQER 2007 reported on the reasons to believe that there are shortcomings in the diagnosis of children at the entry level. These shortcomings result in a high number of Roma children represented in these types of schools, even though they do not suffer from irreversible mental disabilities or indeed any other type of disability.³³ The School Act does not describe any special requirements for the diagnosis procedure, which remains fully under the competence of Facilities of Upbringing Guidance and Prevention (Zariadenia výchovného poradenstva a prevencie), among which the Centres of Pedagogical-Psychological Counselling and the Centres of Special Pedagogical Counselling belong. There is no explicit description of the diagnosis processes before the decisions about the transfer or enrolment of a child in a school for children with disabilities from counselling centres or schools. Neither the School Act, nor the attendant legal regulations define the procedure of verifying the diagnosis. The new School Act brought an end to most of the preceding legal regulations; only the methodological guidelines were not changed immediately, but these have no legal power. Current competencies of the school inspection in this field are not sufficient, either. Even since the new School Act came into force, the inspection has no tools to monitor the enrolment of children and act in cases where children were wrongly diagnosed with mental disabilities.

The problem, which has been highlighted by many NGOs and even by some state institutions (such as the Slovak National Centre for Human Rights³⁴), is the duplicated system of counselling and prevention facilities which can conduct the diagnostics of the child. There are two parallel systems of counselling – Centres of Pedagogic and Psychological Guidance and Centres of Special Pedagogy Guidance), with overlapping competencies. The most problematic area is diagnostic assessment by the special-pedagogy advisory centres. According to the new Act their name was changed to Centres of Special Pedagogy Guidance, but the competencies remained in principle the same. These centres are often established at special primary schools and frequently the employees of the schools work in these centres, creating a potential and problematic conflict of interests in the decision about the enrolment of the child at the special school. Contradicting the declared effort to eliminate this conflict,³⁵ the status quo remains unchanged in the new Act. The only positive change is the conditions of the diagnostics of schooling maturity of a child, according to the State Educational Programme (SEP) for lower primary education at primary schools³⁶. These diagnostics can be done exclusively by pedagogy-psychology advisory centres

³³ Equal Access to Quality Education for Roma, EUMAP, 2007, page 156 and 157

³⁴ The letter of the Slovak National Centre for Human Rights sent to the Minister of Education on 5 December 2006.

³⁵ *“Impement into the act on education and the following legal regulations [...] united school guidance system and system of diagnostics of children and pupils from the socially disadvantaged environment by the pedagogical-psychological counselling centre”* Konceptcia integrovaného vzdelávania rómskych detí a žiakov, vrátane rozvoja stredoškolského a vysokoškolského vzdelávania [Conception of Integrated Education of Roma Children and Pupils, Including the Development of High School and University Education; approved by the Decree of the Government 206 from April 2, 2008; available [in Slovak] at: http://www.minedu.sk/data/USERDATA/RegionalneSkolstvo/VaVNM/MZCHVaVNM/Koncepcia_RD.pdf page 20.

³⁶ State Educational Programs are defined in the school act as documents according to which education is organised at schools and school-institutions, they define the obligatory content of the education at schools and are obligatory for “processing of the school educational programme [...], evaluation of schools and

according to the socially and culturally independent testing of school maturity for children of 6-7 years of age, respecting the specifics of the area of knowledge and experience of children from socially disadvantaged environment, mainly the children from the environment of national/ethnic minorities.³⁷

Repeated assessment of children during their school attendance, which would allow verification of the diagnosis and would allow reintegration of children from special schools in case of incorrect assessment at enrolment, is not regulated in the new School Act or in the supporting legal regulations.³⁸

While some concerns have been raised over the fact that special schools would receive additional per-pupil funds for children from a socially disadvantaged environment, the actual amount of the subsidy is 90 €, which is unlikely to be a significant incentive for the recruitment of such children.

As there is no significant change in the system with respect to special education and special schools, it can be concluded that the numbers of Roma in special education, both at special schools and special classes at mainstream schools, will not decrease.

2.4.3 Zero year

The reform of the education system has not initiated substantial changes to the content of education in the so-called zero-year ("zero grade"). Establishing of the zero grades is defined in the School Act. The zero grade is designed for children who by 1 September are six years old, but have not yet reached school ability, come from a socially disadvantaged background and according to their social environment there is no expectation that they would manage to pass the educational programme of the first year at the primary school.³⁹

However the further enrolment or the integration of children among the other pupils after finishing the zero grade is still not addressed, which raises questions about the contribution of the zero grade to integration. Also the attendance into the zero grade is counted as part of obligatory school attendance, so the risk that the child will leave school before getting to the 9th grade, if he/she repeats at least one year, remains. Completed primary education is an essential requirement for enrolment at a mainstream secondary school. This problem could be solved by moving the start of obligatory school attendance to the last year of the pre-primary education, which is planned for 2013.⁴⁰ Due to the very high financial impact of this policy the original plans were however given up.⁴¹

evaluation of results achieved by children or pupils". State Educational Programs were prepared by the National Institute of Education [Štátny pedagogický ústav]. They are obligatory for schools and their following is monitored by the school inspection.

³⁷ State Educational Programme for grades 1 to 4 of Primary Schools in the Slovak Republic, section 12.1, page 33; available [in Slovak] at: http://www.statpedu.sk/buxus/generate_page.php?page_id=1221

³⁸ e.g. Decree of the Ministry of Education of the SR 322/2008 from August 6, 2008 on special schools; Decree of the Ministry 325/2008 from August 6, 2008 on school facilities of upbringing guidance and prevention.

³⁹ School Act, paragraph 19, section 6.

⁴⁰ Strednodobá koncepcia rozvoja rómskej národnostnej menšiny v Slovenskej republike Solidarita-Integrita-Inklúzia 2007 - 2015 [Midterm Conception of the Development of the Roma Ethnic Minority in the Slovak Republic: Solidarity - Integrity - Inclusion 2007 - 2015], approved by the government on March 26, 2008; section Education, Policies in the area of pre-school education, page 10; available [in Slovak] at www.rokovania.sk/appl/material.nsf/0/1EA6EF9B640E4E21C12573C9005115D8?OpenDocument [2.12.2008].

⁴¹ Interview with Katarína Ondrášová, Ministry of Education, 22 December 2008.

In 2009 a change in financing of the zero-grade policy will also be in effect. As previous funding had been criticised as insufficient, the per-pupil funding in zero-grade will be increased from 170% to 200% of the standard per-pupil quota.⁴² This increase should meet the financial needs of schools and motivate them to establish and maintain the zero-grades.

The opportunity to establish preparatory classes at special primary schools, which thus in some cases substitute for the zero grades at mainstream primary schools and were criticised by several experts, is still there according to the new act. The preparatory class is designed for pupils with disabilities (including children with mild forms of mental disabilities) who “reached 6 years of age by September 1, but did not reach school ability and there is no expectation that they would be able to manage the first grade of the mainstream school with educational program”.⁴³ This is not defined by the School Act. The general principles for enrolment in preparatory schools are defined in the Decree on Special Schools 322/2008 Coll.: “In schools for children with disabilities and pupils with health handicaps [...] children and pupils with evident health handicap, whose health handicap does not allow them to be efficiently educated in kindergarten or primary school [...] can be enrolled upon the diagnostic examination and consent of parent or other individual who is assigned to personally take care of the child”, meaning the inability to attend mainstream school must be confirmed by a psychologist after the diagnostic examination.

This preparatory grade remained even after repeated criticism of experts who noted the illogical attempt to accelerate school ability in the system of special schools enrolling children with mild intellectual disabilities, and the high percentage of Roma children in these classes for whom this is an automatic ticket to a special school.⁴⁴ Also, the approved governmental policy “to re-evaluate the justness of the preparatory classes in special schools for mentally handicapped in connection to the enrolment of children from a socially disadvantaged environment”⁴⁵ is not reflected in the new School Act.

2.4.4 Segregated classes in mainstream schools

The new School Act formally as well as practically allows for creating segregated (Roma-only) classes at primary mainstream schools on the basis of several measures.

Schools frequently interpret the so-called “group integration of children with special educational needs”, more specifically children with disabilities (e.g. with diagnosed mild intellectual disabilities) as a means to segregate Roma. Such children can be educated in “special classes, which are established for children with similar disabilities or pupils with the same kind of disabilities.”⁴⁶ As highlighted in the 2007 EAQER report, in some cases segregation of Roma children into Roma-only classes may have resulted from initiatives to integrate children with special educational needs.⁴⁷ In practice there are cases when Roma children from a socially disadvantaged environment are “relabelled” as children with mild intellectual disabilities and

⁴² For comparison: in 2008, this amount ranged from 1574,-Euro to 1640,-Euro per pupil per year; in 2009 it will amount from 2092,- Euro to 2179,-Euro (depending on the category of primary school).

⁴³ School Act, paragraph 97, section 3.

⁴⁴ e.g. Pripomienky k návrhu zákona o výchove a vzdelávaní [Comments to the Draft of the Act on Education], Slovak Governance Institute, 2008; available [in Slovak] at <http://www.governance.sk/index.php?id=642> [3.12.2008].

⁴⁵ Strednodobá koncepcia rozvoja rómskej národnostnej menšiny v Slovenskej republike Solidarita-Integrita-Inklúzia 2007 - 2015 [Midterm Conception of the Development of the Roma Ethnic Minority in the Slovak Republic: Solidarity - Integrity - Inclusion 2007 - 2015], approved by the government on March 26, 2008; section Education, Policies in the area of pre-school education, page 10; available [in Slovak] at www.rokovania.sk/appl/material.nsf/0/1EA6EF9B640E4E21C12573C9005115D8?OpenDocument [2.12.2008].

⁴⁶ School Act, paragraph 94; section 1, letter b).

⁴⁷ Equal Access to Quality Education for Roma, 2007, p. 435.

subsequently educated in separated classes according to the curriculum for special schools.⁴⁸ Apart from the potential benefit for children who do in fact have mild intellectual disabilities and can benefit from a specific approach, this re-labelling is advantageous only for the school, which gets a higher per-pupil funding for these “integrated pupils”. In establishing separate classes, the school can disregard the obligation to create individual educational programme for each child (which is obligatory in individual integration,⁴⁹ and also in the case when the child is listed as a pupil from the socially disadvantaged environment. A potential risk is represented also by the absence of external controls over the quality of education provided to these pupils, as in contrast to the other pupils they do not have to take part in external testing.⁵⁰ Since there are no control mechanisms in the new School Act to prevent the unjust creation of segregated Roma-only special classes, just as schools are not motivated to undertake the individual integration of these pupils⁵¹, it is highly probable, that the problem of segregation of Roma children on the basis of formal integration will continue.

Another option for creating Roma-only classes is the establishment of the so-called “specialised classes”. Though the law explicitly prohibits segregation,⁵² the following legal regulations formally provide space for the creation of segregated classes for pupils from a socially disadvantaged environment.⁵³ Specialised classes existed previously on the basis of the Ministry Ordinance,⁵⁴ which was supposed to secure the existence of so-called “transitive classes” established under the PHARE project implemented in 2005-2006.⁵⁵ According to the new Decree of the Ministry on primary schools, currently the specialised classes can be established since the start of school attendance of children.

Specialised classes are attended also by children from a socially disadvantaged environment who after finishing the zero grade are not expected to successfully manage the content of education in the first grade of school; who do not manage the content of education of the first grade or who were after psychological testing diagnosed as unable to successfully manage the content of education in the first grade⁵⁶

Or it can be established during school attendance:

At school, with the approval of the founding body, a specialised class can be established for pupils who from an educational perspective need a compensatory or developmental programme [...].

⁴⁸ Opinions of several representatives of NGOs, experience of the NGO People in Need - Slovak Branch from the localities, where the organisation runs low-threshold centres.

⁴⁹ School Act, paragraph 94; section 1, letter b).

⁵⁰ School Act, paragraph 155, section 5.

⁵¹ Per-pupil funding is the same in case of an integrated pupil as the funding for pupil if he/she is placed in a special class (in case of a pupil with mild mental retardation this represents the 1.75-multiple of the funding for ordinary pupil); Ordinance of the Government of the Slovak Republic 630/2008 from December 10, 2008, which defines the details on the bill of financial sources from the state budget to schools and school facilities, Attachment 7.

⁵² School Act, paragraph 3, letter d).

⁵³ Decree of the Ministry of Education of the Slovak Republic 320/2008 Coll. from 23 July 2008 on Primary School, paragraph 13, section 5; available [in Slovak] at: www.minedu.sk/data/USERDATA/Legislativa/Vyhlasaky/2008_320.pdf [10.12.2008].

⁵⁴ Smernica Ministerstva školstva SR č. 11/2006-R.

⁵⁵ Phare 2002/000.610-03, further integration of Roma children in the field of education and improving of living conditions; name of the project: Integrácia rómskych detí do štandardných základných škôl / Reintegrácia detí zo sociálne znevýhodneného prostredia zo špeciálnych škôl do bežných základných škôl. [Integration of Roma Children into Standard Primary Schools / Re-integration of Children from Disadvantaged Environment from Special Schools to Mainstream Primary Schools].

⁵⁶ Decree of the Ministry of Education of the Slovak Republic 320/2008 from July 23, 2008 on primary school, paragraph 13, section 5.

A pupil is included in this class by the director on the recommendation of the teacher, tutor, after the recommendation of the centre of upbringing guidance and prevention and after the informed consent of the legal representative of the pupil. The pupil is placed into the specialised class only for the period of necessary length.⁵⁷

The period within which a pupil may be placed into this type of class, which would follow the limit of “necessary length”⁵⁸ is not specified anywhere. The class can be created for four to eight pupils from either the same year or also by putting together pupils from various years.⁵⁹

The last and potentially most discriminatory option, which was also possible before the reform of the school system, is the creation of classes with an “alternative curriculum which the school could have used in modification of the content of education for Roma children from a socially disadvantaged environment (reduction of the content, more practical orientation, teaching through experience, alternative forms of education - animation).”⁶⁰ This direction may also be taken by some of the governmental programmes aimed at the education of Roma children (see section 3.2). Such an approach raises serious questions about decreased quality of education for Roma children.⁶¹ Even though governmental documents speak about the need to “approve measures, which would prevent a misuse of these curricula to create segregated classes”,⁶² such measures are not specified and no mechanisms have been designed to control potential misuse.

2.4.5 Transitive classes

The concept of the so-called “transitive classes” focused on the reintegration of children from special schools back to the mainstream schools was created within the PHARE project implemented in the years 2005-2006.⁶³ Within its sustainability the ministry of education issued a decision⁶⁴ about the experimental verification of the project “Transitive Classes at Primary Schools” originally planned to be implemented from 1 August 2006 to 31 August 2008.⁶⁵

The assessment of the experimental verification of transitive classes is taken over by the Research Institute of Children Psychology and Psycho-pathology. According to the information from the Ministry of Education,⁶⁶ the end of the experimental verification of transitive classes was postponed until 2010, therefore at the time of writing the results of the project were not available (such as the number of children who were transferred to the mainstream classes). The transitive classes under this name are not yet a part of legislation in practice and, as mentioned, primary schools on the basis of the decree of the ministry can create so-called specialised classes, which are similar to transitive classes. Apart from the cases mentioned above, they are

⁵⁷ *Ibid*, sections 3 and 4.

⁵⁸ *Ibid*, section 4.

⁵⁹ *Ibid*, section 3.

⁶⁰ State Educational Programme for Grades 5 to 9 of the Primary School in the Slovak Republic ISCED 2 – lower secondary education, page 35; available [in Slovak] at http://www.statpedu.sk/buxus/docs/kurikularna_transformacia/isced2_jun30.pdf [10.12.2008]

⁶¹ It was pointed at by the data gained during the field research for the EAQER report 2007, the school management can have tendencies to create curriculum for “Roma classes” with omitting the specialised subjects and giving more space to the subjects developing practical and manual skills.

⁶² State Educational Programme for Grades 5 to 9 of the Primary School in the Slovak Republic ISCED 2 – lower secondary education, page 35; available [in Slovak] at http://www.statpedu.sk/buxus/docs/kurikularna_transformacia/isced2_jun30.pdf [10.12.2008], page 35

⁶³ Read more about transitive classes in EAQER report 2007, section 2.4.5., page 115.

⁶⁴ Decision of the Ministry of Education CD-2006-7872/17614-1:097 from June 19, 2006.

⁶⁵ *Projects of experimental verification* have a special status defined by the School Act. After they are finished “the Ministry of Education decides about the implementation of the results of experimental verification within 30 days since the submission of the final evaluation” Act 245/2008 on Education (School Act) and on modification and amendment of some acts, para. 14, section 12; available [in Slovak] at: [5.12.2008].

⁶⁶ Interview with Katarína Ondrášová, Ministry of Education, 22 December 2008.

also designed for “pupils from a socially disadvantaged environment who [...] were educated at primary school according to the programme for pupils with disabilities, but whose disability was not confirmed.”⁶⁷

3. Government educational policies and programmes

3.1 Governmental policy documents

3.1.1 New school act

Since 1 September 2008 schools in Slovakia have been operating according to the new law - The Act on Upbringing and Education (School Act)⁶⁸ which superseded the 1984 School Act. The new Act will, according to the Ministry of Education,⁶⁹ make the Slovak system compatible with the European educational system, bring more competencies to schools and teachers and will create better conditions for upbringing and education of children and pupils.

The act entered into force on 1 September 2008, with the exception of a regulation on normative financing of teachers’ assistants for pupils from a socially disadvantaged environment, which entered into force on 1 January 2009. There are some regulations that are phased in over a transitional period, such as teaching of two foreign languages.

There is a common belief of most Slovak NGOs that the school reform was not properly prepared and was initiated without involvement of civil society experts.⁷⁰ The first open opportunity for input from broader civil society was during the commenting procedure, which opened the draft act to the public.⁷¹ Many NGOs expressed their concerns about the draft; for example, the Slovak Governance Institute submitted about 20 pages of recommendations for changes in the draft yet never received a response.⁷² Indeed, most of the recommendations from civil society were not reflected and only very slight changes were made in the draft School Act after the recommendation process. The reform as a whole has been criticised as having been prepared behind closed doors.

Reactions of civil society to the new School Act and the preparatory process were rather negative. A coalition of non-governmental organisations sent an open letter to the Deputy Prime Minister and the Minister of Education regarding the Act.⁷³ One of the most criticised components of the School Act is its length.

If the Act, which is supposed to bring more freedom into the educational system for schools to bring independent thinking skills to children, is four times longer than the current one and deals with things as ‘sauna for children in kindergarten’⁷⁴ or the obligation of the school canteen to prepare meals according to ‘recipes characteristic for

⁶⁷ Decree of the Ministry of Education 320/2008 from July 23, 2008, paragraph 13, section 5.

⁶⁸ Act 245/2008 on Education (School Act) and on modification and amendment of some acts, available [in Slovak] at: http://www.minedu.sk/data/USERDATA/Legislativa/Zakony/2008_245.pdf [5.12.2008]

⁶⁹ Information from the website www.modernaskola.sk [modern school]; administered by the Ministry of Education.

⁷⁰ Opinions of several experts (from non-governmental organisations) interviewed within the present research.

⁷¹ The comment period on the act was from 20 December 2007 to 23 January 2008.

⁷² Open discussion about the school reform; February 27, 2008 at Open Society Foundation, Bratislava.

⁷³ The letter in Slovak can be found at: <http://www.clovekvtisni.sk/index.php?clanok=92>. “Otvorený list podpredsedovi vlády a ministrom školstva SR k pripravovanému školskému zákonu”.

⁷⁴ Reference to paragraph 28, section 17 of the School Act.

the respective region⁷⁵, there is a suggestion that there may be a huge gap between the words of the Minister of Education Mikolaj and the real content of the new school act.⁷⁶

Miroslav Beblavy, director of the Slovak Governance Institute wrote in a newspaper article.

3.1.2 Justification of the reform of the school system

The Ministry of Education has indicated a number of reasons that a new school act was needed. The previous, heavily amended School Act dated from 1984, and the Czechoslovak Socialist Republic. The Ministry aimed to make the Slovak educational system compliant with ISCED norms and with the Slovak Constitution itself. The old act failed to adequately regulate the rights of students and pupils, did not define educational programmes sufficiently, and did not meet the needs of the modern labour market.⁷⁷

3.1.3 Equal access to quality education in the 2008 School Act

A number of new policies in the School Act have particular relevance to Roma children, including the following:

- introduction of a free last year of pre-school prior to the start of the obligatory school attendance;
- lowering the number of pupils per class;
- prohibition of segregation in education;
- obliging the schools to formulate a programme of education of pupils from a socially disadvantaged environment within the school educational programmes, if they educate such children;
- introduction of the crosscutting topic “multicultural education”;
- transferring the competencies of testing school ability of children exclusively to the Centres of Pedagogical-Psychological Counselling.

In its principles, the new School Act guarantees equal access to education for all children:

Education is based on the principles [...]:
equality in access to education with educational needs of individual and his [sic] co-responsibility for own education being taken into consideration;
prohibition of all forms of discrimination and especially segregation⁷⁸

In the section of the School Act called general objectives of education there is an objective to support the major culture of the state, and the development of mother tongue and culture, as well.⁷⁹ However no other parts the School Act deal specifically with the education of pupils from ethnic/national minorities or ethnic groups such as Roma.

In concordance with previous legislation and practice, the regulations aimed at improving access of Roma children to education refer to “children and pupils from a socially disadvantaged environment”. The children from a socially disadvantaged environment, along with children and pupils with disabilities and gifted children are classified as pupils with special educational needs, whose education is addressed specifically through the:

⁷⁵ Reference to paragraph 140, section 4 of the School Act; though the author is speaking about “obligation”, the act speaks about “possibility”.

⁷⁶ Halušky a školská reforma [Dumplings and school reform]; SME daily. January 28, 2008.

<http://www.sme.sk/c/3699199/Halusky-a-skolska-reforma.html>

⁷⁷ “Why the new school act?”, article available [in Slovak] at <http://www.modernaskola.sk/Index.c1182/Preco-novy-skolsky-zakon>

⁷⁸ School Act, § 3, letter c) and d).

⁷⁹ School Act, § 4, letter b) and f).

requirement to modify the conditions, content, forms, methods and approaches in education for the child or pupil, resulting from the health handicap, talent or his [sic] family background in the socially disadvantaged environment, while these modifications are needed for the development of the abilities or a personality of the child or pupil and for the acquiring of adequate level of education and adequate integration into the society.⁸⁰

According to the School Act, a socially disadvantaged environment is an environment of the child which

according to the social, family, economic and cultural conditions insufficiently encourages the development of mental, intentional, emotional character of the child or pupil, does not support his/her socialisation and does not provide sufficient and proper incentives for the development of his/her personality⁸¹

Clear limits of which environment can be considered “disadvantaged” and its characteristics cannot be found in the act. Operating explanation can be found in the definition of provision of contribution to the schools to educate thus disadvantaged children. Social disadvantage status is defined by the material conditions of the child.

The contribution on pupils from socially disadvantaged environment is provided according to the number of pupils who are receiving the boarding subsidy, subsidy for school aids or subsidy for motivational contribution according to the specific regulation. The contribution on children from the socially disadvantaged environment is provided to families whose average monthly income in last 6 continuous months is at most in the amount of living minimum according to the specific regulation.⁸²

More detailed definitions of a “socially disadvantaged environment” can be found in the strategic document of the Ministry of Education entitled “Konceptcia výchovy a vzdelávania rómskych detí a žiakov, vrátane rozvoja stredoškolského a vysokoškolského vzdelávania [Conception of Upbringing and Education of Roma Children and Pupils, Including the Development of High-school and University/College Education],⁸³ which describes the conception and proposes measures to improve the educational level of Roma pupils, but in terms of school practice, has no legal power. Specification of a “socially disadvantaged environment” can be found also in the State Educational Programmes⁸⁴ approved by the Ministry of Education. The programmes were created on the basis of their specifications in the School Act. The State Educational Programmes are documents according to which education is organised in schools and school-institutions, they define the obligatory content of the education at schools⁸⁵ and are obligatory for “processing of the school educational programme [...], evaluation of schools and evaluation of results achieved by children or pupils”⁸⁶

The definition in both documents is basically the same, in which a socially disadvantaged environment is characterised when a family “receives support in material need and the income of

⁸⁰ School Act, § 2, letter i).

⁸¹ School Act, § 2, letter q).

⁸² School Act, §107, section 4.

⁸³ Konceptcia integrovaného vzdelávania rómskych detí a žiakov, vrátane rozvoja stredoškolského a vysokoškolského vzdelávania [Conception of Integrated Education of Roma Children and Pupils, Including the Development of High School and University Education; approved by the Decree of the Government 206 from April 2, 2008, available [in Slovak] at: http://www.minedu.sk/data/USERDATA/RegionalneSkolstvo/VaVNM/MZCHVaVNM/Konceptcia_RD.pdf.

⁸⁴ Štátny vzdelávací programme [State Educational Program], approved on June 19, 2008, available [in Slovak] at <http://www.minedu.sk/index.php?lang=sk&rootId=2319>.

⁸⁵ School Act, § 6.

⁸⁶ School Act, § 6, section 6, letters a) and c).

the family is up to the level of living minimum,⁸⁷ a family in which at least one of the parents (or guardian) belongs to the group of disadvantaged candidates for labour, in which the highest qualification of parents is basic education, or at least one of them does not have complete primary education and a family which has below-standard housing and hygiene conditions (such as when a pupil does not have space for doing homework, or the house is without electricity)⁸⁸. The Conception of Upbringing and Education of Roma Children and Pupils adds one more condition – when the language of instruction at school is different from the language the child speaks at home.⁸⁹ Even though this condition is extremely important in terms of defining disadvantage for Roma children specifically, the Conception does not have any legal power over schools. A socially disadvantaged environment, according to the State Educational Programme, causes “social and cultural deprivation, deforms the intellectual, moral and emotional development of individual”, which serves as the basis for special educational needs.

The education reform includes a significant innovation in that children from a socially disadvantaged environment are included in the category of children with special educational needs who require an individualised approach. Accordingly, schools are not only obliged to create a qualitatively new environment reflecting the needs of these children and provide further sources to support the effective education,⁹⁰ but schools will also get special contribution from the state to comply with this obligation. The contribution, in the form of increased “per-pupil funding”, will be calculated from the number of pupils from the families in material need, and the school is required to use this money for “improving the conditions for education of children from a socially disadvantaged environment”.⁹¹ The quotas for per-pupil funding were stated by the Ministry of Education on 12 February 2009, the last day before the deadline given by the School Act. This caused some tensions in schools that did not know if they would receive sufficient funding to cover the educational needs of children from a socially disadvantaged background.

Though the rules of financing and the per-pupil quota for other groups of pupils were stated by the government decree,⁹² in case of the contribution for the pupils from a socially disadvantaged environment this did not happen until the end of 2008. Even though children from marginalised communities usually belong to the group of children with special educational needs, and although solving the education problems of marginalised communities is a stated priority of the Slovak government, the financing quotas for the specific conditions of their education were not stated together with quotas for other groups (disabled and talented children). Unlike that for other groups, the financing of special educational needs of children from a socially disadvantaged background is dependent on the total expenditures of the Ministry of Education, and distributed to schools according to the number of qualifying pupils. This means that the amount of the contribution is not fixed and guaranteed, but is calculated on the basis of other expenditures in the budget line of the Ministry of Education. The Ministry of Education’s

⁸⁷ Defined, as well as “material need” in law, in Act on Social Help.

⁸⁸ State Educational Programme for Grades 1 to 4 in the Slovak Republic, part 12.1, page 33; available [in Slovak] at: http://www.statpedu.sk/buxus/generate_page.php?page_id=1221.

⁸⁹ Koncepcia integrovaného vzdelávania rómskych detí a žiakov, vrátane rozvoja stredoškolského a vysokoškolského vzdelávania [Conception of Integrated Education of Roma Children and Pupils, Including the Development of High School and University Education; approved by the Decree of the Government 206 from April 2, 2008; available [in Slovak] at: http://www.minedu.sk/data/USERDATA/RegionalneSkolstvo/VaVNM/MZCHVaVNM/Koncepcia_RD.pdf.

⁹⁰ State Educational Programme Grades 1 to 4 in the Slovak Republic, pp. 28-29.

⁹¹ School Act, §107, section 4.

⁹² Decree of the Government of the Slovak Republic 630/2008 Z.z. from December 10, 2008, which defines the details on the bill of financial sources from the state budget for schools and school facilities.

Available [in Slovak] at <http://www.epi.sk/Main/Default.aspx?Template=~Main/TArticles.ascx&LngID=0&phContent=~ZzSR/FulltextAdvanced2.ascx&zzsrlnkid=3294174>.

commitment to this funding is also embarrassing in comparison with the concrete amount of contributions to education by various categories of pupils with special educational needs, as demonstrated in table 2.

Table 2: Per-pupil funding for the year 2009 for education in mainstream schools (including special classes and individually integrated pupils)

	Annual per-pupil funding (in Euro)	The increase relative to the standard per-pupil funding (in Euro)
Standard pupil	1,045.78 – 1,089.33	-
Pupil with health handicap (light and moderate disability)	1,830.12 – 1,906.33	784.34 – 817.00
Pupil with special intellectual talent	1,422.26 – 1,481.49	376.48 – 392.16
Pupil from socially disadvantaged environment	1,135.78 – 1,179.33	90.00

Source: Calculated on the basis of normative for the year 2009 published by Ministry of Education on 12 February 2009 and on the basis of Governmental Decree 630/2008 Coll. from 10 December 2008, laying down the details of the breakdown of funds from the state budget for schools and school facilities⁹³

Roma and pro-Roma activists gave special attention to the use of terms of “social disadvantage” and its forms as a proxy for “Roma”. Even though this term was advanced in the effort to prevent the ethnisation of the problems Roma children are facing in education and their explanation by cultural or even inborn characteristics, the category of “children and pupils coming from a socially disadvantaged environment” does not cover the problems of Roma children in their full scope. Currently the narrowed operation set forth in the new School Act, under the terminology of material need and poverty, does not ascribe the right to be educated reflecting the special educational needs of children from families where one of the parents is employed, but the family lives in the environment of a segregated settlement. It also does not include all Roma children who face discrimination and segregation in the school system because of their declared or ascribed Romani ethnicity, or children who have problems in the uni-lingual system of education because their mother tongue is Romanes.

The evaluation of the impact of the new state policies on Roma children’s access to education is based on the measures linked to working with children from a socially disadvantaged environment. In the new School Act, a separate paragraph (paragraph 107) is dealing with this issue, within which the need to use specific methods and forms of education is highlighted together with the need to create “individual conditions” for these children. However, it is not directly defined specifically which types of schools or classes these children should be educated in.

The education of children from a socially disadvantaged environment is regulated in more detail in the State Education Programme. The objective of upbringing and education is to reach adequate personal development of individual’s skills through elimination of handicaps coming from social disadvantage. According to the regulation, education takes place either in mainstream classes according to an individual educational programme, or, after passing the zero grade, the further means of education will be designed, taking into consideration schooling maturity assessments conducted by experts. The school educating children from a socially

⁹³ See <http://www.minedu.sk/index.php?lang=sk&rootId=827> and <http://zbierka.sk/zz/predpisy/default.aspx?PredpisID=208743&FileName=zz2008-00630-0208743&Rocnik=2008&#xml=http://zbierka.sk/zz/predpisy/default.aspx?HitFile=True&FileID=670&Flags=160&IndexFile=zz2008&Text=630/2008> [28.2.2009].

disadvantaged environment should in its own school educational programme⁹⁴ define programmes and conditions for education. In state educational programmes for particular levels of education the general recommendations are defined. These are a pure summary of the prior conceptions and do not bring new measures.⁹⁵

The lack of an explicit prohibition of segregation was already criticised during the comment period on the draft Act. In the previous legislation segregation was not officially recognised, either. However, for many Roma children segregation in education is a part of their everyday life. There is ample evidence of existing segregation in practice, not only regarding the physical separation of Roma children from other children, but also the huge impact on the quality of education.

On May 14 an alliance of NGOs, led by Amnesty International, sent a letter to the Deputy Prime Minister, urging that a specific prohibition of discrimination, including segregation, should be included in as an Operative part of the new Schools Act, for example in the section Principles of instruction and education, as general principle guiding the interpretation and implementation of the Act.”⁹⁶

Probably under the influence of this and other initiatives, in the end the Act was modified and paragraph 3 - Principles of upbringing and education - was amended by including letter d) “prohibition of all kinds of discrimination and specifically segregation”.

No further reference to segregation or definition of this term can be found in the school act or the following legal regulations. The definition of segregation in education is supposed to be established by the Office of the Government of the Slovak Republic in cooperation with the Slovak National Centre for Human Rights⁹⁷. This step is needed in order to push the prohibition of segregation from declarative level to its execution, controlling and real abolishment of segregation in practice.

Apart from the new School Act, which is the most significant document in the field of upbringing and education, the government issued several documents expressing their strategy in the field of education of Roma children during 2008.

The Conception of Integrated Education of Roma Children and Pupils, Including Development of Secondary and University Education⁹⁸ was approved by the government on 2 April 2008. On the basis of the conception the decree gives several tasks to the Deputy Prime Minister and Minister of Education:

- Process the time schedule of projects and programme on fulfilment of the conception intents (by 30 June 2008);

⁹⁴ *Školské vzdelávacie programy [School Educational Programs], designed according to the principles of the State Educational Programs. According to the reformers they represent the “basic document of the school, according to which the education is organised at schools”*, School Act, § 7, section 1.

⁹⁵ External expert of the National Institute for Education – Rastislav Pivoň, interviewed on December 10, 2008.

⁹⁶ Open letter to the Deputy Prime Minister and Minister of Education. Coalition of NGOs; the letter in Slovak can be found at: <http://www.clovekvtisni.sk/index.php?clanok=92>. “Otvorený list podpredsedovi vlády a ministrom školstva SR k pripravovanému školskému zákonu”.

⁹⁷ Interview with Katarína Ondrášová, Ministry of Education, 22 December 2008.

⁹⁸ *Koncepcia integrovaného vzdelávania rómskych detí a žiakov, vrátane rozvoja stredoškolského a vysokoškolského vzdelávania [Conception of Integrated Education of Roma Children and Pupils, Including Development of Secondary and University Education]*; approved by the Decree of the Government 206 on April 2, 2008; available [in Slovak] at: http://www.minedu.sk/data/USERDATA/RegionálneSkolstvo/VaVNM/MZCHVaVNM/Koncepcia_RD.pdf [5.12.2008].

- Implement teacher's assistant into the draft law on pedagogical employees, while assistants should be given an exception in professional and pedagogy competencies until December 31, 2010 (the deadline for the task was 31 December 2008; the draft was approved by the government on 9 February 2009);
- Ensure financing of pupils from a socially disadvantaged environment in primary schools and primary schools for children with health handicap or talent in normative funding by amending the Government Directive 2/2004, which stipulates details about the breakdown of financial sources from the state budget for primary schools, high schools, centres of practical education, primary artistic schools and school facilities, including later amendments (by 31 December 2008);
- In cooperation with the Deputy Prime Minister for Knowledge Society, European Issues, Human Rights and Minorities and the Plenipotentiary of the Government for Roma Communities co-ordinate upbringing-educational activities for Roma and children and pupils from a socially disadvantaged environment (by 31 December 2013);
- In cooperation with the Minister of Construction and Regional Development with the support of European Fund for Regional Development, realise demand-oriented projects and projects, which are part of the complex approach aimed at support of existing kindergartens, primary schools (by 31 December 2013);
- In cooperation with the Minister of Health Care, evaluate the state of schools with a higher concentration of pupils from the socially disadvantaged environment, considering the health and hygiene of these pupils (by 31 December 2010).

The policy on Key Areas and Action Plans of State Policy Towards Roma Children and Youth in the Slovak Republic for the years 2008-2013⁹⁹ was approved by government resolution 184 from 26 March 2008. This document deals specifically with “children and youth in complicated situations and coming from a disadvantaged environment”¹⁰⁰ and gives the state general roles in tackling social exclusion and phenomena of social pathology among children and youth, including creating of specific programs and establishing institutions to tackle the problems. Though the document itself does not include action plans, Resolution 184 obliges the government to annually process the fulfilment of the tasks until 2013. The deadline for the Deputy Prime Minister and the Minister of Education to submit the bi-annual Action Plan of Implementation of Tasks Coming from State Policy was 30 June 2008 and 28 February in 2010 and 2012.

Apart from other education-related issues linked to the education of children from socially excluded (Roma) groups, the document defines the role of the Ministry of Education in implementation of the Key Areas:

The Ministry of Education

- communicates, coordinates and promotes state policy towards children and youth and cooperates with other subjects [...], while the implementation of the tasks is also delegated to other institutions in its competences;
- ensures implementation of state policies towards children and youth in relevant areas of its agenda, e.g. education, participation, work with children and youth, who face difficult life situations and come from disadvantaged background;
- creates conditions for support of systematic work with children and youth outside of the formal education and active use of free time;

⁹⁹ Kľúčové oblasti a akčné plány štátnej politiky vo vzťahu k deťom a mládeži v Slovenskej republike na roky 2008 – 2013 [Key Areas and Action Plans of State Policy Towards Roma Children and Youth in the Slovak Republic for the years 2008-2013], Ministry of Education of the SR, available at: http://www.minedu.sk/data/USERDATA/DeTiMladez/KMAT/2008/20080326_klucove_oblasti.pdf [5.12.2008].

¹⁰⁰ *Ibid*, point 4.12.

- coordinates activities of state administration bodies, regional and local administration [...] and supports synergy of their measures in particular areas;
- directs and aims the activities of the inter-sectoral working group;
- in 2010 will organize consultation meetings regarding implementation of measures described in Key Areas, on the regional and national levels;
- in 2010 will secure coordination of data preparation for a report on youth;
- supports implementation of research activities, linked to the processing of this report on youth;
- ensures regular monitoring of following of the tasks given by the action plans of implementation of these Key Areas.¹⁰¹

Midterm Conception of the Development of the Roma Ethnic Minority in the Slovak Republic: Solidarity - Integrity - Inclusion

In a section devoted to education, this document¹⁰² proposes almost identical measures to those designed in the Conception of Integrated Education of Roma Children and Pupils. However, the ethnic and social principle of defining the target group, i.e. Roma, is overlapping, which makes the focus of the policies unclear (developing ethnic-related schooling versus eliminating the disadvantages of a specific group of Roma).

3.2 Governmental educational programmes

Curricular reform can substantially improve the educational conditions of Roma children. As the methodical materials for particular educational spheres are still being prepared, their expectations cannot be evaluated yet.

Among the most significant activities of the Ministry of Education and directly organised by the Ministry aimed at supporting the education of Roma children and pupils in years 2004-2008 include:¹⁰³

“Let’s go together to school - Support of implementation of the Conception of Integrated Education of Roma Pupils in Slovakia”

This project was implemented with the support of Roma Education Fund from June 2006 until August 2008. The pilot project was implemented in Prešov region and was focused on:

- Direct financial support of the in-schooling¹⁰⁴ of 5-6 year old children in pre-school facilities in the selected locality (financial contribution to all parents, including those who were not in material need, but were still in poverty that threatened their pre-

¹⁰¹ Ibid, point 5.

¹⁰² Strednodobá koncepcia rozvoja rómskej národnostnej menšiny v Slovenskej republike Solidarita-Integrita-Inklúzia 2007 - 2015 [Midterm Conception of the Development of the Roma Ethnic Minority in the Slovak Republic: Solidarity - Integrity - Inclusion 2007 - 2015], approved by the government on March 26, 2008; section Education, Policies in the area of pre-school education, page 10; available [in Slovak] at www.rokovania.sk/appl/material.nsf/0/1EA6EF9B640E4E21C12573C9005115D8?OpenDocument [2.12.2008].

¹⁰³ Koncepcia integrovaného vzdelávania rómskych detí a žiakov, vrátane rozvoja stredoškolského a vysokoškolského vzdelávania [Conception of Integrated Education of Roma Children and Pupils, Including Development of Secondary and University Education]; approved by the Decree of the Government 206 on April 2, 2008; available [in Slovak] at: http://www.minedu.sk/data/USERDATA/RegionalneSkolstvo/VaVNM/MZCHVaVNM/Koncepcia_RD.pdf [5.12.2008]; Attachment 3: Detailed Information and Activities of the Ministry of Education of the SR and Directly Coordinated Organizations of the ME SR Aimed on Educational Process of Roma Children and Pupils.

¹⁰⁴ Preparing children for school regarding getting used to the environment, gaining basic social skills and habits, etc.

school attendance). The contributions were earmarked for clothes, school supplies and other costs linked to school attendance);

- increasing the number and quality of competencies of teachers in grades 1 to 4 of the primary schools in the selected localities (training of 240 teachers in total in the field of personality of Roma children, multicultural education and pre-school education, working with parents; the training was conducted by Methodical Centre ROCEPO),¹⁰⁵
- monitoring the proceeding and the achieved results of the project;
- informing the public and propagation of the created system.

The Ministry of Education plans to continue and expand the project to other localities. For in-schooling of Roma children in pre-schools the Ministry cannot provide sources using the EU structural funds (within the “Pre-schools” operational programme they are not an entitled applicant).¹⁰⁶ There has been no discussion yet about incorporating the project’s results into the policies on the level of the Ministry of Education. There was no information available about the external evaluation, apart from the evaluation conducted by the team implementing the project.¹⁰⁷

Programme “Education in Romanes”

Since 2004 (planned to continue until 2010) the National Institute for Education [Štátny pedagogický ústav] has been overseeing the experimental verification of the effectiveness of the curriculum in the following subjects:

Romani Language and Literature at Primary and Secondary Schools

Within the programme, Romanes is being verified in two variants - as a supporting and helping language in pre-schools and first grades at primary schools and also as an elective subject in primary and secondary schools.¹⁰⁸ The goal of this experimental verification is the introduction of Romanes as a taught language into the educational praxis, which follows the intention of developing the system of Roma minority/ethnic schools, “following the legislative tasks” and increasing the motivation of Roma children to education.¹⁰⁹ Within the programme the same methods are used in teaching Romanes with children whose mother tongue is Romanes, as well as with children for whom Romanes is a new language.

The interim results suggest there has been no success in fulfilling of the objective of increasing motivation of children or making the school environment more familiar to Roma children through teaching Romanes. The school results of children were no different compared to the ordinary classes where Romani language was not taught (such as at the primary school in Velka Ida, where up to a third of children did not manage the content of education and failed). The formal project evaluation has not been finalized yet and therefore is not available to the public.

¹⁰⁵ Interview with Katarína Ondrášová, Ministry of Education, 22 December 2008.

¹⁰⁶ Interview with Katarína Ondrášová, Ministry of Education, 22 December 2008.

¹⁰⁷ Monitoring and evaluation reports of the project are available at:

<http://www.mcpo.edu.sk/modules/wmpdownloads/viewcat.php?op=&cid=50> [28.2.2009]

¹⁰⁸ Konceptcia integrovaného vzdelávania rómskych detí a žiakov, vrátane rozvoja stredoškolského a vysokoškolského vzdelávania [Conception of Integrated Education of Roma Children and Pupils, Including Development of Secondary and University Education]; approved by the Decree of the Government 206 on April 2, 2008; available [in Slovak] at: http://www.minedu.sk/data/USERDATA/RegionalneSkolstvo/VaVNM/MZCHVaVNM/Konceptcia_RD.pdf [5.12.2008]; Attachment 3: Detailed Information and Activities of the Ministry of Education of the SR and Directly Coordinated Organizations of the ME SR Aimed on Educational Process of Roma Children and Pupils.

¹⁰⁹ Interview with Rastislav Pivoň, External expert of the National Institute for Education, 10 December 2008.

The expert of the National Institute for Education was sceptical when speaking about the programme of teaching Romani language at primary and secondary schools and he saw the point of experimental verification in “proving that this is not the road.”¹¹⁰

Early and contemporary history of Roma taught at primary and secondary schools

The objective of experimental verification is the introduction of Roma history as standard school subject for grades five to nine at primary schools and for secondary schools and designing the curriculum and teaching plans including didactic materials, schoolbooks and learning aids. The project of experimental verification is implemented by the National Institute for Education [Štátny pedagogický ústav] funded within the budget of the Ministry of Education. The project is planned to end in 2010 and no partial results of the verification are available yet.

Increasing of the qualification potential of members of Roma community by introducing the new study of “Romistics” into the system of education at secondary schools

The programme is a European Social Fund project implemented by the National Institute for Education [Štátny pedagogický ústav]. Within the programme the new curriculum of study for “Romistics” (teaching guidelines, specialised schoolbooks for students and methodological guides for teachers at secondary schools) is verifying. The programme, according to the expert of the National Institute for Education, did not fulfil expectations, because the Roma students who were involved in the experimental verification “misused the system” and after they acquired the basics of English (which was strengthened within the studies) they left the school to work abroad.¹¹¹

Specialised studies of teachers, teachers’ assistants and social workers

With the aim of strengthening the competencies of the future teachers of Roma children and social workers, from in 2006 to 2010 the Roma Educational Centre (ROCEPO) has been implementing several specialised courses (e.g. “Language course for teachers of Romani language at pre-school”, “Basics of conversation in Romani language”, specialised qualification studies “Teacher’s Assistant”).

Scholarships for children from families in material need

Since 2004 (since 2006 at special schools) the Ministry of Labour, Social Affairs and Family provides scholarships to children from families in material need.¹¹² The scholarships are given to motivate children to attend school and improve their school results, while their height is individually determined by the average school results and their improvement during the school year. Further conditions on the scholarships were regular attendance at school, not repeating the year at school and the grade for behaviour could not be lower than 2.¹¹³

Providing motivational scholarships at a flat rate and under the same conditions at primary schools and special schools was criticised by many experts from non-governmental organisations, but also by schools and counselling centres.¹¹⁴ As documented in the EAQER

¹¹⁰ Interview with Rastislav Pivoň, External expert of the National Institute for Education, 10 December 2008.

¹¹¹ Interview with Rastislav Pivoň, External expert of the National Institute for Education, 10 December 2008.

¹¹² Information of the Ministry of Labour, Social Affairs and Family, available [in Slovak] at <http://www.employment.gov.sk/mpsvrsr/internet/home/page.php?id=1752&sID=6714785664ed3a2aab285d97d3ae5f01> [10.10.2008].

¹¹³ Pupils/students at the primary and secondary schools have also a grade for behaviour on their school reports. This is on the scale of 1 to 4, where 4 is the worst.

¹¹⁴ Read more in EAQER report 2007, available at

http://www.eumap.org/topics/minority/reports/roma_education/reports/ [10.12.2008], Krieglervá, E.: Dopad opatrení zameraných na zlepšenie situácie rómskych detí vo vzdelávaní [Impact of the Measures Aimed on Improving of the Situation of Roma Children in Education], available [in Slovak] at

2007 report, there were cases of its direct impact on parents who decided to place their children in special schools as it was easier to be successful there and therefore they got higher scholarships.

Since January 1, 2009 the scholarship policy has changed so that the contribution will change from a motivational scholarship to a contribution to the general social welfare in material need.¹¹⁵ It will be given to parents of school-age children. Its amount will not be progressive, but it will be a flat sum of 16.60 EUR per month per child in order to secure the basic living conditions of the child and help in material need.¹¹⁶

This change addresses one cause for the misplacement of Roma children in special schools, which was repeatedly highlighted by experts and practitioners. On the other hand if the adequate procedures of diagnostics and the legal procedure of transferring children to special schools were respected, no child could attend special school for reasons (e.g. scholarships, individual approach, accessibility of school, easier curriculum) other than disability.

One potential loss after the change to the form of the scholarship is the cancellation of its positive effect on the effort of children to get better school results, which did have an impact mostly on repeating classes and continuing further education. Currently there is only an increase to the allowance for children attending school coming from families in material need (this allowance is taken from the family if the child does not attend school regularly).¹¹⁷

The government should consider whether it would not be more useful to introduce a double-layer contribution, where part of the contribution would be contingent upon the school attendance and part would be contingent upon school performance, in order to keep the dimension of rewarding and positive motivation (the amount of the second part could be largely symbolic in order not to make special schools attractive again.)

*National Projects*¹¹⁸

Within the Operational Programme Education there were five National Project implemented in 2008, none of which was focused directly on education of Roma children or children from the socially disadvantaged environment.

There are four National Projects planned for the next period with a direct impact on Roma children from a socially disadvantaged environment (the description of projects only give a basic

www.cvek.sk/uploaded/files/Microsoft%20Word%20-%20dopad_vzdelavanie_Romovia.pdf
[10.12.2008].

¹¹⁵ Draft of the Amendment of Act from November 25, 2008, which changes and amends the Act 599/2003 on Help in Material Need and amends the Act 5/2004 on Employment Services; available [in Slovak] at <http://www.nrsr.sk/Default.aspx?sid=zakony/zakon&MasterID=2576> [10.12.2008]. The Amendment has passed through the last reading in Parliament, and after it is signed by the President it will be published in the Collection of Law.

¹¹⁶ Draft of the Amendment of Act on Help in Material Need, paragraph 10, section 9 -12.

¹¹⁷ Detailed conditions given by the Act 281/2002 on Child Allowance and Contribution to the Child Allowance; available [in Slovak] at <http://www.zbierka.sk/zz/predpisy/default.aspx?PredpisID=16481&FileName=02-z281&Rocnik=2002>
[10.12.2008]

¹¹⁸ “National projects are broad - systemic projects financed from the structural funds of the EU, covering the whole area of the Slovak Republic. Their intention is to support mainly the so-called ‘national activities’, which support the programme declaration of the government, systemic changes and priorities of the government. Their purpose is to finance the projects, which will be implemented in broader area, which should prevent scattering of the EU sources.” Ministry of Education; available [in Slovak] at <http://www.minedu.sk/index.php?lang=sk&rootId=3026> [10.12.2008]

orientation, they are not included in any officially approved document of the Ministry of Education yet)¹¹⁹:

Further education of teachers (in 2009)

- responsible for implementation: ROCEPO - Roma Educational Centre
- focus of the project: education of teachers /specialists/ of children from socially disadvantaged environment
- Continuation of the experimental verification of the subject Romani Language and Literature
- responsible for implementation: National Institute for Education
- focus of the project: finishing of the teaching guidelines for Roma Language and Literature and Early and Contemporary History of Roma; education of pedagogues - bearers of multiplication of the program

Finishing and improving the quality of diagnostic tools for children from socially disadvantaged environment

- responsible for implementation: Research Institute of Children Psychology and Psycho-pathology
- focus of the project: creation of new diagnostic tools, improving the quality of those existing tools; education of employees of the Centres of Educational and Psychological Counselling in using these tools

Secondary Schools

- responsible for implementation: State Institute of Professional Education
- focus of the project: introduction of the study branch: community work in education at secondary schools

Further prepared governmental programs

According to the statement of the Office of the Plenipotentiary of the Slovak Government for Roma Communities, the reform of the school system has real deficiencies mainly in the field of education of children from a socially disadvantaged environment on the lower secondary level¹²⁰ (grades five to nine in primary school).¹²¹ Since the transfer of children from primary education (grades one to four) to lower secondary education is exactly the period when the most serious problems occur, the Office of the Plenipotentiary plans to prepare an experimental school educational programme for this level of education in the near future. The school educational programme should be focused on developing the “natural talents of children and increasing their motivation to study through giving more space to practical subjects (technical education, manual workshops), through changing of the methods of teaching of common subjects and supporting lessons of music and arts.¹²² Also the 10-year obligatory school attendance is planned to be allowed at primary school. The programme should be experimentally verified in cooperation with the primary school in the municipality of Rakúsy.

Again, this raises concerns about the potential risk of decreased quality of education and increased segregation of Roma children, if there is an unexamined trend to introduce practical subjects (manual workshops, cooking, etc.) in combination with subjects “reflecting Roma

¹¹⁹ Interview with Katarína Ondrášová, Ministry of Education, 22 December 2008.

¹²⁰ The terminology introduced by the new School Act.

¹²¹ Interview with PhDr. Marta Šikrová, Office of the Plenipotentiary of the Slovak Republic for Roma Communities, 12 December 2008.

¹²² Interview with PhDr. Marta Šikrová, Office of the Plenipotentiary of the Slovak Republic for Roma Communities, 12 December 2008.

specifics (lessons of dance, music)".¹²³ This approach appears to reflect the belief that Roma are unsuited to more rigorous academic lines of study.

3.3 Desegregation

As described above, there was no specific systematic measure designed within the education reform aimed at school desegregation. The whole process of desegregation thus remained in hands of civil society and enthusiastic individuals.

There is also a persistence lack of exact official data about the extent of segregation. According to the information from the Ministry of Education this deficiency should be dealt with by the planned broad research on segregation and integration at schools which will be organised by the ministry itself. However, no further information is available yet.¹²⁴

3.4 Roma teaching assistants/school mediators

There is no reference to Roma teaching assistants in the new School Act. The term the act uses is "teacher's assistant". According to the act these can work at kindergartens and primary schools, including practical primary schools designed to educate children with disabilities. No further reference to teacher's assistants was made in the act, except from the amendment of the act 597/2003 on financing of primary schools, high schools and school facilities, where the school act stipulates temporary regulations for the period from 1 September to 31 December 2008, which provides:

On the demand of the school founder the Ministry will allocate financial sources from the reserve of the Ministry on salaries of assistants of teachers for children from socially disadvantaged environment, including insurance contributions of the founder, according to the number of pupils from socially disadvantaged environment: the founder applies to the Ministry through the respective Regional School Office on September 30 in the respective year at the latest.¹²⁵

Since January 1, 2009 the Act on Pedagogical Employees should come into force.¹²⁶ The act according to the draft¹²⁷ introduces the broader category of "pedagogical assistants" into which in addition to the teachers' assistants, assistants of tutors and assistants of vocational trainers are also included and placed into the category of pedagogical employees. Pedagogical assistants according to the draft of the law

in accordance with the requirements of the teacher, tutor or instructor of vocational training helps in implementing the school educational programme of pre-school, primary school, special school or educational programme for children and pupils in the age of obligatory school attendance mainly by creating equal opportunities in education, by overcoming architectural, informational, language, health, social or cultural barriers.¹²⁸

The draft act stipulates the qualifications for the profession of assistant as requiring full secondary vocational education or university education of the first level [Bc. degree].¹²⁹ To give those already working in the position without meeting the education requirement an opportunity

¹²³ Interview with PhDr. Marta Šikrová, Office of the Plenipotentiary of the Slovak Republic for Roma Communities, 12 December 2008.

¹²⁴ Interview with Katarína Ondrášová, Ministry of Education, 22 December 2008.

¹²⁵ School Act, § 9a, letter e).

¹²⁶ At the time of finalizing this report in February 2009, the legislative process of the Act was in the phase of its approval by the government.

¹²⁷ Draft of the Act on Pedagogical Employees, Ministry of Education 2007; available [in Slovak] at [http://www.rokovania.sk/appl/material.nsf/0/5B27D62A8F7892AAC1257555002E18B5/\\$FILE/vlastnyma_t.pdf](http://www.rokovania.sk/appl/material.nsf/0/5B27D62A8F7892AAC1257555002E18B5/$FILE/vlastnyma_t.pdf) [28.2.2009].

¹²⁸ *Ibid.*, § 26, section 1.

¹²⁹ *Ibid.*, § 7, section 2.

to fulfil the qualifications, there was a phase-in period given until 31 December 2010.¹³⁰ In case of the approval of the Act in this wording, the position of the pedagogic assistant will be strengthened and their involvement among the pedagogical employees will secure the stabilisation of financing for the teachers' assistants.¹³¹

At the time of writing, many changes in the legislation had an opposite effect on the position of the former teachers' assistants. Financing of assistants for children from a socially disadvantaged environment (including their salaries and taxes) was supposed to be secured from the increased per-pupil funding for the pupils with special educational needs. According to the Decree of the Ministry of Education¹³², the increased per-pupil funding should be "used to cover the cost

- of salaries and taxes of the teachers' assistants,
- of equipment the classroom for the education of pupils from socially disadvantaged environment
- associated with participation in the activities of students under a special rule
- associated with the education of pupils in specialized classes
- associated with preventing the transmission of transmissible diseases"¹³³

As the quotas of the per-pupil funding for the pupils from the socially disadvantaged environment were not issued until 1 January 2009 as well as definition of their use, from 31 December 2008 (after the temporary period when the assistants' costs were covered by the reserve of the Ministry) there was a legislative vacuum. The information from the field shows that the schools dealt with the lack of legal regulation by cancelling the job contracts with the assistants. Thus, ironically, the "stabilisation" of the assistants' status led to a situation where schools that had previously been employing assistants for a long time will have no assistants from January 2009 (e.g. Petrova in Bardejov district¹³⁴).

However, the situation has not improved even after the legislative vacuum was filled on 12 February 2009, when the Ministry of Education published the amount of the normative valid for 2009. As mentioned previously, the amount of the contribution to education of children from a socially disadvantaged environment was set at 90 € per pupil per year. This should cover not only the salaries of teaching assistants but also other costs related to improving the conditions of such children's education. There are legitimate concerns that the amount of this contribution will lead to the lay-off of teacher assistants, or at least to cuts in the number of assistants at many schools.

For example, the lowest possible grading of an assistant on the pay scale, his/her monthly gross wage is 359 €,¹³⁵ which represents a monthly expense of nearly 485 € for the school (with all compulsory insurance contributions). The annual costs to hire an assistant are thus at least 5,818 €. If the school uses the whole stipend for improving the education of pupils from a socially disadvantaged environment exclusively for paying the teaching assistants' wages and hires only assistants without the required qualification, the school would need to have at least 65 children from a socially disadvantaged environment to employ one assistant.

Under the previous rules it was possible to establish the position of a teaching assistant if there were five pupils from a socially disadvantaged environment in the class, while the maximum

¹³⁰ *Ibid.*, § 61, section 5.

¹³¹ Interview with Katarína Ondrášová, Ministry of Education, 22 December 2008.

¹³² Decree 649/2008 Coll. Ministry of Education approved on December 17. 2008 about the use of contribution to education for children from socially disadvantaged environment; available at: <http://www.zbierka.sk/zz/predpisy/default.aspx?PredpisID=208767&FileName=zz2008-00649-0208767&Rocnik=2008> [27.2.2008].

¹³³ *Ibid.*, § 1.

¹³⁴ Interview with Anna Hruzová, Starostka obce Petrová, 5 January 2009.

¹³⁵ Draft of the Act on Pedagogical Employees, Ministry of Education 2007; available [in Slovak] at [http://www.rokovania.sk/appl/material.nsf/0/5B27D62A8F7892AAC1257555002E18B5/\\$FILE/vlastnyma t.pdf](http://www.rokovania.sk/appl/material.nsf/0/5B27D62A8F7892AAC1257555002E18B5/$FILE/vlastnyma t.pdf) [28.2.2009].

recommended number of pupils per assistant was 20.¹³⁶ Ultimately, the new legislation entails a significant step backwards with respect to the funding and status of teaching assistants for children from a socially disadvantaged environment.

The new legislative norms also do not reflect the declared intention of the government “to define the difference between the teacher’s assistant for the pupils from a socially disadvantaged environment and the assistant of a disabled pupil”¹³⁷. Currently in the position of the pedagogical assistant both positions are merged. Only the State Educational Programme is more concrete in defining special conditions for children from a socially disadvantaged environment. The school should ensure to have the assistant, who “in case of children from nationally/ethnically mixed environment speaks also their mother tongue”¹³⁸

Apart from teachers’ assistants the school act also introduces the position of the social pedagogue.¹³⁹ The social pedagogue is supposed to work

mostly with children and pupils threatened by social-pathology phenomena, children from socially disadvantaged environment, socially inadapted, addicted to drugs or otherwise disadvantaged children and pupils, their legal representatives and pedagogic employees of schools and school facilities. Social pedagogue fulfils the tasks of social education, support of pro-social, ethical behaviour, social-pedagogic diagnostics of the environment and relationships, prevention of socio-pathological phenomena and re-education of behaviour. He/she conducts expertise activities and edification.¹⁴⁰

Neither the position nor the term “social pedagogue” is new in the Slovak system of education, however even after new school act came to force, their mission is not clear.

3.5 Romanes teachers

The School Act, in accordance with the Slovak Constitution secures the right to be educated in their mother tongue for children of ethnic minorities.¹⁴¹

On 29 June 2008, under the patronage of the Office of Plenipotentiary of the Slovak Government for Roma Communities, the Declaration of Roma of the Slovak Republic on Standardisation of Roma Language was signed by representatives of Roma communities and intelligentsia in Bratislava. According to the media’s interpretation of the words of the Deputy Prime Minister¹⁴² Romanes will be taught at schools as a mother tongue. However, this will not happen any time

¹³⁶ Methodical guidance on the introduction of the profession teacher assistant in preschools, primary school and special schools 1631/2002 issued by the Ministry of Education of the Slovak Republic on 26.8.2002; available at [in Slovak]: http://www.kapitula.sk/dsu/html/data/d_rezortne/pokyn_1631_asist_uc.pdf; Directive 19/2006-R from 15 June 2006, establishing the system of breakdown of funds for salaries and contributions to insurance funds for teacher assistants at regional school offices and the practice of their allocation to founders of primary and special schools; available at [in Slovak]: <http://www.ksutt.sk/smernice/sm200619.pdf>.

¹³⁷ Strednodobá koncepcia rozvoja rómskej národnostnej menšiny v Slovenskej republike Solidarita-Integrita-Inklúzia 2007 - 2015 [Midterm Conception of the Development of the Roma Ethnic Minority in the Slovak Republic: Solidarity - Integrity - Inclusion 2007 - 2015], approved by the government on March 26, 2008; section Education, page 12; available [in Slovak] at www.rokovania.sk/appl/material.nsf/0/1EA6EF9B640E4E21C12573C9005115D8?OpenDocument [2.12.2008].

¹³⁸ State Educational Programme for Grades 1 to 4 in the Slovak Republic; part 12.2, page 34

¹³⁹ School Act, § 23.

¹⁴⁰ *Ibid.*

¹⁴¹ School Act, § 12, section 3.

¹⁴² “Rómsky jazyk zrovnoprávnili s ostatnými jazykmi menšín” [Roma language was made equal with other minority languages]; June 29, 2008. SME daily: <http://www.sme.sk/c/3952447/Romsky-jazyk-zrovnopravnili-s-ostatnymi-jazykmi-mensin.html>.

soon. The experimental verification by the National Institute for Education [Štátny pedagogický ústav] is focused on Romanes as a language taught in schools, not as the language of instruction.

The opportunity of education in Romanes is reflected also in the State Educational Program, where Romani is listed among other potential languages of instruction.¹⁴³

The opportunity to be educated in one's mother tongue is determined by preparing of curriculum and educational standards for the subject Romani Language and Literature. Their experimental verification is conducted under the patronage of National Institute for Education. The expected completion of the verification and approving of Romani Language and Literature as a standard subject for primary schools and high schools is in 2010.¹⁴⁴ However this deals with preparation of curriculum and educational standards of Romanes only on the level of language taught, not being taught in.

To ensure enough qualified teachers of Romanes, the Ministry of Education approved "Temporary Equalising Measures to Prepare Pedagogues Teaching in Romani"¹⁴⁵. This should be done by a pilot course for lecturers of Romanes, who would later train future teachers. Though the course was expected to in 2007 at present "the phase of pilot course is not resolved and it is necessary to find a solution"¹⁴⁶

3.6 Educational materials and curriculum policy

An important part of the changes to the education system is the curricular reform, which should concern the content and methods of education, the shift from memorising facts to gaining general skills and competencies, and providing greater opportunities for schools to define themselves according to their resources and the needs of the region.¹⁴⁷ The reform creates a dual system, in which the content of education is created at two levels - state and school. On the first level the state has prepared the State Educational Programme and on this basis, every school designs its own School Educational Programme.

Although the schools' expectations about designing their own content of education were rather high, in practice the possibilities are more limited. Within the State Educational Programme the prescribed number of obligatory lessons together with the content of education remains. Within the number of lessons where content is decided by the school,¹⁴⁸ the school can design specific subjects, including specialised subjects for pupil with special educational needs. To help schools in this process, the Ministry of Education prepared guidelines, the so-called "Model School Educational Programs". It is characteristic that even though in cases of other types of pupils with special educational needs (talented pupils, pupils with disabilities) the model programmes give recommendations and guidelines for their education, while in case of children from a socially disadvantaged environment, no methodological guidelines were handed down to schools.¹⁴⁹

¹⁴³ State Educational Programme for Grades 1 to 4 in the Slovak Republic; part 5.1.1, page 12.

¹⁴⁴ Conception of Upbringing and Education of Roma Children and Pupils; attachment 3, part 4.1

¹⁴⁵ "Dočasné vyrovnávacie opatrenia na prípravu pedagógov, vyučujúcich v rómskom jazyku [Temporary Equalising Measures to Prepare Pedagogues Teaching in Romani Language]" (CD-2004-7613/1298)

¹⁴⁶ Conception of Upbringing and Education of Roma Children and Pupils; attachment 3, part 4.4

¹⁴⁷ Ministry of Education: *School Reform in Brief*; [in Slovak] at <http://www.minedu.sk/index.php?lang=sk&rootId=2846>.

¹⁴⁸ In first through fourth grades there are five lessons per week from the total number of 22 to 26 lessons per week, in fifth through ninth grades there are six lessons per week out of total number of 27 to 30 lessons per week

¹⁴⁹ National Institute for Education: Model School Educational Programme for Grades 1 to 4 of the Primary School - ISCED I; available [in Slovak] at

http://www.statpedu.sk/buxus/docs/kurikularna_transformacia/vzor1.pdf [5.12.2008]; National Institute

Another part of the reform is the introduction of seven crosscutting issues into the educational content (Traffic Education, Personal and Social Development, Environmental Education, Media Education, Multicultural Education, Protection of Life and Health, Project Designing and Presentational Skills). The crosscutting issues are obligatory and are overlapping other educational areas. They can be implemented into the education “either as integrated part of the educational content of the areas of education and appropriate subjects, or as a separate subject within the voluntary/selected classes (for profiling of the school).”¹⁵⁰

Multicultural education, as one of the crosscutting issues, should provide space for familiarising pupils with the cultures of other ethnic groups, as well as for elimination of the prejudice against them. Through this material, the “pupils learn about their culture and other cultures, about history, customs and traditions of their representatives, respect these cultures as of equal values and can constructively communicate and co-operate with their representatives.”¹⁵¹ However, so far no didactic materials have been distributed for teachers to use in the classroom.

With regards to the reform of the content of education, changes to didactic materials (such as textbooks) were also anticipated. As schools are given considerable freedom regarding the content of the particular subjects, it would be logical if they also had the opportunity to choose the books themselves and teach according to these books in specific subjects. However, instead the Ministry will give the schools financial resources only to buy the textbook approved for each subject.¹⁵² Buying alternative textbooks, which would help schools to create a distinct character, must be funded by the schools or parents. This step was criticised by non-governmental organisations as well as the pedagogues themselves.¹⁵³

Even though various other materials refer to involvement of Roma-specific information into some of the subjects taught at schools [History, Literature], no reference to this (not even in case of other minorities) can be found in the Act. As mentioned above, the National Institute for Education is preparing the materials for teaching of the subjects Romani Language and Literature and Old and Contemporary History of Roma which will include information about Roma history, contemporary history, and culture.

3.7 Teacher training and support

The new School Act focuses mainly on the children’s perspective and does not deal with teacher-related issues. However, in the State Educational Programme, there is a staff requirement defined regarding teachers working with children from a socially disadvantaged environment. Pedagogues should be purposely prepared for educating children with special educational needs. There is no further specification of this qualification requirement in the regulation; however, universities have already acknowledged the news trends and needs of schools and introduced courses on multicultural education and courses on integrated education of children with disabilities.

for Education: Model School Educational Programme for Grades 5 to 9 - ISCED 2; available [in Slovak] at http://www.statpedu.sk/buxus/docs/kurikularna_transformacia/vzor2.pdf [5.12.2008].

¹⁵⁰ State Educational Programme for Grades 1 to 4 at Primary School in the Slovak Republic; page 18

¹⁵¹ *Ibid.*

¹⁵² Directive 2/2008-R from February 1, 2008 Which Deals With the Procedure of the Ministry of Education of the Slovak Republic and other Directly Administered Organisations in Choosing the Material Didactical Sources, Their Author, Publisher and Producer, Ministry of Education. available [in Slovak] at http://www.ksubb.sk/files/2008_02_R.doc [30.12.2008].

¹⁵³ “Školy dostanú učebnice na predmety, hoci ich reforma mala zrušiť” [Schools Will Get Textbooks for Subjects Which Were to Be Cancelled by the Reform], SME daily, May 27, 2008. available [in Slovak] at <http://www.sme.sk/c/3896449/skoly-dostanu-ucebnice-na-predmety-hoci-ich-reforma-mala-zrusit.html>

Teachers' training and qualification is administered under the third section of the [draft] Act on Pedagogical Employees.¹⁵⁴ However this Act remains very general and does not define specific requirements regarding teachers of children from a socially disadvantaged environment. The Act introduces a credit system, according to which the pedagogical employees will get credits for improving their qualifications, which in turn has an impact on their salaries. However this is just an option, not an obligation for teachers to attend specialised courses for teaching children from a socially disadvantaged background.

The Ministry of Education, in cooperation with partners is implementing a project ["Let's Go Together to School"] funded by the Roma Education Fund, where a part of the project is focused on specific social-disadvantage-related training of teachers from pre-schools and primary school grades one to four. However, the results of the project were not yet mainstreamed, and no such training is available to teachers generally.

3.8 Discrimination-monitoring mechanisms

3.8.1 Anti-discrimination legislation

3.8.2 Institutions monitoring discrimination

No new mechanisms in place since 2007.

4. Constraints on Access to Education

4.1 Structural constraints

In the 2007 EAQER report the most significant structural constraint was the lack of pre-school institutions and their low attendance by Roma. The new School Act does not change this situation, though representatives of the government have indicated they are aware of the need to make pre-school education available for children from socially excluded Roma communities. Accessibility of pre-school is not guaranteed by the law; the Act only stipulates that it is generally established where there are 10 children.¹⁵⁵

Pre-school education, according to the new School Act, will be organised in kindergartens generally for children between 3 and 6 years with the opportunity to enrol a 2-year-old child and children with postponed start of the obligatory school attendance; education in last year before the start of obligatory school attendance is free of charge.

4.2 Legal and administrative requirements

One of the administrative constraints in integration of Roma children in pre-school education was the requirement to enrol the child at the beginning of school year. The new School Act allows enrolment during the school year as well, with the final decision left to the directors of pre-schools.¹⁵⁶

4.3 Costs

A new measure, linked to the school reform, is a guarantee of free education in pre-schools in the last year prior to the obligatory school attendance for all children.¹⁵⁷ Fees for attending pre-schools are still waived in cases of children from families in material need which receive social welfare.¹⁵⁸ A rather large group of children from families threatened by poverty, whose income

¹⁵⁴ Document CD-2008-17095/37009-1:09, currently in the legislative process.

¹⁵⁵ School Act, § 28, section 2.

¹⁵⁶ School Act, paragraph 61, section 7.

¹⁵⁷ School Act, paragraph 3, letter a).

¹⁵⁸ School Act, paragraph 28, section 7, letter b).

does not reach the level of living minimum¹⁵⁹ but do not have a right to get social welfare (if only one of the parents is employed and gets the minimum guaranteed salary), still have to pay the fees for their children for attending pre-school, which in case of pre-schools established by state are a maximum of 7.5 per cent of the living minimum. The maximum fees for attending pre-school established by the municipality were increased to 15 per cent of the living minimum per month.¹⁶⁰ Reflecting the increased sums of living minimum¹⁶¹ the maximum fees for attending pre-school in 2008/2009 were increased to the range from 13.40 EUR to 26.80 EUR per month, which compared to the school year 2005/2006 is more than doubling the amount in the case of pre-schools established by municipalities.¹⁶²

According to the new School Act all learning aids needed for obligatory subjects must be offered to pupils free of charge. On the basis of experts' opinions the basic education is free only *de iure*, as *de facto* the schools demand contributions to buy learning aids and some school supplies such as foreign languages textbooks.¹⁶³

4.4 School and class placement procedures

No changes in 2007/2008 in law regulations or state policies and measures affected these procedures, which have been regarded as inadequate to ensure Roma children without disabilities are not placed into special schools or classes.

4.6 Language barriers

The new School Act does not deal with language barriers and includes this under the category of social disadvantage. In case of children from socially disadvantaged environments and "from an ethnically/nationally mixed environment" there is a special condition defined that assistant of the teacher speaking the language of children has to be available,¹⁶⁴ but only at kindergarten within the pre-school and lower primary education.

5. Barriers to Quality of Education

Monitoring and evaluation of quality of education

According to section 1, paragraph 154 of the School Act, Monitoring is covered in section 1, paragraph 154 of the new School Act. In order to improve monitoring of the educational process the new school act introduces the National Institute for Certified Measuring of Education [Národný ústav certifikovaných meraní vzdelávania]¹⁶⁵ which is responsible for the preparation and methodical coordination of external tests and testing of pupils, processing, evaluation and filing of the results of external measuring or testing, designing the content of external exams or tests given by the ministry of education, issuing the certification for the chair of school graduation committees, evaluators of external exams and testing.¹⁶⁶

The establishing decree, by which the National Institute for Certified Measuring of Education was established on 1 September 2008, gives a more detailed description of the Institute's

¹⁵⁹ A sum defined by act on living minimum.

¹⁶⁰ School Act, paragraph 28, section 4 and 6.

¹⁶¹ Regulation of the Ministry of Labour, Social Affairs and Family of the Slovak Republic no. 225 from June 13, 2008 on Amendment of Sums of Living Minimum.

¹⁶² EAQER report 2007, p. 150.

¹⁶³ Interview with Rastislav Pivoň, External expert of the National Institute for Education, 10 December 2008.

¹⁶⁴ State Educational Programme [Štátny vzdelávací program]; part 12.2, p. 34.

¹⁶⁵ School Act, paragraph 154, sections 2, 3, 4, 5, 6.

¹⁶⁶ *Ibid.*, section 3.

activities. Specifically interesting with regards to education of children from socially disadvantaged environment are these points:

Projecting, coordination, implementation and evaluation of measuring of the results of education on the national level;

Designing of conceptual intentions, tasks, surveys and projects linked to measuring of the results of education and evaluation of the quality of education;

research and development in the area of designing of testing tools, exact methods and forms of measuring of the results of education, evaluation of the quality of education;

[...]

External and internal evaluation and comparison of quality of schools;

Initiating and implementing of surveys with a focus on monitoring of the quality of education;

Monitoring of the impacts of decisions in the area of school policies, designing of methodical, analytical outputs and final reports for the ministry of education and pedagogical sphere with recommendations for improving the quality of educational system.¹⁶⁷

The establishing decree of the National Institute for Certified Measuring of Education was viewed as a very encouraging development by representatives of Roma and pro-Roma non-governmental organisations focused on education. There is hope that eventually there will be measuring of quality showing the wide differences between segregated Roma-only schools and mixed or non-Roma-only schools. In the past the schools themselves or the State School Inspection did not prove to be useful in monitoring segregation of Roma children.

5.1 School facilities and human resources

Though it was often declared that the school reform will help to improve conditions of schools, there are no significant practical changes linked to the education of children from a socially disadvantaged environment so far, apart from those described above such as the Act on Pedagogical Employees.

5.2 School results

In 2007 the results of the international testing of the knowledge of pupils - PISA (Programme for International Students Assessment) - were published. Slovakia's overall scores in the 2006 testing fell three points from the previous (2003) results. The Ministry of Education did not accept this as constructive criticism and took a defensive stance. Shortly after the results were presented, the spokesperson of the Ministry said that the study does not measure how well the teachers taught and pupils learned the content of specific subjects and added that the tests are focused on the natural sciences which only a minority of pupils choose to study.¹⁶⁸ However, the bad performance in PISA testing was a frequent argument for the necessity of school reform.

Due to the lack of data disaggregated by ethnicity no exact figures of the performance of Roma children and/or children from a socially disadvantaged environment are available; however, experts agree that the school performance of children in the Slovak school system is highly determined by the socio-economic conditions of the child/family.¹⁶⁹

¹⁶⁷ Establishing Decree of the National Institute for Certified Measuring of Education; Ministry of Education, August 19, 2008. CD-2008-15759/34399-1:09. available [in Slovak] at www.statpedu.sk/buxus/docs//nucem_zl.pdf [30.12.2008]

¹⁶⁸ Nedoroscik, P.: "PISA: naklonená veža slovenského školstva" [PISA: Leaning Tower of the Slovak School System], Slovo č.12-13/2008, available [in Slovak] at <http://www.noveslovo.sk/clanok.asp?id=16332&cislo=12-13/2008> [30.12.2008].

¹⁶⁹ E.g.: European Social Fund: *Action plan of measures to prevent and eliminate poverty and social exclusion in the SR under the Ministry of Labor, Social Affairs and Family for the years 2005-2006*; available [in Slovak] at: <http://www.esf.gov.sk/esf/index.php?SMC=1&id=236>.

Another way to get a broad sense of how Roma children perform in the national testing is to look at the regions with a high proportion of Roma children, taking into account that historically the quality of schools in poorer regions has always been lower and the largest number of segregated Roma settlements is situated in these regions. Taking these factors into consideration, it is clear how important it is to collect information on children's school performance disaggregated by ethnicity, because any assumptions drawn from the undifferentiated data cannot be used to adequately design targeted measures.

5.3 Curricular standards

With the new School Act, there may be a significant change in the content of the curriculum. However detailed information about the changes is missing.

According to the paragraph 5 of the School Act there will be two major educational programmes creating the content of the curriculum at school:

The State Educational Program

States the basic content of the curriculum, which comes from the structure of goals and from subject and sphere competencies. It is created by the Ministry of Education of SR in cooperation with external experts and it's obligatory for all schools. It serves as the basis for the School Educational Program;

School Educational Program

Is issued by the school director after discussing it with the founder of the school and respective body of the local school administration. School educational programme in the field of professional education ensures the approximation with regional needs of the labour market and development needs of the region.¹⁷⁰

Within the State Educational Programme introduced on 1 September 2008, the requirements for the content of education are defined.

In case of children from socially disadvantaged environment who are integrated into the mainstream class, the SEP obliges the school to create Individual Educational Plan [Individuálny výchovno-vzdelávací program]. It consists of:

- basic information about the pupil, about the influence of the socially disadvantaged environment on his upbringing-education process;
- modification of curriculum;
- application of special educational approaches;
- specific approaches in evaluation of school results of the pupil;
- specifics of organisation and forms of education;
- requirements for additional learning aids;
- ensuring the service of professionals - teacher's assistant, special pedagogue, psychologist and other specialists.

If he/she has problems only in a concrete subject or subjects, the State Educational Programme allows modification of curriculum of concrete subject, which stipulates the concrete steps in processing with the subject. On the second level /upper primary education/ the regulation allows creating alternative curriculum, which the school can use in modification of the curriculum in educating of Roma children from socially disadvantaged environment (reduction of the amount, more practical orientation, learning by experiential method, alternative forms of education - animation), what can be a risk in ensuring quality education for Roma children from socially

¹⁷⁰ School Act, paragraph 5.

disadvantaged environment. SEP says that “it is needed to apply measures preventing from abuse of such curriculum in creating of segregated classes”¹⁷¹. However, the measures aren’t specified.

5.4 Classroom practice and pedagogy

Even after September 1, 2008, classroom practice will not be properly evaluated and most of the controls by the school inspection will be formal reviews of documentation, rather than in-depth evaluations.

5.5 School-community relations

Within the school reform there was a shift in legislation regarding opportunities of parents to participate at educational process of children. In case of kindergartens the act speaks about the opportunity of legal representative to participate in educational process if there is consent of the director.¹⁷² Also in the SEP there is a requirement for schools to “implement programs oriented on improvement of cooperation between parents (mostly Roma) of children with primary school”

5.6 Discriminatory attitudes

Governmental bodies did not report any cases of discrimination against Roma in schools, or any measure to tackle this issue. The biggest obstacle in elimination of discrimination is the persistent lack of ethnic data, which would provide a detailed description of the situation (see section 2.1).

5.7 School inspections

The new school act does not give new powers to the State School Inspection. One of the critics of the reform, Maria Humajova from the Conservative Institute in an article about the reform said: “All evaluations of the State School Inspection are partial, torn out of the context and in their nature they only observe if the teaching goes along the law. They do not evaluate the quality of education.”¹⁷³ The Conservative Institute further recommended that the monopoly of the State School Inspection should be cancelled by involving independent experts.¹⁷⁴

¹⁷¹ School Educational Programme for Grades 5 to 9 (Školský vzdelávací program pre druhý stupeň vzdelávania) page 35.

¹⁷² School Act, paragraph 28, section 16: “Pre-primary education in a pre-school facility can be organised, under the consent of the director, with the direct presence of legal representatives on education”

¹⁷³ Školská reforma z dielne ministerstva školstva nestačí [School reform designed by the Ministry is not sufficient]; HN online, March 7, 2007 http://www.hnonline.sk/c4-10023680-20601150-k06000_detail-skolska-reforma-z-dielne-ministerstva-skolstva-nestaci [10.12.2008].

¹⁷⁴ Ibid.

Civil Society Organisations Active in Education of Roma Children

Methodology

Civil society (non-governmental) organisations were contacted in order to find more information about their activities in advocating better access to quality education for Roma children. This was done mainly by targeted distribution of a questionnaire by email to the organisations already involved with education for Roma. While conducting the literature review for the first part of the update, a database of such organisations was created by analysing the available lists of grantees, thus creating a list of non-governmental organisations (NGOs) implementing projects related to education of Roma children. (See Annex 1 for a list of NGOs)

Obstacles

Though the questionnaire was prepared to be as short and as possible, only a very few of their addressees responded. Most never responded at all, even after being urged and reminded how important the questionnaire could be. A small number of NGO representatives replied to the email explaining the reasons why they cannot answer the questions, mostly saying that Roma children or education are not their primary focus.

Given the poor response to the electronic questionnaire, the methodology was discussed again with some representatives of NGOs with experience in cooperation with grass-roots organisations.¹⁷⁵ These representatives suggested that the lack material benefit offered to the respondents was a primary obstacle. Due to the work overload of NGO staff, they may refuse to fill in a questionnaire without any clear benefit. The assumed difficultness of the questionnaire may also have played a role, as the charts and blank fields may have appeared too complicated. Time consumption can be excluded, as it was confirmed, that filling in the questionnaire took a person having a good knowledge about the organisation about 20 minutes.

Data from some NGOs were gathered by interviewing their representatives directly. However this approach is too time-consuming to cover a significant number of NGOs in a rather short time. Even directly approaching the organisations, only nine questionnaires out of about 70 were completed. Interviews were conducted with eight more organisations.

Definition of problems

In the questionnaire the respondents were asked to choose their actual priorities from the list of main problems in education of Roma children.

The top problems perceived by the respondents seem to be the language barrier between language of instruction at schools and their mother tongue and the insufficient number and effectiveness of the assistants of teachers. As one of the key roles of the assistants is to mediate the communication between children who do not understand the language of instruction and the teachers, there is a direct link between the two defined problems. Further notable issues included: segregation at schools and in classes, the relationship between communities and schools and the practice of teaching in classes, which is often linked to a segregation of Roma pupils, who are visibly excluded in the classroom. Closely linked to the problem of segregation is the issue of enrolment of children at schools, as Roma and pro-Roma NGOs are still deeply concerned about the number of Roma attending special schools for children with intellectual disabilities. Similar importance was given to the lack of preparation of pedagogues at schools.

¹⁷⁵ E.g. Milan Simecka Foundation, Bratislava; Open Society Foundation, Bratislava.

It should be highlighted that none of the grass-roots NGOs described the lack of ethnically disaggregated data as of bigger importance. This may be a result of the fact, that in practice often management and teachers at schools know how many Roma they have at schools. Often only the NGOs working on national level understand that this practice has to be brought into the system and correspond with all legal provisions. (This includes: Člověk v tísni - People in Need, Open Society Foundation, Roma Public Policy Institute, Milan Šimečka Foundation, Amnesty International, and others.)

One other problem defined by the respondents of the questionnaire is the motivation of pupils.

Past and Ongoing Activities

From the results of the survey it appears that civil society organisations involved in the education of Roma children are definitely not a homogeneous group. The characteristics of organisations and their activities varies from all points of view - in sources, partners, aims of activities, objectives, outcomes as well as often the main mission of the organisation.

Projects aimed at improvement of the level of education of Roma have been implemented on all levels: on local level it was mostly helping the children overcoming their obstacles (e.g., by filling in for the lack of pre-school education, by coaching, activities to get over the language barrier), motivating the children (e.g. by changing their perception of the school through after-school activities). Another way to help is by changing the target group to the teachers - some NGOs have also focused on further education of teachers, specifically in multicultural education. There also have been attempts on the local level to teach multicultural education among pupils to bring together Roma and non-Roma. On the local level, the usual partner is the school. Organisations focused on this level often are not focused on advocacy activities on national level.

On the regional level activities are mostly aimed similarly to the local level, but are implemented on a larger scale. Activities on a regional level are usually done in partnership with some regional bodies, which serve as supervisors of the projects (e.g. methodical-pedagogic centre).

NGOs working on the regional level, together with organisations working on national level are often centred on advocacy activities. They usually work on local level for the purpose of getting more familiar with the situation, conducting researches, etc. to bring better arguments for their advocating for changes.

From the data gained from the survey, it is clear that all fields generally considered crucial are covered, and by further research a map of best practices in all spheres of education of Roma children could be compiled.

According to the survey, NGOs working on various levels are capable of implementing various types of projects even of a larger scale, both in terms of activities or geography. All types of funding of the actions are represented in the projects respondents listed.

None of the respondents of the questionnaire exclusively works on education of Roma, and often they are not focused only on Roma. Unfortunately some organisations, even though they were found through the database of NGOs implementing or having implemented projects aimed on education of Roma, reported they are not focused on Roma or education, and therefore they do not feel competent to respond to the questionnaire.

Planned Activities and Ideas

In their planned activities and ideas for activities the respondents covered almost all priorities given in the questionnaire, which correspond to the priorities defined in the first EAQER report. Thus even in this small number of respondents the range of focus varies considerably. The only area not covered was school inspection. Though it was not discussed, based on previous experience it can be assumed that this is because NGOs don't see inspections as an effective mean of solving the problems of Roma in education. School inspections are only very rarely used as a tool of advocacy by Roma and pro-Roma NGOs.

Regarding the choice of donors, the respondents preferred Slovak and foreign foundations, rarely private sources, but surprisingly, none of the respondents chose the local governments/municipalities as a potential donor. One of the reasons for this can be the fact, that municipalities actually establish and run the schools, which makes it hard for NGOs to criticise as their funding could be thus put to risk. The other reason, which can be very true, is that the municipalities simply do not have enough funds to finance bigger scale projects. This option of course does not prevent the municipalities from co-financing the project.

The representatives of NGOs were also asked to choose the preferred partner for further activities among the choice of:

- Slovak NGOs,
- foreign NGOs,
- governmental institutions,
- municipalities,
- schools;
- other.

Slovak NGOs were the most frequently chosen partner from the list. Surprisingly, not all respondents chose foreign non-governmental organisations. Also interestingly again the municipalities as bodies establishing schools were not preferred by the respondents as a partner in reform.

Willingness for Cooperation

As the low response to the questionnaire suggests, organisations are probably unwilling to work on something without clear definition of the benefits to them. This outlook probably strongly influenced the response to the question on willingness to cooperate. The most often marked was willingness to co-operate, but only after the organisation will get the concrete proposal/suggestion for action. Another determinant of involvement of NGOs in further follow-up of EAQER was their actual capacities. In view of the fact that one of the obstacles could be a tension between some organisations, this option was also included in the chart. As expected, this was confirmed and in preparation of future actions, it has to be taken into account to overcome any potential conflicts in the coalitions.

Conclusion

Civil society representatives understand the need to form a coalition and join their skills, expertise and sources into a united effort. Such voices do not come only from Slovak NGOs, but can be heard also from abroad. Good practices can be found in other countries, e.g. in the Czech Republic, where the Czech NGOs formed a coalition supported by international organisations (e.g. Amnesty International, European Roma Rights Centre). The coalition works under the name: "Společně do školy" [Together to School]. The mentioned international organisations are ready to support a similar coalition in Slovakia.

During the meeting of civil society representatives focusing on education of Roma children organised by the Open Society Foundation in Bratislava, on 10 December 2008, several key roles have been defined - organisations are aware of their strengths and weaknesses and among the present representatives of organisations there were no potential conflicts in overlapping of the ideas and planned activities. This was a result of the fact that organisations know each other, are aware of their principles and areas of interest.

One weak point of the cooperation is the area of strategic litigation. As most of the work aimed on changes in educational system in the Slovak Republic should be done in cooperation with the schools, educational authorities and the ministry of education, the strategic litigation could be very harmful in this regard. On the other hand we are all aware that it is needed as it can reveal the failures of the system. Therefore the partnership with an organisation focused on strategic litigation has yet to be discussed and processed into details.

However, in general, non-governmental organisations active in the area of access of Roma children to education are ready to work together to change the situation and prevent further discrimination at all schools.

ANNEX 1: NGOs addressed

The NGOs were chosen upon the available information from grant-making organisations and institutions on funding related to education of Roma children.

International NGOs [working with Roma]

Amnesty International
Člověk v tísni o.p.s, pobočka Slovensko [People in Need, Slovak Branch]

National NGOs [working with Roma]

Nová rómska generácia [New Roma Generation]
Milan Šimečka Foundation
Roma Public Policy Institute
Open Society Fund
OZ¹⁷⁶ Pre Pindre [On Own Feet]
CVEK - Centre for Research of Ethnicity and Culture

Local NGOs [working with Roma]

OZ Trival, Košice
OZ Amare Roma, Moldava nad Bodvou
Rómsky skauting - Roma Scouting, Košice
Nadácia Pro Futura [Pro Futura Foundation], Snina
Komunitné centrum [Community Centre], Kecerovce
OZ Rómska integrácia 777 [Roma Integration 777], Toporec
OZ Rómska slza [Romani Teardrop], Turňa nad Bodvou
OZ Maják [Lighthouse], Zlaté Moravce
Krajská asociácia rómskych iniciatív [Regional Association of Roma Initiatives], Banská Bystrica
Kultúrne združenie Rómov Slovenska [Cultural Association of Slovak Roma], Banská Bystrica
OZ Lavuta [Violin], Banská Bystrica
OZ Nádej deťom [Hope for Children], Banská Bystrica
OZ Komunitné centrum Spolu [Community Centre Together], Chminianske Jakubovany
Kultúrno-výchovné OZ Lačo Drom [Cultural-Educational Civic Association Good Road], Huta
Súkromná špeciálno-pedagogická poradňa [Private Special-Pedagogic Counselling Centre], Lipany
OZ Pramienok [Stream], Bratislava
CESPOM - Centrum pomoci mladým [Centre for Helping the Youth], Lučenec
Akadémia vzdelávania [Academy of Education], Trnava
OZ RODON, Klenovec
OZ R.O.K., Kokava nad Rimavicou
OZ regionálneho rozvoja a rómskej kultúry [Civic Association for Regional Development and Roma Culture], Plešivec
Reformné združenie rómskej mládeže [Reforming Association of Roma Youth], Liptovský Hrádok
Združenie na riešenie bytových problémov R.S. [Association for Solving of Housing Problems], Čierna nad Tisou
OZ náš svet [Our World], Vranov nad Topľou
RATOLEŠŤ - Radosť Tolerancia Šťastie [SPRIG - Joy Tolerance Happiness], Košice
OZ za duchovný, kultúrny, sociálny rozvoj a spoluprácu [Civic Association for Spiritual, Cultural, Social Development and Cooperation], Pezinok
Academia vzdelávania a výchovy [Academia of Education and Upbringing], Bratislava
OZ Breznianske zrnko [Seed of Brezno], Brezno

¹⁷⁶ OZ = občianske združenie [civic association]

OZ Budúcnosť [Future], Vranov nad Topľou
Centrum komunitného organizovania n.o. [Centre of Community Organizing, nonprofit organisation]
OZ Cez problémy - spoločne [Over Problems - Together], Herľany
OZ Chymere, Zlaté Moravce
OZ Dedinská únia heľpianskych aktivistov [Village Union of Activists in Heľpa], Heľpa
OZ Different, Andrejová
OZ Dôstojný život [Decent Life], Spišská Nová Ves
OZ Za dôstojný život [For Decent Life], Lučenec
OZ Dživipen - Život [Life], Banská Bystrica
OZ EU-Rom, Číž
OZ Inforom, Lučenec

Church Associations [working with Roma]

CZ ECAV, Opiná
CZ ECAV, Rankovce
Pastoračné centrum Rómov [Pastoral Centre of Roma], Vranov nad Topľou
Saleziáni Don Bosca - DOMKA [Salesians of Don Bosco - DOMKA], Bardejov
Kolpingovo združenie [Kolping's Association], Košice
Kolpingovo dielo na Slovensku [Kolping Slovakia], Banská Štiavnica

Other NGOs [working with children and youth in general]

Detská organizácia Fénix [Children Organisation Fénix], Sládkovičovo
Centrum mladých [Youth Centre], Žilina
AMAVET - asociácia pre mládež, vedu a techniku [Association for Youth, Science and Technology], Bratislava
eRko, Bratislava
Ústredie slovenského skautingu [Directorate of Slovak Scouting], Bratislava
Úsmev ako dar [Smile as a Gift], Bratislava
Združenie kresťanských spoločností mládeže [Association of Christian Societies of Youth], Spišská Nová Ves
SEM - Spoločenstvo evanjelickej mládeže [Society of Evangelist Youth], Spišská Nová Ves
Združenie mariánskej mládeže [Association of Marian Youth], Nitra
Detská misia na Slovensku [Children Mission in Slovakia], Bratislava
AISEC, Bratislava
Detská organizácia FRIGO [Children Organisation FRIGO], Košice
Ideálna mládežnícka aktivita [Ideal Youth Activity], Bratislava
INEX, Bratislava
Prieskumník - Pathfinder, Bratislava
Laura, Bratislava
NODAM, Trenčín
Občiansko-demokratická mládež [Civic-Democratic Youth], Bratislava
OZ Krok za krokom [Step by Step], Košice
Strom života [Tree of Life], Bratislava
YMCA, Banská Bystrica
Zväz skautov maďarskej národnosti [Association of Scouts of Hungarian Nationality], Dunajská Streda
106 Zálesák [106 Forrester], Dunajská Streda
Astronomický klub Juraja Bárdyho [Astronomy Club of Juraj Bárdy], Plevník - Drienové
Keramikklub, Dubnica nad Váhom
OZ pre púchovskú mládež [Civic Association for Youth of Púchov], Púchov
Mládežnícka organizácia Päť Pé [Youth Organisation Five P], Bratislava
Občianske združenie pre zdravý život [Civic Association for Healthy Life], Žilina
Spoločenstvo Hrubáci [Hrubáci Society], Trnava
TIK TAK, Tesárske Mlyňany

OZ Jablonka, Jablonové
Slovenská debatná asociácia [Slovak Debate Association], Bratislava

ANNEX 2: Questionnaire for non-governmental organisations devoted to education of Roma children

This questionnaire is a part of the Open Society Institute research Equal Access to Quality Education for Roma Children. The update of the last year findings should serve mostly as a base for further work in promoting changes at schools towards improving the situation of Roma children in Slovak system of education.

The questionnaire is distributed to the non-governmental organisations which have worked or currently work with Roma children attending schools, or were identified as key partners for further work on other basis.

Thank you for your time in advance,

On behalf of the research team:
Mirka Hapalová, Stano Daniel

1. About organisations

name of the organization			
address			
web			
legal entity		established in year	
contact person	name		
	position		
	email		
focus of the organisation			

1.1 Defining main problems in education of Roma children and youth (Mark "X" into the appropriate box. In case of need, mark more - 5 at most)

X	Problem	X	Problem
	missing ethnic data		non-suitable school curriculum
	non-suitable system of education		practice of teaching at schools
	segregation at schools/in classes		relationship between schools and communities
	children enrollment process		discrimination at schools
	language barrier		ineffective school inspections
	missing/ineffective assistants of teachers		other (add):
	non-preparedness of the pedagogic staff		

2. Activities of the organisation

2.1 Implemented activities/projects: (Please, list only activities linked to education, since 2005)

Project 1 (copy the chart for "Project 2" and further if needed)

name of the project				implemented since - to:	
financing	source of finances				
	total budget				
partners:					
extent of the project (mark X)	X	level	specific localization		
		multinational	involved countries		
		national			
		regional	involved regions		
		local	involved municipalities		

Focus of the project (mark X)	target group	X	theme of the project	X
	Roma children of pre-school age		eliminating the language barrier	
			substituting for pre-school education	
			other (add):	
	children attending schools		coaching	
			free time activities	
			multicultural education	
			Roma culture and history	
			other (add):	
	government, ministry		need for changes in the system	
	teachers and pedagogic staff		multicultural education	
			further training	
			other (add):	
employees of pedagogic-psychological centers		testing children in culture-free tests		
		other (add):		

2.2 Prepared activities

2.2.1 List areas your organisations is going to focus on in future

X	field	X	field
	ethnic data collection		curriculum
	changes in system of education		practice of teaching at schools
	segregation		relationship between schools and communities
	enrollment process of children at school		discrimination at schools
	language barrier		school inspections
	advocating for Roma rights and interests		other (add):
	pedagogic staff		

2.2.2 List preferred partners in...

...financing of activities

X	source of financing
	Slovak foundations and grant-making institutions
	foreign foundations and grant-making institutions
	private funds
	local funds (municipalities)
	other (add):

...cooperation on activities

X	cooperating partners
	Slovak NGOs
	foreign NGOs
	governmental institutions
	municipalities (founders of schools)
	schools
	other (add):

2.2.3 Expected target groups of projects in future

X	target group
	children of pre-school age
	children attending schools
	teachers

X	target group
	employees of the pedagogical-psychological counseling centers
	parents
	other (add):

3. Interest in further cooperation (As mentioned before, after processing of the results of this survey we will propose a strategy of cooperation involving number of non-governmental organisations):

X	level of will to cooperate
	we would like to be involved in any activity
	the involvement depends on our capacities
	the involvement will be discussed after more concrete plan is proposed
	we could object to some of the organizations
	we do not have capacities for any involvement
	we are not interested in cooperation
	other (add):

Please list any further comments:

List your comments here: