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EXPLORING EDUCATIONAL INCLUSION AND SCHOOL SEGREGATION: NEW PERSPECTIVES FROM THE CASE STUDY OF ROMANIA

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Exploring Educational Inclusion and School Segregation: New Perspectives from the Case Study of Romania

Luminița COSTACHE¹, Eugen CRAI², Claudiu IVAN³

Abstract

The article discusses the relationship between school segregation and the inclusive education related goals, analysing auspices that could lead to the success of educational policies aimed at desegregating schools. It goes in depth with nuances necessary for understanding the school segregation phenomenon and mechanisms for monitoring school segregation as a public policy project stemming from the case of Romania. While previous studies on school segregation have focused on inter-school segregation (the distribution of students from various categories among different schools), we argue that it is equally important to consider the intra-school segregation side (i.e. segregation within the same school learning spaces). Relevant social context elements which are paramount for the success of desegregation policies are also discussed, such as the level of public support granted for such an educational policy, the impact of the „marketization” of educational services (degree of freedom in choosing educational services or the privatization thereof, etc.), awareness of the positive effects of school desegregation both from moral and economic perspective, and the necessity of ongoing monitoring of the phenomenon to prevent school re-segregation. The benefits of school desegregation are analysed from the perspective of different stakeholders, including parents of vulnerable students involved in schooling as well as parents of better-off students, placed at the top of the socioeconomic hierarchy. The conclusion we draw is that providing educational services in a desegregated manner is beneficial not only to society as a whole but also to each category of stakeholders considered separately. The article also suggests new future guidelines for researching and documenting school segregation.

Keywords: school segregation and resegregation; educational inclusion and equity; marketization of educational services; school desegregation policies.

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Introduction

School segregation is an exemplary manifestation of educational inequalities, a phenomenon through which the unjust and immoral reduction of the academic success chances of certain categories of students, below their native potential, occurs (Gutiérrez, Jerrim, & Torres, 2019). The concern about school segregation also arises from the short-term effects that this phenomenon triggers academically, as well as its long-term socio-economic implications. School segregation is a phenomenon whose impact leads to the increase of educational and social disparities (Reardon *et al.*, 2022), harming the educational opportunities of vulnerable children (Maria Granvik *et al.*, 2018) and, implicitly, diminishing the outcomes in terms of quality human resources in supporting the socio-economic development of a society (Council of Europe, Commissioner for Human Rights, 2017).

This paper reviewed the phenomenon of school segregation in an integrative manner across three major areas of interest: the intrinsic relationship of the phenomenon with educational inclusion, the way educational policies have addressed and are able to address school segregation, and the reasons why school desegregation is essential in social terms. Such an overview of school segregation is considered necessary to manage more sensitively the research efforts undertaken so far in that regard.

School segregation as a manifestation of educational inequalities

Following the specialized literature, by educational equity we mean the real possibility for any student to maximize his native potential in the educational process (de Los Santos *et al.*, 2020). Thus, educational equity is assessed based on the extent to which social, external conditions, independent of the student, influence his chances of educational attainment and the level of learning outcomes (Bourdieu, & Passeron, 1990). In other words, we reach educational equity when there are no “differences in the level of education obtained determined by social conditions (social background)” (Boudon, 1974). And to achieve this, compensatory interventions are needed in social situations impacting the students’ educational achievement but do not stem from their intrinsic, individual characteristics (Bourdieu, & Passeron, 1990; Levinson, Geron, & Brighouse). Obviously, this does not imply that there are no differences in the educational attainment obtained under conditions of absolute educational equity, but these differences arise solely from differences in student’s innate abilities, which are inevitably unequal and diverse, depending on the domains in which human abilities or ‘multiple intelligences’ manifest (Gardner, 1983). That is why educational equity does not mean equal treatment or equal educational outcomes.

We may carry out the analysis of schooling from the perspective of educational equity through the lens of at least three particular perspectives below (Lynch, & O’Riordan, 2007): (1) Access to education (educational objectives specific to a minimalist perspective); (2) Participation in education; (3) Learning outcomes, school attainment, or accumulation of knowledge resulting from schooling.

School segregation can primarily impact negatively school access, attendance and attainment. The case of *Brown v. Board of Education of Topeka*, analysed in 1954 by the Supreme Court of the United States, illustrated such a situation (Clotfelter, 2004). The Brown African-American family was not able to enrol their child in the school closest to their home because, by the law in force at that time, it was designated as exclusively for white students. The only alternative available was the costly transportation to another school where African-American children were enrolled.

However, school segregation also has a major impact on academic attainment, on the level of learning outcomes of the student (Council of Europe, Commissioner for Human Rights, 2017). The so-called ‘peer effect,’ well documented in the literature (Barrios-Fernandez, 2023), demonstrates the impact that social externalities derived from the socio-demographic characteristics of the group of students comprising classes, the school, other various learning facilities, or even the school nearby residential area, can have on academic outcomes (DiMaggio, 1982). Reference studies from the OECD also show the effect of clustering disadvantaged students in certain school structures on the performance of teaching staff (OECD, 2019a) and, implicitly, on the quality of educational services thus provided. Although it was found that reducing school segregation leads to increased educational equity (based on the analysis of PISA data on the situation in 16 OECD member countries) (Benito *et al.*, 2014), the effect of desegregation on educational attainment appears to be nuanced. Analysis of PISA data from 2003 led to the conclusion that school heterogeneity leads to increased educational learning outcomes overall but does not seem to result in significant educational gains among vulnerable groups on one hand, nor in learning losses among privileged groups of students on the other hand (Péter, 2010).

However, the form of segregation we consider does also matter. It was shown that in the case of Sweden, school segregation based on the immigrant status of the student does not have notable effects on learning outcomes (Brandén *et al.*, 2016). Also in Sweden, another study has shown that the efficiency of teachers at school (captured through the leadership level, capacity for cooperation and consensus, as well as the quality of the school ethos) is significantly consistent with students’ academic attainment as well as the degree of school segregation. Here, segregation is captured by criteria defined by: 1) Parents ‘education level, 2) Share of students born abroad, 3) Proportion of recently immigrated students, and 4) Level of student motivation (Maria Granvik *et al.*, 2018). In the case of Spain, it was highlighted that school segregation based on socio-economic status

(education level of parents, financial condition) and immigrant status impacts learning outcomes in Mathematics, Literature, and Science as measured on the PISA scale (Murillo & Belavi, 2021). However, this effect differs among native (Spanish) students compared to non-native ones.

All these pieces of evidence bring clear arguments on the fact that school segregation represents a source of educational inequality. In the section below, we go in depth with some key contemporary directions for addressing the phenomenon of school segregation within educational policies.

Education inclusion policies and school segregation phenomenon

There are several institutional contexts influencing the manifestation of school segregation, such as freedom of choice in accessing educational services and educational policies at local and regional levels (Gábor & Gábor, 2013), a market-oriented educational system correlated with the expansion of private or ‘magnet’ educational establishments⁴ or the co-payment system instituted in the provision of educational services (Valenzuela, Bellei & de los Ríos, 2013; Clotfelter *et al.*, 2021). Specifically, with regard to the impact of the expansion of privately-run schooling and ‘magnet’ schools, there has been a quite vivid pro-con public debate in the United States, especially through articles published in the journal ‘Sociology of Education’ (Archbald, 2004; Saporito & Deenesh, 2006). One of the argued positions in this debate was that the expansion of private education in the southern states of the USA was also a consequence of desegregation policies adopted after 1960. The choice for private schools represented a pressure relief valve for white parents who desired, for their children, an education separate from the African-American ones (Clotfelter, 2004). On the other hand, there are proponents of the idea that the expansion of private education has a negligible impact on racial school segregation but a positive one on the overall educational attainment of students (Coleman, Hoffer, & Kilgore, 1982). Conclusions based on sound data collected systematically and scientifically rather lead to the conclusion that the policy of school choice in the free market, without paying particular attention to enrolment patterns, and correlated with the increase in the number of private schools, contributes to the growth of residential-type school segregation (Adamson & Galloway, 2019). In the USA, it has been found “white children leaving public schools at higher rates than minority children, particularly when school attendance boundaries are racially balanced. Moreover, public schools that have private and/or magnet schools within their catchment areas have disproportionately fewer white

⁴ Magnet schools in the USA are public schools that include specialized courses and curriculum. For more details: <https://www.waldenu.edu/programs/education/resource/what-is-a-magnet-school-and-does-it-offer-a-better-education> (27.11.2021).

children than do schools without nearby private or magnet schools” (Saporito & Deenesh, 2006). Even in recent studies, published in 2021, data leads to the conclusion that “by far the biggest contributor to segregation in North Carolina’s counties was differences among individual schools within public school districts and within the charter and private school sectors” (Clotfelter *et al.*, 2021). This fact was noted in the context where desegregation policies benefited from a new approach from American public authorities, in which racial differences lost relevance (a “color-blind attitude to school desegregation”) and the freedom of choice when it comes to educational service providers was institutionalized, without restrictions related to belonging to a particular school district.

Certainly, the social context supporting desegregation policies, social stereotypes towards certain groups of students or educational policies adopted by the government do matter. Beyond structural elements determining the manifestation of school segregation, parental decision-making, parents’ perceptions of educational opportunities, and the meanings attributed by them to various schooling opportunities are also factors leading to school segregation, as one may notice in the case of Sweden (Hansen & Gustafsson, 2016).

Institutional measures targeting systematically school desegregation and adopted at a certain moment in an educational system can significantly reduce the phenomenon (Fuller *et al.*, 2019). However, as long as the key stakeholders directly involved in providing educational services, such as parents or teachers, remain convinced, in large numbers, that a segregationist option is more suitable for their children’ education, the risk of finding new, innovative paths to return to situations of school segregation do persist. In other words, school segregation process is not static over time, even when it is considered that desegregation has been eliminated according to targets set at a certain point (Clotfelter, 2004). Segregation can present new dynamics, such as the organizational manipulation of the meaning of separation categories through the revaluation of certain contexts where the disadvantaged were clustered, populating these school facilities by better-off students, and the limitation of access for the disadvantaged, thereby maintaining the separation of students based on their socio-demographic category of origin (Saatcioglu & Skrtic, 2019). Through such evasive mechanisms, the segregational trend in schools can find a new forms of manifestation.

In conclusion, it is not sufficient to have legal provisions in place against segregation. When these are ambiguous or address complex aspects, those organizations mediating the enforcement of legal provisions (public authorities, schools, etc.) can use various mechanisms to perpetuate the status quo (Edelman, 1992). It is possible to manipulate only the appearance of the desired change (in this case, school desegregation) by creating persuasive symbolic structures or adopting rationalizing myths (Meyer & Rowan, 1977) without the actual change taking place.

There is a constant dialogue and an adaptation process between institutions (understood in this context as “cultural-cognitive, normative, and regulatory elements that, together with associated activities and resources, ensure stability and meaning in social life”) (Scott, 2001) and the organizations in charge with generating social change. This phenomenon finds a typical illustration in inclusive education policies and, implicitly, in those targeting school desegregation.

Why is there a need for desegregated schools?

The key question is whether school desegregation stimulate the increase in the level and quality of educational attainment among the overall student population. If so, what are the mechanisms through which this effect occurs (such as increasing the pedagogical productivity of teachers, more efficient use of allocated education resources, etc.)?

First, high-achieving students, along with their tutors, represent by themselves a learning resource for mediocre or academically challenged peers - this is known as the “peer effect” in education (Sleegers, 2010; Sacerdote, 2011). In this regard, heterogeneous distribution of students helps disadvantaged students in schooling by exposing them to high-value social interactions and creating a more conducive social context for learning (for example, positively shaping aspirations regarding academic routes). It has been demonstrated that moving to a neighbourhood with lower poverty incidence early in life has long-term positive schooling effects for students (Chetty, Hendren, & Katz, 2016). Additionally, it has been shown that in Hungary, increased exposure of Roma students to interactions with non-Roma students (through ethnic desegregation) leads to more frequent inter-ethnic friendships, a positive effect that outweighs the instances of hostility generated against this backdrop (Hajdu, Kertesi and Kézdi, 2021). Moreover, a school environment populated with students from families where parents have inherently high educational aspirations for their children fosters increased educational aspirations among other parents, who initially started with rather modest aspirations (Sleegers, 2010; Sacerdote, 2011; Paloyo, 2020). The level of educational aspirations initially stems from educational capital, existing models within the local community (Bourdieu & Passeron, 1990), and the level of prosperity - for example, poverty leads to an increased educational burden in the cost/benefit ratio, etc. (Boudon, 1974). The encounter within the school space between groups with different levels of educational aspirations results in an overall increase in educational ambitions and increasing the level of understanding and adaptation to a diverse society for all student (Sacerdote, 2011).

Second, teachers’ performance at classroom is determined by the expectations, level of interest, and degree of involvement of both students and their parents (Péter, 2010). The intensity of teaching, care in explaining concepts, quality of homework

assignments, or the actual duration of teaching act⁵ are largely determined by how the teacher perceives the expectations and behaviour of the generalized parent, or in other words, by the symbolic relationship with the reference parental community. Here, the concept of “generalized other” (G.H. Mead) is evidently evoked, along with the process of creating social representations through communication and intergroup influence, as highlighted in social psychology studies (Staerklé, Clémence, & Spini, 2011). The “generalized parent” is actually a synthesis of the expectations of all parents of children enrolled in a class, within the diversity manifested by them. Parents with high expectations, capable of closely monitoring teaching performance - by tracking students’ notebooks, assigned homework, tasks and evaluations organized by the teacher, and the management of teaching time - contribute to a representation of the motivating generalized parent for high teaching performance. This benefits the student whose parents are not highly involved in schooling (due to lower educational level, lack of interest in educational stakes, placing education behind other life priorities, etc.).

We referred to the gain of the vulnerable students because of the involvement and high expectations of the parents of better-off classmates, in the context of a heterogeneous class. However, does the better-off student (coming from a family with higher expectations and financial, educational, and status resources) have anything to lose from the collegiality with a vulnerable student (coming from families with low education, lower resources, and disinterested in education)? Studies show that such a loss, if exists, is negligible, and the gain for the vulnerable students is much greater than the loss for the better-off ones (Hoxby, 2000). On the contrary, the better-off students also benefit from exposure to interactions with students from disadvantaged backgrounds (Clotfelter, 2004). Exposure to different environments presents long-term benefits for understanding and integration into an increasingly diverse society. Therefore, when sum it up, overall, through school heterogeneity, there is unequivocally much more to gain than through school separation (Péter, 2010). Going even further, this conclusion tells us that a decision in line with the group’s global interest, based on interdependence and social solidarity, would undoubtedly lead us to the idea that desegregation is desirable.

Even if we were to assume that a strictly individualistic decision, based solely on a personal interest assessment, would lead - contrary to empirical evidence as argued above - to the conclusion that segregated education would be more

⁵ When we refer to the actual duration of teaching, we consider the time effectively dedicated by the teacher to developing students’ knowledge and skills according to the school curriculum during the time spent at classroom. Hypothetically at least, these do not always overlap, as the teacher has a high degree of freedom in managing the time spent in the classroom – being able to choose to browse the internet, arrive late, engage in conversations with students about extracurricular matters during lessons, have students work individually, etc., instead of actually dedicating time to teaching. For an introductory discussion regarding teaching time, see OECD (2019b).

favourable - either to those well-positioned in the social hierarchy, those at the bottom of the social hierarchy, or those in the middle of the social hierarchy - we cannot completely separate individual interest from the collective, global, social interest (Perry, Rowe, & Lubienski, 2022).

Perhaps, at this point, it is time for socially well-positioned parents to ask themselves a question. Which of the following options is preferable for the future of their own child: living in a society where the majority of fellow citizens are ignorant, poorly equipped educationally, or one consisting of citizens with at least an acceptable level of education, with civic spirit and social altruism stemming from it? And the choice between segregated or desegregated education is relevant in this dilemma, as long as evidence shows that school desegregation contributes to improving the quality of education for the majority of citizens of tomorrow and, implicitly, in the long term, to the improvement of life quality in that society (Perry *et al.*, 2024).

Moreover, one should remember that social heterogeneity in schooling allows for a process of social relaxation through contact and exchange of cultural elements, norms, values, and perceptions specific to different groups of students (Hajdu, Kertesi, & Kézdi, 2021). We have both a general social gain and an individual advance for each student (including for better-off ones), who become more resilient (Jay, 2017), competent, and enjoying a socio-psychologically well-being, while capable of facing future inherent adversities. This happens through understanding the various potential social challenges, a diversity of behavioural and cultural patterns with which, inevitably, we will all interact throughout our lives (Clotfelter *et al.*, 2021): e.g. from the position of a businessperson managing teams of workers, managers of organizations, or simply as travellers through social spaces. In schooling, interaction with those from different groups, positioned lower or higher in the social hierarchy, prepares appropriate response strategies for future inevitable interactions in adulthood, throughout life.

School desegregation, as a means of ensuring social equity and increasing the social performance of all members of next generations, will provide a favourable social context for both adults and nowadays students, including those coming from better socio-economic backgrounds. There is a message here, including for hyper-protective and caring parents (the “helicopter parents”) with regard to the future of their children: wishing a good future for their own child does not just mean an exceptional educational route for them, but a reasonable level of education, in line with their innate potential, for the broader mass of school-aged children today, among whom their child will live in adulthood. In addition, school desegregation, through its strong contribution to educational equity as described here, leads precisely to such a favourable future reality for all.

A positive effect worth mentioning here is that school desegregation leads to an increased quality of mainstreaming educational services, which, in turn, demotivates the phenomenon of emigration and prevents the depopulation of a

social space (Castelli, 2018). This is of utmost importance for the demographic policies of countries like Romania (Otovescu & Otovescu, 2019). This happens because emigration has increasingly been motivated by dissatisfaction with public services (among which educational and healthcare services are the most relevant categories) in recent years (Boncea, 2014; Sandu, Toth & Tudor, 2017; Tufiş & Sandu, 2023).

Considering that school segregation is a barrier to ensuring equal opportunities for vulnerable students that prevent them from making the most of their innate potential - an obstacle that stems not from any merit or personal choice but from the happenstance of being born into a particular family or social context (you cannot choose your family) - we also have a moral argument, one of social justice, against segregationist school practices, to which the humanity in us should be sensitive.

And this moral perspective can be complemented very well with the economic argument. On one hand, in segregated educational environments, educational losses are more pronounced (a fact observed at least in the case of Roma or in the case of children with disabilities learning in segregated settings) (Varga, 2022). On the other hand, the higher the educational stock in a generation, the higher the economic potential and profit (return on investment) in adulthood, both at an individual and societal level. This leads to an implicit increase in the overall quality of life. In the case of Romania, it has been estimated that the effect of one additional year of schooling on earnings is at least 8.05%, and “each additional year of schooling reduces the probability of being unemployed by 8% and that of being in bad or very bad health or of suffering from a chronic long-standing disease by 8.2%” (UNICEF, Varly *et al.*, 2014).

Specific challenges in school desegregation policies starting from the case of Romania

How do we define school segregation in public policies?

In Romania, legislation defines the following categories of students at risk of school segregation: Roma students, students with lower socio-economic status (operationalized by parents' level of education and student's status as recipient of social scholarship), students with disabilities, students coming from rural areas, or students with low academic attainment (Costache, Crai & Ivan, 2022). This approach is synchronous with the global perspective in this regard (Council of Europe, Commissioner for Human Rights, 2017). For each of the categories of students aforementioned, there is evidence supporting their vulnerability in schooling, generally, and particularly a high risk of exposure to school segregation. A striking example is that of Roma students, for whom data support a high risk of school segregation and, concurrently, educational precariousness (European Union Agency for Fundamental Rights, 2023).

There may be other criteria of vulnerability in terms of school segregation, but it is imperative that these be grounded in evidence derived from official data or research demonstrating the persistence of vulnerability within a specific category of students in the school environment. While studies in Eastern and Central Europe focus on Roma and poor students, studies in the Western European context, for example, focus on the situation of immigrants (Brandén *et al.*, 2016; Murillo & Belavi, 2021).

The gender criterion could be another aspect considered, but in Romania there is no evidence of a differentiated access, enrolment and participation to education between female and male students (Institutul de Științe ale Educației & UNICEF, 2004). Another relevant criterion that could be considered is that of underage mothers attending school, considering that their educational level of attainment has a significant impact on their own condition and that of their children in social and medical terms (Dumitrescu *et al.*, 2021; Radu *et al.*, 2021).

It should also be noted that the school segregation of vulnerable student categories might occur in various school settings, depending on the methods of organizing the distribution of students for teaching purposes. In terms of spatial/methods of organizing teaching, Romania has included in its legislation: a) segregation at the level of the educational establishment, b) segregation at the level of the school building, c) segregation at classroom level, and d) segregation at the level of the last two rows of school benches in each classroom (Costache, Crai & Ivan, 2022).

Segregation at the level of the educational establishments was the first documented form of segregation in the United States, following the Supreme Court decision in the case of Brown v. Board of Education of Topeka, we previously mentioned (Clotfelter, 2004). It captures the situation in which an educational establishment clusters larger shares of vulnerable students compared to the proportion of these students in the school's proximity zone (school district), whereas other nearby educational establishments or educational system entities exhibit the opposite situation i.e. lower shares of vulnerable students relative to their proportion in the school's proximity zone. It is worth mentioning that in certain situations, segregation within an educational establishment occurs as a result of residential segregation—in simple words, a larger number of students from one of the aforementioned disadvantaged categories reside in the area or school catchment area served by that particular school. A related extremely important aspect, specific to Romania but also to other countries, is the organization of the educational establishment. In Romania, there are educational establishments that incorporate multiple school structures (satellite schools), without legal personality, one of which being the coordinating structure. These school structures are so called because they operate in separate buildings/ building wings and usually serve separate communities divided by a certain geographic or administrative boundary e.g. an educational establishment located in a Romanian rural locality,

which incorporates several villages situated at a certain distance from each other. The coordinating structure is usually located in the center of the commune, near the Town Hall, medical dispensary, and police station, while the other structures (satellites) are located in the surrounding villages, sometimes several kilometres away. The analysis of school segregation should be conducted in this case at the level of the school structure, not at the level of the entire educational establishment, and not by using aggregated data from the educational establishment with legal personality (including the situation of all satellite schools). This reporting level i.e. at the level of school structure (whether it is the structure with legal personality or the satellite school) was selected in the case of Romania for monitoring school segregation not randomly, but because it corresponds to the level of the school catchment area. From the perspective of school segregation, the level of concern is that of the school catchment area, and as a rule (with a few exceptions), each structure has its own catchment area. Furthermore, an analysis of school segregation using aggregated data across all school structures (the one with legal personality together with satellite schools) is not relevant, as severe segregation cases may be concealed under acceptable average values for the aggregated data from the satellite schools. Therefore, cases of segregation between certain school structures belonging to the same educational establishment with legal personality require special attention (Costache, Crai & Ivan, 2022).

Segregation at the level of educational establishment thus entails comparing schools and residential areas in terms of proportions of certain categories of students, which is why this type of segregation can be called inter-school segregation. We will now refer to other segregation patterns, this time within the same school structure, which we will call intra-school segregations.

Segregation at the school building, a type of intra-school segregation, is important to evaluate when, within the same school, classes are held in separate buildings. In this case, the distribution of students in these buildings should be homogeneous, with equal proportions of disadvantaged students regardless of the criterion considered. Of course, the premise allowing the analysis of this form of school segregation is that the educational institution has more than one building/ wings, and classes belonging to the same educational cycle are distributed in different buildings/ wings.

Segregation at class level can occur when, at the same educational level, there are multiple classes in which the educational process unfolds. In this situation, there is often an increased interest among parents to enrol their children in certain classes taught by more capable and professional teachers. Typically, parents who are prone and willing to browsing the educational system (with higher educational status, resources, etc.) explicitly choose for their children's classes the highly regarded teachers, for whom there are strong premises in that regard (either based on demonstrated performance over time or based on certain acquired fame, results in specific school competitions, publication of textbooks, etc.). It could be a subject of study itself the way parents evaluate the performance of teachers,

based on which symbolic elements, since objective indicators in that regard, under the auspices of a public authority, do not officially exist, not in Romania, at least. Generally, the distribution of students by classes has not been random in Romania. Only very recently, in 2024, a ministerial order was adopted to mandate random or alphabetical distribution of students enrolled in the first school year (Ministry of Education, 2024). Until now, the distribution of students by classes at the beginning of the primary schooling cycle was based on considerations of a different nature, as a result of simultaneous arbitrary mechanisms, such as parents' preference for a particular teacher, preferences and choices made by teachers in selecting pupils/ students for their class, or even as a result of arbitrary decisions made by school management or local influence networks and stakeholders. There is no final study on this topic in Romania, but a detailed picture of the state of affairs in Romanian schools by the authors of this article serves as the basis for the explanatory hypotheses we put forward. It is worth recalling here the explanations regarding the general benefits of desegregated education.

Segregation at the level of the last two rows of school benches is important because it exposes the student to a risk of pedagogical neglect, especially in traditional classroom seating arrangements organized by rows of school desks. Spatially positioning vulnerable students in a manner that may impair their schooling means their marginalization (Danka & Rostas, 2012). In these situations, assessing segregation through seating arrangements serves its purpose. When students are rotated, periodically changing their seats and occupying any space in the classroom, segregation in the last two rows lacks meaning. The same occurs when desks are arranged in a semicircle, ensuring each student has a similar distance from the teacher and the board where educational resources are displayed during teaching. Furthermore, we can consider that analysing school segregation based on seating arrangements is not relevant in classes with small a number of students, where even in a traditional spatial arrangement of desks by rows, students occupy, for instance, only the first four rows of benches.

It should be noted that each learning context, specific to each country, could expand the list of forms of segregation depending on the criterion used to define vulnerable student categories or based on the teaching method. One possible form of segregation, for example, is cyber-segregation (Beckles, 1997; DiMaggio *et al.*, 2004; Li & Donggen, 2014; Smirnov, 2019). School courses can also be organized in online teaching classes, a phenomenon widespread worldwide during the lockdown triggered by the SARS-CoV-2 pandemic, but which was announced long before that as a way to combat school segregation (Turoff, 2000).

Exemptions from the Definition of School Segregation in Romanian Legislation

In some schools, the application ex-officio of monitoring methodology is not feasible (nor justified); these are schools with simultaneous teaching (multi-grade classes). In accordance with the legal framework in place in Romania i.e. Order of the Ministry of Education, Research, Youth and Sports 3062/2012 for the approval of the Methodology for organizing classes in pre-university education in simultaneous mode states that “in geographically or linguistically isolated localities or in localities where the student numbers corresponding to a certain grade in primary or secondary education are smaller than the minimum numbers provided by law and where there is no possibility of providing school transportation, simultaneous classes (multi-grade classes) are held” (Art. 1). This type of education is allowed only at the primary and secondary levels. In this type of education, some class formations can be established in simultaneous mode by grouping students from all classes of secondary education, while at the primary level, formations covering two or three grades can be established.

An essential characteristic of these simultaneous teaching classes is the small number of students, below the lower limit provided by national education law. In some cases, a simultaneous teaching class may cover all students in an educational cycle (e.g., secondary education). Such a characteristic renders the monitoring of school segregation, in any of its forms, unnecessary because instead of “separating” students based on any criteria, all or almost all students from multiple years of study, even from an entire educational cycle, are brought together. Simultaneous teaching classes face some other issues related to equity and/or the quality of education, but they certainly do not pose a risk from the perspective of school segregation.

Pursuant to the provisions of Order no 6134/2016 issued by the Ministry of Education of Romania, the model for monitoring school segregation establishes certain legitimate derogations e.g. to allow the coexistence of the universal and equal right to education with the right to education in the mother tongue of children belonging to ethnic / national minorities. A situation where students of an ethnic minority are separated to learn in their mother tongue thus constitutes a derogation from the prohibition of segregation based on ethnicity by law. Limited strictly to schools with teaching in the languages of national minorities, this derogation acknowledges the de facto concentration of students belonging to the minority whose language is used for teaching in such schools. The role of the derogation is not to sanction schools with teaching in the languages of minorities, since through them a series of rights of persons belonging to ethnic minorities are realized and exercised, being legitimate for the preservation of language, culture, traditions,

and ethnic identity. This derogation from the ethnic criterion does not extend to any of the other criteria of segregation. Therefore, schools with teaching in the languages of national minorities are further obligated to mix students as equitably as possible across buildings, classes, and the last two rows of benches based on all other criteria, to reflect school diversity fairly.

By Ministry of Education of Order no 6134/2016 to establish the prohibition of school segregation, there is another derogation concerning students who, due to certain disabilities, attend special schools. This derogation was provisioned in this act to avoid a conflict between legal norms (a ministerial order cannot regulate beyond the framework established by an organic law, such as the Education Law). Thus, a derogation was introduced for special schools from their monitoring, solely based on this desegregation criterion. The grounds were straightforward: it is clear that special schools exclusively accommodate children with disabilities, and therefore, monitoring their segregation based on this criterion is redundant, and situations of segregation with regard to special schools cannot be resolved. The new Pre-University Education Law no. 198/2023 only partially resolves this conflict of legal norms, as special schools are reserved for students with a very severe level of disability: “for pre-schoolers/students with SEN and/or disabilities whose growth, development, or learning objectives cannot be achieved through other inclusive educational support measures (Article 69, para. 9). “Special educational requirements caused by disabilities are hierarchized in the new Romanian Education Law by four severity levels (basic, supplementary, intensive, special), and students with the most severe form of disability (special) are destined for education in special schools, separate from mainstream education.

We should note here, however, that the derogation established by Order no. 6134/2016 (still in force) for special schools, although adopted under the reasons stated above, conflicts with the norms of the Convention on the Rights of Persons with Disabilities (CRDP), as clarified in General Comment No. 4 on the CRPD. According to the Constitution of Romania (Art. 20), “if there are inconsistencies between the pacts and treaties regarding fundamental human rights, to which Romania is a party, and domestic laws, international regulations take precedence”.

In the new Education Law adopted in 2023, Romanian legislators made some amendments to the previous legislation in the field, initiating the transition towards a mainstreaming education system based on the principles of quality inclusive education, including for students with disabilities. This followed the reform vision of education operationalized through the current government program, which includes as an objective the transition by 2030 to “an equitable educational system, which will allow access to quality inclusive education for all individuals who, residing in Romania, benefit from the right to education” (Presidential Administration, 2021). This strategic document of the Romanian Government encompasses also an objective to reduce school segregation. However, it should be noted that in the initial drafts of the Pre-university Education Law adopted by Romanian Parliament in 2023, there was an explicit mention of a transition plan

for students with disabilities from special education to mainstream education. However, this provision was scrapped from the adopted version of the new law.

In any case, the derogation applies for special schools only with regard to the criterion of disability, and school segregation based on any other criteria is liable to sanctioning. In special schools, segregation of students based on ethnic criteria, socio-economic status of the family, academic performance, or residential background (rural/urban) is not permitted.

“Marketization” of Educational Services and School Segregation

The ‘marketization’ trend of educational services amid increasingly frequent opportunities for free choice of educational services is a well-known phenomenon in recent decades (Nikolai & Helbig, 2021). The increasing number of private providers of educational services is linked to that of the ‘marketization’ of educational services, although these phenomena are not identical. Marketization of educational services essentially means the application of marketing principles in providing them to the population, similar to a free market, with three main characteristics: 1) consumer freedom in choosing services (Boterman & Lobato, 2022), 2) competition among service providers, and 3) a high level of autonomy for service providers (Perry *et al.*, 2024). We can note that the emergence of private providers of educational services does not inherently mean the marketization of educational services, but rather stimulates this process. Through the existence of private service providers, the freedom of choice for educational services available to the population increases, as does the competition among educational service providers (including between private and public ones). However, the high autonomy remains the only condition that is not necessarily stimulated by the presence of private service providers as long as it is regulated by the public decision-maker. Otherwise, we can have marketization of educational services, in the sense mentioned above, without a clear trend in terms of increasing the number of private providers of educational services. The policy of granting educational vouchers (Epple, Romano, & Urquiola, 2017) from the public budget to be used by beneficiaries through the free choice of services from any public school is an example of the marketization of educational services that does not necessarily leads to an increase in the number of private educational service providers. The marketing principles mentioned above can apply strictly within the public school system, without affecting the size of the private education sector. Another example is the increased autonomy of public schools and the establishment of freedom of choice for public service providers by beneficiaries, without restrictions related to residential school catchment area.

Nevertheless, the increasingly pronounced trend in Western countries towards the marketization of public services remains undeniable, while accompanied by the growth in the number of private providers of educational services at all levels, including pre-university (Adamson & Galloway, 2019). This fact has

legitimately raised the question of whether this process is accompanied by an amplification of the phenomenon of school segregation (Gutiérrez, 2023). There is evidence showing the significant contribution of the privatization of educational services ('educational marketization') (Demesue & Friant, 2010; Perry *et al.*, 2024; Monarrez, Kisida, & Chingos, 2019). On the contrary, other studies indicate that the trend of marketization of educational services does not clearly lead to socioeconomic segregation (Gutiérrez, 2023).

The debate regarding the relationship between the increasingly common reality of private schools and the phenomenon of school segregation actually falls under a much broader theme: which schools are the focus of public policy aimed at monitoring and combating school segregation? (Nikolai & Helbig, 2021). A response to this question requires at least two necessary perspectives: the *legalistic approach* (which follows the response provided by contemporary legal norms) and the *sociological one* (the response provided by the analysis of the requirements for the proper functioning of society).

From a *legalistic* perspective, one should first mention that the vast majority of European states established free public education systems in the 18th century following the Prussian model of the von Humboldt brothers and promoted by Frederick the Great, which also inspired modern and contemporary systems of universal free education in Europe and beyond (Porcher, 2020). On May 22nd, 1962, an important amendment was made to the functioning of education systems with the entry into force of the UNESCO Convention against Discrimination in Education, which globally established that "Subject to the provisions of Article 2 of this Convention, of establishing or maintaining separate educational systems or institutions for persons or groups of persons" (article 1, (c)) constitutes discrimination in education and must be prohibited. The reservation mentioned in Article 2 of the Convention states that „When permitted in a State, the following situations shall not be deemed to constitute discrimination, within the meaning of Article 1 of this Convention: c. The establishment or maintenance of private educational institutions, if the object of the institutions is not to secure the exclusion of any group but to provide educational facilities in addition to those provided by the public authorities, if the institutions are conducted in accordance with that object, and if the education provided conforms with such standards as may be laid down or approved by the competent authorities, in particular for education of the same level”.

In the United States, following the landmark decision in the case of Brown v. Board of Education of Topeka in 1954, which formally outlawed racial segregation in public schools in the USA, some private schools continued to recruit students in a segregationist manner, limiting access to African American or other minority students (Ford *et al.*, 2017). The decision of the U.S. Supreme Court was either ignored or considered applicable only to public schools. As a result, racial/ ethnic segregation continued in private schools in the USA until 1976, when the U.S.

Supreme Court clarified, in the case of *Runyon v. McCrary*, 427 U.S. 160 (1976), that “federal law prohibits racial segregation in private schools”⁶. This ensured that African American students and those belonging to other ethnic minorities were guaranteed the right to attend any private school they want to attend, under admission conditions that did not reference racial affiliation.

In Romania, Government Ordinance no 137/2000 for the prevention and sanctioning of all forms of discrimination provides in Article 11 that “refusal of access to a person or group of persons to the state or private education system, in any form, degree, and level, because of their belonging to a certain race, nationality, ethnicity, religion, social category, or disadvantaged category, or because of the beliefs, age, sex, or sexual orientation of the persons in question” is discrimination and, as such, is sanctioned. The second paragraph of the same article extends the prohibition of unequal treatment not only regarding access but also the participation in education, “at all stages or phases of the educational system, including admission or enrolment in educational establishments or institutions and the evaluation or examination of knowledge”. As one may easily notice, anti-discrimination legislation in Romania applies to all educational institutions, both public and private.

Through the legal norms aforementioned, Romania has thus aligned itself with Western countries in terms of regulating access to and participation in education, observing the provisions mentioned in the UNESCO Convention against Discrimination in Education. Furthermore, para. 6 of Article 11 mentioned above states that “any restrictions based on race, nationality, ethnicity, religion, social category, or disadvantaged category in the establishment and accreditation process of educational institutions” constitute discrimination. On those grounds, Minister of Education Order no 6134/2016 for the prohibition of school segregation in pre-university educational establishments in Romania covers all pre-university educational establishments, from ante-preschool and preschool to high school education, including everything provisionally authorized or accredited in the pre-university education system.

Therefore, private education cannot be segregationist in its explicit design, as the legal norm prohibits it. However, it remains legitimate to investigate whether the expansion of private education still generates school segregation understood as a situation in which certain categories of students are separated from others.

We are thus advancing towards the *sociological perspective* of analysing the relationship between the increasingly widespread marketization of educational services and school segregation.

In private schools, as a rule, there is a clustering of better-off students from affluent families who can afford to pay the tuition fees (Nikolai & Helbig, 2021). Policies promoting the free choice of educational vouchers – including for students

⁶ <https://tile.loc.gov/storage-services/service/ll/usrep/usrep427/usrep427160/usrep427160.pdf> (22.03.2024)

from economically disadvantaged families – have not improved this state of affairs; (Epple, Romano, & Urquiola, 2017) on the contrary, they have served as a means of preserving school segregation (Ford, Johnson, & Partelow, 2017). Recent research in the USA further indicates that the expansion of the private education system, especially in the form of so-called “charter schools” has rather exacerbated segregation disparities, for various reasons, some of which being attributable to the framework of public policies (Adamson & Galloway, 2019).

These previous remarks are not intended to minimize the positive aspects that private education can entail: since it is more flexible, enjoys a higher autonomy, and it is more results-oriented and motivated to innovate, private education can find more effective and efficient educational and school management practices that can inspire public policies and be adopted within the public education system (Carrasco & Gutiérrez, 2023). However, from the perspective of school desegregation, the regulatory framework of private education is paramount, as well as the broader context of social policies, which must contribute, implicitly, to balancing the scale of educational opportunities and to educational inclusion (Gutiérrez & Carrasco, 2021).

There are solutions to ensure social diversity in private schools (Böhlmark, Holmlund, & Lindahl, 2016), on the one hand, and a parental choice policy for educational services compatible with educational inclusion (Nikolai & Helbig, 2021), on the other hand. Finland’s education system provides a very interesting example showing that once the objective of achieving a certain level of equity and quality in all public schools is reached, the need for the existence of private schools reduces. In this latter a country, admired for its performance in international standardized tests, private education is not prohibited; in fact, the government can fund it. However, in 2023, only “2% of pupils in compulsory education attend schools that have a private provider” (Eurydice, 2023), and “on the official education system, private funding only accounts for 2.6% of all expenditure in general” (Eurydice, 2024).

Marketization of educational services is, in fact, an alternative to the public policy of providing primarily free of charge educational services within the delimited framework of the residential school district. One may suggest that residential segregation is an expression of social inequalities as part of a “vicious circle of segregation” that differentially filters the access of certain social categories to various public spaces such as workplaces, schools, or leisure places (Tammaru *et al.*, 2021). However, school segregation is not solely determined by residential segregation but also by free choices in the education market, as a certain area may be a good choice for living but not necessarily a good choice for accessing educational services (Serrati, 2023).

In Romania, accessing free public educational services outside the school catchment area where the student resides is restricted and only occurs rather exceptionally i.e. in those cases where there are places available at school for non-

residents of the school district (Edupedu, 2024). In cases where applications for these available places from students residing outside the school catchment area are insufficient, criteria for differentiation specified in the regulatory act are applied. The media has also reported practices of accessing educational services outside the residency catchment area by relocating residency, either de facto or fictitious. Private schools do not limit access to their services based on residency within a specific school catchment area because private schools fall under the category of educational institutions that do not explicitly serve a particular school district. Access to private schools is based on payment of a fee and, in some cases, meeting performance criteria by the applicant student. Demonstrated student performance is required to ensure guarantees regarding the student's attainment, which enhance the attractiveness and image of the school in question.

Linking the provision of educational services to the residency catchment area (or "proximity," as the Romanian regulatory act states) should naturally lead to socio-demographic similarity between the student population residing in that school catchment area and the students attending the school within that district. However, there are at least three loopholes through which parents circumvent the residency school catchment area rule when some parents prefer to enrol their children in schools outside their designated school catchment area, namely:

- Enrolling in a private school, in which case the residency school catchment area no longer matters. The economic rationale behind private schools typically results in their placement in proximity to areas/regions that contain or cluster segments of better-off students (student coming from socio-economically advantaged backgrounds/ areas). In Romania, there is no doubt that the majority of private schools are located in large urban areas, which attract a population with a higher social and economic status. In small urban or rural areas with a significant share of the population enjoying lower financial resources, we practically observe the absence of private schools.
- Phenomenon of school choice through residency manipulation: actual or fictitious relocation of residency, through annual domicile declarations, to a family willing to accommodate the applicant in a district covered by a school considered more attractive.
- The exceptions specified by the regulatory act (such as having a sibling attending the desired school outside the residency catchment area, student's disability, orphan status, etc.).

Data provided by Romanian statistics do not allow for an analysis of residential segregation by assessing the similarity (or dissimilarity) between the socio-demographic characteristics of the student population within the school catchment area and those of the student population in the public school located within that catchment area. This is simply because there are no available data showing the socio-demographic profile of students residing in a particular school catchment area. Under these circumstances, public policies targeting school desegregation in Romania only recommend a comparative analysis of the ethnic profile in

educational institutions with that of the territorial-administrative-division (locality) to which the school belongs, for which disaggregated statistical data are available. Obviously, such an approach is inaccurate given the discrepancies between the demographic configuration at the level of the entire locality and that at the level of the school catchment area. Within a territorial-administrative division (locality), there may be multiple school catchment areas, some of which may vary significantly in terms of socio-demographic composition, as is the case, for example, in major urban centers.

It is worth mentioning that alongside the ethnic criterion, Romanian legislation also mandates the monitoring of school segregation based on other criteria such as socio-economic status (expressed through parental education and the student's eligibility for social welfare), disability, residence (rural/urban), or the academic performance of the student.

Romanian legislation brings a new element to monitoring and diagnosing school segregation. Alongside residential segregation (inter-school), which is of interest (but still unmonitored as such due to a lack of data regarding the socio-demographic configuration of school catchment areas, as already mentioned), segregation within the same school (intra-school segregation) is being monitored, within the buildings, classrooms, or the back rows of the classroom (Costache, Crai, & Ivan, 2022). The legal obligation is established to mix students so that the socio-cultural, ethnic diversity, etc., of the student population as a whole is reflected within the school buildings, at the classroom level, or at the level of the last two rows. This aspect, intra-school segregation, has been rather neglected by specialized studies, with rare exceptions (Crai *et al.*, 2016; Ivan & Bănică, 2022).

Clearly, educational institutions without a school district in Romania will also adhere to the requirements imposed by the legal norm regarding the monitoring of school segregation. This includes vocational high schools (which cover preschool, primary, or lower secondary education cycles) as well as educational units, both public and private, that are not allocated a school catchments area.

Conclusions

Although not without critics, the conclusion that emerges from the analysis of the literature is that school desegregation is a prerequisite when it comes striving for an inclusive educational system. The definition of educational equity invoked in the paper essentially implies the desegregated functioning of the educational system.

School desegregation policies implemented in the Western world have, until now, rather limited and certainly does not enjoy a definitive success. We emphasized in the policy analysis section that school desegregation process requires continuous monitoring as it was shown that certain measures adopted for desegregation have

only resulted in temporary improvements. Subsequently, under the pressure to return to the previous status quo, the so-called school “resegregation” phenomenon occurred. On the other hand, we highlighted the risk of adopting anti-segregation measures in the education system only as rationalizing myths, “facade” measures meant to persuade external evaluators that there is an organizational commitment to desegregation, without actually changing anything in reality, at grassroots level. That is precisely why the conclusion that emerged is that school segregation must be monitored and diagnosed based on data, in an unequivocal and periodical manner. Periodic monitoring should also consider the identification of possible new forms of segregation that do not currently exist or are unknown, but may arise in social and societal transformation, as well as the identification of resegregation phenomena.

This article has brought to light the most relevant evidence convincingly demonstrating that school desegregation has significant stakes from the perspective of students’ attainment in mainstream education system. The relationship between school desegregation and learning outcomes within the student population is reflected by the level of educational inequity and educational disparities among different categories of students. Desegregation not only contributes to learning outcomes and knowledge building, but also enhances social cohesion and functioning. Additionally, it has long-term economic benefits. Through this analytical lens, our analysis has argued for the imperative of school desegregation, considering the perspectives of both beneficiaries positioned at the bottom of the socio-economic hierarchy and those situated in the middle or at the top of this hierarchy. Our conclusion is that school desegregation is beneficial for all.

Finally, this article analysed, as a case study, the particular situation of Romania from the perspective of measures adopted to combat school segregation - a process that has brought some innovations in desegregation policies worthy of attention. Distinction was made between inter-school segregation (which reflects, in fact, the residential segregation of social space) and intra-school segregation (at the level of specific learning spaces within the same educational establishment, such as school buildings, wings or classrooms). In Romania, promising indicators for diagnosing intra-school segregation have been operationalized in desegregation policies, but the implementation thereof has not yet been achieved at the national level. This article also discussed the impact of the marketization of educational services on school segregation, showing the way benefits of free choice of educational services and the emergence of private education alternatives can coexist with a desegregated framework of education organization. Without a special attention paid to this aspect, there is a major risk, as already observed in the history of the United States (and not only), that school desegregation in the public sphere will lead to the exodus of students from the top socio-economic hierarchy into eminently segregated private learning spaces. This article has demonstrated why desegregation policies adopted in Romania are applicable to all pre-university

educational establishments, whether they are temporarily authorized or accredited, public or private.

Therefore, Romania has adopted some desegregation policies in education that reflect a clear commitment in this direction. However, these policies, for now, only outline the central Government's intention and commitment, without yet realizing the systemic diagnosis of school segregation based on data (as planned by the adopted legislative acts). In the absence of such diagnosis, the extent of school segregation is not clearly known, and red flags cannot be raised to stimulate the adoption of necessary interventions where needed. Up to now, red flags have been raised from civil society organizations, which have shown, based on non-representative samples, that intra-school segregation (at the level of buildings and classrooms within the same school structure, based on socio-economic and ethnic criteria) exists in Romania to a significant extent (Crai *et al.*, 2016; Ivan & Bănică, 2022). These alarm signals overlap with Romania's well-documented state of affairs marked by poor educational outcomes, low school attendance with the consistently high rate of early school leaving, ranking among the top three in the EU in recent years. There are also significant disparities between students from rural and urban environments in this regard, with an even higher school dropout rate and significantly weaker attainment and attendance among Roma pupils and students (OECD, 2024).

Educational gaps manifest themselves in Romania not only among students of different ethnicities or from different milieus of residence but also among students with different socio-economic backgrounds - suggesting that the sources of educational inequality are intersectional. The PISA testing (2018) revealed the severity of the gap in students' academic performance based on socio-economic status: "In Romania, socio-economically advantaged students outperformed disadvantaged students in reading by 109 score points in PISA 2018. This is larger than the average difference between the two groups (89 score points) across OECD countries. In PISA 2009, the performance gap related to socioeconomic status was 86 score points in Romania (and 87 score points on average across OECD countries)" (OECD, 2018). PISA 2022 data confirms this state of affairs, as educational inequalities have remained at a similar level compared to 2018: "Over the most recent period (2018 to 2022), the gap between the highest-scoring students (10% with the highest scores) and the weakest students (10% with the lowest scores) did not change significantly in mathematics and reading, while it widened in science. In mathematics, performance remained close to prior levels for both high- and low-achievers" (OECD, 2023).

The conclusion that arises, following international experience in this matter (Perry *et al.*, 2024), is that by reducing school segregation and ensuring comparable quality standards in all Romania's schools, the overall performance of the education system will increase. That is why urgent, immediate measures are necessary to stop

the amplification of school segregation and the disparities in learning outcomes among students defined by various vulnerability criteria.

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