

*D.H. and Others v. Czech Republic*

Action Plan on the Execution of the  
Judgment

21 December 2023

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## ABBREVIATIONS

CSI	Czech School Inspectorate
different CB&LCs	different cultural backgrounds and living conditions
MMD	mild mental disability
kdg	kindergarten
MEYS	Ministry of Education, Youth and Sports
MLSA	Ministry Labour and Social Affairs
NPI	National Pedagogy Institute
NRP	National Recovery Plan
FEP PE	Framework Educational Programme for Primary Education
FEP PE UV	Framework Educational Programme for Primary Education with Adjusted Outcomes
FEP PE MMD	Annex to the Framework Educational Programme for Primary Education, Governing the Education of Pupils with Mild Mental Disabilities (revoked)
PS	primary school

# CLARIFICATION OF KEY CONCEPTS

## FEP PE – Framework Educational Programme for Primary Education

This is the basic document governing the curriculum at state level. It defines the content and objectives of education in mainstream primary schools.

## FEP PE UV – adjusted outcomes of the primary education laid down in the FEP PE

Besides standard expected learning outcomes, the Framework Educational Programme for Primary Education also includes a clearly defined “minimum recommended level” for adjustments to the expected outcomes within the scope of support measures.

These (“adjusted”) outcomes serve as a guideline when learning outcomes are set in the preparation of individual education plans and are used in conjunction with support measures from level 3 (inclusive) up only for pupils with mild mental disabilities, where this is recommended by a school counselling facility. Under a support measure, learning outcomes can be adjusted up to the minimum recommended level, but only in areas where the pupil is underperforming. The application of support measures is regularly monitored and should be discontinued when the reasons for applying them have passed.

***Consequently, in the context of this report, it can be said that (Roma) pupils who have been diagnosed with mild mental disabilities and are receiving adjusted-outcome education are being educated under the FEP PE, but that they may be set learning outcomes at a level corresponding to their mild mental disability.***

## Schools and classes set up under section 16(9) of the Education Act

**Section 16(9) of the Education Act** provides that ***schools or classes, units, and study groups*** may be set up for children, pupils, and students with ***mental***, physical, visual or hearing disabilities, severe speech impairments, severe developmental learning disabilities, severe developmental behavioural disorders, multiple disabilities, or autism. A child, pupil, or student referred to in the preceding sentence may be placed in such a class, study group or unit, or admitted to such a school, only if the school counselling facility finds that, in view of the nature of the special educational needs of the child, pupil, or student, or in view of the progress and results achieved in the provision of support measures thus far, support measures alone would be insufficient to realise his or her educational potential and to exercise his or her right to education. Placement is conditional on a written request from the pupil or student, if he or she has reached the age of majority, otherwise from the child’s or pupil’s statutory representative, a recommendation from the school counselling facility, and the fact that this course of action is in the interests of the child, pupil, or student.

## SCFs – school counselling facilities

School counselling facilities, in accordance with *section 116 of the Education Act*, are responsible for providing children, pupils, and students, their statutory representatives, schools, and school facilities with explanatory, diagnostic, counselling, and methodological

activities, expert services in the fields of special pedagogy and educational psychology, preventive educative care, and assistance in choosing education that is appropriate for the children, pupils, or students and in preparing them for a vocation in the future. In order for support levels to be provided at higher levels (including adjustments to expected learning outcomes) or for children to be assigned to classes and schools pursuant to section 16(9) of the Education Act or receive education in a special primary school, a recommendation needs to be issued by a school counselling facility. School counselling facilities work with offices for the social and legal protection of children, youth and family care agencies, health service providers, and other authorities and institutions.

*Under section 3 of Regulation 72/2005 on the provision of counselling services at schools and school counselling facilities, the types of school counselling facilities are:*

- a) educational psychology counselling centre;
- b) special-pedagogy centre.

## Introduction

This Action Plan on the Execution of the Judgment is submitted in pursuance of point 7 of decision CM/Del/Dec(2022)1443/H46-10 of the Committee of Ministers of the Council of Europe, dated 22 September 2022. It reflects the current approach taken by the Ministry of Education, Youth and Sports (the “MEYS” or “Education Ministry”) to ensure that Roma pupils have equal access to education, including measures for implementation in the years ahead.

The planned measures are based primarily on the “**Analysis of the causes underlying the higher proportion of Roma pupils receiving education under the FEP PE UV in classes set up under section 16(9) of the Education Act and proposal of a set of measures for education and other relevant areas**”<sup>1</sup> conducted by PAQ – Prokop Analysis and Quantitative Research, s.r.o. and STEM Ústav empirických výzkumů, z.ú. from 1 December 2021 to 30 November 2022 (the “Analysis”). The MEYS commissioned the analysis in response to decision CM/Del/Dec(2020)1390/H46-8 of the Committee of Ministers of the Council of Europe of 3 December 2020, in which the Czech Republic was urged to identify the causes underlying the persistent excessive education of Roma pupils away from mainstream schools and classes. The MEYS consulted what specific form the assignment should take with the Expert Forum, an advisory body to the Agent of the Czech Government before the European Court of Human Rights. The Analysis’s main conclusions, together with the MEYS’s own findings, are discussed in the following section.

## 1. Analysis

This section outlines the Analysis’s main findings, supplemented by the MEYS’s own analytical findings. School principals’ qualified estimates of the number of Roma pupils in their schools serve as the main source of data. The MEYS has been collecting this data at the beginning of each school year since 2017 in order to track how the situation of Roma pupils in the education system has progressed. This is a reliable source of data; its soundness is explained in more detail at the end of this section.

### 1.1 Current situation

#### Numbers of Roma pupils have remained stable over time

Roma pupils account for between 3.5% and 3.7% of all primary school pupils in the Czech Republic. In 2022, there were 35,000 Roma pupils attending primary schools. The proportion of these pupils has remained stable since the monitoring began. The same holds true at the other levels of education being monitored, i.e. kindergartens and secondary schools, where, again, there was no significant change in either the number or proportion of Roma between 2017 and 2022, as can be seen in Tables 1 to 3.

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<sup>1</sup> The full text of the final report, entitled “Analysis of the causes underlying the higher proportion of Roma pupils receiving education under the FEP PE UV in classes set up under section 16(9) of the Education Act and proposal of a set of measures for education and other relevant areas (2022)” can be accessed online: <https://www.edu.cz/vysledky-vyzkumu-analyza-pricin-vyssiho-podilu-romskych-zaku-vzdelavajicich-se-ve-skolach-a-tridach-zrizenych-podle-%C2%A7-16-odst-9-skolskeho-zakona-vcetne-doporuceni/>

Table 1: Number of Roma children at kindergartens (2017–2022)

	2017	2018	2019	2020	2021	2022
<b>Total children</b>	364,447	366,064	367,297	360,265	363,432	371,974
<b>of which Roma</b>	7,070	7,748	7,065	6,953	6,719	6,972
<b>Roma (%)</b>	1.9%	2.1%	1.9%	1.9%	1.8%	1.9%

Table 2: Number of Roma of pupils at primary schools (2017–2022)

	2017	2018	2019	2020	2021	2022
<b>Total pupils</b>	926,108	940,928	952,946	962,348	964,571	1,007,778
<b>of which Roma</b>	33,663	34,767	33,775	34,268	34,958	35,273
<b>Roma (%)</b>	3.6%	3.7%	3.5%	3.6%	3.6%	3.5%

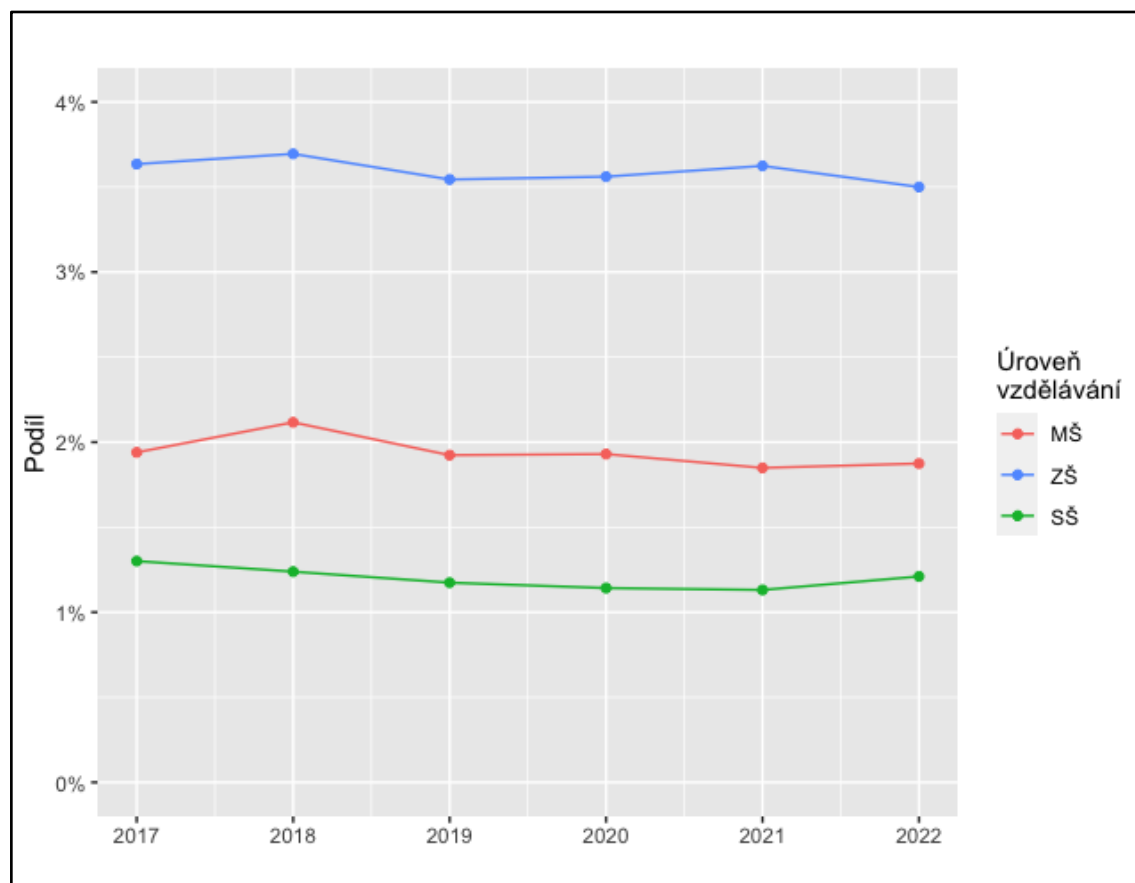
Table 3: Number of Roma of pupils at secondary schools (2017–2022)

	2017	2018	2019	2020	2021	2022
<b>Total students</b>	421,523	420,805	423,835	432,905	446,251	463,195
<b>of which Roma</b>	5,483	5,213	4,976	4,945	5,048	5,607
<b>Roma (%)</b>	1.3%	1.2%	1.2%	1.1%	1.1%	1.2%

**There are considerable differences in the proportion of Roma between the different levels of education**

Although qualified estimates in the individual reports on the execution of the D.H. judgment and the judgment itself primarily relate to primary schools, the overall issue of segregation and other associated discriminatory factors targeting Roma pupils is tightly bound up with the situation in kindergartens and secondary schools. Chart 1 shows, there are significant differences at the various levels of education in terms of the proportion of the Roma population.

Chart 1: Proportion of Roma children and pupils at the different levels of education (2017–2022)



Proportion		Education level
		kindergarten
		primary school
		secondary school

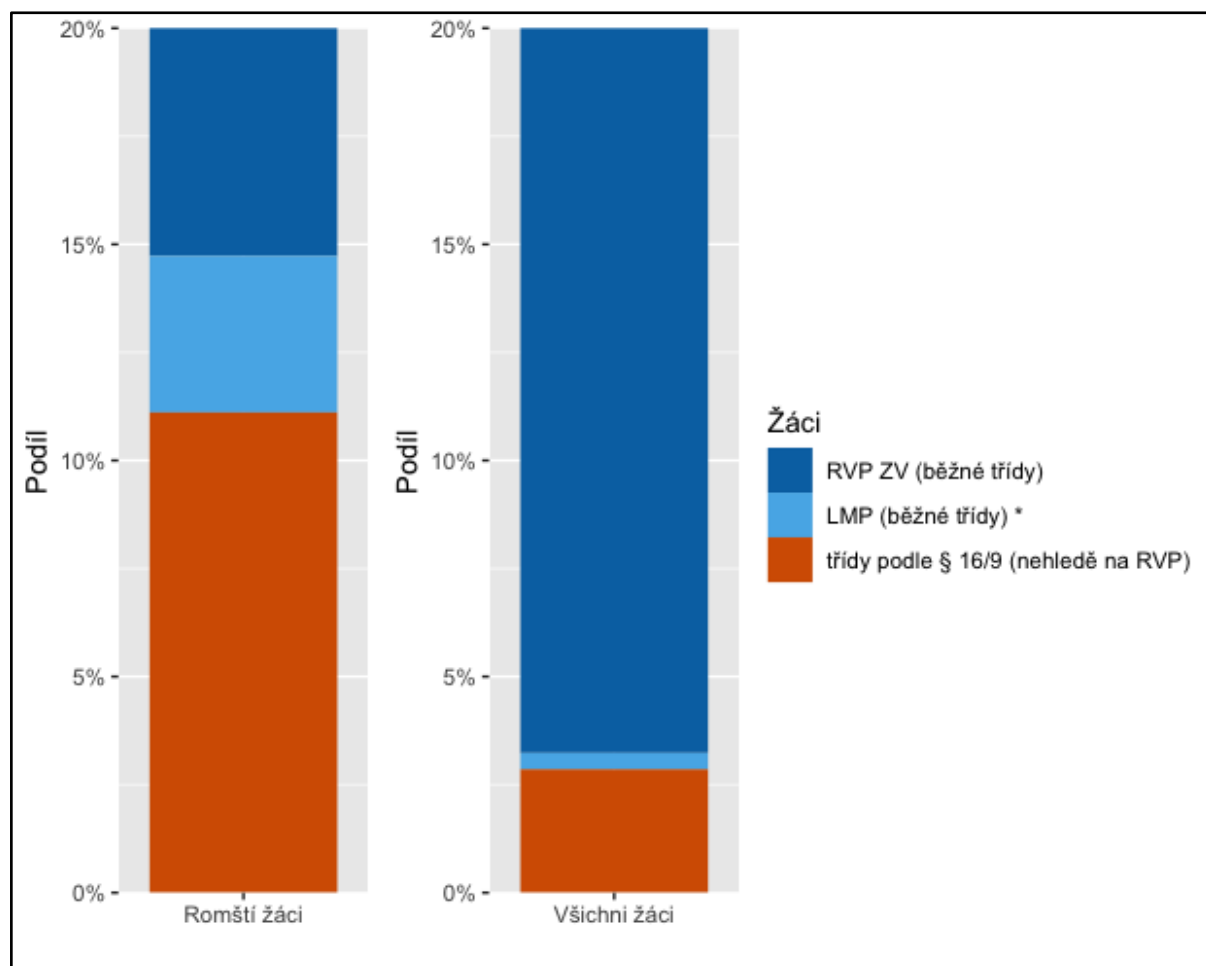
The proportion of Roma primary school pupils, for whom school attendance is compulsory is almost double the proportion of Roma children in kindergartens and Roma pupils in secondary schools, for whom, with the exception of the last preschool year in kindergartens, attendance is not compulsory. In order to better understand the issue and propose more integrated solutions, we shall pay more detailed attention also to kindergartens and secondary schools.

### **It is still more common for Roma pupils to be educated outside the mainstream**

The much higher proportion of Roma pupils outside the mainstream education system compared to the majority population remains a problem. 97.5% of all pupils are educated in mainstream classes according to the Framework Educational Programme for Primary Education (FEP PE). Among Roma pupils, that figure is just 85%, meaning that the proportion of Roma pupils outside the mainstream is several times higher than in the general population. Chart 2 compares the proportion of Roma pupils educated outside the mainstream with the general population. It breaks down the proportion of FEP PE UV pupils in mainstream classes

(pupils educated according to the principles of co-education, i.e. in mainstream classes but with adjusted outcomes) and pupils in section 16(9) classes.

Chart 2: Comparison of pupils outside the mainstream (2022)



Proportion		Proportion		Pupils
				FEP PE (mainstream classes)
				MMD (mainstream classes)
	Roma pupils		All pupils	section 16(9) classes (regardless of FEP)

Note: \* Since the availability of data is limited, the meaning of the "MMD" category varies. For Roma pupils, these are pupils under the FEP PE UV due to a mild mental disability, while for all pupils taken as a whole, these are pupils diagnosed with MMDs.

The y-axis ends at 20%; the remaining proportion up to 100% consists of pupils under the FEP PE.

In 2022, 13% of all Roma pupils attending primary school were educated according to the FEP PE UV for reasons of mild mental disability (MMD), and 11% of all Roma pupils were attending section 16(9) classes in all types of schools. There is a significant overlap between these two groups.

#### Roma pupils with FEP PE UV

	2017	2018	2019	2020	2021	2022
<b>Total pupils</b>	2 392	3 450	3 535	3 831	4 167	4 417

<b>In classes 16(9)</b>	1 772	2 519	2 573	2930	3125	3147
<b>In classes 16(9) (%)</b>	74 %	73 %	73 %	76 %	75 %	71 %

The following table shows the proportion of Roma pupils educated under FEP PE UV in each year. The data shows a clear overflow of pupils educated according to FEP PE MMD into FEP PE UV.

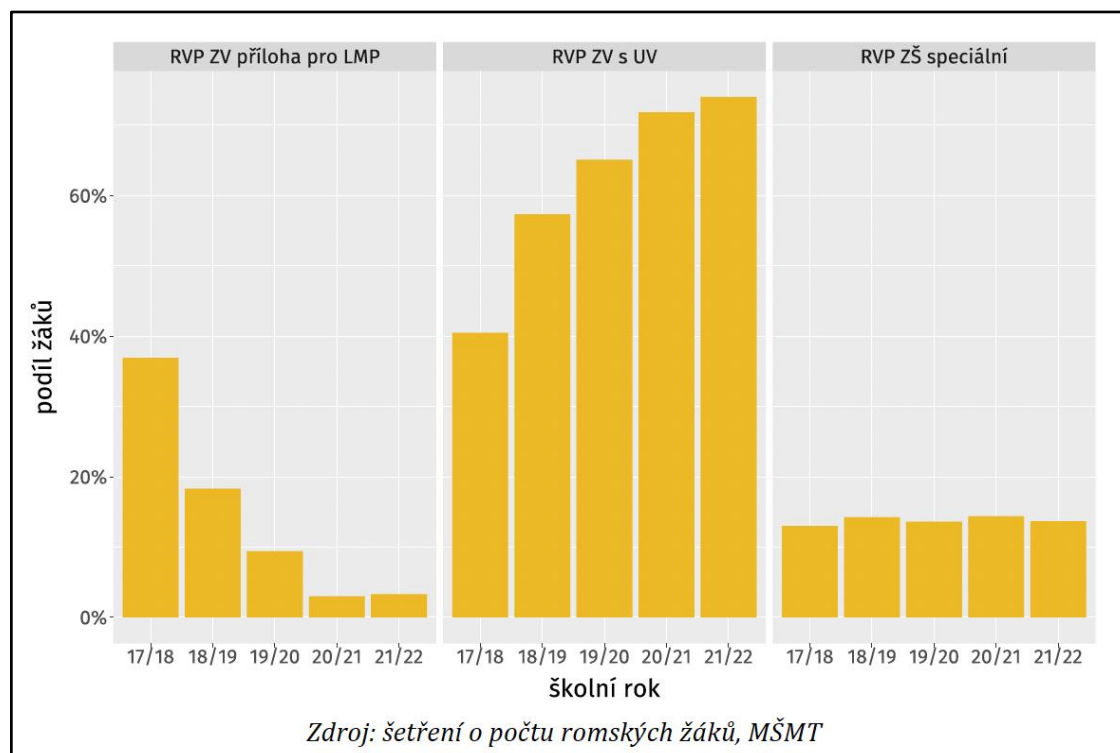
#### **Pupils with FEP PE UV**

	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
<b>Total pupils (FEP PE UV)</b>	9 686	12 532	14 572	15 870	16 329	16 936
<b>Total pupils (FEP PE MMD)</b>	4 871	2 600	1 201	68	4	0
<b>of which Roma</b>	2 392	3 450	3 535	3 831	4 167	4 417
<b>Roma (%)</b>	25 %	28 %	24 %	24 %	26 %	26 %

#### **Following the revocation of the FEP PE MMD, the application of the FEP PE UV on grounds of MMD is now used in the same way**

For pupils diagnosed with mild mental disabilities, the Annex to the Framework Educational Programme for Primary Education governing the education of pupils with mild mental disabilities (FEP PE MMD), which was revoked by the Education Ministry in 2016, has been gradually replaced by the FEP PE with Adjusted Outcomes (FEP PE UV), aimed at facilitating a more individual approach to pupils with special educational needs. The proportion of pupils in section 16(9) classes with adjusted outcomes based on an MMD diagnosis increased from 40% in 2017 to over 70% in 2021. This reflects the proportionate transfer of pupils following the revocation of the FEP PE MMD (see Chart 3). At section 16(9) schools, Roma pupils are educated under FEP PE UV significantly more often than non-Roma pupils: among Roma pupils, more than 70% have adjusted outcomes, compared to just over 40% among the others.

**Chart 3: Proportion of Roma pupils, by field of education, in primary school classes established under section 16(9) of the Education Act**



	FEP PE MMD	FEP PE UV	FEP – special schools
proportion of pupils			
		school year	
Source: survey on the number of Roma pupils, MEYS			

Source of chart: Analysis of the causes underlying the higher proportion of Roma pupils receiving education under the FEP PE UV in classes set up under section 16(9) of the Education Act and proposal of a set of measures for education and other relevant areas (2022)

Despite all the efforts made in recent years, the education of Roma pupils outside the mainstream remains a challenge. The specific format and names of the mechanisms employed may have changed, but the principle of segregating Roma pupils away from mainstream education remains the same. However, the transition from the FEP PE MMD to the FEP PE UV in itself can be considered an improvement in that it replaces the across-the-board reduction in demands on pupils under this FEP with individually adjusted outcomes, which should better meet the needs of each pupil; even so, the data available does not indicate whether the outcomes are truly being individualised or merely reduced to the minimum recommended level. Another positive aspect is that the fact that pupils follow the FEP PE UV is not indicated on their report cards, thus preventing potential discrimination due to them being educated with adjusted outcomes.

### **At approximately 130 primary schools, Roma pupils make up more than a third of the student body**

At primary schools, Roma pupils account for approximately 3.5% of all pupils, but in 2022 there were 129 schools where Roma pupils made up more than a third of the student body.

Of these, they accounted for over half at 69 schools and over three quarters at 31. Since 2017, there have been no significant changes in how the concentration of Roma pupils is distributed at schools (see table).

#### Numbers of primary schools with Roma pupils

school year	17/18	18/19	19/20	20/21	21/22
number of primary schools	4,158	4,177	4195	4,218	4,249
of which, with Roma pupils	1,895	1,954	1,871	1,875	1,868
<b>Number of schools with more than 33% Roma pupils</b>	<b>132</b>	<b>139</b>	<b>122</b>	<b>128</b>	<b>129</b>
33–50% Roma pupils	44	44	28	34	29
51–75% Roma pupils	62	62	62	63	69
76% or more Roma pupils	26	33	32	31	31

Source of data presented in the table: *Analysis of the causes underlying the higher proportion of Roma pupils receiving education under the FEP PE UV in classes set up under section 16(9) of the Education Act and proposal of a set of measures for education and other relevant areas (2022)*

The numbers include both section 16(9) primary schools and mainstream primary schools. This situation is not simply a case of Roma pupils being targeted for placement only in particular primary schools, or of MMDs being overdiagnosed among Roma pupils; it is also a legacy of how the Roma population in the Czech Republic has been spatially segregated in terms of where they live. Whatever the specific reasons, the **MEYS is of the opinion that a high concentration of Roma pupils in any one school is a concern, regardless of whether a diagnosis of MMD figures among the reasons, and is working to desegregate these schools.**

## 1.2 Causes of the current situation

**MMD diagnosis is viewed not as a label of mental disability, but as a consequence of a child's social deprivation. The diagnosis is supposedly rendered in the best interests of the child**

As the Analysis explains, counselling facilities themselves deny purposely segregating Roma pupils by diagnosing them with MMDs and recommending their placement in special classes. Rather, they consider a MMD diagnosis to be a label not necessarily of a mental disability, but more of a consequence of a child's social deprivation. Stakeholders use such a diagnosis and subsequent placement in a special school or class as a means of acting – in their belief – in the best interests of the child, because they do not believe that mainstream schools are capable of dealing satisfactorily with social deprivation in the context of co-education.

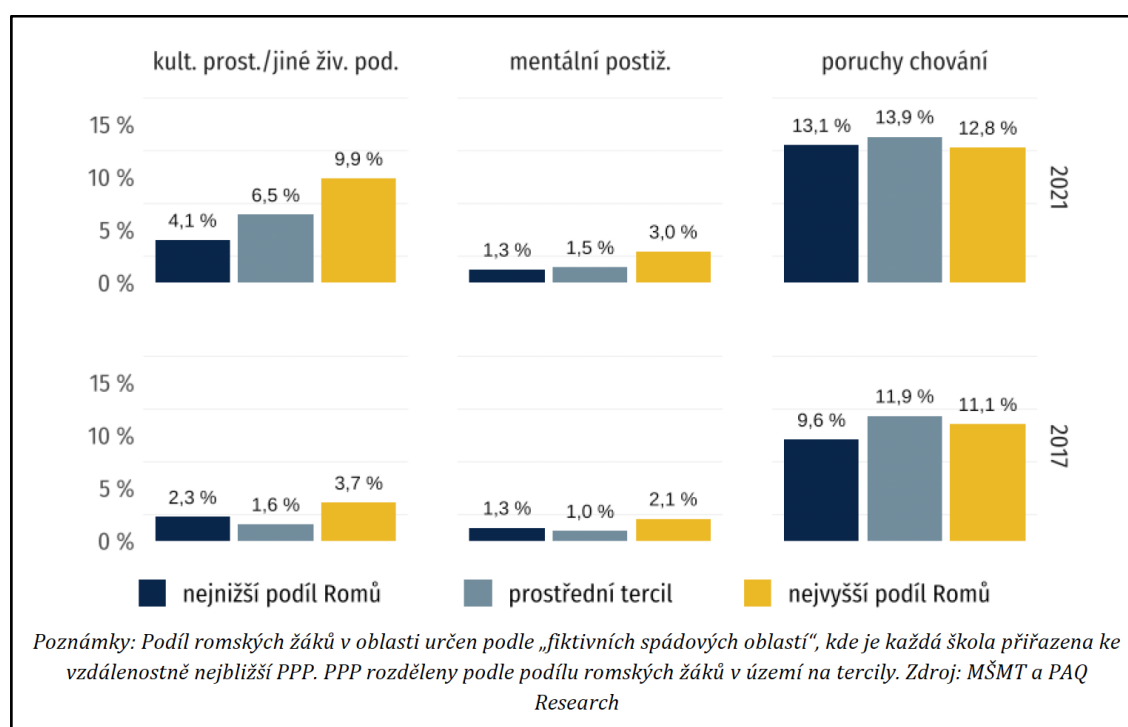
**An MMD diagnosis may also serve other purposes (e.g. to be rid of problem pupils or to recruit a teaching assistant)**

An MMD diagnosis may serve a variety of purposes for the relevant stakeholders. Aside from the true original meaning of mental disability, and the description (often interchangeable with that meaning) of the consequences of long-term social deprivation on a child's development, it can be used as a way to remove troublesome pupils from mainstream schools; according to statements, this is what Roma pupils in the second tier (lower secondary level) of primary school are. In this respect, special schools are more of a means to address behavioural and social problems than educational ones. MMD diagnosis may also serve as a way of taking advantage of an MMD-diagnosed pupil to gain support in the form of a teaching assistant for the whole class. Here, the Analysis warns of the risk that Roma pupils – more often than their peers – may be exploited for the collective good of a given class's pupils. As a result, Roma pupils are more likely to carry the stigmatising diagnosis of an MMD.

**In areas where Roma pupils are highly concentrated, findings of two sorts – different cultural backgrounds and living conditions (CB&LCs), and also MMDs – have been used increasingly by school counselling facilities (SCFs)**

A comparison of the predominant examination findings between 2017 and 2021 in areas with low and high proportions of Roma pupils (see Chart 4) shows that there has been an overall increase in the use of the finding of “different cultural background or other living conditions” (CB&LCs), which prevails in areas with a high level of Roma. In that same period, however, there was also an increase in diagnoses of mental disability in these areas. Diagnoses of behavioural disorders show no correlation with the concentration of Roma pupils in the SCF areas.

Chart 4: Predominant types of findings made in examinations of pupils at educational psychology counselling centres (part of school counselling facilities) depending on the local proportion of Roma



cultural background / different living conditions	mental disability	behavioural disorders
lowest proportion of Roma	middle tercile	highest proportion of Roma
Notes: "fictitious catchment areas" are used to determine the proportion of Roma pupils in a given area, with each school being assigned to the nearest educational psychology counselling centre. The centres are divided into terciles reflecting the proportion of Roma pupils in the area.		
Source: MEYS and PAQ Research		

Source of chart: *Analysis of the causes underlying the higher proportion of Roma pupils receiving education under the FEP PE UV in classes set up under section 16(9) of the Education Act and proposal of a set of measures for education and other relevant areas (2022)*

### **Individual school counselling facilities differ from each other in the way they make a diagnosis, which is due to decentralisation, a lack of leadership, and a lack of unified methodology**

However, the prevalence of Roma pupils in a given area did not appear to be the explanation for different rates of use of predominant examination findings of different cultural backgrounds or other living conditions. Since the rendering of this diagnosis differs considerably from one school counselling facility to another, **a readier explanation would seem to be the decentralisation of the approach, the different practices of the various centres, and a lack of central methodological support.** Nevertheless, the Analysis points to a correlation in the use of the diagnosis of a different cultural background to the detriment of the diagnosis of mental disability among school counselling facilities, which suggests a possible avenue for future methodological guidance that would be a better fit for support in cases of social disadvantage.

### **School counselling facilities are probably still using outdated diagnostic tools**

The Analysis reported that, looking at the diagnostic tools used by school counselling facilities, regional differences in the number of Roma pupils are not linked to the use of a particular type of diagnostic tool – facilities across all regions are using outdated tools. This would suggest that there has been only limited success in efforts to modernise them via a development project aimed at purchasing newer tools that should be more culturally neutral and therefore more suitable for diagnosing Roma pupils. If proper diagnoses are to be rendered, it is necessary not only to modernise the diagnostic tools, but also to scale up methodological work within the counselling system. It should also be noted that a comprehensive assessment of how these tools are actually used is impeded by a lack of data on current diagnostic practices (e.g. whether outdated tools are used as the main diagnostic tool or only as one component of dynamic diagnostics); the reform of the diagnostic system (see Annex 1) should help to achieve this.

### **It is often the parents who want their child placed in a section 16(9) class, but their motives vary**

Regarding the role played by parents in the process of placing Roma pupils in special schools and classes, the researchers' in-depth interviews uncovered a complex reality, in that the parents interviewed are not passive players in their children's education, but are often actually the ones who want their children removed from mainstream education. The reasons vary, but they often cited their own personal and positive experience of special school, the fact that they are happy with the lower demands placed on pupils, and their appreciation of the care their

children receive there. The research also showed that Roma parents succeed in meeting their children's educational goals only in situations where those goals are aligned with those of all the other stakeholders (the school and the school counselling facility); in cases where the parents' wishes were different, their endeavours tended to meet with failure and misunderstanding on the part of teachers and other workers in the system.

### **Preliminary results imply that Roma children do not participate sufficiently in compulsory preschool education**

While the participation of Roma children in preschool education has yet to be scrutinised in detail, qualified estimates of the number of Roma children have been reported by kindergarten principals. The MEYS drew on this data to come up with an estimated comparison of the participation of Roma children in compulsory preschool education. The preliminary results obtained from this internal analysis indicate that Roma pupils participate in preschool education on a much smaller scale than the population average, even at half the level. The downward trend in the participation of Roma children in education between 2018 and 2021 is particularly alarming, as it stands at odds with the introduction of compulsory preschool education for five-year-olds from the 2017/2018 school year.

Although the root cause analysis conducted by PAQ and STEM did not focus on kindergartens, the qualitative part of the analysis yielded the finding that mainstream primary schools find it challenging to deal with the handicap of socio-cultural disadvantage (a lack of knowledge and skills among children entering first grade), which not even the current model of a compulsory year of pre-primary education can compensate for. The analysis mentions that one possible reason for this may be that children from disadvantaged backgrounds do not attend kindergarten on a regular basis.

### **The results are preliminary – doubts of a methodological nature will have to be investigated and a more detailed analysis of Roma children's participation in preschool education needs to be carried out**

These findings of the MEYS internal analysis differ to some extent from the figures presented in the research *Verification of the impacts of the introduction of the compulsory final year of preschool education*, published in 2021, which reports a much higher proportion of five-year-olds participating in preschool education. Differences in the methodological approach could be explained by the different statistical statement chosen as the source of data; the *Verification* research probably used statement S51, covering the number of children enrolled in preschool, whereas the MEYS draws on statement S01, which lists the number of children being educated at a given kindergarten. With Roma children, the construct of the overall population at that age is highly problematic because there is a lack of data on the ethnic territorial composition of the population. Therefore, to replace this, the number of children attending the first grade in the following school year was used, on the assumption that all children participate in compulsory education at primary school.

Looking forward, the first step needs to be a better analysis of Roma children's participation in preschool education. This will validate the reliability of the findings made to date and find answers to other questions, such as the reasons for the downward trend in attendance over time, segregation in kindergartens, and the participation of Roma children under the age of five in preschool education.

**The Analysis's recommendations for preschool education and how to proceed**

Drawing on the qualitative part of the research in particular, the Analysis makes several recommendations relating to kindergartens. The objective is to boost preschool education in areas with segregated schools, namely by ensuring that capacity is sufficient and thresholds are low, e.g. by lowering costs for families, and by increasing kindergarten attendance among socially disadvantaged Roma children under the age of five. Other proposals include the introduction of kindergarten funding tied to socio-economic disadvantages in a given area, the linking of the welfare system to kindergarten attendance (excluding hardship benefits), the monitoring and prevention of selective acceptance in kindergartens, the introduction and support of early care centres preparing families for entry into preschool education, field social work geared towards identifying and reaching out to families with children outside of preschool education, a focus on the high-quality preparation of kindergarten children for entry into primary school (e.g. speech therapy), and support for cooperation between local kindergartens and primary schools in getting children school-ready and in the transition between levels of education.

The MEYS is in the process of announcing subsidy schemes to support the participation of socially disadvantaged children, including Roma children, in preschool education, and a subsidy scheme to support the integration of the Roma minority, which includes support for awareness and parental skills.

Preschool education and early care are enablers of equal access to education. They require more attention in the form of both analysis and solutions. We will report on the Czech Republic's further progress in this area on an ongoing basis.

**Some parents lack the competencies required to make informed decisions about their child's further education**

According to the findings of the Analysis, there are instances where legislative changes made as part of the shift to co-education that were intended to increase parents' awareness and involvement in the process of diagnosing their children have had unintended consequences. Some Roma parents lack the competencies needed to be fully involved in the decision-making process, so the school becomes a necessary intermediary between pupils, parents, and the school counselling facility, thus gaining considerable influence. This runs the risk that the school may not necessarily defend the interests of the child in the diagnostic process, but instead promote its own agenda, which in certain situations may conflict with the pupil's best interests.

**The main reason why segregation has persisted is that most stakeholders are comfortable with the status quo, and the perception that this is in the best interests of the pupil prevails**

According to the Analysis, the main overarching answer to the question of what causes the segregation of Roma pupils in primary schools is that most of the main stakeholders are comfortable with the situation and that the system of segregation is stable and not challenged by anyone. Socioeconomic disadvantage leads to the social deprivation of Roma pupils, which then complicates their performance in mainstream primary schools, and the schools

themselves are unable to deal appropriately with the needs of pupils from different cultural backgrounds. Pupils are then transferred out of the mainstream education system into special education, which – it is believed throughout the system – is capable of handling these needs, and so the placement of Roma pupils in special education is perceived as a move in their best interests.

#### **Reliability of principals' qualified estimates**

All quantitative data on the numbers of Roma pupils in Czech schools, which underlies the findings in the previous section, are based on the estimates of school principals and are therefore potentially imprecise. One source of distortion could be the principals themselves. Testing this possibility was one of the objectives of the *Analysis of the causes underlying the higher proportion of Roma pupils receiving education under the FEP PE UV in classes set up under section 16(9) of the Education Act*. It investigated how reliable principals' estimates were by calculating the correlation between principals' estimates of Roma pupils and teachers' reported figures of Roma pupils supported in the context of ESIF and the Operational Programme Research, Development and Education. The 0.84 correlation was found to be strong, i.e., the estimates of principals and teachers at individual schools exhibit a high degree of similarity to each other, and it is unlikely that the principals' qualified estimates of the number of Roma pupils systematically distorted the reality. These estimates can therefore be used to explore the situation of Roma pupils in Czech primary schools.

## **2. Solution**

On 22 May 2023, the results of the **Analysis of the causes underlying the higher proportion of Roma pupils receiving education under the FEP PE UV in classes set up under section 16(9) of the Education Act** were discussed by the Expert Forum on the Execution of the Judgment in *D.H. and Others*, under the direction of the MEYS and the Office of the Agent of the Czech Government before the European Court of Human Rights. In response to the main findings and recommendations of the Analysis, the MEYS has prepared a set of measures for adoption. To ensure that project management is effective, the measures to be taken according to the timetable below have been divided into three thematic areas, or "project fiches", reflecting the 10 main recommendations made by the Analysis. The areas covered by the individual project fiches are:

- **Reinforcement of the methodological guidance of the school counselling system (Annex 1)**

School counselling facilities play a crucial role in the mechanism of placing children outside the mainstream, including children of a different ethnicity; observance of professional standards and oversight of diagnostic practices will therefore result in a more accurate diagnosis that does not take ethnicity into account (i.e. a lower proportion of mild mental disabilities will be diagnosed and, conversely, a higher proportion of support measures will be implemented that are based on a diagnosis of a different cultural and social background). As a result, the proportion of Roma children being educated outside the mainstream will decrease.

- **Ethnic desegregation (Annex 2)**

At primary schools, Roma pupils account for approximately 3.5% of all pupils, but in 2022 there were 129 schools (out of a total of more than 4,300 primary schools) where Roma pupils made up more than a third of the student body. Of these, they even accounted for over half at 69 schools and over three quarters at 31. Since 2017, there have been no significant changes in how the concentration of Roma pupils is distributed at schools. These segregated schools consist not only of schools established under section 16(9) of the Education Act, but also mainstream schools. Where the ethnic mix of pupils in a given school does not match the ethnic mix in a given locality, this is clearly a case of ethnic segregation, which is unacceptable under domestic law and must be addressed.

- **Support for schools (Annex 3)**

Even when effective desegregation measures are in place, there will still be schools operating in socio-economically disadvantaged areas. Therefore, support for these schools needs to be intensified in order to offset the influence of their surroundings. There is an overlap between these schools and schools with a higher proportion of Roma pupils. This is due to the concentration of ethnic segregation and socio-cultural disadvantage in general. With this in mind, schools with a higher proportion of Roma pupils will be among those targeted by the measure.

The subsections below present each of the thematic areas, i.e. the project fiches, in more detail, and propose a timetable for their specific implementation over the coming years. The project fiches were sent to members of the Expert Forum on the Execution of the Judgment in *D.H. and Others* for their comments and suggestions. Expert Forum members will also be consulted as representatives of the expert community in the actual implementation of the project fiches. The legislative amendments proposed below should be viewed as initial proposals that will be subject to further discussion in the legislative process, i.e. the final legislative solution may evolve, depending also on the availability of budgetary resources. The full text of each project fiche is annexed to this Action Plan.

## 2.1 Reinforcement of the methodological guidance of the school counselling system

The primary goal of this project fiche on the reform of the counselling system is to increase the effectiveness of activities carried out by school counselling facilities in the fields of prevention and inclusive education, as well as the management and methodological support of diagnostics at individual centres. The second goal is to improve the quality and standardise the activities carried out by school counselling facilities in relation to diagnoses of MMDs and their current overuse for Roma pupils.

Outputs leading to the attainment of these goals include the introduction of a viable system for the registration and management of data on the activities of school counselling facilities (in partnership with the Czech School Inspectorate – CSI), a legislative definition of the activities of school counselling facilities, the establishment of oversight by the MEYS in conjunction with the CSI and the National Pedagogy Institute (NPI), the standardisation of procedures and

subsequent methodological support and supervision in their implementation, and the improved regional availability of school counselling facilities' capacities in cooperation with the regions.

### 2.1.1 *Reform of the counselling system – timetable*

#### **Viable system for the registration and management of data on the activities of all school counselling facilities:**

<b>Deadline</b>	<b>Description of goal</b>
Q1 2024	Start of work on the preparation of an electronic system to collect data on the activities of school counselling facilities
Q3 2024	Data collection system ready; start of trial operation; training for school counselling facilities on entering data and outputs of their diagnostic and intervention activities in a single electronic system
Q1 2025	System established for working with data (regular monitoring of the trends in diagnoses and other indicators)
Q4 2025	Evaluation of system operation (collecting and working with data), setting of system adjustments, revision of the timetable

#### **Institutionalization of support teaching positions:**

<b>Deadline</b>	<b>Description of goal</b>
Q1 2024	Amendments to the Education Act, to be effective as of 1 January 2025: Alternative solutions – the specific form is currently being discussed: <ul style="list-style-type: none"> <li>establishment of catchment areas for educational psychology counselling centres (type of school counselling facility) towards mainstream primary schools (methodological guidance, possible sharing of a psychologist or special educator for their services);</li> <li>anchoring the provision of counselling services in primary and secondary schools at the level of law and institutionalisation of the support teaching positions of psychologist or special educator in primary schools</li> </ul>
1 January 2025	Expected the amendment to the Education Act to become effective

#### **Legislative reinforcement of MEYS competences and standardisation of the school counselling facilities' activities:**

<b>Deadline</b>	<b>Description of goal</b>
Q1 2024	Amendment proposals to the Education Act, expected to be effective as of 1 January 2026, to: <ul style="list-style-type: none"> <li>strengthen the role of the Ministry of Education in the selection and dismissal of school counselling facility directors,</li> <li>set up management of the activities of the school counselling facilities in relation to the standards set by the Ministry of Education</li> </ul>

Q3 2024	Strengthening the methodological guidance of school counselling facilities by the Ministry of Education. Preparation of standards for school counselling facilities' activities (prioritisation of diagnostic procedures in the fields of mental disability and behavioural disorders), redefinition of the activities carried out by experts at school counselling facilities and school counselling units; consultation with professionals and school counselling facilities' representatives
Q4 2024	Launch of the "Pilot 14" project by the National Pedagogy Institute of the Czech Republic and the Czech School Inspectorate, including the expansion of school counselling facilities' capacities. Start of school counselling facilities' training on the content and work within the framework of set standards
Q4 2025	Evaluation of functioning of the system, determination of system modifications, adjustment of schedule
1 January 2026	Expected the amendment to the Education Act to become effective

#### **Supplementation of school counselling facilities' missing capacities:**

<b>Deadline</b>	<b>Description of goal</b>
Q2 2024	Analysis of missing capacities and availability of the services of school counselling facilities at regional level
Q3 2024	Consultation of the results of the analysis with representatives of the regions to balance interregional disparities and ensure that services are sufficiently accessible
Q4 2025	Evaluation of the change in the accessibility and capacities of school counselling facilities

## **2.2 Ethnic desegregation**

The goal of the project fiche on ethnic desegregation is to reduce the number of Roma pupils in ethnically segregated primary schools. There are currently more than 100 primary schools where Roma pupils account for more than a third of all pupils (yet they only make up 3.5% of the population). Much of this segregation happens in section 16(9) classes. The MEYS plan covers: publicly declaring ethnic segregation in education unacceptable, identifying areas where schools are segregated, contacting founders to urge them to desegregate and offer them HR, expert and financial support, and overseeing the implementation of local desegregation plans.

### **2.2.1 *Ethnic desegregation* – timetable**

#### **Definition and identification of ethnic segregation in schools:**

<b>Deadline</b>	<b>Description of goal</b>
Q1 2024	Publication of definitions of segregated and segregating schools, with consideration for the local context

Q1 2024	Identification of areas suspected of segregation: <ul style="list-style-type: none"> <li>• Operationalisation of segregation in schools</li> <li>• Methodology for the identification and characterisation of segregation</li> <li>• Database of founders in areas suspected of segregation</li> </ul>
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#### Case management:

Deadline	Description of goal
Q1 2024	Desegregation methodology for founders, mapping of available and required staffing capacities and financial resources
Q2 2024	Contact with founders suspected of segregation
Q3 2024	Support of founders in the preparation of local desegregation plans
Q4 2024	Submission of a proposal to the Interior Ministry to abolish the school districts of uncooperative founders
2025–2027	Supervision of the implementation of local desegregation plans by education authorities and support for the establishment of other plans

## 2.3 Support for schools

The goal of the project fiche on support for schools is to reduce the dependence of pupils' educational performance on the socio-economic status of their families. The main strategy to achieve this goal is to revise the regional education funding system so that it takes into account the social disadvantages facing pupils. Schools should use the funds allocated in this way to provide all-round, long-term and individualised support for socially disadvantaged pupils by means of support staff positions and the effective interaction of pedagogical and social intervention.

The revision of the funding system is intended to follow up on the piloting of elements of the system under the National Recovery Plan (Reform 3.2.2 Support for Schools), where 400 schools (approximately 10% of primary schools) that were selected as having been worst affected by social disadvantage under the disadvantaged school index (which combined several indicators) receive special support. In the context of this support, participating schools are provided with funding for support positions and activities related to working with socially disadvantaged pupils, and for methodological support provided by the NPI. This project will be used to draft a proposal for a change to index-based school funding that better reflects the greater needs of socially disadvantaged pupils, with the aim of achieving equal access to education. Schools will also be provided with ongoing methodological support in their work with disadvantaged pupils. Another component will be direct support for socially disadvantaged pupils by reducing financial barriers to education, such as the cost of meals. There is ongoing cooperation with the Ministry of Labour and Social Affairs (MLSA) in this area.

### 2.3.1 *Support for schools – timetable*

#### **Revision of the funding system for regional education and long-term system of methodological support:**

<b>Deadline</b>	<b>Description of goal</b>
Q1 2024	Initial assessment of the project evaluation and finalised plan for the overall evaluation
Q1 2024	First proposal for the revision of the regional education funding system ready
Q1 2024	Proposal for the revision of the funding system, evaluation results taken into consideration
Q1 2025	Revised funding system for regional education with emphasis on support for socially disadvantaged pupils

#### **Revision of the system of targeted financial support for socially disadvantaged pupils:**

<b>Deadline</b>	<b>Description of goal</b>
Q2 2024	Start of work on the revision of the system of support for socially disadvantaged pupils in cooperation with Ministry of Labour and Social Affairs (MLSA)
	Preparation of draft legislation, including cost-benefit analysis and proposed alternatives with various demands on the state budget
	Documentation for the necessary amendments to legislation prepared, principles for amendments to secondary regulations drawn up, initiation of the legislative process
Q2 2025	Submission of the proposal and its subsequent approval by the Chamber of Deputies

## 3. Conclusion

The Czech Republic attaches great importance to ensuring that Roma pupils have equal access to education. To this end, it is determined, in line with the above findings and proposals for action to be taken, to gradually dismantle the barriers that Roma pupils face in their pursuit of a good-quality education. The Czech Republic stands ready to report annually to the Committee of Ministers of the Council of Europe on the progress made in implementing the individual project fiches. Taking into account the timetable that has been outlined, the Czech Republic will be in a position to present a comprehensive report on the adoption of all measures to the Committee of Ministers of the Council of Europe by the end of 2025. In the period ahead, it will also analyse in more detail the participation – or, more specifically, the declining trend in the participation – of Roma children in preschool education, both in the compulsory preschool year and in the lower years of kindergarten. It will report the results of this analysis, including any measures proposed to improve the situation, to the Committee of Ministers of the Council of Europe by the end of 2024.

# Annexes

Annex 1 – Project fiche: reform of the counselling system

Annex 2 – Project fiche: ethnic desegregation

Annex 3 – Project fiche: support for schools

## Annex 1

# PROJECT FICHE: REFORM OF THE COUNSELLING SYSTEM

## DESCRIPTION OF PROJECT OBJECTIVES

The objectives under the “Reform of the counselling system” project fiche are:

First, to increase how effective school counselling facilities are at supporting schools in prevention and inclusive education (methodological guidance of school counselling units, school remedial teachers, psychologists, and social pedagogues / school social workers). Further, the efficient management of staffing and diagnostic support for schools by school counselling facilities needs to be established (a reduction in the number of pupils whose schooling is deferred, the allocation of support measures, etc.).

Secondly, to increase the quality of and standardise school counselling facilities’ work in relation to the diagnosis of mild mental disabilities – MMDs (specifically, to bring the proportion of Roma pupils educated outside the mainstream closer to the level of the general population; today it is roughly six times higher).

## OUTPUTS

- 1) A workable system for the registration and management of data on the diagnostic and intervention work of all school counselling facilities, i.e. a machine-processable record of recommendations and a system for the management and periodic evaluation of data
  - (a) The establishment of a data collection for school counselling facilities, including staff training
  - (b) To be implemented by the CSI via its InspIS information system
- 2) A more detailed legislative definition of the work done by school counselling facilities:
  - (a) The making of arrangements to secure consistency in counselling services at primary and secondary schools (reform of school counselling units and specialist positions)
  - (b) The institutionalisation of support pedagogical positions at primary schools, and a link between these positions and school counselling facilities
  - (c) The establishment of catchment areas for educational psychology counselling centres to cover specific primary schools, including their methodological support
- 3) The establishment of MEYS guidance of school counselling facilities’ work
  - (a) The strengthening of the MEYS’s role in the selection and removal of school counselling facilities’ directors
  - (b) The establishment of how school counselling facilities’ work is managed in light of standards set by the MEYS
    - (i) the setting of specific values for the volume of their various activities and a multi-stage process for possible overruns, e.g. in relation to diagnoses of MMDs
    - (ii) including the obligation to collect data and forward it to the MEYS
  - (c) Standardisation of school counselling facilities’ activities:

- (i) standardisation of the activities carried out by expert staff, procedural and intervention practices in the diagnosis of special educational needs
  - (ii) comprehensive support for professional development – training of the staff of school counselling facilities
- (d) Ongoing targeted support of school counselling facilities in response to identified needs – implementation of the “Pilot 14” project
  - (i) reinforcement of CSI and NPI capacities
- (e) Preparation for a system where the funding of school counselling facilities differs depending on the complexity of their activities, including the enshrinement of this in legislation (e.g. dynamic diagnoses of MMDs)
- 4) The supplementation of capacities lacking in municipalities with extended powers where there is no school counselling facility within easy reach
  - (a) The publication of an analysis of the availability of school counselling facility services at regional level
  - (b) Consultations with regional representatives on how to level out interregional disparities; incorporation into the regional Long-term Plans for Education and the Development of the Education System

## INDICATORS MONITORED

Specific target values for indicators will be set in the initial months of the plan’s implementation.

- Decrease in the proportion of Roma pupils in section 16(9) classes and educated according to the FEP PE UV

## TIMETABLE

Output 1 (Viable system for the registration and management of data on the activities of all school counselling facilities)

Deadline	Description of goal	Fulfilled
Q1 2024	Start of work on the preparation of an electronic system to collect data on the activities of school counselling facilities	
Q3 2024	Data collection system ready; start of trial operation; training for school counselling facilities on entering data and outputs of their diagnostic and intervention activities in a single electronic system	
Q1 2025	System established for working with data (regular monitoring of the trends in diagnoses and other indicators)	
Q4 2025	Evaluation of system operation (collecting and working with data), setting of system adjustments, revision of the timetable	

Output 2 (Institutionalization of support teaching positions)

Deadline	Description of goal	Fulfilled
Q1 2024	Amendments to the Education Act, to be effective as of 1 January 2025: Alternative solutions – the specific form is currently being discussed:	

	<ul style="list-style-type: none"> <li>establishment of catchment areas for educational psychology counselling centres (type of school counselling facility) towards mainstream primary schools (methodological guidance, possible sharing of a psychologist or special educator for their services);</li> <li>anchoring the provision of counselling services in primary and secondary schools at the level of law and institutionalisation of the support teaching positions of psychologist or special educator in primary schools</li> </ul>	
1 January 2025	Expected the amendment to the Education Act to become effective	

Output 3 (Legislative reinforcement of MEYS competences and standardisation of school counselling facilities' activities)

Deadline	Description of goal	Fulfilled
Q1 2024	Amendment proposals to the Education Act, expected to be effective as of 1 January 2026, to: <ul style="list-style-type: none"> <li>strengthen the role of the Ministry of Education in the selection and dismissal of school counselling facility directors,</li> <li>set up management of the activities of the school counselling facilities in relation to the standards set by the Ministry of Education</li> </ul>	
Q3 2024	Strengthening the methodological guidance of school counselling facilities by the Ministry of Education. Preparation of standards for school counselling facilities' activities (prioritisation of diagnostic procedures in the fields of mental disability and behavioural disorders), redefinition of the activities carried out by experts at school counselling facilities and school counselling units; consultation with professionals and school counselling facilities' representatives	
Q4 2024	Launch of the "Pilot 14" project by the National Pedagogy Institute of the Czech Republic and the Czech School Inspectorate, including the expansion of school counselling facilities' capacities. Start of school counselling facilities' training on the content and work within the framework of set standards	
Q4 2025	Evaluation of functioning of the system, determination of system modifications, adjustment of schedule	
1 January 2026	Expected the amendment to the Education Act to become effective	

Output 4 (Supplementation of school counselling facilities' missing capacities)

Deadline	Description of goal	Fulfilled
Q2 2024	Analysis of missing capacities and availability of the services of school counselling facilities	

Q3 2024	Consultation of the results of the analysis with representatives of the regions to balance interregional disparities and ensure that services are sufficiently accessible	
Q4 2025	Evaluation of the change in the accessibility and capacities of school counselling facilities	

## NEGOTIATING PARTNERS

When determining the above outputs and goals, the starting points included:

- [Analysis of the causes underlying the higher proportion of Roma pupils receiving education in schools and classes set up under section 16\(9\) of the Education Act, conducted by PAQ Research and STEM for the MEYS as part of a Technology Agency \(TAČR\) programme](#)
- [Quality and Efficiency of Education and the Education System in the 2021/2022 School Year – Annual Report of the Czech School Inspectorate](#)
- [FELCMANOVÁ, Lenka et al. Možnosti systémového řešení metodického vedení a financování poskytování podpory žákům se SVP \[“Systemic Solution for the Methodological Management and Funding of Support for Pupils with Special Educational Needs – Opportunities”\]. Prague: Člověk v tísni, 2015. ISBN 978-80-87456-69-9. Funded under the Systemic Support for Inclusive Education in the Czech Republic project.](#)

Discussions will be held with the Czech School Inspectorate, the National Pedagogy Institute of the Czech Republic, the Ministry of Labour and Social Affairs, the Government Commissioner for Human Rights and Commissioner for Roma Minority Affairs, the Agent of the Czech Government before the European Court of Human Rights, the Association of Educational Psychology Counselling Centres, the Association of Staff of Special-pedagogy Centres, the non-profit sector, the Ombudsman, and higher-education institutions' departments of special education, social pedagogy and psychology.

## RELATED STRATEGY DOCUMENTS

Some activities are based on the Strategy for the Education Policy of the Czech Republic up to 2030+, the Long-term Plan for Education and the Development of the Education System of the Czech Republic 2019–2023, and the new Long-term Plan for Education and the Development of the Education System of the Czech Republic 2023–2027.

## LEGISLATION

Act no. 561/2004 on preschool, primary, secondary, post-secondary vocational and other education (Education Act), as amended.

Regulation 27/2016 on the education of pupils with special educational needs and talented pupils, as amended.

Regulation 72/2005 on the provision of counselling services at schools and school counselling facilities, as amended.

Regulation 54/2005 on selection procedure formalities and selection committees, as amended.

Government Edict 123/2018 on the determination of the maximum number of lessons funded out of the state budget for a primary school, secondary school and conservatory founded by a region, municipality or association of municipalities, as amended.

Government Edict 75/2005 laying down the scope of teaching staff's direct activities in teaching, behavioural development, remedial teaching, and educational psychology, as amended.

## RISKS

Risks to the execution of the approach outlined in this project fiche include insufficient funding, reluctance on the part of key stakeholders (e.g. founders of school counselling facilities) to cooperate, problems in enforcing the necessary legislative process, and insufficient manpower to carry out the reform.

## Annex 2

# PROJECT FICHE: ETHNIC DESEGREGATION

### DESCRIPTION OF PROJECT OBJECTIVE

The goal of the project fiche on ethnic desegregation is to reduce the number of Roma children in ethnically segregated schools. There are currently more than 100 schools in the Czech Republic where more than one third of the pupils are Roma, despite the fact that they account for only 3.5% of all pupils. There is a particularly high proportion of Roma pupils in section 16(9) classes.

Note on methodology: All figures listed in the following tables are only indicative and are intended to provide a general idea of the current situation. The source of the data are the qualified estimates on the number of Roma pupils in schools gathered from school principals and performance data of the regional education system from September 2022. Looking forwards, a more detailed analysis is needed to verify how reliable they are. The identifier *red\_izo* is used here to identify primary schools, so it is impossible to distinguish clearly between mainstream primary schools and primary schools with section 16(9) classes if they have been set up under the same *red\_izo*, which is the existing practice. For these reasons, the numbers shown may differ from those in the Action plan on execution of the judgment for the 2021/2022 school year. The actual number of segregated schools is therefore likely to be slightly higher than the current figures reported in the *total* columns.

#### Proportion of Roma pupils (RPs), primary schools, school year 2022/2023

	<b>Total*</b>	<b>in mainstream classes</b>	<b>in 16(9) classes</b>
<b>All schools</b>	4,262	3,903	471
<b>with more than 0% RPs</b>	1,817	1,590	278
<b>with 33–50% RPs</b>	45	31	31
<b>with 50–75% RPs</b>	32	14	32
<b>with 75–100% RPs</b>	29	23	20

\* The “total” column lists the number of individual primary schools that have a high proportion of Roma pupils in mainstream classes or in section 16(9) classes; both these conditions may apply simultaneously to a single school.

#### Schools with more than 33% proportion of Roma pupils by type of founder, 2022

	<b>Total</b>	<b>In mainstream classes (number of schools)</b>	<b>In 16(9) classes (number of schools)</b>
<b>Municipality</b>	95	60	46
<b>Region</b>	36	7	34
<b>Church</b>	1	1	0
<b>State administration (MEYS)</b>	3	0	3
<b>Private founder</b>	0	0	0

### Founders by total number of primary schools set up and number of primary schools with higher proportion of Roma pupils set up

The 106 schools where, according to the Action Plan, more than a third of the student body is made up of Roma pupils in mainstream classes or section 16(9) classes have been set up by 87 separate founders, 74 of them municipalities and 11 regions. The table below presents the total number of primary schools set up by their founders and in how many of them there is a higher proportion of Roma pupils.

	1 primary school set up	2 PS set up	3 PS set up	4 PS set up	5 PS set up	6 or more PS set up
1 segregated primary school	27	11	6	4	3	16
2 segregated PS			1	1		7
3 segregated PS						4
4 segregated PS						2
5 segregated PS						1
6 segregated PS						3
7 segregated PS						1

The MEYS plans:

- 1) to publicly declare ethnic segregation in education intolerable and to clearly define what it means;
- 2) to identify areas with segregated primary schools;
- 3) to approach their founders and urge them to desegregate, while offering them support in drawing up local desegregation plans;
- 4) to support and supervise founders in the implementation of these plans.

## OUTPUTS

### **Output 1: Definition and identification of ethnic segregation in schools**

(A) Publication of definitions of segregated and segregating schools, with consideration for the local context

An explicit definition of ethnic segregation in education, backed by expert consensus and unambiguously clarified as inadmissible by case law, will give the MEYS a means to systematically contact the founders of schools in localities where Roma pupils are segregated and demand that action be taken to desegregate them.

This definition, including a clear statement in which the MEYS declares that ethnic segregation is unacceptable and that it endorses the steps taken by founders to eliminate it, should be publicly and freely available, e.g. on the Ministry's website, and serve as a reference point for municipalities and organisations already working on desegregation. Further steps will then include exploring the possibility of enshrining the inadmissibility of ethnic segregation in the

Education Act, which could make it easier for the MEYS to carry out oversight and force founders to take action in desegregating schools.

#### (B) Methodology for the initial identification and characterisation of areas with segregated schools

The definition of segregation will be converted into a form that is measurable and identifiable using available data. An emphasis is placed on identifying and describing not only a segregated school itself, but also other schools that have the same founder or similar local transport options.

Bearing in mind that segregation may have different causes, resulting in different barriers and tools to tackle them, this methodology should provide a better understanding of segregated schools and help in targeting how to proceed with desegregation. The characteristics that have been proposed for this purpose and for which data is currently available are:

- the proportion of Roma pupils in the school
- the (un)naturalness of the school district
- the School Threat Index (an internal index devised by Jiří Münich)
- distance between the closest primary schools
- the proportion of pupils educated under the FEP PE with Adjusted Outcomes
- the proportion of pupils with a different first language
- the percentages of pupils with special educational needs (SEN), including a breakdown of those needs
- the numbers of different support measures
- whether the community is socially excluded

The preparations for the identification of segregation in schools using available data will also include a review of the current collection of data on Roma pupils in schools. Where necessary, the collection of data will be adjusted so that it is better suited to requirements in the implementation of the desegregation process and other measures.

#### (C) List of suspect school founders in areas suspected of segregation in schools

The methodology for the identification and characterisation of segregation will draw on data already available to compile a list of areas suspected of ethnic segregation in primary schools, including the founders of schools in those areas. Individual founders will be grouped into categories differentiated by prioritisation and desegregation strategy, depending on the form of segregation and the local context. Criteria for prioritisation include the complexity involved in handling the local situation, the severity of segregation, the impact of residential segregation and access, in terms of transport, to other schools, whether the schools are section 16(9) schools, and the consensus among key local stakeholders on the need to desegregate.

### **Output 2: Case management**

#### (A) Measures offered to address segregation (MEYS desegregation methodology) and map available staff and financial capacities

Founders of primary schools in areas of segregation will be offered support in their desegregation efforts. This should comprise desegregation methodology for founders and an offer of the required staff and financial capacities. Offers of support should reflect the actual

nature of segregation, regional needs, and the progress made by founders in the process of desegregation and/or social inclusion.

MEYS methodology will be derived from the *desegregation.cz* website of PAQ Research, with which the Ministry is currently in talks to establish a partnership so that existing materials can be adapted for this purpose. The staffing capacities for desegregation offered by the MEYS should mainly provide know-how, help a specific desegregation plan to be drawn up for the founder in question, and establish local capacities to coordinate the process. So far, a group of representatives of relevant institutions, NGOs and experts has been established to steer the methodology. Preliminary discussions are also under way with the MLSA's Department (Agency) for Social Inclusion; other potential partners include the National Pedagogy Institute, PAQ Research, Awen Amenca, and founders who have successfully desegregated their schools in the past and can therefore be used as examples of good practice. The MEYS is open to cooperation with other stakeholders.

A good many of the steps towards desegregation require financial investment, mainly from the founder or the local municipality. An overview will be drawn up of possible sources of funding already in existence, which could be supplemented with new sources.

(B) Establishment of communication with founders, examination of the situation in suspect areas, and determination of the positions of key local stakeholders

Founders of schools in areas suspected of ethnic segregation will be contacted by the director of the Department for Regional Education Management. Founders will be advised that ethnic segregation is inadmissible and that it is suspected to be occurring in their schools. They will be offered assistance with the desegregation process, see [Output 2 \(A\)](#). They will then be invited to state their position on the current situation, and to propose a starting point for a solution. In cases where founders hold a dismissive position on the segregation issue that has been identified, a local investigation may be carried out with the assistance of the Czech School Inspectorate and the National Pedagogy Institute.

(C) Local desegregation plan and implementation

Founders ready to take proactive steps towards desegregation will draw up local plans suited to the local context, which they will then implement. Assistance should be available from the MEYS for founders to prepare a plan, see [Output 2 \(A\)](#). A vital part of the process is to target the establishment of school districts in such a way that maintaining them will not lead to the emergence of segregated schools.

While these measures are important for desegregation, they are not enough. One possible step towards desegregation would be the closure of segregated schools and the evenly distributed integration of Roma pupils from those schools into other local schools. Segregated schools existing as a consequence of residential segregation and section 16(9) schools will require a different approach. It is therefore necessary for the plan to encompass other measures, including long-term measures, interventions in areas outside education, and close cooperation with Roma organisations and the local community, especially parents. The project also needs to be communicated to the public in order to keep negative reactions to a minimum and to foster a positive attitude towards this change at a local level.

Where conditions are conducive to cooperation, some founders may establish partnerships with the Agency for Social Inclusion in 2024 as part of the project to create local desegregation plans. Another potential form of cooperation is the implementation of the "Pilot 14" project in

areas suspected of segregation, which could involve adding ethnic segregation to the items checked during school inspections, sharing information on suspect schools with the NPI, and follow-up cooperation between the NPI and founders and schools.

(D) Submission of proposals seeking the abolition of school districts where segregation is detected

If a situation is detected where segregation stems from the way in which a founder has targeted and intentionally established school districts of catchment schools, the solution would be to lodge a complaint under Section 42 of Act no. 500/2004, the Code of Administrative Procedure, with the Interior Ministry seeking to supervise the issuance and content of generally binding municipal regulations pursuant to section 123 of Act no. 128/2000 on municipalities (ultimately leading to an application to the Constitutional Court for the generally binding regulation in question to be repealed). This approach builds on recent Supreme Court case law, which describes any ethnic segregation as inadmissible.<sup>2</sup>

Alternatively, an application may also be filed for the repeal of a generally binding regulation as other legislation within the meaning of Section 64(2) of Act no. 182/1993 on the Constitutional Court, through the government, a group of 25 MPs or 10 senators, or the Ombudsman.

## TIMETABLE

### Output 1: Definition and identification of segregation in schools

Deadline	Description of goal	Fulfilled
Q1 2024	Publication of definitions of segregated and segregating schools, with consideration for the local context (A)	
Q1 2024	Identification of areas suspected of segregation <ul style="list-style-type: none"> <li>Operationalisation of segregation in schools (B)</li> <li>Methodology for the identification and characterisation of segregation (B)</li> <li>List of founders in areas suspected of segregation (C)</li> </ul>	

### Output 2: Case management

Deadline	Description of goal	Fulfilled
Q1 2024	Desegregation methodology for founders, mapping of available and required staffing capacities and financial resources (A)	
Q2 2024	Contact with founders suspected of segregation (B) <ul style="list-style-type: none"> <li>Prioritisation of solutions based on the type of segregation (1C) and the founder's approach</li> </ul>	
Q3 2024	Support of founders in the preparation of local desegregation plans (C)	

<sup>2</sup> see the Supreme Court's judgment 25 Cdo 473/2021-337 of 5 May 2022

Q4 2024	Submission of a proposal to the Interior Ministry to abolish the school districts of uncooperative founders (D)	
2025–2027	Supervision of the implementation of local desegregation plans by education authorities and support for the establishment of other plans (C)	

## INDICATORS MONITORED

By the end of 2024:

- establish communication with the founders of all the segregated schools identified
- gain a clear understanding of
  - the state of segregation in primary schools;
  - founders' willingness to address the overrepresentation of Roma pupils in selected schools;
  - willingness to work with central stakeholders;
  - and devise a local desegregation plan.

By the end of 2025:

- initiate the implementation of local desegregation plans for at least a third of founders
- and continue discussions with other founders.

By the end of 2026:

- reduce the number of segregated schools by 10% (approx. 14 schools)
- and continue discussions with other founders.

## NEGOTIATING PARTNERS

Discussions will be held with the Czech School Inspectorate, the National Pedagogy Institute of the Czech Republic, the Ministry of Labour and Social Affairs, the Government Commissioner for Human Rights and Commissioner for Roma Minority Affairs, the Agent of the Czech Government before the European Court of Human Rights, the Ombudsman, the Association of Educational Psychology Counselling Centres, the Association of Staff of Special-pedagogy Centres, the non-profit sector, and higher-education institutions' departments of special education, social pedagogy and psychology. A particularly pivotal factor is cooperation with Roma civil society, e.g. via Roma organisations.

## RELATED STRATEGY DOCUMENTS

Some activities are based on:

Strategy for the Education Policy of the Czech Republic up to 2030+;

Long-term Plan for Education and the Development of the Education System of the Czech Republic 2019–2023;

Long-term Plan for Education and the Development of the Education System of the Czech Republic 2023–2027;

Social Inclusion Strategy 2021–2030 (education);

Roma Equality, Inclusion and Participation Strategy 2021–2030 (education).

## LEGISLATION

Act no. 561/2004 on preschool, primary, secondary, post-secondary vocational and other education (Education Act).

Act no. 128/2000 on municipalities.

Act no. 198/2009 on equal treatment and legal means of protection against discrimination and amending certain acts (Antidiscrimination Act).

## RISKS

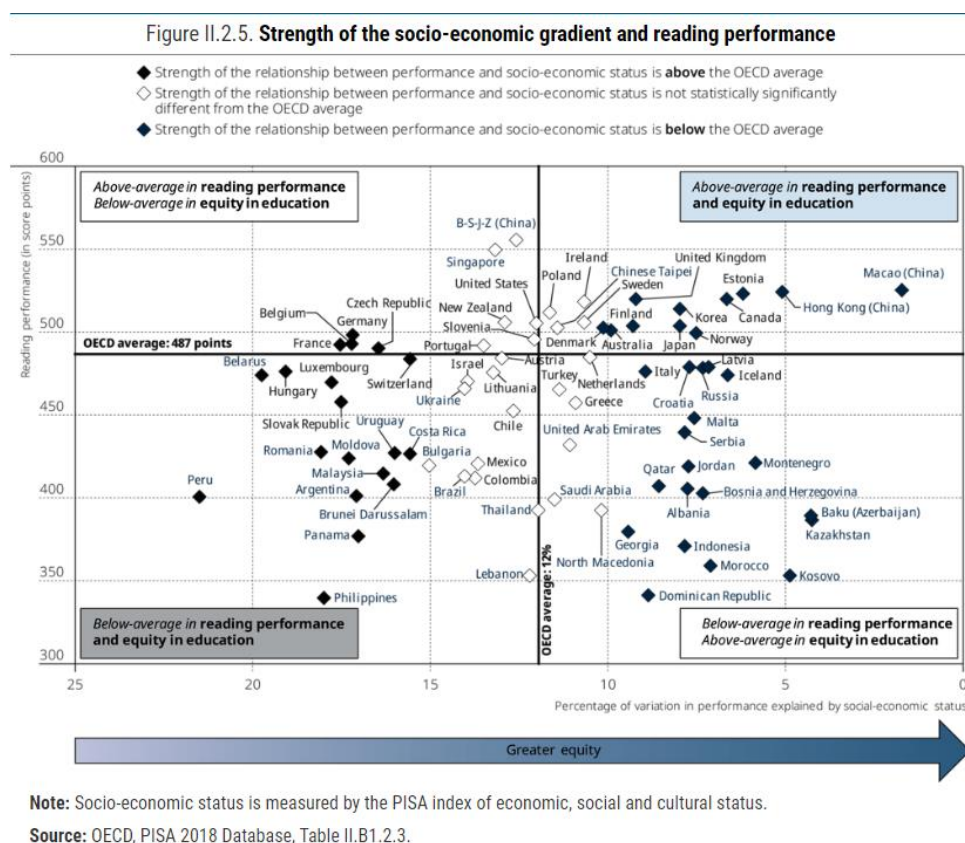
- In tackling the overrepresentation of Roma pupils in specific localities, there is a risk that the collection of data on Roma pupils in these areas will be devalued;
- Reluctance to engage in desegregation on the part of local stakeholders;
- The approach taken by local CSI staff and other cooperating institutions in the active desegregation process ;
- Lack of data on how Roma are spatially segregated.

## Annex 3

# PROJECT FICHE: SUPPORT FOR SCHOOLS

## DESCRIPTION OF PROJECT OBJECTIVE

The main objective of the “Support for schools” project fiche is to reduce the dependence of pupils’ performance on the socio-economic status (SES) of their family. In the Czech Republic, the gap is above the average for OECD countries and almost double that of Scandinavian and Baltic countries, and even countries such as the United Kingdom (PISA 2018).



The main means of achieving this objective is to revise the system for funding regional education so that it takes account of SES and so that schools with a high proportion of socially disadvantaged pupils get support. This should result in the development of conditions and capacities at schools to provide comprehensive and long-term individualised support to socially disadvantaged pupils through the deployment of a broader range of support tools, the influence of certain support staff positions, and effective bridging of pedagogical and social interventions in an effort to synergise their benefits.

This revision will draw on the experiences of the NRP-funded Supporting Disadvantaged Schools project.

## OUTPUTS

### **Output 1. Revision of the regional education funding system to reflect the SES of pupils and schools' needs in working with these pupils.**

The revision will include:

- A) Formulation and testing of a procedure for identifying schools that need extra support as a result of an above-average proportion of socially disadvantaged pupils.
- B) Creation and piloting of a fixed catalogue of measures to provide comprehensive individualised support to socially disadvantaged pupils and their families, and staffing and methodological support to teaching staff involved in the education of socially disadvantaged pupils.
- C) Having identified schools with an above-average proportion of socially disadvantaged pupils (see point A), the securing of funding for individual instruments to support these schools, such as:
  - i. Differentiation of the maximum weekly number of lessons funded, based on the level of social disadvantage
  - ii. Increase in resources for specialised positions (behavioural management officer, guidance counsellor)
  - iii. Increase in resources for school psychologists, remedial teachers, and teaching assistants, or other counselling positions
  - iv. The making of arrangements for the establishment and funding of the position of social pedagogue
  - v. Securing of funding for other instruments following testing to verify their effectiveness (see point b)

### **Output 2. Long-term system of methodological support for schools with an above average proportion of socially disadvantaged pupils**

The long-term system will be delivered via a network of local consultants, methodologists and other experts of the NPI, and also by stepping up cooperation with public higher-education institutions, specifically departments training remedial teachers and social pedagogues.

### **Output 3. Review of the system of financial support available to schools and families for interventions aimed at increasing the academic success of children from low-SES families**

Specifically, the replacement of existing subsidy schemes aimed at funding school meals for low-SES pupils with direct payment, directly to schools, of education-related costs (meals, school supplies, etc.) for all children whose parents receive or are eligible for child benefit (in the competence of the MLSA).

## TIMETABLE

### Outputs 1 and 2 (Revision of the regional education funding system and long-term system of methodological support)

Deadline	Description of goal	Fulfilled
Q1 2024	Initial assessment of the project evaluation and finalised plan for the overall evaluation	
Q1 2024	First proposal for the revision of the regional education funding system ready	
Q1 2024	Proposal for the revision of the funding system, evaluation results taken into consideration	
Q1 2025	Revised funding system for regional education with emphasis on support for socially disadvantaged pupils	

### Output 3 (Revision of the system of targeted financial support for socially disadvantaged pupils)

Deadline	Description of goal	Fulfilled
Q2 2024	Start of work on the revision of the system of support for socially disadvantaged pupils (in the competence of the MLSA)	
	Preparation of draft legislation, including cost-benefit analysis and proposed alternatives with various demands on the state budget	
	Documentation for the necessary amendments to legislation prepared, principles for amendments to secondary regulations drawn up, initiation of the legislative process	
Q2 2025	Submission of the proposal and its subsequent approval by the Chamber of Deputies	

## INDICATORS MONITORED

Specific target values for indicators will be set in the initial months of the plan's implementation.

- Decline in the linear correlation between the SES index and educational outcomes (PISA)
- Reduction in the differences in average performance between schools (PISA, 15 years)
- Decline in the proportion of pupils whose compulsory schooling, in the given school year, ended before reaching the final grade and are subject to grade retention
- Increase in the proportion of pupils from socially disadvantaged families studying secondary education courses ending with the school-leaving examination (*maturita*)

## NEGOTIATING PARTNERS

When determining the above outputs and goals, the starting points included:

- [Analysis of the causes underlying the higher proportion of Roma pupils receiving education in schools and classes set up under section 16\(9\) of the Education Act, conducted by PAQ Research and STEM for the MEYS as part of a Technology Agency \(TAČR\) programme](#)
- [Quality and Efficiency of Education and the Education System in the 2021/2022 School Year – Annual Report of the Czech School Inspectorate](#)

Discussions will be held with the Czech School Inspectorate, the National Pedagogy Institute of the Czech Republic, the Ministry of Labour and Social Affairs, the Government Commissioner for Human Rights and Commissioner for Roma Minority Affairs, the Agent of the Czech Government before the European Court of Human Rights, the Association of Educational Psychology Counselling Centres, the Association of Staff of Special-pedagogy Centres, the non-profit sector, the Ombudsman, and the relevant departments of public higher-education institutions providing teacher training in the field of remedial education and social pedagogy.

## RELATED STRATEGY DOCUMENTS

The above goals and activities are linked to:

Strategy for the Education Policy of the Czech Republic up to 2030+;

Roma Equality, Inclusion and Participation Strategy (Roma Integration Strategy) 2021–2030;

Long-term Plan for Education and the Development of the Education System of the Czech Republic 2019–2023;

Long-term Plan for Education and the Development of the Education System of the Czech Republic 2023–2027;

Social Inclusion Strategy 2021–2030 (education).

## LEGISLATION

Act no. 561/2004 on preschool, primary, secondary, post-secondary vocational and other education (Education Act), as amended.

Regulation 27/2016 on the education of pupils with special educational needs and talented pupils, as amended.

Regulation 72/2005 on the provision of counselling services at schools and school counselling facilities, as amended.

Government Edict 75/2005 on the determination of the scope of teaching staff's direct activities in teaching, behavioural development, remedial teaching, and educational psychology, as amended.

Government Edict 123/2018 on the determination of the maximum number of lessons funded out of the state budget for a primary school, secondary school and conservatory founded by a region, municipality or association of municipalities, as amended.

## RISKS

The risks to the execution of the procedure outlined in this project fiche are insufficient funding, problems in promoting the required legislative process, and insufficient staffing for the delivery of methodological support. One unintended and imminent adverse consequence may be the perpetuation of the current segregating situation in terms of how socially disadvantaged pupils are distributed in schools.