PART 2: PROVISION OF PRESCHOOL: LEGISLATIVE BASIS AND NATIONAL POLICIES

In all five countries there is one education act that regulates the provision of public education, including ECE, which determines the overall administration, the distribution of responsibilities, and the general aims of the education services. In Bulgaria, this is the Public Education Act from 1991, in Romania – the National Education Law from 2003, in Hungary – the Act of 1993 on Public Education, in Slovakia – the School Act from 2008 and in the Czech Republic – the Education Act from 2005. All five acts stipulate that compulsory education is free of charge and is deemed a universal right of all children in the five countries, irrespective of factors such as gender, socio-economic background, nationality, ethnicity and religion. The Romanian and Hungarian legislation further stipulates that educational programmes for minority children include the minority language, culture and history. Additionally, the Hungarian act grants the right of minority self-government to set up their own educational establishment, which has not happened due to financial constraints (Molnar and Dupcsik 2008). The recently-adopted Slovak and Czech education acts aim to address disparities in education and pay special attention to equality (Vrabcova et al 2008; Eurydice 2010d). Besides the education acts, discrimination in education is addressed by a variety pieces of legislation and policy-documents. For example, the Hungarian Equal Treatment Act has been described as “the most important tool of anti-discrimination efforts” by the Edumigrom report (Vajda and Dupcsik 2008: 18).

Preschool education is primarily provided in kindergartens for children aged 3 to 6, in some cases 7, and in primary school preparatory classes. Some year(s) of preschool is obligatory in Bulgaria and Hungary, and will become obligatory in Romania. In Bulgaria recent legal amendments from September 2010 provide for 2 years of compulsory preschool education, which would encompass all 5-year-olds. However, the municipalities have 2 years to ensure that they are able to accommodate all children. In Romania, according to a legal amendment from January 2011, as of academic year 2012-2013, there will be one compulsory year of preschool education which is meant to equalize the level of preparation of all children for the primary grades. This preparatory year will be included in the primary education. In Hungary, preschool is generally compulsory from the age of 5 (the last pre-school year). In Slovakia pre-primary education remains voluntary, although there has been discussion to introduce compulsory ECE. Preparatory classes called the zero grade can be set up in primary schools. Children who are 6 or older, but who are not ready to enter primary school can be placed into this grade at the discretion of the legal guardian (Dral et al. 2008). Finally, in the Czech Republic, preschool is not compulsory, but municipalities are obliged to ensure access to free kindergarten for children with residency within a given municipality, and who have one year left before primary school enrolment.

BOX 2: MAKING PRESCHOOL COMPULSORY, AFFORDABLE, AND PROVIDING INCENTIVES TO ENROLL EARLY: THE CASE OF HUNGARY

Preschool enrolment among Roma in Hungary and the poor in Hungary more generally, is considerably higher than in neighboring countries. For example, while 49% of Hungarian Roma children report attending some form of preschool, the corresponding rate among Slovak non-Roma neighbors is 17%, and among Slovak Roma 10%. At age 5, 86% of Hungarian Roma children are enrolled compared with 75% of Slovak non-Roma neighbors, and still a mere 36% of Slovak Roma.
<table>
<thead>
<tr>
<th>Age</th>
<th>Slovakia</th>
<th>Hungary</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Roma</td>
<td>Non-Roma Neighbors</td>
</tr>
<tr>
<td>3</td>
<td>10%</td>
<td>17%</td>
</tr>
<tr>
<td>4</td>
<td>22%</td>
<td>45%</td>
</tr>
<tr>
<td>5</td>
<td>36%</td>
<td>75%</td>
</tr>
<tr>
<td>6</td>
<td>63%</td>
<td>81%</td>
</tr>
</tbody>
</table>

In Hungary, until the recent December 2011 change in the education law, kindergarten had been optional from the age of 3 and compulsory from the age of 5. The new education law, passed in December 2011, calls for compulsory preschool from age 3. Mandatory primary school entry age is 6 years, although children may stay in kindergarten for an extra year, until turning 7. Public-sector kindergartens are free of charge; they charge a compensation for extra services not included in their basic tasks, e.g. for meals, excursions and extracurricular activities. Non state kindergartens may charge fees.\(^{11}\)

Financing of preschool has come from a combination of central government funding (30-40 percent), parents (10 parents), and municipal governments (the rest). Parents’ fees are lowered or cancelled completely for those with low incomes. Municipal financing has been a challenge for poor municipalities. It is possible for them to contract with private and voluntary sector providers, services are almost entirely public.\(^{12}\)

To improve access for the poor, meals have been free for families receiving a supplemental child protection allowance.\(^{13}\) Furthermore, since 2009, parents of multiply disadvantaged children have been encouraged by law through subsidies to enrol their children to kindergarten as early as possible.\(^{14}\) The so-called "kindergarten subsidy program" grants disadvantaged families a twice a year subsidy of 10 000 HUF (approx 35 Euro) per child aged 3-4 years conditional on the child attending pre-school regularly.\(^{15}\) The eligibility criteria consists of multiple disadvantaged (a legal category, it includes low education of the mother and means testing by the local notary, and the latter has idiosyncratic elements to it).

To address the extension of places at kindergartens, the government issued specific calls for proposals in 2009 partly for the improvement of school education and partly for the development of kindergartens and kindergarten-related projects in the 33 most disadvantaged micro-regions. These fell under the scheme of

---


\(^{13}\) Ibid.

\(^{14}\) Hungary MINISTRY OF NATIONAL RESOURCES (2011). 2011 national report on the implementation of the Strategic framework for European cooperation in education and training (ET2020)

The education systems in all five countries are decentralized (Hungary especially), or undergoing a decentralization process. Municipalities are the primary maintainer of public kindergartens. Generally, curricula, planning, coordination of state policies, financing, and quality standards are set at a central level, although individual educational establishments in Hungary, Slovakia and the Czech Republic have a relatively large degree of freedom when it comes to developing their own school or kindergarten education program. The core funding that is allocated to local authorities from the central budget is calculated on a per student basis and depends on the level of schooling and the student's individual learning needs. The main authorities are the principals, or heads, who may have deputy principals (as in Hungary and Romania), as well as organizations of the teaching staff - school boards in Hungary, pedagogical councils in Bulgaria and teacher’s councils in Romania. Bulgarian Pedagogical Councils, which make decisions regarding the yearly plans, the rules of functioning of the kindergarten or school, and the results of the educational process. Principals are typically responsible for staff and financial management, ensuring quality of services as well as a safe environment for the children (Eurydice 2007/2008).

The aim of decentralization is increasing local relevance, but there is also a risk of enabling segregation. In theory, decentralized educational services can address local needs better by paying greater respect to the diverse situations and problems of communities and students’ individual needs and interests. As such this approach should ensure access and equity in education for vulnerable groups such as the Roma. However, as pointed out by some (OSI 2007a), decentralization may also fuel segregation of Roma, unless the central government clearly delineates the responsibilities of local authorities and develops effective mechanisms to implementing national desegregation policies. Mechanisms for parent involvement are generally available but not compulsory (Eurydice, Cedefop, ETF, 2009/2010c), so in practice it is not clear whether parents, and especially low educated Roma parents, have a say in the way their children are cared for and educated.

In all five countries parents of children generally need to provide a mix of documentation, some set at national level and others determined by municipalities. In Bulgaria, parents typically need birth and medical certificates, written request, and, in some municipalities, proof of paid taxes. In Romania, the requirements are similar. Admission to kindergartens is also usually contingent upon availability of spaces and proximity to the child’s home. In Hungary it is up to the maintainers to decide on the specific application method. Parents are free to choose which kindergarten they want their children enrolled at, but kindergartens may also refuse applications, unless they are for children from their “catchment areas” or regions, in which case they are obliged to provide services. With recent changes in legislation multiply

---

16 Hungary MINISTRY OF NATIONAL RESOURCES (2011). 2011 national report on the implementation of the Strategic framework for European cooperation in education and training (ET2020)
disadvantaged children are given priority (Eurydice, Cedefop, ETF 2009/2010c; Eurydice 2010c). In Slovakia, a child’s legal guardian or parents are also required to submit a written application and the requisite health certificate to the kindergarten head. Children are admitted to special kindergartens (classes) based on testing, and with the consent of the parents (OSI 2007b). In the Czech Republic and Slovakia, children who have a year left before primary school are given preference. Other admission criteria are set by the school head, and admission is contingent on available spaces. According to their parent’s wishes children can enter preparatory classes instead of kindergarten or are transferred there if they are not successful at the start of compulsory education (REF 2007e). For placement in any of the special school provisions, including preparatory classes and special kindergartens, the explicit consent of parents is needed as well as recommendations from a group of experts. However, there is evidence that Roma parents are often poorly informed on the negative impact of special education. Furthermore concerns have been raised with regard to the nature and administering of the placement tests and the work of the expert committees (Friedman et al. 2009).

**Kindergarten and pre-school tuition fees are generally free of charge, with the exception of additional activities and especially fees to cover meals.** Compulsory preschool in Bulgaria and Hungary are free of charge. In Hungary preschool services for children aged 3 onwards are free of charge. In Bulgaria, Romania and Hungary there are small kindergarten fees for non-compulsory preschool education, which are meant to cover the cost of meals. Furthermore, parents are charged for additional activities such as excursions, sports and language lessons. In Romania, as of 2012-2013, the compulsory preschool year will become part of the primary school system and will be free of charge. Kindergarten services for children aged 3 to 6 are also free of charge, but there are fees for extracurricular activities and other indirect costs, and fees for extended or weekly programs. Kindergarten services in Slovakia and the Czech Republic are co-funded by parents, however in both countries the last year of (non-compulsory) preschool is free of charge. All five countries offer subsidies and in some cases kindergarten fee exemptions to disadvantaged families.

**All five countries have somewhat flexible service provision, with kindergartens offering full-day as well as half-day services.** In Bulgaria there are also seasonal groups especially in rural areas during the summer when parents are especially busy with farm work. In rural areas in Romania, primary school buildings also often accommodate preschool groups (OSI 2007a). The organization of time follows the school year of the public education. Children are divided into groups on the basis of their age, but when necessary exceptions can be made (Bulgaria, Romania, and Hungary). In Slovakia primary schools also have the option of setting up a zero grade for children who are 6 or older. The zero grade is “[…] aimed at helping children adjust to the transition from a domestic to a distinctively institutionalized environment.” (REF 2007d: 9). In the Czech Republic there are two types of preparatory classes: for children with “mental or physical disadvantage;” and for children who are “socially disadvantaged” (Katzorkova et al 2008: 4).

In all five countries recently-adopted national education programs seek to move toward more child-centered interactive pedagogical methods, which take into account the individual learning needs of the children. In the child-centered approach, preschool education’s main aim is to foster the physical, socio-emotional and cognitive development of young children through a child-centered individualized approach, that encourages self-exploration and autonomous and creative and learning, and which builds
positive self-image, confidence, and social skills. The main method for teaching and evaluating children is pedagogical play. Notably, Romania has adopted the Unicef-promoted *Early Learning and Development Standards* for children from birth to 7 years old, which regulates and sets standards for early childhood services (including preschool curriculum, teacher/parent training and evaluation practices). Hungary, according to the OECD (2004) report, early childhood education in Hungary has a well-developed child-centered methodology. The content is focused on the acquisition of social and learning skills and fostering an interest in the learning process, rather than on direct teaching of literacy and numeracy. However, other reports have evaluated the prevailing pedagogical approach in the education system in general as being dominant and rigid (REF 2007c; OSI, 2007; Molnar and Dupcsik 2008). In Slovakia, with the enactment of the 2008 Education Act, the preschool education system similarly seeks to move away from rote learning and teacher centered methods, to more child centered methods. Lastly, besides the national programs, curricula in Hungary, Slovakia and the Czech Republic are also based on the educational programs of individual school and kindergarten establishments.

### NATIONAL POLICIES SPECIFICALLY TOWARD ROMA INCLUSION

Governments have sought to address the education needs of minorities in general and Roma in specific through legal safeguards and through social measures. Firstly, governments have granted minorities certain minority rights with regard to preserving their language and culture. For example, provisions are contained in the basic legislation - the constitutions and the national education acts – and mostly focus on the right to study in one's minority language, or there are separate legal documents (for example, Hungary's Minorities Act of 1993, the Czech Rights of Members of National Minorities Act No. 273/2001). In Bulgaria, Slovakia and the Czech Republic the law focuses on the right to be educated in one's mother tongue, whereas Hungarian and Romanian legislation additionally emphasize the right to learn of one's minority history and traditions.

Secondly, there have been many policy documents and strategies aimed at their integration through primarily social measures. One such example is the National Action Plans for the Decade of Roma Inclusion, in which all five countries take part. A strength of these strategies is that they approach the issue of educational inclusion in an integrated manner and the efforts are coordinated with other priority spheres, such as health, housing and employment. Increasing Roma preschool enrollment and introducing material support have been specific objectives of the Romanian (see Stoian and Mark 2010) and Hungarian (see OSI 2007a; REF 2007c) action plans. Both these policy-documents, as well as the Bulgarian plan, explicitly mention the inclusion of Roma culture and heritage into the education curricula. The Bulgarian and Hungarian action plans pay special attention to educational desegregation, and the Romanian one promotes the involvement of school mediators. The Slovak action plan, on the other hand, emphasizes the need to decrease the number of Roma children attending specials schools and classes

---

18 Unless otherwise specified, information in this section is based on the Eurydice reports for all five countries found online at [http://eacea.ec.europa.eu/education/eurydice/eurybase_en.php](http://eacea.ec.europa.eu/education/eurydice/eurybase_en.php)
(REF 2007d). However, with most action plans, questions have been raised about the efforts to implement them (e.g. OSI 2007, REF 2007, UNICEF 2007).

**Besides the Decade Action Plans, governments have produced a series of other policy-documents that reconfirm old commitments and methods, or place emphasis on new aspects and approaches.** A leading policy-document in Bulgaria is the Framework Programme for Equal Integration of Roma into Bulgarian Society, which includes desegregation of Roma education, combating racism in the classroom and introducing mother-tongue education as some of its strategic objectives (OSI 2007a). The Bulgarian National Strategy for the Child 2008-201819 emphasizes the role of preschool education as a main factor for the social inclusion of Roma children. The Romanian Strategy for the Improvement of the Condition of the Roma (OSI 2007a), adopted in 2001 and modified in 2006, is the main government document that addresses the situation of the Roma. It promotes social inclusion measures in a 6 main domains, one of which is child protection and education. In the Czech *Concept of Early Intervention for Socio-Culturally Disadvantaged Children*, language and identity are specifically, as well as the importance of preschool education, are taken into account (REF 2007e). In Slovakia, multicultural education was introduced as a cross-cutting theme to a new National Curriculum adopted in 2008 (OSF forthcoming). Finally, the Czech The National Programme of the Development of Education in the Czech Republic (the White Paper) and Long-term Strategy of Education and Development of the Education System in the Czech Republic from 2005 both emphasize equal educational opportunities and the inclusion of disadvantaged children (REF 2007e).

**The Operational Programme documents (OPs), which are agreed upon between the EU Member States and the European Commission, and which set out the priorities for spending of EU structural funds in each of the countries, highlight Roma education.** In Bulgaria and Romania the strategic framework for absorption of ESF funds for Roma education for the programming period 2007 – 2013 has been defined by the Operational Programmes Human Resources Development (OP HRD). In Hungary it is defined by the OP Social Infrastructure and the Social Renewal OP; in Slovakia by the OP Education; and in the Czech Republic by the Human Resources and Employment Operation Programme and the Operational Programme Education for Competitiveness. The issue of Roma education features importantly in each of these policy-documents, with the Bulgarian OP HRD and the Czech OP Education for Competitiveness paying special attention to the central role of ECE in the social inclusion of the Roma. However, in Slovakia preschool education was not among eligible activities in OP Education 2007-2013. This was criticized by NGOs, and in the Revised Decade Action Plan, there is Activity 1.2.4 aiming to include preschool education into OP Education in the next programming period. Across the countries, there is little concrete information on the amount of ESF Roma education project financing or their effectiveness.

**Almost all countries have central-level institutions whose primary field is Roma integration in addition to specialized departments within the ministries of education.** Bulgaria has two important

---

19 Found online at [http://www.strategy.bg/FileHandler.ashx?fileId=667](http://www.strategy.bg/FileHandler.ashx?fileId=667)
institutions - the Centre for Educational Integration of Children and Young People from the Minorities and the National Council for Cooperation on Ethnic and Integration Issues (NCCEII). The former is an organ of the Ministry of Education, and is responsible for the programs for educational integration of ethnic minority children. The NCCEII was created in Bulgaria as a consultative and coordinating body for governmental policies and activities in the field of ethnic minority issues, including education. In Romania, the Department Policies for Minorities, and the Relations with Parliament Department deal with a wide range of minority-related issues including the provision of protection and educational support for Roma students. In Slovakia, the Roma Education, Information, Documentation, Counseling and Consultation Center is responsible for making sure the specific conditions and needs of the Roma are reflected in schools with a high Roma populations (REF 2007d: 23). The Plenipotentiary of Roma Affairs also bears some responsibility in the administration of preschool education for Roma children. The Czech Republic seems to lag behind in this respect especially since a specialized department within the ministry of education was dismantled²⁰.

**Hungary has stood out for a greater focus on institutions dedicated to either Roma inclusion in general, or Roma educational integration in specific, as well as a network of minority self-governments.** The Hungarian Ministerial Commission of Integration of Roma and Socially Disadvantaged Children participates in the preparation of programs that address the issues of integration, individual learning needs and the special class placement procedures (Molnar and Dupcsik 2008). The Hungarian National Network of Integration in Education provides consultations and support to relevant stakeholders (including educational institutions, municipalities and teacher training institutions) aimed at increasing their capacity and competencies when dealing with disadvantaged children. A special focus falls on Roma children in integrated classes (Keller & Mártonfi, 2007). The Hungarian Directorate of Roma Affairs, established in 2004, combines policy-making and coordination functions. However, according to the Edumigrom (Vajda and Dupcsik 2008) report, despite the fact that this body has a good amount of authority and funding, government offices that deal with Roma issues are loosely connected and the distribution of responsibilities is poorly organized. Finally, Hungary is also notable for its system of minority self-government, but the functions of minority self-governments are mostly limited to cultural activities and do not encompass any substantive decision-making powers (Edumigrom, Vajda and Dupcsik 2008).

**Efforts to implement the laws and policy measures have been slow, although there are signs of improvement.** According to the OSI (2007b) report and REF (2007a) country assessment, the Bulgarian and Romanian strategies have been implemented unevenly, the former not being backed up by proper funding. In 2011, however, the Bulgarian government began implementation of a new World Bank supported “Social Inclusion Project”, which specifically seeks to promote preschool among poor and vulnerable Bulgarians, including Roma. According to a national report from 2010 (Matache and Ionescu 2010), the most important legislative developments in Romania with regards to Roma over the past few years include a prohibition of segregated education²¹, the promotion of cultural diversity in the curricula²².

---

²¹ Notification no. 29323 of 20 April 2004 and Ministerial Order no. 1540
including teaching Romani in preschools and Roma history, and providing food subsidies to disadvantaged children. Hungary has a longer history of implementing programs in support of Roma pre-school. According to the REF report from 2007, the initiatives, policies and programs of the various Hungarian governments have indeed demonstrated a commitment to the educational inclusion of the Roma and have been, for the most part, heading in the right direction. In fact, the report criticizes the fact that various new measures have been too overwhelming for local actors to properly implement. An impact evaluation of Hungary’s integration program of the National Educational Integration Network (2005-2007), which was initially implemented in 45 schools and focused on the provision of integrated education combined with teacher training and other forms of support, the REF states that the program was generally successful (Kézdi and Surányi 2009; described in more detail below). The Slovak policies toward Roma on the other hand have been criticized as being ineffective; not results oriented; lacking evaluations, monitoring as well as funding; and weak in their implementation (Salner 2005; OSF forthcoming). Similarly, REF (2007c) in its evaluation of the Czech government’s Roma education initiatives, emphasized the conceptual vagueness regarding a number of barriers that Roma face in accessing education. Furthermore, the report states that neither the Decade Action Plan, nor other government strategies are well integrated and effectively implemented. More generally, the very large enrolment gaps that remain in all but Hungary demonstrate that despite the recognition in policy documents, actual inclusion at pre-school level is still a distant goal.

---

22 Ministerial Order no. 1529
23 The program “bread and milk” launched in 2004