



WORKING PAPER 25

Educational Pluralism in the European Union:
Report of 10 educational systems



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ABSTRACT

Internationally, educational pluralism is anchored in the Universal Declaration of Human rights, and on a regional European level, a strong legal consensus around this pluralism can be observed. Built on this political and legal foundation, where is Europe's educational pluralism today? We have established 8 variables that are most critical to the exercise of educational pluralism and used them as a framework for analyzing 10 European educational systems. Our research has shown that a country's history and state support largely define the landscape of non-governmental schools. States with a strong Catholic background count many catholic schools and in countries with a deep protestant history, numerous protestant schools exist. Where non-governmental schools are publically funded, more students attend non-governmental schools. However, state funding also brings challenges as many countries tie their financial support to criteria that diminish a non-governmental school's freedom. Overall, it can be said that the role of public authorities is essential to guarantee that all citizens enjoy educational pluralism.

INTRODUCTION

"We, socialists should fight for free schools, schools promoted by private and community initiatives. Freedom at school is only possible if the schools are free from State control (...). We should fight for free schools and conquer the freedom to create our school. (GRAMSCI, 1918)". The Gramsci Italian socialist theorists' statement is a good example that educational pluralism benefits the whole society and that educational pluralism has not always been a source of polarization. Neither it should be in the future. This consensus around educational pluralism still can be noticed in many relevant national and international legal instruments.

Most of the European Constitutions recognize educational pluralism by either recognizing a legal framework in which parents can exercise their parental rights to choose the education they want for their children, or recognizing the possibility of non-State actors to set up their own educational institutions.

From an international perspective, the Articles that enable the realization of educational pluralism have been an essential cornerstone for the Articles that concern the realization of the right to education. Article 26 of the Universal Declaration of Human Rights, concerning the right to education, establishes that *"Parents have a prior right to choose the kind of education that shall be given to their children"* (Art. 26,3). In the same stance, Article 13 of the International Covenant of Economic, Social and Cultural Rights recognizes the *"respect for the liberty of parents (...) to choose for their children schools"* and *"the liberty of individuals and bodies to establish and direct educational institutions"* (Art. 13,3-13,4). In the International Covenant on Civil and Political Rights, Article 18 refers to *"the right to freedom of thought, conscience and religion"*. It underlines in point four the relevance *"to have respect for the liberty of parents (...) to ensure the religious and moral education of their children"*.

At the regional European level, there are also strong legal consensus around the rights that enable the realization of educational pluralism to be an essential part of the right to education. In this regard, the Protocol I to the Convention for the Protection of Human Rights and Fundamental Freedoms expresses the right of education in Article 2: *"the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions"*. Moreover, at the EU level, Article 14 of the Charter of Fundamental Rights of the European Union points out the right to education that *"the freedom to found educational establishments with due respect for democratic principles and the right of parents to ensure the education and teaching of their children in conformity with their religious, philosophical and pedagogical convictions shall be respected, in accordance with the national laws governing the exercise of such freedom and right."*

In the recent document of UNESCO *"Reimagining our futures together: a new social contract for education"*, the role of parents remains to be considered important in building the futures of education. The document also stresses that *"To reimagine the future together is to envision a society where diversity and pluralism are strengthened and enrich our common humanity"* (The UNESCO International Commission on the Futures of Education, 2021). Moreover, the Global Education Monitoring Report (2021/22) on Non-state actors in Education points that there is no part in education in which non-state actors are not involved. Moreover, this report underlines that for a full realization of the right to education governments need to see all education institutions, students and teachers as part of a single system (UNESCO, 2021).

In this regard, the UN Special Rapporteur on the right to education, Mme. Koumbou Bolly Barry, stressed on her latest report the importance of educational pluralism to deal with the challenges of education in the XXI century. *"Private schools, such as religious schools, schools for minority groups and international schools, contribute to diversity in education, including in terms of the teaching provided"*. The Special rapporteur also has claimed, *"Public action, respectful of educational freedoms, can, depending on the situation, take the form of any of a wide range of measures, from funding private schools to including intercultural and multicultural education reflecting the diversity of learners in the general education system."* (HUMAN RIGHTS COUNCIL, 2021). Despite this long-standing consensus, the immediacy of reality does not often allow the different stakeholders to realize that educational pluralism is in fact a reality in most European countries as we will observe along this research. Indeed, despite the political tensions on the development of educational pluralism, non-governmental schools across Europe and parents are still recognized as pillars for the realization of the right of education in all these countries.

Furthermore, educational pluralism is based in more than just one variable: the support of the government to non-governmental schools; the scope of freedom on the selection of personal of non-governmental schools; and the scope that public authorities have towards parents or the freedom of curriculum for non-governmental schools. We have decided to assess these variables, because according to our experience this are the most critical spheres in which educational pluralism can be exercised. Moreover, these variables have been shared with other relevant stakeholders, such as academics or school leaders, to assess its relevance.

The realization of educational pluralism might greatly differ from one country to another. In order to have a good overview of the situation of educational pluralism in Europe, we have analyzed the situation of ten different educational systems across the European Union. In order to identify patterns, tendencies or contradictions at the European level we have assessed the following indicators:

1. What is the school distribution (non-university level)?
2. What is the constitutional recognition of educational pluralism?
3. What is the State support for non-governmental schools?
4. What sort of freedom of curriculum exists for non-governmental schools?
5. What are the admission criteria of students in non-governmental schools?
6. What is the regulation for the selection of teachers in non-governmental schools?
7. Are there any burdens to parent's choices?
8. What is the status of homeschooling?

These questions have been answered through reviews of national legislation, consultation with experts from the analyzed countries, and also through the consultation of scientific research, such as official data from educational international mechanisms, or academic research. Some of the people at the national level that have helped us to understand better the situation of their country work in the management of non-governmental schools. Moreover, the overall research has become a reality thanks to the support from our team members.

We have observed and acknowledged the importance of all the actors' role on the realization of the right to education, especially with the present pandemic. Since 2015, UNESCO refers on a regular basis to the importance of education as a common good (UNESCO, 2015). At the beginning of the COVID crisis, the director of UNESCO emphasized the importance of the latter approach (AZOULAY & ZEWEDE, 2020). Additionally, the recently published UNESCO document *"Reimagining our futures together: a new social contract for education"* stresses this same dimension as a constant. In this regard, we have observed that actors, such as parents and civil society organizations, are capable of being responsible of granting the right to education, even in a crisis situation. It is important to note that a common good approach implies not

only considering parents when the system collapses, but also taking them into account in the general design of educational policies.

As stressed by OCDE, educational systems are complex and there is no magic wand to improve the realization of the right to education (OCDE, 2017). According to UNESCO “Educational research allows us to better understand the reality of what is occurring in schools, classrooms, and the many sites where education takes place. It also provides insights into the transformation taking place in individuals, in communities and in society in large” (The UNESCO International Commission on the Futures of Education, 2021). Research enables to shed some light on how to improve the design of educational policies, and in that way enhance the realization of the right to education. Bearing all that in mind, we are happy to share with you the results of this research.

BELGIUM

Belgium is a federal state made up of three linguistic communities: French, Flemish and German-speaking, and three regions (Flanders, Wallonia, and Brussels). Competences are therefore distributed over three levels: federal, regional and community.

60% of the Belgian population speaks Flemish and is mainly located in the Flemish region and in Brussels. 40% of the Belgian population speak French. It constitutes the French Community of Belgium (whose name has become Fédération Wallonie Bruxelles) and is present mainly in the Walloon region and in Brussels. Finally, less than 1% of the population is German speaking and resides in the Walloon region, near the German border, making up the German-speaking community.

Education, culture, and a few other matters are the responsibility of the communities. As a result, we can distinguish three parallel education systems: that of the Flemish Community, that of the French Community and that of the German-speaking community. Because of that we have studied Belgium through the Flemish Community and the French Community.

Belgium (Flemish Community)

1. What is the school distribution (non-university level)?

In Flanders, governmental schools are organized by the government, the provincial or municipal authorities (called Official Education) or by a private person or organization (government-aided non-governmental education, also called Free Education). They constitute the grand majority of schools. In contrast, non-governmental non-government-aided schools make up only a very small number of the schools in Flanders' educational system. They are not recognized by the government nor do they receive funding from the government.

Government-aided private education consists mostly of Catholic schools. In addition to denominational schools, government-aided private education includes a small number of schools that are not linked to a religion. These are called alternative schools, which apply specific pedagogical methods, such as Steiner or Freinet.

60.4% of the schools of early-levels and of primary education are government-aided non-governmental education, which counts with 61.4% of the total school population. Furthermore, 70.4% of schools are government-aided non-governmental education within secondary education, in which 72.1% of the pupils are represented.

2. What is the constitutional recognition of educational pluralism?

The freedom of education, or educational pluralism, is a constitutional right in Flemish Belgium. The Constitution guarantees the active and passive freedom of education. *Passive* educational freedom means that parents can choose a school to enrol their child in. The *active* freedom of educational pluralism refers to the right of initiative of the educational organizer: the right to teach and to establish educational institutions for this purpose. Educational-legal interpretations of the constitutional Article make a distinction between the freedom of *establishment*, *direction* and *organization* in the case of active educational freedom (Art 24):

The *freedom of establishment* guarantees that anyone can set up a school and provide education in it, without restrictions on form and content, unless government recognition is applied for. The freedom of establishment also means that these schools – if they comply with the relevant regulations – may assign study certificates.

Next, the *freedom of direction* guarantees that confessional and non-confessional schools may be established, or that schools may be based on specific pedagogical or educational views (e.g. Steiner or Freinet).

Lastly, the *freedom of organization* States that school boards have the right to determine the organization and operation of schools. This means that they could, among other things, decide for themselves about the registration policy, about their HRM, about disciplinary measures, about the content of the school regulations, about the time tables, etc. According to the Flemish government, the school boards have a great deal of autonomy.

3. What is the State support for non-governmental schools?

The State support for governmental, as well as non-governmental schools consists of three parts: Firstly, the salaries of teaching and non-teaching staff is directly paid by the Ministry of Education. There are no differences between teachers in official schools and teachers in free schools.

Secondly, the funds for operating expenses are paid directly to the school boards, and is almost equal for all schools, although there is a budget that seeks to compensate for social differences between pupils. Two 'objective differences' can be observed: (1) Schools operated by the Flemish Community get more finances in order to offer parents the freedom of choice; and (2) every public school (schools operated by the Flemish Community, the Provinces or the Municipalities) have more funds to offer a choice in religious or ideological courses.

Lastly, capital funds for school building investments. Schools run by the Flemish Community Network receive 100% of their capital funding, while non-governmental schools, as well as Municipal or Provincial schools, get only 70% of the grants for those investments in primary education and 60% in secondary education.

Overall, the Flemish government sets conditions for the recognition of a school and for granting financing.

4. What sort of freedom of curriculum exists for non-governmental schools?

Schools are free to develop their own curriculum as far as they attain the targets and follow the core curriculum established by the Ministry of Education.

According to Katholiek Onderwijs Vlaanderen (also known as Catholic Education Flanders), said attainment targets provoke a serious threat, especially for secondary education, for the quality and the freedom of education. There are too many attainment targets and not enough teaching time training to acquire them thoroughly. In practice, the State core curriculum and the attainment targets turn out to constitute a comprehensive State curriculum, leaving hardly any room for the school's own approach and goals. Teachers become merely executors of what the government prescribes. Non-governmental schools can hardly develop their own pedagogical project. More than a hundred Catholic school boards are legally challenging the new decree in the Constitutional Court with regards to the ruling on the annulment of the attainment targets, which will take place next year, 2022.

5. What is the admission process of students in non-governmental schools

Parents are free to choose a school as long as they respect and agree to the school's pedagogical project and its regulations. Nowadays, some schools do not have the capacity to accept all pupils. In these State-funded non-governmental schools, parents must register before they can enroll their child. With regards to the admission process, priority is given to siblings of pupils already enrolled in the school and to children of school staff. Furthermore, the school has to base enrolment on certain legally defined indicators, such as children with an education allowance, children whose mother does not have a secondary education diploma, etc.

6. What is the regulation for the selection of teachers in non-governmental schools?

The school boards are responsible for the recruitment, the selection and the appointment of teachers. In this process, school boards and school head officers have the opportunity to recruit according to the school's needs. However, the teacher must be qualified for the specific function (education level and subject) in order to have their salary paid by the Ministry of Education. Overall, there are no different requirements

for teachers in either Official education or Free education. Once the teacher has a permanent appointment, he or she has high job security, thus limiting the possibilities of school boards to develop a solid staff policy.

7. Are there any burdens to parent's choices?

The equal funding for schools from Official and Free education is the reason for a number of political parties to restrict educational freedom. They insist that the government determines the content and organization of all schools. Guaranteeing the quality of education then forms the motive for defining the entire functioning of the school and the classroom through detailed regulations: which goals need to be achieved, how the teacher should determine the initial situation of the pupils, which methodological approach is to be used, how to group the pupils, which evaluation methods should be applied. The space for the pedagogical project is diminishing. With every extra financial input, part of the educational freedom disappears.

8. What is the status of homeschooling?

Home schooling in Flanders is organized in different ways. Although there is only a 0.13% representation of pupil population in homeschooling, there has been an increase throughout recent years.

Parents can teach their own children or can appoint a tutor. It is also possible that a number of parents organize home-teaching, together as parents, also known as collective home teaching: private schools without any Governmental aid.

As education is compulsory from ages 5 to 18, parents must declare that their children are being educated at home, or in a private school. Pupils must also participate in the exams that are organized by the Flemish Community Examination Board.

BELGIUM (French Community)

1. What is the school distribution (non-university level)?

Public education in the French Community of Belgium, also known as official education, is organized and managed by the Government of the French Community. These schools are governmental schools. Within its educational network, the French Community ensures the management and administration of institutions (at all levels) as well as the careers of its employees. The Community Government decides the structure, curriculum, and methods of instruction in this capacity. It oversees schools and takes all the necessary steps to improve their efficiency, as well as to enforce the regulations for governmental and State-funded governmental schools in compliance with constitutional and legal requirements (Mathias & Grange, 2012).

Governmental schools, also known as official education by the French Community, are managed by the provincial or communal authorities. These are subsidized governmental schools. They are coordinated by the 'Conseil de l'enseignement des communes et des provinces' (CECP) and the 'Conseil des pouvoirs organisateurs de l'enseignement officiel neutre subventionné' (CPEONS) (Mathias & Grange, 2012).

The French Community subsidizes "free" denominational or non-governmental institutions, but they are run by non-State entities. Schools which are not "official", those which are not organized by a public authority, are called "free" – from now on non-governmental schools. The vast majority of these non-governmental schools are denominational. Within denominational schools, it is the Catholic schools, which are the large majority. However, there are also non-denominational non-governmental schools. All Catholic non-governmental schools are federated within SeGEC, 'Secrétariat général de l'enseignement catholique' (SEGEC) and non-denominational schools are federated within the 'Fédération des écoles libres subventionnées indépendantes' (FELSI) (Mathias & Grange, 2012).

This network of government-funded non-governmental schools mostly consists of Catholic schools, but it also includes denominational schools that are not affiliated with a religion, such as alternative schools (based on the principles of Freinet, Montessori, or Steiner) that use unique teaching methods (European Union, 2021). The Freinet movement schools in the French Community of Belgium fall under a branch called "Éducation populaire" and has ten schools in the region (Mouvement Freinet, 2021). The Montessori methodology has eight schools in the region (The Bulletin, 2021).

Finally, non-governmental schools that do not receive public subsidy are also under the control of the French Community in terms of quality and level of education since April 2008.

2. What is the constitutional recognition of educational pluralism?

Article 24 of the Constitution guarantees that parents can choose the type of school (secular or denominational) they consider best for their children to attend. This choice of parents is state-funded supported. This Article states that education is free until the end of compulsory education. It grants free choice to parents and promises the organization of non-denominational education.

"1. Education is free; any preventive measure is forbidden; the punishment of offences is regulated only by the law or federal law.

The community offers free choice to parents.

The community organises non-denominational education. This implies in particular the respect of the philosophical, ideological or religious beliefs of parents and pupils.

Schools run by the public authorities offer, until the end of compulsory education, the choice between the teaching of one of the recognised religions and non-denominational ethics teaching."

3. What is the State support for non-governmental schools?

The French Community subsidizes governmental-schools, as well as, non-governmental schools within the framework laid down in the main educational laws and other regulatory provisions, which base the amount of this subsidy on the education level, the number of pupils, etc... This subsidy should cover the staff remuneration, the operating expenses, and the investment costs (OIDEL, 2016). The schools that are publicly subsidized have to apply the linguistic laws, follow the curriculum and admit a set of students set by the order of the Government of the French Community among other legislative obligations. Non- governmental schools can charge extra fees for teaching materials or the realization of certain activities, such as extracurricular activities (Mathias & Grange, 2012). In order to guarantee the free education laid out in the constitution, and despite unequal funding of schools, the legislator has severely limited in recent years what can be requested by non-governmental schools as a contribution from parents of pupils.

In this regard, the French Community organizes, funds, or just recognizes the formal education system as a whole. Moreover, students in secondary and higher education may be eligible for grants or study loans allocated by the French Community under certain circumstances (European Union, 2021).

4. What sort of freedom of curriculum exists for non-governmental schools?

As established in the Constitution, the Parliament of the French Community will regulate education by community law. An exception of this is the setting of the beginning and the end of compulsory education and the establishment of the minimum standards for the granting of diplomas, which are determinate by federal law. As we have previously observed, non-governmental schools that are publicly funded have to follow the national curriculum. Nevertheless, schools can specify in their plans the plan-based, denominational or pedagogical options. As established by law "Within the context of its projects, (...) each school may distribute the amount of time aside for one, several or all the disciplines in functional units of study extending over several weeks. It may also regroup the time designated for several disciplines for interdisciplinary or cultural activities" (Art.30) (Mathias & Grange, 2012). Furthermore, it is important to point out that all the education partners in French-speaking Belgium have negotiated and implemented a "Pact for teaching excellence".

In Belgium, educational network school boards may join an umbrella organization. This organization represents school boards in government consultations and provides services to schools such as curriculum development and timetable creation (European Union, 2021).

5. What are the admission criteria of students in non-governmental schools?

In the French Community in Belgium, parents are free to choose the institution for their children's education, while schools are not permitted to choose their student body. Publicly funded schools have the obligation to admit any pupil when his/her parents subscribe to the educational and pedagogical projects of the school. Parents and pupils ought to be informed before admission about the educational, pedagogical and denominational project of the school (Mathias & Grange, 2012). Nowadays, problems arise when in some places across the country a lack of French Community schools presents itself, mainly in Brussels. The French Community has had to adopt some measures to ensure the transparency of admission in these places with a lack of French Community schools. This applies to both governmental and non-governmental schools (Mathias & Grange, 2012).

6. What is the regulation for the selection of teachers in non-governmental schools?

Teachers in the French Community's non-governmental schools are covered under a 1969 agreement. Teachers in subsidized schools had to wait until the 1990s to achieve equivalent status: 1993 for the subsidized non-governmental schools, 1994 for the subsidized governmental schools.

The implementation of the equivalent statuses for teachers of governmental and non-governmental schools has severely reduced the flexibility of subsidized non-governmental schools. They are now required to keep teachers for a set period of time. At the same time, teachers have acquired equal treatment and protection of their rights, particularly their privacy (Mathias & Grange, 2012).

Schools may only select people who have the necessary certificate. Exceptions can be made in the growing case of shortness of qualified teachers, especially in foreign languages and science.(Mathias & Grange, 2012).

Teachers must tailor their instruction to the unique character ("caractère spécifique du projet éducatif") of the school they work at, whether it be sectarian or neutral. School directors, including those who run subsidized non-governmental schools, are now governed by a statute that spells out their responsibilities and nomination requirements (Mathias & Grange, 2012).

7. Are there any burdens to parent's choices?

There is currently no economic burden to the parent's choice since education in the French Community of Belgium is completely free. There are, however, some differences between municipalities. The main burden to parent's choices is that in some places across the country there is a lack of French Community schools, mainly in Brussels (Mathias & Grange, 2012).

8. What is the status of homeschooling?

In the French Community of Belgium, education is mandatory from the age of six until the age of eighteen. Yet mandatory does not mean school attendance is mandatory. Parents can home-school their children. The French Community offers interactive online courses so children can prepare themselves for certification exams. The student can enrol at any moment during the year and select the training project with a registration cost of 25€ per year (European Union, 2021).

FINLAND

1. What is the school distribution (non-university level)?

Finland's education system is a decentralized system. This means that the Ministry of Education and Culture carries out the education policy—inclusive of a unified national core curriculum—, while giving autonomy to local authorities to supervise and turn the general guidelines into practice (Johns Hopkins Institute for Education Policy, 2012).

In Finland, the education system distinguishes two types of schools: government-dependent private schools and public schools; from now on, they will be referred to as non-governmental schools (government-dependent private schools) and governmental schools (public schools). These two types of schools are State-dependent, meaning that they all receive funding support from the State, 8,800 euros per year per pupil on average (Statista, 2021). For a school to receive that funding, the State must first grant it permission, following the criteria defined in the Basic Education Act.

More than 1,785,100 students are registered in the educational system of Finland. There are more than 3,000 schools registered (Statista, 2021), of which almost 10% consist of non-governmental schools (Eurydice, 2021). These are run by legal entities (not by individuals), such as associations, foundations or non-profit companies. (FNAE, 2018). These schools are allowed to have certain values, educational methods or ideologies (Eurydice, 2021). Over 50 non-governmental schools are under a Christian curriculum. 14,500 pupils are registered in them (Kristillinen koulu, 2021).

Next, governmental schools are run by public authorities. This type of school consists of more than 90% of the total schools in Finland (Eurydice, 2021).

2. What is the constitutional recognition of educational pluralism?

The Constitution of Finland, which was drafted in 1999, recognizes the right of education as universal and free of charge (Constitution of Finland, 1999). Additionally, education in Finland is compulsory (NCEE, 2021) until the age of 18 (Eurydice, 2021). Lastly, governmental financial support is directed to all schools: "the public authorities shall [...] guarantee for everyone equal opportunity to receive other educational services [...] as well as the opportunity to develop themselves without being prevented by economic hardship" (Constitution of Finland Sec 16, 1999). This sentence enables the Finish Administration to fund non-governmental schools, so parents can choose schools aligned to their principles or values.

3. What is the State support for non-governmental schools?

As previously observed, the government supports all educational institutions in Finland. The State is committed to promote compulsory education that is free of charge (Constitution of Finland Ch 2 Sec 16, 1999). The average estimated funding for both governmental and non-governmental schools are the following: while municipalities give an estimate of 75% of their funding, government gives one third of what municipalities give (around 25%) (Finish National Agency for Education, 2018). For instance, for basic education, the State covers lunch, health services, textbooks, and transportation. For secondary level and for higher education, lunch, health services and transportation is also covered by the State (Eurydice, 2021)

To receive the State's funding, non-governmental schools must reach certain requirements, provided in the Basic Education Act. Said standards include the content of the education (syllabus and subjects), the language of instruction, certain number of class hours, support provision for students who need it, and provision of religion education and ethic lessons. Not fulfilling these standards would lead to not receiving the State's funding (Basic Education Act, 1998).

Having said so, costs of non-governmental schools for activities that the State does not consider part of the core curricula, are not covered by the State. Thus, "... moderate fees may be charged to pupils for education arranged abroad and for education provided by a private organization or foundation in a language other than those referred to in Section 10" (Basic Education Act 628/1998, Ch 7 Sec 31,3).

4. What sort of freedom of curriculum exists for non-governmental schools?

The State establishes a national curriculum and the general guidelines for schools to follow (Basic Education Decree 852/1998, 1998). The aim of the State's established general guidelines is to ensure a sufficient quality education. Regional and local authorities are responsible to follow the State's established general guidelines in order to receive the official recognition and the funding: the State "may authorize a registered association or a foundation to provide education (...) by the medium of a foreign language, special-needs education, education according to a particular ideology." (Basic Education Decree 852/1998, Ch. 3 Sec 7,1, 1998).

Non-governmental and governmental schools have the same autonomy, and are both subject to the State (OECD, 2020). Within said decentralized educational system, local authorities can adapt the curriculum, or even add aspects they find important in relation to their region (Basic Education Act 628/1998 Ch. 2 Sec. 5, 1998). Nonetheless, and most importantly, all schools are subject to follow the national curriculum established by the State. The national curriculum includes subjects art and history, ethics, and among other more (FNAE, 2016).

As a side note, the law provides the different conditions in which an educator provides religious education according to the dominant religion of the class: "religious education is arranged in conformity with the religious community to which the majority of pupils belong." And is "provided by the provider of basic education which, in view of pupil's upbringing and cultural background, evidently corresponds to his or her religious beliefs." (Basic Education Act 628/1998 Ch 6 Sec 13, 1998).

5. What are the admission criteria of students in non-governmental schools?

The State has the obligation to protect the right of all pupils for a free education. Schools are allowed to have a selection criterion, which should be known in advance by the students, as an equal criterion for all students. Schools are also allowed to give priority to students that reside in the area of admission (Basic Education Decree 852/1998 Ch 7 Sec 28, 2, 1998).

The selection criteria do not include religion, which makes it optional for students to take it, especially in the event if their religion is not being taught. In this regard, the education provider shall give religious education according to the dominant religion, or the religion of the majority of students, but does not make it compulsory for students of other religions. Students are allowed to request the school to provide them with the religious education of their religion. Ethics can be taught as a replacement of religious studies (SUOL, 2019).

6. What is the regulation for the selection of teachers in non-governmental schools?

The selection of teachers, in both governmental and non-governmental schools, is made in relation to the level of their respective qualifications (Basic Education Decree 986/1998, 1998). Depending on their area of education and the education level (basic, upper secondary, vocational...) that the teacher wants to provide, the requirements may vary. Generally, teachers are required to have a Master's degree, as well as having completed their pedagogical studies (Eurydice, 2021).

The selection of teachers in non-governmental schools is similar to the for the one in governmental schools, which is to reach certain standards that the government establishes, in order to be officially recognized and funded: "The government may revoke an authorization to provide education if the education provision does not fulfil the conditions for authorization" (Basic Education Act 628/1998 Ch 4 Sec 7, 1998).

7. Are there any burdens to parents' choice?

The State covers all education institutions— governmental (independent) and non-governmental (private) schools — regardless of the children's different needs in health, food, transportation, etc. (Basic Education Act 628/1998 Ch 7 Sec 32, 1998). It is the State's obligation to make sure every child receives an education, and to place no burden on parents' decision when choosing schools that best fit their geographical, ideological, or personal circumstances (Top performing countries, 2021).

8. What is the status of homeschooling?

Following parents' right to organize the education of their children and seeing the completion of their children's schooling (Basic Education Act, 1998), the Basic Education Act includes home education as part of Finland's compulsory education: "A child of compulsory education age must . . . otherwise obtain knowledge corresponding to the basic education syllabus" (Basic Education Act 628/1998 Ch 7 Sec 26,1, 1998).

Homeschooling does not require permission from the authorities (HSLDA, 2019), but does however require supervision by the local authority of the pupil's place of residence (Basic Education Act 628/1998 Ch 12 Sec 26, 2, 1998): "Usually, the responsible local authority assigns a teacher to assess the progress of the child. Nothing is stipulated about how often assessment should be done, but according to the National Board of Education common practice is that assessment takes place once or twice a year" (HSLDA, 2019).

The students' parents' responsibility is to provide the best quality of education to their children (HLSA, 2019). It is important that parents fully commit to homeschooling their children, otherwise they would have to pay a fine: "If a pupil's parent neglects his or her duty to ensure the completion of compulsory schooling, he or she shall be sentenced to fine for dereliction of a duty to ensure completion of compulsory schooling" (Basic Education Act 628/1998 Ch 8 Sec 45, 1998).

FRANCE

1. What is the school distribution (non-university level)?

France's educational system is divided by non-governmental schools and governmental schools. In 2021, almost 80% of pupils were enrolled in governmental schools, (Johns Hopkins Institute for Education Policy, 2019) and out of the remaining, 97% of them are enrolled in non-governmental schools with a contract of association to the State (Eurydice, 2018). There has been a significant increase in the percentage of pupils attending non-governmental school. For instance, in the case of non-governmental schools, 2.2 million pupils were registered in 2017 and 2.7 million in 2021 (Statista, 2021).

Within non-governmental schools, there are "sub-types": subsidized and unsubsidized schools. Subsidized (*sous contrat*) are those that are under contract with the State, and unsubsidized (*hors contrat*) are the schools that are not under contract with the State. In 2017, out of the 2.2 million pupils attending non-governmental schools, 2.13 million of them attended subsidized and 87,000 attended unsubsidized (Statista, 2021).

The non-governmental subsidized schools were first introduced in 1959 through the Debré Act. The 1959 law constitutionally recognizes the freedom to create and administer private educational institutions through integration, independence, simple contract and association contract. With the latter two, the simple contract enables the State to cover teacher salary costs (for elementary schools) and the association contract enables the State to extend public control of the school's program, which should be aligned with the national objectives. This law confirms that the State respects educational freedom (Johns Hopkins Institute for Education Policy, 2019). The government is in charge of a substantial part of operating expenses and subjects non-governmental schools to the same inspections and controls as governmental schools (Eurydice, 2018). Most of States funded non-governmental schools are Catholic. In 2017, "8500 Catholic schools served two million pupils" Johns Hopkins Institute for Education Policy, 2019).

Lastly, the unsubsidized schools represent only 3% of the total non-governmental schools. There are different representations within unsubsidized schools, such as Catholic, Islamic, Waldorf-Steiner, Freinet, Protestant, Sikh and Jewish schools (Bertola, 2015).

2. What is the constitutional recognition of educational pluralism?

The 1848 Constitution provided that "*Education is free. Moreover, educational pluralism is constitutionally recognized. Freedom of education shall be exercised in accordance with the conditions of capacity and morality determined by law, and under the supervision of the State. This supervision shall extend to all educational and educational establishments,*

without any exception” (Art. 9 of the Constitution of France, 1848). Additionally, the 1946 Constitution establishes that “the equal access of children and adults to education, vocational training and culture” (Constitution of France, 1946).

The current Constitution (Constitution of France of 1958) does not have any explicit reference to any sphere of educational pluralism. Nevertheless, the Constitutional Courts have expressed the importance to promote freedom of education: “to protect freedom, there must be pluralism, that is, at every moment there must be a possibility of choice and of the expression of freedom” (Johns Hopkins Institute for Education Policy, 2019).

3. What is the State support for non-governmental schools?

For all non-governmental schools, regardless of their status (unsubsidized or subsidized), the State and local authorities guarantee to grant investment grants, or loans. Moreover, for subsidized schools (non-governmental schools that are under contract), teachers' salaries are fully covered by the State, as they are considered public sector employees and are paid for with welfare and tax contributions. The municipalities or local authorities in the case of primary schools, or the regional councils in the case of secondary schools (Johns Hopkins Institute for Education Policy, 2019) often cover the remaining operating costs (including the salaries of non-teachers).

4. What sort of freedom of curriculum exists for non-governmental schools?

Non-governmental schools that receive funding are subject to provide education aligned with the official rules and programs of governmental education and have little deviation from the official curricula (Eurydice, 2018).

By contrast, non-governmental schools that do not receive public funding have freedom over their curriculum. They can ask for guidance through the Department of Education or may choose not to. Additionally, the administrative and financial matters are subject to an inspection system that weights on aspects such as qualifications required for school head staff and teachers; compulsory education; respect for public order and moral standard, schooling obligation or sanitary and social prevention (Eurydice, 2018). In this case, education is provided with the objective of allowing students to acquire a minimum base including French language, mathematics, general humanist and scientific culture, one modern foreign language, and usual information and communication techniques (Art. L. 122-1-1 of the Education Code).

5. What are the admission criteria of students in non-governmental schools?

Non-governmental schools under contract are subject to “total respect for freedom of conscience. All children without distinction of origin, opinions or beliefs, must be admitted” (Art. L 442-1 of the Education Code). Additionally, “religious instruction cannot be a required subject in a school under contract”. Which means that “pupils can be excused from participation” (Johns Hopkins Institute for Education Policy, 2019).

Schools that do not operate under contract with the State may impose entry exams and other criteria such as academic background or disciplinary record.

6. What is the regulation for the selection of teachers in non-governmental schools?

Generally, teachers are assigned by the government, not by the school. However, in the case of unsubsidized schools, they have considerable freedom over hiring staff. However, they are “always subject to the laws governing employer/worker relations in the private sector” (Johns Hopkins Institute for Education Policy, 2019). Teachers are required to provide a diploma classified in the national directory of professional certifications (RNCP) at least at level III (Art. L. 335-6 of the Education Code), or to have studied at least two more years of specific training after the bachelor's degree (Art. R. 913-6 of the Education Code). Teachers are appointed by the academic authority in agreement with the head of the establishment.

As a side note, subsidized schools have a more complex process when admitting teachers. “On the one hand, they work for a private employer, and thus might not be covered by the detailed prescriptions of public law that apply to public school teachers, but on the other hand they exercise a public function in private schools which provide public education” (Johns Hopkins Institute for Education Policy, 2019).

7. Are there any burdens to parent's choices?

Most of non-governmental schools in France are funded by the State, which makes it easier for parents to choose schools without having a financial burden. Since 1973, pupils have been assigned to schools based on their residential district or geographical location. However, as stated above, parents often choose schools that are located outside their district. This has placed issues regarding transfer and enrolment. The mayor must grant permission for the pupil's transfer, especially given to those who do not have a school in their residential district, health, older family member as alumni, or incompatibility with the parents' work location and schedule (Johns Hopkins Institute for Education Policy, 2019).

8. What is the status of homeschooling?

In France, it is estimated that 60,000 children are homeschooled (Donnelly, 2021). Homeschooling has been legally recognized since the 1882 law, requiring supervision of the children while being homeschooled. The family's responsibility in providing the education is important and required to include "the elementary notions of reading, writing, and calculation" (Legislation of 1998) (Johns Hopkins Institute for Education Policy, 2019). Furthermore, the law of 2020 requires families to receive annual inspections from authorities to maintain permission to homeschool. This law includes the requirement of families to submit the reason of homeschooling, which should be aligned with the following, in order for it to be authorized: the child's state of health or disability; the practice of intensive sports or artistic activities; family roaming in France or geographic distance from any public school; and the existence of a situation specific to the child motivating the educational project (Art. 49, 2020).

ITALY

1. What is the school distribution (non-university level)?

The school system of Italy is mainly State-owned. It consists of two types of schools: governmental and non-governmental, also known as public and private schools. First, governmental schools make up more than the 70% of the total schools in Italy, second, non-governmental schools consist of an estimate of 30% s (Statistics on Educational Institutions. Eurydice, 2021).

Non-governmental schools are created and run by a private person's or a private institution's initiative. Non-governmental schools have two "sub-types" of schools: independent schools and "*scuole paritarie*" (translated as officially recognized). Independent schools cannot give official certification to their students, which requires them to take an exam that is assigned by the State (Organization of Private Education. Eurydice, 2021). "*Scuole paritarie*" have the same status as governmental schools and can give official certifications.

2. What is the constitutional recognition of educational pluralism?

The Constitution of Italy recognizes the right to a free education for all. Moreover, educational pluralism is established through the following: "Entities and private persons have the right to establish schools and institutions of education, at no cost to the State" (Art 33 Costituzione italiana, 1948). In order to emphasize the value of educational pluralism, the State recognizes the right of individuals and private institutions to establish schools to promote good quality of education.

The Italian education system tends to be centralized (Art 117 Costituzione italiana, 1948) since, according to the Constitution, the State has the responsibility of ensuring the highest level of education for all students: "capable and deserving pupils, including those lacking financial resources, have the right to attain the highest levels of education" (Art 34 Costituzione italiana, 1948). The State's support happens through scholarships and subsidies given directly to the students: "The Republic renders this right effectively through scholarships, allowances to families and other benefits, which shall be assigned through competitive examinations" (Art 34 Costituzione italiana, 1948).

In the case of there being an economic burden, the State promotes the "*scuole paritarie*", which are non-governmental schools that receive *some* subsidies from the State, without being directly financed. This is because, according to the Constitution, said schools must have the same status and characteristics as governmental schools: "The law, when setting out the rights and obligations for the non-governmental schools which request parity, shall ensure [...] that they offer their pupils an education and

qualifications of the same standards as those afforded to pupils in state schools" (Art 33 Costituzione italiana, 1948).

3. What is the State support for non-governmental schools?

As mentioned before, there are two "sub-types" of non-governmental schools: independent schools and "*paritarie*" schools. The independent schools do not receive funding from the State and are not officially recognized as part of the public (or official) education system. Consequently, they cannot emit official certifications. For this reason, students attending these schools must be examined by States' official exams (Key features in the education system. Eurydice, 2021).

Paritarie schools receive State support according to the criteria established by the Ministry of Education, which provides an annual criteria to which *paritarie* schools are subject to, in order to receive financial support from the State (Early Childhood and School Education Funding. Eurydice, 2018) (financial law, 2007). *Paritarie* schools follow the same criteria as governmental schools (Art 33, Costituzione italiana, 1948). Given that schooling is compulsory in Italy, in the case of governmental schools and non-governmental *paritarie* schools, the State seeks to guarantee education by providing grants, especially to low income families. Said financial support is regulated and supervised by the State (Early Childhood and School Education Funding. Eurydice, 2018).

4. What sort of freedom of curriculum exists for non-governmental schools?

In Italy, the education system is quite centralized as the State is heavily involved in shaping the school curricula. It is the State that establishes the general guidelines for the National curriculum for all schools in Italy, both governmental and non-governmental (OECD E. C., 2017). However, the school board is responsible for making decisions related to evaluation criteria and the teaching materials. The school board has the capacity to update said the State's general guidelines in relation to the situation of each region (Eurydice, 2021). The difference between the two curriculums is the requirement for the "*paritarie*" school's curriculum to be in line with the indications of the Ministry of Education, as well as the evaluation system. In comparison, "private-non-parity" schools enjoy greater freedom in carrying out their activities and didactic choices.

5. What are the admission criteria of students in non-governmental schools?

In the Italian education system, the schools that have the autonomous right to choose their own criteria of admission of students are the independent schools (one of the two subtypes of non-governmental schools). The second subtype of non-governmental school, the *paritarie* school, is more in line with the guidelines that governmental schools follow when selecting students. To conclude, independent schools have a free

criteria in the admission of students, while governmental schools and *paritarie* schools are subject to admit all students (Art 34 Costituzione italiana, 1948), regardless of beliefs, and/or personal or economic circumstances (Key features in the education system. Eurydice, 2021).

6. What is the regulation for the selection of teachers in non-governmental schools?

Only teachers with a Bachelor degree certificate are eligible to be selected in the public education system (Teachers and education staff. Eurydice, 2021). Furthermore, depending on the educational level (primary or secondary school) they want to teach, teachers are required to have completed a specific traineeship. Next, teachers should have also completed a national examination that also shows their level of qualification and skill's acquisition (Conditions of Service for Teachers Working in Early Childhood and School Education. Eurydice, 2021). Finally, after being selected by a school, teachers go through a one-year period revision, in which they are again tested.

Non-governmental schools, specifically independent schools, are free to choose their teachers. Now, for "*paritarie*" schools, teachers are required to have a Bachelor degree certificate and the necessary qualification requirements that the educational level (primary or secondary school) asks for, depending on where the teachers want to teach (NCEE, 2021).

7. Are there any burdens to parents' choice?

When parents choose a school for their children, they take into consideration their values, beliefs, their preferences, and not to mention the economic level. With regards to the economic burden, given that State funding is directed to governmental schools and some non-governmental schools, this means that there are limited options for parents to choose from. Overall, this refers to an absence of options. Additionally, scholarships are given to those who fulfil the academic qualifications and who find themselves in a precarious economic situation (Art 33 Costituzione italiana, 1948).

8. What is the status of homeschooling?

Homeschooling in Italy is recognized as the parents' duty and responsibility to ensure the right of education and raise their children accordingly (Art 30 Costituzione Italiana, 1948). Although it is not very widely spread, it is legally recognized (HSLDA, 2019) and has a similar status to non-government schools. It is accepted but students must attend State exams to acquire their official certificates (Key features in the education system. Eurydice, 2021).

THE NETHERLANDS

1. What is the school distribution (non-university level)?

In The Netherlands' educational system, we can distinguish between non-governmental and governmental schools. Non-governmental schools are run by private institutions and governmental schools are run by associations, supervised by public authorities (usually the municipality).

In The Netherlands, non-governmental schools compose 62'2% (StatLine, 2020) of the total of schools. They are religious, ideological, and special schools. Although they are run by people outside the public administration, these schools are funded totally by the government, if they meet certain requirements specified in the education laws. The majority of these non-governmental schools are Protestant or Roman Catholic.

Governmental schools are run directly from the public administration and are funded totally by the government too. They represent 30'8% of the schools (StatLine, 2020).

Among primary schools, 69% of the total are non-governmental highlighting Catholic schools and Protestant schools, which account for 30% and 29% of the totality of schools respectively. These numbers decrease during secondary education where, although 72% of the total schools are non-governmental, there is more diversity and Catholic and Protestant Schools account for 23% and 20% of the secondary schools respectively. Other non-governmental schools rise from 10% to 29% of the total in secondary education (StatLine, 2020).

2. What is the constitutional recognition of educational pluralism?

In The Netherlands' Constitution, education is recognized as a "constant concern of the government" (The Constitution of the Kingdom of The Netherlands, Art 23,1, 1815). The Dutch Magna Carta understands that the government should make sure education is accessible for every child between certain ages. This consensus with the right to education is put into practice in very different ways.

In The Netherlands, the Constitution protects educational pluralism through the commitment of the government in funding all kinds of education. The government finances non-government schools to achieve the right to receive and give education as recognized per the Dutch's Constitution. Moreover, it creates an environment that benefits the plurality of schools, eliminating the obstacles that income may create for families. This is based on the belief that everyone has the right to receive education, and that "...all persons shall be free to provide education" (Art 23.2, The Constitution of the Kingdom of The Netherlands, 1983). Article 23.3 of the Constitution recognizes that education provided by public authorities should pay "due respect to everyone's religion or belief" (Art 23.3, The Constitution of the Kingdom of The Netherlands, 1983). As they

finance both governmental and non-governmental schools, different types of schools exist and parents can choose what they consider best for their child. This contributes to an environment of educational pluralism. If this cannot be achieved, measures must be taken to try to satisfy people's preferences.

Finally, the Netherlands' Constitution also recognizes "the freedom of private schools to choose their teaching aids and to appoint teachers as they see fit" (Art 23.6, Constitution of the Kingdom of The Netherlands, 1983), to be able to maintain the schools' ideals.

3. What is the State support for non-governmental schools?

In The Netherlands, the government gives equal funding to non-governmental and governmental schools. In that way, in this country, non-governmental schools receive full State support (OECD, 2014). The State support covers facilities, schools' staff, school maintenance and investment funding (Primary Education Act, Art4, Art. 17, 2021).

However, this support is subject to the condition that schools fulfil a series of requirements included in the different education laws. Examples of these requirements include the Primary Education Act, where it is stated that "1. Education shall include, where possible in conjunction with: A. sensory and physical exercise; B. Dutch language; C. arithmetic and mathematics..." (Primary Education Act, Art. 9, 2021) among other requirements included in the same Article. Also, a school plan is included in the Secondary Education Act, where a "school plan [...], a school guide [...]" and the adoption and availability of school plan and school guide" (Secondary Education Act, Art. 24, 2021) are set, among other requirements.

Additionally, the State support to non-governmental schools may take the form of (direct) subsidies to parents with children of school age, parents that have given birth, or those who have a child with special needs. There are also subsidies to support parents that do not have the necessary resources to raise their children. These subsidies have a positive impact on education, as the quality of life increases the productivity of children at school. Furthermore, parents are economically relieved. Moreover, the government provides transportation aids where distance poses an obstacle in achieving true freedom of choice for parents when deciding schools for their children (Primary Education Act, Art 4, 2021) (Secondary Education Act, Art. 4, 2021).

4. What sort of freedom of curriculum exists for non-governmental schools?

Non-governmental schools, as said, are funded totally by the State, in response to their commitment to making effective the right of children to education. For this reason, it is the government that establishes the general guidelines that schools should follow

(The Netherlands overview, organization and governance. Eurydice, 2021). These general guidelines are established by the Compulsory Education Act, regarding the responsibility of childcarers, inspections, or the relation between schools and the government in terms of the establishment of the curriculum (Compulsory Education Act, 1969). To receive funding, schools must reach those requirements (The Netherlands: Teacher and Principal Quality. National Center on Education and the Economy (NCEE), 2021).

These general guidelines, however, leaves room also for freedom, as local authorities and schools should apply the established guidelines according to local needs and demands. Regarding their competencies, schools and local authorities can set extra activities or subjects, always with the recognition of the State and making sure that what is set by the government is being fulfilled. They must also determine the management statute of the school (Secondary Education Act, Art. 32c, 2021). Regarding the curricula, they may add or adapt what they consider appropriate, although it must be approved by the government. Matters such as the number of class hours, subjects, examinations, and certifications are established by the government (Secondary Education Act, Act. 6g, Art. 10b, Art. 11b, 2021).

Schools and local authorities are named by the Constitution as “competent authority”, and it is stated as their obligation to “ensure the quality of education at schools” (Primary Education Act, Art 10, 2021) and to “adopt annually the policy relating to the formation of the different categories of staff of the school” (Primary Education Act, Art. 29, 2021). The school board has the responsibility of admitting and removing students and of supervising school attendance (Secondary Education Act, Art.27, 2021). They have the obligation to report to the authorities anything that is not working as expected.

School boards can establish the rules of the schools, as well as the principles and objectives, but they must never diverge or violate the national curriculum established by the government. Schools that do not reach these standards do not receive funding from the State. Furthermore, those receiving the financing must keep following the standards if they wish to maintain the State’s support.

The Compulsory Education Act, Article 1, establishes that the government can revoke a previous recognition of a school if there is any conflict with the school board or their staff (Compulsory Education Act, 1969). Furthermore, Art.1a establishes that schools should follow the criteria stated by the government. To ensure this is respected, the Compulsory Education Act, Art. 16, includes the responsibility of local authorities to make continuous inspections. This is also included in the Education Inspection Act (Education Inspection Act, 2002).

Moreover, schools have the freedom to administrate the schools as they wish but should reach certain requirements such as not leaving space to discrimination or offering the sufficient quality of education. These national guidelines are included in the Benchmarks Act (Dutch Language and Arithmetic Reference Levels Act, 2020).

5. What are the admission criteria of students in non-governmental schools?

The government in The Netherlands has the goal to provide education to all students of certain ages. However, each school has the right or the capacity to control the admission of students. The Johns Hopkins Institute for Education Policy has classified five domains that may influence the admission of a student (Johns Hopkins Institute for Education Policy, 2021). A school may not admit a student of a certain level in his corresponding level, in the case that this student comes from another school and they think that he or she is not going to be able to follow the academic level of the rest of the students.

Also, schools could refuse to admit a student if the pupil or their parents do not share the principles or values of the school, always avoiding discrimination as it is ruled in the Equal Treatment Act (Equal Treatment Act, 1994). If schools find that the parents of the children do not share the same values or ideology, then non-governmental schools are allowed to deny admission to the pupil: "Denominational schools can refuse to admit learners whose parents do not subscribe to the belief or ideology on which the school's education is based." (Country information for Netherlands - Legislation and policy. European Agency for Special Needs and Inclusive Education, 2019);

Non-governmental schools can also refuse to admit pupils with special educational needs if they lack resources to assist them. These students have the right to education too, but to make this effective they need the schools to be qualified, which is also their right. This is included in Article 3 of the "*Wet op de expertisecentra*", that claims that schools for students with special needs should have a certificate proving that the schools provide special services such as small class sizes or specific materials, to attend these pupils (*Wet op de expertisecentra*, 1982).

Schools can deny admitting or they can expel pupils due to the pupils' behavior. Any indication of misbehavior, which would mean that there has been a violation of the school's rules, gives the school the right to refuse to admit such pupils or even expel a student who was already in the school. In both cases, the school is obliged to look for alternatives itself based on the legislation. Based on the statutory duty of care, in the event of non-admission, another school must be found that can provide an appropriate educational arrangement. Removal can only take place if the school has found another receiving school willing to receive the pupil. Finally, they do not admit pupils in relation to organizational matters, such as a lack of available classes for all the students asking for admission.

However, "If there is no opportunity to attend public education within a reasonable distance of the pupil's home, admission to the school may not be refused on the grounds of religious affiliation or philosophy of life. The foregoing does not apply if the school is intended exclusively for internal pupils" (Primary Education Act, Act. 58, 2021).

6. What is the regulation for the selection of teachers in non-governmental schools?

In the first place, one of the requirements every teacher must achieve is proper teaching qualification. By this, teachers prove that they have the needed competencies to exercise their profession. This is included in Article 3 of the Primary Education Act, where the requirements of the person who may give school education are set. In each region or school, teachers may be asked to certify one specific kind of certification or qualification, but this is up to each local authority (Netherlands. Teachers and educational staff, 2018).

Standards and requirements for staff qualification are included in the Childcare and Quality Standards for Playgroups Act (Childcare and Quality Standards for Playgroups Act, 2010) and in the Education Professions Act (Education Professions Act, 2006).

The conditions under which teachers are selected, in both non-governmental and governmental schools, are decided by the local authorities. The central government is not involved in these decisions, because it is a negotiation between employers and unions, which represent teachers and staff (Netherlands. Conditions of Service for Teachers Working in Early Childhood and School Education, 2018).

For this reason, schools have the right to set up certain conditions in the selection of their staff. This is more common in non-governmental schools, as governmental schools are administered by the government and do not follow a specific ideology. Non-governmental schools may accept or deny a teacher for ideological reasons. This sifting is based on Article 23.6 of the Dutch's Constitution, in which it recognized "the freedom of private schools to choose their teaching aids and to appoint teachers as they see fit" (Art 23.6, Constitution of the Kingdom of The Netherlands, 1983).

Nonetheless, in case there is a conflict between a teacher and the school or with the government, "Deputies of the province concerned shall be empowered to impose the disciplinary penalty or suspension or to grant dismissal (of a) member of the teaching staff of a public school" (Primary Education Act, Art. 52, 2021).

7. Are there any burdens to parents' choice?

When parents decide on schools for their children, they must consider many factors which certainly influence their final decision. In other countries, money is one of the bigger obstacles for parents searching a school for their children. To avoid that the lack

of money becomes the reason why parents cannot choose what they want, the Dutch government finances all the schools, non-governmental and governmental. This assures that parents choose by preferences. Free education for all is based, firstly, on Article 23 of the Constitution of the Kingdom of The Netherlands, which recognizes people's right to receive and provide education. It also recognizes that "admission should not be subject to a monetary contribution from the parents" (Primary Education Act, Art. 40,1, 2021)

Furthermore, the Fees and Educational Expenses Act includes a series of helps parents can apply for (Fees and Educational Expenses Act, 2001).

8. What is the status of homeschooling?

The Dutch education system does not permit for children to be home-schooled. The Compulsory Education Act of 1969 establishes that every child between 6 and 16 years old must attend to a school, and if any circumstances prevent this to happen, those parents that do not comply with this will be penalized (Compulsory Education Act, 1969).

However, the system foresees exceptions. If parents do not find a school according to their ideology, or if the child cannot attend school for some matter of health, pupils are allowed to attend home-schooling. Each local authority has to establish how they would supervise those students, and how they would certify them. In the latest years, approximately 200 students have attended home-schooling under these exceptions (The Netherlands: Legal status and resources on home-schooling in The Netherlands. HSLDA, 2019).

PORTUGAL

1. What is the school distribution (non-university level)?

In 2020, public schools, enrolled 80,1% of students for K-12 – primary and secondary education. 52,7% of children in kindergarten, 87,5% of students in basic education (1-9) and 78,8% of the students in secondary education (10-12). Overall, 19,9% of the students from K to 12 attended non-public schools.

For pre-school (ages 3 to 5), a duty to subsidize all private institutions where there is no similar public institution was established by Law n.º 5/97. This Law also stipulates that the State should support initiatives that train the personnel for or in charge of private pre-school institutions. Most pre-school institutions are privately owned. However, governments and municipalities have expanded the provision of State pre-primary programs. Consequently, private institutions have come under competitive pressure.

Within the non-governmental school sector, schools may be founded by any collective legal body, be it a church, an association, a company or any other legal entity.

2. What is the constitutional recognition of educational pluralism?

The Constitution (adopted in 1976 and amended in 1989) provides, in Article 43, that: *The freedom to learn and to teach shall be safeguarded. The State shall not arrogate to itself the right to plan education and culture in accordance with any philosophical, aesthetic, political, ideological or religious guidelines. Public education shall not be denominational. The right to establish private and co-operative schools shall be safeguarded.*

In addition, Article 67 provides, inter alia, that “*the State shall have the duty of protecting the family, in particular by ... co-operating with parents in the education of their children.*” Article 36, section 5 establishes expressly the right and the duty of parents to educate their children.

Article 73 of the Constitution provides that: “*Everyone shall have the right to education and culture. The State shall promote the democratization of education and other conditions so that education at school and by other methods can contribute to the development of the personality, to social progress, and to democratic participation in public life.*”

Article 74 adds that: “*Everyone shall have the right to education with safeguard of the right to equal opportunities of access to and success in schooling. Education shall contribute to overcome economic, social and cultural imbalances, to enable citizens to participate on a democratic basis in a free society and to promote mutual understanding, tolerance and a spirit of solidarity.*”

The Article goes on to spell out various aspects of the State's responsibilities in developing universal access to education, followed by Article 75, which provides that: *"the State shall establish a network of public education institutions to meet the needs of the whole population. The State shall recognize and supervise private and co-operative education, in accordance with the law."*

3. What is the State support for non-governmental schools?

Since 1979, the law has three types of contracts that may be celebrated to finance education at private schools: (i) simple contracts to support the family, (ii) association contracts, and (iii) sponsorship contracts.

The first type of contract is the simple contract to support the family (*contratos simples de apoio à família*). By force of this contract, underprivileged students who attend a private school may receive a partial subsidy for tuition. The amount due is paid directly to the private school they are enrolled in. This type of contract is very similar to a school voucher. Though the contract is concluded between the State and the private school and the money goes directly from the State to the school, the amounts awarded are calculated according to each individual student's family income. Furthermore, if the student leaves the school, the school will not receive money for the remaining part of the school year. If the student enrolls in another private school that has a simple contract, he will still be entitled to the partial subsidy of tuition for the remaining of the school year, which will be paid directly to the new school. Simple contracts to support the family are a meagre support and both the number of schools with contracts and of students that benefit from them has been decreasing through the years. In 2004, 405 schools had a simple contracts and 26.000 students benefited from them. In 2012 (last year with public available data) 394 schools had a simple contracts and 21.219 students benefited from them. Since then, these number shave dropped significantly.

The second type of contract is the association contract (*contrato de associação*). Under this contract, the government pays for all the costs of schooling. Up to December 2010, the government paid the schools all of the teachers' salaries plus a percentage of that amount (between 30% and 50%) for other staff and running costs. In January 2011, the financing scheme changed, and the State pays each school a fixed amount per class. Enrollment in private schools under association contract follows the rules applicable to public schools. Students may not be charged any additional fees except for extra-curriculum and noncompulsory activities. Association contracts are granted to private schools operating in areas underserved by public schools and once granted, may be chosen by parents like any public school.

An important note on these contracts is that they may be entered into by private religious schools. The constitutional court has not been asked whether providing public funds to private religious schools could be considered a violation of the principle of

equality and the right to non-discrimination in education, as well as the principle of separation between State and church.

Due to the fact that a big number of students enrolled in schools under association contract come from underprivileged families, champions of school choice have argued that the association contract is an instrument of choice.

In 2005, there were 94 private schools with an association contract, with a total enrollment of 55.000 students. In 2016, the socialist government, supported in the parliament by the communist party and the left bloc (a coalition of left-wing parties), decided to review the context of the association contract. They argued that association contracts should only be given to private schools in regions with no public offer. At the end of a much-contested process, the government cut 37% of the contracts. Around 20.000 students had to go to public schools they did not choose, or their parents had to start paying for a private school.

The sponsorship contract (*contrato de patrocínio*), the third category of contracts, was intended to be awarded to schools providing an innovative form of education that the government wished to encourage, in an area under-served by public schools. In practice, this contract was used to finance private music and dance schools. Today, the national network of artistic schools offering basic and secondary artistic education is private. This network is composed of around 100 private music and/or dance schools under “sponsorship contract” and six State artistic schools. State funding of these schools is carried out through a fixed stipend per student. Every two years, schools apply for this stipend.

4. What sort of freedom of curriculum exists for non-governmental schools?

School autonomy to decide on curriculum and methods, though an important buzzword in the education sector saw small and inconsequential developments up to 2013. In 2013, Decree Law n.º 152/2013 granted non-governmental schools pedagogical and administrative autonomy. In 2018, most of the curricular autonomy granted to private schools was extended to the whole system (Decree Law n.º 55/2018). Under this pedagogical autonomy, non-governmental schools are free to decide on the duration of classes, on classes offered, and on the didactics and pedagogy they use.

5. What are the admission criteria of students in non-governmental schools?

Non-governmental schools are free to set the criteria in selecting their students. The only criteria imposed by law regards children with special educational needs. They must be given priority.

6. What is the regulation for the selection of teachers in non-governmental schools?

Non-governmental schools are free to set the criteria in selecting their teachers. The only requisite is that all teachers must have a teacher certificate (given by higher education institutions) and that they must present a criminal record clean of crimes against children.

7. Are there any burdens to parent's choices?

Paying tuition is the only burden to the parents' choice in the independent school sector. Parents that cannot afford to pay tuition may not choose an independent school, except for the small number of schools that have "*contrato de associação*". In the governmental school sector, parents may choose the school they want but only if there is a vacancy. Priority is given to children living near to the school (catchment area). The most reputable governmental schools are full and sometimes not even those living in the catchment area are able to attend the school. Parents may choose up to 5 schools.

8. What is the status of homeschooling?

Portugal accommodates home educators and has always done so. However, formal legal regulation of homeschooling ("*ensino doméstico*") was only done in 2019 (Portaria n.º 69/2019). Homeschooling parents must enroll their children in a school (public or private) and sign an educational agreement with the school establishing the child's aims and how they will be monitored. No exceptions are made for the children of members of indigenous minority groups, gypsies, migrant workers, or refugees. The Ministry of Education does not have public information on the number of children that are homeschooled. It is said to be very small. However, the national association of home-schooling parents says it is increasingly considered as an option by many families. Approval of the legal framework of home schooling in 2019 was met with skepticism by home schoolers who wished for a more liberal approach. Though still only a small number of students are homeschooled, the number is rising.

SLOVENIA

1. What is the school distribution (non-university level)?

Slovenia counts three main types of institutions in the educational system. The majority of schools are governmental and publicly funded. These types of schools are secular by law and the pursue of political or religious activities is forbidden. Parents may choose to take their children to non-governmental schools, which may be public or non-publicly funded. The officially recognized programs of these schools may differ from the ones of the governmental schools.

The primary school is compulsory and is organized in a single 9-year structure. Of the 772 primary schools in the country, 6 are private ones that host 1 % of all primary school students. The secondary school level is organized in various tiers and there are no non-governmental schools in the vocational or technical one. There are 111 general secondary schools, and all 6 non-governmental ones are amongst them. On the secondary level, these schools contain approximately 2% of students. The remaining 111 secondary schools are governmental schools.

There are 97 non-governmental kindergartens, 20 of them are Catholic. Of the 6 primary schools and 6 non-governmental secondary schools, 2 and 4 of them are Catholic respectively.

The government allows churches and religious groups to provide facultative religious instruction in their faiths in public schools and preschools outside of school hours. The law prohibits religious instruction in governmental schools as part of the curriculum or during school hours. Non-governmental schools may offer religious classes during or after school hours (US Department of State, 2018).

Among the non-governmental schools are Roman Catholic, Waldorf schools, Montessori Schools or special education schools, as well as international schools such as French, British or American schools.

2. What is the constitutional recognition of educational pluralism?

In Slovenia, the 1991 Constitution in its Article 57 addresses the educational rights of citizens by stating that "Freedom of education shall be guaranteed. Primary education is compulsory and shall be financed from public funds. The State shall create the opportunities for citizens to obtain a proper education" (The Constitution of Slovenia, 1991). Additionally, Article 54 defines the duties and rights of parents in stating that "parents have the right and duty to maintain, educate, and raise their children. This right and duty may be revoked or restricted only for such reasons as are provided by law in order to protect the child's interests." (The Constitution of Slovenia, 1991)

A very strong case for not conforming to these constitutional provisions can be made in the case of the financing of private primary schools. As is stated by the Article 57 the parents should have a free choice of obligatory primary school. And the Constitutional court decided in 2014 that it would require all of the primary school programs that are accredited by the State to be free of charge for the students (Decision, 2014). However, a law that needed to get passed to ensure this, was over 5 years overdue. In this time, another decision was made by the court, that the State only needs to guarantee 100% of the funding for what every student needs to take and not also for everything that a school needs to offer (including special education for children with certain disabilities) (Decision, 2020). In 2021 a law was passed with the date of effect in September, but the implementation regulations are still not in place (Republike Slovenije, 2021).

3. What is the State support for non-governmental schools?

Several indicators can be taken into account when determining the level of support.

These elements are:

- Year of founding.
- Is it a primary school? (Special case).
- For kindergartens: program and local situation regarding kindergarten vacancies.
- Is the school registered/accredited in Slovenia?

In Slovenia, all private schools are entitled to 85 % financing as far as they follow the national program. These 85 % would be allocated exclusively for the realization of the educational programs, excluding the costs concerning operating costs, investments, or equipment. (In some cases, private schools would be able to apply to the same calls for tenders as governmental schools to get some equipment and in some instances (especially lately during the COVID situation) schools would be reimbursed for some costs, but this is not a given).

A special case considers schools founded before 1996, when there were no legal options to have a non-governmental school. Therefore, a direct contract with the State (concession) had to be drafted. School founded under such contracts have the right to 100 % of the costs of the program, assuming they follow the governmental schools educational program. Any changes to the program would reduce financing to 85 % under the new law. Consequently, these types of school operate very similarly to governmental schools.

Additionally, primary schools, may receive 100 % financing for the obligatory part of their program and 85 % for any extras the school may offer. This amounts to approximately 90% of all a school program but does not fund all costs.

The schools operating without being recognized as an entity offering any sort of relevant accreditation according to Slovenian law cannot receive any public funding. International schools in Slovenia operate under a separate register, but they are not recognized as institutions able to deliver accreditation according to Slovenian law. These schools are neither funded in any percentage nor do their students have the same rights as those inscribed in regular educational system. Some of these schools that are recognized by other countries or international educational systems.

4. What sort of freedom of curriculum exists for non-governmental schools?

The freedom of the curricula for non-governmental schools is limited in various ways. . All schools, including non-governmental schools, are subject to the same inspections (work, health, safety, sanitation, etc.), yet (compulsory) primary schools face the strictest regulations.

The essential requirement for the non-governmental primary school is that it needs to reach “at least the same educational standard as the governmental school implementing the State curricula” (Special educational approaches registered internationally are excepted.) This means that a school in practice needs to offer all the obligatory subjects in the same number of lessons. The students also take the same standardized tests, meaning that the subjects covered follow the same curriculum. There is freedom in a smaller, elective part of the program. But this freedom is inscribed in the system for all (including governmental schools). Schools can choose which elective courses they will offer. Teachers can choose which additional materials they will use in class. If this goes similar for all schools, non-governmental schools sometimes have additional extra classes, not funded by the State that they offer as part of their specific ethos (either as obligatory or as offered for those enrolled).

The curriculum in the secondary schools is also in large part determined by the tertiary level of education’s admissions processes. As students of all secondary schools undergo standardized exit tests that determine their enrolment options, secondary schools prepare these students according to the same program as the governmental schools. In case of a special approaches curriculum, they offer an extra year of preparation for the standardized tests to accommodate for the vast differences in the program.

5. What are the admission criteria of students in non-governmental schools?

In Slovenia, anti-discriminations laws apply equally for both governmental and non-governmental schools. The main difference between governmental schools and non-governmental schools is that while non-governmental primary schools may limit admissions considering their vacancies and create their own priority lists, governmental

schools cannot do that. Additionally, governmental secondary schools may create their own admission criteria, although they rarely do this in practice.

6. What is the regulation for the selection of teachers in non-governmental schools?

The selection of teachers in Slovenia is in all cases done at the discretion of the legal authority of the school. This means that the principal is free to select whoever they see as the best fit for the organization. No national public tender, ranking, or allocation system exists.

In the event of a vacancy, a call for applications needs to be opened publically and applicants can send their job applications. Interviews are normally conducted, and an appropriate candidate is selected. The candidate needs to have the university education completed that is required for the position. Additionally, if there is a candidate among the applicants who has the teachers board professional examination completed, no teacher without the board exam can be selected (ZOFVI, 2021). This means in practice that younger teachers have an incredibly difficult time starting their careers as entering the board exam requires about 9 months work experience (Ministry of Education, Science and Sport, 2021). Roughly 90 % of all new teachers gain their initial experience at 2 or more posts. The ministry seems to be aware of this challenge and is trying to amend it.

Generally, non-governmental schools need to adhere to the same standards. In cases of special educational approaches, specific qualifications can be required and the labor inspector can be alerted if a candidate feels that the selection process was in any case inappropriately conducted.

7. Are there any burdens to parent's choices?

As stated above, non-governmental schools are not fully funded. Usually, the parents need to cover the difference to the balance. This means that parents that want to choose a non-governmental school have to pay extra, with no option for compensation or tax breaks. Only if parents cannot find any vacancies in a governmental school would they be subject to a compensation, usually a subsidy to arrange education individually. If the parents find a vacancy in a non-governmental school, the State would reimburse 85% of the cost but not award the subsidy.

The monthly contribution of parents depends on many aspects including income rates, number of children, concrete school and program attended by the child.

8. What is the status of homeschooling?

The law specifically recognizes the possibility of homeschooling. A growing number of primary school children are being home-schooled, rising from four children being homeschooled in 2004 to 687 in 2019.

According to the law, all children of schooling age need to be enrolled in the school of their district and then they can be transferred to a non-governmental school (without the agreement of their district school), to another governmental school (only with agreement from the district school) or to homeschooling. In the latter case, a plan is devised with the school, yearly (and sometimes semester) standardized tests are taken according to the legal requirements. At the end of each year of primary education, the children who are homeschooled receive a certificate from their district school.

SPAIN

1. What is the school distribution (non-university level)?

In Spain, there are two types of schools: public (henceforth governmental) and non-governmental. 67.1% are governmental schools, while 32.9% are non-governmental schools. Out of the total number of schools, 25,5% are non-governmental publicly funded schools, and 7,4% are non-governmental non-funded by the State (Ministry of Education and Professional Training, 2021).

Non-governmental state-funded schools are grouped into three big groups: Catholic schools (*Escuelas Católicas*) which is the biggest (*Escuelas Católicas*, 2021), the Spanish Confederation of Teaching Centers (also known as CECE) and the Spanish Union of Teaching Cooperatives (also known as UECOE).

2. What is the constitutional recognition of educational pluralism?

The Constitution of Spain (1978), as described in Article 27, states that education is a basic right for everyone, and therefore must be free. Moreover, public authorities should guarantee “the right of parents to ensure that their children receive religious and moral instruction that is in accordance with their own convictions.” The same Article also guarantees “the right of everyone to education, through general education programming, with the effective participation of all parties concerned and the setting up of educational centers”. Public authorities have the responsibility to ensure real and effective conditions that guarantee the freedom and equality for those that are integrated in the system (Art. 9.2 of the Constitution). The Constitution recognizes that “Elementary education is compulsory and free”, not exclusively through governmental schools.

3. What is the State support for non-governmental schools?

Public funding enables non-governmental State-funded schools to cover necessary expenses to fulfill their current activities such as salaries of the teachers and operating costs. Because of that, State-funded non-governmental schools have the same admission process and operation requirements as governmental schools (LOMLOE, 3/2020).

These schools can charge additional fees for non-mandatory activities that are not considered essential for the core curriculum, such as school visits to museums or other trips, and should thus be covered by voluntary aid from the pupils’ parents (LOMLOE, 3/2020).

4. What sort of freedom of curriculum exists for non-governmental schools?

All schools in Spain must have its own educational project (*proyecto educativo*). This educational project comprises the values, the aims and the focus of the educational process in each school. This project will concretize how the national curriculum is going to be implemented, as well as the values and focus of the school (LOMLOE, 2020). Within this framework, non-governmental schools have the right to define its distinctive character (*carácter propio*), which will enable them to provide education with the ethos of the civil institution that is running the school.

5. What are the admission criteria of students in non-governmental schools?

Non-governmental schools that are publicly funded are subject to admit pupils, similar to governmental schools' criteria of admission. Publicly-funded non-governmental schools ask parents and pupils to accept and respect the school's curriculum. On the other hand, non-governmental schools that are not State-funded are "*free to establish admission criteria*" (Institute for Education Policy, 2021).

The admission criteria promote the principle of equality: "educational authorities will regulate the admission of pupils to public and subsidized non-governmental schools in a manner that guarantees the right to education, equal access, and the freedom of choice of schools by parents or guardians." (Art. 84.1 of the LOMLOE 3/2020). This also includes that the admission criteria respect the right of education for everyone, regardless of "place of birth, race, sex, religion, opinions, or any other personal or social condition or circumstance" (Art. 84.3 of the LOMLOE 3/2020).

In the case of over-subscription, specific criteria help determine the priority of admission considerations: siblings already in the school, place of residence or of employment of the parents, financial need, and handicaps of any member of the family (Art. 84.2 of the LOMLOE 3/2020).

6. What is the regulation for the selection of teachers in non-governmental schools?

The selection of teachers in non-governmental schools requires teachers to possess the same qualifications as teachers in the governmental schools. However, the selection of teachers differs between the two (Eurydice, 2021).

Non-governmental schools, depending on the level of education that a teacher will be teaching at, require the following: for primary education, teachers are required to have a title for primary education teaching. If teaching a specialty (i.e. music, physical education and foreign language), the teacher must have passed the public teaching examination in his/her specific field. (Art. 3 Real Decreto 476/2013). For secondary education, teachers must hold a higher education degree and should accredit the

specific qualifications that are needed to teach the respective subjects (Art. 2 Real Decreto 860/2010 and Resolution 173, 2010).

On the other hand, governmental schools' selection of teachers requires teachers to pass competitive examinations that consist of a three-stage process. The first stage consists of a written examination, which tests scientific knowledge of the teachers' specialty and their pedagogical aptitude. The second stage consists of viewing their previous experience, such as academic training, for instance. The process ends with an internship phase.

Additionally, for both non-governmental schools and governmental schools, the selection process for religion teachers requires them to meet four additional requirements: a title on teaching primary or secondary education; the Ecclesiastical Declaration of Suitability granted by the Diocese to which the teacher corresponds, and which attests to a "correct doctrine and testimony of Christian life"; the Ecclesiastical Declaration of Academic Competence; and the proposal of the Diocesan Ordinary.

Non-governmental schools have the right to require respect for the school's ideology. This has been challenged occasionally in the Constitutional Court and has raised attention to the matter of the *idearios*. In 1985, the Constitutional Court (77/1985 Sentencia del Tribunal Constitucional) decided that "the existence of the school's distinctive character obligates the teacher to an attitude of respect and of not attacking that character." (Institute for Education Policy, 2021).

7. Are there any burdens to parent's choices?

As established in the Constitution of Spain (1978), "basic education is compulsory and free" (Art. 27.4 of the Constitution), "public authorities will assist schools that meet the requirements established by law" (Art. 27.9 of the Constitution). This means that public authorities seek to ensure the necessary conditions that enable a free education, without placing any economic burden to the pupils' parents.

Public funding is the way in which public authorities guarantee, constitutionally, the dismantle of said economic burden: "In order to ensure the schooling of all pupils without socio-economic discrimination, in no case may public or contracted non-governmental schools charge families for free instruction, impose on families the requirement of payment to foundations or associations, or establish required services connected with instruction which require the families of pupils to make payments." (Art. 88.1 of LOMLOE 3/2020).

Moreover, the new educational law has suppressed the criterion of social demand used previously to attribute public funding to non-governmental schools. The new law (Art. 109 of LOMLOE 3/2020) underlines "the obligation of the public authorities to

guarantee the right of all to education, by offering a sufficient number of places in public educational institutions". This new Article potentially jeopardizes the access to public funding for many non-governmental schools. At this moment, this Article, among others, is under review by the Constitutional Court.

8. What is the status of homeschooling?

Homeschooling in Spain is not as common as it is in other areas of Europe. Nonetheless, the Home School Legal Defense Association currently counts around 2,000 families that partake in homeschooling in Spain. The Constitution of Spain does not explicitly describe it as a form of educational system (HSLDA, 2020).

SWEDEN

1. What is the school distribution (non-university level)?

The distribution of the number of schools in Sweden in terms of funding for compulsory schools is 4.007 municipal governmental schools (83%) and 820 non-governmental schools funded with public funds (17%).

The secondary school sector is composed by 870 municipal governmental schools (66.26%), 428 non-governmental schools funded with public funds (32.59%) and 15 county council-run schools (1.15%) (Eurydice, 2021).

Among non-governmental schools, different teaching methodologies can be observed. The Waldorf Early Childhood Association, for instance, runs 80 schools (IASWECE, 2020) and the Kunskapsskola (Knowledge schools) has 36 schools established (Kunskapsskolan, 2018). Moreover, 16 schools on compulsory level and five on secondary level are international schools (Eurydice, 2021). There are currently five Sami schools for compulsory level schooling (OECD, 2016).

Considering faith-based schools, 72 registered schools have a specific religious orientation. 9,400 pupils are enrolled in these. (Office of International Religious Freedom, 2021).

2. What is the constitutional recognition of educational pluralism?

No Article in the Swedish Constitution (Riksdagen, 1974) expressly recognize educational pluralism. Art. 18 recognizes only the right to free compulsory education. It also recognizes the freedom of research. The text makes no mentions of diversity or pluralism in terms of education.

3. What is the State support for non-governmental schools?

Sweden has both governmental schools and independent schools (non-governmental schools). However, both are funded by the State. The independent schools are grant-aided and are complementary to the municipal State schools.

School funding responsibilities are shared between the municipalities and the State. The State allocates its funds through the general State grant to all the different municipalities. Preschools are the only institutions that may charge a fee to cover their costs.

Non-governmental schools at the compulsory level are funded with those grants and municipal aid, making free of charge for pupils. Grant-aided schools are not allowed to charge any type of fee. These conditions are all compiled in the Education Act from 2011 (Eurydice, 2020).

The general State grant” is given by the central government to the municipalities. The municipalities then allocate the resources. A base amount is set for every student and then specific costs are subsidized such as transport costs when located in sequestered areas. The schools with grants and the municipal schools may cover the school meals, tools and equipment as well (Eurydice, 2020).

A highly debated topic is the matter of profitability. The discussion focuses on whether non-governmental schools and their owners should be able to make profit off the institutions. This is especially complex given that all schools receive some level of public funding. The Swedish State fully permits for-profit schools even if they are funded by public funds. Certain events have put into question whether any owner is suitable to run a State-funded institution, such as the bankruptcy of the group JB Education (*JB Gymnasiet*) in 2013 (OECD, 2016).

4. What sort of freedom of curriculum exists for non-governmental schools?

The Educational Act 2010:800 established a national curriculum for all compulsory schools. There is also specific curriculums for compulsory school for pupils with learning disabilities (*grundskolan* 2011), for the Sami school, for the preschool class and the leisure time center (*sameskolan, förskoleklassen och fritidshemmet*) and another one for the special school, the preschool class and the leisure-time center. They were all updated during 2018 and 2019 (Eurydice, 2021).

Since all non-governmental schools receive public funding, they need to adhere to these national curricula. The reform of 2011 sought to limit the freedom of teaching to make it more regularized and institutionalized (Enkvist, I., Nordberg, F. & Sjöö, E. P., 2012).

The national curriculum, however, has space to have further schooling in certain subjects that are considered either the “school’s choice” or the “pupil’s choice”. The special profile schools discussed in the first point have a special focus and some particularities in terms of the curriculum, but they need to always work under the national curriculum (Enkvist, I., Nordberg, F. & Sjöö, E. P., 2012).

5. What are the admission criteria of students in non-governmental schools?

There are three criteria to admitting students to a school as per the law: siblings in the school, time in queue and proximity of the home to the school. Usually, schools use these criteria in this order. Legislation is different for governmental and non-governmental schools. In governmental schools, there must be a place for a student when the parents request it (Enkvist, I., Nordberg, F. & Sjöö, E. P., 2012).

The *Skollag* (The Education Act of 2010:800) recognizes the principle of non-discrimination and bans the degrading treatment of children. It also recognizes the

right of certain groups to choose specific types of schools. The main example of this is the recognition for Sami communities to send their children to a Sami school. That could be seen as an example of the recognition of educational pluralism in practice, even if no theoretical frame formally recognizes it.

6. What is the regulation for the selection of teachers in non-governmental schools?

The hiring of teachers has been a local decision since 1989. In non-governmental schools the decision of a new hire is made by the board of the school. In governmental schools, the decision is made by the Principal, sometimes in agreement with the trade unions (Enkvist, I., Nordberg, F. & Sjöö, E. P., 2012).

For non-governmental schools the teachers could be hired without the regular teacher qualification. However, the most recent school law established that only licensed teachers can make decisions about grading. This favors the hiring of teachers with a teaching qualification (Enkvist, I., Nordberg, F. & Sjöö, E. P., 2012).

There are four different teacher education programs, the different degrees are: for preschool education, for primary school education, for subject education and for vocational education (Eurydice, 2021).

The change to decentralize the hiring process meant that schools sometimes favor local candidates because of non-professional causes. It can be argued that this has limited the freedom of teachers.

Governmental schools, on the one hand, cannot favor a candidate because of their religion or ideology. Non-governmental schools on the other hand can prioritize candidates that share the values of the school. (Enkvist, I., Nordberg, F. & Sjöö, E. P., 2012).

7. Are there any burdens to parent's choice?

There is currently no economic burden to the parent's choice since Swedish education is completely free. However, some differences between municipalities can be noted. This is mainly due to the funding coming partly from the central State and partly from the municipality. This affects the resources each school can offer. Non-governmental schools are thought to offer more possibilities for the parents' choice in some districts than in others. (Enkvist, I., Nordberg, F. & Sjöö, E. P., 2012).

In 1992, Sweden tried to equalize the ability to choose education for parents by creating the voucher system. The aim of using that tool is to equalize resources in non-governmental schools or for children with disabilities, to ensure they can get access to any needed resources. Making non-governmental schools free was the final step to

remove the economic burden to the parent's choice (Enkvist, I., Nordberg, F. & Sjöö, E. P., 2012).

A potential burden that has appeared these last years is the growing debate, even within the Parliament, on limiting the existence of faith-based schools.

8. What is the status of homeschooling?

The Education Act (2011) recognizes home-schooling as legal under exceptional circumstances only. The legal framework for said circumstances is highly restrictive, allowing homeschooling only for one year at a time. Home-schooling is currently almost non-existent (HSLDA, 2019).

Before the recent school law that explicitly determined that home-schooling is only allowed under these circumstances, certain families that have been home-schooling children had to stop doing so or had to relocate to another State.(HSLDA, 2019).

CONCLUSIONS

Educational pluralism is a complex reality in which differs a lot from one country to another. However, some patterns can be established between them.

History and the support of the State: Two attitudes that explain the educational pluralism landscape

We have observed that the landscape of non-governmental school in each of the studied countries is determined by its history and the support of the State to these schools.

Most of the countries with a significant percentage of non-governmental schools are those in which said schools are funded by public funds. In the case of lacking public funding support, the parents' choice of an institution for their children is limited. These parents cannot exercise freedom of education, whereby non-governmental schools are reduced by an important percentage. A good example is the recent Portuguese experience, when the new law deprived many non-governmental schools where of public funding.

Countries with a strong presence of Catholic tradition count a significant percentage of Catholic-inspired non-governmental schools. This can be observed, for instance, in Belgium, France, Italy or Spain. By contrast, almost no Catholic schools are established in Slovenia, a possible hypostasis is due to the influence of the USSR

In countries with a strong presence of Protestant tradition, the percentage of Catholic schools is low, while the percentage of other denominational schools is higher. The only exception of this is The Netherlands, in which the percentage of Catholic and protestant schools is significant.

To conclude, we can observe that the landscape of non-governmental schools in Europe is a pluralistic one, which is composed by not only religious-based schools, but also by international schools, or schools that follow a particular methodology (i.e. Waldorf-Steiner or Montessori).

Most of European Countries recognize educational pluralism in their Constitutions

The Constitution is a significant instrument that enables to assess the consideration of educational pluralism in the analyzed countries. One interesting aspect is that most of said countries, with the exception of France and Sweden, explicitly recognize, although under diverse formulas, educational pluralism in its Constitutions. In fact, more than 80% of the Constitutions of the countries of the European Union recognize educational pluralism (OIDEI, 2016)

Some countries, such as Belgium, recognize educational pluralism in its Constitution by recognizing the role of parents. Some do so by recognizing the right of non-governmental entities of setting up their own schools, such as in Italy, Portugal or The Netherlands. Others recognize it by mentioning the two actors, like in the case of Spain, and yet others by referring explicitly to the recognition of freedom of education, such as Slovenia.

Slovenia and The Netherlands explicitly recognize in their Constitution that educational pluralism must be supported by the State. In other countries, such as Spain or Belgium, the support of public authorities to realize this right is mentioned, although not as explicit as in The Netherlands and Slovenia.

Most of the European countries offer financial support to non-governmental schools:

All the assessed countries provide some sort of State funding to non-governmental schools. The countries in which public authorities provide more funding for non-governmental schools are Belgium and The Netherlands. These States cover everything, including salaries of the teachers, operating and investment costs.

For Finland, France, Spain, and Sweden, State funding covers most of the costs of non-governmental schools. In the case of Slovenia, it funds 85% of the costs of all the accredited non-governmental schools.

In Italy, there are non-governmental schools funded by the State, known as *scuole paritarie*. Nevertheless, there are only a few of them and the access to this funding is not made easy for them.

In Portugal, there are three formulas through which non-governmental school can be publicly funded. However, the government decided to limit the funding of many non-governmental schools in the last years due to political reasons.

We have also identified the countries in which the government funds other costs of non-governmental schools such as transportation (Sweden or Finland), lunch (Finland) or direct support to families through direct subsidies, including parents with special needs (The Netherlands). Sweden is the only country that funds for-profit non-governmental schools.

The financial support to non-governmental schools allow the authorities to demand these schools to comply with certain curriculum requirements:

An interesting observation from this research is that non-governmental schools must comply with certain requirements in order to receive public funding.

In the studied countries, schools that receive public funding must follow the national curriculum established by the ministry of education. The only exception is Portugal where non-governmental schools, with or without governmental funding, have a strong autonomy on curriculum, didactics or methods.

Nevertheless, in countries such as Finland or The Netherlands, the school system is decentralized despite the obligation to follow the national curriculum and number of hours, and allows both non-governmental schools and governmental schools to adapt part of their curriculum according to the needs of the school.

In Sweden, there is some freedom of curriculum, which allows schools to include subjects of their choice. Similarly, in Slovenia, non-governmental schools have flexibility as long as they provide the mandatory subjects in the same number of lessons as governmental schools.

All said, in all the studied countries, non-governmental schools that do not receive public funds (with the exception of Portugal) have more flexibility in the way they deliver education compared to the non-governmental schools that do receive government funding.

Non-governmental schools cannot do not have much autonomy in the admissions process

The studied countries have rules that ban non-governmental schools that use discriminatory criteria in admission process of students. In most countries, the criteria for the admission of students in State-funded non-governmental schools are similar to the criteria of governmental schools, such as in Portugal or France. In some countries, such as The Netherlands, the State-funded non-governmental school can refuse admission of a student if parents do not share the principles or values of the school. In addition, in countries such as Slovenia, the State-funded non-governmental schools can set a public priority list of criteria for the admission of students, as long as it is not discriminatory. Also, in Finland there is certain flexibility, as long as the criteria is not discriminatory of religion or else.

The autonomy on the selection of teachers by non-governmental schools varies from one country to another.

The criteria for the selection of teachers for non-governmental schools varies from one country to another. In this regard, in countries like France or Italy, State-funded non-governmental schools teachers are assigned by the government. In countries such as Sweden or the Netherlands, the board of non-governmental schools have the freedom to set up specific criteria for the selection of teachers.

In contrast, in countries like Slovenia, schools have more autonomy in the selection process of teachers for State-funded non-governmental schools. This means that the principal is free to select the individual that is best fit for the organization –no national public tender, ranking, or allocation system is in place

Lastly, non-State-funded non-governmental schools have more flexibility in the selection process of their teachers.

The main burden that prevents parents to choose the education they want for their children is financial:

The main burden pointed out in this research is the financial burden. Many parents cannot choose a school for their children because they cannot afford to pay tuition. In this regard, we can affirm that the role of public authorities is essential to guarantee that all citizens enjoy educational pluralism.

Although marginal and restricted, most of the studied countries allow homeschooling

According to the Freedom of Education Index published by OIDEI in 2016, more than 60% of the EU countries recognize homeschooling (OIDEI, 2016). In our research, we have observed that homeschooling is illegal in only two countries (Spain and Sweden); although, in some cases, certain exceptions can be made such as for children who are unable to attend school for health reasons.

In most of the studied countries, homeschooling is legally accepted. The government provides certain formulas that seek to guarantee quality education with tests (Italy and Slovenia), or with some sort of monitoring (France and Portugal).

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