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Roma School Segregation and Educational Governance in Romania

A roma tanulók iskolai szegregációja és az oktatásirányítás Romániában

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ABSTRACT

This article examines the governance of Roma school segregation in Romania as a national case situated within broader Central and Eastern European debates, arguing that legal prohibition alone does not ensure effective desegregation. Although the normative framework has expanded, segregation persists through administrative opacity, weak institutional capacity, and intra-school reconfiguration. The study conceptualizes segregation as a governance problem sustained by the interaction of ethnicity, poverty, and selective policy implementation.

Kulcsszavak:

roma iskolai szegregáció,
oktatásirányítás,
deszegregációs politika,
intézményi kirekesztés,
társadalmi egyenlőtlenség

Ez a tanulmány a romák iskolai szegregációjának kormányzási dimenzióit vizsgálja Romániában, amellel érvelve, hogy a jogi tilalom önmagában nem biztosítja a hatékony deszegregációt. Bár a normatív keret bővült, a szegregáció tovább él az adminisztratív átláthatatlanság, a gyenge intézményi kapacitás és az iskolán belüli újraszerveződés révén. A tanulmány a szegregációt etnicitás, szegénység és szelektív szakpolitikai végrehajtás metszetében értelmezi.

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Introduction

The present article adopts the form of a literature-based analytical study, employing a qualitative approach to public policy analysis that treats Romania as the main case, while selectively referring to Central and Eastern European debates where they clarify regional mechanisms of school segregation. The research integrates a comprehensive documentary review of international and national strategic frameworks, legislative acts, and judicial rulings alongside an analysis of recent institutional data produced by the Romanian state. Primary data sources comprise academic literature from the fields of sociology, education, and Romani studies, policy documents from international bodies such as the Council of Europe and the European Commission, and administrative evidence extracted from the "National Report: Analysis of school segregation risks 2024-2025" (Ministry of Education, 2025). To bridge the gap between policy design and its local execution, the analysis incorporates a reflexive element of direct observation regarding grassroots resistance and the active boycott encountered during the 2025 national monitoring cycle, providing an ethnographic lens on the production of administrative silence at the school level. The theoretical framework is informed by the "What's the problem represented to be?" (WPR) approach, which analyses how institutional discourses shape the visibility and management of ethnic exclusion. The findings of this study are subject to several limitations, primarily the administrative opacity and data gaps identified within official reports themselves. These limitations are discussed later through the 2024-2025 national monitoring data, where missing or incomplete reporting becomes itself an important indicator of the governance problem. Consequently, the analysis recognizes that official indicators often reflect a pattern of strategic minimum compliance rather than an exhaustive representation of the phenomenon (Alexiadou, 2019; Toma, 2023). For this reason, the findings should be interpreted within the limits of the Romanian socio-legal framework and with attention to regional variation. We assert that school segregation must be theorised not simply as an unequal distribution of students across physical spaces, but as a specific object of governance. The persistence of the phenomenon is rooted in the "governance field" that exists between the legal norm and its practical implementation, a space marked by administrative opacity, unequal institutional capacity, and selective implementation (Done & Knowler, 2023). By moving the analytical focus

from the pupils affected by segregation to the institutional actors and administrative mechanisms that define, monitor and respond to the problem, this article examines how exclusion can be reproduced even within formally inclusive policy frameworks. The article does not attempt a systematic comparison of all Central and Eastern European countries; cases such as Hungary, Czechia or Slovakia are used only as contextual references, while the inclusion of other zones (such as Poland, for example) would require a separate comparative research design.

Education is traditionally envisioned as a primary engine for social mobility and a vehicle for transforming the life chances of marginalized communities (Óhidy, 2023). However, for many Roma communities, despite their considerable internal diversity in terms of language, residence, socioeconomic status and patterns of school participation, the school system often functions as a site for the reproduction of structural inequalities and institutionalized exclusion (Toma, 2023). In the Romanian context, this paradox is particularly acute: while the state has developed an increasingly sophisticated legal and methodological framework to combat school segregation, empirical evidence reveals a persistent and deeply embedded reality of exclusion (Varga, 2022). Recent monitoring indicators suggest that despite decades of integration efforts, the educational gap remains significant; for instance, the share of Roma children enrolled in schools where "most children are Roma" in Romania reportedly increased from 28% in 2016 to 51% in 2021 (Council of Europe, 2024; FRA, 2022). The Romanian legislative journey toward desegregation was marked by the landmark Order 1540/2007, which for the first time prohibited all forms of school segregation (Ministry of Education and Research, 2007). Subsequent regulations, most notably Order 6134/2016 and the 2019 Monitoring Methodology, have expanded these definitions to include segregation based on ethnicity, disability, or socioeconomic status (Ministry of Education, 2016; Costache et al., 2022). Modern Romanian policy now distinguishes between granular levels of the phenomenon, measuring it not only at the level of the educational establishment but also within specific school buildings, individual classrooms, and even seating arrangements (more precisely, the "last two rows"). Yet, despite this robust visibility on paper, the prohibition of segregation often functions as a "rationalizing myth", a facade measure that satisfies external institutional expectations (such as EU requirements) without stimulating systemic change at the grassroots level (Meyer & Rowan, 1977; Costache et al., 2024).

To make the argument easier to follow, the article distinguishes three analytical layers. First, it clarifies the conceptual distinction between segregation, integration and inclusion. Second, it examines the Romanian legal and administrative framework, including recent monitoring data. Third, it analyses the mechanisms through which segregation persists: spatial allocation, intra-school sorting, SEN referral and selective implementation.

School Segregation, Integration, and Inclusion

A precise conceptual distinction between segregation, integration, and inclusion is necessary because these terms are often used loosely in policy discourse, despite referring to fundamentally different educational arrangements (Antal, 2025). Segregation does not describe mere demographic concentration, but a pattern of separation that places certain groups in unequal institutional conditions (Messing, 2017). Furthermore, school segregation serves as an active structural barrier that effectively "freezes" academic achievement, transforming ethnic difference into a durable administrative failure for disadvantaged youth (Bihari, 2021). In the CEE context, segregation may also appear in a benevolent or compensatory form (O'Nions, 2015). This does not mean that remedial support is illegitimate in itself. The problem arises when support is organized through durable separation, reduced curricular expectations or pathways with weak possibilities of reintegration into mainstream learning (Hajdu et al., 2021; Puskás, 2026).

Integration, by contrast, usually refers to the placement of previously separated pupils into mainstream settings. However, integration often remains difference-blind, failing to transform the underlying structures, routines, or hierarchies of the school (Tomášchová & Bahna, 2024). In such cases, Roma students may be physically present in a mixed school but remain socially and academically isolated through intra-school tracking or seating arrangements (Costache et al., 2024). As researchers have noted, integration without systemic support may also generate pressures of identity management, especially when school success depends on families' ability to navigate majority institutions and avoid stigmatizing labels (Puskás, 2026). This adaptive strategy, conceptualised in the literature as 'preferred ethnic identity' (Marushiakova & Popov, 1993), is a widespread phenomenon driven by the fear of ill-treatment and the desire to escape the systemic stigmatisation associated with Romani background (Ravnachka et al., 2020; Szelényi &

Ladányi, 2001). Research suggests that this tendency to conceal one's roots is particularly prevalent among academically successful individuals or those seeking upward mobility, for whom ethnic identification is perceived as a barrier to social integration (Messing, 2014).

Inclusion sets a higher standard, presupposing a systemic transformation grounded in human rights (UNCRPD, 2016). It implies not only physical presence but meaningful participation and institutional adaptation to diversity (Antal, 2025). Unlike integration, which expects the child to adapt to the school, inclusion requires the school to adapt to the child's individual needs, language, and cultural background (Talpaş, 2024). This distinction is vital because a decline in formal inter-school separation does not automatically mean the disappearance of exclusionary practices; instead, it often results in the migration of segregation into more opaque, intra-school forms that are harder to monitor and reverse (Messing, 2017; Costache et al., 2022). Understanding these nuances is the first step in shifting from a policy of "window-dressing" to a genuine duty of desegregation (Vrancken, 2024).

The Administrative Making of Segregation in Romania

The transition from school segregation as a social reality to its status as a regulated administrative object in Romania is a process marked by increasing technical complexity and normative density. As scholars have noted, the persistent nature of school segregation in Romania has long ceased to be an accidental policy failure, becoming instead a structural feature of the educational landscape (Varga, 2022; Toma, 2023). To understand the governance of this phenomenon, one must first trace the legislative trajectory that sought to render it visible to the state's bureaucratic eye. The Romanian journey towards desegregation is defined by three major legislative waves. The first, initiated in 2004 with a ministerial notification on equal opportunities, culminated in the landmark Order 1540/2007 (Ministry of Education and Research, 2007). This was the first instrument to explicitly define and prohibit ethnic segregation, moving beyond vague anti-discrimination rhetoric (Costache et al., 2024). However, early implementation was hampered by what researchers describe as a "policing approach", a reactive model that focused on punishing isolated incidents rather than addressing the systemic drivers of separation (Rostas, 2021). During this period, segregation often remained administratively invisible because the state lacked the granular indicators

necessary to identify it at the classroom or seating level (Costache et al., 2022). The second wave was marked by Order 6134/2016, which significantly expanded the legal definition of segregation. It recognized that separation does not only occur along ethnic lines but also based on disability (SEN), socioeconomic status (SES), or residence (Costache et al., 2022; Talpaș, 2024). This period saw the introduction of the first complex monitoring methodologies, which aimed to transform segregation from a subjective grievance into a quantifiable administrative object. The introduction of the Integrated Information System for Education in Romania (SIIR) allowed the state to begin collecting disaggregated data on individual pupils (Costache et al., 2022). By assigning each student a set of vulnerability markers (ethnicity, parental education, social scholarship status), the system theoretically enabled the calculation of "segregation scores" at the level of the school building, the classroom, and even the "last two rows" (Costache et al., 2024). The third and most recent wave is represented by the Pre-University Education Law 198/2023, which for the first time encoded desegregation duties into organic law. This law shifts the paradigm from a negative duty (the prohibition of segregation) to a positive institutional obligation (the mandatory duty of desegregation) (Vrancken, 2024). In this context, segregation is no longer just a legal infraction but a performance indicator for school management. However, the governance field remains contested; while the law mandates "random or alphabetical distribution" of students in preparatory classes (Ministry of Education, 2024), the persistence of administrative opacity allows local actors to bypass these rules (Costache et al., 2024).

A fundamental element of this governance is the R-score of school segregation, a diagnostic tool developed to measure the "disproportionality of exposure" of vulnerable groups in specific learning spaces (Costache et al., 2022). By comparing the percentage of Roma students in a specific classroom to the school-wide average, or the school's ethnic makeup to the surrounding catchment area, the state can generate an objective diagnosis of the phenomenon (Costache et al., 2022). Yet, the literature warns that such technical visibility can lead to the creation of rationalizing myths (Meyer & Rowan, 1977; Costache et al., 2024). Schools may comply with the data collection requirements to satisfy external evaluators, such as the European Commission or civil society monitors, while maintaining the same exclusionary routines at the grassroots level (Costache et al., 2024; Varga, 2022). This transition from a theoretical monitoring model to a nationwide

administrative reality has been codified through the publication of the first National Report: Analysis of school segregation risks in the Romanian education system 2024-2025, which utilized the SIIIR platform to generate R-scores for every pre-university establishment in the country (Ministry of Education, 2025). This report institutionalizes the R-score as the official diagnostic tool for identifying alerts across all criteria, marking a shift toward evidence-based governance of educational equity.

Ethnic identification also complicates the production of administrative visibility. Official census data consistently underreports the Roma population, with estimates ranging from 3.3% to over 10% of the total population (Talpaș, 2024). This statistical gap is not merely a technical issue. It reflects a complex political and social tension produced by stigma, self-identification dilemmas, administrative caution and, in some cases, institutional reluctance to acknowledge the full scale of segregation (Surdu, 2016; Vincze, 2017). When administrative data remains blind to the actual number of Roma children, desegregation measures become sporadic and project-based rather than systemic (Council of Europe, 2024). In essence, the governance of school segregation in Romania oscillates between the high visibility of advanced legal norms and the persistent invisibility of actual school practices, a gap that ensures the durable reproduction of ethnic hierarchies (Toma, 2023; Done & Knowler, 2023).

The Spatial Organization of Exclusion

School segregation is governed through administrative routines, but also through the organization of space that relies on the strategic management of school catchment areas. These areas are administrative constructs that define student eligibility based on residence, yet they often function as sophisticated tools of educational gerrymandering (Saporito & Deenesh, 2006). In the Romanian context, school boundaries may coincide with, or in some cases reinforce, the spatial separation of marginalized Roma settlements, with the effect that children from these communities are disproportionately enrolled in under-resourced schools while many non-Roma pupils access institutions with better facilities (Costache et al., 2024). This spatial sorting is frequently justified through the discourse of residential proximity, which presents the resulting ethnic homogeneity as an inevitable demographic reality rather than a deliberate policy choice (Varga, 2022). By framing the issue as one of

geography, the state effectively bypasses its positive obligation to implement proactive desegregation measures, a strategy that has been scrutinized in regional jurisprudence, such as the Slovak case of Stará Ľubovňa - Podsadek, where authorities argued that Roma concentration merely mirrored local living patterns (Amnesty International & ERRC, 2025). This manipulation is facilitated by a persistent administrative opacity that characterizes the Romanian educational data landscape. While the state has introduced metrics to monitor segregation, there remains a significant statistical gap between the socio-demographic profile of the population residing within a district and the actual student body enrolled in the local school (Done & Knowler, 2023; Pătroc, 2026). Official data often fails to provide granular comparisons at the catchment level, making it difficult for civil society or oversight bodies to detect when administrative discretion is being used to exclude Roma children (Costache et al., 2022). Without this transparency, ghetto schools can be maintained under the guise of serving the immediate neighborhood, even when non-Roma children from the same physical vicinity are systematically enrolled elsewhere (Costache et al., 2024). In some cases, schools with multiple buildings or satellite structures serve to hide segregation; while the coordinating center appears ethnically mixed in aggregate data, the individual buildings remain entirely separate, effectively isolating Roma students within the same administrative unit (Costache et al., 2024; Surlovska Ristevska, 2025). Recent national data underscores the scale of this opacity, revealing that for 55.2% of school structures, it was impossible to evaluate building-level segregation due to incomplete data in the SIIIR system. Moreover, the report identifies a pattern of 'automatic' alerts where 90% of the recorded segregation risks regarding seating arrangements were triggered not by measured disproportionality, but by the failure of schools to report any data at all, making the real conditions in the 'last two rows' difficult to assess (Ministry of Education, 2025).

The stability of these catchment areas is further undermined by the phenomenon of the so-called "white flight", a social mechanism where majority parents withdraw their children from schools as the proportion of Roma students increases (Antal, 2025). Research suggests that this process is often triggered once Roma enrollment reaches a critical threshold, frequently identified between 40% and 50% (Messing, 2017). Beyond this point, the institution often enters an irreversible spiral of re-segregation, as it becomes stigmatized as a Roma school and loses its prestige among non-Roma families

(Bocsi et al., 2023). This spatial and social isolation is compounded by the systematic fracturing of student friendship networks, which deprives Roma pupils of the social capital and peer-based success models necessary for academic persistence in border regions (Pusztai & Fényes, 2015; Hermann & Kisfalusi, 2023). This exodus is driven by deeply rooted antiziganist stereotypes regarding academic decline or behavioral issues, forcing school administrators to choose between genuine inclusion and the retention of middle-class families (Troc, 2020). In many instances, schools accommodate this pressure by implementing intra-school segregation, creating separate elite classes for the majority to act as a buffer against total white flight, which eventually leads to a cascade effect where even nominally integrated schools become ethnically homogeneous as the majority population leaves (Costache et al., 2024; Ravnachka et al., 2020). The European Court of Human Rights has been clear that parent resistance or the fear of white flight cannot justify the maintenance of segregated environments, as seen in cases like *Elmazova and Others v. North Macedonia* (Vrancken, 2024). However, the marketization of education provides affluent families with the tools to circumvent state-mandated districts. Through the rise of private education and policies emphasizing free school choice, families with higher socioeconomic capital can engage in selective mobility, while Roma and impoverished children often have fewer realistic alternatives to the most disadvantaged institutions (Costache et al., 2024; Radó, 2020). Families often use legal loopholes, such as fictitious changes of residency through annual domicile declarations or exploiting exceptions for siblings already enrolled, to gain entry into ethnically homogeneous schools outside their designated area (Costache et al., 2022; Costache et al., 2024). As a result, formal desegregation duties may coexist with everyday enrolment practices that continue to sort pupils along ethnic and socioeconomic lines (Meyer & Rowan, 1977; Costache et al., 2024).

The fact that these patterns continue to exist reveals a fundamental gap in institutional capacity and a tendency toward selective enforcement. Desegregation requires coordinated action across multiple levels (the Ministry of Education, county inspectorates, and local municipalities) yet responsibility is often fragmented, allowing actors to engage in strategic minimum compliance (Done & Knowler, 2023). Inspectorates may identify segregated classes based on indices like the R-score, which measures the disproportionality of exposure of vulnerable groups, but the local authorities who control the infrastructure may refuse to merge or relocate these cohorts,

citing logistical constraints (Costache et al., 2022; Council of Europe, 2024). Principals, caught between anti-discrimination laws and the demands of majority parents, often opt for window-dressing integration: placing Roma children in the same building but isolating them in the last two rows or separate remedial wings to avoid upsetting the parents of the majority (Costache et al., 2024; Toma, 2023). This policing approach focuses on corrective action for specific, visible incidents but remains blind to the structural arrangements (such as boundary manipulation and the selective application of choice policies) that produce them (Rostas, 2021). Without a shift from declaratory norms to positive institutional obligations, the governance of school segregation in Romania will continue to facilitate the durable reproduction of inequality, maintaining the administrative object of desegregation while leaving the social reality of exclusion intact (Done & Knowler, 2023; Toma, 2023).

The persistence of school segregation in Romania and across the Central and Eastern European region cannot be understood as a mere administrative oversight; rather, it is anchored in the foundational structural barrier of antigypsyism. Antigypsyism (or antiziganism) is not merely a collection of individual prejudices but a historically rooted structural phenomenon that manifests at institutional, social, and interpersonal levels (Council of Europe, 2024). This specific ideology of inequality that targets Roma through a process of "othering" functions through the dehumanization and social exclusion of Roma, relying on both negative stereotypes (such as perceived intellectual deficiency or unreliability) and exoticizing tropes that reinforce ethnic boundaries (Heitmeyer, 2002; Óhidy, 2023). In the educational milieu, antigypsyism is expressed through narratives focused on the perceived deficits of Roma students, effectively transforming their cultural identity into a marker of educational incapacity (Dragos, 2022; Talpaş, 2024; Rostas, 2021). Historically, such racializing discourses have also shaped state practices, allowing marginalized populations to be represented as problematic or threatening and thereby legitimizing exclusionary forms of classification, regulation and schooling (McGarry, 2017; Surlavska Ristevska, 2025). In educational settings, these stereotypes help make separation appear administratively reasonable even when it reproduces unequal access to schooling (Kende et al., 2021; Talpaş, 2024). This institutionalized racism interacts recursively with multidimensional poverty, creating a "governance trap" where exclusion is normalized as an inevitable consequence of

socioeconomic deprivation. High levels of neighborhood poverty and residential segregation are powerful determinants of educational outcomes, as 80% of Roma live in poverty and 83% of Roma children remain at risk of poverty (Council of Europe, 2024). These conditions are frequently used by administrative actors to justify the ethnic homogeneity of schools under the pretext of "residential proximity" or "social status," thereby masking the underlying racialized sortedness of the system (Varga, 2022; Costache et al., 2024). The precarious living conditions in marginalized settlements (often lacking basic infrastructure such as electricity, heating, or clean water) directly impact school attendance and the ability of children to succeed academically (Toma, 2023; FRA, 2022). Acknowledging these material conditions does not mean attributing educational failure to Roma culture or family irresponsibility. Poverty, housing insecurity, health problems, parental illiteracy, early work responsibilities and unstable income can all affect school participation, but they should be analysed as structural conditions requiring institutional support rather than as ethnic explanations for lower educational achievement. Consequently, the school system often functions as a site for the reproduction of inequalities, where children without economic or cultural capital are held in a perpetually disadvantaged position that is structurally difficult to overcome (Bourdieu & Passeron, 1990; Toma, 2023; Óhidy, 2023). This systematic exclusion is also consistent with Fónai's analysis of Roma/Gypsy communities, which links Roma educational trajectories to broader patterns of social stratification, regional disadvantage and limited mobility (Fónai, 2022).

The governance of school segregation is further complicated by the intersectionality of these factors, which allows institutions to engage in "strategic minimum compliance" (Alexiadou, 2019; Toma, 2023). Because poverty and ethnicity are so closely intertwined, policymakers often adopt difference-blind approaches that focus on socioeconomic disadvantage while ignoring the specific role of antigypsyism (Done & Knowler, 2023). This leads to a situation where desegregation measures remain project-based and sporadic rather than systemic. While international frameworks, such as the EU Roma Strategic Framework for 2020-2030, call for the elimination of segregation, national and local authorities often yield to the "white flight" and the pressure of majority parents who view the presence of Roma children as a threat to educational standards (European Commission, 2020; Council of the European Union, 2021; Messing, 2017). This dynamic creates a vicious circle where the freedom of choice for the affluent results in the "captive enrollment" of the

poor in under-resourced ghetto schools (Costache et al., 2024; Marić et al., 2015).

The lack of independent impact evaluations and the fragmentation of institutional responsibilities mean that the structural causes of segregation are rarely addressed in their entirety. Strategic documents often exhibit a repetitive nature, reflecting a social insensitivity to the lived realities of Roma communities (Roma Civil Monitor, 2018, as cited in Toma, 2023). Public authorities frequently fail to recognize the power imbalances in policymaking, where Roma voices are sidelined or mediated through urban elites (Council of Europe, 2024; Zemandl, 2018). Without addressing the historical marginalization that confined Roma to "mahalas" or the contemporary discriminatory practices of school enrolment, the governance of desegregation will continue to focus on "window-dressing" integration while leaving the durable patterns of social fragmentation intact (Council of Europe, 2024; Toma, 2023). In essence, the persistence of segregation is not a failure of the law, but a feature of a governance field that remains administratively blind to the intersectional violence of poverty and racism (Done & Knowler, 2023; Talpaş, 2024).

The "SEN-ization" of Roma Students and the Logic of Benevolent Segregation

In the Romanian legal framework, special educational needs (CES) are defined as additional educational needs, complementary to the general objectives of education, adapted to disability, learning difficulties or other individual circumstances, and requiring medical, social and/or educational support. Assessment and school/professional orientation are not formally reducible to a single psychometric test, but are organized through specialized services and commissions within the county educational support system. Parents or legal representatives are involved in the process, including through informed consent or recorded disagreement with the proposed orientation. The argument developed here is therefore not that SEN support is inherently exclusionary. The problem appears when support categories become a substitute for inclusive provision and when vulnerable Roma children are disproportionately channelled into separate or lower-expectation settings. In formal terms, the Romanian framework does not reduce SEN identification to a single intelligence test: orientation is expected to draw on educational, psychological,

medical and social information, and support measures should be reviewed in relation to the child's development. It is also important to recognize that SEN certification may provide access to support measures, services and accommodations that are necessary for many children. The concern is not support as such, but the transformation of support into separation when inclusive alternatives are unavailable or weakly implemented.

The persistence of school segregation is further complicated by the risk that Roma children may be disproportionately channelled into special education pathways, especially when assessment and placement procedures are insufficiently sensitive to poverty, language, prior schooling and social exclusion. This mechanism, widely documented across Central and Eastern Europe, relies on the discursive and administrative categorization of Roma pupils as having 'special educational needs' (SEN) or mild mental disabilities (Óhidy, 2023; Arabadjieva, 2016). Historically, this practice emerged as a tool for managing 'problematic' diversity, with roots stretching back to the 1970s in countries like Czechoslovakia and Hungary (Zemandl, 2018; Council of Europe, 2024). In the Romanian context, this administrative logic is deeply linked to the legacy of the communist regime, during which children from marginalized groups under state guardianship were systematically pathologized and hidden from society in segregated institutions (such as the infamous Cighid case) under the pretext of 'irrecoverable' disabilities that effectively masked a policy of social and ethnic exclusion (Mara & Corman, 2012; Matache & Barbu, n.d.). In today's Romania, despite legal prohibitions, Roma children remain disproportionately more likely (in some regional contexts up to 27 times more likely) to be diagnosed with disabilities compared to their non-Roma peers (Talpaș, 2024; Vrancken, 2024). This overrepresentation is rarely a reflection of actual biological or cognitive impairments but is instead the result of a medicalized governance approach that transforms structural socioeconomic disadvantage into individual psychological pathology (Done & Knowler, 2023; Dovigo, 2023).

The administrative process may include standardized diagnostic instruments alongside other forms of assessment; the critical issue identified in the literature is not assessment itself, but the risk that culturally and socially decontextualized instruments, when used without adequate safeguards, convert social disadvantage into individual deficit. Tests such as the WISC-III or Woodcock-Johnson often measure skills and vocabulary that Roma children from marginalized or Romani-speaking environments have not had the

opportunity to develop, effectively penalizing them for their cultural background rather than identifying genuine learning disabilities (Matache & Barbu, n.d.; Siemion-Tomczak & Toczyski, 2024). In the most problematic cases, children may receive deficit-oriented labels before they have had a meaningful opportunity to engage with the mainstream curriculum under adequate conditions (Rix, 2023). This practice was famously condemned by the European Court of Human Rights in landmark cases such as “D.H. and Others v. the Czech Republic” and “Horváth and Kiss v. Hungary”, where the Court established that using apparently neutral capacity tests to separate Roma children constitutes a form of indirect racial discrimination (Vrancken, 2024; European Commission, 2023).

Complementing this medicalized sorting is the logic of so-called benevolent or affectionate segregation: a policy discourse that justifies separation as being in the best interest of the Roma child (O’Nions, 2015). Proponents of this view (including some government officials and school administrators) argue that separate, remedial settings are necessary to provide catch-up support and to protect Roma children from the hostility or bullying they might face in integrated environments (Puskás, 2026; Zemandl, 2018). In Hungary, for instance, the term "loving segregation" was explicitly used to promote separate church-run schools that purportedly offer a more affectionate environment while following a reduced curriculum (Neumann, 2024, as cited in Puskás, 2026). However, this paternalistic approach masks the structural violence of lowering expectations. By isolating Roma children in remedial or "practical" schools, the state effectively "warehouses" them, providing an inferior education that fails to instill basic functional literacy and life skills (O’Nions, 2015; Óhidy, 2023). The institutionalization of these special pathways creates a durable barrier to social mobility. Children placed in segregated SEN tracks are frequently taught by less qualified staff, provided with inadequate infrastructure, and subjected to a diluted curriculum that does not allow them to pursue higher education or meaningful employment (Varga, 2022; Council of Europe, 2024). In many cases, once a child is assigned to a special school or class, the decision is rarely reversed, leading to a caste-like educational trajectory that reproduces the cycle of poverty and social exclusion (Zolnay, 2018, as cited in Puskás, 2026; Messing, 2017). This is exacerbated by the misuse of parental consent. Parents from highly vulnerable backgrounds are often persuaded or manipulated into agreeing to their children’s placement in special education through promises of free school meals, supplies, or transport,

without being fully informed of the long-term academic consequences (Siemion-Tomczak & Toczyski, 2024; Arabadjieva, 2016).

In Romania, the legal framework remains ambiguous regarding the boundaries between inclusive support and segregated special education. While the Pre-University Education Law 198/2023 introduces a hierarchy of severity for disabilities, it maintains special schools as separate entities for those with "intensive" or "special" needs, a provision that risks legitimizing the continued isolation of the most vulnerable (Costache et al., 2024). Furthermore, the persistence of "catch-up" or "zero grades" (initially designed as temporary compensatory measures) has paradoxically evolved into a stable mechanism for internal segregation, where Roma children are grouped together from the first day of school and kept in separate cohorts throughout their educational career (Tomášchová & Bahna, 2024; Amnesty International & European Roma Rights Centre, 2025). This governance model, which prioritizes the administrative convenience of sorting children over the substantive duty of inclusion, ensures that the education system remains a primary site for the reproduction of ethnic hierarchies rather than an engine for equity (Done & Knowler, 2023; Toma, 2023). The reliance on expert categorizers points to a deeper issue of institutional power and the objectification of Roma identity. As Surdu (2016) argues, the state's focus on counting and classifying the "Roma problem" often reduces children to mere data points in a deficit-oriented system. Psychologists, school counsellors, SEN teachers/special educators and school administrators may become gatekeepers of educational trajectories, not necessarily through individual prejudice, but through institutional routines, limited resources and professional categories that can reproduce existing inequalities under the appearance of technical neutrality (Done & Knowler, 2023). In the Czech Republic, for instance, professional associations of special educators have been noted for their resistance to desegregation reforms, often refusing to collect the disaggregated data necessary to track misdiagnosis (Council of Europe, 2024). This resistance highlights how the governance of segregation is sustained not just by law, but by a professional culture that views diversity as an administrative emergency to be managed through separation (Dovigo, 2023). Furthermore, the social insensitivity of these strategic documents is evident in the repetitive nature of desegregation plans that fail to address the lived realities of families. Qualitative research shows that Roma mothers often experience these "inclusive" policies as relationships marked by deep mistrust and lowered expectations (Arellano et al., 2025). When the

system views the Roma family solely through the lens of unlearned helplessness or cultural deficits, it abdicates its responsibility to provide an environment where success is structurally possible (Chişiu, 2012; Talpaş, 2024). Instead, the blame for educational failure is privatized, shifting from institutional arrangements to the irresponsibility of parents or the genetics of the children (Puskás, 2026; Amnesty International & ERRC, 2025). This intersection of medicalized discourse and benevolent neglect forms a "governance trap" that keeps the administrative object of desegregation visible on paper while the social reality of exclusion remains durable and unchallenged (Done & Knowler, 2023; Toma, 2023).

Desegregation and Institutional Limits

The governance of school segregation in Romania must be theorised not merely as a set of administrative responses to a social problem, but as a complex field of power where the state actively defines, monitors, and modulates the visibility of ethnic exclusion. This theoretical model posits that school segregation has been transformed from a raw social reality into an administratively legible object, a problem that can be seen and managed through procedures, indicators, and institutional scores (Costache et al., 2022; Done & Knowler, 2023). However, this process of rendering segregation visible is inherently selective. Between the high-level legal prohibition and the daily routines of schools, there exists a governance field marked by administrative opacity and the strategic use of "rationalizing myths" (Meyer & Rowan, 1977; Costache et al., 2024). In this context, the persistence of segregation is not a simple policy failure, but a structural feature of a system that often adopts the symbolic architecture of inclusion while preserving the underlying hierarchies of ethnic sorting (Edelman, 1992, as cited in Costache et al., 2024; Toma, 2023). Central to this model is the mechanism of administrative classification, exemplified by the Integrated Information System for Education in Romania (SIIR) and the application of the R-score for school segregation (Costache et al., 2022; Ministry of Education, 2019; Ministry of Education, 2025). By assigning individual vulnerability markers to students (such as ethnicity, parental education, or disability status) the state attempts to quantify exclusion. Yet, this technical visibility often results in what scholars describe as strategic minimum compliance (Alexiadou, 2019; Toma, 2023). Schools and county inspectorates may fulfill the formal

requirements of data collection and establish desegregation commissions to satisfy external evaluators, such as EU monitoring bodies or civil society groups, without engaging in the substantive institutional transformation required to reverse separation (Costache et al., 2024; Varga, 2022). This institutional challenge is further exacerbated by grassroots resistance from many parents, as evidenced by our first-hand observations during the 2025 data collection cycle (as parent of a child enrolled in the secondary cycle of studies). In many lower secondary settings, the process of establishing student profiles was met with an active boycott by parents, often driven by conspiracy-laden narratives regarding "obscure state interests" and the perceived violation of private data. This climate of distrust significantly undermines the production of administrative evidence, as self-identification (the preferred human rights standard) frequently produces incomplete or skewed data in contexts marked by stigma or suspicion toward state registration (Council of Europe, 2024; Pătroc, 2026). Such resistance ensures that "window-dressing" integration remains the norm, allowing institutions to demonstrate formal adherence to anti-discrimination regulations while the actual educational environment remains fragmented and unequal (O'Nions, 2015; Toma, 2023). The diagnostic power of this model and its inherent limitations is illustrated by the 2024-2025 national findings: the ministerial report reveals that socio-economic criteria are now the most frequent sources of segregation alerts; for instance, a staggering 86.5% of analyzed school structures exhibit a risk of segregation at the class level based on parents' educational attainment (Ministry of Education, 2025). However, the scale of reporting failure is equally revealing: approximately 90% of the alerts regarding seating arrangements were triggered automatically by the schools' failure to report any data at all, rather than by a measured disproportionality (Ministry of Education, 2025). This high prevalence of "administrative silence" suggests that visibility often captures a deeply structural sorting process where socio-economic disadvantage, ethnic identity, and active social resistance intersect to normalize exclusion (Costache et al., 2024; Done & Knowler, 2023). The governance of desegregation is further defined by a persistent tension between a policing approach and the emergence of positive institutional obligations (Rostas, 2021; Vrancken, 2024). For much of the last two decades, the Romanian state's response has been reactive, focusing on correcting isolated, visible incidents of segregation through judicial or administrative sanctions (Rostas, 2021). While the Pre-University Education Law 198/2023 marks a shift toward a "duty of desegregation," the

practical implementation of this positive obligation is frequently stalled by a lack of coordinated institutional capacity (Council of Europe, 2024; Costache et al., 2024). Responsibility for desegregation is often dispersed across multiple levels of government (from national ministries to local municipalities) allowing individual actors to deflect accountability. When local authorities control the physical school network but have no direct mandate for social equity, they may prioritize the social peace of the majority population over the rights of Roma children, effectively yielding to parental pressure and the threat of white flight (Council of Europe, 2017; Messing, 2017).

The preceding sections have shown that segregation is sustained not by a single mechanism, but by the convergence of spatial allocation, socioeconomic disadvantage, antigypsyist stereotypes and professional categorization. The institutional limit lies precisely in the fact that these mechanisms are often treated separately, although in practice they reinforce one another (Done & Knowler, 2023; Toma, 2023).

Ultimately, the governance of school segregation in Romania can be understood as a field of institutional differentiation in which formally neutral categories, procedures and thresholds may contribute to the marginalization of already vulnerable groups (Troc, 2020; Talpaş, 2024). The reliance on expert categorizers, including psychologists, school counsellors, special educators and school administrators, shows how educational trajectories can be shaped by professional categories, institutional routines and administrative thresholds that appear technically neutral but may still reproduce unequal outcomes (Done & Knowler, 2023; Surdu, 2016). Even when international standards, such as the jurisprudence of the European Court of Human Rights, demand systemic change, the domestic field of governance often absorbs these pressures through superficial reforms (Arabadjieva, 2016; Vrancken, 2024). This creates a situation where the prohibition of segregation exists as a rationalizing myth, facilitating the statistical management of the Roma problem while leaving the intergenerational reproduction of inequality intact (Done & Knowler, 2023; Meyer & Rowan, 1977; Costache et al., 2024). To move beyond this impasse, the governance of desegregation must shift from formal compliance to a substantive institutional obligation that addresses the racialized sorting inherent in the very logic of the school system (Done & Knowler, 2023; Toma, 2023).

Toward a Stronger Desegregation Framework

The persistent gap between the formal prohibition of school segregation and its operational reality suggests a need for a fundamental shift in both research agendas and public policy design. Future research should examine how administrative routines, assessment practices and school-level decisions shape educational trajectories, without reducing Roma children's educational difficulties to individual, family or cultural deficiencies (Surdu, 2016; Talpaş, 2024). This requires an intersectional analytical framework that scrutinizes how institutions translate structural socioeconomic disadvantage into medicalized or pathologized educational pathways, such as the systematic and often unsubstantiated referral of Roma children to special schools for children with intellectual disabilities (Done & Knowler, 2023; Siemion-Tomczak & Toczyski, 2024). Furthermore, longitudinal studies are necessary to evaluate whether integration policies produce meaningful participation over time, rather than merely placing Roma and non-Roma students in the same administrative unit while preserving social or academic separation (Messing, 2017; Tomášchová & Bahna, 2024). Research should also examine successful educational trajectories of Roma youth in order to identify the institutional, relational and community-based supports that make school participation sustainable over time (Arellano et al., 2025; Varga, 2022).

At the level of public policy, the governance of desegregation must transition from a reactive "policing approach" centered on correcting isolated incidents to a proactive, positive institutional obligation (Rostas, 2021; Vrancken, 2024). This shift implies that the state is responsible not only for banning discrimination but for actively developing and implementing integrated policies that address neighborhood poverty, housing segregation, and antigypsyism simultaneously (Council of Europe, 2024; Toma, 2023). Effective policy must acknowledge that school segregation is not a self-contained educational issue but a manifestation of a wider "vicious circle of poverty and exclusion" (Óhidy, 2023; World Bank, 2014). This requires enhanced cross-sectoral coordination between ministries of education, health, and social protection to ensure that vulnerable households have access to essential services and that the hidden costs of education (such as transportation, meals, and school supplies) do not remain a barrier to attendance (Macías-Aranda & Valls Carol, 2023; Council of Europe, 2024). The governance of visibility must be bolstered by the systematic collection of disaggregated

ethnic data, carried out in compliance with international human rights standards and the principle of self-identification (FRA, 2022; Council of Europe, 2024). Without granular data that compares the socio-demographic profile of school districts with the actual enrollment of local schools, the state will remain administratively blind to the "educational gerrymandering" and the manipulation of residency status that facilitate "white flight" (Costache et al., 2024; Done & Knowler, 2023). Choice-based enrolment policies should therefore be monitored for their distributive effects, especially where they enable selective mobility without creating realistic alternatives for disadvantaged pupils (Radó, 2020; Costache et al., 2024). Legal frameworks should establish clear, measurable thresholds for what constitutes segregation and introduce meaningful sanctions for non-compliance, moving beyond declaratory norms to ensure that desegregation is a performance indicator for school management (Costache et al., 2022; Vrancken, 2024). A critical element of a successful desegregation protocol is the meaningful participation and empowerment of Roma communities, grounded in the principle of "nothing about us without us" (Ryder et al., 2014, as cited in Council of Europe, 2024). This involves building trust with Roma parents and involving them in school boards and decision-making processes, while also recognizing that some families may perceive segregated settings as safer after negative encounters in mainstream schools (Arellano et al., 2025; Puskás, 2026). Such concerns should not be interpreted as evidence in favour of segregation. Rather, they indicate that desegregation policies must be accompanied by strong school-climate measures, since bullying is a general problem of school life that may involve pupils from different backgrounds, while ethnic stigma can create additional vulnerability for Roma children. Simultaneously, schools must invest in the training of teachers in intercultural pedagogy and in the employment of Roma school mediators able to strengthen communication, trust and cultural mediation between the institution and marginalized families (Mara & Corman, 2012; Talpaş, 2024). Language barriers should not be assumed uniformly across Roma communities, since linguistic practices differ considerably between countries, regions and local groups. Public authorities must also engage in communication strategies aimed at the majority population to deconstruct antiziganist stereotypes that view the presence of Roma children as a threat to academic standards (Troc, 2020; Council of Europe, 2024).

Conclusion

In conclusion, the Romanian case shows that desegregation cannot be reduced to the formal prohibition of separation. The central difficulty lies in the everyday conversion of legal norms into school-level decisions, enrolment practices, assessment procedures and accountability mechanisms (Costache et al., 2024; Done & Knowler, 2023; Varga, 2022). Desegregation cannot be achieved through sporadic, project-based interventions but requires a systemic transformation that treats education as a fundamental human right rather than a marketable commodity (Matache & Barbu, n.d.; Arabadjieva, 2016). Ultimately, the transition from prohibition to effective desegregation depends on shifting the institutional focus from the victim to the system, recognizing that "inclusive education is the most appropriate means of guaranteeing the principles of universality and non-discrimination" (Vrancken, 2024). Failure to act decisively not only affects the dignity and educational rights of Roma children, but also perpetuates intergenerational disadvantage and weakens the democratic promise of equal access to education (Talpaş, 2024; Council of Europe, 2024). Future comparative research could extend this analysis to other Central and Eastern European contexts (such as Poland or the former Yugoslav states, for example), but such a comparison would need to account for national differences in SEN legislation, assessment procedures, language use, NGO support and patterns of Roma self-identification. The practical challenge is therefore to connect desegregation law with enforceable institutional responsibilities, transparent monitoring and support measures capable of addressing both structural racism and multidimensional poverty.

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