



## Minutes and conclusions from the

## European Network Meeting of Independent School Movements

Stuttgart, 19 January 2012

*How and by what means can we start a cooperation on EU level in order to achieve complete free choice of education, assert our rights to fair financial support without any financial or social discrimination and barriers as well as maintaining self governance of our schools in pedagogic and administrative matters.*

### Participants

26 participants from 16 national, 6 European and 2 international associations from 11 countries (AT, DE, BE, NO, FR, NL, CH, PT, ES, UK, DK); *see participants list*

- European Council of Steiner Waldorf Education (ECSWE)
- European Council of National Association of Independent Schools (ECNAIS)
- European Forum for Freedom in Education (EFFE)
- International Network of Steiner Waldorf Parents (INSWaP)
- The Friends of Waldorf Education/Freunde der Erziehungskunst Rudolf Steiners e.V.
- European Democratic Education Community (EUDEC)
- Bund der Freien Waldorfschulen e.V.
- National Waldorf parents organisations : (APAPS, FR ; NO ; DE ; AT)
- Förderverband Freier Schulen, AT
- Bundesverband der freien Alternativschulen, DE
- FOMENTO Education Centers, ES
- Elternlobby Schweiz
- Aktion mündige Schule, Schleswig-Holstein, DE
- Aktion Schule in Freiheit/Omnibus für direkte Demokratie Berlin & Brandenburg, DE
- ELIANT
- Software-AG Stiftung
- Initiative Network Threefolding; Institute for Social Present-Day Questions
- Barbara Rapp; Lawyer for European law, Frankfurt/Main & Bruxelles

## OBJECTIVE OF THE MEETING

Starting point was the fact that

- 1) many schools and countries suffer from comparable social discrimination with respect to free school choice and funding
- 2) during recent years in DE, CH and AT *citizen initiatives* have been established but with limited political success
- 3) joining forces and the manifold European/national organisations will enhance our chances to achieve full recognition of our fundamental right to free choice of education without any social or financial segregation

Aim of the meeting was to provide a survey:

- 1) on the current legal and financial (public funding) conditions of independent schools
- 2) on the legal framework relating to the options of law suits or complaints against national authorities and existing legislation. (Charter of fundamental rights, UN Universal Declaration of Human Rights, jurisdiction / competence of national EU courts, ECHR, etc)
- 3) on already achieved sentences / decisions following complaints and lawsuits
- 4) on the status of current citizen initiatives

**... and on this background to assess efficient legal and political measures and actions including the necessary steps and measures..**

## RESULTS *[including some key words from the contributions; see also presentations]*

### *(A) CONCEPTUAL AND REGULATORY BASIS*

*Henning Kullak-Ublick*: The key motive for establishing and running schools based on individual and free initiative of parents & teachers should allow to realise the own confessional, philosophical and pedagogic convictions as the general objective of all education: the human being as self-governed, authentic personality. On this path children and young adults seek orientation from teachers who serve as an example and can be characterised as follows:

- They feel fully identified and self responsible with what they live and do
- They are convinced that what they do is right
- They are aware that they are a representative of man
- They are profoundly trained, not only in their specific subject, but also in psychology of childhood, psychology, alternative pedagogy, non conventional teaching methods, cooperation and dialog culture with parents, teamwork with colleagues etc.

The child is seen as unique individuality and all pedagogy is encouraged by social responsibility, the awareness of the moment and is sensitive for the future, the inner being of the child.

Such pedagogy cannot come into life if it is ruled by external and hierarchic regulations (even if it appears hidden in the school structures).

Thus the first and primary pre-requisite is a comprehensive autonomy and self responsibility of the school and the teachers being responsible for the educational day to day work. This autonomy has to be established in a differentiated way for the following three aspects:

- Pedagogic/educational quality (→ quality assurance)
  - School permits are granted independent from the school carrier organisation and on the basis of a curriculum created by the school.
  - Self-evaluation and external evaluation by accredited organisations
- Financing
  - Equal financing and coverage of educational costs by the state  
→ as any school also the independent schools offer their educational service as part of the common (public) educational task (in the framework of commonly acknowledged educational values)
  - Free school choice is guaranteed via the concept of the ‚*Education Voucher*‘ (→ at the level of average public costs of a school place)
  - Guarantee of independence and self-responsibility in pedagogy as well as school administration
- Legal Autonomy
  - The school is legally fully responsible in all internal and external relations

The 3 aims of a „free“ / independent school/education system are therefore:

- Freedom in the choice of pedagogic content and methodology, no externally enforced exams (=acknowledged qualification) → but open for external evaluation
- Independence and self-responsibility in school administration
- Equal financing (no social segregation)

One example of an amendment to Art. 14 would be the proposal for a new article in the *Constitutional Law of Schleswig-Holstein* which has been launched during the Citizen Initiative 'Aktion mündige Schule' (Campaign 'Responsible' School) <http://www.freie-schule.de/>: [not authorised translation from the German text; FA]

1) Every pupil has the **right to education**. To apply the right to education all children and young adults have **guaranteed access** to all types of schools **operated under** states, community, **free citizen's** or a minority's **responsibility**

2) **Schools operated under** states, community, **free citizen's** or a minority's **responsibility contribute equally to the public education task. Funding is provided following uniform criteria independent from the form and type of organisation and legal entity** operating the school. **Public funding** is established **at a level** which **guarantees free of charge education** (access to all schools).

3) The **right of self-governance** adapted to the type of legal entity and organisation is guaranteed.

*Barbara Rapp*, lawyer from Brussels encouraged in her survey on the regulatory framework and legal proceedings on national and EU level (Commission complaints, CJEU in Luxemburg, ECHR in Strasbourg) not to be afraid of fighting for ones right with the courts. It seems

obvious that there is an infringement with the None-Discrimination principle. Here a summary of her presentation.

- Education as such - at least at school level - is not within the EU competence (and thus part of the treaty)
- The EU focuses always on guaranteeing the *freedoms and the equal treatment with respect to competition* (→ for all EU citizens and services)
- This principle can also be applied for the *„service of school education‘*
- The key argument is given in the joint reading of von Art. 14(3) [‘...*freedom to found schools and ... to ensure the education and teaching ... in conformity with their pedagogical convictions...*’] and Art. 21 [None-discrimination] of the Charter of Fundamental Rights.
- Following the Lisbon Treaty MSs must comply with the EU Charter in their national legislation even in areas which lie outside the EU agenda.
- Discrimination is evident if
  - the free access to school is restricted for a part of the population because of financial hurdles (*social segregation*)
  - e.g. confessional and some individual contracted schools receive considerable higher subsidies than independent schools with comparable pedagogic acknowledgement
- Low public funding of IS threatens their continued existence ... this might infringe Art. 2 Protocol ECHR [siehe Annex]
- Some conclusion:
  - Most important: develop an objective and well argued European concept for an independent school system which is legally and economically secured by justified public funding.
  - The legal basis for this are the Articles 14(3) & 21(1) EU Charter in junction with the EU principle of equal treatment of comparable situations.
  - Law suits at the CJEU und at national courts would speed up this development towards a just framework for IS
  - The direct procedure via ECHR is likely to be less effective because already negative results of past attempts.
  - The danger of building a complaint on the unjust/biased competition is the possible interpretation of schools as commercial service which would open the door to profit orientated
  - Advantage of a legal procedure/law suit: emphasise the meaning of EU law and principles with respect of the guaranteed freedom of the choice of education and its public funding and to attract the attention of MS Authorities to that fact.

### *(B) LEGAL AND FINANCIAL STATUS QUO OF INDEPENDENT SCHOOLS*

Anne Liekenbrock (EFFE) gave an insight to the situation in IT, PT, PL, DK und UK [see Annex - presentations]. There are huge differences. See also ([www.effe-eu.org](http://www.effe-eu.org)).

Currently 2 activities are initiated to improve the information available:

- 1) Update of the EFFE-Atlas
- 2) Questionnaire on the legal and funding status of IS which has been sent out during the preparation of the Stuttgart-Meeting [see Annex]

Tendencies discovered:

- The more the state pays the more the state authorities want to rule / control / influence the school.
- The paradigm, *“the state is responsible for the school education”* is commonly accepted by the majority of the population.

However:

- Result of a representative poll in Austria (March 2011): nearly 75% supported the idea of an *extensive equal financial treatment of private schools initiated and administered by parents*.
- There is a general tendency towards scepticism against schools run by the state.
- The call for schools founded by free initiatives is partly successful on regional level, on states or EU level no big change can be expected in near future .

*(C) NATIONAL CITIZEN INITIATIVES*

During the last years in AT, DE und CH, similar citizen initiatives on national (AT), or provincial (Laender-) (CH, DE) scale forwarded petitions to federal or national parliaments in order to change existing rights and laws with the aim to implement free school choice and equal funding also for independent schools:

- Elternlobby Schweiz (Pia Amacher; <http://www.elternlobby.ch/deutsch/>)
- Aktion mündige Schule Schleswig-Holstein (Henning Kullak-Ublick; <http://www.freie-schule.de/>)
- Volksinitiative Schule in Freiheit Berlin & Brandenburg (Kurt Wilhelmi; <http://www.schule-in-freiheit.de/>)
- Elternbündnis "Freie Schulwahl" Österreich (Florian Amlinger, Beatrice Lukas; <http://www.freieschulwahl.at/>)

Conclusion from the presentations were:

- Where there is no consensus about the necessity to respect equal treatment of state and non-state schools and equality in the shared responsibility of the civil society and the state in school education (which would consequently result in a complete free access and choice of education for the parents), the initiatives and petitions tend to get lost in the anti-democratic bureaucracy and procedures for citizen initiatives. .
- Thus, continued and active presence of our movement is needed on the manifold levels of policy: School related organisations (parents, students, teachers), regional und federal authorities AND (very important) political parties and their representatives for education.
- Citizen initiatives require a clear message/mission statement to the public. The initiatives could achieve a considerable level of public awareness including procedures at the constitutional court. CIs are an adequate tool to position our aims and ideas

effectively. They demand a clear statement by decision makers and political groups that can be referred to in further actions.

*(D) ELIANT & EUROPEAN CITIZEN INITIATIVES / ECI [www.eliant.eu/new/]*

*Andreas Biesantz* shared the experience made with *ELIANT- European Alliance of Initiatives for Applied Anthroposophy* which had collected > 1 million signatures. Besides nutrition and bio-dynamic agriculture, special needs (curative) education and social therapy, medicine and therapeutic disciplines the campaign urges the need for policies and a European legislative framework which give people real diversity of choice when making decisions that affect quality of life and cultural diversity. This includes the free choice of *Waldorf/Steiner pedagogy* as one of the alternative/independent education concepts.

It was discussed to what extent the European IS movement could make use of the 1 mio signatures in this respect. Of course it must not be reduced to Waldorf education only.

*Remark: ELIANT does not demand an unrestricted free choice for Waldorf School Education (taking in to account the lacking EU competence in school education?)*

*However,* at an adequate occasion a broad network representing IS in the EU could join and support the principle demand for free choice and civic initiative in school education in order to achieve the level of pluralism, which is necessary in order to meet the educational needs in our society.

In summary, these are the essential ideas which were expressed with respect to the option of an ECI [see <http://ec.europa.eu/citizens-initiative>]

- *Official start* for registering an ECI: 1 April 2012
- *1.000.000 signatures* from *7 MS* each with a minimum number of signatures proportionate to the number of MEP
- *Citizens' committee* composed of at least 7 EU citizens and living in at least 7 different member states.
- Request for *registration* of the proposed initiative on the Commission's website. The proposed initiative does not manifestly fall outside the framework of the Commission's powers to submit a proposal for a legal act of the Union for the purpose of implementing the Treaties.
- Costs of ELIANT: 77 Cent per signature = ca. 770,000.- EUR; generally one has to calculate 1.000.000 EUR ... depending on the level of campaigning.
- ELIANT: needed 3 -4 years; official time frame now: 12 month!!:
- Preparation time needed: at least 2 to 3 years
- National Certification of the ECI, of the signature lists as well as the electronic online collection system → time consuming and expensive!!
- 18 MS require indication of the ID card or passport Nr. !!! (quite an obstacle for signature collection)
- No obligation of the Commission to initiate a new legislation based on the ECI result
- Commission is just obliged to justify their opinion and their decision to act or not to act.
- Finally there is a public hearing on invitation of the EP.

- The fact that (i) school is MS competence and (ii) it is not clear if an ECI may ask for a change of the EU treaty or the Charter on Fundamental rights (→ mandatory full implementation of Art. 14 or its amendment), makes it questionable if ECI would be an adequate tool for our purpose.
- Thus: An ECI, if successfully registered, would become rather a civil society campaigning instrument in order to create awareness within a broad public and national as well as EU institutions and to change the paradigm defining the state as the one and only institution being responsible for school education.
- CH: ECI does not have any meaning for Switzerland, as it is the case for any other complaints and legal procedures at the EU court and at commission level.

→ Further considerations on ECI ... see *CONCLUSIONS & NEXT STEPS* ←

### *(E) CONCLUSIONS & NEXT STEPS*

Within a group work („World Café“) we collected results, objectives, planning of further activities.

3 questions were addressed in 4 groups and presented to the plenum:

- 1) What do we want to achieve? What is our vision? Carving out our present principal object.
- 2) What are the appropriate logistic or political measures we want to choose; ECI, Law suits ...EU / national? - Which further organisations and NGOs of civil society in our area / education do we need to contact to cooperate with?
- 3) Open questions, Uncertainties; further steps, definition and division of tasks, voluntary arrangement of duties and work.

The result is summarised in the *Table* at the end of the minutes.

### *(F) EVALUATION MEETING NEXT MORNING, 20/1/2012*

Participants: Johanna Keller (Bund der Freien Waldorfschulen, DE), Mariam Francqu, Anne Charrière (APAPS, FR), Pia Amacher, Clarita Kunz ([www.elternlobby.ch](http://www.elternlobby.ch)), Beatrice Lukas, Florian Amlinger ([www.FreieSchulwahl.at](http://www.FreieSchulwahl.at))

The task of this post meeting was to identify and systematically list concrete measures and activities proposed during the meeting

## THE TWO MAIN OPTIONS TO ACT

### a) ECI - European Citizen Initiative

*Personal note by Gerald Häfner: ECI won't help a lot to influence European politics. BUT the advantage of ECI would be to allow a huge consciousness raising process. The achievement of ECI under the given constraints needs a big concentration of force, and this is a chance to deliver much information to our environment all over Europe.*

ECI would mobilise: Will (through speaking), Feeling (through the subject: education of our children) and Thought (through reflexion on concepts, on ways to network, and on means to succeed)

*Kurt Wilhelmi, Omnibus for Direkte Demokratie, sees it the same way. He is ready to contribute to a campaign on the subject. His assessment:*

- A successful ECI would be a milestone, a quantum leap on the rout to a free school system
- It would need a 2 years preparation which must provide:
  - Conceptual work what we want to achieve and the content (*Mission and Vision*) toward s a free school system
  - Defining the exact content and text for the ECI including its justification within the EU legal and EU values context
  - Legal assessment of permissibility of the content
  - Organisation and administration of the ECI, build-up of network, structure for campaigning and organising infrastructure for signature collection etc.

*G. Häfner would evaluate our choice, whether ECI or Lawsuit, if we submit our proposals.*

### Activity (1)

#### ***Investigate on possible realisation of an ECI or another CIVIL SOCIETY CAMPAIGNING procedure***

- Determine the opportunity to create an ECI on Pluralism in Education for all.
- Starting to think how to develop a campaign to raise consciousness, with or without ECI
- Launch a decision making procedure for launching an ECI

#### Steps:

1. set-up a small task group to investigate / elaborate  
[→ BY: → *Johanna Keller, Kurt Wilhelmi, Florian Amlinger .... Who else? with support of G. Häfner // 1<sup>st</sup> keywords see above*]
  - pros and cons, chances & risks of an ECI
  - administrative prerequisites
  - possible draft procedure and management plan
  - decision making procedure and tools (Who? How? When? .... Methodology ...)
  - contacting with other civil society Groups (e.g. campaign on *Basic Income Guarantee*) and Commission services etc.
2. report / inform / integrate Stuttgart participants
3. ....

*b) Lawsuit*

*G. Häfner* is sceptic about a lawsuit. We should evaluate precisely the risks and the chances of success. A failure could mean bad consequences for schools for a long time.

*CH:* Common legal action with EU MSs could only address the ECHR in Strasburg based on the Declaration of Human Rights. Former attempts to suit Austrian government have failed. In CH, individual Montessori families have started trials.

*Question:* Would France and Austria join into the procedure ?

Austria (Florian) is in favour of a lawsuit on European level, but like France, they think that we must get sure that the competition argument is not tricky and won't open a door to profit-based education.

Austria launched a complaint against Austria via DG Enterprise/Competition for unequal state aids and funding = distortion of competition between catholic (confessional) schools and independent schools: They got a preliminary negative statement by the Commission, but not a final one. At that state (2007) the procedure was stopped in order not to disturb the ongoing negotiations with the Ministry for Education.

For all types of actions - campaigning as well as legal procedures - one must distinguish between the optional levels and types of measures which suite best for parents (with individual rights and perspectives) or institutions (schools). Principal options are:

	Parents		Institutions	
Legal procedure	National	European	National	European
Campaign / Citizen Initiative				

Activity (2)

Launch an in depths assessment / expertise on risks and chances for LEGAL ACTIONS →  
*Verify rights / check possibilities*

- EU and (exemplary) national legal framework
- Existing past experience and procedures and its outcome
  - This includes: status quo in each country with respect to national lawsuit, followed or not followed by EU procedures
- Options for new individual procedures/law suites/ complaints etc. on institutional and parents level ...
  - In depth examination of the situation in each country: on which basis is it possible to go to court? Which key arguments (confessional schools favoured versus IS, IS receiving far less than PS from the State, freedom to found IS is affected, freedom of education is affected, equality for deprived children is affected...)? Who should go to suit: Parents ? Schools ? [see above table]  
 e.g. ... In Germany, free schooling is a right for parents. Is there not discrimination against the poor ?  
 e.g. ... some Middle-EU MS want to reduce subsidies for free schools and save the money to public schools.

Steps:

1. Austria (Florian Amlinger/Edgar Hernegger) contact to professor on constitutional and EU law at University of Innsbruck.
2. Questions/scope developed in agreement with the above & Joanna Keller, Ingo Krampen .... **Who else?**
3. Mariam and Anne will report to APAPS and Federation and gather their opinion.
4. Consider a lawsuit in Strasbourg with Switzerland
  - o Pia will send documents and examples on how individual lawsuits can be done nationally, before going to Strasbourg
  - o Check for/with all 11 countries present in Stuttgart if lawsuit by parents is possible → feed in the results to the expertise
  - o On basis of these documents, and expertise assessment interested countries will check if it is realistic for them
5. Expertise will be reviewed by G. Häfner, Ingo Krampen, Chr. Strawe, Johanna Keller, Raoul Kneucker ... **Who else?**
6. Time frame: → June 2012

*c) Further activities and measures*

Activity (3)

*Define our main VISION AND SELF DEFINITION to be used as the common ground on which joint network communication and policy work (→ parents, citizen platform, initiatives) or legal actions are build on*

- The 1<sup>st</sup> proposition would be built on the 3 pillars:
  - o Freedom in Education
  - o Equality in access to Education
  - o Solidarity in financial contribution

With all these words, we shall formulate our common vision, while taking into account what sense the chosen words may have in each country (*see also proposals for constitutional articles on education in [A]*)

- Coordination: Johanna Keller;

Steps:

1. 1<sup>st</sup> draft by Johanna Keller agreed and amended by: Friday-Morning team + Henning Kullak-Ublick, Kurt Wilhelmi, Christoph Strawe, Ingo Krampen (editing committee); with consultation of Gerald Häfner
2. 2<sup>nd</sup> draft: to all participants for commenting; A mail list will be started by Beatrice or Johanna → Final wording → agreement after final consultation within the participants!
3. Once the vision is formulated, we can check how passages in legal texts, which express the right for Free choice in education, should be worded differently to comply with our vision.
4. Time frame: → May 2012

#### Activity (4)

*Creating a network / platform between all independent school movements and involved organisations for mutual support and appearance on the public and political stage*

- An Internet Platform will be created as communication tool for our networking, aiming at:
  - stating and advocating our aims, vision, key-words, findings,
  - creating liaisons and coalitions, finding allies
  - mobilising civil society
  - advocating & lobbying for our vision,
  - integrating all relevant associations, organisations, movements, networks, individuals demonstrating broad support in (civil) society in
  - communicating at all levels - allowing to exchange thoughts and ideas on our issues - launching debates on pluralism for all
  - informing about the status quo in each country
  - Establishing a *European Day for Pluralism*
  -
- Beatrice Lukas offered to serve as webmaster and focal point to maintain the website
  - Funding is needed for this work

#### Steps:

1. 1<sup>st</sup> draft concept (still without layout but elaboration on the bullets above) drafted by Bea Lukas, Anne Charrière, Pia Amacher, ... **who else** ... and sent to Stuttgart participants for feedback
2. Investigate possible further associations, federations etc within the EU ... **who? Effe/Anne Liekenbrock/ECNAIS/ECSWE ?**
3. 2<sup>nd</sup> Final concept including lay-out and technical features, costs, financing, possible subsidies etc.
4. Define an editorial team and responsibilities
5. Decision and internal agreement between Network representatives!
6. Time frame: → June 2012

#### Activity (5)

##### STATUS QUO INVESTIGATION

- Legal and funding status of independent schools in Europe
  - compact and well structured verified data on the legal definition and recognition criteria as well as funding status of non state schools
  - basic statistics on number and %age of schools and students
  - Continue / complete questionnaire as launched for the Stuttgart meeting
  - Verify data
  - Evaluate data and make it publicly available
  - Create a regular update procedure

- **“Complete” collection of existing organisations** [EU-wide & eventually/option for second step also national]:
  - Parents organisations (→ *PUBLIC* → *CONFESSIOAL* → *INDEPENDENT schools*)
  - School organisations → *INDEPENDENT schools* (→ Johanna Keller)

Steps:

1. Check how we can complete questionnaire → Anne Liekenbrock (EFFE), Florian Amlinger, Chiara Corone (ECSWE), Simon Steen, Per Kristensen (ECNAIS) ....
2. Develop Format of evaluation and publication: EFFE website in junction with ATLAS Project!
3. Collect data, create database on parents & school organisations as described above
  - Parents organisations → Bea Lukas ... **who supports?**
  - school organisations → Joanna Keller ... **who supports?**
4. ....

<b>Activity (6)</b>
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Continue with a further <i>NETWORK MEETING</i>
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- **In order to join forces and to continuously strengthen our movement(s) it was a positive mood to continue with a further network meeting/conference within a years time frame .... if**
  - Some of the above listed Activities have been launched or completed accordingly which will enhance the basis for the common perspectives and actions

*RESULTS OF THE WORLD CAFÉ*

Key words presented	Remarks; additional cards collected
<b>OBJECTIVES, VISION, WHAT DO WE WANT TO ACHIEVE?</b>	
FINANCING ; fair financial support	... for all schools as they are part of publicly accessible and acknowledged education system
AUTONOMY / self-responsibility	... for the schools and its co-workers
SELF-GOVERNED individualities - human, civilised, responsible	... This was a vision addressed at the students leaving our schools
PLURALISM	... accessible for ALL - without economic segregation [see ' <i>financing</i> '] ... free choice in education
NETWORK	... creating a network between ALL independent school movements and actors therein for mutual support; ... integrate the whole range of organisations and federations in our field from all EU countries to strengthen our ideas and goals ... make the topic known to your own organisation ... regular meetings within the "community" to assure common language
COMMON LANGUAGE	... throughout all our movements in our self-definition. This is referring to a debate among the participants about how our schools are characterised/defined best: <i>alternative, independent, free, private, "freie Trägerschaft", autonomous</i>
LAWSUIT, legal action	...following B. Rapp's proposal ( this might rather fit into the section ' <i>means for achieving the vision</i> ') ... education based on a holistic approach, not reductionist, technocratic education
<b>MEANS FOR ACHIEVING THE VISION</b>	
MOBILISE CIVIL SOCIETY	... keywords: * at all levels /actors of society; Think tanks in Brussels, ECAS [European Citizen Action Service] ... documentation, publication of results and demands
LEGAL ACTIONS	...following B. Rapp's proposal
LOBBYING	... on local, national, international level: Important: the human, direct contact and interaction. ... safeguarding free/independent education ... with EU institutions
COMMUNICATION at all scales	... local, regional, national, international levels using all possible media, human interaction ... documentation, publication of our work ... more conferences e.g. in Brussels ... use social networks for publishing the goals and ongoing activities etc. by the European umbrella organisations
LARGE DEBATE	... on all concepts and issues relating to our vision and

Key words presented	Remarks; additional cards collected
	... using all possible media
A EUROPEAN DAY for pluralism in Education	
INVESTIGATE THE STATUS QUO	legal status of independent schools (IS) and their funding in MS (started questionnaire continues to be elaborated)
<b>UNCERTAINTIES, OPEN QUESTIONS, RESOURCES, POSSIBLE STEPS / MEASURES / ACTIVITIES</b>	
KNOWLEDGE	???
MONEY	???
SYNERGY OF INTERESTS by developing further NETWORKING/RELATIONSHIPS	
<u>Uncertainty</u> about our AIM & NEXT STEPS	... we have to define concrete actions
<u>Open question</u> KNOWLEDGE vs. CHILD DEVELOPMENT	...How can we communicate and explain the divergence between orientated education
SOCIALLY DEPRIVED vs. PLURALISM	
PRIVATE vs. PUBLIC	... pluralism for private as well Public school Or an overall pluralistic school system ... define the relation between the role of governmental/state and education
if AUTONOMY ... which EVALUATION	Develop in case of full autonomy a scheme of internal and external evaluation
PLURALISM + AUTONOMY increases ECONOMIC EFFICIENCY	Demonstrate that the realization of educational pluralism including full educational and administrative autonomy would improve the economic efficiency/performance of individual schools and of the school system as a whole
	...Clarify definitions: e.g. <i>FREE; EDUCATION; INDEPENDENT, AUTONOMOUS, ...</i>
	... Clarify the possible confusion in the debate about pluralism and autonomy vs. standardisation/equality/comparability in testing/exams etc.

## ANNEX I - LEGAL TEXTS

### **Resolution on Freedom of Education in the European Community. Passed in the European Parliament 14-3-1984.**

*In accordance with the right to freedom of education, Member States shall be required to provide the financial means whereby this right can be exercised in practice, and to make the necessary public grants to enable schools to carry out their tasks and fulfil their duties under the same conditions as in corresponding State establishments, without discrimination as regards administration, parents, pupils or staff.*

### **The Charter of Fundamental Rights of the European Union<sup>1</sup>:**

#### **Article 14 - Right to education**

- (1) Everyone has the right to education and to have access to vocational and continuing training.*
- (2) This right includes the possibility to receive free compulsory education.*
- (3) 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.*

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#### **Article 21: Non-discrimination**

- (1) Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited.*
- (2) Within the scope of application of the Treaty establishing the European Community and of the Treaty on European Union, and without prejudice to the special provisions of those Treaties, any discrimination on grounds of nationality shall be prohibited.*

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<sup>1</sup> [http://www.europarl.europa.eu/charter/default\\_en.htm](http://www.europarl.europa.eu/charter/default_en.htm)

**Right to education under the Protocol to the ECHR as amended by Protocol No. 11**

**Article 2: Right to education**

*No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.*

**EU TREATY (LISBON)**

**Article 2:**

*The Union is founded on the values of respect for human dignity, **freedom**, democracy, **equality**, the rule of law and **respect for human rights**, including the rights of persons belonging to minorities. These **values are common to the Member States** in a society in which **pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.***

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**Article 6:**

*(1) **The Union recognises the rights, freedoms and principles set out in the Charter of Fundamental Rights of the European Union of 7 December 2000, as adapted at Strasbourg, on 12 December 2007, which shall have the same legal value as the Treaties. The provisions of the Charter shall not extend in any way the competences of the Union as defined in the Treaties.***

*The rights, freedoms and principles in the Charter shall be interpreted in accordance with the general provisions in Title VII of the Charter governing its interpretation and application and with due regard to the explanations referred to in the Charter, that set out the sources of those provisions.*

*(2) **The Union shall accede to the European Convention for the Protection of Human Rights and Fundamental Freedoms. Such accession shall not affect the Union's competences as defined in the Treaties.***

*(3) **Fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms and as they result from the constitutional traditions common to the Member States, shall constitute general principles of the Union's law.***

*Article 67:*

*(1) The Union shall constitute an area of freedom, security and justice with respect for fundamental rights and the different legal systems and traditions of the Member States*

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*A. DECLARATIONS CONCERNING PROVISIONS OF THE TREATIES*

*1. Declaration concerning the Charter of Fundamental Rights of the European Union*

*The Charter of Fundamental Rights of the European Union, which has legally binding force, confirms the fundamental rights guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms and as they result from the constitutional traditions common to the Member States.*

*The Charter does not extend the field of application of Union law beyond the powers of the Union or establish any new power or task for the Union, or modify powers and tasks as defined by the Treaties.*