BEYOND THE STATE, BEYOND EUROPE: DEFINING EDUCATIONAL EQUITY FOR CZECH ROMA

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The struggle for equity in education is a global phenomenon. The leaders of the American civil rights movement were inspired by Gandhi's non-violence in India, and the litigation leading to the Brown decision is now studied around the world. The 2007 European Court of Human Rights decision concerning the segregation of Roma school children in the Czech Republic is the latest manifestation of this trend. International and local actors now play key roles in defining and working toward equity. As a result, equity is no longer exclusively a national issue in Europe.

This article considers the different ways European organizations and the Czech government frame the Roma inequality issue. The use of these frames to structure understandings of past policies and recommendations for future changes rest on competing definitions of equity and explanations of inequity. As the dialogue about educational equity has expanded beyond the state, conceptions of equity linked to different frames have emerged. European groups use a frame of "state as primary violator and transformer" to identify the Czech government as first and foremost responsible for inequitable realities. The Czech government frames the issue as "minority as violator and transformer" to draw attention to the equitable aims of the state and to Roma culture as the root problem. The difference in the way these groups frame the issue complicates transnational conversations about equity, but also highlights the possibility of finding harmony between the frames in order to work towards a more equitable educational system.

In the twenty-first century, the fight for equity has become a global phenomenon. Although it received scant attention in the United States, the European Court of Human Rights issued a landmark educational equity decision in November 2007. In the European Union's first school desegregation case, D.H. and Others v. the Czech Republic, the Court found the government of the Czech Republic guilty of systematically segregating the Roma, colloquially known as gypsies, into so-called "special schools" for children with learning disabilities. It is not a coincidence that this practice mirrors the overrepresentation of African-Americans in special education tracks in the United States. The European court ruled that this method for segregating the Roma violated their fundamental human rights and constituted a form of unlawful discrimination. The Court's decision constitutes a major European statement against

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discrimination and the inequitable practice of segregating Roma students from the majority population.

Equity strategists from around the world have looked to school desegregation in the United States for inspiration and information. Models of strategic legal litigation, such as Brown v. Board of Education of Topeka (1954), have played a central role in cases involving Roma students in the Czech Republic, Bulgaria and Hungary. Dimitrina Petrova, the executive director of the European Roma Rights Centre (ERRC), highlights the importance of the US experience for contemporary school equity cases involving the Roma: "This is Brown v. Board of Education in Europe. This is a purely American paradigm. It's not a right if you can't defend it in court" (Pohl, 2006). The global circulation of strategies in the struggle against educational inequity represents a significant dynamic of the Roma school-segregation issue.

The international dynamics of the struggle for equity are not new. Gandhi's non-violent strategies to fight discrimination were honed in South Africa in the 19th century, and were inspired in part by the writings of Henry David Thoreau. The American civil rights movement, which was in turn inspired by Gandhi's subsequent efforts in India, adopted these methods to great effect. Now, the American model is actively studied not just by advocates for equity in single countries – and not even just in Europe – but by organizations and actors that span the globe. In the Roma desegregation case, for example, international organizations and actors are playing central roles in the creation of a more equitable education system for the Roma and other minorities. As the ruling in D.H. and Others v. the Czech Republic illustrates, the conceptualization and struggle for more equitable education has involved multiple parties that are invested in working against the school-based discrimination against the Roma, Europe's largest minority group. These groups include non-profits (known as non-governmental organizations, or NGOs, in most of the world); pan-European organizations, including the European Union and Council of Europe; and grassroots Roma groups.

The central premise of this article is that actors above and below the state play a key role in defining equity and working for change. Equity in education is no longer exclusively a national issue in Europe. In the last fifteen years, conversations addressing fundamental inequities in the education system have expanded beyond the state to include both local and global actors. As a sense of responsibility and concern for equitable education extends to international and grassroots levels, it has become clear that different groups "frame" the

inequality issue differently (Tannen, 1993, p. 18). Tannen posits that frames "can be understood as structures of expectation based on past experience" (p. 53). Framing "is a relational concept" (Tannen, 1983, p. 19) that helps to explain the way individuals "agree upon the level of abstraction at which any message is intended" (p. 18). In the conversation about equity in Roma education, Europe frames the issue as state as primary violator and transformer in which the Czech Government violates European norms and protections of human rights and minority groups. The decision in D.H. and Others v. the Czech Republic – that the segregation of Roma into special schools is a form of unlawful discrimination – aptly illustrates this frame. The terminology used within this frame defines inequitable realities as "segregation," for example, and highlights the discriminatory effect of state policies and laws. Within this frame, Europe also identifies the state as the primary agent of transformation. European political organizations crystallize equity norms, while states generate legal and policy changes at the national and local levels.

In contrast to European organizations, the Czech government frames the Roma inequity issue as one in which the minority is the primary violator and transformer. Using this frame, the onus is on the Roma, not the state, to change and adapt to state and European norms. A strong deficit view of the Roma shapes this frame. Deficit perspectives position minority students, such as the Roma and their families, "at fault for poor academic performance because: (a) students enter school without the normative cultural knowledge and skills; and (b) parents neither value not support their child's education" (Yosso, 2005, p. 75). Within this frame, the Czech government highlights its integration efforts and identifies the roots of inequity as the values and "social handicaps" of the Roma.

In this era of European Union (EU) expansion into Central and Eastern Europe, where at least twelve million Roma reside, the issue of educational inequity has gained greater scholarly and public attention. The EU accession process and subsequent monitoring of pan-European agreements provides a fresh opportunity to investigate the multiple frames and concomitant understandings of equity in contemporary Europe. In this article, I present my findings from a qualitative textual analysis of policy documents concerning Roma education including EU monitoring reports, governmental policy concepts, NGO studies, and country assessments in which I examined the varied understandings of equity and desegregation. I used open and axial coding (Cresswell, 1998) to identify conceptual themes across documents. I

then analyzed these themes in order to identify features that signaled framing commonalities and differences.

Context

The Roma are the largest minority group in Europe. In the Czech Republic, they number as many as 300,000 in a country of 10 million. Most of the contemporary Roma population moved to the region after World War II. The previous Roma population, which had migrated to current-day Czech Republic perhaps in the Middle Ages, had been virtually eradicated by the Holocaust. As in other European countries, the Roma are segregated from the majority population through residence, employment, and schooling. Poverty, dropout and unemployment rates for Roma are significantly higher than for ethnic Czechs.

Although the state does not collect statistics based on ethnicity, Roma activists (Decade Watch, 2007) have found "that there are gross disparities between Roma and non-Roma in Czech Schools, both in terms of opportunities and outcomes" (p. 80). The most detailed estimates provided in the 1990s by Citizens' Solidarity and Tolerance Movement (HOST), a Czech human rights organization, identified Roma children as fourteen times more likely to fail and thirty-six times more likely to drop out before graduation from high school than non-Roma students. At the secondary level, only 2.5% of Roma children attended school, compared with 38% in the non-Roma community (Kalibova, Haisman & Gjuricova, 1993, p. 143). In addition, there was minimal advancement of Roma from secondary to higher education – only 0.4% of Roma men and 0.2% of Roma women had enrolled in universities.

Educational segregation of the Roma has taken at least three forms in the Czech Republic - placement in schools that do not offer the mainstream curriculum enrollment in so-called "ghetto schools," and in-school tracking. For decades, the majority of the country's Roma haven been segregated into schools offering a curriculum adapted to students evaluated as mentally deficient. These schools were known as "special remedial schools" until January 2005 when the Czech government recategorized them as "practical primary schools" in an effort to reduce social stigma and promote integration. Despite the name change and minor curricular adjustments, the curriculum of these institutions, according to recent research, has remained the same and inferior to that of their "standard primary school" counterparts

(Danova, Goldston, McLean, Klaus & Linden, 2008, p. 4). The Czech government (European Commission, 2004, p. 18) estimated that 75% of the Roma children attending primary school were enrolled in special remedial schools despite recognition among teachers and administrators that "the vast majority of these students do not actually have any intellectual disabilities and were placed in special schools simply as a result of problematic assessment and placement procedures" (Decade Watch, 2007, p. 80). In general, observers agreed that these schools, in both their past and current forms, offer an education that is inferior to that of their mainstream counterparts and dramatically decrease opportunities for educational advancement to the secondary and tertiary levels. The overrepresentation of Roma in special education schools constitutes a pattern of discriminatory overrepresentation of a minority group similar to trends in the US (Losen & Orfield, 2002). A second type of segregated schooling exists via neighborhood schools where the majority of the students are Roma. Observers label these institutions "ghetto schools" (European Roma Rights Centre, 2007, p. 12) and point to the inferior conditions and outcomes of these schools compared to those serving the ethnic Czech majority. Finally, segregation within mainstream "standard primary schools" operates through the separate tracking of Roma apart from ethnic Czechs (Roma Education Fund, 2007, p. 10).

The Czech government became actively engaged in the Roma education crisis in the late 1990s. Three factors, which highlight the persuasive role of Europeanization, contributed to this turning point in the policies towards Roma education: (a) increased international pressure on the Czech government to change their discriminatory policies towards the Roma, (b) the Czech government's awareness that less discriminatory minority education policies would aid in accession to the E.U.; and (c) the Roma activists' appeals to the Czech government to cooperate in reforming the education system. Concentrated government efforts to improve the socio-economic status and educational system are described in post-EU accession documents both in the government's Roma Integration Policy Concept (2005) and in reports of its cooperation with the regional Decade of Roma Inclusion, 2005-2015. The government's (2005) attempts to support "equalizing action in Roma education" (p. 20) concentrate on providing Roma children with "adequate education" within their existing schools. The government has made concrete changes to address educational inequity including the recruitment of Roma teaching assistants for schools serving majority Roma students and the development of preschool programs to serve Roma. The Czech government (2005) does not

endorse the creation of a separate Roma education system or the forced desegregation of schools with a high concentration of Roma students.

Defining Equity, Identifying the Problem

An examination of both European and Czech policy documents concerning Roma education reveals that European institutions and the Czech government "frame" the inequality issue differently. Europe frames the issue as state as primary violator (of European norms) and transformer (of inequitable circumstances), while the Czech government uses a frame of minority as primary violator and transformer. These two frames rely on different definitions of equity and identify contrasting sources of the problem. International groups highlight inequitable realities through use of terms, such as "segregation," that highlight the discriminatory effect of government policies and laws. In contrast, the Czech government emphasizes equitable aims of the state through terms, such as "integration." A hallmark of both the international and Czech discussion on the education of the Roma is the absence of an explicit mention of equity/inequity; instead, proxy terms, especially "segregation" and "integration," are used to capture the inequalities or transformations in the public schooling system. The preference for these proxy terms speaks to international assumptions about both the embedded inequality of segregated school systems and the supposed effects of integration efforts in addressing systemic inequities. In European policy documents, ranging from the European Human Rights Court decision to the 2007 Decade Watch monitoring report, the fundamental inequity identified in the educational sphere is segregation. Only one document, Advancing Education of Roma in the Czech Republic (Roma Education Fund, 2007, p. 50-55) includes a concentrated analysis of equity in Czech educational policy along with a focus on segregation.

In contrast to the European documents' attention to "segregation" resulting from indirect discrimination,, the Czech Government highlights the actions of the state with attention to integration efforts. The focus on equitable aims instead of inequitable realities surfaces in the names of policies (e.g., "The Roma Integration Policy Concept") and in the content of the government's exchanges with European organizations. In official comments to the Council of Europe Advisory Committee on the Framework Convention for the Protection of National

Minorities (2005), the Czech government makes numerous references to "integration." The government did not at all incorporate "equity" or "segregation" into the document. The contrast in the concepts found in these European and Czech policy documents suggests that although the dialogue about educational equity has expanded, conceptions of equity embedded in the differing frames of the Roma inequality issue diverge.

Various transnational and non-governmental groups also frame the sources of inequity differently. Pan-European organizations point to the Czech government as responsible for failing to create a more equitable education system. The state is depicted repeatedly as the primary violator of European diversity and minority rights' norms. Decade Watch (2007) drew attention to the government's very denial of the problem by stating, "[T]he Czech government has yet to acknowledge the dimensions - or, for that matter, even the existence - of segregation of Roma in the national education system" (p. 80). The international and European agencies' attention to the Czech government's continued practice of separate schooling acknowledge local-level politics as particularly problematic. The European Monitoring Centre on Racism and Xenophobia writes, "[E] vidence suggests that progress is often slow and difficult mainly due to resistance by local government and pressure of non-Roma parents. There are several reports of strong negative reactions by parents, as well as by school and local authorities (e.g., in Hungary, Slovakia, Greece, Cyprus, the Czech Republic and Spain) to an increase in the number of Roma pupils in mainstream schools" (Centre, 2006, p. 8). Finally, within the frame of "state as primary violator," the Czech government is criticized for making only cosmetic changes in their efforts to desegregate schools. In their evaluation of the Czech government's policies to increase Roma inclusion, Decade Watch (2007) concluded:

As far as desegregation goes, the change has been mostly terminological: The vast majority of students in these basic practical schools are still Roma – indeed, segregated Roma settlements often do not have access to schools other than these former special schools....The teachers in the basic practical schools are still special pedagogues, and the curriculum, which is still less academically challenging than in mainstream schools, emphasizes manual skills over intellectual development. As a result, basic practical school graduates are not, in practice, able to compete with regular mainstream graduates for admission to secondary school. (p. 81)

The Czech Government has responded defensively to European criticism. Within the frame of "minority as violator," the Czech government deflects attention away from the decisions of the state and highlights its positive response to the European Union non-

discrimination directives (Government of the Czech Republic, 2005). The different framing of the Roma equity issue positions the state defensively vis-à-vis Europe. For the Czech Government, Europeanization will progress on its own terms not through what it believes to be an unreasonable and unjustified international critique of state policies. Reflective of this state response are the Czech government's official comments to a Council of Europe advisory committee on the protection of national minorities: "The Czech Government does not accept the repetitive Advisory Committee's clichés about special schools, preparatory classes, teacher's assistants, etc. in the context of the situation of persons belonging to Roma communities" (Advisory Committee on the Framework Convention for the Protection of National Minorities, 2005, p. 3).

In contrast to the European framing of the Roma inequity issue, the Czech government primarily identifies the Roma and their culture as the source of problems in the educational system. State documents reflect an underlying deficit ideology; it is the Roma population, not the government's orientation towards this population, in need of change. Capturing this deficit orientation is the Roma Integration Policy Concept (2005), in which the Roma population is repeatedly described as having a "socio-cultural handicap" (p. 17). One of the six priorities in this Policy Concept addresses these handicaps in an effort to assist "in removing internal obstacles preventing the inclusion of members of Roma communities into society, i.e. mainly removing handicaps related to education and skills" (p. 6). The observations of the Czech Government (2006) for consideration in the D.H. and Others v. the Czech Republic case advance a more pointed critique of the minority community. The government identifies the Roma plaintiffs' "passivity" and their "lack of interest" in further education as the reason behind their inadequate educational outcomes (p. 8). They conclude that the "State is not to be blamed; rather the passivity of the applicants, who do not make any effort at changing the situation" (p. 8).

Within the minority as primary violator frame, the Czech Government makes broad generalizations about Roma culture and its influence in shaping educational attitudes. In observations for the European Court, the Czech Government (2006) highlights the deficits of the Roma in comparison with the Czech majority: "The research proved great difference [sic] between values of majority (non Roma) community and Roma community. While majority community prefers education, traveling and professional career [sic], Roma community prefers

family life" (p. 13). The Government of the Czech Republic's Roma Integration Policy Concept (2005) further demeans the civic nature of the Roma in stating, "The government is convinced that the more Roma feel themselves to be Roma, the freer and more responsible citizens they will become" (p. 5). The government's decision to highlight the differing and problematic values of the Roma without mention of the social structures and policies contributing to inequities reflects the difference in European and Czech frames. The contrast between the Czech government's and the European organizations' explanations of inequity suggests the importance of expanding this dialogue beyond the state both to include differing perspectives and to challenge the well entrenched deficit views of the minority population.

Beyond the State

Within the frame of the state as primary transformer of inequitable educational opportunities, European organizations maintain their secondary position in addressing inequalities. Paradoxically, although the participants and the geographic contours of the equity conversation in Europe have expanded well beyond state borders, the state remains legally and ideologically the primary actor in making equitable change within the education system. Both the EU and the Council of Europe (COE) highlight the primacy of the state in dismantling inequity. In his opening speech at the European Roma Summit in 2008, José Manuel Durão Barroso, the President of the European Commission, reminded the audience, "The instruments for creating change are mainly in the hands of the Member States. Key policies for the inclusion of Roma are the competence of Member States, though they are, or can be, coordinates at the Community level" (2008, p. 4).

The pan-European political organizations - the EU and the COE.- do, however, play an important role in attempting to crystallize equity norms across the continent. In part, Europeanization, or "the processes and mechanisms by which European institutions-building may cause change at the domestic level," (Winn & Harris, 2003, p. 1) aims to dismantle segregation through advocacy, public persuasion and monitoring. Europe hopes to launch a debate in Member States "to ask themselves whether in fact enough is being done in order to integrate the Roma" (European Roma Rights Centre, 2005, p. 29). Although the EU and COE cannot pass laws to reform domestic education systems, bodies like the European Parliament can act as a persuasive force through public resolutions. For example, the Parliament's 2005

resolution on the situation of the Roma in the European Union made the following two points concerning education:

[15.] [The body calls] on Member States in which Roma children are segregated into schools for the mentally disabled or placed in separate classrooms from their peers to move forward with desegregation programmes within a predetermined period of time, thus ensuring free access to quality education for Roma children and preventing the rise of anti-Romani sentiment amongst schoolchildren

[16.] [The body recalls] the resolution of the Council and of the Ministers of Education meeting within the Council of 22 May 1989 on school provision for gypsy and traveller children and considers that ensuring that all Roma children have access to mainstream education remains a priority (European Parliament, 2005).

As Castellani (2006) of the Council of Europe notes in her reflections on the function of international texts concerning Roma education:

Resolutions, recommendations and declaration are not legally binding documents; but regardless of the legal character of international texts, they are of great importance because they are a common standard of achievement that can serve as yardsticks of accountability and responsibility....Most importantly, international texts are written to generate policy changes to be implemented at the national and at the local level. (p. 7)

European non-governmental and Roma grassroots groups also share the "state as primary transformer" frame of the European organizations. Along with the EU and the COE, these groups help to expand the repertoire of strategies used to advance educational equity. While tens of NGOs are involved in Roma education reform, the European Roma Rights Center (ERRC) is one of the longest standing and most prominent NGOs working for equity. ERRC has made a clear position statement on school desegregation and has invested over a decade into strategic litigation campaigns to dismantle discriminatory education laws. Petrova (2007), executive director of ERRC, is extremely critical of the Czech policy supporting any separate schooling practices, stating, "It is a misguided policy to work towards assuring school success for Romani children in the racially segregated schools and to define such success as a prerequisite for the integration of the Roma in the mainstream society" (p. 4). NGOs have also played a crucial role in their state-monitoring process by drawing attention to the deficit of appropriate diversity and anti-racist programs within Czech majority schools. For example, a coalition of five NGOs (Danova et al., 2008) concluded that "there is no systematic programme for anti-racism and anti-discrimination training in the Czech school system targeting school authorities/teachers and students to reduce discrimination and harassment experienced by

Romani children and parents in standard schools to make standard schools a more welcoming environment" (p. 15).

The Czech Roma have challenged both the state charges of cultural deficit and the inferior education offered to their children through the creation of a variety of independent educational institutions. The efforts of the local Roma community to develop a Roma-friendly education system represent a crucial part of a larger campaign to improve the life possibilities and rights of the Czech Roma. The efforts of activists to create educational alternatives for Roma children, who are placed in schools offering a sub-standard curriculum, reflect the myriad of approaches in addressing systemic inequities in the Czech system. These activists find the creation of a parallel Roma school network to advance the twin goals of integration and cultural development. These Roma schools, which range from nursery school to high school, have a common goal – to create an environment within schools that is conducive to providing an education for their children, to further educational and professional opportunities, to reaffirm the Roma language and culture, and to treat children with respect. An additional crucial goal of the Roma schools is the cultivation of a generation of educated Roma, who will become leaders and role models in their families and communities.

Beyond Europe

Within the European frame of identifying the state as the primary violator of European norms, the desegregation experience of the United States functions as both an inspiring and sobering template for litigation as a strategy to undermine inequity in Central and Eastern European states (Goodwin, 2005; Hepple, 2006). The landmark school desegregation case of Brown v. Board of Education of Topeka (1954), as well as subsequent cases, including Green v. County School Board of New Kent County (1968) (European Roma Rights Centre, 2005, p. 27), surface as powerful touchstones for groups like the ERRC, which are directly involved in crafting legal cases against state-based educational inequities. Petrova (2007), executive director of the E.R.R.C., attests to inspirational role of the Brown decision:

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We want to see European courts agree with the reasoning of the US Supreme Court of forty-eight years ago when it decided the case of Brown v. the Board of Education: "Does segregation of children in public schools solely on the basis of race, even though the physical facilities and other 'tangible' factors may be equal, deprive the children of the minority group of equal educational opportunities? We believe that it does....To separate...[children]...from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely to ever be undone.

The inclusion of reflections on Brown by legal staff and organizations involved directly in the case (Greenberg & Sleeper, 2004; Greenberg, 2004; Taylor, 2002) speaks to the global sharing of ideas, strategies and lessons of US-based experiences with litigation, desegregation, and integration models.

The contributions from the US also function to caution European groups about the limitations of litigation as a strategy for educational equity. In his consideration of the European legacy of Brown, Hepple (2006) reminds us of the significant contextual differences between the US and Europe, which challenge the transfer and borrowing of legal ideas (p. 605). Greenberg and Sleeper (2004) further caution against litigation in domestic and regional courts:

[It] cannot be the entire solution. The legal culture and role of the judiciary in Europe require that litigation be supplemented by, and in most cases remain secondary to, local and national initiatives that combine educational programming, community outreach, and social support in the effort to integrate schools. The human rights approach throughout Europe is reflective of a more holistic approach to legal protection. (p. 55)

Despite the global circulation of strategies, these observations serve as a reminder that legal approaches to advance equity are neither sufficient for real change, nor universal.

When national legislation is enacted to desegregate education in the Czech Republic, the post-Brown experience of school desegregation in the US might foreshadow future policy challenges. Already, in a striking parallel to the reaction to the Brown decision, some groups in the Czech Republic have called for the immediate desegregation of schools; others have recommended a more gradual approach of integrating the segregated communities. As the Czech government considers integration possibilities, the role of school choice and voluntary and forced integration in the US may be instructive.

Conclusion

In reflections on attempts to integrate US public schools, Powell (2005) argues:

Desegregation is only the first step in eradicating segregation. It must be followed by the transformative and inclusive goal of true integration...True integration moves beyond desegregation – beyond removing legal barriers and simply placing together students of different races. It means bringing students together under conditions of equality, emphasizing common goals. (p. 297)

An examination of European and Czech policy documents concerning Roma education reveals the global challenge of enacting effective integration policies. As the dialogue about educational equity has expanded to include voices from beyond the state to the halls of the European Court of Human Rights and to the European Roma Summit, it has become clear that groups are framing the Roma inequity issue differently. The two central findings from this research – that frames of European organizations and the Czech government allow for contrasting definitions of equity and identify differing sources of inequity – serve to remind us of the political and cultural challenge to transform well entrenched deficit views. As the experience of the Czech Roma aptly demonstrates, the state's reluctance to make significant change restrains the imagined possibilities of a more equitable system.

Despite the conflicting framing of the equity issue in Europe, possibilities exist to bridge perspectives and to cooperate for change. The broad-based consensus among different groups that the segregation of Roma from the majority population is inequitable constitutes an important starting point. The European and Czech frames will begin to overlap as the state begins to pass "specific legislative measures...to address the complex barrier to school desegregation" (Danova et al., 2008, p.2). That is, as the Czech government applies the principle of equal treatment, it will open opportunities for the Roma to act as social and cultural transformers. For example, bringing the curriculum of the practical primary schools in line with the mainstream curriculum of standard primary schools will help to open educational options for graduating students. This comparative analysis of European and Czech policies to promote equity captures the critical importance of identifying ways to bridge the gap between different frames of equity or, at least, successfully juggle them at a policy level in order to cultivate opportunity and equality for Czech and Roma youth.

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1. Despite the multiple challenges faced by the Roma community, three Roma schools have been founded since 1993 in the heavily Roma-populated areas of the Czech Republic: the Začít Spolu (Starting Together) preschool program (in Rokýcaný), the Premysl Pitter Basic School (grades 1-9, in Ostrava), and the Romani High School for Social Affairs (grades 10-12, in Kolín). All of these schools encourage integration instead of assimilation.

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