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## **Education policy and school segregation of migrant students in Catalonia: the politics of non-decision-making**

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This article shows how the Catalan government has not developed an agenda to tackle school segregation despite the growing number of migrant pupils who arrived over the course of the last decade. Education policy has explicitly disregarded the possibilities of improving the regulatory framework for tackling segregation; it has exercised insufficient control over the effective application of education regulations on the balanced schooling of pupils with specific educational needs; and it has taken decisions on education policy which have even accentuated school segregation. This article provides empirical evidence on the characteristics of school segregation in Catalonia and on the education policies developed by the Catalan government in the domain of the schooling of migrant pupils. The study illustrates how the absence of an explicit school desegregation policy is an example of the politics of non-decision-making and a case which clearly manifests the need to overcome behavioural analysis in policy decision-making.

**Keywords:** education policy; school segregation; inequality; migration; critical policy analysis

### **Introduction**

The analysis of school segregation has assumed a noteworthy role in recent years in the education policy studies of European countries. The demographic transformations in education systems as a result of migratory movements and the changes in the mechanisms regulating school access have been factors which have generated greater school segregation processes in many European education systems and have increased the interest in analysing the diverse dimensions of the phenomenon. The academic debate in Europe seems to have paid less attention, however, to the analysis of education policy agendas in relation to school segregation. In fact, beyond the debate on the causes and effects of the latter, a less explored aspect of analysis has been that concerning the existence or not of education policies for tackling segregation and its ideological and political orientation. In Europe, political debates have revolved around the idea of the school integration of ethnic minorities, but these debates have not led to explicit school desegregation policies. Even academic analyses have discussed the idea of integration much more than the idea of fighting segregation (Rijkschroeff et al. 2005; Tomlinson 2003).

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The scarcity of these types of discussions in European education systems is indicative of the very absence itself of specific education policies on school desegregation. In the case of Spain and Catalonia, this absence is partly explained by the low presence of ethnic minorities in the Spanish education system up until the noughties. Discussions on the school integration of ethnic minorities since the 1970s had only focused on the school integration of the Romani population (Fernández Enguita 1999), without engaging however in an explicit policy on the balanced distribution of these pupils. As will be observed, the rapid arrival of migrant pupils over the course of the last decade has been a fundamental factor of school segregation in Spain and Catalonia. This change, however, has not created any visible school desegregation policies, an aspect which the Council of Europe has recently pointed out through the European Commission against Racism and Intolerance (ECRI).<sup>1</sup>

The absence of explicit policies to tackle school segregation in Europe is possibly the main reason for the existing gap between an increasing number of studies analysing specific forms, causes and consequences of school segregation processes and a lack of a political sociology focusing on whether or not education authorities react to the phenomenon by developing (or not developing) specific policy interventions. Analysing whether or not education policies have established priorities on tackling school segregation can illustrate how contemporary policy agendas in education are set up and which power relations underlie policy formation processes.

This paper aims to fill in this gap by studying how, in the Catalan case, the Department of Education has not only failed to develop an agenda to tackle school segregation, but has explicitly disregarded the possibilities of improving the regulatory framework for combating this segregation, has exercised insufficient control over the effective application of education regulations on the distribution of pupils with specific educational needs (SEN) and has taken education policy decisions which have even accentuated school segregation. The article illustrates how the absence of an explicit school desegregation policy is an example of the politics of non-decision-making and a case which clearly manifests insufficient behavioural analysis in policy decision-making.

To this end, in the first section, the article reviews significant studies on school segregation in Europe from which potential policies to tackle the phenomenon can be identified. The second section defines the politics of non-decision-making and suggests Lukes' three-dimensional power as a useful theoretical framework to understand education policy in Catalonia with regard to school segregation. The following two sections deal with an assessment of the historically dual nature of education in Spain and Catalonia as well as a presentation of the main characteristics of school segregation in present-day Catalonia. Once the background data have been presented, the study will focus on reflecting the politics of non-decision-making. Firstly the legal and political instruments available to the Department of Education and local administrations for deploying policies to combat school segregation will be described. Then, proof of policy omission in this field and of those decisions which have in fact been pro-segregative will be presented. Finally, in the last section, the factors underlying the politics of non-decision-making will be identified and Lukes' three dimensions of power in the field of school segregation will be analysed. A conclusion remarking on the possibilities of this type of analysis will bring the article to a close.

**Evidences of school segregation and policy implications**

Studies on school segregation in Europe and the USA present a high diversity of objectives and methodologies. On the one hand, there has been a proliferation of research on the weight of the factors regulating access to schooling in the explanation of the school segregation phenomenon. Thus, for some authors the gradual introduction of quasi-market mechanisms into education has brought about greater educational inequalities and has accentuated 'white flight' (Bagley 1996). School deregulation is seen from this point of view as the main cause of a greater segregation of education systems and of greater inequalities associated with school choice processes (Gillborn 1997; Tomlinson 1997). Nevertheless, other stances have highlighted that there does not seem to be any convincing empirical evidence regarding the relationship between school choice and the level of segregation between education systems. Gorard, Fitz, and Taylor (2001), for instance, point out that in the case of the UK, the socio-economic stratification of schools dropped following the introduction of the Education Reform Act of 1988. Further research, based on PISA data, seems to show that school segregation on a socio-economic basis is greater in those systems with more state intervention in regulating school access during the pupil admission process (Gorard and Smith 2004). This would explain why school segregation and residential segregation are more closely related in the systems with high state regulation (Jenkins, Micklewright, and Schnepf 2008).

Recent analyses have also identified the significance of school regimes in explaining school segregation in OECD countries (Alegre and Ferrer 2010). Institutional differentiation appears to be the main factor for understanding higher levels of school segregation both for the lower and upper socio-economic groups, a result shared also by other comparative studies (Jenkins, Micklewright, and Schnepf 2008). Countries in which educational tracks are defined earlier are more likely to segregate by socio-economic status than those which are more comprehensive. Other significant factors are the presence of independent private schools in each country/region, the number of schools competing in the same educational market and the autonomy of schools in admission policies (Alegre and Ferrer 2010, 455–6; Jenkins, Micklewright, and Schnepf 2008, 29).

Sociological research has also clearly demonstrated noteworthy differences in the ability of the middle and upper-middle classes to circumvent the requirements of access regulation. These strategies can be strongly determined by the residential situation or form of school transport (Noden et al. 1998), by the different social group skills for choosing schools (Ball, Bowe, and Gewirtz 1996; Gewirtz, Ball, and Bowe 1995), by racial rejection (Bagley 1996) or by the school 'colonisation' strategies of the middle classes which have difficulties in accessing the private education sector (van Zanten 2003). There has not been a shortage either of analyses on the actions of schools in employing mechanisms of adverse selection, mechanisms which work in parallel to the official admission systems (Broccolichi and van Zanten 2000; Dupriez and Maroy 2003).

Likewise, numerous studies have focused in recent years on analysing the potential effects of school segregation on educational outcomes. Reflecting on this body of research goes beyond the objectives of this article. It suffices to point out that, despite the complexity involved in determining the school mix effect (Gorard 2006), most research work which focuses on analysing the effects of school

segregation on the performance of migrant pupils highlights the existence of a significant composition effect in educational results variation.<sup>2</sup>

The existence of a composition effect should lead to a clear political implication. That is, regardless of the possible causes of school segregation, policies seeking education equity should address the question of the social composition of schools and generate the contextual conditions for increasing the social heterogeneity within schools (Alegre and Ferrer 2010; West 2006). Policy debates have been pointed out by many studies that have addressed school segregation. Thus, these analyses could have, for example, potential implications on the curricular configuration of educational systems, on the regulation of school choice, on school zoning or on the regulation of school autonomy in students' admission policies. However, education policy agendas in Europe have not explicitly included tackling school segregation as a priority.

Interestingly enough, it is noteworthy that in Europe, political debates on potential desegregation measures have been less present than they have in the USA. In a recent European Commission report that reviews policies to reduce early school leaving, references to occasional desegregation policies are made for Roma children in Hungary and Bulgaria, but no more than that (European Commission 2011, 6).

The discussion has been much more present in the USA where racial segregation has clearly determined the academic and political agenda. A good indicator of this is the *busing* policies as a school desegregation strategy introduced by many school districts from the 1970s onwards (Orfield 1978). The ruling by the US Supreme Court in 1954 to consider segregated schools as 'inherently unequal' in the *Brown vs. Board of Education* case, put school desegregation policies at the centre of the agenda. The persistence of school segregation in spite of *busing* has, nevertheless, fuelled certain positions which see school segregation as irrelevant in explaining the low school performance of ethnic minorities (Thernstrom and Thernstrom 2003) and emphasise aspects of school culture and teacher training. Whether desegregation policies are encouraged or not, the academic achievement of racial minorities has been a controversial issue. Hanushek, Kain, and Rivkin (2002) synthesise the lack of consensus in this field while criticising several methodological problems in isolating the real effects of desegregation policies from family background characteristics. Their study, based on panel data for Texas students, shows that there are significantly negative peer effects on black students in those schools with a high proportion of black students. These negative effects are particularly important for the upper half of the ability distribution and less significant for lower ability groups (Hanushek, Kain, and Rivkin 2002, 39). Other authors maintain that the processes of what is called 'school resegregation' continue to be decisive factors in explaining the inequality of educational outcomes and the unequal educational opportunities in American schools (Orfield and Lee 2005; Rumberger and Palardy 2005). Each of these stances can fuel different policy intervention logics, and ultimately they can lead to forms of intervention with a preferential focus (i.e. intervening in improving segregated schools without the aim of modifying the social make-up of schools) or to education planning policies aimed at desegregation.

### **The politics of non-decision-making**

The concept of non-decision-making was first used by the American political scientists, Bachrach and Baratz (1963), in their attempt to overcome the limits of

behavioural analysis in decision-making processes. These authors argue that power also exists covertly, and that non-decision-making power is a non-apparent but nonetheless extremely important face of power. The politics of non-decision-making would consist then of the capacity of excluding from the agenda those options not aligned with the dominant values.

Non-decision-making operates through processes of ‘mobilisation of bias’, ‘a set of predominant values, beliefs, rituals and institutional procedures that operate systematically and consistently to the benefit of certain persons and groups at the expense of others’ (Bachrach and Baratz 1970, 44). Explicit ideologies can prevent specific choices from being adopted, but not only these. Institutional processes and traditions can act as powerful obstacles to avoid specific actions, as can potential opportunity costs involved in certain decisions (McCalla-Chen 2000, 35). The politics of non-decision-making is therefore the covert face of power. By mobilising bias some individuals and groups have the capacity to avoid the emergence of power conflicts and confine policy-making to specific values, rituals and procedures.

The highly influential work of Steven Lukes in the 1970s extended the analysis of power to a third dimension. Lukes (2005) considers that the two-dimensional view of power (overt or covert observable conflicts) is a limited approach to understanding power. According to Lukes, power can also be exercised by shaping or influencing the preferences of those affected by political decisions. Lukes stresses the importance of the concept of latent conflict, a form of conflict where those subjected to power do not express or are even unaware of their interests.

Thus, the analysis of the policy decisions and omissions needs to look in depth at a concept of multidimensional power. Not only does this require observing the explicit decisions and the potential decisions that were ruled out, but recognising those cases in which power does not need to be exercised because it is able to rely on the complicity of those who are most disadvantaged. In the words of Lorenzi (2006, 91):

Lukes argues that power can be also exercised by *preventing* grievances – by shaping perceptions, cognitions, and preferences in such a way as to secure the acceptance of the status quo since no alternative appears to exist, or because it is seen as natural and unchangeable, or indeed beneficial.

Lukes’ three dimensions of power provide a useful theoretical distinction for analysing overt, covert and latent conflicts in the field of school segregation in Catalonia. By observing factual and potential alternatives in policies to tackle school segregation, we can assess how education policy has reacted to this problem, how it has managed to keep potential measures out of the agenda and the ways in which the prevention of grievances has functioned. Below, we will provide the data necessary to develop this analysis.

### **The dualisation of the education system in Spain**

The contemporary history of the Spanish education system explains its main feature of dualisation between the public and private sectors. The Franco State’s inhibition of the education system, and the delegation of the type of education offered – and of the ideological control – to the Catholic Church, resulted in major differences in the quality of education between the public and private education sectors and the channelling of the demand of private education by the middle classes (Bonal 1998,

2000; Calero and Bonal 1999). In Catalonia, factors related to the linguistic options of families were added to this (many private schools opted clandestinely for teaching through Catalan) as well as a strong presence of a private secular education sector. As a result, at the start of the 1980s, school enrolment in the private sector had reached 40% of the pupils in Catalonia.

Democracy brought with it, for the first time ever in the history of Spain, the building of a democratic, universal, public education system, and the guarantee of the right of citizens to education by the public authorities. The 1978 Constitution enabled the establishment of a basic consensus between conflicting education interests. Catholic private schools had historically benefited from indiscriminate public subsidies. Right-wing parties took on a fight to consolidate the privileges of private education also during the democratic regime, while parties of the left were interested in regulating for the first time ever a public education system and to expand its offer. The consensus between these competing interests was expressed in Article 27 of the Spanish Constitution. This article evidences the difficult negotiation process that took place between left-wing and conservative political parties. Both groups had to renounce at least some of their principles in order to achieve an agreement. Thus, if left-wing parties assumed a significant presence of publicly financed private education, parents' right to choose religious education for their children and a significant margin of parental school choice, the conservatives had to accept some type of control over the subsidised private sector: the non-compulsory character of religion in the curriculum, teachers' academic freedom and the participation of the educational community in school decision-making.

The law in question which emerged from this constitutional consensus was the Organic Law of the Right to Education (*Ley Orgánica del Derecho a la Educación, LODE*), 8/1985, of 3 July. This law, while guaranteeing the provision of the right to education by the public authorities, regulated the conditions governing private schools' access to public financing. Thus the system known today as the '*concierto educativo*' was established, according to which privately owned schools can receive public financing provided they fulfil three fundamental requirements: the principle of free schooling; regulation of the access to private, state-subsidised schools which is identical to that of public education (i.e. based on criteria which formally guarantee the non-selection of pupils); and a system for the education community to participate in school life through the School Education Councils (Bonal 1998).

Greater regulation of private education, however, has not prevented this sector from maintaining an important 'share of the market' from the mid-1980s onwards (Bonal 2002). It has only been in the last decade when private education has seen a reduction of its specific weight in overall school enrolment as a result of the significant arrival of pupils from abroad who have enrolled for schooling mainly in public education.<sup>3</sup>

This is the dualisation context in which the rising school segregation process in Catalonia must be assessed. Nevertheless, as will be seen in this article, the segregation process has not only been the reflection of the existence of two schooling networks, but it has also significantly affected public education itself.

### **A look at the situation of school segregation in Catalonia**

This section provides some examples on the characteristics of school segregation in Catalonia. The section builds on available studies reflecting school segregation in

Catalonia, and particularly on the study school segregation in Catalonia (Sindic de Greuges 2008). This study is based on a quantitative analysis of the school segregation of migrant pupils in 158 municipalities in Catalonia offering primary education and compulsory secondary education. These municipalities satisfy the characteristics of having the presence of foreign pupils and of having more than one school for each school year. In addition, the study analyses the policies developed by the government of Catalonia and local governments in this field, observes their application in certain municipalities and takes note of the main infringements of the right to education associated with these policies.

The noughties have brought with them great transformation of the demography within education in Spain and Catalonia. The data leave no room for doubt. Foreign pupils went from accounting for under 3% of pupils in the entire compulsory education system in Catalonia at the start of the decade to accounting for 15% in the 2007–2008 academic year (see Table 1). This change has resulted in an increase in the total number of pupils to receive schooling over the course of the decade (reversing the trend towards a reduction in the previous decade) and, above all, a serious problem regarding the needs to enrol groups with a large proportion of pupils representing ‘school risk’. The needs have been clear in aspects such as the building of new schools, the creation of new class groups in existing schools or the proliferation of numerous specific provisions aimed at pupils with SEN.

The demographic pressure and the characteristics of the change in the social profile of pupils are the factors which explain to a large extent the school segregation trends which have taken place in Catalonia. Table 1 shows us that the weight of foreign pupils’ schooling has fallen almost entirely on the public education sector, which has enrolled around 85% of them throughout the last decade. The equity index measures the imbalance in the schooling of foreign pupils between the public and the private sector by dividing the percentage of foreign pupils in each sector. Table 1 illustrates that this imbalance is greater in Catalonia than the imbalance existing in the entire Spanish state.

The analysis of school segregation in Catalonia shows overall dissimilarity indices of 0.46 for primary education and 0.35 for secondary education for the year 2006 (Sindic de Greuges 2008, 24).<sup>4</sup> Furthermore, it enables us to deny certain significant assumptions on the characteristics of the phenomenon which have often served to justify flippant or defeatist attitudes when considering the possibilities available to education policy for tackling segregation.

One of these clichés makes reference to school segregation being caused by residential segregation. It is true that the unequal distribution of social groups in the urban structure of municipalities creates differences in the social make-up of schools, and that this is one of the most influential determinants when explaining the phenomenon. Nevertheless, the data also show that school segregation ends up being higher than residential segregation or, in other words, that school segregation is only partly explained by residential segregation. For example, data for the most segregated municipalities show that some schools enrol as much as 30% more foreign students than the average of the reference area, while other schools in the same territory attend to 25% less foreign students than the average in the school zone (Sindic de Greuges 2008, 29).

In addition, for most municipalities, greater segregation is detected in general within neighbourhoods than between the neighbourhoods of the same municipality. To observe this, we use the Hutchens index ( $H$ ). The Hutchens index is the most

Table 1. Evolution and percentage of foreign students in primary and secondary compulsory schooling in Catalonia (2000–2001 to 2007–2008).

	2000–2001	2001–2002	2002–2003	2003–2004	2004–2005	2005–2006	2006–2007	2007–2008	2008–2009
Compulsory schooling									
<i>Foreign students (% Catalonia</i>	2.9	4.3	6.2	8.6	10.2	12.3	13.7	15.2	15.9
<i>Foreign students (2000 = 100)</i>	100.0	144.7	211.2	297.8	358.4	439.3	504.4	576.0	638.0
<i>Foreign students in the public sector (%)</i>	4.5	6.3	8.9	12.3	14.3	17.2	19.1	20.8	21.5
<i>Foreign students in the private sector (%)</i>	0.9	1.5	2.4	3.2	4.0	4.7	5.3	6.1	6.7
<i>Proportion of foreign students in the public sector (%)</i>	87.1	85.3	84.1	84.5	84.0	84.9	85.1	84.7	84.0
<i>Equity index</i>	5.1	4.3	3.8	3.8	3.5	3.7	3.6	3.4	3.2
<i>Foreign students (% Spain</i>	2.2	3.3	4.9	6.5	7.5	8.7	9.9	11.1	11.6
<i>Foreign students (2000 = 100)</i>	100.0	146.5	218.1	289.3	332.0	385.3	442.8	501.9	520.1
<i>Foreign students in the public sector (%)</i>	2.6	4.0	6.0	7.9	9.1	10.6	12.2	13.8	14.4
<i>Foreign students in the private sector (%)</i>	1.3	1.9	2.7	3.8	4.2	4.8	5.3	5.6	5.9
<i>Proportion of foreign students in the public sector (%)</i>	79.4	80.3	81.0	80.5	81.1	81.7	82.3	83.3	83.1
<i>Equity index</i>	2.0	2.1	2.2	2.1	2.2	2.2	2.3	2.5	2.4

Note: The equity index corresponds to: percentage of foreign pupils (public sector)/percentage of foreign pupils (private sector). An equal distribution of foreign pupils between the sectors results in an equity index equal to 1. When the index is higher than 1, as is the case in the table, it indicates an imbalance in the schooling of foreign pupils to the advantage of the public sector.

Source: Adapted from Ferrer (2009, 71).

appropriate measuring tool to compare differences between and within different sectors or territories. The Hutchens index, unlike the dissimilarity index, satisfies the 'transfers principle' property. This states that if a student with a low social position moves from a school with a higher share of low-social-position children to a school with a lower share, then overall segregation must fall (Jenkins, Micklewright, and Schnepf 2008, 25). The Hutchens index has the further attraction of being 'additively decomposable' by subgroups of schools, which allows comparability *within* and *between* groups.

The situation in the city of Barcelona is particularly illustrative:<sup>5</sup> despite the differences in the social make-up of the districts, 76.9% of school segregation in the entire city is explained by the districts' inner inequalities (less influenced by urban segregation), and 23.1% by the inequalities which exist between districts (clearly caused by urban segregation) (Bonal and Albaigés 2009).

Another cliché is that school segregation is fundamentally reduced to the dualisation between the public and private networks. Data do, in fact, show that segregation between the sectors exists, and that there are three times more foreign pupils attending public schools than private schools. Furthermore, these differences in the social make-up are not only related to the immigrant factor, but also to the parents' educational level or to the social class of students (Benito and González 2007). Having said that, data also show that in most municipalities, segregation within the sectors is greater than the segregation between the sectors; in other words, the inequalities between public schools are greater than those occurring between the latter and private schools, and the same applies for segregation solely between private schools and between the latter and the public sector. If we look closely at the city of Barcelona, for instance, 39.3% of the current segregation is explained by inequalities between the sectors, and 60.7% by inequalities within the sectors (Síndic de Greuges 2008, 80).

And a third cliché is that school segregation is mainly to do with the impact of the migration factor in a specific territory. There is a tendency to believe that these phenomena are more intense and are located more commonly in the municipalities which have a larger presence of immigrant populations. The reality, however, is very diverse. The analysis shows a large diversity between the situations in municipalities which have a similar presence of foreign populations but situations of school segregation which clearly differ. In fact, of the 20 municipalities in Catalonia with a higher level of school segregation, only two of them are among the 20 municipalities with the highest proportion of migrant pupils (Síndic de Greuges 2008, 28). Taking the case of the city of Barcelona as an example once more, Table 2 shows how the districts with a greater presence of foreign pupils are not, in fact, those which have the highest level of foreign pupil segregation, based on the Hutchens index.

In summary, the data referred to concur with other recent research studies on school segregation in Catalonia (Benito and González 2007; Valiente 2008) which paint a very diverse picture from a local perspective and, therefore, is where local policies make the difference in the extent of the phenomenon. The identification of a set of 'good practices' in municipalities with a greater presence of migrant pupils illustrates that there is indeed a place for education policy to take action. It is therefore important to ask the question about the instruments available at the different levels of intervention for assessing the extent to which an effective policy currently exists in Catalonia for reducing school segregation and how these have been used over the last decade.

Table 2. Percentage of foreign pupils in primary education and *H* in the 10 districts of the city of Barcelona (2006).

District	Foreign pupils (%)	Hutchens index
Ciutat Vella	36.2	0.23
L'Eixample	9.3	0.21
Sants-Montjuïc	17.6	0.26
Les Corts	4.6	0.32
Sarrià-Sant Gervasi	2.5	0.33
Gràcia	8.2	0.27
Horta-Guinardó	9.8	0.23
Nou Barris	16.1	0.20
Sant Andreu	9.9	0.25
Sant Martí	10.8	0.25

Source: Drawn up based on the *Sindic de Greuges* (2008, 36).

### Fighting segregation? Use and misuse of legal and political instruments

The political instruments available for tackling school segregation vary in nature and their deployment can also depend on different levels of intervention. In Catalonia, the legal instruments depend on the organic laws of Spain, but also on the development of legislation undertaken by the autonomous government. With regard to the technical instruments for education planning (type of education offered, reserving of places for pupils with special needs, zoning), competence lies with the Catalan Government. Nevertheless, and despite having little implementing capacity, local governments play a fundamental role both from a technical perspective and from the perspective of the education community's creation of consensus and participation strategies in the decisions on education policy.

The legal instruments available for tackling the phenomenon of the unequal distribution of pupils are basically regulated by the Spanish Organic Law on Education 2/2006, of 3 May (LOE). This law establishes in two articles the bases for which education administrations ensure the appropriate distribution of educational needs. Thus, Article 109 provides that 'education Administrations will programme the schooling offered taking into account an appropriate and balanced schooling of pupils with specific educational support needs'. Likewise, Article 87 of the same law points out that 'education administrations will establish the proportion of pupils with these characteristics who are to be enrolled in each of the public and private state-subsidised schools, and will guarantee the staff and material resources for providing that support'.

These precepts must be made compatible with the possibility established by the regulatory framework of the families expressing their preferences of choice of school. The choice of school in Spain is not, in any case, an absolute right, but is subject to the characteristics of the education on offer and the educational needs planning undertaken by the public authorities (Cebolla and Larios 2009). Thus, the regulatory framework does not at all prevent public intervention in an education quasi-market characterised by an extremely diverse type of education with respect to the ownership of the schools and levels of education quality.

The educational planning instruments, based on which the distribution of pupils with educational support needs can be regulated, are set out in the various decrees which regulate pupil admission processes into schools sustained through public

funding. These regulations can vary among Spanish Autonomous Communities while at the same time have to be developed according to the framework defined by the State's organic laws. Here are the most important of these:

- (1) *Priorities for accessing schools for which there is an over-demand.* Since the passing of the LODE in 1985, the Spanish education system regulates the access to schools sustained through public funding based on three basic criteria: territorial proximity, the presence of brothers or sisters enrolled as pupils at the same school and the level of family income. There are other additional criteria which are applied in the event of a tie in the access scores, such as belonging to a large family or the medical needs of the pupil. Education administrations in the Autonomous Communities can also add other additional criteria, provided that they do not contradict the provisions of the 2006 Organic Law on Education. However, Spanish Autonomous Communities have rarely used this capacity to introduce significant changes in school admission policies (Escardíbul and Villarroya 2009, 677–8).
- (2) *Reservation of places for pupils with SEN.* Decree 75/2007, of 27 March, of the Catalan government, establishes the reservation of places for two SEN pupils per classroom, including the pupil's psychological or physical needs or being deemed as having a disadvantaged social status. This reservation of places must be maintained until the end of the school pre-enrolment period. At the end of this period, if not all of the places have been filled, the schools can fill the available vacant places. Local administrations have to follow these minimum regulations, although they can agree with the actors in the education community to increase the reservation of places to ensure better distribution of SEN pupils. In the last decade, this resource has been used in some municipalities in dealing with the continuous arrival of migrant pupils.
- (3) *Ratio increases or reductions.* The regulatory framework allows both Catalan and local administrations to take decisions regarding increases of the pupil/classroom ratio (up to 10% per class) or reductions of the ratio (in order to avoid the pupils who enter the system after the start of the school year being concentrated in schools with a higher number of vacant places).
- (4) *Zoning.* The regulatory framework grants the autonomous government – in agreement with local administrations – the capacity of establishing local education zones. Furthermore, the LOE 2/2006, of 3 May, established the need of not differentiating local zones between public schools and private state-subsidised schools, a traditionally common practice in Catalonia. There is great diversity in the zoning situations. From municipalities which establish almost one zone per school to municipalities which see the municipality as one single zone. The analyses carried out on this matter in Catalonia show that a rigid pattern does not exist between school segregation and zoning, even if it is noteworthy that the social heterogeneity in the setting of the education zones tends to reduce school segregation as measured in terms of the parents' level of studies (Benito and González 2007).
- (5) *Distribution of late entry pupils into the education system.* Although ensuring schooling for all pupils is a competence of the Catalan government, each municipality must meet the demand for school places which arises once the school year has started. A commission made up of school principals, education inspection and town councils takes decisions on which schools the

pupils who arrive after the start of the school year will be sent to. These decisions are very conditioned by the existence or not of vacant places in each school and by the place reservation policy, even though some municipalities apply criteria for the equal distribution of late entry pupils.

In addition to the highlighted instruments, the Catalan government and the municipalities can, obviously, activate policies for reducing school segregation processes. Included in these are the policies on providing families with information during the processes of choosing a school, the persecution of situations of suspected fraud in residence registration processes or in medical needs claims, the policies on attracting the demand for segregated schools or the compensatory policies for improving the conditions of social stigma and quality of education of ghetto schools. In addition, there are political decisions which are fundamental for understanding the reproduction or interruption of segregation processes, such as those relating to the decisions on the suppression or creation of new class groups (increasing the school's capacity) or the decisions on the location of new schools.

The measures available to the education administration for trying to tackle the phenomenon of school segregation are therefore diverse. In many of the decisions, however, educational equity criteria run counter to the need to satisfy demands and pressures for widening school choice possibilities. The constant arrival of migrant pupils over the course of the last decade in Catalonia has resulted in a rise in the pressures of native residents on local governments. The latter, despite not strictly being lawfully responsible for schooling processes, do intervene in key decisions which may promote or, on the contrary, tackle the school segregation phenomenon. Thus, town councils participate in school zoning proposals, in the search for sites for building new schools, or in the negotiation processes between school principals for distributing the late entry pupils into the system. In this way, local governments often find themselves in the dilemma of potentially applying (or being partly responsible) the provisions set by legislation on schooling, and meeting the demands of the population sectors which make themselves heard and which are trying to avoid that the schools their children attend have a high proportion of migrant pupils. As recent studies on school choice in Spain and Catalonia have shown, there are significant disparities in school choice patterns between native residents and immigrant families and the presence of a significant number of migrants in schools acts as an important factor in those choice patterns (Alegre et al. 2010; Escardíbul and Villarroya 2009).

On the other hand, the 'distance' the autonomous government enjoys for developing an education policy less restricted by the pressures of the proximity of the demand has not favoured the deployment of measures focused on combating school segregation. On the other hand, an analysis of the education policy over the course of the decade highlights how the autonomous government, through action or omission, has opted for a policy of following the demand which has consolidated the phenomenon of school segregation in Catalonia. Next section provides proof of this.

### **Satisfying demand and the politics of non-decision-making**

It has already been pointed out that there is room for applying the current legislation which should enable the planning of the needs of fair schooling and which is aimed at lowering school segregation. Nevertheless, far from making use of this

room, the education policy decisions (and omissions) on the management of schooling processes (and particularly the schooling of migrant pupils) have tended not only to not reduce segregation but to actually favour it. This thesis will be illustrated in this section bearing in mind six areas of policy intervention which have taken on a pro-segregative approach:

- (1) *Satisfying demands in sought-after schools when there are vacant places in schools in the zone.* A common practice of the Department of Education has been the application of ratio extensions or the opening of new classrooms in certain schools when there were still sufficient vacant places in other schools in the same zone. Table 3 illustrates the practice and effects of this type of policy. In the referred school zone the Department of Education significantly increased the number of school places in Private *Concertada* 1 despite there being vacant places in the public sector, where the highest number of foreign students is concentrated. This is an example of an education policy which contributes to consolidating the under-occupation of certain schools, a scenario which is conducive to reproducing school segregation. These decisions saturate the demand for sought-after schools while classrooms in the less attractive schools remain half-empty. Over the course of the school year, the late entry of migrant pupils into the system gradually fills the classrooms of the segregated schools with pupils at risk.<sup>6</sup>
- (2) *Specialisation of schools in teaching mid-year enrolment pupils.* The demography within education in recent years has generated many schooling needs, especially caused by the continuous arrival of migrant pupils. When this happens, the education administration has tended to increase the class groups in those schools with a lower demand, and therefore, with more possibilities of accommodating new pupils. That is, mid-year enrolment demand is concentrated in those schools with more vacant places, which correspond to less socially attractive schools. Some schools reach 'mid-year enrolment' proportions of close to 20% by the end of the school year (Sindic de Greuges 2008, 75), thus becoming authentic schools specialised in teaching late entry pupils who have numerous educational needs. The education administration could apply ratio reductions in segregated schools – that is, closing the total number of places below the official rate of 25 pupils per classroom – in order to prevent a higher concentration of late entry pupils, but this has been a measure which has not been used.
- (3) *Under-use of school zoning.* School zoning also represents a good education planning instrument, albeit under-used, when boosting internal heterogeneity in the social make-up of schools. Despite it being an insufficient condition, and even though it must be complemented with other more intense measures for boosting equity in the distribution of pupils among schools, it is an important measure for tackling school segregation. Benito and González (2007, 77, ff.), for instance, show the complex interplay between school segregation and school zoning in different Catalan municipalities. In this study, authors show examples of reducing school segregation in those municipalities that have widened school choice areas (for more than one public school). The positive effects are particularly visible in those schools with a high rate of migrant students or in those with a greater concentration of highly educated families (by reducing the opting out effect). Authors also show

Table 3. Data about pre-inscription and schooling in the first year of compulsory schooling in Bellvitge – Gornal, (municipality of l’Hospitalet de Llobregat). 2007–2008.

School	Initial offer of classroom groups/ places	Initial educational demand	Final number of classroom groups (change from initial planning)	Classroom group changes compared to 2006–2007	Effective schooling/vacant places (17/07/2007)	Foreign students (%) (2006)
Private <i>Concertada</i> 1	7/175	124	6 (-1)	+3	150/0	...
Private <i>Concertada</i> 2	1/25	22	1	=	25/0	0.5
Private <i>Concertada</i> 3	2/50	43	1	=	50/0	0.4
Private <i>Concertada</i> 4	2/50	62	2	=	50/0	0.2
Public 1	2/50	27	2	=	30/20	24.5
Public 2	2/50	12	1 (-1)	-1	15/10	12.1
Public 3	2/50	38	1	=	42/8	21.3
Public 4	1/25	14	1	=	16/9	25.5
Public 5	1/25	27	1	=	25/0	8.7

Source: Drawn up based on data from the Catalan Department of Education (2008).

how changing school zoning can be a useful instrument in those municipalities with significant presence of private subsidised schools. Despite this evidence, school zoning is a resource which is not given much use for tackling the phenomenon. In most cases, changes in the zoning model have strictly followed the logic of the needs of urban planning rather than the potential effects on the distribution of at-risk students. Likewise, despite the fact that the LOE established the mandatory nature of the same zoning system for public and private state-subsidised schools, there are still many municipalities which maintain different zoning systems which affect the potential demand for both schooling networks.

- (4) *Shortcomings in the policy on reserving places.* As has been pointed out above, the regulations on this subject establish a minimum of two places for SEN pupils per classroom. Over the course of the last decade, this minimum has clearly proved to be insufficient for achieving a balanced distribution of SEN pupils. The Department of Education has not extended the minimum during the entire decade. On the other hand, there is nothing preventing local administrations from being able to reach a consensus on place reservation increases with school principals in their municipality. This has not happened in many municipalities,<sup>7</sup> but there is proof that these municipalities have managed to noticeably reduce the segregation of migrant pupils in schools.
- (5) *Omissions in the fraud control policy.* The rise in the presence of migrant pupils has accentuated in recent years fraudulent practices in school enrolment processes. These practices take place both in terms of the demand and the supply. On the one hand, the local or proximity criterion for accessing schools has been an incentive for false residence registration as a mechanism for ensuring access to the sought-after school. Other additional access criteria, such as medical certificates of digestive conditions, have also been used fraudulently. In terms of the offer, some schools (especially private state-subsidised schools) discourage the access of certain pupils through misinformation (Valiente 2008) or by charging financial fees which are formally voluntary but in actual fact compulsory (Síndic de Greuges 2008, 67). With only very few exceptions, the education administrations have not acted decisively to eradicate these practices. Logically, the unequal distribution of information among social groups and the unequal incentives in the school choice processes explain why those engaging in these practices are mainly from the middle classes.
- (6) *Lack of compensatory measures.* The Department of Education has not developed any specific plan for intervening in the more segregated schools. Thus, added to the omission within education planning policies is the absence of focused policies directed at reverting the marginality situation of numerous segregated schools. In some cases, the Department of Education grants some schools the classification of a *Centre d'Atenció Educativa Preferent* (Centre of Special Educational Provision), which leads to the occasional increase of teaching staff or to additional financial grants. A significant number of Catalan schools have raised complaints to the ombudsman regarding the insufficiency of the measures provided by the Catalan government to overcome their situation of marginality. According to the principals of these schools, schools are in need of global education support plans. Having an extra teacher or receiving some more funds are not sufficient mechanisms for bringing about change (Síndic de Greuges 2008, 45).

### Is school segregation a conflictive arena?

The previous sections reveal that the Catalan government – and the large majority of local governments – have not established an education policy agenda for tackling the rising school segregation which has accompanied the gradual arrival of migrant pupils over the course of the last decade. In this section, the decisions and omissions on education policy in this area will be analysed from the three dimensions of power identified by Lukes (2005). The three approaches require us to observe what decisions have been taken, what key aspects have been ignored and have been left out of the agenda, and how the hegemony principle has worked in developing the education policy in order to ensure the passivity of those social groups most affected by school segregation. It can be seen from the analysis that the education policy has managed to ignore the school segregation problem, ranking it as a non-priority problem and stripping it of its more conflictive aspects.

In relation to the Catalan government's observable policy – first dimension identified by Lukes – the article shows us how the education policy has explicitly prioritised measures which run counter to reducing school segregation. The policy on opening new schools or the systems for allocating mid-year enrolments has responded to the specific interests of certain sectors. These have been prioritised before a more equitable distribution of at-risk students. The pressures applied by the middle classes are clearly evident in their claims before the education administration or in the numerous complaints submitted to the ombudsman disagreeing with the allocated school place. This pressure has been effective on numerous occasions, and the education administration ends up accepting irregular ratio extensions or even the opening of new class groups in much sought-after schools (Bonal and Albaigés 2009). A second explicit mechanism of the Catalan government's education policy has been the development of a discourse and education practices which ignore balance in school planning and mapping and which focus on the ability of the schools themselves to manage to improve their outcomes. The emphasis on the autonomy of schools – which takes up a significant part of the most recent Ley de Educación de Cataluña (Education Law of Catalonia) adopted in 2009 – or the interest in making the good school results achieved in some schools situated in socially disadvantaged areas explicit<sup>8</sup> serves the purpose of prioritising intervention in schools and not in the territory. One of the consequences of this strategy is the stigmatisation of those schools and of those teachers which do not achieve better school results in socially disadvantaged contexts, an aspect that can explain how principals' and teachers' discourses emphasise the presence of migrant students as one of the main problems of Spanish schools (Pastor 2009, 261). And a third mechanism which has been at work in the area of the Catalan government's observable policy is the mechanism of developing compensatory measures focused on finding unique and curative remedies directed at the integration of migrant pupils into education. Thus, in recent years specific education devices have emerged to deal with education problems. In the area of the needs for integrating migrant pupils, what is particularly noteworthy is the experimental creation of the *Espais de Benvinguda Educativa* (Education Reception Spaces, EBE). This device is presented as a resource for the initial reception of migrant pupils, who are not taught in regular schools but in classrooms which are not part of the formal education system. The care for these pupils over an indefinite period of time in these resources means they are not

formally attending school and thus delays their school socialisation (and their right to have a school place) in education institutions. These measures have been implemented despite the fact that many schools have what are called *Reception classrooms* in the school itself, a space which mainly serves as temporary linguistic reinforcement for some pupils while being integrated into the school itself.<sup>9</sup>

The second dimension identified by Lukes, the politics of non-decision-making, is illustrated in this article with the omission of the potential education policies for reducing segregation provided for in the regulatory framework. Aspects such as changes in school zoning, increased place reservations, changes in school ratios or the persecution of fraud in accessing schools are policies available to the education administration but which are deliberately ignored. The introduction of these would involve developing an education policy model which is more interventionist and opting for a zero-sum policy, where the potential benefits in educational equity have an impact on the native population's school enrolment interests and ability to choose a school. The technical complexity relating to the implementation of some of these measures serves as a shelter for the education administration to disregard developing them. On the other hand, the education administration completely ignores the discussions and national and international education research on school segregation in general and on its relationship with school performance in particular. Furthermore, it is an administration which is visibly reticent in providing data for education research, particularly with respect to the various skills tests which make up the external assessment of the education system.

Lastly, the third dimension of power identified by Lukes refers to the principle of hegemony, which in political terms means the absence of the need to provide answers to situations of discrimination because of a reliance on the complicity or collusion of the affected sectors. This 'complicity' is activated in two ways in the school segregation processes of migrant pupils. First, through the emulation processes which characterise the schooling of these groups. The criteria of geographical proximity and social emulation combine to favour the concentration of these pupils in certain schools. When faced with these processes, the education administration does not usually intervene trying to shape family choices of migrant families. The 'respect' for freedom of choice thus justifies the administration's passiveness in order to avoid altering the presumably free school access of migrant families. Second, the 'complicity' is also produced through the silence of the affected groups when faced with the real and potential barriers for accessing certain schools. The lack of this group's access to private state-subsidised schools is a clear example of the shortcomings of the formal equity which was provided for in the regulatory framework. Economic cost or cultural distance becomes clear obstacles in migrant families' access to these types of schools.

In short, the set of mechanisms described above explain the absence of explicit school segregation policies and the Catalan government's engagement in the politics of non-decision-making. The immediate future, however, presents serious questions about the possibilities of maintaining this passiveness. The polarisation of educational results and the projection of educational inequalities in the social and labour market insertion processes of migrant groups – which are particularly visible in times of economic crisis – may alter the conditions which currently enable the political passiveness and conformism of the affected sectors.

## Conclusions

This article has analysed, from a political sociology perspective, the politics of non-decision-making in tackling school segregation in Catalonia. The article has shown that despite the many potential political implications coming from knowledge about the causes and consequences of school segregation in Catalonia, Spain and other countries, the Catalan government has ignored desegregation policies in establishing education policy priorities. The article has combined a description of the characteristics of the phenomenon in Catalonia with an analysis of the uses and misuses of the political and legal instruments available. It has also shown how political decisions have resulted in more (mostly unintended) pro-segregation measures and has highlighted significant absences on policy decisions that could potentially help to reduce school segregation. The analysis based on Lukes' three-dimensional power in the previous section highlights important explanations about the *why* and the *how* of the politics of non-decision-making.

Several political implications emerge from this type of analysis. Firstly, unmasking some clichés about the characteristics of the phenomenon and evidencing potential uses of political and legal instruments questions those political discourses that justify some decisions (and some omissions) on the basis of false arguments. Secondly, by showing the existing political and legal instruments available, the analysis shows that school segregation could be tackled from the educational policy area. That is, school segregation does not depend exclusively on external factors (as is the case with residential segregation); and nor is tackling school segregation constrained by a legal framework that prevents public intervention in admission policies. There is scope for public intervention and political instruments available to be used. Finally, the politics of non-decision-making and the reflections upon Lukes' third dimension of power show that one of the important factors in tackling school segregation is the acquiescence of those most affected by certain political decisions. Thus, political interventions to generate conditions for more social and ethnic heterogeneity need to take into account this fact. Planning potential desegregation policies must include strategies that go beyond technical aspects of schooling processes and must address questions related with demand patterns of both the most and the less advantaged social groups.

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## Notes

1. The ECRI report (2011) recommends the introduction of measures which promote a more balanced distribution of pupils of immigrant and Romani origins, and proposes specifically changing the policy on the admission of pupils into public and private state-subsidised schools.
2. See the summary by Dronkers and Levels (2006), Dupriez, Dumay, and Vause (2008) and Dumay and Dupriez (2009).
3. See the study by Escardíbul and Villarroya (2009) on the unequal ability of migrant families to choose schools.
4. Dissimilarity indexes are one of the most common measures of segregation. This index measures the evenness with which two mutually exclusive groups are distributed across

the geographic units that make up a larger geographic entity. It can be interpreted as the percentage of one of the two groups that would have to move to different geographic areas in order to produce a distribution that matches that of the other group. In this case the index is:  $D = 1/2 \sum_{\text{schools}} \text{total} (\text{foreign}_{\text{school}}/\text{foreign}_{\text{municip}} - \text{spanish}_{\text{school}}/\text{spanish}_{\text{municip}})$ , where  $\text{foreign}_{\text{school}}$  = foreign students in the school;  $\text{foreign}_{\text{municip}}$  = foreign students in the municipality;  $\text{spanish}_{\text{school}}$  = Spanish students in the school;  $\text{spanish}_{\text{municip}}$  = Spanish students in the municipality.

5. All figures for the city of Barcelona are obtained from Hutchens indices calculated for urban districts and for private and public schools, being  $H = \sum_{\text{schools}} (\text{foreign}_{\text{school}}/\text{foreign}_{\text{district}}) - (\text{foreign}_{\text{school}}/\text{foreign}_{\text{district}} \times \text{spanish}_{\text{school}}/\text{spanish}_{\text{district}})^{1/2}$ , where  $\text{foreign}_{\text{school}}$  = foreign students in the school;  $\text{foreign}_{\text{district}}$  = foreign students in the district;  $\text{spanish}_{\text{school}}$  = Spanish students in the school;  $\text{spanish}_{\text{district}}$  = Spanish students in the district.
6. More examples of these policies can be found in Síndic de Greuges (2008, 50–4).
7. Examples of good practices can be checked in Bonal and Albaigés (2009).
8. The Supreme Evaluation Council of the Education System, a body attached to the Catalan government, published a report in 2010 on the results relating to skills tests completed by pupils in the last year of primary education (CSASE 2010). The report dedicates several chapters to showing strong deviations in results between schools situated in disadvantaged areas. The report, however, does not specify how these areas are classified, while allocating the area's socio-economic level to each school without taking into account the social make-up of each school. Thus an uncritical equivalence is created between urban segregation and school segregation which is not an accurate representation of reality.
9. See the study by Collet, Simó, and Tort (2010) on EBE as mechanisms of segregation within education.

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