

# EDUCATION AND SOCIAL MOBILITY

By Caterina Mazza

## Focus on Facts

### Importance of the right to education for individuals and society

The right to education is a prerequisite as well as a consequence of a country's development and wealth; further, it is a key component to ensure full enjoyment of other rights. Civil, political, economic and social rights may not be exercised in full without a minimum level of education. Education plays a fundamental role to enable individuals' effective participation in social life and mitigate, or eliminate, different types of exclusion.

Significantly, the right to education is set forth in the main international instruments – starting from the *Universal Declaration of Human Rights* (New York, 1948), article 26; the *Additional Protocol to the European Convention for the Protection of Human Rights and Fundamental Rights* (Paris, 1952), article 2; *UNESCO's Convention against Discriminations in Education* (Paris, 1960), article 1; the *European Social Charter* (Turin, 1961), article 3; up to the *Convention on the Elimination of All Forms of Discrimination against Women* (New York, 1979), articles 5 and 10, and the *Convention on the Rights of the Child* (New York, 1989), article 28.

It is no chance that the second goal among the *Millennium Development Goals* set out by the UNO in the 2000 Millennium Declaration refers to providing universal primary education by 2015. All the instruments quoted above regard education not only as the acquisition of a set of skills and know-hows, but also as a means to build up individual personality, which must be afforded its full development and grounded in understanding others and respecting

human rights and fundamental freedoms. Thus, education is an individual right that, if provided, allows individuals to grow into entities that are morally accountable both to themselves and to society at large. This is why at least primary education must be afforded and available to all, and it must be *free* and *compulsory*.

These features can also be found in the Italian legal system. Under Article 34 of the Constitutional Charter, which enshrines this right along with Article 33 thereof, it is provided (paragraphs 1 and 2) that “schooling is open to all, [and that] primary education, provided for at least eight years, is compulsory and free.” One can immediately appreciate the peculiarity of this *right*, which is simultaneously a *duty*. Education is both a “personal asset” belonging to the individual and a “public asset” belonging to State and society. Several scholars – including S. Lariccia and M.R. Ricci – have argued that the right to education is a means to contribute to the full implementation of Article 3 of the Constitutional Charter as it supports the “Republic [in] eliminating the hindrances of a financial and social nature that bring about de facto constraints on citizens’ freedom and equality and accordingly prevent full individual development and the effective participation of all workers in the country’s political, economic and social organization.”

Since primary education is mandatory for individuals vis-à-vis society and the State, public authorities must take steps to turn this right/duty into reality. From this standpoint, it is fundamental for primary education to be *free*.

The support to be provided by the State also applies to higher education. Under Article 34, paragraphs 3 and 4, of the Constitutional Charter, the Republic undertakes to support those who prove gifted and worthy of help by way of scholarships, allowances to families and other types of funding in order to attain the highest levels of education even if deprived of financial means.

Thus, the Italian State is called upon to ensure the right to education even after compulsory schooling and in spite of hindrances of a social or financial nature. However, the Italian State has actually

failed to always provide adequate financial support to students and education in general.

The mean per student expenditure in primary and secondary education remained basically unchanged between 1995 and 2010 as it only rose by 0.5% compared to an average increase of 62% in OECD countries. In 2010, Italy only invested 4.5% of its GDP compared to a mean 5.7% of investments in other OECD countries (OECD, 2012; OECD, 2013).

The poor funding provided to education produced several negative effects on schools and universities – such as the increase in the student/teacher ratio that took place over the years 2005 to 2011 (OECD, 2013), the very limited recruitment of young teachers via fixed-time employment contracts and the resulting ageing of the teaching staff, wages that are among the lowest ones in Europe (even though the gap is smaller at the start of one’s teaching career), the low graduation rate, the increase in the so-called NEETs (Neither in Education or Employment or Training) – i.e. youths that are jobless, do not attend schools or training courses and are not in search of employment.

The Table below shows data from the OECD 2013 Report concerning year 2011:

Indicator	Italy	OECD Average
<b>Education Rate (25 to 64 years)</b>		
Primary Education	44%	26%
Secondary Education	41%	44%
Tertiary Education	15%	32%
<b>NEETs (15 to 29 years)</b>	23.2%	15.8%
<b>Mean Age of Teachers in All Levels of Education</b>		
Over 50	57%	35%
40 to 49	29%	30%
30 to 39	8%	25%
Less than 30	4.7%	10%
<b>Average Wages before Taxes, USD</b>		
At start	29.418	31.348
After 15 years’ teaching	36.928	41.665
<b>Wage increase per year from 2005</b>	4-5%	15-22%

(OECD data on Italy can be found here: [http://www.gildavenezia.it/docs/Archivio/2013/giu2013/ocse\\_italy\\_eag2013.pdf](http://www.gildavenezia.it/docs/Archivio/2013/giu2013/ocse_italy_eag2013.pdf)).

### *A High Student-to-Teacher Ratio*

Since 2008 the number of enrolments in all schools has been increasing by 0.8%. In the 2013-2014 school year, the number of students rose by 27,000 over 2012 and almost 80% of them are new enrolments in the primary school. On the other hand, enrolments in lower secondary schools dropped by over 7,000.

Along with the reduced recruitment of teaching staff, this gave rise to overcrowded classes with a student-to-teachers ratio that was usually above legal thresholds. In 2012 there were cases where over 40 pupils were enrolled per class, like in some schools in the provinces of Rome and Florence. It is expected that 1% of Italian classes will include over 30 pupils in the 2013-2014 school year.

Judgments by the Italian Council of State (No. 402 of 2010) and the Regional Administrative Court of Molise (Nos. 144 and 145 of 2012) have required classes to be set together by Headmasters in compliance with both school accommodation standards and the legislation on fire prevention in schools so as to fulfil safety and health criteria; nevertheless, overcrowding is still the rule. In order to reduce the student/teacher ratio, the Italian Ministry of Education decided for the past five years to slightly raise teaching time for teachers and simultaneously reduce students' instruction time (OECD 2013). It appears that no additional posts will be available for the coming year, so that no additional classes will be set up. The solution devised by the Ministry, which is aimed to enable savings, raises several questions as to the level of the education being afforded.

Beyond the far from irrelevant issues related to health and safety, one cannot but wonder whether "overcrowded" classes allow ensuring the right to education adequately so as to meet students' educational requirements –in particular regarding disabled or disadvantaged students.

It should be recalled that disabled students increased between 2012 and 2013 in non-statutory schools, their incidence being higher in lower secondary schools. Such students make up for 1.2% of the enrolments in private non-statutory schools compared to 2.7% in public (statutory) schools. In this connection, associations such

as Agesc (Association of Catholic Schools Parents) and Fidae (Federation of Educational Institutions) complained that they had to grant all the requests for enrolment of disabled students and afford the same level of support as State schools without any increase in public funding for these purposes; such funding covers as of today about 10% of the costs for students certified to be disabled attending non-statutory schools.

### *Increased Enrolments thanks to Immigrants*

The increase in enrolments for the 2013-2014 school year can be accounted for by immigration.

The largest increase in non-Italian enrolments occurred in primary and second-level secondary schools. Overall, foreign students rose by about 20% over the past ten years. Conversely, the number of Roma, Sinti, and Caminanti students dropped over the past five years (- 5.7%); this was the case especially in Lombardy, Veneto, Emilia-Romagna, Latium and Piedmont (MIUR/Fondazione ISMU 2013; MIUR, 2012; MIUR, 2013).

The presence of foreign students has become by now a fixed feature of schools in Italy; at the same time, changes are in progress. Whilst the increase in foreign students was due initially to new enrolments, today this results mostly from the increased numbers of so-called “second-generation migrants”, i.e. children born in Italy from non-Italian parents. In 2013, students born in Italy from non-Italians made up for 47.2% of the total number of foreign students in all schools, and for 79.9% of the children in pre-primary schools.

Such a substantial increase raised several issues as for the mechanisms and tools to ensure integration along with the need to set up literacy courses for those who are enrolled with poor knowledge of the Italian language. To cope with these difficulties, a circular letter of the Ministry dated 8 January 2010 introduced a ceiling to the number of non-Italian students per class – which should not be in excess of 30% of the whole. This ceiling is purely indicative and may vary with the specific circumstances – e.g. based on language skills.

It is currently being disputed whether foreign students born in Italy should be computed in the 30% threshold. According to Minister Carrozza, the students with a perfect command of Italian at start of schooling should not be computed in the said threshold – in fact, they should be regarded as Italians. Conversely, the Northern League party argues that the mechanisms allowing access to schools should be reconsidered as for *all* foreign students, who should be enrolled only after passing an Italian language test plus several evaluation tests, whilst literacy classes including only foreign students should also be set up.

In order to tackle these difficulties, one should focus on the students that moved to Italy recently and have no command of Italian; they are in need of inclusion and facilitation measures which may prove a daunting task. Only consider the “Besta” lower secondary school in Bologna, where a class including only foreign pupils was set up in the 2013/2014 school year; the class is composed of 20 pupils from 10 different countries, and all of them came to Italy during the previous summer. This decision sparked several debates. How can one learn a language and become part of a social community if one is confined in a room where there is no opportunity to get in touch daily and continuously with the people born and bred in the country? The Headmaster stated that the aliens-only class was of an “open” and “provisional” type as it was meant to be instrumental to teach Italian to the newcomers, who would then be moved to other classes. In the Headmaster’s view, this class is neither a ghetto nor a model but a mere experiment to tackle a complex situation. The Minister of Education declared her opposition to “bridging” classes and was in favour of starting Italian language classes. The parents of the Italian pupils attending the school protested as well and complained that this might become a dangerous precedent and hamper the development of all the children in that class.

The Bologna case points to a basic issue, namely the lack of available resources to initiate adequate literacy courses. This is compounded by serious problems such as the resistance shown by some Italians against the very presence of migrants in schools. Reference can be

made in this regard to the cases that occurred in various areas of Italy (e.g. in the province of Novara and Bergamo, or in the Chianti area) during 2013, where parents withdrew their children from schools because of the presence of foreign pupils. This hostility is said to be grounded in the concerns harboured by parents for the level of education to be afforded to their children; in fact, it is grounded in deep-rooted biases and racist views. A survey carried out by the Ministry for the 2011-2012 school year showed the continuous, significant improvement of performance by foreign students with a drop by over 1% in the gap compared to the preceding year (MIUR, 2012, p. 6). This survey shows that the work done by schools to foster integration produces benefits, but such benefits may only become lasting and genuine with time and a long-term commitment.

### *The Drop-Out Rate Is among the Top Ones in Europe*

The drop-out rate in Italy is 18.8% compared to a mean 13.4% rate in Europe; the Europe 2020 Programme set itself the objective of reducing this rate to 10%.

It has become a cause for concern as every year about 700,000 children aged from 10 to 16 drop out of schools. According to a survey carried out by Intervita Onlus, about 2 students out of 10 drop out of all schooling or attend classes intermittently so that their educational development is undermined.

To tackle this problem, a project called *Frequenza200* was started in 2012 in three regions (Lombardy, Campania, and Sicily); the project leverages the links between schools and the respective neighbourhoods to highlight good practices that can support education and schooling. This project gave rise to the idea of carrying out a nationwide survey whose findings were presented to the Italian Senate on 1 October 2013.

### *Homeschooling*

The so-called homeschooling approach of Anglo-Saxon origin has become widespread in Italy over the past few years like in the rest of Europe.

Although it is difficult to gather accurate information in this respect, one can argue that the number of parents deciding to educate their children on their own and/or with the help of tutors, at home, increased during 2013 as well.

In Italy, homeschooling is regulated by legislative decree No. 76/2005, which lays down some conditions to make sure that mandatory educational levels are attained in all cases. Every year parents must provide evidence of their technical and financial capabilities to fulfil the “family school” projects and must train their children to pass a test at statutory schools.

Reliance on homeschooling is usually accounted for on two grounds - namely, the existence of *specific problems* (bullying, religious grounds, poor performance) or else as a matter of *principle* (hostility towards statutory schools, lack of freedom in schools).

There are several questions that can be raised in connection with this educational approach as for its affording a genuine right to education, appropriate educational, socialization and developmental levels for children, and adequate citizenship standards.

### Universities: Financial Cuts and Fewer Enrolments

The situation applying to Italian universities is largely related to the unrelenting, substantial cuts made to funds for university research and teaching. The so-called “Standard Financing Fund” (Fondo di finanziamento ordinario, Ffo) has been dropping yearly by 5% for the past several years. The funds allocated to teaching are expected to drop by 22% in 2013. It is no chance that 84 three-year courses and 28 postgraduate courses were cancelled in the past year.

In a document submitted to the new government, the Italian Board of University Deans (Conferenza dei Rettori, Crui) complained that the level of Ffo for the current academic year was unacceptable and that financial measures were indispensable such as to raise the State’s financing to at least 150 million Euro for the subsequent three years – for a total of 450 million Euro of nationwide contributions;



this would make it unnecessary to increase enrolment fees further – such fees having already increased by 17% since 2008. The Deans urged financial measures to foster research and post-doc courses; the total funds for scholarships dropped by 24% in the past five years as for the latter courses. This is compounded by the fact that several Italian universities introduced post-doc fees and such fees have become considerably heftier in some cases.

The issues relating to turnover should also be addressed, as the ban on staff turnover resulted into the considerable increase in the mean age of university teachers whilst younger academicians are routinely recruited on a time-limited basis.

In September 2013, the then Minister Carrozza said she was in favour of a national research plan that should allow investing in researchers, overcoming the ban on staff turnover, and reducing enrolment fees. The Minister declared that the 2014-2016 National Research Plan would focus (see paragraph 3) on actions aimed at “moralizing public competitive examinations”. Several irregularities in public examinations made it necessary to hold national competitive examinations with national examining committees acting under the members’ direct responsibility.

The above issues are the subject of analysis and discussions within Universities. Additional food for thought was provided by the European Commission, which stated recently that Member States should get ready to increase financial contributions to education by 70% and those allocated to research by 5% - in spite of the current economic crisis.

The need to increase public support to universities is also shown by the decreased enrolments, due mostly to the higher fees charged and the increased costs for students away from home. At the start of the 2013-2014 academic year, enrolments fell by 17% compared to the preceding year.

The situation would appear to be different in the case of the so-called online universities. According to a survey by Rome’s Niccolò Cusano online university, registrations for their online courses have been increasing by 16% yearly from 2003 onwards.

The reduced enrolments mirror the change in youths' aspirations and ideals. According to a survey carried out as part of the PISA programme, i.e. OECD's Programme for International Student Assessment, the percentage of Italian 15-year-olds intending to get a University degree is among the lowest ones in Europe and fell by 11% from 2003 to 2009 (OECD, 2013).

Additionally, it should be recalled that the rate of Italian Erasmus students is, again, among the lowest ones in Europe. Based on a Report published by Fondazione Migrantes in fall 2013, the poor participation of Italian students in the programme is due mainly to the limited investments into mobility and cooperation among Universities.

To enhance the gamut of educational opportunities so as to attract more students, self-assessment practices were introduced as of 30 January 2013 in Italian universities. Students participate by filling out an online questionnaire to evaluate the performance of the individual teachers as well as the courses as a whole.

Quality of university teaching will be also gauged by way of the evaluation of graduating students through the so-called Cla Plus tests, which correspond to the Invalsi tests used in primary and secondary schools.

### *Protests by University Students*

The occupation by students of Cagliari university starting on 6 February 2013 marked the revamping of a mobilization throughout Italy against the right to education approach envisaged by the then Minister of Education, Mr. Profumo – in particular against the Minister's plan to amend scholarship grants rules. Students complained that these amendments were meant to cover up substantial cuts to University funding in order to foster a meritocratic approach. According to various student associations, the decree in question would reshape performance and income thresholds (so-called Essential Performance Levels) so as to exclude a substantial number of students from scholarship eligibility – up to 45% based on some allegations.

The Ministry of Education replied that the new standards would only apply from 2015 onwards to new enrolments.

The student associations highlight that the apportionments planned by the early 2013 decree will result into a 92% reduction in the national Supplementary Funding for scholarships of 2015 compared to 2013, whilst Italian university fees rank among the top ones in Europe.

The so-called Profumo decree (Ministerial decree No. 334 of 24 April 2013) was replaced by another instrument issued by the new Government, i.e. decree No. 449 of 12 June 2013 as approved by the Council of Ministers on 9 September 2013 – which made available 100 million Euro as from 2014 to finance University scholarships on a permanent basis. Nevertheless, students' demonstrations have not ceased as students are afraid that no more than 65.53% of the funds will be ultimately available – and such funds are already considered as insufficient.

To tackle the effects caused by economic crisis, some universities are considering possible solutions. The Turin University hired under-resourced top-performance students for different positions in order to enable them to continue attending their courses. The region of Tuscany declared its intention, in mid-July 2013, to increase the apportionment made for scholarships and services by over 4 million Euro.

## **Discriminations and Violence**

### **JANUARY**

**29 January – Admission Tests - Bari University** – The pre-trial hearing judge of the Bari Court, M. Guida, found that the admission tests for the former Medicine and Dentistry Faculties of Bari, Foggia, Ancona and Chieti Universities held in 2007 had been trumped but without any “criminal association” being involved. The prosecutor’s charge was that 7 teachers plus 82

persons, including parents and students, had set up two operating centres for those admission tests in order to text the replies to the Ministerial questions. Indictments were made for the offence of fraud.

## **FEBRUARY**

**20 February – Competitive examinations – University of Messina** – The dean of the University of Messina was sentenced to imprisonment for three years and six months at the end of the first-instance criminal proceeding that had been instituted on charges of trumping a competitive examination at the former Veterinarian Medicine Faculty as well as in connection with management of the Lipin fund. The Dean was charged with attempted extortion. He was alleged to have put pressure to make sure that the son of the then Chair of the Veterinarian Medicine Faculty would come out the winner of the competitive examination. Ten more people were convicted as part of the same investigations including teachers and officials at the University.

**14 February – University Researchers – Rome** – The Association of time-limited researchers sent a letter to the President of the Republic to urge his attention to the precariousness and lack of opportunities affecting over 2.200 researchers in Italian universities. The Association pointed out that a whole generation of trained, highly experienced researchers would be left outside academic circles because of the changes made to the legal status of university researchers and the new recruitment rules introduced by the “Gelmini reformation”.

## **APRIL**

**5 April – Racism at school – Rome** – A Jewish pupil at the Caravillani “liceo artistico” in Rome was hailed by a teacher using anti-Jewish sentences. The Minister of Education requested the Headmaster to immediately submit a written report of the case. The Chair of Agesc

(Catholic Schools Parents' Association) also voiced his support to the student.

**4 April – School is meant for all – Turin** – A visually impaired 11-year old girl was denied attendance of the junior secondary school in Borgone di Susa (Turin) because of the shortage of available room following a number of applications the school could not accommodate.

Applications were filtered based on the pupils' places of residence. Apri (Piedmontese Association of Individuals Affected by Retinal Diseases or Visual Impairment) dealt with this case and alleged that the technical and logistics issues could not justify the rejection of a disabled pupil. The School Department of Turin and Piedmont stepped in along with the Ministry of Education, so that now the little girl can attend school like all her peers.

(A similar case occurred in Campania and was the subject of an order by the Regional Administrative Court (TAR) of 2 October 2013 whereupon the disabled student had to be readmitted).

**24 April – High school diplomas – Nola (Naples)** – The pre-trial investigation judge at the Prosecuting Office of Torre Annunziata issued an order for the Financial Police (Guardia di Finanza) to start investigations into the alleged sale of high-school diplomas at some high schools in Nola. Based on witness statements, youths from all over Italy that had never attended those schools and, in some cases, had not been admitted to the final examinations were granted diplomas in exchange for a substantial consideration. In the judge's view, this was a "criminal-type school organization".

The investigations have resulted so far into applying pre-trial custody measures to about fifteen people and into seizure of two schools.

**20 May – University exams – Catanzaro** – The University of Calabria filed a petition for appearing as a party claiming damages in the pre-trial hearing held in connection with the criminal investigation called “Centodieci e lode” [Cum laude] that had been initiated against 61 people on charges of having forged examination results at the former Faculty of Humanities. According to the Prosecuting Office, 71 graduation diplomas had been achieved by forging examination results and will have to be considered as null and void.

**20 May – Homophobic bullying - Nuoro** – Names of gay students were published in a high school in Nuoro as a way to humiliate and poke fun to them. This homophobic bullying case is actually related to rather frequent occurrences in Italian schools. According to a survey performed by the Gay Center Association over a sample of 1,000 students, school is where homosexuals most perceive discriminations: 49% of respondents stated they had been the subject of discrimination at school compared to rates of 42% in families, 33% in public places, and 30% on media or the Internet.

On 3 July 2013, Senator Lo Giudice from the Democratic Party submitted a question to Minister Carrozza and called for jointly devising measures to prevent and counter these phenomena. (As for additional homophobic bullying episodes at school, please see the *Freedom of Sexual Orientation* chapter in this Report).

**31 May – Violence at school – Vicenza** – The public prosecutor at the Vicenza Prosecuting Office requested committal for immediate trial in respect of two teachers of a junior secondary school who had been charged with battery against an autistic child and arrested on 8 April. The facts were documented by videos and recordings performed by Carabinieri following the reports lodged by the child’s parents.

**31 May – Violence at school – Rome** – The review court at Rome’s Prosecuting Office rejected the appeal that had been lodged by a teacher and the headmaster of San Romano nursery school against the remand in custody order. Both women were being investigated by the Office on account of alleged maltreatment of children aged from 2 to 6 years. The teacher was charged with the maltreatment and the headmaster with having abetted the teacher’s conduct.

## **JUNE**

**13 June – Competitive examinations – University of Rome** – An email sent to *La Repubblica*’s editorial office disclosed the names of the winners of the competition to be held at the cardiology post-doc school of “Umberto I” Hospital in Rome – one month in advance. The forecast proved true when the outcome of the examinations was posted. *La Repubblica* awaited this evidence prior to reporting the event.

## **JULY**

**15 July – Support to disabled pupils – Milan** – Following the complaint lodged by Ledha (League for the rights of persons with disabilities) and 16 families on account of the reduced public funding to support disabled pupils at school and the resulting negative effects, the Court of Milan convicted the Ministry of Education on account of discrimination against disabled students. (See, in this regard, *BES and other innovations on support to pupils with disabilities* in paragraph 3 below)

## **AUGUST**

**21 August – Rape at school – Saluzzo (Cuneo)** – V. Giordano, a teacher of Italian, was arrested on account of rape committed on two students who were underage at the time the offence had been committed.

The interceptions showed that there was a “blood covenant” between the teacher and the two students, who had committed to keep silent.

According to the report by the psychiatrist expert, the teacher was aware of the serious implications of his conduct.

## **SEPTEMBER**

### **3 September – Competitive examinations – University of Perugia**

– The former Governor of the region Umbria, Ms. M.R. Lorenzetti, called Prof. G. Grossi, full professor at the University of Perugia, to recommend a student at the Dentistry Faculty. The request was made via several phone calls that were being intercepted by the Carabinieri of the Special Operational Unit (ROS) in Florence; the dean, M. Bisoni, and Prof. L. Romani were also involved. On 27 September the student passed the medical pathology examination with full honours.

### **10 September – Exclusion from classes – Novara**

– The parents of 12 pupils in Landiona (Novara) took away their children from school because of the substantial presence of foreign pupils: “There are too many gypsies”, said the parents. Similar cases occurred in the subsequent week close to Bergamo and in the Chianti area in Tuscany.

### **16 September – An aliens-only class – Bologna**

– A class only including foreign pupils was set up in the *Besta* junior secondary school of Bologna for the 2013/2014 school year. This case and the relevant criticalities are described in paragraph 1 above.

### **23 September – Exclusion from classes – Naples**

– The parents of six children attending the *Gennaro Sequino* primary school in Mugnano (Naples) applied for moving their children to other schools because of the presence of a pupil affected by Kanner’s syndrome. The applications were initially rejected by the headmaster and were granted at a later stage because of the pressure exerted by “influential persons”.



**23 September – Admission fees – Rome** – A new admission fee was introduced at the Arts School of Rome that was targeted exclusively to non-Eu students. Along with regional and university fees calculated on the basis of the ISEE standard, non-Eu students would be required to pay an additional fee of 1,000 Euro regardless of their income and performance. This yearly fee was considered to be discriminatory and unlawful in nature and might undermine validity of the students' residence permits on educational grounds if it failed to be paid.

## **OCTOBER**

**1 October – Competitive examinations – University of Messina** – The Financial Police (Guardia di Finanza) arrested two teachers of the Medicine faculty at the University of Messina on account of irregularities found in a competitive examination held for the post of researcher; they were allegedly helping the son of one of them.

**5 October – Rape at school – Sondrio** – The Court of Sondrio sentenced a gym teacher to imprisonment for 1 year and 2 months plus a 10-thousand Euro fine on account of rape against one of his pupils, who was 16 at the time of the events. Currently, that teacher works at another higher secondary school.

**6 October – School canteen – Rome** – The mother of a disabled pupil attending the *De André* lower secondary school reported that her son was prevented from accessing the canteen because of architectural barriers. This is no isolated occurrence, as in Italy 17% of school buildings do not include disabled-friendly canteen facilities.

Architectural barriers can also be found in other areas of school buildings. According to the *11<sup>th</sup> Safety at School Report* (2013) by Cittadinanzattiva, hindrances can be found at the entrance of schools (27%), in laboratories (19%), gyms (18%), courtyards (15%) and in many other areas (13%).

**8 October – Catholic religion classes – Rome** – Based on a survey by Skuola.net, one student out of four considers Catholic religion classes to be useless. 25% of the respondents stated that no educational activities were carried out during those classes. Furthermore, attendance of such classes provides teaching credits to participants and this discriminates those students who decide not to attend them.

**16 October – University competitive examinations – Rome/Bari** – The Prosecuting Office of Bari notified that the former dean of the Università europea in Rome and Christ's Legionnaires' Academy were being investigated as part of a major inquiry into trumped university competitive examinations. Telephone tapping showed that part of the teaching staff along with political representatives were involved in setting up an illegal recruitment system for university teachers.

**29 October – School canteen – Naples** – New fees were introduced for the canteen at the primary school in Villaricca (Naples) whereby non-residents were charged more than twice the standard fee.

## **NOVEMBER**

**11 November – Maltreatment at school – Savona** – The judge, Mr. F. Giorgi, issued an injunction against the teacher of a primary school in Savona that had been charged with maltreatment by some parents. The maltreatment was evidenced by interceptions and videos shot during the investigations by the Prosecuting Office.

This is no isolated occurrence. Based on a survey performed by Save the Children in 2013, 94% of the respondent parents were afraid that their children would be maltreated in “protected” locations. The locations causing the greatest concerns were sports centres (43%), parochial community centres (39%) and schools (38%).

**13 November – School buildings – Italy –** ANCI (National association of Italian municipalities) requested the Education Committee of the Chamber of Deputies to work out a plan jointly with local authorities in order to enhance the safety of school buildings throughout Italy; to that end, adequate resources should be allocated on a continued basis. A significant example of the poor status of school buildings in Italy is provided by the collapse of part of the building hosting the Liceo Darwin in Rivoli (Turin), which caused the decease of one student and led to sentencing six persons (three officers of the municipality of Turin and the teachers tasked with ensuring safety at school) to several years' imprisonment.

## **DECEMBER**

**23 December – Racism at school – Rome –** The Jewish community in Rome voiced their indignation following the acquittal of an Arts Teacher that had supported Holocaust-denial theories before three students on 30 October 2008. According to the Jewish community in Rome, this case showed the need for ad-hoc legislation to counter Holocaust denial – beyond and apart from the reasons underlying the specific judgment.

## **Legislation and Policies**

### *Enrolment Cap (Numerus Clausus)*

One of the issues that has been debated for many years concerns the enrolment cap (or limited access) applying to several schools and some university courses. The capping of enrolment is not grounded in our Constitution, since it would make an individual right conditional upon general policy considerations (Pototschnig U., 1973, p. 112 ff.). According to the Italian Constitution, the State may provide for “an exam for admission to the different types and levels of school...” (Article 33(5) ) in order to select best-performers who are allowed to

attend a specific school or course; however, the State may not pre-determine a threshold for enrolment to educational courses.

Nevertheless, enrolment caps can be found currently in several university courses and are the source of litigations. Between December 2012 and January 2013 several decisions were rendered by Regional Administrative Courts (TAR) concerning enrolment caps for university courses in medical sciences. In particular, the TAR of Latium granted the complaint lodged by tens of students who had sat for the tests in various cities and had been excluded because their score was too low for the respective universities – even though they would have been admitted if they had sat for the tests held at Rome's La Sapienza university. The lack of a single, nation-wide ranking and clearly defined parameters for Italian universities led the TAR to issue negative decisions (decisions No. 4736, 4744, 4751). In this connection, special significance should be attached to another decision by the TAR of Salerno (No. 389 of 27 February 2012), whereby it was found illegitimate for the dean to reject the enrolment application lodged by a non-EU student who, in spite of having passed the admission tests for medical sciences, had been excluded because there were no available posts. The student had applied for being admitted via one of the posts reserved for non-EU nationals, which had not been allocated. The TAR granted the complaint lodged by the student because the Ministry of Education had set the posts available for enrolment at national level without drawing any distinction between EU and non-EU students.

The Council of State had questioned the lawfulness of enrolment caps when it had issued its order No. 3541 of 18 June 2012 to request a ruling by the Constitutional Court on Law No. 264/1999; in particular, Section 4(1) thereof had set forth enrolment caps for the former courses of medical sciences, veterinarian medicine, dentistry, architecture and the so-called health care professions. In the Council of State's view, the lack of a single, nation-wide ranking and the availability of separate lists for the individual universities are in breach of Articles 3, 34, 97 and 117 of the Constitution. Additionally, "admission to a graduation course does not depend on the applicant's

skills as it is related actually to casual, utterly coincidental factors that have to do with the number of available posts at each university and the number of applicants.” (order No. 3541/2012, Division VI). Accordingly, this selection mechanism is in breach of the applicants’ equality and right to education as enshrined, inter alia, in Article 2 of the Additional Protocol to the ECHR.

Further to the said order, the Ministry of Education issued Decree No. 196 of 28 June 2012 to create 12 territorial lists based on the merge of several universities. However, several Italian TARs found this solution to be unsuitable for remedying the inequality of treatment affecting applicants.

The establishment of a nation-wide list was recently provided for by Minister Carrozza via the so-called “School Decree” that was adopted by the Council of Ministers on 9 September 2013 and transformed into a Law on 7 November 2013; however, this decree only applies to the selection of candidates to medical postgraduate schools.

The issue of limited access (*numerus clausus*) to study at Universities was recently the subject of a judgment by the European Court of Human Rights in the *Tarantino and Others v. Italy* case.

In its judgment of 2 April 2013, the Court found that every contracting State was entitled to exercise its power to regulate access to education, in particular to Universities, on the basis of two criteria – namely, the capacity and resources of the individual universities, and societal requirements vis-à-vis a given profession (with regard to the medical profession). In the Court’s view, this regulation must be subject to supervision (by the Court itself) to establish that such criteria are met in order to make the limited access approach legitimate.

As for the criteria relied upon to set a student enrolment cap at Universities, the Council of State also issued a non-final decision on application No. 2725/2010 of 5 April 2013; according to such decision, the enrolment cap must be set by having regard to the requirements of the EU, not the national health care system.

The threshold to be set as regards the number of physicians has also to do with the selection procedure to access postgraduate schools. In this connection, the forecast made by ENPAM (National Social Security and Welfare Agency for Medical Doctors and Dentists) is especially significant – that is to say, in 2016 there will be a gap of 600 medical doctors in Italy compared to the needs of the population. This gap will be due to the retirements expected in the next few years as they will not be covered by newly recruited staff; moreover, the reduced funding available for scholarships prevents holding competitive examinations for the required posts in medical postgraduate schools.

Finally, reference should be made to a decision by the TAR of Tuscany (19 December 2012), which considered it illegitimate for Pisa University to introduce limited access requirements for the Engineering course. The latter is not mentioned in the university courses listed in Law No. 264/1999, whose compliance with constitutional principles is actually being questioned.

There are additional specific issues relating to the mechanisms for holding the admission tests that would appear to be questionable. In this connection, a major class action was initiated on 6 September 2013 before the TAR of Latium against the whole admission tests system as well as against the so-called “high-school diploma bonus”, which action may be joined by all the students that had already sat for the 2013/2014 academic year exams.

By way of decree No. 449 of 12 June 2013, Minister Carrozza introduced new mechanisms for the admission tests to graduation courses as planned for the 2013/2014 academic year, replacing the provisions set forth in Ministerial Decree No. 334 of 24 April 2013. The key feature of the new decree relates to the new criteria laid down in order to evaluate school performance. The so-called “high-school diploma bonus” was eliminated with regard to the applicants that had obtained a pass mark in excess of 80/100 in their high school diplomas. This measure was extended to all applicants by the Ministry of Education in September 2013, when the admission

tests for several university courses had already started. According to Minister Carrozza, the “bonus” was a measure that had only brought about inequalities and failed to take due account of educational curricula.

### Public vs. Private Educational Institutions

The relationship between public and private education continues to be a source of discussions in spite of its being grounded in the Constitution (Article 33) and regulated by law (Law No. 62/2000). As well as establishing to what extent the freedom of teaching set forth in Article 33(1) of the Constitution is ensured within educational institutions that endorse specific ideological stances, a thorny issue consists in the prohibition of State funding for private institutions. Under Article 33 of the Constitution, “The Republic lays down general rules for education and establishes state schools of all branches and grades. Entities and private persons have the right to establish schools and institutions of education, *at no cost to the State.*” (paragraphs 2 and 3). Factually speaking, the latter principle was not complied with, which has given rise to considerable criticisms.

The latest instance of such discussions was the setting up of a Committee of parents and teachers (“Articolo 33”) in the early months of 2013 in Bologna, to protest against the substantial funding provided by the municipality to the 27 private nursery schools existing in the city. The public-private integrated system of nursery schools started in 1994 and is seemingly difficult to replace as of today; indeed, the State-owned schools would appear to be insufficient to meet the needs of populations. Several families are accordingly obliged to apply to private institutions and pay hefty monthly fees. On 26 May 2013, a referendum was held in Bologna which saw a turnout rate of 28.71% and endorsed the initiative waged by “Articolo 33”, requesting the public education system to be implemented in full (Monti L., 2013; Truzzi S., 2013).

It can be easily appreciated that the Bologna referendum is grounded in issues that are far from local in nature as it raises several questions in terms both of facts and of principles.

### *Textbooks and Implementing the Right to Education for All*

The 5-year and 6-year ban on adopting new textbooks in primary and secondary schools, respectively, as set forth in the so-called “Gelmini reformation<sup>1</sup>” to contain the relevant expenditure was lifted recently. A circular by the Ministry of Education of 25 January 2013 implementing Section 11 of Law 211/2012 on measures for the economic growth of Italy allowed teachers to select new textbooks yearly as from the 2013/2014 school year. This sparked several discussions on account of the increased costs for families and the resulting questions on the actual implementation of the right to education. The reply given by the Ministry was that the circular envisaged adoption of textbooks in a new digital or mixed (i.e.

1 The so-called “Gelmini reformation” (the reformation introduced by Minister of Education Ms. Gelmini) included several measures that brought about changes into schools and universities. The first measure to be issued was decree No. 112 of 25 June 2008, including *Urgent measures for economic development, simplification, competitiveness, stabilization of public finance and better allocation of taxes*, Chapter V (as transformed into Law No. 133/2008). Additional legal instruments enacted as part of the reformation include the decree No. 137 of 1 September 2008 (*Urgent measures concerning education and Universities*), transformed into Law No. 169/2009; Presidential decree No. 81/2009 consolidating the provisions on evaluation of pupils; decree No. 180 of 10 November 2008, concerning *Urgent measures on right to education, enhancement of performance evaluation and quality of university and research systems* as transformed into Law No. 1/2009; a bill on *organization and quality of the university system, academic staff and right to education* introduced on 23 October 2009; Law No. 240/2010 including *Measures on organization of universities, academic staff and recruitment and to enable Government to enhance quality and effectiveness of the university system*; Ministerial decree No. 17 of 22 September 2010 containing *Requirements of educational curricula*; Law No. 170/2010 on *New provisions concerning specific learning disabilities in the educational context* along with the respective Ministerial decree of 21 July 2011.

The main innovations introduced regarding school education can be summed up as follows: a single teacher available as a rule in primary school classes; decimal grading system for all pupils including those in primary schools; grades for behavior at all levels; introduction of a new class on “Citizenship and Constitution” at all levels; start of a project called “Digital School” based on the use of IT and e-books for teaching purposes; introduction of a national INVALSI test for lower secondary school exams; creation of new higher secondary school courses including six types of “liceo”, two types of sector-specific technical schools and two types of professional training schools; introduction of a specific category called “specific learning disorders” (SLD) in order to select customized educational curricula for students affected by such disorders; the obligation for all schools to contain textbook expenditure by banning new adoptions as per Section 5 of Law No. 169/2008.

Additional details on higher secondary schools can be found in the booklet published by the Ministry titled *Guida alla nuova scuola secondaria superiore*, September 2010, [www.istruzione.it](http://www.istruzione.it).

The organizational innovations brought about by the Reformation as regards Universities will be described in the relevant sections of this Chapter.



paper and CD-ROM-based) version, which was meant to achieve cost containment rates of 20 to 30%. Publishers seemed to disagree, however. It appears that they are required to destroy thousands of paper-based books to implement Ministerial Decree No. 129 of 16 March 2013, setting out the relevant technical specifications. In May 2013, the Italian Publishers' Association (Aie) lodged a complaint with TAR against the above decree by claiming that the shift to digital textbooks would not be conducive to reduced production costs, which actually would be increased because of supervening expenses and the increase of the applicable VAT by 17 percent compared to paper-based books. According to Aie, the shift to digitalization should take place much more gradually.

This issue was addressed partly via the *School Decree* (decreto scuola) of September 2013, whereby the obligation to adopt new textbooks was lifted for the 2013/2014 school year providing teachers replace them by different teaching materials. Conversely, headmasters will be required to make sure that the expenditure caps provided for with regard to new textbooks are complied with.

The decree also envisages 8 million Euro funding for the purchase by secondary schools of books and e-books that can be leased for temporary use free of charge by economically disadvantaged students.

### *BES and Other Innovations Concerning Assistance to Disabled Students*

The DSA (or SLD) category, including dyslexia, dysgraphia, dysorthography and dyscalculia as specific learning disorders that require customized teaching curricula but no assistance by specialized teachers, was introduced by the “Gelmini reformation” and was recently supplemented by an additional category. The latter includes students that are “socially and culturally disadvantaged, are affected by specific learning and/or growth disorders, or by difficulties due to their poor knowledge of Italian language and

culture because they belong to different cultural milieus.”<sup>2</sup> The various instances of disadvantage are grouped together and termed “Bisogni Educativi Speciali” (BES, i.e. Special Educational Needs). By way of an implementing circular of 6 March 2013 (No. 8), the Ministry of Education provided the operational guidance for handling such BES; it was stated that it was up to “Consigli di classe” (boards made of parents’ and students’ representatives for each class plus the respective teachers) to identify those specific cases where customized teaching was required along with such “compensatory or derogatory” measures as might be necessary for ensuring full, effective inclusion of those students. At all events, the Ministry drew a distinction between BES and other types of disability requiring the assistance of specialized teachers and a customized or individual educational plan<sup>3</sup>, as well as between BES and SDA cases. In all such cases a medical certification is to be produced.

Introducing the BES category is meant in the Ministry’s view to enable teaching teams to help the given students; however, no specific tools are made available to plan adequate measures. This shortcoming already featured in the referrals of DSA cases.

The issue of how to adequately handle students with learning disorders and/or with disabilities was compounded further by the stepwise drop in State financing to welfare initiatives for schools. The provisions issued by the Ministry of Education in the 2010 to 2012 period reduced the number of specialized teachers considerably in spite of the continued increase in the number of students with disabilities in all schools. This produced markedly negative effects, so much so that the Ledha association along with 16 families lodged a complaint with the court of Milan; the latter convicted the Ministry

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2 Ministerial circular letter No. 8 of 6 March 2013 relating to the Ministerial Directive of 27 December 2012 on *Measures applying to students with special educational requirements and territorial organization for school inclusion*, p. 2. See Ministerial circular letter of 22 November 2013, Protocol No. 2563, *Measures for students with special educational requirements. 2013/2014 school year. Clarifications.*

3 The right to education of disabled students is regulated in Italy by Law No. 104/92 (in particular by sections 12 and 13 thereof) and by the relevant implementing decree of 24 February 1994. See also the UN Convention on the Rights of Persons with Disabilities of 13 December 2006 as signed by Italy on 30 March 2007 (Articles 7, 19, 24, 27).

of discrimination on 15 July 2013 because of the serious situation and the substantial difficulties encountered by disabled students. In order to enhance the continued support and assistance provided to over 52,000 students with certified disabilities, the Ministry of Education requested that over 26,000 specialised teachers be recruited on a time-unlimited basis over the next three years. This request was granted via the *School Decree* of September 2013. However, Anief (the National Teachers' and Trainers' Association) complained in this regard that the teachers to be recruited would continue to receive their wages under fixed-term employment contracts without any seniority accruing to them for an 8-year period.

### *Fixed-Term Employment in the School Sector*

The scanty funds available for education also result in the increasingly precarious employment status of an ever larger amount of teachers. Fixed-term employment contracts have become the rule rather than the exception in this area, so much so that workers' rights are being trampled upon and the quality of educational performance is being affected. To appreciate the import of this phenomenon, one should consider that some judicial decisions were rendered in this regard during 2013. One of leading issues has to do with the transformation of fixed-term employment contracts into employment contracts of unlimited duration; an order by the Court of Naples of 15 January 2013 requested a ruling from the European Court of Human Rights. The Court division dealing with occupational matters submitted the complaint lodged by a fixed-term teacher against Law No. 106/2011, which prevents school staff from being employed via contracts of unlimited duration after working for 36 months on the basis of fixed-term contracts – allegedly in breach of Directive 1999/70/EC. The latter directive was transposed by way of Section 5 of legislative decree No. 368/2001, which is considered not to apply to public employment as the latter is regulated by Section 36(2) of legislative decree No. 165/2001. The differential treatment of private vs. public employees is grounded in Article 51 of the Italian Constitution, whereby a competitive examination is required to access public

employment. The point is that the salary conditions applying to teachers jeopardize workers' rights as per Articles 1, 4 and 35 of the Constitution. Another decision by the Court of Trapani (occupational matters division) of 22 February 2013 required the Ministry of Education to pay damages to three fixed-term teachers on account of "misuse of fixed-term employment contracts, failure to provide seniority benefits and pay the wages for summer months (July and August)." Additionally, the salary paid to teachers under fixed-term employment contracts is lower than that of teachers working under unlimited duration contracts, and there is no bonus attached.

In order to enhance the stability of educational services, the Government set out a three-year plan by way of the September 2013 decree to recruit teaching and clerical staff on the basis of unlimited duration contracts. About 69,000 teachers and 16,000 clerical staff are expected to be recruited between 2014 and 2016 along with 57 headmasters. The plan envisages a new recruitment procedure for headmasters, who should be selected via a training course to be held at the National School of the Public Administration.

The ministerial plan is meant to fill out a gap of about 80% in the numbers of school personnel.

At the end of September 2013, the Ministry of Education disclosed the figures on the public competitive examination held on 24 September 2012 for permanent teaching positions, which marked the beginning of the so-called *Transparency Operation*; the Ministry tried to lay out clear-cut recruitment procedures to allow both the winners of that competition and the teachers currently eligible for employment based on specific Lists ("Graduatorie a esaurimento", Gae) to be recruited via unlimited duration contracts.

### *Digital School: Problems Caused by Online Registration Mechanisms*

The ministerial document of 25 January 2013 remedied some problems caused by the online registration mechanisms that had been introduced for compulsory education classes at the beginning of that year. The new registration system envisages a single digital form where students are identified by way of their Tax IDs. This

gave rise to several problems for the children of illegal migrants as they do not hold any Tax IDs although they are entitled to attend schools. The said circular states that, if a foreign student is not yet holding a residence permit or if an international adoption case has yet to be finalized, it will be up to schools to directly take care of the registration procedure.

### Latest News on Financing to Schools

On 14 January 2013, the Ministry of Education stated that the “convergence objective” Regions (Calabria, Campania, Apulia and Sicily) could avail themselves of European Structural Funds (ESF) to supplement their POFs (Programmi di Offerta Formativa, Educational Activity Plans) by starting training and awareness-raising programmes for school staff. Additionally, on 9 April 2013 a circular was published on the National Supplementary Collective Agreement to allocate extra resources to the schools in at-risk areas, where a considerable number of recent migrants can be found along with high school drop-out rates.

By way of the September 2013 Decree, the Ministry also apportioned 15 million Euro for the 2013/2014 school year in order to start a supplementary teaching programme to counter dropping-out with particular regard to primary schools.

Furthermore, funds were allocated to secondary schools in 2014 – e.g., to cover transportation and meal costs, implement wireless connections, grant scholarships in Advanced Arts Schools – as well as to run training courses aimed at enhancing teachers’ skills.

The Ministry also allocated 100 million Euro starting from 2014 to consolidate the Fund for university scholarships so as to make it a permanent rather than a temporary feature.

The apportionments envisaged for the next year were nevertheless criticized because they were considered insufficient to even simply tackle the economically most difficult situations.

### Studying Abroad

The Ministry of Education decided to support student mobility in secondary schools by way of the *Lifelong Learning* programme as

described in the circular of 10 April 2013; this is aimed at fostering the international dimension of schooling. The document envisages international cooperation and mobility initiatives for students.

### *Right to University Education, Freedom of Scientific Research and Evaluation*

The current status of the right to university education and freedom of scientific research can be appreciated via some recent decisions by a few TARs and the Constitutional Court regarding several issues, some of which have surfaced following the changes brought about in Universities by the “Gelmini reformation”. The latter reformation impacted the organization of universities as it did away with university faculties, terminated the separation between teaching and research (both being now committed to Departments) and modified the whole architecture according to a highly centralized model. The law imposed detailed constraints on minor activities and introduced a single organizational model for universities, thereby reducing their autonomy considerably and raising an issue of possible conflict with Article 33 of the Constitution. The reformation was described as a measure capable to enhance performance and quality, but it also changed the rules for the recruitment of university professors – a nationwide eligibility certification is now necessary based on personal qualifications and publications – as well as the rules to increase the funding of cost-containing universities where high quality levels are attained in terms of teaching and research. All of the above raised the issue of how to evaluate the performance both of individual researchers and professors and of universities as a whole. Universities are currently evaluated by ANVUR (National Agency for the Evaluation of University and Research) on the basis of legislative decree No. 19 of 27 January 2012, which implemented Section 5(3) of Law No. 240/2010, as well as in accordance with the criteria laid down in Ministerial decree No. 47 of 30 January 2011; the evaluation concerns the initial and regular accreditation of teaching courses and university premises as well as quality, efficiency, and the results of teaching and research activities. Doubts are raised

regarding the tasks ANVUR is being overloaded with, which sometimes overlap with the task committed to another evaluation agency, i.e. the Cnqr; above all, it is questionable that the criteria applied to evaluate academic work are defined by ministerial decrees, which may undergo several amendments as they are not primary legislation. This prevents universities from relying on standards laid down in laws so as to achieve pre-defined targets.

The criteria for evaluating individual scholars are also set forth in ministerial decrees. Currently Ministerial Decree No. 76/2012 sets out the bibliometric markers, the number of publications and the median values to determine the relevance of one's scientific production. On top of these criteria, academic research journals are grouped into three classes (A = excellent; B = good; C = acceptable), so that the value of a publication changes with the journal it is printed in. This classification was introduced by ANVUR in cooperation with experts in Research Quality Assessment (VQR) and national scientific societies. It was exactly the latter feature that caused the greatest concerns: several decisions by the TAR of Latium in 2013 addressed the mechanisms for classification and evaluation of scientific journals by ANVUR. For instance, a decision by the TAR of 15 February 2013 (case No. 8143/2012) and two decisions of 8 February 2013 (case No. 10569/2012) and 22 February 2013 (case No. 246/2013) quashed or requested a review of decisions by ANVUR concerning exclusion of some scientific journals from the Class A list. ANVUR has to take into account the opinion given by the relevant scientific society.

The TAR of Emilia-Romagna also granted the complaint lodged by a candidate in the competition for researchers held at the University of Parma, since his publication had been evaluated in a shallow manner without analyzing each paper as per Ministerial decree No. 89/2009 and without applying the criteria set forth in Section 4(2) of Presidential decree No. 117/2000 and in Law No. 9/2009.

Reference can also be made to the Order No. 99 issued by the Constitutional Court on 23 May 2013, whereby it was determined that the salary paid to foreign mother-tongue language teachers in

Universities (“Lettori di scambio universitari”) was to be 70% of that paid to full-time university researchers; further, decision No. 78 of 24 April 2013 by the Constitutional Court found that Section 1(10) of Law No. 230/2005 was unconstitutional as it prevented technical and administrative staff in universities from performing teaching assignments also without any remuneration.

### *A New Government Taking Office: A New Vision for Educational and Research Policies?*

On 6 June 2013, Minister Carrozza presented the policy lines on education, universities and research the Government considered to be of strategic importance. In particular, the Minister declared that all necessary efforts would be made to prevent and counter dropping-out, which currently affects 18% of youths, also by relying on European funds for the 2014-2020 period.

As part of system-level measures, school autonomy will be fostered by envisaging two separate recruitment channels (school- and network-focused, respectively) to increase the stability of funding for educational institutions and reduce the number of fixed-term contracts substantially.

Regarding universities, the key objective consists in “de-bureaucratizing” management and providing economic support to their activities. The 300-million Euro apportionment made for the FFO (Fondo di finanziamento ordinario – Standard Financing Fund) of state-run universities will be reintroduced and a *Nationwide Extraordinary Plan for the Recruitment of Researchers* will be implemented pursuant to Section 24(3), letter b), of Law No. 240/2010 via a national call – which basically is an extension of the *Rita Levi Montalcini Programme*, currently reserved for scholars working abroad. Minister Carrozza also mentioned the need for funding the second strand of the *Extraordinary Plan for the Recruitment of Associate Professors*, lasting six years.



As for university research, the measures envisaged by the Ministry of Education focus on the setting up of a *nationwide research system* to allow taking full advantage of the individual sources of financing, implementing a new National Research Plan (PNR) for the 2014-2016 period, better coordinating the existing research bodies, enhancing ANVUR's effectiveness in evaluating the performance of research bodies, and creating a national environment that can foster the activities of researchers and scholars.

The specific steps to implement the intentions and plans voiced by the Minister of Education concerning schools and universities were laid down in the *School Decree* that was adopted on 9 September 2013 (see foregoing paragraphs).

These ministerial guidelines were received favourably and taken up by several MPs in motions that were tabled between 11 and 12 June 2013 – e.g. that by MPs E. Cimbro and M. Fabbri from the Democratic Party, who put forward proposals to find financial means and remedy the dilapidated status that is currently a feature of almost one half of school buildings (see the 2012 Report by Legambiente). The new School Building Plan envisages several meetings with the Territorial Cohesion Department in order to allocate part of the 2014-2020 cohesion funds to maintenance activities in schools; thirty-eight million Euro are expected to be apportioned additionally for this purpose to local authorities and Regions.

## **Recommendations**

1. Ensuring long-term sustainability of the planned interventions for school buildings - including standard and extraordinary maintenance activities for the restructuring of some buildings - by relying on bio-building criteria and sustainable and renewable sources. The introduction of a nationwide training

curriculum for teaching and clerical staff regarding safety and risk prevention in educational facilities is also called for.

2. Fostering inclusiveness in the educational system to support those most in need in their educational processes and counter school drop-out.
3. Planning school inclusion policies for aliens with a limited command of Italian, by relying on integration and inclusion processes. Introducing legislation to the effect that children born in Italy from foreign parents must not be calculated in the 30% per-class ratio of non-Italian children.
4. Affording more permanent care to students with disabilities and pupils with DSA [Specific Learning Disorders] and/or BES [Special Educational Needs] such as to meet their actual needs, by ensuring that an appropriate number of specialized teachers is available for as long as necessary in the individual cases and supporting families in handling the relevant certification procedures.
5. Stabilising teaching and clerical staff by setting up a recruitment system that can allow transforming fixed-time contracts into contracts of unlimited duration and thereafter facilitate the recruitment of young graduates.
6. Reconsidering the evaluation and recruitment mechanisms for universities by doing away with the ban on staff turnover and setting forth nationwide criteria to take due account of performance. Such criteria should be laid down by law rather than by ministerial decrees, which are liable to more frequent changes.
7. Stabilising the university scholarship fund by doing away with the scholarships awarded to “eligible non-beneficiaries”.
8. With a view to re-allocating the available resources, increasing the FFOs for universities so as to support teaching, research and internationalization activities.