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DANISH MINORITY EDUCATION IN SCHLESWIG-HOLSTEIN

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This paper examines the educational system of the Danish minority in Germany. The minority is settled in Germany's northernmost state, Schleswig-Holstein, and is known to enjoy one of the most advanced minority protection regimes in Europe. One pillar of this regime is the educational system, which is the subject of this paper. It gives a detailed account of how this system developed over time, and the legal framework that came into being in order to regulate the Danish minority's rights, freedoms and obligations in terms of education. Additionally, this paper aims to provide insight into the institutional setup of the Dansk Skoleforening (Danish School Association) and its institutions, and to examine how the legal provisions are transferred into practice.

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I. INTRODUCTION

The minority protection regime in the Danish-German border region is often seen as one of the most advanced in Europe and referred to as a model for other minority regions. One of the main pillars of this regime, next to political participation, financial support, and civic engagement, is the education of the

minorities' youth. Both the German minority in Denmark and the Danish minority in Germany run their own fully accredited schools that enable their graduates to pursue further education in both countries. South of the border, in the German federal state of Schleswig-Holstein, the provisions for the



schooling of the Danish minority are especially far-reaching and deeply rooted in law, thus providing the minority with a highly reliable educational system, tailored to its specific needs.

Besides the Danish minority there are also the Frisian ethnic group and a small community of Sinti and Roma settled in the region. Additionally, a regional language, Low German, enjoys special protection and promotion in Schleswig-Holstein. While there are references to the protection and promotion of language and the provision of respective classes in public schools for the Frisian ethnic group and Low German speakers, the Danish minority is the only minority community with specific regulations concerning its own school system.¹ This school system is the subject of this paper, which examines its historical development, legal background and institutional setup.

II. HISTORY

The duchy of Schleswig, which is today split in two by the national border between Germany and Denmark, is the traditional settlement area of German and Danish speaking people with corresponding cultural traditions and loyalties. Initially constituted of various small city and municipal units, each governed by their own Duke, the region came under Danish influence in 1773. Political developments in early 19th century Schleswig were marked by movements for

nationalisation and constitutionalisation, mirroring European attitudes of the time. Additionally, both the Danish King and the German confederation developed an increased interest in the region, each with their own plan of incorporating it closer into their respective sphere of influence. Loyalties divided between these powers split the population, and the resulting tensions culminated in war between 1848 and 1850. While Schleswig remained Danish, the two camps within the population maintained their hostile attitudes. In 1864 Prussia invaded the region together with Austrian troops, making the whole of Schleswig part of what was to become Germany.² Subsequently, German became the language of government in all of Schleswig. In its northern part, half the schools remained Danish-speaking for some time, however by 1888 teaching was conducted entirely in German, with the exception of religious classes. During this time the first German and Danish cultural associations were founded, among them a school association that aimed at organising graduate exchanges for Northern Schleswig youths to Denmark, in order to provide the opportunity for them to improve their Danish. The last decade of the 19th and first decade of the 20th century saw a considerable decline of the Danish movement in the middle and southern regions of Schleswig, especially in the city of Flensburg, while in northern Schleswig Danish loyalties remained unchanged despite great assimilation pressure. The onset of the First



World War (WWI) brought all Danish organisational work to a halt, as many of the young men were called to military service. Following the war, US President Woodrow Wilson's 14 points speech offered an opportunity for the Danish-minded population of North Schleswig to demand self-determination. A formal claim for a plebiscite was made in October 1918 by H.P. Hanssen and was incorporated into the Treaty of Versailles. The treaty stipulated a plebiscite to be held in Schleswig in 1920 in order to determine the affiliation of the municipalities with mixed populations, which resulted in the redrawing of the border and the emergence of national minorities on each side of the border.³

After the new border was established the new Weimar constitution came into force for the German part of Schleswig, which (based on the provisions of the Versailles Treaty) recognised the minority and granted certain rights to its members. Among others it included the right to use Danish in public events, provisions for the establishments of public minority schools, and the right to establish private minority schools. Ever since, the Danish minority schools in Schleswig-Holstein have been a central part of minority policy in the region. The Danish School Association, which was the owner of the private minority schools and responsible for their coordination, was founded the same year the border was revised. Additionally, a public Danish school was established, however

enrolment was restricted to the children of persons whose native language was Danish. The language of instruction was Danish and only two hours per week were dedicated to non-obligatory German classes. 1,000 children applied for enrolment in the public minority school, of which only 239 were accepted, due to the strict criteria applied by the school authority. In order to cater the demand of the remaining Danish children in Flensburg and its surroundings, travelling teachers were employed by the Danish School Association. Additionally, a private middle school was founded in October 1920 and the first childcare facility in 1921. Three years later, the private Duborg School in Flensburg was founded with massive financial support from Denmark and is today the oldest minority school in South Schleswig.⁴ It was only in 1928 that admission to Danish schools became based on the parent's free decision in all of South Schleswig. The financial situation of the schools depended on their status; while public schools were funded by the respective municipality, private schools were paid only small subsidies and the larger part of the costs had to be covered by other sources, which usually was primarily the kin-state. These provisions were sustained during Nazi rule and the Second World War (WWII), and two additional private schools were even founded in 1935 and 1936. However, the parents of children enrolled in Danish schools faced increasing discrimination as Hitler's domination continued, and from 1936



onwards student numbers declined steadily. After the war all minority schools were transformed into private schools under the ownership of the Danish School Association.⁵

The first steps after WWII towards settling the issues around the Danish minority, including education, were made in the Kiel Declaration, which was issued in 1949 and was the first document to formally state that affiliation with a minority is a matter of free choice and cannot be questioned by the authorities. Additionally, the declaration also made statements about the Danish schools, stipulating that the Danish minority is entitled to set up its own general and vocational schools as well as childcare facilities, and that, parents and guardians can freely decide if their children are to attend a Danish school. Another significant provision of the Kiel declaration was that of the right of minority organisations to receive financial support from the kin-state of the minority.⁶ This provision was and remains crucial, particularly for the financial situation of the minority schools.

The next important step in terms of minority protection in Schleswig-Holstein was made six years later with the Bonn-Copenhagen Declarations of 1955. These are two parallel unilateral declarations issued that year concerning the minority question in the German-Danish border region; one declaration was issued by Germany and another by Denmark, granting an identical set of rights to the respective minorities. The accession efforts of Germany to NATO in

1954 provided the Danish Ministry of Foreign Affairs with a welcome opportunity to demand a permanent settlement of the minority issue in order to “create a better atmosphere for the ratification debate” concerning Germany’s accession in the Danish parliament. Pressured in this manner, Germany suggested negotiations which eventually lead to the Bonn-Copenhagen declarations.⁷ Two of the main pillars of the declarations are the right to freely affiliate with the minority and the right to establish and run cultural institutions, including schools.⁸ In addition to restating that the Danish minority may set up their own schools and kindergartens as was mentioned in the Kiel Declaration, the Bonn Declaration states that “In respect of financial assistance and other benefits from public funds on which a discretionary decision is taken, members of the Danish minority may not be treated differently from other citizens.”⁹ This statement is of major significance, as it provides the basic principle according to which all organisations of the minority have to be financially supported by the state in the same way and with the same amounts of money as similar organizations run by the majority population.

In contrast with this statement, in the supplement of the declaration, it was specified that the Schleswig-Holstein school ministry would cover a share of 80% of the average cost of a pupil in public schools for pupils enrolled in Danish minority schools.¹⁰ Thus



for the first time the state took on a financial responsibility to support the Danish minority education. However, at the same time covering only 80% of the pupils' costs created a clear inequality in financial support between the minority schools and the majority schools. Not surprisingly, this point stirred debate and conflict time and again, and it is the source of the most serious conflict between the state government and the minority in the last decade.

Nevertheless, from this point onwards the minority regime – and therefore the minority education system – developed further, and along with other provisions the terms of education for Danish minority pupils became increasingly institutionalised, with the subsequent integration of the issue first in the state constitution and later on in the school law.¹¹

The mention of national minorities has been part of the state constitution since its very first version, in 1949, while provisions for the protection and promotion of the Danish minority as well as the Frisian ethnic group first entered the state constitution in 1990.¹² The respective provisions remained unchanged until 2012, when the Sinti and Roma were added to the groups entitled to special protection and promotion.¹³ The latest change of minority provisions in the state constitution were made in 2014, adding that the schools of the Danish minority are to be financially supported on an equal basis to public schools.¹⁴

Naturally, as the current Danish minority school system developed over a period of almost a century, a number of setbacks and conflicts accompanied its development. The most recent one concerned the state subsidies for the minority schools. While the minority schools on both sides of the border have the right to financial support from their kin-state, they also receive subsidies from the state on whose territory they reside, as described above. The initial share of 80% of the average cost per pupil covered by Schleswig-Holstein as agreed in the Bonn declaration was increased to 100% in 1985. However the assessment base of this share changed several times over the years to the disadvantage of the minority schools, and was set on an equal basis to that of public schools only in 2007, after the closing of three schools and two Kindergartens in 2006 due to a lack of funds. Three years after this breakthrough for the equal treatment of minority schools, the Schleswig-Holstein state government announced a cut to the share of costs covered per pupil to 85% of public school funding. The state government's argument that the cuts did not interfere with its obligations towards the minority community was fiercely debated, but despite strong opposition from within the state, the federal government, and among Danish politicians, the cuts were implemented and thus resulted in a crisis in the relations between the state and the minority as well as between Germany and Denmark. In order to appease the minority as well as the Danish



government, the Federal Ministry of the Interior issued a supplementary grant to the Danish School Association of South Schleswig covering the greater part of the losses, thus sending clear signals to the Schleswig-Holstein state government. Additionally, Berlin supported the claims of the minority for equal treatment, and support also came from local politicians as well as the broader public. The cuts were perceived as a breach of the spirit of the Bonn-Copenhagen declarations and resulted in a loss of trust of the minority towards the state government.¹⁵ Subsequently, with the election of a new state government in Schleswig-Holstein in 2012 the equality of funding for minority pupils was re-established and the relationship between the minority and the state government gained stability. Nonetheless, this incident demonstrated the vulnerability of a system that was understood to be one of the most stable minority regimes in Europe, and the crisis could only be softened by the dedication of the federal government, the support of the kin-state, and public support from the majority population.¹⁶ In 2014 the constitution was changed to include the financial equality of minority schools with public schools and thus institutionalised the principle of financial equality first stipulated in the Bonn-Copenhagen Declarations. The change of the constitution in order to further institutionalise the equality of the Danish minority pupils constitutes an important step towards the reparation of the relationship between the

minority community and the state authorities and towards a stable minority schooling system, and marks a degree of protection and stability that seeks comparison.¹⁷

III. LEGAL SETUP

The basis of much of today's legal framework for minority protection in Germany is found in the Kiel Declaration and the later Bonn Declaration, as described above. These two documents set some of the basic principles and the general spirit in which minority protection is dealt with in Schleswig-Holstein, as can be seen in the provisions found in the current state constitution and corresponding laws. However, both of these documents are not legally binding, but rather a display of good will and a frame of general principles that guide minority protection in the region. Generally speaking, there are two levels of law-making in Germany; the federal level and the state level. While the minority legislation at the state level in Schleswig-Holstein is extensive and exemplary as remarked on above, the federal legislation concerning minority protection remains rather lacking as it is restricted to the general non-discrimination clause in the German Basic Law and specific clauses in the electoral law, exempting the parties of the national minorities from the general 5% threshold.¹⁸ Provisions concerning the education of minorities are missing entirely from these provisions, alongside other measures of



minority protection and empowerment.

Far more detailed than the federal legislation are the Framework Convention for the Protection of National Minorities (FCNM) and the European Charter for Regional or Minority Languages (ECRML), both signed and ratified by Germany. In both of these European documents provisions concerning minority education are made, and Germany has obliged itself to abide by them.¹⁹ However, Germany is a state with federal structures, in which each constituent state has its own constitution and law-making powers in specific areas in order to cater the local population's needs and consider regional differences.²⁰ While these structures allow the protection of minorities on state rather than federal level in cases in which minorities are living in a compact settlement area, they also divert large parts of the responsibilities for minority protection from the federal level to the state level. In accordance with this, the State of Schleswig-Holstein embraced the previously described provisions concerning minority protection in its constitution, becoming a forerunner in the institutionalisation of minority protection, and included minority-specific articles in laws within its capacity.

One of the areas in which law-making powers lie with the states rather than the federal government is education. In accordance with this structure, the education of majority and minority children is the responsibility of the Schleswig-Holstein

government and its ministries. The most recent Schleswig-Holstein state constitution (VerfSH) therefore stipulates that education is compulsory and that public schools are available to all children, regardless of their religious denomination or ideology. With regards to minority education, it is stated that the guardians of a child are to decide whether the child shall attend a minority school and that the schools of the Danish minority provide education in accordance with the law and are to be supported financially by the state on equal footing with public schools. Additionally, the constitution states that the state shall provide and promote Frisian and Low German classes in public schools where a respective demand is given. Further details are regulated in the state school law (SchulG).²¹ Education for Sinti and Roma is not mentioned specifically in the constitution or in the school law.

The schools of the Danish minority are the only schools of a recognised minority in Germany. They are not public schools but are run by the *Dansk Skoleforening i Sydslesvig* (Danish School Association of South Schleswig) as private schools and are thus regulated under the specific provisions of the state school law for schools in private ownership.²²

The general provisions for private schools, as they apply to Danish minority schools, stipulate that the approval of the ministry responsible for education is required for every school to be opened and that the approval is to be granted if the school meets



the standards of public schools in both the teaching aims and the training of the teachers and if the school does not foster segregation according to the economic background of the students. The approval shall be denied if the economic and legal status of the teachers is not warranted. It is also clarified that all private schools are subject to the legal supervision of the state and that the school authority can conduct local inquiries. The approval of a private school can be withdrawn if deficits found by the school authority are not taken care of, or the instructions of the school authority are repeatedly disobeyed.²³ The accreditation of a private school is possible if the school can guarantee to fulfill the same standards as public schools. If accreditation is granted, it provides the school with the capacity to issue diplomas with the same authorisation as public schools. Examinations, the issuing of diplomas and acceptance and transfer of pupils must be in accordance with the regulations valid for public schools and the examination committees are determined by the school authority.²⁴ Teachers must have an academic education that is of the same quality as that which is required of teachers in public schools, and teachers and headmasters of private schools require approval by the school authorities.²⁵

Private schools are entitled to state subsidies after a waiting period of 2 years and only if they do not generate profits. The subsidies are paid according to the number of

pupils enrolled each month for pupils residing in Schleswig-Holstein.²⁶ Normally, private schools have to make their own contributions to the school funds.²⁷ Subsidies are based on the student expense ratio calculated for public schools, including personnel and non-personnel costs.²⁸ Depending on the type of school, the subsidies can amount to different percentages of the student expense ratio. General private schools are entitled to a subsidy of 82%, while special pedagogical education centres focusing on mental development are entitled to 100%, other special education centres are entitled to 90% and vocational schools to 70% of the expense ratios of respective public schools.²⁹ The payment is issued in monthly installments and the issuing authority can inquire about the economical spending behaviour of the school at any time.³⁰

The articles concerning schools in private ownership only mention the Danish minority schools where they are exempted from provisions or where different provisions apply. This is the case in article 115, which stipulates that private primary schools can be established only in the case of the Danish minority, a special pedagogical interest, or if parents have filed an application for a school in accordance with a specific conviction.³¹ Another article specifically referring to the schools of the Danish minority is article 124 of the School Law, pointing out the special role of the schools of the Danish minority as granting “its cultural autonomy in accordance



with article 6 of the constitution of the state of Schleswig-Holstein” and stipulating that the schools of the Danish minority are entitled to stipends of the same pupil expense ratio as public schools, as well as an allowance of € 200 per pupil for travel expenses.³² This provision is especially noteworthy, as it clearly sets apart the schools of the Danish minority from other private schools, which are only entitled to reduced pupil expense ratios. This provision is additionally strengthened through the state constitution, providing in article 12 that the schools of the Danish minority are to be financially supported on equal footing with public schools. In addition to this, article 150 (1) of the School Law stipulates that between 2014 and 2016 the owner of the Danish minority schools will be paid additional allowances for pupil-related expenses, construction works and pupil transport, as well as other unspecified allowances.³³

In addition to the State School Law there are provisions concerning the Danish minority educational institutions and their conditions in various other state laws. Article 28 of the Law on Municipal Financial Compensation stipulates that the schools of the Danish minority shall be part of the funding schemes for social work at schools, for which the state provides the municipalities with funds to be distributed to the owners of the schools in the respective area.³⁴ Article 11 of the Decree on the Election of the State Advisory School Council provides that the

Danish minority schools are to appoint one member to the Advisory Council.³⁵ The childcare institutions of the Danish minority are subject to the State Law on the Advancement of Children in Day Care Institutions (KiTaG). In this law there are no special provisions concerning the Danish minority Kindergartens and day care facilities.³⁶

IV. INSTITUTIONAL SETUP

As pointed out earlier, the schools and childcare facilities of the Danish minority are run by the Danish School Association (hereafter School Association), a private owner, financially supported by the Schleswig-Holstein state ministries responsible for education and the municipal authorities. The Danish School Association currently runs 57 childcare facilities, with 2,200 children, and 46 schools with 5,715 pupils in South Schleswig, in all of which the teaching language is Danish.³⁷ The School Association is the recipient of the subsidies provided by the state for the support of the schools and childcare facilities. It is the employer of the teachers and care workers and pays their wages and pensions. It also administers the subsidies for construction works at the schools and institutions and is responsible for the application for funds and the communication with the responsible authorities, as well as to ensure that the



curricula of all institutions are up to the standards of public educational institutions.³⁸ In addition to the state subsidies of the Schleswig-Holstein authorities, the School Association receives funding from the Danish Ministry of Education.

While the 100% student expense ratio received for the schools guarantees the same amount of money per student to the minority schools as to public schools, the stipends still do not cover the real costs of the minority schools. As the schools of the Danish minority tend to be smaller than public schools and the Danish teaching mentality requires more teachers than the German system, the costs per capita are roughly double the costs of public schools.³⁹ Therefore receiving the same amount of money per student as public schools does not translate into real financial equality, and without substantial support from the Danish Ministry of Education the Danish School Association would not be able to run the minority schools. Currently, roughly 53% of the total costs of the School Association are covered by the Danish ministry.⁴⁰

In order for a child to be accepted to a Danish minority school or day care facility, the parents have to become members of the Danish School Association.⁴¹ The institutions run by the School Association are divided into nine school districts, each containing a common school and associated primary schools and Kindergartens.⁴² The School Association is headed by a steering committee

and the general assembly, both elected by the members of the School Association. The members of the general assembly are elected from the school districts in accordance with the statutes, regulating that for every 1,000 children enrolled in institutions in the district one board member and a deputy must be elected to the general assembly. The steering committee is elected from the general assembly. The management of the School Association is responsible for the administration of the schools and institutions and the School Association as a whole; its tasks are to implement the decisions of the general assembly and the steering committee and to coordinate the implementation within the schools and kindergartens.⁴³

All secondary schools of the Danish minority are common schools, meaning all children attend school together up to the 10th grade, with the possibility of a differentiation according to competence levels in specific subjects from grade five onwards. Primary school covers grades one to four and starts at the age of six. Of the 46 Danish schools, two offer the necessary degree to attend University in Germany or Denmark (Abitur); the Duborg Skolen in Flensburg and the A.P. Møller Skolen in Schleswig. As in public Gymnasiums, this degree requires a total of 13 school years.⁴⁴ This system of common schools is different from the German school system, which typically separates pupils after grade four or six into two to three different school types. While common schools exist in



the German system, they are still an exception rather than the rule.

In addition to their educational responsibilities towards their pupils, the schools have to ensure that the standards provided by the school authorities are met by their teaching activities. Normally, this is the task of the School Association, however for the two Gymnasiums the communication with the authorities is direct and immediate. This includes the participation of members of the authorities in oral exams and the confirmation of examination tasks through the authorities. Furthermore, the state audit court performs regular checks of the financial activities of the schools.⁴⁵

The teaching materials used at the Danish minority schools are a mix of materials imported from Denmark (making up the largest share), materials also used in public German schools, and materials developed by the teachers and staff themselves in order to cater to the needs of the minority pupils.⁴⁶ This allows the teachers some flexibility in important minority related subjects such as history. For the last three years of education in the two Gymnasiums, the standards of public schools apply directly, also including curricula, and are extended to include minority specific topics. This ensures the preparation of pupils for the central final examinations that they will face. Teachers are typically recruited through the website of the School Association, as well as the teachers' occupational unions in Denmark.⁴⁷

The Danish School Association aims to convey through its educational institutions cultural competence in both German and Danish environments, democratic values and social cohesion as well as a sense of belonging to the Danish community, knowledge, and confidence in one's own abilities. This is achieved through the application of Danish-modelled pedagogical approaches and an environment that provides space for individual development and independent learning.⁴⁸ One aspect in which this approach shows is in the average number of pupils per teacher in Danish schools, which tends to be smaller in comparison to German public schools.

Table 1: Average number of students per teacher (2012/2013)

School type	Public Primary	Danish Primary	Public Common	Danish Common	Public Gymnasium	Danish Gymnasium
Average number of students per teacher	14.4	9.9	12.7	10.6	14.5	5.1

Source: Statistisches Amt für Hamburg und Schleswig-Holstein⁴⁹

The smaller student-teacher-ratio allows for more personal supervision of students and thus potentially leads to a more individual support and more social equity in the schools. At the same time, students in Danish minority schools receive more teaching hours per week and learn in smaller groups than pupils



attending the same school type in the public system. The increased teaching hours are mainly due to the teaching of both German and Danish on native-speaker level in addition to the standard subjects. This requires extensive studying and leads to an intensive and substantial learning experience.⁵⁰

Another aspect of the Danish minority school system is the small distance between school staff and pupils, who tend to communicate on first name basis and at eyelevel with each other. Additionally, the involvement of the parents in the activities of the schools tends to be higher than it is in most public schools. The parents are expected to contribute to events as well as to support the academic everyday work of the schools and day care facilities.⁵¹ In addition to the formal education during regular school hours, the Danish minority education institutions offer a wide range of after-school supervision and activities, such as support with homework, language learning and cultural activities.⁵² These offers are especially important for families with two working parents, as they guarantee good supervision for their children during which they enjoy support and community spirit.

These aspects of the school system have made the Danish minority schools attractive to parents from the majority population as well, who can enrol their children in a minority school as long as they become a member of the School Association, thus formally declaring affiliation with the

minority, and agree to learn Danish.⁵³ Accordingly, a number of pupils enrolled in minority education facilities are the first in their families to attend them. In one of the Gymnasiums their share reportedly constitutes one-third of the total number of pupils.⁵⁴ For the pupils attending Danish minority schools in Schleswig-Holstein, this is a conscious decision they make every day. For many students the daily travel to school is longer than for most children in public schools, as especially the secondary schools are small in number and draw pupils from large areas. This is especially true for the two Gymnasiums, which draw pupils from all of South Schleswig. For some pupils this translates into a 2-hour commute to and from school every day.⁵⁵

V. CONCLUSION

The Danish minority education system of Schleswig-Holstein has a long history and has developed into an integral part of the educational landscape of the region, which is firmly rooted in domestic and international legislation and based on the understanding that the children of the minority are of equal value to children of the majority population. However, the funding crisis of 2010-12 has had a severe impact on the School Association and its institutions. It is only thanks to the substantial support of the federal government of Germany and the government of Denmark at the time that school closings could be



avoided, demonstrating the minority education system's dependency on the good will of the national and local legislators. Nevertheless, this incident also demonstrated the vast support that the minority enjoys in political as well as public environments and culminated in a constitutional change that increases the reliability of the system significantly. The protection of the minority at a state rather than federal level, while in part being due to the general political structures of Germany, offers an effective way of tailoring education provisions to the needs of the individual community and is being translated into efficient measures in the case of the Danish minority. The institutional setup seems to require a large degree of commitment from both the minority children as well as the parents but also provides pupils with a learning environment that is tailored to their linguistic and socio-cultural specificities and aims for their personal development, possibly more so than the public education system. The financial and legal provisions enabling and supporting this system are substantial.

The image and perception of the Danish minority schools and the associated education system seems to be positive overall, however there is still a lack of academic research concerning the differences between the minority education and the public system. A study of the professional and educational achievements of minority school graduates could shed light on the real advantages and disadvantages of one system over the other.

Finally, while this paper is a case study of the Danish minority education system and in no way offers a comparison between the provisions in place for the different minorities in the region, it becomes clear in the introduction and later on in the examination of the legal framework that there is a discrepancy between the levels of educational provisions granted to the minorities in Schleswig-Holstein. A comparative analysis might be needed in order to paint a clearer picture of this impression.



Notes

¹ Andrea Teebken and Eva- Maria Christensen, (Eds.), *Living together: The minorities in the German-Danish border regions* (European Centre for Minority Issues, Flensburg, 2001), 77-79.

² Lars N. Henningsen, “Unter Dänemark“ [“Under Denmark“], in Lars N. Henningsen (ed.), *Zwischen Grenzkonflikt und Grenzfrieden – Die Dänische Minderheit in Schleswig-Holstein in Geschichte und Gegenwart*, (Studieafdelingen ved Dansk Centralbibliotek for Sydslesvig, Flensburg, 2011), 11-48.

³ Norman Berdichevsky, *The Danish-German Border Dispute: Aspects of Cultural and Demographic Politics 1815-2001* (Academica Press LLC, Bethesda, Dublin, London, 2002), at 61. René Asmussen, “Unter Preussen 1864-1945“ [“Under Prussia 1864-1945“], in Lars N. Henningsen (ed.), *Zwischen Grenzkonflikt und Grenzfrieden – Die Dänische Minderheit in Schleswig-Holstein in Geschichte und Gegenwart* (Studieafdelingen ved Dansk Centralbibliotek for Sydslesvig, Flensburg, 2011), 49-142.

⁴ Asmussen, *ibid*, 101-109.

⁵ Martin Klatt, “Minority Schools Financing in the Danish-German Border Region”, in European Centre for Minority Issues (ed.), *European Yearbook of Minority Issues Volume 11 2012*, (Martinus Nijhoff, Leiden, Boston, 2014), 359-375.

⁶ State Government Schleswig-Holstein, “Erklärung der Landesregierung Schleswig-Holstein über die Stellung der dänischen Minderheit“ [“Declaration of the State Government Schleswig-Holstein about the Position of the Danish Minority“], 26 September 1949, in GVOBI 1949, 183-185.

⁷ Jørgen Kühl, “Bonn-Copenhagen Declarations of 1955: Background, Context and Impact of the Danish-German Minority Regulations”, in J. Kühl (Ed.), *Minority policy in action: the Bonn-Copenhagen declarations in a European context 1955 - 2005* (ECMI, Flensburg, 2005), 31-49.

⁸ Klatt, *ibid*, 12.

⁹ Kühl, *ibid*, 51

¹⁰ Klatt, *ibid*, 13

¹¹ Tove Malloy, “Functional Non-Territorial Autonomy in Denmark and Germany” in Tove Malloy, Alexander Osipov and Balázs Vizi (eds.), *Managing Diversity through Non-territorial Autonomy, Assessing Advantages, Deficiencies, and Risks* (Oxford University Press, Oxford, 2015), 183-204.

¹² Verfassung des Landes Schleswig-Holstein [Constitution of the State of Schleswig-Holstein] (Verf SH 2014), adopted on 02 December 2014, entered into force on 11 December 2014, GVOBI 2014, 344.

¹³ Tove Malloy “Gleichheit der Sinti und Roma in Schleswig-Holstein” [“Equality of Sinti and Roma in Schleswig-Holstein”], ECMI Working Paper 78 (September 2014), at

<http://www.ecmi.de/uploads/tx_lfpubdb/ECMI_WP_78.pdf> (Accesssed: August 31, 2015).

¹⁴ Sonja Wolf, “100% wert“ [“100% worth“], 62 *Grenzfriedenshefte* (2015), 65-72.

¹⁵ Jørgen Kühl, “Eine Kehrtwende der Minderheitenpolitik? Der Konflikt um die Finanzierung der Schulen der dänischen Minderheit 2010“ [“A Turn in Minority Politics? The Conflict About the Financing of the Schools of the Danish Minority 2010“], 57 *Grenzfriedenshefte* (2010), 285–314, at 289; Klatt, *ibid*, 15

¹⁶ Klatt, *ibid*, 16

¹⁷ Wolf, *ibid*, 71.

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²⁰ Council of Europe, “Initial Periodical Report presented to the Secretary General of the Council of Europe in accordance with Article 15 of the Charter” *European Charter for Regional or Minority Languages* (2000), 1-260, at 33, at <http://www.coe.int/t/dg4/education/minlang/Report/PeriodicalReports/GermanyPR1_en.pdf> (Accssed: August 6, 2015).

²¹ Article 12 Verf SH 2014.

²² Articles 115-124, Schleswig-Holsteinisches Schulgesetz [Schleswig-Holstein School Law] (SulG), adopted 24 January 2007, entered into force 09 February 2007.



²³ Article 7 Grundgesetz für die Bundesrepublik Deutschland [Basic Law of the Federal Republic of Germany] (GG), adopted on 23 May 1949, entered into force on 14 December 1976; Article 115, SchulG.

²⁴ Article 116, SchulG.

²⁵ *Ibid*, article 117.

²⁶ *Ibid*, article 119

²⁷ *Ibid*, article 120

²⁸ *Ibid*, article 121

²⁹ *Ibid*, article 122

³⁰ *Ibid*, article 123

³¹ *Ibid*, article 115.

³² Own translation. *Ibid*, article 124.

³³ *Ibid*, article 15.

³⁴ Article 28 Gesetz über den kommunalen Finanzausgleich in Schleswig-Holstein [Law on Municipal Financial Compensation in Schleswig-Holstein] (FAG), adopted on 10 December 2014, entered into force on 1 January 2015.

³⁵ Article 11 Landesverordnung über die Wahl des Landesschulbeirats [State Decree on the Election of the State Advisory School Council] (LSchBWO), adopted on 26 June 2009.

³⁶ Gesetz zur Förderung von Kindern in Tageseinrichtungen und Tagespflegestellen [State Law on the Advancement of Children in Day Care Institutions] (KiTaG), adopted on 12 December 1991.

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⁴⁶ *Ibid*.

⁴⁷ *Ibid*.

⁴⁸ Danish School Association, “Ziele” [“Aims”] (2015), at

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