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A photograph of a busy subway station with multiple escalators and many people walking. The station has a high, vaulted ceiling with circular lights. The image is partially obscured by a large orange diagonal shape in the bottom right corner.

# School admissions in comparative perspective:

A focus on China, Chile, Sweden and Germany

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China, Chile, Sweden and Germany**

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## **Abstract**

This working paper focuses on legislative provision and policy regarding (lower) secondary school admissions in four countries: Chile, China, Germany and Sweden. It seeks to compare first, how legislative provision (and policy) varies between countries, and the role played by national and sub-national levels of government; second, how admissions arrangements to lower secondary schools vary between jurisdictions, and the role parents have in the process; and third, which groups of pupils, if any, are prioritised in the admissions process. We present an overview of the policy context and legislative provision in each country before addressing the intricacies of the admissions arrangements. Our comparative analysis reveals that in three of the four case study countries legislative provision seeks to minimise selective practices, with a view to maximising equality of opportunity as regards school access. However, there are tensions in each country. Thus, in Chile families with sufficient resources are able to attend subsidised schools which require co-payment (the most disadvantaged families are exempt). In China, there are tensions as children without *hukou* status may not have access to the well-respected public schools. In Sweden, there is the potential for selectivity as parents who do not wish their child to attend the municipal school need to actively make a choice for an alternative school. Possible barriers include the queuing system used by independent schools which can limit options for parents who are not in a position to register for a place in a timely manner. In Germany, early academic selection is the norm, with admission to a selective grammar school (*Gymnasium*) being a function of the primary school's recommendation and the extent to which it is binding on parents.

## **Key words**

School admissions, early selection, legislation, policy, parental choice, Chile, China, Germany, Sweden

## 1 Introduction

This working paper is concerned with admissions from primary to lower secondary school. Whilst the topic of school choice has been well researched, school admission systems have rarely been considered as a component of reforms to school choice reforms. As noted by Carrasco et al. (2017): ‘much less attention has given to the role of student allocation mechanisms used by education systems and schools, and the rules that regulate this process’. However, pupil selection practices are relevant as they have ‘implications for school intake composition’ (p. 643). Pupil selection is also significant from the point of view of equality of opportunity. Whilst the concept of equality of opportunity is fundamental to debates about the provision of education, it has different meanings. Silver (1973) argues that it can mean equal access to schools; access to higher levels of education for all children; equal access to secondary schools of different kinds, according to the child’s aptitude and ability; and access to an appropriate education within a common comprehensive school. This in turn relates to the arrangements and rules that underpin secondary school admissions.

Previous research on school admissions in England with its market-oriented publicly-funded school system, has addressed not only admissions arrangements (e.g., Burgess et al., 2023; Noden et al., 2014; West et al., 2011) but also issues of equality of opportunity (in terms of school access) and school autonomy over admissions. It has been argued that pupil selection in nominally comprehensive schools allows schools to ‘select in’ and ‘select out’ particular groups of children to protect their interests and in so doing assist with improving the school’s performance (West et al., 2006; 2009; 2011). Research has also found that legislative provision appears to have an impact on school segregation: segregation across England declined a little at the same times as regulations were being tightened (Allen et al., 2012).

A number of research studies have also addressed admissions arrangements in Chile, China and Sweden (e.g., Carrasco et al., 2017, 2021; Chen & Feng, 2013; West, 2017). However, little attention has been given to comparative dimensions and the diversity of admissions arrangements (but see Varjo et al., 2018; West & Nikolai, 2017). To date research has not systematically addressed admissions arrangements, legislation, policies and policy implementation in comparative perspective. In this working paper we focus on four different countries, Chile, China, Germany and Sweden.

The four countries represent diverse school systems. The compulsory school system varies between the countries in question with early selection (around the age of 10) in Germany and late academic selection in the remaining countries. The countries differ along a number of dimensions: in terms of how admissions are controlled, the role of central government, regional government, local authorities and individual institutions. Our focus is on publicly funded schools although we also touch on private (independent) schools, in particular private government-dependent schools.

In this working paper, we seek to answer three main research questions:

- How does legislative provision and policy regarding (lower) secondary school admissions vary between the case study countries? What role is played by national and sub-national levels of government?
- How do admissions arrangements to (lower) secondary schools vary between jurisdictions, and what is the role of parents in the process?
- Which groups of pupils, if any, are prioritised in the admissions system?

The next section presents the methods. The following sections focus on each of the case study countries. Each section comprises an overview of the policy context, relevant legislative provision, and an outline of (lower) secondary school admission arrangements. The penultimate section provides a comparative analysis of the findings. The final section concludes.

## **2 Methods**

This paper draws on primary research material (legislative provision, guidance, policy documents) and secondary research literature related to school admissions in the countries concerned. The countries represent variation in terms of size, geography, school systems and governance. They vary significantly as regards their size: Sweden has a population of 10.5 million, Chile 19.6 million, Germany 84.5 million and China 1.4 billion (World Bank, 2023). The countries also vary in terms of geographical location (two are in Europe, one in Asia, and one in South America). They also differ in terms of their governance arrangements: in three (Chile, China and Sweden) education is the responsibility of central government, whilst in one (Germany), it is the responsibility of the individual regions (*Länder*).

The methodological approach involved desk-based research to address key questions regarding legislation and policy and admissions policies. We did not focus on admissions at the upper secondary level or specifically on admission arrangements for children with special educational needs or disabilities.

## **3 Case study countries**

### **3.1 China**

#### *Policy context*

Overall responsibility for compulsory education in China rests with the State Council. Planning is carried out by the provinces, autonomous regions and municipalities; these are directly under the control of central government and mainly administered by governments at the county level. The education administrative departments of the county level governments have overall responsibility for the implementation of the compulsory education policy (Ministry of Education, People's Republic of China (PRC), 2009). Private schools cater for a small proportion of pupils. Whilst some cater for those



from higher socio-economic backgrounds, others cater for poorer rural to urban migrants (Schulte, 2017).

As the education budget for primary and middle schools is distributed via local authorities and allocated for pupils with *hukou* status,<sup>2</sup> migrant children, without *hukou* status, living in urban areas have been largely excluded from the highly respected public education system. Instead, migrant children have tended to attend lower quality private fee-charging schools (Chen & Feng, 2013; Xu & Wu, 2022). Nevertheless, there have been local initiatives. In Shanghai, for example, subsidies have been introduced for public schools to admit migrant pupils. Most private schools for migrant children subsequently closed and the children transferred to public schools and although some private schools remained, they were given subsidies so that no tuition fees were charged (Chen & Feng, 2013).

### *Legislative provision*

Legislation relating to education at a national level is developed by the department of the State Council in charge of educational administration of the PRC and passed by the People's Congress and its Standing Committee meetings as determined by the People's Congress system, the fundamental political system of China. (Ministry of Education, PRC, 1995; National People's Congress, 2018). Local regulations and rules for school enrolment policies are defined more precisely and issued by the municipal education bureaus, which take the lead in implementing them (see case study of Chengdu below).

In the first instance, we outline relevant legislation before discussing guidance regarding school admissions. According to Article 12 of the 2009 Compulsory Education Law:

School-age children and adolescents shall go to school without taking any examination. The local people's governments at all levels shall ensure that school-age children and adolescents are enrolled in the schools near their permanent place of residence...For a school-age child and young person whose parents are working or living at a place other than their permanent residence, if he / she receives compulsory education at the place where his / her parents / guardians are working or dwelling, the local people's government shall provide him / her with equal conditions for receiving compulsory education (Ministry of Education, PRC, 2009).

In 2010, the Ministry of Education published the *Outline of China's National Plan for Medium and Long-term Education Reform and Development: 2010–2020*, which states that 'No elite schools and classes shall be installed in compulsory education' (cited by Liu, 2019, p. 14) and that school age children would attend public schools near home.

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<sup>2</sup> The *hukou* system is China's basic system of population management for its citizens, implemented through authorities at all levels. These authorities conduct surveys and produce registers and declarations of the population under their jurisdiction and classify them according to certain principles. The aim is to safeguard the basic rights and interests of citizens, including access to education, medical care, and social security (National People's Congress, 1958).

In January 2014, the Minister of Education, in a speech to the National Education Work Conference (Yuan, 2014) stressed that 'Fairness and justice are the essential requirements of socialism, and educational fairness is an important foundation for social fairness' and 'We must firmly focus on education...and ensure that children from poor families have equal access to education'. In the same year, the implementation plan was published (Ministry of Education, PRC, 2014) in which the government set out its policy for compulsory education. This included improving the methods for "nearby admission to compulsory education without examination" and piloting school district / zones system admissions arrangements. This policy was designed to address the problem of school selection. The document also set out its ambition to implement and improve policies and measures for schooling children of migrant workers moving to cities.

More recently, the Ministry of Education, PRC (2023) stated that:

To consolidate the results of compulsory education admission without examination, all localities should follow the principle of "school enrolment, students from nearby schools", ... effectively guarantee fair enrolment opportunities; strictly implement the regulations on admission without examination.

The Notice also stated that pupils are not to be selected through examinations or "disguised examinations". In addition, if the number of applicants exceeds the number of places available, pupils will be randomly admitted by computer under the supervision of relevant authority. This in turn relates to the issue of rural to urban migration and the importance of *hukou* status for accessing public schools.

Various cities in China have introduced examination-free nearby enrolment for compulsory education. Thus, according to the statistics of Beijing Municipal Education Commission, in 2011, 57% of pupils in junior high schools in Beijing were admitted through "nearby enrolment" compared with 77% in 2014, an increase of 20 percentage points (Liu, 2019).

#### *Policy implementation: City of Chengdu*

We focus in this section on admissions to junior high school (catering for pupils aged 12 to 15) in the city of Chengdu, the capital of Sichuan province in southwest China. The Chengdu Municipal Education Bureau is a department of the municipal government, supervised by the Chengdu Municipal People's Government. In 2022, the Bureau issued its enrolment document the 'Chengdu Municipal Education Bureau's Circular on Compulsory Education' (Chengdu Bureau of Education, 2022). This provides detailed information regarding eligibility to attend public schools.

The 2023 Notice on Enrolment to Compulsory Education (Chengdu Bureau of Education, 2023) provides details of admissions to junior high school. Three main principles underpin admissions: nearby enrolment, enrolment without examination, and simultaneous enrolment in public and private schools. Admission to public schools depends predominantly on *hukou* (household registration)

status.<sup>3</sup> Although *hukou* is the main requirement for admission to public schools, children from migrant families may also be able to attend public schools in Chengdu, subject to requirements that are broadly similar to those for obtaining *hukou* status (Chengdu Bureau of Education, 2022). If the families concerned do not meet these requirements, then their child can attend a publicly subsidised private school (alternatively the child can attend a school in the parents' place of origin, where they have *hukou* status).

Turning to the admissions process to junior high school, every eligible child who completes primary school is allocated at least one place at a nearby public school. More specifically, schools enrol pupils from their admission zone, with admission based on either single-school or multi-school zones. Thus, within each district in the city there are admission "zones". Single-school zoning means that a zone in the district corresponds to only one junior secondary school, while multi-school zoning means that a zone corresponds to more than one junior secondary school; pupils are admitted to one school on the basis of random (computerised) allocation. Some groups of children are prioritised in the admissions process including, for example, children and young people with disabilities and children of entitled groups (e.g., active service men and women, children of national fire and rescue teams) (Chengdu Bureau of Education, 2023).

The Notice also stresses the importance of:

strictly enforcing the provisions of compulsory education without examination...It is strictly prohibited to select pupils through written examination, interview, evaluation, resumé and other forms or on the basis of various competition certificates, academic results, training results or certificates (Chengdu Bureau of Education, 2023, section 1 (2)).

There is also simultaneous enrolment in public and private schools: private schools providing compulsory education must prioritise children in the city where the school is located. Although private junior high schools give priority to students within the district, some may also have places for pupils from outside the district (following approval by the Ministry of Education) (Chengdu Bureau of Education, 2023).

Admission to public schools depends on *hukou* status and in some cases the children of migrants who are already in primary school who meet specific eligibility criteria for *hukou* status (Chengdu Bureau of Education, 2022). Children whose parents have *hukou* status are allocated a place in nearby public junior high school. In some cases, parents are able to apply for a place for their child at another school as in some districts, schools are open to applicants from the wider Chengdu area (Chengdu Education, 2023). If the number of applications is less than the number of places available, all the pupils will be admitted, however if the number of applications is greater than number of places,

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<sup>3</sup> For non-Chengdu Chinese residents, one way of obtaining *hukou* registration is via the city's points-based system. Applicants must meet specific conditions, related to, for example, employment (via contributions to urban workers pension insurance and medical insurance within the administrative area of Chengdu City); residence and skills (Chengdu Local Treasury, 2024).

allocation will be on a random (computerised) basis (Chengdu Bureau of Education, 2023). Options are more limited for the children of migrants without *hukou* status. In some cases, they can be accommodated within a public school if they meet specific eligibility criteria (as noted above), but this also depends on the zone in which the child lives (Chengdu Bureau of Education, 2023; Chengdu Education, 2023).

Across China, there is variation regarding eligibility for public schools. Thus, in another city, Shanghai, the children of migrant workers are treated in the same way as the children of those with *hukou* status (Chen & Feng, 2013).

### **3.2 Chile**

#### *Policy context*

Market oriented reforms were introduced into the school system in Chile in the early 1980s with the implementation of a voucher system. The types of schools in existence are varied and include public municipal schools, private-subsidised, and private unsubsidised schools. As noted by Carrasco et al., 2021, p. 180):

the school system was characterised by its particular combination of a voucher funding system, freedom of choice, and a large private-subsidised sector (representing more than 60% of total enrolment), with schools allowed to establish their own admissions criteria and charge co-payment fees...Historically, parental freedom of choice was deployed in an unregulated and decentralised admission system – i.e., carried on independently by each school – with intensive use of selective practices, such as parent interviews, ... or admission tests, especially in the private-subsidised sector.

Thus, schools were allowed to implement their own admissions criteria and procedures (Honey & Carrasco, 2023). However, concerns were expressed about the school system and the role of the private sector. Following student protests and the election of a centre-left coalition in 2014 (Carrasco et al., 2017), legislation was enacted to reform the system.

#### *Legislative provision*

In May 2015, the School Inclusion Law was enacted. This law had multiple components affecting schools that receive government funding (public municipal schools and private-subsidised schools). First, private subsidised schools were no longer permitted to operate as for-profit entities. Second, co-payments were to be phased out. Third, the school admission system would be centralised under a deferred admission system that 'ends selectivity at the primary level as well as at most secondary schools while phasing out selectivity at the secondary level to an eventual 30% academic selectivity at only a very select few of the most academically elite of public secondary schools that no longer accept co-payments' (Honey & Carrasco, 2023, p. 111).

#### *Policy implementation*

Under the new admissions system, parents apply to the establishments of their choice through a web platform. The minimum number of establishments to which parents can apply is two (except in rural areas where it may be one), and parents can apply to as many establishments as they wish, without a maximum limit. The Ministry website recommends that parents list six options to increase the chances of their child being assigned to a preferred school (Ministerio de Educación, Chile, 2024).

The allocation to schools is carried out by the Ministry of Education in line with the preferences of parents / guardians. In short, the Ministry of Education processes all applications submitted in the system and delivers the list of applicants to the educational institutions. This list includes all applicants but does not provide information on the preference order for each parent / guardian. The list is classified according to the priority criteria. Once the list of applicants is received, if the institution has enough places all pupils should be admitted (Ministerio de Educación, Chile, 2018).

When the number of applicants exceeds the available places at an institution, the random allocation system becomes essential. In such cases, the Ministry of Education generates a randomized list of applicants to determine the order of assignment. If there are more applicants than available places for a particular grade within an institution, some applicants will have priority for acceptance. For all schools in receipt of government funds, priority will be given (in the order listed) to:

1. Applicants who have a sibling already enrolled in the institution.
2. Applicants classified as priority pupils,<sup>4</sup> up to a minimum of 15% per grade. Priority pupils are determined according to the 2008 Preferential School Subsidy Law and must be exempt from any shared financing charge or other charges related to the admission process or any other mandatory charges.
3. Children of employees of the institution.
4. Former pupils of the institution who have not been expelled.
5. All other pupils (Ministerio de Educación, Chile, 2018).

The remaining applicants are listed according to a random ordering procedure. The Ministry ensures that a pupil is not admitted to multiple institutions and that vacancies are filled according to the parents' preferences, so optimising the assignment process to place pupils in their highest preference school. To achieve this objective, an assignment algorithm developed by the Department of Engineering at the University of Chile is used. This algorithm is based on the deferred acceptance model used by various countries (USA, Netherlands, England) for school admissions (Ministerio de Educación, Chile, 2018).

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<sup>4</sup> Priority pupils are those whose 'household socioeconomic situation may hinder their ability to successfully engage in the educational process' (Ayuda Mineduc, 2024).

If a parent is applying for their children for the first time or the child needs to transfer because their current school does not enable continuity to higher levels of education and they are not accepted by any of the institutions that parents / guardians have applied to, the child will be assigned to the nearest school to their home with available places, that is free of charge.

### **3.3 Sweden**

#### *Policy context*

Between 1991 and 1994, following the election of a Liberal-Conservative Government in 1991, the Swedish government introduced policies with the aim of increasing the role of independent (private) schools in the school system (Skolverket, 2006). Proposition 1991/92:95 Choice and Independent Schools, allowed independent fee-charging schools to receive a per pupil amount equivalent to 85% of the costs of a public school pupil, and to cover the remaining amount by charging parents an additional school fee. In short, parental choice and market-oriented reforms were implemented (Lundahl, 2002). The Social Democratic Government, elected in 1994 continued these policies: initially they reduced the state contribution to 75% but decided two years later that independent schools should be granted public funding on a per pupil basis at an amount equivalent to the cost per pupil in the public schools. Parents could no longer be charged fees (Klitgaard, 2009).

#### *Legislative provision*

According to the 2010 Education Act (*Skollag*) independent schools are allowed to use different admissions criteria from those of municipal schools if there are more applicants than places (Sveriges Riksdag, 2010). For municipal schools, the main rule is that a pupil must be placed at one of the municipal schools where the pupil's guardian wishes the pupil to attend, except that the guardian's wishes must not affect another pupil's right to placement at a school close to home. This is called the proximity principle (*närhetsprincipen*). The proximity principle does not always mean that a pupil has the right to be placed at the school closest to home as other factors are considered, such as the distance between the home and various available schools. A ruling from the Swedish Supreme Administrative Court (HFD) determined that it is primarily up to each municipality to decide which criteria shall apply when it comes to school placement. Municipalities often prioritise children who have a sibling who attends the school. However, the principles used by the municipality must not conflict with the provisions on parents' / guardians' wishes or the principle of proximity (Swedish Supreme Administrative Court, 2015; Swedish National Agency for Education, 2024). A basic requirement is also that the selection takes place in an objective, factual and non-discriminatory way and with consideration of what is best overall for all pupils involved. The municipality may waive the guardian's wishes under certain conditions (e.g., if the desired placement would entail significant organisational or financial difficulties for the municipality) (Sveriges Riksdag, 2010).

Independent schools (*fristående skolor*) must be open to all pupils who have the right to education. Unlike municipal schools, independent schools which need to select pupils as there are more applicants than places available can use:

- Registration date (queue time)
- Sibling priority
- Geographical proximity
- Certain operational relationships (Swedish National Agency for Education, 2024; Sveriges Riksdag, 2010; 2011).

In addition, according to Ordinance (2022:222) independent schools can reserve a small number of places for children who are given priority over other applicants. Only students who have been resident in the country for less than two years before the start of the academic year in question may be included in the special quota (Sveriges Riksdag, 2022).

Although the underlying principle is that neither municipal nor independent schools may use aptitude tests and exams when admitting or selecting pupils, there are exceptions. Some compulsory schools may use tests to decide who should be admitted or selected to the school. This applies, for example to courses that require pupils to have special skills in visual arts, sports and health, music or crafts. If a school uses proficiency tests as a basis for selection to a particular school unit, they may not use any other selection criteria (Swedish National Agency for Education, 2024; Skollag, 2010; Sveriges Riksdag, 2011).

Turning to parental choice, parents / guardians are able to state which of the municipality's schools they want their child to attend. However, if they do not submit an application or they do not receive a place in any of the schools they have applied for, the municipality places the child in a school "close to home". Parents / guardians can choose a school for their child from schools in the whole municipality, not only in the district where the child lives.

In some municipalities, independent schools are also included in the municipality's application system. If the independent schools are not included in the municipality's system, parents / guardians apply to these schools directly. When the application period is over, the municipality informs parents / guardians of the school at which their child has been accepted, or, if they have applied directly to an independent school, they will receive a response from the school. If the child has not been admitted to any of the schools the parents have applied to, he / she will be placed in a school close to his or her home, according to the municipality's rules for school placement (Swedish National Agency for Education, 2024).

*Policy implementation: City of Malmö*

Parents / guardians need to actively apply for a school if their child is to start grade 7 (the beginning of lower secondary education) and attends a school in Malmö where that grade is not available. When applying for a school, parents / guardians apply for at least one and a maximum of seven elementary schools. Parents / guardians can apply for a place at Malmö's municipal schools as well as some of Malmö's independent schools when applying through the municipality's application system, *Söka skola*. If parents / guardians want to apply to another independent school, they need to contact that

school directly. In the application system, parents / guardians rank their seven school choices (Malmö City, 2024a).

For municipal schools, the city of Malmö makes decisions about which school the child is placed in based on its rules for placement and the principle of “relative proximity”. If the child does not get a place at one of the schools requested by the parents / guardians, the child will get a place at another school that is close to home. The city of Malmö's rules for placement do not apply to independent schools which have their own admission rules.

#### *School placement to municipal schools (grundskola)*

Parents' / guardians' wishes are fulfilled as far as possible, subject to space. However, their preferences cannot be met if it would mean that another pupil loses the right to a school close to home. School places are allocated through an algorithm which ensures that the comprehensive compulsory school board's guidelines for school placement are implemented. If there are more applicants than available places at a school, places for grades 3 to 9 are allocated in the following order (Malmö City, 2024b):

1. Children who live in Malmö and who have protected personal data, due to exposure to threats (Skatteverket, 2024).
2. Children who live in Malmö and who only have one school close to home.
3. Children who live in Malmö and who have applied for a place at the school.
4. Children who live in Malmö and who have not applied for a place at the school.
5. Pupils who do not live in the city of Malmö.

The municipality's decision surrounding school placement is mainly based on the principle of relative proximity<sup>5</sup> (Malmö City, 2024c).

#### *Admission to independent schools*

In our case study city, Malmö, five independent schools are part of the municipality's application system. Each is responsible for its own admissions. One such school, a Montessori school caters for children in the pre-primary class through to year 9. For admission to grades 2 to 9 the criteria are: sibling attends the school; the pupil previously attended a school with the same philosophical approach (and if there are more pupils than places, the pupils who have attended the school the longest are admitted); and the registration date (queue date).

#### *Policy implementation: International school chains*

Across Sweden, there are a number of chains of independent schools. The Internationella Engelska Skolan (IES) is the largest chain of English schools (48 schools in total). The schools are bilingual but

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<sup>5</sup> If two pupils apply to the same school and there is only one place available, the pupil with the closest relative proximity is entitled to the place. Relative proximity is calculated by taking the number of metres to the alternative school minus the number of metres to the school applied to (Malmö City, 2024c).



follow the Swedish curriculum. Parents / guardians apply directly to the school via an online application system. Admission is based on a queue system, with priority given to siblings of current pupils. A number of IES schools have registered with the School Inspectorate to allocate – an prioritise – a limited number of places in the queue for pupils who have been resident in the country for less than two years (Internationella Engelska Skolan, 2024).

### 3.4 Germany

#### *Policy context*

Prior to German reunification in 1990, the school systems in the former German Federal Republic (West Germany) and the German Democratic Republic (East Germany) differed. In the former West Germany, the school system following World War II was stratified and characterised by early academic selection. Pupils were generally selected at the age of ten to different types of school or tracks each leading to different qualifications. The academic track (*Gymnasium*) prepared pupils for the university-entrance qualification (*Abitur*) and other types of school prepared pupils for vocational training: the *Hauptschule* (for the lowest ranking pupils) and the *Realschule* (for middle ranking pupils). A small number of comprehensive *Gesamtschule*, catering for all ability levels were also introduced. The higher tracks of lower secondary education (*Gymnasium* and *Realschule*) expanded considerably between 1955 and 1995 and the proportion attending the lowest track (*Hauptschule*) declined (Nikolai & West, 2013).

In the former East Germany, there was no tracking following World War II until reunification in 1990 (Nikolai & West, 2017; Saur & Nikolai, 2024). Since the early 1990s there have been major changes to education policy in the Eastern German *Länder* following the extension of the German Constitution to the whole of Germany. The *Länder* in turn, adopted the logic of the tracking system, but not tripartite model of the former West Germany. Thus, Saxony, Saxony-Anhalt and Thuringia, introduced two-tiered models consisting of an academic track and a combined vocational track (Nikolai & West, 2013). Private schools – so-called *Ersatzschulen* – were also permitted with the approval of the *Länder*. Such approval depends on equivalence with public schools along a range of dimensions including admissions (West & Nikolai, 2017).

#### *Transition to secondary school and admissions: Germany*

At the end of primary school, teachers make a recommendation as to which type of secondary school pupils should attend. Depending on the *Land*, the primary school recommendation is more or less binding on parents: in some *Länder* parents are not entitled to choose a track other than that recommended whilst in others the track selected by the teachers may be changed following a meeting with parents (Gresch et al., 2010; see also Nikolai & West, 2013).

In short, the *Länder* have different regulations governing the transition from primary into secondary education. In some cases, a binding decision on the choice of school / track for lower secondary education is made in grade 4, 5 or 6. No such decision is required if the pupil transfers to an *Integrierte Gesamtschule* (integrated comprehensive school) or another school offering several

education programmes (Kultusminister Konferenz (KMK),<sup>6</sup> 2021). During grades 4 to 6 of primary school, an overall assessment of the pupil's aptitude for certain types of secondary school is taken by the primary school, on the basis of a vote. The assessment is accompanied by consultations with parents. The vote of the primary school is either the basis for the decision or an aid in the decision regarding the pupil's future school career. The final decision is taken either by the parents or by the school or authority which supervises the school (KMK, 2021).

Although parents can choose a particular type of school for their child, this does not mean that the pupil has the right to be accepted by a specific school. Pupils wishing to complete their compulsory schooling at the *Hauptschule* normally attend the local school. This is also the case for pupils who wish to attend other types of secondary school if school catchment areas have been fixed (KMK, 2021):

However, parents may choose a school other than that which is responsible for the local area and apply to the school authority to admit their child to that school. The school authority then decides on the merits of each particular case, following consultations with the parents and the authority maintaining the school, with the well-being of the pupil concerned being the decisive factor. If no catchment areas have been fixed for a type of secondary school, parents have in principle the option to freely choose which school their child attends. As a rule, in this case the capacity of the chosen school is the only limiting factor affecting the pupil's right to admission (KMK, 2021, p. 127).

Private schools (alternative schools or *Ersatzschulen*) operate under the same regulations – including those relating to admissions – as public schools: they are of different types in line with the public schools, namely grammar schools or secondary schools providing a more general education.

A unique feature of the German admissions system is that of “binding” and “non-binding” recommendations by the primary school. “Binding” recommendations require the pupil to provide additional proof of performance to attend a higher type of school than that recommended, such as passing tests or trial lessons (see below). “Non-binding” recommendations allow parents to make preferences without any further assessment (Gresch et al., 2010).

In effect, parental choice effectively depends on the legislation in the *Land*. In a *Land* ‘without a binding elementary school recommendation, parents can decide that their children attend a public *Gymnasium*, even if the teachers at the elementary schools have not recommended its attendance’ (Saur & Nikolai, 2024, p. 389). In 2023/24, there was a binding *Gymnasium* recommendation only in three of 16 *Länder*: Bavaria, Thuringia, and Brandenburg (Saur & Nikolai, 2024). Our focus in this paper is on one of these, namely Thuringia.

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<sup>6</sup> The Kultusminister Konferenz or Standing Conference of the Ministers of Education and Cultural Affairs has responsibilities that include the coordination and development of education across Germany.

### *Policy implementation: Land of Thuringia*

There are two main types of secondary school in Thuringia, the *Gymnasium* and the *Regelschule*. The latter essentially contains two types of schools, a lower track with graduation after year 9, and higher track with graduation after year 10. According to the Thuringia School Law (see Thüringer Ministerium für Bildung, Jugend und Sport, 2021) the choice of school and education track lies with the parents, but this is based on and limited by the pupil's abilities. The school, in particular the class teacher and the head teacher, supports and advises parents in their choice of school for their child.

The transition to the *Gymnasium* after primary school is regulated by the same legislation; this states that the requirement for transfer to the *Gymnasium* is to succeed in the entrance examination which takes the form of a trial lesson. However, pupils can be exempted from this if they meet specific performance requirements. First, the pupil can be exempted if she or he has achieved the grade "good" (the second highest grade) in each of the main subjects (German, mathematics, local history/social studies and the first foreign language) in the relevant grade report (halfway through the final year of primary school). Second, the pupil can be exempted if he or she receives a recommendation from the class conference (a conference including all the pupil's teachers) based on the same report. The basis of the recommendation is the pupil's academic performance, performance ability and willingness to perform, as demonstrated so far.

If the child is not exempted, there is the option of an entrance examination in the form of trial lessons at a *Gymnasium*. However, this only happens at the parent's / guardian's request. Following the trial lessons, the examination committee determines the result: the pupil either passes or fails. The pupil is deemed to have failed the entrance examination if the examination committee unanimously determines that he / she is obviously unsuitable to attend the *Gymnasium* (see Thüringer Ministerium für Bildung, Jugend und Sport, 2021).

If the child is not recommended for a *Gymnasium* or fails the entrance examination, he or she transfers to a basic secondary school (*Regelschule*). For this type of school – but not the *Gymnasium* – school districts and catchment areas apply. Parents can apply for another school, but if there are more applications than places available the decision about admission is taken by the headteacher according to criteria laid down by the Thuringia School Law and depends on the school type.<sup>7</sup> The school's headteacher also decides about the capacity and hence availability of places and intake of the school (see Thüringer Ministerium für Bildung, Jugend und Sport, 2021).

In summary, the role of parents is crucially important when it comes to secondary school admission. For pupils who do not receive a recommendation for a grammar school, parents who want their child to attend this type of school must make a request for their child to take the entrance examination. As noted above, Thuringia is amongst the *Länder* where the primary school recommendation has a high

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<sup>7</sup> For example, siblings, school is closest to the place of residence for the chosen track, parents explicitly request the profile of the school / specific foreign language programme (after these criteria are applied the decision is taken by random draw) (see Thüringer Ministerium für Bildung, Jugend und Sport, 2021).

degree of binding force. In short, parents cannot simply decide to ignore the outcome of the recommendation. The rules thus act as a “negative correction force” meaning that they correct downwards if the parent’s decision does not match the recommendation of the primary school or the pupil’s primary school grades (Gresch et al., 2010).

If a child is not recommended for a grammar school and also fails the entrance examination, he or she goes to a basic secondary school (*Regelschule*). This is divided into two tracks. The parents submit their application to the school and the school makes a decision as to whether or not to admit the child. If the child does not receive a place to either track the relevant school authority allocates the pupil to a school (Thüringer Ministerium für Bildung, Jugend und Sport, 2021).

#### **4 Comparative analysis**

In this penultimate section we seek to answer our initial research questions. The first question relates to the legislative provision and policy regarding school admissions and the role played by different levels of government. It is clear from our analysis that there are differences between the four countries as regards the nature of the legislative provision and the policies implemented. In three of the countries – China, Chile and Sweden – legislation pertaining to school admissions is enacted at a national level. In China, local governments are responsible for implementing the policy.<sup>8</sup> In Sweden, the policy is implemented by the municipality, or by the individual school in the case of independent (private government dependent) schools. This is in contrast to Chile, where the admissions process is carried out at national level by the Ministry of Education. In Germany, a federal state, basic law underpins policy, but legislation and policy regarding education (and hence, school admissions) is enacted at a regional (*Land*) level. The role played by sub-national levels of government in federal and quasi-federal states (such as the UK) is crucially important in terms of both legislative provision and policy implemented.

It is important to acknowledge that the legislative provision in each country reflects political ideas relating to the education system. In the case of China, equality of opportunity construed in terms of equal access to equivalent schools for all children is fundamental. However, there are tensions with the *hukou* system – which determines how education is funded – resulting in children of migrants normally attending private schools instead of public schools. In Chile, the importance of equality of opportunity in terms of access to schools of different types came to the fore in recent years as a result of concerns regarding school selectivity, resulting from market-oriented reforms. However, the fact that co-payment of fees is necessary for some subsidised schools militates against equality of access to all publicly subsidised schools (albeit that compensatory admission arrangements are in place for low-income families).

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<sup>8</sup> The District and County Education Bureaus, and associated departments (e.g., Public Security Bureau and the Human Resources and Social Affairs Bureau) are also involved in the implementation process (Chengdu Bureau of Education, 2022).

In Sweden, the notion of school equivalence is prominent – between municipal schools and independent schools – but alongside this, admissions arrangements, designed to facilitate parental choice, mean that certain categories of children may not be in a position to access particular schools because of the rules in place (e.g., queuing time). This militates against equality of opportunity in terms of access to all publicly funded schools. Finally, in Germany, equality of opportunity in terms of access to an appropriate type of secondary education (Silver, 1973) underpins the policy of early selection, along with ideas of status maintenance and path dependence. Notwithstanding the ubiquity of early selection, parents can apply to a *Gymnasium* in some *Länder*, even if not recommended by the child's primary school, or they can opt to send their child to a comprehensive school (*Gesamtschule*) if available.

Our second research question concerns admissions arrangements to lower secondary schools and how these vary between jurisdictions. A number of themes emerged from our case studies. In Sweden (Malmö) children have a municipal school assigned to them although parents can apply to other municipal or independent schools. In China (Chengdu), children with *hukou* status (and some children of migrants) are assigned to a nearby schools, although there are options for parents to make preferences for other schools (public or private). In Chile, parents are required to list their preferences.<sup>9</sup> In Germany, the child's primary school teachers make a recommendation regarding the type of secondary school they deem appropriate for the child in question. This is more or less binding depending on the *Land*.

Our final research question sought to ascertain which groups of children, if any, were prioritised, in the event of there being more applicants than places for the school in question. In three countries, there were clearly prioritised groups (Chile, China and Sweden (Malmö)). In China (Chengdu), children with disabilities are amongst those prioritised. In Chile, children from low-income families are prioritised and in Malmö, for municipal schools only, children with protected personal data are prioritised. Similar prioritisation of disadvantaged groups has also been revealed in previous research (e.g., West et al., 2011; Burgess et al., 2024).

## 5 Conclusions

Our analysis of admissions policies and arrangements in four countries, China, Chile, Sweden and Germany, has revealed clear variation in terms of legislative provision and policy regarding school admissions. The national government is responsible for formulating legislation in all countries except for Germany which is a federal state, and the *Land* (region) has this responsibility. Admission arrangements to lower secondary schools vary between jurisdictions. In three of the countries (Chile, China and Sweden) policy makers have sought to minimise overtly academic selective practices, with a view to maximising equality of opportunity in terms of access to schools. However, there are tensions. In Chile, more affluent parents are able to send their children to subsidised schools which require co-payment (except in the case of the most disadvantaged families). In China, there are

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<sup>9</sup> This is also the case in the UK (England) (Noden et al., 2014).

tensions insofar as children without *hukou* status may not be able to attend well-respected public schools. In Sweden, there is the potential for selectivity as parents need to actively make a choice for a school other than the allocated municipal school and the queuing system that normally operates for independent schools could limit options for parents who are not in a position to register for a place in good time. In Germany, admission arrangements are more complex than in other jurisdictions: early selection to a grammar school which is based on the primary school's recommendations is binding on parents in some *Länder*, whilst in others, parents need to be pro-active if they want their child to attend a school other than that recommended.

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