



# Organic Law of Education (Ley Orgánica de Educación - LOE)



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MINISTERIO  
DE EDUCACIÓN  
Y CIENCIA

MINISTERIO DE EDUCACIÓN Y CIENCIA  
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# ORGANIC LAW OF EDUCATION (LEY ORGÁNICA DE EDUCACIÓN – LOE)

*2/2006, 3<sup>rd</sup> May*

## PREAMBLE

Society today places great value on the education received by young people, in the belief that both individual and collective welfare depend on it. Education, which integrates cognitive, affective and axiological dimensions, is considered essential for the development of personality and full potential, for shaping personal identity and for understanding reality. For society, education provides a means of transmitting and, at the same time, of renewing the culture, knowledge and values which sustain it, of extracting all the benefits from its richness, of fostering democratic coexistence and respect for individual differences, of promoting solidarity and preventing discrimination, with the fundamental aim of achieving the necessary social cohesion. Furthermore, education is the most effective way of guaranteeing the exercise of democratic, responsible, free and active citizenship, which is essential for the constitution of an advanced, dynamic and equitable society. Good education is, therefore, the greatest asset and main resource of a country and its citizens.

To provide education which meets the changing needs and demands of people and social groups is not a new objective. Historically, society has put its hopes for progress and development in education. The idea of education as an instrument for enhancing the

human condition and collective life has been a constant theme, although this aspiration has not always been transformed into reality.

Historic interest in education was reinforced with the development of contemporary education systems. These structures dedicated to the education of citizens were conceived as fundamental instruments for the establishment of national states at a decisive moment in time. Subsequently, countries have paid increasingly more attention to their education and training systems and endeavoured to adapt them to changing circumstances and to the expectations placed on them. As a result, they have evolved significantly and are today of a very different nature to what they were at the time of their constitution.

At each stage of their development, education systems have had to respond to certain priorities. During the second half of the 20<sup>th</sup> century they faced the challenge of fulfilling the right of all citizens to education. The universality of primary education, which had been achieved in some countries at the end of the 19<sup>th</sup> century, would be consolidated throughout the next century and would furthermore incorporate generalised access to secondary education, which thus came to be regarded as an integral part of basic education. The main priority was to provide a longer period of schooling with more ambitious goals to all young people of both sexes.

In the final years of the 20<sup>th</sup> century, the challenge consisted of ensuring that this widely-available education was of a high standard and that quality education was offered to all citizens. In November 1990, Ministers of Education from the Organisation for Economic Cooperation and Development met in Paris to discuss how to provide quality education and training for all. The need was ever more urgent and the Education Authorities from the more developed countries prepared to give a satisfactory response.

Fourteen years later, in September 2004, over sixty Ministers met in Geneva for the 47<sup>th</sup> International Education Conference organised by UNESCO. They expressed the same concern, making it clear that the challenge posed in the preceding decade still prevailed.

While in 1990 it was the more developed countries who drew attention to the need to combine quality with equity, in 2004 a far greater number of countries, with very diverse characteristics and levels of development, expressed the same concern.

To ensure that all citizens have access to quality education and training, without restricting it to certain people or social sectors, is an urgent requirement at the present moment. A great variety of countries, with different political systems and with governments of diverse political leanings are setting themselves this goal. Spain can in no way be an exception.

Universal access to basic education came late to our country. Although compulsory education was proclaimed in 1857 and in 1964 was extended from the age of six to fourteen, it was not until the mid-80's that this principle became a reality. The 1970 General Law of Education marked the start of a process directed at overcoming the backward nature of Spain's education system. The Organic Law on the Right to Education provided a fresh and determined boost to the modernisation process, although this objective was still not fully achieved for several years to come.

The General Law of Education and Financing of Educational Reform 14/1970 and the Organic Law on the Right to Education 8/1985, declared education to be a public service. The Organic Law of Education follows this tradition. As a public service, education is regarded as an essential community service and school education must be available to all, with no distinction, offering equal opportunities, guaranteeing regular and continuous service and adapted progressively to social change. Education as a public service may be provided by public authorities and through social initiative, as a guarantee of the fundamental rights of citizens and freedom of education.

In 1990, the Organic Law of General Organisation of the Education System (LOGSE) established a 10-year period of compulsory schooling and promoted professional training giving it professional and social prestige, to finally bring Spain in line with the



most developed countries in Europe. As a result, by the end of the 20<sup>th</sup> century all young Spaniards of both sexes attended educational institutions at least between the ages of six and sixteen, with many starting their schooling before six and continuing afterwards. The gap between Spain and other countries of the European Union, which Spain had joined in 1986, was substantially narrowed.

Despite these undoubted achievements, from the mid 1990's attention began to focus on the need to improve the quality of the education received by young people. After various evaluations of the experimental reform of secondary education which took place in the 80's and following Spain's participation in several international studies at the beginning of the 90's, it was clear that performance levels were insufficient and that, although there were clearly explanations for this, some decisive action was needed. Consequently, in 1995 the Organic Law of Participation, Assessment and Management of Schools was passed, aimed at developing and modifying some of the provisions established in the LOGSE directed at quality enhancement. In the year 2002, further steps were taken with the promulgation of the Organic Law on Quality in Education.

At the beginning of the 21<sup>st</sup> century, Spanish society is convinced both of the need to improve the quality of education, but also to ensure that the benefits reach all young people, without exception. As has been pointed out many times, today quality and equity are two undivided principles. Certain international evaluation studies have clearly shown that it is possible to combine quality and equity and that they should not be regarded as contradictory aims.

No country can waste the reserves of talent possessed by each and every one of its citizens, especially in a society characterised by the increasing importance of information and knowledge in order to ensure economic and social development. Recognition of this challenge demands that we set ourselves the target of achieving successful schooling for all young people.

The magnitude of this challenge and the achievement of objectives is the responsibility not only of the Education Administrations and school community but also of society as a whole.

For this reason and in order to encourage a debate in society on education before introducing new legislation, in September 2004, the Ministry of Education and Science published a document entitled “*A quality education for all and shared by all*”. This document presented an analysis and diagnosis of the current situation regarding education and offered a series of proposals for debate. Both the Autonomous Communities and the organisations represented in the National School Council and the Regional School Councils were formally invited to express their opinion and show their position regarding these proposals. In addition, many other people, associations and groups sent their reflections and their own proposals to the Ministry of Education and Science. These were disseminated in various ways, thus responding to the need for transparency that should preside in any public debate. As a result of this debating process, a summary document was published gathering together contributions from different organisations, associations and collectives.

This ongoing debate, which lasted for six months, enabled the Ministry to contrast opinions and points of view, discuss the existing problems in the Spanish education system and try to achieve the maximum consensus regarding possible solutions. This period has been fundamental in identifying the governing principles of the education system and in formulating them in terms of regulations.

The Law has three underlying, presiding principles. The first one consists in the provision of quality education to all citizens of both sexes at every level of the education system. We have already referred to the challenge that this represents for today's education systems and particularly to the Spanish system. Having ensured that all young people receive schooling up until sixteen years of age, the aim is now to improve overall results and reduce the high number of people who still leave school with no qualifications and who abandon their studies at an early age. The objective is to ensure that all citizens reach their full individual, social, intellectual, cultural and emotional potential. To do this they require quality education adapted to their needs. At the same time, the state must guarantee equal opportunities and offer the necessary support both to the students who require it and to the schools they attend. In short, we are looking

to improve the level of education for all students and combine quality education with equity.

The second principle addresses the need for all members of the education community to collaborate in order to fulfil this ambitious goal. The combination of quality and equity implied by the above principle requires inevitably a combined effort. There is often a lot of insistence on students' efforts. This is a fundamental principle which should not be ignored, since without personal effort resulting from a responsible attitude and commitment to one's own education, it is very difficult to develop fully one's potential. But the responsibility for student success does not rest solely on the individual student but also on families, teaching staff, schools, Education Administrations and, in the last analysis, on society as a whole, which is ultimately responsible for the quality of the education system.

The concept of effort, which is vital in order to achieve quality education, must apply to every member of the education community. Each should make a specific contribution. Families must collaborate closely and should be involved with the daily school work of their children and with school life. Schools and staff should endeavour to create rich learning environments which motivate and challenge. Education Administrations must help all members of the school community to carry out their duties, providing the necessary resources and, at the same time, demanding commitment and effort. In brief, society must support the education system and create a favourable environment for life-long learning. Only a shared commitment and effort will allow such ambitious aims to be achieved.

One of the most relevant consequences of shared effort is the need to provide equitable schooling of students. The Spanish Constitution recognises the existence of a dual network of public and private schools. The Organic Law on the Right to Education establishes a system of public funding agreements in order to provide an effective, free public and social education service, under equal conditions and within the framework of the general education programme. This model, which respects the right to education and to freedom of choice, has worked satisfactorily in broad terms, although, with time, new demands

have arisen. One of the main demands refers to the equal distribution of students among the different types of schools.

With the extension of the compulsory school age and the access to education of new types of students, the conditions under which schools must operate have become more complex. It is therefore necessary to address the issue of diversity among students and contribute in an equitable way to the new challenges and difficulties that this diversity generates. In the last analysis, this means that all schools, both public and publicly-funded, should honour their social commitment to education and provide schooling without exclusion, thereby emphasising the complementary character of both school networks, while allowing them to conserve their identity. In exchange, all schools financed with public funds should receive the material and human resources necessary for them to carry out their duties. In order to provide a public education service, society must equip schools adequately.

The third underlying principle of the Law consists of the firm commitment to the educational targets set by the European Union for the coming years. The formation of the European Union has led to a certain convergence of education and training systems which has resulted in common educational aims for the beginning of the 21<sup>st</sup> century.

The aim to turn the next decade into an economy based on more competitive, dynamic knowledge, capable of sustaining economic growth, accompanied by a quantitative and qualitative improvement in employment and greater social cohesion has been reflected in the formulation of common educational aims. In the light of the rapid developments in science and technology and the impact of these developments on social trends, it is more vital than ever to ensure that education prepares people to live in the new knowledge-based society and be able to face its challenges.

It is for this reason that the European Union and UNESCO, in the first place, have proposed improving the quality and effectiveness of education and training systems. This implies improving teaching

skills, developing the skills necessary for the knowledge-based society, guaranteeing access of all to information and communication technologies, increasing the number of enrolments on science, technical and art courses, using all available resources, and raising investment in human resources. Secondly, the aim is to facilitate generalised access to education and training. This implies establishing an open learning environment, making learning more appealing and promoting active citizenship, equal opportunities and social cohesion. The third aim is to open up these systems to the external world which means strengthening links with the labour market, with research, with society in general, develop entrepreneurship, improve foreign language competence, increase mobility and exchanges and strengthen European cooperation.

In the next few years, the Spanish education system must introduce measures to help achieve these goals which we share with our European partners. In some cases, the position of Spanish education is not so far from reaching the target for the end of the decade. In others, however, the distance is notable. The active participation of Spain in Europe requires an improvement in educational standards in order to situate Spain in a position befitting its position in Europe. This demands commitment and determined effort, which are also reflected in this Law.

In order to convert these principles into reality, we must take steps in several complementary directions. In the first place, education and training must be regarded as an ongoing process which continues throughout life. Although learning was traditionally regarded as a process which happened principally during childhood and adolescence, today this is clearly no longer the case. We know that the capacity to learn is maintained throughout life, although learning methods and motivation may change. We also know that the needs derived from economic and social change require people to be constantly acquiring new skills. Consequently, more attention has been focused on adult education.

To encourage lifelong learning means providing young people with an all-round education which covers the knowledge and basic competences necessary in today's society, which allows them to

develop values which encourage the practice of active citizenship, community life and social cohesion, which stimulates in them the desire to continue learning and the capacity to learn autonomously. It also implies offering young people and adults the possibility of combining studies and training with work or other activities.

To allow this flexible movement between training and work or other activities, the flexibility of the education system must be increased. Although the Spanish education system is not as rigid as in the past, it has not generally favoured flexible routes towards study and training. To allow young people who abandon their studies at a young age to return later and complete them or to enable adults to continue learning throughout life require a more flexible education system. And this flexibility means setting up links between different kinds of education, facilitating the passage from one to another and allowing the creation of training routes adapted to personal needs and interests.

A flexible education system must necessarily be coupled with the granting of autonomy to schools. The demand to provide quality education to all students, taking account of the diversity of interests, characteristics and personal circumstances means that institutions must be granted decision-making capacities which affect their organisation and way of working. Although Authorities will establish the overall educational operating framework, schools must have a certain amount of autonomy to allow them to operate according to their specific circumstances and the characteristics of their students, in order to ensure successful schooling for all the students. The relevant Administrations should provide schools with the resources and means they need in order to carry out their activity and achieve this objective, and the latter must use them rigorously and efficiently to ensure they fulfil their purpose in the best way possible. The regulations need to combine both these aspects, establishing common standards for all to follow, while at the same time granting autonomy schools.

The existence of a legislative framework capable of combining objectives and common standards with the necessary pedagogic autonomy and the management of schools also requires the setting

up of evaluation and accountability instruments. The importance of the challenges facing the educational system demand in return that the public be fully informed about how available resources and means will be used and what results are achieved. Evaluation has become a valuable instrument for monitoring and assessing the results obtained and for improving the processes they evaluate. For this reason, it is essential to establish evaluation procedures for the different areas and agents involved in education-students, teaching staff, institutions, curriculum, local authorities- and commit the relevant authorities to report on the current situation and developments taking place in the area of education.

The activity of schools is, in the last analysis, in the hands of the teachers who work there. To ensure that all young people fulfil their whole potential, in an environment of quality and equity, to transform the general aims into concrete achievements, to adapt the curriculum and educational activity to the specific circumstances of each centre, to persuade parents to become more involved in the education of their children is not possible without a committed teaching staff. On the one hand, the changes which have taken place in the education system and in the functioning of schools require reform of the initial teacher training model in order to adapt it to the European context. On the other hand, professional development demands a commitment from the Education Administrations to in-service training linked to teaching practice. All this is impossible without the necessary recognition by society of the role teachers perform and the tasks they undertake.

A final condition which must be met in order to achieve these ambitious educational goals consists of simplifying and clarifying the regulations in a context which fully respects the devolvement of power with regards to education established in the Spanish Constitution and the pertaining laws.

Since 1990 there has been a proliferation of education laws and corresponding regulatory procedures, which have partially revoked the preceding ones, leading to a lack of clarity regarding the norms

governing academic organisation and the functioning of the education system. As a result, the regulations currently in force need simplifying to make them clearer and more comprehensible.

Furthermore, the completion in the year 2000 of the devolvement of power for education to the Autonomous Communities has created new conditions which are very different to those existing in 1990 and which require a revision of all the current regulations governing non-university education. Now that the devolvement of educational power is fully completed, as laid down in the Constitution, the new laws passed must reconcile respect for this devolvement with the essential national structure of the education system. The basic national state regulations common to all and the regional regulations applying to the corresponding region must be brought into line with each other through new mechanisms of cooperation which will allow the development of education policies of a national dimension. This Law provides the necessary basic homogeneity and unity of the education system and emphasises the wide range of statutory powers conceded to the Autonomous Communities in order to fulfil the purpose of the education system. The Law contains a proposal for territorial cooperation between Administrations to carry out projects and programmes of general interest, to share information and learn from best practice.

The above-mentioned principles and procedures constitute the basis on which the present Law is founded. The ultimate objective is to lay the foundations which will allow us to meet the major challenges that Spanish education faces if it is to achieve the ambitious goals set for the coming years. To do this, the Law proceeds from the advances made in the education system over the last decades, incorporating all the structural and organisational aspects which have been proved relevant and effective and proposing changes in others which require revision. The temptation to try to change the whole education system and start from scratch has been resisted and instead the experience and advances of the past years have been taken into account. In the last analysis, the Law is founded on the belief that educational reforms should be gradual and continuous and that the role of legislators and the Education



Authorities is none other than to facilitate the steady, progressive enhancement of the education received by its citizens.

In accordance with such principles, the structure of the Law consists of a preliminary Title, eight Titles, thirty one additional provisions, eighteen transitory provisions, a derogatory provision and eight final provisions.

The Preliminary Title begins with a chapter dedicated to the aims and principles of the law, which form the central elements around which the whole education system should be organised. In a prominent position is the formulation of the fundamental principle of quality of education for all students combined with equity and equal opportunities. The participation of the education community and the combined efforts of students, families, teaching staff, schools, local Authorities, institutions and society as a whole form the vital complement to ensure quality education with equity.

Another important principle is the transmission of values which encourage personal freedom, responsibility, democratic citizenship, solidarity, tolerance, equality, respect and justice, which all form the basis of community life.

Another important aim is the development of personality and the affective capacities of the students. Also relevant is respect for fundamental rights and liberties, equal opportunities for men and women, the recognition of affective-sexual diversity and the critical assessment of inequalities which help to overcome sexist behaviour. The Law assumes the content of the Organic Law 1/2004, of December 28<sup>th</sup> on Measures of Integral Protection against Gender Violence.

Likewise, the law proposes the exercise of tolerance and freedom within the democratic principles of co-existence and the prevention of conflicts and peaceful conflict resolution. Equally, it emphasises the importance of preparing students to be citizens and to participate in economic, social and cultural life, with a critical and responsible attitude. The complete account of aims and principles will ensure that all educational activity is set on a firm base.

According to the governing principles of the Law, education is regarded as continuous life-long learning. Consequently, all citizens must have access to education both from within and outside the educational system, in order to acquire, update, complete and extend their capacities, knowledge, abilities, aptitudes and competences for personal and professional development. The Law gives such great importance to the idea of continuous learning that it dedicates a specific chapter to it in the Preliminary Title, along with the organisation of education.

In the same Title, the structure of education is established, with the reinstatement of infant education as a separate stage and consolidating the other currently existing stages, in the belief that this structure provides the education system with a solid base for development. Basic education is also regulated and, under the Constitution, is compulsory and free of charge for all children of both sexes, for a period of ten years, consisting of primary education and compulsory secondary education. Meeting the needs of diversity is established as a fundamental principle which must apply to all basic education in order to provide all children with an education adapted to their characteristics and needs.

The definition and organisation of the curriculum forms one of the central elements of the education system. The Preliminary Title dedicates a chapter to this issue, and establishes the components and the distribution of competences in the definition and development process. The inclusion of the basic competences in the curriculum components is of particular interest and should lead to a more precise definition of the education and training students should receive. In order to ensure general educational standards and guarantee the standardisation of qualifications, the Government is responsible for setting the targets and establishing the basic competences, contents, and assessment criteria with regards to the basic aspects of the curriculum, which constitute the core curriculum. The Education Administrations are responsible for establishing the curriculum for the different areas of education. Furthermore, there is reference to the possibility of establishing mixed curricula which combine the Spanish education system and other education systems, leading to the respective qualifications.

Finally, the Preliminary Title deals with territorial cooperation and collaboration between Administrations. It aims, on the one hand, to improve the efficiency of educational resources and, on the other, to achieve the general objectives, encourage the knowledge and appreciation of cultural and linguistic diversity of the different Autonomous Communities and contribute to solidarity among them and to the national equilibrium by redressing inequalities. In addition, the necessary educational resources are made available to students to ensure the accomplishment of the aims established in the Law and the constant improvement of education in Spain.

In Title I the organisation and stages of education are established. Infant education is conceived as a separate stage divided into two cycles which both respond to an educational purpose, requiring schools to have specific pedagogic objectives from the first cycle. In the second cycle there will be initial contact with reading and writing skills, reasoning and mathematical skills, a foreign language, the use of information and communication technologies and knowledge of different artistic forms. Public Authorities are urged to gradually supply sufficient places in the first cycle and there is provision for the establishment of agreements with private centres which guarantee the cost-free status of the second cycle.

Primary and secondary education are of a compulsory nature. In primary education the emphasis is on catering for diversity and on preventing learning difficulties, dealing with these as soon as they are detected. One of the innovations of the Law is the incorporation of a diagnostic assessment of students' basic competences at the end of the second cycle of primary education. This assessment will be of a formative nature and will provide information about the situation of the students, the teaching institution and the education system itself, encouraging the adoption of relevant measures to overcome possible shortcomings. A similar evaluation will take place at the end of the second year of secondary education. In order to facilitate the transition from primary to secondary education, students will receive a personal report of their progress on finishing primary education and starting secondary school.

Compulsory secondary education must combine the principle of core education for all with catering for student diversity, allowing schools to adopt organisational and curricula-related measures suited to the needs of their students in a flexible and autonomous way. In order to achieve these objectives, the first three years of secondary education are of a common nature and include remedial programmes for those students who require them. The fourth year is designed to guide students, be it towards post-compulsory education or towards incorporation into working life. In the first two years, there is a limit on the maximum number of subjects studied and there is the possibility of reducing the number of teachers who teach the same group of students. There will be more flexibility in the final year combining core subjects and optional subjects, offering students more choice depending on their future aspirations and interests.

From the third year of secondary education there will be variations of the curriculum to cater for students with special learning difficulties. In addition, in order to prevent students dropping out of school and to offer more training opportunities and subsequent qualifications and facilitate access to the workplace, there will be initial vocational training programmes for students over sixteen who have not obtained the Certificate in Compulsory Secondary Education.

*Bachillerato* consists of two years study and offers three different modalities, organised in a flexible way into different routes whereby students are free to choose modality subjects and optional subjects. Students who pass all subjects will obtain the *Bachiller* Certificate and can then enter the employment market, enrol on a higher level course of vocational training, or pursue further academic studies. To enter university, they will need to pass a common university entrance test, which is open to anyone who holds the *Bachiller* Certificate.

With regards to the curriculum, one of the innovations of the Law is the priority given to the subject of Citizenship and the introduction of new contents relating to this area of the curriculum. The subject will be taught under different denominations, according to the contents and age of the students, during some years of

primary education, compulsory secondary education and *bachillerato*. The purpose of this curriculum subject is to provide a space for reflection, analysis and study of the fundamental nature and functioning of a democracy, of the principles and rights established in the Spanish constitution and in the treaties and universal declarations of human rights, as well as the core values which form the basis of democratic citizenship in a global context. The subject, whose contents should in no way be regarded as an alternative or substitute for religious education, is in line with the democratic practice which should inspire the whole of school life and which should be developed as part of the education in values which crosses the whole curriculum. Citizenship encourages the study of certain aspects related to community life and contributes to the shaping of society's future citizens.

Vocational training (*formación profesional*) consists of a range of training courses at an intermediate and higher level which are designed to provide students with the qualifications to carry out different professions, give them access to employment and prepare them for active participation in social, cultural and economic life. The Law introduces greater flexibility both in access to and in the relation between the various subsystems of vocational training. In order to increase the flexibility of the education system and encourage continuous training, various links are established between general education and vocational training.

Arts education, which had not been revised since 1990, deserves a special mention. Its purpose is to provide quality training in arts. The Law regulates, on the one hand, professional artistic training, which includes music and dance at an intermediate level, as well as plastic arts and design at intermediate and higher levels. In addition, it establishes the so-called higher Arts education, which groups together higher studies in music and dance, dramatic art, the conservation and restoration of cultural goods and higher studies in plastic arts and design. All the latter areas are considered to be higher education and are organised according to the corresponding requirements. This will involve certain peculiarities regarding the curriculum and the institutions which teach it.

The Law also regulates the teaching of languages which will be carried out by the Official Language Schools and adapted to the levels recommended by the Council of Europe. Sports education is also, for the first time, regulated by the Law.

Finally, Title I devotes special attention to adult education, aimed at providing all citizens with the opportunity to acquire, update, complete or extend their knowledge and skills for personal and professional development. The Law regulates the teaching conditions which lead to official qualifications and establishes a flexible, open framework for other types of learning. It also offers the chance to validate experience acquired from other routes.

In order to guarantee equity, Title II deals with students with special needs and establishes the resources required to cater for them to ensure their full integration. The Title covers more precisely the educational approach towards students who require certain support and special attention as a result of social circumstances, physical, mental or sensory disability or who show serious behavioural problems. Over the last decades, the Spanish education system has made significant advances in this area and must continue to make further inroads. Other groups requiring special treatment are gifted students and students who have joined the Spanish education system at an older age.

The appropriate educational response to all students is based on the principle of inclusion, in the belief that only in this way can the development of all students be guaranteed, the principle of equity be promoted and greater social cohesion be achieved. Meeting the needs of diversity is a requirement that covers all the stages of education and all students. In other words, we should regard the diversity of students as a principle, not as a measure which corresponds to the needs of a few.

The Law also aims to address inequalities through specific programmes developed in schools or in geographical areas where remedial teaching is required, and through study grants and subsidies aimed at guaranteeing the right to education to students from disadvantaged socioeconomic backgrounds. The schooling programme in

public or publicly-funded private schools must guarantee the adequate, equal distribution of students with special needs among the schools.

Title III of the Law is dedicated to the teaching profession. Priority is given to initial and in-service training which must both be revised over the coming years in the context of the new European higher education area and in order to respond to the requirements and demands of the education system. Apart from the relevant subject study, initial training must include pedagogic and didactic training, and tutoring and appraisal of new teachers by experienced staff. In addition, this Title refers to the improvement of teachers' working conditions and to increasing the recognition, support and professional status of teachers.

Title IV refers to schools, their typology, the legal framework and the programming of networks of schools, considering education as a public service. Furthermore, the Law establishes the possibility that owners of private schools define their characteristics, while respecting the constitutional framework. Private schools which offer free of charge education could become publicly-funded, if they fulfil the relevant requirements established in this Title.

The Law regards participation as a basic value for the forming of autonomous, free, responsible, committed citizens and for this reason the Education Administrations will guarantee the participation of the education community in the organisation, management, running and evaluation of schools, as established under Title V. Special attention is paid to the autonomy of schools both in pedagogical matters, through the drawing up of education projects, and in the management of finances and resources and organisational and running procedures. The Law grants a more prominent role to the collegiate school governing bodies: the School Council, the Teachers Council and the teacher coordination bodies. It also defines the responsibilities of school management, selection procedures for school heads and recognition of the head's function.

Title VI is dedicated to the evaluation of the education system, which is considered a fundamental element for the improvement of

education and the increase of transparency in the education system. The importance given to evaluation is made clear in the treatment of the different areas where it is applied: student learning processes, headships, school management, inspection, the Education Administrations. The general evaluation of the education system is attributed to the Institute of Evaluation, which will work in collaboration with the corresponding bodies determined by the Autonomous Communities. In order to show accountability for the running of the education system, an annual report will be presented to Parliament summarising the results of the general diagnostic tests and of other assessments, the main statistics relating to the Spanish education system and the most significant points in the annual report of the National School Council.

In Title VII education inspection is entrusted with supporting the development of educational projects and the self-evaluation of schools and regarded as a key player in improving the education system. High Inspection is the responsibility of the State. It includes establishing the functions and organisation of education inspection and the powers of inspectorate.

Title VIII deals with the allocation of financial resources and the increase in public spending on education to achieve the targets laid down in the Law, the details of which are included in the economic Report accompanying it. This Report includes the spending commitments for the period of implementation of the Law, which were increased when the Bill went through parliament.

The additional provisions refer to the schedule for the application of the Law, to religious education, text books and teaching materials and the school calendar. An important part of the additional provisions relate to teaching staff, setting the bases for the statutory rules governing the function of public service teaching, the functions of teachers, the requirements for admission and access to the respective professional corps, the teaching career and the carrying out of inspection.

Other provisions refer to the cooperation of local councils with Education Administrations and the possible cooperation agreements



which may be established between them and local government, as well as consultation procedures with the Autonomous Communities.

Regarding schools, current regulations on the requirements for private *bachillerato* schools teaching natural and health sciences and the technology modality remain in force. The functions of the Teachers Council in publicly-funded private schools are established and there is provision for the grouping of public schools in a particular region, the specific denomination of the School Council, agreements with those teaching vocational training, as well as other matters related to publicly-funded private schools.

Finally, there is reference to students from overseas, victims of terrorism and victims of gender violence, the rules regarding students' personal records, the introduction of credits for free provision of the second cycle of infant education and the fostering of real equality between men and women.

Under transitory provisions, there is mention, among other things, of the voluntary early retirement of teachers, the mobility of state-employed teachers, the terms of office of school management bodies and headships of public schools, teacher training, the adaptation of schools for the provision of infant education, the modification of public-funding agreements and the access to language learning for the under 16's.

There is one repealing provision. The final provisions relate, among other things, to the modification of the Organic Law on the Right to Education and of the Law of Measures for the Reform of Public Functions, the powers granted to the State under the Constitution to pass this Law and the powers granted for its development and its constitutional nature.

# PRELIMINARY TITLE

## CHAPTER I. PRINCIPLES AND AIMS OF EDUCATION

### ARTICLE 1. PRINCIPLES.

The Spanish education system, set up in accordance with the values of the Constitution and based on the respect for the rights and liberties recognized therein, is inspired by the following principles:

- a) Quality education for all students, regardless of their condition and circumstances.
- b) Equity that guarantees equal opportunities, educational inclusion and non-discrimination and that acts as a compensating factor for the personal cultural, economic and social inequalities, with special emphasis on those derived from disabilities.
- c) The transmission and application of values that favour personal liberty, responsibility, democratic citizenship, solidarity, tolerance, equality, respect and justice and that also help to overcome any type of discrimination.
- d) The understanding of education as a continuous, life-long learning process.

- e) The flexibility to adapt education to the diversity of students' talents, interests, expectations and needs, as well as to the changes affecting both students and society.
- f) The educational and professional guidance of students, as a necessary way to achieve an all-round, personalized education, which incorporates knowledge, skills and values.
- g) The individual efforts and motivation of students.
- h) The joint efforts of students, families, teachers, schools, Authorities, institutions and society at large.
- i) The autonomy to establish and modify the organisational and curricular measures within the framework of the powers and responsibilities corresponding to the State, the Autonomous Communities, local government and schools.
- j) The participation of the educational community in the organisation, management and functioning of schools.
- k) Education for the prevention of conflicts and for their peaceful resolution, as well as non-violence in all areas of personal, family and social life.
- l) The development of equal rights and opportunities and the promotion of real equality between women and men.
- m) The perception of the teacher's role as an essential factor in the quality of education, social status for teachers and support for their work.
- n) The encouragement and promotion of research, experimentation and educational innovation.
- ñ) The evaluation of the whole education system, including planning, organisation, teaching and learning processes and results.

- o) The cooperation between the State and Autonomous Communities in the definition, application and evaluation of education policies.
- p) The cooperation and collaboration of the Education Administrations with local government in the planning and implementation of education policy.

## ARTICLE 2. AIMS.

1. The Spanish education system will focus on achieving the following aims:

- a) The full development of students' personality and capacities.
- b) Education in the respect for basic rights and liberties, equal rights and opportunities between men and women and equal treatment and non-discrimination for the disabled.
- c) Education in the practice of tolerance and freedom within the democratic principles of society and in the prevention of conflicts and peaceful conflict resolution.
- d) Education in individual responsibility and personal merit and effort.
- e) Education for peace, respect for human rights, community life, social cohesion, cooperation and solidarity between nations and the acquisition of values which favour respect for living things and the environment, especially the value of forests and sustainable development.
- f) The development of the capacity of students to regulate their own learning, trust in their capacities and knowledge and develop their creativity, personal initiative and enterprising spirit.

- g) Education in the respect for and recognition of Spain's linguistic and cultural plurality and of inter-culturality as an enriching factor in society.
- h) The acquisition of intellectual habits and study strategies, scientific, technical, humanistic, historical and artistic knowledge, together with the development of healthy habits, physical exercise and sport.
- i) Preparation for the exercise of professional activities.
- j) The capacity to communicate in the official and co-official language, where it exists, and in one or more foreign languages.
- k) Preparation for the exercise of citizenship, for active participation in economic, social and cultural life, with a critical and responsible attitude and with the capacity to adapt to changing circumstances in a knowledge-based society.

2. The Public Authorities will give special priority to all the factors which favour quality education and, in particular, the qualification and training of teachers, team working, the provision of educational resources, research, experimentation, innovation, the promotion of reading and the use of libraries, autonomy regarding pedagogy, organisation and management, the role of the school head, educational and professional guidance, inspection and evaluation.

## CHAPTER II. THE ORGANISATION OF EDUCATION AND LIFE-LONG LEARNING

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### ARTICLE 3. EDUCATION.

1. The education system is organised into stages, cycles, grades, courses and levels and ensures the transition between them and, when applicable, within each of them.

2. The education system consists of the following:

- a) Infant education.
- b) Primary education.
- c) Compulsory secondary education.
- d) *Bachillerato*.
- e) *Formación profesional* (vocational training)
- f) Language teaching.
- g) Arts education.
- h) Sports education.
- i) Adult education.
- j) University education.

3. Primary and compulsory secondary education constitute basic education.

4. Secondary education is divided into compulsory secondary education and post-compulsory secondary education. Post-compulsory secondary education consists of *bachillerato*, intermediate level vocational training, plastic arts and design and sports education.

5. University education, higher level Arts education, vocational training, plastic arts and design and sports education constitute higher education.

6. Language education, Arts education and sports education will have special regulations.

7. University education will be regulated by specific regulations.

8. Education referred to in this Article will be adapted to students with specific needs of educational support. This will guarantee the access, continuation and progression of these students through the education system.

9. To guarantee the right to education to those who cannot attend a school or college on a regular basis, there will be adequate

provision of distance learning, or, where appropriate, support and attention to specific educational needs.

#### ARTICLE 4. BASIC EDUCATION.

1. Basic education referred to in Article 3.3 of this Law is compulsory and free for everyone.

2. Basic education consists of ten years of schooling carried out on a regular basis between the ages of six and sixteen. However, students will have the right to remain in the basic education system until they reach the age of eighteen, under the conditions established by the present Law.

3. Without prejudice to the fact that during basic education students are guaranteed core education, attention to diversity will be adopted as a fundamental principle. When so required, the relevant organisational and curricular measures will be adopted, under the stipulations of the present Law.

#### ARTICLE 5. LIFE-LONG LEARNING.

1. Everyone must have access to education and training within and outside the education system, in order to gain, update, complete and expand their capacities, knowledge, skills, aptitudes and competences for professional and personal development.

2. The education system is based on the principle of provision of continuous education. To this end, it will prepare students to learn by themselves and will facilitate the incorporation of adults into the different types of education, encouraging the combination of learning with other responsibilities and activities.

3. In order to guarantee universal, continuous access to learning, Public Authorities will identify new competences and provide the training necessary for their acquisition.

4. Public Authorities are also responsible for promoting flexible learning programmes which provide the acquisition of basic competences and, where appropriate, the corresponding qualifications, to young people and adults who have dropped out of the education system without any qualifications.

5. The education system must facilitate the path for the whole population to complete post-compulsory secondary education or the equivalent and Public Authorities should encourage this.

6. It is the responsibility of Public Authorities to provide access to information and guidance on continuous learning programmes and facilitate access to these.

## CHAPTER III. THE CURRICULUM

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### ARTICLE 6. THE CURRICULUM.

1. According to the stipulations of this Law, curriculum refers to the objectives, basic competences, contents, pedagogic methods and assessment criteria of each area of education regulated by the current Law.

2. In order to ensure continuous education and training and guarantee the validity of the corresponding qualifications, the Government will establish, under the objectives, the basic competences, contents, assessment criteria, basic aspects of the curriculum which form the core curriculum referred to in the First Additional Provision, item 2, letter c, of the Organic Law 8/1985 of July 3<sup>rd</sup>, Regulator of the Right to Education.

3. The basic contents of the core curriculum require 55% of school hours in Autonomous Communities with co-official languages and 65% in those without.



4. The Education Administrations will establish the curricula for the different types of education regulated by this Law, of which the basic aspects highlighted in previous paragraphs will form part. Schools will develop and complete, where relevant, the different stages and cycles, using their autonomy, as stated in Title V, Chapter II of this Law.

5. The qualifications corresponding to the education regulated by this Law will be officially recognised by the State and issued by the Education Administrations under the conditions laid down in the prevailing legislation and in the basic and specific regulations established for this purpose.

6. In the context of international cooperation regarding education, the Government, in accordance with item 4 of this Article, may establish mixed curricula consisting of contents from the Spanish curriculum and from other education systems, leading to the respective qualifications.

## **CHAPTER IV. COOPERATION BETWEEN EDUCATION ADMINISTRATIONS**

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### **ARTICLE 7. AGREEMENTS ON EDUCATION POLICIES.**

Education Administrations may agree on the establishment of criteria and common objectives aimed at improving the quality of the education system and guaranteeing equity. The Sectorial Conference on Education will encourage these types of agreements and will be informed of all those which are adopted.

### **ARTICLE 8. COOPERATION BETWEEN ADMINISTRATIONS.**

1. Education Administrations and local government will coordinate their activities, each within their area of competence, in

order to achieve a more effective use of the resources allocated to education and to contribute to the aims established in this Law.

2. The education offered to children of compulsory school age by the Authorities and other public institutions and actions which have an educational purpose or consequences on the education of children and young people must be carried out in coordination with the corresponding Education Administrations.

3. The Autonomous Communities can agree to delegate the management of certain education services in the municipality or groups of municipalities formed for the purpose, in order to enhance efficiency, coordination and social control of resources.

## ARTICLE 9. PROGRAMMES OF TERRITORIAL COOPERATION.

1. The State will promote territorial cooperation programmes aimed at achieving general educational targets, reinforcing students' basic competences, encouraging the knowledge and appreciation of the cultural and linguistic wealth of the different Autonomous Communities, as well as contributing to inter-territorial solidarity and to territorial equilibrium in redressing inequalities.

2. The programmes referred to in this Article can be carried out through agreements and pacts between the appropriate Education Administrations.

## ARTICLE 10. DISSEMINATION OF INFORMATION.

1. The Education Administrations are responsible for the exchange of information and the dissemination of best practice in education and school management, in order to contribute to improving the quality of education.

2. The Education Administrations will provide the necessary data for the production by the State of national and international

statistics on education. These will contribute to the management, planning, monitoring and of the education system and to educational research. Education Administrations will also make the data and statistics public, which will contribute to fostering transparency, good educational management and educational research.

## ARTICLE 11. EDUCATIONAL PROVISION AND RESOURCES.

1. The State will encourage measures to ensure that all students may choose the educational options they prefer, regardless of their place of residence, according to the academic requirements laid down in each case.

2. In accordance with the principle of collaboration, the Education Administrations are responsible for facilitating access to education of limited availability and to schools in neighbouring areas to students who do not have this type of education available in a nearby teaching institution or in their own Autonomous Community. To this end, in student admission procedures this circumstance will be taken into account.

3. With the same intention and applying the principle of collaboration, it is the Education Authority's responsibility to facilitate access to students and teachers from other Autonomous Communities to their educational installations and the use of their resources.

# TITLE I

## THE ORGANISATION OF EDUCATION

### CHAPTER I. INFANT EDUCATION

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#### ARTICLE 12. GENERAL PRINCIPLES.

1. Infant education refers to the stage of education, with its own identity, which attends to children from birth to the age of six.

2. Infant education is of a voluntary nature and its purpose is to contribute to children's physical, affective, social and intellectual development.

3. To respect the fundamental responsibility of parents or guardians during this stage, infant schools will cooperate closely with them.

#### ARTICLE 13. OBJECTIVES.

Infant education will contribute to developing the capacities which enable children to:

- a) Get to know their own body and that of others, to understand its capabilities and to learn to respect differences.

- b) Observe and explore the family, natural and social environments.
- c) Gradually acquire autonomy in their daily activities.
- d) Develop their affective capacities.
- e) Relate to others and gradually acquire basic social skills and the peaceful resolution of conflicts.
- f) Develop communication skills in different languages and ways of expression.
- g) Begin developing logical and mathematical skills, reading and writing skills, movement, gesture and rhythm.

#### ARTICLE 14. PLANNING AND PEDAGOGIC PRINCIPLES.

1. Infant education is organised into two cycles. The first cycle is from birth to three and the second from three to six.

2. The educational nature of each cycle will be described by the infant school in a pedagogic proposal.

3. Both cycles of infant education will cover the affective development, mobility, body control habits, communication and language, basic social skills and the discovery of the physical and social nature of the environment in which they live. They will also encourage children to develop a positive, balanced self-image and acquire personal autonomy.

4. The educational contents of infant education will be organised into areas corresponding to the areas of experience and infant development and will be carried out through global activities which are meaningful and interesting for the children.

5. It is the responsibility of the Education Administrations to provide initial contact with a foreign language in the second cycle of

infant education, especially in the last year. They will also provide initial contact with reading and writing skills, introduce basic numerical skills, information and communication technology (ICT) and visual and musical expression.

6. Teaching methods in both cycles will be based on experiences, activities and play and will be carried out in an environment of affection and trust which will promote self-esteem and social integration.

7. The Education Administrations will determine the educational content of the first cycle of education, according to the conditions laid down in this chapter. They will also regulate the requirements that infant schools offering this cycle of infant education must fulfil in terms of teacher-pupil ratios, installations and number of school places.

## ARTICLE 15. PROVISION OF PLACES AND FREE EDUCATION.

1. The Public Authorities will gradually increase the number of places available in the first cycle. They will coordinate cooperation policies with other institutions to ensure the provision of places in this cycle. To this effect, they will determine the conditions in which local government may come to agreements with other Authorities and private, non-profit-making organisations.

2. The second cycle of infant education will be free. In order to meet demand, Education Administrations will guarantee a sufficient supply of places in public infant schools and come to agreements with private schools, in the context of their education programme.

3. Infant schools may offer the first cycle, the second cycle or both cycles of infant education.

4. In accordance with what is established by the Education Administrations, the first cycle of infant education may be offered by schools providing the whole cycle or just a part of it. Those

schools offering at least a complete year of the cycle must include in their education project the pedagogic proposal referred to in item 2 of Article 14 and must employ qualified staff under the terms of Article 92.

## CHAPTER II. PRIMARY EDUCATION

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### ARTICLE 16. GENERAL PRINCIPLES.

1. Primary education spans six years and normally takes place between the ages of six and twelve.

2. The purpose of primary education is to provide all children with an education which supports their personal development and well-being, allows them to acquire basic cultural skills relating to expression and oral comprehension, reading, writing, arithmetic, the development of social skills, study habits, artistic sense, creativity and emotional development.

3. Education during this stage will try to integrate the different experiences and knowledge of the students and will be adapted to the students' rhythms of work.

### ARTICLE 17. OBJECTIVES.

Primary education will contribute to developing the capacities which enable children to:

- a) Know and appreciate the values and norms of co-existence, learn to behave accordingly, prepare them for active citizenship and to respect human rights and the pluralism of a democratic society.
- b) Develop individual and team-working habits, effort, responsibility for their work, self-confidence, critical

awareness, personal initiative, curiosity, interest and creativity.

- c) Acquire habits to prevent and to resolve conflicts which will enable them to act autonomously in the domestic and family environment and in their social groups.
- d) Know, understand and respect different cultures and the differences between people, equal rights and opportunities of men and women and non-discrimination towards the disabled.
- e) Know and use appropriately the Castilian language and, if applicable, the co-official language of the Autonomous Community, and develop reading habits.
- f) Acquire basic communicative competence in at least one foreign language to enable them to express and understand simple messages and get by in everyday situations.
- g) Develop basic mathematical competences and begin to solve problems which require elemental arithmetical operations, geometry and calculations and be capable of applying them to situations from their daily lives.
- h) Know and value the natural, social and cultural environments and learn how to care for them.
- i) Begin to use information and communication technology and develop critical awareness of the messages sent and received.
- j) Use different artistic representations and expressions and start to create visual designs.
- k) Value hygiene and health, accept ones body and that of others, respect differences and use physical education and sport as a means for personal and social development.



- l) Know and value the animals which are closest to human life and learn to look after them.
- m) Develop their affective capacities in all aspects of personality and in their relations with others. Develop an attitude against violence, prejudices of any type and sexist stereotypes.
- n) Promote road safety and attitudes of respect which will contribute to the prevention of road accidents.

## ARTICLE 18. ORGANISATION.

1. Primary education consists of cycles of two academic years and is organised into global, integrated subject areas.

2. The subject areas of primary education are the following:

Knowledge of the natural, social and cultural environment.

Arts education.

Physical education.

Castilian language and literature and, when applicable, the language and literature of the co-official language.

Foreign language.

Mathematics.

3. In addition to the above subjects, in one of the years of the third cycle of primary education, citizenship and human rights will also be taught, with special emphasis on equality between men and women.

4. In the third cycle of the stage, Education Administrations may add a second foreign language.

5. The subject areas which have instrumental value for the acquisition of other knowledge will receive special consideration.

6. Throughout the whole stage, the tutor will guide the individual and collective educational process of the students.

## ARTICLE 19. PEDAGOGIC PRINCIPLES.

1. During this stage there will be special emphasis on student diversity, individual attention, the prevention of learning difficulties and in the implementation of remedial measures as soon as difficulties are detected.

2. While some subject areas will deal specifically with reading comprehension, oral and written expression, audiovisual communication, ICT and education in values, these aspects will also be covered in all subject areas.

3. Some time will be dedicated daily to reading, in order to encourage reading habits.

## ARTICLE 20. ASSESSMENT.

1. The assessment of students' learning habits will be continuous and global and will take into account progress in all subject areas.

2. Students will move up to the next stage or cycle as long as they have acquired the basic competences corresponding to their level of maturity.

3. Notwithstanding the above, students who have not reached some of the targets set for the subject areas will be able to go up to the next cycle or stage as long as this does not prevent them benefiting from the higher year. In this case, they will receive the necessary remedial support.

4. If a student has not achieved the basic competences, he or she can remain another year in the same cycle. This measure can only be adopted once during primary education and there must be a specific reinforcement or remedial plan for the basic competences.

5. In order to guarantee continuity in students education, each student will be given a report of his or her learning, the targets reached and the basic competences acquired, according to regulations of the Education Administrations. The Education Administrations will also establish the relevant coordination procedures.

## ARTICLE 21. DIAGNOSTIC EVALUATION.

On finishing the second cycle of primary education, all schools will carry out a diagnostic test of the basic competences acquired by the students. This assessment, which is the responsibility of the Education Administrations, is of a formative nature and is intended to guide schools and inform parents and the whole education community. The frame of reference for these assessments will be the general diagnostic evaluation established in Article 144.1 of this Law.

## CHAPTER III. COMPULSORY SECONDARY EDUCATION

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### ARTICLE 22. GENERAL PRINCIPLES.

1. Compulsory secondary education consists of four years which will normally take place between the ages of twelve to sixteen.

2. The purpose of compulsory secondary education is to ensure that students acquire the basic cultural elements especially humanistic, artistic, scientific and technological; develop and

consolidate study and work habits; prepare for their incorporation into higher education or the labour market and educate them in the exercise of their rights and obligations in their life as citizens.

3. During compulsory secondary education, special attention will be paid to the educational and professional guidance of the students.

4. Compulsory secondary education will be organised according to the principles of core education and attention to student diversity. It is the Education Administrations' responsibility to regulate the organisational and curricular measures adopted to cater for diversity, which will allow schools flexibility, within the exercise of their autonomy.

5. Among the measures mentioned above, are the adaptation of the curriculum, the integration of subjects into different fields, streaming, dividing groups into two, optional subjects, remedial and personalised programmes for students with specific needs of educational support.

6. In the framework of items 4 and 5, schools will have the autonomy to organise groups and subjects in a flexible way and adopt measures to cater for diversity appropriate to the nature of the students.

7. The measures adopted by schools to cater for diversity will be focused on ensuring that all students reach the targets set for compulsory secondary education and will not, under any circumstances, represent discrimination which prevents achieving the targets and corresponding qualification.

## ARTICLE 23. OBJECTIVES.

Compulsory secondary education will contribute to developing capacities in the students which enable them to:

- a) Accept their responsibilities, know and exercise their rights respecting others, show tolerance, cooperation and solidarity

among people and groups, practise dialogue, adopt human rights as common values of a plural society and prepare to take part in democratic citizenship.

- b) Develop and consolidate habits of discipline, study and work both individually and in a group, as a necessary condition for the effective performance of learning tasks and a means of personal development.
- c) Value and respect gender differences and equal rights and opportunities. Reject stereotypes which lead to discrimination between men and women.
- d) Strengthen affective capacities in all areas of their personality and in their relations with others. Reject violence, prejudice of any type, sexist behaviour and resolve conflicts in a peaceful manner.
- e) Develop basic skills in the use of information sources to acquire new knowledge. Acquire basic training in the field of technology, especially in information and communication technologies.
- f) Perceive scientific knowledge as integrated knowledge which is structured into different disciplines and understand and apply methods to identify problems in different fields of knowledge and experience.
- g) Develop an enterprising spirit and self-confidence, participation, critical awareness, personal initiative and the capacity to learn to learn, plan, take decisions and assume responsibilities.
- h) Understand and produce correctly complex texts and messages both orally and in writing in Castilian and, where applicable, in the co-official language of the Autonomous Community. Get to know, read and study literature.

- i) Understand and express themselves appropriately in one or more foreign languages.
- j) Know, value and respect the basic characteristics of their own culture and history and that of others, together with their artistic and cultural heritage.
- k) Know and accept the functioning of their own body and that of others and respect the differences; look after their body and develop healthy habits; take part in physical education and sports to contribute to their personal and social development; know and value the human dimension of sexuality in all its diversity; be critically aware of social habits related to health and consumption; care for living beings and the environment and contribute to their conservation and enhancement.
- l) Appreciate artistic creation and understand the language of different art forms, using various means of expression and representation.

## ARTICLE 24. ORGANISATION OF THE FIRST, SECOND AND THIRD YEARS.

1. The subjects in the first to third years of secondary education will be as follows:

Natural sciences.

Physical education.

Social sciences, geography and history.

Castilian language and literature and, if applicable, the co-official language and literature.

Foreign language.

Mathematics.

Plastic and visual arts.

Music.

Technology.

2. Furthermore, in each of the years all students will do the following subjects:

Natural sciences.

Physical education.

Social sciences, geography and history.

Castilian language and literature and, if applicable, the co-official language and literature.

Foreign language.

Mathematics.

3. In one of the first three years all students will do education for citizenship and human rights, with special attention given to equality between men and women.

4. In the third year natural sciences may be split into biology and geology on the one hand, and physics and chemistry on the other.

5. In addition, in all of the three years, students may study an optional subject. Options should include a second foreign language and classical culture. The Education Administrations could include the second foreign language among the subjects referred to in item 1.

6. In each of the first and second years students will do a maximum of two subjects more than in the last cycle of primary education.

7. While some subject areas will deal specifically with reading comprehension, oral and written expression, audiovisual communication, ICT and education in values, these aspects will also be covered in all subject areas.

8. In accordance with the regulations of the Education Administrations, schools will be able to organise remedial programmes on basic competences for those students who, by virtue of the report referred to in Article 20.5, require these in order to continue benefiting from secondary education.

## ARTICLE 25. ORGANISATION OF THE FOURTH YEAR.

1. During the fourth year all students will do the following subjects:

Physical education.

Ethical-civic education.

Social sciences, geography and history.

Castilian language and literature and, if applicable, the co-official language and literature.

Mathematics.

First Foreign language.

2. Apart from the subjects mentioned above, students will do three subjects from the following:

Biology and geology.

Plastic and visual arts.

Physics and chemistry.

Computing.

Latin.

Music.

Second Foreign language.

Technology.

3. Students may do one or more optional subjects, according to the framework established by the Education Administrations.



4. In ethical-civic education, special emphasis will be placed on equality between men and women.

5. While some subject areas will deal specifically with reading comprehension, oral and written expression, audiovisual communication, ICT and education in values, these aspects will also be covered in all subject areas.

6. The fourth year will offer students guidance on both post-compulsory studies and incorporation into the employment market. In order to guide students' choice, groups of these subjects may be established under different options.

7. Schools must offer all the subjects and options mentioned above. The choice of subjects and options can only be limited when there is an insufficient number of students for some of them, according to the objective criteria previously established by the Education Administrations.

## ARTICLE 26. PEDAGOGIC PRINCIPLES.

1. Schools will draw up their own pedagogic plans for this stage based on attention to diversity and access of all students to core education. They will also employ methods which take into account the different learning rates and styles of students and which help develop the capacity to learn by themselves and promote team work.

2. During this stage special emphasis will be placed on the acquisition and development of basic competences, correct oral and written expression and the use of mathematics. In order to encourage reading habits, some time will be dedicated to this in the teaching of all subjects.

3. The Education Administrations will establish the conditions to ensure that, during the first years of secondary school, suitably-qualified teachers will teach more than one subject to the same group of students.

4. It is the responsibility of the Education Administrations to ensure that the personal tutoring and educational, psychological and professional guidance of students are a fundamental aspect in the organisation of this stage.

5. In addition, it is the responsibility of the Education Administrations to provide specific solutions to attend to the needs of students with particular learning difficulties, specially-gifted students, disabled students or those who have problems participating in normal school activity.

#### ARTICLE 27. PROGRAMMES OF CURRICULAR DIVERSIFICATION.

1. The definition of the *core curriculum* for secondary education will include the basic conditions for establishing curriculum diversification from the third year of compulsory secondary education for those students who require it, subsequent to the relevant assessment. In this case, the objectives for this stage will be achieved with a specific methodology through the organisation of contents, practical activities and, where appropriate, different subjects to those of a general nature.

2. Students who have completed but not passed the second year of secondary education and who have already repeated a year of secondary school, will be able to join a curricular diversification programme, following the relevant assessment.

3. Curricular diversification programmes will be focused on obtaining the Certificate in Compulsory Secondary Education.

#### ARTICLE 28. ASSESSMENT AND ADVANCEMENT.

1. Assessment of students' learning in compulsory secondary education will be continuous and will vary according to the curriculum subject.

2. The decision about whether a student advances to the next year will be a joint decision made by all the teachers of the respective student, bearing in mind the objectives achieved. The decision regarding the awarding of the qualification at the end of the secondary stage will be a joint decision made by all the teachers of the respective student, bearing in mind the basic competences and objectives achieved.

3. In line with the above, students will advance to the next year when they have reached the objectives set for each subject or when they fail to reach the objectives in no more than two subjects. They will repeat the year if they fail in three subjects or more. In exceptional cases, students may advance to the next year after a negative assessment in three subjects, if the teaching staff consider that this would not prevent them successfully following the next year's syllabus, that they have a good chance of catching up and that the advancement to the next year would benefit their academic progress. The Education Administrations will regulate the decisions of the teaching staff responsible for the assessment.

4. In order to help students with a negative assessment to catch up, the Education Administrations will determine the conditions under which schools organise the relevant resits.

5. Students who progress to the next year without having passed all the subjects will follow the remedial programmes set by the teaching staff and must pass the assessments corresponding to these programmes. This circumstance will be taken into account when considering the advancement and qualifications mentioned in the previous items.

6. Students may only repeat the same year once and may only repeat twice during the whole of the secondary stage. If the second repetition occurs during the last year of compulsory secondary education, the age limit established in item 2 of Article 4 will be extended by one year. In exceptional cases, a student may repeat the fourth year twice if he or she has not repeated any of the previous years.

7. In all cases, repetitions will be planned in such a way that the curricular conditions are adapted to the needs of the student and focused on overcoming the difficulties detected.

8. Students who finish the fourth year of compulsory secondary education without obtaining the qualification established in Article 31.1 of this Law, will be able to take an extra examination in the subjects they have failed.

9. Students who follow the curricular diversification programmes referred to in Article 27 will be assessed according to the objectives of the stage and the assessment criteria established in each of the respective programmes.

## ARTICLE 29. DIAGNOSTIC EVALUATION.

On finishing the second year of compulsory secondary education all schools will carry out a diagnostic assessment of the basic competences acquired by the students. This assessment will be the responsibility of the Education Administrations and will be of a formative nature and is intended to guide schools and inform parents and the whole education community. The frame of reference for these assessments will be the general diagnostic evaluations established in Article 144.1 of this Law.

## ARTICLE 30. VOCATIONAL INITIATION PROGRAMMES.

1. It is the responsibility of the Education Administrations to organise vocational initiation programmes designed for students who reach the age of 16 before the 31<sup>st</sup> December of the year of commencement of the programme and who have not obtained the Certificate in Compulsory Secondary Education. In exceptional cases and with the agreement of students and parents or guardians, the age could be reduced to 15 for those fulfilling the conditions laid down in Article 27.2. In this case, the student will commit him or herself to following the modules referred to in item 3. c) of this Article.

2. The aim of the vocational initiation programmes is that all students achieve professional competences equivalent to a level one qualification under the current structure of the National List of Professional Qualifications created by the Law 5/2002 of 19<sup>th</sup> June and that students have the chance to join the labour market and increase their basic competences in order to continue their studies.

3. The vocational initiation programmes will include three types of modules:

- a) Specific modules referring to the units of competence corresponding to grade one of the above mentioned List.
- b) Formative modules of a general nature which increase basic competences and encourage the transition from the education system to the labour market.
- c) Modules of a voluntary nature for students, which lead to the Certificate in Compulsory Secondary Education and which can be followed at the same time as the modules referred to in paragraphs a) and b) above, or after these have been completed.

4. Students who pass the compulsory modules of these programs will obtain an academic certificate awarded by the Education Administrations. This certification will accredit the professional competences acquired in relation to the National System of Qualifications and Vocational Training.

5. The provision of vocational initiation programmes can take various forms. Schools, local government, professional associations, NGOs and other business and trade union organisations may participate in these programmes, under the supervision of the Education Administrations.

6. It is the responsibility of the Education Administrations to regulate vocational initiation programmes, which will be offered in all

cases in public and publicly-funded private schools to ensure that students have access to these programmes.

## ARTICLE 31. CERTIFICATE IN COMPULSORY SECONDARY EDUCATION.

1. Students who completed compulsory secondary education having achieved the basic competences and the objectives of the stage will be awarded the Certificate in Compulsory secondary education.

2. The Certificate in Compulsory secondary education will allow students to proceed to *bachillerato*, intermediate level vocational training, intermediate level arts and design, intermediate level sports education and to the employment market.

3. Students who attend compulsory secondary education and do not obtain the qualification referred to in this Article will receive a school certificate, listing the years attended.

## CHAPTER IV. BACHILLERATO

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### ARTICLE 32. GENERAL PRINCIPLES.

1. The aim of *bachillerato* is to provide students with the education, intellectual and human maturity, knowledge and skills to allow them to develop social functions and take an active part in life responsibly and competently. In addition, it will prepare students to proceed to higher education.

2. Students who are in possession of the Certificate in Compulsory secondary education may study *bachillerato*.

3. *Bachillerato* consists of two years and will offer different modalities organised in a flexible way in different routes, so that

students may specialise according to their aspirations and educational interests or join the job market once they have finished the stage.

4. Students may continue to study *bachillerato* for four years under normal conditions.

5. Public Authorities will gradually provide more public places in *bachillerato* offering the different modalities and routes.

## ARTICLE 33. OBJECTIVES.

*Bachillerato* will contribute to developing the capacities in the students which will enable them to:

- a) Participate in democratic citizenship from a global perspective and acquire responsible civic awareness inspired by the values of the Spanish constitution and by human rights, which encourage shared responsibility in the construction of a just and fair society.
- b) Consolidate personal and social maturity in order to behave in a responsible and autonomous way and develop critical awareness. Anticipate and peacefully resolve personal, family and social conflicts.
- c) Promote equal rights and opportunities between men and women, analyse and critically assess existing inequalities and strive for real equality and non-discrimination of people with disabilities.
- d) Reinforce reading habits and study and discipline habits as necessary conditions for efficient learning and as a means of personal development.
- e) Master both orally and in written form the Castilian language and, where applicable, the co-official language of the Autonomous Community.

- f) Express themselves accurately and fluently in one or more foreign languages.
- g) Use information and communication technologies responsibly and with ease.
- h) Be aware of and critically assess the realities of the contemporary world, preceding events and the principal factors of their unfolding. Participate actively in the development and enhancement of the social environment.
- i) Have access to fundamental scientific and technological knowledge and master the basics skills relevant to their chosen modality.
- j) Understand the basic elements and procedures of research and scientific methods. Know and critically assess the contribution of science and technology to changes in living conditions and strengthen awareness of and respect for the environment.
- k) Reinforce the spirit of enterprise and show creativity, flexibility, initiative, teamwork skills, self-confidence and critical awareness.
- l) Develop artistic and literary sensitivity and aesthetic criteria as sources of education and cultural enrichment.
- m) Use physical education and sport to foster personal and social development.
- n) Consolidate attitudes of respect and prevention in the area of road safety.

## ARTICLE 34. ORGANISATION.

1. The *bachillerato* modalities will be as follows:
  - a) Arts.
  - b) Sciences and technology.
  - c) Humanities and social sciences.



2. *Bachillerato* will be divided into core subjects, modality subjects and optional subjects.

3. After consultation with the Autonomous Communities, the Government will establish the structure of the modalities, the specific subjects of each modality and the number of subjects that students must study.

4. Students will be able to choose between all the established subjects in modality. Each one of the modalities may be organised into different routes which will allow students to specialise with a view to further education or to working life. Schools will offer all subjects and, where appropriate, different routes from each modality. There can only be a limit on the choice of subjects and routes open to students when there is an insufficient number of students, according to the objective criteria previously established by the Education Administrations.

5. When the subjects offered by a school are limited for organisational purposes, the Education Administrations will ensure that students may study the subject in another school or through distance learning.

6. The core subjects of *bachillerato* will be the following:

Sciences for the contemporary world.

Physical education.

Philosophy and citizenship.

History of philosophy.

History of Spain.

Castilian language and literature and, where applicable, the co-official language and literature.

Foreign language.

7. It is the responsibility of the Education Administrations to organise the optional subjects. Schools will stipulate what subjects they offer in their education project.

8. After consultation with the Autonomous Communities, the government will regulate the system of reciprocal recognition between *bachillerato* studies and the intermediate level vocational courses, so that these can be taken into account even when the corresponding qualification has not been awarded.

### ARTICLE 35. PEDAGOGIC PRINCIPLES.

1. Educational activities in *bachillerato* will promote students' capacities to learn by themselves, work in a team and apply appropriate research methods.

2. The Education Administrations will provide the necessary means to ensure that, in the different subjects, there are activities which stimulate the habit of reading and the capacity to express oneself correctly in public.

### ARTICLE 36. ASSESSMENT AND ADVANCEMENT.

1. The assessment of students' learning will be continuous and will differ according to the subject. The teacher of each subject will decide at the end of the year if the student has reached the objectives set.

2. Students will progress to the second year of *bachillerato* when they have passed the subjects studied or if they have failed in no more than two subjects. In this case, they must enrol during the second year for the subjects failed in the first year. Schools must organise appropriate remedial and assessment programs for the pending subjects.

3. Students will be able to take a special exam in the subjects that they have not passed on the dates determined by the Education Administrations.

## ARTICLE 37. BACHILLER CERTIFICATE.

1. Students who successfully complete any of the *Bachillerato* modalities will be awarded the *Bachiller* Certificate which will be valid for both academic and employment purposes. To obtain the Certificate, students will need to pass all subjects from the two years of *bachillerato* studies.

2. The *bachiller* Certificate will enable students to proceed to the higher levels of education established in Article 3.5.

## ARTICLE 38. UNIVERSITY ENTRANCE TEST.

1. In order to access university, students will need to pass one single test which, together with the marks obtained in *bachillerato* will objectively assess the students' academic maturity, knowledge and capacity to successfully continue with university education.

2. All students holding the *bachiller* Certificate, regardless of the modality or the route followed, may take the University entrance test. The test will be valid for access to the different degrees offered by Spanish universities.

3. The government will set the basic characteristics of the University entrance test following consultation with the Autonomous Communities and a prior report from the University Coordination Committee. This test will take into account the different *bachillerato* modalities and the routes that students may have followed and will be based on the subjects of the second year of *bachillerato*.

4. The Education Administrations and the universities will organise the entrance test and ensure that it is based on the *bachillerato* curriculum. They will also be responsible for the coordination between the universities and schools teaching *bachillerato* for the organisation and performance of the test.

5. Students from the European Union or from other countries with relevant reciprocal International Agreements, who have fulfilled the academic requirements for university access in their own countries may enter Spanish universities without having to take the entrance test.

6. Under the current legislation and item 1 of this Article, the government will establish, based on the report from the University Coordination Committee, the basic regulations which will allow universities to set the procedures for student applications and enrolments in the university of their choice, once they have passed the entrance test, regardless of where they have studied previously. They will also establish the regulations for the students referred to in the item above.

## CHAPTER V. *FORMACIÓN PROFESIONAL* (vocational training)

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### ARTICLE 39. GENERAL PRINCIPLES.

1. *Formación profesional* refers to all types of training which equip students to carry out a range of jobs in a professional capacity. It provides them with access to employment and active participation in social, cultural and economic life. It includes initial vocational training, activities for the incorporation or reincorporation of workers into employment and in-company training, which allow for the continuous acquisition and updating of professional competences. The regulations laid down in this Law refer to initial vocational training which forms part of the education system.

2. *Formación profesional*, within the education system, aims to prepare students to work in a professional field and prepare them for the ever-changing employment market, as well as contributing to their personal development and to their participation in democratic citizenship.

3. *Formación profesional* within the education system consists of a range of formative cycles organised into modules of varying duration and with theoretical and practical contents relevant to the different professional fields.

4. The formative cycles will be of an intermediate and higher level, linked to the National Professional Qualifications Board and will constitute respectively intermediate level and higher level vocational training. The curriculum for this training will be adapted to the demands of the National System of Qualifications and Vocational Training and to what is laid down in Article 6.3 of the present Law.

5. The studies related to *formación profesional* which come under this Law can be carried out in the educational institutions regulated by the law and in the integrated centres referred to in Article 11 of the Organic Law 5/2002 19<sup>th</sup> June.

6. The Government, after consultation with the Autonomous Communities, will establish the qualifications corresponding to vocational training, as well as the fundamental aspects of the curriculum.

## ARTICLE 40. OBJECTIVES.

*Formación profesional*, within the education system, will contribute to developing capacities in the students which enable them to:

- a) Develop general competence corresponding to the qualification or qualifications for which they have studied.
- b) Understand the organisation and nature of the relevant sector, as well as the corresponding procedures of professional incorporation; learn about labour law and the rights and duties derived from labour relations.
- c) Learn autonomously and work in a team, understand how to prevent conflicts and resolve them peacefully in all areas of

personal family and social life. Promote equal opportunities between men and women to ensure access to training which opens up all type of professional options.

- d) Work in conditions of health and safety to prevent possible risks at work.
- e) Develop a professional identity which will motivate them to continue learning and help them adapt to new trends in the productive process and to social change.
- f) Develop a spirit of enterprise in carrying out activities and taking business initiatives.

## ARTICLE 41. ACCESS.

1. Students who hold the Certificate in Compulsory Secondary Education may take intermediate level vocational training courses. Students who hold the Bachiller Certificate may take higher level vocational training courses.

2. Students who do not hold the academic qualifications but who pass an access test set by the Education Administrations may also access vocational training. To access intermediate levels by this route they must be at least seventeen, and nineteen for the higher level, having reached the age in the year of the test or eighteen if they hold a Technical qualification related to the area of study.

3. The tests referred to in the above item must accredit, for the intermediate level, sufficient knowledge and skills to enable them to follow the training and, for the higher level, the maturity related to the *bachillerato* objectives and the capacities related to the relevant professional field.

4. It is the responsibility of the Education Administrations to regulate the exemption from the relevant part of the tests for those who have passed an initial vocational training programme, an

intermediate level formative cycle, who hold a professional certificate related to the formative cycle they wish to follow or who can accredit particular qualifications or work experience.

5. The Education Administrations can plan and offer courses to prepare for the access tests for the intermediate level for students who have passed an initial vocational training programme and for access to higher level vocational training for those holding the Technical qualification referred to in item 1 of Article 44. The grades obtained in these courses will be taken into account in the final grade of the respective access test.

## ARTICLE 42. CONTENTS AND ORGANISATION.

1. It is the responsibility of the Education Administrations, in collaboration with local government and social and economic entities, to plan the provision of vocational training, under the rights recognised in the current Law.

2. The curriculum for vocational training will include practical training in the workplace, from which those who can accredit previous work experience which corresponds with the professional studies covered may be exempt. The Education Administrations will regulate this practical stage and the said exemption.

3. Vocational training will integrate scientific, technological and organisational contents and will guarantee that students acquire the knowledge and capacities related to the areas established in the third additional provision of Law 5/2002 of June 19th, of the Vocational Training Qualifications.

## ARTICLE 43. ASSESSMENT.

1. Assessment of the students learning in the formative cycles will be carried out by professional modules.

2. To pass a formative cycle requires students to pass all the modules of the cycle.

## ARTICLE 44. QUALIFICATIONS AND VALIDATION.

1. Students who pass the intermediate level of vocational training will be awarded the Technical qualification in the corresponding profession.

In accordance with Article 41.2, the Technical qualification will allow students who have done intermediate level vocational training direct access to all the *bachillerato* modalities.

2. Students who have passed higher level vocational training will obtain the Higher Technical qualification. This qualification will allow them access to the university studies determined by the government, following consultation with the Autonomous Communities and a report from the University Coordination Board.

3. In the light of the above-mentioned report, the government will regulate the system of validation between University courses and higher level vocational training courses.

4. Students who do not pass each one of the formative cycles will receive an academic certificate for the modules passed which will serve as partial accreditation for the professional competences acquired in relation to the National System of Qualifications and Vocational Training.

## CHAPTER VI. ARTS EDUCATION

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### ARTICLE 45. PRINCIPLES.

1. Arts education aims to provide students with quality training and guarantee the qualifications of future professionals in the fields of music, dance, dramatic art, art and design.

2. Arts education consists of the following:



- a) Elementary music and dance education.
- b) Professional Arts education. This refers to professional training in music and dance and to intermediate and higher level courses in art and design.
- c) Higher Arts education. This refers to a higher level studies in music and dance, dramatic art, conservation and restoration of cultural goods, higher studies in design and in arts, which includes ceramics and glass work.

3. The national consultation body created for this area of education is the Higher Arts Education Council.

4. After consultation with the Autonomous Communities, the Government will regulate the composition and functions of this Council.

#### ARTICLE 46. ORGANISATION.

1. The curriculum for professional Arts education will be determined by the procedure established in Article 6 of this Law.

2. The content and evaluation of higher Arts education will be defined in the context of Spanish higher education within the European framework and with the participation of the higher Arts education Council and, where applicable, the University Coordination Board.

#### ARTICLE 47. CORRESPONDENCE WITH OTHER EDUCATION STAGES.

1. The Education Administrations will allow students to study both professional Arts education and secondary education at the same time.

2. In order to put this into effect, the necessary organisational measures and academic planning will be adopted. These will include,

among others, the appropriate validation and the creation of integrated teaching centres.

## FIRST SECTION. ELEMENTARY AND PROFESSIONAL EDUCATION IN MUSIC AND DANCE

### ARTICLE 48. ORGANISATION.

1. Elementary music and dance education will be defined and organised by the Education Administrations.

2. Professional music and dance education will be organised into six years of study. In exceptional circumstances and with the recommendation of the teacher, students may enrol in more than one year if their learning capacity so allows.

3. Independently of the above, students may attend courses in music and dance in specialised schools with a different structure and organisation and with no age limit, which do not lead to the awarding of academic or professional qualifications. These schools will be regulated by the Education Administrations.

### ARTICLE 49. ACCESS.

To access professional studies in music and dance, it will be necessary to pass a special entrance test which will be regulated and organised by the Education Administrations. Students may access each year of studies without having attended the previous year's as long as they show through a test that they have the necessary knowledge to attend the corresponding level.

### ARTICLE 50. QUALIFICATIONS.

1. The corresponding professional qualification will be awarded to students who have passed the professional studies in music or dance.

2. Students who complete professional studies in music and dance will be awarded the *Bachiller* Certificate if they pass the *bachillerato* core subjects, even though they have not followed the specific route of music and dance in the *bachillerato* arts modality.

## SECOND SECTION. PROFESSIONAL EDUCATION IN ART AND DESIGN

### ARTICLE 51. ORGANISATION.

1. Education in art and design will be organised into specific cycles, according to the stipulations laid down in Chapter V of Title I of the present Law, with the conditions established in the following Articles.

2. The formative cycles referred to in this article will include practical training in companies, studios and workshops.

### ARTICLE 52. ACCESS.

1. To access intermediate level art and design students must hold the Certificate in Compulsory Secondary Education and also show they have sufficient ability by passing a specific test.

2. To access the higher level of art and design students must hold the *Bachiller* Certificate and pass a test which will show they have sufficient aptitude to undertake the course.

3. Students who do not have the academic requirements may also access the intermediate and higher levels as long as they pass the entrance test. To access the intermediate level by this route, they must be at least seventeen in the year of taking the test and for the higher level nineteen, or eighteen if they hold a Technical qualification at the relevant level.

4. In the case of the intermediate level, the tests referred to in the above item will prove that students have the sufficient knowledge

and skills to take advantage of the training and the necessary aptitudes referred to in item 1 of this Article. To access the higher level, students must show evidence of achieving the *bachillerato* objectives and the aptitude referred to in item 2 of this Article.

5. The Education Administrations will regulate the tests referred to in the above items.

### ARTICLE 53. QUALIFICATIONS.

1. Students who pass the intermediate level of art and design will be awarded the Technical Certificate in Art and Design in the corresponding specialisation.

2. The Technical Certificate in Art and Design will allow direct access to the *bachillerato* arts modality.

3. Students who pass the higher level of art and design will be awarded the Higher Technical Certificate in Art and Design in the corresponding specialisation.

4. Following consultation with the University Coordination Board, the Government will regulate the system of validation between university studies and the higher level formative cycles of Art and Design.

5. The Higher Technical Certificate in Art and Design will allow direct access to university or other higher education course, which will be determined depending on their relation to the corresponding studies in art and design.

## THIRD SECTION. HIGHER ARTS EDUCATION

### ARTICLE 54. HIGHER STUDIES IN MUSIC AND DANCE.

1. Higher studies in music and dance will be organised into different specialities and will consist of one cycle of variable length, according to the respective characteristics.

2. To access higher studies in music and dance, students must fulfil the following requirements:

- a) Hold the *Bachiller* Certificate or pass the university entrance test for the over 25's.
- b) Pass the special entrance test regulated by the Education Administrations demonstrating the necessary knowledge and professional skills required to follow the corresponding training. The professional qualification will be taken into account in the final mark of the test.

3. Students who complete higher studies in music or dance will be awarded the Higher qualification in Music or Dance in the corresponding specialisation. This will be equivalent, in all respects, to a university degree or equivalent level qualification.

## ARTICLE 55. DRAMATIC ART.

1. Dramatic art will consist of one higher level grade, the duration of which will be adapted to the nature of the training.

2. To access dramatic art it will be necessary to:

- a) Hold the *Bachiller* Certificate or pass the university entrance test for the over 25's.
- b) Pass the special test regulated by the Education Administrations, which will assess the maturity, knowledge and abilities required to follow the course successfully.

3. Students who successfully complete dramatic art will be awarded the Higher qualification in Dramatic Art, equivalent, in all respects, to a university Degree or equivalent level qualification.

## ARTICLE 56. CONSERVATION AND RESTORATION OF CULTURAL GOODS.

1. To access studies in conservation and restoration of cultural goods, students must hold the *Bachiller* Certificate and pass an entrance test, regulated by the Education Administrations, which will assess the maturity, knowledge and skills required to follow the course successfully.

2. Students who successfully complete the studies will be awarded the Higher qualification in Conservation and Restoration of Cultural Goods, which will be equivalent, in all respects, to a university Diploma or equivalent level qualification.

## ARTICLE 57. HIGHER STUDIES IN ART AND DESIGN.

1. Higher studies in art and design will be divided into specialisations.

2. Access to the higher studies referred to in this article will require students to hold the *Bachiller* Certificate and pass an entrance test, regulated by the Education Administrations, which will assess the maturity, knowledge and skills required to follow the course successfully.

3. Higher studies in arts, which include higher studies in ceramics and glass, will lead to the Higher qualification in Arts, in the corresponding specialisation, which will be equivalent, in all respects, to a university Diploma or equivalent level qualification.

4. Higher studies in design will lead to the Higher qualification in Design, in the corresponding specialisation, which will be equivalent, in all respects, to a university Diploma or equivalent level qualification.

## ARTICLE 58. ORGANISATION OF HIGHER ARTS EDUCATION.

1. It is the government's responsibility, following consultation with the Autonomous Communities and the Higher Board of Arts Education, to define the structure and basic content of the different branches of higher Arts education regulated in this Law.

2. The definition referred to in the above item will regulate the conditions for postgraduate studies in higher Arts education and institutions. These studies will lead to qualifications which will be equivalent, in all respect, to postgraduate university studies.

3. Higher studies in music and dance will take place in conservatories or in higher schools of music and dance, while higher studies in drama will take place in higher schools of dramatic art; higher studies of conservation and restoration of cultural goods will take place in the relevant higher schools; higher studies of arts in the corresponding higher schools and higher studies in design in the corresponding design schools.

4. The Autonomous Communities and the universities in their respective regions may agree on ways to collaborate in order to provide the higher Arts education regulated by this Law.

5. Moreover, the Education Administrations will encourage agreements with universities for the organisation of doctorate studies in arts.

6. Higher schools in Arts education will promote research programmes in their relevant disciplines.

## CHAPTER VII. LANGUAGE EDUCATION

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### ARTICLE 59. ORGANISATION.

1. The teaching of languages aims to enable students to use different languages appropriately outside the compulsory school

system. Teaching will be organised into the following levels: elementary, intermediate and advanced.

Elementary level teaching would be defined and organised as determined by the Education Administrations.

2. To access language teaching students must be 16 years of age in the year of commencing their studies. Students over the age of 14 may access language courses in a language which is not taught in compulsory secondary education.

## ARTICLE 60. OFFICIAL LANGUAGE SCHOOLS.

1. Language teaching at intermediate and advanced level, referred to in the above article, will take place in official language schools. The Education Administrations will regulate the requirements with which official language schools must comply, regarding student-teacher ratios, installations and the number of places.

2. Official language schools will promote in particular the official languages of the member states of the European Union, the co-official languages existing in Spain and Spanish as a foreign language. They will also provide teaching in other languages of special interest for cultural, social or economic reasons.

3. The Education Administrations will integrate distance language learning into official language schools.

4. In accordance with the stipulations of the Education Administrations, official language schools may offer refresher courses in foreign languages and training for language teachers and other professional bodies.

## ARTICLE 61. CERTIFICATES.

1. Students who satisfy the academic demands established for each of the language levels will be awarded the corresponding



certificate, the terms of which will be set in the description of the basic curriculum for the different languages.

2. Relating to the previous item, assessment of students studying in the official language schools will be made by the respective teachers. The Education Administrations will regulate the final tests set by the teaching staff for the attainment of the official certificates at elementary, intermediate and advanced levels.

## ARTICLE 62. CORRESPONDENCE WITH OTHER LANGUAGE EDUCATION.

1. The *Bachiller* Certificate will allow students direct access to the intermediate level of the first foreign language studied in *bachillerato*

2. Without prejudice to the above item, the Education Administrations will facilitate officially approved tests to attain the official certification of competence in the languages studied by students in secondary education and *formación profesional*.

## CHAPTER VIII. SPORTS EDUCATION

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### ARTICLE 63. GENERAL PRINCIPLES.

1. The aim of sports education is to prepare students for professional activity related to a sports category or speciality and equip them for the working and sporting environment and for active citizenship.

2. Sports education will contribute to developing capacities which will allow students to:

- a) Develop general competence in their respective studies.

- b) Guarantee initial professional competence in basic training, technical improvement, team management and training, management of high performance sports men and women in the corresponding category or speciality.
- c) Understand the characteristics and the organisation of the respective category or speciality and know the rights and obligations relating to their functions.
- d) Acquire the knowledge and skills necessary to carry out their work under safe conditions.

3. The organisation of sports education will be based on the sports categories and specialities, as recognised by the Higher Sports Council, under Article 8.b) of the Sports Law 10/1990, 15<sup>th</sup> October. Organisation will be carried out in collaboration with the Autonomous Communities and following consultation with the corresponding sports education bodies.

4. The sports curriculum will be adapted to the demands of the National System of Qualifications and Vocational Training and to the stipulations of Article 6.3 of the present Law.

## ARTICLE 64. ORGANISATION.

1. Sports education is structured into intermediate and higher levels and may relate to the National List of Vocational Qualifications.

2. To access the intermediate level, students must hold the Certificate in Compulsory Secondary Education. To access the higher level they will need to have the *Bachiller* Certificate and the Technical qualification in Sports, in the corresponding category or speciality. In certain cases they will also need to pass a test set by the Education Administrations or show sufficient evidence of sporting merit to guarantee their capacity to follow the course.

3. Students who do not possess the Certificate in Compulsory Secondary Education or the *Bachiller* Certificate may still access the intermediate and higher levels if they pass a test regulated by the Education Administrations. To access the intermediate level by this route, students must be seventeen years of age in the year of taking the test and nineteen to access the higher level or eighteen if they hold the relevant Technical qualification.

4. The tests referred to in the above item, will, in the case of the intermediate level, accredit the knowledge and skills necessary to follow the course successfully and, in the case of the higher level, the maturity related to the *bachillerato* objectives. In both cases, it will also be necessary to pass a test or show evidence of sporting merit, as referred to in item 2 of this Article.

5. Sports education will be organised into blocks and modules, of varying duration, divided into areas of theory and practice appropriate to the different professional fields.

6. The government, following consultation with the Autonomous Communities, will establish the qualifications corresponding to studies in sports education, the basic areas of the curriculum and the minimum requirements for centres offering the respective teaching.

## ARTICLE 65. QUALIFICATIONS AND VALIDATION.

1. Students who pass the intermediate level of sports education will be awarded the Technical Certificate in Sports in the corresponding category or speciality.

2. Students who pass the higher level will be awarded the Higher Certificate in Sports, in the corresponding category or speciality.

3. The Higher Certificate in Sports will allow access to university studies as determined.

4. The government, following consultation with the Autonomous Communities, and with the University Coordination Board, will regulate the system of validation between university studies and higher level sports studies.

## CHAPTER IX. ADULT EDUCATION

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### ARTICLE 66. OBJECTIVES AND PRINCIPLES.

1. The aim of adult education is to offer people over eighteen the possibility to acquire, update, complete or add to their knowledge and skills for professional and personal development.

2. To achieve this goal, the Education Administrations may collaborate with other Public Authorities with responsibilities for adult training and particularly with the Employment Authorities, as well as with local government and various social agents.

3. Adult education will have the following objectives:

- a) Acquire basic training, continuously add to and refresh knowledge, abilities and skills and facilitate access to different sectors of the educational system.
- b) Improve professional qualifications or retrain for other professions.
- c) Develop personal capacities in areas of self-expression, communication, interpersonal relations and knowledge building.
- d) Develop capacities to participate in social, cultural, political and economic life and put into practice the right to democratic citizenship.

- e) Develop programmes which overcome the social exclusion of disadvantaged sectors of society.
- f) Respond adequately to the challenges related to the gradual aging of the population, ensuring that senior citizens have the opportunity to increase and update their abilities.
- g) Anticipate and resolve personal, family and social conflicts peacefully. Foster real equality of rights and opportunities between men and women as well as critically assess and analyse inequalities between them.

4. Adults can learn through regulated or non-regulated educational activities, as well as through experience –either in work or social activities. Therefore, links will be established between both routes and measures adopted in order to validate the learning thus acquired.

## ARTICLE 67. ORGANISATION.

1. As well as adults, young people over the age of sixteen, may, as an exception, attend adult education, if they have a work contract which does not allow them to attend normal educational institutions or if they are high performance sportsmen or sportswomen. Students who are eighteen in the year of commencing the course may attend adult education.

2. The organisation and teaching methodology for adult education will be based on self-study and will take into account students' experience, needs and interests. Teaching will be available face-to-face or through distance learning.

3. The Education Administrations may promote collaboration agreements for the provision of adult education with universities, local government and other public or private institutions. In the latter case, preference will be given to non-profit making organisations.

These agreements will also include the production of materials which meet the technical and methodological requirements of this type of education.

4. In addition, it is the responsibility of the Education Administrations to provide special programmes for the teaching of Castilian and, where applicable, other co-official languages as well as basic cultural programmes to facilitate the integration of the immigrant population.

5. Appropriate support will be given in adult education to students with special educational needs.

6. The prison population will be guaranteed access to adult education.

7. Adult education will be organised in an open, flexible way in order to respond to students' capacities, needs and interests.

8. The Education Administrations will encourage the carrying out of research and innovative practice in the area of adult education, with the aim of developing new educational models and the continual enhancement of existing ones.

## ARTICLE 68. BASIC EDUCATION.

1. There will be provision for adults who wish to acquire the competencies and knowledge corresponding to basic education, adapted to their situation and needs.

2. It is the responsibility of the Education Administrations to organise tests periodically so that people over the age of eighteen may obtain the Certificate in Compulsory Secondary Education, if they have acquired the basic competences and reached the objectives of the stage.

## ARTICLE 69. POST-COMPULSORY EDUCATION.

1. The Education Administrations will encourage measures aimed at providing everyone with the opportunity to access *bachillerato* or *formación profesional*.

2. It is the responsibility of the Education Administrations to adopt the appropriate measures to provide specific courses for adults in these studies organised according to their characteristics.

3. It is also the responsibility of the Education Administrations to organise state provision of distance learning in order to offer continuous training to adults. This provision will include the use of information and communication technologies.

4. The Education Administrations will organise tests periodically for students to obtain the *Bachiller* Certificate directly or some of the *formación profesional* qualifications, as long as they show evidence of having reached the objectives established in Articles 33 and 40 and those set under the basic aspects of the respective curricula. To take the exams for the *Bachiller* Certificate, students must be twenty years of age; eighteen in the case of the Technical Certificate, twenty for the Higher Technical qualification or nineteen for those who hold the Technical Certificate.

5. Students over nineteen may access directly higher Arts studies after passing a test which will be regulated and organised by the Education Administrations and which accredit their maturity in relation to the *bachillerato* objectives and the knowledge, skills and aptitudes required to follow the corresponding course successfully.

6. People over twenty five years of age may have direct access to University, without requiring any qualification, after passing a specific exam.

## ARTICLE 70. SCHOOLS.

When adult education leads to the awarding of one of the qualifications established in the present Law, it will take place in normal or specific schools, duly authorised by the relevant Education Authority.





## TITLE II

### EQUITY IN EDUCATION

#### CHAPTER I. STUDENTS WITH SPECIFIC EDUCATIONAL SUPPORT NEEDS

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##### ARTICLE 71. PRINCIPLES.

1. The Education Administrations will dispose of the necessary measures to ensure that all students reach their maximum personal, intellectual, social and emotional potential, as well as the objectives of a general nature established in the present Law.

2. It is the responsibility of the Education Administrations to ensure that the necessary resources are available for students who require additional educational support because of special educational needs, specific learning difficulties, high intellectual capacity, late entry to the education system or due to personal conditions or past school records. Thus, they will be able to fulfil their full potential and, at least, to reach the objectives set for all students.

3. The Education Administrations will establish the procedures and resources necessary to identify in good time the specific needs of students referred to in the above item. All-round attention to

students with specific educational support needs will start from the moment these needs are identified and will be governed by the principles of normalisation and inclusion.

4. It is the responsibility of the Education Administrations to guarantee and regulate the schooling of these children and ensure the participation of parents or guardians in the decisions which affect the schooling and educational procedures of these students. It is also their responsibility to adopt the appropriate measures to provide parents of these children with adequate individual assessment and the necessary information to help them in the education of their children.

## ARTICLE 72. RESOURCES.

1. In order to achieve the aims described in the above Article, the Education Administrations will employ teachers with the corresponding specialisations and qualified professionals, as well as provide the necessary resources and materials to attend to these students.

2. It is the responsibility of the Education Administrations to provide schools with the resources necessary to meet these needs satisfactorily. The criteria for establishing these provisions will be the same for public and publicly-funded private schools.

3. Schools will have the appropriate organisation and carry out the necessary curriculum adaptation and diversification, in order to ensure that students achieve the established aims.

4. The Education Administrations will provide the training of teachers and other professionals involved in dealing with students with specific educational support needs.

5. The Education Administrations may collaborate with other Authorities, public or private non-profit-making institutions or associations, to provide schooling and the fuller integration of these students into schools.

## FIRST SECTION. STUDENTS WITH SPECIAL EDUCATIONAL NEEDS

### ARTICLE 73. SCOPE.

Students with special educational needs refers to those who require, certain support and specific educational attention due to disability or serious behavioural disorders, either for a period or throughout the whole of their schooling.

### ARTICLE 74. SCHOOLING.

1. The schooling of students with special educational need will be governed by principles of normalisation and inclusion and will ensure non-discrimination and real equality in the access to the education system and continued attendance, allowing flexibility in the different stages of their education when necessary. The schooling of these students in special education centres or units, which may be extended to the age of twenty one, will only take place when their needs cannot be met by the special needs provisions available in normal schools.

2. The identification and assessment of the educational needs of these students will be carried out as early as possible by qualified professionals, under the conditions determined by the Education Administrations.

3. At the end of each school year the results obtained by each student will be assessed, according to the objectives set in the initial assessment. This will allow staff to provide appropriate guidance and adapt the learning programme in order to encourage, as far as possible, better integration of these students.

4. It is the responsibility of the Education Administrations to provide infant school provision for children with special educational needs and to develop appropriate schooling programmes for them in primary and secondary schools.

5. It is also the responsibility of the Education Administrations to encourage students with special educational needs to continue with post-compulsory education as appropriate and to modify as necessary the testing procedures established in this Law for those students with disabilities.

## ARTICLE 75. SOCIAL AND WORK INTEGRATION.

1. In order to foster the social and work integration of students with special educational needs who are not able to meet the objectives of compulsory education, the Public Authorities will provide training adapted to their specific needs.

2. The Education Administrations will reserve a number of places in vocational training courses for students with disabilities.

## SECOND SECTION. HIGH ABILITY STUDENTS

### ARTICLE 76. SCOPE.

It is the responsibility of the Education Administrations to adopt the necessary measures to identify high ability and gifted students and assess their needs as early as possible. Moreover, they should introduce appropriate action plans to meet these needs.

### ARTICLE 77. SCHOOLING.

The government, after consultation with the Autonomous Communities, will establish the regulations to allow for flexibility in the length of each stage of the education system in the case of high ability students, independently of their age.

## THIRD SECTION. LATE ENTRIES INTO THE EDUCATION SYSTEM

### ARTICLE 78. SCHOOLING.

1. It is the responsibility of the Public Authorities to ensure the incorporation into the Spanish education system of students who arrive from other countries or who enter the education system late for any reason. This will be guaranteed, at least, for compulsory school age.

2. The Education Administrations will guarantee that the enrolment of late entries into the Spanish education system is adapted to the circumstances, knowledge, age and academic record of these students to ensure they are incorporated into the academic year which is best suited to their characteristics and previous knowledge, with the relevant support to ensure that they will pursue their education as successfully as possible.

### ARTICLE 79. SPECIFIC PROGRAMMES.

1. It is the responsibility of the Education Administrations to develop specific programmes for students who have serious language problems or lack basic competences and knowledge, in order to facilitate their integration into the corresponding academic year.

2. The development of these programmes will be simultaneous, in all cases, to the students' attendance of normal classes, according to their level and progress.

3. It is the responsibility of the Education Administrations to adopt the necessary measures to ensure that the parents or guardians of students who enter the education system late receive the relevant information and advice concerning the rights, obligations and opportunities which incorporation into the Spanish education system implies.

## CHAPTER II. COMPENSATORY MEASURES FOR INEQUALITIES IN EDUCATION

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### ARTICLE 80. PRINCIPLES.

1. In order to put into practice the principle of equality in the exercise of education rights, the public authorities will carry out compensatory measures with disadvantaged people, groups and regions and provide the necessary economic resources and support.

2. The compensatory education policies will reinforce the activity of the education system in order to redress inequalities derived from social, economic, cultural, geographical, ethnic or other factors.

3. It is the responsibility of the State and Autonomous Communities in their respective areas of authority to establish the main objectives of compensatory education.

### ARTICLE 81. SCHOOLING.

1. It is the responsibility of the Education Administrations to ensure that compensatory measures are taken to guarantee the most favourable conditions for schooling during the infant stage of all children whose personal situation is one of disadvantage, to ensure their access to basic education and their progress to subsequent stages.

2. It is the responsibility of the Education Administrations to take special measures in those schools or geographical areas where compensatory education is required.

3. In primary education, the Education Administrations will guarantee all students a free school place in their own municipality or established school zone.

4. Without prejudice to what is laid down in Chapter I of this Title, the Education Administrations will provide public and publicly-funded private schools with the human and material resources necessary to cater for students who have special difficulties in reaching the objectives of compulsory education, due to their social situation.

## ARTICLE 82. EQUAL OPPORTUNITIES IN RURAL AREAS.

1. The Education Administrations will take into consideration the special nature of rural schools in order to provide the necessary means and organisational measures to meet their specific needs and guarantee equal opportunities.

2. Without prejudice to what is established in item 3 of the above Article, in basic education, in rural areas where it is considered advisable, children may be schooled in a municipality near to their own, in order to guarantee the quality of education. In this case, the Education Administrations will provide free school transport, and where applicable, food and board.

## ARTICLE 83. SUBSIDIES AND GRANTS.

1. To guarantee the equality of all people in the exercise of their right to education, students from disadvantaged socio-economic backgrounds will have the right to subsidies and study grants. In post-compulsory education, subsidies and study grants will take into account students' academic achievement.

2. The State will establish a general system of subsidies and study grants, charged to the national budget, to ensure that all people, regardless of their place of residence, enjoy the same conditions in the exercise of their right to education.

3. To this purpose, the government will regulate the basic types and amounts of subsidies and study grants referred to in the above



item, the economic and academic conditions which applicants must meet, incompatibility, reimbursements and whatever requirements are necessary to ensure equal conditions in accessing these subsidies and grants, without detriment to the regulatory authority of the Autonomous Communities.

4. In order to establish an efficient system of inspection and control of the subsidies and grants awarded, the necessary information, coordination and cooperation procedures will be established between the different Education Administrations.

## CHAPTER III. ENROLMENT IN PUBLIC AND PUBLICLY-FUNDED PRIVATE SCHOOLS

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### ARTICLE 84. STUDENT ADMISSION.

1. The Education Administrations will regulate student admission to public and publicly-funded private schools in order to guarantee the right to education, equal conditions of access and freedom of choice for parents and guardians. In any case, there will be an adequate, balanced distribution between the different schools of students who need specific educational support.

2. When there are not sufficient places, the admission procedure will be governed by priority criteria, namely brothers and sisters already attending the school or parents or legal guardians working there, proximity to the home or place of work of one of the parents or legal guardians, annual income of the family unit, with specific calculations applied in the case of large families and disability of the student or one of the parents or brothers or sisters. None of these conditions are of an exclusive nature or are of prejudice to what is established in item 7 of this Article.

3. In no case will there be discrimination for reasons of birth, race, gender, religion, opinions or any other personal or social condition or circumstance.

4. The Education Administrations may request the collaboration of other public authorities to guarantee the authenticity of the information supplied by applicants and schools in the student admission process.

5. Public schools attached to other public schools, which teach different educational stages, will be considered as one when applying the student admission criteria established in the present Law. Moreover, in public schools which offer various education stages the initial admission procedures will be applied at the stage corresponding to the youngest age.

6. It is the responsibility of the Education Administrations to establish the procedures and conditions for the attachment of public schools referred to in the above item, respecting the right to of freedom of choice of school.

7. In the student admission procedures to public schools teaching primary, secondary and *bachillerato* education, when there are insufficient places, priority will be given to students coming from the infant, primary or secondary schools attached to them. In the case of publicly-funded private schools, a similar procedure will be followed for the education stages which are publicly-funded.

8. In publicly-funded private schools which teach various educational stages, the initial admission procedures will be applied at the beginning of the first publicly-funded year corresponding to the youngest age. The same procedures will be applied as in public schools.

9. The enrolment of a student in a public or publicly-funded private school implies acceptance of the school's education plan, without prejudice to the student's and family's rights recognised in laws and established in item 3 of this Article.

10. The tax information required to accredit the economic situation referred to in Article 84.2 of this Law, will be provided

directly to the Education Administrations by the National Tax Administration Agency and by the appropriate authorities in the Autonomous Communities of the Basque Country and Navarre, via electronic means, within the collaboration framework established within the terms and conditions referred to in the fourth additional provision of Law 40/1998 of 9<sup>th</sup> December, in the income tax Law and other tax regulations and related provisions.

11. Given that through the collaboration framework referred to above, tax information can be made available, applicants will not be required to provide individually their own certificates issued by the National Tax Administration Agency and by the authorities mentioned in the above item, nor to present the original, copies or certification of their tax declarations. In these situations, the certificate will be replaced by the responsible statement of the applicant claiming he or she has fulfilled the requirements and the express authorisation to allow the National Tax Administration Agency or the appropriate authorities in the Autonomous Communities of the Basque Country and Navarre to supply the information to the Education Administration.

## ARTICLE 85. SPECIFIC ADMISSION PROCEDURES FOR STUDENTS IN POST-COMPULSORY STAGES.

1. In *bachillerato* education, apart from the criteria established in the previous Article, students' academic records will be taken into account.

2. In the admission procedures to intermediate and higher level formative cycles of vocational training, when there are not sufficient places, only the academic record will be considered, regardless of whether students come from the same school or a different one.

3. Students who follow at the same time music or dance education and secondary education will have priority in admission to the secondary schools determined by the Education Administration.

The same treatment will apply to students who follow high performance sports programmes.

## ARTICLE 86. EQUALITY IN THE APPLICATION OF ADMISSION RULES.

1. The Education Administrations will guarantee equality in the application of admission rules, which includes the establishing of the same catchments areas for public and publicly-funded private schools of the same municipality or region.

2. Without prejudice to their own authority, the Education Administrations may set up commissions or admission bodies, which should in any case be formed when the demand for places in a school within the commission's area of responsibility exceeds the number of places available. These commissions will receive from the schools all the necessary information and documentation to carry out their functions. They will supervise the students' admission process, the fulfilment of the norms and propose to the Education Administrations the measures they consider appropriate. These commissions or bodies will be composed of representatives from the Education Administrations, from local government and of parents and teachers from the public and publicly-funded private schools.

3. Families may submit applications for admission to the schools they wish their children to attend, which in all cases must be processed.

## ARTICLE 87. EQUILIBRIUM IN STUDENT ADMISSIONS.

1. In order to ensure quality education for all, social cohesion and equal opportunities, the Authorities will guarantee appropriate, balanced distribution of students in need of specific educational support. To this end, they will establish the number of students of

this nature who should be admitted to each one of the public and publicly-funded private schools and they will guarantee the human and material resources required by the schools in order to provide this support.

2. In order to facilitate and guarantee the right to education to students with specific educational support needs, the Education Administrations may reserve until the end of the pre-enrolment and enrolment period a number of places in public and publicly-funded private schools. Moreover, they may authorise an increase of up to ten percent of the number of students per class in public and publicly-funded private schools in the same catchment area to meet the immediate needs of late entries into the school system.

3. The Education Administrations will adopt the measures as stated in the above items, taking into account the socio-economic and demographic conditions of the respective area, together with the students' personal or family circumstances which result in the need for specific educational support.

4. Public and publicly-funded private schools are obliged to provide schooling for all their students up until the end of compulsory education, except in the case of a student changing school on his or her family's wishes, or due to the implementation of one of the clauses defined in the regulations concerning students' right and duties.

## ARTICLE 88. GUARANTEE OF FREE SCHOOLING.

1. To guarantee the possibility of schooling for all students without discrimination for socio-economic reasons, in no case can public or publicly-funded private schools receive money from families for education provided free by the state, nor oblige families to make contributions to foundations or associations, nor set up compulsory services associated with school education which require a financial contribution by the students' families. Under Article 51 of the Organic Law 8/1985 of July 3<sup>rd</sup> which governs the Right to Education, extra-

curricular and complementary activities and school services, which are all of a voluntary nature, will be exempt from this category.

2. The Education Administrations will provide centres with the resources necessary to make possible the free provision of education.

## CHAPTER IV. AWARDS, COMPETITIONS AND RECOGNITION

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### ARTICLE 89. AWARDS AND COMPETITIONS.

The Ministry of Education and Science, without infringing on the authority of the Autonomous Communities, may establish on their own account or in collaboration with other organisations, national awards and competitions for students, teachers and schools.

### ARTICLE 90. RECOGNITION.

The Ministry of Education and Science, as well as the Autonomous Communities, may recognise and award prizes to teachers and schools for teaching work or research. They will disseminate information about studies and experiences which deserve recognition for their quality and effort among the different schools.



# TITLE III

## TEACHING STAFF

### CHAPTER I. DUTIES

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#### ARTICLE 91. DUTIES.

1. The duties of teaching staff are, among others, the following:

- a) The programming, planning and teaching of the stages, subjects and modalities entrusted to them.
- b) The assessment of students and of the learning process.
- c) Student tutorials, educational advice, guidance and support, in collaboration with the families.
- d) Educational, academic and professional guidance, in collaboration, where appropriate, with the specialised services or departments.
- e) The intellectual, affective, psychomotor, social and moral development of students.



- f) The promotion, organisation and participation in complementary activities, on or off the school premises, as planned by the school.
- g) The contribution to ensuring that school activities take place in an climate of respect, tolerance, participation and freedom in order to foster in students the values of democratic citizenship.
- h) Periodic information to families about their children's progress, as well as guidance on ways to help in the learning process.
- i) The coordination of the teaching, organisational and management activities entrusted to them.
- j) Participation in the general activity of the school.
- k) Participation in the evaluation plans determined by the Education Administrations or by the school itself.
- l) The research, experimentation and continuous improvement of the corresponding teaching processes.

2. Teachers will carry out the duties expressed in the above item under the principles of collaboration and teamwork.

## CHAPTER II. TEACHING STAFF IN THE DIFFERENT STAGES

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### ARTICLE 92. INFANT EDUCATION.

1. Direct educational care and attention to children in the first cycle of infant education will be the responsibility of qualified primary

school teachers specialised in infant education or with an equivalent level qualification and, where appropriate, of other staff with due qualifications for working with children of this age. In all cases, the drawing up and monitoring of the pedagogic plan referred to in item 2 of Article 14, will be the responsibility of a qualified primary school teacher, specialised in infant education or with an equivalent level qualification.

2. The second cycle of infant education will be taught by qualified primary school teachers specialised in infant education or with an equivalent level qualification. They may be supported by teachers of other specialities when the teaching programme so requires.

#### ARTICLE 93. PRIMARY EDUCATION.

1. To teach primary education, teachers must be qualified primary school teachers or hold an equivalent level qualification, without prejudice to the entitlement of other university qualifications which, for teaching purposes, the government may establish for certain areas, following consultation with the Autonomous Communities.

2. Primary education will be taught by primary teachers who will be responsible for all the subject areas at this level. The teaching of music, physical education, foreign languages and other subjects determined by the government, after consultation with the Autonomous Communities, will be taught by primary teachers with the corresponding specialisation or qualification.

#### ARTICLE 94. COMPULSORY SECONDARY EDUCATION AND BACHILLERATO.

To teach compulsory secondary education and *bachillerato*, teachers must be Graduates, Engineers or Architects, or have an

equivalent qualification. In addition they must have completed the post-graduate training in pedagogy and didactics laid down in Article 100 of the present Law, without prejudice to the entitlement of other university qualifications which, for teaching purposes, the government may establish for certain areas, after consultation with the Autonomous Communities.

#### ARTICLE 95. FORMACION PROFESIONAL.

1. To teach *formación profesional* requires the same qualifications and training established in the above item for secondary education and *bachillerato*, without prejudice to the entitlement of other university qualifications which, for teaching purposes, the government may establish for certain areas, after consultation with the Autonomous Communities.

2. Exceptionally, for certain modules, professionals who work in the relevant field and who do not necessarily hold a degree, may be brought in as specialist teachers, depending on their qualifications and the requirements of the education system. In this case, they will be contracted according to the corresponding labour regulations.

#### ARTICLE 96. ARTS EDUCATION.

1. Arts education requires teachers to be Graduates, Engineers or Architects, or hold an equivalent qualification for teaching purposes, without excluding the participation of other professionals in the case of intermediate and higher level art and design education and of the recognition of other qualifications which, for teaching purposes, the government may accept for certain modules, after consultation with the Autonomous Communities. In the case of professional Arts education, teachers will also require the pedagogic and didactic training referred to in Article 100 of this Law.

2. In regulating higher Arts education, the government, after consultation with the Autonomous Communities, may include other

requirements for teaching staff, derived from the incorporation of this level of Arts education into the framework of higher education.

3. Exceptionally, for certain modules or subjects, professionals who work in the relevant field and who do not necessarily hold a degree, may be brought in as specialist teachers, depending on their qualifications and the requirements of the education system. In this case, they will be contracted according to the corresponding labour regulations.

4. In the case of higher Arts studies, exceptionally, foreign professionals who work in the relevant field and who do not necessarily hold the relevant qualifications, may be brought in as specialist teachers, depending on their qualifications and the requirements of the education system. In this case, they will be contracted according to the corresponding labour regulations. The content of Articles 9.5 and 36 of the Organic Law 4/2000 of 11<sup>th</sup> January must be complied to, on the rights and freedom of foreigners in Spain and their social integration, except in the case of European Union nationals or those to whom the EU regulations apply. For these cases, the government, after consultation with the Autonomous Communities, will create the post of emeritus teacher.

## ARTICLE 97. FOREIGN LANGUAGE TEACHING.

1. Teachers of foreign languages will require the same qualifications and training as established in Article 94 for compulsory secondary education and *bachillerato*.

2. The Education Administrations may exceptionally decide to incorporate foreign professionals who work in the relevant field and who do not necessarily hold the relevant qualifications, as specialist teachers, depending on their qualifications and the requirements of the education system. In this case, they will be contracted according to the corresponding labour regulations. The content of Articles 9.5 and 36 of the Organic Law 4/2000 of 11<sup>th</sup> January must be complied to, on the rights and freedom of foreigners in Spain and their social integration, except in the case of European Union nationals or those to whom the EU regulations apply.

## ARTICLE 98. SPORTS EDUCATION.

1. To teach sports teachers must be Graduates, Engineers or Architects, or hold an equivalent qualification for teaching purposes. Teachers must also complete the pedagogic and didactic training referred to in Article 100 of this Law. The government will validate other qualifications for teaching certain modules and blocks, after consultation with the Autonomous Communities.

2. Exceptionally, for certain subjects, the Education Administrations may decide to employ professionals who work in the relevant field and who do not necessarily hold the relevant qualifications, as specialist teachers, depending on their qualifications and the requirements of the education system. In this case, they will be contracted according to the corresponding labour regulations.

## ARTICLE 99. ADULT EDUCATION.

Teachers of adult education leading to academic or professional qualifications covered by the present Law, must have the generally recognised qualifications to teach the respective subject area. The Education Administrations will provide these teachers with appropriate training for working with adults.

## CHAPTER III. TEACHER TRAINING

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### ARTICLE 100. INITIAL TRAINING.

1. Initial teacher training will be adapted to the qualification requirements of the general education system. The contents will ensure that future teachers acquire the necessary capacities to face the challenges of working in the education system and are adapted to new training requirements.

2. To teach in the different stages and subject areas of the education system regulated by the present Law, it will be necessary to hold the corresponding academic qualification and to have completed the pedagogic and didactic training stipulated by the government for each subject.

3. It is the responsibility of the Education Administrations to set up the relevant agreements with universities for the organisation of the pedagogic and didactic training referred to in the above item.

4. Initial teacher training for the different areas of education regulated by this Law will be adapted to the system of graduates and post-graduates adopted by European higher education, according to the corresponding basic regulations.

## ARTICLE 101. INCORPORATION INTO PUBLIC SCHOOLS.

First year teachers in a public school will work under the tutorage of experienced teachers. The tutor and trainee teacher will share responsibility for the trainee's teaching plan.

## ARTICLE 102. IN-SERVICE TRAINING.

1. In-service training is the right and obligation of all teachers and the responsibility of the Education Administrations and schools.

2. In-service training programmes will adapt knowledge and teaching methods to trends in education sciences and specific methodologies, as well as to all the aspects of coordination, guidance, tutoring, attention to diversity and organisation aimed at enhancing the quality of education and the functioning of schools. In addition, there must be specific training on the subject of equality under the terms established in Article seven of the Organic Law 1/2004 of December 28<sup>th</sup>, on Integrated Protective Measures against Gender Violence.

3. The Education Administrations will foster the use of information and communication technology and foreign language learning for all teachers, regardless of their specialisation, and set up specific training programmes in these areas. They will also be responsible for encouraging research and innovation programmes.

4. The Ministry of Education and Science may offer state in-service training programmes, directed at teachers of any subject area regulated by the present Law and establish, for this purpose, the relevant agreements with the corresponding institutions.

### ARTICLE 103. IN-SERVICE TRAINING FOR PUBLIC SCHOOL TEACHERS.

1. The Education Administrations will plan teacher training activities, will provide a varied range of free training activities and will take the necessary measures to foster teacher participation in these activities. Furthermore, they will facilitate teacher access to qualifications which allow mobility between the different teaching areas, including universities, through appropriate agreements with the universities.

2. The Ministry of Education and Science, in collaboration with the Autonomous Communities, will foster the international mobility of teachers, teacher exchanges and visits to other countries.

## CHAPTER IV. TEACHER RECOGNITION, SUPPORT AND APPRAISAL

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### ARTICLE 104. TEACHER RECOGNITION AND SUPPORT.

1. The Education Administrations will ensure that teaching staff receive the treatment, consideration and respect which befit the social importance of their task.

2. The Education Administrations will give priority to improving teachers' working conditions and to increasing the status and recognition of the teacher's role in society.

3. In view of the demands of in-service training and the need to update, innovate and research, duly accredited teachers will have the right to free access to public libraries and museums. They may also use the lending services offered by the libraries. To this end, head teachers of schools will provide teaching staff with the corresponding accreditation.

## ARTICLE 105. MEASURES FOR PUBLIC SCHOOL TEACHERS.

1. With regard to public school teachers, it is the responsibility of the Education Administrations to adopt the appropriate measures to guarantee due protection, legal assistance and public liability insurance in the exercise of their professional duties.

2. The Education Administrations, with regard to public school teachers will encourage:

- a) Recognition of the tutoring role, through appropriate professional and financial incentives.
- b) Recognition of teachers' work, through the corresponding professional and financial incentives, bearing in mind their special dedication to the school and the implementation of measures which show educational innovation.
- c) Recognition of teachers who teach their subject in a foreign language in a bilingual school.
- d) The promotion of paid study leave, according to the conditions and requirements established, to foster educational training, research and innovation which will be of direct benefit to the education system.



- e) Reduction in the teaching hours of teachers over 55 who so request, with the corresponding reduction in salary. They may also partially substitute teaching hours with duties of a different nature, with no reduction in salary.

## ARTICLE 106. APPRAISAL OF PUBLIC SCHOOL TEACHERS.

1. In order to improve the quality of education and teaching, the Education Administrations will draw up plans to evaluate the teaching practice, with the participation of teaching staff.

2. These plans, which must be public, will include precise appraisal objectives and criteria and methods of participation by teachers, the educational community and the authorities.

3. The Education Administrations will also encourage voluntary teacher appraisal.

4. It is the responsibility of the Education Administrations to lay down the procedures so that the results of teacher appraisal are taken into account in public competition for teacher transfers and promotions, together with training, research and innovation activities.

# TITLE IV

## SCHOOLS

### CHAPTER I. GENERAL PRINCIPLES

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#### ARTICLE 107. LEGAL FRAMEWORK.

1. Schools which offer education regulated by this Law will be governed by the stipulations in the Organic Law 8/1985 of July 3<sup>rd</sup>, Regulator of the Right to Education, in the present Law and in the related provisions, as well as by what is laid down in the other applicable regulations currently in force, without detriment to what is established in the following items of this Article.

2. Integrated public vocational training schools will be governed by the Organic Law 5/2002 of June 19<sup>th</sup>, of Qualifications and Vocational Training and in the related regulations.

3. It is the responsibility of the Autonomous Communities to regulate the organisations of the schools offering higher Arts education defined as such in Article 45 of this Law.

4. It is the Government's responsibility to regulate and manage public schools overseas.

5. The Education Administrations may consider, for the purposes of organisation, management and administration, the grouping of public schools located in a particular territorial area as an education centre.

## ARTICLE 108. CLASSIFICATION OF SCHOOLS.

1. Schools are classified as public and private.

2. Public schools are those owned by a public administration.

3. Private schools are those owned by a natural person or legal entity of a private nature. Publicly-funded private schools are private schools which come under the system of legally-established agreements. The owner of a private school is understood to be the natural person or legal entity registered as such in the Schools Register of the corresponding Education Authority.

4. The provision of the public education service will be carried out in public and publicly-funded private schools.

5. Teaching centres will focus their activities on the achievement of the educational principles and objectives established in the present Law.

6. With regard to their children's education, parents and guardians have the right, according to Article 4 of the Organic Law 8/1985 of July 3<sup>rd</sup>, regulating the Right to Education, to choose the school, either public or otherwise, as referred to in item 3 of this Article.

## ARTICLE 109. PROGRAMMING OF THE SCHOOL NETWORK.

1. In the programming of school places the Education Administrations will reconcile the demands arising from the obligation of the authorities to guarantee the right of all to education and the individual rights of students, parents and guardians.

2. The Education Administrations will plan the provision of the education services declared free by this Law, taking into account the existing provision in public and publicly-funded private school and, to guarantee quality education, the appropriate schooling and equal distribution of students with special educational needs. Moreover, the Education Administrations will guarantee the provision of sufficient public places especially in newly-populated areas.

3. The Education Administrations must take into account the existing budgetary allocations and the principle of economy and efficiency in the use of public resources.

## ARTICLE 110. ACCESSIBILITY.

1. Existing schools which do not meet the conditions of accessibility demanded by the legislation currently in force, must make the necessary modifications in the period specified and according to the criteria established in Law 51/2003 of December 2<sup>nd</sup>, of equal opportunities, non-discrimination and universal accessibility and in the corresponding regulations.

2. Education Administrations will promote programmes to improve the physical and technological conditions of schools, including school transport. They will provide schools with the material resources and curriculum resources appropriate to the needs of the children, especially in the case of disabled students, to ensure they are not discriminated against. The authorities guarantee inclusive attention and universal accessibility to all students.

## CHAPTER II. PUBLIC SCHOOLS

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### ARTICLE 111. DENOMINATION OF PUBLIC SCHOOLS.

1. Public schools offering infant education will be named infant schools, those offering primary education, primary schools and those

offering compulsory secondary education, *bachillerato* and *formación profesional*, secondary schools.

2. Public schools offering infant and primary education will be named infant and primary schools.

3. Schools offering professional art and design will be named art schools; those offering professional elementary music and dance, conservatories. Schools offering higher Arts education will be named as stated in Article 58 of this Law.

4. Schools offering education directed at students with special educational needs which cannot be met by the diversity measures provided in normal schools, will be named special education schools.

5. It is the responsibility of the Education Administrations to determine the name of those schools which offer education which is classified in a different way to that defined in the above items.

## ARTICLE 112. MATERIAL AND HUMAN RESOURCES.

1. It is the responsibility of the Education Administrations to provide public schools with the material and human resources necessary to provide quality education and guarantee equal opportunities in education.

2. Relating to the previous item, schools will have the necessary computer infrastructure to guarantee the incorporation of information and communication technologies into the education process. It is the responsibility of the Education Administrations to provide external education services and encourage schools to establish contacts with the community and to use the resources of their own local boroughs and others.

3. Schools with a greater proportion of special needs students than the general average or for the area where it is located, will

receive the additional resources necessary to meet the needs of these students.

4. The Education Administrations will ensure that schools which, due to the number of units, cannot not have the specialists referred to in Article 93 of this Law, will receive the necessary support to ensure the quality of the corresponding teaching.

5. The Education Administrations will facilitate the provision of complementary activities and services by schools, so as to encourage schools to offer a wider range of educational services to meet new social demands. They will also ensure that schools have adequate means, especially those schools with a high proportion of special needs children.

## ARTICLE 113. SCHOOL LIBRARIES.

1. Schools will have a school library.

2. The Education Administrations will gradually complete the provision of school libraries. To this end, they will draw up a plan to reach the said objective, within the implementation period of this Law.

3. School libraries will help to foster reading habits and provide students with access to information and other learning resources related to their subject areas and help develop critical awareness of how to use them. Furthermore, libraries will contribute to putting into effect the stipulations of Articles 19.3 and 26.2 of the present Law.

4. The organisation of school libraries must allow them to function as an open space for the educational community in the respective schools.

5. Schools may reach agreements with their respective municipalities to use municipal libraries for the purposes stipulated in this Article.

## CHAPTER III. PRIVATE SCHOOLS

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### ARTICLE 114. DENOMINATION.

Private schools may adopt any name, except one corresponding to a public school or one which could cause confusion with a public school.

### ARTICLE 115. THE NATURE OF PRIVATE SCHOOLS.

1. The owners of private schools will have the right to establish the specific nature of their school, which, in all cases, must respect the guaranteed Constitutional and legal rights of teachers, parents and students.

2. The specific nature of a private school must be made known by the owner of the school to the different sectors of the education community and to whoever might be interested in attending it. The enrolment of a student implies respect for the nature of the school, which in turn must respect the rights of students and their families recognised in the Constitution and in the Laws.

3. Any modification in the nature of a private school, due to a change in ownership or any other circumstance, must be made known to the education community with sufficient notice. In any case, once the school year has begun, any modification in the nature of the school cannot be put into effect before the end of the student admission and enrolment process for the following year.

## CHAPTER IV. PUBLICLY-FUNDED PRIVATE SCHOOLS

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### ARTICLE 116. PUBLIC-FUNDING AGREEMENTS.

1. Private schools which offer education declared free of charge by this Law and which satisfy the schooling requirements, as

stipulated in Articles 108 and 109, may become publicly-funded under the legally-established terms. Schools which access this system of funding must formalise the corresponding agreement with the appropriate Education Authority.

2. Among the schools which meet the requirements established in the above item, those which serve the economically disadvantaged sectors of the school population or those carrying out experiments of pedagogic interest for the education system will have preference when applying for public funding. In any case, schools which meet the above-mentioned criteria and are set up and run as cooperatives will have preference.

3, It is the government's responsibility to establish the basic conditions to which the agreements are subject. These conditions refer to the fulfilment of the requirements laid down in the Organic Law 8/1985 of July 3<sup>rd</sup>, on the Right to Education and in the applicable regulations of the present Law. They also refer to the application procedures, the maximum length of the agreement and the reasons for termination, the obligations of school owners and of the Education Administrations, the subjection of the agreement to administrative law, the particularities of teachers' contracts, the formation of the School Council and the appointment of the school head.

4. It is the responsibility of the Autonomous Communities to lay down the necessary regulations for the development of the system of educational agreements, according to the present Article and Articles 108 and 109. The agreement will establish the rights and reciprocal obligations regarding financing, duration, extension and termination of the contract, number of school units and other conditions subject to the provisions of the agreement system.

5. The agreement may be applied to several different schools as long as they belong to the same owner.

6. The Education Administrations may make preferential agreements with initial vocational training programmes which, under the present Law, private, publicly-funded private secondary



schools offer to their students. These agreements will be of a singular nature.

7. The agreements for post-compulsory education will be of a singular nature.

## ARTICLE 117. AGREEMENT MODULES.

1. The total amount of public funds allocated to publicly-funded private schools in order to put into effect the free provision of education under the agreement, will be established in the budgets of the corresponding Authorities.

2. Regarding distribution of the total amount referred to in the above item, the amount allocated to the economic module per school unit will be fixed annually in the National Budget and, where applicable, in the budgets of the Autonomous Communities. In the latter case, the amount must not be less than the amount established in the National Budget for any of the budget items of the said module as stipulated below.

3. The module, the amount of which will ensure that the education offered is free of charge, will differentiate:

- a) Teachers' salaries, including employer's National Insurance contributions, which correspond to the school owners.
- b) The amounts allocated to other expenses, which include administration and services personnel, maintenance and running costs and amounts corresponding to the replacement of real assets. In addition, the amounts derived from the non-teaching managerial function may also be considered. Under no circumstances will interest paid on capital outlays be included. The said amounts will be fixed according to the criteria applied to public schools.
- c) The relevant amounts corresponding to payments for teacher seniority in publicly-funded private schools and the

consequent effect on National Insurance contributions; payments for teacher substitutions and those derived from teacher management functions; payment of the obligations derived from the exercise of the workers' recognised rights to legal representation, under Article 68 of the Workers Statute. These amounts will be collected in a general fund which will be distributed individually among the teaching staff of the publicly-funded private school, according to the circumstance of each teacher and applying the same criteria as those established for public school teaching staff.

4. The amounts corresponding to teachers' salaries referred to in the above Article, will lead to the gradual equivalence in salaries to those of public school teachers in the respective stages.

5. Teachers' salaries will be paid by the Authorities to teachers on behalf of the school owner, for the amounts as stipulated in the previous item. The school owner, as the employing body, will provide the Authorities with the corresponding payroll and any subsequent modifications.

6. The Authorities cannot assume the cost of alterations to teacher personnel and labour expenses, derived from collective bargaining which exceed the percentage of the global increase in amounts corresponding to salaries, referred to in item 3 of this Article.

7. The Education Administrations may increase the modules to publicly-funded private schools which admit a higher proportion of students with special educational needs than that established generally or in the area where the school is located.

8. The regulations governing the publicly-funded private school system will take into account the specific nature of teaching cooperatives and of teaching staff not employed by the ownership, in order to facilitate the management of financial and human resources.

9. The National Budget Law will determine the maximum amount that schools with a specific funding agreement may receive from families.



## TITLE V

### PARTICIPATION, AUTONOMY AND MANAGEMENT OF SCHOOLS

#### CHAPTER I. PARTICIPATION IN THE MANAGEMENT AND RUNNING OF SCHOOLS

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##### ARTICLE 118. GENERAL PRINCIPLES.

1. Participation is a fundamental principle for the formation of autonomous, free responsible citizens, committed to the principles and values of the Constitution.

2. The participation, autonomy and management of schools which offer education regulated by this Law will comply with the stipulations of the Law and with the Organic Law of 8/1995 of July 3<sup>rd</sup>, on the Right to Education, and with the regulations stated therein.

3. The Education Administrations will, within their jurisdiction, foster the effective participation of students, teachers, families and administration and services staff in the schools.

4. In order to put into practice the joint responsibility of teachers and families in the education of children, the Education Administrations will adopt the necessary measures and promote and encourage collaboration between the family and the school.

5. With regards to public integrated vocational training schools, the stipulations of Organic Law 5/2002 of 19<sup>th</sup> June, of Vocational Training Qualifications will apply.

6. It is the responsibility of the Education Administrations to regulate participation in higher Arts education centres, under the basic regulations established by the government.

7. It is the responsibility of the Education Administrations to adapt the regulations laid down in this Title to schools which only offer the first cycle of infant education. In all cases this adaptation must respect the principles of autonomy and participation of the education community mentioned in this Title.

#### ARTICLE 119. PARTICIPATION IN THE MANAGEMENT AND RUNNING OF PUBLIC AND PUBLICLY-FUNDED PRIVATE SCHOOLS.

1. The Education Administrations will guarantee the participation of the education community in the organisation, management, running and evaluation of schools.

2. The education community will participate in the management of schools through the School Council.

3. Teachers will also participate in the pedagogic decision-making which corresponds to the Teachers Council, to the teaching coordination bodies and to teams of teachers teaching classes of the same year.

4. It is the Education Administrations responsibility to foster student participation in the running of the school through group and

year delegates and through student representation on the School Council.

5. Parents and students may also participate in the running of the school through their associations. The Education Administrations will contribute to the information and relevant training.

6. Schools will have at least the following collegiate governing bodies: School Council and Teachers Council.

## CHAPTER II. AUTONOMY OF SCHOOLS

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### ARTICLE 120. GENERAL PROVISIONS.

1. Schools will have pedagogic, organisational and management autonomy within the legislation currently in force and under the terms and regulations of the present Law.

2. Schools will have the autonomy to draw up, approve and execute an education project and a management project, as well as the organisational and running procedures of the school.

3. The Education Administrations will promote school autonomy in such a way that the financial, material and human resources may be adapted to the working and organisational plans they have made, once these have been properly assessed and evaluated.

4. In exercising their autonomy, schools may carry out experimentation, adopt work plans, organise or extend the school timetable under the terms established by the Public Authorities, as long as they do not force contributions from families nor put demands on the Education Administrations.

5. When these experiments, work plans or organisational procedures may affect the obtaining of academic or professional qualifications, they must be expressly authorised by the government.

## ARTICLE 121. EDUCATION PROJECT.

1. School education projects will include the values, objectives, and action priorities. In addition, they will incorporate the specifications of the curriculum established by the Education Administrations, which the Teachers Council will set and approve, as well as the cross-curricular treatment of education in values and other teaching.

2. This project, which must take into account the characteristics of the social and cultural environment of the school, will include ways of meeting student diversity and tutorial procedures, as well as the school community plan. It must respect the principle of non-discrimination and educational inclusion as fundamental values, as well as the principles and objectives of this Law and the Organic Law 8/1985 of July 3<sup>rd</sup>, Regulator of the Right to Education.

3. It is the responsibility of the Education Administrations to establish the general framework which allows public and publicly-funded private schools to draw up their education projects. These should be made public in order to make them known to the whole education community. In addition, it is the responsibility of the Education Administrations to contribute to the development of the curriculum, encouraging the creation of open models of teacher programmes and teaching materials which meet the different needs of students and teachers.

4. It is the responsibility of the Education Administrations to promote coordination between the education projects of primary schools and secondary schools so that the incorporation of students into secondary education may be gradual and positive.

5. Schools will foster educational commitments between families or legal guardians and schools which will state the activities which parents, teachers and students commit themselves to carrying out in order to enhance the academic performance of the students.

6. The education project of publicly-funded private schools, which in all cases must be made public, will be made available by

the respective owning body and will include the specific nature of the school referred to in Article 115 of this Law.

## ARTICLE 122. RESOURCES.

1. Schools will be provided with the educational, human and material resources necessary to provide quality education and guarantee equal opportunities in the access to education.

2. The Education Administrations may assign more resources to certain public or publicly-funded private schools if the project so requires or in order to meet the special needs of the school population.

3. Public schools may obtain extra resources, following approval from the School Council, under the terms established by the Education Administrations, within the limits set by the regulations in force. These resources cannot derive from activities carried out by parents' and students' associations in fulfilling their aims and must be applied to expenses, according to the regulations established by the Education Administrations.

## ARTICE 123. MANAGEMENT OF PUBLIC SCHOOLS.

1. Public schools providing education regulated by the present Law will have autonomy regarding their financial management, under the regulations of the present Law and in those determined by each Education Authority.

2. The Education Administrations may delegate to the public school management bodies the purchasing of goods and the contracting of building work, services and supplies, under the Royal Legislative Decree 2/2000 of June 16<sup>th</sup>, by which the revised text of the Public Administration Contracts Law is approved, within the limits set by the corresponding regulations. The exercise of autonomy by schools in administering these resources is subject to



the provisions established by the Education Administrations for the regulation of the procedures relating to contracting, execution and accounting for costs.

3. In order to fulfil their educational projects, public schools may express the qualifications and professional capacities required with regards to certain posts in the school, in accordance with the conditions established by the Education Administrations.

4. Public schools will express the planning and use of both their material and human resources, through the drawing up of their management project, under the terms laid down by the Education Administrations.

5. The Education Administrations may delegate certain competences to public school management bodies, including those related to staff management, giving responsibility to head teachers for the management of resources at the school's disposal.

## ARTICLE 124. ORGANISATION AND RUNNING.

1. Schools will draw up their own organisation and running procedures and norms. These must include norms to guarantee the fulfilment of the school community plan.

2. The Education Administrations will encourage schools, within the framework of their autonomy, to draw up their own organisational and running procedures and norms.

## ARTICLE 125. ANNUAL GENERAL PROGRAMME.

At the beginning of the school year, schools will draw up an annual general programme which includes all aspects relating to the organisation and running of the school, including the projects, curriculum, norms and all the agreed and approved action plans.

## CHAPTER III. GOVERNING BODIES AND TEACHER COORDINATION OF SCHOOLS

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### FIRST SECTION. SCHOOL COUNCIL

#### ARTICLE 126. MEMBERSHIP OF THE SCHOOL COUNCIL.

1. The School Council of public schools will be composed of the following members:

- a) The head of the school, who will be the Chairperson.
- b) The director of studies.
- c) A local councillor or representative from the town or city council where the school is situated.
- d) A number of teachers, elected by the Teachers Council, which must not be less than a third of the total number of Teachers Council members.
- e) A number of parents and students, elected respectively by and among themselves, which must not be less than a third of the total number of School Council members.
- f) A representative from the school administration and services staff.
- g) The school secretary, who will act as secretary of the Council, with no voting rights.

2. Once the School Council has been set up, it will appoint someone to promote educational measures aimed at fostering real equality between men and women.

3. One of the parents' representatives on the School Council will be appointed by the most representative parents association in

the school, under the procedures established by the Education Administrations.

4. It is the responsibility of the Education Administrations to lay down the conditions under which schools which teach vocational training or art and design may appoint onto the School Council a representative proposed by the business organisations or employment institutions related to the school's area of activity.

5. Students may be elected onto the School Council from the first year of compulsory secondary education. However, students in the first two years of compulsory secondary education may not participate in the selection or dismissal of the school head. Primary school students may participate on the School Council under the terms established by the Education Administrations.

6. It is the responsibility of the Education Administrations to determine the total number of members of the School Council and to regulate election procedures.

7. In the case of schools offering exclusively infant education or only part of primary education, secondary schools with less than eight units, colleges and schools of adult education, special education, professional Arts education, languages or sports and in units or teaching centres of a singular nature, the Education Administrations will adapt the regulations of this Article to the specific circumstances of the school in question.

8. In specific schools of special education and in those which have special education units, a representative from the special education staff will be appointed onto the School Council.

## ARTICLE 127. POWERS AND RESPONSIBILITIES OF THE SCHOOL COUNCIL.

The School Council will have the following powers and responsibilities:

- a) Approve and assess the projects and norms referred to in Chapter II of Title V of the present Law.
- b) Approve and assess the annual general programme of the school, without detriment to the authority of the Teachers Council, in relation to teaching planning and organisation.
- c) Get to know the candidates applying for the school headship and the management plans submitted by the candidates.
- d) Participate in the selection of school head under the terms established in the present Law. Be informed of the appointment and cessation of other members of the management team. When applicable, on agreement by the members with a two thirds majority, propose the dismissal of the nomination of the head.
- e) Decide on the student admissions subject to the regulations of this Law and corresponding provisions.
- f) Be aware of the resolution of disciplinary conflicts and ensure that they abide by the regulations in force. When the disciplinary measures adopted by the head are the result of student misconduct which are seriously damaging to the school community, the School Council, at the request of parents or tutors, can review the decision taken and propose appropriate measures, if applicable.
- g) Propose measures and initiatives which foster the school community spirit, gender equality and the peaceful resolution of conflicts in all areas of personal, family and social life.
- h) Promote the upkeep and renovation of the school installations and equipment and approve the obtaining of extra resources under Article 122.3.

- i) Lay the guidelines for collaboration, with the local council and with other schools, entities and organisations, for educational and cultural purposes.
- j) Analyse and assess the general functioning of the school, trends in student performance and the results of internal and external evaluations in which the school participates.
- k) Draw up proposals and reports, on its own initiative or at the request of competent Authority, on the functioning of the school and improvements in management quality, as well as on other related aspects.
- l) Any others conferred on the Council by the Education Administrations.

## SECOND SECTION. TEACHERS COUNCIL

### ARTICLE 128. MEMBERSHIP.

1. The Teachers Council is the instrument of teacher participation in the management of the school and is responsible for planning, coordinating, informing and, where applicable, deciding on all educational matters affecting the school.

2. The Teachers Council will be chaired by the school head and will be composed of all the teaching staff in the school.

### ARTICLE 129. POWERS AND RESPONSIBILITIES.

The Teachers Council will have the following powers and responsibilities:

- a) Provide management and the School Council with proposals for the school projects and the annual general programme.

- b) Approve and assess the details of the curriculum and all the educational aspects relating to the projects and annual general programme.
- c) Set the criteria relating to student guidance, tutoring, assessment and remedial needs.
- d) Promote initiatives in the area of experimentation and pedagogic research and in the training of teachers in the school.
- e) Elect their representatives for the School Council and participate in the appointing of the school head under the terms established in the present Law.
- f) Get to know the candidates applying for the school headship and the management plans submitted by the candidates.
- g) Analyse and assess the general functioning of the school, trends in student performance and the results of internal and external evaluations in which the school participates.
- h) Inform about matters related to the organisation and functioning of the school.
- i) Be aware of the resolution of disciplinary conflicts and the sanctions imposed and ensure that these abide by the regulations in force.
- j) Propose measures and initiatives which foster the school community spirit.
- k) Any others conferred on the Council by the Education Administrations or by the respective norms of organisation and functioning.

## THIRD SECTION. OTHER TEACHING COORDINATION BODIES

### ARTICLE 130. TEACHING COORDINATION.

1. It is the responsibility of the Education Administrations to regulate the functioning of the teaching coordination and guidance bodies and to promote teams of teachers teaching the same year as well the collaboration and team work of teachers teaching the same classes.

2. In secondary schools, among the teaching coordination bodies there will be didactic coordination departments which will be responsible for the organisation and development of the teaching of subjects and modules as entrusted to them.

## CHAPTER IV. MANAGEMENT OF PUBLIC SCHOOLS

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### ARTICLE 131. MANAGEMENT TEAM.

1. The management team, the executive body governing the school, will be composed of the head, the director of studies, the secretary and whoever else the Education Administrations decide.

2. In carrying out their functions, the management team will work in coordination with each other on the instructions of the head and the legally-established specific functions.

3. The head, after reporting to the Teachers Council and the School Council, will make proposals to the Education Authority for the appointment and cessation for the posts of director of studies and school secretary from among the school teaching staff.

4. All members of the management team will give up their posts at the end of their term of office or on the resignation of the head.

5. The Education Administrations will foster the exercise of the management role in schools, by adopting measures which help to improve the performance of management teams in relation to staff and material resources and through the organisation of training courses and programmes.

## ARTICLE 132. THE RESPONSIBILITIES OF THE SCHOOL HEAD.

The responsibilities of the head are as follows:

- a) Represent the school, represent the Education Administrations in the school and inform them of the opinions, aspirations and needs of the education community.
- b) Manage and coordinate all the activities of the centre, without detriment to the powers conferred on the Teachers Council and the School Council.
- c) Exercise pedagogic management, promote innovation and encourage steps to achieve the objectives of the school's education project.
- d) Guarantee the compliance with the laws and other provisions currently in force.
- e) Exercise leadership of all the staff working in the school.
- f) Promote the community spirit of the school, guarantee mediation in the fulfilment of the regulations in force, without prejudice to the powers of the School Council as stipulated in Article 127 of this Law. To this end, procedures for conflict resolution in schools will be made more agile.



- g) Promote collaboration with families, institutions and with other organisations in order to foster relations with the community at large and create a school climate which promotes study and activities directed at the all-round development of students' knowledge and values.
- h) Encourage the internal evaluation of the school and collaborate with external evaluations and teacher evaluations.
- i) Call and chair academic events and meetings of the School Council and Teachers Council and exercise the agreements adopted in their areas of competence.
- j) Contract building work, services and supplies and authorise expenditure in accordance with the school budget, order payments and endorse the official certifications and school documents, all in accordance with the stipulations of the Education Administrations.
- k) Propose to the Education Administrations the nomination and cessation of the management team, after informing the Teachers Council and the School Council.
- l) Any others conferred on the head by the Education Authority.

## ARTICLE 133. SELECTION OF HEAD.

1. The selection of the school head will be made through a process which involves the participation of the education community and the Education Authority.

2. This process must give rise to the selection of the most appropriate candidates in professional terms and those who obtain the most support from the education community.

3. The selection and appointment of public school heads will be carried out through competition for posts among the teachers with public service status who teach one of the official school subjects or areas.

4. The selection will take place according to the principles of equality, transparency, merit and ability.

#### ARTICLE 134. REQUIREMENTS FOR THE POST OF SCHOOL HEAD.

1. To participate in the competition for the post of school head, candidates must fulfil the following requirements:

- a) Have had public service teacher status for at least five years.
- b) Have had at least five years direct teaching experience with public service status, in one of the areas of education offered by the school to which they are applying.
- c) Have been working in a public school, in one of the subject areas offered by the school to which they are applying, for at least one whole school year after the public announcement of the post, in the area controlled by the Education Authority.
- d) Present a management project which includes, among other things, objectives, plan of action and project evaluation.

2. In the case of schools offering exclusively infant education or only part of primary education, secondary schools with less than eight units, colleges and schools of professional Arts education, languages or sports or adult education colleges with fewer than eight teachers, the Education Administrations may exempt candidates from some of the requirements established in item 1 of this Article.

## ARTICLE 135. SELECTION PROCEDURES.

1. For the selection of public school heads the Education Administrations will hold a public competition and will establish the criteria, objectives and procedures for evaluating the merits of the candidates and the projects presented.

2. The selection will take place in the school by a Committee formed by representatives of the Education Authority and the corresponding school.

3. It is the Education Administrations responsibility to determine the total number of committee members. At least a third of the committee members will be teachers chosen by the Teachers Council and another third will be chosen by and from the members of the School Council who are not teachers.

4. The selection of the head, which will take into account the objective evaluation of his or her academic and professional merits accredited by candidates and the assessment of the management project, will be decided democratically by the Committee members, according to the criteria laid down by the Education Administrations.

5. Applications from teachers in the school will have preference. In the absence of applicants from the school or when these have not been selected, the Committee will consider applications from teachers from other schools.

## ARTICLE 136. APPOINTMENT.

1. Selected candidates must pass a programme of initial training, organised by the Education Administrations. Selected candidates with at least two years accredited experience as school head will be exempt from the initial training programme.

2. The Education Administrations will appoint the candidate who has passed the training programme head of the corresponding school for a period of four years.

3. The appointment of school heads may be extended for a term of equal duration, following a positive evaluation of the head's work at the end of the period. The evaluation criteria and procedures will be public. The Education Administrations may set a maximum period for the renewal of terms of office.

#### ARTICLE 137. SPECIAL APPOINTMENTS.

In the absence of candidates in the case of new schools or when the corresponding Committee has not selected any applicant, the Education Authority will appoint a teacher with public service status as head for a period of four years.

#### ARTICLE 138. CESSATION OF THE HEAD.

The head will step down from the post in the following circumstances:

- a) End of the term of office or, when applicable, the extension of the term.
- b) Resignation with motive accepted by the Education Authority.
- c) Unforeseen physical or mental incapacity.
- d) Dismissal by the Education Authority on their own initiative or as proposed by the School Council, due to serious failure to carry out the inherent duties of school head. In all cases, the dismissal will take place following investigation proceedings after interview with the interested party and evidence from the School Council.

#### ARTICLE 139. RECOGNITION OF MANAGEMENT FUNCTION.

1. The exercise of management posts and especially the post of school head, will be remunerated in different ways, depending on the

responsibility and dedication required, according to the extra bonus allocated by the Education Administrations for this purpose.

2. Moreover, the exercise of management duties and specifically of the post of head will be especially valued when applying for other public service teaching posts.

3. School heads will be assessed at the end of their term of office. Those who are positively assessed will receive personal and professional recognition, under the terms established by the Education Administrations.

4. School heads who have exercised their position and received a positive evaluation during the term of office determined by the Education Authority, will continue to be paid part of the corresponding bonus while they remain in active employment, according to the amounts, conditions and requirements established by the Education Administrations.

## TITLE VI

### EVALUATION OF THE EDUCATION SYSTEM

#### ARTICLE 140. EVALUATION OBJECTIVES.

1. Evaluation of the education system will have the following objectives:

- a) Contribute to the quality and equity of the education system.
- b) Guide education policies.
- c) Increase the transparency and efficacy of the education system.
- d) Offer information on the extent to which the targets for improvement as set by the Education Administrations have been met.
- e) Provide information on the extent to which the Spanish and European goals in education have been achieved, as well as on the fulfilment of the commitments regarding education made in relation to both the demands of Spanish society and the goals defined in the context of the European Union.

2. The objectives established in the previous item do not allow the use of the results of the evaluations of the education system,

regardless of the state-wide or autonomous regional area where these take place, for individual assessments of students nor to establish school rankings.

#### ARTICLE 141. SCOPE OF THE EVALUATION.

The evaluation will cover all education areas governed by this Law and will apply to the learning processes and results of students, teacher performance, education processes, management, the performance of schools, inspection and the Education Administrations themselves.

#### ARTICLE 142. EVALUATION AUTHORITIES.

1. The evaluation of the education system will be carried out by the National Institute for Evaluation and Quality of the Education System –renamed Institute of Evaluation– and by the equivalent bodies designated by the Education Administrations, who will assess the education system in their area of competence.

2. The Government, after consultation with the Autonomous Communities, will determine the structure and functions of the Institute of Evaluation. Participation of the Education Administrations in the Institute will be guaranteed.

3. School management and teachers will collaborate with the Education Administrations in the evaluations that take place in their schools.

#### ARTICLE 143. GENERAL EVALUATIONS OF THE EDUCATION SYSTEM.

1. The Institute of Evaluation, in collaboration with the Education Administrations, will define long-term plans for general evaluation of the education system. These plans will span several

years. Before an evaluation is carried out, the criteria and procedure will be made public.

2. The Institute of Evaluation, in collaboration with the Education Administrations, will coordinate the participation of the Spanish State in international evaluations.

3. The Institute of Evaluation, in collaboration with the Education Administrations, will define the State System of Education Indicators. This System will contribute to enhancing the knowledge about the education system and to guiding decision-making by education institutions and all sectors involved in education. Data necessary for the drawing up of the Indicators will be provided to the Ministry of Education and Science by the Education Administrations of the Autonomous Communities.

## ARTICLE 144. GENERAL DIAGNOSTIC EVALUATIONS.

1. In the framework of their competences regarding the general evaluation of the education system, the Institute of Evaluation and the equivalent bodies of the Education Administrations will work together to carry out general diagnostic evaluations. These evaluations will facilitate the production of representative data on both students and schools in the Autonomous Communities as well as the whole State. These evaluations will address the basic competences of the curriculum, will take place in both primary and secondary education and will include, as a minimum, those competences mentioned in Articles 21 and 29. The Sectorial Education Conference will ensure that these evaluations are guided by homogeneous criteria.

2. In the framework of their respective powers, it is the responsibility of the Education Administrations to develop and control the diagnostic evaluations in which the schools that are in their area participate and to provide the necessary models and support to ensure that all schools can adequately carry out these evaluations, which will be of a formative and internal nature.



3. It is the responsibility of the Education Administrations to decide how the results of these diagnostic evaluations, as well as the action plans derived from them, will be made public to the education community. The results of these evaluations may never be used in any way to establish school rankings.

#### ARTICLE 145. EVALUATION OF SCHOOLS.

1. Within the framework of their competences, the Education Administrations can define and execute plans for the evaluation of schools. These plans will take account of the socio-economic and cultural situations of the parents and students, of the environment of the school itself and of the resources at its disposal.

2. At the same time, the Education Administrations will support and facilitate self-evaluation by schools.

#### ARTICLE 146. EVALUATION OF MANAGEMENT.

In order to improve the functioning of schools, the Education Administrations may, within their area of competence, draw up plans to assess management.

#### ARTICLE 147. DISSEMINATION OF EVALUATION RESULTS.

1. The Government, after consultation with the Autonomous Communities, will present an annual report to Parliament on the main indicators of the Spanish education system, the results of the Spanish or international diagnostic evaluations and the recommendations arising from the results, as well as on the most important aspects of the report on the education system carried out by the Government School Council.

2. The Ministry of Education and Science will periodically publish the conclusions of general interest of the evaluations carried

out by the Institute of Evaluation in collaboration with the Education Administrations and will also make public the information offered periodically by the State System of Indicators.



## TITLE VII

### INSPECTION OF THE EDUCATION SYSTEM

#### ARTICLE 148. INSPECTION OF THE EDUCATION SYSTEM.

1. Inspection of the education system is the competence and responsibility of the public authorities.

2. It is the responsibility of the relevant public administration to structure, regulate and carry out education inspection within their corresponding geographical area.

3. The education inspection will encompass all elements and aspects of the education system, in order to ensure that laws are complied with. The inspection should also ensure that all those who participate in the processes of teaching and learning and in the improvement of the education system and the quality and equity of education fulfil their obligations while having their rights guaranteed.

#### CHAPTER 1. HIGH INSPECTION

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#### ARTICLE 149. AREA OF RESPONSIBILITY.

High Inspection is the responsibility of the State, in order to guarantee, on the one hand, the fulfilment of the responsibilities

designated to it in matters of education and, on the other, the observance of the applicable constitutional principles and norms as well as other basic norms developed in Article 27 of the Constitution.

## ARTICLE 150. AREAS OF COMPETENCE.

1. As part of the functions designated to the State, it is the responsibility of High Inspection to:

- a) Confirm the fulfilment of the requirements established by the State in the general arrangement of the education system as to its modalities, stages, cycles and specialisations, as well as to the number of years of education corresponding to each case.
- b) Confirm that the basic aspects of the curriculum are included in the various curricula and that these curricula are taught in accordance with the corresponding state legislation.
- c) Confirm the fulfilment of the conditions to obtain the corresponding qualifications and of the academic or professional effects of these qualifications.
- d) Ensure the fulfilment of the basic conditions that guarantee the equality of all Spanish citizens in the exercise of their rights and obligations in educational matters, and their linguistic rights, in accordance with the applicable provisions.
- e) Verify that the granting of subsidies and grants complies with the general criteria established by provisions of the State.

2. In exercising the functions of High Inspection, public employees of the State will be considered public authorities for all purposes. They will have the right to request the necessary collaboration of the State authorities and the Autonomous Communities to fulfil the functions entrusted to them.

3. The Government will regulate the organisation and personnel of High Inspection. In addition, the Government, after consultation with the Autonomous Communities, will regulate the working procedures of High Inspection.

## CHAPTER II. EDUCATION INSPECTION

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### ARTICLE 151. FUNCTIONS OF EDUCATION INSPECTION.

The functions of education inspection are the following:

- a) Supervise and monitor, from a pedagogical and organizational perspective, the way schools operate as well as the programmes they offer.
- b) Supervise teaching and management as well as collaborate in their constant improvement.
- c) Participate in the evaluation of the education system and of its constituting elements.
- d) Ensure that schools comply with the laws, regulations and other provisions in force that affect the education system.
- e) Ensure the fulfilment and application of the principles and values stated in this Law, including those aimed at fostering equality between men and women.
- f) Advise, guide and inform the different sectors of the education community in the exercise of their rights and the fulfilment of their obligations.
- g) Issue the reports requested by the respective Education Administrations or which derive from the knowledge

obtained from the educational inspection itself, through the official channels.

- h) Any other functions that may be commended to it by the Education Administrations, within its area of responsibility.

## ARTICLE 152. EDUCATION INSPECTORATE.

The education inspection will be carried out by the Education Administrations through the public employees of the Education Inspectorate, as well as those public employees pertaining to the previous Inspectorate created by Law 30/1984, of August 2<sup>nd</sup>, on the Reform of the Public Function, modified by Law 23/1988, of July 28<sup>th</sup>, who serve the Education Authority and did not opt at the time to be incorporated into the Education Inspectorate.

## ARTICLE 153. DUTIES AND FUNCTIONS OF THE INSPECTORATE.

To fulfil the functions of education inspection, inspectorate will have the following duties and functions:

- a) Obtain first-hand knowledge of all activities carried out in schools, to which they will have free access.
- b) Examine and check the academic, pedagogical and administrative documentation of schools.
- c) Receive from other public employees and those responsible for public and private schools and education services, the collaboration necessary for the development of their activities. In the exercise of these, inspectorate will be considered a public authority.
- d) Any other functions or duties commended to them by the Education Administrations, within their area of responsibility.

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## ARTICLE 154. ORGANISATION OF EDUCATION INSPECTION.

1. The Education Administrations will regulate the structure and functioning of the entities they set up for carrying out education inspection in their respective geographic areas.

2. The structure referred to in the above item may be based on the professional profiles of the inspectorate, defined through the following criteria: university degree, professional training as education inspectorate, professional teaching experience and professional experience in education inspection.

3. In the proceedings for the provision of jobs in education inspection, the needs of the respective Education Administrations may be taken into account and the specialisation of job candidates may be valued positively, in accordance with the conditions described in the above item.





## TITLE VIII

### FINANCIAL RESOURCES

#### ARTICLE 155. RESOURCES FOR COMPLYING WITH THE STIPULATIONS OF THE PRESENT LAW.

1. The public authorities will provide the education system as a whole with the necessary financing to comply with the stipulations of the present Law, in order to achieve the objectives stated in it.

2. The State and the Autonomous Communities will agree on a plan to increase public spending on education over the next ten years. This increase should help to achieve the objectives established in the present Law and gradually put public spending on education on a par with average spending in the countries of the European Union.

#### ARTICLE 156. ANNUAL REPORT ON PUBLIC SPENDING ON EDUCATION.

In the annual report referred to in Article 147 of this Law, the Government will include all data regarding public spending on education.

## ARTICLE 157. RESOURCES FOR THE IMPROVEMENT OF LEARNING AND TEACHER SUPPORT.

1. In the application of the present Law, it is the responsibility of the Education Administrations to provide the necessary resources to guarantee:

- a) The number of students per class does not exceed a maximum which for compulsory education will be 25 for primary education and 30 for compulsory secondary education.
- b) The implementation of a plan to foster reading.
- c) The setting up of remedial and educational support programmes together with learning enhancement programmes.
- d) Foreign language learning reinforcement programmes.
- e) Attention to student diversity and especially to those who have specific needs of education support.
- f) The setting up of programmes to reinforce the learning of information and communication technologies.
- g) Teacher support measures.
- h) Specialised services or staff to provide educational, psycho-pedagogical and professional guidance.

2. In the Autonomous Communities of the Basque Country and Navarre, financing of the resources mentioned in this Title will be governed by the system of respective agreements (*Concierto Económico* and *Convenio*).

[...]\*

I hereto command all Spaniards, citizens and servants of the State, to abide by and make all others abide by the Organic Law herein.

Madrid, 3<sup>rd</sup> May 2006

JUAN CARLOS R.

President of Government,

JOSÉ LUIS RODRÍGUEZ ZAPATERO

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\*Additional, transitory, final and repealing provisions have not been included in this text. For a complete text, see BOE, 106, 4<sup>th</sup> May, 2006.

The complete version of the Organic Law of Education is also available at the Ministry of Education and Science web site ([www.mec.es](http://www.mec.es))

Please, note that the only legally binding text is that published in the Spanish Official Journal, BOE 106, 4<sup>th</sup> May, 2006.











