

# General Law of Spanish Educational System



**Ministerio de Educación y Ciencia**



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## **Ministerio de Educación y Ciencia**

*Centro de Publicaciones*

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# **PREAMBLE**





Education systems play essential roles in the lives of individuals and societies. Opportunities for harmonious development of both are based on what type of education they provide.

The primary objective of education is to provide boys and girls, young men and women, with full training so that they are able to mould their own, essential identity and construct a concept of reality which they are morally and ethically aware of and value. This training must be aimed at developing their capacity to critically exercise liberty, tolerance and solidarity in an axiologically plural society.


Values which make life in society possible are communicated and exercised through education, particularly those relating to all basic rights and liberties. Habits of democratic coexistence and mutual respect are acquired and preparation for responsible involvement in different activities and social situations is made. The maturity of societies is derived, to a large extent from their ability to include both individual and community dimensions into education and its continuity.

The best response to the increasing, changing collective needs of society depends on the education and industry which the education systems are able to provide, on the communication of ideas and knowledge and the quality of human resources that emerge.

Education is thus a path to advancement in the struggle against discrimination and inequality, whether the latter arise from birth, race, sex, religion or convictions, whether their origins find their roots in the family or society. Discrimination and inequality are traditionally present, or appear systematically in a fast-moving society.

For all these reasons, throughout history, society has concerned itself with education, aware that its future lies within it. On no few occasions this has resulted in systems of privileges, closed elites and propagators of exclusivity. However, every transformation, great or small, committed to social progress, has been accompanied, if not preceded, by revitalisation and impulse in education, by confident hope in its possibilities for change. One of the greatest conquests of modern society has been making education available to all citizens as a basic social right.

Our society is experiencing rapid modernisation, which is progressing with increasing speed towards a common horizon for Europe. Whilst the citizens of the next century are beginning to go to school, the countries with which we are attempting to construct the European project, which will offer a new



dimension to our youth of today, are placing great emphasis on education and training, attempting to adapt them to new individual, political, cultural and productive ideas, to more rapid and complex changes of all types, to longer training to a greater number of citizens, encouraging the necessary improvements to guarantee quality. They are, therefore, putting into practice reforms of their respective systems.

This same need for adaptation has been strongly felt in our country. Spanish society as a whole and in particular the educational community has stated that it is in favour of a detailed reform of our educational system.


The present educational system was designed in 1970. During the last two decades, for the most part lived through in a democracy, Spanish education has made substantial headway and has left behind certain scathing past inadequacies for ever. Basic general education is now available to all, a large number of school places being created and the conditions of others having been improved. Levels of non-statutory education have increased to a great extent and substantial advances towards equal opportunities have been made, both by increasing grants and aids and creating colleges and school places in areas which previously lacked them. Changes have been made to school material and its contents. Professional teaching conditions are better than before.

The application of political and legal means during the transition helped to overcome the last remaining authoritative redundancies of the law approved in 1970 and introduced the education system to new dynamics emanating from various areas, especially that derived from the State's new autonomous structure, with its Autonomous Communities with specific characteristics, and in some cases, their own languages, that together embody a common cultural heritage.

In legal terms, the Law for University Reform led to the reform of university education. The Organic Law for the Right to Education, which abolished the Organic Law of School Statutes simultaneously regulated the various rights and liberties relating to education, developing the constitutional mandate of the right to the same through educational programming.

However, general reform of the whole system was not considered, a reform which would adapt itself in structure and function to the great changes that had taken place over the last twenty years. During this period of our recent history, changes in our cultural, technological and productive environment have been expedited and Spanish society, democratically organized in the 1978 Constitution, has become fully integrated into the European Community.





The Constitution gave all Spaniards the right to an education. It guaranteed freedom to learn, to go to University and for schools to be created. The right to receive religious and moral education, according to individual convictions was granted. It acknowledged the involvement of parents, teachers and students in control and administration of state funded schools. The Constitution entrusted the state to encourage the right conditions and remove obstacles so that the right to education may be enjoyed freely and by all. It made basic education compulsory and free and geographically redistributed educational control. All these factors, together with the ability to respond to Society's educational ambitions have given shape to the new educational system.

Extension of basic education to the whole population, better possibilities of access to further education and the growth of educational demands from the social and productive environment have stimulated the legitimate hopes of Spaniards for more, better education.


Progressive integration of our society into the E. E. C. confronts us with a future of competition, mobility and free movement of the population, in terms of employment, which will necessitate that our studies and qualifications abide by shared references and are valid in the European Community. Thus, the opportunities of our present and future citizens will not be restricted.

The achievement of accelerated change and cultural and productive knowledge and processes requires a longer basic education: more versatile and capable of adapting itself to new situations through a permanent educational process, able to respond to the specific needs of each citizen with the object of maximum development.

All these transformations are in themselves the greatest reasons for a reform of the educational system so that the latter will not only be able to adapt itself to those which have already taken place, but will be able to prepare for those to come, with a better structure, with better qualitative instruments and a concept which is more involved and better adapted to the environment.

A solution must also be found, through reform, for structural and specifically educational problems, conceptual errors, deficiencies and malfunctions which have arisen or sharpened in time.

Some existing problems are the following: the lack of educational planning for pre-school education; the incongruence between the end of statutory secondary education and the minimum working age; the existence of a double qualification at the end of Basic General Education which, apart from being



discriminatory, gives access to Vocational Training to those who have not completed their studies; the fact that Vocational Training is a second choice, but, at the same time, too academic and far removed from the working world; the exclusively academic design of bachillerato, practically aimed as a step towards university; the relative imbalance of access to university regarding supply and demand.


Although, for all these reasons, reform is proclaimed to be necessary, there are others which encourage that it be undertaken in a mature, serene and reflexive way. Experience with more advanced countries has shown us that relevant changes require long periods of maturity and consensus from the educational community and society as a whole. This is even more the case when it is not a question of ephemeral, but indeed basic structures that must be firmly sustained for many decades. For these reasons the application of such reforms always requires long periods of time.

The same comparative analysis also shows us the equally high risk of error and ineffectiveness if reforms of mere theoretical, abstract and conceptual design are put into practice. Our own past is full of changes which were carried out with the best of intentions, with support from a solid, intellectual base, but which never connected with the reality they intended to change because whilst outlining the ideal model pursued, they rejected reality instead of using it as the unavoidable starting point. Previous experimentation for analysis and confirmation of desirable changes has been frankly unusual throughout our educational history.

The conviction that a reform of this type, and the desire to organise the Spanish educational system until well into the next century could not lead to success unless support were gained from a large majority, gave rise to the widest possible debate on the subject, an essential and lasting agreement about basic objectives being its aim.

This led, firstly, to embarking upon rigorous experimentation which would then make it possible for the educational community and society as a whole to discuss the matter at length. Throughout recent years, both in the area directly controlled by the Ministry of Education and Science and those of Autonomous Communities with full powers, different experiments concerning methodology, innovations and curriculum changes have been carried out, with different emphasis and detail. They covered Infant Education, the upper cycles of Basic General Education, and Intermediate Studies. Critical and analytical revision of such experiments led to a better understanding of the real effects which their eventual extension would lead to.






To encourage debate, the Government presented the “Project for Reform of Education. Proposal for Debate”, in 1987, which was completed in 1988 with a detailed document on Vocational Training. For almost two years Public Authorities, business organisations and unions, professional groups, collegiate Bodies, schools, recognized experts and experienced persons, political parties, religious Bodies and, most importantly, the various sectors of the educational community expressed their views on the offer these documents contained and the various questions they raised.

Numerous, varied contributions led to a better understanding of the complexities of reform and, at the same time, the fact that reform must indeed be embarked upon. In 1989 the Government presented the White Paper for the Reform of the Educational System, following wide agreement on the essential objectives, showing a very general support for most significant changes to be involved, and including no few contributions which caused variations or alterations of the original proposals.

The White Paper did not only contain a final reform proposal but also arduous planning and programming which was synchronized with the debate and finally accommodated to the results of the same. The result was a very detailed insight into our educational reality. The necessary changes would have to be very meticulously introduced to improve the system in terms of reform. The White Paper also proposed a long, prudent timescale for the application of reforms and reflected upon what would be the probable cost in financial terms.

The Law for General Planning of the Educational System made the proposal legal and it therefore became the essential instrument of the reform. With its basic objectives such as the extension of statutory, free education up to sixteen years of age, the legal minimum working age; reorganization of the educational system by the establishment of different educational stages: Pre-school, Primary Education, Secondary Education—which shall include Statutory Secondary Education, Bachillerato and Vocational Training to intermediate level—; advanced level Vocational Training and University Education; Secondary Education for all Spaniards; detailed reform of Teacher Training and improvement in the quality of education, this Law does not only cover the deficiencies of the past and present, but, above all, provides an appropriate, ambitious answer to present and future demands.

In future society, increasingly regarded as a society of knowledge, education will share its role as the communicator of knowledge and information with other instruments in society but what will become more relevant will be its ability to organise this knowledge and information critically, giving it a personal and



moral sense of being, encouraging individual and collective attitudes and habits for developing aptitudes, essentially preserving the values with which we identify ourselves individually and collectively, adapting them to emerging situations.


These will be the ends at which the Spanish educational system will be aimed, in accordance with the Preliminary Title of the Law herein, and once they have been achieved, education may and must become a decisive element to overcome social stereotypes used to differentiate between the sexes, beginning with the construction and use of language itself.

The right to education is a social right. The state must therefore take the necessary positive actions to make it effective. It is a right enriched by extension, reaching more citizens and offering them longer, better education. In the Preliminary Title, basic education laid down in Article 27.4 of the Constitution is expressed in final terms, determining that it should last ten years, two years longer than at present and that it should cover from six to sixteen years of age. Commitment to satisfy demands for Infant Education is equally important for full exercise of this right.

The equality of all Spaniards before the essential condition of the Law referred to, the need for studies to lead to the obtention of general, valid, academic and professional qualifications which abide by minimum, pre-established requisites, is justification for all students to have a common syllabus and to guarantee this, the Government is to decide what the minimum studies of the basic syllabus will be. In turn, Education Authorities, respecting these minimum studies, will establish the syllabus at various levels, stages, cycles, grades and types of education. The Law is founded upon equality before the essential contents of the right to Education as well as the powers the Spanish Constitution provides to the State—in particular clauses 1.1, 1.18 and 1.30 of Article 149 of the same. It is also in favour of and facilitates a wide, rich exercise of the same with identical respect for the Autonomies.

The dizzying spread of cultural, technical and productive change has made frequent adaptations, up-dating and new qualifications necessary. Education and training will acquire a new, more complete dimension than their traditional one, they will be extended to sectors with active, previous experience. They will alternate with work experience. Education will be permanent and thus the Law proclaims it a determinant that this will be the basic principle of the educational system.

This Law is pronounced in favour of provision of a wider, more general and versatile education, a firmer base over which future adaptations can



be made. The law guarantees a common educational period of ten years, which covers Statutory Primary and Secondary Education, regulated in the second chapter of the First Title and in Section one of the third chapter of the same Title respectively. Throughout basic education, both boys and girls, without sex discrimination, will develop the personal, self discipline to act independently. They will acquire basic knowledge and will prepare themselves to go out into the world, or go into further education in intermediate Vocational Training or Bachillerato. With the appropriate knowledge of the principles and values of our Constitution as a whole and the institutional structure of our society, they will receive an education which allows them to accept responsibilities and assume their rights as citizens.

This common educational period for all Spaniards will be organized in a comprehensive manner, with progressive diversification. In Statutory Secondary Education, this diversity will increase, thereby encompassing students' different interests in a better way, and at the same time adapting to the plurality of their needs and aptitudes, so that they may achieve the common objectives of this stage.

A variety of studies will be established for the new Bachillerato: Arts, Natural and Health Sciences, Humanities, Social Sciences and Technology. Access to them will take place after four years of Secondary Education and they will prepare students for working lives or for further studies, be they advanced level Vocational Training or University.


University entrance will require passing an exam, which will objectively assess academic maturity of the student and knowledge acquired during Bachillerato.

The Law covers detailed reform of Vocational Training in Chapter Four of the First Title, this having been one of the problems of the educational system up until now that requires the most detailed and urgent solution, being an area of great relevance for the future of our productive system.

Vocational Training will be comprised of basic Vocational Training, acquired by all students in Secondary education and specific Vocational Training, divided into two stages: intermediate and advanced. To take intermediate level it will be necessary to have completed basic education and therefore be a Graduate of Secondary Education, the same qualification needed to take Bachillerato.

The double qualification which up until now existed at the end of Basic General education will therefore disappear. So too will the difference in






opportunities for continuing studies and the negative effect on Vocational Training. Advanced level Vocational Training will require a Bachillerato qualification. Companies will be involved in planning the different cycles because these will include practical working experience.

For the first time in a reform of the educational system, the Law will extensively cover music and dance, dramatic art, plastic arts and design, in response to growing social interest in the same, particularly noticeable through the high increase in demand. For various reasons, these studies will be linked to the system's general structure but at the same time, will be organized with the necessary flexibility and specifications to deal with the peculiarities of each subject and provide different professional levels. Qualifications equivalent to university level may be gained, which in the case of Music and Scenic Arts (Dance and Dramatic Art) will be equal to a degree.

One of the basic aims of future education is quality. Throughout the whole reform process, the achievement of quality is a prime objective and touchstone of the ability of the latter to put substantial, decisive transformation of educational reality into practice. To a great extent, many elements in society will be responsible for providing quality, and at the same time people directly responsible for education will be committed. Modernization of schools, with its positive effects on the environment, society's belief in the importance of teaching, assessment of the latter and attention to its welfare, active involvement of the whole educational community, fruitful relationships with the natural and community environment are some of the elements which help to improve this quality.

However, there are a number of strictly educational factors, the improvements of which would encourage a qualitatively better education. The Law recognizes them and regulates them in its Fourth Title and it is specifically concerned with qualifying and training teachers, the teaching programme, educational and professional resources, educational inspection and evaluation of the educational system.

The Law considers permanent Teacher Training to be a right and obligation of the teacher, and responsibility of Education Authorities. It therefore follows that with the necessary support, staff must be permanently adapted to the reorganization required by the changeable, diversified and complex nature of the future educational system. The Law also recognizes educational independence of schools, allowing them to develop and finalise syllabuses according to the frame-work of the teaching programme, and at the same time exercise control. Education Authorities will be responsible for research and innovations in the areas of curriculum, methodology, technology, organisation and teaching methods.



Tutorials and careers advice will be part of the syllabus and the student will have the right to the same from professionals and psychologists. Public Authorities will carry out inspection, offering advice to the educational community, collaborating in reorganising the educational system, and will be involved in assessing the same, as well as making sure the Law in force is abided by.


General assessment of the educational system will be particularly important to the Law and the National Institute of Quality and Assessment will be created. Assessment is fundamental for analysing to what extent the various elements of the educational system are contributing to previously established objectives. Educational activity must thus be extended to all levels, reaching all sectors involved. In a decentralized structure in which the various geographical areas are largely in control, it is even more important to have an instrument which serves to reconstruct a vision of the whole and provide each and every organisation with relevant information and necessary support so that it functions more effectively. Autonomous Communities will therefore participate in the National Institute of Quality and Assessment.

Extension of the right to education and its exercise by a large number of Spaniards in increasingly homogenous conditions are, in themselves, the best instrument for fighting against inequality. Nevertheless, the Law, apart from containing many provisions which deal with this question, dedicates its Fifth Title specifically to compensation for inequalities in education. Through compensatory actions and means, sufficient school places in further education and scholarships which assure access to the same, solely depending on student ability, the educational system will help to diminish unjust social inequality. Moreover, the development of a policy for adults, also connected to the principle of permanent education and the treatment of special education, will be relevant elements to avoid discrimination.

These are the main aspects of the Law, which also involves several provisions relating to equivalents and adaptations of presently existing qualifications, for the modification of various Clauses of the Organic Law of the Right to Education referring to schools, to changes in the schools, to teaching bodies of general and special education, and basic conditions for entrance to the same, mobility of teaching staff and powers and cooperation between Municipalities and other Bodies which determine temporary school and teaching systems.

The Law, which directs the educational system with regard to each and every right and liberty established by our Constitution, and with regard to the full development of a pupil's personality, establishes among its Provisions that





religious teaching be guaranteed, in accordance with an Agreement reached between the Spanish State and the Holy See, and also other religious Bodies.

The Provisions of the Law provide the bases of statutory regulation for state teaching, establishing the framework for the functions of Autonomous Communities in state teaching and assuring teachers' rights, notwithstanding their administrative situation.


Total application of the reform has been granted a temporary period of ten years, the idea being that once the final aims have been fixed, we will go towards our goal in a progressive, step-by-step manner, giving time and occasion to the reality from which we have begun so that changes take place gradually. This is a realistic and prudent period of time, enabling progressive assessment of effects.

Application of reform through a long process emphasizes the necessity for extensive commitment so that it can be put into practice effectively with the necessary, sufficient means. Political and social commitment, constructed on the basis of planning, is contained in the Economic Report, an appendix to the legal text, and must be present in subsequent budgetary Laws.

The Law is an essential and decisive instrument for reform, without which its essential elements would not be possible. However, it is neither the beginning nor the end of the same. The changes of recent years, which have been linked by the logic guiding the reform have not only contributed to preparing it, but have already formed part of it. We have frequently fallen into the temptation of considering Laws as paradigmatic acts in which changes to reality are resolved. This has not been the case. The Law is flexible enough to wish to serve as a framework of Spanish education for a long period of time, being capable of assimilating the renewed aims that may guide the changing reality of the future in its structures.

For the same reason, the reform will have to be a continuous process, of permanent innovations and means which allow education to obtain the ends society encompasses. We therefore have at our disposal a Law with a sufficient level of flexibility to ensure the right framework and orientation but also to allow for possible changes and later developments. A Law which has consequently avoided the temptation to be excessively meticulous.

The actual autonomous structure of the State is in favour of this flexibility. Its full development requires not only similar and therefore normally shared exercises of the respective powers, but also their permanent cooperation.



The Autonomous Communities, especially those which have recently been empowered, will play an absolutely decisive role in the task of completing the design and ensuring the effective practice of the reform. For this same end, relating to a more decentralized educational concept, more closely related to the immediate environment, local Authorities will play a more responsible role.

The Law is guided by the General Planning of the Educational System and in provision of education as a public service it combines both public and private education and subsidized private education. The reform will require and ensure their participation in the necessary programming of teaching.

No reform, especially if it is educational, may be established without active social involvement. The involvement of various sectors of the educational community is particularly relevant, mainly parents, teachers and students. This involvement, approved by our Constitution and guaranteed and regulated by our legal order will be established within the framework of this reform and will cover various parts and levels of the educational system. All these sectors will be required to make the same efforts for the benefits of the whole.

This determined effort and support will place the Spanish educational system at a level of quality our society demands and deserves for the twenty first century, within the framework of a growing European dimension.







# **PRELIMINARY TITLE**



## Article 1

1. The Spanish educational system, formed according to the principles and values of the Constitution and established in respect of the rights and liberties recognized in the same, and in the Organic Law 8/1985 of 3rd July, Regulator of the Right to Education, shall aim to achieve the following ends provided by the Law:


- a) Full development of the student's personality.
- b) Knowledge of basic rights and liberties exercised in tolerance and freedom within the democratic principles of co-existence.
- c) The acquisition of intellectual habits and working techniques, as well as scientific, technical, humanistic, historic and aesthetic knowledge.
- d) Training for professional activities.
- e) Education concerning the linguistic and cultural plurality of Spain.
- f) Preparation for actively participating in social and cultural life.
- g) Peace, cooperation and solidarity between different parts of the country.

2. General planning of the educational system shall be adapted to the terms of the Law herein.

3. Education Authorities, in accordance with their responsibilities, shall modify their actions to the constitutional principles and shall guarantee the exercise of those rights contained in the Constitution, in Organic Law 8/1985, of 3rd July, Regulator of the Right to Education, and in the Law herein.

## Article 2

1. The basic principle of the educational system shall be permanent education. To this effect, it shall prepare students to learn for themselves and shall make it easy for adults to take up classes.



2. The educational system shall be divided into levels, stages, cycles and grades, in such a way as to assure movement from one to the other and within each one, if necessary.

3. Education shall develop with the following principles being taken into consideration:


- a) Personalized training which shall provide an overall education of knowledge, skills and moral values to students, in all areas of personal, family, social and professional life.
- b) The involvement and cooperation of parents or tutors so that educational objectives have a better chance of success.
- c) Effective equality of rights between the sexes, rejection of all types of discrimination and respect for all cultures.
- d) Development of creative abilities and the ability to make critical evaluations.
- e) Formation of democratic behavioural patterns.
- f) Pedagogic autonomy of schools with limits established by the Laws and research activity by teachers encompassed within their teaching practice.
- g) Availability of educational psychologists and educational and professional counselling.
- h) An active methodology which positively involves the student in the teaching and learning process.
- i) Assessment of the teaching and learning process, of schools and the different elements in the system.
- j) Relationship with the social, economic and cultural environment.
- k) Education for respect towards and preservation of the environment.

### Article 3

- special system.
- following:
1. The educational system shall consist of a general and a
  2. The system of general education shall be divided into the following:
    - a) Infant Education.
    - b) Primary Education.
    - c) Secondary Education, which shall include Statutory Secondary Education, Bachillerato and intermediate level Vocational Training.
    - d) Advanced level Vocational Training.
    - e) University Education.
  3. The Special Education system shall be divided into the following:
    - a) Artistic studies.
    - b) Language studies.
  4. The Government, having previously consulted the Education Authorities, may establish new special education subjects, if and when social demands or educational needs encourage it.
  5. The education referred to above shall take into consideration the characteristics of students with special needs.
  6. As guarantee of the right to education, for those students who cannot regularly attend a school, correspondence courses shall be available.
  7. Both general and special education shall be regulated according to this law, although University Education shall have its own specific Laws.

### Article 4

1. For the effects of this Law, what is understood as a syllabus are the objectives, contents, teaching methods and evaluation criteria at each level,



stage, cycle, grade and subject within the educational system which regulates teaching practice.

2. With regard to the objectives expressed in terms of abilities, contents and evaluation criteria of the syllabus, the Government shall standardise what is to become minimum education, the aim being to guarantee a common education to all students and validity of corresponding qualifications. Basic contents of minimum education shall never take up more than 55% of school hours for the Autonomous Communities which have an official language other than Castellano and 65% for those which do not.

3. Education Authorities shall establish the syllabus at different levels, stages, cycles, grades and subjects for the educational system of which minimum subjects form a part.

4. Academic and professional qualifications shall be measured to the same standards and issued by Education Authorities under conditions laid down by the Law herein and by basic and specific regulations prescribed by the same.

## **Article 5**

1. Statutory Primary and Secondary Education are the two parts of basic education. Basic education lasts ten school years, starting at six years of age and finishing at sixteen years of age.

2. Basic education shall be compulsory and free.

## **Article 6**

1. Throughout basic education, a common education shall be guaranteed to all students. However, suitable diversification of contents during the last years of the same shall be established.

2. Students have the right to stay in ordinary schools until sixteen years of age, taking basic education.



# **FIRST TITLE**

**EDUCATION PERTAINING TO THE  
GENERAL SYSTEM**

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# FIRST CHAPTER

## Infant Education

### Article 7

1. Infant Education, which is up to six years of age, shall contribute to the child's physical, intellectual, affectionate, social and moral development. Infant schools shall work closely with parents or tutors, whose responsibilities at this educational stage are fundamental.

2. Infant Education shall be voluntary. Public Authorities shall guarantee the existence of a sufficient number of places to assure the schooling of those who request it.

3. Education Authorities shall coordinate the supply of infant school places from the various Public Authorities, ensuring cooperation from educational psychologist teams in the various cycles at school.

### Article 8

Infant Education shall help to develop the following abilities in children:

- a) Become familiar with their own bodies and its possibilities of action.
- b) Relate to others using different forms of expression and communication.
- c) Observe and explore their natural, familiar and social environment.
- d) Progressively acquire self discipline in day to day activities.



## **Article 9**

1. Infant Education shall be divided into two stages. The first shall be up to three years of age and the second from three to six years of age.

2. During stage one, Infant Education shall concentrate on developing movement, bodily control, the first signs of communication and language, the elementary criteria of communal life and social relationships and the discovery of the immediate environment.

3. The second stage shall cover the use of language, discovery of the physical and social characteristics of society in which we live, development of a positive, well-balanced image of themselves and the acquisition of basic behavioural habits for elementary personal independence.

4. Educational subjects shall be organised into areas which coincide with the natural experience and development of the children and include general activities which are of interest and significance to them.

5. Educational material shall be based upon experiences, activities and games, within an atmosphere of affection and confidence.

## **Article 10**

Infant Education shall be taught by specialized teachers. During the first stage, there shall also be other professionals with the appropriate educational qualifications to attend to the children.

## **Article 11**

1. Infant schools may teach the first, second, or both stages.

2. Education Authorities shall develop Infant Education. For this end they shall determine the conditions in which to establish agreements with local Councils, other Public Bodies and non-profit making private organisations.

# SECOND CHAPTER

## Primary Education

### Article 12

Primary Education shall consist of six academic years, from six to twelve years of age. The aim of this educational stage shall be to provide all children with a common education which allows them to acquire basic cultural skills, oral expression, reading, writing and arithmetic, and progressively independent action in his/her surroundings.

### Article 13

Primary Education shall help children to develop the following abilities:

- a) Use the Spanish language (Castilian) and the official language of their Autonomous Community appropriately.
- b) Understand and express simple messages in a foreign language.
- c) Apply simple arithmetic and elementary logic to everyday life situations.
- d) Acquire the necessary skills to act independently in his/her family and domestic surroundings, as well as the social groups in which he or she inter-relates.
- e) Appreciate the basic values which govern human life and co-existence and prove that he/she is in agreement with them.
- f) Use different means of representation and artistic expression.

- g) Become familiar with the basic characteristics of his or her physical, social and cultural environment, and possibilities of action within the same.
- h) Appreciate the hygiene and health of his or her own body, and also the preservation of nature and the environment.
- i) Use physical education and sport to encourage personal development.

## Article 14

1. Primary Education shall be divided into three cycles of two academic years each. Subjects shall be compulsory and of an overall, general nature.

2. Subjects at this level shall be the following:

- a) Knowledge of the environment (natural and social).
- b) Artistic Education.
- c) Physical Education.
- d) Spanish language (Castilian), the official language of the corresponding Autonomous Community, and Literature.
- e) Foreign Languages.
- f) Mathematics.

3. Teachings methodology shall be aimed at the general development of the pupil, based on individual experiences and skills. Teaching shall be of a personal nature, adapted to the different learning rates of each child.

## Article 15

1. Assessment of the pupils' learning processes shall be continuous, for all subjects.

2. Pupils shall progress from one educational stage to the next when they have achieved the necessary objectives. If a child does not obtain the necessary results at the end of the year, he or she may stay in the same class

for another year with the limitations and conditions which the Government establishes in agreement with the Autonomous Communities, in accordance with the child's educational needs.

#### **Article 16**

Primary Education shall be taught by Primary School teachers who shall be responsible for all subjects at this level. However, music, physical education, foreign languages or other subjects to be determined, shall be taught by specialised teachers.

## **THIRD CHAPTER**

### **Secondary Education**

#### **Article 17**

Secondary Education shall consist of:

- a) Statutory Secondary Education, which is known as basic education and lasts for four academic years, between twelve and sixteen years of age.
- b) Bachillerato, which lasts two academic years, beginning at the age of sixteen.
- c) *Specific intermediate level Vocational Training, provided for in Chapter Four herein.*

#### **Section one: Statutory Secondary Education**

#### **Article 18**

The aim of Statutory Secondary Education shall be to endow all pupils with basic, cultural skills, train them to assume their responsibilities and exercise their rights and prepare them either for employment, for specific intermediate level Vocational Training or Bachillerato.



## Article 19

ing abilities:

Statutory Secondary Education shall help to develop the follow-

- a) Understand and correctly reproduce complex oral and written texts and messages in Spanish (Castilian) and, if necessary, in the language particular to his/her Autonomous Community.
- b) Understand a foreign language and reproduce it as required.
- c) Use different information sources and contents in a critical way, and acquire new knowledge through his/her own efforts.
- d) Behave in a spirit of cooperation, moral responsibility, solidarity and tolerance, respecting the principle of non-discrimination.
- e) Be familiar with, value and respect art and culture.
- f) Analyse the main factors which influence society and be familiar with the basic laws of nature.
- g) Understand the practical dimension of knowledge obtained and acquire basic preparation in the field of technology.
- h) Be familiar with the basic beliefs, attitudes and values of our tradition and cultural heritage, assessing them critically and choosing those options which are most favourable to their overall development as people.
- i) Appraise social habits related to health, consumption and the environment.
- j) Be familiar with the social, natural and cultural environment in which he or she acts and use it as a means of development.
- k) Use physical education and sports as a means of personal development.

## Article 20

1. Statutory Secondary Education shall be divided into two cycles, each consisting of two academic years, and different areas of knowledge.

2. The areas of compulsory subjects at this stage shall be the following:

- a) Natural Sciences.
- b) Social Sciences, Geography and History.
- c) Physical Education.
- d) Plastic and Visual Education.
- e) Spanish language (Castilian), the official language of the corresponding Autonomous Community, and Literature.
- f) Foreign Languages.
- g) Mathematics.
- h) Music.
- i) Technology.


3. When the minimum subjects of the second cycle are decided upon, especially during the last academic year, there shall be a certain amount of option between some of these subjects and organisation of material.

4. Teaching methodology in Statutory Secondary Education shall be adapted to the characteristics of each pupil. It shall encourage them to learn by themselves, work in a team and begin to learn about the real world in accordance with basic scientific principles.

## Article 21

1. To achieve the aims of this stage, teaching staff shall be organised around the principle of attending to all the different needs, aptitudes and interests of their pupils.

2. Apart from the subject areas mentioned in the preceding article, the curriculum shall also contain optional subjects which shall steadily



increase throughout the cycle. Classical culture and a second foreign language must, however, be part of these optional subjects.

3. Education Authorities shall encourage schools to be make independent decisions, in accordance with that provided by the Laws, about *determining and timetabling optional subjects*.

## Article 22

1. Statutory Secondary Education shall be continuously assessed. The pupil who does not obtain the necessary results at the end of the first cycle may stay on for an extra year. An extra year is also permitted for either of the two years of the second cycle, in accordance with that established in the development of article 15.2 of the Law herein.

2. Students who have successfully completed their studies shall receive the Graduate in Secondary Education qualification, which allows them to take Bachillerato or specific intermediate level Vocational Training. There shall only be a single qualification.

3. Moreover, all students shall receive a report from their school, which shall state the number of academic years they have attended, and the results obtained in each subject. This report shall be accompanied by suggestions about the academic and professional future of the student but the latter must never be regarded as final and shall be strictly confidential.

## Article 23

1. For some students, over the age of sixteen, curriculum variations may be established by the school, as long as previous assessment of the student's abilities has been made. If this be the case, the objectives of this stage shall be achieved with a specific methodology, the contents and even whole subject areas being different from those established normally.

2. For those students who do not obtain the necessary results at the end of Statutory Secondary Education, specific programmes shall be organised, guaranteed to provide them with basic, professional training so that they may find employment or may pursue their studies in the various areas regulated by this Law, and, in particular, in specific intermediate grade Vocational Training, by means of that provided by article 32.1 herein. Local Councils may cooperate with Education Authorities for the development of these programmes.



3. Education Authorities shall guarantee a sufficient number of the specific programmes referred to in the preceding paragraph.

## **Article 24**

1. Statutory Secondary Education shall be taught by graduates, engineers, and architects or those who have equivalent teaching qualifications. For those areas or subjects which have a special relationship with professional training, for teaching effects, Technical Engineer, Technical Architect or University Diploma qualifications shall be valid equivalents.

2. To teach this level, one shall also need to be in possession of a professional qualification of specialization. This qualification may be obtained after a teacher training period of no less than one academic year, which shall also include teaching practice. The Government shall regulate entry conditions and the nature and effects of the professional qualifications, and also the conditions for their obtention, issue and validation. Education Authorities may establish agreements with Universities to offer the said course.

## **Section two: Bachillerato**

### **Article 25**

1. Bachillerato shall last two academic years. There shall be different types of Bachillerato to give students specialised preparation for further studies or employment.

2. Students who have the Secondary Education Graduate qualification may take Bachillerato.

3. Bachillerato shall provide students with intellectual and personal maturity as well as knowledge and skills to carry out their social functions responsibly and competently. It shall also train them for advanced grade Vocational Training and University studies.

## Article 26

abilities: Bachillerato shall help students to develop the following

- a) Be in command of the Spanish language (Castilian and the official language of the Autonomous Community, should it be different).
- b) Express themselves fluently and correctly in a foreign language.
- c) Analyse and evaluate the realities of the contemporary world and the historical and other factors which have an influence on it.
- d) Understand the basic elements of scientific research.
- e) Consolidate personal, social and moral maturity and the ability to act responsibly and independently.
- f) Be actively involved in the development and improvement of their social environment.
- g) Be in command of the basic scientific and technological knowledge and skills of their chosen type of Bachillerato.
- h) Develop artistic and literary sensitivity as a source of cultural knowledge and enrichment.
- i) Use physical education and sports as part of their personal development.

## Article 27

1. Bachillerato shall be organised into common core subjects, subjects belonging to each type of Bachillerato and optional subjects.

2. The common core subjects shall be part of general education for all students. The subjects belonging to each different type of Bachillerato and optional subjects shall provide them with more specialized knowledge, preparing them and guiding them towards further studies or a profession. The syllabus of optional subjects may include a practical training period outside of school.

3. Minimum Bachillerato subjects shall be the following:
  - Arts.
  - Natural and Health Sciences.
  - Humanities and Social Sciences.
  - Technology.
4. Common core subjects shall be the following:
  - Physical Education.
  - Philosophy.
  - History.
  - *The Spanish language (Castilian), the official language of the corresponding Autonomous Community, and Literature.*
  - A foreign language.

5. Bachillerato methodology shall encourage the student to learn for him or herself, work in a team and apply the appropriate research methods. It shall also emphasize the relationship between theoretical aspects of subjects and their practical application in society.

6. The Government, having previously consulted the Autonomous Communities, shall establish the subjects of each type of Bachillerato, adapting them to the needs of society and the educational system.


7. The Government, in agreement with the Autonomous Communities, may establish new Bachillerato subjects or change those defined by the Law herein.

## **Article 28**

The same qualifications are needed to teach Bachillerato as for Statutory Secondary Education.

## **Article 29**

1. Students who successfully complete their Bachillerato studies shall receive the Bachiller qualification. It shall be necessary to pass exams in all subjects to gain this qualification.



2. The Bachiller enables students to take advanced level Vocational Training and University studies. It shall be necessary to pass an entrance examination for the latter which, apart from assessing results obtained in Bachillerato, shall also objectively take into account the academic maturity of students and their knowledge.

## **FOURTH CHAPTER**

### **Vocational Training**

#### **Article 30**

1. Vocational Training consists of all subjects which, within the educational system and regulated herein, qualify students for different professions. It shall also include those other activities which aim at continuous education in companies and the provision of employment and re-employment for the workforce. These latter activities shall be developed through occupational training which shall be regulated by its own specific laws. Public Authorities shall guarantee the coordination of both types of Vocational Training.

2. Vocational Training, in the educational system, finds its end in the preparation of students for professional activities, providing them with a versatile training to adapt to changing working conditions throughout their lives. Professional Education includes basic professional education and specific intermediate level and advanced level.

3. During Statutory Secondary Education and Bachillerato students shall receive basic, professional training.

4. Specific Vocational Training shall consist of a number of cycles with a modular organisation, of varying duration, covering areas of theoretical-practical knowledge for different professional fields. Cycles shall be intermediate and advanced level, as referred to in paragraph 2 of this Article.

5. Specific Vocational Training shall help young people to gain employable skills, shall contribute to permanent education for all citizens and shall respond to the demands of the productive system for a qualified labour force.



## Article 31

1. Anyone who has a Secondary Education Graduate qualification may take specific Vocational Education at intermediate level.
2. To take specific Vocational Education at advanced level, it shall be necessary to have Bachiller.
3. In addition to the entry requirements for advanced level Vocational Training it may be necessary to have taken certain subjects at Bachillero level to tie in with the professional studies the student wishes to take.
4. For those students who have taken specific intermediate level Vocational Training and who wish to pursue their studies, the appropriate validity standards between the subjects taken and those of Bachillerato shall be established.

## Article 32

1. Notwithstanding that stated in the preceding Article, it shall be possible to take specific Vocational Training without fulfilling established academic requisites, provided that, in an examination regulated by the Education Authorities, the candidate demonstrates that he or she is sufficiently prepared to successfully complete the course. The candidate must be at least twenty years of age to use these means as access to advanced level cycles.
2. The exam referred to in the previous paragraph must be a demonstration of:
  - a) Sufficient knowledge and skills to successfully complete the course, in the case of specific intermediate Vocational Training.
  - b) Obtention of the aims of Bachillerato and professional skills, in the case of specific advanced level Vocational Training. People with work experience corresponding to the professional studies they wish to take may be exempt from some of the original requisites.

## Article 33

1. To teach specific Vocational Training, the same qualifications as for Secondary Education are required. For certain areas or subjects, other

similar qualifications shall be considered. The course referred to in Article 24.2 herein may be adapted in duration and content for the teachers of these areas or subjects.

2. For certain areas or subjects specialist teachers, who are professionals in employment, may be contracted (taking into account their qualifications and the system's needs). In state schools, temporary contracts, in keeping with administrative rights may be established between the Education Authorities and these professionals.

3. Teachers referred to in the preceding paragraph, may, in exceptional circumstances, teach optional Bachillerato subjects related to professional experience under conditions to be established.

## **Article 34**

1. Companies shall be involved in designing and planning specific Vocational Training. Timetabling shall take into consideration the socio-economic environment around the schools, as well as the needs and possibilities of the same.

2. The Specific Vocational Training syllabus shall include a practical training period at places of work, and those people who have already got professional experience may be totally or partially exempt, as is established in paragraph *b*) of Article 32.2 herein. Educational Authorities shall be responsible for taking the necessary means to introduce and develop these studies in companies and institutions.

3. Teaching methodology for specific Vocational Training shall encourage the integration of scientific, technological and organisational contents. It shall also encourage the student to learn by him or herself and work as part of a team.

4. Professional studies regulated herein may be taken in ordinary schools and special teaching colleges, as long as the minimum requirements established are met and the teaching staff have the required qualifications, student/teacher numbers are appropriate and teaching materials are available.

## **Article 35**

1. The Government, after consultation with the Autonomous Communities, shall establish what qualifications correspond to which Vocational

Training course and the minimum classes for each one. The said minimum classes shall depend on the socio-economic conditions of each Autonomous Community.

2. Students who successfully complete specific intermediate and advanced grade Vocational Training shall receive the title of Engineer and Advanced Engineer of the chosen profession, respectively.

3. The qualification of engineer, for those students who have taken intermediate level Vocational Training, in accordance with that established by Article 32.1 gives one direct entry to certain types of Bachillerato, depending on what Vocational Training subjects were taken.

4. The advanced engineer qualification gives one direct entry to a University course: the subjects depend on what subjects were taken at Vocational Training level.

## **FIFTH CHAPTER**

### **Special Education**


#### **Article 36**

1. The education system shall have at its disposal the necessary means for students with special needs, whether they be temporary or permanent, to successfully obtain the same general objectives laid down for all students within the same system.

2. Identification and assessment of special educational needs shall be carried out by teams of people from various professions who shall establish plans of action for each individual case, relating to the specific educational needs of the children.

3. A normal school life and complete integration shall be aimed at for students with special educational needs.

4. At the end of each year each student with special educational needs shall have his/her work assessed. After comparing it with the objectives



proposed at the start of the initial assessment, the future plan of action may then be made, depending on the results of the year.

### Article 37

1. In order to achieve the aims stated in the preceding article, the educational system must have the appropriately specialised team of qualified professionals, as well as the necessary teaching means and materials to involve the students in learning processes. Schools must have the said school organisation at their disposal and make the necessary curriculum changes and diversifications to enable the students to achieve the objectives that have been set out for them. Physical and material conditions of schools shall be adapted to these students' needs.

2. As soon as it is detected that a child has special educational needs they shall be attended to. For this end, the necessary educational services shall exist which shall serve to stimulate and encourage better development of these students and Education Authorities shall guarantee that school places are found for them.

3. Only when a student's needs cannot be attended to in a mainstream school shall he/she go to a special school. This situation shall be periodically revised, with the aim that, whenever possible, the student may, in time, become more integrated into normal school life.

4. Education Authorities shall control and encourage involvement from parents or tutors in the decisions which affect the education of students with special educational needs.





# **SECOND TITLE**

**EDUCATION PERTAINING TO THE  
SPECIAL SYSTEM**

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# FIRST CHAPTER

## Artistic Studies

### Article 38

The aim of artistic studies shall be to provide students with good quality training and guarantee qualified professionals of music, dance, dramatic art, plastic art and design in the future.

### Section one: Music and dance

### Article 39

1. Music and dance studies shall be divided into three levels:
  - a) Elementary level, lasting four years.
  - b) Intermediate level, which shall be structured into three phases lasting two school years each.
  - c) Advanced level, which shall only consist of one phase, the length of which shall be determined according to the characteristics of these studies.
2. Students may, in exceptional circumstances, and with previous advice from the teacher, enrol for more than one course when their abilities permit it.
3. To teach special studies of music and dance it shall be necessary to have a degree, be an Engineer or Architect, or have a similar qualification, for teaching purposes and to have taken the teacher training course to be established.
4. Article 4 herein provides for the syllabus of these subjects.
5. Notwithstanding that established in the preceding paragraphs, music and dance may be studied in specific schools, with no age limit, but

no valid academic or professional qualifications may be acquired therein and the organisation and structure shall be different from that established in the said paragraphs. These schools shall be legally administered by the Education Authorities.

## Article 40

1. For elementary level music and dance studies, entry requirements may be established by the Education Authorities which shall consider, among other factors, ideal age.

2. To take intermediate level music and dance studies, it shall be necessary to take an entrance examination. Students may take intermediate level even if they have not taken previous levels, if they show in the exam that they possess the necessary skills to successfully take the course they are applying for.

3. Access to advanced level music and dance is dependent upon the following requirements:

- a) A Bachillerato qualification.
- b) Successful completion of intermediate level third phase.
- c) Passing the special entrance exams established by the Government in which the candidate shall have to demonstrate that he or she possesses enough professional knowledge and skills to successfully take the next course.

4. Notwithstanding that stated in the preceding paragraph, it shall be possible to take advanced level studies without fulfilling academic requirements established, as long as the student demonstrates that he/she has sufficient knowledge and skills to successfully complete the course applied for.

## Article 41

1. Education Authorities shall make if possible for students to take music and dance studies at the same time as general studies. The appropriate means of coordination with regard to academic organisation and planning of both types of studies shall therefore be adopted, and shall involve, among others things, standardizing results and creating schools which offer both types of studies.

2. Students who have finished the third phase of intermediate level shall obtain Bachiller, as long as they pass the common core subjects of Bachillerato.

## Article 42

1. The appropriate certificate shall be issued at the end of elementary level.

2. At the end of the third phase of music and dance intermediate level, the professional qualifications of the corresponding course shall be issued.

3. Those who have satisfactorily completed advanced level music and dance shall obtain the advanced level qualification which, to all extents and purposes, is equivalent to a university degree.

4. Education Authorities shall reach an agreement with the universities to organize the third phase studies aimed at higher qualifications: referred to in the preceding paragraph.

## Section two: Dramatic art

### Article 43

1. There is only one dramatic art grade at advanced level, the duration of which shall be adopted to the nature of these studies.

To teach dramatic art it shall be necessary to have a degree or be an Engineer or Architect or have the equivalent teaching qualifications and to have completed the pedagogic material to be established.

2. Specific Vocational Training related to dramatic art may also be established.

3. Article 4 herein establishes the syllabus of these studies.

### Article 44

1. To take dramatic art it shall be necessary to:

a) Have the Bachiller qualification.

- b) Pass a specific examination to be established by the Government which shall assess the necessary maturity, knowledge and aptitudes for successfully completing the course.

#### **Article 45**

1. Those who complete dramatic art shall have the right to the Advanced Dramatic Art certificate which is equivalent, to all extents and purposes, as a degree.

2. Education Authorities shall form agreements with universities to facilitate the organisation of studies at advanced level, referred to in the previous paragraph.

### **Section three: Plastic arts and design studies**

#### **Article 46**

Plastic arts and design studies consist of studies relating to applied arts, crafts, design of several types and the conservation and restoration of cultural assets.

#### **Article 47**

Plastic arts and design shall be organised into specific training cycles, according to the effects herein, in chapter four of the first title, with the exception of those established by the articles hereinafter.

#### **Article 48**

1. *For entry to intermediate grade cycles of plastic arts and design, it shall be necessary, apart from being in possession of the Secondary Education Graduate qualification, to have passed the aptitude tests to be established.*



2. Entry to advanced level shall require possession of the Bachiller qualification and passing the exams to be established. The necessary aptitudes to successfully complete the following course shall be tested in the said exams. People who have taken Bachillerato in certain subjects corresponding to the professional studies they now wish to take, shall be exempt.

3. Notwithstanding that stated in the preceding paragraphs, it shall be possible to take intermediate and advanced studies of these subjects without fulfilling the established academic requisites, if the candidate demonstrates that he or she possesses the knowledge and aptitudes of the previous educational stage and specific abilities necessary to successfully complete the course applied for. Candidates must be over twenty years of age to gain access to advanced level through these means.

4. Training cycles referred to in this article shall include practical training in companies, studies and workshops, as well as certain written projects.

## Article 49

1. Conservation and restoration of cultural assets shall be advanced studies. Students who pass these studies shall obtain the conservation and restoration of cultural assets certificate, which shall be equivalent to a University Diploma.

2. Design studies shall be considered advanced studies. At the end of the said studies, a design certificate in the corresponding specialized subject shall be issued, which shall be equivalent to a University Diploma.

3. Advanced studies may also be established for professional studies of plastic arts, where the aims, contents and characteristics require it.

4. To take advanced studies referred to herein it shall be necessary to possess the Bachiller qualification and pass an entrance examination, to be established by the Government, in which the maturity, knowledge and aptitudes for successful completion of these studies shall be tested.

5. The syllabus of these studies shall be established according to Article 4 herein.

# SECOND CHAPTER

## Language studies

### Article 50

1. Languages taught in Official Schools shall be considered as education pertaining to the special system, referred to herein.

2. Specific legislation on these studies shall govern the structure of language teaching, academic materials and qualifications.

3. Entry to Official Schools of language shall require completion of the first cycle of statutory secondary education, possession of the Graduate School Certificate, the School Certificate or primary school studies.

4. Official Schools of language shall teach, in particular, European languages and the co-official languages of the State.

5. Official Schools of language may teach courses for updating knowledge, and professional improvement of adults.

6. Education Authorities shall also be in charge of correspondence language courses.





**THIRD TITLE**  
**ADULT EDUCATION**

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## Article 51

1. The educational system shall guarantee that adults may acquire, up-date, complete or extend their knowledge and aptitudes for personal and professional development. Education Authorities shall therefore work together with other public authorities which have control over adult education and especially with employment services.

2. In accordance with the preceding paragraph, adult education shall have the following objectives:

- a) To acquire and up-date basic education and facilitate access to various levels of the educational system.
- b) To improve professional qualifications or acquire training to exercise other professions.
- c) To develop their ability to participate in social, cultural, political and economic life.

3. Within the area of adult education, public Bodies shall preferably attend to those groups or social sectors with needs and necessities for basic training skills or employment difficulties.

4. Prison inmates shall be guaranteed access to this type of education.

5. Adult education organisation and methodology shall be based on self-learning, in accordance with experiences, needs and interests, through classes in colleges and, where necessary, correspondence courses.

## Article 52

1. Adults who wish to acquire the equivalent studies to basic education shall be guaranteed an education adapted to their conditions and needs.

2. Education Authorities shall guarantee that all adults who have the Graduate Scholar Certificate may take programmes or go to schools which shall help them obtain the basic training of statutory Secondary Education provided herein.

3. Education Authorities, under the conditions to be established, shall periodically organise examinations for people aged over 18 so that they may directly obtain the Secondary Education Graduate qualification. In the said exams, general abilities of basic education shall be assessed.

## **Article 53**

1. Education Authorities shall take the necessary measures to guarantee that all citizens have the opportunity to take the levels or grades of non-statutory education regulated herein.

2. Adults shall be able to study Bachillerato and specific Vocational Training in ordinary schools as long as they have the necessary qualifications. However, they may also take the said studies in other organisations, especially suited to their needs.

3. The appropriate Authorities shall extend correspondence courses in order to provide a suitable response to demands for permanent adult education.


4. Education Authorities, within the conditions to be established, shall organise exams for adults aged over 23 so that they may directly obtain the Bachiller qualification. Exams for the obtention of Vocational Training qualifications shall also be organised under the conditions and in the cases to be determined.

5. People over the age of 25 may go directly to University without any qualifications, once they pass a specific exam.

## **Article 54**

1. Adult education shall be taught in ordinary and specific schools. The latter shall be open to the public and socio-cultural activities shall be available to the whole community.

2. Teachers of adult education subjects, regulated by the law herein, which lead to an academic or professional qualification, must be in possession of the general qualification established for this level of study. Education Authorities shall provide these teachers with the necessary didactic training so that they respond to the needs of adult students.



3. Education Authorities may establish co-operation agreements with Universities, local Authorities and other public or private Bodies, preference in this latter case being given to companies with non-profit making adult education. They shall also develop programmes and courses to respond to the needs for control, organisation, teaching techniques and specialisation in the field of adult education.







# **FOURTH TITLE**

## **THE QUALITY OF EDUCATION**

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## Article 55

Public Authorities shall give prior attention to a number of factors which encourage quality and improvement in education, and especially to:

- a) Teachers' qualifications and training.
- b) Educational programming.
- c) Educational resources and control.
- d) Educational innovation and research.
- e) Educational and professional guidance.
- f) Educational inspection.
- g) Assessment of the educational system.

## Article 56

1. Initial teacher training shall conform to the needs for qualifications required by the general regulation of the educational system.

2. Permanent training is a right and duty of all teachers and the responsibility of Education Authorities and schools themselves. The teaching staff shall be periodically required to take part in scientific, didactic and professional modernization courses in schools, specific training colleges, at universities and, in the case of Vocational Training teachers, in companies.

3. Education Authorities shall plan the necessary permanent training activities for teachers and shall guarantee a free variety of activities. The right measures to encourage involvement of the teaching staff in these programmes shall be established.

The said Authorities shall also reach an agreement with the universities over special plans to enable teachers to obtain qualifications which shall allow them to move up to other educational levels, including universities.

4. Education Authorities shall be responsible for:
  - a) Permanent teacher training programmes.
  - b) The creation of colleges or institutions for permanent teacher training.

- c) Working together with universities, local Authorities and other Bodies on teacher training.

## Article 57

1. Schools shall plan and develop the syllabus of the educational levels, stages, cycles, grades and areas within the framework of their teaching programme.

2. Education Authorities shall contribute to the development of the syllabus by encouraging the creation of teaching programmes and materials which respond to the various needs of students and teachers.

3. The said teaching materials shall be created without any type of discriminatory stereotypes, and emphasis shall be placed on sexual equality.

4. Education Authorities shall promote educational and organisational independence in schools and shall encourage teachers to work together as a team.

5. Local Authorities may coordinate with schools for extra-curricular activities and promote the relationship between the programming of the schools and their socio-economic environment.

## Article 58

1. Schools shall be provided with the necessary human and material resources to guarantee quality education.

2. State schools shall control their own finances under the terms established by the Laws.

3. Education Authorities shall encourage the efficient control of the schools by adopting means to improve training and activities of headteachers and their assistants of the said schools.

4. Education Authorities may appoint an administrator to the schools who, under the control of the head teacher, shall be responsible for controlling the human and material resources of the same. In these schools, the administrator shall assume the responsibilities of school secretary. He/she shall



also be incorporated as a full member into the Economic Commission, referred to in Article 44 of Organic Law 8/1985, of July 3rd, regulator of the Right to Education.

Administrators shall be chosen on merit and ability to see if they possess the appropriate training to exercise the functions for which they are to be appointed.

5. For maximum use of resources, the territorial organisation of the Education Authorities may be divided into graphical areas smaller than a province, in order to coordinate the various support programmes and services of educational activities.

## **Article 59**

1. Education Authorities shall promote research and encourage creation of projects which include curricular, methodological, technological and didactic innovations, and changes to school organisation.

2. It is the Government's responsibility to determine innovation requisites, together with the help of experiments affecting the conditions in which academic and professional qualifications are obtained. The said experiments will, however, require express authorization for the standardization of qualifications.

## **Article 60**

1. Tutoring and careers advice shall form part of the teaching function. Schools shall be responsible for coordinating these activities. Each group of students shall have a tutor.

2. Education Authorities shall guarantee academic, psychological and professional counselling to students, especially when faced with different educational or professional options. Special attention shall be devoted to overcoming discriminatory social habits which condition access to different studies and professions. Coordination of counselling activities shall be the responsibility of suitably qualified professionals. Education Authorities shall also be responsible for coordinating these activities with those developed by local Authorities in the same field.

## **Article 61**

1. Education Authorities shall exercise educational inspection to guarantee fulfillment of the Laws and improve the quality of the educational system.

inspection:

2. The following functions shall be entrusted to Educational

- a) Work towards improving teaching practice, the functioning of schools and educational reorganisation.
- b) Participate in the assessment of the educational system.
- c) Ensure the fulfillment of the Laws, regulations and other general legal dispositions referring to the educational system.
- d) Guide and inform the various sectors of the community in the exercise of their rights and fulfillment of their obligations.

3. For the exercise of its functions, educational inspection shall have access to state and private schools, and also to the services and equipment in which activities promoted or authorized by Education Authorities are developed.

4. The State shall be responsible for high inspection to guarantee fulfillment of the obligations of public Authorities in educational matters.

## Article 62


1. Assessment of the educational system shall be aimed at permanently meeting social demands and educational needs and shall be applied to students, teachers, schools, educational processes and the State itself.

2. Education Authorities shall assess the educational system according to their jurisdiction.

3. General assessment of the educational system shall be conducted by the National Institute of Quality and Assessment. The Government, after previous consultation with the Autonomous Communities, shall determine the organisation of the National Institute of Quality and Assessment and shall provide all the necessary means.

4. Education Authorities shall be involved in how the National Institute of Quality and Assessment is governed and how it functions. The following activities may be carried out by the latter:

- a) Create assessment systems for the different types of education regulated by the Law herein and for the different types of schools.

- 
- b) Conduct research, studies and assessments of the educational system and, in general, propose as many initiatives and suggestions about quality and improvement of service as possible to Education Authorities.





**FIFTH TITLE**  
**COMPENSATION FOR**  
**EDUCATIONAL INEQUALITIES**

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## **Article 63**

1. To bring into effect the principle of equal educational rights, public Authorities shall develop compensatory type actions for those persons, groups and geographical areas which find themselves in unfavourable situations and shall provide economic resources for them.

2. The policies of supplementary education shall increase the actions of the educational system to combat inequalities derived from social, economic, cultural, geographical, ethnic or other factors.

3. The State and the Autonomous Communities shall give priority to supplementary education.

## **Article 64**


1. Education Authorities shall ensure preventative and compensatory actions are taken, guaranteeing the most favourable conditions for schooling, during infant education, for all children whose personal conditions lead to initial inequality when starting statutory education and progressing to later levels, due to deprived economic circumstances, geographic origins or any other circumstance.

## **Article 65**

1. The State shall guarantee to all students a free primary school place in their own town/area under the terms applied by the Organic Law for the Right to Education.

2. In exceptional circumstances, for statutory primary and secondary education in rural areas where it is considered advisable, children may be schooled in the nearest town to where they live so that good quality education is guaranteed. Under these circumstances, Education Authorities shall provide free transport, free school meals, and if necessary, board and lodging for the students.

3. Notwithstanding that stated in chapter five herein, Education Authorities shall provide the necessary supplementary human and material resources to schools where students have particular difficulty in achieving general basic educational aims, owing to their social conditions. Organisation and programming in these schools shall be adapted to the specific needs of the students.



4. In order to guarantee every child's education the State shall accept responsibility for the care and attention of students whose families are in difficult circumstances, which prevent them from carrying out their responsibilities.

## **Article 66**

1. To guarantee the equality of all citizens in the exercise of their right to education, grants and study aids shall be provided to compensate for unfavourable socio-economic conditions. They shall also be granted for post-statutory education according to abilities and results. Coordination and collaboration shall also be established to ensure that there is an efficient system of verification and control for grants issued.


2. Equal opportunities for post-statutory education shall also be promoted through suitable geographical distribution of a sufficient number of school places.

3. Policies regarding supplementary education in special and adult education shall be carried out in accordance with criteria established by the Law herein.

## **Article 67**

1. The State may put forward specific programmes to the Autonomous Communities, in accordance with this title, in order to achieve its objectives for supplementary education.

2. Realisation of supplementary education programmes shall come into effect by means of an agreement between the State and the Autonomous Communities responsible for their execution.



# **ADDITIONAL PROVISIONS OF THE LAW**

**First.**—The Government, having previously notified the Autonomous Communities, shall approve the time-table for the application of the reorganisation of the educational system, which shall have a temporary term of ten years, subsequent to publication of the Law herein. During this same term, current study plans shall be gradually replaced, new curriculums shall come into force, together with the academic equivalents of the years studied according to the old study plans. During its initial period, the new educational system shall also establish a procedure to adapt the current educational arrangements to the new ones, in the terms provided by the temporary third resolution hereinafter.

**Second.**—Religious education shall be organised according to that established in the Agreement about teaching and cultural matters, between the Holy See and the Spanish State, and, when necessary, those other agreements which may arise with other religious denominations. Religion shall therefore be included as an area or subject in the educational level to which it corresponds and schools shall be obliged to offer it, although it shall be voluntarily studied by students.

**Third.**—1. The State shall provide the educational system as a whole with the necessary financial resources to fulfil what is established herein, so that the aims provided by the said Law may be achieved.

Public funds for the application of reform shall be similar to those provided by other EEC countries, the aim being to place our educational system on the same level as other European countries and to respond to needs derived from mobility and settlement of the population.

2. The State shall establish educational needs from applying reform, with the result that social demand is satisfied, the affected sectors becoming involved.

3. To ensure quality of education, Education Authorities shall provide the necessary resources to guarantee that, by applying the Law herein, the following aims be achieved:

- a) A maximum number of students per class, which for statutory primary education shall be 25 and for statutory secondary education shall be 30.
- b) Permanent teacher training activities so that all teachers may apply curricular changes and pedagogic and didactic aims derived from the implementation and development of the Law herein.



- c) The appointment of at least one support teacher in full-time primary and secondary schools, who shall attend to children with learning difficulties, and the creation of services for the said needs in part-time educational centres.
- d) The inclusion of study grants or grants for other activities in the institutional plans for permanent teacher training, in order to ensure that opportunities are open to teachers to have training periods outside school throughout their professional lives.
- e) The creation of specialised services for educational, psychological and professional counselling at all schools or colleges which offer general education, as regulated by the Law herein.

4. The Ministry of Education and Science shall present an annual report to the Commission for Education and Culture of the Congress of Delegates and to the Commission for Education, Universities, Research and Culture of the Senate, so that they may be aware of, debate and assess the process of development of educational reform, and may apply the necessary human and material means to attain its objectives.

**Fourth.**—1. The current Graduate Scholar qualification shall give entry to the second cycle of statutory secondary education and shall have the same professional effects as the Graduate in Secondary Education qualification. For a period of five years, extraordinary examinations shall continue to be held for the obtention of the current Graduate Scholar qualification.

2. The current Bachiller qualification shall give entry to the *second year of the new Bachillerato, in any subject, and shall have the same professional effects as the new Bachiller qualification.*

3. The current Assistant Technician qualification shall have the same academic effects as the Graduate in Secondary Education qualification and the same professional effects as the new Technician qualification in the corresponding profession.

4. The current Specialist Technician qualification shall have the same academic and professional effects as the new Advanced Technician in the corresponding specialist subject.

5. The Certificate of Pedagogic Aptitude shall be equivalent to the professional teaching qualification referred to in article 24.2 herein. Primary

school teachers and pedagogy graduates shall be exempt from possession of this qualification. Moreover, the Government shall determine the circumstances in which previous experience shall be considered equivalent to the possession of the before-mentioned professional qualification.

6. The Government shall regulate the comparisons or ratifications between knowledge acquired from professional occupational training and teaching practice and that acquired from vocational training referred to herein.

7. The Government shall establish equivalents to all other qualifications affected by this Law.

**Fifth.**—References to present educational levels, contained in Organic Law 8/1985 of July 3rd, regulator of the Right to Education, shall be understood to be substituted by those names referring to the different educational levels and stages and to their respective educational centres, established by the Law herein.

**Sixth.**—Articles 11. 2, 23 and 24 of Organic Law 8/1985, of July 3rd, regulator of the Right to Education, shall be modified in the following terms:

«Article 11.2. The adaptation of that provided herein to schools which offer education not referred to in the preceding paragraph, and infant schools and schools which cover two or more of the types of education referred to in this article, shall be brought into effect by the Law.

Article 23. The inauguration and functioning of private schools which teach both general and special education, shall be subject to the principle of administrative authorisation. Authorisation shall be conceded when the minimum requirements established in accordance with that provided in article 14 herein are met. These schools shall enjoy full academic powers. Authorisation shall be revoked if, at any time, schools fail to meet these requirements.

Article 24.1. Private schools which offer subjects that do not lead to any valid, academic qualifications shall be subject to common laws. These schools may not use any name established for regular teaching centres, nor any others which may lead to error or confusion with the latter.

24.2. For the purposes of infant protection, private schools with a regular in-take of children of infant education ages shall be subject to the principle of administrative authorisation referred to in article 23.»

**Seventh.**—The Authorities responsible shall carry out the necessary changes and temporary adaptations for present state schools to accommodate themselves to that provided herein.



**Eighth.**—1. Private pre-school, basic general education and first grade vocational training schools which possess final authorisation or classification in virtue of the preceding regulations to this Law, as well as bachillerato and second grade vocational training schools which are classified as being the same, shall automatically acquire the condition of authorised schools/centres provided in the sixth additional provision herein, and may impart the corresponding current educational levels until they are no longer valid.

2. In accordance with the regulation of the educational system established herein, authorised private schools, referred to in the preceding paragraph, may impart the following:

- a) Pre-school education schools: second cycle infant education.
- b) Basic general education schools: primary education.
- c) Bachillerato schools: Humanities and social sciences bachillerato and natural and health sciences.
- d) Vocational Training schools: intermediate cycles.

3. Private schools which impart education according to that provided by the preceding paragraph, shall abide by the terms of their authorisation, with regard to number of units.

4. Notwithstanding that established in the preceding paragraphs, private schools shall also be authorised to impart other cycles, levels, stages, grades and subjects according to the terms established in article 23 of Organic Law 8/1985, of 3rd July, regulator of the Right to Education, modified by the sixth additional provision herein.

**Ninth.**—1. The bases regulated herein for appointment and mobility among teaching staffs and categorisation as head of studies, reorganisation of teaching staffs and scales and the provision of posts by means of transfers within the national boundary are deemed to be bases of the statutory system of state teachers, over and above those contained in Law 30/1984, of 2nd August, Measures for Reform of the public Function, modified by Law 23/1988, of 28th July. The Government shall legally develop the bases regulated herein in those aspects which shall be necessary to guarantee the basic, common framework of the state teaching Function.

2. Autonomous Communities shall arrange their state teaching Function within the framework of their responsibilities, respecting the basic

rules contained herein, and legal developments expressed in the preceding paragraph.

3. The system of entry into state teaching shall be that of competitive public examinations /continuous assessment, held by the respective Education Authorities. During the continuous assessment phase, academic training and previous teaching experience shall, among other merits, be assessed. During the public examination phase, possession of specific teaching knowledge, pedagogic aptitude and command of necessary teaching techniques shall be taken into account. Examinations shall be held in accordance with the areas and subjects to be taught. Candidates shall be selected for their merits in both phases of the continuous assessment/public examinations, notwithstanding the results of written examinations.

The number of successful candidates shall not be above that of available posts. A practical phase which includes training courses may be included and shall form part of the selection process.

4. Education Authorities shall periodically hold competitive public transfer applications in order to fill teaching vacancies which come up in different parts of the country. All state teachers, dependent upon any Education Authority may take part in these examinations, as long as they meet the general and specific requirements demanded for the respective teaching posts, established by the said examinations. The "Official State Bulletin" and the "Official Bulletins" of the appropriate Autonomous Community shall publicize the posts. They shall include a single yardstick of merits which shall take into account training and improvement courses studied, academic merits, length of service and, if applicable, categorisation as headteacher and length of service thereto.

**Tenth.**—1. State teachers who teach general education shall fit into the following categories:

Primary School Teachers.

Secondary Education Teachers.

Technical Vocational Training Teachers.

Primary School Teachers shall work in infant and primary education. Secondary Education Teachers shall work in statutory secondary education, bachillerato and vocational training. Technical Vocational Training Teachers shall work in specific vocational training and, under the conditions to be established, in statutory secondary education and bachillerato.

2. Secondary Education Teachers may acquire the title of Head of Studies under the terms established in the sixteenth additional provision.

3. Basic General Education Teachers shall be categorised as Primary School Teachers. Moreover, under the conditions to be legally established by the Government, Teachers working in prisons shall also be categorised as Primary School Teachers.

4. Permanent Bachiller Heads of Studies and temporary Heads of Studies, and temporary teachers in Schools of Industry shall also be categorised as Secondary Education Teachers.

5. Permanent Bachillerato Heads of Studies shall be categorised as Secondary Education Heads of Studies whatever their administrative situation might be, but respecting their financial rights already enjoyed. For all effects, length of service as a Head of Studies, prior to the passing of this Law, shall be that which corresponds to services lent as a Head of Studies.

6. Workshop Teachers from the Schools of Industry shall be categorised Technical Vocational Training Teachers.

7. Those teaching categories and scales which have terminated as a result of laws previous hereto, shall be ruled by that established in the said provisions, the sixteenth additional provision applying to that governing mobility.

8. The Government, having previously consulted the Autonomous Communities, shall determine the specialist subjects to which teachers referred to in this provision, must be assigned, as a consequence of that provided therein and the needs derived from academic reorganisation, which shall include areas and subjects to be taught, notwithstanding that provided by article 16, taking into account the specialist subjects which teachers possess qualifications for. Until such determination has been made, selection processes and teaching post transfer examinations shall be accommodated to present specialist subjects.

9. The organisation of state teachers into the new categories created by this provision shall be made, respecting their appointment as teachers. Should a teacher belong to more than one category of Secondary Education Teachers, the date of his or her first appointment shall be valid.

**Eleventh.**—1. To be a Primary School Teacher it shall be essential to be in possession of the Primary School Teacher (Maestro) qualification, and to pass the corresponding selection process.



2. To be a Secondary Education Teacher shall require possession of the title of Doctor, Engineer, Architect, Graduate or the equivalent teaching qualifications, and the professional qualification referred to in article 24.2 herein, as well as the passing of the corresponding selection process.

In the case of particularly relevant areas or subjects for basic or specific vocational training, the Government, in agreement with the Autonomous Communities, may determine as equivalent qualifications, those of technical engineer, technical architect or a university diploma for teaching purposes.

3. To be a Technical Vocational Training Teacher shall require possession of a University Diploma, the Technical Architect, Technical Engineer or equivalent qualification, for teaching purposes, and also possess the professional qualification referred to in article 24.4 herein, as well as passing the corresponding selection process.

The Government, in agreement with the Autonomous Communities, may establish, for teaching purposes, an equivalent qualification, for certain areas or subjects, as long as appropriate knowledge is guaranteed. Should this be the case, professional experience in the field related to the subject or area may also be required.

**Twelfth.**—1. A Teacher of Basic General Education is considered to be the same as a Primary School Teacher (*Maestro*), referred to herein. The title of Primary School Teacher shall maintain the effects granted by the legislation in force.

2. The Government and Universities, with their respective powers, shall approve the general directives and study plans corresponding to the title of School Teacher (*Maestro*), which shall be considered the same as a university diploma, referred to in article 30 of Organic Law 11/1983, of 25th August, University Reform. The specialist subjects provided herein, or created hereafter from the same, shall be established in the said general directives.

3. Education Authorities within the framework of that established in Organic Law 11/1983, of 25th August, University Reform, shall promote the creation of advanced teacher training centres in which studies leading to the obtention of various professional qualifications established in relation to educational activities, as well as permanent teacher training plans shall be taught. The said centres may organise studies corresponding to those new educational qualifications which development of the Law determines shall be created.

**Thirteenth.**—1. The appointment of specialists referred to in article 16 herein shall be progressively carried out throughout the period established for the application of the same on the corresponding educational level.

2. Education Authorities shall guarantee to those schools which, because of their size, cannot provide the specialists referred to in the preceding paragraph, necessary support to ensure quality in education.

**Fourteenth.**—1. Music and scenic art teachers shall be categorised as follows:

- a) Music and Scenic Arts Teachers, who shall teach, in accordance with specialist subjects, studies corresponding to elementary and intermediate grades of music and dance, dramatic art, and in exceptional cases, advanced level subjects of music and dance.
- b) Music and Scenic Arts Heads of Studies, who shall teach, in accordance with their specialist subjects, advanced level music and dance and dramatic art studies.

Auxiliary Teachers of Music Conservatoriums, Recitals and the Higher School of Singing shall be categorised as Music and Scenic Arts Teachers.

Specialist Teachers and Heads of Studies in Music Conservatoriums, Recitals and the Higher School of Singing shall be categorised as Heads of Studies of Music and Scenic Arts.

Teachers mentioned herein may teach general studies under the conditions and for such time as may be established.

2. Teachers responsible for Plastic Arts and Design studies shall be categorised as follows:

- a) Workshop Plastic Arts and Design Teachers.
- b) Plastic Arts and Design Teachers.

Workshop Assistants and Workshop Teachers for the Schools of Applied Arts and Crafts shall be categorised as Workshop Teachers of Plastic Arts and Design.

Applied Arts and Crafts Teachers shall be categorised as Plastic Arts and Design Teachers.

Plastic Arts and Design Teachers may acquire the title of Head of Studies of Plastic Arts and Design under the terms established in the fifteenth additional provision.

Such title is recognized as belonging to Applied Arts and Crafts Teachers, whatever their administrative situation might be, respecting all financial rights that go with it. Length of service as Head of Studies, prior to the establishment of this Law, shall be that which corresponds to services lent as an Applied Arts and Crafts Teacher.

State teachers mentioned in this paragraph may also teach general studies under the conditions and for such time as may be determined.

3. State teachers who teach languages at the Official Schools shall be categorised as Official Schools of Languages Teachers.

Permanent Teachers and permanent Heads of Studies at the Official Schools of Languages shall be categorised as Official Schools of Languages Teachers.


Official Schools of Languages Teachers may acquire the title of Head of Studies at the Official Schools of Languages under the terms established in sixteenth additional provision.

Such title is recognized as belonging to Heads of Studies at Official Schools of Languages, whatever their administrative situation might be, respecting all financial rights that go with it. Length of service as Head of Studies, prior to the establishment of this Law, shall be that which corresponds to services lent as a Head of Studies.

4. The Government, having previously consulted the Autonomous Communities, shall determine the specialist subjects to which teachers referred to in this provision, must be assigned, as a consequence of that provided therein and the needs derived from academic reorganisation, which shall include areas and subjects to be taught, notwithstanding that provided by article 16, taking into account the specialist subjects which teachers possess qualifications for. Until such determination has been made, selection processes and teaching post transfer examinations shall be accommodated to present specialist subjects.

5. The organisation of state teachers into the new categories created by this provision shall be made, respecting their appointment as teachers. Should a teacher belong to more than one category created herein, the date of his or her first appointment shall be valid.





**Fifteenth.**—1. To be a Music and Scenic Arts Teacher it shall be necessary to possess the qualification of Doctor, Engineer, Architect, Graduate or its equivalent for teaching purposes, over and above having taken the pedagogic materials established in articles 39.3 or 43.1 of this Law, whichever corresponds.

2. To be a Plastic Art and Design Workshop Teacher it shall be necessary to possess a university diploma, be a Technical Architect, Technical Engineer or its equivalent for teaching, and pass the corresponding selection process.

The Government, in agreement with the Autonomous Communities, may establish, for teaching purposes, an equivalent qualification, for certain areas or subjects, as long as appropriate knowledge is guaranteed. Should this be the case, professional experience in the field related to the subject or area may also be required.

3. To be Plastic Arts and Design Teacher, it shall be an essential requisite to be in possession of a qualification for Doctor, Graduate, Architect or its equivalent for teaching, and pass the corresponding selection process.


In the case of particularly relevant areas or subjects for plastic arts and design teaching, the Government, in agreement with the Autonomous Communities, may determine as equivalent qualifications, those of Technical Engineer, Technical Architect or a university diploma for teaching purposes.

4. To be an Official School of Languages Teacher it shall be necessary to be in possession of the qualification pertaining to Doctor, Graduate, Architect, Engineer or their equivalent for teaching purposes, and to pass the corresponding selection process.

5. To become a Music and Scenic Arts Head of Studies that expressed in paragraph four of the sixteenth additional provision shall be valid for mobility of teaching staff.

6. Specialist teachers of music and scenic arts may be contracted by the appropriate Authorities under the conditions regulated by article 33.2 of the Law herein.

7. For advanced music and scenic arts studies, it shall be possible, either on a temporary or a permanent basis, to contract specialist teachers of foreign nationality, under the conditions regulated by article 33.2 of the Law herein. Should the said contraction be of a permanent nature, it shall be



subjected to labour Rights. Moreover, the Government shall establish an honorary title for these advanced studies.

**Sixteenth.**—1. Education Authorities shall facilitate mobility between teaching staffs and acquisition of the title of Head of Studies, in accordance with the regulations established herein.


2. In the entrance examinations for Secondary school teachers and teachers of Plastic Arts and Design fifty percent of places shall be reserved for teachers classified as group B, referred to in current legislation of the State School Teaching. They must be in possession of the qualifications required for entrance into the categories referred to above and also have been teachers for a minimum of eight years.

In the public examinations for teachers, candidates merits shall be valued, among which, apart from academic qualifications, the development of their work and teacher training courses and improvement courses shall be taken into account. Candidate shall be required to take an examination consisting of demonstration and debate of a specialised theme whereby both knowledge of the subject and the didactic pedagogic resources of candidates shall be tested. Those candidates who successfully pass this examination process shall be exempt from the practical phase and shall have preference for choosing their destinations over those applicants who apply on their own accord.

3. To acquire the title of Head of Studies it shall be necessary to have been a specialist teacher for a minimum of eight years, and to be selected from the examinations. In the said public examinations for teachers, candidates merits shall be valued, among which, apart from academic qualifications, the development of their work and teacher training courses and improvement courses shall be taken into account. Candidates shall be required to take an examination consisting of demonstration and debate of a specialised theme, freely chosen by the candidate.

The title of Head of Studies, with its effects, may be personally acquired by thirty percent of each teacher categories and shall be regarded as a specific teaching merit.

4. To be a Music and Scenic Arts Head of Studies it shall be necessary to be in possession of qualifications pertaining to Doctor, Engineer, Architect, Graduate, or their equivalent for teachings purposes, and to have taken the subjects referred to in articles 39.3 and 43.1 of the Law herein, as fitting. It shall also be necessary to pass the examinations which shall be established, in which



teaching experience, other examinations, and being a qualified Music and Scenic Arts Teacher shall be taken into account, the candidate having been a teacher of the same subject under examination for a minimum of eight years.

Those teachers who, although in possession of the previously mentioned qualification, are not Music and Scenic Arts Teachers may also be categorised a Music and Scenic Arts Head of Studies by means of a selection process. A percentage of teaching places may be reserved to this end.

5. The Government, in agreement with the Autonomous Communities with full powers, shall establish the conditions leading to the title of Head of Studies of Music and Scenic Arts, through a public examination of merits, for persons of recognized prestige in their respective professional fields.

6. Teachers referred to in this Law herein may, moreover, be categorised as the same group and level without limitation of years of service and without loss, if necessary, of the title of Head of Studies, so long as they possess the right qualifications and pass the corresponding selection process. To this effect teaching experience and examinations taken previously shall be taken into account and these teachers shall be exempt from the practical teaching phase.

These state teachers shall have priority of destination over those other teachers who —on their own accord or by some means provided herein— shall have priority in choosing their destination.

7. Education Authorities shall reach agreements with the universities to facilitate the incorporation into university departments, of teachers categorised in the Law herein.

**Seventeenth.**—1. The preservation, maintenance security of second cycle infant, primary or special education school buildings dependant upon the Education Authorities, shall be the responsibility of the respective Town Council. However, the said buildings may not be destined for other services or ends without previous authorisation from the corresponding Education Authority.

2. When the State or the Autonomous Communities must, for school needs, turn buildings belonging to the Town Council which were pre-school, basic general education or special education schools, into buildings dependent upon the Education Authorities, for secondary or vocational training studies, they will assume the expenses of the Town council, in accordance with the provisions in force, without prejudice to the that which the respective Town Councils may possess.



3. Town Councils shall cooperate with Education Authorities regarding obtention of necessary sites for the construction of new teaching centres.

4. Transfer of land provided for in article 83.3 of the Law governing Land and Urban Planning for basic general education schools shall be understood to refer to basic education contained in article 5 of the Law herein.

5. Education Authorities may establish agreements for co-operation with local Bodies for special education studies. The said agreements may consist of specific collaboration in schools of music and dance where studies do not lead to the obtention of any academically valid qualifications.

6. Education Authorities shall establish the procedure for the use of schools which depend upon them, on behalf of Town Council authorities, outside of normal teaching time, for educational, cultural, sports activities, or any others of a social nature. The said use shall be singularly subject to the needs derived from the programming of the activities of the said schools.

**Eighteenth.**—The Government shall approved a National Plan for the Investigation of employment market needs, which shall include a Qualification Programme for people who are looking for work, which shall verify the professional capacity of citizens, and a Permanent Observation Programme for the development of occupations, which shall allow us to become aware of qualitative and quantitative training needs. Both Education and Employment/labour Authorities shall collaborate in the development and execution of the said National Plan.

**Nineteenth.**—Specialised Tourism studies shall continued to be regulated by their specific standards.



# **TRANSITORY PROVISIONS**

**First.**—Schools which presently take children less than six years old and which are not authorised as pre-school schools shall be given the period of time, to be determined, to adapt themselves to the minimum requirements which shall be established for infant schools.

2. *Notwithstanding that stated in the preceding paragraph*, private pre-school centres which do not have final authorisation or classification may obtain it by subjecting themselves to the specific rules prior to this Law until such time as minimum requisites corresponding to infant schools have been approved.

3. Private general basic education or special education schools, which do not have final authorisation or classification, shall have five years to make the necessary adaptations and, subjecting themselves to the specific rules prior to this Law, may obtain them or may accommodate themselves to the minimum requisites established for primary schools, according to which the pertinent adaptations shall be made before or after the said minimum requisites have been legally approved.

4. Private bachillerato or vocational training schools, currently classified as free or able shall have five years to make the necessary adaptations for them to be considered validated, subject to the Laws prior to the Law herein or to accommodate themselves to the minimum requisites to be established for the respective schools, according to which pertinent adaptations shall be made before or after the said minimum requisites have been legally approved.

5. The private schools referred to in the second, third and fourth paragraphs of the transitory provision herein, during their respective periods of time, may exclusively teach educational levels or grades currently being taught, up until their extinction and the subjects indicated in the eighth, two supplementary provision for the appropriate authorised school.

6. Subsequent to the said periods of time established in this transitory provision, the schools referred to herein which have not made the necessary adaptations, shall cease to be regarded as authorised schools for the teaching of subjects as understood by the Law herein.

**Second.**—1. During the period of time established by the Government, in agreement with the Autonomous Communities and under the conditions laid down by the same, authorised private schools referred to in paragraph 1 of the eighth supplementary provision may, in exceptional circumstances, and for educational needs, teach the following levels:



- a) Basic general education schools: first cycle of statutory secondary education.
- b) First level vocational training colleges: second cycle of statutory secondary education.

2. Should authorisation be granted to private schools to teach the educational levels referred to in the preceding paragraph, it shall be of a provisional nature and granted at the request of one party. In the said authorisation the educational level to be taught and the number of units or school places shall be stated, which in some way shall be greater than those presently authorised.

**Third.**—1. At the same time as the first year of statutory secondary education is put into practice, the current educational arrangements of private general basic education schools shall be automatically modified to exclusively teach primary education, with the corresponding decrease in number of units.

2. Private schools for basic general education, with agreements with the State, which have already received authorisation, when the first year of statutory secondary education is put into practice, to teach the two cycles of the said stage, shall sign an agreement under the conditions provided by the Laws in force for statutory secondary education. The agreement shall become valid in accordance with the time-table approved for the introduction of the educational stage referred to herein.

3. Private schools for basic general education, with agreements with the State which, according to that provided in the second transitory provision herein, have been temporarily authorised to teach the first cycle of statutory secondary education, shall sign an agreement for the said authorised cycle. The agreement shall be for the duration of a year, extendible for one further year, whilst authorisation is maintained.

4. Private schools with State agreements, which teach first level vocational training and which, at the time of the introduction of the third year of statutory secondary education were temporarily authorised, according to that provided in the second transitory provision herein, to teach the second cycle of this stage, shall sign an agreement for authorised educational levels which shall progressively substitute the current agreement. The new agreement shall have an initial duration of two years, extendible year by year, as long as authorisation is maintained.

5. Private schools which teach second level vocational training and which, when the new Bachillerato was introduced, were authorised

to teach this educational level, may modify the single agreement in force, in accordance with the time-table for introduction of new educational stages.

6. Agreements regarding intermediate and advanced grade cycles may be signed with those vocational training colleges which, when the Law herein comes into force, have agreements for the first or second level of present vocational training. The said agreements shall be established, according to the basic regulations laid down by the Government, in agreement with the Autonomous Communities, in which that established in Title IV of the Organic Regulating Law for the Right to Education, with regard to teaching staff, may be adapted to the characteristics of vocational training staff provided by the Law herein.

7. Schools which presently teach bachillerato according to law or rule of old subsidiary sections, shall pay heed, with regard to educational agreements, to that established in paragraphs four and five herein. For this end they may be authorised according to the conditions referred to in paragraph 1 b), of the second transitory provision, to teach the second cycle of statutory secondary education.

8. Private schools, referred to in paragraphs four, five, six and seven herein shall not be able to sign agreements for the educational stages mentioned in the said paragraphs, which together consist of a higher number of units than each schools had agreed to when the Law herein comes into force, unless they request them for obligatory education, in which case they shall come under general agreement regulations.

9. Private special education schools which presently have agreements with the State, shall adapt these agreements to the new educational system provided by the Law herein, under the conditions to be established.

**Fourth.**—1. Teachers of basic general education categorised as Primary School Teachers herein, who offer their services for the first cycle of statutory secondary education, may continue in the said cycle indefinitely. Should these teachers become Secondary School Teachers in accordance with that provided by the sixteenth supplementary provision, they may stay there under the terms to be established.

2. During the first ten years of legal effect, vacancies for the first cycle of statutory secondary education shall continued to be offered to Primary School teachers, who fulfil the specialisation requisites established.

3. Once the term referred to in the preceding paragraph is over, state Primary School Teachers who are teaching the first cycle of statutory

secondary education may continue to take up vacancies at infant and primary school levels. In order for mobility to exist for these teachers in the first cycle of statutory secondary education, and for this cycle to be taught by present basic general education teachers and for those who become Primary School Teachers in virtue of that established in paragraph 4 herein, a sufficient percentage of vacancies which come up for this cycle shall be reserved for them.

4. Up until 1996, transfer vacancies resulting from the transfer examination/selection process in the first cycle of statutory secondary education shall be included in the offer of state employment for Primary School Teachers.

**Fifth.**—1. Exceptionally, the first selection process to be held for acquisition of the title of Head of Studies shall consist of judging the merits of teachers who possess the general requisites established in the sixteenth supplementary provision of the Law herein.

2. The first three examination processes for entry to state teaching, to be held after the Law herein has been approved, shall consist of a selection process which assesses knowledge of the syllabus to be taught by aspiring candidates and their didactic and pedagogic resources, as well as academic qualifications. Preference shall be given to those teachers who have taught in state schools. Detailed and overall assessment of the requisites herein-stated shall affect the selection of candidates.

3. Those who do not have the specific qualification required by the Law herein may present themselves to the first three selection processes for Primary School teaching if they hold state teaching posts, of a temporary nature in the body of E. G. B. Teachers or are speech therapists, with personal contracts in E. G. B. schools, in accordance with the requisites demanded by the previous Laws.

Equally, for the same amount of time, those who lack the general qualifications established for entry, and independently from the equivalents to be determined by the Government, may present themselves for entry into the other categories created by the Law herein, if they have been temporary state teachers for a minimum period of three academic years, and continue to be so in the categories they aspire to, when this Law comes into effect.

**Sixth.**—Teaching staff in schools which, in accordance with the processes provided in Law 14/1983 of 14th July, of the Catalanian Parliament, and in Law 10/1988, of 29th June, of the Basque Parliament were integrated or became integrated into the network of state schools dependent upon the respective education Authorities, may become State Teachers by means of specific



selective examinations held by Education Authorities, with previous regulation by their respective Parliaments.

2. People who, under the protection of that provided in the preceding paragraph, acquire the title of state teacher, shall have their services fully recognized in the state school network.

3. Entry procedures referred to herein shall only apply for three years as from the moment when the Law hereto comes into legal effect.

**Seventh.**—Until such time as the educational levels provided by the Law herein are introduced, teaching categories created by the same shall continue to teach those levels which presently correspond to each separate category, now integrated.


**Eighth.**—That which is established in the Law herein with regard to qualification requirements for teaching different educational levels shall not affect the teaching staff who are teaching in private schools, in virtue of that provided by present laws regarding occupied teaching posts.

When the Law herein comes into effect vacant teaching posts must be covered by teachers who possess the established requisites. However, until 1997, vacancies for the first cycle of statutory secondary education may continue to be filled by Primary School Teachers.

**Ninth.**—1. Teachers referred to in tenth 1 and the fourteenth 1, 2 and 3 supplementary provisions of the Law herein, where retirement applies, may opt for voluntary retirement during the period between 1991 and 1996 inclusive, as long as they possess each and every one of the following requisites:

- a) They were actively teaching on January 1st 1990 and remain uninterruptedly in the said situation, and from the said date, in posts belonging to the corresponding school teaching staffs.
- b) They are sixty years of age or older.
- c) They have been a state teacher for fifteen years.

Age and service requirements as laid down by the preceding paragraph must have been fulfilled by the date of retirement, which shall be 31st August of the year in which it is applied for. Application must be made to the corresponding retirement committee within the first two months of the year in which voluntary retirement is requested.



Equally, in exceptional cases, state Inspectors, belonging to the service of Educational Administration and School Directors of primary education, and those belonging to bodies of inspectors referred to in the fifteen supplementary provision of Law 30/1984, of 2nd August, Measures for Reform of State Teaching, modified by Law 23/1988, of 28th July, as long as in all cases the previous requisites are met, except that referring to teachings staff posts, may opt for retirement.

2. The state pension shall be the result of applying the percentage corresponding to the sum of years of service to the State which, in accordance with the legislation on Retirement, shall be accredited to the teacher at the moment of voluntary retirement and for the period of time up until he or she is sixty five years of age.


The said period of time shall take into account the effects of application of the nineteenth supplementary provision of Law 33/1987, of 23rd December, General State Budgets for 1988, but on no account shall the special payment resulting from the said provision, accumulated for the said period of time, be greater than that for five years.

That provided by preceding paragraphs shall be extended without prejudice to that established, at any time, on the subject of a limited maximum for state pensions.

3. Given the voluntary nature of the retirement regulated by this transitory provision herein, that established in the first transitory provision of the Refounded Text of State Retirement Law shall not apply.

4. Teachers who retire voluntarily in accordance with that provided by the Law herein, who at the time of retirement have given at least twenty eight years service to the State, may be eligible, once only, to receive, in addition to their last monthly payment, an extraordinary payment for the sum and conditions established by the Government at the proposal of the Ministry of the Economy, initiated by the Ministry of Education and Science, depending on the age of the teacher, years of service and complementary retributions of a general nature established for the Body they belong to. The amount of the extraordinary payment may not, in any case, be higher than the amount equivalent to 25 minimum interprofessional monthly payments.

5. State teachers referred to by the Law herein, who are part of the social security system or provisions other than State Retirement, may equally be eligible for extraordinary payments herein established, in agreement with that



provided in number 4 of the transitory provision herein, as long as they voluntarily *end their service to the State, voluntarily retiring or renouncing their condition* as state teacher and who meet the requisites demanded by numbers 1 to 4 of the same, except that belonging to regulations governing State Retirement. In this case, the amount of the extraordinary payment may, under no circumstances, be greater the amount equivalent to 50 monthly payments of minimum interprofessional salary.

Retirement or self dismissal of state teachers referred to in the preceding paragraph shall not imply any modification to applicable rules, for the effect of loans, in accordance with their legal situation.

6. The General Control of Personnel and State Pension Costs of the Ministry of the Economy and Tax shall be empowered to dictate the instructions which, with regard to state retirement pensions, may be necessary for the exercise of that provided by the Law herein.





# **FINAL PROVISIONS**

**First.**—The Law herein shall regulate under the protection of paragraphs 1, 18, 30 of article 149.1 of the Spanish Constitution.

2. The Autonomous Communities with recognised powers from their respective Statutes of Autonomy or, if it be the case, in the corresponding organic laws of transference of powers, may develop the present Law. However, exception shall be made for those subjects the regulation of which the Law herein empowers to the Government or those subjects which, by their very nature are regulated by the State, in accordance with the provisions contained in the first supplementary provision of Organic Law 3/1985, of 8th July, regulator of the Right to Education.

**Second.**—All references contained in the Law herein to Autonomous Communities or to Education Authorities shall be understood to refer to those found to be in full exercise of their educational capacities.

**Third.**—The precepts contained in the First and Fifth Title; articles 12, 13, 14, 17, 18, 19, 20, 23, 29.2 and 58.4; the fourth, fifth, sixth and twelfth supplementary provisions; and third transitory provision and the fourth final provisions of the Law herein, in addition to this third final provision, shall possess the character of organic law.

**Fourth.**—1. The following shall be annulled:

The precepts of Law 14/1970, of 4th August, General Education and Financing of the Educational Reform, not totally or partially annulled by Organic Law 5/1980, of 19th June, by which the School Statutes are regulated, as well as by Organic Law 11/1983, of 25th August, of University Reform, and Organic Law 8/1985, of 3rd July, regulator of the Right to Education, except for the following articles: 10, 11.3, 137, which have not been modified by subsequent laws, and 144; and the fourth and fifth supplementary provisions which have not been modified by subsequent laws and are not in opposition to the Law herein.

The Law of 20th December 1952, of Teaching Staff of Arts and Crafts Schools.

The Law of 15th July 1954, on legal protection and credit facilities for the construction of new school buildings.

The Law of 16th December 1954, by which the Central Inspector of Arts and Crafts Schools was created.

Law 32/1974, of 18th November, which modified teaching staff and names of teaching personnel at Music and Conservatoriums.



Law 9/1976, of 8th April, regarding the staff of the permanent Headteachers and Supplementary Bachillerato Teachers.

Article 3, first and fifth paragraph, 1 and 2; and the first and second supplementary provisions of Law 29/1981, of 24th June, classifying the Official Schools of Languages and extending teaching staffs.

The contents of the four dashes of the second paragraph of clause 2 of the fifteenth supplementary provision of Law 30/1984, of 2nd August, of the Measures for the Reform of State Teaching, according to the reading of Law 23/1988, of 28th July, when the Law herein is opposed.

Article 39.7 of Law 37/1988, of 8th December, of General State Budgets for 1989, when the Law herein is opposed.

2. All other Laws of equal or inferior importance, which oppose the Law herein are annulled.

3. Articles forty, forty one point one f) and forty four of Organic Law 8/1985, of 3rd July, regulator of the Right to Education, are hereinafter modified when they oppose the Law herein.

4. Law 30/1974, of 24th July, regarding aptitude tests for access to Faculties, Advanced Technical Schools, University Colleges and University Schools, and Law 19/1979, of 3rd October, regarding knowledge of the Constitutional Regulation in Bachillerato and First Grade Vocational Training shall continue to be valid.

5. Also valid as laws of a regulatory nature shall be all those other provisions, whatever their range, which regulate materials that are objects of the Law herein and do not oppose the same, an exception being the Organic Law 8/1985, of 3rd July, regulator of the Right to Education and Law 12/1987, of 2nd July, regarding the establishment of free Bachillerato, Vocational Training and Applied Arts and Crafts teaching in State schools and the independence of economic control of state schools, not universities, which shall continue in force with the modifications derived from the Law herein.

6. The regulating laws referred to in the two preceding paragraphs shall be annulled once the provisions stated in development of the Law herein come into force.



In witness whereof,

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, 3rd October 1990.

**JUAN CARLOS R.**

President of Government,  
**FELIPE GONZÁLEZ MÁRQUEZ**







