

# CASE STUDY: ACTION PROCEDURE OF THE CENTRE AND THE EDUCATION ADMINISTRATION ON THE PERMANENCE OF AN EXTRA YEAR IN PRIMARY EDUCATION

**María M. García García**

Inspectora de Comunidad Autónoma de Valencia

## **Abstract**

Analysis and resolution by the educational inspection of a case of permanence of one more year in an elementary school course.

## **Keywords**

Educational inspection, elementary school, grade repetition, administrative procedure, schools

## **INTRODUCTION**

We are facing with a new casuistry due to the application, during the 2022-2023 academic year, of the new Royal Decree 157/2022, of 1 March, which establishes the organisation and minimum teachings of Primary Education and, consequently, of Decree 106/2022, of 5 August, of the Council, on the organisation and curriculum of the Primary Education stage for the Valencian Community.

However, the participation of parents in the teaching-learning process of their children is clearly visible in the existing education laws in our country and is thus made clear as a principle of the LOE expressed in article 1.h. bis: "The recognition of the role that corresponds to parents and legal guardians as those primarily responsible for the education of their children".

It is important to note that, as we already know, Organic Law 3/2020, of 29 December, which modifies Organic Law 2/2006, of 3 May, on Education, comes into force in January 2021, but the implementation of the modifications contemplated therein is expected to be staggered over three years. In the case study in question, as can be seen below, the decision to continue with Primary Education for one more academic year takes place in the academic year 2021-2022. During this academic year, the following modifications come into force:

- a) Evaluation and promotion conditions for the different educational stages.
- b) Conditions for the award of Compulsory Secondary Education, basic level vocational training and Baccalaureate.
- c) The qualification of the professional teaching of music and dance.
- d) The conditions of access to the different courses.

In this case study, point (a) is the one we are dealing with.

Similarly, and as a notable part of this case study, the development of the specific reinforcement plan must be developed and carried out during the 2022-2023 academic year, in accordance with Royal Decree 157/2022, of 1 March, which establishes the organisation and minimum teaching requirements for Primary Education, and which comes into force in the 2022-2023 academic year.

It should be noted before we go into the development of the case that the second transitional provision of RD 157/2022, of 1 March, which establishes the organisation and minimum teaching of Primary Education. As for the applicability of Royal Decree 984/2021, of 16 November, which regulates assessment and promotion in Primary Education, as well as assessment, promotion and qualifications in Compulsory Secondary Education, Baccalaureate and Vocational Training, it should be noted that it will apply to the second, fourth and sixth years of Primary Education during the 2022-

2023 academic year.

Based on the new regulation established by the law and taking into consideration the aforementioned transitional provision, as well as the regulations of the Valencian Community, I will develop the case study in question.

## **SUMMARY**

This education inspector receives a request for advice from the director of an educational centre regarding a mother's request to know the pedagogical proposal and, consequently, the reinforcement work plan for her son, who remains in the fourth year of Primary Education for another year by collegiate decision of the teaching team.

In this case study, and in the light of the request received, the aim is twofold:

- Advise the management team on how to proceed when the child's family requests to know the specific support plan.
- To look after the rights of the pupil and the family in the matter at hand.

In view of the casuistry in which we find ourselves, the inspector who writes this case study will take the opportunity to supervise the documentation required by the regulation in the case of the permanence of one more year in Primary Education, as well as the curricular specification, the pedagogical proposal and the classroom programme that the pupil will develop during the academic year in accordance with the principle of pedagogical autonomy of the educational centre.

As can be seen, this is a case study in which no report is requested from the Education Inspectorate or any other action other than a report from the

Education Inspectorate:

- Advise, guide, and inform the different sectors of the educational community in the exercise of their rights and in the fulfilment of their obligations. In accordance with article 151.f. of the functions of educational inspection in Organic Law 2/2006, of 3 May, on Education, as amended by Organic Law 3/2020, of 29 December.

Bearing in mind that in the Valencian Community this function is also reflected in Article 3.f. of Decree 80/2017, of 23 June, of the Council, which regulates the action, functioning and organisation of the education inspectorate of the Valencian Community.

## BACKGROUND

On 20 September 2022, a written request was received from the Pre-school and Primary School Management on advice regarding the case of a request from a child's family to know the specific support plan to be developed during the academic year., as indicated to the family at the end-of-year informative meeting regarding the notification of their child's continuation for another year in the fourth year of Primary Education.

## FACTS

- 1.- Decision of the teaching team that the pupil in question should remain in the fourth year of Primary Education for one more year.
- 2.- Request by the child's family to be informed of the specific support plan to be developed during the current academic year.
- 3.- Request by the head teacher of the educational centre for advice on the action to be taken with regard to the aforementioned matter.

## ACTIONS

The actions are focused, as explained in the functions and powers of the Education Inspectorate, on providing the head teacher with a response to the case in question. As well as the verification of the curricular specification, pedagogical proposal, and classroom programme to be developed during the current academic year.

However, it is necessary to carry out common actions prior to any case that requires them, and which are included in the General Annual Action Plan of the Education Inspectorate, such as:

- Monitoring compliance with regulations.
- Supervision of the documentation required from the educational centre.
- Analysis and assessment of the same.

The actions to be carried out in this case study are as follows:

1.- The inspector asks the director:

- The request made by the mother to the school.
- The socio-psycho-pedagogical measures taken in the academic year 2021- 2022 in relation to this pupil.
- The collegiate minutes of the teaching team that took place at the end of the academic year 2021- 2022, on the decision to remain one more year in the fourth year of Primary Education.
- Minutes of the meeting held with the family, by the child's tutor, with the aim of informing them of the decision taken by the teaching team and the consequences of the same.
- Report on the degree of acquisition of the competences of each pupil, indicating, where appropriate, the reinforcement measures to

be considered in the following cycle.

- Minutes of the meeting at the beginning of the academic year 2022-2023 with the child's family to inform them of the specific reinforcement plan to be developed.

2.- Supervision of the curricular specification, pedagogical proposal and specific reinforcement plan.

3.- Visit to the educational centre:

- If the documentary review has left aspects to be clarified, the interested parties will be asked to resolve them.
- Provide appropriate advice to the management team on the basis of the findings of the monitoring.

4.- Monitoring and evaluation:

- Request the documentation that has been sent to the family in response to their request.
- Ask the school management for a brief report on the actions carried out in this area.
- At the end of the academic year, the inspector will request a meeting with the school management and the head of studies to reinforce the aspects of the counselling carried out at the beginning of the academic year.

## **APPLICABLE LEGISLATION**

- Organic Law 8/1985, of 3 July 1985, regulating the Right to Education.
- Organic Law 3/2020, of 29 December, amending Organic Law 2/2006, of 3 May, on Education.
- Royal Decree 157/2022 of 1 March establishing the organisation and minimum teaching of Primary Education.
- Royal Decree 984/2021, of 16 November, which regulates assessment and promotion in Primary Education, as well as assessment, promotion and qualifications in Compulsory Secondary Education, Baccalaureate and Vocational Training.
- Decree 106/2022, of 5 August, of the Council, on the organisation and curriculum of the Primary Education stage.
- Decree 104/2018, of 27 July, of the Council, which develops the principles of equity and inclusion in the Valencian education system.
- Order 20/2019, of 30 April, of the Regional Ministry of Education, Research, Culture and Sport, which regulates the organisation of the educational response for the inclusion of students in publicly funded schools in the Valencian education system.
- Order 17/2019, of 16 April, of the Regional Ministry of Education, Research, Culture and Sport, by which the actions, functioning and organisation of the education inspectorate of the Valencian Community are developed.
- Decree 80/2017, of 23 June, of the Council, which regulates the action, operation, and organisation of the education inspectorate of the Valencian

Community.

-Decree 39/2008, of 4 April, of the Council, on coexistence in non-university educational centres supported with public funds and on the rights and duties of students, parents, tutors, teachers, and administrative and service staff.

## ANALYSIS AND ASSESSMENT

1.- With regard to the request made by the mother, a response should be given in accordance with the following:

- The first final provision of Organic Law 3/2020, of 29 December, which modifies article 4 of Organic Law 8/1985, of 3 July, regulating the Right to Education, and which is worded as follows:

*1. Parents or guardians, in relation to the education of their children or wards, have the following rights:*

*a) To receive an education, with the maximum guarantee of quality, in accordance with the aims established in the Constitution, in the corresponding Statute of Autonomy and in educational laws.*

*d) To be informed about their children's learning progress and socio-educational integration.*

*e) To participate in the teaching and learning process of their children.*

*g) To be heard in decisions affecting the academic and vocational guidance of their children.*

*2. Likewise, as those primarily responsible for the education of their children or wards, it is incumbent upon them:*

*a) Take the necessary measures, or request the corresponding help in case of difficulty, to ensure that their children or wards attend compulsory education and attend classes regularly.*



- c) *Encourage them to carry out the study activities assigned to them.*
- d) *Actively participate in the activities that are established by virtue of the educational commitments that the centres establish with families, in order to improve their children's performance.*
- e) *To know, participate in and support the evolution of their educational process, in collaboration with teachers and centres.*

- In accordance with article 5 of Royal Decree 984/2021, of 16 November, which regulates assessment and promotion in Primary Education, as well as assessment, promotion and qualifications in Compulsory Secondary Education, the Baccalaureate and Vocational Training, in which the participation and right to information of mothers, fathers or legal guardians is expressed. "When students are minors, their mothers, fathers or legal guardians must participate and support the evolution of their educational process. They shall also have the right to know the decisions regarding their assessment and promotion and shall collaborate in the support or reinforcement measures adopted by the centres to facilitate their educational progress".
- Likewise, and in accordance with article 8.2 of Royal Decree 984/2021, of 16 November, which states that, "in the context of this continuous assessment process, when the progress of a pupil is not adequate, educational reinforcement measures will be established. These measures must be adopted as soon as difficulties are detected, with special monitoring of the situation of pupils with special educational needs and will be aimed at guaranteeing the acquisition of the learning that is essential to continue the educational process, with the support that each pupil requires". The school must have carried out the aforementioned measures, therefore, the school must comply with the mother's request and inform her of the measures that have been taken in this regard.

- In accordance with article 9.3 which states: "If in any case and after having applied sufficient, appropriate and personalised ordinary measures to deal with the curricular gap or learning difficulties of the pupil, the teaching team considers that remaining in the same year in the same year is the most appropriate measure to favour their development, the aforementioned team will organise a specific reinforcement plan so that, during that year, they can achieve the degree of acquisition of the corresponding competences", the school must provide the mother with the specific reinforcement plan she requests, responding to her request.

2.- The educational centre must attend to the family's request taking into consideration:

- Article 71.4 of the LOE, which refers to the specific needs of pupils: "It is the responsibility of the education authorities to guarantee the schooling, regulate and ensure the participation of parents or guardians in decisions affecting the schooling and educational processes of these pupils. It is also up to them to adopt the appropriate measures so that the parents of these pupils receive the appropriate individualised advice, as well as the necessary information to help them in the education of their children", and therefore they must facilitate and communicate the specific reinforcement plan that the mother requests at the educational centre.
- In application of the provisions of article 20.3 of Organic Law 2/2006, of 3 May, on Education, the second and fourth-year tutors will issue a report at the end of the academic year on the degree of acquisition of the competences of each pupil, indicating, where appropriate, the reinforcement measures to be considered in the

following cycle. Document that the mother must have in compliance with the information that parents and/or legal guardians must receive about the teaching and learning process of their child, providing a reliable record of the competences that the child has acquired and the reinforcement measures to be applied in the following year.

- The school must respond to the family, providing them with the required documentation, in application of article 50.c of Decree 39/2008, which explicitly states that "parents and/or legal guardians have the right to participate in the teaching and learning process of their children, without detriment to the competences and responsibilities that correspond to other members of the educational community". In relation to Article 50.d, which expresses the right to know the procedures established by the educational centre for appropriate collaboration with it, and in Article 50.c, which expresses the right to know the procedures established by the educational centre for appropriate collaboration with it.

50.e which states the right to be informed about the learning progress and socio-educational integration of their children.

- It will respond to the mother's request in accordance with Article 15.6 of Decree 106/2022, of 5 August, of the Council, on the organisation and curriculum of the Primary Education stage, which specifies that "schools will promote educational commitments with the families or legal guardians of their pupils, in which the activities that the members of the educational community undertake to carry out to facilitate the academic progress of the pupils are set out".

3.- In the request for documentation from the educational centre made by the Education Inspectorate:

- In accordance with article 8.5 of Royal Decree 984/2021, of 16 November, which specifies that, regardless of the monitoring carried out throughout the academic year, the teaching team will carry out the assessment of the students in a collegiate manner in a single session that will take place at the end of the academic year. The centre must have held the teaching team meeting to assess the acquisition of the competences acquired by the child and have the collegiate minutes. Therefore, the head of the centre is asked to provide this documentation and to supervise whether it complies with the requirements established in this Royal Decree.
- Similarly, and on the basis of article 9 on promotion of the same RD. The teaching team will adopt the corresponding decisions on the promotion of students in a collegiate manner, considering the criteria of the tutor. In any case, decisions on promotion will be taken at the end of the second, fourth and sixth years, and promotion will be automatic for the rest of the years of the stage. Thus, the centre must have held the ordinary evaluation session at the end of the 2021-2022 academic year and, consequently, must have the collegiate minutes of the same.
- Considering article 9.3 of Royal Decree 984/2021, of 16 November, which states that if in any case and after having applied sufficient, appropriate and personalised ordinary measures to address the curricular gap or the student's learning difficulties, the teaching team considers that staying on for another year in the same year is the most appropriate measure to favour their development, the aforementioned team will organise a specific reinforcement plan so that, during that year, they can achieve the degree of acquisition of the corresponding competences. This decision may only be adopted once during the stage and shall, in any case, be exceptional.

In view of the above, the educational centre must have the pupil's specific reinforcement plan and must therefore communicate it to the mother so that she is aware of it.

- In application of the provisions of Article 20.3 of Organic Law 3/2020, of 29 December, which modifies Organic Law 2/2006, of 3 May, on Education, at the end of the academic year, second and fourth-year tutors will issue a report on the degree of acquisition of the competences of each pupil, indicating, where appropriate, the reinforcement measures to be considered in the following cycle. Therefore, the aforementioned report will be requested from the centre for its contribution and the existence of the reinforcement measures to be applied in the academic year 2022-2023 will be verified by the education inspectorate.
- The specific reinforcement plan will be requested from the educational centre, and it will be verified that the document contains the aspects stipulated in article 43.4 of Decree 106/2022, of 5 August, of the Council, on the organisation and curriculum of the Primary Education stage. At into account the aspects following aspects:
  - a) To increase the levels of school success of students who remain in the same year in the same course.
  - b) To prevent and act on the specific difficulties they present and favour the improvement of their performance.
  - c) To improve their school prospects by reinforcing their self-esteem through improvement in the different areas of the curriculum.
  - d) To contribute to the attainment of key competences, especially in comprehension, expression and problem solving.
  - e) To involve the family in the improvement of the learning process.

- In accordance with the provisions of article 8.2 of Decree 106/2022, of 5 August, of the Council, on the organisation and curriculum of the Primary Education stage. In our autonomous region, in accordance with the provisions of Royal Decree 157/2022, which includes the minimum teachings that are determined, the educational centres, using the autonomy they have, have to develop, and complete the Primary Education curriculum established by this decree, a specification that has to form part of the educational project. Therefore, I will ask the educational centre for the curricular specification, which will form part of the pedagogical proposal for each cycle, which the centre must have for the 2022-2023 school year in accordance with the LOMLOE application calendar.

The article 22.3 of the same Decree makes it clear that schools must develop, complete, adapt and specify the curriculum established in this Decree, adapting it to the personal characteristics of each pupil, as well as to their socio-educational reality.

As mentioned above, these agreements must form part of the pedagogical proposal for each cycle, which must be included in the school's curriculum.

- At the same time that the centre's performance is supervised, and at the centre's request, a supervision of the curricular specification that the centre must have will also be carried out, in accordance with article 11.4 of Royal Decree 157/2022, of 1 March, which establishes the organisation and minimum teachings of Primary Education, which specifies that schools, in the use of their autonomy, will develop and complete, where appropriate, the Primary Education curriculum established by the educational administrations, a specification that will form part of the educational project.

- In the Valencian Community, Decree 104/2018, of 27 July, of the Valencian Council, which develops the principles of equity and inclusion in the Valencian education system, must be taken into account.

Tal como queda de manifiesto, este decreto es la oportunidad que tiene el sistema educativo valenciano para avanzar hacia este nuevo paradigma y se enmarca dentro del Plan Valenciano de Inclusión y Cohesión Social 2017-2022, marco de referencia de las políticas inclusivas de la Generalitat, que responde a la firme decisión, voluntad y compromiso político del Consell de consolidar un modelo de políticas sociales basadas en el respeto a la dignidad humana y a sus derechos fundamentales a lo largo de todo su ciclo vital, que asegure su protección social, dé respuesta a las necesidades derivadas de las situaciones de vulnerabilidad, precariedad, pobreza y exclusión social, y favorezca el derecho al desarrollo pleno y en verdaderas condiciones de igualdad de todas las personas.

According to article 7.1 "The competent regional ministry for education must guarantee that families receive the necessary information and individualised advice, and that they participate in decisions affecting the schooling of their daughters or sons in accordance with the organic and functional regulations in force and the regulations in force that regulate, organise and give powers to the school council of the centre and the municipal school council", we must ask the centre for the measures applied to meet the needs of the pupil in order to meet the family's request based on the levels of response to inclusion determined in this same decree.

Similarly, and in accordance with article 7.2, "schools will specify and organise, within their educational project and the action plan for improvement (PAM), the measures to make this participation effective, which must be adjusted to the needs, characteristics and diversity of

families and to the reality of the school and the social and cultural environment, without neglecting in particular the attention to families in situations of greater vulnerability".

By virtue of the same Decree and in accordance with article 12.2.e, which specifies that one of the actions to be carried out are: complementary educational measures for students who remain one more year in the same year, we will request these measures from the centre, and we will check that they are in accordance with the regulations.

- In accordance with Order 20/2019, of 30 April, of the Regional Ministry of Education, Research, Culture and Sport, which regulates the organisation of the educational response for the inclusion of students in publicly funded educational centres of the Valencian educational system, the educational centre must apply, as a measure of flexibility in the beginning or duration of the educational stages, that which is determined in article 30: "Permanence of one more year in the same course". On the basis of this measure, applied by the educational centre during the previous academic year, the Education Inspectorate checks all of the aforementioned.

## **MONITORING AND EVALUATION**

It should be borne in mind that, in our Valencian Community, our own regulations have been developed with regard to the organisation and curriculum of Primary Education, so it is worth highlighting:

- 1.- The actions carried out by the educational centre in relation to the family's request will be monitored in accordance with article 20.8 of Decree 106/2022, of 5 August, of the Council, on the organisation and curriculum of the Primary Education stage, in which it is stated that the tutor must carry out individual and collective interviews to ensure appropriate monitoring of the pupils and the transfer of appropriate information to the parents or legal



guardians.

2.- In accordance with article 22.7 of Decree 106/2022, of 5 August, of the Council of Education, on the organisation and curriculum of the Primary Education stage, the Education Inspectorate must advise, supervise, and monitor the curricular specification of the centre, through the pedagogical proposals of the cycle and the classroom programmes, in accordance with the action plans determined by the Education Administration.

3.- As a school inspector, I must be aware of the importance we have in advising, guiding, and informing the school and in the case in question, specifically, article 32.2 of Decree 106/2022, of 5 August, of the Council, on the organisation and curriculum of the Primary Education stage, clearly states the main theme.

*At the beginning of each school year, the school management must guarantee the publicity of the assessment and promotion criteria established in the curricular specification set by the school, without prejudice to the responsibility of each teacher to inform pupils and families or legal representatives about the content of the classroom programme, the reinforcement plans, and the grading criteria.*

4.- Once the documentation requested from the centre has been supervised and, in the meeting, held with the management team during the visit to the educational centre, the importance and the duty of parents and/or legal guardians to participate in the teaching-learning process of the child will be verbally stated. This is stated in Article 44 of Decree 106/2022, of 5 August, of the Council, on the organisation and curriculum of the Primary Education stage:

*1. Parents and legal guardians must participate in and support the*

*evolution of the educational process of their children and collaborate in the support or reinforcement measures adopted by the centres to facilitate their progress. Furthermore, they must have the right to know the decisions regarding their assessment and promotion, as well as access to the official assessment documents and to the tests and documents of the assessments carried out on their sons, daughters, wards or guardians, without prejudice to respect for the guarantees established in Organic Law 3/2018, of 5 December, on the protection of personal data and guarantee of digital rights, and any other applicable regulations on the protection of data of a personal nature.*

2. *Educational centres, especially management teams and tutorials, must establish the necessary means to facilitate this participation and the right to receive information in an accessible format, adjusting to the characteristics and needs of each family.*

5.- At the end of the academic year, the inspector will request a meeting with the school management and the head of studies to reinforce the aspects of the assessment carried out at the beginning of the academic year and to guarantee the compliance with Article 15.3. of Royal Decree 157/2022, of 1 March, which establishes the organisation and minimum teachings of Primary Education, "If in any case and after having applied sufficient, appropriate and personalised ordinary measures to address the curricular gap or the student's learning difficulties, the teaching team considers that staying on for another year in the same year is the most appropriate measure to favour their development, a specific reinforcement plan will be organised so that, during that year, they can reach the expected degree of acquisition of the corresponding competences. This decision may only be adopted once during the stage and will, in any case, be exceptional in nature, following the express request made by the family and that which prompts the intervention of the Education Inspectorate".

For all that has been seen in this case, the Inspectorate's action is carried out by means of advice, supervision, and evaluation, in that order. In this case, the first two aspects are the most important.

We are aware of the reality of the current situation in schools, as a result of the regulatory changes that are being implemented. However, it is important that they feel supported and accompanied in this transition stage. Being an important part of this anchorage in which to advance, progress and continue towards improving the quality of education will be our main objective.