

REQUISITOS DE LA FORMACIÓN INICIAL DEL PROFESORADO EN LOS CENTROS PRIVADOS. CASTILLA Y LEÓN

REQUIREMENTS FOR INITIAL TEACHER TRAINING IN PRIVATE SCHOOLS. CASTILE AND LEON

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Abstract

A common task of the education inspectorate is to supervise and, if necessary, advise private schools, whether subsidized or not, on the qualifications and training of their teachers to be able to teach.

Although in private centers, the main requirements to be met are the same as those established as general and specific requirements for public centers, the conditions of qualification and training for each specialty are determined differently depending on the ownership of the center. For public centers, they are determined in each of the calls, both for competitive examinations and for the lists of interims, but for private centers, there is a certain specificity that is regulated by a different set of rules.

In the case, both in Early Childhood Education and in Primary Education, the

supervision process is simple. But in the case of other non-university education, including Vocational Training, it is more complex. In fact, the education authorities have established accreditation procedures so that those interested can justify that they are in possession of the qualification and training requirements necessary to teach.

Keywords: *Inspection, supervision, private school, qualification, initial training, accreditation, pedagogical training.*

1. BACKGROUND

One or more private schools need to hire new teachers and request the inspector of reference for advice on the requirements necessary to be able to teach certain areas, subjects, or professional modules in the courses they offer.

2. FACTS

The teachers, their qualifications, and conditions, as well as the areas, subjects or modules for which advice is requested are detailed at the beginning of each of the cases.

3. APPLICABLE REGULATIONS

3.1. STATE LEVEL

- *Ley Orgánica 2/2006, de 3 de mayo de Educación (BOE 04/05/2006) con las modificaciones de la LOMLOE, Ley Orgánica 3/2020, de 29 de diciembre (BOE 30/12/2020).*
- *Real Decreto 476/2013, de 21 de junio, por el que se regulan las condiciones de cualificación y formación que deben poseer los maestros de los centros privados de Educación Infantil y de Educación Primaria. (BOE 13/07/2013).*
- *Real Decreto 860/2010, de 2 de julio, por el que se regulan las condiciones de formación inicial del profesorado de los centros privados para ejercer la docencia en las enseñanzas de educación secundaria obligatoria o de bachillerato. (BOE 17/07/2010).*
- *Real Decreto 187/2023, de 21 de marzo, por el que se modifica el Real Decreto 860/2010, de 2 de julio, por el que se regulan las condiciones de formación inicial del profesorado de los centros privados para ejercer la*

docencia en las enseñanzas de educación secundaria obligatoria o de bachillerato, y se establece, a efectos de continuidad de la actividad docente en estos centros, la correspondencia entre determinadas materias. (BOE 22/03/2023).

- *Real Decreto 276/2007, de 23 de febrero, por el que se aprueba el Reglamento de ingreso, accesos y adquisición de nuevas especialidades en los cuerpos docentes a que se refiere la Ley Orgánica 2/2006, de 3 de mayo, de Educación, y se regula el régimen transitorio de ingreso a que se refiere la disposición transitoria decimoséptima de la citada ley. (BOE 02/03/2007).*
- *Real Decreto 822/2021, de 28 de septiembre, por el que se establece la organización de las enseñanzas universitarias y del procedimiento de aseguramiento de su calidad. (BOE 29/09/2021).*
- *Orden EDU/2645/2011, de 23 de septiembre, por la que se establece la formación equivalente a la formación pedagógica y didáctica exigida para aquellas personas que estando en posesión de una titulación declarada equivalente a efectos de docencia no pueden realizar los estudios de máster. (BOE 05/10/2011).*
- *Orden EDU/3498/2011, de 16 de diciembre, por la que se modifica la Orden ECI/3858/2007, de 27 de diciembre, por la que se establecen los requisitos para la verificación de los títulos universitarios oficiales que habiliten para el ejercicio de las profesiones de Profesor de Educación Secundaria Obligatoria y Bachillerato, Formación Profesional y Enseñanzas de Idiomas. (BOE 26/12/2011).*
- *Real Decreto 1685/2007, de 14 de diciembre, por el que se establece el título de Técnico Superior en Audiología Protésica y se fijan sus enseñanzas mínimas. (BOE 15/01/2008).*

3.2. AUTONOMIC COMMUNITY LEVEL (CASTILE AND LEON)

- *Orden EDU/1353/2018, de 12 de diciembre, por la que se regula el procedimiento de acreditación para el ejercicio de la docencia en las enseñanzas de Educación Infantil, Educación Primaria, Educación Secundaria Obligatoria, Bachillerato y Formación Profesional en los centros de titularidad privada en la Comunidad de Castilla y León y se delega en los titulares de las Direcciones Provinciales de Educación la competencia para resolver. (BOCyL 21/12/2018).*
- *Decreto 54/2009, de 3 de septiembre, por el que se establece el currículo correspondiente al Título de Técnico Superior en Audiología Protésica en la Comunidad de Castilla y León. (BOCyL 09/09/2009)*
- *Orden EDU/1205/2010, de 25 de agosto, por la que se regula el desarrollo de los módulos profesionales de «Proyecto» y de «Formación en centros de trabajo» de los ciclos formativos de formación profesional inicial, en la Comunidad de Castilla y León. (BOCyL 01/09/2010).*

4. ANALYSIS AND ASSESSMENT ACCORDING TO THE APPLICABLE REGULATIONS FOR EACH OF THE CASES

4.1. Teacher A:

Degree	Other conditions	To teach:
Degree in Early Childhood Education with a Major in Foreign Language	<ul style="list-style-type: none"> • Certificate C1 of the Official School of Languages in English. 	<ul style="list-style-type: none"> ➤ English in Primary Education ➤ English in Early Childhood Education (<i>Communication and Representation of Reality area</i>).

In this first case, teacher A, to see if he/she can teach English in Primary Education, as well as any other area of that stage, we abide by the provisions of

Royal Decree 476/2013, of June 21, which regulates the conditions for teachers in private centers, both in Early Childhood and Primary Education, there we can see that in all areas of Primary the first requirement is to possess a degree of Teacher prior to the Bologna Plan or a Degree in Primary. In addition, for each of the specialties it would be necessary to accredit either the corresponding teacher specialization, the mention of the degree or some of the conditions described in the aforementioned Royal Decree. In this case, even if you accredit a mention in English language, what you have is a degree in Early Childhood Education, not in Primary Education, so you cannot teach any of the areas in Primary Education.

On the other hand, although the degree that it provides is of Infant Education and it could teach with it the areas of that educational stage, the teaching of the foreign language English within the area of "Communication and Representation of Reality" in the second cycle of Early Childhood Education is assigned to Primary teachers with the specialty of English (or its mention in the case of the Degree), not of Infant Education. According to Article 5 of Royal Decree 476/2013, of June 21, these teachings "will be taught by Teachers who are in possession of the Graduate degree that enables the exercise of the regulated profession of Teacher in Primary Education and that includes, respectively, a mention in Music, Physical Education or Foreign Language in the corresponding language". In addition, for the Foreign Language, the accreditation of level B2 of the Common European Framework of Reference for Languages is also a requirement. Even if this teacher provides a C1 certificate, it is not enough for him since his degree is in Early Childhood. There are some universities that offer this foreign language mention in their degree in Early Childhood and may also offer the mentions of Therapeutic Pedagogy and Hearing and Language.

4.2. Teacher B:

Degree	Other conditions	To teach:
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Teacher (from 2005) with the speciality of Music	<ul style="list-style-type: none"> • Professional Music Certificate • Certificate of Pedagogical Aptitude (CPA) 	<ul style="list-style-type: none"> ➤ Music and Dance in Primary Education ➤ Music subject in ESO ➤ Educational Guidance Education
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In this other case, we have a teacher whose pre-Bologna Plan teaching degree would enable him/her to teach the areas of Primary Education, except for those in which a specific specialization is required. As he/she has a Music specialty, he/she would have no problem in being able to teach the area of Music and Dance in Primary Education, regardless of whether or not he/she has a Professional Music Certificate, which in this case would not be necessary.

On the other hand, to teach in Compulsory Secondary Education (ESO), Baccalaureate or Vocational Training, it is always necessary to accredit pedagogical and didactic training, in accordance with the requirements of article 94 of Organic Law 2/2006, of May 3, 2006, on Education. There are several ways of accrediting this pedagogical and didactic training, which are regulated in the second transitory provision of Royal Decree 860/2010, of July 2. One of the possibilities is to have a teaching degree prior to October 1, 2009, as in this case since his degree dates to 2005. In addition, this teacher can also accredit this training by his or her Certificate of Pedagogical Aptitude (CPA). However, to teach Compulsory Secondary Education, it is necessary to have a bachelor's degree, engineer, architect, degree, or other equivalent qualification, in addition to this pedagogical and didactic training, as determined by the aforementioned article 94 of the Organic Law 2/2006, of May 3. Teacher B does not have any of these degrees and therefore cannot teach any of the ESO subjects.

In the case of Educational Guidance, the training conditions to exercise these functions are determined in article 5 of Royal Decree 860/2010, and there it establishes the need to be in possession of a degree in Pedagogy, Psychology, or

Psychopedagogy. It also admits other degrees, but as long as sufficient training in the necessary competences in relation to the Pupils with Special Educational Needs (SEN) is accredited. Elsewhere in the aforementioned Royal Decree 860/2010, specifically in Article 3.2, it is determined that the appropriate higher education training can be accredited by "having passed at least 24 credits or ECTS credits of training, or in the case of not including credits, two academic courses in any official university studies, of subjects related to the training to be accredited". This teacher cannot perform the functions of Educational Guidance since he does not meet any of the required degree conditions.

4.3. Teacher C:

Degree	Other conditions	To teach:
Bachelor's Degree in Primary Education Mention in Physical Education	<ul style="list-style-type: none"> • Professional Music Certificate • Master's Degree in Educational Guidance 	<ul style="list-style-type: none"> ➤ Music and Dance area in Elementary Education ➤ Music subject in ESO ➤ Educational Guidance Functions

In this case the teacher requests the same as the previous one, but provides different qualifications. For his/her Primary Education Degree, he/her can teach the areas of that stage and because he/she provides a Professional Music Certificate, he/she could teach without problems the Music and Dance area in Primary Education.

On the other hand, in order to teach ESO subjects, she would comply with the requirement of having a Degree and with the need to accredit pedagogical and didactic training as well, since with the University Master's Degree in Educational Guidance she accredits this training, as established by Order

EDU/3498/2011, of December 16, in its sole additional provision.

To teach in private schools, both in ESO and Baccaalaureate, the initial training requirements are regulated in article 2 of Royal Decree 860/2010, where we can see that, in addition to a higher degree of Bachelor, Engineer, Architect, Degree or other equivalent qualification and pedagogical and didactic training, it is necessary to be able to prove a specific qualification for each of the respective subjects. This specific qualification is determined in article 3 of the aforementioned Royal Decree and, among other ways, this qualification can be accredited by means of the conditions determined in the annex of the aforementioned regulation. Although this annex has been recently modified by Royal Decree 187/2023, of March 21, for the case at hand, the subject of Music in ESO has not undergone modifications and thus we can verify that, in addition to a higher degree of those mentioned above, it is possible to teach this subject in ESO.

For the Educational Guidance, in this case he/she does have a Degree of the required level since he/she provides it, but although with the University Master's Degree in Educational Guidance he/she accredits the necessary pedagogical and didactic training, this does not assure that he/she accredits sufficient training in the necessary competences for the students with Special Educational Needs (SEN). It would be necessary to review their training, which we will be able to verify in their official university academic certification with the subjects they have taken, or other higher education they provide.

4.4. Teacher D:

Degree	Other conditions	To teach:
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Bachelor's Degree in Early Childhood Education (from 2010) with the specialty of Audition and Language	• Superior Dance Certificate	<ul style="list-style-type: none"> ➤ Music and Dance in Elementary School ➤ Subject of Music in ESO ➤ Educational Guidance
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Now we have a teacher with an Education's degree who also provides a Superior Dance Certificate. Being a teacher (although his specialty is Early Childhood Education) and providing this Superior Dance Certificate, he/she can teach in Music and Dance in Primary Education.

For ESO, since the Higher Degree in Dance has a level equivalent, for all purposes, to the University Degree (article 54.3 of the Organic Law 2/2006, of May 3), he/she could teach in the subject of Music, but since his/her teaching degree is after October 1, 2009, he/she does not accredit the pedagogical and didactic training necessary for this (e.g. with a teaching degree prior to October 1, 2009).

To perform the functions of Educational Guidance it is also necessary to accredit the pedagogical and didactic training.

4.5. Teacher E:

Degree	Other conditions	To teach:
Degree in Psychology	• Master's Degree in Educational Guidance	➤ Educational Guidance Functions

Here the teacher provides a Bachelor's Degree in Psychology and a Master's Degree in Educational Guidance. As in one of the previous cases, this

Master's Degree accredits the necessary pedagogical and didactic training, but as it does not provide a Bachelor's Degree in Psychology but a Bachelor's Degree, neither this Degree nor the Master's Degree ensure sufficient training in the competences for students with Special Educational Needs (SEN), necessary to perform the functions of Educational Guidance. It would be necessary to check her university academic certification or other higher education that she could have provided.

4.6. Teacher F:

Degree	Other conditions	To teach:
Geological Engineer	<ul style="list-style-type: none"> • Master's Degree in Secondary Education Teacher Training 	<ul style="list-style-type: none"> ➤ Plastic, Visual and Audiovisual Education in Secondary School ➤ Physics in Baccalaureate ➤ Geology and Environmental Sciences in the Baccalaureate.

As previously mentioned, the initial training conditions to be able to teach in ESO and Bachillerato are regulated in the annex of Royal Decree 860/2010, modified by the recent Royal Decree 187/2023. In that annex we can see that for most of the subjects the first requirement refers to the area or branch of knowledge of the university degree that it provides, which must be accompanied by teaching experience or adequate higher education. The Master's Degree in Secondary Education accredits this pedagogical and didactic training.

In this case, the degree of Geological Engineer corresponds to the area of Technical Education, which is valid to be able to teach Plastic, Visual and Audiovisual Education in ESO, but teaching experience in the subject or 24 credits of training in the contents related to the subject must also be accredited. It must

be taken into account that this subject presents contents of both Technical and Artistic Drawing, and also of Image and Visual and Audiovisual Communication.

For Physics in the baccalaureate, degrees in Technical Education are also valid, but as in the previous case, it is necessary to accredit either teaching experience or 24 credits related to the contents of Physics in the Baccalaureate, which include, in addition to Mechanics and Electromagnetism, contents related to Relativistic, Quantum, Nuclear and Particle Physics.

The case of the subject of Geology and Environmental Sciences in the Baccalaureate is peculiar, since, although the teacher could accredit abundant training related to Geology and even Environmental Sciences, his degree belongs to the area of Technical Education and the degrees of this area are not valid to teach this subject, as established in the aforementioned annex of the Royal Decree 860/2010.

4.7. Docente G:

Degree	Other conditions	To teach:
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Industrial Technical Engineer	<ul style="list-style-type: none"> • Accredits two annual subjects in French, two in Economics and two in Mathematics (prior to the credit certificates) B2 certificate of the Official Language School in French • Certificate B2 of the Official School of Languages in French • Certificate of Pedagogical Aptitude (CPA) • Master's Degree that qualifies him/her to practice the profession of Industrial Engineer 	<ul style="list-style-type: none"> ➤ Mathematics in ESO ➤ Mathematics applied to Social Sciences in Baccalaureate French in ESO ➤ Philosophy in the Baccalaureate ➤ Economics in the Baccalaureate
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This teacher provides a Degree in Industrial Technical Engineering, it is not a higher engineering, but as he also provides a master's degree that enables the exercise of the profession of Industrial Engineer (it is an "Enabling Master's Degree"), this makes it possible for him to be considered at Degree level, as established in Article 7.2 of the Order EDU/1353/2018, of December 12 (order that develops the Royal Decree 860/2010 in Castile and Leon). This degree corresponds to the area of Technical Education, which is indeed valid to teach Mathematics, both in ESO and Baccalaureate, if it can also accredit the 24 credits of training (which is quite likely with that degree).

In the case of both French in ESO and Philosophy in Baccalaureate, your degree in Technical Education is not valid, since a degree in Humanities or in the branch of Arts and Humanities is required (for Philosophy, a degree in the area or branch of Social and Legal Sciences would also be valid).

Para For Economics in Baccalaureate, it is not valid his/her degree either,

since here it is required, from the Social and Legal Sciences area or core.

4.8. Teacher H:

Degree	Other conditions	To teach:
Ecclesiastical title of Baccalaureatus	<ul style="list-style-type: none"> • Accredits two subjects per year in French, two in Economics and two in Mathematics (prior to the credit certificates) • B2 certificate from the Official Language School in French Certificate B2 of the Official School of Languages in French • Certificate of Pedagogical Aptitude (CPA). 	<ul style="list-style-type: none"> ➤ Mathematics in ESO ➤ Mathematics Applied to the Social Sciences in Baccalaureate ➤ French in ESO ➤ Philosophy in the Baccalaureate ➤ Economics in the Baccalaureate

This teacher provides a title of Ecclesiastical Sciences at university level, in this case equivalent to Bachelor and, as established in its fourth additional provision of Royal Decree 860/2010, this title must be understood as included both within the area of Humanities and the Social and Legal Sciences or the branch of Arts and Humanities or Social and Legal Sciences, which opens up several possibilities.

In the case of Mathematics, it would only be possible for Mathematics Applied to the Social Sciences of the Baccalaureate, for which the degrees of the area of Social and Legal Sciences are admitted, since it also accredits two annual subjects of Mathematics (in the degrees prior to the appearance of credits, sufficient training is accredited with two subjects) and pedagogical and didactic training. For the rest of the mathematics subjects, it is not possible with degrees in the area of Social and Legal Sciences or Humanities.

For French in ESO we could consider that it is enough with the Humanities degree and two annual subjects of French, but in the case of foreign languages it is also necessary to accredit the command of the language, for which it is necessary to provide a certificate, at least, of level C1 and what the applicant provides is a certificate of level B2 (before the modification made by the Royal Decree 187/2023, in the annex of Royal Decree 860/2010 the level B2 was established as sufficient).

For Philosophy in the Baccalaureate, your degree in Humanities is valid, but you should be able to accredit the 24 credits of training related to the contents of Philosophy.

In the case of Economics in the Baccalaureate, his degree is valid, since it also corresponds to the area of Social and Legal Sciences and, as he accredits two subjects of Economics, he could teach in the subject.

4.9. Teacher I:

Degree	Other conditions	To teach:
Bachelor's Degree in Biology	<ul style="list-style-type: none">• Accredits a Geology subject of 6 ECTS credits.• Master's Degree in Secondary Education with one course of Geology Complements of 4 ECTS credits.	➤ Biology and Geology in ESO

In this case we are dealing with a degree in the Science or Health Sciences field, but what you are requesting is to teach a double subject, with two disciplines, Biology and Geology in ESO. In Castile and Leon, the order that

develops the Royal Decree 860/2010 is the Order EDU/1353/2018, of December 12, and it states that in the case of double subjects it is necessary to provide training in each of the disciplines, at least nine credits of each of them. Although this teacher provides six credits of Geology from his Bachelor's Degree and, in addition, another four credits of Geology Complements from the Teacher's Master's degree, it must be taken into account that, if these last four credits are of basic contents of Geology, they are probably included within the six of the Bachelor's Degree course, so it cannot be considered that the training has increased, but rather that four of the six initial credits have been repeated. Therefore, he would not reach the nine credits in Geology and would not be able to teach credits in Geology and would not be able to teach the subject of Biology and Geology in ESO.

4.10. Teacher J:

Degree	Other conditions	To teach:
Senior Technician in Audioprosthetics	<ul style="list-style-type: none"> • Does not accredit pedagogical training 	From the Superior Technician in Prosthetic Audiology cycle, the modules of: <ul style="list-style-type: none"> ➤ 0202. Elaboration and repair of audioprosthesis. ➤ 0203. Choice and adaptation of hearing aids ➤ 0206. Prosthetic Audiology Project ➤ 0200. Electronic technology in hearing aids

Here the teacher wishes to teach another type of education. Now it is a question of Vocational Training and for this type of teachings it is necessary to go to the regulations that regulate each one of its cycles. Specifically, to its Royal Decree of title and to its Decree of curriculum. For the cycle of Senior Technician in Audioprosthesis we must go to the Royal Decree 1685/2007, of December 14

(BOE 15/01/2008). There we can see (although it can be seen more clearly in the Decree 54/2009, of September 3, which establishes the curriculum in Castile and Leon) that, according to its annex III C) of qualifications required for privately owned centers, your degree of Senior Technician in Audioprosthesis would qualify you to be able to teach two of the modules you request, specifically the "0203. Choice and adaptation of hearing aids" and "0206. Prosthetic Audiology Project". In fact, your degree would be the only one acceptable for these modules. The problem in this case is to consider whether or not the teacher needs to accredit pedagogical and didactic training. What happens is that, with their degree, they cannot access the University Master's Degree in Teacher Training, but there is a supplementary official certification for those persons who, being in possession of a degree declared equivalent for teaching purposes, cannot undertake the Master's Degree studies. This training is regulated by Order EDU/2645/2011, of September 23. However, according to this order, only the qualifications declared equivalent for teaching purposes are considered for entry into certain bodies for the specialties detailed in Annex VI of Royal Decree 276/2007, of 23 February, as indicated in its preamble. There, in that annex, are specified most of the higher technical degrees of Vocational Training that are equivalent for teaching purposes, in other words, that are suitable for teaching any of the modules of a Vocational Training cycle and, paradoxically, the Senior Technician in Audioprosthesis, although it is a required degree or required to teach the module we are talking about, does not appear in that annex of the Royal Decree and, therefore, the teacher can not access the aforementioned certification. Therefore, in this case the applicant is left in a "legislative limbo" for which there is no adequate response. In Castile and Leon, in the aforementioned Order EDU/1353/2018, it does establish that, for these or similar cases, and until it is not regulated how to acquire this pedagogical training, these graduates are exempted from this requirement. Therefore, they could teach the module "0203. Choice and adaptation of Hearing Aids".

For the module "0206. Project of Prosthetic Audiology" it is necessary to

consider that the tutoring of the professional modules of "Project" must be exercised by teachers of the second year of the training cycle, as established in article 4 of the Order EDU/1205/2010, of August 25 (BOCyL 01/09/2010) by which the professional modules of "Project" and "FCT" are regulated in Castile and Leon. There would be no problem in our autonomous community, since this module is taught in the second year, as it is determined in the Decree 54/2009, of September 3, which establishes the curriculum in Castile and Leon.

The other modules that you request, not providing an appropriate qualification, in accordance with the provisions of Annex III C) of the Royal Decree of the title of Vocational Training that concerns us can not be taught.

5. FINAL REFLECTION

Long ago, even before the Bologna Plan, universities have been progressively specializing their educational offerings in such a way that now there are hardly any generalist degrees as there were before. This continuous specialization is causing problems for private schools when it comes to hiring teachers for Compulsory Secondary Education and Baccalaureate since, due to age, teachers who had generalist degrees before and who could teach a wide range of subjects are retiring, which facilitated the organization of the schools. Now, they have to replace these teachers with new teachers who bring degrees with such specialized training that they are only qualified to teach a few subjects.

In addition to all this, there is the new university organization established in Royal Decree 822/2021, of September 28 (BOE 29/09/2021), which establishes the organization of university education and the procedure for quality assurance. This Royal Decree establishes that the current branches of knowledge will be replaced by fields of knowledge. Thus, all official undergraduate and master's degrees will have to be assigned, instead of one of the 5 branches of knowledge that exist today, to one of the 32 fields listed in Annex I of this Royal Decree. The

universities will have to assign them within 4 years. This will make it more difficult to verify the validity of the qualifications of the teaching staff.

On the other hand, this specialization that is taking place in universities does not cover satisfactorily the needs presented by the modules of some new Vocational Training cycles. It is difficult to find teachers with adequate and sufficient training for some new modules, such as those related to renewable energies or electric vehicles, for example.