
EL SISTEMA EDUCATIVO ESPAÑOL. UNA APROXIMACIÓN SOCIOLÓGICA

THE SPANISH EDUCATIONAL SYSTEM. A SOCIOLOGICAL APPROACH

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Resumen

A lo largo del presente artículo se pretende aportar una visión holística del sistema educativo, utilizando para ello herramientas procedentes de la sociología. Se parte de una concepción del sistema desde un punto de vista estructuralista, por lo que se intentarán definir las características del sistema educativo, así como sus elementos y los actores que desarrollan su actividad en el mismo por medio de diferentes interrelaciones. Esta visión de conjunto pretende aportar luz a la complejidad del sistema y superar concepciones reduccionistas del mismo.

Palabras clave: *Sistema educativo, derecho a la educación, escolarización, evaluación, administraciones educativas, centros educativos, inspección educativa.*

Abstract

Throughout this article it is intended to provide a holistic vision of the educational system, using tools from sociology. It starts from a structuralist point of view of the system, so an attempt will be made to define the characteristics of the educational system, as well as its elements and the actors that carry out their activity in it through different interrelationships. This overview aims to shed light on the complexity of the system and overcome reductionist conceptions.

Keywords: Educational system, right to education, schooling, evaluation, educational administrations, educational centres, educational inspection.

1. INTRODUCTION

Education has been a subject of study within sociology by the majority of its schools of thought (Feito Alonso, 2001). Of all these currents, we understand that Talcott Parsons' structuralism provides the most suitable framework for analyzing the educational system as an integrated structure of elements (unit of action), including social and cultural aspects. Although society for this author is a system in itself, it can be divided into different subsystems (economic, political, even educational). All of them, in turn, participate in the same elements whose interlocking is already present in the social structure (Parsons, 1976). There are, therefore, a series of actors integrated into elements that interact with each other within the system and which, in turn, allow it to develop and configure itself as an autonomous structure.

The aim of this article is to describe, from this sociological approach, the elements and actors that make up the educational system, as well as the interrelationships that arise and are generated among them. In general, studies of the educational system tend to focus either on the merely normative aspects of it (Fernández Farreres, 2000; Lorenzo Vicente, 2005), or on some of its elements (Carbonell I Sebarroja, 1994; Lozano Vivas, 2011; Zubillaga del Río, 2019). Approaches from the sociological point of view do not usually provide a holistic view of it either (Ariza Ampudia, 2011). For this reason, the following pages aim to provide a totalizing vision of our educational system, as a scenario of all kinds of relationships between the different elements of the system and the actors that interact in its different instances.

The only definition of "education system" in our legal system appears in article 2 bis of the Organic Law on Education (hereinafter LOE). It defines it as "the set of educational administrations, education professionals and other agents, public and private, that carry out regulatory, financing or service provision functions for the exercise of the right to education in Spain, and the holders of this right, as well as the set of relationships, structures, measures and actions that are

developed for this purpose". Based on this definition, it is understood that the education system is composed of two types of elements: structural elements, which include, among others, the organization of teaching, schooling, evaluation and financing of the system, and regulatory elements, i.e., the rules that give coherence to the system, based on the principle of decentralization (basic and autonomous regulations). On the other hand, a series of actors interact within the educational system: educational administrations, educational centers, teachers, inspectorate, families, and students. All of them establish different relationships among themselves and with the elements of the system. Moreover, these elements are integrated to ensure the coherence of the system in accordance with certain principles and purposes.

Finally, although this is the first of the aspects to be dealt with in these pages, it is necessary to characterize the system itself. For this reason, this paper opens with an analysis of the characteristics of the Spanish educational system, before going on to analyze the elements and actors involved in the system.

2. CHARACTERISTICS OF THE SPANISH EDUCATIONAL SYSTEM

Every system arises with a certain degree of complexity, so to understand this complexity and not be shipwrecked in the study of the Spanish educational system, a series of characteristics can be identified that will allow a more accurate further study of both its elements and its agents. Attempting to be concise, the following are seven characteristics that determine the nature of our educational system:

a) Provision system: our educational system is part of the concept of social state, performing a public service function as it is understood from the reading of article 27 of the Spanish Constitution where it is stated: "the public authorities guarantee the right of all to education". This concept of a service system clashes with the conception of public instruction of the 19th century when our educational system began to take shape and the liberal State began to grant

itself competencies in education to counteract the influence of the clergy on society.

b) Regulated system: the educational system is organized according to a set of rules that establish a framework for the actions of the system's actors and regulate the curriculum and assessment. The regulation of the educational system does not make it a closed system, as it also allows for the participation of the paidocenos (composed of structures such as libraries, choirs, theater groups) (Petrus, 1997), which, although outside the regulations, pursue and develop the goals of the education system.

c) Cooperative system: all elements of the system collaborate in the achievement of common goals. This is exemplified by the presence of cross-cutting elements in the curricula of different educational stages, aiming to achieve the same objectives through didactic planning and evaluation.

d) Flexible system: one of the main pillars of our system is precisely the attention to individual differences. In this regard, all Royal Decrees for minimum education standards consider the need to address diversity and differences in learning, allowing for a degree of flexibility in the teaching process for more vulnerable students, opening the doors to academic success. Similarly, the system also provides measures and mechanisms for transitions between different stages and levels of education. Examples include bridges that allow students to move from one type of education to another in the context of or the various pathways for accessing Vocational Training programs. Furthermore, the system also demonstrates its flexibility in providing ongoing education for individuals from the labor market, establishing various communication channels through lifelong learning, as outlined in the Preamble of the LOE (Organic Law of Education).

e) Decentralized system: as an integral part of our constitutional system, the principle of decentralization is also applied to the educational system by attributing different competencies and frameworks of action to the different

actors. In this way, the activity of the system takes shape at different levels according to the competencies attributed to each of the actors. Article 6 of the LOE attributes different competencies to the State, to the Educational Administrations, to the schools and to the teaching staff, establishing a systemic framework of competencies where each actor develops its own functions.

f) Teleological system: the educational system is born oriented to the achievement of certain purposes. The article 2 of the LOE includes these purposes, listing them and making them the real reason for the system. The analysis of these purposes presents us with the idea of what the citizenship of the 21st century should be. For this reason, we can assure that the ultimate goal of the educational system is the formation of citizens.

The latest reform of the LOE, the Organic Law amending the Organic Law of Education (LOMLOE), has elaborated on the features of the Spanish education system through five main approaches: children's rights, gender equality, a cross-cutting approach to continuous improvement in schools and greater personalization of learning, sustainable development, and the development of digital competence. The ultimate goal of these approaches is to reinforce equity and the inclusive capacity of the system as the core of comprehensive education. For this reason, article 1 of the LOE encompasses the principles of the education system, among which we can highlight, without reproducing the entire article, the fulfillment of children's rights, flexibility, educational quality, academic and career guidance, equity as a guarantee of equal opportunities, autonomy and participation, lifelong learning, and the recognition of the role of parents in education.

The LOMLOE also completes these principles by adding and developing in its articles aspects related to education for coexistence, respect and conflict prevention, respect for affective-sexual diversity or education for ecological transition with criteria of social justice.

It is, therefore, this finalist character contained in the organic law, which is specified in the aforementioned article 2, listing the purposes of the system among which it is worth mentioning: the full development of the personality, training for professional activity, respect for rights and freedoms, training for peace, the acquisition of intellectual habits and work techniques, communicative training in official and co-official languages, preparation for the exercise of citizenship or the preparation of students for the digital society.

3. ELEMENTS OF THE EDUCATIONAL SYSTEM

As mentioned above, the education system is composed of two types of elements: the normative elements and the structural elements.

3.1 NORMATIVE ELEMENTS

They constitute the frame of reference for the development of the actions of the actors in the system. They configure the organization of teaching, evaluation, and the structure of the system itself. They are based on article 27 of the Constitution, where the right to education is included, framed within Title I of the Fundamental Rights and Duties and, therefore, they can be considered the legislative development of this right. The principle of decentralization applies to these normative elements, which has already been referred to and which is materialized in the distribution of competences in article 149.1.30 of our constitutional charter, which recognizes the basic aspects of educational regulation as an exclusive competence of the State¹, together with article 148, which attributes competences to the autonomous communities in everything that cannot be considered an exclusive competence of the State. This distribution of competences closes with a supplementary clause: in all matters not regulated by the autonomous communities, state legislation is applied in a supplementary

¹ Particularly, article 149.1.30 recognizes as an exclusive competence of the State the Regulation of the conditions for obtaining, issuing and homologation of academic and professional degrees and basic rules for the development of article 27 of the Constitution.

manner to avoid legislative gaps, as long as the legislative bodies of the communities have not legislated on these matters.

These normative elements are materialized in two types of regulations:

1. Basic regulations, those approved by the State that guarantee the principle of equality in education, a common structure, and basic teachings throughout the State territory. According to article 149.1.30 of the Constitution, the State is responsible for regulating the conditions for obtaining, issuing, and homologating academic and professional degrees and basic rules for the development of article 27, to guarantee compliance with the obligations of the public authorities in this area. For this reason, the State will exercise these functions exclusively, which does not imply that it cannot legislate on any other matter related to education, as long as there are communities that have not assumed all the competences related to education (Lorenzo Vicente, 2005). The state regulatory framework is configured in accordance with the following norms:

a) Norms with the rank of law. They make up the basic regulations of the educational system, the organic laws of education and their reforms: LO 8/1985 of the Right to Education (LODE), LO 2/2006, of Education (LOE), LO 3/2020 of modification of the Organic Law of Education (LOMLOE), LO 3/2022 of integral arrangement of Vocational Training, LO 2/2023 of the university system (LOSU). All these regulations take the form of organic laws as they are issued in development of Article 27 of the Spanish Constitution, framed within Section 1 of Chapter II of the Preliminary Title, in accordance with the mandate of Article 81 of the Constitution, which establishes that all the rights included in this section are subject to organic law. In addition to these, there are other laws that apply transversally to the system, although they are not directly dictated in development of article 27. Some examples of this sort of regulations are Organic Law 3/2018 on data protection, Organic Law 1/2004 on comprehensive protection measures against gender violence, Organic Law 1/1996 on the legal

protection of minors or the more recent Organic Law 8/2021, on the comprehensive protection of children and adolescents against violence.

b) Rules approved by the Government in the exercise of its regulatory power that in some cases continue to be applied in a supplementary manner in those autonomous communities that have not developed their own specific regulations. For example, Royal Decree 132/2010 on minimum requirements for educational centers, or Royal Decrees 82 and 83/1996, which regulate the organic regulations of the centers (of Infant, Primary and Secondary Education) and which continue to be applied, for example, in the Community of Madrid, can be cited.

2. Development norms dictated by the different Educational Administrations. In this group of norms, we find both norms with the rank of law approved by the respective Legislative Assemblies of the Autonomous Communities and regulations dictated by the Autonomous Governments, making up an authentic educational legal corpus. In practice, each autonomous community has thus dictated, under the distribution of powers recognized by the Constitution, its own educational regulations, in development of the basic state regulations, configuring seventeen authentic educational subsystems.

3.2.- STRUCTURAL ELEMENTS

They consist of four elements:

1.- Teachings: The LOE, modified by the LOMLOE, presents in its article 3, the teachings of our educational system. The system is organized in stages, cycles, grades, courses, and levels of education. The organization of the teachings, part of the curricular core and its elements are described in article 6, as the set of objectives, competences, contents, pedagogical methods, and evaluation criteria of each of the teachings.

The article 4 states that basic education is compulsory and free of charge for the entire stage of basic education. This stage, comprising 10 years of

schooling (between 10 and 16 years of age), has been implemented since Organic Law 1/1990 and culminates a process of extending the age of compulsory schooling that began in 1857, when the Moyano Law was published.

Lessons have been organized according to the principles of Universal Design for Learning (UDL), a concept introduced in the 1980s and developed by the Center for Applied Special Technology (CAST) (Tirado Ramos, 2023). It is based on the premise that "barriers to learning are not, in fact, inherent in students' abilities, but arise from their interaction with inflexible methods and materials" (Rose and Meyer, 2002: vi).

In the Royal Decrees that regulate basic education, the Exit Profile is proposed as an objective to be achieved by the students when they reach the set of indispensable competencies for their personal development and the ability to solve problems in an ethical, critical, and sustainable manner in the different areas of life. Therefore, the key objective of the teaching-learning process developed in the classroom is the achievement and attainment of the Exit Profile, which is proposed, on the one hand, as the goal of Primary education and, on the other hand, as the culmination of the Secondary stage.

The organization of teaching is set out in Title I of the LOE-LOMLOE and in the various royal decrees that have been published over the last year in accordance with the provisions of Final Provision 5, which establishes a timetable for the implementation of the new curriculum and to which the educational administrations must adapt from the point of view of the timetable set out in the regulation.

1.- Early Childhood Education is developed in Chapter I and specified at a basic level in the Royal Decree of curriculum 95/2022, of February 1st. It is established for this stage a voluntary character and planned its purpose as that of contributing to the physical, affective-social and intellectual development of boys and girls. It is organized in 2 cycles (from 0 to 3 years old and from 3 to 6 years old) and the educational centers will be responsible for carrying out the

educational proposal. This will be a stage in which an approach to reading and writing will be developed, as well as numerical skills, the use and management of Information and Communication Technologies, visual expression, and foreign language (2nd cycle). It is important to point out the importance given by the Law to the early detection of those students who may have Specific Educational Support Needs.

2.- Primary Education is presented and developed in the articles of Chapter II and in the Royal Decree 157/2022, of March 1, it has, as we have already seen above, a free and compulsory character from 6 to 12 years old. Its purpose is to facilitate learning through oral expression and comprehension, reading, writing, calculation, culture, study and work, creativity, and affectivity. The methodological principles are included in article 19 of the LOE-LOMLOE and place special emphasis on educational inclusion, participation, and coexistence. The centers will dedicate time to reading, the realization of meaningful projects and problem solving. Flexibility measures will be included in the organization of areas, teachings, spaces, and times. The stage will be organized in 3 cycles and the areas of knowledge that compose it, may be organized in areas.

3.- Compulsory Secondary Education is regulated in Chapter III and developed in the Royal Decree of curriculum 217/2022, of March 29, it is included in the compulsory stage and is, therefore, also free of charge. In Compulsory Secondary Education, hereinafter ESO, it is established the organization by courses with compulsory subjects that, from 1st to 3rd, may be grouped in areas, and optional subjects, which may be configured as a monographic work or an interdisciplinary project or collaboration with a service to the community. The 4th year will have an orienting character, both for post-compulsory studies and for incorporation into working life, and 2 differentiated options of mathematics will be offered. Education in Civic and Ethical Values will be offered in some years of the stage, and a census diagnostic evaluation will be carried out for students in the 2nd year of ESO. Curricular diversification programs are introduced in 3rd and 4th of ESO in order to favor the graduation of students with relevant learning

difficulties. Students will be promoted to the next grade when the teaching team considers that the nature of the subjects they have not passed will allow them to successfully continue the following year, that there are favorable expectations of recovery and that the promotion will benefit the academic evolution of the student. Those who are promoted without having passed all the subjects will follow reinforcement plans established by the teaching team and, in any case, may only remain in the same course once and a maximum of 2 times throughout the compulsory education, although, exceptionally, in 4th grade they may remain one more year. At the end of the 2nd year and at the end of the ESO schooling, a guidance counselor will be given. The ESO diploma can also be obtained by passing the 3 areas of a basic grade training cycle. Obtaining the ESO diploma will be in any case a collegiate decision that the teaching team will make according to the achievement of the objectives and the degree of acquisition of the competences. In this stage there is no extraordinary call.

4.- The purpose, objectives and design of the High School Diploma (*Bachillerato*) stage are described in Chapter IV and in Royal Decree 243/2022, of April 5. The stage is non-compulsory and aims to provide students with maturity, knowledge, skills, and attitudes for the development of social functions and the incorporation into active life. The High School Diploma offers 4 modalities: Science and Technology, Humanities and Social Sciences, Arts and General and will be organized in common, modality and optional subjects. The common subjects of the stage will be the following: Physical Education, Philosophy, History of Philosophy, History of Spain, Foreign Language, Spanish Language and Literature and, if any, Co-official Language and Literature. The educational administrations are responsible for the organization of the optional subjects, and the centers may offer their own optional subjects, which will require prior approval by the corresponding educational administration. In order to obtain the title of High School Diploma, a positive evaluation in all subjects of the two years of high school will be required. The Government, after consulting the autonomous communities, will establish the conditions and procedures so that,

exceptionally, the teaching team may decide that a student who has passed all but one subject may obtain the title of High School Diploma, provided that there has been no unjustified non-attendance and it is considered that the student has achieved the objectives and competencies linked to that title.

5.- Chapter V develops general aspects dedicated to Vocational Training as specified in Royal Decree 278/2023, of April 11. The purpose of these teachings will be to prepare the students for the activity in the professional field and to facilitate adaptation to the labor modifications that may arise throughout life. It comprises three cycles: Basic Grade, Middle Grade and Higher Grade Vocational Training, the offer and typology of these teachings is varied. The National Catalogue of Professional Qualifications will be the axis of the system around which the Vocational Training in our country gravitates and will be constituted by the qualifications identified in the productive system.

6.- The Artistic Education is presented in chapter VI of the LOE, (Professional Music Education Royal Decree 1577/2006, Professional Dance Education Royal Decree 85/2007, Professional Plastic Arts and Design Education Royal Decree 596/2007, Higher Artistic Education Royal Decree 1614/2009). These are Royal Decrees unchanged by the LOMLOE. Their purpose is to provide quality artistic education and guarantee the qualification of future professionals in music, dance, drama, plastic arts, and design. They are divided into elementary, professional, and higher education. The LOMLOE includes the possibility of obtaining the title of High School Diploma in the modality of arts through the professional teachings.

7.- Language teaching included in Chapter VII of the LOE and in Royal Decree 1041/2017, unchanged by the LOMLOE. These teachings, guarantee and enable the use of languages outside ordinary stages educational system. They are articulated around the basic, intermediate, and advanced levels according to MCERL. To access these teachings, it is necessary to be older than 17 years old or older than 14 years old for languages other than those studied in ESO.

8.- Sports education, chapter VIII of the LOE and Royal Decree 1363/2007 -unmodified by the LOMLOE-, its purpose: to prepare for professional activity in relation to a sports modality or specialty. They are structured in two degrees: medium and superior, which grant the Sports Technician Degree (allows access to High School modalities) and the Superior Sports Technician Degree (allows access to university studies).

9.- Adult Education is regulated in Chapter IX of the LOE-LOMLOE, the purpose of these teachings is to offer those over 18 years of age, the possibility of acquiring, updating, completing, or expanding knowledge or skills for their personal or professional development. Exceptionally, those over 16 years of age with an employment contract or high-performance athletes can access these courses (in both cases the development of these activities should not allow them to attend ordinary schools). In these teachings there is a strong commitment to the promotion and development of digital modalities, as well as didactic materials in digital support.

2.- Schooling: the system guarantees equal access to educational centers and freedom of choice of center for families, as well as a balanced distribution of students with specific educational support needs. The LOE regulates aspects related to schooling in its Title II throughout the first three of its four chapters. The schooling of the ACNEAE students or students with specific educational support needs, extending the concept introduced in 1978 by Mary Warnock, implies the need for the Administrations to include in the regulations effective mechanisms for their adequate schooling. Therefore, the educational administrations will be in charge of publishing the procedures, requirements and considerations necessary to carry out the schooling of students in all publicly funded centers throughout the Spanish territory, by virtue of the provisions of the aforementioned Title II of the LOE. In this aspect, the Law introduces novelties and has an impact on the schooling of students with special needs, on equity, participation and inclusion as principles that guarantee neither discrimination nor segregation and effective equality in the access to and permanence in the educational system (article 81).

It also urges the administrations to develop initiatives to compensate for inequalities, providing public and subsidized private schools with the necessary human and material resources to compensate for the situations of students who have special difficulties in achieving educational objectives (article 81.4).

The article 82 introduces novelties related to schooling and equal opportunities in rural areas. The six sections of the article refer to and seek to specify aspects related to schooling in rural areas. The concept of rural Spain, which has been gaining space in the public debate due to the demographic problems suffered by large areas of the state territory, is defined by the Law for the Sustainable Development of the Rural Environment approved in 2007 and specifies that it is all the geographic space formed by "municipalities with a population of less than 30,000 inhabitants and a density of less than 100 inhabitants per km²".

According to the data of the National Institute of Statistics (INE) and the Ministry of Agriculture, there are 7,529,579 people registered in the municipalities of Rural Spain (16% of the total population in Spain).

Chapter III addresses specific questions on schooling procedures, guaranteeing in all cases three aspects: the right to education, equal access, and freedom of choice of center. In addition, the regulation establishes that, when there are not enough places, a series of priority criteria (siblings enrolled, proximity to home or place of work, per capita income) will govern schooling. It should be added the establishment by the administrations of the conditions of assignment between centers, respecting the possibility for families to freely choose the center for their children, considering situations such as the work of the parents in the center, multiple births, single-parent families, foster care situation, concurrence of disability in the student or in some parents or siblings, and victims of gender violence or terrorism. Specific conditions are also established for the admission of students in post-compulsory stages and regulate both equality in the application of admission rules, as well as the balance of

schooling based on the measures provided to avoid segregation of students for socioeconomic or other reasons (art. 87.1). Preserving the maximum ratios, contemplating an exceptional increase of up to 10% to meet the immediate needs of late incorporation, transfers of residence or foster care, and guaranteeing free education in the compulsory stage from 6 to 16 years of age, put an end to the regulation contemplated in the LOE, which in turn is the starting point for the different autonomous communities to regulate, through decrees and application orders, the schooling procedures of students throughout our territory.

The 2022 report on the state of the educational system, carried out by the State School Council, dedicates section D1 to the analysis of data referring to several aspects related to the schooling of students in our country. The report states, referring to student schooling, the following: "schooling is the first of the results obtained by applying available human and material resources to the system, in accordance with previously defined policies. Such resources are the prerequisite for making schooling possible".

According to the data provided by the State School Council Report, during the 2020-2021 school year, the number of students enrolled in non-university education was 9,129,911. Of these, 8,232,295 (90.2%) were enrolled in General Education, 694,770 (7.6%) in Special Education (languages, artistic education, and sports education) and 202,846 (2.2%) were enrolled in formal education for adults (Report of the State School Council, 2022: 407). The report also presents a detailed quantitative analysis of schooling data in our country, related to compulsory and post-compulsory education, schooling in the three cycles of Vocational Education and Training, or schooling in centers depending on their ownership. Schooling conditions (context, number of students per educational group, number of students per teacher), schooling according to sex by levels and types of education, the evolution of schooling, schooling of foreign students, net schooling rates, suitability rates and grade repetition, as well as other aspects analyzed such as the teaching of foreign languages in Spain, or schooling data on the religion subject.

In short, it will be the task of the Public Administrations to guarantee a supply of educational places that covers the needs of a diverse population in terms of their needs and interests, ensuring the safeguarding of the principle of equity in the exercise of the right to education which, as stated in article 27 of the Spanish Constitution, "shall be aimed at the full development of the human personality with respect for the democratic principles of coexistence and the fundamental rights and freedoms".

3.- Evaluation: Title VI of the LOE establishes, in article 140, the purposes of evaluation as a tool for improving quality and equity, a necessary orientation for the establishment of educational policies, a guarantee for increasing transparency, and an indicator of the degree of compliance with improvement objectives set by educational authorities, as well as the degree of achievement and fulfillment of European commitments in relation to the demands of Spanish society.

The two relevant agents in the evaluation of the system will be the National Institute for Educational Evaluation (INNE), a body dependent on the General Directorate for Evaluation and Territorial Cooperation of the Ministry of Education and Vocational Training, which began its activity in 1990 as the National Institute for Educational Quality, and those bodies dependent on the educational administrations determined by them, which are in turn responsible for evaluating the educational system within the scope of their competencies.

The LOMLOE has introduced substantial changes in relation to the field of evaluation, considering the educational context and making special reference to the schooling and admission of students, without forgetting the educational resources dedicated by both the Central Government and the Autonomous Administrations.

The new regulation introduces two sample-based and multiannual evaluations that will assess the competencies acquired by students in the last years of the two stages of compulsory education (6th grade of Primary Education

and 4th year of Secondary Education), with the aim of informing, guiding and training the educational community as a whole in order to make decisions of an educational nature. This general evaluation of the educational system will be articulated by the INEE in collaboration with the educational administrations, which will also establish evaluation indicators, disaggregated by sex, which in turn will make it possible to assess the degree of equity achieved by the educational system and its evolution throughout the courses (article 143).

On the other hand, diagnostic evaluations are proposed (article 144), managed by the educational centers in which the competences acquired in linguistic communication and mathematical competence in the 4th year of Primary Education and 2nd year of Secondary Education will be measured. The result of the diagnosis must be the objective of the improvement plans of the educational centers, improvement plans which are already contemplated in article 121, section 2ter as an integral part of the Educational Project of the Center (PEC) and which will be a living and flexible element which "will be reviewed periodically and in which, based on the analysis of the different evaluation processes of the students and of the center itself, the necessary strategies for the improvement of the educational results and the procedures of coordination and relationship with the families will be proposed".

The evaluation of educational centers, regulated in old normative provisions and in projects and plans developed for this purpose (we can recall the EVA Plan 1991-1996), is proposed in the norm as evaluations carried out by the educational administrations according to the idiosyncrasy of the educational centers, taking into account the socioeconomic and cultural situation of the families, the students that the center receives, the environment of the center or the resources available to the center.

It is interesting to point out the role of the Education Inspectorate in the evaluation of the managerial function, granting a specific function, that of evaluators, to the education inspectors.

The participation of the Spanish State in the international evaluations PISA, PIRLS, TIMS, PIAC, SSES, ICILS, TALIS among others, managed in coordination with other organizations (OECD, IEA, European Commission) yields interesting data from the comparative point of view that are translated into annual qualitative and quantitative studies on the weaknesses and strengths of the different European educational systems. Our country actively participates, through INEE, in the OECD's INES program, which since 1992 has been publishing educational indicators under the name of "Education at Glance", providing the different educational administrations with information on the performance of their systems compared to the performance of the educational systems of other member states. This is undoubtedly relevant information that provides a solid information base that collaborates in the control of the efficiency and design of these systems.

4.- Financing: It consists of the economic resources for the execution of educational policies and the maintenance of the centers. It is an indispensable element both for sustaining public policies and for guaranteeing any type of right. The different educational administrations are obliged to provide the educational system with sufficient resources to provide educational services under optimum quality conditions. On a different scale, private schools also need their own funding to be able to provide their services.

4. ACTORS

As in any system, certain actors interweave various relationships within the system, both among themselves and with its structural elements, in accordance with the normative framework in which the whole system is framed. It is the interplay of these relationships that gives complexity to the whole system. Among these actors, the following can be highlighted:

1.- Educational administrations: these are the administrations in charge of planning, developing, executing, and supervising educational policy. As already

mentioned, one of the main characteristics of our educational system is decentralization. This decentralization affects the entire institutional architecture of the Administration, insofar as it is also one of the constitutional principles framed in Title IV of our Constitution². For this reason, as Martínez Sospedra and Uribe Otalora point out (Martínez Sospedra and Uribe Otalora, 2018: 189), two Administrations emerge, also regarding education, which operate according to a system of distribution of competences between the central power and the autonomous bodies. The Constitution is responsible for stipulating this distribution of competences in its Title VIII when articulating the territorial organization of the State. According to this distribution of powers, the State has exclusive competence for the legislation of basic regulations on education (article 149.1.30), while the educational administrations of the autonomous communities will be responsible for the development and execution of these basic regulations within their territories. In addition, this institutional structure is completed with Law 40/2015, of October 1, on the Legal Regime of the Public Sector, which serves as a regulatory framework for the development of the functions of all the Public Administrations, whether they belong to the Central Administration or to the Autonomous Administration.

Concerning the Central Administration, the State assumes the competences related to education through the bodies of the General State Administration. The body with these powers is the Ministry of Education and Vocational Training, regulated by Royal Decree 498/2020, which establishes its basic organizational structure.

For its part, the Autonomous Administration is responsible for the development of the competences related to education. The configuration of this administrative level is carried out, according to our Constitution, by means of statutes. The Statutes of Autonomy are peculiar norms that enshrine the capacity

² Article 103.1 The Public Administration serves with objectivity the general interests and acts in accordance with the principles of efficiency, hierarchy, decentralization, deconcentration, and coordination, with full submission to the law and the Law.

of the Autonomous Communities to establish their own policies. They manifest, thus, a power derived from the state power (Martínez Sospedra and Uribe Ojalora, 2018: 188-190). In the list of all the Autonomous Statutes, a Regional Ministry of Education is always recognized as being in charge of the competences in education.

2.- Teaching centers: these are public or private institutions that offer some type of regulated education. The LOE dedicates Title IV to them. These same schools could also be understood as subsystems within the educational system since they are also composed of different structural and normative elements and within them certain actors interrelate among themselves and with their elements. Educational centers are configured as a real scenario in which other actors of the educational system (educational administrations, teachers, students, families) interrelate with each other and with the elements of the system.

The legal regime of educational centers is based on the two basic rules of our legal system in education, the LODE and the LOE. In addition to these rules, they will also be applicable to any current rules issued in their development.

Educational centers are classified as public and private centers, depending on who owns them (article 108 of the LOE). Private ownership may correspond to any natural or legal person, as long as they meet the legal requirements and have administrative authorization. The LODE recognizes that private centers have their own character. On the other hand, the principle of administrative authorization is linked, among other aspects, to the respect of constitutional principles, in accordance with article 27 of our Constitution, and to the fulfillment of the minimum requirements that educational centers must meet, as established in article 14 of the LODE. These minimum requirements refer to the qualifications of the teachers hired, the student-teacher ratio, the number of school places and the facilities. Regarding this last aspect, the teaching and sports facilities of private schools, Royal Decree 132/2010 establishes the

characteristics that these must comply with. This regulation is completed with the technical building code (Royal Decree 314/2016). In any case, all educational centers must be registered in the Registry of Educational Centers regulated by Royal Decree 276/2003.

One of the most important functions of the educational administrations is to program the supply of places that guarantees the right to education for all (article 109 of the LOE). In addition, this programming will promote a balanced schooling of students with specific educational support needs. The ultimate purpose of this programming of the network of centers is to offer a sufficient number of public places, taking into account social cohesion and the heterogeneity of the student body. To this end, the Administrations will not only make use of the places in public centers, but also of those authorized in publicly funded subsidized private centers (Chapter IV of Title IV of the LOE).

Finally, the set of educational centers of our educational system is completed with the centers belonging to the foreign network, regulated by Royal Decree 1027/1993, of June 25, regarding educational action abroad. The typology of these centers is varied (public ownership, mixed, bilingual sections, etc.). The dependence of these centers is shared between the Ministry of Education and the Ministry of Foreign Affairs, also linked in certain cases to agreements with the Administrations of the States where they are located, which makes them a true *rara avis* within the system.

The schools are governed by two operating principles:

a) Participation. It is a principle that appears intimately linked to the government of the centers in the LOE. It is included in articles 118 and 119 and is based on the co-responsibility of teachers and families in the educational process of their children. At the same time, it derives from the democratic constitutional value of involving all sectors involved in education in the decision-making process of schools. For this reason, the participation of students, teachers, families, and administrative and service personnel must be made effective in the

governance of educational centers. The main body in which this participation is embodied is the School Council, where all the sectors referred to above are represented. It is this representation of all sectors that legitimizes the School Council and makes it the highest decision-making body of the schools. Regulated in articles 126 and 127 of the LOE, its competences include the approval of the school's institutional documents, participation in the selection procedure for the director and the promotion of all types of measures that affect the functioning of the school. For its part, the other major collegiate body of the educational centers, the Senate, can be considered to be in charge of everything related to the pedagogical and curricular area, due to its composition, once again highlighting this principle of participation.

b) Autonomy. This principle encompasses pedagogical autonomy as well as organizational and managerial autonomy. It is enshrined in article 120 of the LOE. This same principle is also included in article 25 of the LODE, since it is also recognized for private schools. Autonomy is linked to the principle of planning. The teaching processes, as well as the organizational and management processes of any organization, are intended to anticipate and deal with any circumstance that may arise. Planning allows for this anticipation, which can avoid problems. However, for this planning to be effective, the centers must have a sufficient degree of autonomy to allow them a suitable range of action. Thus, if participation is embodied in the governing bodies of the centers, autonomy is manifested in their institutional documents, which largely comply with the principle of planning that governs education. The Educational Project of the Center, the Annual General Program and the Norms of organization, operation and coexistence reflect the autonomy of the educational centers when it comes to understanding their way of doing their work in a different way from the way others do it. In turn, the programs and plans developed by the center, such as the Tutorial Action Plan, the Diversity Attention Plan, the Academic and Professional Guidance Plan or the Management Project itself, have an impact on the autonomy of the centers.

3.- Teaching staff. According to the Dictionary of the Real Academia de la Lengua, this group is made up of those who teach a science or art within the educational system. Thus, this group includes both teachers who provide their services in public centers, linked to the educational administrations by means of a civil service relationship, and those who work in private centers and, therefore, linked to them by means of labor contracts (Borrell Felip, 1997). Despite this diversity, to which should be added the diversity inherent to the different teaching programs, there is no common statute for all teachers (Pariante, 1986).

The functions of teachers, in spite of the above definition, cannot be limited to the transmission of knowledge. The article 91 of the LOE exhaustively enumerates the functions of this group, providing a wide range of tasks that go from the programming and evaluation of teaching to communication with families or experimentation in the continuous improvement of teaching processes.

As civil servants, teachers who provide their services in public schools are subject to the rules of conduct contained in articles 52, 53 and 54 of Royal Legislative Decree 5/2015, of October 30, approving the revised text of the Law of the Basic Statute of the Public Employee.

Depending on the type of education in which they provide their services, the teaching staff is divided into different teaching corps. Each of these bodies has a different initial training, which includes both specific undergraduate degrees and specific pedagogical and didactic training. For this reason, admission to the teaching corps is regulated by Royal Decree 276/2007, of February 23, 2007, which approves the Regulations for admission, access and acquisition of new specialties in the teaching corps. Due to the very nature of teachers' functions, in addition to this initial training to which teachers are subject, it is necessary to take into account the ongoing training that article 102 of the LOE recognizes as a right and obligation of all teachers (Llorente, 1982; Palomares Ruíz, 1994; Gómez Nieto and Carro Sancristóbal, 1997). In any case, teacher

training should be understood as one of the fundamental aspects that has the greatest influence on the quality of teaching.

4. Inspection. As established in the Royal Decree of March 30, 1849, the Education Inspectorate is the body without which the Administration "sees nothing, knows nothing, and can remedy nothing". The LOE regulates it in its Title VII. The functions, exercised by civil servants, are set out in article 151 and link the Inspectorate both to the supervision of the education system and to the counseling of the rest of the actors involved in the system (Galicia Mangas, 2016).

Although the Education Inspectorate is the responsibility of the Education Administrations, the LOE also foresees the existence of a High Inspectorate, which is under the competence of the State. The mission of this High Education Inspectorate is to ensure that the autonomous communities observe and comply with the constitutional principles and rules and other basic rules that develop Article 27 of the Constitution.

In any case, the Education Inspectorate will act with respect for fundamental rights and public liberties, in accordance with the principles of professionalism, independence of criteria, impartiality, efficiency and transparency, as established in article 153 bis of the LOE.

However, the regulation of the Education Inspectorate attributed to the different Education Administrations ends up fragmenting it, inasmuch as there is no basic statute of the common Inspectorate at the state level, beyond the regulation contained in the LOE.

5. Families. As has already been pointed out, there is a true co-responsibility between teachers and families regarding the education of their children. This can be considered as one of the foundations that turn families into actors within the educational system, since in this way they also participate actively in the teaching processes and in the functioning of the system. The main form of participation takes place within the School Council of the educational centers, where not only the parents' sector is represented, but also a

representative of the most significant Parents' Association of the center has a reserved seat.

These associations play a decisive role in the daily life of the educational centers, collaborating with the educational community in the development of the teaching processes. The regulation of these associations is contained in Royal Decree 1533/1986.

The recognition of families as actors in the educational system is also based on article 27 of the Constitution, which recognizes "the right of parents to ensure that their children receive the religious and moral education that is in accordance with their own convictions". In this way, article 4 of the LOE contemplates a series of rights and obligations that deepen this idea of co-responsibility to which reference has already been made.

6. Students. They are the subject of the learning process. Students are the effective holders of the right to education recognized in article 27 of the Constitution. For this reason, the LODE recognizes in its article 6 a catalog of rights and obligations to which they are subject. Likewise, to guarantee the success of the learning process, the rules of coexistence, both those approved by the educational administrations and those approved by the centers themselves, develop these rights and obligations of the students within the educational system.

Due to the position they occupy in the system, students also participate in the decision-making processes through their representatives in the School Council. These representatives, together with the members of the school delegate boards, act as transmitters in terms of proposals and collaboration with the school management and the rest of the teaching staff.

Finally, the students are also recognized as having the capacity to associate through student associations. Royal Decree 1532/1986 regulates the organization of these associations, as well as their purposes and their capacity to federate.

5. CONCLUSION

The organization of the education system and the access of citizens to education as a fundamental right enshrined in the Spanish Constitution of 1978, poses great challenges to the legislator. The diversity, complexity and challenges faced by the system demand a perfectly articulated definition from the macro-educational sphere to the micro-educational sphere, understanding by "macro" the basic actions taken by the institutions, and by "micro" the day-to-day learning processes that occur daily in the educational centers of our country. The particularity of the Spanish State, formed by of autonomous communities with broad competences in education, determine various levels of concreteness which, as previously mentioned, range from macro-educational to micro-educational aspects from the organization and functioning of the system standpoint.

Undoubtedly, our role as inspectors is, among others, to ensure that the machinery of this complex system is properly "greased", as attentive overseers of the development of the processes that take place within it.

NORMATIVE REFERENCES

- LO 8/1985 del Derecho a la Educación (LODE),
- LO 1/1990, de 3 de octubre, de Ordenación General del Sistema Educativo (LOGSE)
- Ley Orgánica 1/1996, de 15 de enero, de Protección Jurídica del menor, de modificación del Código Civil y de Ley de Enjuiciamiento Civil.
- Ley Orgánica 1/2004, de 28 de diciembre, de Medidas de Protección Integral contra la Violencia de Género.
- LO 2/2006, de 3 de mayo, de Educación (LOE).
- Ley Orgánica 3/2018, de 5 de diciembre, de Protección de Datos Personales y garantía de los derechos digitales.
- LO 3/2020, de 29 de diciembre, por la que se modifica la Ley Orgánica 2/2006, de 3 de mayo, de Educación.
- Ley Orgánica 8/2021, de 4 de junio, de protección integral a la infancia y la adolescencia frente a la violencia.
- LO 3/2022, de 31 de marzo, de ordenación e integración de la Formación Profesional.
- LO 2/2023, de 22 de marzo, del Sistema Universitario (LOSU).
- Ley 40/2015, de 1 de octubre, de Régimen Jurídico del Sector Público
- Real Decreto de 30 de marzo de 1849
- Real Decreto 1532/1986, de 11 de julio, por el que se regulan las asociaciones de alumnos.
- Real Decreto 1533/1986, de 11 de julio, por el que se regulan las asociaciones de padres de alumnos.

- Real Decreto 82/1996, de 26 de enero, por el que se aprueba el Reglamento Orgánico de las Escuelas de Educación Infantil y de los Colegios de Educación Primaria.
- Real Decreto 83/1996, de 26 de enero, por el que se aprueba el Reglamento Orgánico de los Institutos de Educación Secundaria.
- Real Decreto 276/2003, de 7 de marzo, por el que se regula Registro estatal de centros docentes no universitarios.
- Real Decreto 1577/2006, de 22 de diciembre, por el que se fijan los aspectos básicos del currículo de las enseñanzas profesionales de música reguladas por la Ley Orgánica 2/2006, de 3 de mayo, de Educación.
- Real Decreto 85/2007, de 26 de enero, por el que se fijan los aspectos básicos del currículo de las enseñanzas profesionales de danza reguladas por la Ley Orgánica 2/2006, de 3 de mayo, de Educación.
- 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.
- Real Decreto 596/2007, de 4 de mayo, por el que se establece la ordenación general de las enseñanzas profesionales de artes plásticas y diseño.
- Real Decreto 1363/2007, de 24 de octubre, por el que se establece la ordenación general de las enseñanzas deportivas de régimen especial.
- Real Decreto 1614/2009, de 26 de octubre, por el que se establece la ordenación de las enseñanzas artísticas superiores reguladas por la Ley Orgánica 2/2006, de 3 de mayo, de Educación.
- Real Decreto 132/2010, de 12 de febrero, por el que establecen los requisitos mínimos centros que imparten las enseñanzas del segundo ciclo de la educación infantil, la educación primaria y la educación secundaria.

- Real Decreto Legislativo 5/2015, de 30 de octubre, por el que se aprueba el texto refundido de la Ley del Estatuto Básico del Empleado Público.
- Real Decreto 314/2016, de 17 de marzo, por el que se aprueba el Código Técnico de Edificación (CTE).
- Real Decreto 1041/2017, de 22 de diciembre, por el que se fijan las exigencias mínimas del nivel básico a efectos de certificación, se establecen el currículo básico de los niveles Intermedio, B1, Intermedio B2, Avanzado C1, y Avanzado C2, de las Enseñanzas de idiomas de régimen especial reguladas por la Ley Orgánica 2/2006, de 3 de mayo, de Educación y se establecen las equivalencias entre las Enseñanzas de idiomas de régimen especial reguladas en diversos planes de estudios y las de este real decreto.
- Real Decreto 498/2020, de 28 de abril, por el que se desarrolla la estructura orgánica básica Ministerio Educación y Formación Profesional.
- Real Decreto 95/2022, de 1 de febrero, por el que se establece la ordenación y las enseñanzas mínimas de la Educación Infantil.
- Real Decreto 157/2022, de 1 de marzo, por el que se establecen la ordenación y las enseñanzas mínimas de la Educación Primaria.
- Real Decreto 217/2022, de 29 de marzo, por el que establece la ordenación y las enseñanzas mínimas de la Educación Secundaria.
- Real Decreto 243/2022, de 5 de abril, por el que se establece la ordenación y las enseñanzas mínimas del Bachillerato.
- Real Decreto 278/2023, de 11 de abril, por el que se establece el calendario de implantación del Sistema de Formación Profesional establecido por la Ley Orgánica 3/2022, de 32 de marzo, de ordenación e integración de la Formación Profesional.

BIBLIOGRAPHIC REFERENCES

- ARIZA AMPUDIA, V. (2011), El sistema educativo: una construcción social en *Culcyt/Educación*, May-August, year 8, no. 43/44, pp. 53-65.
- BORRELL FELIP, N. (1997), Organización del profesorado. *Profesorado*. Vol. 1, no. 1, pp. 61-69.
- CARBONELL I SEBARROJA, J. (1994), El sistema educativo. *Cuadernos de pedagogía*, no. 230, pp. 85-90.
- FEITO ALONSO, R. (2001), Teorías sociológicas de la educación en RODRÍGUEZ CAAMAÑO, M. J. (coord.), *Temas de sociología*, Vol. 1, pp. 421-472.
- FERNÁNDEZ FARRERES, G. (2000), El Sistema Educativo en Revista Vasca de Administración Pública. Herri-Ardulararitzako Euskal Aldizkaria, no. 57, pp. 67-80.
- GALICIA MANGAS, F. J. (2016), *La inspección de educación: régimen jurídico*, Ministerio de Educación, Cultura y Deporte, Madrid.
- GÓMEZ NIETO, M. C. y CARRO SANCRISTÓBAL, L. (1997), La formación del profesorado en la formación del profesorado. *Revista electrónica interuniversitaria de formación del profesorado*, no. 1.
- INFORME DEL CONSEJO ESCOLAR DEL ESTADO (2022).
- LORENZO VICENTE, J. A. (2005), El sistema educativo español en MONCLÚS ESTELLA, A., (Coord.) *Educación y sistema educativo*, Universidad Complutense de Madrid, 2005, pp. 83-99, 93.
- LOZANO VIVAS, A. (2011), Reflexiones sobre el sistema educativo español. *eXtoicos*, no. 4, pp. 31-33.
- LLORENTE P. (1982), La formación del profesorado. *Cuadernos de pedagogía*, no. 88, pp. 12-14.

- MARTÍNEZ SOSPEDRA, M. y URIBE OTALORA, A. (2018), Teoría del Estado y de las formas políticas: sistemas políticos comparados, ed. Tecnos, Madrid, pp. 189.
- PALOMARES RUIZ, A. (1994), La formación del profesorado (1): hacia un modelo de formación del profesorado. *Ensayos: Revista de la Facultad de Educación de Albacete*, no. 9, pp. 157-168.
- PARIENTE, F. (1986), El Estatuto del Profesorado. *Revista Padres y Maestros*, no. 120-121, pp. 6-9.
- PARSONS, T. (1976), "La clase escolar como sistema social: algunas de sus funciones en la sociedad americana". *Revista de educación*. 242-5, pp. 64-86.
- PETRUS, A. (coord.) (1997), *Pedagogía social*. Barcelona, Ariel.
- TIRADO RAMOS, M. A. (2023), "Decodificando el Diseño Universal para el Aprendizaje: ¿qué evidencia empírica lo respalda?". *Supervisión 21*, vol. 68, no. 68 (2023): April 2023, <https://doi.org/10.52149/Sp21/68.3>
- ZUBILLAGA DEL RÍO, A. (2019), ¿Es el sistema español un sistema educativo innovador? *Economía de la educación y política educativa*, septiembre-octubre, no. 910, pp. 81-92.