

EL BACHILLERATO EN TRES CURSOS EN RÉGIMEN ORDINARIO PARA DEPORTISTAS DE ALTO RENDIMIENTO

THE THREE-YEAR SPANISH BACCALAUREATE IN ORDINARY COURSES FOR HIGH-PERFORMANCE ATHLETES

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Resumen

El Bachillerato realizado en tres cursos, en un centro de régimen ordinario, es una medida de atención a las circunstancias individuales del alumnado, de reciente inclusión normativa en el sistema educativo español, que refleja la intención del legislador de flexibilizar las enseñanzas, adaptándolas a las necesidades individuales del alumnado. Este artículo se centra en el caso del alumnado que ostenta la condición de deportista de alto rendimiento, uno de los casos previstos para el acceso a esta organización de las enseñanzas de Bachillerato, ilustrándolo con un caso real de la Comunidad de Madrid, en el cual la familia de una alumna solicita que su hija pueda acogerse a esta medida para el curso 2023-24, al ser deportista de alto rendimiento.

Palabras clave: 5605 *Derecho y legislación nacionales*, 5605.07 *Derecho Público*, 5802 *Organización y Planificación de la Educación*, 5802.02 *Organización y dirección de las instituciones educativas*, 5802.03 *Desarrollo de*

asignaturas, 5802.04 Niveles y temas de educación, 5802.99 Otras (alumnado de alto rendimiento deportivo), 5802.99 Otras (Inspección de Educación).

Abstract

Extending the two-year-long Spanish Baccalaureate (upper secondary education) in an ordinary high school to a three-year-program is a measure that aims at considering students' individual circumstances. This particular measure has recently been implemented in the Spanish educational system. It reflects the legislator's intention to make learning more flexible in order to meet students' individual needs. This article focuses on high-performance athlete-students, one of the groups of students who may access the three-year-program. The access process will be exemplified through the case study of a Community of Madrid-based family who requested access to the three-year program for their high-performance athlete-daughter.

Keywords: 5605 National law and legislation, 5605.07 Public legislation, 5802.02 Organization and planning of education, 5802.02 Educational Institutions; organization and management, 5802.03 Educational planning and financing, 5802.04 levels and subjects of education, 5802.99 others (high performance athlete-students), 5802.99 others (Educational Inspection).

1. INTRODUCTION

The Spanish Baccalaureate in three years, in regular mode, is a new schooling option introduced by the modifications of Organic Law 3/2020, of December 29, which amends Organic Law 2/2006, of May 3, on Education (LOMLOE), which can benefit, among others, high-level or high-performance athletes (hereinafter, AN or AR athletes).

This article aims to disseminate this new schooling option for AR athletes within the educational community. To achieve this, the regulations

for the Baccalaureate in three years in regular mode are first introduced, specifying them in the Community of Madrid (CM). Subsequently, the historical educational issues of AN or AR athletes of school age, the ultimate recipients of this writing, are explained, providing current data on the evolution of AR athletes in the CM that demonstrate the great potential of these students and the schooling options in the Baccalaureate planned so far.

In the following sections, one of the first cases in the CM is described and analyzed from a normative perspective, in which the enrollment of a female AR athlete in the Baccalaureate over three years in a regular mode center has been requested, argued, and authorized. Considering the important role that education professionals must play in these cases (members of orientation services, inspection, or the direction of schools), it is considered that guidance to schools by the Educational Inspection (IE) is crucial to meet the needs of these students in accessing Baccalaureate education. In connection with the above, a series of considerations on the authorization procedure are added to the article, a reasoned enrollment proposal, and a resolution proposal that will be confirmed with the final authorization by the educational authority.

The article ends with some brief conclusions that summarize the most important aspects of the procedure and provide some new ideas for future applications.

1. THE SPANISH BACCALAUREATE IN THREE YEARS, IN A REGULAR SYSTEM

One of the general principles of the Baccalaureate included in the Organic Law 2/2006, of May 3, on Education, in its consolidated text after the amendments of the LOMLOE (hereinafter LOE-LOMLOE), is that "the baccalaureate comprises two courses, will be developed in different

modalities, will be organized in a flexible manner and, where appropriate, in different routes, so that it can offer a specialized preparation to students in accordance with their training prospects and interests or allow the incorporation into active life once they have completed it. The Government, after consultation with the autonomous communities, shall establish the conditions under which students may take the baccalaureate in three years, in an ordinary regime, whenever their personal circumstances, permanent or transitory, make it advisable. In this case, the possibility of students simultaneously taking subjects from both courses of baccalaureate shall be considered" (article 32.3).

In accordance with the provisions of the aforementioned article of the LOE-LOMLOE, the Royal Decree (RD) 243/2022, of April 5, which establishes the organization and minimum teachings of the Baccalaureate establishes, in its article 15.1, that for the organization of the Baccalaureate in three academic years, "the educational administrations will provide the measures that make it possible for a student to complete the Baccalaureate in three academic years, under the ordinary regime, whenever his or her personal circumstances, permanent or transitory, make it advisable. In these cases, the possibility that the student may simultaneously take subjects from both courses of the baccalaureate will be considered".

Article 15.2 of RD 243/2022 establishes that "those students who are in any of the following circumstances may benefit from this measure:

- a) who attend the stage simultaneously with Professional Music or Dance Education. b) who accredit the consideration of high-level or high-performance sportsman or sportswoman;
- b) who require an educational attention different from the ordinary one for presenting some specific need of educational support;

c) that allege other circumstances that, in the opinion of the corresponding educational administration and in the terms that this one has arranged, justify the application of this measure."

Finally, the third paragraph of article 15 establishes that "the educational administrations will determine for their territorial scope the distribution that will be made of the subjects that make up the Baccalaureate, guaranteeing the adequate planning of the offer of subjects among which there is priority, in accordance with the provisions of annex V", which establishes the subjects with continuity between the two courses of the Baccalaureate.

In the context of the Community of Madrid (CM), in compliance with the provisions of the aforementioned article 15 of RD 243/2022, Decree 64/2022, dated July 20, of the Government Council, establishing the organization and curriculum of the Baccalaureate for the CM, states in its article 14 that, exceptionally, a student may undertake the Baccalaureate over three academic years, in regular mode, provided that their personal circumstances, whether permanent or temporary, warrant it.

The head of the competent Education Department will establish the conditions that allow the student to benefit from this measure, the procedure to be followed for its authorization, and the distribution of the Baccalaureate subjects over three academic years. Among the conditions to be considered, at least, is the requirement for the student to demonstrate recognition as an AN or AR athlete (article 14 b).

The implementation of article 14 of Decree 64/2022 in the CM is carried out by Order 2067/2023, dated June 11, of the Vice Presidency, Ministry of Education and Universities, regulating certain aspects of organization, functioning, and assessment in the Baccalaureate. This order is designed to determine the procedure to be followed for the authorization of

access to the Baccalaureate over three years and the distribution of the subjects that can be taken over three academic years.

So that the centers could plan the organization of the 2023-24 school year prior to the publication of this provision (which, let us note, took place almost in mid-June), the centers received the Circular of April 13, 2023, from the Directorate General of Secondary Education, Vocational Training and Special Regime on certain aspects of arrangement and organization of the teachings of Compulsory Secondary Education and Baccalaureate for the 2023-24 academic year, thus anticipating, to those responsible for the educational centers, the organization of subjects planned for the Baccalaureate "in three academic years". Among the students eligible for access to this organization of the Baccalaureate, section One 2.b) of the Circular of April 13, 2023, and article 16.2b) of the subsequent Order 2067/2023, of June 11, points out the athletes of AN or AR, who deserve a heading of their own.

2. HIGH PERFORMANCE STUDENT-ATHLETES

While the sports practice of National Athletes (AN) is of interest to the State (article 2.1, RD 971/2007, July 13, on high-level and high-performance athletes), that of Regional Athletes (AR) is established in the basic regulation with minimum requirements that can be developed by autonomous communities in their own regulations (article 2.3 of the same legal text). Thus, autonomous communities, in the exercise of their competencies, establish a series of criteria for the recognition of high-performance athletes, as outlined by the Autonomous Community of Madrid in article 3 of Decree 28/2023, March 29, of the Government Council, regulating the requirements and procedure for recognizing the status of high-performance athletes in the Community of Madrid.

In any case, students who have acquired the status of National or Regional Athletes stand out, among other aspects, for their kinesthetic bodily intelligence in physical-sporting activities, translating into sports successes that guarantee them this status. Likewise, they are characterized by assuming (in some cases, at a very early age) a series of obligations and responsibilities with their regional and/or national selection, their team (if applicable), their family, friends, and also with themselves.

For these students, reconciling the development of their particular talent with academic progress is highly challenging, given the physical and psychological effort required and the limited material time available for studying. Among the challenges faced by Regional Athletes (AR), stress and both academic and athletic delays are highlighted (Gomez, J., et al., 2018). It is noteworthy that they train almost every day, and those engaged in team sports often compete on weekends (including holidays and breaks in the academic calendar) due to frequent training sessions, tournaments, or competitions they must participate in, even on holidays, a sacrifice that few adults would be willing to make.

However, in regular educational institutions providing non-university education, the uniqueness of National (AN) or Regional Athlete (AR) students is often not recognized. This is despite the fact that, as emphasized by Butlig et al. (2023), the participation of these students in sports activities significantly impacts their academic performance, studies, and future prospects.

The expansive geographical layout of some autonomous communities also does not favor these students. For instance, in the Community of Madrid (CM), daily commutes to training centers or competitions can translate into dozens of hours per week spent in transportation. Consequently, this student body generally lacks the optimal conditions to progress academically within the educational system.

Even so, since in 2014 Resolution 2/2015, of January 21, of the Director General of Youth and Sports, which provides for the publication of the high performance athletes of the Community of Madrid who have obtained their qualification during 2014 recognized, for the first time, 180 AR athletes on the basis of Decree 37/2014, of April 3, of the Governing Council, regulating the requirements and procedure for the recognition of the status of high performance sportsperson of the Community of Madrid (recently repealed by Decree 28/2023, of March 29, of the same name), in this community there has been a substantial growth in recent years, reaching the current 574:

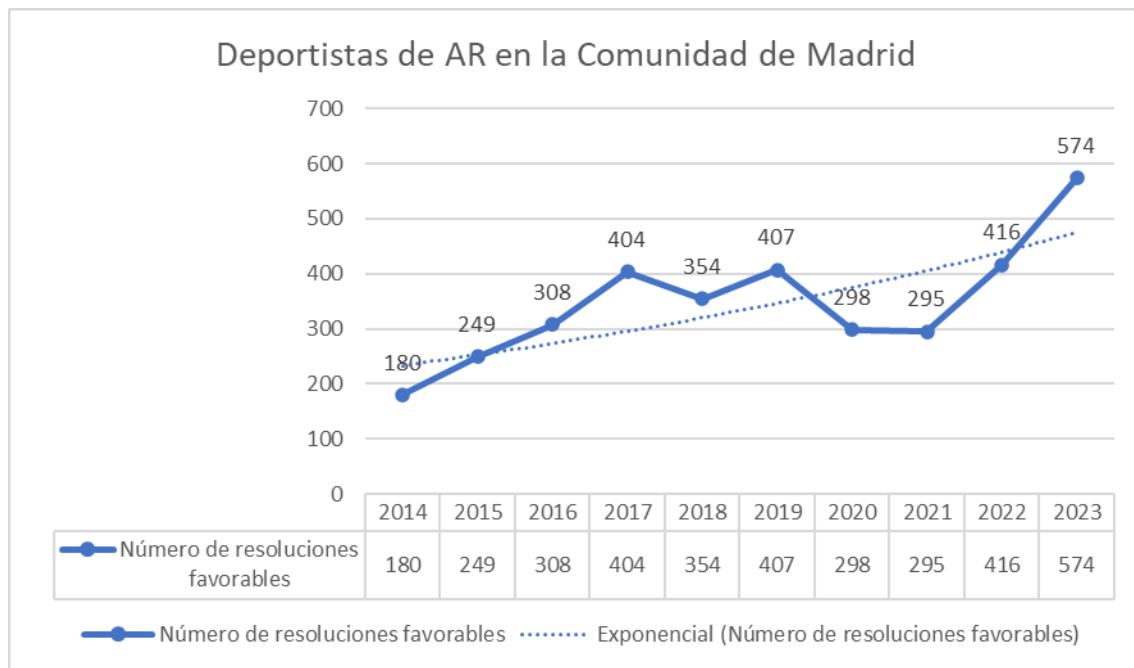


Table 1: Number of AR athletes in the CM (2014-2023). Table elaborated on the data derived from the resolutions providing for the publication of RA athletes in the CM from 2015-2018 (Resolutions 2/2015, January 21, 10/2016, February 4; 5/2017, February 21; 20/2018, February 23; 12/2019, February 5) and the data provided directly by the General Directorate of Sports of the CM from 2019 to December 1, 2023 (Community of Madrid, 2023a).

It should be noted that, of these 574 AR athletes in 2023, 72% correspond to minors, which can be related to the fact that the CM is the autonomous community with the most athletes participating in the Spanish school-age championships (727 in 2022), according to data provided by the

Ministry of Culture and Sport (MCD, 2023). With the exception of 2020, due to the effects on sport of the health crisis caused by Covid19 —even after the period of confinement (from March 15 to May 31, 2020), according to the MCD (2023), 19.6% of the population temporarily stopped their usual sports practice—, the evolution of recent years shows a clear increase in under-age AR athletes in the CM: an indication of the great potential of our students in sports.

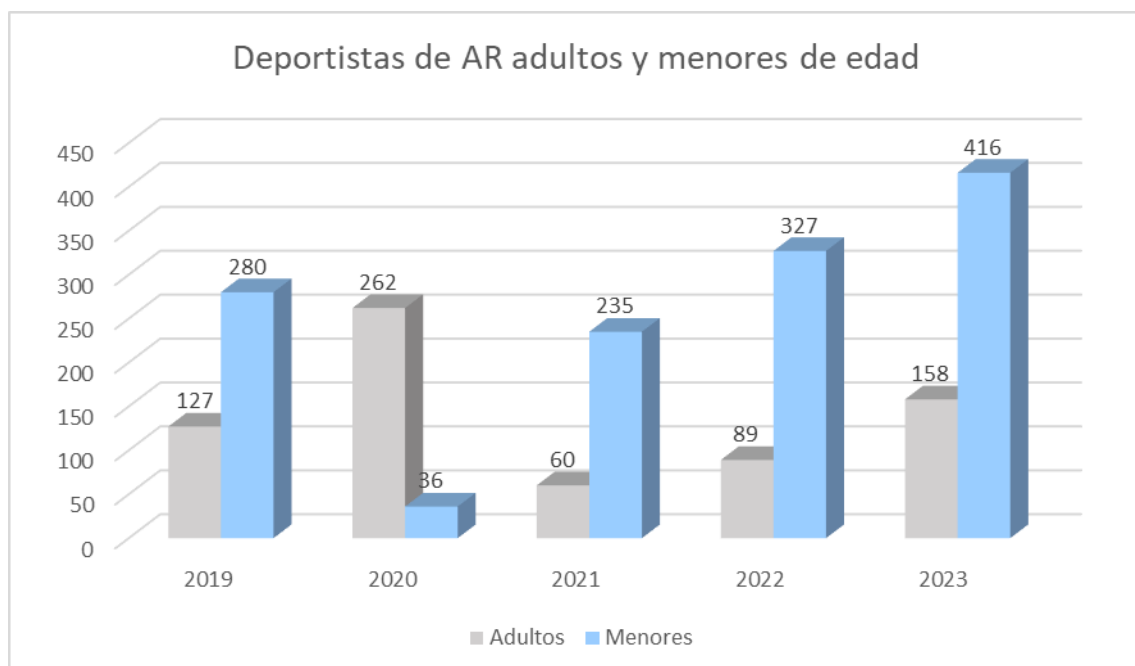


Table 2. High-performance athletes in the Community of Madrid, adults and minors (2019-2023)

The final target group of this article is under-age students attending school in the CM who wish to study or are studying for the Baccalaureate. Although the exact number of AR athletes in this situation is unknown, the upward trend of this student body justifies a brief review of their schooling possibilities, highlighting the recent access to the Baccalaureate in three years, in ordinary regime, due to its novelty and interest for this group.

2.1 BACCALAUREATE SCHOOLING OPTIONS

In all current schooling options, in accordance with the general provisions for the Baccalaureate in article 9.3.b of RD 971/2007, of July 13, in the admission procedures for students, in public or private schools that offer the Baccalaureate, the consideration of AN or AR athlete will be considered as a priority criterion, when there are not enough places. Likewise, for students who accredit such condition, it is foreseen that the subject of Physical Education may be exempted, upon request of the interested party; however, this option also prevents them from obtaining good grades in the subject that is more in line with their special talent.

On the other hand, it is important to highlight that these students have the legal obligation to attend and participate as a member of the national team of the CM, whenever they are required to do so, whether they are concentrations or official competitions (article 6b of Decree 28/2023), so their absences in the centers for that reason should be considered justified and, where appropriate, not count towards any penalty. Moreover, Article 7.1. of Law 39/2022, of December 30, on Sport reminds that the practice of sports by minors, their rights and needs shall be subject to special protection by the public authorities.

However, teachers in regular schools are not usually familiar with AR sports students, nor do they normally consider them as students who need to receive special educational attention due to their individual circumstances. Until now, minors enrolled in a regular school located in the national territory who wished to combine the study of the Baccalaureate with their sporting life could not make their studies flexible in their center of choice, and were frequently referred to formal distance education, for which they had to apply for schooling at the Center for Innovation and Development of Distance Education (CIDEAD); (in this regard, see Martínez Daimel, 2021).

The CIDEAD was created by mandate of RD 1180/1992, of October 2, 1992, which created the Center for the Innovation and Development of Distance Education. This RD was subsequently repealed by RD 789/2015, of September 4, regulating the structure and operation of the Center for the Innovation and Development of Distance Education. Organic Law 8/2013, of December 9, 2013, for the improvement of educational quality (LOMCE) incorporated the CIDEAD explicitly into the LOE, by means of the Forty-second Additional Provision, extending the scope of the CIDEAD to the entire national territory. However, although those over 16 years of age can access the Baccalaureate offered by the CIDEAD through its Integrated Center for Regulated Distance Learning (CIERD), without the obligation to enroll in a full course, we are faced with an exceptional access, since the CIDEAD is aimed primarily at adults (article, 67.1, LOE; RD 789/2015).

Another possible schooling alternative for athletes of AN and AR is to take the Baccalaureate in a regular school but enrolling in the distance mode. In the CM, the offer of distance education of the Baccalaureate is extended to fourteen centers (Community of Madrid, 2023b), which do not offer all the modalities of the Baccalaureate. Among these centers, IES Ortega y Gasset stands out, a center of Sports Excellence since the 2016-17 academic year by mandate of the First Additional Provision of Order 974/2017, of April 3, of the Regional Ministry of Education, Youth and Sports, which implements the Sports Institutes Program in the Community of Madrid and regulates the call for the incorporation of new Secondary Education Institutes to the same.

As a center of Sports Excellence, the IES Ortega y Gasset is equipped with the appropriate organizational resources for the schooling of high-performance athletes, among others (article 6.2. of Order 974/2017). Currently, it has three sites, among which is the High-Performance Sports Center (CARD). The IES Ortega y Gasset is the result of an agreement signed

on July 17, 2000, between the Ministry of Education of the CM and the Superior Sports Council (CSD) for the teaching of Compulsory Secondary Education (ESO) and Baccalaureate in the classrooms of the CARD, whose ownership corresponds to the CSD. This is an agreement fostered by the spirit of collaboration between the State Administration and the autonomous communities which was embodied in Law 10/1990, of October 15, 1990, on Sports, now repealed by Law 39/2022, of December 30, of the same name, which also includes inter-administrative relations, in its Chapter II.

The purpose of this agreement was to promote the development of the educational offer at that time in order to solve "the problem of top-level competitive athletes who, being of school age, find it difficult to combine the training demands that their sporting occupation entails with the schedules and requirements necessary to adequately complete their studies" (Resolution of July 20, 2000: Expone IV, First). In those days, the aforementioned "problem" became visible, due to, as IES Ortega y Gasset (n.d.) emphasizes, a "gradual increase in the number of high-performance athletes" that motivated the need to develop its educational project.

The possibility that the CSD could sign agreements with the autonomous communities, as well as with universities and private educational institutions was included as a measure to promote training and education in article 9.9 of RD 971/2007, of July 13, so that athletes of AN or AR could enjoy special conditions, in relation to access and permanence in the teachings, respecting, in any case, the general academic requirements for access provided by law.

Given that the CARD prioritizes the admission to its center of athletes of AN from all the Spanish territory (in application of the order of preference established in art. 2 of RD 971/2007 for the special conditions of access to the teachings, recognized in its article 9), it is understandable that, for the 2023-2024 course, it has not been able to admit all the applications received

from athletes of AR, specifically, from the CM (IES Ortega y Gasset, 2023). Thus, as we will see below, the Baccalaureate in three years, in ordinary regime, becomes a new schooling option for this student body.

3. A REAL CASE: FACTUAL BACKGROUND

Since July 22, 2022, a student born in 2006 has been recognized by the General Directorate of Sports of the CM as an AR athlete for the sporting merits achieved. Throughout the academic year 2022-23, the student has studied 1st Baccalaureate (Humanities and Social Sciences) in an ordinary public school (IES X) located in a municipality of the CM, showing many difficulties to reconcile her studies with training, tournaments, and regional sports events inside and outside the peninsular territory. In total, at the end of the course the student passes five subjects.

Due to a change in her sports team, the student must study during the 2023-24 academic year in the capital city of Madrid to be closer to her new training center. The family places importance on their daughter's in-person socialization with peers of her age, thus ruling out the option of enrolling in CIDEAD, a distance learning program. Therefore, in July 2023 (extraordinary period), they apply for a spot for the student to pursue studies at CARD, securing the first position on the waiting list.

However, on Monday, September 4, 2023, CARD confirms the absence of available slots. Considering that the school year begins on Thursday, September 7, the family chooses to enroll their daughter as soon as possible in another school with available spaces (IES Y), which is more convenient for her due to its location. Given the student's status as a Regional Athlete (AR), the family requests that she be enrolled in the three-year high school program, following the regular academic schedule.

4. THE EDUCATIONAL INSPECTORATE TO ADVISE THE CENTERS

The freedom of education, derived from article 27 of the Spanish Constitution (CE) and article 1 of the LOE, underpins the right of the family to choose the type of education and the school for their underage daughter. The Community of Madrid (CM) recognizes the right of parents, mothers, or legal guardians to choose an educational institution for their children or wards, and the right of all students to access, on equal terms, a place in any free education, taking into account the general educational programming of the CM, which considers the existing offerings from publicly and privately funded schools (article 3 of Law 1/2022, of February 10, the Teacher of Freedom of Educational Choice of the Community of Madrid).

As discussed in the first section of this article, access to the three-year high school program in the regular academic schedule is based on the student's personal circumstances, whether permanent or temporary. In a scenario such as the one presented, the key role of those responsible for advising families and schools becomes evident, including the Educational Inspection Service (SIE). Moreover, in the CM, the procedure for access to the three-year high school program in the regular schedule involves the prescriptive issuance of a report by the SIE, before the Territorial Area Directorate (DAT) evaluates and decides on the authorization through an approving or rejecting resolution (article 16.3.b and c of Order 2067/2023, of June 11).

This section, therefore, analyzes the responsibility for due action of the Educational Inspection in the CM, from a normative standpoint, based on the presented factual background.

4.1 FUNCTIONS, DUTIES AND PRINCIPLES OF ACTIONS

In the CM, the exercise of the EI, subject to the principle of legality by constitutional mandate (article 27.8 EC), is carried out in accordance with the functions, powers and principles of action contained, respectively, in articles 151, 153 and 153 bis of the LOE, as ordered by section 2 of the First Additional Provision of Law 1/2022, of February 10.

Taking into account the novelty of the regulation, advising the center in the student's enrollment process should be considered a regular action of the EI (type of action 4.1. of the Annual Action Plan of the EI of the Community of Madrid for the academic year 2023-2024 and of the Pluriannual General Action Plan of the Education Inspectorate 2021-2025, provided for in article 7. 3. a) of Decree 61/2019, of July 9, of the Governing Council, which regulates the organization, structure and operation of the Education Inspectorate of the Community of Madrid and detailed in Order 732/2021 of March 24, of the Regional Ministry of Education and Youth, which develops Decree 61/2019.

This is a necessary action for the development of the role of Educational Inspection (IE) as outlined in article 151 f) of the Organic Law on Education (LOE): Advising, guiding, and informing different sectors of the educational community in the exercise of their rights and the fulfillment of their obligations, also outlined in article 3 g) of Decree 61/2019 and article 3.1 f) of Order 732/2021. In the Community of Madrid (CM), this advisory role of the IE is of special significance, considering it as a principle of conduct (article 60.4 of Order 732/2021). Additionally, the regular performance of the IE contributes to increasing efficiency in the organization and operation of schools, programs, and educational services, which is the first objective of the General Multi-year Action Plan of Educational Inspection 2021-2025.

On the other hand, for proper guidance, it will be necessary for the IE to carry out the functions outlined in article 151 d) of the LOE and Article 3 e)

of Decree 61/2019: ensuring compliance with laws, regulations, and other current provisions affecting the educational system in educational institutions; and article 151 e) of the LOE: ensuring compliance with and application of the principles and values outlined in this Law, including those aimed at promoting real equality between men and women, extended at the regional level in article 3 f) of Decree 61/2019, by including the promotion of equality and non-discrimination for other groups who, not only due to gender but also due to orientation, sexual identity, or any other circumstance, may be subject to discrimination.

Likewise, among the principles of action of the EI included in article 153 bis of the LOE-LOMLOE, section a) stands out: "Respect for fundamental rights and public liberties, defense of the common interest and democratic values and avoidance of any conduct that may generate discrimination based on origin, gender, sexual orientation, religion, opinion or any other personal or social circumstance", being the personal circumstance of the student her condition of AR athlete and what this implies.

4.2 ACTIONS

In order to advise the center's management, EI can carry out the following actions:

4.2.1 *Verification of documentation*

According to the powers conferred to the Educational Inspection (IE) in article 153 b) of the Organic Law on Education (LOE) and the Organic Law for the Modification of the LOE (LOMLOE), in article 5.1.b) of Decree 61/2019, and in article 3.2 of Order 732/2021, the following documentation must be examined:

On the one hand, the resolution granting the student the status of Regional Athlete (AR), a condition defined by article 2.3 of Royal Decree 971/2007, needs to be reviewed to verify its validity. The status of a high-

performance athlete is valid for three years from the date of achieving the sports result that merited such recognition (article 7.1.f of Decree 37/2014, applicable at the time, and article 10.1.f of Decree 28/2023, which has replaced it). In the specific case described, the resolution was issued on July 22, 2022, based on the student's sports achievements in June 2022 when she won the Spanish championship. Therefore, the AR status is in effect in September 2023 and will be valid until June 22, 2025.

On the other hand, it is necessary to examine the academic record and the personal transfer report to verify that, in the 2022-23 academic year, the student completed 1st year of the Humanities and Social Sciences track in a regular school (IES X) in face-to-face mode. This was done with the modifications introduced in the curriculum, organization, and objectives as anticipated by the amendments to the LOMLOE, in compliance with the implementation schedule established in Section 5 of the Fifth Final Provision for Baccalaureate.

The student has successfully completed the following five subjects: Physical Education (confirming that no exemption was requested for this subject), Foreign Language I, Philosophy, Religion/Educational Attention, and Information and Communication Technologies. Consequently, she has partially completed the 1st-year Baccalaureate studies.

4.2.2 Meetings

Given the timing of the events, institutional collaboration is considered essential to achieve the immediate attention required by the case. Based on the powers conferred on the IE in article 153 c) LOE-LOMLOE, in article 5.1. c) and e) of Decree 61/2019 and in article 3.2. c) of Order 732/2021, it will be necessary to establish a meeting with the management team (direction and head of studies) of the IES Y to collect data on the organization of the Baccalaureate in the center in the course 2023-24, paying special attention

to the schedules of 1st and 2nd Baccalaureate of the modality of Humanities and Social Sciences, without discarding the schedule of the other modalities.

Likewise, it will be necessary that, prior to this meeting, the center provides information on the preferences of the student, in relation to the subjects of modality and the optional subjects planned for Baccalaureate in the educational offer of the center, so that an enrollment proposal can be prepared (see section 6).

5. LEGAL CONSIDERATIONS OF THE AUTHORIZATION PROCEDURE

It is now necessary to look at the development of the aforementioned article 14 of Decree 64/2022, carried out by Order 2067/2023, of June 11, in order to determine, on the one hand, the procedure to be followed for the authorization of access to the Baccalaureate in three years, in ordinary regime and, on the other hand, the distribution in three academic years of the subjects that can be taken.

Article 16.3 of Order 2067/2023 establishes that, for the application and authorization of a student to take the Baccalaureate with an organization in three academic years, the following procedure must be followed:

- a) The student or, in the case of a minor, his/her parents or legal guardians will present, addressed to the director of the educational center, the application to take the Baccalaureate organized in three academic years together with the application for enrollment and the documentation that proves that the student meets any of the conditions listed in the previous section.
- b) The director of the center will send to the Territorial Area Directorate, prior to the formalization of enrollment, the student's application with the documentation provided and the evaluation, on his part, of the same.

- c) The Directorate of the Territorial Area, following a report from the Education Inspectorate Service, shall decide, as soon as possible, whether to accept or reject the application and shall forward the same to the director of the center so that he/she may notify the interested party.
- d) In the event of a rejection, the student, within one month of notification, may file an appeal to the hierarchically superior body, under the terms provided in articles 115, 121 and 122 of Law 39/2015, of October 1, of the Common Administrative Procedure of Public Administrations.

Articles 16.4 and 16.5 pertain to the organization of schools insofar as they may establish specific groups for this type of student if they have enough students to form a group. The minimum ratio for the operation of these groups will be twenty students. Educational institutions without a specific group may enroll students authorized to complete the three-year Baccalaureate according to the organization for the distribution of subjects per academic year outlined in Annex I. In this case, the student may belong to more than one reference group. In such instances, it will be considered that their tutor is the one from the reference group in which they spend the majority of their class hours.

Regarding the distribution of subjects, Annex I of Order 2067/2023 outlines the distribution of Baccalaureate subjects over three academic years as follows: [Insert details of the subject distribution as specified in Annex I]:

ANEXO I
DISTRIBUTION OF BACCALAUREATE SUBJECTS IN THREE ACADEMIC YEARS

MATERIALS	FIRST YEAR (BLOCK I)	SECOND YEAR (BLOCK II)	THIRD YEAR (BLOCK III)
Common	-Physical Education. -Philosophy. -Religion or Educational Care.	- Spanish Language and Literature I - History of Philosophy - Foreign Language I.	- Spanish Language and Literature II - History of Spain - Foreign Language II - Religion or Study.
Specific of modality	Two subjects of the first course.	- One first-year course not taken in the first year - One second-year course.	Two first-year subjects not taken in the second year or in Block II.

Electives	One subject of the first course.	- A subject of the second course.	
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Table 3: Reproduction of an excerpt from Order 2067/2023, of June 11, of the Vice-Presidency, Department of Education and Universities, regulating certain aspects of organization, operation and evaluation in the Baccalaureate.

For the student's chosen field of study, Humanities and Social Sciences, the following is foreseen:

- From the first year of the Baccalaureate, Latin I or Mathematics Applied to Social Sciences I and two subjects to choose between: Economics, Greek I, History of the Contemporary World, Latin I, Universal Literature, Mathematics Applied to Social Sciences I.
- From the second year of the Baccalaureate, Latin II or Mathematics Applied to Social Sciences II and two subjects to choose from: Enterprise and Business Model Design, Geography, Greek II, Art History, Latin II or Mathematics Applied to Social Sciences II.

However, it is essential to bear in mind that the student has already completed the 1st year of Baccalaureate, passing some subjects, placing her in a transitional situation. Therefore, it will be necessary to adhere to the provisions of the sole transitory provision of Order 2067/2023, which deals with the incorporation of students who completed the first year of Baccalaureate in 2022-2023 into the organization of the three-year Baccalaureate.

For students who have completed the first year of Baccalaureate in the 2022-2023 academic year and find themselves in any of the situations outlined in Article 16, as is the case in question, this provision allows them to request to continue their studies following the organization of the three-year Baccalaureate, provided that they have passed at least four of the subjects planned for the first year (Block I) in Annex I.

The provisions of the sole transitory provision require an assessment of the subjects that the student has passed, based on the type of subject she has passed. For this purpose, we have prepared the following outline:

Insert details of the scheme elaborated for assessing the subjects passed by the student based on the type of subject:

	Type	Subject	Result
Course 1st Bac	Common	Physical Education	Superseded
	Common	Foreign Language I	Superseded
	Common	Philosophy	Passed
	Common	Spanish Language and Literature I	Not exceeded
	Common	Religion/Educational Attention	Passed* Not passed
Modality: Humanities and Social Sciences	Modality specific (compulsory chosen)	Mathematics applied to Social Sciences	Not exceeded
	Specific of modality (of choice)	Economics	Not exceeded
	Specific of modality (of choice)	History of the Contemporary World	Not exceeded
	Optional	Information and Communication Technologies	Not exceeded
* Grade not computable for the standardized average grade.			

Table 4: Scheme elaborated by the author for the evaluation of the subjects taken in the 1st year of the baccalaureate in the course 2022-23.

From what has been presented so far, it is evident that the student has passed at least four of the subjects outlined in Block I: the three common subjects listed in that block, in addition to the elective subject. Consequently, she will be able to move on to Block II in the 2023-24 academic year, where she has already passed Foreign Language I and can enroll in History of Philosophy and Spanish Language and Literature I, the other two specified subjects.

However, it is necessary to specify what happens with the subjects taken but not passed. The specific elective subject of the first year not taken and required in Block II can be any of the three specific elective subjects that the student did not pass. For example, Applied Mathematics for Social Sciences. Article 16.8 of Order 2067/2023 stipulates that "those who advance to the second or third block without having passed all the subjects

in the previous blocks must enroll in the subjects not passed. The centers will organize recovery and assessment activities for pending subjects." Therefore, the student must enroll in two specific elective subjects (continuing with the example, considering the same subjects the student took in 2022-23, the subjects would be Economics and Contemporary World History).

Finally, considering the obligation to apply a transitory provision, it is necessary to assess the duration of the student's enrollment in the Baccalaureate studies, as she is entering directly into the second of the three years (Block II).

While "students may remain enrolled in Baccalaureate in the regular schedule for four years" (article 32.4 LOE-LOMLOE), the regulations establish that the duration of enrollment in Baccalaureate with a three-year academic organization will be a maximum of six years (article 16.7 of Order 2067/2023): "Students may remain enrolled in Baccalaureate with a three-year academic organization for six years, consecutively or not. Without exceeding this duration, students may repeat each of the blocks that make up the three-year Baccalaureate program only once at most, although exceptionally they may repeat one of the blocks a second time, subject to a favorable report from the teaching team. Those who repeat the first block must complete it again in its entirety." Therefore, through a teleological interpretation of the rule, it must be understood that the student, entering the second year, has already used up one of those six years, currently having five years, consecutively or not, to complete the entire Baccalaureate program.

6. ENROLLMENT PROPOSAL

Considering the subjects offered at IES Y, their schedules for 1st and 2nd year of Baccalaureate, and the student's interests, the following

enrollment proposal is suggested for the student to simultaneously take subjects from both Baccalaureate years.

Block II	Subject
Spanish Language and Literature I	1st Bac - Common
History of Philosophy	2nd Bac - Common
Mathematics applied	1st Bac - Modality Specific
to Social Sciences	2nd Bac - Modality Specific
Geography	2nd Bac - Optional

Table 5: Enrollment proposal for the 2023-24 academic year, prepared according to the IES Y center schedules.

Likewise, the student must enroll in the specific subjects of modality that she has pending of 1st Baccalaureate: Economics and History of the Contemporary World.

7. PROPOSED RESOLUTION AND AUTHORIZATION

In light of the aforementioned background, the analysis of the facts, and the legal assessment conducted, it is proposed that the prescriptive report from the Educational Inspection be favorable for the authorization, by the educational authority, of the student's enrollment in the three-year Baccalaureate, entering Block II. Consequently, it is suggested that the parents' request be approved.

On October 16, 2023, the director of DAT Madrid-Capital approves the request, considering that the proposal presented by the school is appropriate and that accessing the three-year Baccalaureate in the regular schedule is the most suitable for the student to successfully complete her Baccalaureate studies.

8. CONCLUSIONS

Access to the three-year Baccalaureate in the regular schedule can become, depending on the individual cases of each student, a way to achieve their academic progress. It is a measure that undoubtedly increases the enrollment options for students who are athletes of national or regional interest (AN or AR) in Baccalaureate and also enhances them when families are looking for a reference center with in-person academic activities for their children. Considering the range of students who can benefit from this measure and its novelty, it is deemed essential that the Educational Inspection provides guidance to the schools, as well as the guidance that schools offer to families.

In the procedure for accessing the three-year Baccalaureate in the regular schedule, as illustrated in the example described in this article, the following points should be noted:

- The student currently holds the status of high-performance athlete, making her eligible to enroll in the three-year Baccalaureate in the regular schedule.
- It will be necessary to follow the procedure established in article 16.3 of Order 2067/2023 to proceed with the student's enrollment.
- As she is in a transitional normative situation, the student can enroll in the subjects of Block II of Annex I of Order 2067/2023, having passed at least four of the subjects planned for the first year (Block I) in Annex I during the 2022-23 academic year.
- Regarding the subjects of Block II, since she has already passed Foreign Language I, she can take History of Philosophy and Spanish Language and Literature I, which are the other two subjects planned.
- The specific elective subject of the first year not taken in the first year, required in Block II, can be any of the three specific elective subjects that the student did not pass.

- The student must enroll in the other two specific elective subjects that she did not pass in the 2022-23 academic year, and IES Y must organize recovery and evaluation activities for these pending subjects.
- The school will assign her the tutor teacher of the reference group in which she spends the majority of her class hours.
- Currently, the student has five years, consecutive or not, to complete the entire Baccalaureate.
- The Educational Inspection will prepare a prescriptive report, as mandated by section c) of article 16.3 of Order 2067/2023, and as stipulated in article 10 of Order 732/2021. This report will be prepared in accordance with the provisions of articles 8-15 of the latter Order and will be submitted to the Directorate of the corresponding Territorial Area (in this case, Madrid capital).

Looking ahead to future requests, one might wonder what would happen if the student were to lose the status of high-performance athlete during the course of her studies. Since the regulations govern access to the three-year Baccalaureate, and continued enrollment is not tied to maintaining the condition that granted access, it is understood that the student has the right to continue her studies under this regimen until completion.

Furthermore, the presented case suggests the need to streamline the procedure, either by creating standardized reports for the Educational Inspection Service (SIE) that facilitate the prompt issuance of the required report, or by delegating functions to the school's administration after proper training. However, there is no doubt that requests during transitional periods pose an additional challenge, so procedural pathways that enable effective coordination among the involved members of the educational community and swift administrative resolution will need to be identified.

To conclude, it might be necessary to consider why a measure of flexibility in the duration of education is not regarded by the regulations as a “measure to address the individual differences of students” for athletes of High Level (AN) and High Performance (AR), allowing them to achieve their maximum personal, intellectual, social, and emotional development. The explanatory statement of Decree 23/2023, of March 22, by the Regional Government, which regulates educational attention to the individual differences of students in the Community of Madrid, emphasizes the need to consider different learning scenarios. This includes forms of schooling that are more tailored to individual needs and the student's condition, as well as flexibility in school schedules or the duration of teachings. While logic leads us to infer that AR athletes could fit into this framework, regional regulations must adhere to the historical conceptualization of students with educational support needs, as defined in Chapter I of Title II of the LOE-LOMLOE. Even though students with high intellectual capacity are included, the theoretical perspective seems to neglect those students with evident and legally outstanding talent.

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