

## CASO PRÁCTICO: SOLICITUD DE ADAPTACIÓN DE UN MÓDULO DE FORMACIÓN PROFESIONAL.

## CASE STUDY: REQUEST FOR ADAPTATION OF A VOCATIONAL TRAINING MODULE

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### **Resumen**

En este artículo desarrollamos un caso práctico en el que un alumno de un Ciclo Formativo de Grado Medio de un Centro Integrado de Formación Profesional (CIFP) solicita la adaptación del módulo de Formación en Centros de Trabajo (FCT) o formación en empresa, alegando una limitación física que le impide desarrollar actividades del módulo, según refiere en el escrito presentado en el centro educativo.

**Palabras clave:** *adaptación, módulo, formación, profesional, empresa, limitación, física.*

### **Abstract**

In this article we develop a practical case in which a student of a Medium Level Training Cycle of an Integrated Vocational Training Centre (CIFP) requests the adaptation of the Training in Work Centres (FCT) or company training module, alleging a physical limitation that prevents him from carrying out module activities, as stated in the document presented at the educational centre.

**Keywords:** *adaptation, module, training, vocational, company, limitation, physical.*

## I. INTRODUCTION

We refer in this case to the FCT module; however, we would like to point out that the supervening circumstance of a student's illness could affect any Vocational Training module.

The starting point is, therefore, whether or not it is appropriate to adapt a module due to a supervening medical circumstance and, furthermore, to bear in mind that, under current Vocational Training regulations, this circumstance could occur both at the educational centre and during in-company training.

We take advantage of this case to highlight the regulatory aspects that affect both this student's claim and other situations that may arise in educational centres with regard to Workplace Training and inspection activities.

This action considers article 27(1) and (8) of the Spanish Constitution, which state that:

*1. Everyone has the right to education. Freedom of education is recognised.*

*8. The public authorities shall inspect and standardise the education system in order to ensure compliance with the laws.*

It should be emphasised that the task of ensuring compliance in educational centres with the laws, regulations and other provisions in force that affect the education system is established in article 151, letter "d" of the Organic Law on Education (LOE) as one of the functions to be carried out by the body of education inspectors.

As well as other functions related to this case and included in the same article, these are:

*f) To advise, guide and inform the different sectors of the educational community in the exercise of their rights and in the fulfilment of their obligations.*

*g) To issue the reports requested by the respective Education Inspectorates or which are derived from the knowledge of the reality of the Education Inspectorate itself, through the regulatory channels.*

These functions mean that our work in the inspection service consists of ensuring compliance with education laws, as well as with the rest of the legal system of our country, guaranteeing the rights and observance of the duties of all those involved in the teaching and learning processes and thus contributing to the excellence of the education system.

The Canary Islands has an Education Inspectorate service in accordance with article 18 of Law 6/2014, of 25 July, Canarian Law on Non-University Education (BOE no. 238, of 1 October 2014) and which is specified in Decree 52/2009, of 12 May, which approves the Regulations for the Organisation of the Education Inspectorate of the Autonomous Community of the Canary Islands (BOC no. 97, of 22 May 2009).

In addition to the functions already indicated in the LOE, article 3 of the Autonomous Decree establishes the following functions related to our subject matter:

*a) To issue the reports requested by the Education Administration or that are derived from the knowledge of the reality on the part of the Education Inspectorate, through the regulatory channels, as well as to draw up reports when appropriate [...].*

*b) To assist the heads of the Territorial Education Directorates, on their own initiative or at their request, providing them with any reports, data or technical advice that may be required. [...]*

*e) To advise, guide and inform the different sectors of the educational community in the exercise of their rights and obligations, mediating in situations of disagreement that may lead to conflict. [...]*

*h) To guide and advise management teams, heads of educational services, collegiate bodies and teaching coordination bodies in the exercise of their rights and obligations. [...]*

In order to carry out the functions described above, both the LOE and our regional decree provide inspectors with the following powers contained in article 153 of the LOE:

*a) To know, supervise and observe all the activities carried out in the centres, both public and private, to which they shall have free access.*

*b) To examine and verify the academic, pedagogical and administrative documentation of the centres.*

*e) To issue reports and make requests when non-compliances are detected in the application of the regulations, and to draw up reports, either on their own initiative or at the request of the corresponding administrative authority.*

And of the attributions contained in article 5 of Decree 52/2009:

*b) To know and supervise the organisation and operation of the educational centres, programmes and services, the teaching practice, the learning process of the students and the development of all the activities that are carried out in them.*

*c) Examine and check the academic, pedagogical and administrative documentation of the educational centres.*

We would like to point out that the specific regulations of the Autonomous Community of the Canary Islands applicable to this case even precede national

laws such as, for example, Organic Law 5/2002, of 19 June, on Qualifications and Vocational Training.

After the publication of Organic Law 3/2022, of 31 March, on the organisation and integration of Vocational Training, Royal Decree 659/2023, of 18 July, which develops the organisation of the Vocational Training System and the recent creation of the Vice-Ministry for Vocational Training and Professional Qualifications in our Autonomous Community, we are now in a position to publish the updated regulations that will govern the new VET in the Canary Islands.

## **II. CASE STUDY**

A student of legal age who is studying the 2nd year of the Intermediate Level Training Cycle of the Nursing Auxiliary Care Technician Degree has applied to the CIFP where he is currently enrolled for an adaptation of the FCT module internship. In his application, he states that he has a physical limitation in his right hand that prevents him from carrying out his duties normally in the hospital area where he is assigned to do his work experience, as this involves lifting heavy weights. In his letter, addressed to the management of the educational centre, he requests that his work placement be adapted, that he be assigned to another area that does not require him to exert himself physically and/or that he be exempted from the work placement at the expense of completing and submitting an assignment. He further claims that, as a result of medical negligence, he is unable to carry out the training normally, as he suffers from paresthesia and dysesthesia in his hand.

Along with this request, he encloses a clinical report certifying that the pupil underwent surgery on his right hand at the beginning of September of the school year.

The management, which has the authority to make a decision, rejects by means of a resolution, the application presented for adaptation of the student's Workplace Training.

The pupil reiterates his complaint to the Territorial Directorate of Education, which requests a report from the inspector in question.

### **III. DEVELOPMENT OF THE CASE STUDY AND RESOLUTION**

The inspection service receives from the Territorial Directorate of Education by internal register the request for a report on the adaptation of the Workplace Training described above. The following documentation is attached to this request:

- a. General application form requested by the pupil at the educational centre.
- b. Clinical report from the Canary Islands Health Service.
- c. Resolution of the CIFP management.
- d. Student's letter of reiteration addressed to the Territorial Directorate of Education.

Having analysed the documentation provided, the following considerations are made:

1<sup>st</sup>. On the general request, document "a" mentioned above, the student refers to having sequelae due to medical negligence after a surgical intervention that prevents him from carrying out certain physical activities required for the FCT module.

2<sup>nd</sup>. Together, document "b" justifies that the student has undergone surgery on his right hand in September.

Both documents do not accredit that the student has a functional limitation that prevents him/her from carrying out the activities referred to and which are the object of assessment in the FCT module of the Intermediate Level Training Cycle that he/she is undertaking.

Among the documentation submitted and linked to the diagnosis, it is not provided that the student is in a situation of temporary disability at the time of the application, nor is an updated clinical report provided detailing the functional loss of the hand that prevents him/her from carrying out the tasks assigned to him/her during the development of the module. Nor is a certificate of disability, a clinical forensic report or a resolution from the disability assessment team of the National Institute of Social Security (INSS) establishing the possible limitation referred to by the student after his surgery.

3<sup>rd</sup>. The resolution of the CIFP management, document "c", responds to the student's request on the adaptation of the Workplace Training, based on two legal grounds:

First: The Order of 13 December 2010, which regulates the attention to students with specific educational support needs in the Autonomous Community of the Canary Islands (arts. 7.2 and 10.2).

These two articles refer to the adaptations of the curriculum for students with special educational needs (SEN), clarifying in the second article that these adaptations will not entail the disappearance of objectives related to the professional competences necessary for the achievement of the general competence of the degree in question.

Second: Decree 106/1997 of 26 June 1997, which establishes the curriculum of the Intermediate Level Training Cycle corresponding to the Diploma of Technician in Nursing Auxiliary Care for the Autonomous Community of the Canary Islands.

According to the autonomous decree, the positive evaluation of the Workplace Training module establishes that the student must pass all of the terminal skills (TC).



On these legal grounds, the school's management rejected the student's request, informing him of the possibility of lodging an appeal with the Territorial Directorate of Education within two working days of notification of the resolution.

4<sup>th</sup>. Document "d" corresponds to the letter submitted by the student, making use of his/her right to address the competent superior body, in accordance with the provisions of art. 121.1 of Law 39/2015, of 1 October, on the Common Administrative Procedure of Public Administrations (BOE no. 236, of 2 October 2015).

In this case, the student does not add new documentation to his/her application to justify the situation he/she alleges. He only reiterates document "b" of having undergone surgery.

The competent body is informed of the rejection of the application as it is found that the student's request, after analysing the documentation submitted by the student, lacks medical reports or recognition of disability to support the allegations made.

#### **IV. THE REPORT**

ADDRESSEE:

Territorial Directorate (*Dirección territorial*).

#### BACKGROUND/FACTS

On dd/mm/yyyy, this Education Inspectorate Service received a request for a report from the Territorial Directorate on the appeal lodged by Mr. X, a student of CIFP Z, requesting the adaptation of the Workplace Training module of the 2nd year of the CFGM Technician in Auxiliary Nursing Care.

2. On dd/mm/yyyy, Mr. X submitted an application to the management of the centre for the adaptation of the workplace training. It is attached as an annex.

3. On dd/mm/yyyy. Mr. X reiterated the application to the Territorial Directorate. It is attached as an annex. The following documents are attached to this request:

A. Written statement in which he alleges that he has undergone surgery on his right hand and that after this surgery he has suffered sequelae due to medical negligence.

B. Clinical discharge report from the traumatology service of Hospital H dated dd/mm/yyyy. It does not provide updated reports. Attached as an annex.

4. On dd/mm/yyyy, following a request by the inspector of reference, the management of CIFP Z, sent a resolution on the matter of reference, rejecting the request for adaptation of the Workplace Training, considering it essential to pass all of the terminal skills (TC) included in the curriculum of the Intermediate Level Training Cycle corresponding to the title of Technician in Auxiliary Nursing Care published in Decree 106/1997, of 26 June. Attached as an appendix.

## LEGAL BASIS

**First.** - Article 39 of Organic Law 3/2020, of 29 December, which amends Organic Law 2/2006, of 3 May, on Education, sets out the general principles of vocational training in the following terms:

*1. Vocational training comprises the set of training actions that enable qualified performance of the different professions, access to employment and active participation in social, cultural and economic life. It includes initial vocational training, actions for the labour insertion and reinsertion of workers, as well as those oriented towards continuous training in companies, which allow for the acquisition and permanent updating of professional competences. The regulation contained in this Law refers to vocational training that forms part of the educational system [...].*

**Second.** - Article 40 of the aforementioned legal precept sets out the objectives of vocational training, among which are:

*1. Vocational Training in the education system shall contribute to students achieving learning outcomes that enable them to:*

*a) To develop the competences specific to each vocational training qualification. [...].*

**Third.** - Article 43.2 of the aforementioned Organic Law states, with regard to assessment, that *passing a training cycle will require a positive assessment in all the professional modules or areas that comprise it and, in the case of curricular organisations other than the professional modules, of all the learning outcomes, and the professional, personal and social competences included in them.*

In order to consider the passing of the cycle, it is necessary to take into account the professional modules and the qualification criteria that allow the corresponding modules to be graded. In the present case, given that a professional module is not a curricular organisation different from itself, it would be sufficient to pass any module, including the FCT module, if the result of applying the qualification criteria were five or higher. It is not compulsory to pass all the learning outcomes in order to pass the module.

**Fourth.** - Article 26 of Organic Law 3/2022, of 31 March, on the organisation and integration of Vocational Training, on evaluation, states that:

*1. Vocational training offers will have an assessment that verifies the acquisition of learning outcomes under the quality conditions established in the basic elements of the curriculum.*

*2. The assessment shall respect the needs for methodological and resource adaptation of persons with specific educational or training support needs.*

**Fifth.** - Article 4 of Royal Decree 659/2023, of 18 July, which develops the organisation of the Vocational Training System, in relation to the degrees, establishes that:

*1. The offers of the Vocational Training System typologically respond to the following sequential grades:*

*[...] d) Grade D. Basic, intermediate or higher-level training cycle (levels 1, 2 or 3 respectively) [...].*

*Any of the grades must be adapted to persons with specific educational or training support needs in order to guarantee access, permanence and progression in learning, facilitating the process of acquiring the competences defined and which constitute the complete or partial professional profile associated with the grade.*

**Sixth.** - Article 15 of Royal Decree 659/2023, of 18 July, which develops the organisation of the Vocational Training System, on attention to individual differences, states that:

*1. The administrations responsible for each offer shall promote equity and inclusion, equal opportunities and non-discrimination in vocational training throughout working life, adopting for this purpose the measures of flexibility and methodological alternatives of accessibility to the curriculum, temporary adaptation and universal design that are necessary to ensure that everyone can access quality vocational training throughout working life with equal opportunities in each and every one of the Degrees provided for in the Vocational Training System.*

*2. Persons with specific educational or training support needs shall be understood to be those who, regardless of whether these have their origin in personal, social or any other type of conditions, generate the need for different attention from the ordinary one during their training so that the persons may attain the professional competences and employability foreseen in each training action.*

*3. The differentiated attention required by certain persons is governed by:*

a) *The principles of standardisation, inclusion and accessibility.*

b) *The adaptation of conditions facilitating the acquisition of learning and assessment to the needs required for training support.*

4. *It is the responsibility of the competent administrations in each case to provide the necessary means for them to achieve the objectives established in terms of learning outcomes and to acquire the corresponding professional competences. [...]*

*In this case, the documentation provided by the student does not demonstrate that he/she has an injury or sequelae derived from the surgical intervention that prevents him/her from carrying out the activities or tasks required for the FCT module. The document provided to the administration is not considered as sufficient evidence by the Inspection service to support the functional limitation mentioned by the trainee. Although he confirms that he has undergone an intervention, the report does not specify any reduction affecting his ability to carry out the activities of the module.*

**Seventh.** Article 33 of the Canary Islands Non-University Education Act 6/2014, of 25 July, states that:

6. *The education administration shall establish measures for access to the curriculum, as well as, where appropriate, adaptations and exemptions from the curriculum, aimed at students with disabilities who require it according to their degree of disability [...].*

*In the case in question, the pupil alleges a limitation or disability, but does not present documentation to support this.*

**Eighth.** - Royal Decree 546/1995, of 7 April 1995, which establishes the title of Technician in Auxiliary Nursing Care and the corresponding minimum training, indicates in section 3.4 of the annex the terminal capacities and evaluation criteria of the professional module of training in the workplace that must be passed in order to obtain the qualification of apt in the FCT module.

**Ninth.** - Decree 156/1996, of 20 June 1996, which establishes the General Organisation of Specific Vocational Training Education in the Autonomous Community of the Canary Islands.

Article 20.

*1. 1. Teachers will adapt their teaching programmes to the educational needs of the pupils in their target group. When the progress of a pupil does not respond globally to the programmed objectives, teachers will adopt the appropriate measures for educational reinforcement and, where appropriate, curricular adaptation.*

*In the case of pupils with special educational needs (SEN), when the development of the programme requires a significant curricular adaptation, the regulations will be applied. In any case, a favourable report from the Education Inspectorate must be obtained for its development.*

*In no case may the curricular adaptation indicated in this article affect the disappearance of objectives related to professional competences necessary for the achievement of the general competence for which the qualification qualifies.*

*Both in the preparation and in the application of the curricular adaptations regulated in this point, the educational team of the training cycle shall have the support of the Guidance Department of the educational centre where it is taught [...].*

Article 24.

*Successful completion of a training cycle shall require a positive assessment in all the professional modules of which it is comprised.*

Article 25.

*In the assessment of pupils with special educational needs (SEN) referred to in Article 20.1 of this Decree, this circumstance will be considered, taking as a basic reference the criteria established in the corresponding curricular adaptation and*

*including a copy of the report from the Education Inspectorate in their file, if it is a significant curricular adaptation.*

*Article 26.*

*1. In the assessment of the Practical Workplace Training module, which will be expressed in terms of pass or fail, the teacher responsible for the module will weigh, from among the other elements, the assessment collected from the training manager designated by the corresponding work centre during the period in which the student has been in the centre [...].*

*It is reiterated that among the documentation in the possession of the Inspection Service, in this case, it is not appropriate to carry out a curricular adaptation as no documentation to support their allegations has been presented.*

**Tenth.** - *In the Canary Islands, Decree 106/1997, of 26 June, establishes the curriculum of the Intermediate Level Training Cycle corresponding to the Diploma in Technical Nursing Auxiliary Care:*

*Article 4.*

*4.1. The general objectives of the training cycle, which express the set of global skills that students must have acquired or developed at the end of the cycle, are those established in section 1 of the Annex to this Decree [...].*

*4.3. The names of the professional modules, the terminal capacities, their assessment criteria and the contents of each module, as well as the curricular basis of the Professional Module of Integration, are those established in section 3 of the Annex.*

*4.4. The assessment criteria are the main reference for assessing the acquisition of professional competence by students.*

*It should be noted in the same Decree, that in its annex, section 3, professional module No. 10, Workplace training, details a proposal of the terminal capacities,*

*assessment criteria, contents and activities. The student requests the adaptation of two of the ten terminal skills included in the curriculum, and the remaining eight can be assessed. At the time of writing this case study, no marks have been awarded to the student.*

**Eleventh.** - The Order of 13 December 2010, which regulates the attention to students with specific educational support needs in the Autonomous Community of the Canary Islands includes in its article 10, section 2, aspects on the adaptations of the curriculum in Vocational Training in the following terms:

*Article 10. Realisation of the adaptations of the curriculum in other educational stages and modalities. [...]*

*2. In Specific Vocational Training, adaptations shall not entail the disappearance of objectives related to the professional competences necessary for the achievement of the general competence referred to in each of the qualifications, in accordance with article 20 of Decree 156/1996, of 20 June (BOC no. 83, of 10 July), which establishes the General Organisation of Specific Vocational Training Education in the Autonomous Community of the Canary Islands. [...]*

*We confirm that on this occasion it is not possible to proceed with an adaptation, since the pupil does not meet the conditions for it, as he does not present documentation or medical reports that justify the need for such an adaptation.*

**Twelfth.** - Article 3 of Decree 52/2009, of 12 May, which approves the Regulations for the Organisation of the Education Inspectorate of the Autonomous Community of the Canary Islands includes the following functions of the Inspection Service: *a) To issue the reports requested by the Education Administration or which are derived from the knowledge of the reality on the part of the Education Inspectorate, through the regulatory channels, as well as to draw up reports when appropriate. ...]; and b) To assist the heads of the Territorial Education Directorates, on their own initiative or at their request, by providing them with any reports, data or technical advice that may be necessary [...].*



By virtue of the foregoing, the following is hereby submitted.

### MOTION

**Deny** the claim of Mr. X, student enrolled in the 2nd year of the Formative Cycle of Medium Grade of the title of Technician in Auxiliary Nursing Care in relation to the adaptation of the module of Training in Work Centres.

I hereby communicate this to YOU for your knowledge and pertinent effects.

On dd/mm/yyyy, on the date of signature.

### V. REFERENCES

- Constitución Española (BOE núm. 311 de 29 de diciembre de 1978)
- Ley Orgánica 2/2006, de 3 de mayo, de Educación (BOE núm. 106, de 4 de mayo de 2006)
- Ley Orgánica 3/2020, de 29 de diciembre, por la que se modifica la Ley Orgánica 2/2006, de 3 de mayo, de Educación (BOE núm. 340, de 30 de diciembre de 2020)
- Ley Orgánica 3/2022, de 31 de marzo, de ordenación e integración de la Formación Profesional (BOE núm. 78, de 1 de abril de 2022)
- Real Decreto 659/2023 de 18 de julio, por el que se desarrolla la ordenación del Sistema de Formación Profesional (BOE núm. 174, de 22 de julio de 2023)

- Real Decreto 546/1995, de 7 de abril, por el que se establece el título de Técnico en Cuidados Auxiliares de Enfermería y las correspondientes enseñanzas mínimas (BOE núm. 133, de 5 de junio de 1995)
- Ley 39/2015, de 1 de octubre, del Procedimiento Administrativo Común de las Administraciones Públicas (BOE núm. 236, de 2 de octubre de 2015)
- Ley 6/2014 de 25 de julio, Canaria de Educación no Universitaria (BOE núm. 238, de 1 de octubre de 2014)
- Decreto 52/2009, de 12 de mayo, por el que se aprueba el Reglamento de Ordenación de la Inspección de Educación de la Comunidad Autónoma de Canarias (BOC núm. 97, de 22 de mayo de 2009)
- Decreto 156/1996, 20 junio, por el que se establece la Ordenación General de las Enseñanzas de Formación Profesional Específica en la Comunidad Autónoma de Canarias (BOC núm. 83, de 10 de julio de 1996)
- Decreto 106/1997 de 26 de junio, por el que se establece el currículo del Ciclo Formativo de Grado Medio correspondiente al Título de Técnico en Cuidados Auxiliares de Enfermería (BOC núm. 94, de 23 de julio de 1997)
- Orden 13 de diciembre de 2010, por la que se regula la atención al alumnado con necesidades específicas de apoyo educativo en la Comunidad Autónoma de Canarias (BOC núm. 250, de 22 de diciembre de 2010).