

MODIFICACIÓN DE LAS FUNCIONES DE LA INSPECCIÓN DESDE EL PUNTO DE VISTA DE LA TEORÍA ECONÓMICA Y DE LAS ORGANIZACIONES. MODIFICATION OF THE FUNCTIONS OF THE INSPECTORATE FROM THE POINT OF VIEW OF ECONOMIC THEORY AND ORGANIZATIONS.

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Resumen

El objetivo del presente artículo es la reforma de las funciones de los Servicios de Inspección basadas en aspectos científicos en relación con la teoría económica, teoría general de sistemas y de las organizaciones. Se realiza un análisis de cómo mejorar los aspectos fundamentales del sistema educativo buscando una mayor eficacia y eficiencia en la utilización de recursos públicos, realizando modificaciones en los factores más afectan a la calidad del sistema

educativo, pero qué dichos cambios sean calado profundo. Estas modificaciones se argumentarán conforme a la normativa estatal actual, particularizando el caso en la Comunidad Autónoma de Castilla-La Mancha.

Palabras clave: *Inspección educativa, optimización de recursos, evaluación del desempeño, subinspección educativa, sistemas de incentivos, evaluación docente*

Abstract

The aim of this article is to reform the functions of the Inspection Services based on scientific aspects in relation to economic theory, general systems theory and organisational theory. An analysis is made of how to improve the fundamental aspects of the education system seeking greater effectiveness and efficiency in the use of public resources, making modifications in few aspects of the educational system but that are far-reaching, in accordance with current state regulations, particularizing the case of the Autonomous Community of Castilla-La Mancha.

Keywords: *Educational inspection, optimization of resources, performance evaluation, educational sub-inspection, incentive systems, teacher evaluation*

1. INTRODUCTION

The Education Inspectorate has a series of functions set out in Organic Law 2/2006 of 3 May on Education, modified by Organic Law 3/2020 of 29 December (LOE-LOMLOE) and specified in each Autonomous Community in its implementing regulations. These functions are defined annually in the General Action Plans of the Inspection Services. From their analysis, we can see that the Inspectors carry out a multitude of tasks, due to their generalist nature, making the fulfilment of these plans unmanageable (Galicia Mangas, 2016).

In this article, the aim is to analyse and make a series of proposals for the modification of these functions in order to improve the education system based on economic theory, general systems theory and organisational theory, in order to have a rigorous basis on which to base the operation of the Inspectorate Services and always bearing in mind that resources are limited.

2. OPTIMISING RESOURCES TO INCREASE THE QUALITY OF EDUCATION

Article 148.3 of the LOE-LOMLOE establishes the purpose of the Inspectorate: "the Education Inspectorate shall inspect all elements and aspects of the education system in order to ensure compliance with the law, the guarantee of the rights and observance of the duties of all those involved in the teaching and learning processes, the improvement of the education system and the quality and equity of education".

The Pareto principle (Juran, 1975) states that there are many characteristics that can cause a product/service to be defective, but, generally, most losses for that reason can be attributed to a few types of defects and these, in turn, to a

relatively small number of causes. If these causes can be identified, quality can be improved.

In order to substantially improve processes/products, action must be taken on these activities considered essential or "vital" in the first place. To explain this principle we can follow the following business example: in a glass bottle factory, the defects detected in the bottles obtained in one week have been classified and quantified. They are as follows:

Type of defect	Number of bottles
A. Scratch	8
B. Breakage	36
C. Stain	6
D. Bubble	94
E. Colour	12
F. Other	4
Total	160

Source: own elaboration

When analysing the data, it can be seen that the problem of the bubble in the bottle occurs 58.85% of the time, and if we act to improve this problem, the quality of the production process will increase significantly.

In the field of education, most authors and experts agree that the key factor in the teaching and learning processes are teachers (Marina, 2015). The Education Inspectorate should focus most of its resources on improving this factor (an activity with high added value) by making teacher evaluation compulsory and establishing a system of teacher incentives linked to this assessment.

3. TEACHER ASSESSMENT

There has been a growing concern in recent times for education authorities to carry out or encourage the evaluation of teachers' teaching practice. Current regulations only focus on self-evaluation models through institutional documents and internal school procedures, procedures that have little impact on the improvement of teaching practice.

By way of example, in the *Libro Blanco de la Profesión Docente*, written by José Antonio Marina (2015), among others, one of his proposals is that "all teachers, at all levels and bodies, should be evaluated periodically and systematically¹". He points out that this evaluation will consider the school's results; the educational progress of students; the teacher's observation in the classroom; and the teacher's curriculum, always taking into account the difficult conditions of the school and its environment. However, in addition to these "fundamental criteria",

¹This is one of the most controversial aspects as it is strongly opposed by most trade unions.

the *Libro Blanco* proposes four other complementary criteria: the opinion of pupils; the teacher's relationship with families; the teacher's participation in the school's activities; and evaluation by the teaching staff. They say: "The evaluation will serve to improve teacher performance, and will also have relevance for their career progression, and for their remuneration. Marina gives the example of Singapore —one of the top countries in international rankings or OECD reports, by the way— where teachers consider it an honour to be transferred to teach a marginal group of students. The ideal is for the most able teachers to go to the most troubled schools," he says.

In the general area of public employees, evaluation is regulated in article 20 of the Revised Text of the Basic Statute of the Public Employee (TREBEP): "*1. Public administrations shall establish systems that allow for the evaluation of the performance of their employees.*

Performance evaluation is the procedure by which professional conduct and performance, or the achievement of results are measured and assessed.

2. Performance appraisal systems shall, in all cases, comply with criteria of transparency, objectivity, impartiality and non-discrimination and shall be applied without prejudice to the rights of public employees.

3. *Public administrations shall determine the effects of appraisal on the horizontal career path, training, the filling of posts and the receipt of the additional remuneration provided for in article 24 of these Staff Regulations.*

4. *Continuation in a post obtained by competitive examination shall be linked to the evaluation of performance in accordance with the evaluation systems determined by each Public Administration, after hearing the interested party, and by the corresponding reasoned decision.*

5. The application of the horizontal professional career, of the complementary remuneration derived from section c) of article 24 of these Staff Regulations and the termination of a post obtained through the competition procedure shall require the prior approval, in each case, of objective systems that allow for the evaluation of performance in accordance with the provisions of sections 1 and 2 of this article.

This evaluation has been established in very few civil service bodies: the military and some State Security Forces and Bodies, where there is a clear improvement in effectiveness and efficiency in the performance of their duties. It is worth noting that the Army, the Guardia Civil and the National Police have a high rating in surveys carried out by the Sociological Research Centre (CIS).

In the field of teaching, the Education Administrations usually regulate the procedures for external evaluation of teachers, although this is voluntary, and the effects of such evaluations are limited: additional points for transfer competitions or the granting of study leave. They only have more far-reaching effects in the area of the evaluation of school heads, as they are usually a prerequisite for the renewal of performance and for the consolidation of the specific allowance for this function.

The main function of the Education Inspectorate should be to carry out the external evaluation of teachers. As José Antonio Marina (2015) points out: "the talent of a group, a society or an organisation is its capacity to choose its goals well and to mobilise all the individual intelligences that compose it in order to achieve them, while at the same time increasing its personal possibilities". An evaluation of all teachers in the education system is proposed every six years. Looking very closely at the current data, such a system would be possible with the current resources of the education systems. Focusing on Castile-La Mancha, according to the latest report of the School Council, the number of teachers in

general education is 29,926, 744 in adult education and 1,657 in special education, all of them in public schools.

The Inspectorate staff in Castile-La Mancha has 83 members, and if we discount the Inspectors who will be dedicated to General/Central Inspection tasks, we would have 74 Inspectors to carry out these tasks. Dividing the total number of teachers by the number of Inspectors gives an average of 432 teachers to be evaluated per Inspector, although this figure is to be evaluated every six years, which gives us an average figure of 72 teachers/year, which is perfectly feasible for each school year, School Heads and other members of the education community would be responsible for this teacher evaluation, with different weightings when carrying out the evaluation, although the majority of teacher evaluation should fall to the inspectors, in accordance with the functions established for the Education Inspectorate in the LOE-LOMLOE. The participation of members of the education community (pupils and parents) would also be essential in this evaluation, but with a low weighting compared to the other actors mentioned (Head Teachers and Education Inspectorate).

This specialisation in the evaluation function would allow for a greater professionalisation of the Inspector in the curriculum, which is the backbone of the teaching and learning process. At present, it is impossible for an inspector to be "knowledgeable", I do not say "expert", in all aspects of the curricula of current education. To give an example, the old ESO and Bachillerato curriculum of Castilla-La Mancha was about 1,000 pages long in the Official Journal. The current LOMLOE curriculum is much shorter, but, being more open, the inspector has to know in depth the various adaptations of the curriculum to each school, according to its educational project and other specifications. In the current generalist model, the inspector should also be familiar with the curricula of

vocational training, adult education, languages, conservatories, etc., which is materially unmanageable due to the large number of curricula in these areas.

In the proposed model, the Inspector would be an expert in good practice in certain areas/subjects and their problems in classroom application, he/she would transmit his/her knowledge to other teachers in other evaluations, carrying out formative evaluation, classroom visits would be the usual way of working, he/she would be the ideal professional when carrying out any curricular reform due to his/her "in situ" knowledge of its application in classrooms and feedback of information with teachers.... in short, actions with a very high impact on the education system would be carried out, which would undoubtedly result in the improvement of education in Spain.

Finally, in the world of business organisations, they are obliged to differentiate themselves and to specialise in products or services or to offer some added value, if they do not want to be pushed out of the market by other competitors. In the Education Inspectorate, changes must also be made towards tasks with high added value, as there is a boom and proliferation of new administrative units with competences in education planning, training, language programmes, vocational training, evaluation of the education system, etc. The creation of these units leads to an inefficient use of public resources as they generate administrative duplication, difficulties in coordination between units and bureaucratic actions of a bureaucratic nature with little impact on the system.

On the other hand, this evaluation model, being a system to be implemented in the long term, should be fully computerised to avoid the production of reports and to reduce bureaucracy in administrative processes.

4. INCENTIVE SYSTEM

Incentives allow us to predict what course of action the group affected by a given policy will take. Agents are rational, they compare costs and benefits of their actions, and will change their actions to maximise their utility.

The problem in educational organisations is that a large number of actions are planned, but in most cases there are no well-planned incentive systems in place for agents to change their usual behaviour. In the field of education, there are a large number of pedagogical projects where the only incentive to carry them out is the fact that they are carried out in the teachers' complementary timetable or the recognition of training credits. Incentives can be classified as follows:

- **ECONOMIC INCENTIVES.** This is one of the main sources of motivation for economic agents. At present, there are no monetary mechanisms to reward good teachers, as all teachers are paid the same whether they are excellent or negligent.
- **MORAL INCENTIVES.** These are related to the improvement of teachers' self-esteem and approval of teaching work by the educational community. In this respect, there are no institutional programmes that value teachers through this type of incentive. They are carried out at school level, but without being legally established. In this respect, the education administration should learn from the military administration, where there is a very powerful system of incentives through decorations and medals, with recognition throughout the military profession and beyond. Moreover, the advantage of this system is that it has no economic impact, so it would be easy to implement as it is not subject to budgetary constraints.
- **COERCIVE INCENTIVES.** This system is developed through the disciplinary system for public employees, although its main disadvantage is that the current administrative procedure is excessively

protective of the rights of those potentially involved in the proceedings, which reduces its coercive effectiveness. Numerous examples can be given of quite serious actions carried out in the field of teaching by some public employees and which have not led to any disciplinary sanction due to procedural defects.

The Basic Statute of the Public Employee establishes the legislative framework for the implementation of a system of incentives for all public employees, by means of the so-called horizontal career, which "consists of the progression of grade, category, step and other similar concepts, without the need to change job position", assessing the professional career and performance, the quality of the work carried out, the knowledge acquired and the result of the performance assessment, with the possibility of including other merits and aptitudes due to the specific nature of the function performed and the experience acquired. This system has not been implemented by any education administration, although it is included in their own regional civil service regulations. In the case of Castilla-La Mancha, the Public Employment Act 4/2011 establishes in its eleventh Final Provision that "in the Administration of the Junta de Comunidades de Castilla-La Mancha and in the public law entities linked to or dependent on it, a horizontal professional career system shall be regulated by Decree of the Governing Council". This Decree has not yet been enacted, nor is there a project for its publication and application. A specific system could be envisaged for teaching staff with a horizontal career, where each of the steps attained would be related to the teaching evaluation.

This horizontal career system should have the following implications for teachers:

- EMPLOYMENT PROVISION. Current job provision systems should consider the horizontal career progression of public employees. A

system of provision could also be introduced for underperforming schools, encouraging the best teachers to teach in these schools. An example would be that teaching a certain number of years in these schools would allow them to advance more quickly in the horizontal career path than other teachers, assessment for transfer competitions, differentiated salary supplements, access to specific posts (university teaching staff, specific posts in the education administration, etc.). In economic terms, this measure would have a low budgetary impact, since the schools with low performance are relatively few in relation to the total number of schools in each autonomous region.

In this section, I would highlight the creation of a powerful incentive for teaching staff: **differentiated assessment for access to the university civil service**. The appropriate channels should be established, mainly through the reform of university laws, so that the best non-university teachers are recognised and valued in the corresponding selection processes for university teaching staff. As well as being an incentive, this would allow for the creation of a true professional teaching career, culminating in access to university teaching posts. At present, one of the problems in the management of human resources in non-university education is the failure to establish a teaching career.

This aspect was timidly contemplated in the now repealed regulations of Castilla-La Mancha for Heads of public schools in Decree 35/2017 of 2 May, which regulates the characteristics and processes relating to the exercise of the management function in non-university public schools, where it is established that the development of the management function will be taken into account for the filling of associate teaching posts (art. 18.1.b). The current regulations governing school heads, both Decree 89/2021, of 27 July, and Order 170/2021, which develops it, do not contemplate this possibility.

- SUPPLEMENTARY REMUNERATION. As noted above, financial incentives are the most important source of motivation available to organisations. Therefore, a system should be designed to encourage the progression of teaching staff on the basis of evaluation criteria/indicators selected in performance appraisal processes. In order to follow a common line in the current remuneration system, an adaptation of the training supplement (sexenios) is proposed. At present, teachers consolidate this remuneration if they exceed a number of training credits established by each educational administration. Five levels are established, which are consolidated every six years. A system very similar to that established for the sexenios would be established, but it would be consolidated by passing the teaching assessment carried out by the Education Inspection Services. It would not entail major organisational problems, as it would only involve a change in the way training is considered in terms of passing an assessment. In economic terms, it would not have any budgetary impact, as it would even be possible to increase this salary supplement depending on the teachers who do not pass this assessment or do not wish to take it, although it would be a very low percentage.

On the other hand, sub-scales can be established in each remuneration bracket: Excellent, Competent and Not Competent (without the right to additional remuneration and the possibility of losing consolidated brackets).

SANCTIONING MEASURES. Just as good teachers should be rewarded, professional demerit systems should be established to penalise educational malpractice. The Castilla-La Mancha Public Employment Act articulates these mechanisms through the demerit sanction which consists in the loss of steps or

grades achieved in the horizontal professional career or in the extension of the period of time required to be able to apply for the recognition of the corresponding step or grade. As in other measures, we have the legislative framework in the Public Employment Act of Castilla-La Mancha (2011), but the system of career brackets has not materialised in a regulatory development. The legislation of Castilla-La Mancha provides for the following penalties:

<p>CAPITAL OFFENSES (art. 138.1)</p>	<ul style="list-style-type: none"> ● Loss of one, two or three steps or grades achieved in the horizontal career path. ● Extension, between three and five years, of the period of time required to be able to apply for the corresponding recognition or grade..
<p>MAJOR OFFENSES (art. 138.2)</p>	<ul style="list-style-type: none"> ● Loss of the higher step or grade established in the Public Employment Act or other specific regulations. ● Extension of the period of time required to be able to apply for recognition of the corresponding step or grade by between one and two years.

5. FLEXIBILISATION OF INSPECTION SERVICES AND ADAPTATION TO NEW DEVELOPMENTS

- Use of ICTs

In the area of Information and Communication Technologies, the aim would be to make effective use of these technologies so that education inspectors can streamline and simplify their work in order to focus on improving the quality and performance of the education system in general.

To this end, a centralised data management system could be developed that would allow inspectors to access information on all schools at state level and not only at provincial and/or autonomous community level, thus facilitating the need to request documentation and information not only from other provinces within the same community, but also from other autonomous communities, as this would allow direct access and save time to be devoted to other more productive tasks.

The creation of centralised information management systems has great advantages when it comes to improving the effectiveness and efficiency of organisations. A very clear example is the various reports on the investigation of the 11-M attacks, where one of the main conclusions was the use of centralised databases and information systems to avoid the inefficiencies and other problems of using autonomous systems of the various police forces that exist in Spain. Another clear example is in the field of medicine, where the use of centralised systems allows for better predictions in health systems when planning resources.

The use of these centralised systems would allow artificial intelligence to be used as a tool for better educational management. It is clear that this technology is here to "stay" in organisations. As several authors have pointed out (Jordi Torres, 2023), this technology can be compared to a "knife". Depending on how it is used, it can be very useful, as it can be used for eating, cutting food, etc., or it can do a lot of damage. There are numerous examples of this technology being used today for criminal and fraudulent acts. Artificial intelligence with the use of centralised databases could automate certain tasks of the Inspectorate Services

(producing data-rich and highly representative reports on school results, comparative analyses, improvements in the allocation of resources in schooling procedures, etc.). It would allow large-scale data zoning, as well as improved feedback to schools.

This centralisation of information would enable cost savings for the different administrations, as the changes to be made to these computer systems would be distributed among all the autonomous communities or assumed directly by the Ministry of Education.

On the other hand, and taking into account the impact and accelerated development of these media, virtual and augmented reality or mixed reality media could be developed in order to carry out virtual visits to educational centres, view the implementation of new methodologies, evaluate trainee civil servants, and in general have access to realistic educational scenarios without the need to interrupt educational practice, thus reducing the inspector's itinerancy to those distant geographical areas that form part of his or her field of action. It is not a question of replacing inspection visits, but of having a means of access to all schools at any time, in the event that our presence is required and/or we have to carry out much more detailed supervision in space and time.

In short, the aim is to significantly simplify the work of the different Inspection Services, using the effectiveness and efficiency of these technological means.

- **Tension between generalist inspector/specialist inspector**

The first formulation of a set of scientific principles on the subject of specialisation is due to a Scotsman: Adam Smith (1723-1790), who in his *Inquiry into the Nature and Causes of the Wealth of Nations*, systematised the existing knowledge up to his time, giving it a new orientation and facilitating its further

development. The main idea of this work revolves around the concept of productivity or efficiency.

Efficiency means using society's resources as effectively as possible to satisfy the needs and wants of individuals. And one of the ways to increase the efficiency of individuals is their specialisation of functions. According to Mintzberg (2012), specialisation is an immediate consequence of the division of labour, since it is not enough to simply distribute tasks for the development of organisations, but it is necessary for each element or management unit (person or body) to specialise in a task (or group of tasks). In this way, each element of the organisation will be dedicated to specific and concrete tasks, which has important repercussions on efficiency, since people become more skilled in the performance of their work, time is not wasted in moving from one task to another, each individual can be assigned those tasks for which he or she is most qualified, etc.

In the current generalist model of Education Inspectorate Services, its components must have in-depth knowledge of a multitude of facets, which impedes efficiency in the development of tasks: staffing, school organisation, schooling, personnel management, disciplinary procedures, curricula, rights and duties of the members of the education community, personal data protection, occupational risk prevention, etc. And this does not include all the incidental actions that arise during the school year: problems with separated parents, conflicts between members of the educational community, etc.

An example of inefficiency is the handling of disciplinary cases. This function requires extensive knowledge of law and administrative procedure which can undoubtedly be performed by other public employees with greater efficiency and economy of resources. These processes consume a great deal of Inspectors' time, which they have to take away from "essential" tasks for the education system. As stated by Dr. Galicia Mangas in his doctoral thesis, this function should

be carried out by the General Inspectorate of Services of each Regional Ministry. The Body of Education Inspectors should be mainly dedicated to the curriculum and its implementation in the classroom. And the many other tasks to be performed could be assigned to the Education Sub-inspection Body.

The proposal is the creation of specialisations in the Inspectorates: Primary, Secondary, Vocational Education and Training and Special Education. As has been pointed out above, it is impossible for an inspector to be an expert in all the curricula of all the different types of education. We must abandon the territorial model of assigning inspectors to zones, demarcations or districts and opt for the specialisation of functions. The territorial model is based on models from the last century which generates problems of hierarchical dependence and coordination (Mintberg, 2012):

- ORGANIC: of the heads of the territorial bodies (Provincial or Territorial Directors/Delegates/Coordinators).
- FUNCTIONAL: of the central services of each of the Regional Ministries.
- **Establishment of an Education Sub-inspection Body**

With the reform of the functions of the Education Inspectors, it would not be possible to carry out other tasks that are currently entrusted to them: supervision of timetables and groupings, programme documents, training leave, teacher absence reports, language programmes, schooling of students, etc.

There are two options when it comes to managing all the other non-curricular tasks assigned to the inspectorates (Castán Esteban, 2016): that these functions are carried out by the administrative units of the provincial services or that they are carried out by the provincial inspectorates with a different organisation. Our proposal in this article is the creation of an Education Sub-inspection Body,

analogous to the Body of Labour Sub-inspectors or the Body of Technicians of the Ministry of Finance (group A2). By way of example, this functional body is structured as follows

- TAX TECHNICAL BODY. Attached to the State Tax Administration Agency. Its functions are those relating to the management, inspection and collection of the state tax system and the customs system.
- AUDIT AND ACCOUNTING TECHNICAL BODY. Attached to the Ministry of Finance. Its functions are those relating to the management of public accounting, auditing and financial control and auditing in the public sector, as well as budgeting.
- CADASTRAL MANAGEMENT TECHNICIAN BODY. Attached to the Ministry of Finance. Its functions will be those relating to cadastral management, except those for which it is necessary to be in possession of an optional qualification.

In the field of education, this technical body should also have a specialisation of its functions, although not as formally as that established for finance technicians. It would be a single body, although each of its members would specialise in specific functions: schooling, programme documents, resource management (timetables, quotas and staffing), training, etc.

On the other hand, it would not entail a higher cost for the Administration, since the creation of this body could be carried out through a reorganisation of the functions of the provincial services, transferring functions currently carried out by other administrative units to this technical body, thus improving the quality of the processes by having civil servants with a stable service relationship carry out these functions, avoiding free appointment procedures and the instability

generated by the provision of jobs. On the other hand, as indicated in our civil service regulations, the general form of job provision in the civil service should be the transfer competition, with all other forms of provision being exceptional. Finally, a more unified Inspection Service with more specialised functions would be promoted, resulting in greater efficiency and effectiveness in the use of public resources.

● **Implementation of ISO quality standards in Inspection Services**

The application of these standards in other organisations (companies, foundations, NGOs...) results in an improvement of the quality of all processes and their application in the Inspection Services would have an impact on the added value of service provision by the inspectors. More and more companies and organisations are establishing ISO quality management systems to improve the quality of their processes. And quality improvement is one of the objectives set out in the LOE-LOMLOE. If one searches for this term in the Organic Law, it appears sixty-four times. An example of the implementation of these systems can be found in the Education Inspectorate Service of the Basque Country, where they have been implementing these quality management systems for several years, with improvements in many different aspects.

- Continuous feedback and continuous improvement.
- Active involvement of inspectors in the improvement of educational processes.
- Documentation of key processes.
- Implementation of evaluation and quality control systems to measure the performance and effectiveness of educational processes.

- Collaboration with other educational institutions.
- Enhancing the reputation of the inspectorate by establishing a system of improvement and commitment to quality.

6. CONCLUSIONS

When carrying out an educational reform, few but profound changes should be made (Pareto's Law). Other changes should be implemented gradually over time, but gradually. The main change is teacher evaluation, with economic, moral and sanctioning implications, together with the specialisation of the functions of Education Inspectors. Today we would not understand the great progress in medicine if it were not for the specialisation of the tasks of medical professionals. In the world of education it must be the same. We cannot remain stuck in the systems of the past. Progress in science and technology is vertiginous and education systems must adapt to the new demands generated by these changes.

The Education Inspectorate must be the driving force for change in the system and focus on the essential aspects of the system. Undoubtedly, this change will be subject to a multitude of difficulties, as evaluation is a complex activity in which elements of a very diverse nature are interwoven (Pérez Juste, 2007). But we have an obligation to change and evolve in the world of education.

Finally, it should be noted that all the measures outlined above would be in line with the principle of budgetary stability, since they do not involve significant increases in public spending but only a reorganisation of public resources.

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