

NATIONAL REPORT OF SPAIN

Structure of the education system and parental participation

The Spanish education system is organised in stages, cycles, degrees and levels. Compulsory education, primary education (*Educación Primaria - EP*) and compulsory secondary education (*Educación Secundaria Obligatoria - ESO*) cover 10 years of schooling, from 6 to 16 years¹.

When it comes to education, competences are divided between the State and the 17 Autonomous Communities. The exclusive powers of the State are: general standards on the right to education, the general order of the education system, setting a minimum education, senior inspection, and regulation of academic titles, in addition to determining minimum conditions to be fulfilled by teaching centres. The powers given to the Autonomous Communities correspond to the development of standards by the State and the executive and administrative powers of management of the education system in their territory. They can also establish the curriculum in accordance with the powers of the State. Schools must, in turn, develop and complete the curriculum of the different stages and cycles.

It is established by constitution that the authorities must guarantee the participation of parents when preparing the general curriculum and in the monitoring and management of schools supported by public funds. This participation occurs through the State School Board and the Autonomous School Boards. Parental participation in the monitoring and management of centres - state or subsidised – takes place through school boards.

Participation in the boards is usually through Parents Associations (AMPAS), their federations and confederations. Their main functions are to aid parents in everything regarding their children's education, to collaborate with the centres on educational activities, and to promote parental participation in the management of these². The Ministry of Education, Autonomous Communities and Municipalities issue grants to the parents associations'.

¹. According to data from the Ministry of Education Bureau of Statistics, during the 2008-2009 school year 2,659,424 students were enrolled in EP, of which 67.4% attended state schools ; 1,810,298 students in ESO, of which 66% attended state schools. *Données et chiffres. Année scolaire 2009/2010*. Available at <http://www.educacion.es/mecd/jsp/plantilla.jsp?id=313&area=estadisticas>.

². Cfr. art. 5 LOE; art. 5 R.D. 1533/1986, of the 11th of July by which Parents associations are regulated.

Results

Regarding the indicators relative to international and regional instruments in the field at hand, Spain has ratified:

- The International Covenant on Economic, Social and Cultural Rights
- The International Covenant on Civil and Political Rights
- The Convention on the Rights of the Child
- The Convention on the Elimination of all Forms of Discrimination against Women
- The Convention against Discrimination in Education
- The European Convention for the Protection of Human Rights and Fundamental Freedoms
- The Framework Convention for the Protection of National Minorities.
- Protocol n°1 of the European Convention for the Protection of Human Rights and Fundamental Freedom.

However, it has not ratified:

- The United Nations Convention on the Protection of the Rights of All Migrant Workers

Right to information	75
Right to choose	75
Right of appeal	100
Right of participation	35
Overall indicator	71

Right to information

Schools are obligated to inform the educational community about all the different aspects listed in the first indicator of right to information (see methodology). A large part of this information is available on the websites of the Autonomous Communities Ministries of Education and centre notice boards. However, many parents are unaware of certain information, in particular related to assessment, either because it is not sufficiently accessible or because the main distribution channels - especially AMPAS and the School Board - are not very effective here.

Since the approval of the Organic Law of Education (“Ley Orgánica de Educación” - LOE) on the 3rd of May 2006, it is obligatory by law to distribute the results of general assessments concerning the acquisition of basic skills by students after the second

primary education cycle and compulsory secondary education. The same applies for the results from school assessments³. The Administration may decide how to distribute this information within the educational community but it cannot under any circumstances use the results to rank schools. In reality, the assessment process hardly takes parents into account. School self-assessment, a management tool in which parents can be involved, is hardly used. In any case, its use and the distribution of results depend largely on the leadership of each school's management team.

Despite exponential growth over the last decade of the migrant student population in Spain, mechanisms of information (information translated into several languages, intercultural mediators, interpreters, extra classes and linguistic immersion, etc.) remain limited and vary from one Autonomous Community to another.

Right to choose

Schools in Spain are diverse. They may be state, private or subsidised, the latter having very different educational programmes. For the 2009-2010 academic year there were 26,033 general non-university teaching centres in Spain: 18,089 state and 7,944 private and subsidised.

Spanish law provides financial measures –*conciertos*– that allow parents to choose a school “other than those established by public authorities” (arts. 27.3 and 27.9 of Spanish Constitution). The law establishes a series of criteria for awarding grants, criteria that are applied depending on the educational policies of each Autonomous Community. In some instances, these policies complicate the freedom to create schools as well as parental choice. The granting of places in schools subsidised by public funds is determined by eligibility criteria stipulated by law, but each Autonomous Community sets its own priorities. Consequently, despite multiple educational opportunities, many families are forced to choose the school where they “can” send their children and not where they would “prefer” to.

Right of appeal

Mechanisms of appeal exist in all the areas defined by this indicator. However, appeals concerning *admission* are most frequently raised by families, in particular at a secondary school level; those concerning *disciplinary measures* are increasing due to a deterioration of discipline in the classroom; those relating to *assessment* depend on the involvement of tutors and guidance councillors as well as how much families value education; finally, appeals on *participation* have increased due to debates concerning the continuous school day.

Right of participation

³. The first general diagnostic assessment was carried out in 2009.

The Spanish education system has collegial bodies for parental participation at all levels of educational administration: State School Board, Autonomous School Boards, and Individual School Board. The first of these is a consultative body on the general teaching programme and proposals on matters within its domain. Nevertheless it lacks the autonomy to make restrictive decisions outside administration. The second represents a consultative body on information, assessment and proposals, while the last group retains some decision-making powers on limited matters.

Parental representation in participatory bodies is in the minority at all levels: it makes up 11% of the State School Board, an average of 14% of the different Autonomous School Boards and 13% of the State School Boards and subsidised schools.

The State collects parental opinion through the Assessment Institute which distributes a questionnaire. This allows parental opinion to be collected with respect to their children's learning and the relationship between the parents and the school (relationship with teachers, general and specific meetings throughout the year, activities). However, not the entire school population is taken into account as the Assessment Institute uses sampling during assessments in the sixth year of primary school. These studies, which took place in 1995, 1999, 2003 and 2007, do not therefore collect the opinion of all parents.

Moreover, the Administration only intermittently organises training programmes for parents. It is the parents associations and/or their confederations that play the biggest role in this matter. Their effectiveness largely depends on their ability to obtain subsidies. Only the most representative confederations and/or associations can benefit. In addition, the sums granted have not changed for many years.

Conclusions

In general, Spanish law offers many legal safeguards for the educational rights of families, which is corroborated by the high score obtained in right of appeal and right to information. Educational policies are progressively tackling new challenges with variable success. For example, the integration in a short time frame, of a significant amount of migrant students from very different origins, and the implementation, for the first time in Spain, of a school assessment system. However, there is some variability in the effectiveness of the application of these rights. This variability reflects the difficulties faced by Spain in establishing an Educational Pact between different social forces. The right to choose a school is, in this sense, the most controversial of these rights. The effectiveness of the right to choose in fact, depends on the orientation of the central and/or autonomous government, which has substantial discretion in applying the law.

In the Spanish education system, participation is conceived of as a critical value in the formation of autonomous, independent and responsible citizens. Educational administrations are therefore committed to guaranteeing the participation of the



educational community in the organisation, governance and assessment of schools⁴. Nevertheless, the reality is that this goal has not yet been achieved, which underlines the low rates of parental participation. Research has highlighted some reasons for this phenomenon. On the one hand there is low parental representation in collegial bodies, which is an obstacle to the formulation of consensual proposals beyond the demands of groups. Thus the normal activity of the School Board is often purely bureaucratic. This leads to apathy, indifference, or lack of parental participation in crucial issues regarding the quality of the school and the realisation of the curriculum. Generally speaking, the channels of communication between school and family, and between parental representatives and the rest of the group, are inadequate. On the other hand, a real culture and/or dynamic of participation is absent, which is clearly related to the situation described above. One or two parents out of three feel that their participation within the school is useless or very modest.

As almost everywhere in Europe, a climate of mistrust spreads when some parents abandon their educational responsibilities into the hands of teachers. A purely arrogating attitude and a general lack of training for parental participation are the main obstacles to the effectiveness of a dynamic of participation. It is therefore necessary to develop better tools for participation and provide more effective training that can improve current dynamics.

⁴. Cf. Preamble to the Education Act 2/2006, of the 3rd of May, LOE.

