

# GENERAL SECONDARY EDUCATION IN SPAIN: ADMINISTRATIVE LAW ASPECTS

Lamza Dmytro

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**Annotation.** The article analyses the system of general secondary education in Spain from the perspective of administrative law. The author aims to study the main goals and objectives of general secondary education in Spain, its principles, structure, educational relations and the State's obligations in the field of education. The research is based on the analysis of the fundamental legal act in the field of education in Spain, the Organic Law of Education.

The author notes that in the system of compulsory secondary education in Spain, particular attention is paid to the educational and professional orientation of students, taking into account the gender-sensitive approach and special educational needs of students with disabilities. In addition, school education is aimed at teaching students the basic elements of culture, instilling tolerance, healthy lifestyle skills, and respect for the environment.

For the purpose of comparative analysis of the practical achievements of the Spanish secondary education system, the author draws attention to the results of the OESD's Programme for International Student Assessment PISA, other data from the OECD, UNDP and independent rankings.

It is noted that public administration in the field of general secondary education is in close communication and interaction of public authorities, is characterised by decentralisation of powers, transparency, accountability, autonomy of educational institutions and flexibility in the organisation of the educational process. The author looks into the distribution of powers in the field of education between the bodies of the General State Administration, such as the Government of Spain and the Ministry of Education, Vocational Training and Sports of Spain, and the administrations of the Autonomous Communities. Education authorities at different levels coordinate their actions, each within its own competence, in order to use resources efficiently and achieve the goals set by law.

On the basis of the research, the author concludes that public administration in the field of education in Spain is aimed at meeting to the fullest extent the needs of the population in providing general secondary education, and the Spanish education system itself is focused on the formation of educated, tolerant and culturally enriched individuals. The state is most interested in taking into account the needs of students to unveil their potential to the full extent.

**Key words:** general secondary education, educational institutions, compulsory secondary education, public authorities, educational services, primary education, public administration.

## 1. Introduction.

One of the main factors in the development of a civilised society and ensuring an adequate standard of living for its population is the formation of human capital through the provision of affordable and accessible high-quality education. The key to such development is general secondary education, which everyone receives as a basis for acquiring further knowledge, qualifications and skills.

Each country develops mechanisms to foster an appropriate level of civic awareness among its population. It is based on education that allows people to develop critical and analytical thinking to further participate in the construction of a progressive, democratic and just society. Spain is no exception. The Spanish society is convinced that it is necessary to improve the quality of education, because this “public good” should cover all young people without exception and should be a fundamental position for the state policy.

Rankings of international organisations record the following results of providing general secondary education to the population of the country under study. The Organisation for Economic Co-operation and Development (hereinafter - OECD) notes that in Spain, 46% of adolescents aged 15-19 are enrolled in general upper secondary education and 14% in vocational upper secondary education. A further 8% are enrolled in lower secondary programmes and 19% in tertiary programmes. For comparison, for the OECD countries, respective average figures are 37%, 23%, 12% and 12%. Upper secondary education is often the minimum educational level required to successfully participate in the labour market, however 27% of young people aged 25-34 in Spain do not have upper secondary education, which is almost twice the OECD average (14%) [1].

According to the results from PISA 2022, Spanish students ranked 27th in mathematics (473 points), 28th in reading (474 points) and 28th in science (485 points). In total, 700,000 students from 81 countries took part in the assessment [2].

U.S. News & World Report’s Ranking of the Best Countries for Education, which is based on a global survey of more than 17,000 people and reflects their perceptions of a country in relation to several factors: whether the country has a well-developed public education system, whether people would consider studying at universities in that country, and whether it provides the highest quality education, places Spain 17th out of 87 countries in 2023, compared to 18th place in 2022 [3].

The preamble of the Spanish Organic Law of Education clearly reflects the attitude towards education, stating that no country can afford to waste the talent that each of its citizens possesses, especially in a society characterised by the growing value of information and knowledge for economic and social development. Awareness of this challenge means that it is necessary to pursue the goal of achieving educational success for all young people [4].

In view of the above, public administration in the field of education in Spain is aimed at meeting the population’s needs in providing general secondary education in the best possible way, and therefore requires our special attention.

## 2. Analysis of scientific publications.

Within the science of administrative law, the issues of general secondary education have not yet received due attention in the works of scholars and researchers.

At the same time, the analysis of general secondary education in Spain and its education system in general is reflected in the researches from the perspective of pedagogical science. For example, V.G. Kremen, O.I. Lyashenko, O.I. Lokshyna in their report “General secondary education of Ukraine in the context of education in Europe: duration and structure” examined the general secondary education in EU member states [5].

I.O. Klymchuk carried out an analysis of domestic and foreign indicators of the state of general secondary education, in which he highlighted indicators of education development, total education expenditures, the structure of expenditures in public educational institutions in Ukraine and in Western Europe, as well as annual salaries of teachers in Ukraine and in Western Europe [6].

At the same time, the problems raised in these studies do not reveal the provisions of the administrative and legal regulation of general secondary education in Spain, and therefore it is a relevant topic for our study.

### 3. The aim of the work.

The aim of this study is to analyse the system of general secondary education in Spain from the standpoint of administrative law and national legislation in order to identify the main goals and objectives of general secondary education in Spain, its principles, structure, educational relations and the state's obligations in the field of education.

### 4. Review and discussion.

As mentioned above, the basic legal act in the field of education in Spain is the Organic Law of Education (*Ley Orgánica 2/2006, de 3 de Mayo, de Educación*). The law defines that the Spanish education system should be aimed at achieving the following goals: the full development of the personality and abilities of the students, respect for fundamental rights and freedoms, equal rights and opportunities for men and women, and equal treatment and non-discrimination of people on the grounds of birth, racial or ethnic origin, religion, belief, age, disability, sexual orientation or identity, illness, or any other condition or circumstance. The priority goals of the education system also include fostering tolerance and freedom within the democratic principles of coexistence as well as the prevention of conflicts and their peaceful resolution, education in the spirit of peace, respect for human rights, life in common, social cohesion, cooperation and solidarity among peoples as well as the acquisition of values that promote respect for living beings, rights of animals and the environment, particularly the value of forests and sustainable development, and many other goals that contribute to the formation of educated, tolerant and culturally enriched individuals [4].

It is worth noting that these educational goals are being implemented at a fairly high level. The UNDP Human Development Report 2021-2022 ranks Spain, belonging to the group of countries with very high human development, 62nd in the world among 191 countries with the Inequality Adjusted Education Index of 0.717 [7].

The Spanish education system includes both public and private educational institutions. It should be noted that the education system is organised by stages, cycles, classes, courses and levels of education in such a way as to ensure the transition between them and, if necessary, within each of them. In general, the education system offers the following components: pre-school education; primary education; compulsory secondary education; baccalaureate; vocational training; language teaching; art education; sports education; adult education; and university education.

Preschool education is provided to children aged 0 to 6 years and is obtained in preschool education institutions (*"escuelas infantiles"*). Preschool education is voluntary. Primary education (*"educación primaria"*, from 6 to 12 years of age), compulsory secondary education (*"educación secundaria obligatoria – ESO"*, from 12 to 16 years of age) and basic training cycles (*"ciclos formativos de grado básico"*) constitute basic education, which is compulsory and free for all. Students who have completed compulsory secondary education and plan to enter universities study for two years in *bachillerato* (16-18 years old), which is not compulsory. Thus, compulsory education in Spain covers ten years of study and takes place on a regular basis between the age of six and sixteen.

According to Article 4 of the Spanish Organic Law of Education, basic compulsory education has the dual purpose of personal development and socialisation, integrating all dimensions in a balanced way. It should provide students with the knowledge and skills necessary for their personal development, to deal with situations and problems in different areas of life, to create new opportunities for improvement, to develop their socialisation, to achieve continuity in their educational trajectory, and to integrate and actively participate in the society in which they will live caring for the natural environment and the planet [4].

Children aged 6 to 12 years are enrolled in primary education in Spain. It is worth noting that education is aimed at actualising the child's self-identification and self-realisation. Primary education consists of three cycles of two academic years each. The main areas of education are enshrined in law

and include: knowledge of the natural, social and cultural environment, which can be divided into natural and social sciences; art education, which can be divided into plastic and visual education, on the one hand, and music and dance, on the other; physical education; Spanish language and literature and, if any, the mother tongue and literature; a foreign language; and mathematics.

In accordance with Article 20 of the Spanish Organic Law of Education, the education authorities develop guidelines so that educational centres can draw up plans to strengthen or enrich the curriculum to improve the competence of students who require it. At the end of each cycle, the tutor draws up a report on the extent to which each student has acquired the competences, indicating, where appropriate, the consolidation activities to be considered for the next cycle or stage. According to Article 21 of the law, in the fourth year of primary education, all schools conduct a diagnostic evaluation of the competences acquired by pupils. This assessment, which is the responsibility of the education authorities, is informative, formative and guiding for schools, teaching staff, students and their families, as well as for the entire educational community [4]. That is, public administration in the field of general secondary education is in close communication and interaction between public authorities. It should be noted that the state is most interested in taking into account the needs of students to maximise their potential in the future.

In the Spanish compulsory secondary education system, particular attention is paid to the educational and vocational guidance of students, taking into account a gender-sensitive approach and the special educational needs of students with disabilities. The curriculum of compulsory secondary education must include: general basic subjects, elective subjects, while providing the basics of professional training in a particular field. In addition, the list of compulsory subjects is defined by law, however schools may organise, in accordance with the orders of the education authorities, programmes to strengthen or enrich the curriculum, as well as other educational activities for students who need them to successfully complete secondary education courses.

Article 22 of the Organic Law of Education stipulates that the purpose of the secondary education in Spain is to ensure that pupils acquire the basic elements of culture, especially in its humanistic, artistic, scientific, technological and motor aspects; to develop and consolidate their learning and working skills and healthy lifestyle habits; to prepare them to continue their further studies, integrate into the labour market and prepare them to exercise their rights and obligations as citizens [4].

Compulsory secondary education in Spain is organised in accordance with the principles of general education, tolerance and inclusiveness of students. The responsibility for regulating organisational and educational measures to take into account diversity lies with the education authorities, which allow educational institutions to use their autonomy to organise learning in a flexible manner. In addition, basic secondary education in Spain provides for the adaptation of the curriculum, integration of subjects by subject areas, flexible group formation, group separation, offering optional subjects, strengthening programmes and individual support measures for students with special educational needs.

It is worth noting that Spanish legislation stipulates that schools should have autonomy to organise groups and subjects in a flexible way and take the necessary measures to ensure the education of their students. Special attention is also paid to promoting meaningful learning to develop competencies that promote autonomy and reflection. After all, the best motivation for learning is self-motivation with a clear understanding of the learning objectives.

N.M. Loseva notes that a student can repeat any course of compulsory secondary education if he or she fails to obtain the required marks in three or more subjects. This is a common practice in the Spanish educational system. Students who have a score below the minimum in two subjects are promoted to the next grade, but they have to work in the summer and close their debts and get the required scores at the beginning of the year. Upon completion of secondary basic education, students receive a certificate of basic secondary education [8].

The education system in Spain also includes a strategy to support gifted children, which is highlighted in the research by L.V. Kokorina [9].

The state support for the education of gifted children is embodied in material incentives for both students and their families, as well as educational institutions. For example, in order to receive appropriate support, educational institutions have the right to apply for financial assistance to meet the special needs of students.

The education policy in Spain, its level and reforms are implemented by the Ministry of Education, Vocational Training and Sports (*Ministerio de Educación, Formación Profesional y Deportes* or *MEFPD*). Each of the country's 17 Autonomous Communities brings its own regional differences to the education system [10].

Spanish education law defines the education authorities as the bodies of the General State Administration and the administrations of the Autonomous Communities competent for education. The education system itself is understood as the set of education authorities, educational professionals and other public and private agents, that carry out regulation, financing or provision of services for the exercise of the right to education in Spain and the holders of this right.

The activities of public authorities in the field of education are governed by the following principles: quality, cooperation, equity, educational freedom, inclusiveness, tolerance, equality of opportunity, non-discrimination, efficiency in the allocation of public resources, transparency and accountability.

The education authorities shall establish programmes for the different types of education and determine the percentage of the school schedules that the educational centers will have to guarantee the integrated development of all the skills of the stage and the incorporation of transversal contents to all areas and subjects.

The education authorities must periodically review the curricula to adapt them to advances in knowledge, as well as to the changes and new demands of their local environment, of Spanish society and of the European and international context.

The education authorities, Autonomous Communities, provinces and municipalities coordinate their actions, each within its own competence, in order to achieve greater efficiency in the use of the resources allocated to education and to contribute to the achievement of the objectives set out in the Spanish Organic Law of Education.

The role of the state is to promote measures that encourage all students to choose the educational options they want, regardless of their place of residence, in accordance with the academic requirements established in each case.

With regard to the division of powers in the field of education, the Spanish Government is responsible for the general organisation of the education system, the general programming of education, in accordance with the terms set out in the Organic Law 8/1985, of July 3, regulating the Right to Education, and also establishes minimum teaching requirements, regulates the conditions for obtaining, issuing and recognising academic and professional qualifications, the basic rules for the development of Article 27 of the Spanish Constitution, to guarantee compliance with the obligations of public authorities in this area [4].

In Spain, school administrations are mainly subordinated to regional governments, as the country's education system is decentralised. The governments of the autonomous communities (*Comunidades Autónomas*) have their own departments of education, which are responsible for the management and development of schools in their territory.

Central administrative bodies, such as the Spanish Ministry of Education, Vocational Training and Sports, also play a role in setting general national standards and strategies in education, but many issues related to the organisation of education are devolved to regional competence.

Thus, the administrative structure of schools in Spain is determined by national and regional regulations, and administrative decisions may vary from region to region.

## **5. Conclusions.**

Summarising the above, general secondary education in Spain is a thorough and very important social system of the country, which is focused on the educational and professional component of students' education, taking into account the gender-sensitive approach and special educational



needs of students. The specifics of the legal regulation of the general secondary education system are set by the Organic Law of Spain on Education.

The main characteristics of public administration of education are its democratisation and decentralisation and the autonomy of educational institutions, which is manifested in the possibility of organising groups and subjects in a flexible way and taking the necessary measures to ensure the education of all students. The main public administration entities in the field of general secondary education are bodies of the General State Administration, such as the Government of Spain, the Ministry of Education, Vocational Training and Sports of Spain, and the administrations of the Autonomous Communities, competent in education, as well as other bodies that, within their competence, are involved in the implementation of the provision of quality education and play an indispensable role in the formation and development of an appropriate level of education for Spanish students and the successful future of the country.

We consider it necessary to emphasise that Spanish education is characterised by a combination of centuries-old traditions and innovations of various curricula. The Spanish educational system meets European educational standards, is forward looking and requires deeper further research by scientists.

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**Dmytro Lamza,**

*Postgraduate of the Department of Public and European Law*

*Kyiv International University*

*E-mail: lamzadv210@gmail.com*

*ORCID: 0009-0009-3049-2652*