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## HISTORY OF EDUCATION REFORMS IN SPAIN

Verónica Fernández Espinosa\*

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### *Abstract*

This work provides a succinct historical overview of the history of the Spanish education system from 1812, date of the first Spanish Constitution, until 1970 at the end of the Francoist era in Spain, highlighting the legislative milestones and contextualising them within the larger political landscape in which they took place. The paper will go on to describe the basic legislation which has regulated the Spanish education system since 1970 describing some of their most significant aspects, from the General Education Law (LGE) of 1970 to the Organic Law Modifying the Organic Law for Education (LOMLOE) which came into force in 2020.

**Key words:** *Education, Spain, laws, history*

### 1. HISTORICAL PERSPECTIVE OF THE SPANISH EDUCATION SYSTEM

The invasion of Spain by Napoleon in 1812 sparked a series of popular revolts throughout the country. This would lead to the approval by the Cortes of Cádiz of the Constitution of 1812. This document proclaimed the sovereignty of the law over the king and a new organisation of society based on three principles: liberty, equality and property. The Constitution of 1812 is the only such document which dedicated an entire chapter to public education (Ministerio de Educación Cultura y Deporte, 2004), and included important innovative and reformist ideas for the public education system, most especially:

- The establishment of universal Primary Education throughout the entire country without exceptions.
- The uniformity of the education program throughout the country.
- Education would be the competence of Parliament, or *Cortes*, rather than the Government.

With the Constitution in place, the next task was to draft a General Regulation of Public Education that would establish and expand on these constitutional principles. In 1814, Manuel José Quintana, presented a report that would become the cornerstone of future public education in Spain. With certain changes, the *Quintana Report*, as it became known, was enacted in 1821 establishing a number of basic principles for public education, namely that it be equal, universal, uniform, public and free (Araque, 2013).

A few months later, General Francisco Javier led a coup d'état, repealed the 1812 Constitution and declared the decrees of the Cortes of Cadiz to be null and void. With the return of the *ancien régime* education, especially primary education, returned to the hands of the Church.

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The years 1820 to 1823 were a pivotal time in the history of education in Spain, seeing the establishment of a new educational structure through the General Regulation of Public Education of 1821. For three crucial years the liberals held political ascendancy in Spain. Enacted by the *Ley Quintana*, the Regulation became law and established a new educational structure divided into primary, secondary and tertiary education. The new law also sanctioned the division of education into public and private spheres with public education being free. With the return of Fernando VII in 1823 absolutism was restored. For ten years, his royal supporters demanded a number of education reforms set out in the so-called *Plan de Caomarde*. These measures were a clear intent to make public education an instrument in furthering the absolutist cause (Araque, 2013).

In 1833, the regency of Maria Cristina began, bringing with it the so-called liberal decade. Now in power, the liberal progressives enacted the General Public Education Plan, better known as the Plan del Duque de Rivas, in 1836. The Plan remained largely implemented although it did set an important precedent for the famous *Ley Moyano* of 1857 which further organised and regulated the three levels of education: primary education, consisting of an elementary and superior level; secondary education, also divided into elementary and superior; and higher education corresponding to the faculties, special schools and centres for erudition. After the approval of the Constitution of 1837 there were attempts to ground constitutional principles into law but the uprising by Espartero forestalled their implementation.

The coming of age of Isabella II in 1843 opened a new chapter in Spanish history which lasted until 1854, known as the “*Década Moderada*” or the Moderate Decade. A key development during this temperate liberal period was the Constitution of 1845, which “was intended to serve the Spanish nation by palliating any hint of radicalism or idealism and steering the political life of the country. In the area of education, 1845 brought a new General Education Plan, the *Plan Pidal*, which renounced the ideal of universal and free education while laying the foundations of the contemporary education system *with the promulgation of the Ley Moyano in 1857*” (Ministry of Education, Culture and Sport, 2004, p. 2).

The Public Education Act of September 9, 1857, the *Ley Moyano*, was the product of a consensus between the progressives and moderates and represented the definitive consolidation of the liberal education system, marking the beginning a long period of stability in public education policy, legislation and administration which would endure for over a century.

The *Ley Moyano* was an important milestone in the history of education in Spain, remaining in force at least in its essence, for 113 years (1857-1970)<sup>1</sup>. It also serves to emphasise the fact that since 1970 it has been followed by no less than 8 education laws and various reforms.

What follows is a brief summary of the most important aspects of the *Ley Moyano*, the most enduring of the Spanish education system.

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<sup>1</sup> In 2017 the 160<sup>th</sup> anniversary of the proclamation was commemorated.

The law was divided into four sections:

- The first, *De los estudios*, regulated the different levels of the education system, these being: primary education, divided into elementary (obligatory and free for those unable to pay) and superior; secondary education, consisting of six years of general studies and studies applicable to trades and industrial professions; and higher education, that is, university faculties, advanced and professional education.
- The second, *De los establecimientos de enseñanza*, regulated public and private schools.
- The third, *Del profesorado público*, regulated initial training, access and the organisation of teachers in public education.
- Finally, the fourth, *Del gobierno y administración de la instrucción pública*, which established a hierarchy of education administration: central, provincial and local and regulated the participation of the public through consultation with the different administrations.

The fundamental characteristics of the law were as follows (Ministry of Education, Culture and Sport [MECD], 2014):

- A pronounced centralism in the administration of education.
- A moderate and eclectic approaching in resolving the most problematic issues of education such as the role of the Church or the weight of scientific content in secondary education.
- The legal authorisation and consolidation of private education, basically Catholic, at the primary and secondary level.
- The definitive incorporation of technical and professional studies in post-secondary education.

The *Ley Moyano* was a product of its time, with an elitist conception of higher education and giving the Church a great deal of control over educational content. However, the law represented an important step forward in education, establishing for the first time obligatory education for all children, boys and girls, under the age of nine. Education would be free for those unable to pay.

Primary education was in the hands of local municipalities while secondary education was the responsibility of the provinces. University education became the exclusive competence of the state. The law also established that all children would study the same textbooks and while private schools were permitted for primary and secondary education these were a concession of the state and were required to be fully integrated into the general education system (Araque, 2013). For private education, the law recognised the possibility for individuals, societies or companies to establish their own schools, although private secondary schools required the authorisation of the *Real Consejo de Instrucción Pública* and to meet all the conditions established by the law (MECD, 2014).

Another aspect of the *Ley Moyano* was that it raised teachers' salaries, allowing them to live with greater dignity and better perform their work. This intention was not always successful, especially in primary education where local authorities were responsible for paying teacher salaries and often failed to meet their obligations. University education

under the *Ley Moyano* was conceived as being only for elites and the law established other alternatives to access the professions for the rest of the population.

On September 19, 1868, revolution broke out in Spain and political instability continued until 1873 when the First Republic was proclaimed. During this period there was an attempt to foster greater freedom in education with the Decree of October 21, 1868 which sought to redress the balance between public and private education; there was also to need to establish study programs of different lengths for those with different skills and, finally, greater academic freedom was pursued in universities. The Decree also established that the State lacked the authority to condemn or forbid the teaching of scientific theories, giving professors the freedom to teach and discuss their ideas freely. Furthermore, professors were given greater freedom in their teaching methodologies, choice of textbooks and to create their own educational programs. The Decree also granted absolute freedom to establish schools, alluding to the fact that the state had monopolised education (Decree on Education of October 21, 1868).

This was followed by the Manifesto of October 25, 1868, which announced the reforms to secondary education. “Changes were made to study programs, including promoting the use of Spanish rather than Latin in secondary education, introducing new subjects such as psychology, art and the History of Spain, the fundamentals of Law, the study of agricultural and commerce, etc.” (Montagut, 2013, par. 7). This Manifesto gave education much more prominence than previous manifestos and was based on the liberal progressive and democratic principles in favour of universal suffrage and new freedoms: of religion, of publication (expression), of association and education; this was in opposition to the more moderate and conservative liberals who had dominated the political system under Isabel II (Manifesto del Gobierno provisional, 1868).

A new constitution was approved in 1876 which restored constitutional monarchy and established a number of fundamental principles including universal suffrage, the declaration of the rights of man and religious tolerance.

By the end of the 19<sup>th</sup> century education was again at the forefront of political debate. “The internal crisis of the country and the loss of the last colonies in Asia and America led to the coining of the famous phrase “Save Spain through school” (Delgado, 1994, p. 713). Spain would be regenerated by means of education reform. There followed a series of changes in the early 20<sup>th</sup> century in which the consensus between progressives and liberals again bore fruit. Reforms were made to normal schools, secondary education and university study programs. “These reforms also encompassed the regulation of exams, of religious instruction, teacher qualifications, the reorganisation of the baccalaureate and university autonomy” (Araque, 2013, p. 240).

One significant change was for teachers to be paid out of the state treasury. Until then teachers were paid by the local authorities which regularly failed to meet their obligations. Until 1923 the political situation in general, and education in particular, was erratic and unstable and during these years a coherent education policy was lacking.

On October 13, 1923, General Primo de Rivera headed a military coup d'état and the new anti-liberal regime put an end to academic freedoms and enacted reforms to the baccalaureate and universities.

Eight years later, on April 14, 1931, the Second Republic was proclaimed ushering in profound changes to the education system. Among other things, the Constitution of



the Spanish Republic (1931, Art. 48) established the unity of education, with free obligatory primary education, academic freedom and secular education and designated public school teachers and university professors as public employees. The many changes to the education system during these years included permission for primary schools to teach in regional languages other than Castilian, the elimination of obligatory religious education, reforms to initial teacher training and new regulations for the inspection of primary and secondary education.

In 1933, the second elections to the Cortes of the Republic were held, bringing a right wing government to power. The new government revoked many of these newly established regulations.

On July 18, 1936, a military uprising led by General Francisco Franco ignited the Spanish Civil War. The political, social and economic life of the country was convulsed by the three-year conflict and the education system remained in limbo until the end of the war.

Francoism brought the so-called Public Education Law and the Secondary Education Regulation Act, which designated education as a right of the Family, the Church and the State. These laws were entirely in line with the policy of National-Catholicism and the fascist thinking of the regime. Henceforth, education would be confessional, patriotic, social, intellectual, physical and professional, applying linguistic unity to the state and single-sex education.

Four important education laws were enacted in this period: the Secondary Education Reform Act (*Ley de Reforma de la Enseñanza Media*), of September 20, 1938, intended to regulate the education of the elites. The similar University Regulation Act (*Ley que regula la Ordenación de la Universidad*), enacted July 29, 1943. The third law, the Primary Education Act was proclaimed July 17, 1945 and the fourth, the Professional Industrial Education Law (*Ley de Formación Profesional Industrial*), of July 16, 1949 (MECD, 2004).

The 1950's saw a degree of relaxation in education policy, and while public education remained confessional, with a prominent role for the Church, there was "a diminishing of the preponderance of patriotism and political indoctrination over technical-pedagogical aspects" according to official guidelines (MECD, 2014, p.42).

By the 1970's it was evident that Spain was in dire need of change: social, political and educational. The changing circumstances of society during these times made it imperative to enact a new law that encompassed the entire education system. The aim was to provide the country with an education system that was more fair, more effective and more in tune with the contemporary needs of citizens and the country.

The foundation of the education reforms of 1970 was the 1968 'White Book' of the Ministry of Education and Science. This "was the key element, both conceptually and in terms of practical orientation, in the renovation of the education system" (Blat Gimeno 1992, p. 292). The report offered a detailed examination of demographic and economic factors that impacted education as well as figures on the education level of the Spanish population at that time, serving as the basis for public discussion during 1969-1970 of the design of the education reform of 1970.

The year of the White Book, 1968, was a pivotal year with large scale social movements taking place around the world, most famously in the United States, France

and Mexico. These movements were both cultural and political, bringing together diverse student movements which echoed around the world and “shook the foundations of academic life, particularly in universities, and had significant repercussions throughout the national education system” (Blat, 1992, p. 292). These events also influenced the drafting of the General Education Law (LGE) of 1970 (*Ley General de Educación y Financiamiento de la Reforma Educativa*).

The basic outlines of the Law were: the unity of all levels of education, the interrelation between them and the flexibility of the system (Law 14/1970, August 4).

The LGE was a milestone in the history of education in Spain and was largely the work of the Minister of Education J. L. Villar Palasí, who understood that the Spanish education system no longer fit the needs of Spanish society. The law was largely a response to the demands for the democratisation of education and the needs of a dynamic, urban and industrial society which had scant resemblance to the society of the *Ley Moyano* of 1857 (Law 14/1970, August 4).

During the period since the LGE of 1970 up to the year 2020, Spain has seen more than eight education laws and reforms. The following section will provide a general overview of these laws and reforms of the last fifty years.

## **2. THE GENERAL EDUCATION LAW OF 1970 AND SUBSEQUENT EDUCATION REFORMS**

The LGE of 1970 was huge in scope, aiming to overcome the internal contradictions of the previous system created by successive, piecemeal reforms and which were now inadequate to respond to the accelerated social and economic change taking place in Spain at the time.

The principal features and characteristics of the Law were (MECD, 2004):

- It created a unified and flexible system, structured into four levels: Pre-primary, General Basic Education, Secondary Education and University Education.
- It generalised public education for all children aged 6 to 14, with complete integration into a unified, non-discriminatory system for all boys and girls.
- It specifically addressed the issue of the quality of education, beyond universalisation it attempted to establish a quality education for all.
- It explicitly revoked the principle of subsidiarity of the state with regards to its role in education existing up until 1970.
- It allowed for the greater presence of private education at the non-university level.
- It established a relatively unselective education system compared to other countries.
- There was a great deal of interest in vocational education and skills training, relating education with the job market.
- It configured a centralised education system.

But the law also had a number of shortcomings, such as a “deficient attention to pre-school education, which never materialised; the creation of a rigid, academicist baccalaureate with no flexibility; failure of vocational education despite the innovative ambitions of the law and the falsification of university autonomy. These failures were not entirely imputable to the law itself but rather to its implementation; an

unequivocal sign that in the area of education reform, policies for application are just as important as the theoretical design” (Puelles, 2008 p. 11).

In November 1975 Franco died, succeeded by King Juan Carlos I as head of state who named Adolfo Suárez president of the government in 1976. As part of the effort to dismantle Francoist institutions, the Political Reform Act was issued and approved by a majority of Spaniards by referendum, leading to the first democratic elections since 1936 and bringing the Unión de Centro Democrático (UCD) to power which would govern for the next six years. The new government designed a new Constitution, also approved in the referendum of 1978. Article 27 of the new Constitution set out the general principles of the current education system, introducing both far-reaching reforms and partial modifications. This article of the Constitution states (Spanish Constitution, 1978):

1. Everyone has the right to education. Freedom of teaching is recognised.
2. Education shall aim at the full development of the human personality with due respect for the democratic principles of coexistence and for basic rights and freedoms.
3. The public authorities guarantee the right of parents to ensure their children receive religious and moral instruction in accordance with their own convictions.
4. Elementary education is compulsory and free.
5. The public authorities guarantee the right of all to education through general education programming with the effective participation of all sectors concerned and the setting up of educational centres.
6. The right of individuals and legal entities to set up educational centres is recognised, provided they respect constitutional principles.
7. Teachers, parents and, when appropriate, pupils shall participate in the control and management of all centres supported by the Administration out of public funds, under the terms established by the law.
8. The public authorities shall inspect and standardise the educational system in order to ensure compliance with the laws.
9. The public authorities shall help the educational centres which meet the requirements established by the law.
10. The autonomy of Universities is recognised, under the terms established by the law.

The Constitution thus guarantees the freedom of education, the right to education and the autonomy of universities. This constitutional article provided the foundation for the Organic Law of 1980 by the UCD government (Unión de Centro Democrático) seeking to regulate the *Estatuto de Centros Escolares* (LOECE). With Organic Law 5/1980, of June 19, the UCD government aimed to develop Article 27 of the Constitution from a conservative perspective. The PSOE (Partido Socialista Obrero Español) contested the law before the Constitutional Court alleging it failed to respect the spirit and letter of the Constitution. The Court agreed and ordered the UCD government to conduct a thoroughgoing reform of the LOECE or to draft an entirely new law. For various reasons, this reform never took place, firstly due to the attempted coup d'état of February 1981 and then the elections of 1982 which brought the PSOE to power

making the implementation of the LOECE inoperative. In the years that followed the PSOE government enacted four basic organic laws on education which, along with the Constitution of 1978, regulate the Spanish education system. According to the MECD (2014), this legislative framework is completed by a large number of subsequent regulations, however, the basic foundations consist of the following:

- Organic Law 11/1983, of August 25, the University Reform Act (LRU).
- Organic Law 8/1985, of July 3, the Right to Education Act (LODE).
- Organic Law 1/1990, of October 3, the General Education System Regulation (LOGSE); and
- Organic Law 9/1995, of November 20, on School Participation, Evaluation and Governance (LOPEG).

### **a) THE UNIVERSITY REFORM ACT (LRU), 1983 AND THE RIGHT TO EDUCATION ACT (LODE), 1985**

The LRU came into effect in 1983 and was the first education law of the socialist government of Felipe González. It remained in effect until 2002 and was the first law that established the principle of university autonomy, laying the foundation for the future reform of university education. Seeking to materialise the Constitution approved only five years earlier, the LRU sought to move from a highly centralised university system to “a decentralised system in which responsibilities for management and funding are shared by the Autonomous Communities and the State (...). The process of decentralisation initiated by the LRU led to, among other things, the expansion and diversification of the public university system and the participation of private initiatives” (Rodríguez, 2003, p. 147-148).

The LODE sought to further develop Article 27 of the Constitution, with the exception of section ten referring to university autonomy. The aim was to guarantee the right to education for all, with particular emphasis on providing basic, free and obligatory education without discrimination.

This ensuring the right of all to education led to the notion of education as a public service which was not monopolised by the state but also open to private initiatives. The law also attempted to reinforce the school system to correct grave educational inequalities in society through the undertaking of a range of programs such as compensatory education, adult education, special education and grants. With the LODE, the aim was clearly to guarantee the right of education to all.

The LODE also sought to guarantee and further the right to freedom in education. The rights of parents and students were explicitly recognised to ensure the achievement of certain educational outcomes in accordance with the Constitution. The law approved the existence of a dual network of schools, public and private, and establishing the figure of charter schools, privately owned schools financed with public funds. Another feature of the law was the admission of students in charter schools when the demand for public schools was greater than that set by the law.

This law did not alter the structure of the education system but rather sought to regulate this duality of schools, the participation of the entire education community and the right to education of all citizens regardless of their socio-economic circumstances. It also determined the composition of school boards and the manner in which these

were chosen. It regulated “the participation in general programming of education for all sectors involved, from the school to the highest levels of government, while recognising the freedom of association, federation and confederation of parents and the students themselves” (MECD, 2000, p.46).

In 1990, with the enactment of the LOGSE as the basic legal framework of education in Spain, the LGE of 1970 was almost entirely revoked, changing the education system as it had been until that time.

The architect of the LOGSE was Álvaro Marchesi. The model of the LOGSE was based on the development of constitutional principles by the LODE. It established a new legal framework for the education system, later complemented in 1995 by the Organic Law on School Participation, Evaluation and Governance (LOPEG) dealing with the management and participation in schools.

### **b) GENERAL EDUCATION SYSTEM REGULATION (LOGSE), 1990**

The LOGSE was the third important reform enacted since the *Ley Moyano* of 1856 and the LGE of 1970 and, as mentioned, the LOGSE put an end to the LGE of 1970. It is important to note that while more than a century passed between the *Ley Moyano* and the *Ley Villar Palasí*, the reform of 1990 came just twenty years after the previous education law.

The new democratic institutions of the country and the establishment of the Autonomous Communities required a different education system. “Old problems and new needs called for education reform” (Puelles, 2008, p, 12).

The principal characteristics of the new education law were as follows:

- The extension of free and obligatory education up to the age of 16.
- The restructuring of the general education system into pre-primary education, primary education, secondary education - consisting of the obligatory secondary education, the baccalaureate and intermediate vocational education, advanced vocational education and university education.
- Provision of secondary education to all students.
- An in-depth reform of vocational education and an improvement in the quality of teaching not only to overcome past and present deficiencies but especially to establish an ambitious program to meet the demands of the present and future.
- Permit the Autonomous Communities to establish a significant portion of educational content and undertake, for the first time, to establish Obligatory Secondary Education (ESO).
- To combine quality education and social equity. The law was the first in history to introduce the quality of education as a principal objective of education reform, dedicating a specific section within the document to education quality. It should be noted that the financial resources assigned to this effort were insufficient (Puelles, 2008).
- Establish teacher training as a principal factor in the quality of education, with Article 56 setting out the foundations of teacher training.