

ACT-Inclusive – Actors of Change Towards Inclusive Education

Grant Agreement No. 101090038 — ACT INCLUSIVE — ERASMUS-EDU-2022-PCOOP-ENGO



Country Sheets on Inclusiveness in Mainstream Schools in Spain. Deliverable D2.1



Co-funded by the
European Union



Disclaimer: The European Commission support to produce this publication does not constitute an endorsement of the contents which reflects the views only of the authors, and the Agency and Commission cannot be held responsible for any use which may be made of the information contained therein.

Document Identification			
Deliverable Title	Country Sheets on Inclusiveness in Mainstream Schools (SP)		
Deliverable ID			
Author(s)	Catuxa Pereira Cacheda; Álvaro Lorenzo Rey		
Review history			
Version	Date	Reviewer(s)	Notes
0.1	04.09.2023	Ana Hannotte; Orazio Fiorini	-
0.2	18.09.2023	Juan García Olmo. Responsible for the Educational and Professional Development Area. COCEMFE	
0.3	20.09.2023	Barbara Panyik	ETA – support to Introduction drafting
0.4	28.09.2023	Valerija Buzan	CENTER VAL – peer review
1.0	29.09.2023	Ana Hannotte	

Dissemination Level	
Public	X
Private	

This document was produced under the terms and conditions of Grant Agreement No.101090038. The European Commission's support for the production of this publication does not constitute an endorsement of the contents which reflects the views only of the authors, and the Commission cannot be held responsible for any use which may be made of the information contained therein.

Contents

Foreword	4
Introduction	5
Methodology	6
Background	8
Structure	12
Students with disabilities in institutions.....	13
Rate of Students with Disabilities with access to higher education	13
Reasonable accommodations to students with disabilities	13
Are schools in Spain accessible for students with disabilities?.....	15
National programmes for teachers and school staff.....	17
Challenges to a more inclusive Education in Spain	20
To know more	23
References	25

Foreword

The Country Sheets on Inclusiveness in Mainstream Schools is a series of key deliverables produced in the framework of the European project "ACT INCLUSIVE" funded by the Erasmus+ programme "Partnership for Cooperation in the field of Education and Training" (ERASMUS-EDU-2022-PCOOP-ENGO). The "ACT INCLUSIVE" project brings together different stakeholders with expertise in disability rights, support provision, inclusive education and capacity building. The aim of this project is to enable the dissemination of knowledge to mainstream schools, spreading inclusive practices and materials suited to awareness raising of the school community (students, teachers, school staff) and empowerment of students with disabilities.

The Country Sheets on Inclusiveness in Mainstream Schools were developed through desk research on national level (Cyprus, France, Hungary, Slovenia and Spain) and conduction of interviews to teachers, students and school staff from the same target countries. This research format aimed at making sense of the state of play of inclusiveness in school settings based on the current structure of the educational system, recognition of students rights and needs, and support instruments available, as well as the views and concerns as expressed by interviewees. The Country Sheets will constitute a basis for the development of ACT INCLUSIVE Targeted Awareness Raising Manuals, but are also composed as an informative material for education professionals, researchers, policy makers and interested public.

The ACT INCLUSIVE project is supported by the European Association of Service providers for Persons with Disabilities (Belgium), besides educational centres and service providers supporting people with disabilities from 5 different countries: Spain (COGAMI), Hungary (ETA), Cyprus (CARDET), France (LADAPT), and Slovenia (Center VAL). For each target country, one Country Sheet has been issued with key information on Inclusiveness for students with disabilities, detailing current structures for access to education, legal provisions, current challenges to build inclusiveness in mainstream schools and ways forward.

The European Commission's support for this publication does not constitute an endorsement of its contents, which reflects the views only of the authors. The Commission cannot be held responsible for any use that may be made of the information contained therein.

Introduction

Inclusive education is an evolving concept that, today, englobes the full access to *quality* instruction and educational guidance by all groups of society, regardless of their level of vulnerability or marginalisation (Florian 2019). Equally important, as precised by the Committee on the Rights of Persons with Disabilities, inclusive education provides the means to realisation of other human rights, holding an overarching empowerment effect towards social mobility, participation and autonomy¹.

In the specific context of disability-inclusiveness, Inclusive education has been repeatedly enriched at European and International level through different instruments². Those clearly state the right to equal opportunities and high-quality appropriate education; the right to participate in and contribute fully to an inclusive society; the right to choose and receive education in an inclusive environment; and to appropriate resources and expertise to meet their educational, social and health-related needs (including respect to the best interest of the child).

Inclusiveness on School environment also has supported evidence of bringing overall benefits to all students, since the interaction between students with and without disabilities on school context enable both groups to learn more³. Despite that, the realisation of fully inclusive education systems across Europe is yet to be achieved. The recent restrictive measures due to COVID-19 pandemic brought more emphasis to the urgent need for inclusive approaches for conceiving adapted environments that can respond to all students' needs. Bhan and Julka (2021) pointed out that Educational challenges faced by children with disabilities in this context were: lack of peer interaction; lack of therapies; lack of diagnostic assessment; break in routine; lack of teacher support; lack of access to meals.

Special rapporteur also points out stigma and stereotypes due to their age, gender, impairment or other factor (page 14) as some of the key factors for continued segregation of children with disabilities to the mainstream school system.

¹ paragraph 85 of its general comment No. 7 (2018) on the participation of persons with disabilities, including children with disabilities, through their representative organizations, in the implementation and monitoring of the Convention, the Committee provided further recognition of how inclusive education is essential to the right to participate.

² UN Convention on the Rights of Persons with Disabilities (Article 24 on Education and General Comment No.4 on Inclusive Education); The United Nations Sustainable Development Goals (Goal 4 - targets 4.4 and 4.5); The Strategy for the Rights of Persons with Disabilities 2021-2030 (Area of Action 5.3); The EU Strategy on the Rights of the Child (2021), The European Child Guarantee (2021), etc.

³

(Bui,etal.,2010;Dupuis,Barclay,Holms,Platt,Shaha,&Lewis,2006;Newman,2006;Alquraini&Gut,2012)

While the response to educational systems transformation must certainly involve measures in multiple levels, the awareness of the school community, and capacity building of its professionals, is key to build up diversity in the school environment. The identification of the state of play of current context and existing structures of school system comes as a logical step.

Methodology

In order to achieve our goals, partners developed an extensive literature review concerning the history background, legislation and current school system structure and challenges/ limitations in the current state of play of inclusiveness in mainstream schools. The development of such material was guided by a set of questions developed by LADAPT, with inputs from all partners. The information collected was also reviewed by expert organisations with field expertise and knowledge on the national context in each country. Comments were incorporated, and content was summarised to compose this Country Sheet.

On a second phase, partners collected and analyzed the perspectives, opinions, experiences, specific needs and challenges faced by students (disabled and non-disabled), teachers and staff of local schools. Through data collection in schools, we aim to gain a comprehensive overview of the state of inclusive education in schools, as well as a deeper understanding of the perspectives and experiences of school staff, teachers and students and the main difficulties they face in their daily work.

In line with the research objectives, we collected data between May and September 2023 using different measurement tools to understand schools' practices and opinions on inclusive education, its challenges and successes. The measurement tools were developed and finalised with our project partners under the guidance of the French partner LADAPT.

The data collection focused on a total of 10 schools in Spain. When selecting the schools, it was important to select mainstream schools and to get the views of staff and students of primary and secondary education institutions. The schools were selected with particular attention being paid to the school's openness to the situation of people with disabilities and the importance of promoting acceptance and inclusion within the institution.

In Spain, 10 semi-structured interviews were conducted, with 2-2 interviews in each school. An interview with a school council of a primary school was also done. This is a governing body with the participation of the school's management team, teachers from different grades, a representative of the parents' association, elected representatives from the families and a representative of the city council. The interview was done by



videoconference. On both cases, the professional profile of interviewees comprised: head and vice principal school staff, teachers, conductive educator, school psychologists and other support staff with different relevant positions in relation to inclusive education in the school. Participation was voluntary and respondents were granted anonymity when summarising the results.

Due to the exploratory and descriptive nature of the data collection and the aim to learn about school practices, the data collection does not aim to describe the entire institutional system and its functioning in the 5 countries, so the results presented in the following chapters are not, or only to a very limited extent, generalisable. Nevertheless, they bring in evidence to views, needs and ways forward for enabling more inclusive practices and build welcoming and diverse environments for students and the school community as a whole.



Background

This is an Overview of the state of the art regarding inclusive education on national level, adopting a brief historical perspective until present context and legal provisions. In 1857 the Public Instruction Law (known as the “Moyano Law” [Ley de Instrucción Pública](#)) is published; being the first educational legislation to regulate the Spanish educational system. Until then, progress in the formal education of people with disabilities was limited to the creation of a few public schools for deaf and dumb people, or the authorization to instruct blind people in a section of one of these schools. The Public Instruction Law also alludes only to the education of blind and deaf people with speech disabilities, *“with appropriate modifications”*, both in existing schools and in those shown for that purpose (Articles 6 and 108).

In 1970, General Law on Education and Financing of the Educational Reform [Ley General de Educación y Financiación de la Reforma Educativa](#) (known as “LGE”) was approved in Spain, in which Special Education is conceived as an educational system parallel to the ordinary one. In fact, this Law completely dedicates its Chapter VII to Special Education, indicating that the purpose of said Education will be *“to prepare, through the appropriate educational treatment, to all the deficient and maladjusted for incorporation into social life, as full as possible in each case, according to its conditions and result of the educational system”*.

Likewise, it is proposed that through Special Education these people be prepared for *“a work system in all possible cases that allows them to serve themselves and feel useful to society”* (Art. 49.1). ‘Gifted’ Persons are also considered part of the Special Education students, to whom it is suggested to pay special attention *“for the proper development of their aptitudes in benefit of society and themselves”* (Art. 49.2). Nevertheless, people considered to be are schooled in the ordinary educational system, unlike people with disabilities.

Indeed, under this Law, the Ministry of Education and Science is in charge of locating and diagnosing the students who will attend Special Education, through *“school-medical services and educational and vocational guidance”* and the elaboration of a census (Art. 50). The schooling of the students takes place in Special Education units within the ordinary educational centres in cases of mild nature, being schooled in cases that - due to their seriousness - do not allow it in special centres (Art. 51). However, unlike the regular educational system, the objectives, structure, programs, duration, and limits of

Special Education, are adjusted to the level of development, possibilities, and aptitudes of each person, regardless of age. (Art. 52).

In 1975, the Ministry of Education and Science creates the National Institute of Special Education [Instituto Nacional de Educación Especial](#), whose mission is *"the progressive extension and improvement of the Special Education system [...], whose personalized application is required to overcome deficiencies and maladjustments and to the full integration into society of the people affected"* (Art. 1.2). Thus, all the existing Special Education Centres become dependent on the National Institute of Special Education, which oversees, determining all matters concerning their training programs, as well as those related to Special Education in ordinary educational centres. Other competences of this Institute include the determination of the people who will receive Special Education, their diagnosis and census, their medical-health care, the training of their teachers or research in the field of Special Education.

In 1978, the current Spanish Constitution [Constitución Española](#) is approved, which includes **the right of all people to a free and compulsory basic education** (Articles 27.1 and 27.4), as well as the *"provision, treatment, rehabilitation and integration of the physically, sensorial and mentally handicapped"* by the public authorities, who will have to provide them with the specialized care they require, as well as protect their rights (Art. 49). In the same year, the National Institute for Special Education establishes the National Plan for Special Education [Plan Nacional de Educación Especial](#), which includes four fundamental principles: the standardization of educational systems, school integration, the sectorization of multidisciplinary care and the individualization of teaching (II.B.10). In 1982, the Law for the Social Integration of the Disabled [Ley de Integración Social de los Minusválidos](#) (known as "LISMI") gave legal form to these principles.

In 1985, the **integration of Special Education students in ordinary educational centres** took place, through Royal Decree 334, on the organization of Special Education [Real Decreto 334, de ordenación de la Educación Especial](#). Thus, *"schooling in specific Special Education Centres or units will only be carried out when, due to the seriousness, characteristics or circumstances of their reduction or maladjustment, the student requires different or greater support or adaptations than those they could be provided in ordinary Centres and will only last as long as the decrease or maladjustment makes integration impossible"* (Art. 2,2º).

In 1990, the Organic Law for the General Organization of the Educational System [Ley Orgánica de Ordenación General del Sistema Educativo](#) (known as "LOGSE")

introduced the principles of standardization and school integration in the care of Special Education students in the educational system, also alluding for the first time to the concept of Special Education Needs (NEE) (Arts. 36 and 37).

In 1995, the Organic Law on Participation, Evaluation and Governance of Teaching Centres [Ley Orgánica de la Participación, la Evaluación y el Gobierno de los Centros Docentes](#) (known as “LOPEG”) was approved, which **defines students with Special Educational Needs** as all those who requires, *“during a period of their schooling or throughout it, certain support and specific educational attention for suffering from physical, mental or sensory disabilities, for manifesting serious behavioural disorders, or for being in disadvantaged social or cultural situations”* (Second additional provision. 2.). Therefore, **students with Special Educational Needs now include both Special Education and Compensatory Education**. Also in this year, Royal Decree 696, on the Regulation of Special Education for students with Special Educational Needs [Real Decreto 696, de Ordenación de la Educación Especial de los alumnos con Necesidades Educativas Especiales](#) was approved, which revises and updates the conditions under which attention to students with Special Educational Needs are carried out, reviewed and updated. It is defined that care shall start *“as soon as circumstances that make such attention advisable are noticed, whatever their age, or risk of disability appearance is detected”* (Art. 3.1), with continuous follow-up and periodic reviews (Art. 4). The participation of families in this educational attention is also promoted (Art. 9.4.), in addition to an offer of Vocational Training suitable for students with Special Educational Needs.

In 1996, through Royal Decree 299, for the organization of actions aimed at compensating for inequalities in education [Real Decreto 299, de ordenación de las acciones dirigidas a la compensación de las desigualdades en educación](#), measures such as the promotion of equal opportunities for access, permanence and promotion, or the facilitation of the incorporation of all students into the educational system, were established.

In 2002, the Organic Law for the Quality of Education [Ley Orgánica de Calidad de la Educación](#) (known as “LOCE”) incorporated the obligation for newly created **public educational centres to comply with current regulations on accessibility and elimination of barriers of all kinds**, promoting programs to take similar measures in already existing educational centres (Art. 47.3). However, this law, **despite its approval, was never implemented**.

The Organic Law of Education [Ley Orgánica de la Educación](#) (known as “LOE”) was approved in 2006, repealing the LOCE. The Organic Law on Education introduces for the first time the concept of **Specific Educational Support Needs** (NEAE) to include people *“who have been integrated late into the Spanish educational system”, those “who require certain support and specific attention derived from social circumstances, physical, mental or sensory disabilities or who manifest serious behavioural disorders”,* in addition to students *“with high intellectual capacities”* (Preamble and Art. 71). Thus, without removing the concept of Special Educational Needs from the legislative text, the concept of Specific Educational Support Needs is added to **include the needs of refugees, immigrants, etc., who are not incorporated into the Spanish educational system from the beginning.**

Explicit reference is also made in this Law, for the first time, to the principles of educational inclusion, normalization, non-discrimination and effective equality in access and permanence in the educational system (Art. 74.1), in addition to the obligation on the part of the Educational administrations to *“encourage students with special educational needs to continue their schooling adequately in post-compulsory education”* (Art. 74.5) and *“facilitate the social and labour integration of students with special educational needs who cannot achieve the objectives of compulsory education”* (Art. 75.1). At the same time, at the end of 2006, the General Assembly of the United Nations approved the International Convention on the Rights of Persons with Disabilities [Convención Internacional sobre los Derechos de las Personas con Discapacidad](#), which declares: *“States Parties shall ensure an inclusive education system at all levels”* (Art. 24.1), Convention ratified by Spain in 2008 through the Instrument of Ratification of the Convention on the Rights of Persons with Disabilities [Instrumento de Ratificación de la Convención sobre los Derechos de las Personas con Discapacidad](#). Therefore, **it can be affirmed that Spanish educational legislation is on a par with, and even ahead of, European regulations on inclusive education.**

In 2013, the Law on Education for the Improvement of Educational Quality [Ley de Educación para la Mejora de la Calidad Educativa](#) (known as “LOMCE”) was published, which is limited to maintaining the provisions of the previous legislation in terms of inclusive education, adding as a novelty Attention Deficit Disorder and Hyperactivity (ADHD) among the causes of specific learning difficulties (Single article, section fifty-seven).

Finally, the educational legislation currently in force (**Organic Law 3/2020 [Ley Orgánica 3/2020](#)**, which amends Organic Law 2/2006, on Education, known as "LOMLOE"), introduces modifications to the previous legislation, but **expanding the concept of educational inclusion** to adapt it to the directives and principles included in the ratification of the Convention on the Rights of Persons with Disabilities, the Convention on the Rights of the Child, the 2030 Agenda or the Universal Design of Learning. Thus, emphasis is placed on aspects such as **access and permanence of students in the most inclusive educational system** (Single Article, section fifty), prevention, detection and action against violence against children (Sole Article, section fifty-five), the improvement of accessibility in Early Childhood Education or the reduction of early leaving of the educational system (Fifth additional provision).

Structure

In the 2020-2021 academic year (the latest for which data is available) students with Special Educational Needs associated with disabilities or serious disorders amounted to 227,979 people. Of these, 82.9% (189,072) are enrolled in the regular education system, while 17.1% (38,907) are enrolled in specific Special Education. The rate of students with disabilities enrolled in the education system is 2.8% of the total (8,232,295).

By gender, the total percentage of women with disabilities in the regular education system is 30.1%, notably lower than that of men (69.9%).

There is no breakdown by age, although there is by level/type of studies. Thus, in the 2020-2021 academic year, the rates of students enrolled in the ordinary education system are as follows:

Level/type of studies	Rate (%)	% total students
Early Childhood Education (0-6 years)	7.8	1.0
Primary Education (6-12 years)	36.4	2.8
Compulsory Secondary Education (12-16 years)	26.7	3.1
Baccalaureate (16-18 years old)	2.4	0.8
Basic Vocational Training	2.3	7.0
Medium Level Vocational Training	3.5	2.3
Vocational Training Higher Degree	1.3	0.7

Table 1: rate of students with disabilities per level/type of studies in Spain. Source: Odismet

Students with disabilities in institutions

There is no breakdown of students with disabilities detailing the type of specific institution in which they are enrolled. Only the rates of students with disabilities enrolled in Special Education are available (including under this denomination both students enrolled in specific educational centres and in specific units in ordinary educational centres:

Level/type of studies	Rate (%)	% total students
Special Education	2.4	0.8

Table 2: rate of students with disabilities enrolled in institutions Source: Odismet

Rate of Students with Disabilities with access to higher education

In 2021 (the latest year for which data is available), of the total population with disabilities of working age (1,929,400 people), 18.7% (360,300 people) have higher education (university degree or equivalent). By gender, the percentage of women with higher education is slightly higher than that of men (51.35% versus 48.65%, respectively):

People with disabilities with higher education		
	Number	Rate (%)
Women	185,000	51.35
Men	175,300	48.65
Total	360,300	100

Table 3: Number of people with disabilities with higher education diploma in Spain, per gender Source: National Institute of Statistics

Reasonable accommodations to students with disabilities

The International Convention on the Rights of Persons with Disabilities [Convención Internacional sobre los Derechos de las Personas con Discapacidad](#), indicates that: "States Parties shall ensure an inclusive education system at all levels" (Art. 24.1) and, to make this right to inclusive education effective, Member States must ensure that : "Reasonable accommodation of the individual's requirements is provided" (Art. 24.2.c).

The Royal Legislative Decree 1/2013, of December 9, which approves the Consolidated Text of the General Law on the rights of people with disabilities and their social inclusion [Real Decreto Legislativo 1/2013, de 9 de diciembre, por el que se aprueba el Texto Refundido de la Ley General de derechos de las personas con discapacidad y de su inclusión social](#) (known as "RDL/LGDPD") includes the aforementioned directive to make it legally effective in Spain: **"Inclusive education will be part of the comprehensive care process for people with disabilities and will be provided through the supports**

and adjustments recognized in Chapter IV of this title" (Art. 16). This Chapter IV (Right to education) states that *"it corresponds to the educational administrations to ensure an inclusive educational system at all educational levels [...], paying attention to the diversity of educational needs of students with disabilities, through the regulation of supports and reasonable adjustments for the care of those who require special attention for learning or inclusion"* (Art. 18.2). The Royal Decree does not provide more specific details about what these measures will be, beyond inclusion, free, accessibility and quality of education (Articles 18, 19 and 22).

Thus, considering that in Spain the **competences in the field of education have been transferred to the Autonomous Communities**, it is these Administrations, and specifically their respective Departments of Education, which must assume responsibility when providing the necessary reasonable adjustments, and specify them in their own legislation or operational documents for this purpose. As can be seen, as there are 17 Autonomous Communities in Spain with their own competences in education, the **implementation of the reasonable adjustment measures is developed at a different pace in each of them, and even the adjustment measures themselves differ from one Autonomous Community to another.**

We mention, as an example, the Autonomous Community of Galicia, which addresses these issues in Law 10/2014, of December 3, on accessibility [Ley 10/2014, de 3 de diciembre, de accesibilidad](#). This Law defines reasonable adjustments as *"measures to adapt the physical, social and attitudinal environment to the specific needs of persons with disabilities that, in an effective and practical manner and without involving a disproportionate burden, facilitate the accessibility or participation of a person with disabilities on equal terms with the rest of the citizenship"* (Art. 3.c). These reasonable accommodation measures revolve especially around accessibility; In the case of buildings for public use, which include educational ones (Art. 16.1), whether publicly or privately owned, *"they will be projected, built, reformed, maintained and used in such a way as to ensure that they are accessible, under the conditions that are determined by regulation"* (Art. 16.2). In addition, this Law contemplates other aspects such as the provision of specific parking spaces for people with reduced mobility (Art. 17), access to the interior of buildings (Art. 18), horizontal communication and vertical mobility in buildings (Arts. 19 and 20), toilets (Art. 21), the reservation of adapted spaces in assembly halls (Art. 22) or the accessible use of furniture (Art. 23).

Likewise, in the strictly educational area and following the example of Galicia, the Order that develops Decree 229, which regulates the attention to the diversity of the students of the educational centres of the Autonomous Community of Galicia [Orden por la que se desarrolla el Decreto 229, por el que se regula la atención a la diversidad del alumnado de los centros docentes de la Comunidad Autónoma de Galicia](#) distinguishes between **ordinary and extraordinary attention to diversity measures** (Art. 41). **Ordinary** measures are considered *"all those that **facilitate the adaptation of the prescriptive curriculum, without significant alteration of its objectives, of the contents or evaluation criteria, to the sociocultural context of the educational centres and the characteristics of the students**" (Art. 42) , and **extraordinary** measures are *"all those aimed at **responding to the educational needs of students with a specific need for educational support that may require significant modifications to the ordinary curriculum and/or involve essential changes in the organizational field, as well as, where appropriate, in the elements of access to the curriculum or in the modality of schooling**" (Art. 54). In any case, extraordinary measures shall only apply, when ordinary measures have been exhausted or are insufficient.**

Therefore, it corresponds to the educational Administrations of each Autonomous Community to provide schools with the ordinary and extraordinary measures necessary for the reasonable adjustment of students with disabilities, and such measures must be specified in the respective Diversity Attention Plans of each Autonomous Community.

Are schools in Spain accessible for students with disabilities?

The Spanish Committee of Representatives of People with Disabilities (CERMI) published, with the support of the Ministry of Education, the work "Accessibility in educational centres [La accesibilidad en los centros educativos](#)" (2010), in which accessibility is defined as *"the characteristic that allows environments, products and services are used without problems by each and every one of the people, to fully achieve the objectives for which they are designed, regardless of their abilities, their dimensions, their gender, their age or their culture"* (p.25). Thus, **educational accessibility covers four major aspects**: spaces, material resources, curriculum, and interaction with members of the educational community:

Spaces	<ul style="list-style-type: none"> • Local context: physical environment, transportation, excursions, and cultural visits or those of interest for training. • School centre: canteens, libraries, laboratories, workshops, restrooms, etc. • Classroom
Material resources	<ul style="list-style-type: none"> • Accessible materials: specific and adapted. • Accessible digital materials • Toys and games adapted for everyone
Curriculum	<ul style="list-style-type: none"> • General criteria for the development of an accessible curriculum • Adaptations of access to the curriculum and curricular adaptations • Methodology and didactic strategies
Interaction with members of the educational community	<ul style="list-style-type: none"> • Accessible information • Access to participation and facilitators of interaction and communication

The Committee on the Rights of Persons with Disabilities, in its [“Investigation Report related to Spain under article 6 of the Facultative Protocol”](#) Investigation Report related to Spain under article 6 of the Facultative Protocol” (2018) observed, in relation to the legislation prior to the LOMLOE that, despite the efforts carried out, **the measures were still insufficient; it was not ensured sufficient accessibility for students with disabilities**, neither in terms of physical accessibility nor accessibility in the acquisition of communication tools, evaluations and educational content. People with disabilities had their access restricted in the environments of educational centres, cafeterias, sports courts, school trips or excursions or other extracurricular activities that were not accessible and, therefore, not inclusive. Although the LOMLOE states, reasonable adjustments that are necessary will be ensured in accordance with the principles of universal accessibility, this is not yet fully effective.

As pending tasks, in the [“Final observations on the combined second and third periodic reports of Spain”](#) (2019), the Committee noted that greater attention should be paid to students with disabilities who see their material or immaterial access restricted, adopting legislative and necessary budgetary measures to guarantee accessibility in all spheres (buildings, facilities, transport services or information and communications), ensure that

places of public use have signage and information in Braille and easy to read, and provide human intermediary assistance (guides, readers and professional sign language interpreters). In particular, in its Observations, the Committee asked to ensure that laws and measures include the requirement of accessibility for people with disabilities and to establish supervision mechanisms to ensure that these are complied, applying the relevant sanctions in the event of regulatory non-compliance.

In Spain, responsibility in relation for the aforementioned aspects of accessibility is shared between the state (State, Ministry of Education), community (Autonomous Communities, Departments of Education) community (Autonomous Communities, Departments of Education) Administrations, which in turn can count on the support and advice of external entities (organizations in the sector of people with disabilities).

Answering the question of whether Spanish schools are accessible is extraordinarily complex since it requires a multifactorial evaluation of all the aspects mentioned above, in a coordinated manner between all the Administrations and entities to which we have alluded. There is no evaluation of this type by any agency at this moment.

Recently, from COGAMI, in collaboration with the Department of Education of the Santiago de Compostela City Council, we have made a report on the accessibility of the 13 public Early Childhood and Primary Education Centres that the City Council has, analysing only the accessibility of the playground areas, the environment, accesses, communications and some elements such as toilets, classrooms, libraries, etc., detecting in all of them important deficiencies of accessibility, both in the existing ones and the recently created ones. In addition, we have also detected that many of the architectural reforms implemented recently do not comply with current regulations on accessibility for this type of centres. Therefore, we can deduce that, in general terms, and despite the fact that much progress has been made in making Spanish educational centres more accessible, we are still far from achieving full accessibility for all people, since it should be taken into account that *"not only students, but all members of the educational community (teaching and non-teaching staff, family members and visitors) will enjoy the accessibility measures implemented"* (2010, p.33).

National programmes for teachers and school staff

The European Agency for the Development of Education for Pupils with Special Educational Needs published in 2011 the collective work "Teacher training for inclusive education in Europe: challenges and opportunities [Formación del profesorado para la](#)

[educación inclusiva en Europa: retos y oportunidades](#)", in which fifty-five experts from twenty-five countries participated, including Spain. This document makes a synthesis, based on the national reports prepared by each of the participating countries, in relation to "*policies and implementation of teacher training for inclusive education*" (p.5). The purpose of this work has been to investigate how teachers are prepared for inclusive education in their initial training. In addition, a "Teacher profile for inclusive education" is outlined, detailing the areas of competence considered necessary for the preparation of future teachers for their performance in future inclusive centres.

Each of the national reports prepared separately to carry out this work can be found on the Agency's website, in the "[TE4I country reports](#)" section. Accessing that of Spain, it can be verified, that the training of teachers who will work in public schools requires that they take a Degree in Teaching (in Early Childhood or Primary Education) with a duration of four years (240 ECTS). However, the periods of collaborative practices with expert personnel in inclusive education during this period are insufficient, and in many cases, non-existent. Even though the university educational plans for the bachelor's degree in teaching have the same duration and study load throughout Spain, their contents may vary according to the freedom of university teaching. This report points out some minimal aspects that are addressed during the Degree, with greater or lesser depth, such as: the diversity of educational needs of the students, depending on the type of disability (sensory, motor, intellectual, etc.); developmental disorders and/or difficulties; learning difficulties according to their degree and severity, associated with basic skills such as reading, writing or calculation; historical development and legislative changes in terms of attention to diversity, special educational needs and educational inclusion; the risk of exclusion or school dropout of students... all of this is usually included in one or two subjects of the curriculum, such as "Psychopedagogical Bases of Special Education" or other similar ones. In any case, the specific training of teachers in inclusive education during the bachelor's degree in teaching is, in general, limited.

As we indicated previously, the fundamental competences in formal educational matters in Spain are transferred from the State to the Autonomous Communities, and it is these that can create training programs for teachers and staff of educational centres in specific subjects, such as:

- Support for students with disabilities.
- The signing of agreements with specialized external entities to carry them out (as occurs, for example, with those that some social entities carry out with the Ministry of Education and Vocational Training).
- In other areas of collaboration, those that entities such as COCEMFE or the National Organization of the Spanish for the Blind (ONCE) carry out with the educational Administrations of the Autonomous Communities for specific training in their Educational Resource Centers.

Similarly, to the previous case, **training aimed at the families of people with disabilities**, in Spain it is not usual to articulate programs promoted by the State, nor is it produced at the national level. Normally, the training that families can receive is of a more localized nature and carried out through entities and organisations in the social and disability sector, which are eligible to receive funds for programming training activities, which are usually related to specific aspects of a particular type or types of disability.

Challenges to a more inclusive Education in Spain

The challenges of making education truly inclusive, taking into account the key needs identified in the interviews, are as follows:

- Irrespective of their level of education, all the schools interviewed agreed that they do not have the training that would enable them to respond adequately to pupils with special educational needs. Not only is university or in-service training insufficient, but to be truly effective, each school would need access to specialised training/advice based on its pupils and specific structure. In addition, guidance and counselling services in schools should be strengthened.
- Caregivers (regular support staff in the case of students with intellectual disabilities, ASD, etc.) have basic training that does not include guidelines that contribute to the autonomous development of the person, which often leads to overprotective behaviour. This fact can, for example, be an obstacle to the inclusion of students with disabilities during breaks, in games with their peers, etc., for fear of "getting hurt".
- It is difficult to get "extra" staff (support teachers, special education teachers, speech and hearing teachers, etc.) and it is exhausting to have to ask for them every year and fight to keep them. Especially in smaller or more isolated centres, such as rural centres, access is sometimes very difficult. Moreover, the possibility of accessing this support decreases as the level of education increases.
- It would be necessary to have a larger budget for adapted materials, for technological resources or for other support products in order to deal with diversity.
- At the earliest stages, there is increasing diversity and a high teacher-pupil ratio. As the stages progress, education becomes more segregated, so that at primary level there is a significant proportion of pupils with disabilities in mainstream schools, which decreases at secondary level and is almost anecdotal in basic vocational education (where, for example, it is common to find special courses/classes for pupils with intellectual disabilities).
- Variability in teaching staff is valued differently by the respondents. Most of them see it negatively, but in centres where some of the staff have been with the centre for a long time, they indicate that some variability is necessary.

In conclusion, the challenges to be resolved so that education is truly inclusive, in terms of equity and quality, are varied, but these would be mainly related to:

- Accessibility.
- Non-segregation.
- The application of the Universal Design of Learning approach in educational practice.
- The provision of reasonable adjustments (sufficient and on time).
- The availability of the necessary supports (human and material resources).
- Teacher training and their co-responsibility with this type of education
- The commitment and collaboration of all Administrations at their different levels.
- The collaboration of the entire educational community, especially with the students themselves, families and social entities.
- And, most importantly, sufficient financial resources. All of this is properly planned, with process and impact indicators, with appropriately defined milestones and, above all, with transparent and collaborative planning.

It is essential to first solve the problem of the lack of accessibility of educational centres; It is useless to carry out training programs or actions for educational inclusion if the educational centres do not have the accessibility conditions required by the regulations, since equal access to educational centres, their environments, services, programs and resources by part of the entire educational community is a prerequisite for any subsequent step.

On the other hand, and although the competences in educational matters are transferred from the State to the Autonomous Communities, training programs are necessary at a national level, coordinating from the State to the Autonomous Communities for their programming, development and evaluation, in matters of inclusive education and attention to diversity, and aimed not only at teachers, but also at the educational community as a whole.

It is also of great interest the efficient and transparent implementation, by the Autonomous Communities, of the Inclusive Education Programs as a result of the [Agreement of the Sectorial Conference of Education of June 7, 2023](#), which is been approved, the proposal of territorial distribution and the criteria for the distribution of the credits managed by the Autonomous Communities for the Inclusive Education Program, in the 2023 budget year. This agreement must be continued in subsequent years.

Access of people with disabilities to education continues to be an issue in which, despite the progress made, there is still much to be done; while practically all of the population without disabilities is in school in Spain, there is a significant percentage of people with disabilities who still do not have primary education (4.5% in 2019, latest data available). The persistence of difficulties in access to higher education is also noted, because although most people with disabilities have secondary education and vocational training, the number of people who have higher education is still extremely low in comparison:

	People with disabilities	Rate (%)
2021		
All genders		
Total	1,929,400	100.0
Illiterate and primary	391,000	20.3
Secondary and training and job placement programs	1,178,100	61.1
Higher, including doctorate	360,300	18.7
Men		
Total	1,096,000	100.0
Illiterate and primary	234,400	21.4
Secondary and training and job placement programs	686,300	62.6
Higher, including doctorate	175,300	16.0
Women		
Total	833,400	100.0
Illiterate and primary	156,600	18.8
Secondary and training and job placement programs	491,800	59.0
Higher, including doctorate	185,000	22.2

Source: Statistics National Institute

Finally, and in relation to the data set out above, effective national policies are needed to achieve the goals proposed in Goal 4 (Quality Education) of the United Nations Sustainable Development Goals (SDGs), since at present, and with less than seven years to reach 2030, some of these Goals have not only been achieved in Spain, but are far from being achieved at the current rate; specifically:

Target 4.3, which proposes: *"By 2030, ensure equal access for all people to quality technical, professional and higher education, including university education"*.

Target 4.5, which proposes: *"By 2030, eliminate gender disparities in education and ensure equal access to all levels of education and vocational training for vulnerable people, including people with disabilities."*

Target 4.6, which proposes: *"By 2030, ensure that all young people and a significant proportion of adults, both men and women, are literate and have basic notions of arithmetic"*.

Target 4.A, which proposes: *"Build and adapt educational facilities that take into account the needs of children and people with disabilities and gender differences, and that offer safe, non-violent, inclusive and effective learning environments for all"*.

To know more

To find basic statistical information related to the education of people with disabilities in Spain, both by gender, age ranges, types and percentages of disability or educational levels, we recommend consulting the data published by the National Institute of Statistics (INE) collected in the annual report "Employment of people with disabilities [El empleo de las personas con discapacidad](#)". It should consider that the INE only provides statistical data, without interpretations of the same, although the information they provide is important to know the current situation and the evolution of the determining factors for an inclusive education.

The Observatory on Disability and the Labor Market in Spain [Observatorio sobre discapacidad y mercado de trabajo en España](#) (Odismet), belonging to the ONCE Foundation, also has a database and reports with various categories in relation to people with disabilities, including education and professional training.

The General Subdirectorate for Territorial Cooperation and Educational Innovation [Subdirección General de Cooperación Territorial e Innovación Educativa](#) (SGCTIE), under the Ministry of Education and Vocational Training of the Government of Spain, contains legal and regulatory information on inclusive education, from actions promoted at national level or working groups with the Communities Autonomous, to resources and collaborations, going through Territorial Coordination Programs.

The Spanish Committee of Representatives of People with Disabilities (CERMI) also has updated information on a variety of topics related to people with disabilities, such as



accessibility, legal aspects or a collection of documents and monographic studies on issues of interest in the "Collections" section.

The Spanish Confederation of People with Physical and Organic Disabilities [Confederación Española de Personas con Discapacidad Física y Orgánica](#) (COCEMFE) has a specific section dedicated to "Education", which offers information and resources on inclusive education for students with disabilities and their families, the centres, educational community and educational administrations.



References

Aragall, F. (2010). *La accesibilidad en los centros educativos*. Cinca.
<https://redined.educacion.gob.es/xmlui/bitstream/handle/11162/65744/00820102000043.pdf?sequence=1>

Comité sobre los Derechos de las Personas con Discapacidad (2018). *Informe de la investigación relacionada con España bajo el artículo 6 del Protocolo Facultativo*. <http://www.convenciondiscapacidad.es/2018/05/30/informe-de-la-investigacion-relacionada-con-espana-bajo-el-articulo-6-del-protocolo-facultativo/>

Comité sobre los Derechos de las Personas con Discapacidad (2019). *Observaciones finales sobre los informes periódicos segundo y tercero combinados de España del Comité sobre los Derechos de las Personas con Discapacidad, 9 de abril de 2019*.
<http://www.convenciondiscapacidad.es/2019/04/10/observaciones-finales-sobre-los-informes-periodicos-segundo-y-tercero-combinados-de-espana-del-comite-sobre-los-derechos-de-las-personas-con-discapacidad-9-de-abril-de-2019/>

Constitución Española. *Boletín Oficial del Estado*, 311, de 29 de diciembre de 1978. <https://www.boe.es/buscar/pdf/1978/BOE-A-1978-31229-consolidado.pdf>

Decreto 1151/1975, de 23 de mayo, por el que se crea el Instituto Nacional de Educación Especial. *Boletín Oficial del Estado*, 132, de 3 de junio de 1975.
<https://www.boe.es/boe/dias/1975/06/03/pdfs/A11769-11771.pdf>

European Agency for Development in Special Needs Education (2011). *Formación del profesorado para la educación inclusiva en Europa. Retos y oportunidades*. <https://www.european-agency.org/sites/default/files/te4i-synthesis-report-es.pdf>

Instrumento de Ratificación de la Convención sobre los derechos de las personas con discapacidad, hecho en Nueva York el 13 de diciembre de 2006. *Boletín Oficial del Estado*, 96, de 21 de abril de 2008.
<https://www.boe.es/boe/dias/2008/04/21/pdfs/A20648-20659.pdf>

Ley 10/2014, de 3 de diciembre, de accesibilidad. *Boletín Oficial del Estado*, 60, de 11 de marzo de 2015. <https://www.boe.es/boe/dias/2015/03/11/pdfs/BOE-A-2015-2604.pdf>

Ley 13/1982, de 7 de abril, de integración social de los minusválidos. *Boletín Oficial del Estado*, 103, de 30 de abril de 1982. <https://www.boe.es/boe/dias/1982/04/30/pdfs/A11106-11112.pdf>

Ley 14/1970, de 4 de agosto, General de Educación y Financiamiento de la Reforma Educativa. *Boletín Oficial del Estado*, 187, de 6 de agosto de 1970. <https://www.boe.es/boe/dias/1970/08/06/pdfs/A12525-12546.pdf>

Ley de Instrucción Pública. *Gaceta de Madrid*, 1710, de 10 de septiembre de 1857. <https://www.boe.es/datos/pdfs/BOE/1857/1710/A00001-00003.pdf>

Ley Orgánica 1/1990, de 3 de octubre, de Ordenación General del Sistema Educativo. *Boletín Oficial del Estado*, 238, de 4 de octubre de 1990. <https://www.boe.es/boe/dias/1990/10/04/pdfs/A28927-28942.pdf>

Ley Orgánica 10/2002, de 23 de diciembre, de Calidad de la Educación. *Boletín Oficial del Estado*, 307, de 24 de diciembre de 2002. <https://www.boe.es/boe/dias/2002/12/24/pdfs/A45188-45220.pdf>

Ley Orgánica 2/2006, de 3 de mayo, de Educación. *Boletín Oficial del Estado*, 106, de 4 de mayo de 2006. <https://www.boe.es/boe/dias/2006/05/04/pdfs/A17158-17207.pdf>

Ley Orgánica 3/2020, de 29 de diciembre, por la que se modifica la Ley Orgánica 2/2006, de 3 de mayo, de Educación. *Boletín Oficial del Estado*, 340, de 30 de diciembre de 2020. <https://www.boe.es/boe/dias/2020/12/30/pdfs/BOE-A-2020-17264.pdf>

Ley Orgánica 8/2013, de 9 de diciembre, para la mejora de la calidad educativa. *Boletín Oficial del Estado*, 295, de 10 de diciembre de 2013. <https://www.boe.es/buscar/pdf/2013/BOE-A-2013-12886-consolidado.pdf>

Ley Orgánica 9/1995, de 20 de noviembre, de la participación, la evaluación y el gobierno de los centros docentes. *Boletín Oficial del Estado*, 278, de 21 de

noviembre de 1995. <https://www.boe.es/boe/dias/1995/11/21/pdfs/A33651-33665.pdf>

Orden de 8 de septiembre de 2021 por la que se desarrolla el Decreto 229/2011, de 7 de diciembre, por el que se regula la atención a la diversidad del alumnado de los centros docentes de la Comunidad Autónoma de Galicia en los que se imparten las enseñanzas establecidas en la Ley orgánica 2/2006, de 3 de mayo, de educación. *Diario Oficial de Galicia*, 206, de 26 de octubre de 2021. https://www.xunta.gal/dog/Publicados/2021/20211026/AnuncioG0598-211021-0005_es.pdf

Real Decreto 2828/1978, de 1 de diciembre, por el que se regula el Real Patronato de Educación y Atención a Deficientes. *Boletín Oficial del Estado*, 292, de 7 de diciembre de 1978. <https://www.boe.es/buscar/doc.php?id=BOE-A-1978-29788>

Real Decreto 299/1996, de 28 de febrero, de ordenación de las acciones dirigidas a la compensación de desigualdades en educación. *Boletín Oficial del Estado*, 62, de 12 de marzo de 1996. <https://www.boe.es/boe/dias/1996/03/12/pdfs/A09902-09909.pdf>

Real Decreto 334/1985, de 6 de marzo, de ordenación de la Educación Especial. *Boletín Oficial del Estado*, 65, de 16 de marzo de 1985. <https://www.boe.es/boe/dias/1985/03/16/pdfs/A06917-06920.pdf>

Real Decreto 696/1995, de 28 de abril de ordenación de la educación de los alumnos con necesidades educativas especiales. *Boletín Oficial del Estado*, 131, de 2 de junio de 1995. <https://www.boe.es/buscar/pdf/1995/BOE-A-1995-13290-consolidado.pdf>

Real Decreto Legislativo 1/2013, de 29 de noviembre, por el que se aprueba el Texto Refundido de la Ley General de derechos de las personas con discapacidad y de su inclusión social. *Boletín Oficial del Estado*, 289, de 3 de diciembre de 2013. <https://www.boe.es/buscar/pdf/2013/BOE-A-2013-12632-consolidado.pdf>

Resolución de 5 de julio de 2023, de la Secretaría de Estado de Educación, por la que se publica el Acuerdo de la Conferencia Sectorial de Educación de 7 de

junio de 2023, por el que se aprueba la propuesta de distribución territorial y los criterios de reparto de los créditos gestionados por comunidades autónomas destinados al Programa de Educación Inclusiva, en el ejercicio presupuestario 2023. *Boletín Oficial del Estado*, 170, de 18 de julio de 2023.

<https://www.boe.es/boe/dias/2023/07/18/pdfs/BOE-A-2023-16619.pdf>

United Nations (2007). *Convention on the rights of persons with disabilities*.

https://www.ohchr.org/sites/default/files/Ch_IV_15.pdf