



PROMOTING POSITIVE
ATTITUDES AND EVIDENCE-
BASED POLICY FOR
INCLUSIVE EDUCATION

INCLUSIVE EDUCATION: THE WAY FORWARD

NATIONAL REPORT:
SPAIN



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Please refer to the end of this report for a list of project partners.

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Introduction

This national report has been written within the framework of the ‘Promoting positive attitudes and evidence-based policy for inclusive education’ (IE+) project. Co-funded by Erasmus+, the project aims to provide decision-makers (including policy-makers and education providers) with the information, training and tools that allow for evidence-based policy making, that will support the transition towards inclusive education for children with intellectual disabilities aged between 3-18 years old.

This report is the result of a research framework that has been developed by Prof. Dr. Geert Van Hove, Dr. Elisabeth De Schauwer & Ms Evelien De Maesschalck from Ghent University. This framework has combined the methodology of ‘Pacific Indicators for Disability-Inclusive Education’ Project (2016), due to its connection with the creation of indicators that can measure the progress towards disability-inclusive education and the Erasmus+ Project: ‘Evidence Based Education + Job Shadowing,’ due to the co-productive approach take during the development of its stakeholder survey.

Part of a series of five national reports, this report contributes to an overview of the current legal, policy and school practice currently in place in [Belgium](#), [Bulgaria](#), [Greece](#), [Spain](#) and [Portugal](#). A comparative analysis of these national reports can be found in the article: Inclusive Education: Realizing Article 24.





Legal framework

a. International Human Rights Law

Spain is a country which has been committed with a broad range of international treaties and amendments since democratic era. Nowadays, Spain has signed and ratified both the United Nation's Convention on the Rights of the Child (CRC; United Nations, 1989) and the United Nation's Convention on the Rights of the Persons with Disabilities (CRPD; United Nations, 2006), addressing important changes in its legal system and practices to align them with the Conventions and their facultative protocols.

Spain signed the CRC on the 26th of January of 1990 and ratified it on the 6th of December of the same year. This Convention entered into force in Spain on the 5th of January of 1991 in accordance with the provisions of article 49 thereof (Jefatura del Estado, 1990), with further modifications accorded by a two-thirds majority of the State Parties in an amendment which entered into force on the 18th November 2002.

The influence in the Spanish educational policy of the CRC has been parallel to different initiatives which have supposed the adoption of different international strategies and treaties, especially the UNCRPD, given the need of extra protection of children with disabilities. The 5th and the 6th reports on the application of the CRC and its facultative protocol sent to the Committee on the Right of the Children by the Spanish Ministry of Health, Social Services and Equality at the beginning of this year (Ministerio de Sanidad, Servicios Sociales e Igualdad, 2016) embody on their VIII section the main educational advances achieved through the adjustment of Spanish (educational) legal system and (educational) practices to the CRC.

Although there have been important changes in Spanish legislation after the CRC and its facultative protocol were signed in Spain (e.g., exploitation and victimization of children) regarding the consequences for the educational policy, the principles of the CRC were





adopted by the Organic Law on Education (LOE in Spanish, 2006) and by its modification, the Organic Law on the Improvement of the Quality of Education (LOMCE in Spanish, 2013) with the aim of providing an education of quality, integrative and inclusive, which guarantees the equality of opportunities and improving the development of the evolving capacities of all students. Aligned with the aims of the second National Strategic Plan on Infancy and Adolescence (II PENA in Spanish; 2013-2016), efforts are also made to prevent the failure, absenteeism and scholar drop outs.

The legal changes addressed have had the general purpose of making the Spanish educational system a more flexible one to facilitate the access and permanence of all the students, no matter their background and needs (i.e., special, social, cultural, and so on).

Other important aspects of the LOMCE and the II PENA to respond to the principles of the CRC and its facultative protocol are related to the access, permanence and achievement of all the students; the adoption and delivery of scholarships and aids to all students (regarding also those at social exclusion or at risk of social exclusion); and the need for considering the diversity of children (e.g., migrant children, children with disabilities, children coming from ethnical minorities – Roma children, etc.). Given the importance that children with disability (especially those with intellectual disability -ID) have in this project, the policy changes adopted pertaining the education of these students are addressed in the framework of the CRPD in the Spanish context which, in fact, is closely related to the changes which has already been mentioned in this section.

The UNCRPD was passed in 2006 as the first international treaty of the XXI century and the fastest negotiated in history (Amor et al., 2018). Regarding education, the most important article is the number 24 which stipulates that signatories must ensure students with disabilities are not excluded from the general education system on the basis of disability and they must also receive the support required within the general education system to facilitate their effective education (United Nations, 2006). Spain signed the CRPD on the 30th of March 2007 and ratified it on the 3rd of December of 2007. Spain has also signed its facultative





protocol, so since the 3rd of May 2008, this international regulatory body is fully part of the Spanish legal system (Jefatura del Estado, 2008).

The CRPD has supposed important consequences for the educational policy in Spain, generating the development and modification of significant laws regarding the education of students with disabilities of any kind, especially ID. Prior to commenting the changes produced by the signature of the CRPD in Spain, it is necessary to acknowledge that the education of students with ID in Spain, from a state-level perspective, is regulated by different laws and decrees:

- a) Royal Decree 696/1995, of the 25th of April, of ordination of the education of students with special educational needs
- b) Organic Law 2/2006, of the 3rd of May, of Education
- c) Royal Legislative Decree 1/2013, of the 29th of November, approving the Consolidated Text of the General Law on the Rights of Persons with Disabilities and their Social Inclusion
- d) Organic Law 8/2013, of 9th of December, on the Improvement of the Quality of Education

With the signature of the CRPD and its facultative protocol, the Royal Decree 1276/2011, of the 16th of September, of normative adaptation to the Convention, the General Law on the Rights of Persons with Disabilities and their Social Inclusion and the Royal Legislative Decree 1/2013, of the 29th of November, approving the Consolidated Text of the General Law on the Rights of Persons with Disabilities and their Social Inclusion, were passed in Spain.

This Royal Legislative Decree embodies different (and previously-existing) 5 acts and laws which advocated for the education of students with ID (Verdugo, Amor, Fernández, Navas, & Calvo, 2018):

- a) Law 13/1982, of the 7th of April, of Social Integration of the Disabled





b) Law 51/2003, of the 2nd of December, of equality of opportunities, no discrimination and universal accessibility of the persons with disabilities

c) Law 49/2007, of the 26th of December, establishing the regime of infractions and sanctions in terms of equality of opportunities, no discrimination and universal accessibility of the persons with disabilities.

In the following sections we will discuss how this Royal Legislative Decree has been adopted in the state-level educational legislation and how these state-level regulations have been developed in the different Autonomous Communities (i.e., regions with administrative autonomy and competencies in the Country) with the purpose of providing supports to promote the inclusion of students with disabilities of any kind, especially ID.

b. National legislation and educational policies

In Spain, state-level legislation concerning education has as a central axis the normalization and the inclusion of all students, no matter their difficulties, including students with disabilities of any kind (including ID). The aforementioned Royal Legislative Decree 1/2013, of the 29th of November, approving the Consolidated Text of the General Law on the Rights of Persons with Disabilities and their Social Inclusion includes on its article number 16 the right to education. In this sense, inclusive education is a part of the integral attention to persons with disabilities, focusing on the diversity of the needs of students with disabilities, through the regulation of supports and accommodations.

The Chapter IV specifies and develops the right to education, emphasizing the right to quality and free inclusive education for students with special educational needs (SEN) alongside their peers without disabilities, as well as the importance of an integral assessment of the educational needs of students conducted by the school counsellors. However, this Royal Legislative Decree does not offer any specific solution on how to provide supports or accommodations to students with disabilities of any kind, highlighting that the right to inclusive education must be treated in the general education Law (LOMCE).





Upon an in-depth analysis on the LOMCE conducted by Verdugo et al. (2018), some important conclusions can be made regarding how this law addresses (and generates a framework that makes possible) the inclusive education of students with disabilities in general and with ID in particular. The LOMCE, aligned with the Royal Legislative Decree, emphasizes that the education of students with SEN shall be based on the principles of normalization and inclusion. Regarding the provision of supports and accommodations to reach those principles, in the Title II, Chapter I, this law holds that the educational administrations shall: (a) provide the measures so that all students reach their maximum development as possible; (b) facilitate the necessary resources for that; (c) establish the 6 processes and resources necessary to identify the specific needs for educational supports of the students; and (d) ensure the family participation in the decision-taking procedures pertaining the education of students.

However, although the education in Spain follows the principles of normalization and inclusion, there still exist the “general or mainstream education” and the “special education” systems, as well as intermediate options of schooling (e.g., special education classroom within a general school; or combined education between special and general schools) which are considered “integration” options. So, in this sense, although the educational administrations must guarantee the inclusive education of students with disabilities (and ID), there is the possibility, after the assessment and the intervention, to segregate the students into special education system, which has already been discussed by scholars (see, e.g., Amor, Verdugo, Calvo, Navas, & Aguayo, 2018; Huete, 2017; Verdugo et al., 2018;) and by the Committee of the United Nations (2018) which has concluded that in Spain, the denial of the equality of rights for the persons with disabilities can be deliberately produced as a result of discriminatory laws and acts, with this purpose or without it.

The parallel reality of special vs. mainstream education is acknowledged by the LOMCE in the article number 74. In this sense, this law establishes that the schooling in special schools only will be possible when the needs of the students cannot be addressed within general education contexts with the supports and measures provided in the attention to diversity process.





However, as we will discuss later, the education system in Spain is decentralized, so it is necessary to analyse the normative of the different regional governments in Spain to have a “big picture” on how the situation of the inclusion in Spain regarding policies is.

In Spain, there are a total of 17 Autonomous Communities. Since the Spanish educational system is a decentralized one and the education competence has been transferred to each Autonomous Community, in practice, we can talk about 17 different educational systems in Spain. This has given place to important differences in the development of regional laws, decrees and orders which regulate the inclusive education of students with ID. For an in-depth analysis on the state of inclusive education of students with ID based in the study on the regional normative, we highly recommend the work by Verdugo, et al., (2018).

Notwithstanding the above, there are 4 important regional legislations which must be highlighted given the fact that are certainly more advanced in the assumption of inclusive education as a right and in the adoption of a socio-ecological approach of understanding the needs of students with ID. These examples are normative coming from three Autonomous Communities of Spain: Andalusia, Aragon and Catalonia. First, in Andalusia (south of Spain, ≈ 8,400,000 inhabitants) there are the Instructions of the 8th of March of 2017, of the General Direction of Participation and 7 Equality, which update the protocol of detection, identification of the students with specific educational support needs and the organization of the educational response (Junta de Andalucía, 2017).

This protocol defines indicators that all the members of the school community (i.e., principals of schools, school counsellors and families) must take into account to detect since early stages of development the needs of students with different difficulties (including ID), so that the provision of supports can start as earlier as possible.

The Andalusia’s protocol specifies the different critical stages to make assessment (and the different tools and procedures to gather information) and intervention, as well as the different developmental key in the children, the different contexts of his/her development, assuming this way a socio-ecological approach to address the needs of the students to





enhance their opportunities to access and permanence in the mainstream school. Additionally, this protocol makes possible to gather and collect data and its further treatment to decision-taking on how to improve the procedures towards the inclusion of students with difficulties of any kind.

On the other hand, all the information is summarized in different annexes to facilitate the decision-taking of all the stakeholders. Another Autonomous Community in Spain that has developed important normative to enhance the inclusion of students with ID is Aragon, located in the north-east part of Spain ($\approx 1,310,000$ inhabitants). In this case, it is necessary to highlight the Decree 135/2014 of the 29th of July, which regulates the conditions for school success and excellence of all students in the Autonomous Community of Aragon under an inclusive approach and the Order of the 28th of January of 2015, of the Department of Education, University, Culture, and Sport, which regulates the monitoring commissions of the conditions for the school success and excellence of all students under an inclusive approach.

These cases are very interesting because are intimately related. First, the decree defines “supports” under a socioecological approach, aligned with the definition provided by Thompson et al. (2009): “supports are resources and strategies that aim to promote the development, education, interests, and personal well-being of a person and that enhance individual functioning” (p. 135).

On the other hand, the aforementioned order creates advisory follow-up commissions to enhance the inclusive education process in which the families have an active role to participate in the education of their children. Bringing these two normative together, on the one hand there are good assessment and intervention measures and, on the other hand, the participation of all members of school community (i.e., especially parents, who are often neglected from decision taking procedures) to follow those measures.

Finally, another Autonomous Community that must be highlighted regarding its development is Catalonia. Like in the case of Aragon, Catalonia is in the north-east part of Spain ($\approx 7,500,000$ inhabitants). In this case, a new decree has been developed, the Decree 150/2017, of the 17th of October, of educational attention to students with special educational needs in the





framework of an inclusive education system. This decree also assumes a socio-ecological approach towards the support needs of students with difficulties of any kind (especially those with ID) and it regulates all the educational stages (i.e., from elementary education to adult education), emphasizing the transformation of special schools towards “centres of services and resources for general schools” creating a support network for inclusive education. These are the most remarkable cases of regulations at regional level in Spain concerning inclusive education of students with ID. However, there are other interesting 8 decrees and orders that have already been analysed in the aforementioned work by Verdugo et al. (2018).

Those have been highlighted as good examples of existing normative which assume approaches like the support paradigm or quality of life as important elements for enhancing the inclusive education of students with ID.

In Spain there is not a national inclusive education plan. As has been mentioned there have been different initiatives to address the inclusive education of students with disabilities of different kind from a state-level perspective, but the decentralization of the country regarding education makes that each Autonomous Community develops their own plans and regulations to achieve inclusive education through an instrument called Attention to Diversity (AD).

Accessibility was first legislated in the *Law 13/1982, of the 7th of April, of Social Integration of the Disabled of 1982*. Other two legislations concerning accessibility were:

- a) *Law 51/2003, of the 2nd of December, of equality of opportunities, no discrimination and universal accessibility of the persons with disabilities*
- b) *Law 49/2007, of the 26th of December, establishing the regime of infractions and sanctions in terms of equality of opportunities, no discrimination and universal accessibility of the persons with disabilities*

However, as aforementioned, these laws are no more in-force, since they have been subsumed within the *Royal Legislative Decree 1/2013, of the 29th of November, approving the Consolidated Text of the General Law on the Rights of Persons with Disabilities and their*





Social Inclusion. This *Royal Legislative Decree* understand “universal accessibility” as (Ministerio de Sanidad, Servicios Sociales e Igualdad, 2013, p. 95639):

“... the condition that environments, processes, goods, products and services must meet, as well as objects, instruments, tools and devices, to be understandable, usable and practicable by all people in conditions of safety and comfort and of the most autonomous and natural way possible. It presupposes the strategy of “universal design for all people”, and it is understood without prejudice to the reasonable adjustments that must be adopted”

This legal instrument orders that public administrations must advocate for the rights of persons with disabilities in different areas, including education. The specific measures to guarantee the equality of opportunities, no discrimination and universal accessibility are of application in different areas:

- a) Telecommunications and society of information
- b) Urbanized public spaces, infrastructures and buildings
- c) Transportation
- d) Goods and services at public disposal
- e) Relationships with the public administrations
- f) Justice administration
- g) Cultural patrimony
- h) Employment

c. National Education Funds

In this epigraph we provide information on the total expenditures on education and special education for the last exercise (2017). Although the general budget for this exercise has already been approved (2018), data presented here come from the economic and financial report presented by the Ministry of Treasury which are the latest available data.





Of this expenditure, there is not a specified amount linked to inclusive education (it is necessary to remember that the educational laws consider inclusion as a principle, not as an option of schooling and no information on the budget dedicated to inclusive education is included). However, the Ministry of Treasury has provided information on the amount expended on “special education”, which consist a 0.10% (2.62 million Euros) of the total expenditure in education (Ministerio de Hacienda, 2017).

For this year, there has been an increase in the expenditure in education reaching the amount of 2,581.9 million Euros (Jefatura del Estado, 2018).

Inclusive Education

a. How is the access to special education arranged?

According to Amor, Verdugo, Calvo et al. (2018), in Spain, the assessment and provision of supports towards students with SEN is governed by policies which set out the AD procedure, a process whereby student needs are identified, and the appropriate responses provided to fulfil the right to inclusive education. This process involves a series of interdependent successive phases which vary according to the student’s needs. After an initial identification of alert signs in the child (e.g., his/her development is not the expected in relation to his/her peers, or his/her achievement is significantly different), there is a provision of general measures of AD.

When the general AD measures are not sufficient to address the needs of the students (i.e., there is evidence that everything is the same or worse), a psychopedagogical assessment is carried out to identify the nature of the student’s specific need for educational support (SNES) and to provide measures related to the detected needs. The psychopedagogical assessment is a very important step within the AD process, since this step is critical for detecting the SEN. This is because under the “umbrella term” of SNES there are different possibilities to be detected: “gifted students”, “students with learning difficulties”, “students that have accessed lately to the 10 educational system”, “students with personal/school special records” or “students with SEN”.





In Spain, the SEN are those educational needs within the SNES term which are associated with the presence of specific conditions relating to individual functioning (i.e., disability or severe behavioural

disorders). Hence, concerning the diagnosis of the SEN there are two possibilities during the psychopedagogical assessment which are derived from the nature of the SNES detected:

a) The SNES is not a SEN. In this case, specific AD measures are provided and there is a monitoring to see the extent to which the needs have been successfully covered.

b) If during the psychopedagogical assessment there is evidence to consider the SNES as a SEN, then it is compulsory to conduct further assessment through a schooling report to determine the SEN and to provide the extraordinary AD measures. The schooling report, which is based in the psychopedagogical assessment, is also an instrument to take a decision on the most appropriate form of schooling for the student (i.e., general education, combined education or special education).

b. The relationship between special and regular education

As has been aforementioned, education in Spain follows the principles of normalization and inclusion, being the special education only a “final” alternative when the needs and the supports required by the students with SEN are extraordinary and “there is no possibility” to provide the supports and aids required by these students within general education classrooms alongside their peers. Alert signs' detection General AD measures Psychopedagogical assessment (to identify SNES) If the SNES are no SENÆ specific AD measures If there is evidence of SENÆ Schooling report 11 The schooling report must be reviewed when the student with SEN changes between educational stages (e.g., from preschool to primary education; or from primary to secondary education) or if there is significant changes in the student’s development or needs.





Although this aspect of the schooling report offers a way back and forth between general and special education, the reality is that there are not common the cases when children with SEN (e.g., linked to ID) come back from special education to general education classrooms. Thus, in practice, in Spain coexist two parallel systems of education and the segregation is a habitual praxis, as noticed by the Committee on the Rights of Persons with Disabilities in the aforementioned report recently published (as of June of 2018). This contradicts the main principles of Spanish educational law (LOMCE), the CRPD and the aforementioned Royal Legislative Decree.

In general, the principles of normalization and inclusion highlight that “special education” only will be provided if the supports and aids are difficult to generalize and apply within mainstream contexts. Hence, normative says, on the one hand that education must be inclusive; and, on the other hand, it gives the possibility to segregate students.

Looking at the right to choose between ordinary vs. special schools in Spain, the legal representatives of the students with disabilities are informed of the AD process, especially regarding the conclusions of the psychopedagogical assessment and the schooling report, as well as the different measures that are going to be adopted to address the needs of the child. There are legal instruments to guarantee the participation of the legal representatives in all the educational decisions that affect their children (including AD) as will be commented in section 18. In relation to the schooling of children with disabilities, their legal representatives can express their disagreement with the psychopedagogical assessment and with the schooling report and parents can ask their review. This mechanism of effective participation of legal representatives in relation to the schooling of children with disabilities has also been placed under suspicion by the Committee on the Rights of Persons with Disabilities, since the current Spanish legal system makes it possible for schools to legally persecute parents of students with disabilities for the crime of family abandonment by demanding the right of children to an inclusive education on an equal basis with their peers without disabilities (United Nations, 2018).





c. Teacher training programmes vis à vis inclusive education

In Spain there is no more a specific undergraduate program on special education or on inclusive education. In this sense, the undergraduate programs which exist in Spain to prepare future teachers to address the needs of students with SEN linked to disability are two: The undergraduate program on preschool education and the undergraduate program on primary education. Preschool teachers don't require an undergraduate degree, but they must complete a professional training program on education.

However, in the case of professionals working with students with SEN linked to disability in specific services as early intervention programs, they are often required to have a master's degree or specific and specialized training.

On the other hand, to become a primary teacher it is necessary to hold the undergraduate program on primary education. According to the Spanish Ministry of Education and Professional Training, aligned with the European Higher Education Area, those undergraduate programs last four years. Education programs for preschool and primary teachers are organized in a way in which pedagogical and practical training are provided at the same time as courses in specific subjects (Amor, Verdugo, Navas, & Gómez, 2018).

Thus, to become a "special education teacher" or "therapeutic pedagogy teacher" the preservice teachers interested in working and providing supports to students with SEN linked to disability must choose different optional courses and create an itinerary that will allow them to get the "special education mention" within the undergraduate program (Amor, Verdugo, Navas et al. 2018).

In the case of teachers providing supports to students with SEN linked to disability, all teachers (no matter if they are specialist in special education or not), are required to complete between 250 and 300 hours of activities every six years pertaining lifelong learning and professional development. The content of these lifelong learning programs and activities is





mandated and specified by the regional educational administrations (Amor, Verdugo, Navas et al. 2018).

Compulsory education in Spain is from 6 to 16 years old so it is necessary to present the training received by secondary education teachers. Secondary education teachers do not receive training in an undergraduate program to become secondary education teachers and they don't need to have specialized training to meet the needs of students with SEN linked to disability. In this sense, to become a secondary education teacher it is necessary to hold a given degree (e.g., mathematics), and then to obtain a master's degree that provides teaching

training called "University Master on Secondary Education". As a part of their training in this master's degree, they can take different ECTS addressing AD measures and procedures (Amor, Verdugo, Navas et al. 2018).

Finally, in Spain there has been a growing emphasis in developing different training programs and master's degrees programs to train in-service or preservice teachers to address the needs of students with SEN linked to disability. According to Amor, Verdugo, Navas et al. (2018), for the academic year 2017-2018 there were more than 100 master's degree programs concerning disabilities with a total of 17 official master's degree programs pertaining the education of students with SEN linked to disability.

d. Early intervention programmes/services

Prior to understanding the development and implementation of "early intervention" programs and services in Spain, it is necessary to incardinate these programs within a general process that takes place in the general AD process. In this sense, it is necessary to describe what Educational Guidance is. The strong decentralization existing in the educational system in Spain has motivated that every Autonomous Community develops their own normative regulating Educational Guidance. So, the expressed in this section may find minor variances among Autonomous Communities in Spain, but there are a series of commonalities between the different regions, and those commonalities will be commented. For this section, we have





selected two acts, a state-level order (which affects Ceuta and Melilla) and one decree coming from one of the Autonomous Communities in Spain (Extremadura).

- Order EDU/849/2010 of the 18th of March, which regulates the organization of the education of students with specific needs for educational support and which regulate the educational guidance services in the field of management of the Ministry of Education, in the cities of Ceuta and Melilla

- Decree 228/2014, of the 14th of October, which regulates the educational response to the diversity of students in the Autonomous Community of Extremadura. Educational Guidance is a vertebral axis in the AD.

It is an ongoing, personal, teaching and professional support and guidance process aimed at:

- a) helping students to reach the best adjustment as possible taking into account their educational needs;
- b) supporting students to develop their capacity of self-guidance; and
- c) promoting their capabilities to a responsible decision-taking.

The main principles of educational guidance are:

- a) Prevention, understood as an anticipation of the appearance of imbalances in the educational process
- b) Personal development, as an ongoing process which intends to help the whole development of the students
- c) Social intervention taking into account the socio-educational context in which the school and family life of the students take place.

The educational guidance consists in an organizational and functional model based in three levels of intervention:

- a) Tutorial action, whose responsibility concerns to all teachers but specially the tutor teacher. Tutorial is a coordinative, dynamic and integrative element of the whole educational reality.





b) Teams of Educational and Psychopedagogical Guidance (TEPGs). These are services of guidance and supports to the schools in a given city sector, and they act collaboratively and co-ordinately with other services and programs with the aim of improving the educational response towards the detected needs.

c) Guidance Departments. These are organizational units within high schools and schools for adults. Of these elements comprising the model of educational guidance, the TEPGs play an important role for the provision of early intervention programs. The TEPGs are the technical support for the educational guidance and they can make intervention on preschool, primary and secondary education in public schools and high schools.

The main functions of these teams are:

a) to facilitate that the schools establish the measures to attend to the diversity of capacities, interests and motivation of all students; and

b) to promote that schools adapt their educational response and methods to the needs of the students, acting through counselling and educational guidance at different levels. The TEPGs can be of three different classes:

1. General TEPGs: They provide support to students of second cycle of preschool (3-6 years old) and primary education. The provision of support is aimed at students attending to special education schools, special classrooms and open, specialized classrooms.
2. Early Intervention TEPGs: they provide supports to students younger than 3 years old who are not yet attending to school (in Spain is compulsory from 6 to 16 years old, although is highly generalized from 3 to 16 years old) and to students attending to preschool education (until 6 years old). These teams work collaboratively with the general and specific TEPG's when necessary.
3. Specific TEPGs: they provide supports to specific personal conditions (e.g., autism spectrum disorders or hearing impairments, among others). They work complementary with the general and early intervention TEPGs. In elementary and primary education, educational guidance is aimed at: early detection of difficulties and needs and supporting teaching-learning process and tutorial. In this sense, the early intervention in Spain seeks to detect





as early as possible all the difficulties and needs that students may present in order to provide the necessary supports and aids which are intended to prevent the apparition of sequels or correct them, as well as to promote the development of students and teaching-learning process always acting to promote the inclusion of students, no matter their difficulties (e.g., disability).

e. Parent participation

Since the democratic era in Spain, it can be seen an important increase in the educational laws regarding the presence and participation of families in the education of their children. Hence, the families participate in the elaboration and monitoring of the Educational Project of the school. This Educational Project is a key document in the schools and is grounded in the principles of non-discrimination and inclusion and it embodies the characteristic of the cultural and social environments of the school, the values, the objectives and the priorities of action and the quality response towards the needs of all students (Calvo, Verdugo, & Amor, 2016).

The way that parents' participation is organized in Spain is through collegial bodies. Among these bodies, it is important to highlight the School Board, which is the main collegial body that promotes parents' participation and management in the school at the same time as a right and as an obligation. The parents give their opinions and make decisions, thus recognizing the right of families to intervene in schools. The *LOE* (2006), on its article 118.5 states that "parents and students may also participate in the functioning of schools through their associations. The educational administrations will favor the information and the training directed to them".

In relation to families with children with educational needs, the article 71.4, specifies that "it corresponds to the educational administrations to guarantee mainstream education and ensure the participation of parents or guardians in the decisions that affect schooling and the educational process of this students and to adopt the appropriate measures so that the parents of these students receive the appropriate individualized counseling, as well as the





necessary information that will help them in the education of their children” (Calvo, Verdugo, & Amor, 2016).

The current educational law in Spain, the *LOMCE*, turns Schools Boards into advisory bodies which entails a change in the role of families and decreases its involvement in decision making (article 1). However, it is necessary to remember that the legislation from a state-level perspective does not give an insight on how the regulation pertaining parents’ participation is in the processes which have been developed to fulfill the right to inclusive education in students with SEN linked to disability (i.e., AD). In this sense, again, the decentralization creates important differences between the Autonomous Communities in the ways that each one of those regions regulate parents’ participation. In a general basis, all the Autonomous Communities recognize in the normative the role that families and parents play in education and in AD process. However, despite Andalusia and Aragon, the others Autonomous Communities provide a passive role to families, turning them into passive, information receptors. Andalusia organizes the active participation of the families regarding support needs detection in students with disabilities (Junta de Andalucía, 2017) while Aragon regulates the creation of advisory monitoring commissions for policy improvement and inclusive practices where families and parents play an active role (Government of Aragon, 2015).

f. Quality evaluation and control

In Spain, there is no any state-level strategy to assess the quality of the implementation of inclusive education or to monitor the advances towards it. Hence, although Spain has signed and ratified the *UNCRPD* and it assumes on its educational legislation the principles of normalization and inclusion, there is no a process called “promotion of inclusive education” being AD the only available tool in Spanish educational system to cover the right to inclusive education for students with difficulties of any kind (e.g., students with SEN linked to ID).

On the other hand, as has been aforementioned, Spanish education is decentralized, so the Autonomous Communities have assumed the competencies in education and, by extension,





regarding AD. In this sense, the regional governments are the responsible to develop the normative that describe the development and implementation of AD and the assessment of its impact that it has as a tool created to address the needs of all students to pursuit their right to inclusive education. This monitoring process of AD is the closest strategy comparable to any plan to evaluate the quality of inclusive education. Of course, the decentralization previously mentioned makes impossible to talk about a national strategy. In this sense, every single Autonomous Community defines its own “Attention to Diversity Plan” in which the assessment and intervention measures, as well as the monitoring and quality assessment strategies are defined. In this sense, those plans are different between Autonomous Communities being expectable the differences between Autonomous Communities in the criteria used to assess the quality of AD as a tool to promote inclusive education which, in turn, does not let any state-level reliable information. What is more, there are differences also at regional and local levels, since the Autonomous Communities define Attention to Diversity Plans, but each single school must adapt those plans to their context and the nature of the students that they have. So, in practice, each school has its own assessment and intervention measures, and its own monitoring process to assess the quality of the AD.

This makes difficult to count with disaggregated data to conduct a regional strategy and to make comparable what two schools of the same neighborhood are doing. On the other hand, this process is not objective since the responsible to define the quality assessment are the same persons that define the assessment and intervention measures.

The only existing initiatives to monitor the extent to which a school can be considered or not inclusive is via research works which have assessed this issue always in a local level using the *Index for Inclusion* (Booth & Ainscow, 2011).

g. The concept of reasonable accommodations

Reasonable accommodations are defined in *the Royal Legislative Decree 1/2013, of the 29th of November, approving the Consolidated Text of the General Law on the Rights of Persons with Disabilities and their Social Inclusion* (Ministerio de Sanidad, Servicios Sociales e Igualdad, 2013, p. 95639) as:





“the necessary and appropriate modifications and adaptations of the physical, social and attitudinal environment to the specific needs of persons with disabilities that do not impose a disproportionate or undue burden, when they are required in a particular case in an effective and practical manner, to facilitate accessibility and participation and guarantee people with disabilities the enjoyment or exercise, on an equal basis with others, of all rights”

Aligned with this view, the *LOMCE* (2013) assumes that all the AD measures will be provided following a least restrictive environment, and all the measures to make education inclusive will be provided in mainstream settings. In this sense, AD includes diverse measures to adapt the curriculum to meet the needs of the students with disabilities.

Availability of support materials, teachers and research centres:

a. Availability of support material:

Resources (material and teachers/workers) as a part of the decentralization, are also regulated by the Autonomous Communities to support the AD process. In this sense, the *LOMCE* (2013) on its article 71 orders that the educational administration shall dispose of all the necessary resources so that all students reach their maximum personal, intellectual, social and emotional development. The educational administration must assure all the necessary resources (material and personal) to the students who require SNES (within this category are those students with SEN) to help them reach their maximum development as possible and the established objectives in the curriculum.

The article 122 highlights that the educational administrations can provide more resources to those public or private-arranged schools depending on the project that those schools have adopted or depending on the special needs of their students. In these cases, the provision of extra support makes necessary that every school that receive those extra resources justify the adequate use of them.

Support material can be of different nature and can adopt different forms depending on the Autonomous Community. According to Feliz and Ricoy (2002), a possible classification of the resources can be: resources related to language (Braille, Sign Language, Bliss system and SPC), technical media (digital, audiovisual, electronic or traditional) and specific didactic materials (these depending on the SEN).

b. Availability of support teachers/workers:

Support teachers and workers are those human resources which are intended to cover the needs of all students, especially those with SNES (and SEN). In Spain, all the teachers (no





matter their specialization) are considered as a critical human resource to meet the needs of the students with SEN, given the fact that AD is responsibility of all school community. In this section we provide information on the human resources which are specialist on how to address the support needs of students with SEN. Those resources can be provided by the Autonomous Communities to each school or they can act in a given community sector and work to cover the needs of students attending to different schools of the same sector. The legislation in Spain offers personal resources depending on ratios and the nature of the needs of the students with SEN and these ratios vary among the Autonomous Communities. For example, in the Region of Murcia, the ratio of Therapeutic Pedagogy teachers in general education classrooms is of one teacher per 8-12 students with significant curricular adaptations, while in special schools, for the same teachers, the ratio is of 1 teacher per 3-6 students in elementary education and 4-7 in general basic education (primary + secondary education in special schools) (Gobierno de la Comunidad Autónoma Región de Murcia, 2012).

There are different support teachers/workers for supporting children with disabilities. Andalusia's normative provide an extensive definition on the specialization, training and responsibilities of those human resources (Junta de Andalucía, 2017). Although there are variations depending on the Autonomous Communities, we will follow the description of the *Instructions of the 8th of March of 2017, of the General Direction of Participation and Equality, which update the protocol of detection, identification of the students with specific educational support needs and the organization of the educational response* because is a very comprehensive description of all the personnel working to enhance the opportunities to include students with disabilities and other difficulties.

Those resources can be considered as teachers and other professionals.

- Specialized teachers:
 - o Specialized teachers in Therapeutic Pedagogy (all the students with SNES)
- Specialized teachers in Therapeutic Pedagogy and in Sign Language (only students with SEN)
- Specialized teachers in Speech and Hearing (all the students with SNES)
- Specialized teachers in Speech and Hearing and in Sign Language (only students with SEN).
- Specialized teachers of the supports team for the blind students and students with visual impairments (only SEN).
- Specialized teachers on Therapeutic Pedagogy of the Children and Adolescents Mental Health Units (only SEN).
- Specialized teachers in Curricular Support for students with hearing and motor impairments in secondary education (only SEN)





- Specialized teachers in Compensatory Education (SNES linked to compensatory educational needs).
- Specialized teachers in Temporary Classrooms of Language Adaptation (SNES linked to those students whose language is not Spanish – Romanians, Chinese students, etc.).
- Specialized teachers in Gifted Students (they act at provincial level, itinerant).

Other professionals:

- Technical professional in social integration
- Technical professional in interpretation of Sign Language or Physiotherapists (only in special education schools)

c. Resource centers/knowledge centers about inclusive education

Although in Spain there coexist two educational systems for students with disabilities (general education schools and special schools) and the special education classrooms and schools have been the only schooling alternative for many students with SEN linked to disability and extensive and pervasive support needs, since the *LOMCE* was passed in 2013 the role that special schools have within the framework of inclusive education has been reconsidered. In this sense, there are initiatives in different regions of Spain to transform special schools into centers of services and resources for general schools in order to create a support network for inclusive education (Generalidad de Cataluña, 2017) bringing human and technical/material resources, as well as expert knowledge and expertise within general education schools.

Another alternative is that provided by different organizations which provide supports and services to children with disabilities. For example, in the case of students with ID, there are different of these organizations that provide material and personal resources to enhance the opportunities of students with ID to receive inclusive education. In this sense, the Program on Complementary Educational Attention for Students with Down's syndrome and Related in La Rioja is a project of collaboration between Down España and the Government of La Rioja to use the resources of that organization to support the education of these students. Another example is ASPASIM, which in the framework of the aforementioned *Decree 150/2017* in Catalonia provides support to ordinary schools. Plena Inclusión, the biggest confederation of





organizations that provide supports to persons with ID to enhance their quality of life also endorses the need to keep advancing in the transformation of Spanish educational system and supports schools in this road to inclusion.





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Commented Legislation included in the Report (ordered from the oldest to the newest)

State-Level Legislation

Law 13/1982, of the 7th of April, of Social Integration of the Disabled

Instrument of Ratification of the Convention on the Rights of the Child, adopted by the General Assembly of the United Nations on the 20th of November of 1989 (December, 1990).

Royal Decree 696/1995, of the 25th of April, of ordination of the education of students with special educational needs. Law 51/2003, of the 2nd of December, of equality of opportunities, no discrimination and universal accessibility of the persons with disabilities.

Organic Law 2/2006, of the 3rd of May, of Education.

Order ECI/3960/2007, of the 19th of December, which establishes the curriculum and regulates the organization of elementary education Law 49/2007, of the 26th of December, establishing the regime of infractions and sanctions in terms of equality of opportunities, no discrimination and universal accessibility of the persons with disabilities.

Instrument of Ratification of the Convention on the Rights of the Persons with Disabilities, given in New York, the 13th of December of 2006 (April, 2008).





Order EDU/849/2010 of the 18th of March, which regulates the organization of the education of students with specific needs for educational support and which regulate the educational guidance services in the field of management of the Ministry of Education, in the cities of Ceuta and Melilla

Royal Decree 1276/2011, of the 16th of September, of normative adaptation to the Convention.

Royal Legislative Decree 1/2013, of the 29th of November, approving the Consolidated Text of the General Law on the Rights of Persons with Disabilities and their Social Inclusion.

Organic Law 8/2013, of 9th of December, on the Improvement of the Quality of Education.

Royal Decree 126/2014, of the 28th of February, which establishes the basic curriculum of the Primary Education 26 Royal Decree 1105/2014, of the 26th of December, which establishes the basic curriculum of the Compulsory Secondary Education and Bachelor's degree

Regional-Level Normative

Order of the 21st of Jun of 2012, from the Council of Education, Training and Employment, which establishes the general criteria for the determination of the real needs of teachers in Preschool Schools, Schools of Preschools and Primary Education, and Grouped Rural Schools (Murcia).

Resolution of the 24th of February of 2014, which specifies the specific educational support needs and the models of psychopedagogical assessment established in the Order ECD/11/2014, of the 11th of February, which regulates the psychopedagogical assessment in the educational system of the Autonomous Community of Cantabria.

Decree 135/2014 of the 29th of July, which regulates the conditions for school success and excellence of all students in the Autonomous Community of Aragon under an inclusive approach.

Decree 228/2014, of the 14th of October, which regulates the educational response to the diversity of students in the Autonomous Community of Extremadura.

Order of the 28th of January of 2015, of the Department of Education, University, Culture, and Sport, which regulates the monitoring commissions of the conditions for the school success and excellence of all students under an inclusive approach (Aragon).





Resolution of the 15th of April of 2016, of the General Direction of Educational Innovation and Attention to Diversity, which establishes a protocol for the assessment and intervention in challenging behaviors in students with special educational needs derived from intellectual disability.

Resolution of the 14th of February of 2017, of the General Direction of Educational Policy, which dictates instructions for the provision and management of support aids and technologies for students with special educational needs for the year 2017.

Instructions of the 8th of March of 2017, of the General Direction of Participation and Equality, which update the protocol of detection, identification of the students with specific educational support needs and the organization of the educational response Decree 150/2017, of the 17th of October, of educational attention to students with special educational needs in the framework of an inclusive education system

Guide of Schooling for students with specific educational support needs for the academic year 2018-2019.





IE+ PARTNERS



The European Association of Service providers for Persons with Disabilities (EASPD) is a wide European network which represents around 17,000 services across Europe and across disabilities. The main objective of EASPD is to promote the equalisation of opportunities for people with disabilities (through effective and high-quality service systems). The work of the organisation is based on the three interconnected pillars of Impact (European Policy), Innovation (Research & Development as well as implementation of international projects) and Information (for the members).



Inclusion Europe has 67 members in 37 European countries. Inclusion Europe represents the voice of people with intellectual disabilities and their families throughout Europe. Started in 1988, Inclusion Europe fight for equal rights and full inclusion of people with intellectual disabilities and their families in all aspects of life. As a European association they work in the many different areas which their members have identified as important to them: Inclusion Europe provide for the exchange of knowledge across Europe, support their members, and influence European policies.



At Ghent University the Department of Special Needs Education has a focus on Inclusive Education in teaching research and service to the community.



The first University of Salamanca's Institute on Community Integration (INICO) is composed of interdisciplinary professionals that lead activities linked to training, research and counselling in the field of disability and special educational needs with the aim of easing and enhancing the quality of life and self-determination of people living at social disadvantages in different contexts and throughout their life cycle.



The National Association of Resource Teachers in Bulgaria (NART) is a national NGO umbrella for professionals working for full and quality integration, inclusion and education of children with different abilities and needs in mainstream education. Their goal is to promote the continuous improvement of quality education and social services in support of integration and inclusion of all children in Bulgaria. The specialists who are members of NART are working with more than 15 000 children and young people with special needs across the country.



Kentro Koinonikis Frontidas Atomon Me Noitiki Ysterisi (ESTIA) is a recognised Charity overseen by the Ministry of Health & Social Solidarity in Greece. ESTIA was founded in 1982 by parents of children with intellectual children. ESTIA specialises in providing support and care to people with intellectual disabilities from 15 years of age with the aim of improving quality of life and supporting inclusion into the community.



C.E.C.D. Mira Sintra - Centro de Educação para o Cidadão com Deficiência, C.R.L. (Education Centre for Persons with Disability) is a Cooperative for Social Solidarity, a non-profit organisation and was recognized 2.000 people, since toddlers, children, youth and adults who need specialised support, due to problems in their development and/or deficits in academic, work or social performance.

