

## **EVOLUTION IN THE APPROACH TO INCLUSIVE EDUCATION IN SPAIN: A DESCRIPTIVE REVIEW OF THE LEGISLATION AND IMPLICATIONS FOR TRAINING**

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### **Abstract**

The configuration of the approach to inclusive education in the Spanish context has been determined by a succession of regulations which have marked a clear evolution in terms of concepts, organization, procedures, methodologies, and training in the field of education. From the viewpoint of education professionals, a rigorous analysis has been made of the historical evolution of these regulations. For the content of the first part of the article, we have selected the main laws which have been essential to understand the conceptualization and implementation that have been adopted both in the curricular and organizational sphere towards an approach which considers education as aimed at all students, taking into account the diversity of characteristics and circumstances that identify them and in which they are involved, with the purpose to have an education that favors inclusion and that is itself an inclusive education. The provision of personal and material resources, as well as programs and educational policies that make this possible also entails the impact on training processes which have an effect on teachers, students, families, educational agents, in short, on the entire educational community. This impact on training is tackled in the second part of the article, which presents two of the main axes that can articulate training initiatives based on inclusive parameters from different categories of analysis.

La configurazione dell'approccio all'educazione inclusiva nel contesto spagnolo è stata determinata da una successione di normative che hanno segnato una chiara evoluzione in termini di concetti, organizzazione, procedure, metodologie e formazione nel campo dell'educazione inclusiva. Dal punto di vista dei professionisti dell'educazione, è stata fatta un'analisi rigorosa del percorso storico di queste normative. Per il contenuto della prima parte dell'articolo, abbiamo selezionato le principali leggi che sono state essenziali per capire la concettualizzazione e l'implementazione che sono state seguite sia nell'approccio curricolare che in quello organizzativo verso un'educazione rivolta a tutti gli studenti, tenendo conto della diversità delle caratteristiche e delle circostanze che li identificano e in cui si trovano, con lo scopo che l'educazione favorisca l'inclusione e sia essa stessa un'educazione inclusiva. Fornire risorse personali e materiali, nonché dei programmi e delle politiche educative che la rendono possibile, comporta anche un impatto sui processi formativi che si ripercuotono su insegnanti, studenti, famiglie, agenti educativi, in breve, sull'intera comunità educativa. Questo impatto sulla formazione è trattato nella seconda parte dell'articolo, che presenta due degli assi principali che possono articolare le iniziative di formazione sulla base di parametri inclusivi provenienti da diverse categorie di analisi.

### **Keywords**

Inclusive education; legislation; training; attention to diversity; special education.

Educazione inclusiva; legislazione; formazione; attenzione alla diversità; educazione speciale.

## **1. Introduction**

The inclusion of students with special educational needs (SEN) in regular classrooms and establishments is part of a worldwide movement that seeks to highlight diversity as the most valuable attribute and is based on solidarity and justice.

In Spain, special education has undergone a great evolution in the last 30 years, with important legislative and social transformations which have had a direct impact on our educational system, and more specifically, on what we understand by 'attention to diversity'. Special education has ceased to be conceived as the education of a part of the school population in order to embrace the principles of the inclusive school, where most of the students with functional diversity are educated in regular schools, with specialized human resources and educational materials. For this reason, certain conceptual modifications have taken place over the years which have led to an organization where new professional figures and supports have been created, widening the range of people or groups considered potential subjects presenting educational needs and, therefore, the variety of specific educational responses has also increased.

In the first place, and taking into account the concept of inclusion, we can deduce that there have been many definitions regarding educational inclusion. These definitions range from considering it as an extension in ordinary classrooms which assume a greater diversity, to the set of principles which guarantee that the student having a need is an additional and valuable element in the educational community (Florian, 2003). We consider that both perceptions are correct, since they are based on the premise of offering a form of participation, realizing that inclusion is not something to be given, but something to be built.

However, in order to achieve this true inclusion, it is necessary to transform the educational reality, which is sometimes unable or unwilling to respond to the needs of its students.

For this reason, the Spanish legislation has been adapting to the new educational demands, devoting more time on the priorities, and incorporating modifications aimed at building a fairer, more equitable and more inclusive educational system.

In this way, the normative development concerning inclusive education in Spain began with the organic law LOGSE, enacted back in 1990, and has reached the present day with the implementation of the LOMLOE in the next academic year, which will begin in September 2022. As teachers, it is essential for us to know in depth the normative development carried out throughout these years at a national level, and particularly in the autonomous community of Andalusia (that is, at a regional level) in the different normative dispositions that regulate the inclusion of the schooled pupils in the Andalusian classrooms.

## **2. Regulatory background for inclusion in Spain**

Prior to the LOGSE (1990), other laws had begun the path of inclusion in our country. The General Education Law (see bibliography: Ley General de Educación) in 1970 was the first law in Spain to highlight the need to assist these students, categorizing them as "deficient" or "maladjusted", both terms that now seem obsolete and in disuse, but which represented an educational revolution back then. This regulation considered the need to deal with these students in a system that was parallel to the regular one, given that special education constituted a segregated system.

With the passing of the Law 13/1982, on Social Integration of the Disabled (Ley 13/1982, de 7 de abril de 1992, de Integración Social del Minusválido), better known as "LISMI" according to the Spanish acronym, the principles of normalization, integration, individualization and sectorization of services were established as guideli-

ness to meet the students' needs, not only in the educational sphere but also in the health, social and labor fields. Furthermore, in its seventh article (Art.7), it defines people with disabilities as those whose possibilities of educational, labor or social integration are diminished as a consequence of a deficiency, presumably permanent, congenital or not, in their physical, psychic or sensory capacities. The promulgation of the Royal Decree 334/1985 on the regulation of Special Education (Real Decreto 334/1985, de 6 de marzo, de ordenación de la Educación Especial), represented a turning point as for the way of understanding educational intervention with students who have functional diversity, specifying the principles of the above-mentioned law in aspects such as:

- Special education becomes part of the regular education system.
- Specific special education establishments are conceived for those students who require it.
- It includes support elements such as educational assessment and guidance, pedagogical reinforcement and individualized attention, as well as early educational support.
- It is necessary to adapt the teachings to the students' characteristics.

Consequently, speaking of integration and inclusion implies speaking about it from the principle of normalization within an educational model which understands that everyone is educable and, therefore, it will be necessary to intervene according to such students' needs. Nonetheless, even nowadays we could speak of a fragile evolution towards inclusion; resources such as special education teachers, specific classrooms or specialized teams are starting to emerge, but they are still considered as spaces of segregation, and not as resources that educational centers really know how to use and manage in order to achieve the inclusion of all their students.

### **3. The LOGSE, the first inclusive law in Spain**

With the development of the Organic Law 1/1990, on the General Organization of the Educational System (Ley Orgánica 1/1990 de 3 de octubre, de Ordenación General del Sistema Educativo) or LOGSE, according to its Spanish acronym, the principles which were already present in the LISMI and the Royal Decree 334/1985 on the Regulation of Special Education are included. The integrating line exposed in the LOGSE marks a before and after in our country, presenting the concept of "students with Special Educational Needs" (SEN) as an alternative to terms such as deficient, diminished, disabled and/or handicapped.

In this respect, this educational law established the creation of teams made up of professionals with different qualifications who identified and assessed such needs, and these teams are still operating in our educational systems today.

On the other hand, it stipulated that schooling in special education centers or units will only be carried out when the students' needs cannot be covered by a regular center. This situation must be re-examined periodically, so as to favor, whenever possible, the access of students to an inclusive system. This trend, which is still under review in Spain nowadays, generates much controversy and debate due to the segregating nuance that it presents.

In the same way, this law presented the need to have teachers of the corresponding specialties and qualified professionals, as well as the necessary didactic resources and materials for the participation of the students in the learning process. It is at this point where the figure of the Therapeutic Pedagogy teacher is highlighted, acquiring the importance that it has today.

As León Guerrero (2005) points out, the LOGSE established a series of modifications that can be synthesized in a school model based on diversity and open to the environment, a teaching model focused on the student and a new vision of the curriculum based on the teaching-learning process.

After the publication of the LOGSE, it was necessary to modify the curriculum, adopting the new philosophy, so the Royal Decree 696/1995 (Real Decreto 696/1995), where the different types of Special Educational

Needs are outlined, and also the modality of psycho-pedagogical intervention depending on each of these needs, was approved in 1995.

Educational needs are now differentiated according to the social and cultural context, individual educational background, or personal conditions related to mental, motor or sensory disabilities, severe behavioral disorders or even intellectual giftedness. The schooling of these pupils takes place in regular centers as long as their needs are met by using the existing resources in those schools. When this is not feasible, schooling will be proposed in special education centers to those pupils with permanent SEN associated with personal conditions of disability which require significant adaptations in some areas of the official curriculum and when it is therefore considered that their level of adaptation and social integration in a regular center would be minimal.

We found this transition so difficult that we had to wait until the approval of the Organic Law of Education 2/2006 (Ley Orgánica de Educación 2/2006), better known as LOE according to the Spanish acronym, to replace the well-worn concept of integration by the concept of inclusion. The LOE also adopted a firm commitment to the educational objectives proposed by the European Union and UNESCO. These institutions proposed improving the quality and efficiency of education systems, enhancing teacher training, promoting the knowledge society, as well as lifelong learning.

Thus, as Raúl García (2013) highlights, the worst news is the fact that the bases and principles of the inclusive school, which cannot be anything but a quality public school of all and for all, are far from being sufficiently well established to withstand legal reforms which ignore all the efforts that have been made to reach this point.

This way, teacher training at all stages of our educational system cannot remain oblivious to the primordial challenge of building an inclusive school.

#### **4. LOMLOE and the attention to diversity in Andalusia**

Nowadays, educational systems have undergone a great evolution, to such an extent that they currently present characteristics which are clearly different from those which they had at the time of their creation. Nevertheless, Spain has been adding several educational laws, for instance the Organic Law 8/2013 on the improvement of educational quality (Ley Orgánica 8/2013 de 9 de diciembre para la mejora de la calidad educativa, LOMCE) which, although it wanted to take up the baton of the LOE, it really meant a rupture between different approaches and visions about education. This law received a lot of criticism and in the years since its approval, it has been necessary to review some of its measures and adapt them to the current challenges of education, hence the origin of the Organic Law 3/2020 on Education (Ley Orgánica 3/2020, de 29 de diciembre, de Educación), or LOMLOE, which modifies the LOE with the ultimate objective of reinforcing the equity and the inclusive capacity of the system, whose main backbone is comprehensive education.

The importance of the right to inclusive education as a human right for all people, recognized in the Convention on the Rights of Persons with Disabilities, ratified by Spain in 2008, is reemerged and highlighted, so that this right reaches those people in vulnerable situations. This law stipulates that the schooling of students with specific educational support needs must be ruled by the principles of inclusion, participation, quality, equity, non-discrimination, effective equality in the access and the continuance in the education system and universal accessibility for all students. In fact, it dedicates Chapter II to Equity and compensation of inequalities in education.

Just as we must take into account teacher training to build this inclusive school, we must also take into consideration the construction of a common and basic curriculum whose approach overcomes the limitations of curricular differentiation, anchored in the classic and clinical model of the laws prior to the LOGSE, so as to attend to all students while respecting human diversity without taking difference as a reference for the planning of teaching-

learning processes, but rather as the axis on which to structure learning situations. In this vein, the LOMLOE establishes in its preamble the need to provide students with multiple means of representation, action and expression and forms of involvement in the information presented to them, or, in other terms, the application of the principles of Universal Design for Learning.

Undoubtedly, for this conception of the curriculum we must emphasize once again the need for qualified teachers, not necessarily specialized but based on practical reflection, cooperative work and the creation of effective channels for the participation of the entire educational community.

#### **4.1. Attention to diversity in Andalusia**

All this normative framework at a national level is concretized in our autonomous community in a series of legislative provisions, which only aim to adapt these precepts to our social, cultural, economic, and educational reality through the pedagogical autonomy of the centers.

We have been talking about inclusion as that model which implies the participation of everyone in school, based on the principle that everyone is educable and therefore, it is necessary to intervene according to the needs that such students present. Within educational inclusion, the term "Students with Special Educational Needs" (SEN) stands out, which appeared for the first time in the Warnock Report (1978), from the approach of that educational response to all the needs, both temporary and permanent, which any student may present throughout his schooling on the basis of the same curriculum. We therefore highlight the following provisions in the regulatory development in Andalusia:

- Decree 147/2002 (see bibliography: Decreto 147/2002 de 14 de mayo) which establishes the educational attention to students with SEN associated to their personal conditions. The purpose of this decree is to establish the conditions for schooling, the teachings and the measures regarding support, adaptation and access to the curriculum. It also establishes the measures of personalized attention to students with intellectual giftedness, among others.

- Decree 167/2003 on the Regulation of Educational Attention to students with SEN associated to disadvantaged social conditions (see Decreto 167/2003 de Ordenación de la Atención Educativa in bibliography). This decree is aimed at students who are in a situation of socio-cultural disadvantage, who belong to an ethnic or cultural minority, or who cannot follow a standard schooling process due to social or family reasons, health reasons or judicial decisions.

- Order of September 19th, 2002 (Orden de 19 de septiembre de 2002), which regulates the conduction of the psycho-pedagogical evaluation and the schooling resolution.

- Order of September 19th, 2002, which regulates the elaboration of the Curricular Project of the Specific Centers of Special Education and the programming of the activities to be carried out in the specific classrooms of Special Education in ordinary schools.

- Order of September 19th, 2002, which regulates the training period for the transition to adult and working life, for young people with SEN.

- Order of August 20th, 2010 (Orden de 20 de agosto de 2010), which regulates the organization and functioning of second-cycle nursery schools, infant and primary schools and specific public special education centers.

- Instructions of March 8th, 2017 (Instrucciones de 8 de marzo de 2017), approved by the General Directorate for Participation and Equity, whereby the protocol for the detection and identification of students with specific educational support needs and the organization of the educational response are updated.

- Instructions of April 20th, 2012 (Instrucciones de 20 de abril de 2012), approved by the General Directorate of Participation and Educational Innovation, which establishes the protocol of action and coordination for the detection and educational intervention with students presenting behavioral problems or disorders and having attention deficit disorder with or without hyperactivity.

Among all the aforementioned regulations, we should especially focus on the Instructions of March 8th, 2017, where it is specially highlighted how the school can change its structure, its organization, its didactic keys on the basis of the inclusive philosophy without exclusions. If we want to accomplish a true inclusion, we must change that concept of a school which was originally for a few, by considering diversity as a value, and through the review and modification of the curriculum to meet the needs of all students. Having centers that favor an attitude favorable to inclusion, well differentiated general and specific measures would be established. As general measures we can include the different groupings which the center can carry out (splitting the pupils, flexible groups...), the application of participative methodological strategies (cooperative learning), the adaptation of activities, materials, diversification of assessment procedures and instruments, or the use of flexible timetables. On the other hand, we would have the extraordinary measures, which have an individual character and aim to respond to the specific needs of the students which have not been covered by the general ones, such as significant curricular adaptations, specific programs, flexibilization or extraordinary permanence (repeating one school year).

In summary, the educational system in Spain (in theory and in terms of legislation) is characterized as a plural system, open to diversity, with a flexible educational offer which must be known in depth so as to give opportunities and possibilities of participation to all students. Let us remember that it is not a question of integrating something that was already segregated, but rather, based on equity, it is about favoring the participation of all, and to obtain this, the collective perception and capacity of an educational community is also necessary.

## **5. From the regulatory evolution to its implications in the training concerning the management, organization and configuration of inclusive educational spaces: articulating axes**

After reviewing the legislation, we have identified some dimensions which have a direct bearing on the configuration of inclusive educational spaces and on the training linked to their management and organization, as we need lines which allow comprehensive and coordinated approaches in their development. All this is based on a thorough, critical and constructive analysis which has also been undertaken in parallel to the process of implementing the changes which the legislation has been progressively proposing and which has required a simultaneous adaptation of the training processes of education professionals, as well as the involvement of other facilitating agents in the achievement of educational inclusion.

The axes from which we would approach the dimensions that would structure proposals for the management and organization of competency-based training for the development of inclusion would be basically two.

One of them focuses on management, which is determined by the socio-educational demands which are currently at the core of training processes favoring inclusion and which could be categorized as: analysis, management and resolution of conflict situations, attention to cultural and social diversity, raising awareness of harmonious coexistence, citizenship and the generation of inclusive spaces, and finally development of well-being states in professionals and organizations.

The second one is linked to the development of coexistence in a broad sense and is based on the implications that may affect the resolution of complex situations, the management of the classroom and the generation and analysis of relational processes among those involved.

The description of both axes responds to parameters centered on a model of competency-based training aimed at all social and educational agents who are linked to the generation of spaces and environments which foster inclusion.

The training processes (both in initial and continuous training) in any training space are determined by a series of socio-educational demands which lie at the root of any initiative aimed at improving inclusion. Regarding this first axis, some of the dimensions that have been part of a categorical analysis are presented, indicating some of the categories which identify each of the factors of analysis:

1. Analysis, management and resolution of possible conflict situations: a. Elements to better understand and manage conflict situations, b. Analysis and diagnosis of conflict situations, c. Identification and prediction of the possible evolution of a specific situation, d. Design of mediation proposals for conflict resolution.
2. Attention to diversity: a. Facilitation of communication between educational and social agents, b. Promoting the development of the capacities of all students, c. Programs of attention to the educational and social diversity resulting from diverse characteristics, d. Methodological strategies of socio-educational intervention to different cultural, social and educational specificities, e. Community dynamization in the educational, labor, socio-family, health and legal fields, f. Educational needs posed by students due to cognitive, sensory, motor, behavioral and learning characteristics, g. Mentoring processes in educational centers.
3. Raising awareness of harmonious coexistence, citizenship and the generation of inclusive spaces: a. Delimitation and definition of the figure of the mediator or pedagogical advisor as a support figure, b. Provision of listening spaces in educational centers, c. Development of activities which promote personal growth: self-esteem, self-control capacity and communication alternatives.
4. Development of well-being states in professionals and educational organizations: a. Well-being indicators in professionals and educational centers, b. Strategies favoring well-being in professionals and educational centers: both in initial and continuous training processes, c. Guidance, counseling and intervention programs in situations which generate personal or organizational conflict.

The second axis, linked to the development of coexistence in a broad sense, constitutes the ideal framework for building spaces that foster attention to diversity. It is approached from the perspective of the implications that may affect classroom management and the analysis of the relational processes among those involved.

As regards classroom management, three main areas that regulations have already been pointing out but which are key to the existence of good practices favoring inclusion are highlighted: a) Role of education professionals whose dimensions are focused on: development of a diagnosis of the situation, sensitization and motivation of the educational community and other external socio-educational agents; fostering the participation of families; reflection on one's own action; participation, collaboration and coordination with the educational community, offering opportunities for the development of social competencies; b) Management of the factors which lead to a favorable learning atmosphere, and c) Development of competencies for the management and resolution of complex situations in the classroom.

Concerning the analysis of the relational processes among the members of the educational community, the proposal focuses on the development of activities which foster the following dimensions: socialization, sensitization and awareness, education in values, social and emotional development, attention to diversity, empathy, de-

velopment of communication skills, coherent development between cognitive, emotional and behavioral competencies, and proposal of a critical, democratic and transforming leadership.

## Conclusions

The access and continuance of students in the educational system with equal opportunities, so as to maximize the development of their personal abilities, represents the objective whereby educational inclusion can be identified as such. This requires strategies and resources which respond to specific and/or special educational needs, as well as educational policies which incorporate updating in the continuous training of education professionals.

As we can glimpse from the analysis, the educational response to students with SEN has evolved over the years and so have the regulations enacted in Spain and specifically in our autonomous community, Andalusia. It is necessary to point out that any response proposed from now on for students with SEN will be preceded by a psycho-pedagogical evaluation which will include factors or variables which are closely related to the educational response that the pupil requires, among which we can mention: etiology of their disability or disorder, intellectual capacity, family environment, academic and curricular development, and social skills.

Schooling decisions are approached as one of the first measures of attention to diversity which can be adopted, continuing at present like back in 1990 with the LOGSE, where schooling is divided into ordinary centers or specific centers of special education. The specific measures of attention to diversity which are included in the regulations are related to the curricular aspect, including the different types of curricular adaptations and the aspects that underlie the learning process through specific programs, as well as in assistance measures, which will determine the specific human resources (teachers specialized in Therapeutic Pedagogy, teachers specialized in Hearing and Language, and non-teaching staff such as the Technical Professional of Social Integration (PTIS according to the Spanish acronym) and the specific material resources. All these professionals must accompany their professional development with specific training in accordance with the complexity of situations which they may encounter when faced with the challenge of achieving a quality inclusive education.

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de desventaja socio-cultural, que pertenece a minoría étnica o cultural, que no puede seguir un proceso normalizado de escolarización por razones sociales, familiares, motivos de salud o decisiones judiciales.

Orden 19 de septiembre de 2002, por la que se regula la realización de la evaluación psicopedagógica y el dictamen de escolarización.

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