

ANED country report on equality of educational and training opportunities for young disabled people

Country: Spain

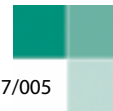
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The information contained in this report was compiled by the Academic Network of European Disability experts (ANED) in May 2010.

The [Academic Network of European Disability experts](#) (ANED) was established by the European Commission in 2008 to provide scientific support and advice for its disability policy Unit. In particular, the activities of the Network will support the future development of the EU Disability Action Plan and practical implementation of the United Nations Convention on the Rights of Disabled People.

This country report has been prepared as input for the Thematic report on the implementation of EU Equality of educational and training opportunities in European countries with reference to equality for young disabled people.

The purpose of the report ([Terms of Reference](#)) is to review national implementation on equality of educational and training opportunities for young people, and in particular the National Strategic Reports of member states from a disability equality perspective in education and training, and provide the Commission with useful evidence in supporting disability policy mainstreaming.

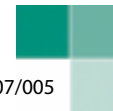


Section 1: Executive summary and conclusions

The 2010 Spanish report to the UN claims that Spain meets the standards of the UN Convention with regard to laws and regulations that implement the right of disabled people to inclusive education at all levels. There are national laws, policies and strategies that establish having equal rights to their peers in schools, further education, higher education, or adult education (but, more legislation has been developed for compulsory educational levels than for higher education or adult education). People with disabilities receive reasonable accommodations and supports, but further improvements need to be made in order to guarantee that they 'are able to access general tertiary education, vocational training, adult education and lifelong learning without discrimination and on an equal basis with others'. There are important differences in implementation that should be corrected among the different 17 autonomous communities of the country. A priority focus should be developed for people with severe/profound intellectual and multiple disabilities.

Although data tell us that a great step forward inclusive schools and education has been made in recent years, evidence coming from research and evaluation studies is still scarce. Regional and national governments have not implement studies to know the situation, success and difficulties or the barriers to be overcome. Research done in the past years for evaluating the impact of inclusion and barriers to progress highlight the importance of the role that regional and state administrations should make with a special commitment to enhance inclusion.

Financial and personal supports are generally available throughout Spain in primary and secondary levels of education, but they are lacking in the transition years to adult life and in universities. Public universities organize, in general, much better the support to students with disabilities than private ones, but there is still a long way to achieve full inclusion.



Section 2: Legal and policy context

The main policies that provide choices for disabled people to study and learn in inclusive settings comprise the Spanish Constitution (1985), the Organic Act on the Right to Education (LODE, 1978), the Royal Decree 696/1995 of 28 April; the Organic Law 2/2006, 3rd May, on Education (LOE, 2006); The Royal Decree on Vocational Training 1538/2006 of 15 December; the Royal Decree 395/2007 that regulates the vocational training for employment (CVET); the Organic Law 6/2001, of 21 December, on Universities, the Organic Law 4/2007, of 12 April; and the Royal Decree 1393/2007 of 29 October.

Major policy changes that occurred in recent years relate to: 1) the Organic Law 2/2006 on Education (LOE, 2006¹) that introduces the new Initial Professional Qualification Programmes (PCPI), formerly called Social Guarantee Programmes (PGS); 2) the Royal Decree 1538/2006², which established the general organization of vocational training within the education system; 3) the vocational training for employment (Royal Decree 395/2007³) that establishes the current model for continuing training in Spain, which is called “continuing vocational education and training” (CVET). The aim of Vocational training for employment (CVET) is to promote and offer companies, and employed and unemployed workers training that fits their needs and contributes to the development of a knowledge-based economy (VET in Europe, Country Report, 2009, p.18); 4) the Organic Law of Universities 4/2007 of 12 April⁴ promotes policies to guarantee equality of opportunities for people with disabilities; and 5) the Royal Decree 1393/2007 of 29 October⁵, organizes university studies and includes several measures to guarantee equal access to disabled students.

Concerning the Ministries involved, there are different responsibilities for inclusion in academic education versus employment training policies, and health authorities are not involved in the education of disabled people. The basic, compulsory, and free of charge education is responsibility of the Ministry of Education and comprises Primary Education and Compulsory Secondary Education, from 6 to 16 years. The Organic Law of Education offers, at national level, the legal framework to provide and assure the right to education. The Autonomous Communities regulate the adaptation of this Law to their territories (European Agency, 2009). Occupational training for the employed or the unemployed comes under the employment authorities. More specifically, it is carried out by the Public Employment Service of the Ministry of Work and Immigration which has the responsibility for central administration. Autonomous Communities have the responsibility to draw up, approve and execute the different training courses.

¹ http://www.boe.es/aeboe/consultas/bases_datos/doc.php?id=BOE-A-2006-7899

² http://www.boe.es/aeboe/consultas/bases_datos/doc.php?id=BOE-A-2007-92

³ http://www.boe.es/aeboe/consultas/bases_datos/doc.php?id=BOE-A-2007-7573

⁴ http://www.boe.es/aeboe/consultas/bases_datos/doc.php?id=BOE-A-2007-7786

⁵ http://www.boe.es/aeboe/consultas/bases_datos/doc.php?id=BOE-A-2007-18770

Disabled people are recognized in national laws, policies and strategies as having equal rights to their peers in schools, further education, higher education, or adult education. But, more legislation has been developed for compulsory educational levels than for higher education (i.e. University) or adult education levels. Compulsory education includes a broad number of support measures in integrated settings for disabled students, such as: 1) Alterations to school building facilities, 2) Special adaptations to the curriculum, 3) Additional support provided by specialist teachers; 4) Special teaching methods and materials, 4) Reduced class sizes, 5) Special arrangements for evaluation or progress through education.

There are also Separate Special Provisions for pupils who are unable to be integrated into mainstream schools but who follow compulsory teaching. Teachers involved in basic education in specific special education schools are teachers specialized in special education and/or hearing and speech difficulties. In complementary vocational training or programs for transition to adult life, pupils receive instruction from technical teachers of vocational training, who teach technical-practical courses (European Agency, [2009](#)).

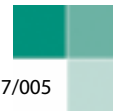
With regard to vocational training for employment, to guarantee access to training for workers with greater difficulties in entering or remaining in the job market, certain groups, such as disabled people, have priority for taking part in training actions.

The Royal Decree 1393/2007 of 29 October, includes measures to guarantee equal access for disabled students to undergraduate, graduate and postgraduate studies. It also establishes the possibility of making curricular adaptations, although many of this type of adjustments are made at the discretion of each professor.

Education and training providers are required by law to provide individualized support for disabled children and young people of compulsory schooling age, under the previously mentioned regulations. Beyond compulsory schooling age, the LIONDAU, Law 51/2003, 2 December⁶ establishes the need to guarantee equal opportunities, non-discrimination and universal accessibility for all.

Concerning the UN Convention on the Rights of Persons with Disabilities and Article 24 on Education, disabled students should be able to “access an inclusive, quality and free primary education and secondary education on an equal basis with others in the communities in which they live”. They receive reasonable accommodations and supports. Improvements should be made in order to guarantee that disabled people ‘are able to access general tertiary education, vocational training, adult education and lifelong learning without discrimination and on an equal basis with others’ (art.24.5).

⁶ http://www.boe.es/aeboe/consultas/bases_datos/doc.php?id=BOE-A-2003-22066

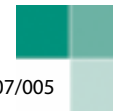


NGOs such as the Forum on Independent Living (see example [here](#)⁷), or the CERMI (2010⁸) are lobbying for policy change. Main required improvements, in accordance to the UN Convention are (CERMI²⁰¹⁰):

- Ensuring the principle of normalized access of students with disabilities to mainstream education resources, without discrimination or segregation. Ensuring free choice in the educational process by students with disabilities or their legal representatives.
- Conduct special/segregated educational alternatives towards full convergence with the model of inclusive education.
- Integrate the principles of nondiscrimination, accessibility and universal design for all in the teaching-learning processes and the evaluation.
- Ensure that educational projects incorporate plans to diversity and that diversity and equity are included as quality indicators.
- Adapting new technologies to the principles of universal accessibility and design for all.
- Incorporate design for all and universal accessibility in the curriculum of university degrees.
- Ensure that the Scholarship Plan and financial aids are available to all students with disabilities.
- Promote coordination among teachers of different levels and adequate professional counseling to allow the transit of students with disabilities between the various stages of education, further vocational training and workplace integration.
- Give effect to the mandates of the Law 27/2007 of October 23, regarding the recognition of Spanish sign languages and the regulation of oral communication supports for deaf, hearing impaired and deaf blind people.
- Encourage coordination with the voluntary movement of disability and their families to improve the processes of inclusion.
- According to the Spanish Independent Living Forum, the legal and policy framework is developed in 17 different ways in the 17 Autonomous Communities or regions, and the country still has 20% of students educated in segregated specific schools, and several parents are forced to go to court to have education administration comply with the law. Related to universities, only some students get personal assistance and other supports.

⁷ <http://www.forovidaindependiente.org/node/229>

⁸ <http://www.cermi.es/es-ES/Novedades%20e%20informaci%C3%B3n%20de%20interes/Lists/Novedades/Attachments/186/Basesparaunaeducacininclusiva2.doc>



Section 3: Evidence of outcomes and progress towards inclusion

At compulsory level, there is more investment in inclusive institutions. (MEC, [2010](#)) Public investment in 2007 in segregated special education accounted for €1,034,900,000 out of the €32,837,717,000 that were invested in non-university Education, meaning that just 3.15% of total public investment was allocated to segregated education and that 2.3% out of the 73% spent in non-university education was allocated to special education.

Concerning the participation of young disabled people in education and training compared with participation rates for non-disabled people, of total disabled students (INE, [2008](#)⁹), 2.78% are unschooled, 19.08% are in special education centres, 45.94% are mainstreamed with supports, and 32.2% are in ordinary schools without supports. For the academic year 2007-2008 (MEC, [2010](#)¹⁰), percentages of students with special education needs out of the total of students averaged 1.6%, with 1.9% attending public schools, 1.3% attending subsidised private schools, and 0.2% attending private schools.

Of the total students with special education needs (n= 135,747), 21.7% attended special/segregated schools whereas 78.3% attended general schools. Of these, 9.4% attend infant school, 39.1% primary school, 24.9% secondary school, 0.6% Baccalaureate, 0.8% Vocational Training, and 3.5% Social Guarantee Programs. Regarding the educational level of disabled people (INE, [2008](#)), 48.47% have primary education or lower educational levels, 15.37% secondary education, 4.65% Baccalaureate, 2.51% vocational training, and 0.85% University studies. These percentages contrast with, for example, 15.22% of university students for general population (MEC, [2010](#)).

The most prevalent type of disability in compulsory education relates to intellectual disability (MEC, [2010](#)), whereas Baccalaureate disabled students are mostly those who present physical disabilities (36.5%), followed by those with hearing disabilities (25.7%).

Educational outcomes and qualifications for young disabled people are much lower than those for non-disabled people (MEC, 2010).

The economic activity rate of disabled people is distributed as follows: In 2008 107,502 (33.7%) disabled people were looking for employment, including 39.3% of disabled men and 27.1% of disabled women. Of those, 38.71% (n=65,892) were employed and 61.29% (n=41,610) were unemployed. The activity rate increased from the previous year, as in 2007, 26.63% of the disabled population was active (24.95% unemployed and 20.39% employed) (Servicio Público de Empleo Estatal, [2008](#)).

⁹<http://www.ine.es/jaxi/menu.do?type=pcaxis&path=/t15/p418/a2008/hogares/p01/modulo3&file=pcaxis>

¹⁰ <http://www.educacion.es/mecd/estadisticas/educativas/cee/2010/D6.pdf>

It is estimated that 67.8% of the disabled population are economically inactive (Council of Europe, [2003, p39](#)).

Evidence from research and evaluation studies is still scarce. Regional and national governments have not implemented studies to determine the situation, success and difficulties, or the barriers to overcome.

Some evaluations have been done in recent years by researchers in universities focusing on the perception of NGOs, families, professionals and students with intellectual disabilities. The monographic issue of the Journal *Revista de Educación* (Ministry of Education of Spain¹¹) includes articles that examine educational inclusion from different perspectives, emphasizing the article¹² “Paradoxes and dilemmas in the inclusive education process in Spain” (Echeita, Simón, Verdugo, Sandoval, Lopez, Calvo y Gonzalez, 2009; Echeita, Verdugo, Sandoval, Simón, Lopez, Gonzalez y Calvo, 2009; Echeita, Verdugo, Simón, Gonzalez, Sandoval, Calvo y Lopez, 2009) where experts on education matters from disability organisations belonging to the CERMI Education Commission (State Council of Disabled People Representatives) were asked their opinion about the process of inclusive education in Spain. Results show significant differences in the perception of the learning process and of the evaluation of the degree of school participation among three of the groups of disabled students considered in the present work (students with visual, hearing or intellectual disabilities) in relation to the school stage. The results showed up the different existing barriers, which represent an obstacle to enjoying the right to an inclusive education, according to that established in Spanish laws.

The difficulties, different levels of implementation in Spanish regions and similar barriers for inclusive schools in all regions were also examined previously by Echeita & Verdugo (2005)¹³.

Other recent research evaluating educational inclusion has been promoted by FEAPS¹⁴, the main Confederation of organizations working to support people with intellectual disabilities. The study developed by INICO¹⁵ at the University of Salamanca has been published in Journals and books (Verdugo y Rodríguez, 2008, in press; Verdugo, Rodríguez, Sarto, Calvo y Santamaría, 2009). The study analyzed opinions and perceptions of students with intellectual disabilities, and their families and professionals who have been included in primary and secondary regular schools. The results indicated that the most important barriers took place in secondary education, highlighting the importance of interpersonal relations among classmates, the need to improve partner and teacher’s attitudes, and the importance of increasing psychological support for students.

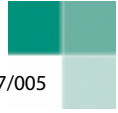
¹¹ <http://www.revistaeducacion.mec.es/re349.htm>

¹² http://www.revistaeducacion.mec.es/re349_08.html

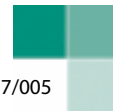
¹³ <http://sid.usal.es/articulos/discapacidad/7025/8-2-6/diez-anos-despues-de-la-declaracion-de-salamanca-sobre-necesidades-educativas-especiales-en-espana-entre-la-retorica-esperanzadora-y-las-resistencias.aspx>

¹⁴ <http://www.feaps.org/>

¹⁵ <http://inico.usal.es/>



Regional and State administrations should also play a better and important role in promoting inclusion of students with intellectual disabilities in schools.



Section 4: Types of support for students and trainees

Legislation in Spain states that the general objectives for students with special educational needs must be those generally established for all students, with the necessary curricular adaptations. For those unable to achieve the objectives, public administrations are to promote training programmes adapted to the students' specific needs, aiming at facilitating their social and employment inclusion through training programmes.

In the case of specific institutions for special education that provide education for students who cannot enter an inclusive framework, only two educational levels are carried out: *basic compulsory education* (6 to 16 years of age) and *complementary vocational training or programmes for transition to adult life* (16 to 19 years of age). Students at these institutions may be enrolled up to the maximum age of 20 (on an exceptional basis up to the age of 21)

Programmes for transition to adult life or of complementary vocational training aim fundamentally, at developing abilities linked to professional occupations, personal independence and social integration.

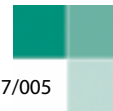
The educational needs of disabled students, as well as those related to their health and personal well-being, are often so complex and variable that it is imperative to adopt an extreme flexibility approach regarding curricular organization and the necessary human and material resources for implementation.

Supporting teachers and special needs teaching assistants are generally qualified teachers specializing in special education and/or hearing and speech. As mentioned in Section 2, in complementary vocational training or programmes for transition to adult life, students receive instruction from technical teachers of vocational training, who teach technical-practical courses.

The number and specialization of these professionals depends on the Autonomous Communities.

Disability issues are included in the general curriculum of university training for school teachers. There are some subjects in special education, pre-school, primary, hearing and speech curriculum.

Special Education studies will disappear with the Bologna Process. There is thus a possible risk to the specialization and qualification of support professionals.



There are different types of support available to disabled people as students:

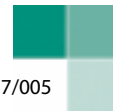
- *School building facilities:* conditions to facilitate access, movement and communication, in accordance with accessibility legislation.
- *Special adaptations to the curriculum:* curriculum access adaptations or curricular adaptations such as modifications in the objectives, contents, methodology, activities and assessment criteria and procedures.
- *Additional support provided by specialist teachers:* there is a physiotherapist for every 35-40 students with motor disabilities and a psychologist for every 20 autistic students or students with severe personality disorders (located in special schools or peripatetic serving mainstream schools). There is also a psychologist in those establishments having at least 100 physical, motor or sensorial disabled students. There is a speech therapist for every 35-40 psychic or motor disabled students, every 20 students showing severe hearing problems or every 15-20 autistic students or students with severe personality disorders. There is a teaching assistant for every 35-40 students with behavioral problems; every 15-20 motor disabled students, autistic students or students with personality problems. And, there are peripatetic special education teachers who go to students' homes or hospitals.
- *Special teaching methods and materials:* Braille system, tactile sensorial stimulation and space-time orientation. Sign language and alternative communication systems. Didactic resources.
- *Reduced class sizes:* In mainstream classrooms, under an integrative framework, the maximum number of students per classroom is 25 and the maximum number of disabled students per classroom is two (in practice this depends on the disabled student's needs and available school supports. A local education commission decides in which mainstream school pupils are located).

In special education classrooms, the ratio is 10-12 students per teacher (physical or serious hearing disabilities), 8-12 (physical disabilities), 6-8 (several disabilities), and 3-5 (autistic or severe personality problems)

- *Special arrangements for evaluation or progress through education:* the use of diverse assessment tools and procedures is recommended (observation, questionnaires, interviews, analysis of class work, etc.)

A student may remain one more year in primary education, and one more in any of the years of the second cycle of compulsory secondary education. This implies that basic schooling can be prolonged up to the age of 18.

In post-compulsory secondary education there is also the possibility of prolonging schooling by two years.



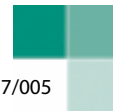
In specific vocational training, these students can take the programmed activities for the same module up to four times.

The Law¹⁶ establishes that students who do not achieve the objectives of compulsory secondary education are entitled to enroll in specific social guarantee programmes. They may enroll either in the general social guarantee programmes, under the integrative framework, or in social guarantee programmes specifically designed for them. Programmes are targeted for 16-21 year-old students who do not have any qualifications of vocational training and particularly for those who have not reached the aims of the Compulsory Secondary Education. An example of a Social Guarantee Program is the Modality of Formation and Employment¹⁷.

Universities give different kind of supports to the students with disabilities depending on their needs: support during access tests, curricular adaptations, free fares, grants, note takers, support products, volunteering support, Braille transcription, sign language interpreter, etc.

¹⁶ Ley Orgánica 1/1990, de 3 de octubre, de Ordenación General del Sistema Educativo (LOGSE)
Organic law 1/1990, of October 3, of General Arrangement of the Educational System.

¹⁷ <http://www.fmmadrid.com/programa.php>



Section 4a: Financial support

In 2007 Spain devoted 4.41% of its gross domestic product to education. 80% is financed through public funds, while the remaining 20% comes from private funds¹⁸. Education funding comes from the national budget, autonomous communities and the Ministry of Education budget.

The budget for Special Education covers grants to NGOs, grants to private schools with an educational co-operation with the Ministry, financial support for mainstream schools with integration of students with specific education needs and school transportation.

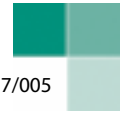
Education is free of charge in Spain up to secondary level but disabled students also have free tuition fees at public universities (the Regional government pays the universities directly). Disabled students and their families are not expected to make financial contributions. The eligibility criterion to receive financial support is the disability certificate with at least 33% recognized. There is no published evidence about the equity or effectiveness of this financial support. There is lack of data but in the year 2006, 7,247 students were benefiting from this type of support¹⁹.

This type of financial support is also available to disabled students registered in Spanish universities who study in another country as part of their course but it is not available if the disabled student was registered in other country and comes to study in Spain.

Disabled students may also request public funding for personal assistance. Each university can consider other benefits (e.g. the University of Salamanca has a 50% reduction on the cost of a nominated university residence. The eligibility criterion to receive this support is possession of the disability certificate with at least 65%).

¹⁸ <http://www.educacion.es/mecd/estadisticas/educativas/cee/2010/B4.pdf>

¹⁹ <http://sid.usal.es/libros/discapacidad/20244/8-1/libro-blanco-sobre-universidad-y-discapacidad.aspx>



Section 4b: Personal assistance, equipment and adaptations

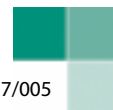
Students with disabilities can receive practical assistance. Supports are provided by different specialists (see Section 4).

At university level there are Disabled Student Offices²⁰ where a disability specialist gives support to disabled students. In some cases there are volunteers or student grants to help with these issues. The practical assistance the student can get depends on the university, Disability Service Office and student needs. Disabled students do not control their own practical support budgets. Financial budgets for practical assistance are controlled by the Disability Service Office. Disabled students and their families are not expected to make financial contributions. This type of support is available to every disabled student at Spanish university.

The national Counselling on University and Disability project²¹ (ADU) focuses specifically on examining the needs of disabled people in universities, advising students with disabilities, researchers, teachers, administrative staff and services, volunteers and others interested in the topic.

²⁰ <http://inico.usal.es/adu/servicios.aspx>

²¹ <http://inico.usal.es/adu>



Section 5: Evidence of good practice

- Examples of good practices in supporting disabled students to have equal learning opportunities in the university could be found at the following link, which gathers *information for professionals, curriculum adaptations, academic advice and good practices guides in Spanish universities*:

<http://sid.usal.es/preguntas-frecuentes/discapacidad/informacion-para-profesionales.aspx>

Of all these practices we emphasize two specific ones:

- *University support to people with autism and other disorders of the spectrum: "Join Up Program"*:

<http://sid.usal.es/libros/discapacidad/20742/8-11/apoyos-universitarios-a-personas-con-trastornos-autista-y-otros-trastornos-del-espectro-programa-apuntate.aspx>

- *Good practices guide in Spanish universities for hearing impaired young people*

<http://sid.usal.es/libros/discapacidad/18854/8-1/guia-de-buenas-practicas-en-las-universidades-para-la-juventud-sorda.aspx>

- This could be an example of new arrangements to include a group of disabled students who were previously excluded from this type of learning.

REINE Guide: Ethical Reflection on the Inclusion in schools. The Guide was developed by FEAPS to assure quality standards in dealing with people with intellectual disabilities in their education years, acknowledging their rights and duties:

http://www.feaps.org/biblioteca/libros/documentos/guia_reine.pdf

- An example of a new support scheme could be the *"Index for inclusion", a guide to evaluate and improve inclusive education.*

It is a set of materials designed to enable the development of inclusive education in schools.

The Index consists of a self-evaluation process of the learning institutions in three different dimensions, regarding the culture, politics and practice of inclusive education:

http://www.eenet.org.uk/resources/resource_search.php?theme=indx&date=0&author=0&publisher=0&type=0&country=0

- Another example of a new support scheme could be the “*Index for Inclusion*”: *Developing Learning, Participation and Play in Infant Education* (Tony Booth, Mel Ainscow and Denise Kingston. Translated to Spanish and adapted by Francisca Gonzalez-Gil, Maria Gomez-Vela y Cristina Jenaro)

The Index supports the development of Play, Learning and Participation, encouraging a better use of available resources, removing barriers in the institution and building a culture of collaboration. The Index provides a resource to support inclusion in Centers for Children Education. It is a practical text to develop activities at the institutions with an inclusive approach:

<http://www.eenet.org.uk/resources/docs/Index%20EY%20Spanish.pdf>

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