

Participation and rights of children with specific educational support needs in Castilla y León (Spain): The gap between policy and practice

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Autonomy, rights and children
with special needs:
International perspectives (13
June 2018)

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The University of Manchester



Centre for Research in
Education Inclusion
and Diversity



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The territorial organisation of Spain

17 autonomous communities or regions holding **educational responsibilities** for several decades.

All the legislative and political decisions of the State are protected by the Spanish Constitution from 1978.



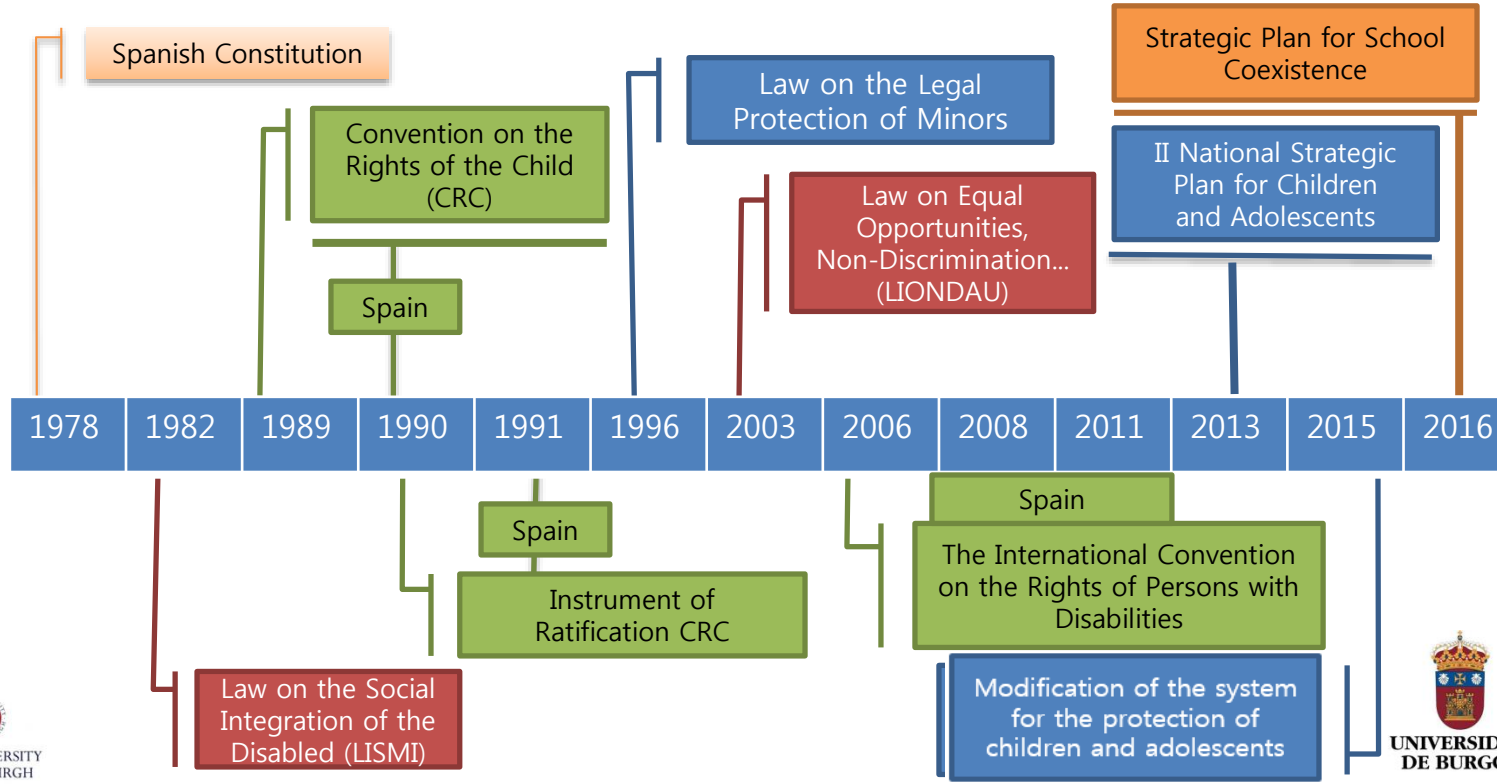
School Curriculum

70% Country +
30% Autonomous Communities



1. Legislative measures on children's rights

- United Nations
- Spanish laws on disabilities
- Spanish juvenile laws
- Educational Spanish plans



1.1. Legislative measures on children's rights in Spain

System for the protection of children and adolescents Act 2015

It is indicated that the child :

- Must **be heard out without discrimination** on the basis of age, disability or any other circumstance,
- Their opinions should be taken into account according to their age and maturity.
- You should receive the information in **understandable language** and in **accessible format**.
- Must **participate fully in the social**, cultural, artistic and recreational life of their environment .
- **Children's participation** bodies and social organizations for children and adolescents should be promoted..
- Ensure the **accessibility of environments** and the provision of **reasonable accommodation** for **children with disabilities**.



1.2. Information about Castilla y León

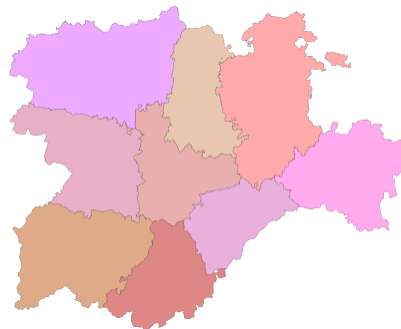
Demografic situation

- Castilla y León has 94,227 km² of land.
- It is the largest region of Spain and the 3rd in Europe.

Population density 25.74 Hab/Km²

88,6% of the municipalities : >1.000 hab.

Rural characteristics and dispersion are identifiers of the region that require specific consideration.



Childhood in Castilla y León

According to UNICEF (2014):

Population: 2,480,000 people

Boys and girls: 378,172 (15.35%).

9.2% are of foreign origin.

The **third Autonomous Community** with the **lowest child** population in the State.



Education in Castilla y León

Junta de Castilla y León (2017)

Castilla y León has been responsible for education since 2000.

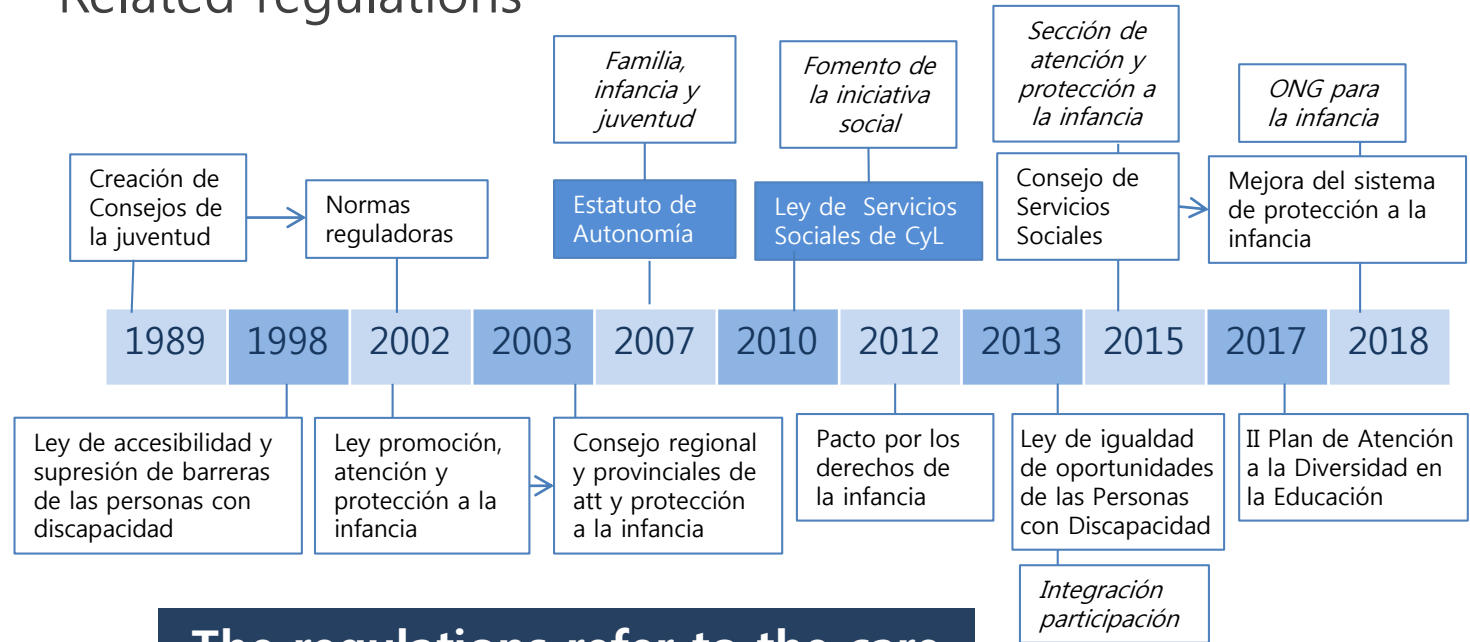
It has obtained **high values in international assessments** (PISA and TIMMS) in recent years, "as a result of the levels of quality and equity" (Junta de Castilla y León, 2017).

Claim: it needs more research.



1.2 Legislative measures on children's rights in Castilla y León

Related regulations



The regulations refer to the care and protection of minors

1.2. Legislative measures on children's rights in Castilla y León

Pact on the Rights of the Child in Castilla y León (2012)

Adopted on 20 October 2012 at the Regional Council for Child Care and Protection and endorsed by UNICEF. The Pact indicates that:

- Child participation in its many forms (Art.12, Art.13-16 and Art.29) is essential for:
 - Ensuring the implementation of the Convention on the Rights of the Child
 - Appropriately focused measures, programmes and strategies for children

II Plan for Attention to Diversity in Education 2017-2022

The purpose of the Plan is to

- "Moving towards an educational paradigm that is that of educational inclusion"
- "Serve as a framework, reference, and setting for Equity."



2. Policies & practices: Limitations to participation

A) Child poverty

To be a poor child in Spain (UNICEF, 2014)




IT'S NOT	IT IS
Being hungry	<ul style="list-style-type: none">• Increased chance of malnutrition
Not being educated	<ul style="list-style-type: none">• Difficulties in covering expenses arising from it• Premature withdrawal• Not having access to secondary and higher education
Not going to the doctor	<ul style="list-style-type: none">• Inability to pay for treatments and benefits not covered by the system
Not having home	<ul style="list-style-type: none">• Overcrowded living• No study space• No intimacy

UNICEF (2014). In Castilla y Leon, children at risk of exclusion are the most vulnerable 24,9%

One in four children is at social or economic risk.

2. Policies & practices: Limitations to participation

B) Retrogression in educational inclusion and participation

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- 
- Difficulty in integrating socially diverse children and adolescents, especially those with disabilities, into participatory bodies.
 - In the School Councils we have not the participation of children from Primary and Special Schools.
 - The participation in the closest local environment is often reduced to sport associations.
 - Little attention to vulnerable and/or excluded groups. (Childhood Spanish Platform, 2017)

C) Economic reductions in education and social benefits

The inclusion of students with specific educational support needs has seen great progress.

However, the economic crisis of 2008 and the policies of cuts and with little social emphasis have meant setbacks.

D) Insufficient data on children with disabilities

Another problem when it comes to research in Spain and its regions in this field is the lack of reliable and up-to-date data on children with disabilities (Campoy Cervera, 2013; Childhood Spanish Platform, 2017)




E) Strong regulatory instability

7 educational laws in democracy (Since 1978)

1970	1977	1979	1982	1986	1989	1993	1996	2000	2004	2008	2013	2015	2016
LGE			LOECE	LODE		LOGSE	LOPEGCE	LOCE	LOE		LOMCE		

1. Ley General de Educación (LGE) 1970
2. Ley Orgánica que regula el Estatuto de los Centros Educativos (LOECE) de 1980
3. Ley Orgánica del Derecho a la Educación (LODE) de 1985
4. Ley Orgánica de Ordenación General del Sistema Educativo de España (LOGSE) de 1990
5. Ley Orgánica de la Participación, la Evaluación y el Gobierno de los centros docentes (LOPEGC) de 1995
6. Ley Orgánica de Calidad de la Educación (LOCE) de 2002
7. Ley Orgánica de Educación (LOE) de 2006
8. Ley Orgánica para la Mejora de la Calidad Educativa (LOMCE) de 2013

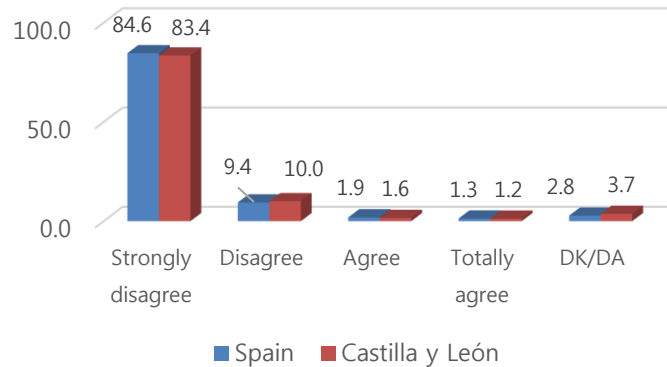
Partidos que gobiernan

-  Unión del Centro Democrático (UCD)
-  Partido Popular (PP)
-  Partido Socialista Obrero Español (PSOE)

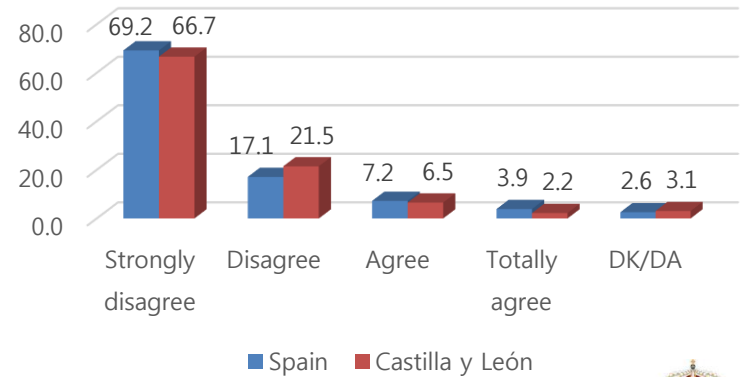
Teachers' opinion on LOMCE

(Monarca, Fernández-González & Piedrahita, 2016)

The LOMCE is the reflection of an educational pact.



LOMCE contributes to improving inclusion in education.



Opinion of educational researchers

Ley Orgánica para la Mejora de la **¿CALIDAD?** Educativa

Organic Law for the Improvement of **QUALITY?** in education

The LOMCE will be **remembered** for its contribution to the **deterioration of public education and the increase in inequity** (Gimeno Sacristán, 2014).

It contributes to the public **funding** of schools that **segregate by sex** (Venegas & Heras, 2016).

A threat to public schools: secularism, privatization and segregation (Díez, 2014).

The political agenda **against early school** leaving in Spain: The LOMCE against international evidence (Tarabini & Montes, 2015).



Testimony of a mother

Mother of Ares, child with autism



Committee on the Rights of Persons with Disabilities (May, 2018)

“Spain must ensure inclusive education for persons with disabilities”

“The experts found out that Spain has contributed to a discriminatory system that in effect uses legal provisions in place to maintain two educational systems and divert students with disabilities outside mainstream education. ”



4. Tackling the Barriers: The Impetus of Civil Society

Strategic alliance for the development of actions for the protection of children's rights at the university level in CyL (noviembre, 2017)

Objectives :

- Promoting **rights-based and child-friendly** education and training for **university students**.
- Encourage the development of specific, in-house qualifications
- To promote awareness-raising activities among students or to carry out **studies** and **research** work relating to children in **Castilla y León**.



"Ciudades Amigas de la Infancia" (UNICEF) - Child Friendly Cities

V State Meeting of Councils for Childhood and Adolescence.
"Creating the puzzle of our rights"(Oviedo, 25th-27th May 2018).

Two hundred children from all over Spain, from 15 autonomous communities, are debating topics such as:

- The equality
- Cyberbullying
- Non-discrimination →

How to include the most vulnerable groups into these processes?"



The results will be presented in January 2019
in the Spanish Parliament



5. Conclusions and outlook: research from the voices of the protagonists



We have an unparalleled opportunity to learn about the work in progress of Riddell and Harris:

"Autonomy, Rights and Children with Special Needs: A New Paradigm?"

We propose its adaptation to our region.

The general objective of the research is to identify contexts, opportunities and barriers for the participation of children and young people with Specific Educational Support Needs (NEAE) in Castilla y León.

Outcomes

We hope that the results will allow us to:

- Perform comparative analyses
- learn from each other's good practices
- make innovative proposals for international implementation and dissemination.

See you in Burgos, 2020!



International Scientific Symposium

"Children's rights with
educational support needs:
New ways to walk together"

Burgos, 20th November 2020
Universal Children's Day

Thank you for your attention!

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