

Impact of laws on 50 years of education

Impacto de las leyes en 50 años de educación

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Abstract

The main purpose of this article is to assess the influence of legislation on changes in education occurred in the last 50 years. We review the main laws of Education (excluding university) especially those that have lasted at least three years LGE, LODE, LOGSE, LOPEGCE, LOE, LOMCE and LOMLOE. Special consideration is given to the two different ideological models: freedom to choose school versus public provision planning, and student differentiation versus comprehensive education. The article highlights the changes that have taken place over the past five decades, affecting the quality and equity of education, using key indicators of education, social, and economic development. These data show significant progress, especially in GDP per capita, public spending on education, and the enrollment of students from all social sectors at all educational stages. Progress in the area of educational inequalities, however, has been rather modest. Some well-established initiatives are proposed to improve equity.

Key words. Educational legislation, comprehensiveness, school choice freedom, educational planning, educational quality, educational equity

Resumen

El objetivo principal de este artículo es valorar la influencia de la legislación en los cambios educativos que se han producido en los últimos 50 años. Con esta finalidad,

se analizan las principales leyes anteriores a la universidad que han tenido al menos tres años de vigencia: LGE, LODE, LOGSE, LOPEGCE, LOE, LOMCE y LOMLOE. Se tiene especialmente en cuenta dos dimensiones que reflejan modelos ideológicos diferentes: la libertad de elección de centro frente a la planificación de la oferta pública y la diferenciación del alumnado frente a la educación común. El artículo incorpora los indicadores más relevantes, tanto educativos como sociales y económicos, que muestran los cambios que se han producido en estas cinco décadas en determinadas dimensiones de la calidad de la enseñanza y en su equidad. Los datos muestran progresos especialmente relevantes en el PIB per cápita, en el gasto público en educación y en la escolarización de los alumnos procedentes de todos los sectores sociales en todas las etapas educativas. Los avances han sido bastante más discretos en el área de las desigualdades educativas. Se proponen algunas iniciativas ya contrastadas para avanzar en la mejora de la equidad.

Palabras clave. Legislación educativa, comprensividad, libertad de elección de centro, planificación educativa, calidad educativa, equidad educativa

Introduction

The article analyses the main proposals included in the laws over the past 50 years¹ and their impact on reducing inequalities and improving the quality of education. Before addressing each of these legal texts from the past 55 years, it is worth highlighting two factors that facilitate their interpretation. The first is the ideological model guiding them and the goals behind their reforms. As Alonso Carmona, García-Arnau, and Vázquez-Cupeiro (2023) point out, “every reform entails a ‘theory of change,’ an assumption about the causal logic that connects diagnoses, the measures implemented, and the goals pursued” (pp. 6–7). This theory of change is based on a specific ideology regarding the main purposes of education and the most suitable way to achieve them. The continuous alternation of laws in Spain expresses the different ideological visions of the main political parties.

The second is the duration for which laws remain in force. It is difficult for short-lived laws that are replaced by others with different approaches to display their results. This is particularly true of laws passed in the 21st century. We are going to examine these laws, their goals to improve the education

¹ Specific legislation on Vocational Training, Universities and Higher Education is analysed in the articles by Isabel Fernández Solo de Zaldivar and María Fernández Mellizo-Soto respectively in this Monograph.

system and the initiatives launched before were repealed.

The article concludes by showing the changes that have taken place during these five decades in terms of improvement in education and inequality using for that purpose the most relevant education and economic indicators.

General Education Law and Financing of the Educational Reform

Significant changes took place in Spanish society throughout the 1960s, as a result of the economic development driven by the stabilization plans. A period of greater access to consumer goods, a better standard of living, and a general social feeling that the worst times had passed.

Franco's regime, however, faced a deep contradiction: it sought to maintain political structures rooted in authoritarian, non-participatory, and repressive models, while at the same time trying to modernize those institutions such as education that were lagging behind international standards. The most striking example of this contradiction was the presentation of the *White Paper on Education* in February 1969 when a state of emergency was declared as a result of university conflicts generated by the murder of law student Enrique Ruano in Madrid. There was no consultation with teachers or educational institutions, except for those with clear links to the Franco regime. The LGE (General Education Law) was passed in August 1970.

The *White Paper* was highly critical of education happening during the Franco era. Surprisingly, was published and distributed. The most revealing data is the advancement of students taken place through the different stages of the education system: "*In summary: by 1967 out of every 100 students who started Primary Education in 1951, 27 went on to Secondary Education, 18 passed the Basic Baccalaureate exam, and 10 completed the Higher Baccalaureate; five passed the Pre-University exam, and three completed university studies* (p. 24). It also highlighted the social differences in access to education. Only 0.2% of university students were children of agricultural

workers and the same percentage applied to children of manual workers (p. 27).

The main rejection of LGE came from the teacher's movement and later from the Professional Associations of Graduates and PhDs where progressive groups had a solid withhold on the governing boards (Pérez Galán, 1992; O'Malley, 1992).

The most significant change introduced by this law was the extension of compulsory, free and comprehensive education for all students up to 14 years, the so called Basic General Education. Compulsory education was also extended up to the age of 16, although was only free to the first degree in vocational training

Another major change was the elimination of the final exams at the end of the Lower and Upper Baccalaureates. These exams played a significant role in the selection of pupils and created barriers to their educational progress for many of them.

A significant step in expanding education was establishing the preschool stage within the system just before compulsory schooling. Similarly relevant was the initial idea of a Unified and Multipurpose Baccalaureate (BUP) together with a Vocational Training (VT), but this idea was later distorted in the process of implementation.

There were several innovative proposals related to the goals of education, the ways of teaching and learning, the curriculum design focusing on training and student auto-learning, teaching methodologies and student assessment. A significant innovation was also to include student's educational and vocational guidance.

One of the most important proposals was to upgrade teaching studies to a diploma level within the university system together with the requirement for graduates to complete a pedagogical updating course (CAP) to apply for a position in High schools.

Two main shortcomings that affected the implementation of these measures were a lack of funding on one side and a return to former models of the BUP and FP models on the other side. The first of these started to be solved with the arrival of democracy and the signing of the Moncloa Pacts. The structure of BUP and VET remained in place until the LOGSE was approved in 1990.

The constitutional pact

Franco's death in 1975 and holding first free elections on June 15 1977 under the presidency of Adolfo Suárez marked the beginning of a new democratic era in Spain. The severe economic crisis led to the signing of the so-called Moncloa Pacts in 1977. As a counterpart to the austerity measures, an Extraordinary Schooling Plan of 40 billion pesetas was approved. It can be said that the LGE began to be implemented effectively from 1977 onward since public education spending barely increased between 1970 and 1975.

The drafting of Article 27 of the 1978 Constitution, devoted to education, was a conflictive process and the final agreement entailed significant renounces from all political sides. The socialist party firmly defended the role of the state in education. The centre-right parties, on the other hand, defended public funding for private education and the freedom to choose the schools you wanted. Ultimately, both principles were incorporated into Article 27 with equal legal status. As Puelles (2002) points out, a basic agreement was achieved, but not a political one. In the absence of an overarching educational pact, it will be the parliamentary majority that will tilt the legislation towards one or the other option. This is what has happened so far.

Organic Law on the Right to Education

The first law regulating the School Statute, the 1980 LOECE, was passed without political consensus. The opposition challenged it before the Constitutional Court. Its ruling of 13 February 1981 annulled those relevant articles that restricted participation, parents' associations in schools and academic freedom. Although it was published in the Official State Gazette (BOE) on 27 June 1980, the law was neither revised nor redrafted and was therefore never in force.

The Socialist Party's large parliamentary majority achieved one year later paved the way for the drafting of a new law that replaced the LOECE: the LODE The

law stated in its preamble its intention to respect both educational pluralism and equity. It also emphasized that the regulation of the two networks of schools, public and state-funded private, should be based on two fundamental principles, planning and participation. These facilitate a balanced exercise of the right to education and the freedom of teaching.

To regulate private schools, the law established a system of agreements (the Education concerts) through which public funding was provided to private schools. One of its most innovative elements was that teachers' salaries would be paid directly by the Administration as a delegate payment on behalf of the school's governing body (Article 49.5).

Regarding participation and school governance, the law established the School Council as the body representing all sectors of the educational community. Among its functions was the election of the school principal. In state-funded private schools, the headmaster was to be appointed by agreement between the school's owner and the School Council.

The LODE faced strong opposition from the private education sector, especially religious school organizations. They believed the law aimed to eliminate the freedom to teach and their rights to operate schools. The conflict eased when the Spanish Episcopal Conference through the president of its Commission on Education, Archbishop of Zaragoza Elías Yanes, recommended religious schools to sign educational agreements with the government

The basic structure of the LODE—planning, financing of private education and participation—has remained in place for over 40 years. However, Puelles (2016) questions its stability as it has been modified under Popular Party governments, although its original orientation was later restored under the existing socialist administrations.

Organic Law on the General Organization of the Education System

The PSOE's victory in October 1982 elections gave way to a new dynamic for addressing the reform of Secondary Education, based mainly on experimentation and the voluntary participation of teachers. The proposed model was organized into two cycles: one with a common curriculum from ages 14 to 16 and another from 16 to 18 with six types of Baccalaureate². This approach made it possible to evaluate both the successes and challenges of the experimental process.

In 1986, the OECD published a report on Spanish educational policy (1986). Its main conclusions highlighted the enormous effort in expanding school since 1977, but also significant shortcomings in terms of available school places, the quality of teaching, the value given to vocational training, and the percentage of students completing each educational stage. These conclusions may have led Minister Maravall to form a new team in the Ministry to drive a complete educational reform of the education system (universities excluded).

His work was overwhelmed by the strike and demonstration of secondary education students, demanding better teaching conditions and the abolition of the university entrance exam. After complicated negotiations, an agreement was reached with student associations that allowed a return to academic normality.

Once the student strike was over, the Ministry of Education and Science (MEC) presented the "*Project for the Reform of the Education System*" (MEC, 1987) for public debate. Most of the opinions were collected and published in four documents titled "*Papers for Debate*," with a fifth synthesis volume (MEC, 1988).

The process of debate and participation was widely disrupted by a teachers' strike during much of the 1987–1988 academic year and ended without resolving the conflict with the Ministry of Education. In June of that year, José María Maravall was replaced as Minister of Education by Javier Solana.

2 In 1981, the Ministry of Education (MEC) proposed a reform of Secondary Education with a first cycle free and common to all students from ages 14 to 16 and a second cycle of either Baccalaureate or Vocational Training. This reform attempt was halted due to opposing positions during the debate.

At the beginning of the 1988–1989 academic year, Solana reaches a broad agreement with the teachers' unions. In the first months of that school year, the Minister consulted with institutions, teachers and experts on the opportunity and feasibility of the reform. In January 1989, in a meeting between the Minister of Education and the Ministers of those Autonomous Communities that had jurisdiction over Education and different political visions (Basque Country, Catalonia, Galicia, Andalusia, Valencian Community, and Canary Islands), a highly significant agreement was reached expressing their support to the general directions of the reform project.

The *White Paper for the Reform of the Education System* was presented on April 22, 1989, and in March 1990, the bill was sent to Parliament, where it was approved in September of the same year with the support of all political groups except the Popular Party.

Achieving this broad political and social support for the LOGSE required continuous negotiation. The agreement reached with CIU and PNV on the distribution of responsibilities over curriculum development with autonomous communities was highly relevant. So was the agreement with the teaching colleges and their students, universities, and teachers' unions. The decision to eliminate 7th and 8th grades of General Basic Education (EGB)—taught by primary school teachers—and transform them into 1st and 2nd years of ESO—taught by university graduates—meant eliminating the upper cycle of EGB and consequently limiting the employment options of primary school teachers. The final agreement stated that to become a primary education teacher it was required to have a specific teaching degree a requirement that previously did not exist. It also established three new primary teacher specializations (English, music and physical education) and supported the integration of old teaching schools into the Faculties of Education within the universities.

The LOGSE had a wide range of ambitious objectives. The first and most important was to extend compulsory and free education up to the age of 16 establishing a specific stage of Compulsory Secondary Education from ages 12 to 16. Other goals were to give special importance to Early Childhood Education from the first months to the age of six; to transform vocational

training making it an attractive choice to students attached to the labour³ market. The next three goals were to design a more decentralized curriculum that takes into account the diversity of students⁴; promote inclusion in the system of pupils with special educational needs⁵; improve the quality of education; and progressively reduce inequalities. The first four goals have largely achieved their main goals over the years. The last three, despite progress, still require new initiatives.

The LOGSE included some proposals to make more flexible the principle of comprehensive education take into account the existing diversity of students by elective subjects which have more weight during this stage (Article 21.2), and curriculum diversification programs to allow students to achieve the ESO diploma through subjects and methodologies different from those established in the general model (Article 23.1). According to data from the Ministry of Education and Science (2004, p.53), 6.4% of students in the 3rd and 4th years of ESO followed diversification programs in the 2001–2002 academic year, and about 75% obtained the diploma.

Critics close to the Popular Party argued strongly that comprehensive education up to the age of 16 led students into mediocrity and resulted in a decline in academic standards. Therefore, they advocated for a stage of compulsory secondary education from ages 12 to 15 and a three-year Baccalaureate⁶. A large percentage of Baccalaureate school teachers also preferred this model and believed there were insufficient resources to successfully teach all students in the final two years of ESO. This may have been largely due to the fact that the development of LOGSE did not respond swiftly to the enormous challenges faced by schools with greater complexity. Criticism also came from educational sectors that expected more ambitious funding measures, more educational innovation, the reduction of public funding for private education or the elimination of religion as a school subject⁷.

3 See the article by Isabel Fernández Solo de Zaldivar in this Monograph

4 See the article by César Coll and Elena Martín in this Monograph

5 See the article by Climent Giné in this Monograph

6 However, in later laws (LOCE and LOMCE) passed with an absolute majority in Parliament, the Popular Party maintained the Baccalaureate duration at two years.

7 A good reference for diverse opinions is issue n° 451 of the Journal Cuadernos de Pedagogía (2014) under the title “40 years of education, 40 years of Cuadernos”.

Organic Law on Participation, Evaluation, and Governance of Schools

The implementation of the reform introduced by the LOGSE faced significant challenges. The most complex was adapting Secondary Schools and Vocational Training institutes and their teaching staff, including those who previously taught 7th and 8th grades of EGB, to the new educational stages established by the law.

The reform process promoted by the LOGSE was not easy to manage in part due to the lack of stability among school leadership teams. In the 1991–92 academic year, only 47% of public schools in autonomous communities still managed by the Ministry of Education selected their principals by the decision of their school council. This meant that 53% of principals had to be appointed directly by the educational administration, although such appointments were limited to a one-year term, as established by the LODE in 1985⁸.

Faced with these difficulties, the Ministry of Education deemed it necessary to strengthen participation, leadership, and educational supervision while promoting initiatives to improve the quality and attractiveness of public schools. With these objectives in mind, the document entitled “*Educational Centers and Quality of Education: Proposals for Action*” was presented in 1994 to the educational community for debate.

The main change involved was the process to select school principals and leadership teams⁹. While the election by the school council was retained, new requirements were introduced such as to credit specific training and evaluation, along with greater financial and professional incentives. The term of office was set at four years for both elected and appointed principals. This new model had positive effects: in the 1995–96 school year, the percentage of principals elected by the School Council rose to 64% (Marchesi & Martín, 1998). Additionally, in terms of educational inspection, the formal Inspector Corps was reinstated.

The law also included proposals to improve school autonomy,

8 Viñao (1996) is insightful regarding the rationale behind the LOPEGCE

9 See the article by López Rupérez in this Monograph.

participation, and evaluation. However, with the election of a new government in 1996, there was a shift toward quality management models (EFQM). The decentralization of educational administration to all autonomous communities, together with the establishment of general diagnostic evaluations, contributed to the gradual disappearance of comprehensive assessment of school performance (Tiana, 2018).

Alongside legislative changes, the Ministry of Education launched specific initiatives to enhance the quality of public education. One of the most significant was the bilingual education program in public schools, implemented through a partnership between the Ministry of Education and Science and the British Council. This initiative involved the inclusion of native English-speaking teachers and enabled students to obtain dual academic qualifications from both countries during compulsory education¹⁰.

Organic Law of Education

The LOE was approved in 2006¹¹ which meant repealing the Organic Law on the Quality of Education (LOCE) passed in 2002 by the Popular Party but was not implemented due to PSOE's victory in March 2004.

The process followed in its elaboration was similar to that of the LOGSE: presenting an initial document titled "*Quality Education for All and by All*" (MEC, 2004), promoting maximum participation, closing the debate with the main conclusions from the consultation, and subsequently drafting the bill.

One of the most significant elements of this process was the attempt to reach an agreement with all social sectors and also between PSOE and PP to avoid legislative changes every time there was an alternation in government. Partial agreement was not achieved which included only the different

¹⁰ See the history of the agreement in Jover, G., Ponce, D.P. and González-García, R. (2024). Also the reactions in selected schools at https://elpais.com/diario/1996/02/07/madrid/823695874_850215.html

¹¹ During the LOE period, the CAP (Certificate of Pedagogical Aptitude) was transformed into the Master's in Teacher Training as a postgraduate degree, and the teacher diploma became a university degree as a result of the implementation of the Bologna Plan

educational stages (Tiana, 2007, p.97).

The main goals of this law were to recover the spirit and much of the content of the LOGSE and to address those problems that had emerged during the implementation of that law. Two of its main points of reference were the European Union's education objectives from the year 2000 onward and the OECD's competency-based approaches.

Among the most significant changes were the guiding nature of the fourth year of ESO, which allowed grouping subjects into different options while avoiding the separate academic tracks as established by the LOCE for the 3rd and 4th years; the reinstatement of the curricular diversification programs established in the LOGSE from 3rd year of ESO onwards leading to the ESO diploma; the creation of Professional Qualification Programs, which included modules related to units of competence corresponding to Level 1 qualifications in the National Catalogue of Professional Qualifications, as well as other voluntary modules for obtaining the ESO diploma; access to Vocational Training for students who, without the required diploma, pass an entrance exam; the reference to basic competencies in the curriculum model; and the inclusion in the section on educational equity of a chapter dedicated to students with specific educational support needs.

While this law (LOE) was in operation, collaboration with educational regional administrations was effectively developed to reduce educational inequalities. A good example is the Support, Guidance, and Reinforcement Plan (PROA), aimed at providing academic support several days a week to students with learning difficulties, as well as promoting collaboration with families. The results of its evaluation (Manzanares Molla and Ulla Diez, 2012) show a broadly positive evaluation

Organic Law for the Improvement of Education Quality

The LOMCE approved in 2013 was the second law (after LOCE) enacted by the Popular Party to revoke perceived errors of the LOE and attempt to

improve student learning outcomes. The Popular Party's absolute majority victory in the 2011 elections enabled the law to be passed only with their votes.

The law involved hardly any public debate or attempts to reach consensus with other political groups, not even those ideologically close to the ruling party. This led to sign a joint agreement of the vast majority of political parties when a different parliamentary majority made it possible¹².

The main goals of the LOMCE were to support private education and those state-funded private schools and to favour a policy of differentiation and selecting students. The first of these is evident in the modification of article 109.2 of the LOE (*“Educational administrations shall guarantee a sufficient number of public-school places, especially in newly populated areas”*) deletes *“public... especially in newly populated areas.”*

The second objective is mainly reflected in the structure of compulsory secondary education (ESO). At the 4th year, two different academic routes are offered: one leads to the Baccalaureate and the other to the Vocational Training. This dual pathway concludes with an external final assessment, the passing of which is a requirement to obtain the diploma and to continue either Baccalaureate or Vocational Training studies. Its educational value is difficult to understand because restricts the educational progression of pupils with difficulties. Finally, the Popular Party's loss of its absolute majority in 2016 together with the pressure from the education and political community led to the elimination of external assessment as a requirement for obtaining the ESO and Baccalaureate diplomas.

The law eliminates the Curricular Diversification Programs that led to the ESO diploma and replaces them with the Learning and Performance Improvement Programs (PMAR). The differences are significant: PMAR appears as early as in the 2nd year of ESO and does not directly lead to getting the diploma but to enrol in the fourth year of ESO after taking one of the two tracks available. Can students who have followed these programs - arguably less demanding than the regular 2nd and 3rd-year courses of ESO- pass 4th year and then succeed in the final external exam?

A new pathway is also established to facilitate the progress of students

12 The article by Viñao (2016) provides a well-founded critical summary of the LOMCE

with greater difficulties starting at age 12: the Basic Vocational Training cycle. Completion of these cycles does not grant students the ESO diploma, but only access to Intermediate-Level Vocational Training.

Organic Law Amending the Organic Law of Education

The law passed in 2020, the LOMLOE, is essentially a motion of censure against the LOMCE. Its main reference point is the LOE, although with a stronger emphasis on equality policies and fewer concessions to subsidized schools, largely explained by the presence of the political party Unidas Podemos in the government and in parliament¹³.

Its articles establish education planning as a priority and provide clear support for public education, while also reassuring equity by embracing an inclusive perspective within the education system.

To prevent students from dropping out this model of comprehensive education includes three initiatives the fourth year of ESO has a guiding character through the clustering of subjects according to various options leading either to the different modalities of the Baccalaureate or to Vocational Training; the two-year curricular diversification programs leading to the ESO diploma are reinstated, and the PMARs program of the LOMCE are consequently eliminated; and Basic Vocational Training cycles are established, the successful completion of which leads to both the ESO diploma and the Basic Technician title in the corresponding professional specialty.

The law deepens the development of a competency-based curriculum and opens the door to a change in curricular structure, which is more clearly reflected in subsequent Royal Decrees¹⁴. One of its defining features is its commitment to gender equality through coeducation, inclusive and non-sexist educational and vocational guidance in ESO, the prevention of gender-based

13 Support to LOGSE from the private education sector funded by the Estate was achieved thanks to alignment with the pedagogical model and the two-year extension of funding agreement years. The LOE reassured the religious schools (FERE) when it was agreed to extend funding agreements in early childhood education.

14 See the article by César Coll and Elena Martín on the curriculum in this Monograph

violence, and the recognition of and respect for sexual and gender diversity.

It must be acknowledged that the LOMLOE builds on the experience of the LOE, with the parenthesis of the LOMCE, so the changes do not represent a major shift in the organization and structure of the education system. Perhaps for this reason, its rapid implementation can be excused¹⁵. However, more time was probably needed to understand and apply the curriculum in schools, and to develop a greater number of complementary initiatives to facilitate its implementation, as has happened in other countries (Egido, 2022).

Educational inequality

Educational inequality cannot be understood in isolation from economic, social, and cultural inequalities. These forms of inequalities influence each other. This section will briefly address the existing inequalities in education in terms of access, processes, outcomes, and social mobility, along with the factors that most influence them.

In terms of access, it should be first noted that the extension of compulsory and free education to age 14 under the LGE¹⁶ and to age 16 under the LOGSE twenty years later, has made access to schooling possible for all students and has supported their further progress. Furthermore, its comprehensive nature prevented early separation into differentiated tracks, the choice of which largely depended on students' social origin (Pedró, 2012).

However, it should be noted that in PISA 2022 (OECD, 2023a), between-schools variance in Spain is lower than the OECD average (15.3% vs. 31.6%), while within-school variance is higher (76.2% vs. 68.2%). This means that differences between educational networks are smaller in Spain and that equity policies should be implemented in all schools.

¹⁵ Possibly, fear of a change in government in the next elections that might halt the implementation of the law, as the socialists did with the LOCE, influenced this urgency. Including the implementation calendar in the law itself, which is harder to amend than a Royal Decree, supports this hypothesis.

¹⁶ So was the first degree of vocational training

From a broader perspective, a European Commission study on equity in education (2020) highlighted private household spending as a potential generator of inequality. The EU average of private spending as a percentage of public spending is 5.25%. Spain has the highest percentage: 14.2%.

PISA studies consistently confirm the effect of socioeconomic status (ESCS) on educational outcomes. In Spain, 16% of the difference in maths performance can be explained by socioeconomic status, similar to the OECD average (Cobrerros & Gortázar, 2023). Other studies have also shown this association between ESCS and grade repetition, and between repetition and graduation in ESO (López Rupérez, García-García & Expósito-Casas, 2021)¹⁷. PISA data also reveal territorial differences which may stem from a historical legacy of social and educational inequalities. Nevertheless, it appears that progressive convergence among autonomous communities has been occurring over recent decades¹⁸.

Similar conclusions are found in PISA studies when examining the relationship between parental education levels and their children's performance and early school-leaving rates¹⁹. It is important to note that the general education level of the population in Spain is lower than that of most EU countries, due to its historical backwardness. In 1997, only 11% of people aged 55-65 had completed upper secondary education, compared to 74% in Germany. These indicators support the importance of continuing expanding education to the entire population.

It is worth remembering that cultural, school, and family capital should not be seen only in terms of family education levels. There is also a second, important dimension: the transmission of that capital by the family environment (Lahire, 2000), which may be hindered by cultural and economic limitations that affect their ability to support their children's learning (Martín & Gómez, 2017). However, the vast majority of families can learn to take an interest in what their children do at school, read with them, encourage older siblings or other family members to help younger ones and maintain positive expectations towards them. These kinds of activities and relationships are of undeniable value for children's motivation and learning, and for that reason, support and

17 This study used the age 15-grade appropriateness rate measured on a census basis

18 See the chapter by Alejandro Tiana in this Monograph

19 See the chapter by Enrique Roca in this Monograph

guidance to families with lower education and economic backgrounds should be part of the school's educational project.

The OECD (2011) points out in the same direction by highlighting strong PISA 2006 results from students who performed much better than expected given their sociocultural and family backgrounds. The title of the report, *Against the Odds*, is a powerful message encouraging public policies to focus on the factors that are main drivers of student progress and learning.

Data on social mobility show that, although the average education level of all social sectors has increased due to expanded educational opportunities, upward mobility has made only slow progress (Bruna, Rungo & Alló, 2022)²⁰, or has barely occurred at all (Fernández-Mellizo, 2022). In addition, parental income greatly influences the income their children will earn in the future (Soria, 2022).

Data on social mobility shows that although the average educational level of all social groups has increased due to expanded educational opportunities, upward social mobility has progressed slowly (Bruna, Rungo & Alló, 2022) or has barely been achieved (Fernández-Mellizo, 2022)²¹. Moreover, parents' income has a strong influence on their children's future income (Soria, 2022)²².

Faced with this scenario—one of slow progress and persistent shortcomings—it is necessary to reflect on those initiatives that are more effective in creating a more equitable education system. The following proposals are outlined schematically as measures that could have a significant impact on reducing educational inequality²³:

1. Recognize teachers professionally. A future model for professional development²⁴ encompassing all teaching staff should include special evaluation and incentives for those teachers assigned to more

20 The study based on the 2020 INE Survey on Living Conditions 2020 indicates that the children of parents with university degrees have nearly an 80% probability of obtaining a university degree themselves, while that probability is less than 35% if the parents only have primary education.

21 Study no. 2634 (*Social Classes and Social Structure*) from 2006 by the CIS was used

22 Microdata from the *Atlas of Opportunities* were used.

23 Some of these proposals have also been suggested by Pedro (2012, Tiana, 2015, OECE, 2023b and Gortázar, Martínez and Bonal (2024).

24 See in Marchesi and Pérez (2018) a proposal for teacher evaluation based on self-assessment and supervision of their teaching competencies to support professional development and economic incentives.

challenging schools and take into account also the number of years worked there. It is important to note that teacher turnover is higher in those schools with a greater percentage of vulnerable students (Gortázar, 2025). This would not only recognize their efforts but also help to ensure greater stability among teaching staff and the school's educational project.

2. Eliminate voluntary fees in public-funded private schools, along with the related increase in public funding. This should be done while also aiming to achieve a more social balance in school composition—perhaps by defining new school districts that can include two or three neighbourhoods with different social contexts²⁵.
3. Support students from disadvantaged social backgrounds through programs based on personal tutoring and small working groups both during and outside school hours. These activities should include an emotional dimension (Tarabini & Montes, 2015) so that students feel recognized and valued. At the same time, implement family guidance programs to help parents convey their interest and support for their children's learning.
4. Differentiate teaching conditions, support resources and school funding based on the school's social contexts.

These actions do not require new laws. Only planning, agreement, and funding. If these initiatives are implemented, alongside inclusive social policies, significant progress will likely be made toward equality in the education system during the next 15 years.

25 The article by Ferrer and Gortázar (2021) discusses some experiences and strategies from countries and regions for seat allocation with the same goal.

The impact of laws and social change on education: any past time was worse

It must be emphasized that the changes occurred during these 50 years have been enormously positive, both in the field of education and in economic and social progress. The starting point was a significant gap with most European countries due to the neglect of education during the dictatorship, but in recent decades these differences have been substantially reduced. Contrary to the pessimistic view of certain social sectors, which claim that the education system functioned better in the past and that students learned more, the available data clearly show that any past time was worse.

This statement does not prevent us from also highlighting that the challenges facing education are now more demanding than in the past due to rapid social and technological changes, greater diversity among students in classrooms, and broader educational objectives.

The article by Enrique Roca on educational data in this Monograph offers a systematic and comprehensive overview of the progress made during these five decades. For this reason, only a brief summary of the most relevant data will be presented here to conclude this text.

GDP per capita is a key indicator. It has increased from €438 (1970) to €30,968 in 2023. This growth also shows notable differences between autonomous communities: from €42,198 in the Community of Madrid to €23,218 in Andalusia (INE, 2024). These interterritorial income disparities are closely linked to those observed in education.

Public spending on education has followed an upward trend from 1975 (2.5%) to 2022 (4.62%). The highest figure was reached in 2009 (5.02%), dropped to 4.18% in 2018, and recovered in subsequent years. Compared to other EU countries, Spain's position has improved relative to the past, but it still lags behind the European average.

School enrollment has improved at all educational stages. In 2022, the percentage of children enrolled in early childhood education was 42% for those under age 3, and 92% for those aged 3 to 6—figures above the EU and OECD averages. The percentage of 17-year-olds enrolled in school rose from 63.6% in 1990 to 90.4% in the 2022–2023 academic year.

The gross graduation rate from ESO (Compulsory Secondary Education) increased from 73.4% in the 1999–2000 school year to 81.6% in 2022–2023. This slow progress is hampered by a high repetition rate—22% in 2022–2023—higher than in most European countries, although it was 43% in 1994–1995. The most notable change is seen in the early school leaving rate, which fell from 40.4% in 1992 to 31% in 2005 and to 13% in 2024. The EU average dropped from 15.6% in 2005 to 9.5% in 2023.

Student performance in the PISA assessments has gradually aligned with the participant average, although with slight backwardness in some years. The most critical voices argue that not reaching the average score is proof of a failing education system—an argument not supported by PISA evidence. Other studies have shown no significant difference from the PISA average (Carabaña, 2009) and point out that several autonomous communities achieve results comparable to those of the highest-performing countries.

A necessary conclusion

Although the substantial improvements in education are discussed in an article focused on education laws, it is important to underline that legislation alone explains only part of the positive changes described. The progress achieved must be attributed primarily to the value that families and society as a whole have placed on the education of younger generations, to the collective effort of broad social sectors to improve education, and to the dedication, competence, and adaptability of teachers in responding to new and ever-changing social and educational conditions.

Bibliographical references

- Alonso Carmona, C., García-Arnau, A. y Vázquez-Cupeiro, S. (2023). ¿Qué es desigualdad educativa? Divergencias y continuidades en las grandes reformas educativas en España. *Archivos analíticos de políticas educativas*. Vol. 31, 8, 1-24.
- Bruna, F., Rungo, P. y Alló, M. (2022). *En las raíces de la desigualdad: movilidad social, intergeneracional y territorio*. Fundación “la Caixa”.
- Carabaña, J. (2013). Crecimiento del Bachillerato e igualdad desde los años ochenta. *Revista de la Asociación de Sociología d la Educación (RASE)*. vol. 6, 1, 6-31.
- Carabaña, J. (2009). Los debates sobre las reformas de las enseñanzas medias y los efectos de estas en el aprendizaje. *Papeles de Economía*, 119, 9-35
- Cobrerros, L. y Gortázar, L. (2023). *Todo lo que debes saber de PISA 2022 sobre equidad*. Esade. Esade Ec Pol. Save the Children.
- Constitución Española (1978). BOE-A-1978-31229 [https://www.boe.es/eli/es/c/1978/12/27/\(1\)/con](https://www.boe.es/eli/es/c/1978/12/27/(1)/con)
- Egido, I. (2022). La reforma del currículo para responder a los retos del futuro. España en perspectiva internacional. *Revista Española de Pedagogía*, 80 (281), 175-191.
- European Commission (2020). *Equity in school education in Europe. Structures, policies and student performance*. Eurydice report. Luxembourg: Publications Office of the European Union.
- Fernández Mellizo-Soto, M. (2022). ¿Cómo ha evolucionado la desigualdad de oportunidades educativas en España? Controlando el sesgo de selección de los modelos de transiciones educativas. *Revista Española de Investigaciones Sociológicas*, 177, 21-42.
- Ferrer, A. y Gortázar, L. (2021). *Diversidad y libertad, Reducir la segregación escolar respetando la capacidad de elección de centro*. EsadeEcPol. Center for Economic Policy. Save the Children.
- Gortázar, L. (2025). *El Estado de la profesión docente en España*. EsadeEcPol. Center for Economic Policy.

- Gortázar, L., Martínez, A. y Bonal X. (2024). *El coste de acceso a la escuela concertada en España: las cuotas que pagan las familias y sus causas*. EsadeEcPol. Center for Economic Policy.
- INE. 2024. *Contabilidad Regional de España. Producto Interior Bruto regional. Serie 2000-2023*. 18 de diciembre.
- Jover, G., Ponce, D.P. and González-García, R. (2024). Historical-political background of the agreement establishing the Spanish-British integrated curriculum. *Revista de Educación*. 403. Pp. 91-112.
- Lahire, B. (2003). Los orígenes de la desigualdad escolar. En A. Marchesi y C. Hernández Gil (coord.). *El fracaso escolar. Una perspectiva internacional*. Madrid. Alianza ensayo.
- Ley 14/1970 General de Educación y Financiamiento de la Reforma Educativa. «BOE» núm. 187, de 6 de agosto de 1970, páginas 12525 a 12546. <https://www.boe.es/buscar/doc.php?id=BOE-A-1970-852>
- Ley Orgánica 5/1980 por la que se regula el Estatuto de Centros Escolares, BOE, 27 de junio. <https://www.boe.es/buscar/doc.php?id=BOE-A-1980-13661>
- Ley Orgánica 8/1985, de 3 de julio, reguladora del Derecho a la Educación, BOE, 4 de julio. <https://www.boe.es/buscar/doc.php?id=BOE-A-1985-12978>
- Ley Orgánica 1/1990, de 3 de octubre, de Ordenación General del Sistema Educativo. BOE, nº 238, de 4 de octubre de 1990. <https://www.boe.es/boe/dias/1990/10/04/pdfs/A28927-28942.pdf>
- Ley Orgánica 9/1995, de 20 de noviembre, de la Participación, la Evaluación y el Gobierno de los Centros Docentes, «BOE» núm. 278, de 21 de noviembre de 1995, páginas 33651 a 33665. <https://www.boe.es/buscar/doc.php?id=BOE-A-1995-25202>
- Ley Orgánica 2/2006, de 3 de mayo, de Educación. Boletín Oficial del Estado, nº 106, de 5 de mayo de 2006. <https://www.boe.es/buscar/pdf/2006/BOE-A-2006-7899-consolidado.pdf>
- Ley Orgánica 8/2013, de 9 de diciembre, para la mejora de la calidad educativa. Boletín Oficial del Estado, nº 295, de 10 de diciembre de 2013. <https://www.boe.es/buscar/pdf/2013/BOE-A-2013-12886-consolidado.pdf>
- Ley Orgánica 3/2020, de 29 de diciembre, por la que se modifica la Ley

- Orgánica 2/2006, de 3 de mayo, de Educación. Boletín Oficial del Estado, nº 340, de 30 de diciembre de 2020. <https://www.boe.es/buscar/pdf/2020/BOE-A-2020-17264-consolidado.pdf>
- López Rupérez, F., García García, I., & Expósito-Casas, E. (2021). La repetición de curso y la graduación en Educación Secundaria Obligatoria en España. Análisis empíricos y recomendaciones políticas. *Revista de Educación*, 394, 325-353.
- Marchesi A. (2020). La LOGSE en la educación española. Breve relato de un cambio histórico, *Avances en supervisión educativa: Revista de la Asociación de Inspectores de Educación de España*, 33, 1-34.
- Marchesi. A. y Martín, E. (1998). *Calidad de la enseñanza en tiempos de cambio*. Madrid: Alianza
- Marchesi, A. y Pérez, E.M. (2018). *Modelo de evaluación para el desarrollo profesional de los docentes*. Madrid. Fundación SM-IDEA.
- Martín, E. y Gómez, C. (2017). Las expectativas parentales no explican el rendimiento escolar. *Revista Española de Sociología*, 26 (1), 33-52.
- MEC (1969). *La educación en España. Bases para una política educativa*. Madrid, MEC.
- MEC (1981). *Las enseñanzas medias en España*. Madrid. MEC.
- MEC (1985). *Hacia la reforma. I. Documentos*, Madrid, Servicio de Publicaciones del MEC.
- MEC (1987). *Proyecto para la reforma de la enseñanza. Educación infantil, primaria, secundaria y profesional. Propuesta para debate*. Madrid, MEC.
- MEC (1988). *Papeles para el debate n.º 5. Informe síntesis*. Madrid, MEC.
- MEC (1989). *Libro Blanco Para la Reforma del Sistema Educativo*, Madrid, MEC.
- MEC (1994): *Centros Educativos y Calidad de la Enseñanza. Propuesta de actuación*. Madrid, MEC.
- MEC (2004). *Una educación de calidad para todos y entre todos. Propuestas para el debate*. Madrid: MEC.
- OCDE (1986). *Examen de la política educativa española por la OCDE*. Madrid: Centro Nacional de Investigación y Documentación

Educativa.

- OECD (2011), *Against the Odds: Disadvantaged Students Who Succeed in School*, OECD Publishing
- OCDE (2023a). PISA 2022. *Programa para la Evaluación Internacional de los Estudiantes. Informe español*. OCDE.
- OCDE. (2023b). *Propuestas para un plan de acción para reducir el abandono escolar temprano en España*. Nº 71. OCDE
- O'Malley, Pamela (1992): "La Alternativa", *Revista de Educación*, n.º extraordinario, 325- 337.
- Pedró, F. (2012). Políticas públicas sobre apoyo y refuerzo educativo: evidencias internacionales. *Revista de Educación*, número extraordinario, 22-45
- Pérez Galán, Mariano (1992): La Ley General de Educación y el movimiento de enseñantes, *Revista de Educación*, n.º extraordinario, 311-321
- Puelles, M. de. (2002). El pacto escolar constituyente: génesis, significación y situación actual. *Historia de la educación*, 21, 49-66
- Puelles, M. de. 2016. Reflexiones sobre cuarenta años de educación en España o la irresistible seducción de las leyes, *Historia y Memoria de la Educación*, 3:15-44.
- Soria, J. (2022). *El ascensor social en España. Un análisis sobre la movilidad intergeneracional de la renta*. Esade. EsadeEcPol Brief #25 Mayo.
- Tarabini, A. y Montes, A. (2005). La agenda política contra el abandono escolar prematuro en España: la LOMCE contra las evidencias internacionales. *Avances en Supervisión Educativa*, 23, 1-20.
- Tiana, A. (2007). A la búsqueda del consenso en educación: la experiencia de la LOE. *Revista de Educación*, 344, 83-100
- Tiana, A. (2016). *La educación: retos y propuestas*. En Blanco, A., Chueca, A. y Bombardieri, G. *Informe España 2015*. Fundación Encuentro, 77-199
- Tiana, A. (2018). Treinta años de evaluación de centros educativos en España. *Educación XXI*, 21(2), 17-36.
- Viñao, A. (1996). La ley Pertierra ¿continuidad, cambio o rectificación? En *Construir otra escuela. Reflexión sobre la práctica de los centros escolares*. Granada, Ed.Osuna, t. I, 1996, 11-32
- Viñao, A. (2016). La Ley Orgánica de Mejora de la Calidad Educativa

(LOMCE) de 2013: ¿una reforma más? *Historia y Memoria de la Educación*, 3, 137-170.

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