

LEGISLATION IN SPAIN

1º. - The legislation of the Central administration

A. - ORGANIC LAWS

Two statutory laws make direct and explicit reference to the recognition and validation of the learnings acquired in nonformal and informal modalities: Statutory law 5/2002 of 19 of June of qualifications and professional formation and Statutory law 2/2006, of 3 of May, Education.

- STATUTORY LAW 5/2002

Statutory law 5/2002 of 19 of June, the qualifications and professional formation. one sets out, following the directions of II the National Program of professional Formation, approved by the government for years 1998-2002, the objective to create a National System of Qualifications and professional Formation that not only allows to integrate the three supplies of professional formation which they take place in Spain (initial, continuous and occupational) but also the one of all those acquired learnings of an informal way through the labor experience.

In this sense the purpose of the National System of Qualifications and Professional Formation will not be only the one to promote, to provide or to incorporate formative supply but also the one To evaluate and to credit the professional qualification officially whatever it had been the form of his acquisition. (Art. 3,5).

This law establishes, among others, two instruments fundamental to carry out the propose tasks: the National Catalog of professional Qualifications that will order identified in the productive system based on the appropriate competitions for the professional exercise and a procedure or device of recognition, evaluation, accreditation and registry of the professional qualifications.

The National Catalog of Professional Qualifications is constructed from the needs observed in the productive system. The device or procedure of recognition and evaluation of qualifications is something new that allows to evaluate not only the learnings acquired in any formative modality (formal or nonformal) but also the acquired one of an informal way from the labor experience.

This device, that will have like referring the National Catalog of Qualifications and not them formative curricula of the different titles, will allow to recognize, to evaluate and to credit acquired professional qualifications through the labor experience or of nonformal routes of formation in conditions of reliability, objectivity and technical rigor. (Art. 8,2).

The qualifications are defined as a set of professional competitions with meaning for the use and the competitions as well are defined as a set of knowledge and capacities that allow to the exercise of a professional activity according to the exigencies of the production and the use.

STATUTORY LAW 2/2006

Statutory law 2/2006, of 3 of May, Educación (LOE), besides establishing adapted tests so that the people of certain age can accede, in the case of approving them, to the obtaining of certain formative credits or titles and, besides provoking the special collaboration in the scope of the formation of adults of the Labor Administration, as well as of the local corporations and the diverse social agents, which supposes a valuation of the learnings acquired in nonacademic means, establishes with all clarity that the adult people can as much realize their learnings by means of education activities, regulated or not regulated, like through the experience, labor or in social activities, reason why will lie down to establish connections between both routes and measures for the validation of the learnings thus acquired will be adopted (Art. 66.4). The law makes a significant insistence in the necessity to recognize and to validate not only the learnings acquired in the labor experience but also in the experience in social activities.

It is necessary to observe, of principle, that the normative development of the Spanish legislation more directly related to this concept modern and internationally accredited on the recognition and validation of the learnings acquired in labor and social the experience which the Law of qualifications and professional formation of 19 of June of the 2002 and Statutory law of Education of 3 of May of 2006 are legislated in, is in process of normative development and practical application. In year 2003 an experimental design of evaluation, recognition and accreditation of the professional competitions was applied in several independent communities (Project ERA 03 to which we will talk about later). At present, only some Independent Communities like the Community of the Basque Country, the Leasehold Community of Navarre, the Majority of Catalonia or the Community of the Canary Islands are advancing more in the normative development of this modern concept of recognition and validation of informal and nonformal learnings.

B. --TIE DECREES DIRECTLY TO THE RECOGNITION AND VALIDATION OF THE NONFORMAL AND INFORMAL LEARNINGS

Within the framework of the law of qualifications they are worth the trouble to emphasize some decrees that develop the will of the legislator:

- Real decree 942/2003, of 18 of July, by which the basic conditions are determined that they must reunite to the tests for the obtaining of the titles of Technician and Technician Superior of Specific Professional Formation. This decree includes the evaluation and the accreditation of the acquired professional competitions through the labor experience or of nonformal routes of formation, and in addition it insists on which it will have like referring the National Catalog of Professional Qualifications. Although one settles down that until the corresponding professional qualification is not included in the catalog, the evaluation of the competitions to that the previous section talks about, will take place taking care of the units of competition established in the titles of Technician and Technician Superior of specific professional formation.

The recognition of the professional competitions thus evaluated, when they do not complete the qualifications picked up in some title of professional formation, will be realized through a cumulative partial accreditation with the purpose, where appropriate, of completing the conducive formation to the obtaining of the corresponding title.

By the all this decree it makes reference, besides the conditions of age required to ask for the presentation to these tests, the necessity to credit a labor experience, of at least two years, related to the productive sector of the formative cycle to which the corresponding professional module belongs or of the unit of competition whose recognition is tried.

- Real Decree 1128/2003, of 5 of September, regulates the National catalog of Professional Qualifications, between whose assigned purposes is the one to facilitate the formation throughout the life by means of the accreditation and accumulation of professional learnings acquired in different scopes and the one to evaluate, to recognize and to credit the acquired professional competitions through the professional experience or of nonformal routes of formation.

Real decree 1416/2005 d and 25 of November by that the National Catalog of Qualifications in its unique article is regulated stable that the catalog has to serve to establish the referring one to evaluate and to credit the acquired professional competitions through the labor experience or of nonformal routes of formation”.

- Real Decree 362/2004, of 5 of March, by that the general arrangement of the specific professional formation settles down. The new arrangement of the specific FP does not modify its basic structure (established by the LOGSE and that the LOCE maintained), that it is continued ordering in formative cycles of degree average and superior, but it reviews and it updates the titles grouping them in professional families in agreement with the established thing by the Catalog. The common lessons will include, for each formative cycle the formative modules related to the Catalog, other modules of interest for the professional qualification (labor direction and relations, prevention of labor risks, TIC, knowledge of languages, self-employment and management of companies) and a module of formation in work centers. Also in this new arrangement the conditions of access are made flexible, with the double aim of, on the one hand, to extend the possibilities of the students to complete their formation through the route that, at every moment, better responds to its personal interests, expectations or circumstances, and, on the other hand, to respond to the needs of the permanent learning. For this reason, in this Real Decree the different access roads are included from the specific FP, the characteristics of the test of average degree and superior, the confirmations of formative modules and the practices that the students, the organization of the lessons for adults, as well as the confirmations and of recognition of the labor experience realize Everything is even pending of the complete development of the Law of the Qualifications and Professional Formation and the Statutory law of Education.

- Real Decree 1558/2005, of 23 of December, regulates the basic requirements of the integrated Centers of professional formation. These, are characterized by the teaching of the formative supplies of traditionally denominated initial, occupational and continuous formation professional. One of the purposes of these centers, among others, is to contribute to the evaluation and accreditation of the professional competitions acquired by the people through the labor experience and of nonformal routes of formation and to realize the proposal of official accreditation of these, when it is developed to the norm corresponding to the evaluation procedure and accreditation of the professional competition.

2º. - THE NORMATIVE FRAME OF THE INDEPENDENT COMMUNITIES

It is worth the trouble to emphasize the normative development in some Comunidades Autónomas (CCAA) that is laying to way in the beginning of monitoring systems and validation of learnings acquired in the experience: the Independent Community of the Canary Islands, the one of the Basque Country and the Leasehold Community of Navararra, without reduction of the advanced projects that are being developed in other CCAA.

In the Canary Islands, Law 13/2003, of 4 of April, Education and Permanent Formation of Adult People of the Canary Islands (B.O.C nº 79, of 25 of April) establishes, to its article 2, the principles of the Education and Permanent Formation of Adult People, and fixes, among others, the following:

- h) The complementariness between formal, nonformal and informal learnings and contexts didactic, in its different modalities with an emphasis in the one from at a distance.
- i) The validation and accreditation of the nonformal and informal learnings.

The Resolution of 20 of May of 2005, by that to instructions for the organization and development of the Initial Valuation of the Student (VIA) of Basic Formation of Adult People in the Independent Community of the Canary Islands are dictated, of date: 20/05/2005, contemplate the criteria to consider for the practical application of the valuation of the informal and nonformal learnings.

The Valencian Community when regulating the formative programs that appear in law 1/1995 on formation of adult people establishes that in order to orient and to assign each person to the cycle and the educative level of basic formation of adult people the teaching staff of the center will carry out an individual initial valuation that will include/understand aspects related to the knowledge, experiences, abilities and procedures that each person owns. This initial valuation will allow each adult person to find the itinerary formative that better it corresponds to him by virtue of the previous learnings.

The Community of the Basque Country has a Basque Plan of Professional Formation, approved the 22 of April of 1997 and a System Integrated of Qualifications and Professional Formation that it is impelling, from the Basque Agency to the evaluation of the competition and the quality of the professional formation, and putting in practice by means of a device of recognition and specific validation (Decree 70/2004) according to a regulated methodology and procedures (Resolution 27 of September of 2004).

The Leasehold Community of Navarre

The Agreement of 4 of April of 2005, of the Government of Navarre, establishes directives for the development of the System of Qualifications and Professional Formation in Navarre, it feels the relation bases it enters of more representative the social and economic agents of the Leasehold Community and is serving as necessary reference for the battles that the different institutional organs conduct that they are implied in aspects related to the professional qualification or the initial formation, occupational or continuous.

The necessity to coordinate the activities between the Departments of the Government of Navarre that assume the competitions of Education and Work, demands that a stable structure of institutional coordination exists that, as well, decides its activities with the economic and social agents greater representativeness in Navarre, considering the mandatory legal frame and the competitions and functions of each part. On the other hand, the necessity to technically coordinate the development of the National System of Qualifications in Navarre, implies that, of equal way to the established thing in the State, it exists like organ of support and technical reference of the System recently created Navarrese Institute of the Qualifications.

The rest of CCAA is beginning to apply Real decree 942/2003, of 18 of July, although not in reference to the catalog of qualifications. We enclose in note the norm of the different CCAA for this application.