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Analysis of the Conceptualization of Quality in Spanish Educational Legislation

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Abstract: Since the 1990s, there has been a global trend in the search for quality in school systems that have materialized in the educational policies of the most developed countries. This article analyzes the treatment given to the concept of quality in the educational reforms approved in the last fifty years in Spain. The objectives of this study were: (a) to analyze the presence and recurrence of the term 'quality' in each of the laws and (b) to identify the factors associated with quality in these laws. To respond to these objectives, a bibliographic study was carried out using a content analysis approach to the texts of the different laws, as well as a review of the existing literature on the subject in question. It was, therefore, an eminently qualitative research approach. Among the findings found, it is worth highlighting the high presence of the term 'quality' in the legislative texts analyzed since the beginning of the new millennium, as well as a continuity in the educational reforms of evaluation policies of the educational system in coherence with the demands produced by supranational organizations at a global level.

Keywords: Accountability, educational laws, educational reforms, educational system, quality.

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Introduction

The term 'educational quality' is ambiguous and diffuse (Aiello, 2023; Escudero Muñoz, 2003; Posca Cohen, 2024; Viñao Frago, 2001), as it is often used simplistically (Escudero Muñoz, 1999; H. A. Monarca, 2012; Santos Guerra, 1999), as an absolute truth synonymous with success (Espinosa Gómez, 2020; Posca Cohen, 2024). Thus, because of its positive connotations, it generates consensus since no one is, in principle, against quality education (Biesta, 2019; Posca Cohen, 2024).

In the Spanish context, the term quality was initially associated with social democratic political options that understood it as an integral element of the Welfare State. Later, it was understood with a compensatory character until, in the 1980s, it began to be associated with the concept of excellence (Escudero Muñoz, 2014). This change of approach began with the modernization of the Public Administration, where criteria and indicators that measure the fulfillment of objectives, economic management, and the quality of processes were incorporated (Ruiz López & Cuellar Martín, 2014). The concept of quality is thus extended to public services (Vega Cantor, 2014) with so-called *quality management* beginning to be heard in the educational world around the 90s and, in the year 2000, reaching its stage of maximum expansion and implementation (Ruiz López & Cuellar Martín, 2014).

These types of procedures have occurred more or less at the same time in all developed nations of the world as an element of the globalization process (H. Monarca, 2020; H. Monarca & Fernández-González, 2018). World economic agencies have put the spotlight on the educational systems of nations (Álvarez-López & Matarranz, 2020; Caravaca et al., 2022; Molina Pérez, 2017) to position them as an instrument at the service of capitalist economic development (Apple et al., 2022; Díaz Palacios, 2013; Díez-Gutiérrez, 2022) and its gradual privatization (Saura et al., 2022; Zancajo et al., 2022). Likewise, the constant allusion to the term "quality of education" activates a device that evokes the insatiable need to improve education and, consequently, the justification for the implementation of successive educational reforms (Colella & Díaz

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Salazar, 2017; Naidorf & Cuschnir, 2024). This has led to the hegemony of a neoliberal educational model based on standards and competencies that facilitate accountability and greater control of educational quality in terms of efficiency and effectiveness (Álvarez-López & Matarranz, 2020; Apple, 2013; Díaz Palacios, 2013; Martín-Alonso et al., 2024; Riádigos Mosquera, 2014, 2016). Likewise, the implementation of these policies, which already have a certain track record, has changed the life of school institutions, giving rise to what is known as SAWA reforms -School Autonomy with Accountability- (Pagès & Prieto, 2020), the New Public Management or managerialism and performativity (Ball, 2022; Díez-Gutiérrez, 2020; Martín-Alonso et al., 2024; Parcerisa & Verger, 2022). The adoption of this educational model bases its performance on student outcomes, which brings with it the incorporation of external standardized assessments (Flórez Petour & Rozas Assael, 2020; López Bertomeo & González Olivares, 2018; H. Monarca, 2020). This is the case of the Programme for International Student Assessment (PISA) managed by the Organization for Economic Cooperation and Development (OECD). Numerous authors have pointed out that economic organizations, through this type of test in general and PISA in particular, influence educational policies and the curricular design of nations (Molina Pérez, 2017; Parcerisa et al., 2020; Sjøberg, 2020; Teng et al., 2020). Another element incorporated into the adoption of this educational discourse is the implementation of quality assurance systems (Matarranz García, 2021), national evaluation agencies (Álvarez-López & Matarranz, 2020) and Total Quality Management models such as the Common Assessment Framework (CAF), which is the European model for the improvement of public organizations through self-assessment (Ayala Ato, 2021).

Currently, the discourse of educational quality remains in the international spotlight as shown by its presence in the United Nations Global Agenda 2030, where the Sustainable Development Goals (hereinafter, SDGs) are proclaimed. One of them - the fourth - is dedicated to quality education (Montero Caro, 2021; Sánchez-Santamaría et al., 2023; United Nations General Assembly, 2015).

On the other hand, the quality of education, although it has configured such a regime of truth -understood as rationality that sustains the social order- that it has displaced education itself from the social debate (H. Monarca et al., 2024), continues to be a disputed term insofar as it is not a univocal concept (Fredua-Kwarteng, 2016; Posca Cohen, 2024).

This study provides an updated contribution to the understanding of the term quality from a legal perspective considering that the context of Spanish educational policy is quite peculiar for having undergone nine organic laws in the last 50 years. This issue deserves a deep analysis and reflection, since in Spain it has been happening that, with each change of government, educational laws are modified, which negatively affects the structure and functioning of educational institutions.

Over the years, there have been some movements advocating for a State agreement among all political parties (Cámara Villar, 2007; De Puelles Benítez, 2017). An agreement for education that offers guarantees of stability to the Spanish educational system, that preserves education in its basic aspects from the negative effects of ideological overdetermination and that makes possible the continuity over time of educational policy in order to obtain results that respond to quality, equity and efficiency objectives (Cámara Villar, 2007). However, no consensus has yet been reached to establish such an agreement.

In any case, the analysis offered by this article is of great interest because it shows the meaning and importance that the term quality has acquired through the different organic laws that have been enacted by the different political parties in the period from 1970 to 2020, the year in which the last organic law was passed. It also explores how these laws have adapted to the supranational demands of the processes of economic and educational globalization.

In this regard, it is interesting, important and necessary to analyze educational policy as it is where action frameworks rest, which in turn are based on belief systems associated with a specific set of values, usually aligned with a political or ideological position (Bell & Stevenson, 2006; Cardno, 2018).

Policy documents can be used in the investigation of educational problems as they allow for the understanding of complex problems. In this sense, the use of policy document analysis as a research tool is a method that allows investigating the nature of a policy document in order to examine both what is inside and behind it. To this end, the focus is on the text of law, but the elements surrounding the birth and implementation of a policy are equally significant (Cardno, 2018).

This article aims to respond to two objectives; the first is to analyze the presence and recurrence of the term “quality” in each of the organic laws, and the second is to identify which factors are associated with quality in each of the laws.

The article is structured as follows: firstly, a literature review is carried out in which a theoretical conceptualization of the term quality is offered through the different Spanish laws, analyzing the presence of the term, how it has been conceptualized and to which educational or social factors it has been associated.

Following this, the methodology used in the study is outlined, followed by the results, which are presented through a chronological overview of the various laws analyzed. Finally, the results are discussed, highlighting convergences and divergences, as well as continuities and ruptures, both within Spanish educational policy and in relation to global educational policies. The article concludes with final remarks on the findings, limitations, and recommendations.

Quality conceptualization in Spanish educational legislation

The General Education Law of 1970, enacted while Spain was still under dictatorship, brought about important changes in terms of the schooling of the population, which was still deficient. This was as well as the modernization of the educational system, which was obsolete and did not take advantage of educational potential in relation to the economic, social and cultural development of the country. Although in practice some aspects of the law have remained incomplete, others have remained in force until today (Merchán Iglesias, 2021). Educational quality is conceived in this law as a universal right of access, and there is a democratization of education. In addition, it has the pretension of making all Spaniards participants in education, developing the capabilities of the entire population through equal educational opportunities (Ayala Ato, 2021). It also annulled the prohibition imposed by the Franco dictatorship on the coeducation of the sexes (Torres Santomé, 2011) and established the possibility that non-state schools could offer free places at compulsory levels, obtaining economic support from the State (General Law of Education and Financing of Educational Reform, 1970).

Later, the enactment of the Organic Law of General Organization of the Educational System in 1990 raised great controversy by defending a constructivist educational model (García, 2017). Exams, punishments, and homework disappeared, religion was no longer compulsory, the deadlines for acquiring instrumental subjects were extended, cooperative and group learning was promoted, and it was intended to respect personal rhythms and meet the special needs of students. It also allowed each geographical territory, each center, and each teacher to adapt the educational practice to the peculiarities of the students, with the only requirement being to reach the minimum content established for the whole country (Martín Luengo, 2016). In addition, the transversal education that the LOGSE promoted marked a strong advance towards breaking the organization and systematization of content that hindered the understanding of reality (Torres Santomé, 2011). In the words of García (2017), the LOGSE established for primary school a curriculum so open that it was pure philosophy. It dealt with areas of knowledge with different levels of concreteness to favor their adaptation to the student and rejected rote learning, understanding the student as the protagonist of his or her learning. It sought to reduce the weight of negative reinforcement based on failure to give way to motivational education. This caused many teachers to feel that the law was an attack on their teaching work since it implied a change in what they did, although the law only recommended it. The result was that, in general, didactics in the classroom did not change and, in many cases, instead of individualized learning, it was homogenized at the lowest level. In addition, the LOGSE made education compulsory until the age of 16 - the minimum age to enter the labor market -, so teachers had to deal with 14 to 16-year-olds who had previously left education. There was a popular belief that there were Compulsory Secondary Education graduates with insufficient knowledge because they did not make so much use of failing grades. That is why many consider the LOGSE to be a great failure, without being aware that correctly applied, it could have meant the revolution of the educational system because it defended a different education (García, 2017).

Later, the Organic Law on the Quality of Education (2002) was published and came into force, but it was not developed (Ayala Ato, 2021). It introduced evaluation as a basic element of quality and gave great importance to the results and the school's responsibility for them. Title VI, which develops evaluation, went from having one article in the LOGSE to seven. In addition, it was used as a tool to guide the decisions of students and families, and the publication of its results was supported (Cabrera Montoya, 2016). As for the Organic Law on Education (2006), Cabrera Montoya (2016) argues that although it prevented the use of results to classify schools and to make individual assessments of students, it did not reduce the "evaluation euphoria" (p. 6) it is dedicated to it under its title as in the LOE.

Continuing with the Organic Law for the Improvement of the Quality of Education (2013), this law sought to improve the quality of education by increasing the autonomy of management to enable schools to offer different educational projects and 'excellence' itineraries, thus implementing competition mechanisms between schools. It also promoted the establishment of national external evaluations with standardized tests, the public dissemination of their results, and the accountability of schools and teachers based on these (Cabrera Montoya, 2016; Viñao Frago, 2016). García (2017) highlights the great attention this law paid to the economic aspect, since education was understood as the means for Spain to compete successfully at the international level. In the author's words, this law put traditional school values such as effort, discipline, and competitiveness at the service of the market. In this sense, Fernández-González and Monarca (2018) pointed out that there has been a growing presence of terms such as 'transparency', 'quality' and 'accountability' in state education laws. This vocabulary conveys the incorporation of elements of market ideology into the educational field, which must be interpreted in light of the reconfiguration of the State within the globalization process (H. Monarca, 2020).

The current Organic Law Amending the Organic Law on Education (2020) seems to reflect the spirit of the LOE, which it modifies, and the SDGs of the 2030 Agenda, integrating Education for Sustainable Development and Education for Global Citizenship into the education system while restoring curricular transversality and new cross-cutting competencies (Montero Caro, 2021; Negrín Medina & Marrero Galván, 2021).

Finally, we highlight that several authors have pointed out that along this legislative path, there has been a growing transfer of responsibility in education from the State to other sectors, mainly to schools and, especially their principals (Cabrera Montoya, 2016; Vega Cantor, 2014; Viñao Frago, 2012b). Similarly, the State has transferred educational

management to the private sector but plays the role of “hyper-surveillance” state that evaluates, inspects and sanctions in the name of Quality and equity (Falabella, 2021). Cabrera Montoya (2016) establishes the beginning of this drift with the political and administrative decentralization established by the LOGSE, which continues with the following reforms and has been accompanied by the increasing management autonomy of the schools. It should be noted that the autonomy-decentralization binomial promoted by these reforms is oriented to economic and organizational decision-making but not curricular (Molina Pérez, 2017; Viñao Frago, 2001).

Methodology

First, the research objectives, transformed into questions, were the guiding thread of the analysis:

- What is the presence of the term quality in the law?
- How is quality conceptualized within the law analyzed and with what factors is it associated?

These research questions suggested a qualitative research process and the use of documentary analysis, which is also recommended as a research method to qualitative researchers for being “straightforward, efficient, cost-effective and manageable” (Cardno, 2018, p. 626).

The qualitative methodology used in this study has allowed the contextualized analysis of the educational regulations to respond to the indicated objectives. Furthermore, following the example of Martínez Rodríguez (2011), the two epistemological currents that influence qualitative methodology, hermeneutic or interpretive and phenomenological, are reflected in this work, given how the starting point has been the understanding of the object of study framed in a social, political and economic context and deciphering, at the same time, the meanings behind human expressions, in this case, embodied in legislative texts.

Within the framework of this methodology, the content analysis technique has been used, which is ideal when an analysis of several texts is required (Wilson, 2016), characterized by making sense of the information, analyzing and interpreting it (Espín López, 2002). Within the content analysis process carried out, each of the phases of the analysis was performed. The pre-analysis phase consists of the choice of documents, the formulation of the objectives, and the elaboration of the units of analysis (Espín López, 2002).

The documents selected were the nine Spanish educational laws enacted from 1970 to the present, making up the study sample of this work (see Table 1). The database used for the searching of these documents was the Spanish Official State Gazette. The criteria for inclusion were the year of publication of the laws, as well as their different names.

Table 1. Study Sample

Name of the law	Acronym in Spanish	Year	Political party ideology
General Education Law	LGE	1970	At the end of Franco's dictatorship
Organic Law Regulating the Statute of School Centers	LOECE	1980	Center ideology
Organic Law Regulating the Right to Education	LODE	1985	Left wing
Organic Law of General Organization of the Educational System	LOGSE	1990	Left wing
Organic Law on the Participation, Evaluation and Governance of Educational Establishments	LOPEG	1995	Left wing
Organic Law on the Quality of Education	LOCE	2002	Right wing
Organic Law on Education	LOE	2006	Left wing
Organic Law for the Improvement of the Quality of Education	LOMCE	2013	Right wing
Organic Law Amending the Organic Education Law	LOMLOE	2020	Left wing

According with the methodological guidelines, the process of qualitative data analysis typically involves familiarizing oneself with the data, creating initial codes, identifying themes, reviewing and defining themes, and ultimately presenting the thematic analysis (Stanyon et al., 2021).

To follow this process, we began by reviewing the laws to familiarize ourselves with the legal language and terminology. For the generation of the categories and codes, a mainly deductive process was followed, complemented by an inductive process.

First, the deductive process started with a series of basic themes linked to the central objective of the research, quality, which were converted into previously established categories and codes. After reviewing the laws and literature, the authors agreed on the key codes to be used during the process of coding and categorizing the information. In order to speed up the analysis and due to the length of the legal texts, it was agreed to synthesize the coding under five main

codes, which in turn contained further sub-codes. The initial system of codes included the terms quality, values, teaching learning, evaluation and autonomy. In order to provide more rigor and quality to the coding process, the five codes were defined independently by each researcher, and in a second step, the authors agreed on a joint definition for each category and code so that it would be explicit what information was to be collected within each code.

Second, an inductive system was also used in the data analysis. In the inductive approach to the analysis the close reading and re-reading of the document allows us to extract categories and subcategories from the data itself (Cardno, 2018). Basically, the five initial codes were maintained, but from the inductive approach, some of the sub-codes presented in Table 2 were added and qualified as themes linked to the description of the codes. Finally, the labelling and categorizing process was conducted independently by the three researchers. Subsequently, the coding results were integrated after discussion, solving discrepancies in the coding and reaching a consensus within the researchers.

Therefore, in order to provide greater rigor and reliability to the data analysis among the researchers, two of the three types of reliability proposed by Krippendorff (2019) were followed: replicability of results across coders and accuracy of an established coding scheme compared with others.

Table 2. Category and Code System

Category	Code	Unit of analysis	Description
Quality as a concept	Quality	Words	Term "quality"
Quality as associated factors	Values	Subject	Compensation of inequalities, rights and freedoms, individual/collective accountability for results
	Teaching-Learning	Subject	Aspects related to didactics: learning, teaching, teacher training, guidance, material resources
	Autonomy	Subject	Aspects related to the pedagogical, contents, organizational and management autonomy of the centers. Participation
	Evaluation	Subject	Aspects related to the internal or external evaluation of students, teaching, schools, educational system, etc.

Results

First, in General Law of Education and Financing of Educational Reform (1970), the term 'quality' is referenced on three occasions, related to the improvement of the educational system and the evaluation of student results.

As factors associated with educational quality concerning teaching and learning (hereinafter, T-L), actions such as teacher training, educational and professional guidance, favoring the students' ability to learn on their own, adapting the content to modern society, and implementing new teaching techniques are proposed. According to the autonomy of the schools, it is understood to be a tool that makes it possible to consider each school in its context. The evaluation of the schools is based on student performance, the academic qualifications of the teaching staff, the student-teacher ratio, the use of modern teaching means and methods, the facilities and activities, the optional subjects, the guidance services, and the experience of the management team and their relations with families and the community (Art 11.5).

A decade later, in the Organic Law regulating the Statute of Schools (1980), quality appears twice, once about the fulfillment of requirements by the schools to ensure quality education and the other concerning the experimental schools aimed at implementing educational innovations and assessing their suitability.

The factors associated with educational quality in this law include, in the relationship between T-L, educational and professional guidance throughout school life, the pedagogical experimentation of experimental schools, and the establishment of minimum teaching standards by the State. Concerning the autonomy of the schools, there is the possibility of establishing optional subjects, adapting programs, adopting teaching methods and organizing activities (art. 14). Regarding evaluation, it is stated that the Administration will be in charge of the inspection, evaluation, control and counseling of the schools (Art. 19).

Subsequently, in the Organic Law Regulating the Right to Education (1985), the word quality appears eight times, associated with education and teaching.

Concerning the factors associated with educational quality, about T-L, there is the right to choose the school, the participation of the sectors related to education in the general programming of education, and the teaching freedom of the teaching staff. For the autonomy of the schools, it remains the same as in the previous law (art. 15). Concerning the

evaluation of the schools, it is stated that parents or guardians will participate in it under the established terms (art. 4) and that it is up to the School Council to participate in the evaluation of the administrative and teaching aspects (art. 57).

In the Organic Law of General Organization of the Educational System (1990), the word quality appears twenty times. It is associated with the total reform of the educational system to improve the quality of education, and the concept of *quality assurance* appears for the first time.

The factors associated with educational quality in this law include, concerning T-L, that education shall have lifelong learning as a basic principle (art. 2). Also mentioned are elements related to the innovation and modernization of the schools, the prestige and care of teachers, the participation of the educational community and the relationship with the environment. Title IV of the law is dedicated to this in its entirety, paying special attention to the aspects that favor the quality of teaching, developing an article for each of them (art. 56 - art. 62), including continuing teacher training, teaching programming, resource management and management function, innovation and research, educational guidance, and inspection and evaluation of the educational system.

It also dedicates another complete title - V - to the compensation of inequalities. It proposes, as educational tools, active educational methodologies, respect for learning rhythms, the adaptation of content, and continuous and global evaluations, among others. In addition to organizational and management autonomy, it recognizes the pedagogical autonomy of the schools, allowing them to develop and complete the curriculum within the framework of their teaching programs. It also provided for a decentralized structure in which each autonomous community also has significant autonomy to complete the curriculum on the basis of the minimum content established by the State, which was 55% for communities that did not have their own language and 65% for those that did. This law gave great importance to the evaluation of the educational system and created for this purpose the National Institute for Quality and Evaluation (Instituto Nacional de Calidad y Evaluación in Spanish, hereinafter INCE). This body is responsible for developing evaluation systems for education and its corresponding centers, carrying out research, studies, and evaluations, and proposing improvements that contribute to quality.

Five years later, in the Organic Law on Participation, Evaluation and Governance of Educational Centers, (1995), quality appears nineteen times, linked to the word evaluation, the right to education for all, the autonomy of the schools, and the participation of the educational community.

As factors associated with quality, in relation to T-L, the law highlights aspects such as the participation of the educational community, both in the organization and government of the centers and in the elaboration of the educational project, the promotion by the government of the centers, teacher training, research and innovation, and the provision of resources. Concerning autonomy, it is stated that it intends to consolidate the autonomy provided for in the LOGSE, giving it a new impetus and dedicating Chapter II to it, where it states that the schools have organizational and pedagogical autonomy. This must be specified in the educational and curricular projects, and in the operating rules. For economic management autonomy, this is also recognized but with a series of limitations established by law and those of each Administration. For the evaluation, this law gives it great importance and dedicates Title III to it, indicating that it must cover the educational system, the schools, the teaching work, the management function, and the administration itself (art. 27). It is entrusted to the INCE, a body created in the previous LOGSE, which is also in charge of organizing the inspection of education. It states that the government will publish "the results of the established quality indicators" (art. 28), as well as that the schools must undergo external and internal evaluations.

Subsequently, in Organic Law on the Quality of Education (2002), the word quality appears on forty-one occasions, in addition to the title itself. In this law, the term quality is accompanied by concepts such as equity, economic development, and social cohesion.

As factors associated with quality, about the T-L, the following are highlighted: student effort and demand, the teaching function, the orientation of the educational system towards results, the diversity of educational trajectories according to student abilities as a compensatory measure, and the responsibility of the schools for student achievement. It also refers to participation, educational research and innovation, as well as student creativity, initiative and entrepreneurship. Emphasis is placed on the need to adapt to the educational requirements of European cooperation, and reference is made to basic competencies. Concerning autonomy, the autonomy and organizational, pedagogical and resource management initiative of the centers is recognized, and it is specified that it must be linked to the results obtained and will be accompanied by internal and external evaluation procedures that stimulate improvement processes. In addition, the schools may obtain official recognition of a curricular specialization in which they offer a service of the highest quality. Regarding evaluation, in relation to students, a general bachelor test is established which must be passed in order to qualify for the title and diagnostic tests in primary and secondary education, the results of which will be made public. Regarding the evaluation of the system, it will be applied to the students, the educational processes, the teachers, the centers, the inspection, and the Administration itself. It is intended to develop a State System of Education Indicators. All of this will be carried out through the National Institute for the Evaluation and Quality of the Educational System (Instituto Nacional de Evaluación y Calidad del Sistema Educativo in Spanish, hereinafter INECSE), which will make its studies public.

For its part, the Organic Law on Education (2006) includes the term quality on sixty-four occasions, associating the term with equity, the improvement of the educational system, and the reduction of school dropouts and failure.

As factors associated with quality, to the T-L, importance is given to the student's personal effort but it is recognized that school success does not only depend on the student. The following factors are also associated with quality: equity, which guarantees equal opportunities and acts to compensate for inequalities; flexibility to adapt education, educational and professional guidance, the participation of the educational community, the teaching function, support for research, experimentation and educational innovation, and an allusion is also made to the self-regulation of learning. Concerning autonomy, Article 122 develops the actions aimed at promoting the quality of schools which will be done by strengthening their organizational, pedagogical and managerial autonomy, as well as the management function. These actions will include honorary recognition measures and educational quality actions that will consist of the implementation of analysis and the management models proposed by the Administration, subject to accountability on the part of the schools. Regarding evaluation, it maintained the diagnostic tests in primary and secondary education enacted in the previous law but prevented the results from being used to establish individual student evaluations or classifications of the schools. For the evaluation of the system, it will be applied to the students, to the educational context, especially regarding the schooling and admission of students, to educational resources, the activity of the teaching staff, the management function, the operation of the schools, the inspection and the Administration (art. 141). The body in charge of the evaluation will be the Evaluation Institute (Instituto de Evaluación in Spanish, hereinafter IE) (art. 142).

Years later, in the Organic Law for the Improvement of the Quality of Education (2013) enacted, the word quality is found forty-seven times; in addition, it is included in the name of the text itself. The term quality appears associated with evaluation, the establishment of measurable results, and accountability. It is also associated with the raising of the learning levels, personal demands, the diversity of trajectories and the enhancement of capabilities, among other issues.

As factors associated with quality, in relation to T-L, the incorporation of standards and assessable learning results, the application of a diversity of trajectories according to the students' results, establishing the Learning and Performance Improvement Programs, and the creation of dual Vocational Training reflected in article 42, which consists of the professional qualification of students in responsibility between schools and companies, stand out. With respect to autonomy, it recognized the curricular specializations of the schools that adhered to quality projects. Likewise, it increased the autonomy of the management with respect to human resources which may, during the implementation of quality actions, establish specific requirements and merits for the positions offered, reject the incorporation of teaching staff to interim positions, and propose extensions to the secondment in the event that the position is vacant. With respect to evaluation, external evaluation is mentioned as one of the measures that most directly influences quality. These evaluations will be of a formative nature, guaranteeing that the student reaches the objectives, and of a diagnostic nature as well, in order to guide them in their school decisions. In addition, the tests will allow for the standardization of the qualification standards in Spain, indicating the required levels of demand and introducing elements of certainty, objectivity and the comparability of results. Regarding the evaluation of the educational system, the National Institute for Educational Evaluation (Instituto Nacional de Evaluación Educativa in Spanish, hereinafter INEE) was entrusted with this task, and the article that prevented the use of the results of the evaluations to establish individual student evaluations or classifications of the schools (art. 140.2) was eliminated.

Finally, in the Organic Law Amending the Organic Education Law (2020), the term quality appears forty-six times. The word quality is associated with the concept of equity, and with the participation and commitment of the educational community and society as a whole in the improvement of education. It is also associated with minimum basic training, and employment and social insertion.

As factors associated with quality, in relation to T-L, the following are included: teacher qualification and training, teamwork, resources, environmental and health conditions, research, experimentation and educational renewal, the promotion of reading and the use of libraries, pedagogical, organizational and managerial autonomy, leadership, educational and professional guidance, educational inspection and evaluation. The transfer of innovation and successful experiences will be promoted through agreements with professional associations or other institutions. It is proposed to promote quality actions based on analysis and management models, educational research and innovation groups, and the creation of unified bases of knowledge, evidence and good practices. With respect to students specifically, at the end of the second year of compulsory secondary education, students may be incorporated into a curricular diversification program or a basic grade training cycle, the successful completion of which will lead to a diploma to ensure that no student is left without a degree.

In respect to the autonomy of the schools, in addition to the provisions of the LOE, the text adds that they may implement experiments, educational programs, work plans, forms of organization, rules of coexistence or the extension of the school calendar or school timetable of areas or subjects, under the terms established by the Administration.

Related to student assessment, diagnostic evaluations will be carried out in the fourth year of primary education and in the second year of compulsory secondary education, with homogeneity criteria, based on methodological and scientific standards that guarantee the quality, validity and reliability of the evaluations. Following the analysis of the results, the

schools will develop quality improvement action plans to guide the teaching practice. The rule is that, in no case, the results of these evaluations may be used to make public individual student evaluations or to establish classifications of the schools is included again. Concerning the evaluation of the system, it will be applied to the teaching and learning processes and their results, to the educational context with special emphasis on the schooling and admission of students, to the educational resources, to the teaching function, to the management function, to the operation of the schools, to the inspection, and to the Administration themselves. It will be in the charge of INEE.

Table 3 summarizes the quantitative presence of the term quality in each of the educational laws discussed, as well as the main factors associated with quality in each of them.

Table 3. Presence of the Term Quality and Associated Factors in Spanish Educational Laws

Law	No. of References to the Term Quality	Factors Associated with Educational Quality
LGE (1970)	3	Updating and adaptation of content, new teaching techniques.
LOECE (1980)	2	Educational and professional orientation, experimental centers, autonomy as an adaptation of centers to the context.
LODE (1985)	8	The right to choose the center, academic freedom, participation in the general education program and in ensuring its fulfillment.
LOGSE (1990)	20	Reform and renovation of the educational system. Incorporation of active methodologies, compensation of inequalities. Pedagogical autonomy. Creation of National Institute for Quality and Evaluation.
LOPEG (1995)	19	Participation, governance of collegiate bodies, external and internal evaluations by National Institute for Quality and Evaluation.
LOCE (2002)	41	Results orientation, center responsibility for success, individual demands, diversity of trajectories. External tests for qualification and diagnostic tests by National Institute for the Evaluation and Quality of the Educational System.
LOE (2006)	64	Effort of the educational community and society, educational flexibility, compensation, recognition of schools that implement quality actions. External diagnostic tests.
LOMCE (2013)	47	Orientation to standards and learning outcomes, diversity of trajectories, external end-of-stage evaluations, creation of dual vocational training.
LOMLOE (2020)	46	Curricular diversification or basic vocational training for the incumbent, methodological standards, external diagnostic tests, application of analysis and quality management models.

Discussion

As shown in the results, the term quality appeared very rarely in the first educational laws. From the 1990s onwards, a quantitative leap in the presence of the term is seen with the enactment of Organic Law of General Organization of the Educational System (1990) and it begins to have more presence in legislative texts, coinciding with the global trend of seeking quality in education systems. In the 2000s, another large increase was recorded with Organic Law on the Quality of Education (2002) and Organic Law on Education (2006), where the frequency of its use reaches its highest point. This high use of the term corresponds to the strengthening of quality management in public institutions (Ruiz López & Cuellar Martín, 2014; Vega Cantor, 2014) and the beginning of privatization policies (Saura et al., 2022; Zancajo et al., 2022). Likewise, an indiscriminate use of the term is also appreciated, often used in a simplistic way and empty of meaning, as if only its use would ensure the success of the educational system (Biesta, 2019; Escudero Muñoz, 1999, 2003; Espinosa Gómez, 2020; H. A. Monarca, 2012; Santos Guerra, 1999; Viñao Frago, 2001). Finally, a slight decrease is highlighted in the last two laws that may be analyzed in subsequent studies, assuming that it is possible that it is due to a new global trend associated with the 2030 Agenda that incorporates new terminology (Negrín Medina & Marrero Galván, 2021; Sánchez-Santamaría et al., 2023).

The results of the study show that the factors associated with educational quality related to the teaching and learning process in the first laws (General Education Law, 1970; Organic Law Regulating the Statute of School Centers, 1980) are mainly related to the updating of content, teacher training, educational guidance and the implementation of educational innovations with the aim of modernizing the educational system (Merchán Iglesias, 2021).

For their part, the organic laws of 1985, 1990 and 1995 (namely, Organic Law Regulating the Right to Education, Organic Law of General Organization of the Educational System and Organic Law on the Participation, Evaluation and Governance of Educational Establishments) associate freedom of choice of the schools, participation of the educational community,

teacher training, and research and innovation as quality factors related to T-L. The last of the above laws, paid special attention to pedagogical renewal and promoted an attempt to change the educational model that placed the student at the center of the teaching process, as well as allowing the integration and contextualization of content (García, 2017; Martín Luengo, 2016; Torres Santomé, 2011).

With the arrival of the Organic Law on the Quality of Education (2002), the term quality associated with the T-L process begins to be strongly introduced in the educational discourse and is related to student effort, the diversity of trajectories for students, and the orientation of the system towards results, in which the schools appears to be responsible (Cabrera Montoya, 2016; Vega Cantor, 2014; Viñao Frago, 2016). The concept of competencies also appears, which has been maintained to this day in all subsequent laws. The reorganization of the education system around competencies led to certain changes in the curriculum, such as the reduction of the presence and importance of subjects that cannot be measured and have no direct link to the current labor market (Riádigos Mosquera, 2014, 2016).

Although there are differences between the laws and the factors associated with the educational quality of the T-L process, given the entry on the scene of the evaluation policies from the LOGSE, all will direct, to a greater or lesser extent, the gaze towards the results (Cabrera Montoya, 2016; Torres Santomé, 2011). This is going to bring about a transformation in the T-L processes (Díaz Palacios, 2013; Riádigos Mosquera, 2014, 2016; Torres Santomé, 2011; Viñao Frago, 2012a), giving rise to an educational model based on competencies and learning standards as dictated by the common European framework and the global economy (Álvarez-López & Matarranz, 2020; Apple, 2013; Cabrera Montoya, 2016; Díaz Palacios, 2013; García, 2017; Torres Santomé, 2011; Viñao Frago, 2012b).

Regarding the autonomy of the schools, the results obtained show that in the first laws, it was limited to a certain adaptation to the context, making possible the offer of optional subjects and the adaptation of the programs, methods and activities. With the enactment of the LOGSE, the organizational, management and pedagogical autonomy is consolidated, which increases considerably (Cabrera Montoya, 2016; Martín Luengo, 2016). As the autonomy of schools has increased, there has also been a decentralization of education by the State, giving more and more responsibility for school success to other agents, especially schools and their directors, as well as families and individual students (Cabrera Montoya, 2016; Vega Cantor, 2014; Viñao Frago, 2001, 2012a, 2012b), although it should be noted that the laws enacted from the political left recognize that school success does not depend solely on the individual effort of students.

From the LOCE onwards, all laws will link the autonomy of the schools to internal and external evaluations which, from the LOE onwards, will begin to be called accountability. It is going to allude, therefore, to the effectiveness and efficiency in the management of resources, transparency in their use and the assessment of the results achieved with them (Díez Gutiérrez, 2018; Fernández González & Monarca, 2017; Pagès & Prieto, 2020).

For evaluation, the results of this research indicate that all laws have advocated for the control and evaluation of the system. Since the LOGSE, an evaluative policy has been in place which will continue to be expanded in subsequent laws, and a specific body has been created for the evaluation of the system. This evaluation of the different elements of the educational system is related to the previously mentioned accountability and the new public management that affects public services in general and the education system in particular (Álvarez-López & Matarranz, 2020; Cabrera Montoya, 2016; H. Monarca & Fernández-González, 2018; Martín-Alonso et al., 2024; Parcerisa & Verger, 2022).

The body that the LOGSE created for this purpose, National Institute for Quality and Evaluation, has been changed in name and the term quality has been displaced from it (Cabrera Montoya, 2016). The following law, LOPEG, maintains the same denomination. With the LOCE enacted by the PP, the name is changed to National Institute for the Evaluation and Quality of the Educational System, where it is noted that the term evaluation precedes the term quality. The next reform, LOE, enacted by the PSOE, changes the name of this organization again, calling it Evaluation Institute, where the term quality disappears. Finally, LOMCE, enacted by the PP, names this body National Institute for Educational Evaluation, where the term quality continues to be absent. The current law, LOMLOE, maintains the same denomination as the previous law. The functions that each of the reforms have given to this agency are similar, based on the evaluation of the different elements of the educational system, with the main place being occupied by the evaluation of the teaching through the application of standardized tests directed to the student body (Cabrera Montoya, 2016; Torres Santomé, 2011). The main differences with this body have consisted in the use derived from the results of such tests. While the LOE and LOMLOE prevented the results from being used to establish individual student assessments or classifications of the schools, the LOMCE eliminates this limitation. All reforms also advocate for the creation of educational indexes derived from the results of the evaluation of the educational system.

The reforms implemented in 1985, 1990 and 1995, carried out by the socialist party (left wing), show continuity and have developed the educational policy for more than fifteen years. In these reforms, educational quality was associated with values related to the right and the guarantee of freedoms (freedom of choice of schools, chair, conscience), and equal opportunities, with the provision of resources for the public education system, the compensation of inequalities, and the European horizon as a goal to be pursued.

The reforms promoted in 2002 and 2013 by the popular party (right wing) are committed to the transmission of values in a transversal manner and emphasize raising educational levels, individual student effort, the promotion of excellence,

and the competitiveness of schools through their curricular specializations as a method for pursuing continuous improvement. They also make reference to the development of skills that favor economic development, such as entrepreneurship and creativity, positioning education as a clear factor of influence related to the economy (Díaz Palacios, 2013; Molina Pérez, 2017).

The 2006 and 2020 reforms, promoted by the left wing, aim to reduce the school dropout and failure rates by providing opportunities for all students to obtain, at least, the minimum qualification.

Despite the differences pointed out between the educational laws, there are certain common elements (Cabrera Montoya, 2016; Viñao Frago, 2012a). Before LOCE, the different laws mention that Spain is heading towards the common European framework but it is in this law where it is clearly stated that it responds to the demands of Europe, coinciding with the peak of the presence of the term quality in the text of the law, with the incorporation of quality management in public administrations (Ruiz López & Cuellar Martín, 2014; Vega Cantor, 2014). In LOE, it is mentioned that it is necessary to work along the lines of creating a knowledge economy, as established by the European Union. For its part, the LOMCE states that the reforms carried out are based on OECD recommendations and the results of the PISA Report, and LOMLOE refers here to the 2030 Agenda and the SDGs proposed by the United Nations. Therefore, as the data shows, since the enactment of LOCE, educational laws incorporate the discourse of quality, sponsored by international agencies, and materialize it in the various educational reforms (Álvarez-López & Matarranz, 2020; Caravaca et al., 2022; Colella & Díaz Salazar, 2017; Espinosa Gómez, 2020; Naidorf & Cuschnir, 2024; Parcerisa et al., 2020; Sjøberg, 2020; Teng et al., 2020; Vega Cantor, 2014).

Over the last twenty years, educational reforms also share other common features derived from the adoption of global policies such as the incorporation of evaluation policies and the creation of evaluation institutions (Álvarez-López & Matarranz, 2020; Matarranz García, 2021), the adoption of external standardized tests (Cabrera Montoya, 2016; Flórez Petour & Rozas Assael, 2020; Torres Santomé, 2011), accountability (Álvarez-López & Matarranz, 2020; Cabrera Montoya, 2016; Díez Gutiérrez, 2018; Fernández González & Monarca, 2017), the transfer of educational responsibility from the state to schools, families and students (Cabrera Montoya, 2016; Vega Cantor, 2014; Viñao Frago, 2001, 2012a, 2012b), mainly to schools and especially to their principals, and the incorporation of quality management models (Ayala Ato, 2021; Torres Santomé, 2011). It is, after all, an adaptation of educational systems to the capitalist economic model, with the consequent dismantling of the welfare state (Apple et al., 2022; Díez-Gutiérrez, 2022). It is about ceding educational management to the private sector (Falabella, 2021), giving rise to what is known today as hybrid governance (Díez-Gutiérrez, 2020) and a new school reality or performativity (Ball, 2022).

Another element shared by the reforms enacted during the last twenty years is the incorporation of terminology from the economic world (Molina Pérez, 2017), especially LOCE and LOMCE. The terms are transparency, quality assurance, competitiveness, results orientation, entrepreneurship, competencies, external evaluations, excellence, indicators, analysis and management models, knowledge economy, standards and assessable learning outcomes, comparability, accountability, added value, employability, OECD, and supranational entities.

Both the discourse of educational quality and the package of measures that have been implemented under its name in school systems have provoked numerous forms of resistance around the world (Fernández González, 2017; H. Monarca & Fernández-González, 2018; Parcerisa et al., 2022). In addition, various authors have questioned the neoliberal meaning that has been imposed on the term quality (Biesta, 2019; Colella & Díaz Salazar, 2017; Escudero Muñoz, 1999, 2003, 2014; Espinosa Gómez, 2020; Santos Guerra, 1999; Torres Santomé, 2011), as well as the hegemony of the global educational model generated (Apple, 2013; Cabrera Montoya, 2016; Molina Pérez, 2017). In the same way, the privatizing measures that have been produced in its name have been rejected, both those that operate by externalizing services of the public education system or allowing the presence of non-state agents in it (Caravaca et al., 2022; Díez-Gutiérrez, 2022; Saura et al., 2022; Zancajo et al., 2022) and those that operate on the internal functioning of the schools. Within the latter, the literature has long been paying attention to the pernicious effects caused by the so-called educational market or quasi-market (Viñao Frago, 2012a, 2012b), the so-called New Public Management that implies that the school functions as a business (Díez-Gutiérrez, 2020; Parcerisa & Verger, 2022), accountability mechanisms and standardized tests (Falabella, 2021; Flórez Petour & Rozas Assael, 2020; López Bertomeo & González Olivares, 2018; H. Monarca, 2020; H. A. Monarca, 2012; Pagès & Prieto, 2020) as well as the changes that all this provokes in the lives of professionals and students, known as performativity (Ball, 2022; Martín-Alonso et al., 2024).

Conclusion

Taking into account the results obtained in this study as well as the analysis carried out, it can be concluded that concerning the presence and recurrence of the term 'quality' in each of the laws (objective 1), there has been a gradual increase in the presence of the term in Spanish educational laws, reaching its highest point in the 2000s. This is consistent with the introduction of the New Public Management in the public sector and continuing the global educational policy trend. Likewise, there is a decrease in the use of the term in the latest laws, possibly as a result of the entry onto the scene of new terms coming from the global Agenda 2030, a question that remains pending for future lines of research.

Concerning objective 2, consisting of identifying which factors are associated with educational quality in the laws, it is associated with concepts such as pedagogical renovation, participation, compensation of inequalities, process-oriented actions, and being regarded as a tool for internal improvement. On the other hand, it is associated with measurement standards, criteria, objectives, individual effort, the diversity of student trajectories, results-oriented actions, and as a tool for control and accountability. This fluctuation in the factors associated with educational quality shows that there is no common framework for educational quality, although there are certain common elements across the educational laws, especially in those enacted over the last twenty years. These common features are the implementation of policies sponsored by macroeconomic agencies, the adoption of evaluation policies, the creation of evaluation institutions, the adoption of external standardized tests, accountability, and the transfer of educational responsibility from the state to schools, families, and students.

Recommendations

In terms of research, the value and need to address studies on educational quality is unquestionable, as this will provide a more appropriate response to the SDG, "quality education". Only through the development of research on the subject will it be possible to obtain information that will help to achieve this goal, which is to have a quality education system for all. In this sense, for future research, it would be convenient to deepen the analysis of the concept of quality and broaden the view by analyzing not only the organic laws but also their subsequent development, focus the study on one of the specific aspects linked to quality (autonomy, values, evaluation, etc.) or carry out comparative studies.

Furthermore, the findings show that, as the literature emphasizes, there is no single way of understanding quality (Fredua-Kwarteng, 2016; Posca Cohen, 2024), which is why it is a term that continues to be disputed to this day (H. Monarca et al., 2024). In this sense, several authors advocate reconceptualizing the term to construct an alternative meaning that moves away from its eminently neoliberal vision (Álvarez-López & Matarranz, 2020; Espinosa Gómez, 2020; H. Monarca & Fernández-González, 2018).

On the other hand, the questioning of the current educational and social model is on the rise due to the social and economic inequality it generates, leading to the exploration of new ways to reimagine education for democracy (Apple et al., 2022). Specifically, in the Spanish context, there continues to be a call for a political consensus leading to a state agreement for education in order to avoid the constant fluctuation of educational measures and ensure continuity to achieve quality results and equity for all (Cámara Villar, 2007; De Puelles Benítez, 2017).

Limitations

The present paper offers a significant contribution in providing a general and updated overview of the evolution of the concept of quality in the Spanish educational laws of the last fifty years. In this way it offers research on a topic of relevance for which there is little literature up-to-date. However, as a limitation, it should be pointed out that only Organic Laws have been analyzed, but not their subsequent deployment in lower-ranking legislation, such as Royal Decrees, Decrees, Ministerial Orders, etc. Therefore, as a limitation, it can be pointed out that the article presents a quality analysis in its broader conceptualization, which is the one offered by laws of higher rank.

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