

## OFFICIAL LANGUAGES IN THE SPANISH EDUCATION SYSTEM (2005)

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The 1978 Spanish Constitution stipulates that Castilian Spanish is the official State language and all citizens have the duty to know it. In certain Autonomous Communities (ACs), their Statutes of Autonomy allow for the use of another language, known as the AC's vernacular language, which also has the status of an official language, as well as Castilian Spanish.

Indeed, the ACs of the Basque Country, Catalonia, Galicia, Balearic Islands, Navarre and Valencia took on prerogatives related with their own languages, including the incorporation of their languages into teaching and the education system. Furthermore, there are other non-official minority languages that are protected in the Statutes of Autonomy, whose legal framework varies from the main body of the law, such as Bable in Asturias, Aranés in Catalonia and Aragon's vernacular languages and dialects.

With regard to the particular or co-official languages, their presence in the education system and also their use in the classroom for the teaching and learning processes has been a major factor in the promotion and recovery of these languages and in their being considered as an enriching element of the Spanish cultural heritage.

The State establishes the minimum syllabus in all other areas or subjects, but with the AC vernacular languages it limits itself to determining at the various educational levels the obligation for the vernacular language to be learnt by the end of secondary education. Therefore, pupils are obliged by the State to know how to speak both languages, although the syllabuses of the AC vernacular languages are approved by the various educational Administrations at the general stages and levels of the system.

In the ACs with a vernacular language, the teaching time devoted to the basic syllabus amounts to 55% of the total teaching time, and this percentage rises to 65% in Communities without a vernacular language. The 10% difference is devoted, among other subjects, to the teaching of the language and study of the literature of the Community, and thus the syllabus for these subjects is controlled by the respective ACs.

Thus Castilian Spanish is used as the working language in the education system, except in those Autonomous Communities which, as will be explained in more detail later, have applied language criteria based on the Community's vernacular language, or mixed schemes in which Castilian Spanish is used as well as the vernacular language. *Castilian Spanish Language and Literature* is an area or subject that is taught at all levels and stages of the overall syllabus in the Spanish education system, except in Vocational Training.

### **2. The teaching of vernacular or co-official languages in the ACs. Immersion system, bilingual system and mixed system.**

#### **2.1 The language immersion system.**

In the ACs of Catalonia, the Balearic Islands and Galicia, there are no separate classrooms or schools depending on language. In these ACs, the vernacular language is the working or

common language in teaching, although by the end of compulsory education all students are required to use both languages properly in order to obtain the relevant qualifications.

There are various degrees of implantation of language immersion, from the most absolute, which is applied in the AC of Catalonia where the right to choose to be educated in one's mother tongue only exists in early primary school, to the more gradual degree currently applying to the AC of Galicia.

In the Autonomous Community of Catalonia, specifically, *The Catalan Parliament's Act 1/1998 of 7<sup>th</sup> January, concerning Language Policy*, which repealed Act 7/1983 concerning the standardisation of the use of Catalan, stipulates that Catalan is the normal working language in the education system. All areas and subjects, except for Castilian Spanish Language and Literature, are to be taught in Catalan, and it is also the working language for schools' internal and external communication. As well as the use of Catalan as a working language, students are required to take *Catalan Language and Literature* as a compulsory syllabus subject.

Students must be able to speak and write the two official languages correctly before completing compulsory education. The teaching staff must also have full command of the two languages in order to carry out their teaching duties.

In the Autonomous Community of the Balearic Islands, *Act 3/1986 (of the Balearic Parliament) of 19<sup>th</sup> April concerning Language Standardisation* stated that *Catalan* was to be an official language at all levels, grades and modes in the education system, with at least the same number of hours being devoted to Catalan as to Castilian Spanish.

The Act regulated the use of Catalan in educational establishments, stating that it was the working language, with its progressive implantation set out in each establishment's Language Programme, to be complied with within four years.

This Language Programme, which had to be approved by the educational establishments, stated which language was to be used at each level or stage of the system in the various areas and subjects, without prejudice to what had been laid down for certain specific areas.

The Act also regulated knowledge of Catalan by the teachers within the territory of the Autonomous Community, and called for *knowledge of Catalan and Castilian Spanish* by teachers exercising their activity in private as well as public establishments, with a deadline of 31<sup>st</sup> August 2002 for teachers who did not have command of both languages to undergo the appropriate retraining courses.

In the Autonomous Community of Galicia, Paragraph III of the Galician Parliament's *Act 3/1983 of 15<sup>th</sup> June concerning Language Standardisation* regulated the use of Galician in education, establishing as an objective the students' oral and written mastery of *Castilian Spanish* as well as *Galician* by the end of their compulsory education.

This Act went on to regulate in detail the use of Galician at the various levels and stages of the education system. In infant and early primary education, the language used in the education system was to be the one spoken by the majority of pupils. For the remaining levels and stages, a mixed system was established, based on the use of the two languages in the various curriculum areas. The Act established the areas in which Galician was to be

used. In the remaining areas and subjects, the language to be used was determined in each establishment's Education Programme.

Furthermore, Galician was established as the language of preference in the establishment's internal and external communications and in the drafting of the relevant academic documents.

As in the other Communities with two official languages, the school syllabus in the Community of Galicia included Galician Language and Literature.

## **2.2 Bilingual system.**

In the Autonomous Communities of the Basque Country and Navarre, the teaching of the two co-official languages is basically split up into three models which are, in the case of Navarre, linked to the areas in which one language or the other is predominant.

In the Autonomous Community of the Basque Country, the language models applied in public and private schools are, in accordance with the stipulations of Act 1/1993 of 19<sup>th</sup> February, concerning the Basque Public School system, as follows:

- a) Model A in which the syllabus is taught basically in Castilian Spanish, although certain activities and topics may be taught in Basque.
- b) Model B in which the syllabus is taught in Basque and *Castilian Spanish*.
- c) Model D in which the syllabus is taught in Basque.

In the three models, Castilian Spanish Language and Literature, Basque Language and Literature and modern languages is taught mainly in these respective languages. In Infant and compulsory education, the three language models are applied. In tertiary education only models A and D are offered.

In addition, Act 2/1993 of 19<sup>th</sup> February, concerning Non-University Teaching Staff, stipulated that educational situations vacant advertisements are required to state the language profile assigned to each post, with two language profiles established for teaching staff: PL1 for posts that do not involve Basque, either as a subject or as a medium and PL2 for posts that do involve Basque.

The Community of Navarre, as laid down in *Act 18/1986 of 15<sup>th</sup> December, concerning Basque*, is divided into three zones for linguistic purposes; the Basque-speaking zone, the non-Basque-speaking zone, and the mixed zone. In establishments situated in the Basque-speaking zone, classes are conducted in the official language that the students or their legal representatives choose; students are required to have sufficient mastery of the two languages by the end of their compulsory education, although they may be exempt from learning Basque if they began their education in a different language zone. In these establishments, students are required to take *Basque Language and Literature* as a subject.

In the mixed zone, the incorporation of Basque into the education system is a gradual process, through the setting up of syllabuses in this language in educational establishments for any students that request this.

In the Castilian Spanish-speaking zone, the teaching of Basque is implanted and supported by the public authorities in accordance with any demand that may exist.

In the Community of Navarre four models were established: Model A: teaching in Castilian Spanish with Basque as a subject; Model B: teaching of most subjects in Basque and the rest in Castilian Spanish; Model D: teaching in Basque with Castilian Spanish as a subject and Model E: teaching in Castilian Spanish.

### **2.3.- Mixed system**

This is found basically in the Community of Valencia, where there are two distinct language zones. One includes municipalities in which Valencian is the majority language, and the other municipalities where the predominant language is Castilian Spanish, and there are three types of syllabus in educational establishments. The Syllabuses, which must feature in each establishment's Educational Programme are: *Valencian Language Syllabus*, *Language Immersion Syllabuses* and *Progressive Incorporation Syllabuses*.

In the Community of Valencia, the use and teaching of Valencian was regulated in Valencian Parliament Act 4/1983 of 23<sup>rd</sup> November, which established that the two languages were required to be taught at the various stages and levels of compulsory education. However, in the zones where Castilian Spanish was the predominant language, Valencian was to be introduced gradually and the students' parents and guardians could opt out of the teaching of Valencian. On the other hand, in the areas where Valencian is the predominant language, this exemption can only be granted on a case-by-case basis if it is shown that the student is temporarily resident in the area. The teaching staff are required to speak both official languages in order to carry out their duties, although this requirement is conditioned by the academic situations vacant advertisements and any transitory periods that may be determined in each case.

### **3.- Constitutional Case-Law concerning the language immersion and bilingual systems.**

Constitutional Tribunal Judgement 337/1994 has declared that the Catalan Parliament Act 7/1983 of 18<sup>th</sup> April, concerning Language Standardisation in Catalonia, and therefore the system known as language immersion with no streaming of students for language reasons in establishments, groups or classes, complies with the Constitution, as does the bilingual education system established in the regulations laid down by the Basque Country based on the choice of co-official language to be taught in, in Tribunal Judgement 82/1986.

Specifically, with regard to the language immersion system over the issue of non-compliance with the Constitution raised by the Third Division of the Supreme Court regarding articles 14.2, 14.4, 15 (sub-paragraph one) and 20 of the Catalan Parliament Act 7/1983 of 18<sup>th</sup> April concerning Language Standardisation in Catalonia, the Constitutional Tribunal stated that:

*“Firstly, the Autonomous Administration must adopt, while complying with the basic legislation of the State, suitable measures for “the Catalan language to be used progressively as all students come to master it” [art. 14.4 b)]; this progressive aspect is*

also to be found in other stipulations of Catalan Act 7/1983 of 18<sup>th</sup> April. Secondly, this stipulation attempts to reach a balance with regard to the results of the teaching of both languages, corresponding to the mandate in art 3.3 of the Statute of Autonomy of Catalonia, and the guaranteeing of the “regulatory and official use of Catalan and Castilian Spanish” (art. 1.1), as both languages “are required to be taught at all levels and grades of non-university education” and all students “whatever their habitual language when beginning education, must be able to use Catalan and Castilian Spanish normally and correctly by the time they complete their basic studies” (Legal Ground 7).

The Tribunal later added .....the central issue arising here lies in determining whether art. 27 of the Spanish Constitution (SC), either in itself or in conjunction with art. 3 of the SC gives rise to the right of parents and, if applicable, their children to receive their education in the Community of Catalonia in “their habitual language, whether it be Catalan or Castilian Spanish, beyond their ‘early education’ (art. 14.2 of Act 7/1983 of 18<sup>th</sup> April, the subject of the dispute, states that “... Children have the right to be taught, in their early education, in their habitual language, whether it be Catalan or Castilian Spanish. The Administration shall guarantee this right and take all necessary measures to put it into practice. Parents or guardians may exercise this right in the name of their children by requiring that it be applied”). This right would involve the voluntary exclusion of one of the two co-official languages as a teaching language”<sup>1</sup> (Legal Ground 9).

In this respect, the Tribunal specified that “the content of the constitutional obligation to speak Castilian Spanish cannot generate an aspired right to be educated solely and exclusively in Castilian Spanish. Such a right does not follow from art. 3 of the Spanish Constitution or from art. 3.3 of the Catalan Statute of Autonomy which refers to art. 3.2 of the SC... As we have said, no doubt can be placed on the constitutional legitimacy of an education in which the working language is the vernacular language of the Autonomous Community, and co-official language in its territory together with Castilian Spanish (Constitutional Tribunal Judgement 137/1986, legal ground 1), as this is a consequence of art. 3 of the SC and what is laid down in the respective Statute of Autonomy. Although this doctrine is founded for a bilingual model of education based on the choice of co-official language in which it is received – as in the case of the Basque Country – it is equally applicable to a model based on the conjunction of both co-official languages, such as the one instigated by Catalan Parliament Act 7/1983.

Furthermore, from the perspective of art. 27 SC also, one is led to conclude that neither the content of the constitutional right to education, acknowledged in the said stipulation, nor, particularly, sections 2, 5 and 7 of the article, lead to the right to receive education in only one of the two co-official languages in the Autonomous Community, to be chosen by the interested parties. The right of everyone to education, it should be remembered, is exercised within the framework of an education system in which the public authorities – that is to say, the State through basic legislation and the Autonomous Communities within the framework of their prerogatives in this matter – determine the syllabuses of the various levels, stages, cycles and grades of education, the minimum skills to be learnt by the students and the specific areas or subjects to be studied, and they organise the putting into practice of these syllabuses in the various educational establishments; thus education is, in general terms, a regulated activity. This is why the right to education guaranteed by the Constitution means that the public authorities’ provision of education cannot be conditioned by the interested parties’ choice of language to be educated in. And this is also why the public authorities – the State and the Autonomous Community – are authorised to

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<sup>1</sup> Judgement 1062/2004 of the Catalan High Court of Justice has specified the scope of early education as being equivalent to infant education and the first cycle of primary education.

*determine the use of the two co-official languages in an Autonomous Community as working languages in education, in accordance with the ratio of prerogative in educational matters (Legal Ground 9).*

Thus, the Autonomous Community institutions, as part of their prerogative with regard to education as established in arts. 149.1.30 of the Spanish Constitution and 15 of the Catalan Statute of Autonomy, have been able to establish, in Act 7/1983 of 18<sup>th</sup> April, in their development of the basic State legislation, an educational regime in which Catalan and Castilian Spanish are not only subjects to be studied but also the working language at the various levels of education. The purpose of this, as has been stated previously, is that “all children in Catalonia, whatever their habitual language when beginning education, must be able to use Catalan and Castilian Spanish normally and correctly by the time they complete their basic studies” (as stated in art. 14.4 of the Act). This conjoint language model, arising from Catalan Parliament Act 7/1983, is constitutionally legitimate (Legal Ground 10).

Following this Constitutional Tribunal ruling, the Autonomous Community of Catalonia passed a new Language Policy Act, Act 1/1998 of 7<sup>th</sup> January, whose articles 20.1 and 21 sections 2, 3 and 6 included stipulations that were identical or very similar to those contained in articles 14 and 20 of Act 7/1983, the subject of the Constitutional dispute.