

LA FUNCIÓN DIRECTIVA EN LOS CENTROS SOSTENIDOS CON FONDOS PÚBLICOS.

THE MANAGEMENT FUNCTION IN SUBSIDISED SCHOOLS.

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Resumen

En este artículo se presenta la investigación que se ha llevado a cabo sobre la función directiva de los centros privados sostenidos con fondos públicos y cómo influye en su estructura la financiación pública que reciben.

Los fondos públicos con los que se sostienen los centros privados concertados incluyen, entre otros aspectos, la financiación de la función directiva. En esta investigación se realiza un análisis de la normativa educativa y presupuestaria relacionada con la dirección de estos centros, incluyendo el procedimiento de nombramiento y cese de los directores, las diferencias que existen con el procedimiento aplicado en los centros públicos, y las distintas estructuras directivas que podemos encontrar. El estudio de la financiación pública de la función directiva en cinco Comunidades Autónomas nos va a permitir extraer conclusiones de las distintas situaciones que podemos encontrar.

La figura del *secretario docente*, claramente definida en los centros públicos como parte del equipo directivo, no está contemplada en la normativa específica de los centros concertados. Esta es una cuestión que revisaremos detenidamente por la relevancia que tiene en lo que respecta a la firma de documentos oficiales de evaluación.

Las estructuras directivas de los centros concertados y su forma de financiación deben ser conocidas por la Inspección Educativa, para poder realizar una supervisión adecuada y así poder garantizar que se imparte una educación gratuita, de calidad y ajustada a los currículos oficiales y a la normativa vigente.

Palabras clave: *Director, función directiva, equipo directivo, centros concertados, financiación de la educación, nómina de pago delegado.*

Abstract

This article presents the research that has been carried out on the management function of subsidised schools and how the public financing they receive influences their structure.

Public funds that support private subsidised schools include, among other aspects, the financing of the management function. In this research, an analysis is carried out on the educational and budgetary regulations related to the management of these schools, including the appointment and dismissal procedures of directors, the differences with the procedures applied in public schools, and the different management structures that can be found. The study of public financing of the management function in five Autonomous Communities will allow us to draw conclusions about the different situations we may encounter.

The figure of the *academic secretary*, clearly defined in public schools as part of the management team, is not contemplated in the specific regulations of

subsidised schools. This is an issue that we will review carefully due to its relevance concerning the signing of official evaluation documents.

The management structures of subsidised schools and their form of financing must be known by the Educational Inspection to carry out adequate supervision and thus ensure that free, quality education is provided, adjusted to official curricula and current regulations.

Keywords: *Director, management function, management team, subsidised schools, education financing, delegated payroll.*

INTRODUCTION.

The leadership of educational institutions requires effective, efficient and quality management, so that its strength is manifested in the ability to develop a new culture derived from the mission and vision of the organisation, in the exercise of educational leadership adapted to its context, and in its commitment to assume new functions of *modern management* related to interpersonal, informational and decision-making factors (Fernández Díaz, 2007). In educational regulations, we can find many differences between the management function in public and private schools, and in the latter, there are important differential characteristics that must be taken into account in the case of subsidised schools.

The purpose of this research is to study *the management function of publicly funded private schools and how the public funding they receive influences their organisation*.

We have used the technique of hemerographic research centred on the analysis, comparison and triangulation of the regulations governing the management function in general, and those specifically regulating its characteristics, structure and funding in publicly funded private schools, both at national and regional level.

This research is based on an analysis of the legal concept of the *private subsidised school*, knowledge of which is necessary to understand how the management function is organised and exercised in these schools, also taking into account the regulatory changes that have taken place in recent years and the significant differences that exist with public schools. Based on the state and regional regulations analysed, a series of graphs, charts and tables have been designed to clarify the information and help in the study.

Following the preparation of the corresponding newspaper articles, we present here the results obtained from the analysis of the financing of the management function in grant-aided schools in a sample of five autonomous communities selected for their different educational contexts and approaches, which will help us to understand the different management structures that can be found in publicly funded schools in Spain, and how the financing received can influence this structure.

Many authors have researched and analysed the management function in schools from various points of view: leadership, the process of selection and appointment of school heads, their functions, powers and competences, the challenges they have to face, ...¹ In this research we want to go a step further, going deeper into this other factor (*public funding*) that can influence the way in which school management is exercised in private publicly funded schools, and analysing whether it can condition their teaching management structure or the organisation of the educational care of pupils within the stages subject to the agreement.

The role of the Education Inspectorate is fundamental in the supervision of the management function and the organisation of the education provided in publicly-funded schools; this supervision must be carried out in accordance with both the specific regulations governing this type of school and the management and organisational structure determined by the school's governing body. The control and mastery of all the factors that have a direct impact on these issues will contribute to the better performance of Educational Inspectors and, therefore, will result in an improvement of the education system.

1. THE LEGAL CONCEPT OF " SUBSIDISED PRIVATE SCHOOL".

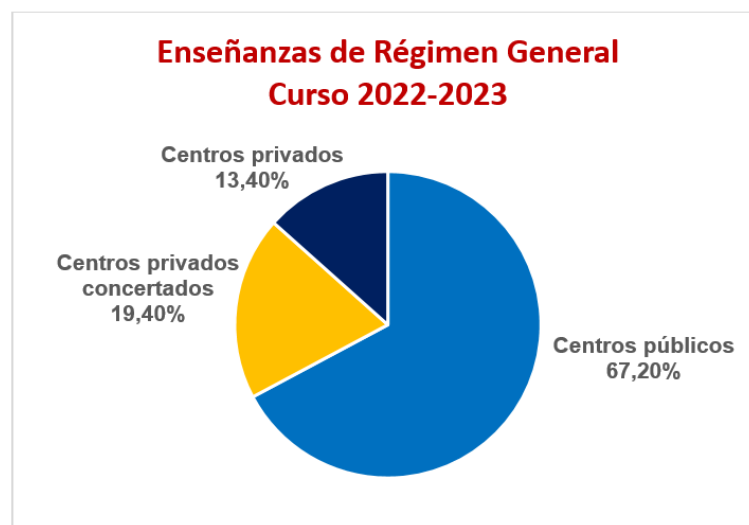
Our legal system contemplates the provision of educational services through public, private and subsidised private schools (Galicia Mangas, 2016). The

¹ See the "References" section at the end of this publication.

public education service is provided through public schools and subsidised private schools² supported with public funds, something that Martínez Blanco (2004, p. 299) has already highlighted as a *contradictory* concept at first sight, but which has its *raison d'être* in the fact that education is free of charge. These "private" schools are situated within the *public-private* dichotomy associated with the nature of their owner.³

Subsidised private schools are considered to be those which have signed agreements with the education authorities for all or part of the education provided. Also included in this category is the first cycle of Pre-school Education which is subsidised by means of an agreement (Consejo Escolar del Estado, 2024, p. 343).

Graph 1. Typology of educational establishments providing general education in the academic year 2022-2023.



² See article 108.4 of Organic Law 2/2006 of 3 May on Education (LOE).

³ The nature of the owner of educational institutions is defined in Article 108, paragraphs 2 and 3, of Organic Law 2/2006 of 3 May on Education (LOE): '2. 3. *Private schools are those owned by a private natural or legal person, and subsidised private schools are those private schools that are covered by the legally established system of subsidised education*'. As can be seen, subsidised private schools are not distinguished from private (non-subsidised) schools by the nature of their owner (which is the same), but by the type of public funding they receive through the system of grants.

Source: *Informe 2024 sobre el estado del sistema educativo (2024 Report on the State of the Education System)*.⁴

Schools that enter the system of subsidised education must formalise the corresponding agreement with the relevant educational administration⁵, the legal nature of which, according to Martínez Blanco (2004, p. 300), is that of a contract of adhesion whereby the State establishes the basic rules and reciprocal rights and obligations, with a triple connotation: to collaborate in the provision of the public education service, without losing its nature as a privately owned school, but retaining much of the broad autonomy enjoyed by private, non-subsidised schools. However, as it is funded by the public administration, the school must be subject, on the one hand, to external control by the public administration, with the participation of the Education Inspectorate and audits by the Treasury Inspectorate, and, on the other, to internal control and management by the educational community through the School Council (Centeno, 2013).

López Tapia (2013) analysed the obligations of the owner of a private school when formalising an educational agreement, as opposed to the obligations of public authorities in general, and of educational administrations in particular. Currently, the most relevant obligations of the owner of a subsidised private school are:

- a) The free provision of the education covered by the agreement, in accordance with the corresponding syllabuses and curricula and subject to the academic regulations in force.
- b) The non-profit nature of complementary school activities, extracurricular activities and complementary services.

⁴ The State School Council prepares, approves and makes public each academic year the report on the state of the education system. The latest available publication from which the data shown in Graph 1 have been extracted is the [Informe 2024 sobre el estado del sistema educativo. Curso 2022-2023](#) (p. 345).

⁵ See article 116.1 of the Organic Law 2/2006 of 3 May on Education (LOE).

c) The application of the criteria established in the admission processes for students⁶, guaranteeing equal access and freedom of choice of school for parents or legal guardians, avoiding the segregation of students for socio-economic or other reasons, and ensuring an adequate and balanced distribution among the different schools of students with specific educational support needs.

d) The incorporation of a certain system of participation based on the school council of the centre.

e) The delegation of the payment of salaries (*delegated payment*) of teaching staff to the educational administration, whose teaching activities will be provided at the levels of education covered by the agreement.

f) Submission to financial control of the public funds received by the centre.

g) Compliance with all other obligations included in the LOE, in Title IV of the LODE, in the Regulations on Basic Standards for Educational Agreements⁷, and in its implementing regulations.

The public administration undertakes the following basic commitments with the owners of the subsidised private schools:

a) To pay the cost of providing free education to the centres.

b) To recognise the tax and non-fiscal benefits of charitable organisations for the subsidised centres.

c) To take into account the offer of subsidised centres in the definition of the teaching programme.

Access to the system of subsidised schools is a voluntary act exercised by the ownership of the private school, renouncing part of the organisational and

⁶ Admission of pupils of Organic Law 2/2006 of 3 May on Education (LOE).

⁷ Royal Decree 2377/1985 of 18 December 1985, approving the Regulations on Basic Rules on Educational Agreements.

management autonomy that the law confers on them⁸, and prioritising a public service approach over other business objectives typical of private companies.

2. THE MANAGEMENT FUNCTION IN SUBSIDISED PRIVATE SCHOOLS.

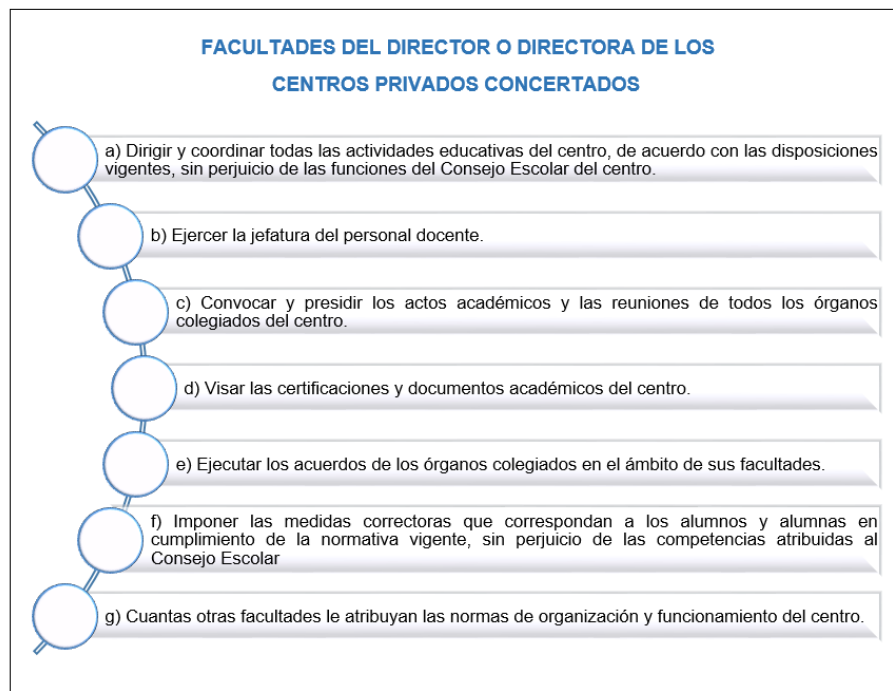
The system of subsidised private education was consolidated in Spain with the publication of Organic Law 8/1985, of 3 July 1985, regulating the Right to Education (LODE), which remains in force after having been updated by the various education laws enacted subsequently. Currently, Organic Law 2/2006, of 3 May, on Education (LOE) dedicates Chapter IV of Title IV to subsidised private schools, indicating, among other matters, that it is up to the Government to establish the basic aspects to which subsidised private schools must be subject, among which are those referring to the constitution of the School Council of the school and the procedure for appointing the headmaster or headmistress. Article fifty-four of the LODE specifies that one of the bodies that must exist in subsidised schools is the school head⁹, as well as describing their competences and powers.

*Table 1: Powers of the school head
of subsidised private schools¹⁰*

⁸ See article twenty-five of Organic Law 8/1985 of 3 July 1985 on the Right to Education (LODE).

⁹ See article fifty-four, paragraph 1, of Organic Law 8/1985, of 3 July 1985, regulating the Right to Education (LODE): 1.

¹⁰ See article fifty-four, paragraph 2, of Organic Law 8/1985, of 3 July, regulating the Right to Education (LODE).



*Source: Prepared by the authors on the basis of
Article fifty-four, paragraph 2, of the LODE.*

Given that, in addition to the head teacher, only the teaching staff and the school council are established as mandatory bodies, the LODE grants full autonomy to subsidised schools to determine internally, and always through their internal regulations¹¹, the rest of the governing bodies, both individual and collective¹². The education authorities retain the power to provide that publicly funded schools with more than one level or stage have a single director, school council and teaching staff committee for the whole school¹³. However, until such time as this is regulated in this sense, the school's owner may decide whether to

¹¹ The reference to "Internal Regulations" in subsidised private schools is still valid in the current wording of the LODE, following the amendment made by Organic Law 3/2020 of 29 December amending Organic Law 2/2006 of 3 May on Education (LOMLOE). Although article 124 of the LOE, in its current wording, establishes the existence in all schools of "Norms of organisation, functioning and coexistence", there is nothing to prevent these rules in state-subsidised schools, and according to the LODE, from continuing to be called "Internal Regulations".

¹² See article fifty-four, paragraph 3, of Organic Law 8/1985 of 3 July 1985, regulating the Right to Education (LODE).

¹³ See article fifty-four, paragraph 4, of Organic Law 8/1985 of 3 July 1985, regulating the Right to Education (LODE).

have a single head teacher for the whole school, or whether, on the contrary, a head teacher is appointed for each of the stages, or group of stages, which are the object of the agreement.

The effective free education in subsidised schools is guaranteed through the public funds allocated to these schools, the framework of which is established annually in the General State Budget, and the Autonomous Communities may not allocate less than the amount established by the State for the maintenance of these schools. The Organic Law on Education itself sets out the issues that must be taken into account when the State and the Autonomous Communities budget annually for the economic module corresponding to the maintenance of subsidised schools, in order to guarantee that the education they provide is free of charge.¹⁴

Table 2: Financial module for the maintenance of subsidised private schools



Source: Prepared by the authors on the basis of article 117(3) of the LOE.

The amounts budgeted annually within the economic module for the maintenance of subsidised private schools will be set according to criteria similar

¹⁴ See article 117. Concert modules, of Organic Law 2/2006 of 3 May on Education (LOE).

to those applied to public schools, and are divided into three clearly differentiated items for each of the levels and educational modalities subsidised:

- Teaching staff salaries, including social charges.
- Variable costs.
- Other expenses

We note that among the issues included among the elements subject to subsidy with public funds is the exercise of the teaching management function, and the LOE indicates that, in addition, those derived from the exercise of the non-teaching management function may also be considered within the educational agreement.¹⁵

In the *Presupuestos Generales del Estado* (General State Budget)¹⁶, Annex IV is devoted to establishing the distribution of the overall amount of public funds earmarked for the support of subsidised schools. The Autonomous Communities may adapt the modules set out in the aforementioned annex to the requirements derived from the curriculum established for each of the courses, provided that this does not entail a reduction in the amounts of these modules in any of the amounts in which they are differentiated. In order to comply with the provisions of Organic Law 2/2006, of 3 May, on Education, modified by Organic Law 3/2020, of 29 December, the obligation is established to provide state-subsidised centres, under the headings of "other expenses" and "variable expenses", with economic and professional compensation for the exercise of the management function, although neither the amounts nor the management figures that the Autonomous Communities may include within this economic module are expressly established.

On the other hand, we must take into account the Collective Agreement for private education companies supported totally or partially with public funds that is in force at any given time, whose main objective is to regulate the working

¹⁵ *Concert modules*, of Organic Law 2/2006 of 3 May on Education (LOE).

¹⁶ Law 31/2022 of 23 December on the General State Budget for the year 2023, currently extended.

conditions of the workers in this sector, both teachers and non-teaching staff, which must be respected by the owning entity as the employer. Currently, the 7th Collective Bargaining Agreement for private education companies supported in whole or in part by public funds, registered and published by the Resolution of 15 September 2021 of the Directorate General for Labour, which was due to expire on 31 December 2024, has been extended until 31 December 2025¹⁷. The Collective Agreement must comply with the precepts established by the State for teaching staff at publicly funded levels, whereby the salaries of this staff will be revised annually and set in accordance with the percentage variation appearing in the General State Budget for each financial year, with the payment of these salaries corresponding to the competent educational administration as a delegated payment and on behalf of the entity owning the centre.¹⁸

Recognising the autonomy that the LODE grants to grant-aided schools to decide on their single-person governing bodies, the Collective Agreement determines 4 professional groups into which the staff of all subsidised private schools are divided:

- Group 1: Teaching staff.
- Group 2: Administration Staff.
- Group 3: Service Staff.
- Group 4: Complementary Qualified Staff.

Group 1 includes the following functional-managerial-temporary categories: Headteacher, Deputy Headteacher, Head of Studies and Head of Department; these categories are specified in ANNEX III *Definitions of categories of professional groups and sub-groups and equivalences of the Collective Agreement*.

¹⁷ [Signed agreement on the extension of the VII Convenio de Concertada](#).

¹⁸ See article 4 of the VII "Convenio colectivo de empresas de enseñanza privada sostenidas total o parcialmente con fondos públicos", registered and published by Resolution of 15 September 2021, of the Directorate General of Labour, and article 34.1 of Royal Decree 2377/1985, of 18 December, approving the "Reglamento de Normas Básicas sobre Conciertos Educativos".

Table 3: Temporary functional-directive categories included in the 7th Collective Agreement for private education institutions wholly or partly supported with public funds

DIRECTOR Es quien, en posesión de la titulación adecuada, es designado por el empresario o elegido a tenor de lo establecido en la legislación vigente, dirige, orienta y supervisa las actividades educativas. Igualmente, realiza aquellas otras funciones que le sean encomendadas.	SUBDIRECTOR Es quien, en posesión de la titulación adecuada, es designado por el empresario, auxilia al Director y lo sustituye, en caso necesario.
JEFE DE ESTUDIOS Es quien, en posesión de la titulación adecuada, es designado por el empresario, responde del desarrollo del cuadro pedagógico de la empresa educativa y de aquellas otras funciones que le sean encomendadas.	JEFE DE DEPARTAMENTO Es el Profesor designado por el empresario, que dirige y coordina la investigación, programación y enseñanza de las disciplinas que correspondan a su Departamento.

Source: Prepared by the authors on the basis of Annex III of the 7th Collective Agreement for private education institutions wholly or partially supported with public funds.

The teaching management function in subsidised private schools is subject to funding within the school's delegated payroll, as the figure of the "headteacher" is a governing body of compulsory existence in these schools. However, education authorities are not obliged to consider in their annual budgets the other management figures included in the collective agreement. The governing bodies may determine internally the individual and collective governing bodies they consider necessary, regardless of whether or not they may be subject to the funding established by each Autonomous Community in their corresponding General Budget Laws, in the specific development regulations on this matter or, failing that, in the salary tables of the collective agreement in force¹⁹ revised annually.

¹⁹ See article 71. *Functional allowance* of the VII Collective Agreement of private education companies supported in whole or in part with public funds, registered and published by Resolution of 15 September 2021, of the Directorate General for Labour.

The public funding of these management figures may determine, *a priori*, their existence in subsidised private schools, whose tendency is to have management structures that are increasingly similar to those existing in public schools, appointing teachers with pedagogical and organisational responsibilities known as "*heads of studies*" or "*pedagogical directors*", who lead, under the coordination of the headteacher and convinced of the need to work as a team, all educational aspects of the school, and not only those related to management (Centeno, 2007, pp. 79-80).

In the case of the titular entities with several schools, in the same or in different autonomous communities, these management teams are increasingly more communicated, work more efficiently, and share resources and knowledge, thus multiplying their performance. In this way, management teams are better supported and have more possibilities to contrast in the development of their functions (López Tapia, F., 2013).

3. THE APPOINTMENT OF SCHOOL HEADS IN SUBSIDISED PRIVATE SCHOOLS.

The LODE establishes the following requirements to be met by the head of a subsidised private school in order to be appointed by the head of the school:²⁰

- Teacher at the school with one year of teaching experience in the same school or three years of teaching experience in another school belonging to the same institution.
- Prior report from the School Council of the school, which shall be adopted by a majority of its members.

From these two requirements, it can be inferred that the headteacher must also meet the qualification requirements for teaching at the school²¹, as this is a

²⁰ See article fifty-nine of Organic Law 8/1985, of 3 July 1985, regulating the Right to Education (LODE), in its current wording according to the modification made to paragraph 1 by final provision 1.11 of Organic Law 3/2020, of 29 December, amending Organic Law 2/2006, of 3 May, on Education (LOMLOE).

basic requirement that schools must meet in order to be able to provide the different types of education with guaranteed quality (Marín, 2019, p. 400). This ensures that the appointment is made by a person with accredited professional and teaching experience that guarantees, in principle, the adequate exercise of their competences and functions. In addition, although the headteacher is appointed by the owner of the school, the School Council must intervene in the appointment by previously reporting on the suitability of the candidate for the post.

The appointment of the headteacher is not indefinite, and the term of office is limited to a maximum of three years from the date of appointment. At the end of the term of office, the incumbent must reappoint a headteacher, who may or may not be the same person who has held the post, and this decision must be submitted again to the School Council for its judgement. This is not a minor issue, as the three-yearly non-renewal of the appointment of headteachers is a very common dysfunction in subsidised private schools, and the role of the Education Inspectorate becomes fundamental in supervising that the terms of office of the headteachers in these schools are carried out within the established time limits.

The owner may dismiss the headteacher before the end of their term of office, provided that there are justified reasons, which must be communicated to the School Council for its knowledge. In this case, however, the decision is the exclusive decision of the owner and the School Council cannot oppose it, beyond being able to express its agreement or disagreement with this decision, but without it being binding²².

The corresponding educational administration must be informed of the appointments and dismissals of school heads, and must be aware of the persons holding this position in all schools, not only for remuneration purposes, but also for organisational and institutional relations purposes, since, for example, the first

²¹ See article fourteen of Organic Law 8/1985 of 3 July 1985 on the Right to Education (LODE).

²² See article fifty-nine, paragraph 2, of Organic Law 8/1985, of 3 July, regulating the Right to Education (LODE), which remains in force, since it was amended by final provision 2.4 of Organic Law 8/2013, of 9 December, for the Improvement of the Quality of Education (LOMCE).

intervention that the Education Inspectorate carries out in a subsidised school is to make contact with the person holding the management position (Tébar, 2025, p. 21). Likewise, the Education Inspectorate, in the exercise of its functions, must supervise these procedures in order to be able to verify whether the headteachers appointed by the incumbents meet the requirements to hold this post, and thus be able to inform the education administration of the suitability or otherwise of their appointment, as well as to verify whether both appointments and dismissals have been carried out by the incumbent in accordance with the established procedure and within the correct time limits.

The original wording of article fifty-nine of the LODE, which sets out the procedure for the appointment and dismissal of school heads in subsidised private schools, has undergone numerous modifications since its publication in July 1985²³. Let us compare the original wording of this article fifty-nine of the LODE with that in force at the time of this publication:

Figure 1: Comparison of the original wording of article fifty-nine of the LODE (July 1985) and the current wording (December 2020).

²³ See the analysis of article fifty-nine of Organic Law 8/1985, of 3 July, regulating the Right to Education (LODE) in the web version of the Official State Gazette. <https://www.boe.es/eli/es/lo/1985/07/03/8/con>.

Artículo cincuenta y nueve - Ley Orgánica 8/1985, de 3 de julio, reguladora del Derecho a la Educación (LODE). Redacción original	Artículo cincuenta y nueve de la LODE tras la modificación realizada por la Ley Orgánica 3/2020, de 29 de diciembre, por la que se modifica la Ley Orgánica 2/2006, de 3 de mayo, de Educación (LOMLOE). Redacción actual.
1. El Director de los centros concertados será designado previo acuerdo entre el titular y el Consejo Escolar, de entre profesores del centro con un año de permanencia en el mismo o tres de docencia en otro centro docente de la misma entidad titular. El acuerdo del Consejo Escolar del centro será adoptado por mayoría absoluta de sus miembros. 2. En caso de desacuerdo, el director será designado por el consejo Escolar del centro de entre una terna de Profesores propuesta por el titular. Dichos profesores deberán reunir las condiciones establecidas en el apartado anterior. El acuerdo del Consejo Escolar del centro será adoptado por mayoría absoluta de sus miembros. 3. El mandato del Director tendrá una duración de tres años. 4. El cese del Director requerirá el acuerdo entre la titularidad y el Consejo Escolar del centro.	1. El director o directora de los centros concertados será nombrado por el titular, de entre el profesorado del centro con un año de permanencia en el mismo o tres de docencia en otro centro docente de la misma entidad titular, previo informe del Consejo Escolar del centro, que será adoptado por mayoría de sus miembros. 2. El mandato del director tendrá una duración de tres años. No obstante lo anterior, el titular podrá destituir al director antes de la finalización de dicho plazo cuando concurren razones justificadas de las que dará cuenta al Consejo Escolar del centro.

Source: Own elaboration based on the original wording of article fifty-nine of the LODE and that in force in 2025.

We note that the procedure for the appointment and dismissal of school heads in state-subsidised schools has been diluted over time, giving greater autonomy to the owner to the detriment of the School Council's ability to reject the appointment proposed by the latter, even obliging the owner to present three candidates from which to choose, and requiring the owner and the School Council, by an absolute majority of its members, to reach an agreement on the appointment of the school head. Similarly, the dismissal of the school head required the agreement of the owner and the School Council. This significant

change in procedure came about with the enactment of Organic Law 8/2013, of 9 December, for the improvement of educational quality (LOMCE), the second final provision of which amends several articles of the LODE, including article fifty-nine, which now reads as follows:

- 1. The headteacher of subsidised schools shall be appointed by the owner, following a report by the School Council of the school, which shall be adopted by a majority of the attending members.*
- 2. The term of office of the headteacher shall be three years. Notwithstanding the above, the owner may dismiss the headteacher before the end of this term when there are justified reasons, of which they shall inform the School Council.*

With this amendment, the School Council lost its decision-making power, both in the appointment and dismissal of the school head, which is now called *removal*. In addition, the requirements to be met by the candidate for head teacher were eliminated. Sarasúa Ortega (2013, p. 42) analysed this change on the basis of the Preliminary Draft of the Law, warning that the collegiate bodies of the schools, after the entry into force of the LOMCE, would cease to be governing bodies and would become merely consultative bodies; something which, as has been analysed, is evident in the procedure for appointing and, where appropriate, dismissing school heads in state-subsidised schools. Currently, and following the latest amendment to the Organic Law on Education in December 2020²⁴, the requirements for a teacher to be appointed head of a subsidised school have been reinstated, although the role of the School Council in these schools remains the same as that established by the LOMCE in 2013 regarding the appointment and dismissal (or removal) of headteachers.

²⁴ See the first final provision. *Modification of Organic Law 8/1985, of 3 July 1985, regulating the Right to Education* by Organic Law 3/2020, of 29 December, which modifies Organic Law 2/2006, of 3 May, on Education (LOMLOE).

On the other hand, there are several differences between the appointment of school heads in subsidised private schools and the appointment of school heads in public schools.

Figure 2: Comparison of the appointment process of school heads in public and subsidised private schools.²⁵

²⁵ A review of articles 133 to 138 of Organic Law 2/2006, of 3 May, on Education (LOE) for public schools, and article fifty-nine of Organic Law 8/1985, of 3 July, regulating the Right to Education (LODE) for state-subsidised schools.

NOMBRAMIENTO DEL DIRECTOR EN UN CENTRO DOCENTE	
CENTROS PÚBLICOS	CENTROS CONCERTADOS
Nombramiento por la Administración educativa tras un procedimiento de selección.	Nombramiento por el titular del centro, previo informe del Consejo Escolar.
La selección se realiza por parte de una comisión en el que participa la comunidad educativa y la Administración educativa.	El titular selecciona directamente al docente que quiere que ejerza la función directiva.
Selección y nombramiento mediante concurso de méritos entre profesores funcionarios de carrera que impartan alguna de las enseñanzas encomendadas al centro.	Debe ser docente del centro o de otro centro de la misma entidad titular.
Haber ejercido funciones docentes como funcionario de carrera, durante un período de al menos cinco años, en alguna de las enseñanzas de las que ofrece el centro al que se opta.	Antigüedad de un año de docencia en el centro o de tres años en otro centro docente de la misma entidad titular.
Procedimiento sujeto a los principios de igualdad, publicidad, mérito y capacidad.	-
Obligatorio presentar un proyecto de dirección.	-
Acreditar haber superado un programa de formación sobre competencias para el desempeño de la función directiva, de manera previa a su nombramiento.	-
Mandato de 4 años de duración.	Mandato de 3 años de duración.
Las Administraciones educativas podrán fijar un límite máximo para la renovación de los mandatos.	No hay límite en el número de posibles mandatos consecutivos o no.
Evaluación al final de cada mandato por la Inspección Educativa.	-
Complemento específico fijado por la Administración Educativa.	Complemento específico fijado en la normativa presupuestaria de la Administración Educativa.
Posibilidad de revocación motivada por la Administración educativa competente, a iniciativa propia o a propuesta motivada del Consejo Escolar, por incumplimiento grave de las funciones inherentes al cargo de director. En todo caso, la resolución de revocación se emitirá tras la instrucción de un expediente contradictorio, previa audiencia al interesado y oído el Consejo Escolar.	Posibilidad de destitución por el titular por razones justificadas de las que se dará cuenta al Consejo Escolar.

Source: Compilation based on articles 133 to 138 of the LOE and article fifty-nine of the LODE.

In public schools, there are academic and professional prerequisites and the obligation to present a project to guide the leadership function during the school head's term of office. This does not necessarily mean that school heads appointed in subsidised private schools perform their duties more poorly and less well planned, or have weaker leadership than their counterparts in public schools. The management function in subsidised private schools must be aligned with the school's own character, or ideology²⁶, reflected in its educational project and created by the institution in charge for all its schools. The educational project specifies the objectives common to the organisation and to all the schools in the network, and facilitates the development of innovative actions in the schools, as well as the generation of services common to all of them (López Tapia, F., 2013). The school heads appointed by the school owners already know the line of work they must follow, because they have previously taught in the same school or in others belonging to the same network of schools, and they are familiar with the educational, pedagogical, strategic and organisational line of the school they are going to lead. Unlike what happens in publicly owned schools, the management function in subsidised private schools is not limited to the scope of actions and competences of the school's management team, but has its origin and complement in what is determined by the school's own governing body (Centeno, 2007, p. 79).

4. POSSIBLE MANAGEMENT STRUCTURES IN PRIVATE GRANT-AIDED SCHOOLS.

As we have already mentioned, the figure of the headteacher does not necessarily have to be the only one in a school where there are several concerted stages. Let us analyse the different situations that can be found:

²⁶ According to Marín Román (2019, p. 397), the expressions "ideology" and "specific character" of an institution are equivalent concepts, in accordance with the jurisprudential argumentation made by Ortiz Mallol.

- Centres with a single headteacher. The headteacher is the head of the whole school, with the possibility of being supported by other management figures, known as "*pedagogical directors*" in some Autonomous Communities, whose functions are similar to those established for heads of studies, and whose appointment is made by teachers at one of the stages for which they are appointed. Both the existence of these figures and their powers must be set out in the school's internal regulations²⁷. Despite being called "*pedagogical directors*", their appointments are not subject to the procedure established in the regulations for the directors of subsidised private schools, although they are usually treated by the education authorities in the same way and with the same requirements in terms of requirements and procedure. Nevertheless, and insisting that it is not compulsory, the fact that both the education authorities and the school owners replicate the appointment procedure for these "*pedagogical directors*" as if they were the school head, *adds to* the transparency and professionalism of these positions which, even though there is a headteacher to whom they report, will be the reference figure for teachers, pupils and families in the educational stages in which they work.
- Schools with several school heads. Usually, one head of pre-school and primary education and another head of secondary education, who performs their duties at the Compulsory Secondary Education stage and, if they are subsidised, at Upper Secondary Education and Vocational Education and Training. Both headteachers are school heads for all purposes at the stages they manage, and this organisational structure must be reflected in the school's internal rules and regulations. The incumbent must follow the appointment procedure established for each of them independently, taking into account the three-year term of office of each.

²⁷ See article fifty-four, paragraph 3, of Organic Law 8/1985 of 3 July 1985, regulating the Right to Education (LODE).

This duality in the figure of the headteacher goes hand in hand with the decision that the incumbent must take regarding the existence of a single Teaching Staff Committee and a single School Council. Experience tells us that, for the most part, the collegiate governing bodies are unique for the whole school, or at least the School Council is; and it is in this case that a dilemma arises: *who holds the leadership of this collegiate body?* According to article fifty-six of the LODE, *the headmaster or headmistress* will form part of the School Council, with no further reference to the management positions that must be included in this collegiate body in subsidised private schools. It must be decided which school head is to hold this position on the school council, and the place for this is again the school's internal regulations. It is common for both school heads to sit on this collegiate body: one as headteacher, and therefore as chair of the body, and the other within the quota of three members reserved for representatives of the school's governing body, who are not subject to an electoral process and are appointed directly by the governing body²⁸. The situation could also arise in which one of the school heads who does not hold the presidency of the body forms part of the sector reserved for the school's teachers²⁹, but this situation, although in accordance with the regulations because it is not prevented, could reduce the voice of the teaching staff in relation to the sector of representatives of the school's governing body, which is the highest participatory body of the school where all sectors of the educational community should be adequately represented.

Whatever the management structure of a subsidised private school, this does not preclude the appointment of the other two positions provided for in the

²⁸ Order of 9 October 1996, on the constitution and designation of the governing bodies of state-subsidised educational centres, in development of the first final provision, 4. of Organic Law 9/1995, of 20 November, on Participation, Evaluation and Governance of Educational Centres (LOPEGCD).

²⁹ See article fifty-six of Organic Law 8/1985, of 3 July, regulating the Right to Education (LODE), in its current wording given by paragraph 1 by final provision 1.9 of Organic Law 3/2020, of 29 December, amending Organic Law 2/2006, of 3 May, on Education (LOMLOE).

collective agreement for subsidised schools (*deputy headteacher* and *head of studies*), or even other additional positions, such as *educational directors* or *stage coordinators*, all in accordance with the organisational structure decided by the owner of the school and in accordance with what is reflected in its internal rules and regulations. The remuneration of these positions, as well as of any other management positions that may be appointed by the owner of the school, shall be those established in the regional budget regulations or, failing this, those indicated in the salary tables of the Collective Agreement revised annually, or those that have been expressly agreed in each Autonomous Community.

In those schools comprising more than one level of compulsory education where there is only one Headteacher, Deputy Headteacher or Head of Studies, these shall receive, while they carry out their duties, the function allowance indicated for the higher level of compulsory education that exists in the school³⁰, and, if there are several teachers holding similar posts, the established allowance may be distributed, if the institution in question deems it appropriate, among all of them in accordance with the criteria established by the institution in question, as these allowances are associated with the specific management function and not with the number of persons holding it.

Given that the casuistry can be very varied, let us analyse the situation in five Autonomous Communities³¹ with regard to public funding of the management function in subsidised private schools.

4.1. THE MANAGEMENT FUNCTION IN SUBSIDISED PRIVATE SCHOOLS IN THE COMMUNITY OF MADRID.

In the Region of Madrid, the establishment of the possible management functions and their remuneration allowances is fixed in the General Budget Law of the Community of Madrid published or extended for each calendar year.

³⁰ *Complement by function* of the 7th Collective Agreement of private education companies supported in whole or in part with public funds, registered and published by Resolution of 15 September 2021, of the Directorate General of Labour,

³¹ The analysis was carried out on the basis of the regulations and other documents published on the official websites of the Autonomous Communities studied.

"Economic module for the financing of publicly funded private schools" regulates the financing modules for subsidised private schools, establishing, among other issues, the teacher/unit ratios for each of the educational stages, the economic modules associated with teachers and school counsellors and the specific allowances for management functions, both teaching and non-teaching, all of which are detailed in Annex III of the General Budget Act in force at any given time. The financing of the management function reflected in point 8 of Annex III constitutes the maximum contribution of the Community of Madrid to finance this objective each year, and is of a final nature, and the schools may not use it for other purposes.

In the Community of Madrid, only the teaching management function is regulated, not contemplating the figure of deputy headteacher, head of studies or head of department, and is subsidised through the delegated payroll, with the annual allowance established by the General Budget Act of the Community of Madrid depending on the characteristics of the school. This amount is earmarked for application to the school head's delegated payroll, but may be distributed by the owner of the school, if it so considers, among the school head and the teachers who are to hold any other post considered to be a teaching management post in the school, including the so-called "*pedagogical management*", since the amount set in the General Budget Act is a single amount, with no possibility of increasing it according to the number of teachers holding management posts.

The Community of Madrid publishes annual instructions on the processing of procedures relating to the management of the delegated payment system for private publicly funded schools and the financing of substitutions for teachers included in this system³². These include that the management function known as "*pedagogical management*", as well as other teaching management functions that

³² [Resolution of the Directorate General for Subsidised Education, Grants and Study Aids, which issues Instructions on the processing of procedures relating to the management of the delegated payment system for private educational centres supported with public funds and the financing of substitutions for teachers included in this system for the 2024-2025 academic year.](#)

may exist in the school, must be processed following the same requirements and procedure established in article 59 of the LODE, as if it were the school head themselves. This requirement guarantees that teachers who perform school management functions have the appropriate professional background to carry out this function, as they will be able to participate in the specific allowance foreseen for school management.

With regard to the non-teaching management function, the financing foreseen in the General Budget Law, the amount of which depends on the structure of the subsidised private school, may be justified both with personnel who provide services directly at the school and with personnel who carry out the non-teaching management function outside the school, in centralised management and administration teams of the school itself. This amount is of a finalist nature, so it cannot be used for other purposes.

4.2 THE MANAGEMENT FUNCTION IN SUBSIDISED PRIVATE SCHOOLS IN THE AUTONOMOUS COMMUNITY OF CASTILLA-LA MANCHA.

The latest General Budget Law of the *Junta de Comunidades* of Castilla-La Mancha devotes Chapter I of Title IV to non-university private schools with publicly funded subsidised units. This chapter includes an article related to the specific rules on the remuneration of teaching staff in subsidised private schools, expressly regulating those issues to be paid through the "variable expenses" module, among which is the "management allowance". Annex IV specifies the economic modules for the distribution of public funds for the support of subsidised private schools, but does not detail the different teaching or non-teaching management functions that will be recognised for economic purposes in subsidised private schools in Castilla-La Mancha. This issue is regulated by instructions³³ from the Directorate General for Human Resources, which establishes that only two management positions will be financed with public funds in each subsidised private school, which may be either two school heads,

³³ [Abbreviated payroll instructions for state-subsidised schools 2023-2024](#). Castilla-La Mancha.

one for primary and one for secondary education, or a single headteacher and a single head of studies for the whole school.

Exceptionally, and in specific accredited cases as specified in the instructions, there may be other management positions with the right to remuneration in Upper Secondary Education and Vocational Training. These instructions do not contemplate the existence, with the right to remuneration from public funds, of the non-teaching management function or other possible management positions in subsidised private schools.

4.3. THE MANAGEMENT FUNCTION IN SUBSIDISED PRIVATE SCHOOLS IN THE COMMUNITY OF CASTILLA Y LEÓN.

In the last General Budget Laws of the Autonomous Community of Castilla y León, an additional provision is exclusively devoted to educational subsidised schools. The regulation included in relation to the economic module of the subsidised private centres is minimal, and refers to what is established for this purpose in the General State Budget Law in force.

The specific aspects of the management of the delegated payroll of subsidised private schools are regulated annually by the Directorate General for Human Resources. The instructions for the 2024-2025 school year³⁴ include a section on allowances for management positions, recognising, in general and depending on the configuration of the school, the figures of Headteacher and Head of Studies under the conditions established in the Agreement of 26 March 2013, on measures to rationalise expenditure for the sustainability of subsidised private education in Castile and Leon³⁵, signed by the Regional Ministry of Education. This agreement not only regulates the recognition and the right to be paid, from the annual budgets of the Autonomous Community, a specific

³⁴ [Instruction of the Directorate General of Human Resources to regulate the management of the delegated payroll of private grant-aided schools during the 2024/2025 school year and the Agreement of 12 February 2021 for the Improvement of the Quality of Education, the maintenance of employment in the sector and the adequate provision of teaching teams in grant-aided schools.](#)

³⁵ [Agreement of 26 March 2013 on expenditure rationalisation measures for the sustainability of subsidised private education in Castilla y León](#), to be applied in the academic year 2024-2025.

complement for these two directors, but also establishes the minimum teaching hours that they must teach and make compatible with the exercise of their functions; in other words, it expressly recognises the right to a reduction in teaching hours for those who hold the position of Headteacher and Head of Studies.

4.4. THE MANAGEMENT FUNCTION IN SUBSIDISED PRIVATE SCHOOLS IN THE AUTONOMOUS COMMUNITY OF THE BASQUE COUNTRY.

The laws approving the General Budgets of the Autonomous Community of the Basque Country normally devote article 25 to determining how the financial module for the support of subsidised education centres is managed, including in Annex IV the components of this module and their respective amounts for each educational level. However, there is no reference whatsoever in these Basque Country budget laws to the possible teaching and non-teaching management functions of subsidised private schools in the Basque Country.

Decree 289/1993 of 19 October 1993, which regulates the implementation of the delegated payment system in subsidised private centres in the Autonomous Community of the Basque Country, amended in 1995 and 1998, establishes, among the remuneration items affected by the delegated payment system, the so-called "*bonuses for management positions*", which must be set annually³⁶. The possible management positions are detailed in the delegated payment salary tables published annually by the Basque Government. According to these tables, in the pre-school and primary education stages, there may be, in addition to the headteacher, the deputy headteacher and the head of studies. At the compulsory secondary education stage, in addition to these management positions, there are also heads of department, whose functions are related to didactic coordination. In other words, in the Basque Country, management functions coincide with the functional-directive-temporary categories established

³⁶ The website of the Basque Department of Education publishes, together with the regulatory regulations, the [history of the Salary Tables of the delegated payroll of the subsidised schools, from 2023 to the present day](http://usie.es/supervision-21/).

in the Collective Agreement for private education companies supported totally or partially with public funds³⁷. However, the "position *bonus*" that appears in these salary tables may be distributed among the teachers who are appointed in the school to perform each of these temporary management functions, if so established by the school owner. However, the regulations of this Autonomous Community do not expressly mention the existence of publicly-funded remuneration for the non-teaching management function.

4.5. THE MANAGEMENT FUNCTION IN SUBSIDISED PRIVATE SCHOOLS IN THE AUTONOMOUS COMMUNITY OF THE CANARY ISLANDS.

The General Budget Laws of the Autonomous Community of the Canary Islands include in Annex 2 the aspects taken into account in that Autonomous Community for the management of the delegated payroll of teaching staff in subsidised private schools, without going into any specific details, and referring to the financial amounts established in the collective agreement in force. However, the management positions in Canarian subsidised private schools which are recognised for the purposes of the financial allocation of specific allowances are expressly regulated in their regional regulations³⁸, and are as follows: headteacher, deputy headteacher and head of studies. Likewise, in the Autonomous Community of the Canary Islands, a reduction in teaching hours is authorised for teaching staff on delegated pay who perform management duties³⁹, depending on the number of units subject to educational agreement that exist in the centre. These hours will be substituted and financed within the centre's delegated payroll and, therefore, assumed by the education administration.

³⁷ [Regulations for private subsidised educational centres - Educational centres and teaching - Euskadi.eus](http://euskadi.eus)

³⁸ [ORDER of 1 February 1991, which determines the management positions and their salary complements in subsidised schools in the Canary Islands.](#)

³⁹ [Resolution of 28 July 2022, partially modifying the Resolution of 29 May 2007, which approves and publishes the rules on the management of the delegated payment of the payroll of teaching staff in subsidised private schools.](#)

4.6. CONCLUSIONS OF THE ANALYSIS CARRIED OUT BY AUTONOMOUS COMMUNITIES

As can be seen in the following *summary* table of the five Autonomous Communities analysed, the casuistry, although largely in line with that established in the VII Collective Bargaining Agreement for private education companies supported totally or partially with public funds, is very varied according to the budgetary regulations of each of the Autonomous Communities.

Figure 3: Comparison of the five Autonomous Communities analysed in terms of the definition of management functions recognised in the delegated payroll of subsidised private schools. Academic year 2024-2025.

Funcionales-directivas-temporales definidas en el VII Convenio Colectivo	FUNCIONES DIRECTIVAS INCLUIDAS EN EL MÓDULO ECONÓMICO CORRESPONDIENTE A LA NÓMINA DE PAGO DELEGADO DE LOS CENTROS PRIVADOS CONCERTADOS				
	Comunidad de Madrid	Castilla-La Mancha	Castilla y León	País Vasco	Canarias
Director	Función directiva docente - Director	Director	Director	Director	Director
Subdirector	-	-	-	Subdirector	Subdirector
Jefe de Estudios	-	Jefe de Estudios	Jefe de Estudios	Jefe de Estudios	Jefe de Estudios
Jefe de departamento	-	-	-	Jefe de departamento	-
Otras figuras directivas	Director pedagógico	-	-	-	-
Función directiva no docente	SÍ	NO	NO	NO	NO
Reducciones horarias reconocidas en normativa autonómica a cargos directivos	NO	NO	SÍ	NO	SÍ

Source: Own elaboration

It should be noted that in the Autonomous Communities of Castilla y León and the Canary Islands, in addition to the recognition in the budgetary and management regulations of the delegated payroll of various management positions in subsidised schools, a reduction in hours is expressly included as part

of the educational agreement and, therefore, financially assumed by the corresponding educational administration. On the other hand, it should be noted that only the Autonomous Community of Madrid explicitly recognises in its budgetary and delegated payroll management regulations the managerial figure of the *"pedagogical director"*, as well as the *non-teaching managerial function* managed by the owner of the school with a non-teaching administrative and organisational approach.

5. THE FIGURE OF THE SECRETARY IN SUBSIDISED PRIVATE SCHOOLS.

If we compare the single-person governing body management positions provided for in the LODE for state-subsidised schools (*exclusively the position of Headteacher*), the temporary management functions defined in the current Collective Bargaining Agreement, with those included in the management teams of public schools, we find that a fundamental figure included in the latter is missing: *the secretary*. Among the categories of groups and subgroups included in ANNEX III of the 7th Collective Bargaining Agreement, we do not find within Group 1: *Teaching staff* any associated or similar to this single-person governing body and member of the management teams of public schools. Looking at Group 2: *Administration staff*, we can see that it is divided into two subgroups:

- *Administrative staff* sub-group, comprising the Head of Administration or Secretary, Head of Department, Officer, Accountant, Receptionist, Telephone Operator and Assistant.
- *Auxiliary Staff* sub-group, made up of the figure of the Caretaker.

Having ruled out the figures included in Groups 3 *General Services Staff* and Group 4 *Complementary Qualified Staff*, the following question arises: *could the Head of Administration or Secretary be considered as the secretary of the subsidised private school, understanding this figure as analogous to that existing in public schools with regard to the signing of official documents and certifications?* ANNEX III of the above-mentioned Agreement states that "(the Head of Administration or

Secretary) is the person in charge of the administrative management and/or the Secretariat of the educational undertaking".

Article fifty-four of the LODE establishes that the school head in subsidised private schools has the power to "*d) endorse the school's academic certificates and documents*". This competence is included within those established in article 132 of the LOE for school heads in public schools: "*(j) ... to endorse the school's official certificates and documents, all in accordance with what is established by the education authorities.*".

The concept of "*visar*", according to the Real Academia de la Lengua Española, is "*To recognise or examine an instrument, certification, etc., giving it the go-ahead*", with the synonyms *authorising, validating, certifying, approving, recognising, permitting and consenting*. This concept is different from "*sign*", which is defined as "*Said of a person: To affix one's signature*". In the administrative field, and with regard to certifications and other academic documents, the "*visado*" (endorsement) is a process that guarantees compliance with the requirements established in the current regulations and ensures their authenticity and legality.

We can affirm that it is not the director of the centre, whether public or private, who *signs* the certificates or official documents of the centres, but rather it is the person who recognises or examines these documents and *approves* them, this being the formula that is usually included at the foot of these documents and which implies that they have been verified, are in accordance with the legal precepts and are issued by the person authorised for this purpose.⁴⁰

In the Royal Decrees on the basic curriculum, when defining official assessment documents, it is expressly stated, in the case of assessment reports and academic records, that "*they shall bear the approval of the person in charge of*

⁴⁰ [Definition of "visto bueno" retrieved from the Diccionario de la Lengua Española](#) "1. m. U. as a formula that is placed at the foot of some certifications and other documents and with which the person who signs below gives the understanding that they are in accordance with legal precepts and are issued by a person authorised for this purpose".

*the school management" and "they shall bear the approval of the school head"*⁴¹ respectively, without expressly mentioning the signature of the school secretary. However, in the designs that the Autonomous Communities produce for official documents, we can observe that the signature of the school secretary is usually included together with the approval of the headteacher. In the absence of express regulation of the figure of the secretary in state-subsidised schools, *who signs: the Head of Administration or the Secretary?*

The regional regulations use different formulas related to this situation. Thus, for example, in the regulations published in Andalusia, we find expressions such as *"the person in charge of the school secretary's office shall insert in the minutes and, where appropriate, in the transcript of records and in the academic record of Compulsory Secondary Education the appropriate document, which shall be countersigned by the person in charge of the school"*.⁴² In the regulations published by the Community of Madrid, there are sentences such as *"The secretaries of public schools, or whoever performs their functions in private schools, will be responsible for the filing and custody of assessment documents"*⁴³, or *"The secretary of the public school or whoever performs their functions in the private school will be responsible for the certifications requested for the content of the assessment reports. All certificates issued shall be countersigned by the head of the school"*⁴⁴. The regional education regulations include provisions stating that

⁴¹ See articles 26.4 and 28.1 of Royal Decree 157/2022, of 1 March, establishing the organisation and minimum teaching of Primary Education, Articles 31.4 and 33.1 of Royal Decree 217/2022, of 29 March, establishing the organisation and minimum teachings of Compulsory Secondary Education, and articles 30.6 and 32.1 of Royal Decree 243/2022, of 5 April, establishing the organisation and minimum teachings of the Upper Secondary Education.

⁴² Article 29.8 of the Order of 30 May 2023, which develops the curriculum corresponding to the stage of Compulsory Secondary Education in the Autonomous Community of Andalusia, regulates certain aspects of attention to diversity and individual differences, establishes the organisation of the assessment of the student learning process and determines the process of transition between the different educational stages.

⁴³ Article 24.6 of Decree 65/2022, of 20 July, of the Governing Council, which establishes for the Community of Madrid the organisation and curriculum of Compulsory Secondary Education, as amended by Decree 59/2024, of 12 June, of the Governing Council.

⁴⁴ Article 36.7 of Order 1712/2023, of 19 May, of the Vice-Presidency, Department of Education and Universities, regulating certain aspects of organisation, operation and assessment in Compulsory Secondary Education. Community of Madrid.

private schools and subsidised private schools shall adapt the functions assigned to the secretaries of public schools to their own organisation. Consequently, it seems reasonable to analyse who performs the functions of secretary in public schools in order to establish what professional profile should perform these functions in a subsidised private school with regard to the signing of official assessment documents and academic certificates.

In the organic regulations of the centres approved by Royal Decrees 82/1996⁴⁵ and 83/1996⁴⁶, applicable in the centres dependent on the Ministry of Education, Vocational Training and Sport and in those Autonomous Communities that do not have their own regulations on this matter, the competences of the secretaries in public centres where pre-school, primary and secondary education is taught include the following:

(a) To direct the administrative regime of the Centre, in accordance with the Headteacher's directives.

(d) To issue the certificates requested by the authorities and the persons concerned.

The Autonomous Communities which have their own regulations on the organisation and functioning of public schools, such as Andalusia or Castilla-La Mancha, have replicated more or less literally the competences established by the Ministry in the aforementioned Royal Decrees of 1996. In all cases, it is indicated that the secretary is a single-person governing body which forms part of the management team of public schools, together with the headteacher and the head of studies, and is therefore a teacher and ex officio member of the Teaching Staff Committee, and also a member of the School Council with voice but without vote, since in both collegiate bodies they act as secretary responsible

⁴⁵ *Powers of the Secretary of the Organic Regulations for Pre-schools and Primary Schools*, approved by Royal Decree 82/1996 of 26 January 1996.

⁴⁶ *Powers of the Secretary of the Organic Regulations for Secondary Schools*, approved by Royal Decree 83/1996 of 26 January 1996.

for drawing up the minutes and certifying the agreements taken within them, always with the approval of the headteacher.

Given that the secretary's signature has been considered necessary in the autonomous regional regulations governing official assessment documents, and that it is also expressly stated that the secretary's duties in public schools will be carried out by the person who performs them in private schools, it seems reasonable to conclude that the signing of official assessment documents should be assumed by a teacher, in the same way as occurs in public schools. We should not forget that the headteachers of state-subsidised schools are required to be teachers as an essential requirement, so that the person who performs the duties of secretary and is responsible for signing official student assessment documents should also be a teacher, since with their signature they are endorsing documents with academic information on the students and, consequently, must have the necessary qualifications to be able to certify that what appears in them complies with the applicable regulations; something that will finally be ratified with the approval of the headteacher.

It should be recalled that the VII Collective Agreement of Private Education Companies supported totally or partially with public funds determines that "*the Head of Administration or Secretary is the person in charge of the administrative management and/or the Secretary of the educational company*", but this definition of functions does not specify that they can assume competences regarding certifications of students' academic situations and the signing of official assessment documents. However, and again recalling what is established in the basic Royal Decrees on the curriculum, where it is only obligatory to include the approval of the headteacher, in state-subsidised schools it would be sufficient for official assessment documents to include only "*the approval of the person in charge of the school's management*", but this would imply that in those cases where a section for the "signature of the secretary" is included, this would remain empty without a signature, which could be misinterpreted, in my opinion, as *invalid* in certain procedures, considering the document to be incomplete, without

taking into account, as we have already indicated, what is required in the basic regulations and what "*approval*" means in an official document.

In order to avoid the aforementioned problems, the head of a subsidised private school may always decide, in the exercise of its organisational autonomy, that among the school's management positions there is someone who assumes these functions related to official assessment documents (e.g. deputy headteachers, *pedagogical directors* or heads of studies), or, alternatively, that there is a differentiated and unique figure of a *secretary* with a teaching profile who assumes these functions, although this is not specifically provided for in the Collective Agreement and in the autonomous regulations on budgetary development and management of the delegated payroll, and, consequently, is not subject to the payment of a specific allowance.

6. THE ROLE OF THE EDUCATIONAL INSPECTORATE IN THE SUPERVISION OF THE MANAGEMENT FUNCTION OF SUBSIDISED PRIVATE SCHOOLS.

Regardless of the existence or non-existence of specific salary complements, those management or coordination positions that are appointed in subsidised private schools may always have, if so considered by the holder, reductions in their teaching hours under the terms established in the Collective Bargaining Agreement. Teachers' working time devoted to teaching activities shall be a maximum of 25 hours per week, distributed from Monday to Friday, but this working time may include the activities of single-person positions, coordination activities (pedagogical, cycles, departments, etc.), and any other activity determined by the employer and for the persons designated by the employer⁴⁷. All the hours necessary to teach the official curriculum of each educational level must always be covered free of charge, and adequate educational attention must be guaranteed for all pupils in the centre, the

⁴⁷ *Distribution of working time of teaching staff* of the VII Collective Agreement of private education companies supported totally or partially with public funds, registered and published by Resolution of 15 September 2021, of the Directorate General of Labour.

existence of the necessary support and the provision of the different training itineraries in accordance with the regulations in force.

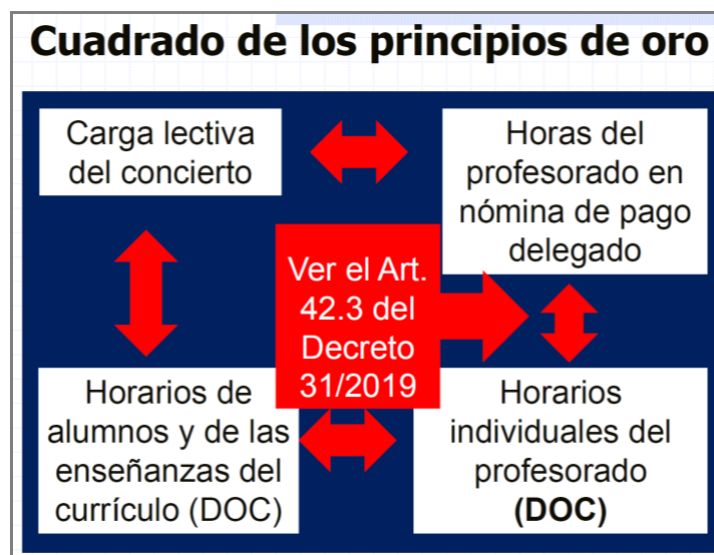
There are some Autonomous Communities, such as Castilla y León and the Canary Islands, which recognise time reductions for management positions within the educational agreement of the schools; but this does not prevent the owner of the school from articulating other time reductions for management, organisation or coordination as long as they are defined and regulated in the internal regulations and do not affect the normal development of the curriculum of publicly funded education.

The Education Inspectorate has a fundamental role in the supervision of the management and co-ordination structure of subsidised private schools, and must be aware not only of who represents the ownership of the school and the figure of the appointed school head(s), but also of the rest of the teachers who collaborate with them in the management of the school, and whose functions and possible timetable reductions must be clearly defined in their internal regulations. To this end, educational inspectors must be familiar with the specific regulations in their Autonomous Community regarding the delegated payroll of state-subsidised schools, in order to understand the management structure of the school, its compliance with what is established, the distribution of tasks, and the suitability of the teaching timetables of each of the teachers who hold management and co-ordination positions in the school. In this necessary supervision, the "*Square of the golden principles*"⁴⁸ that the Inspector of Education of Madrid, Mr Tomás Secadura Navarro, used in September 2019 in his speech "*Los centros privados concertados*"⁴⁹, to explain the supervision of delegated payroll in subsidised private schools is very useful.

⁴⁸ This "*Golden principles square*" includes the normative reference to *Decree 31/2019, of 9 April, of the Governing Council, which regulates the system of educational agreements in the Community of Madrid*. However, it is applicable to all Autonomous Communities, as it is consistent with the provisions of articles 37 and 38 of Royal Decree 2377/1985, of 18 December 1985, which approves the Regulations on Basic Rules on Educational Agreements.

⁴⁹ Paper included in the "*Training Course for Trainee Inspectors*" organised by the Sub-Directorate General for Educational Inspection of the Community of Madrid in 2019.

Image 1: Supervision of delegated payment in subsidised private schools:
"Golden principles square".



Source: Lecture "Los centros privados concertados" given by
Educational Inspector Tomás Secadura Navarro (2019).⁵⁰

According to Inspector Secadura Navarro (2019), the teaching load subsidised with public funds in a subsidised private school must coincide exactly with the hours included in the school's delegated payroll, which, in turn, must have an exact reflection in the individual timetables of the teachers who teach in the subjects covered by the grant, in order to be able to teach the established curriculum which will be fully reflected in the pupils' timetables. The type of courses and the number of groups of pupils included in the school's educational agreement is taken into account when calculating the teaching load subsidised by the educational administration.

7. CONCLUSIONS

⁵⁰ This "Square of the golden principles" was designed by the inspector of education of Madrid Mr Tomás Secadura Navarro, and he made it public in the presentation "Los centros privados concertados" included in the "Curso de Formación de Inspectores en Prácticas" organised by the Sub-Directorate General for Educational Inspection of the Community of Madrid in 2019.

After the analysis carried out, we can conclude that the management function in publicly funded private schools is an essential element included in the current Organic Law on Education and in the Organic Law regulating the Right to Education, as well as in state and regional budgetary regulations. The differences between the management figures of public and subsidised schools are more than notable, highlighting the procedure for appointing the headteacher and the determination of other management figures to accompany the headteacher in their task; something that is totally delimited in the case of public schools, but which in subsidised schools is left to the decision of the governing body.

Assuming the need that the incumbent bodies themselves have seen in terms of having real *management teams* around the figure of the headteacher, regardless of whether these figures are subject to the payment of specific allowances, they can always have reduced working hours within their teaching day of 25 hours per week in order to be able to dedicate themselves to these tasks. Despite the existence of a collective agreement signed at national level, which must be respected by the incumbent bodies in their relations with their workers, the disparity existing between the different Autonomous Communities in terms of the economic recognition of the different teaching and non-teaching management figures in subsidised private schools within their budgetary regulations is surprising.

We cannot forget the legal vacuum that exists with regard to the figure of the *secretary*, understood as the person responsible for signing official student assessment documents as established in the regulations applicable in the corresponding Autonomous Community. The Education Inspectorate in each territory should have a common response to this situation, as well as promoting its specific regulation. In this sense, in our opinion, the professional profile of this figure should be specific and educational.

Likewise, the role of the Education Inspectorate in supervising the appointments, or possible dismissals, of headteachers in subsidised private

schools is fundamental, both in relation to the requirements and procedure established in the LODE for becoming a *headteacher*, as well as in the obligatory renewal of mandates once three years have passed since their appointment, without forgetting the repercussions that the election of headteachers has on the presidency and composition of the School Council of the school.

The intervention of the Education Inspectorate in subsidised private schools must respect the peculiarities of their legal regime, acting under guidelines that are halfway between the minimum intervention that is carried out in private schools, given their high level of organisational and management autonomy as fully private entities, and the broad and extensive possibilities of action that are available in public schools, given that the public administration is their owner, but without renouncing in any case the powers granted by the Organic Law itself to the Education Inspectorate in all schools, always guaranteeing respect for constitutional principles (Galicía Mangas, 2016).

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