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LA NUEVA LEY DE ENSEÑANZAS ARTÍSTICAS SUPERIORES. UN ANTES Y UN DESPUÉS

THE NEW LAW ON HIGHER ARTISTIC EDUCATION. A BEFORE AND AN AFTER

María José Rodrigo del Blanco
Inspector of education. Attached to Higher Artistic Education, Directorate General of Artistic Education. Community of Madrid.
Doctor in Philosophy. Master's degree in School Psychology.

Resumen

La formación artística de calidad no es un mero adorno para un sistema educativo y para una sociedad que quiera enfrentarse al futuro con creatividad, innovación y adaptación a contextos en cambio permanente. Y así lo reconoce la nueva Ley 1/2024, de 7 de junio, por la que se regulan las enseñanzas artísticas superiores y se establece la organización y equivalencias de las enseñanzas artísticas profesionales.

Una ley muy esperada en un sector que no acababa de encontrar su sitio en el sistema, ni educativo ni social, y que abre oportunidades inéditas de ordenación académica para muchas disciplinas que, hasta el momento, no tenían cabida entre las enseñanzas regladas como las artes audiovisuales, el videojuego, la animación, la cinematografía, la escritura creativa y las artes circenses. Y que cambiará completamente la función pública docente introduciendo importantes novedades, tanto en la

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ordenación de los cuerpos docentes como en los requisitos de ingreso y acceso a ellos. Y que establece derechos y deberes de sus estudiantes, con la misma consideración que el universitario y cualquier otro perteneciente al Espacio Europeo de Educación Superior en el sistema general de becas y ayudas al estudio. Un nuevo horizonte para la formación artística de calidad en nuestro país que deja un "antes" y que abre ilusiones de un "después".

Palabras clave: *580202 Organización y dirección de las instituciones educativas, 580204 niveles y temas de educación, 580301 categoría del profesorado, 620302 baile y coreografía, 620306 música, 620310 teatro 6299 otras especialidades artísticas (diseño, conservación y restauración, audiovisuales, artes circenses y escritura creativa)*.

Abstract

Quality artistic training is not a mere ornament for an education system and for a society that wants to face the future with creativity, innovation and adaptation to contexts in permanent change. This is recognised in the new Law 1/2024, of 7 June, which regulates higher artistic education and establishes the organisation and equivalences of professional artistic education.

A long-awaited law in a sector that had not yet found its place in the system, neither educationally nor socially, and which opens up unprecedented opportunities for the academic organisation of many disciplines that, until now, had no place in the regulated education system, such as audiovisual arts, video games, animation, cinematography, creative writing and circus arts. And it will completely change the public teaching function by introducing important new features, both in the organisation of the teaching bodies and in the requirements for entry and access to them. And it establishes the rights and duties of its students, with the same

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consideration as university students and any other student belonging to the European Higher Education Area in the general system of grants and study aids. A new horizon for quality artistic training in our country that leaves a "before" and opens illusions of an "after".

Key words: *580202 Organisation and management of educational institutions, 580204 levels and subjects of education, 580301 category of teachers, 620302 dance and choreography, 620306 music, 620310 theatre 6299 other artistic specialities (design, conservation and restoration, audiovisual, circus arts and creative writing).*

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1. INTRODUCTION

The publication of Law 1/2024, of 7 June, which regulates higher artistic education and establishes the organisation and equivalences of professional artistic education, responds to a legal imperative and to a demand.

Firstly, a legal imperative, because in the ninth additional provision of Organic Law 3/2020, of December 29, which amends Organic Law 2/2006, of May 3, on Education, the Government committed to presenting "a regulatory proposal for the basic conditions governing the organization of higher artistic education as provided for in article 58, in addition to those concerning the qualifications and requirements of teaching staff resulting from the conditions for integrating this education within the framework of higher education", within two years of the law's entry into force. Furthermore, this proposal was to include the organization and equivalences of professional artistic education and its relation to the National Catalogue of Professional Competence Standards. This commitment was almost set to be fulfilled on time by March 2023, but the dissolution of the Parliament and the call for general elections delayed its parliamentary approval, which was scheduled for two days after the President's announcement. That delay turned out to be only a temporary pause, as the new ministerial team aimed to publish the law before the end of the 2023-2024 academic year, which has indeed been the case.

It also responds to a generalised demand for a specific regulation by teachers, students and professionals of the arts who demanded their own law that would definitively recognise higher artistic education in the higher education area in which they had already been for decades, but in a

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legislative framework clearly more intended for other non-university education than for this education, which, although not university education, is higher education to all effects and at all levels.

This law is dictated with a basic character, according to its fifth final provision, and with the exception of three final provisions (which modify the laws on incompatibilities, the LOE and the VET law[1]), under the exclusive powers granted to the State pursuant to article 149.1 of the Spanish Constitution. This article provides for the State's authority to regulate the conditions for obtaining, issuing, and recognizing academic and professional qualifications, as well as establishing basic rules for the development of article 27 of the Constitution (in its 18th section) and the foundations of the statutory regime for public administration employees (in its 30th section).

But it is not an organic law, as many had hoped[2], and, therefore, cannot amend articles of existing laws of an organic nature. Therefore, those articles of the LODE and the LOE which are of this nature and which affect these teachings and centres are also a regulatory framework for the whole of Spain.

2. HISTORICAL BACKGROUND[3]

The analysis of the regulatory trajectory in our country must go back to the Constitution of 1812, where artistic education was already mentioned. However, the first regulatory text that contemplated them was the Law of

[1] The first final provision amends Law 53/1984, of 26 December 1984, on incompatibilities of personnel in the service of the Public Administrations. The second final provision amends Organic Law 2/2006, of 3 May, on Education. The third final provision modifies Organic Law 3/2022, of 31 March, on the organisation and integration of Vocational Training.

[2] A reference must be made here to the 'Informe sobre la conveniencia de promulgar una Ley Orgánica Reguladora de la Organización en Régimen de Régimen de Autonomía de las Enseñanzas Superiores Artísticas en España', by Antonio Embid Irujo (1997), professor of Administrative Law at the University of Zaragoza, who, at the request of the Asociación de Centros Superiores de Enseñanzas Artísticas (ACESEA), argued the need for an organic law for these teachings.

[3] Cfr. Rodrigo del Blanco, M.J. (2022). La inspección de las enseñanzas artísticas superiores en la Comunidad de Madrid. *Revista Supervisión21*, n.º 63, January 2022.

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Public Instruction of 9 September 1857 (Moyano Law) which, in article 55, under the title of Fine Arts, grouped together the teaching of painting, sculpture, architecture and music and, according to article 27, they were "higher education".

Subsequently, Law 14/1970, of 4 August 1970, General Law on Education and Financing of Educational Reform, advocated the integration of the former Higher Schools of Fine Arts, Music Conservatories and Schools of Dramatic Art into the University, "in its three cycles, in the form and with the requirements established by regulation", according to the fourth section of its second transitory provision. As a result, the Schools of Fine Arts were integrated into university education in 1977, but not the other teaching centres, for a number of reasons

La Ley Orgánica 1/1990, de 3 de octubre, de Ordenación General del Sistema Educativo incluyó a estas enseñanzas entre las denominadas "de régimen especial" y declaró equivalentes a licenciaturas universitarias los estudios superiores de música, danza y arte dramático, y a diplomaturas universitarias los de artes plásticas, diseño y conservación y restauración.

In Organic Law 9/1995, of November 20, on the Participation, Evaluation, and Governance of Educational Institutions, the fourth additional provision is dedicated to research programs in these disciplines and to recognizing the research capacity of higher artistic education institutions.

Organic Law 2/2006, of May 3, on Education recognizes the equivalence of all artistic education degrees to university bachelor's and master's degrees, specifically at levels 2 and 3 of the Spanish Framework for Qualifications (MECES) and establishes the Higher Council of Artistic Education. However, a Supreme Court ruling on January 13, 2012, annulled the initial article 7, which allowed higher artistic education institutions to offer bachelor's and master's degrees—titles that can only be offered by universities. As a result, these degrees were renamed as "Superior," although they retained their equivalence to MECES levels. Nonetheless, Organic Law

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3/2020, of December 29, which amends Organic Law 2/2006, of May 3, on Education, reinstates the use of 'Bachelor's' for higher artistic education degrees and 'Master's' for artistic education master's degrees and announces a dedicated law, which we now present

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3. PRINCIPALES NOVEDADES DE LA LEY

(Insertar ppt adjunto)

4. NECESSARY FURTHER REGULATORY DEVELOPMENTS

The long-awaited specific law has now been published, but nothing will truly change in practice without the regulatory developments needed to implement everything it enables. This basic regulation will have to be developed by the autonomous communities within the scope of their competencies, as stated in the sixth final provision, except for regulations concerning matters that the law entrusts to the Government or that fall under the exclusive competence of the State, in accordance with article 149.1.30 of the Spanish Constitution. This ensures the foundations are laid and common guidelines established so that graduates' degrees are valid throughout Spain and to guarantee the mobility of students and teachers.

However, there are already possibilities for the regional educational administrations to issue the necessary provisions for the development and implementation of this law, as authorized by the eighth final provision.

Among the matters that the law expressly entrusts to the Government for development, we highlight the following:

- Structure and basic aspects of the organisation of higher artistic education and its organisation by specialisations.
- Regulatory framework of the entrance examination to the courses.

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- Procedure for proposing, verifying and authorising bachelor's and master's degree study plans.
- Circumstances for authorising centres to develop teaching innovation strategies (such as plans leading to mentions or double degrees, own degrees or other non-official lifelong learning studies, etc.).
- Minimum requirements for the creation or authorization of higher education institutions and for offering programs in blended, online, or dual modalities.
- General criteria for admission procedures to public institutions.
- Guaranteeing equal opportunities for access and continuity in these studies through scholarships and financial aid for students, with the same consideration as university students.
- State-level awards and competitions for students, teachers, or educational institutions, such as the National Graduation Awards.
- Conditions to which the curriculum leading to the Master's degree in specialization in research and pedagogy in artistic education will adhere, as an initial training requirement for teaching in these fields.
- Requirements for obtaining the designation of emeritus professor.
- Promotion of research in higher education institutions, addressing social, cultural, and productive system needs.
- Common criteria for quality assurance, procedures for ensuring the quality of official degree programs.
- Internationalization and European convergence.
- Regulation of the issuance of degrees, as well as conditions for the validation, accreditation, and recognition of credits based on work or professional experience.

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- Organization of the new teaching bodies for Professional Artistic Education Teachers, Professors of Professional Artistic Education, Professors of Higher Artistic Education, and Professors of Higher Artistic Education. Requirements for entry and access. Integration procedures for these new teaching bodies.
- Higher Council of Artistic Education.
- State Register of Higher Artistic Education.
- Institutions that simultaneously offer higher artistic education and professional training.
- Authorization of foreign institutions.
- Access to master's and doctoral university programs with official degrees in higher artistic education.
- Approval of the basic statute for students of higher artistic education.
- Access to university for artists with recognized professional careers.
- Aprobación del calendario de implantación de esta ley, en un plazo máximo de un año desde su entrada en vigor.
- Adequate and sufficient funding framework.

Subsequent to this basic regulation, the autonomous communities will also have to establish implementing regulations to organise their own sphere, authorising public and/or private provision according to social need and the academic and economic viability of implementation in their area of development. However, since the law came into force, some subjects can already be developed by the educational administrations of the different autonomous communities, such as the following, for example:

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Supervisión21 nº 74

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- Regulate the autonomy of economic and personnel management, of collegial governing bodies and participation.
- Authorize groupings of institutions, autonomous entities with legal personality, authorize the affiliation of institutions to a university through collaboration agreements, create arts campuses, specialized centers, or other similar institutions.
- Establish internal and external evaluation systems for the quality of institutions and their educational offerings.

CONCLUSIONS

For all these reasons, this law will be a fundamental milestone, a before and after, as we call the article, because higher artistic education has never before been regulated by its own regulations with the status of a basic law, because it acquires the visibility it deserves in the education and training system and because its centres, teachers, students and non-teaching staff will receive the recognition of higher education they deserve, in accordance with their talent, prestige and effect on our society, not only on an artistic and cultural level but also, without a doubt, on an economic level.

Much remains to be done. The road will be long. But the door is open to travel it and the hopes of its main architects (its teachers and students) have not been in vain.

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