

**Groupe Socrates:**

**Socrates Group:**

**Good practices between the state and non-governmental schools:**

**Bonnes pratiques entre l'état et les écoles no gouvernementales :**

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- Academies (England) (en)
- Free Schools (England) (en)
- Concessions pour la mise à disposition du sol public pour la construction et gestion d'écoles privées sous contrat (Spain) (fr)
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### **1. Title of the good practice: Academies (England)**

### **2. Summary of the good practice**

Academy schools are state funded schools in England funded by central government through the Department for Education but independent of the direct control by the local authority.

Academies are self-governing and all are constituted as non-profit. They may receive additional support from personal or corporate sponsors. They have to follow National Curriculum core requirements as the other state schools.

### **3. Short description of the political and educational national context**

In the absence of an entrenched documentary (written) constitution, there is a strictly no form of “higher law” with which ordinary legislation enacted by the UK Parliament at Westminster must conform. The unusual constitutional framework mean in effect that Acts of Parliament generally prevail over all else, and the courts must enforce them.

Education in the UK is a devolved matter which each of the countries of the United Kingdom having separate systems under separate governments: the UK Government so is only responsible for England. UK is a high-performing country in the international rankings of education. According to Pearson’s rankings the UK is placed in the second place across Europe and in the sixth place worldwide. The UK has a plural educational system formed by public schools, private schools, academies, free-schools and home-schooling.

In England and Wales there is a thing called National Curriculum. National Curriculum provides a non-mandatory framework for Education between 6-18.

The institution of academies were established by the Labour Government - when Tony Blair was the Prime Minister- through the Learning and Skills Act 2000. The aim of the law as stated by David Blunkett was “to improve pupil performance and break the cycle of low expectations” and also to try to rescue secondary public schools that had really bad results. The first schools were set up at 2002 – but they were still highly entailed with the public administration. When David Cameron won the elections there were 200 academies.

Michael Gove secretary of Education through the Academies Act 2010

launched the boom of such institution. The reason of the boom of academies was the introduction of this institution in primary education and by public encouragement for they appearance.

There are two kinds of academies. Ones are the sponsored academies, which are formerly maintained school that has been transformed to academy status as part of a government intervention strategy, these academies are runned by a Government-approved sponsor. The second ones are the converter academies, which are formerly maintained schools that have voluntarily converted to academy status, they do not have status. An then we also include a third kind which are the Free Schools, which are academies established via the Free School program.

There are no academies now in Wales. Education policy was devolved to Welsh Assembly and the Welsh Government in 2013 has decided a policy of not having academies schools.

#### **4. Key elements of the practice**

##### 4.1. Legal base /Legislation that establishes the practice

Learning and Skills Act 2000, which amended the section of the Education Act 1996 relating to City Technology Colleges.

Academies Act 2010

##### 4.2. Description of the practice (7000 characters, including spaces)

Academies are independent, state-funded schools, which receive their funding directly from central government, rather than through a local authority. They have more freedom than other state schools over their finance, curriculum, length of terms and schools days and do not need to follow national pay and conditions for teachers.

Many primary and secondary Schools have been invited to convert to Academy status, but specially those deemed by Ofsted to be outstanding or “performing well”.

Also other schools, who haven’t been formally applied, can apply by doing formal partnerships with another good school. The new policy has been about spreading good practices from the best schools.

Academies get money direct from the government, not the local council. They’re run by an academy trust which employs the staff. Some academies have sponsors such as businesses, universities, other schools, faith groups or voluntary groups. Sponsors are responsible for improving the performance of their schools.

On the benefits of becoming an academy we can say that on top of the 25000 pounds towards conversion costs from the Department of Education,

Academies can potentially top up their budget by as much as 10%. This is because on top of the regular per pupil funding, it gets money that would previously have been held back by the local authority. Councils use this to provide services, such as special needs support to schools across the borough.

If the school is able to buy in the services it needs more cheaply, or has less need of those services, it can benefit financially from becoming an academy. Now large academy chains run schools creating economies of scale themselves. More freedom over staff pay can mean they make savings or attract and retain good teachers by paying more, while control over the length of the school day can allow them to teach more lessons.

The schools that want to become academies have to submit an application to the Department of Education once they have a positive vote for the change from their governing body. Once the application is approved, the Secretary of State issues an academy order and a trust is then set up which in effect has a contract to run the academy for a government.

The School then registers the academy trust with Companies House and agrees leasing arrangements for school buildings and land. The final stage is the signing of the Funding Agreement with the secretary of state. Schools must hold some form of consultation before the funding agreement is signed.

Although at the beginning there was a lot of encouragement of the public administration in order many schools became academies it's no longer than that. The reason of that is the increasing number of religious schools that are teaching creationism or the problem of radical Muslim schools.

b) requirements established by the public administration (Municipality, Regional government or state government, clarifying the type of administration):

- Concerning the admission of students

Concerning the admission of students the Academies have the same status as state funded schools, due to the fact that they have to adhere to the National Admissions Code.

- Concerning the selection of teachers

Academies can employ teachers without qualified teacher status, they also have more flexibility over the own pay and conditions of staff.

- Concerning the curriculum

Academies don't have to follow the national curriculum and can set their own term times. However academies must teach a broad and balanced

curriculum including English, mathematics and science. They must also teach religious education. They can innovate or have a particular focus, however they have to participate in the same Key Stage 3 and GCSE exams as other English Schools.

The Local Authority can take action when an academy is underperforming.

- Financial autonomy (destination and distribution of funds)

The money of the Academy Schools comes from the Department of Education. However, academies have more financial autonomy than state schools; for example Academies can potentially top up their budget by as much as 10%. Also as the school is able to buy in the services it needs more cheaply, or has less need of those services, it can benefit financially from becoming an academy.

The school can be economically sponsored by: high-performing schools, further education colleges, sixth-form colleges, universities, businesses and entrepreneurs, educational foundations, charities and philanthropists or faith communities

c) Funding:

- Financial expenses: salary of the teachers, operating costs (cleaning, heating, etc.), investment costs (land, buildings, equipment).

The Public Authorities does a leasing arrangements – investment cost-concerning the school building and they also grant the salary of teachers and operating cost under the terms of a funding agreement under the base of per-pupil base.

- Modalities of funding: (loans, grants, initial endowment...)

Grants

## **5. Objective results of the practice**

- Number of founded schools/institutions: 4000
- Scholar marks in comparison with the national average, PISA

Concerning Academy chains:

Performance of academy chains Section six of this report gives information on partnership working and academy chain arrangements where outstanding academies support weaker schools to improve.

Evidence shows that academy chains help raise standards and develop future leaders of the teaching profession. A 2011 report by the Public Accounts Committee said that “the sponsored academies see collaboration across chains or clusters of academies as the way forward which will help to

further raise standards and develop future leaders.”

The 2012 secondary school performance tables showed that some academy sponsors saw large improvements across their schools. Between 2010/11 and 2011/12, Oasis Community Learning academies saw an average improvement of 6.6 percentage points, United Learning 4.1 percentage points, Harris Federation 4.8 percentage points and Ormiston Academies Trust 4.9 percentage points in the proportion of pupils gaining 5+ A\*C GCSEs including English and mathematics. Across all state-funded schools, the rate of improvement was 0.6 percentage points. In all but one of the Oasis academies, results improved at a faster rate than was seen amongst all state-funded schools, most notably the Oasis Academy Brightstowe which improved by 31 percentage points.

The National College for Teaching and Leadership found a link between membership of chains and academy performance, showing that academies in chains comprising three or more academies are improving faster than other academies.

It showed that between 2008/09 and 2010/11 the proportion of pupils gaining 5+ A\*-C GCSEs including English and mathematics, increased by 15 percentage points in chains of three or more academies, compared with 12.2 and 11 percentage points for standalone and two-strong academy chains, respectively. The Academies Commission report has said “the introduction of academies has provided much needed vitality to the school system.” It goes on to say “there have been some stunning successes among individual sponsored academies and academy chains, and these have raised expectations of what can be achieved even in the most deprived areas.”

The 2012 annual report of Her Majesty’s Chief Inspector of Education highlighted that sponsor-led academies and particularly those part of a well-managed group or chain of schools can make a positive difference. Ofsted found that of the 204 inspected, 25% of those in chains were judged to be outstanding at the end of August 2012, compared with 8% not in chains. The report emphasizes the importance of good and outstanding converter academies increasing support to improve other schools and the system as a whole. The early evidence relating to the performance of academy chains is encouraging. With the expansion of the academies programs, the government will continue to keep this evidence under close review.

- Inclusion: Minorities, immigrants, disabled people

The UK government believes that academy status helps drive up standards for all pupils and is one of the most effective means of helping vulnerable and disadvantaged pupils achieve their full potential. Special educational needs Academies have continued to play their part in providing for children with special educational needs (SEN). Sponsored academies have a higher proportion of pupils with special educational needs than the average across all state-funded schools. In January 2012, 26.2% of pupils in sponsored secondary academies were identified as having some kind of SEN compared to 20.2% of pupils in all state-funded secondary schools.

Over 300 converter and sponsored mainstream academies have reserved provision for pupils with SEN, i.e. provision reserved specifically for pupils with a particular type of SEN, such as a SEN unit. Reserved provision is an important element of the overall SEN provision within a local authority area.

**6. Obstacles emerged during the implementation of the practice**  
(political, economic, social, stakeholders, etc...)

Some of the main problems relating is the opposition of Labour Party the last years and the opposition of Teacher Unions. Teacher Unions says that this initiative fracture public education, and can open the door to privatization. Labour Party is saying that changes are only benefiting privileged neighborhoods.

Finally, schools must hold some form of consultation before the funding agreement is signed. But some teachers' union have criticized the fact that it has been left up to the schools to decide who is consulted, and when and how this is done. The school does not need the permission of the local authority to convert.

**7. Evaluation of the transferability of the practice. Under which conditions the practice can be adopted by other countries?**

- Concerning the existence of essential elements which are inimitable
- Necessary / imperative conditions to implement the practice
- Limit of the implementation of the good practice
- Determinant factors of its success
- Possible risks and unkind effects (elements that should be supervise depending on the results)
- Ways of improve the good practice

The existence of this practice has the problem that depends on the will of the state of let public schools to become Academies.

Academies as Free Schools seems to be a really good practice to empower school choice policies and the empowerment of parents. A good indication of this is the enormous of acceptance that these policy have had is the increasing number of academies that appear every year, and the encouragements of the Department of Education in order to promote the establishment of more. A good example also of the success of this policy is the encouragement of the apparition of Free Schools also.

There are not any specific legal framework in order to create a to build a legal framework that facilitate the apparition of this institutions. One characteristic that has in common countries where free school policies appeared – or so called in other places charter schools- is the existence of a strong civil society, this fact is due to the fact that without commitment of parents, communities and/or companies is difficult to develop schools like this.



One of the strengths of Free Schools is also the kind of enormous consensus that there are around this policy. Although the Labour Party have criticized a lot the apparition of Free Schools and the extension of Academies is a policy started by them. Concerning the other political parties in the British Parliament (Conservatives, Liberals and UKIP) are in favor of it.

One of the characteristics that can cause difficulties for creating a framework that allows the creation of Academies are:

- A weak Civil Society who are not organized enough to create their own schools despite the Governmental help
- A federal or local organization for educational issues can provoke more difficulties in order to establish Academies all around the state

APPENDIX:

<https://www.gov.uk/types-of-school/academies>

<https://www.gov.uk/government/collections/academy-conversion-process>

<https://www.gov.uk/government/collections/academy-sponsorship>

<http://www.ssatuk.co.uk/wp-content/uploads/2013/03/Academy-Chains-and-Groups.pdf>

<http://www.legislation.gov.uk/ukpga>

**1. Title of the good practice:  
Free School (England)**

**2. Summary of the good practice**

Free Schools are state funded schools, independent of local authorities. Anyone can apply to set them up without waiting for permission from local authorities or other schools. Mainstream Free Schools are new Academies but initiated by parents and teachers.

**3. Short description of the political and educational national context**

Education in the UK is a devolved matter which each of the countries of the United Kingdom having separate systems under separate governments: the UK Government so is only responsible for England. UK is a high-performing country in the international rankings of education. According to Pearson's rankings the UK is placed in the second place across Europe and in the sixth place worldwide. The UK has a plural educational system formed by public schools, private schools, academies, free-schools and home-schooling.

In England and Wales there is a thing called National Curriculum. National Curriculum provides a non-mandatory framework for Education between 6-18.

Free Schools were established by British education secretary –Conservative party- in 2010 as it was his flagship policy during the run-up to the general election. Free Schools are an extension of the existing Academies Programme as a way to make possible for parents, teachers, charities and business to set up their own schools.

The way Free Schools were approved was in batches, or so called waves:

First wave was in October 2010 when the Secretary of Education announced that 16 proposals for Free Schools had been approved by the Government and they expected them to open in September 2011.

Second wave was in 2012 when the Department of Education announced that 55 new Free Schools were about to open.

Third wave was in the Department of Education notify that 102 (out of 234 applications) schools were due to open in September 2013.

Forth wave was in May 2013 when 102 schools had been approved to open in September 2014.

Fifth, sixth, seventh waves when in March 2013 the Department for Education announced the application schedule for groups who want to set up Free Schools in 2015 and beyond. In January 2014, in May 2014 and in September 2014 they approved 84 schools.

Eighth wave was in January 2014 when the Department of Education approves 8 new free schools.

Last wave was in July 2014 when a further funding round was announced for the period immediately following the General Election.

Free School has been a really controversial policy. Conservative Party claimed that Free Schools would create more local competition and drive-up standards. Conservative Party also has declared that one of the aims of Free Schools I allow parents to have more choices in the type of education they want for their children. Supporters of free school argue that they will benefit children from all backgrounds

Critics such as National Union of Teachers that Free Schools would fuel social segregation and undermine local democracy.

#### **4. Key elements of the practice**

##### **4.1. Legal base /Legislation that establishes the practice**

The legal base that authorize Free Schools are The Academies Act 2010. Then another important legal base for it has been The Education Act 2011, which in its schedule 11 compel public authorities that need to create a new school seek firstly for proposals for an Academy or Free schools.

##### **4.2. Description of the practice (7000 characters, including spaces)**

This description shall describe the practice and make reference to the following points:

###### **a) Role of public authorities:**

- Funding

Each Free School will enter into a contract with the Secretary of State. This contract, termed the 'funding agreement' sets out the arrangements and standards by which the Free School must be run in order to receive funding from the Secretary of State.

###### **Operational costs:**

The annual revenue funding for Free Schools is based on the average funding received by maintained schools and academies in the same local authority, using the following formula (advice on Free School revenue funding 2012/13 UK Government Archive):

- a basic local funding unit for each pupil attending the school
- an additional local funding unit for each pupil attending the school who qualifies for free school meal
- the national pupil premium for each pupil attending the school who qualifies for free school meals
- a grant which compensates for the services that maintained schools receive free of charge from their local authority (know as local authority central spend

equivalent grant or LACSEG)

- funding for sixth- form pupils, for Free schools providing post-16 education
- a fixed sum of 95000 pounds for each primary or all-through school
- a grant to cover the cost of insurance
- additional funding, from the local authority, for pupils with statements of special educational needs

Opening and pre-opening costs (Free Schools FAQs UK Government Web Archive):

Regarding for start-up funding, they will be payable for New Schools according to individual needs. As every Free School is different, these costs will vary between projects.

Pre-opening costs are paid prior to the Free School opening. They are therefore distinct from the start-up grant, which is only payable once the school has opened. Eligible pre-opening costs are those essential to the establishment of the Free Schools. Example: Recruitment and salary costs are those essential to the establishment of the Free School.

Post-opening costs(Free schools in 2014: How to apply – UK Government-Department for Education):

The post-opening costs cover essential costs such as employing a principal and buying books and equipment, where these costs could not otherwise be met by the per pupil funding.

There are currently two main types of post opening funding:

- A per pupil payment for non-staff costs
  - A profile of payments per school to support staffing costs before a school reaches full expected pupil number capacity
- Advising and/or assistance

The UK Government has prepared guides (such as Free Schools in 2014: How to apply) for those who want to apply for starting a new Free School. These guides are really easy to find. The content of these guides is really complete, it analyze the thing applicants have to know before to start, how to start the process, the full content of the process, how the applications are assessed, how to prepare an application, the assessment criteria, how to submit and application and complementary application to support applications.

- Encouragement of the projects

We can see the role of the state encouraging the projects in two ways:

-The state compel public through the Education Act 2011 that in case a public authority wants to open or create a new school firstly has to seek proposals for an Academy or Free Schools.

-The grant of the state of the salary costs while the school's senior staff grows towards full capacity.

b) requirements established by the public administration (Municipality, Regional government or state government, clarifying the type of administration):

The Public Administration in charge of establishing Free Schools is the Secretary of the State, however local authorities can bring forward a new Free School in response to a need for school places.

In order a set up school groups have to submit a full-business case, rather than a broad-brush plan as originally required. Officials says this requires detailed answers to questions about parental demand, the type of education the school will provide, its ethos and the capacity and capability of the groups themselves. These business cases are then judged against other school proposal and scored the strengths ad weaknesses. Applicants can be called for an interview.

There are not really statutory requirements for this process. But general public law requirements apply.

Free schools do not need to acquire a site before they apply to become a free school, but they should at least identify one possible site. This may be disused school site, an old library, church buildings or former local authority building. Several are in renovated listed buildings.

- Concerning the admission of students

Free Schools must adopt fair practices and arrangement that are in accordance with the School Admissions Code, the School Admissions Appeal Code and admissions law as it applies to maintained schools. It means that parents apply for a place for their children in the same way as for other maintained schools

Free schools designated as having a religious character will have to balance the need of children of the particular faith, and children of other faiths or none and when oversubscribed, they have to limit those admitted solely on the basis of faith to 50% of their yearly intake.

However 16 to 19 Free Schools must have admissions arrangements and criteria which are fair, objective and transparent. They are able to select pupils based on grades or other criteria. They do not need to admit students on the basis of the School Admission Code.

Under the funding agreement free schools must use their best endeavors to meet any special needs of pupils, while disability legislation requires them to make “reasonable adjustments” to provide disable students.

- Concerning the selection of teachers

Free Schools do not have to employ teachers with Qualified Teacher Status

(QTS), or comply with the provisions in the School Teachers pay and conditions document.

- Concerning the curriculum

Free Schools do not have to follow the National Curriculum.

However Mainstream Free schools must follow the statutory assessment arrangement as they apply to maintained schools, collect the performance date, publish result and be subject to public inspection under the same framework than maintained schools. Their curriculum has to be broad and balanced including the core subjects of English, maths, science and make provision for the teaching of religious education.

For 16 to 19 schools neither has follow the National Curriculum. However, they must have a suitable curriculum that is suitable to the requirements of the students. It can include vocational, social, physical and recreational training.

- Financial autonomy (destination and distribution of funds)

Free Schools do not have to comply with the provisions in the School Teacher's Pay and Conditions Document. It means that they do not need to follow national pay and conditions for teachers.

c) Funding:

- Financial expenses: Non- staff funding for books materials and equipment based on number of pupils. Grant to support salary costs as the school grows for full capacity.
- Modalities of funding: grants, initial endowment

## **5. Objective results of the practice**

- Number of founded schools/institutions.

There are currently 252 Free Schools in England (2014) (UK Government Department Education)

- Scholar marks in comparison with the national average, PISA
- Inclusion: Minorities, immigrants, disabled people

As we have said the under the funding agreement Free schools must use their best endeavors to meet any special needs of pupils, while disability legislation requires them to make "reasonable adjustments" to provide

disable students.

Regarding minorities Free schools appeal more to parents from minority ethnic communities than white parents. According to a poll done by New Schools Network 83 of black and other minority ethnic parents said they would consider sending their children to one compared with 58 per cent of white parents. (<http://www.yorkshirepost.co.uk/news/main-topics/education/free-schools-appeal-to-minorities-1-6851948>)

#### **6. Obstacles emerged during the implementation of the practice (political, economic, social, stakeholders, etc...)**

The funding is based on a per pupil basis. It means that the more pupils a school has the more funding they get. The problem here is that a school does not have enough pupils it will be difficult for them to pay the staff and the upkeep of the school building, however the Government has establish also some ways to help these schools the first years.

The Labour party and several teachers unions have claimed that free-schools are likely to be centered disproportionately in middle-class neighborhoods, by weakening already weak schools by attracting the best performing pupils and contribute to create a two-tier system.

There are also people who claim that the system gives too much freedom to faith-bases schools or so called fundamentalist agendas.

Finally, teachers unions are also critical of the fact that free schools do not have to employ qualified teachers. Others say it is a missed

#### **7. Evaluation of the transferability of the practice. Under which conditions the practice can be adopted by other countries?**

- Concerning the existence of essential elements which are inimitable
- Necessary / imperative conditions to implement the practice
- Limit of the implementation of the good practice
- Determinant factors of its success
- Possible risks and unkind effects (elements that should be supervise depending on the results)
- Ways of improve the good practice

Free Schools seems to be a really good practice to empower school choice policies and the empowerment of parents. A good indication of this is the enormous of acceptance that these schools have had and the increasing number of free schools that have appeared in a few years. Since 2010, 250

free schools have been created, and there are 112 whose creation have been approved. Right now, 4% of the schools in England and Wales are Free School.

There are not any specific legal framework in order to create a to build a legal framework that facilitate the apparition of institutions such as Free Schools. One characteristic that has in common countries where free school policies appeared – or so called in other places charter schools- is the existence of a strong civil society.

One of the strengths of Free Schools is that although the Minister Gove resigned due to the law there is a kind of consensus. Although the Labour Party have criticized a lot the apparition of Free Schools, the rest of the parties with representation in the British Parliament (Conservatives, Liberals and UKIP) are in favor of it. Also one of the wise choices of this law is that, as the system is funded on the base of pupils per school, some schools might have some problems to have the money they need, that's why the government help with extra funding in the first years in case not all the spots are occupied.

One of the characteristics that can cause difficulties for creating a framework that allows the creation of Free Schools are:

- A weak Civil Society who are not organized enough to create their own schools despite the Governmental help
- A federal or local organization for educational issues can provoke more difficulties in order to establish free schools all around the state

Some experts still say that people coming from low socioeconomic environments might have difficulties on making the good choice on which school is better for their children. There is a lot of ways to facilitate the choices in the English system.

Appendix:

Department of Education – Free Schools in 2014 – How to apply – Mainstream and 16 to 19 Free School –UK Gov

Free School Applicate Guideline – 10 September – 2014 –UK Gov

BBC News- Q&A: Free Schools – 3 sept-2012

**1. Titre de la bonne pratique**



## Concessions pour la mise à disposition du sol public pour la construction et gestion d'écoles privées sous contrat

### 2. Résumé de la bonne pratique

Sur le sol attribué par appel d'offres des municipalités ou de la Région, le concessionnaire construit et équipe une école privée sous contrat et gère, avec le soutien des fonds publics, le centre pendant, selon les différentes concessions, 50 ou 75 ans

### 3. Bref description du contexte national politique et éducatif

La Constitution Espagnole reconnaît (article 27) le droit à l'éducation, la liberté d'enseignement, le droit des parents à choisir la formation religieuse et morale de ses enfants en accord avec ses convictions, l'obligation et la gratuité de l'enseignement basique et la liberté de création d'établissements scolaires.

La Loi Organique pour la Régulation du Droit à l'Éducation (LODE), de 1985, établit les *Centros Concertados*, en substitution des établissements scolaires subventionnés de la législation précédente.

Les *Centros Concertados* sont des centres éducatifs créés à l'initiative de la société civile et soutenus par des fonds publics qui, pour la prestation du service d'intérêt public de l'éducation et pour garantir la liberté d'élection de centre, offrent de façon gratuite les enseignements déclarés comme tels dans les lois éducatives. Dans ce but, ces établissements scolaires signent avec l'Administration éducative le *concierto* (contrat) correspondant.

Les *centros concertados* sont financés par les Administrations éducatives (les régions autonomes, sauf dans le cas des villes autonomes de Ceuta et Melilla, où le financement est à la charge de l'État). Chaque année, le module économique par classe est fixé au budget de l'État et dans ceux des régions, que ne peuvent pas le fixer au-dessous de celui-là.

Le module, qui doit être suffisant pour que l'enseignement soit gratuit, comprend les rétributions des enseignants et les quantités assignées aux autres dépenses, que comprennent le personnel d'administration et services et l'entretien des bâtiments et des installations, fixées avec des critères analogues à ceux des centres publics.

Les *centros concertados* peuvent demander des contributions aux élèves - avec caractère facultatif, avec l'autorisation de l'Administration et à but non lucratif - pour les activités scolaires complémentaires, extrascolaires et pour les services scolaires. Ces perceptions peuvent contribuer à l'entretien et à l'amélioration des équipements.

Les *centros concertados* scolarisent en Espagne 27,4% des élèves dans tous les niveaux soutenus avec des fonds publics. Ce pourcentage est du

28% dans l'enseignement pour enfants de 3 à 6 ans, du 30% dans l'enseignement primaire (7 à 12 ans) et du 32% dans l'enseignement secondaire obligatoire (13 à 16 ans).

Les différences entre les régions à l'égard de l'offre de *centros concertados* sont importantes et montrent, dans une certaine mesure, le rôle accessoire ou résiduel que certains gouvernements régionaux socialistes ont voulu réserver, pendant beaucoup d'années, à l'initiative sociale dans l'Éducation. Tandis qu'à la région de Madrid ou à Navarre les *centros concertados* scolarisent 35% des élèves, et 31% à Catalogne et à La Rioja, les trois régions avec moins d'enseignement *concertado* sont Andalousie (22%), Extremadure (19%) et Castille-La Manche (15%). Dans la pratique, le droit d'élection des parents n'est pas le même dans toute l'Espagne.

Les Administrations éducatives espagnoles consacrent 17% de ses dépenses en enseignement primaire et secondaire (avec l'exclusion des investissements) au 27,4% des élèves qui étudient aux *centros concertados* et 83% des dépenses au 72,6% qui le font aux centres scolaires publics. La dépense publique par élève des *centros concertados* est 46% inférieure à la dépense publique par élève des centres scolaires publics.

Les Municipalités ne paient pas le nettoyage, entretien et surveillance des *centros concertados*, dépenses qui sont à leur charge aux centres publics.

#### **4. Éléments clés de la pratique**

##### **4.1. Base légale / législation instituant la pratique**

Constitution Espagnole de 1978. Titre VIII. Chapitre III. Compétences des régions autonomes

Loi Organique pour la Régulation du Droit à l'Éducation (LODE), de 1985

Loi Organique d'Éducation (LOE), de 2006

Statut d'Autonomie de la *Comunidad de Madrid* (Région Autonome de Madrid). Article 29. Compétences sur l'Education de la Région de Madrid

La récente Loi Organique d'Amélioration de la Qualité Éducative (LOMCE), de 9 décembre 2013, a fait référence à ces concessions dans la modification de l'article 116 de la Loi Organique d'Éducation (LOE), avec le texte suivant : « Les Administrations éducatives pourront convoquer des appels publics d'offres pour la construction et gestion de *centros concertados* sur sol public destiné aux équipements »

## 4.2. Description de la pratique

### a) Rôle des pouvoirs publics

À partir de l'année 2004, le Gouvernement de la Région de Madrid (*Comunidad de Madrid*) a mis en marche une initiative pour promouvoir la construction de nouveaux *centros concertados*, par l'intermédiaire d'un appel d'offres pour des concessions sur des sols publics. L'objet était de répondre à la demande éducative, aux municipalités et aux districts où cette demande avait augmenté notablement, et garantir de fait le droit d'élection des parents reconnu par la Constitution.

L'appel d'offres pour ces concessions est habituellement fait par les Municipalités propriétaires des sols, mais la Région de Madrid a aussi octroyé des concessions sur des sols de sa propriété.

Préalablement, une Convention est signée entre la Région de Madrid et chaque Mairie par laquelle celle-ci se compromet à publier un appel d'offres pour la construction et gestion d'un établissement scolaire.

La Région de Madrid se compromet à signer avec le concessionnaire le correspondant *concierto* (contrat) pour l'enseignement des enfants de 3 à 6 ans et pour les niveaux obligatoires. L'appel d'offres est ouvert à toutes les personnes physiques ou juridiques, espagnoles ou étrangères, dont l'objet social soit l'enseignement ou la promotion ou la gestion d'établissements scolaires.

Les critères d'adjudication des concessions ont évolué depuis 2004, mais dans la plupart des appels d'offres ont été les suivantes :

1. Projet éducatif et de gestion. Jusqu'à 55 points, selon les paramètres suivants:

a) Jusqu'à 40 points :

- Projet pédagogique
- Offre renforcée de langues étrangères
- Activités culturelles et sportives
- Activités extrascolaires
- Installations sportives
- Activités de promotion de la vie en commun à l'école, d'intégration sociale avec les familles des élèves et en regard à la diversité.

b) Jusqu'à 15 points : Intégration des élèves handicapés avec des besoins éducatifs spéciaux

2. Évaluation technique de l'immeuble, des installations et de l'équipement. Jusqu'à 15 points, selon les paramètres suivants:

- Qualité architecturale (rationalité, composition, qualité...)
- Qualité des matériaux
- Fonctionnalité et améliorations dans l'accomplissement du programme

- Meilleures propositions pour le transport scolaire, pour le parking des voitures et pour les installations sportives

3. Offre éducative complémentaire. Jusqu'à 15 points

- École maternelle pour enfants de 0 à 3 ans.....10 points
- Baccalauréat ou Enseignement technique de Niveau moyen. 5 points

4. Mise à disposition du public en général des installations sportives, hors de l'horaire et du calendrier scolaire..... jusqu'à 5 points

5. Entrée en fonctionnement de l'établissement scolaire au délai le plus bref possible .....jusqu'à 5 points

6. Amélioration de la redevance minimale exigée pour la concession. Jusqu'à 5 points

### **b) Conditions posées par les pouvoirs publics**

Le concessionnaire acquit l'obligation de construire et équiper l'établissement scolaire dans le délai prévu, de demander le régime de *concierto* (contrat) à la Région, de remplir toutes les conditions requises par l'Administration éducative et de gérer l'établissement scolaire pendant, selon les différentes concessions, 50 ou 75 ans.

Comme contre-prestation pour le droit de surface sur le sol, le concessionnaire doit payer une redevance à l'Administration.

Les droits sur les bâtiments et sur les installations, ainsi que sur la concession, peuvent être grevés par hypothèque, avec l'autorisation préalable de l'Administration, pour financer la construction, la modification et l'ampliation des bâtiments et des installations fixes de l'établissement. Ces hypothèques s'arrêtaient à la fin de la concession.

Au terme de la concession, tous les immeubles et les installations deviennent propriété de la Municipalité ou de la Région, selon le cas.

La régulation sur l'admission des élèves aux *centros concertados* est la même que celle des centres publics, en général et pour les élèves qui ont des nécessités éducatives spéciales.

Les professeurs des *centros concertados* sont choisis par les titulaires des centres, mais c'est l'Administration éducative publique qui paie directement aux enseignants leurs salaires.

### **c) Financement**

Les *centros concertados* sont financés par les budgets des Administrations éducatives (les régions autonomes, sauf dans le cas des villes autonomes de Ceuta et Melilla, où le financement est à la charge de l'État). Chaque année, le module économique par classe est fixé au budget de l'État et dans ceux

des régions, que ne peuvent pas le fixer au-dessous de celui de l'État.  
Le module, qui doit être suffisant pour que l'enseignement soit gratuit, comprend :

- a) Les rétributions des enseignants et la partie de la Sécurité sociale qui est à la charge des titulaires des établissements scolaires. Les quantités assignées aux autres dépenses, que comprennent le personnel d'administration et services et l'entretien des bâtiments et des installations. Ces quantités se fixent avec des critères analogues à ceux des établissements scolaires publics.

Les *centros concertados* peuvent charger les élèves - avec caractère facultatif, avec l'autorisation de l'Administration et à but non lucratif - pour les activités scolaires complémentaires, extrascolaires et pour les services scolaires. Ces perceptions peuvent contribuer à l'entretien et à l'amélioration des équipements.

## **5. Résultats objectifs de la pratique**

Depuis 2004 : 55 nouveaux *centros concertados*, 16 à Madrid capitale et 39 dans le reste de la Région.

Avec d'autres initiatives d'amélioration de l'offre éducative, les concessions des *centros concertados* ont contribué à que 91,3% des familles de la Région qui ont demandé une place scolaire en 2014 l'aient obtenu au centre de sa première option.

La régulation sur l'admission des élèves est la même que celle des centres publics, en général et pour ceux qui ont des nécessités éducatives spéciales

## **6. Obstacles apparus lors de la mise en œuvre de la pratique**

Les différences idéologiques à l'égard du rôle de l'initiative sociale dans l'Education sont toujours présentes dans les débats politiques, sociales et pédagogiques.

En tout cas, dans la région de Madrid, des municipalités importantes gouvernées par le Parti Socialiste (Aranjuez, Parla,..) et par la Gauche Unie (Rivas) ont fait, comme celles gouvernées par le Parti Populaire, des appels d'offres pour ces concessions pour la construction de *centros concertados* sur des sols publics municipaux.

## **7. Evaluation de la transférabilité de la pratique.**

La transférabilité de cette pratique requiert, préalablement, une régulation éducative qui permette le financement par des fonds publics des centres privées, soit par la formule des écoles privées sous contrat, des subventions aux centres éducatifs privés, du chèque scolaire, des City Academies anglaises.

Autre condition nécessaire pour la viabilité du financement du projet par les

institutions de crédit est le compromis préalable de l'Administration éducative de financer, dans les conditions légalement prévues, le nouveau établissement scolaire, une fois qu'il entre en fonctionnement. On peut considérer alors la concession comme un cas de *project financing* ou les revenus peuvent être estimés raisonnablement.

C'est important, aussi, l'existence à la municipalité ou au district municipal d'une demande insatisfaite de places scolaires à l'enseignement d'initiative sociale.

Les possibilités budgétaires des Administrations éducatives pour le financement de nouveaux centres constituent, bien sûr, une limite.

En tout cas, il faut considérer que les *centros concertados* représentent une participation de l'initiative sociale dans l'attention à la demande éducative qui, avec un investissement moyen de 15 millions d'euros qui n'est pas à la charge des budgets publics, a un coût public par élève notablement inférieur à celui des établissements scolaires publics. Les Municipalités ne paient pas le nettoyage, l'entretien et la surveillance comme elles le font dans les établissements scolaires publics.

L'ouverture d'un *centro concertado* représente la création, par moyenne, de 100 nouveaux emplois (avec 70% pour des femmes).

Bien sûr, il faut que les lois éducatives exigent que ces nouveaux centres accueillent ses élèves avec les mêmes conditions que les centres publics.

### **1. Title of the good practice:**

**Free schools in Sweden**

### **2. Summary of the good practice**

At the beginning of the 1990s, Sweden, a country that virtually had no non-state education, introduced the possibility to create “free schools” based on vouchers. In spite of their name, the schools are not altogether “free” as they are financed by the state and obliged to follow the national curriculum, but the management is in the hands of cooperatives, foundations, or corporations. Private fee-paying schools are not allowed.

### **3. Short description of the political and educational national context**

There is an idea outside Sweden that the free schools have been a tremendous success. The voucher idea is very interesting, but it is important to know that it was put into practice at an unfavorable moment, and that the situation of present-day Swedish education does not really reflect the possibilities of the voucher.

Several major policy changes took place in Swedish education during the first years of the 1990s. In 1992 a Social-Democratic government decentralized education, transferring decisions over schools from the state to the 290 local authorities/municipalities. The government also opened the possibility of choosing between different municipal schools.

The school budgets gave the local authorities a substantially increased economic power. They could also influence the selection of school leaders and teachers. There was a tendency from the new employer, the local authorities, to adjust teacher salaries to other salaries in the municipal sector, something which had a negative effect on the salaries and on the prestige of the teaching profession. Also, school results started to differ more than earlier.

Shortly afterwards, a center-right government introduced the possibility of creating “free schools”. The background was a growing worry about the quality of education. The idea was that bad schools would be forced to close down and that market mechanisms would take care of the quality problems. It seems that the politicians thought that the schools would be run by teachers wanting to try out new pedagogy, but some free schools were created by entrepreneurs with little previous knowledge about education, maybe seeing the public financing of schools as a possibility of making a profit. The reform was introduced rapidly and against the wish of the left parties who to this day are more or less negative to free schools. At first there was no real quality control adapted to the new situation. Neither were there rules for the selling and buying of school buildings.

The center-right government also changed the requirement for school

leaders. Since then, a school principal does not need to have a teacher license but only “pedagogical insight”.

Decentralization, school choice, free schools and new leadership were introduced at the same time, which makes it almost impossible to say exactly what result is due to what decision. Other simultaneous factors complicate the evaluation of the reforms such as the economic crisis at the beginning of the 1990s and the arrival in Sweden of large groups of Asian and African refugees creating the need to provide schooling for their children.

Around 1996, the then Minister of Education, Ylva Johansson, Social Democrat, decided to lower the percentage of the free school voucher from 85 to 75 % of the municipal school voucher. The minimum number of students in a free school was raised from 12 to 20. The local authorities were allowed to have a say when a free school wanted to open. Anyhow, the number of free schools grew steadily, especially at the upper secondary level.

The free schools function within the same framework as other schools. They draw their teachers from the same “teacher pool” as other schools. If the students discover that they need not study very hard in order to get the marks or grades they need to gain admission to higher education, they will not study hard even if they attend a free school. The grading system, the national tests, the curriculum and the legal framework are the same in a free school as in a municipal one, that is to say that most factors are the same. There is scope for making a difference, but it is not unlimited.

The number of free schools created in somewhat more than twenty years can be attributed to parents’ growing concern about the quality of municipal schools. It expresses a flight from municipal schools as much as an attraction to alternatives. Had there not been a long decline in quality, going back to the 1960s, it is doubtful if parents would have opted for free schools to the extent that they have done.

#### **4. Key elements of the practice**

##### **4.1. Legal base /Legislation that establishes the practice**

The law from 1992/1993 permitting the establishment of free schools financed by “vouchers”.

#### **5. Objective results of the practice**

Statistics from the Association of free schools (*Fakta om friskolor*, May 2014):

- Number of free schools registered in 2012: 906.
- Cost per pupil in municipal/public schools at compulsory level: 90400 Swedish crowns (s.c.). In a free school: 86.900 s.c.
- Cost per pupil in upper secondary municipal school: 102.400 s.c.; in free school, 92.200 s.c.



- Goal attainment. Percentage of students who graduate after 9<sup>th</sup> class in compulsory school: 77 % in municipal schools; 84 % in free schools. Results in mathematics, Swedish and English, somewhat better in free schools. The Swedish National Agency for Education has said repeatedly that differences are bigger within schools than between schools.
- Number of teachers per student in compulsory municipal schools: 12.0; in free schools 13,1. In upper- secondary municipal schools there are 11.6 students per teacher; in free schools 14.2 students per teacher.
- Number of teachers with the required state teacher exam in municipal schools: 88,2 %; in free schools 73,2 %.
- Teachers' salaries vary with age but for teachers of 60-64 years of age in municipal schools, the salary is 29.800 c.s. and in free schools 28.900 c.s. In general terms, teachers have somewhat higher salaries in municipal schools.
- The owner of a free school has often only one school. Only 9 % of the owners have more than one school. The 10 biggest owners represent 1 % of the owners.
- The number of students with foreign background in municipal school is 19 %; in free schools 22 %.
- Parents with higher education constitute 47 % in municipal school; in free school, 50 %.
- In 2013-2014, at the pre-school level free schools make up 25 % of all schools, at compulsory level 16 % and at upper-secondary 34 %.
- 20 % of the children in preschool attend free schools, in compulsory school 13 % and in upper-secondary school 26 %.
- In 2013-2014, 88 5 % of the students in free schools attend schools with a general program, 7 % schools with a religious denomination, 1,6 % schools with an international profile, and 3,5 % attend Waldorf schools.

## **6. Examples of obstacles that free schools may encounter**

1. The general hostility of the left parties on a national and local level who would like to abolish them.
2. The local authorities can be slow in granting permits of different types, showing their displeasure.
3. Free schools are often not allowed to use public sports facilities while the municipal schools may use them free of charge. Free schools may have to pay for buses to reach facilities far from the school.
4. Free schools may not be allowed to use the same student insurance at an attractive rate as the municipal schools.
5. Free schools may not get the same reduction on schoolbooks and material that the municipal schools get. The providers are afraid of retaliation.
6. Local authorities may create a number of small, irritating obstacles like allowing free parking for teachers in municipal school but not for teachers in free schools. They may pointedly exclude free-school teachers from interesting teacher seminars. They may create summer

jobs for students in municipal schools but exclude students in free schools.

**7. Evaluation of the transferability of the practice. Under which conditions the practice can be adopted by other countries?**

The Swedish experience of introducing free schools in a system that used to have only state education could be interesting for countries in similar situations. Two lessons learnt in Sweden are that there should be different control systems installed from the start and that the introduction of free schools does not excuse the state from reforming education on a general level.