In Spain there are public and private educational institutions.

According to the 1978 Spanish Constitution, individuals and legal entities are free to create educational institutions, subject to observance of the constitutional principles.

The 1985 Act on the Right to Education, the 2006 Education Act and the 2013 Act on the Improvement of the Quality of Education, modifying the former, constitute the general legislative framework regulating both the public and private sector.

**Private non-university institutions**

They provide any non-university stage and level, as long as they meet the necessary requirements.

**Types of educational institutions according to their source of funding**

1. **Publicly-funded private schools**
   - they are financed with public funds through the so-called educational agreements, providing that they meet the requirements set by the education regulations
   - private expenditure on education by families may be considered to be complementary to public expenditure, and it is allocated to those aspects which are not covered by public funds: school materials, textbooks, the use of the complementary services of transport and canteen, the improvement of school materials and organisation of extracurricular activities by means of voluntary fees paid to the parents' associations.

2. **Private schools non receiving public funds**
   - they are mainly financed by the tuition fees paid by the students' families, although they may also receive support from subsidies or private institutions: cooperatives, foundations, religious orders, etc.
   - they are free to choose the name of the school, except if it matches the name of a public school
   - their opening and running must be authorised by the corresponding education authority, as long as private schools meet the standards required by every educational institution, regardless of their ownership and source of funding, in order to ensure the quality of education. The standards include the provisions laid down by the legislation in force in terms of hygiene, acoustics, capacity, safety and conditions ensuring access and mobility for physically disabled people.

**Educational agreements**

The general legislative framework establishes the system of educational agreements as a procedure for financing with public funds those institutions meeting certain conditions, mainly in the compulsory
education stages. Thus, the education authorities of the Autonomous Communities do not allocate public funds only to public education, but also to the private sector.

Educational agreements have a dual purpose:

- assuring free compulsory education where there are not enough public school places
- allowing families the freedom to choose a school other than those created by public authorities.

The amount of public funds earmarked for educational subsidies is yearly established in the Spanish General Budget, setting the economic amount applicable to every school unit in the different education stages. The said amount includes the salaries of teaching and non-teaching staff and the maintenance of facilities. The education authorities may increase this amount in the case of schools catering for students with special educational needs in greater proportion than the one established generally or that depending on the area where they are located.

The Autonomous Communities channel a share of their public education spending to educational agreements [1].

There are two modalities in the agreements system:

1. general:
   - institutions are completely publicly-funded and they must provide free education.

2. singular:
   - institutions offering post-compulsory education sign singular agreements for this type of provision
   - public funds defray only part of their costs, so they may charge pupils tuition as complementary revenue. These fees can under no circumstances exceed the limit established for each education stage by the Ministry of Education and Vocational Training.

The Act on the Improvement of the Quality of Education establishes a duration of six years in the case of educational agreements in primary education and four years in the rest of cases. The institution has to meet the requirements in place when the agreement was approved, and its expiry may be due to different causes.

In order to receive public funds, publicly-funded private institutions must comply with certain requirements:

- provide free education
- constitute a School Board as the main body for its management and control. For more information, see Administration and governance at local and/or institutional level [2]
- apply the same admission criteria for pupils as public institutions
- use procedures for hiring teachers that are subject to control. For more information, see Conditions of service for teachers working in early childhood and school education [3]
- have an average pupil/teacher ratio below the one fixed by the education authorities
- comply with the minimum standards that ensure the quality of education.

In accessing such arrangements priority is granted to schools which:

- attend school populations in disadvantaged economic conditions
- carry out trials of pedagogical interest for the education system
- work as cooperatives.
Other characteristics of publicly-funded private schools:

- they have the right to define their own nature, as long as the education provided respects freedom of conscience
- confessional practices must be voluntary
- they can organise activities and complementary extracurricular services, without discrimination against any member of the school community, which are non-profit making and outside of school hours. Any revenue deriving from this kind of activities must be approved by the education authority.

Any procedure related to educational agreements with private schools must be carried out before the education authority of the relevant Autonomous Community. In the case of the Cities of Ceuta and Melilla, it is the responsibility of the Ministry of Education and Vocational Training.

**Requirements of private institutions**

Private institution must fulfil the same requirements as all the educational institutions, regardless of their source of funding.

These requirements are established by the Ministry of Education and Vocational Training, and the regional education authorities are in charge of executing them.

Schools providing the first cycle of pre-primary education are regulated by the provisions of the corresponding education authority.

Those offering the second cycle of this stage, primary education, compulsory secondary education, Bachillerato and vocational training must fulfil the following general requirements:

- be located in independent buildings for school use exclusively
- comply with the relevant safety conditions, have the appropriate ventilation and natural light, as well as universal accessibility conditions
- be provided with, at least, the following rooms and facilities: school head's offices, coordination and guidance activities, rooms for administration, staffroom, rooms for the meetings of students’ and parents’ associations, an appropriate number of toilets for the students and adapted to them and the necessary rooms to provide support to students with special education needs.

Upon the entry into force of the Act on the Improvement of the Quality of Education in 2013, publicly-funded private schools can separate students by gender, establishing groups of male and female students. It is understood that this type of choice is not discriminatory as long as it complies with the Convention against Discrimination in Education, adopted by the General Conference of the UNESCO in 1960.

There are certain specific minimum requirements for each educational level.

**Pre-primary education**

- schools have a minimum of 3 units in the first cycle and 3 units in the second cycle
- a classroom per unit with a minimum of 3 square metres per school place
- a multi-purpose room of 30 square metres
- a playground
- teacher/student ratio per unit: under 1 year old, a maximum of 8 children; 1-2 years old, between 12 and 14 children, depending on the Autonomous Community; 2-3 years old, between
18 and 20 children, depending on the Autonomous Community; in the second cycle of the level, a maximum of 25 children per teacher.

The maximum number of students with special education needs in mainstream education per classroom is established by the Education Authorities in their jurisdiction.

**Primary education**

- schools have, at least, a unit per year
- they provide the three cycles composing the level
- a classroom per unit with a minimum of 1.5 square metres per school place
- a room per every six units for splitting the classes and another room for support and reinforcement activities
- a multi-purpose room
- teacher/student ratio per unit: a maximum of 25 pupils per unit. This ratio is regulated by the Ministry of Education and Vocational Training and a further 20% was added due to the measures on the limitation of public expenditure issued in 2012. The education authorities were to determine the increase in the ratio whenever there was no further authorisation for the accommodation of new civil servant teachers in a Public Provision for Employment, or whenever there was an effective replacement rate below 50%. In 2015, the Ministry of Finance and Public Administration raised that percentage to 50%. This decision is the responsibility of each Autonomous Community.

The maximum number of students with special education needs in mainstream education per classroom is established by the education authorities in their jurisdiction.

**Compulsory secondary education**

- schools have, at least, a unit per year
- they provide the four grades composing this education stage
- a classroom per unit with a minimum of 1.5 square metres per school place
- per every twelve units, a workshop for technologies, two classrooms for music and plastic and visual education activities and, at least, an experimental Science laboratory
- a room per every eight units for splitting the classes and another room for support and pedagogical reinforcement
- teacher/student ratio per unit: a maximum of 30 pupils per unit. This ratio is regulated by the Ministry of Education and Vocational Training and a further 20% was added due to the measures on the limitation of public expenditure issued in 2012. The education authorities were to determine the increase in the ratio whenever there was no further authorisation for the accommodation of new civil servant teachers in a Public Provision for Employment, or whenever there was an effective replacement rate below 50%. In 2015, the Ministry of Finance and Public Administration raised that percentage to 50%. This decision is the responsibility of each Autonomous Community.

The maximum number of students with special education needs in mainstream education per classroom is established by the education authorities in their jurisdiction.

**Bachillerato**

- schools have, at least, four units
- schools provide, at least, two Bachillerato branches
- a classroom per unit with a minimum of 1.5 square metres per school place
• a room per every four units for splitting the classes and another room for support and reinforcement activities
• they must be provided with the necessary facilities according to the Bachillerato branches provided
• teacher/student ratio per unit: a maximum of 35 pupils per unit.

Vocational training

• educational institutions must be provided with the rooms and equipment established in the regulation of the training cycles offered
• teacher/student ratio per unit: a maximum of 30 pupils per unit.

Some educational institutions are exceptional in as much as they do not have to comply with these requirements. This does not depend on their ownership, but on the fact that:

• their population has special social, demographic and school characteristics
• they provide more than an education level
• they are incomplete because they are located in rural areas
• they are in the heart of a town and they cannot expand or remodel their facilities.

The education authorities must adapt those educational institutions when providing adult and special education.

Finally, private educational institutions providing Artistic education must also fulfil some requirements concerning material facilities and conditions, generally established by the competent education authorities. They can provide this kind of studies as authorised institutions for providing the corresponding studies and grades.

Autonomy of private institutions

Regarding their organisation, the owners of these institutions:

• have the right to decide their nature, respecting the constitutional principles and the rights bestowed to teachers, parents and students. They must inform the different members of the school community. The choice of such a school by families implies their acceptance
• they are free to establish their own school rules and the specific bodies for the participation of the education community, select the teachers, as long as they hold the required qualification, set the procedure for students' admission, lay down their coexistence rules and establish their tuition fees.

Private university institutions

Private universities or private university institutions can be created by any individual or legal entity, according to the provisions of the Spanish Constitution (Article 27.6).

They meet a series of requirements established by the regulations enacted by the State and the Autonomous Communities, by their own organisation and running rules, as well as by the rules corresponding to the kind of legal status adopted.

Like public universities, they must fulfil a series of minimum material requirements regarding teaching and research rooms and equipment. These requirements are established in accordance with the following criteria:
• the number of students who are going to use them simultaneously
• their adaptation to teaching, research and any other activity carried out by the university or university institutions
• sport practice being guaranteed and the provision of canteen and cafeteria services, as well as information, computer and medical services.

As for their **funding**: 

• it is not possible for private universities to establish financial agreements with the education authority
• students, by means of their academic fees, and the institutions' owner have to bear all the costs
• enrolment and tuition fees are set by each university.

**Organisationally:**

• they are granted legal status and they develop their functions in an autonomous manner
• their rules are drawn up and passed by universities themselves, subject, in every case, to the constitutional principles and effectively guaranteeing the principles of academic, research and study freedom
• these regulations establish their government and representation bodies, as well as the procedures for their appointment and dismissal
• individual governing bodies have exactly the same denomination as those established for public universities. For more information, see [Conditions of service for academic staff working in higher education](#).

The **creation, modification and closing** of faculties, higher technic schools or higher polytechnic schools, as well as the implementation or supression of studies leading to the award of official degrees with national validity is carried out upon request of the university concerned.

In Spain, there are secular universities and universities belonging to the Catholic Church. The latter are subject to special agreements between the Spanish State and the Holy See.

**Distribution of private education in Spain**

In the 2016/17 academic year, there were 28 211 non-university educational institutions. 9 185 (32.53%) of them were private.

Within private institutions, 54.45% were totally or partly financed with public funds. Only 45.55% were entirely privately-funded.

In the 2016/17 academic year, the Spanish university system was constituted by 84 universities, 50 of which were public and 34 private, which reveals that 40.48% of the university institutions were private. However, there are two private universities which are not currently active, one is located in the Canary Islands and the other in Madrid.

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