

# Review of the legislative framework for attention to the linguistic diversity of foreign students in the Spanish educational system

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**ABSTRACT:** Migration is a social phenomenon that, as such, is organic, ever evolving, and complex. Due to its complexity, it can be approached in an interdisciplinary way to try to grasp its scope and effect. This study is centered on migrant minors and the linguistic aspect of their social and educational inclusion in the destination country (Spain). For that purpose, we offer an updated review of the Spanish legislative framework in educational matters from a qualitative approach and complemented with a review of the *Web of Science* database. Following the PRISMA model the obtained data show the importance of the minors' rights to schooling and attention to their linguistic diversity as well as the responsibility of each autonomous community or city to fulfill their needs. On the other hand, a review on the Web of Science database showed the low density of works that review and analyzes the legislation on the Spanish educative framework. Finally, the works on regularizations and concrete actions in the context of specific autonomous communities or cities are more abundant.

**Key words:** Spanish educational system, linguistic diversity, Spanish as a Second Language, migration, legislative framework.

## Revisión bibliográfica sobre el marco legislativo para la atención a la diversidad lingüística de alumnado extranjero en el sistema educativo español

**RESUMEN:** La migración es un fenómeno social que, como tal, es orgánico, transmutable y complejo abordado de manera interdisciplinar para intentar aprehender su verdadero alcance y efecto. En este estudio, nos centramos en el aspecto lingüístico y la inclusión de los menores migrantes, ya que resulta una de las principales herramientas de inclusión social y educativa para estos. Para ello, ofrecemos una revisión bibliográfica actualizada del marco legislativo español en materia educativa desde un enfoque cualitativo complementado con una revisión de la base de datos *Web of Science* siguiendo el modelo PRISMA. Los datos obtenidos manifiestan la importancia del derecho del menor extranjero a estar escolarizado y la progresiva presencia a la atención a la diversidad donde la lingüística forma parte de esta señalando la respuesta que debe dar la administración para la integración del alumnado que presente necesidades lingüísticas, si bien las concreciones para atender la diversidad lingüística recaen sobre las comunidades y ciudades autónomas que conforman el territorio español. Por otro lado, la revisión en la base de datos *Web of Science* manifiesta una baja densidad de trabajos en los que se revise y analice el marco legislativo educativo español,

aunque sí es más abundante la bibliografía sobre regularizaciones y acciones concretas en el contexto de su comunidad o ciudad autónoma española.

**Palabras clave:** Sistema educativo español, diversidad lingüística, Español como Segunda Lengua, migración, marco legislativo.

## 1. INTRODUCTION

Most people in the context of human mobility reach Europe through the so-called *first-line countries* such as Spain, Italy, Malta, or Greece. They primarily use two routes, which are Central Mediterranean and Western Mediterranean. During 2020 the International Organization for Migration registered an 86% increase in the traffic of both routes, going from 41 000 to 77 000 arrivals. In this sense, it is essential to point out that despite Spain and Italy being major landing countries for thousands of migrants, they are in third and fourth place as destination countries on a European level –without considering the United Kingdom- after Germany and France. On a global scale, they are the tenth and eleventh places correspondingly (IOM, 2021).

In this context, the role of Spain is essential in the European migratory scenario. As we have seen, even though not all migrants decide -or are able- to stay in the Iberian country, its shores are, for many, the first contact they have with the global north, the entrance to Europe, the cradle of human rights. Thus, Spain is responsible for protecting the human rights of the people in the context of human mobility within its borders.

Therefore, in a democratic State, which is, by definition, respectful of human rights and fundamental freedoms, efforts must be made to meet the necessities of migrants. For example, access to medical attention, drinking water, food, appropriate facilities, and dignified care is fundamental. However, it is vital to contemplate those aspects that are not as evident but essential for the development and integration of migrants, especially minors. We are discussing access to education within a linguistic and cultural diversity frame; this is following numerous international instruments, of which we highlight the *International Covenant on Economic, Social and Cultural Rights* (1966) and the *Convention of the Rights of the Child* (1989), as well as the *Universal Declaration of UNESCO* (United Nations Educational, Scientific and Cultural Organization), on Cultural Diversity (2001) or, later, the Convention on the Protection and Promotion of the Diversity of Cultural Expressions of UNESCO (2005).

Finally, on a national level, the *Spanish Constitution* (SC) of 1978 defines respect for diversity. Its preamble states that the Spanish Nation claims it will to “protect all Spaniards and peoples of Spain in the exercise of human rights, of their cultures and traditions, and of their languages and institutions” (p.7, authors’ translation). In this sense, the research that we offer here is part of the ReD/ELE project and is a preliminary contextualizing phase on the inclusion of non-Spanish-speaking foreign students in the compulsory Spanish educational system.

### 1.1. Migration and childhood: Right to education

Scholars have divided the study of the migratory phenomenon into different flows, such as men, women, children, and unaccompanied minors. This division helps to understand the

diversity of challenges that each of them faces from the moment they leave their homes, during their travel, and once they reach their destination. According to UNICEF, in 2020 there were 36 million migrant children around the world.

The most vulnerable group are the unaccompanied minors since their condition of children makes them an easy target to be victims of all sorts of abuses. That is why the way we name them is very important, it is imperative that we remember that they are, above all, children. Alas, governments do not tend to use this classification, rather, they have chosen to use other words that affect the very form in which we understand and approach their reality. For example, in the United States, unaccompanied minors are classified as “unaccompanied alien children”, and in the case of Spain, the government uses the term “non-accompanied migrant minors” (MENA) and they tend to use this acronym to refer to that vulnerable collective the foreign and non-communitary children. Alas, vulnerability is not exclusive of unaccompanied children. On some occasions, these minors were born in Spain. However, if both of their parents are irregular migrants, they are not granted with the Spanish nationality. In the case of children born in Spain from foreign parents that are citizens from the European Union, they are granted with the same residence authorization than their parents (Ministry of Inclusion, Social Security and Migration, n.d.).

Before reviewing the main tools available on a Spanish national scale to improve and ensure children’s access to inclusive and quality education, let us set the scene. The *Vienna Convention on the Law of Treaties of 1969* –from which Spain is a State party- establishes, in its 26th article, the principle of *pacta sunt servanda*: “Every treaty in force is binding upon the parties to it and must be performed by them in good faith” (online). This means that a state binds itself to fulfil its claims whenever it signs a treaty. States will not be able to use their internal law to justify its failure to perform. On the contrary, States have tried to adapt their internal legislation to improve human rights protection, and Spain is not the exception.

Even though several international instruments address the issue of education, we are invoking the most relevant ones. First, it is essential to remember that the International Covenant on Economic, Social and Cultural Rights to which Spain has been part since 1976 (BOE-A-1977-10734) refers, in its 13th article (online):

The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance, and friendship among all nations and all racial, ethnic, or religious groups, and further the activities of the United Nations for the maintenance of peace (A/RES/21/2200).

Second, the United Nations Convention on the Rights of the Child (UNCRC) (1989) (BOE-A-1990-31312) establishes that the States have to “Take measures to encourage regular attendance at schools and the reduction of drop-out rates” (art.28) as well as to respect their cultural identity, language, and values (art.29). In the case of foreign minors, these two points translate into the State’s responsibility to create school spaces with the necessary tools to help minimize cultural and language barriers that put migrant or foreign children at

a disadvantage against nationals. This is with the intention that they can have equal access to education.

Third, The Sustainable Development Goals (SDG) have ‘quality education’ at the center of its 4th goal. The SDGs consider that quality education is essential in creating a more peaceful and prosperous world. The pandemic of COVID-19 affected education worldwide as during 2020 and 2021 over 147 million children missed more than half of in-person instruction. However, the most vulnerable students –at risk of exclusion, living in war zones, impoverished countries or migrants- faced more difficulties. In the case of Refugee children, the United Nations High Commissioner for Refugees (UNHCR) stated on its 2022 education report that 68% of refugee children are enrolled on primary school, while only 34% were able to keep studying in secondary school. This proves the need to multiply the efforts on providing quality education and opportunities for migrant and refugee children (SDG Report, 2022; UNCHR, 2022).

On a regional level, we can invoke the ideals of the Charter of Fundamental Rights of the European Union (2000/C 364/01). It recognizes the right of all people to education as well as the respect of cultural, religious and linguistic diversity. Likewise, it establishes that both public authorities and private institutions must always put the best interest of minors at the center of their actions (arts. 14, 22 and 24). Once again, this translates to the States’ duty to provide the necessary conditions for children to have their right to education.

Finally, according to the article 27 of the *Spanish Constitution* (1978) foreign minors living in Spain, regardless of their legal situation, have the right to education and the “full development of their human personality within the respect of the democratic principles of coexistence as well as fundamental rights and freedoms” (p.8, authors’ translation).

## 1.2. General Aspects of the Spanish Education System

The Spanish Education System foresees scholarization of all minors regardless of the residence situation of their parents or tutors. As it has already been pointed out, mandatory education covers ages 6 to 16. In this regard, the system has two mandatory and three non-mandatory levels (Ministry of Education and Professional Training, n.d.):

- Mandatory: Primary education (6 to 12 years old) and Mandatory Secondary Education (ESO) (12 to 16 years old).
- Non-mandatory: Early childhood education (0 to 6 years old), Highschool and Professional Training. Students access to either of these levels of education after ESO.

Even though Spain is organized in 17 Autonomous Communities plus two autonomous cities, Ceuta and Melilla, thus recognized by their own statutes those each of them have competences in education, there is a State Legislation that shall always be respected. Also, it is important to consider that Spain is a Plurilingual State (SC, art. 3, p.3):

1. Castilian is the official language of the Spanish State. All Spaniards have the duty to know it and the right to use it.
2. The other Spanish languages will also be official in the respective Autonomous Communities according to their Statutes.

3. The richness of the linguistic modalities in Spain is a cultural heritage, an object of special respect and protection.

Therefore, as the *Spanish Constitution* states, along with Castilian, the languages used in the Autonomous Communities are coofficial in their territory. This has a direct effect on education, since these languages are used as a means of teaching and learning.

*The 2022 report on the state of the Education System. Course 2020-2021* published by the State School Board (2022) collects four linguistic models that were adopted in the national territory (p.124):

- Model I: Castilian is used as the only vehicle language for teaching and learning the different subjects in the curriculum. This is used by the Autonomous Communities that only have Castilian as their official language.
- Model II: Uses Castilian as vehicle language for teaching and learning. The curriculum has both Castilian language and literature and the co-official language and literature. Some core subjects might also be taught in the co-official language.
- Model III: It is bilingual. Some subjects are in Castilian, and some other are in the co-official language of the Autonomous Community: both languages are vehicle for teaching and learning. Also, both languages are found in the academic curriculum of the Autonomous Community ‘General Regime of Teaching. Galicia uses this linguistic model.
- Model IV: It is a system where teaching and learning are taught in the co-official language, not in Castilian. In the Academic Curriculum of this linguistic model, the subjects of Castilian language and literature, as well as the language and literature of the regional language are considered core subjects and fundamental for the students’ curricula. This model is used by the Autonomous Community of Cataluña.

However, other Autonomous Communities such as Illes Balears, Comunitat Valenciana, Basque Country and Chartered Community of Navarre use mixed systems that combine the previously mentioned linguistic models. Finally, the Community of Aragon uses, on a general basis, model I, but also, to a lower extent, models II and III.

## 2. METHOD

### 2.1. Objectives

This investigation consisted of an Education Spanish legislative revision with non-experimental qualitative approach. In particular, this quality study aims to contextualize how, from the legislative framework, the situation of foreign students who are not Spanish-speaking is addressed in order to include them socio-educationally in the country and, on the other hand, determine the key concepts to carry out a systematic review that updates and summarize the information on this subject following the PRISMA model (Preferred Reporting Items for Systematic Reviews and Meta-Analyses) for observe if the normative evolution has also occurred in the existing bibliography. As a previous step to the latter that has been

exposed, a pilot test was carried out in the Web of Science (WOS) database that is included in the results.

Thus, the present study, in addition to showing the evolution of the presence of the migrant in Spanish educational regulations, also helps to determine and specify the terms to be used to carry out a systematic review that offers an overview of the current state of the situation and whether this has been adjusting to the normative and terminological evolution itself.

## 2.2. Search procedure

A web research was carried out, on the one hand, through the web Library of the Agencia Estatal Boletín Oficial del Estado where localized the *Official Spanish Bulletin* (in Spanish *BOE -Boletín Oficial del Estado-*), recovering all the laws and Royal Decrees on education registered since the beginning of the democratic era with the *Spanish Constitution* (SC 1978) up to our days. Previous studies are also taken in consideration Trujillo (2004), Grañeras et al. (2007), Verdeja (2017), Rodríguez (2018) and Barranco & Guillén (2019):

In order to make an appropriate choice of bibliography suitable for this research, a strict criterion was followed to determine inclusion and exclusion of the material. On the one hand, the eight educational laws and *Royal Decrees* that have been promulgated since the arrival of democracy in 1977 to our days were examined. About the *Royal Decrees*, we only dealt the decrees laying down the basic aspects of the curriculum or minimum teaching standards.

Finally, a systematic review pilot was carried out only in the WOB database. The search in “topic” was filtered with the terms “Education law”, “Foreign students”, “Educational needs” in general and concreted in “Special educational needs”, “Specific educational attention; “Attention to the diversity” in general that we concreted in “Attention to the diversity of needs of all students” and “Education support”; “Inclusion y attention to the diversity”

On the other hand, the results were subjected to the following inclusion-exclusion criteria.

1. We were included documents that dealt with general Spanish regulations related to compulsory education and foreign students with learning needs in Spanish as a vehicular language of education.
2. The studies that attended the autonomic regulations or specific projects related to such normative and foreign students with learning needs in Spanish as a vehicular language of education were considered.
3. We were excluded the papers that did not deal compulsory education in Spain.

## 3. RESULTS

Since the instauration of the democratic regime in Spain (1977) to the present times, we can find eight Education Laws in which we can observe how migrants have slowly been introduced in the different organic laws and a selection of the Royal Decrees.

We offer a qualitative analysis of these laws and the Decrees since the instauration of the democratic regime in Spain to the present times, we can find eight Education Laws.

**Organic Law that Regulates the Statute of School Centers, 1980** (LOECE - Ley Orgánica 5/1980, de 19 de junio, por la que se regula el Estatuto de Centros Escolares). This is the first Education Law approved during the democratic regime in Spain. It is also the first law in educational matters after the Constitution of 1978. It was approved under the Center-Democratic Union Government (UCD), but it never entered into force. In the first Title, art.1 section 3 (p. 13661), the law declared that foreigners living in Spain had equal rights in educational matters.

**Organic Law that Regulates the Right to Education, 1985** (LODE - Ley Orgánica 8/1985, de 3 de julio, Reguladora del Derecho a la Educación). The second Education Law approved by the democratic government. This time, the ruling party was the Spanish Socialist Workers Party (PSOE) and the president of the government was Felipe González (1982-1996). Just like the previous law, this one explicitly mentions the foreigners residing in Spain (preliminary title, art. 1, section 3, p. 21016). The law states their right to have the same educational conditions than the Spanish citizens.

**Organic Law for the General Organization of the Educational System, 1990** (LOGSE - Ley Orgánica 1/1990 de 3 de octubre, de Ordenación General del Sistema Educativo). This law was also passed during the government Felipe González (PSOE). It repaired on the importance of a functional school structure in order to attend all sorts of diversity within the student body. Alas, with the pass of time, this diversity tended to focus on the “students with special educational necessities, temporary or permanent” (Chapter V, article 36 and article 37, p. 28934), but it did not state anything related or concrete to foreign students.

**Organic Law of Participation, Evaluation and Government of the Educational Centers, 1995** (LOPEG, Ley Orgánica 9/1995, de la participación, la evaluación y el gobierno de los centros docentes). LOPEG was also passed during the government of Felipe González (PSOE). This law could be understood as a complement for LOGSE. It follows the same line as the prior law, as it does not make any specific reference to foreign students.

This law maintains the concept of students with special educational needs and can over-understand the linguistic attention to newly incorporated foreign students when it states in section 1 of “Second Additional Provision. Schooling of pupils with special educational needs” (p. 33.660) to those pupils who require, during a period of their schooling or throughout it, certain support and specific educational attention because they are in disadvantaged social or cultural situations. Following that, the *Royal Decree 299/1996 of 28 February, of management of actions aimed at the compensation of inequalities in education*, specified that the actions indicated in the law targeted specific student collectives that were part of ethnic or cultural minorities and, therefore, had difficulties of access, permanence and promotion within the educational system.

**Organic Law of Educational Quality, 2002** (LOCE, Ley Orgánica 10/2002, de 23 de diciembre, de Calidad de la Educación). This law was the first education reform of the Popular Party (PP) as it was the ruling party from 1996 to 2002, time in which José María Aznar was president of Spain. When mentioning the denomination of specific educational needs, it also considers foreign students. For example, in chapter VII, title I, the law establishes a general framework that allows educative administrations to meet the specific requirements needed by foreign students, intellectually gifted children and students with special educative needs (exposition of motives p. 45191). Specifically, this law establishes in *Chapter VII. Attention to students with specific educational needs, section 2.a. On foreign students: Article 42. Incorporation to the educational system. Section 1:*

For those students that are not familiar with the Spanish language and culture, or that present lack of basic knowledge, the educative administrations will develop specific learning programs with the aim of making their integration easier on each level (pp. 45200-45201, authors' translation).

In relation to section 5, this law brings as a novelty the attention to the family: "The educational administrations shall adopt the appropriate measures so that the parents of foreign pupils receive the necessary advice on the rights, duties and opportunities involved in their incorporation into the Spanish educational system" (p. 45.201, authors' translation). On the other hand, there are two Royal Decrees that specify general ordinations in the establishment of common teaching strategies for primary and secondary education.

The *Royal Decree 830/2003, of 27 June which establishes the common teaching strategies of primary education* specifies (art. 12, section 2) that educative administrations are responsible for creating specific learning programs aimed at students that are not familiar with the Spanish language and culture or that have important deficiencies in basic knowledge in order to favor their incorporation (p. 25.446).

The Royal Decree 831/2003, of 27 June related to the common teaching strategies of mandatory secondary education specifies in the third additional provision: "incorporation to the stage of foreign students" (p. 25.687, authors' translation). With reference to linguistic integration, it contemplates (section 2) that the educative administrations should favor the incorporation of those students that are not familiar with the Spanish language and culture. Therefore, it applies both to the learning of Spanish and the other co-official languages in the respective autonomous communities in accordance with their Autonomic Statues.

**Organic Law of Education, 2006** (LOE - Ley Orgánica 2/2006, de 3 de mayo, de Educación). This law was passed during the presidency of José Luis Rodríguez Zapatero (2004-2011), member of the PSOE party. It is important to consider that this law repealed all previous education laws except for LODE-1985 and the system that was established by LOGSE-1990. The "Nineteenth additional provision. Foreign students" (p. 95) mentions foreign pupils in relation to their schooling in accordance with the provisions of this Act and in the terms established in Organic Law 4/2000, of 11 January, on the rights and freedoms of foreigners in Spain and their social integration, modified by Organic Law 8/2000, of 22 December, and in the regulations that develop them.

This law pays special attention to diversity as well as prevention and early resolution of learning difficulties of the alumni with specific needs due to lack of familiarity with the vehicular language in the educative center. In Title II, Chapter 1, art. 71, section 2 it is stated that:

It is the responsibility of the educative administrations to ensure the necessary resources for the students that require different educative attention, for presenting educative special necessities, maturational delay, language development and communication disorders, attention or learning disorders, lack of knowledge of the learning language, because they are in a situation of socio economical vulnerability, having high intellectual abilities, because they joined the educational system late or any other personal conditions or of school history, can reach the highest possible development of their personal abilities and, in any case, the established objectives for all the students (p. 52, authors' translation).



About that, both the *Royal Decree 1513/2006 of 7 December, by which the minimum primary education teachings are established* and the *Royal Decree 1631/2006 of 29 December by which the minimum teachings corresponding to compulsory Secondary Education Are Established* determine –under the epigraph “Attention to diversity” (articles 12 and 13 respectively)- the principles, the profile of the recipients, objectives and measures aimed at improving the attention to the students in question.

**Organic Law for the Improvement of the Educational Quality, 2013 (LOMCE - Ley Orgánica 8/2013, de 9 de diciembre, para la mejora de la calidad educativa).** This law was approved during the presidency of Mariano Rajoy (2011-2018) member of PP. Even though it does not make any reference to the foreign student nor to the need they have to learn the educational vehicle language, it specifies (art. 28, section 7) that “educational administrations should establish measures of educational reinforcement, with special attention to the specific needs of educational support” (p. 22, authors’ translation). This law, however, does not take into consideration those students that have a language other than the vehicular one and, therefore, have specific needs.

The *Royal Decree 126/2014, of 28 February which establishes the basic curriculum for Primary Education* and the *Royal Decree 1105/2014, of 26 December which establishes the basic curriculum for the Secondary Compulsory Education and High School* talk about the attention to diversity such as individualized attention, prevention of learning difficulties and the implementation of reinforcement mechanisms. Nevertheless, they do not mention those students that have specific needs because they do not speak Spanish or any other co-official language.

**Organic Law Organic Law 3/2020, of 29 December, which amends Organic Law 2/2006, of 3 May, on Education, 2020 (LOMLOE - Ley Orgánica 3/2020, de 29 de diciembre, por la que se modifica la Ley Orgánica 2/2006, de 3 de mayo, de Educación).**

This law was passed during the present socialist government conformed by a coalition of PSOE and Unidas Podemos and presided by Pedro Sánchez (2018-present times).

Specifically, article 4 (p. 122.882) talks about the “addressing the diversity of needs of all learners” (section 3) and the adoption of an “inclusive education” as a fundamental principle to attend to the diversity of needs of all students, adopting organization, methodological and curricular measures.

The Chapter II “Equity and compensation of inequalities in education” in the article 80 (p. 122.911) refers to public administrations which should develop actions aimed at persons, groups, social environments and territorial areas that are in a situation of socio-educational and cultural vulnerability. The objective is eliminating the barriers that limit their access, presence, participation or learning, thereby ensuring reasonable adjustments according to their individual needs and providing the necessary support to promote their maximum educational and social development, so that they can access inclusive education, on equal terms with others.

Article 112, section 6 (p. 122.920) talks about the commitment of the educational administrations to those centers that adopt projects or make valuable decisions within their socioeconomic context and aim for the inclusion and respect of the diversity of the foreign students; being able to understand the possibility of linguistic action plans with foreign students.

On the other hand, the *Royal Decree 157/2022, of 1 March, which establishes the organization and minimum teaching of Primary Education* and the *Royal Decree 217/2022, of 29 March which establishes the organization and minimum teaching of Compulsory Secondary Education*, mention the importance of respecting linguistic and cultural diversity in the society with the intention of encouraging a more democratic coexistence. They both recognize students with late integration into the Spanish educational system (art. 19 and 22 respectively). In both cases, the decrees indicate the urge to adopt reinforcement measures to enable the scholar integration and recovery of any gap the foreign students might have and allow them to continue with their studies.

To conclude this section, an analysis of these laws and royal decrees reveals an evolution in the concepts used to refer to foreign pupils and their needs for learning the new language and culture and, therefore, for their social inclusion. Only the laws of 1980 (LOECE), 1985 (LODE), 2002 (LOCE) and 2006 (LOE) mention students as foreign, while in the rest it disappears. From the LOGSE of 1990 onwards, there is talk of students with “special educational needs”, which is taken up again in 2002 (LOCE) but modifying “special educational needs” to “specific educational needs”; for its part, in 1995, the Organic law LOPEG indicates “specific educational attention”. The 2013 LOMCE combines terminology and indicates “attention to specific educational support needs”.

Only in 2002 is there an explicit mention of students with special needs who do not know the Spanish language and cultures.

In 2006 (LOE), there is talk of “inclusion and attention to student diversity” which, in part, is a terminology that is taken up again in 2020 (LOMLOE) when there is talk of “attention to the diversity of needs of all students”, highlighting “inclusive education” and “inclusion and attention to student diversity”.

In order to complete the review of the aforementioned laws and regulations on the linguistic attention among foreign students in Spain, a review was carried on in the WOS database according to the research criteria mentioned in the methodological section of this study. We have done this with the terms highlighted in the analysis of the above laws.

From the 2252 total of paper, only 16 are in relation to the search terms of which three were discarded due to repetition which were classified and organised in a matrix where the most relevant information was included: descriptor, number of results, number of papers included with the author and the year of publication.

**Table 1.** *Results WOS database*

Descriptor	Number of results	Included	Author	Year
Education law	200	5	Digón	2003
			González & Martínez	2012
			Viñao	2016
			Jesús et al.	2016a
			Jesús et al.	2016b
Foreign students	200	3	Goenechea & Iglesias	2017
			Martín-Pastor et al.	2017
			Valle et al.	2021
Educational needs	677	3	Paniagua	2017
			Barrera García*	2017
			Pegalajar & Colmenero	2017
Special educational needs	209	1	Barrera García *	2017
Specific educational attention	24	0		
Specific educational attention	14	0		
Attention to the diversity	633	1	Azorín-Abellán	2018
Attention to the diversity of needs of all students and education support	7	1	Pascual et al.	2019
Inclusion y attention to the diversity of the students	92	2	Azorín-Abellán*	2018
			Pascual et al.*	2019
	2252	16		

#### 4. CONCLUSIONS

The study of migrations is very complex as it includes all sorts of factors and elements. This phenomenon is, undoubtedly increasing each year and has become one of the most important topics of our times. Once people in the context of human mobility reach their

destination, they face all sorts of challenges and complications (social and bureaucratic) that defy their ability to actually become part of the destination society. The study of these challenges is imperative since all the problems they face will have a direct impact on their inclusion.

Social integration is imperative to build peaceful societies. As such, we need to understand that this integration is not only important for migrants, but also for host societies as it enriches and nourishes their diversity. In the case of minors, integration might be a little more challenging since, for example, they are also dealing with all the puberty and pre-adolescence physical and mental changes. As such, they need to have all the necessary tools to enhance their social, cultural, and educative inclusion.

Since the arrival of democracy in Spain, there have been several changes in the way in which this phenomenon has been addressed and approached. On one hand, both LOECE (1980) and LODE (1982) address the right of foreign students to enjoy quality education in the same conditions as the rest of Spanish citizens -regardless of their legal situation-. On the other hand, LOGSE (1990) emphasizes on the importance of diversity, understanding that language is one of its key factors. Following this path, LOCE (2002) and LOE (2006) set down these educative necessities and explicitly indicate that each administration has the responsibility of favoring the incorporation of those students that are not familiar with the Spanish language and culture. Finally, LOMCE (2013) could be understood as a sort of setback as it does not make any specific reference to linguistic or cultural matters regarding foreign students. Nevertheless, LOMLOE (2020) goes back to what was exposed in LOE (2006) and retrieves the importance of inclusive education.

Nevertheless, we must remember that the concretions of attention to diversity and inclusive education policies are the responsibility of each autonomous community and cities. This brief journey through the construction of a legal path that protects and promotes the right of minors to an inclusive education shows us that no right is forever guaranteed and that the policies that make those rights effective are as important as the law. Let us remember that migrant minors are, before anything else, children. Kids with the need of belonging, fitting, and be part of the society in which they live. Let us work towards a welcoming and inclusive environment in school.

The results obtained from the review of the WOB database show little correlation between the terms used in the laws and the resulting publications.

Specifically, the search reveals that the term foreign students is rarely used, although this is the concept used in the laws of 1980 (LOECE), 1985 (LODE), 2002 (LOCE) and 2006 (LOE) to find it referring to the type of students referred to in this article - non-Spanish-speaking students recently incorporated into the Spanish compulsory education system - in 2017 and 2021, which may be due to the tendency to use the label “immigrant students”. Also, certain time lags with respect to terminology such as in the use of the term “Specific Educational Needs” an article from 2017 which was in force in the organic laws of 1990 (LOGSE) and 2002 (LOCE), only to be changed in later laws. Ultimately, we see how articles from 2018 and 2019 employ the term “Inclusion and attention to the diversity of the students” which appears in 2006 (LOE) and is taken up again in 2020, but which is not found in the LOMCE law of 2013.

## 5. REFERENCES

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