

Legal requirements for BRITISH SCHOOLS IN SPAIN

British schools in Spain must comply with Spanish regulations in all respects and to the same extent as other private schools, with the only exception being the delivery of the educational curriculum. The autonomy of British schools in Spain refers exclusively to curricular autonomy (content, methodology, teaching staff qualifications). The British inspection process must ensure that the centres meet the minimum standards regulated by the British government for overseas centres (BSO standards), which are guaranteed through an inspection by a British inspection body. This inspection is necessary for authorization by the Ministry of Education regardless of whether the centres comply with British educational requirements (including those related to safeguarding). For all purposes, these British schools are also subject to Spanish regulations, including those related to comprehensive protection for children and adolescents. British schools in Spain follow the National Curriculum for England and Wales.

Please find the legislation detailed below:

1. All foreign schools in Spain are subject to Spanish regulations, including British schools

- British schools in Spain are private educational centres that, in their activities in Spain, are subject to **Spanish regulations**, so they are authorized and supervised by Spanish authorities, without prejudice to their own autonomy. **The regulatory references that British Schools are subjected are:**
 - **Spanish Constitution of 1978**
 - **Organic Law 2/2006**, of May 3, on Education, modified by Organic Law 3/2020, of December 29
 - **Organic Law 8/1985**, of July 3, Regulating the Right to Education
 - **Royal Decree 806/1993**, of May 28, on the regime of foreign educational centres in Spain
 - **Organic Law 1/1996**, of January 15, on Comprehensive Protection for Minors
 - **Organic Law 8/2021**, of June 4, on comprehensive protection for a childhood and adolescence free from violence
 - **Autonomous regulations (especially those related to welfare and child protection)**
- It is the responsibility of the centres to know and comply with the applicable regulations in Spain and in the different Autonomous Communities, including mandatory action protocols in situations of violence against children.

2. All foreign centres must obtain prior authorization from the relevant Spanish educational authority to operate validly in Spain.

- According to Royal Decree 806/1993, all foreign schools in Spain must be authorized by their Embassies through a certification of accreditation, in accordance with the provisions of Royal Decree 806/1993.

3. All foreign centres in Spain are subject to inspection by the corresponding Spanish educational authorities.

- According to **Royal Decree 806/1993**, foreign centres in Spain will be subject to inspection by the corresponding Spanish educational authorities, regarding compliance with the provisions of articles 5, 6, 11, 12, and 16 of RD 806/1993, without prejudice to their inspection by the authorities of the respective countries.
- All foreign centres in Spain are assigned an **educational inspector, dependent on the competent regional administration**. The Education supervision agent must control, evaluate, advise, and inform the educational administration about compliance with regulations and teaching performance in schools.

[Relevant articles of RD 806/93](#)

CHAPTER I

Common provisions for all foreign educational centres in Spain

Article 1

1. This Royal Decree shall apply to educational centres that impart, in Spanish territory, teachings from educational systems of other countries, corresponding to non-university levels of the Spanish system.

2. The establishment of foreign centres in Spain to impart, to both Spanish and foreign students, teachings leading to academic qualifications academically equivalent to official university degrees of the Spanish educational system shall be governed by the provisions of Royal Decree 557/1991, of April 12, on the creation and recognition of Universities and University centres.

3. For the purposes of this Royal Decree, the country of origin of the centre is understood to be the one whose educational system corresponds to the teachings it imparts.

Article 2.

Foreign centres in Spain shall be governed by:

a) The provisions of international treaties and agreements signed by Spain, taking into account, where appropriate, the principle of reciprocity.

b) The provisions of the Preliminary Title and articles 10, 12.2, 13, 21.2, 22, 25, and 26.1 of Organic Law 8/1985, of July 3, regulating the Right to Education, as well as the rules that develop them.

c) The provisions of this Royal Decree and the rules that, for its execution and development, are dictated by the competent educational administrations.

Article 3.

The foreign educational centres in Spain, for the purposes set forth in this Royal Decree, are classified as follows:

1 Centres offering regulated education at levels equivalent to those mandatory in the educational system, which may also be:

a) Centres where studies of a foreign educational system, Spanish language and culture, and, if applicable, teachings of the languages of the Autonomous Communities are pursued.

b) Centres exclusively offering studies of a foreign educational system.

c) Centres offering regulated education equivalent to non-mandatory levels in the Spanish educational system.

Article 4.

Any individual or legal entity, of Spanish or foreign nationality, except those falling under any of the situations stipulated in Article 21.2 of Organic Law 8/1985, of July 3, regulating the Right to Education, may be the owner of a foreign centre in Spain.

Article 5.

1. Foreign centres in Spain must meet the requirements demanded by the legislation of the countries whose educational system they intend to implement for the creation of educational centres and the full official validity of their teachings.

2. In the case that the legislation of the respective country does not establish requirements regarding facilities and material conditions, those established by Spanish regulations for centres in the Spanish educational system will apply, with the exceptions derived from the singularity of each system as determined by the competent educational authorities.

Article 6.

1. Foreign centres in Spain must, in any case, meet the safety, hygiene, acoustic, and habitability conditions required by Spanish legislation.

2. Foreign centres in Spain must have architectural conditions enabling access and circulation for students with physical disabilities, in accordance with Spanish legislation.

Article 7.

1. All foreign centres must be registered in the public registry of centres under the competent educational administration. The entries must be forwarded to the Ministry of Education and Science within one month from the date of registration.

2. The registry will include identification data of the owner and the centre, the teachings provided, the number of school positions, and the regime under which they operate according to this Royal Decree. Any modifications to these data will also be recorded.

3. Foreign centres may not use identification data other than those listed in the corresponding registration.

4. Registration will be granted provided that centres meet the requirements imposed by the applicable regulations and will be canceled if they fail to meet these requirements.

5. The procedure will be subject to the provisions of Articles 14 and 15 of this Royal Decree, as appropriate.

6. Registration, denial, or cancellation of foreign centres in the corresponding registry will be determined by the competent educational administration depending on where the respective centre is planned to be established.

7. Registration requires a report from the Ministry of Foreign Affairs, except in the case of centres providing teachings corresponding to educational systems of countries in the European Economic Community. This report will focus on its advisability based on the existence of treaties or international agreements signed by Spain or, failing that, on the principle of reciprocity.

Article 8.

Recognition of studies completed in foreign centres will adhere to the regulations governing the validation and recognition of non-university foreign education degrees and studies. For this purpose, students must meet the academic requirements stipulated in said regulations and, where applicable, those established in this Royal Decree. (Note: The agreement signed in July 2023 allows students with British qualifications access to university in Spain without the need for validation).

Article 9.

1. Foreign centres in Spain will be subject to inspection by the corresponding Spanish educational administrations regarding compliance with the provisions of Articles 5, 6, 11, 12, and 16 of this Royal Decree, without prejudice to inspection by the authorities of the respective countries.

2. Spanish educational administrations may assume broader inspection functions concerning foreign centres in Spain than those provided for in the previous paragraph if the authorities of the respective countries, through the Ministry of Foreign Affairs and within its report, establish collaboration formulas for this purpose with the Ministry of Education and Science, always in accordance with the corresponding Spanish administrations.

CHAPTER II

Foreign Centres Providing Education Equivalent to Compulsory Levels of the Spanish Education System

Section 1. Centres Providing Education of a Foreign Educational System and Spanish Language and Culture

Article 10.

1. The centres referred to in section 1.a) of Article 3 of this Royal Decree shall provide education from the relevant foreign educational system, complemented by teachings of Spanish language and culture, and, if applicable, the language of the respective Autonomous Community where they are located.

2. The centres mentioned in this article may admit both Spanish and foreign students.

Article 11.

The Ministry of Education and Science and other educational administrations, in accordance with their respective competencies, shall establish the curriculum for Spanish language and culture and that of the languages of the Autonomous Communities, as well as the corresponding schedules for these teachings. The Spanish culture curriculum shall include Geography and History content, including that specific to the respective Autonomous Community.

Article 12.

1. Teachers responsible for the teaching mentioned in the previous article must meet the qualification requirements stipulated by Spanish legislation for the corresponding educational levels. These teachers shall participate in the centre's bodies on an equal footing with the rest of the teaching staff.

2. Foreign centres subject to this regime must appoint, among the teachers of the subjects referred to in this article, a Technical Director for the coordination of said subjects.

3. The evaluation of Spanish language and culture teachings, and, where appropriate, the languages specific to the Autonomous Communities, shall be carried out in accordance with the same rules applicable to the rest of the content taught at the centre, and their results shall be recorded in the corresponding academic certifications.

Article 13.

1. To operate validly in Spain, the centres referred to in this Section must obtain an authorization for opening and operation, which in such case will lead to registration in the Registry referred to in Article 7 of this Royal Decree.

2. The procedure for authorization of teachings and registration in the Registry shall be initiated by means of a request addressed to the competent educational administration.

Article 14.

1. The request with which the procedure referred to in the previous article shall be initiated shall contain, at least, the following data related to the centre:

- a) Owner
- b) Name
- c) Geographical location
- d) Teachings for which authorization is requested.
- e) Number of school places
- f) Expected timeframe for commencement of operations from the date of registration in the registry

2. The request must be accompanied, at least, by the following documents:

- a) Plans of the buildings where the centre will be located, as well as a description of its facilities and material conditions.
- b) Certification issued by the corresponding diplomatic representation accredited in Spain, certifying, conclusively, that the teachings will have full official validity in the country of origin, and that the centre meets the requirements referred to in paragraph 1 of Article 5 of this Royal Decree.
- c) List of teachers of Spanish language and culture, and, where applicable, of the language specific to the Autonomous Community, indicating their respective qualifications.

Article 15.

1. Once the report of the Ministry of Foreign Affairs has been issued, if applicable, the competent educational administration body shall draw up the proposal for granting or denying authorization and registration. When denial is proposed, the interested party shall be given access to the file to present arguments and submit the documents and justifications it deems pertinent.

2. Based on the proceedings and allegations presented, if any, by the interested party, the competent educational administration shall decide on the authorization and registration. The corresponding resolution may be subject to the appropriate appeals

3. Likewise, the same procedure shall be followed, if applicable, for cancellation.

Article 16.

1. The owners of foreign centres in Spain are obliged to request new authorization and registration from the competent educational administration if any variation occurs in the elements and circumstances that gave rise to the corresponding resolution.

2. The reasoned request must be accompanied by documents proving the variations that have occurred, which are not included in the previous file, and the decision on it shall be made following the same procedures established for initial authorization and registration procedures.

Article 17.

1. The registrations and authorizations of foreign centres in Spain referred to in this section may be cancelled, revoked, or modified, as appropriate, after hearing from the interested party, when the essential conditions that served as the basis for the registration or authorization are altered or when the provisions of this Royal Decree and other applicable regulations are contravened.

2. The procedure shall be initiated and resolved by the corresponding educational administration. The resolution may be subject to the appropriate appeals.

3. In the event that the resolution of said procedure results in the closure of the centre, the judgement of the Ministry of Foreign Affairs shall be mandatory, except in the case of centres that provide teachings corresponding to educational systems of countries of the European Economic Community. The aforementioned opinion shall focus on the advisability of closure based on the existence of international treaties or agreements and, failing that, on the principle of reciprocity.

To view the Royal Decree in its entirety, you can access it via this [link](#).