ARTICLE BY FUENTES et alli - FOUR LANGUAGES ABSTRACTS(E)(F)(S)(P)

LEGISLATIVE EVOLUTION IN THE LAST DECADE FOR THE PROFESSIONAL DEVELOPMENT SPORT OF SPORT TECHNICIANS IN SPAIN

In this article we will try to inform of the deep legislative evolution regarding the new professional degrees for technicians in sport careers during the last decade in Spain. During this decade, big legislative transformations have been made as a result of the interest shown by the institutions for solving the multiple and important deficiencies of the professional degrees granted by the Sport Federations. Thus, we pretend this legislative evolution can be useful for being expanded to other countries, so the professionals of Sport Management know the situation in Spain.

Key words: legislation, academy degrees, sport manager technician, Federations, sport, professional sport development

EVOLUCIÓN LEGISLATIVA EN LA ÚLTIMA DÉCADA DE LA FORMACIÓN DEL TÉCNICO DEPORTIVO EN ESPAÑA

Con el presente artículo pretendemos dar a conocer, respecto del diseño de las nuevas titulaciones de técnicos deportivos en España, la profunda evolución legislativa producida en la última década, década en la que se han producido grandes transformaciones a nivel de regulación legislativa, fruto del gran interés tomado por las instituciones pertinentes por subsanar las múltiples e importantes deficiencias existentes hasta el momento a nivel de las titulaciones expedidas por las federaciones deportivas. Así, pretendemos que este tratamiento legislativo (esta evolución) pueda ser útil para ser extrapolado a otros países, así como para que los profesionales de la Educación física conozcan es estado de la cuestión en España.

Palabras clave: legislación, titulaciones, técnicos deportivos, federaciones, deporte, formación.

LA ÉVOLUTION LEGISLATIVE DANS LA DERNIER DÉCENNIE DE LA FORMATION AUX ENTRAÎNEURS SPORTIVES DANS ESPAGNE

Avec le présent article nous voulons montrer, sur le design des nouveaux diplômes sportifs des entraîneurs en Espagne, la profonde évolution législative qui a été produite la dernière décennie, décennie dans laquelle on a eu lieu beaucoup de transformations, au niveau de règlement législatif, produit par le grand intérêt des institutions pour modifier les manques existants, sur les diplômes proposés par les fédérations sportives. De cette forme, nous pensons que ce traitement législatif (cette évolution) peut être utile pour être appliqué dans autres pays et aussi bien pour que les professionnels de la Education physique sachent la situation autour de les diplômes sportifs en Espagne.

Mots Clefs: Legislation, diplômes, entraîneurs, federation, sport, formation.

EVOLUÇÃO LEGISLATIVA NA ÚLTIMA DÉCADA DA FORMAÇÃO DO TÉCNICO ESPORTIVO NA ESPANHA

Com o presente artigo pretendemos informar, a respeito do planejamento das novas titulações de técnicos esportivos na Espanha, a profunda evolução legislativa produzida na última década, em que se produziram grandes transformações a nível de regulação legislativa, fruto do grande interesse das instituções pertinentes por subsanar as múltiplas e importantes deficiências existentes até o momento, a nível das titulações expedidas pelas federações esportivas. Assim, pretendemos que este tratamento legislativo (esta evolução) possa ser útil para ser extrapolado a outros países, assim como para que os profissionais da Educação Física conheçam o estado da questão na Espanha.

Palavras chave: legislação, titulações, técnicos esportivos, federações, esporte, formação.

LEGISLATIVE EVOLUTION IN THE LAST DECADE FOR THE PROFESSIONAL DEVELOPMENT SPORT OF SPORT TECHNICIANS IN SPAIN (E)

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1. INTRODUCTION

According to the formal and legislative aspects, it's an evident fact that the professional sport development for these sport technicians[1] in sport hasn't been homogenous. Other consequences are the variety of curriculum, the inexistence of a regulated legal framework, the different courses studied by coaches of the same sport and degree level...

Regarding to this fact, Espartero and Gutierrez (2000, p. 9) refer to the abandoned situation of the degrees in sport careers before the divulgation of the Sport Law 10/1990. This Law hasn't been changed almost two decades ago; therefore, it has been created a situation characterized by the differences between the real needs and the professional capability.

Traditionally, the Spaniard Sport Federations has assumed the responsibility of developing formalized programs for professional sport trainers. This tradition commenced as early as the implementation of the Royal Decree 594/1994 (dated April 8, 1994). For example, the Spaniard Sport Federation has created the "school of coaches" inside their structure. Additionally, due to an increasing demand for sport programs, multi-level professional sport development to address training, development, and directing of sport professional.

According to Espartero and Gutierrez (2000, pp. 33-34), the degree programs offered by the Sport Federations were almost exclusively aimed for professional sport instructors. Typically these programs focused on generalized training for competitive sports played at the federated schools (sailing, swimming, skiing, etc.). These programs, mainly organized by the federations, differ in the access requirements to the courses, the age of the applicants, the number of hours for the classes, the degree and capability conditions of the faculty, just as subjects, the syllabus and their contents, the diversity and separation of the requirements. All these characteristics had to be generalized for all the sport technicians, but they weren't. Overtimes, this limitation has created an obvious difference in the quality of the development of professional sport technician trainers. Due to the Federations being completely separated from the public authorities, fragmentations and lack of unification has occurred.

2. THE PROMULGATION OF THE SPORT LAW 10/1990.

The unstable situation of the education and degrees of the sport technicians consequently required the establishment of common courses and the intervention of public authorities. This circumstance is produced by the statute of the current Sport Law 10/1990 (dated October 15, 1990) which regulates professional sport training programs. Related to this Law, we have to review the main appropriations to the sport technicians.

The sports council was established to implement minimum education requirements for specialized sport technician degree programs. Moreover, the Law has to collaborate with the establishment of a standardized curriculum. For each degree program, authorized newly teaching centers as well as oversight to developing professional sport training within the states.

Article 55 stipulates a series of norms related to sport technicians. These norms are the following: 1. The Ministry of Education and Science proposed to the Government will regulate the education of these sport technicians, according to the requirements of the different levels, just as the access conditions, curriculum, instructions, and requirements. 2. The professional sport development of the sport technicians will be carried out in centers authorized by the Government or by the States* with educational competencies. Besides, it can be carried out by centers of the military education according to the establishment agreement between the Ministry of Education and Science and the Ministry of Defense. 3. Academic sport degrees are administrated by the Ministry of Education and Science. 4. Information offered will be valued and made effective all over the country. The Spaniard Sport Federations that impose

[1] Sport Technician: Sport Manager Technician.

degree requirements for the development of activities with technical characteristics, in Clubs that participate in official competitions, should accept the degrees granted by the centers legally approved.

Espartero and Gutierrez (2000, pp. 35-36) suggest that the Sport Law 10/1990 would be more beneficial if two separate programs were established, one geared at professional sport training and one for competitive, yet non-professional training. Traditionally sport degree programs have been geared towards non-professional training. Additionally, Sport Law 10/1990 must acknowledge the three levels of education designed and implemented by the Sport Federations: elementary sport technician (before named instructor), sport technician for beginners (before named regional instructor), and superior sport technician (before named national coach). However, due to its homogeneity and limitations, this mentality was unattainable; therefore, the Federations implemented new laws to combat these deficiencies.

3. LEGAL FRAMEWORK OF THE ROYAL DECREE, APRIL 8th, ABOUT EDUCATION AND DEGREES OF THE SPORT TECHNICIANS.

First, related to the sport way's structure, we have to cite the Royal Decree 594/1994, April 8th, about the education and degrees of the sport technicians, in observance of the Sport Law's article 55.1* and according to the Reform. The purpose of this Decree is very clear, as its text says:

"The aceptation of the sport duties by the States has demonstrated the necessity of a stable and homogenous professional sport development system for the sport technicians all over the country; therefore, the States can practice their responsibilities for the sport promotion and development with the appropriated experts. So, it's necessary to direct these programs for improving and homogenizing the quality of the professional sport development, and also being accepted* with an official degree. These directions will cause the raise of the sport level in our country and facilitate the unification of Spaniard degrees with their European Union homologous, through the raise of the educational requirements.

Among the main contributions of the Royal Decree, must one emphasize the following:

First, the purpose of the sport technician education will be to form an student body comprised of qualified sport development professionals, which will guarantee their qualifications at the beginning, technical perfectionism, professional sports development, and the direction of teams and sportsmen of a specific sport modality (article 1.2).

It's an important novelty of the named normative the establishment of three levels for the professional sport development that lead to the official academic degree. The scientific and technical quality of these degrees has to ensure the correct certainty of the Sport Federations in their duties. Once the three levels are passed, the student will get the official academic degrees, expedited by the Ministry of Education and Science or by the States that are educational approved. The names of each academic degree are the following: Elemental Sport Technician, Sport Technician for Amateurs, and Superior Sport Technician[2]. These generic degree names will be classified with the corresponding sport.

Another important aspect of the Royal Decree, one commonly cited in this essay, is the structure of the three levels in two categories. The first category is common for all sports, and is composed by subjects with general scientific character. The second category is specific for each sport, and it's composed by subjects related with the scientific, technical, tactical, and regulatory aspects of the subjects of the first category.

Equally, as it's reflected in the Royal Decree 594/1994, the professional sports development of the sport technicians should be recognized in official centers approved by the Ministry of Education and Science or by the states, just as in the educational centers of the militaristic educational centers. Likewise, the Ministry of Education and Science will establish the criteria for the unification and confirmation for the current academic degrees of sport technicians. The criteria will be established in the period of one year since the date of divulging of the Royal Decree about education and academic degrees of the sport technicians (first temporary disposition).

4. MODIFICATIONS ESTABLISHED AT THE ROYAL DECREE 1913/1997 ACCORDING TO THE EDUCATION REGULATED BY THE BEFORE ROYAL DECREE (594/1994).

On April 8, 1994, a new Decree was mandated which replaced the Royal Decree 594/1994. The inclusion of the new mandate offers unique habilitation to current sports education programs. Under the new legislation, The Royal Decree 1913/1997, grants academic and professional character to new academic degree programs. The decree also regulates the basic structure and organization of minimum education requirements, the general dispositions referred to the educational centers and the requirements for certified athletic training degree programs. Additionally, Royal Decree 594-1994 has allowed for the distinction between public and private centers and defines specific regulations for minimum requirements for each specified sport.

The main characteristics of the new regulation are as follows:

All athletic training degree programs must require the following minimum training requirements: "a) Offer students a well-qualified professional athletic development program which guarantees technical and professional proficiency b) Thorough understanding of the characteristics and organization of every sport, and to understand the rights and obligations derived from their duties c) To attain the necessary skills and knowledge for working in safety conditions d) To guarantee the professional qualifications in the commencement, technical perfectionism, professional athletic development and direction for teams and athletes e) To acquire identity and professional maturity, which will

[2] Sport Manager

motivate future learning and adaptations to the qualification changes" (article 2).

Regarding the organization of the education, the decree mandates that athletic training degree programs will include two grade levels: medium and superior grades. The education oriented to the athletic training degrees, including all sports, is the sole responsibility of the medium grade. Its' educational objectives will provide the necessary competencies a) To initiate and perfect the technical and tactical execution of the athletes. b) To train and lead the professional sports development of athletes and athletic teams. c) To direct and accompany individuals and teams during athletic training. d) To guide athletes and athletic teams during their participation in basic and medium level competitions or championships. e) To promote and take part in the organization of the activities for each sport. f) To guarantee the security and administrate first aid when necessary.

The education corresponding to the medium grade will be organized in two levels. The objective of the first level will be to provide instructors with the knowledge and basic capability for instructing the athletes, and to guide their participation in competitions, guaranteeing their safety. The second level focuses on obtaining the educational objectives designed for the medium grade. The education oriented to the Superior Athletic Training degree program, including all sport categories, will correspond to the superior grade. The degree holder will be required to adhere to the following responsibilities: a) To plan and guide all athletes and their teams, professional sports development b) To guide the athletes and athletic teams during their participation in high-level competitions c) To guide and coordinate the lower level athletic trainers d) To guarantee total security of the athletic trainer e) To guide athletic departments, or sections there of, of the particular sport.

Moreover, and related to the structure of the education, the updated Royal Decree stipulates that the education for each level, medium and superior, will be organized into various blocks: a) A Common Block: composed by transversal models with general scientific and technical characteristics that will be mandatory and identical for each sport b) A Specific Block: composed by specific models which include detailed and technical characteristics that, according to the academic degree, relate to each sport. This block will include the characteristics that are better connected for the complete and best professional sport development of each individualized sport. c) A Complementary Block: composed by the contents that have the educational objectives of using the technological resources and the variations of the request, as well as, other aspects that can be later incorporated to the curriculum of the competent Public Administrations. d) A Block of Professional Athletic Development Education: this will be accomplished once the common, specific, and complementary block of each level are passed. This education will be carried out in public sport or private athletic centers, as well as, international exchange courses (article 5).

Royal Decree 1913/1997 defines specific requirements for entrance into both, the medium and superior grade programs. To be accepted into the medium grade of education, one is required to hold a degree in Secondary Education or equivalent, as well as, passing an exam. A student can proceed to the second level once he or she passes the first level of the medium grade relating to their specified sport. Additionally, they are required to pass a specific test when it's established. Similarly, the superior grade of education, requires that students must possess a Secondary Education degree relating to their specified sports degree, or a Bachelors degree or equivalent, for academic effects, as well as, passing a specific proof (when it's established). Also, the Decree stipulates that it may establish additional sport requirements of quality character or sport experience for access into each level and/or grade (article 8.1,2,3 y 4).

Royal Decree 1913/1997 main objective is to give total scholastic character to the academic degrees, so that, all athletic trainers and superior athletic trainers will be totally equivalent to the correspondent medium and superior grade of the Professional Formation, that are shown in the Law 1/1990 of General Ordination of the Educational System (article 26.2). In this manner, all athletic academic degree programs offer direct access to specialized Bachelor degree programs which correlate to specified educational courses that the students have studied (article 28.2). Meanwhile, the superior athletic degree programs offer access to general college courses when the minimum education will be regulated for every sport (article 28.3)

Espartero and Gutierrez (2000, p. 47) conclude, according to the Superior Council of Sport, the future influence of the Royal Decree 1913/1997 should offer multiple advantages. Among these advantages, it must successfully impact academic and professional values of new degree programs all over the country, because of the educational framework that are determinated by the Law 1/1990 of General Ordination of the Educational System.

5. MINISTERIAL ORDER, JULY 5, 1999, AND MINISTERIAL ORDER, JULY 30, 1999.

Almost two years passed before the publication of the Ministerial Order (July 5, 1999). It was than, that the curriculum aspects and the general requirements of athletic degree programs were fostered. The Authors assert, that according to the Ministerial Order of 1999, these formations should be promoted by the competent organisms of the States (according to the competences that correspond to them in relation to the sport, as by the Autonomic Statutes as by their sport legislation), the Spaniard Sport Federations and the Autonomics Sport Federations should be integrated in one Spaniard Sport Federation in the modalities and, in this case, sport specialties that are wholly and inclusive to the correspondent law field (apart 3.1). It has also been determined that the structures pertaining to the athletic development for professional coaches is integrated in three progressive levels, and the correspondent curriculum of each level will be

consistent by a common block (obligatory and coincident for all the modalities and, in its case, sport specialties, and will be composed by general scientific matters – article 4.2.1), a specific block, composed by those areas related to the technical, didactic, and regulatory aspects specific to each modality or, in this case, sport field – article 4.2.2), and a practice period (that will be acknowledged at the end of the academic period, when the student has passed the totality of the contents of the common and specific blocks – article 4.2.3).

There are general specified requirements for each level of the professional athletic degree programs. Level I requires: a minimum age of 16 years, as well as, possession of a High-School degree or equivalent; Level II requires, a prerequisite of successful completion of Level I pertaining to the specified sport, modality or specialty; and Level III, requires a high-school degree or equivalent, and successful completion of Level II of the same sport, modality or specialty (apart 6).

According to Article 42 and the First Transitory Disposition of the Royal Decree 1913/1997, the procedure for accrediting and recognizing academic degrees for athletic coaches granted in our country (prior to the application of the Royal Decree 1913/1997) should be regulated by the Ministerial Order of 1999. Additionally, this Order regulated the procedure for accreditation and recognition of the athletic training degree programs obtained in our country before the establishment of the Real Decree 1913/1997. for the effects expected in the article 42.1.a) and b) of the same; on the other side, the procedure for approving the professional athletic degree programs have been done in relation of the first transition dispositions of the Real Decree 1913/1997, according to the requirements and conditions established in the Ministerial Order of July 5, 1999.

Additional development of the legal framework of the Royal Decree 1913/1997, a supplement to the Ministerial Orders or July 5, 1999 and July 30, 1999, was added. The new Order dated November 8, 1999, created the Commission for the Homologation, Co validation, Equivalent to the professional sport development of the sport coaches. According to the Royal Decree 1913/1997, this Commission, as Espartero and Gutierrez suggest, is configured as a collegiate organism with advisory character, ascribed to the Superior Council of Sports. The purpose of this Commission is to guarantee that the before named process will be applied consistently.

As Espartero and Gutierrez indicate, "the regulation of the education and academic degrees in the needier level or sector – *strictu senso* of the sport technicians -, is a transitory process. This makes a sensation of uncertainty, according to the moment that this context will be totally considered for legal effects of its juridical regulation, in Spain and the European Union.

6. MINISTERIAL ORDER DATED DECEMBER 16, 2002.

To conclude, as Sanz indicates (2003, p. 60) it has produced a "last modification of the academic degrees in sport regulated by the current legislation. We are talking about the Order 3310/2002 (dated December 16, 2002), which annuls the preceding 'for solving the dysfunctions internally generated'. Thus, the new Order of the Ministry of Education and Science substitutes the normative of the transitory period, in relation to the sport aspects that have been standing from July 15, 1999 to December 30, 2002. The new Order considers important aspects, such as the possibility of access to these educations by means of a "maturity proof". Those persons who fail to possess the academic requirements, or have deficiencies in the requirements of the professional sport development duties will make the proof. According to this, we show a graph that summarizes this new proposal.

GRAPH 1. Areas and blocks of contents. Distribution of the hours. Order 3310/2002, December 16, 2002 (Sanz, 2003, p. 61)

COMMON BLOCK	**LEVEL 1**	**LEVEL 2**	**LEVEL 3**
Biological basis	15	25	35
Behaviour and learning	10	15	10
Theory and practice for professional sport development	15	25	30
Organization and legislation	5	5	25
HOURS BY BLOCK	45	70	100

SPECIFIC BLOCK	**LEVEL 1**	**LEVEL 2**	**LEVEL 3**
Technical professional sport development, strategies and regulations	75	210	300
Sport education			
Specific training			
Safety and health in the sport			
Professional development			
HOURS BY BLOCK	75	210	300

TOTAL HOURS	**LEVEL 1**	**LEVEL 2**	**LEVEL 3**
Lecture hours	120	280	400
Practice hours	150	200	200

7. DISCUSSION

We reconcile, the last modification of athletic academic degree programs is regulated by the current legislation (Order 3310/2002, December 16, 2002), which supercedes the previous, tries significantly to overcome its' previous defects. Related to this, we know the process of regulation of the education oriented to obtain academic degrees in sport technicians is actually in a key point for reaching all exposed before. These extremes must systematize the process of professional athletic development for the sport technicians.

We understand that, because of the increase in demand for new athletic degree programs, the legislative regulations will significantly change the current state of the professional athletic development. However, they affirm that "this new organization must motivate the opening of the investigation for the innovation for the Pedagogy of the Sport" (Torres, 1998: p. 3).

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Order, July 30, 1999. Professional and academic degrees. It regulates the procedure for accreditation and recognition of the athletic training degree programs, which are referred in the Article 42 and the First Transitory Disposition of the Royal Decree 1913/1997, December 19 (RCL 1998, 179) (BOE nº. 192, August 12, 1999).

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Order, December 16, 2002. Professional and academic degrees. It regulates the curricula aspects, the general requirements, and the professional sport development effects, referred in the First Transitory Disposition of the Royal Decree 1913/1997, December 19 (RCL 1998, 179) (BOE nº. 312, December 30, 2002).

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