

THE ROLE OF SCHOOLS AND TEACHERS IN THE PROMOTION OF HUMAN RIGHTS IN CHILE

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**A Monograph
on the application of Article 3 and other related articles
of the ILO/UNESCO Recommendation concerning
the Status of Teachers (1966)**

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While this monograph reflects various views of the "Colegio de Profesores" of Chile, the work produced by Professors Mirando and Tapia does not necessarily correspond to all the lines of argument, emphases, and conclusions of the Colegio.

The opinions and choice and presentation of data in this monograph are the exclusive responsibility of the authors; they do not necessarily reflect the views of UNESCO or Education International. It should be noted that the Ministry of Education of Chile does not object to the publication of this document but has not reviewed the document in depth.

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PREFACE

It was originally intended by UNESCO and Education International that a monograph be prepared on the topic of the role of schools and teachers in the promotion of human rights in Chile by a working group consisting of the Ministry of Education, the UNESCO National Commission and the Colegio de Profesores de Chile. However various constraints prevented a working group from being formed to undertake this pilot venture. Nevertheless it was felt that the interest of the topic merited a monograph by any of these Chilean constituencies as a first step in exploring the topic from at least one point of view.

The monograph is solely the work of Professors Miranda Yanez and Tapia Gómez and represents various points of view which exist within the Colegio de Profesores; the monograph in its emphases, arguments and conclusions does not necessarily reflect the standpoint of the Colegio. It should be noted that the Ministry of Education does not object to the publication of this document but has not reviewed it in depth.

The terms of reference for the project formulated in broad outline the method of work and the content of the monograph. The focus of the monograph was to be on the role of teachers and schools in the inculcation of deep respect for human rights and fundamental freedoms and on "teacher education programmes related to the teaching of human rights and multi-cultural education in keeping with the Universal Declaration of Human Rights." Furthermore the terms of reference required that the monograph address "the extent to which teachers enjoy professional or academic freedom according to paragraphs 60, 61, 63 and 79 of Chapter VIII of the Recommendation".

The project was prepared for UNESCO by contract with Education International which undertook the technical work concerning translation, printing and publication of the monographs.

I. INTRODUCTION

PREVIOUS CONTEXTS

THE MONOGRAPH AND THE RECOMMENDATION

We received the commission to produce this study in October 1995. Despite our efforts, it proved impossible to work with the team formed by the Ministry of Education. We had more luck at the UNESCO Regional Office in Santiago, where we received valuable guidance and a significant part of the documentary material that we have used. It is therefore fitting for this initial paragraph to express our appreciation and gratitude to UNESCO for the spirit of open-mindedness with which both our doubts and our requests were met.

It was not easy to tackle the themes as specified in the Terms of Reference in relation to the Recommendation.¹ In its entirety it lays down regulations applicable to every aspect of the working life of teachers. This leads us to wonder why, in the course of the almost thirty years that have passed since its approval in 1966, it has had such little impact on the labour activities of teachers or on the activities of their trade unions and professional governing bodies. People are not familiar with what it contains. Nevertheless, the recommendations formulated regularly appear in the platforms of demands that the Colegio de Profesores presents for consideration by the educational authorities, but taken out of context and always (with the sole exception of wage demands) as demands which can be left to one side in the bargaining process.²

In the first section we have formulated four contexts within which the developments taking place in our educational system are situated. They can often provide us with an explanation for these developments; hence their necessity. In the second section we elaborate five characteristics of the educational system in operation: we attempt to demonstrate a series of characteristics which are involved in the debate, both at the level of the specialists and in the schools and Teachers Councils. The third and fourth sections are a study of the factors of the system which are associated with specific clauses of the Recommendation: the main reference is to the Principles, Formulation of Policies on Teachers, Preparation for Teacher Training, the Training Programmes, and the Working Conditions of

1 [33]. Numbers between square brackets refer to the bibliography which appears as Chapter VI of this report.

2 The preceding lines were written around January 1996. At the present time, June 1996, we can state that the Recommendation has been included as a supporting document in the preparatory stage of the National Educational Congress which will be held in June 1997. Its text will form part of the Documentation Centre which will be set up in each of the 340 districts of Chile to provide material for analysis and in-depth treatment of the themes of the Congress.

Teachers in Chile. The fifth section contains a number of conclusions which we have connected with Article 3 of the Recommendation.

We have not carried out specific evaluations of the way in which the provisions of the Universal Declaration of Human Rights can be reinforced within the school - a theme to which we refer in a paragraph of the fourth section. This decision is based on two considerations. The first is connected with the experiences of the authors under the military regime. We felt too close to the pain caused to us and our social surroundings by that period, and we do not want to subjectify a theme which the vast majority of our contemporaries see as a catalyst of the future. The second reason is that, whether intentionally or not, the theme pervades the whole of the text. It is not possible to consider the educational processes which go on in the classroom without the living context of human values. Both at those points where we are in agreement with the educational policies of the authorities, and on those where we depart from and differ with them, the ultimate basis is our irrevocable humanist calling and our acceptance of the Declaration.

We used a comparative technique in compiling the texts. We developed a matrix with the clauses of the Recommendation on one axis, and the salient characteristics of what we read on the other. The intersection of these two series of variables represents the result of our evaluations of the practice of the regular system of education.

We are left with the feeling of a necessary but incomplete exercise. On more than one occasion the analysis of the various topics led us to formulate the need for more in-depth studies. We sincerely hope that this will be possible in the near future.

ON THE SCHOOL SYSTEMS

If one reviews the papers presented by various Latin American countries, including Chile,³ it is easy to see that the regular systems of education are going through the same process of change and reform.

The descriptions that we have seen refer to forces favouring decentralisation, the search for autonomy, self-funding formulas, a profound crisis in the models for the initial training of teachers, the application of neo-liberal trends to change education from a public service supported by the State to a "productive enterprise" of a totally different kind, as some describe it, the transfer of the establishments from a central level to other forms of institutionalisation which depend on the administrative organisation of the national State, a strong decline in the social status of the teaching profession, etc.

3 [45].

What worries us is not the change in itself. The point is that this process transcends the boundaries of the school systems and the characteristics of the various nationalities: it is a **unique process of transformation** whose original decisions are apparently not taken by the governments and whose planning and administration have been established without the **direct participation of the organisations of social representation**.

All the same, in Chile, in specific sectors which form a part of the educational establishment, teachers are being called upon to "**participate**", to "**create futures**". An example can be found in the policies for the founding and running of Educational Projects within the framework of the Programme to Improve Quality and Equality in Education (MECE).

This context in which discourse is clearly moving in two different channels worries us. It invites us to show our concern, to think and to discuss.

POSTMODERNISM AND THE ROLE OF SCIENCE AND TECHNOLOGY IN EDUCATION

Some members of the Colegio de Profesores de Chile support the idea that, at least in our country, we are going through a historical transition from Modernity to Postmodernity, both understood as historical epochs.⁴ It is not easy to define the patterns by which Postmodernism is identified and, consequently, the economic, social, cultural and other processes which force our country to enter the new epoch, which has not only begun but which is also affecting every area of social and individual life with varying degrees of intensity.⁵

Some of the elements of this transition can be summarised as follows:

- A predominance of neo-liberal doctrines has been produced which tend to apply to all areas of social life.
- New models of production and distribution of the goods which come on to the markets are having a strong impact. The most significant are the opening up of Chile to the markets in the Eastern Pacific (APEC) and the strategies for joining the international mega-markets (NAFTA, MERCOSUR, EUROPEAN UNION).⁶ It is obvious that the signing and implementation of these

4 The concept was developed in [04]. This document was compiled by the Technical Secretariat of the National Governing Body. The authors of the present study were members of this Secretariat.

5 Sergio Melnick raises the issue brilliantly in [17].

6 The President of the Republic, Eduardo Frei, signed the Protocols of Agreement with the
(continued...)

agreements will bring about drastic changes in Chile and the surrounding countries which will be bound to affect the educational processes, whether one likes it or not.

- The digital technologies are making a strong impact on social life. Although their activities are still relatively segmented, they are present in all socio-economic and cultural functions.
- All of these changes have an impact of one kind or another on educational processes. However, the attempts at modernising education are not enough to meet the new demands of a world which presents itself to us as an insatiable dynamic of change.
- A final consideration in this respect is that a third of the population of our country lives in conditions of extreme poverty. The "benefits" of the historical transition sketched above do not reach this population. In this way, educational areas are generated with such dramatically different points of origin that it is difficult for educational policies to respond to the different kinds of demands that arise.

These scenarios contain at least two social systems that are perceptibly out of sync with the trends of change and development. One of them is Culture, in which the elements of the national tradition tend to become weak and to be replaced by external cultural complexes. The other is Education, where we consider that the demands for innovations to bring educational activity in line with the transition towards Postmodernity have not had promising results to date.

The Chilean government regards the regular educational system as a priority **"strategic function"** for the intention of inserting Chile into the future and for the fight against extreme poverty. We shall show below that both commitments - which we regard as legitimate and necessary - are way beyond the technical competencies of teachers. Our Teachers Union has repeatedly stated that we are not prepared to confront such challenges, but the institutions that provide initial teacher training are not assuming this responsibility either. Nor is it reflected in teachers' salaries.

THE DIALOGUES ON THE MODERNISATION OF EDUCATION

In the course of 1993, the Chilean government carried out a strategy of broad dialogue with various national bodies to project the educational challenges presented by the 21st century. Perhaps the most important of these activities was the setting up of a Commission of Personalities from various cultures which finally

6(...continued)

European Union and Mercosur at the end of June 1996.

drew up the Brunner Report in 1994.⁷ The result was not only a very acute diagnosis of the Chilean educational processes, but also the establishment of a massive body of suggestions which ended up by being transformed into guidelines for educational policies.

The Brunner Report has had various effects on the national teaching profession. For example, in 1995 it was the basis for an appeal by the Ministry of Education to the whole nation to state its views on the content of the report. An event of a similar kind took place in the same year, to which representatives of the Colegio de Profesores from all over the country were invited.

However, after being granted early access to the Brunner Report, we felt left behind: the Technical Advisory Committee worked with very up-to-date and complex sources of information, none of them familiar to the teaching profession, and very difficult both in terms of their content and because of their cost. Thus the Brunner Report contains approaches and proposals which are very far removed from the theoretical and doctrinal contexts currently employed in our organisation and by teachers.

The Colegio de Profesores produced a reply.⁸ This work was circulated as an open document. It was hoped that it would be enriched with the contributions which we expected to come from the grassroots level of the teaching profession. Nothing of the sort happened. What is more, in our teacher training activities, we have noticed that teachers are ignorant of this subject. Neither the Brunner Report nor the reply by the Colegio de Profesores were studied.

Thus, in a certain sense, we find ourselves in a situation in which two types of code language are in force which are pretty unlikely to meet. The government sectors use a modern language to shape administrative policies and actions. The union, on the other hand, uses a language which is not very up to date and which leads to the making of demands rather than the projection of possible futures.

We do not want to say that the methods of our union are objectionable, but we think that they have generated partial approaches which are inevitably incomplete when it comes to the developmental processes which the educational system is undergoing. After the Brunner Report, we have no doubt about the obligation of teachers unions to combine legitimate wage demands with the whole complex body of material which determines the direction of educational policies. This question was already formulated in the articles referring to General Principles, Forms of Planning, the Responsibilities of the State and of Teachers, and cooperation between Ministries and Trade Unions.

7 The Commission was chaired by the Minister of Education. A Technical Advisory Committee was also formed, coordinated by José Joaquín Brunner, who presented the report [21].

8 [04].

THE SCHOOL, AN INTELLIGENT ORGANISATION

It is not our formula. We found it in one of the documents we consulted, where the following principle is established:

"confidence in the capacity of (both present and future) teachers to continue training and to contribute to the production of knowledge; this growth requires a transformation of schools into intelligent organisations designed for learning as well as changes in school administration to obtain increased autonomy and in the salaries and careers of teachers".⁹

In more than one sense, this paragraph embodies the challenge facing both teachers and their organisations from the ministerial authorities. But an "intelligent school" cannot be understood solely as a decentralised, autonomous, self-financing organisation with good results. We consider that intelligence is based on continuing to treat education as a space for the development of humanity; i.e., a complex of processes and operations whose elements cannot easily be quantified or translated into external indicators capable of verification, for example, in terms of the economy. An intelligent school should create spaces where human potential can arise and grow. We believe that this idea constitutes one of the points on which the Colegio de Profesores and the ministerial authorities are currently in disagreement.

II. THE CHILEAN EDUCATIONAL SYSTEM

SOME BASIC CHARACTERISTICS

If the Regular Educational System in force in Chile at the present time is compared with the one we had in the late Fifties, it is easy to agree that we have been through a period of dynamic changes which have almost completely changed the nature, structure and functions of the educational services.

We hasten to admit that the result is undeniably positive. We consider that the present system has connotations of corresponding to its historical function, of the technicising of its processes and functions, in short, of modernisation, which did not exist before. Nowadays the recipient population is provided with a system of services which are more in line with the population's pre-established goals and demands than in the past.

However, it is right to view the situation from a union point of view, which does not always coincide with the official line. To this end we have chosen a few indicators which we shall now proceed to describe.

9 [37], p. 3, section (d).

LEVELS AND ORGANISATION

Chile is a democratic republic divided into twelve administrative regions and a metropolitan area. The political constitution of the State formulates the ideas of "Object", "Duty", "Responsibility", "Protection" and "Liberty" on which the educational system is built.

In 1990, one day before Patricio Aylwin became President of the Republic, the authoritarian regime decreed the **Organic Constitutional Law on Teaching (LOCE)**, which governs the regular educational processes in the country.¹⁰ It should be noted that the constitutional status of this Law is defined as "**qualified quorum**".¹¹

Perhaps the greatest observable difference between the 1925 Constitution and the one in force today as far as education is concerned is that the former maintained the principle of the State as Teacher: it defined education as "**preferred State tutelage**", while the latter transfers the **responsibility** for educating children to "**the family**", and reserves for the State the function of guarantor of the right to education. We believe that this arrangement contains one of the elements of inequality in the system.

From 1981 on, under the military regime, a series of decrees were promulgated which essentially transferred the educational establishments - which had been financed by the State until then - to the municipalities, and consolidated the measures aimed at decentralisation and at encouraging private sector activities in the educational process. The results today are a strong drop in the number of enrolments in what was State education (and is now a municipal system), and consequently a very significant increase in the number of pupils in grant aided (private with State support) or private (funded from parental contributions) schools.

Within this model, the Ministry of Education "has never relinquished its regulatory role nor its technical educational responsibility".¹² This has been expressed during the last few years in the running of a few programmes designed to implement positive discrimination actions in schools catering for deprived sectors; in the

10 This is Law No. 18962, 10 March 1990.

11 The "qualified quorum" means that any modification to an Organic Law must have the support of three-fifths of the National Congress. This implies a parliamentary majority which is very difficult to obtain. The Constitution and the Organic Constitutional Laws are often regarded in Chile as supporting the institutions left in place by the military regime and have been called "mooring laws" precisely because of the difficulty of introducing any reforms or modifications. Chilean education is governed by rules of this kind, which presents wide areas of disagreement when seen from a trade union perspective. Nevertheless, in the period from 1990 to the present, some constitutional reforms have taken place as the result of prolonged negotiations between the political sectors represented in Parliament and the Executive, which shows that difficulty is not the same thing as impossibility.

12 [43], p. 2.

regulation and (technical, administrative and financial) supervision of school establishments; in monitoring efficiency and in the study and formulation of educational policies aimed at the modernisation of the system. In addition to these functions, by way of assistance to the Subsecretariat of Education, are "technical offices for legal questions, international relations and research, the development of curricula and further teacher training (...), the Directorate of Libraries, Archives and Museums, the National Commission for Scientific and Technological Research, the National Board of School Aid and Grants, and the National Board of Kindergartens, which are decentralised bodies dependent on the Ministry of Education".¹³

The regulatory, technical and supervisory tasks in relation to the school system are carried out through thirteen Ministerial Secretariats of Education (SEREMI), on which depend forty Provincial Headquarters of Education.¹⁴

In referring to the notion of an "educational system" in the previous section, we have in mind education from the perspective of a macro-system. Today, however, it is difficult to speak of a **single national educational system** in Chile. In the Teachers Union we employ the notion of the coexistence of a number of parallel educational systems cut off from their original identity and whose courses of development are likely to follow a wide variety of trends, even divergent ones, in the future.¹⁵ We base the argument on the idea that grants "a **system**" identity both in terms of the type of resources which come in, of their flows, and of the sources from which they are derived, as well as a shared institutional, organisational, administrative and technical model, a shared history, and a body of similar proposals, targets and aims which confers on its constituent factors the same developmental orientation.

This is not what is happening in the Chilean educational "system". On the contrary, the best image to describe the institutional processes we are going through is that of a centrifugal universe falling apart more and more each day.

In an official speech, the Minister of Education at the time, Ricardo Lagos, stated: "In this way the application of the Administrative Reform (the reference is to the process begun in 1980) **meant the disarticulation of the national system of education and the replacement of social responsibility for education by the illusionism of the market such that, on the pretext of the need for decentralisation, the result has been not just the fragmentation of the system but also an aggressive competition where cooperation should prevail.**"¹⁶

13 [43], p. 3.

14 [43] p. 3.

15 [04], p. 46.

16 [15], pp. 163, 164 (emphasis added). Ex-minister Lagos' words still apply six years later: the system has become even more disarticulated; the "illusionism" of the market has become the
(continued...)

If we confine ourselves to the description of regular education at the present time (pre-school, primary and secondary school), we can distinguish:

- a) **A public education subsystem** whose administration has been put in the hands of the municipalities. One should bear in mind that there are at present 340 municipalities in Chile and that the demographic expansion, mainly in urban areas with a high density of population, will lead to breakups of the most densely populated municipalities and will certainly increase the number of municipalities. One should also bear in mind that the financial potential of the municipalities is very uneven so that not all of them have funds of their own to support the schools in their respective jurisdictions. A further point is that, by legal order, the municipalities have been obliged to administer the primary health care services.¹⁷
- b) **A grant aided private education subsystem** financed by State funds and run by natural or legal persons. Although the "patrons"¹⁸ of grant aided schools often form union associations, they are not orientated towards the creation of unified criteria for the organisation of the educational system. In these establishments, although it is true that to a large extent they respect the rules and regulations laid down by the Ministry of Education, the dominant principles are those associated with freedom of education. This freedom is applied, for example, to the terms of teachers' contracts, to the form taken by the curricula and programmes of study (especially when they facilitate the effectiveness or preferability of certain materials), and, above all, in the field of finance, where the investments entailed in the running of an educational establishment are not regulated by the law.

There are at least three types of situations in which the grant aided private education subsystem clearly diverges from the municipal subsystem. These are:

16(...continued)

reality of the market; fragmentation and loss of competence have been installed as necessary behaviour for institutional preservation. These principles and values have been reinforced since then, for example in the modifications to the Teachers Statute in 1995 (Law 19410) and in the premises and declarations contained in the "Framework Agreement" [24] supported by "all" the political sectors represented in parliament and which have acquired the character of State Policy.

17 The fact is that, at the present time, all of the municipalities in the country have high deficits in their annual accounts arising from the administration of the schools and of the health services.

18 "Patron" ("Sostenedor") is a euphemism used in Chile to identify the proprietor of an educational establishment. The Law on Subsidies lays down that the Patron fulfils a function in support of public education and that this should not be a profit-making activity.

- The distinctions established between the different sectors by the Teachers Statute (Law No. 19070). For example, article III of this law, "On the Career of Professionals in Education", only applies to the municipal sector. On the other hand, article IV of the law lays down special standards for the "Contract of Professionals in Education in the Private Sector".
- A second difference, of an operational kind, concerns the background of the pupils sent to both subsystems. The Law prohibits any kind of discrimination in access to education, a ruling which is followed zealously in the municipal schools if they have the power to do so. However, it does not operate in the same way in the grant aided schools. They have recruitment policies which tend to discriminate between pupils with a higher or lower yield. There are also student selection procedures.

Basically, these discriminations correspond to criteria of social stratification, so that municipal schools tend to obtain pupils from those sectors with the scarcest resources.

- The third difference, which is also of an operational kind, is the implementation of so-called "shared funding" which was launched in 1995. This mechanism makes it possible to supplement the support received from the State with a more or less important package of new resources consisting of monthly payments in cash that the grant aided schools receive from the parents.

It is clear that shared funding increases the difference in socio-economic background of the pupils catered for by both subsystems and the negative discrimination of the municipal schools.

- c) **A corporate education subsystem** which receives support from the State and whose administration has been entrusted to private corporations which, at least in theory, contribute to its funding. This is the most recent segment, it is small in size (1.79%), and it has a preferred orientation towards secondary education for a technical profession.
- d) **A private education subsystem** run by natural or legal persons. The costs of the educational processes are borne entirely by the families.

The differences between this subsystem and the three others are large in every factor by which they can be compared.

The distribution of these four subsystems in 1992 was as follows:

TABLE 1¹⁹
Number of establishments by system, 1992

System	No. of establishments	%
- Municipal	6,269	64.15
- Grant aided	6,650	27.16
- Private	70	0.72
Total	9,773	100.00

The distribution of pupils was as follows:

TABLE 2²⁰
Enrolments per system, 1992

System	No. of enrolments	%
- Municipal	1,721,375	57.67
- Grant aided	963,061	32.28
- Private	245,585	8.23
- Corporate	53,362	1.79
Total	2,983,383	100.00

Note the discrepancy between the number of establishments and the number of enrolments between the municipal and grant aided subsystems.

Finally, the system has been broken down into the following types and levels:

- The Pre-school has been broken down in various ways. The highest age group (5 to 6 years) forms the **Major Transitional Level**. This group is taken to belong to the regular education system, and thus receives a State subsidy.
- The General Primary School consists of eight years (levels), which are broken down into two cycles of four levels each.
- The Secondary School consists of four years, broken down into two cycles of two levels each. There are two types: Humanist Scientific Training and Technical Professional Training. The latter type provides training in various kinds of professional activities at a subtechnical level.

19 [23].

20 [23] p. 8.

SYSTEM COVERAGE

We use "coverage" in the sense of "the percentage of the population of school age which is catered for by the educational system".²¹

The degree of coverage attained by the Chilean educational system is rightly considered as one of its most outstanding historical achievements.

In 1920 the initial enrolment for primary education was 328,000 children.²² In 1950, the primary school catered for 593,000 pupils. In 1960 its coverage had risen to 891,000, while secondary education was provided for 159,149 pupils.²³

The impact of the expansion can be seen from the following passage in the Brunner Report: "Pre-school education, which was extended to 2% of the age group in 1960, is now extended to 18% of the group; primary education has increased its coverage from 80% to 100%; secondary education has increased from 14% to 76% of the corresponding age group, and the percentage of young people who engage in higher education has increased from 14% to 20% among those between the ages of 20 and 24".²⁴ It continues: "This expansion in the number of enrolments has made it possible for the average length of time spent in school of the economically active population to double during the last 20 years to stand at approx. 9.25 years in 1992. The national illiteracy rate, measured in terms of self-qualification in the Census, dropped from 16.4% in 1960 to 5.4% in 1990 for those above the age of 15".²⁵

21 [23] p. 168.

22 [14].

23 [49].

24 [21] p. 5.

25 [21] p. 5.

The coverage by the system in 1992 is given in table 3:

TABLE 3
Pupils. Excluded population.²⁶

Level	no. of pupils	% coverage	no. of children excluded
- Pre-school	241,759	24.20	757,245
- Primary school	2,034,839	91.78	182,244
- Secondary school	675,073	76.23	210,990
Total ²⁷	2,951,671		1,149,990

Table 3 suggests a number of ideas. For example:

- a) Those classified here as "excluded children" are excluded from the system because they are not inside it. We are not using the term in its traditional ideological sense. We emphasise this meaning to ask: Where are they? Why are they not in pre-school, primary or secondary school?

It is not an insignificant number. We are talking about something more than one million children who are deprived of the benefits of education. If we deduct the pre-school segment - whose exclusion can find much support both in the historical experience of the country and in the models on which our system has been based, despite the notable efforts carried out by the present government to reinforce this segment – we are left with a group of 392,745 children whose school situation is uncertain and whose opportunities to develop their human potential are difficult to envisage.

There is clearly a sector of the population in a situation of social risk whose existence is not usually taken into account by the authorities in their analysis of coverage. This leads us to suppose that the question of coverage has not been solved, despite the declarations of the Ministry of Education a few years ago.²⁸ Among these groups of the population who are abandoned at

26 The figures in this table may require some modification, as we have taken them from diverse sources. The data on enrolment are taken from [23]. The figures for primary and secondary school coverage were used by Toro and Castro in their work [43]. The percentage for pre-school coverage is taken from MIDEPLAN [18]. The estimates in the column "no. of children excluded" are our own.

27 Our estimates do not take into account the children who attend Special Education (31,172), which would bring the 1992 total up to 2,983,383.

28 [20]. This document declared that the problems of the form of institution and of coverage had been resolved and that in the future it would therefore be necessary to tackle and resolves the problems of Quality and Equality in the educational process. In the course of time, the latter two themes have come to form the

(continued...)

such an early age, there are unequivocal indications of inequality **that is not produced in school**. (A legitimate achievement if one considers that recent analyses of the quality and equality of the school system tend to lay a large part of the blame for the deficit observed in these fields on the school.)

The problem is a minor one if it is considered in the light of the levels of coverage achieved, but we consider it in terms of “**principles**”. It is a fact that the right to education, as expressed in the State Constitution, in the Universal Declaration of Human Rights and in the Recommendation, applies to **all** children of school age. We consider that, seen in this light, the exclusion to which we have referred becomes an ethical paradigm rather than a statistical indicator. Therefore, a single child who is left outside the educational process, for reasons beyond his or her willingness to participate in that process, is a problem that demands a solution.

We believe that coverage, an indicator that reflects the solidity of a school system in more than one way, is not sufficiently indicative of the educational process as a social function. Various related observations could be made, and we have put them up for debate within the Teachers Union on more than one occasion. We shall here summarise those which we feel to be the most important:

- b) Data on coverage in Chile always refer to the number of pupils enrolled in the month of April. They therefore fail to take account of fluctuations which occur in the course of the school year; in other words, the retentive capacity of the school system.

Now, as is known, the retention indices are connected with non-attendance, seasonal illnesses, and temporary absences due to factors outside the educational system such as changes of address and, sometimes, in the marginal sectors of our country, migrations of entire populations, transfers caused by a change of job, horizontal mobility of the population, or definitive dropping out of the system.

We do not have any studies of these aspects, but there can be no doubt that these processes affect a significant number of pupils, leading to a deterioration in the quality and continuity of their education.

- c) The Ministry of Education accepts that the drop-out rate at the end of primary school fluctuates between 6% and 8%.

We do not have follow-up studies or cohorts in historical sequences at our disposal to enable us to accept such an indicator fully. However, on the basis

of our perceptions, we consider that the figure is higher. At least, in our observations in areas with a high density of population, characterised predominantly by economic and cultural deprivation, we have come across drop-out rates of 12% a year. Similarly, if the number of pupils enrolled in the first year of general primary education is taken as the basis of calculations and the retention figures are considered up to the completion of the fourth year of secondary education, the drop-out rate rises to slightly more than 30%. But we repeat that these observations have been made on segments of the population and on samples which do not allow generalisation.

- d) If the argument is pursued, it leads inevitably to the idea that the indicator of coverage, along with the processes of variation of attendance and dropping out, represent a key component for obtaining high-quality parameters for the evaluation of education. In other words, these problems are not purely quantitative.
- e) Finally, the question boils down to the absence of studies enabling us to establish the level of development achieved by the school system with greater degrees of certainty.

We do not know whether the Ministry of Education is carrying out such studies (in any case, if it is, the results are not publicly available). Nor has the Colegio de Profesores obtained any funds to carry out these tasks.

- f) We are reflecting on the way in which these indicators are translated into complex patterns of social behaviour of children placed in real social situations. For example, at the time of writing, the press has publicised some findings contained in a recent CEPAL and CIEPLAN study of "**child labour**".²⁹

They state that there are 100,000 children between the age of 9 and 17 in the urban and rural districts of Chile who regularly carry out some form of labour. In the countryside they are called "**child temps**", in the city they are known as "**child helps**"; the latter usually work in large numbers in the supermarkets. They are not bound by the regulations of the Labour Code, nor do they enjoy the benefit of any services. These children "fragment themselves": some "**share**" their working day with school (is this possible?), resulting in periods of absenteeism, discontinuity or dropping out. Others simply abandon regular education; we do not know how many of them re-enter education, nor how many of them join the groups of unemployed adolescents who become assimilated to the "alternative" culture.³⁰ It is easy

29 We do not have firsthand sources at our disposal.

30 This "alternative" culture is the response of the younger generation to the organisations and institutions of adult culture. These children want to show their lack of interest in or commitment to the problems which seem important to us adults.

to imagine the risk of economic, historical and socio-cultural marginalisation affecting these 100,000 children excluded from the educational system because they have to work. It is also easy to imagine the social consequences of this marginalisation as a whole.

LEGAL ASPECTS³¹

a) GENERAL FRAMEWORK

In 1980 the military government decreed the Constitution which replaced the 1925 Constitution.

In 1989 the military government held a referendum on a series of reforms (democratic modifications) which had previously been agreed with the democratic political organisations. These reforms were approved by 90% of the national electorate. Consequently, this action conferred legitimacy on the 1980 Constitution.

The Chilean State is still constituted by the three classic powers, two of which (the Executive and the Legislature) are directly elected by the people. The Legislature contains a significant sector of "institutional senators" who are not democratically elected.³² It is a binominal, non-proportional electoral system containing mechanisms which ensure that the composition of parliament will maintain an equilibrium with regard to the representation of the better organised political sectors without the real electoral weight that they obtain among the population having any effect.

The Organic Constitutional Laws were also devised, which have the status of a constitutional statute. The last legal act of the military government, as we have mentioned, was to decree the Organic Constitutional Law on Education (LOCE), to which we refer in the following section.

b) EDUCATIONAL FRAMEWORK

In our opinion, the constitutional precept mentioned above which places the "responsibility" for education with the "families" and makes of the State a "guarantor" of the right to education has clear-cut liberal characteristics. We consider that it is a basic affirmation that the responsibility of the individual (parents, in this case) is superior to the collective responsibility of the State.

31 The following remarks are taken from [04].

32 Technically, the eight institutional Senators are appointed by State institutions (Executive, Armed Forces, Supreme Court) on the basis of merits demonstrated during their public life.

However, at the same time, it represents a principle of inequality in the constitutionally guaranteed access to the educational processes, since not every family in the country is able to appraise education in the same way and they do not all have equal resources to face the decisions and expenses it entails.

This is a starting-point in the analysis of the working conditions of Chilean teachers which forms a very serious obstacle. It is clear from the Union's point of view that not many sectors of opinion accept the paradigm of "responsibility" described.

The main legal provisions affecting the operations of the Chilean educational system are the following:

- i) The Constitution of the Chilean State, which refers to education in Article 19, no. 10: "The right to education. The object of education is the full development of the person in the various stages of the life-cycle.

Parents have the preferred right and duty to educate their children. The duty of the State is to grant special protection for the exercise of this right.

Primary education is compulsory. It is the duty of the State to fund a free system for this purpose, designed to ensure access to it for the whole population.

It is also the duty of the State to encourage the development of education at all levels; to encourage scientific and technological research, artistic creativity, and the protection and growth of the cultural heritage of the nation.

It is the duty of the community to contribute to the development and perfecting of education".

In Article 19, no. 11, it establishes that: "The freedom of education includes the right to open, organise and maintain educational establishments.

The freedom of education is bound by no restrictions other than those imposed by morality and decency, the public order and national security.

Officially recognised education may not be devoted to propagating the tendencies of any political party.

Parents have the right to choose the educational establishment for their children.

The Organic Constitutional Law will establish the minimal requirements which will be made at each level of primary and secondary education and which indicate the generally applicable objective norms to enable the State

to supervise their observance. Similarly, this Law will establish the requirements for the official recognition of educational establishments at every level.³³

- ii) The Organic Constitutional Law on Education, decreed in 1990³⁴
- iii) The Organic Constitutional Law on Municipalities, which lays down that the administration of the municipal educational services will include Corporations, Directorates of Municipal Education (DAEM), and Departments of Municipal Education (DEM).³⁵
- iv) The Laws on Municipal Revenue, which approve and decide, among other things, the annual budgets of the municipal educational system.
- v) The Law on Grants (recently modified in 1995) which regulates the amounts of aid received by the municipal schools and the school establishments in the grant aided private sector, the conditions on which these grants can be received, and other provisions affecting the financial running of the system.
- vi) Various Laws and Supreme Decrees which transfer national or municipal educational establishments in trust (for terms of up to 99 years in some cases) to non-profit-making private corporations or to the private sector.
- vii) The Law 19070 (Teachers Statute) of 1991 which regulates all the working conditions of educational professionals. (Some of the provisions of this law were modified in 1995.)
- viii) Various sets of provisions affecting specific functions and processes of the school function, such as Decrees 4002 and 300, which contain the Plans and Study Programmes of Primary Education and Secondary Education respectively, Decree 146, which regulates the processes of school evaluation, Decree 40, which lays down the fundamental objectives and compulsory minimal contents for primary education, etc.

33 [38], decreed in 1980 by the military regime and reformed in some of its articles in 1989 and after.

34 Besides repeating the constitutional precepts, the Organic Constitutional Law on Education (LOCE) specifies the general qualifications of pupils at the completion of primary and secondary education, the need for educational establishments to draw up their own curricular frameworks - in terms of fundamental objectives and compulsory minimal contents - and their institutional projects, as well as regulating higher education in Chile.

35 The distinction between the bodies of municipal administration - corporation, DAEM or DEM - refers, among other things, to the level of autonomy of these bodies from the municipality. Corporations display a greater degree of autonomy, DEM display a greater dependence. This has implications, among other things, for the type of contract offered to teachers.

It should be pointed out that all legislation prior to 1973 which contained benefits for teachers was cancelled by the military regime.

The whole of this system of rules has a common orientation: it lays down the legal framework to produce effects of decentralisation, dilution and progressive autonomy of the regular processes of education and the destruction of the national structures when they are considered to be centralising. This legal framework is also designed to encourage and promote the private running of education. Moreover, it attributes to this latter value the character of a vehicle for the full exercise of liberty.

Law 19070 (known as the Teachers Statute) was decreed in 1991. It is a set of measures which teachers were vociferous in calling for during the period of military government. Commissions from the Colegio de Profesores took part in composing the preliminary drafts.

In its first version, this Law is lacking in coherence if it is compared with the spirit of the legal framework described above. It breaks the liberal consistency of the model and produces centralising effects by conferring on the State a series of decisions connected with career formation and numerous aspects of the working conditions of teachers; for example, provisions on further teacher training, examinations, bonuses for years of service, etc.

In 1995, after many months of work in bipartite commissions (Ministry of Education - Colegio de Profesores), Law 19070 was reformed, mainly in measures referring to the teaching career, the job stability of teachers, the conditions for entering and remaining in service, the planning activities which the municipalities are expected to carry out, and factors which are a part of the funding of the system. In our opinion – and despite the efforts of the Colegio de Profesores – the approved modifications tend to redirect these provisions towards the original conceptions of the model that is being implemented. This implies, on the part of the teachers, a tendency not to accept these reforms.³⁶

DEMANDS FOR PROFESSIONAL SKILLS

These concern four series of indicators which, in actual educational practice, interlock and form a network of expectations and motivations for action which set the limits to the real freedom of action for teachers in the exercise of their teaching duties.

They form a body of challenges proposed by the authorities and which can be called **demands to modernise the system**. In order to simplify the description, we

36 This paragraph does not reflect the views of the union leadership. The modifications referred to, in their legislative phase, were approved in line with the orientation described.

have grouped these demands in four series of indicators: innovation, decentralisation and autonomy, system of salaries, and professional conduct.

a) DEMANDS FOR MODERNISATION

They have been formulated in various overlapping ways in the regulatory and technical documents issued by the ministerial authorities. Nonetheless, perhaps their clearest expression can be found in the speech delivered by President Frei Ruiz Tagle in May 1994.³⁷ In the section bearing on our theme, the President proposes seven macroeconomic policies for his six-year period. They relate to lowering the rate of inflation in order to obtain a similar figure to that of the successful economies; obtaining a growth rate which will permit a per capita income of US\$ 4,400 in 1999; reinvigorating the labour market to obtain an annual growth in the labour force of 2.5%; obtaining an annual growth in labour productivity higher than 3%; gradually raising real wages; significantly increasing the level of consumption of low-income families; expanding activities to increase accessibility to commercial markets; internationalisation in the financial field and membership of international associations to increase levels of competitiveness.³⁸

On the same page he formulates the proposal to eradicate extreme poverty and outlines the strategy of "permanently increasing the competitiveness of our economy in which productivity, quality, flexibility and preservation of the environment will be the determinant factors".³⁹ The President adds: **"the growth of productivity does not arise spontaneously, but it calls for clear policies of promotion and encouragement. It calls for an improvement in the quality of education, an increase in the training resources, and a strengthening of research efforts and technological innovation"**.⁴⁰

We commented that, in the end, this is a full systematisation of the **demands** that society currently makes on the regular educational processes.⁴¹ These ideas appear to have been operationalised later on in the Brunner Report and in the "Framework Agreement". It is interesting to record two guidelines from these documents:

"Top priority: to offer an all-round, quality education to all and to guarantee equal access to education."

37 [10].

38 [10] p. x (for reasons of space we have confined ourselves to the central ideas).

39 [10], p. x.

40 [10], p. x. Emphasis added.

41 [04].

"A national commitment: to increase investment in both public and private education along with stimulating the modernisation of education."⁴²

The consequence is obvious: Chilean society does not want an education that is neutral with respect to social life. It wants an education that interlocks with the model of economic development and is committed to it.⁴³

THE PROGRAMMES AND PROJECTS FOR EDUCATIONAL IMPROVEMENT

There are many of them. They include P900 and P200,⁴⁴ a complex body of measures, separate from the regular system of vocational training for young people excluded from the school system, etc. If we concentrate on primary education, it is important to mention that in August 1995 the CPEIP⁴⁵ issued a text containing a list that provides a summary of information on a significant number of innovative projects and experiments, most of which were carried out as part of Ministerial Programmes (Project to Encourage the Development of Educational Innovations; Project for Initiation into Working Life and Creativity; MECE Primary School Programme, etc.). The list contains a description of 320 projects carried out in every region of the country between 1992 and 1995 (almost all of them are in operation.) The majority concentrate on specific aspects of the subjects in the current Plan of Studies, mainly in the field of written languages and mathematics. There are very few projects in the field of computers and information science. There is a very insignificant number of projects in the field of sexuality and the prevention of drug addiction. There are hardly any projects relating to artistic development. There is nothing on up-to-date research in the world of scientific and technological cultures.

42 [24] p. 1.

43 In the Presidential message in May 1996, the President of the Republic emphatically accorded an unusual degree of importance to the educational sector. He referred to his government's decision to carry out an educational reform which in essence implies a return to the single working day, raising the number of annual classes to around 1,200. One can understand the effort this implies if one bears in mind that the present number of annual classes is slightly more than 800.

44 P900 = Innovation programme designed to be held in 900 schools - roughly 10% of the total of educational establishments - which cater for pupils from extremely poor backgrounds.
P200 = Programme of Initiation into Working Life.
Both programmes envisage large investments in training for special functions, further teacher training, implementation of equipment, teaching materials, etc. In particular, P200 provides the schools involved with "Halls of Technology".

45 [29] pp. 3ff.

This procedure of looking for innovations for learning and teaching processes based on the organising of micro-projects intended to improve the quality of the educational processes will be implemented in Secondary Education starting in 1996.

It should be added that the running of these projects is facilitated by solid financial backing obtained by the State from external loans at the start of President Aylwin's period in office. It tends to use them to fund improvements to equipment, (further) training of the staff in the school where the project is based, and the acquisition of teaching resources for sums not in excess of US\$ 6,000.

Perhaps the great merit of this policy lies in the concentration on the actual problems of the school which - in theory - oblige it to carry out planning. This makes it possible to determine what problems and/or bottlenecks the school is actually suffering from and, consequently, to come up with the methodological resources required to tackle and solve them.

However, right from the start these efforts have systematically run up against three "walls" leading to relative successes at a much lower level than what one would expect in the light of the financial resources involved. The first of these walls is of a theoretical nature, in which the teachers do not clearly understand what is being asked of them when they are asked to innovate.⁴⁶ The question is connected with the lack of the technical skills required to meet this challenge.⁴⁷

Let us move on a step further. The Colegio de Profesores regards the question as a conflict of paradigms: if it is agreed that we are going through a transition from modernity to postmodernity (both understood as historical stages), then the models of educational innovation which were successful in the past (active teaching methods with more emphasis on visual and tactile skills, the new school, etc.) are no longer adequate to meet the targets that the authorities have set us. In other words: we need models of innovation to enable us to **insert ourselves** into the future *that Chile has started to live in more than one respect*, i.e. a pedagogy of postmodernity for postmodernity. It has not been created. It is not available. Well, if we compare the ambition of the calls made to us by the process of national development with the results that we are actually obtaining in schools, we are left with a feeling of frustration, of being in the middle of gigantic forces which do not produce the fruits that, frankly, we promise everybody, no matter what doctrinal position or slant we may have.

46 We have not come across any literature produced by the Ministry of Education on this or other key concepts in relation to modernising systems of management. The same idea of "modernisation" can be read and thus interpreted in a variety of different ways.

47 At the moment this lack of skills is being countered by field consultancies carried out by technical supervisors from the provincial educational headquarters, but we do not believe that they are sufficient.

The second wall is formed by the total lack of incentives envisaged by the system of regulations in force for the setting up and running of innovative projects. The Ministry of Education takes it for granted that the functions of teaching - which under the provisions in force are paid for every hour of work in front of the class - should also include the tasks of thinking, investigating, exploring and experimenting with new educational formulas (making it clear yet again that these imaginative and creative activities are not and cannot be carried out at the same time as paying attention to pupils in the classroom), a criterion which is certainly not shared by the teachers.

The third "wall" is formed by "school culture", which in the case of our system is characterised by the presence of deeply rooted structures which manifest themselves in a high level of bureaucracy and hierarchisation; this is accompanied by the existing high level of authoritarianism, whose roots go back to the military regime, but which is being strongly emphasised at the present time. This characterisation is due to the lack of dynamism in the way in which teachers, and the representatives of this culture in general, interact with knowledge, etc.⁴⁸

DECENTRALISATION AND AUTONOMY

The processes of decentralisation which began in the 1980's as a necessity of the public sector administration, deeply enmeshed as it was in the slowness and inefficiency of an extreme bureaucratic rationality, have ended up by becoming one of the key orientations of Chilean educational policy.

The idea of "escaping" from a powerfully centralised State to become receptive to recognition of the regional and local situations and, thereby, the need for forms of decentralisation, was strongly supported by our union. The theme had already been broached by the teachers trade union organisations at various instances in the 1970's.

Still, as we noted above, it is not a question of a purely administrative problem in the 1990's. Today, based on the provisions of the LOCE, the legislation in force, and the planning operations demanded by the PADEM,⁴⁹ we are moving towards

48 We use the term "school culture" to refer to those forms within the school which signify the relations between the agents in the educational situation; the relation of these agents to knowledge; the form and content of these agents as such; the forms and strategies of the relation of the educational unit and its members to the other spheres of the world of education; and, finally, the form and direction in which these are all articulated. Taken from [03].

49 The LOCE lays down that every educational establishment must set up its own curricular framework (Institutional Educational Project), preserving a common space organised in a body of Fundamental Objectives and Compulsory Minimal Contents that were recently promulgated. For its part, within the modifications to Law 19090, each municipality is obliged to produce a PADEM (Annual Plan of Municipal Educational Development).

full autonomy of the educational processes, of the curricula, methods and institutional set-up of the school.

The Brunner Report contains the following formulation of a basic requirement: "to grant greater autonomy and flexibility of operation to the schools". The theme is also touched on in the Framework Agreement, which states: "To strengthen the autonomy and administrative capacity of the educational establishments, recognising them in this way as **the fundamental unit of the educational system**".⁵⁰ Both texts refer to the need to create "**effective schools**".

The problem is that these apparently clear ideas generate a great deal of confusion among teachers. In a brief analysis that we carried out in relation to these policy orientations,⁵¹ we stated: "Basically, autonomy is aimed at the generation of "effective schools"; but what is an "effective school"? When is a school effective, and when is it not? In other words, what are its operative characteristics? How it is organised, what is its administrative dependence, what are its resources like, how large are they (and where do they come from)? What are its administrative processes, its functions inside and outside the school? In short, its products? What model of rationality does it assume and in what contexts of logical, ethical and axiological connections? In other words, how can you tell when you are face to face with an effective school?"

"Basically, I am interested in determining whether a municipal school which caters for extremely poor sectors of the population, which belongs to a municipality with a chronic debt, and whose teachers regard themselves as unmotivated and inert, can manage to become "effective" and, in that case, what salaries, material, legal and administrative conditions are required for it to approach a paradigm of this kind?"⁵² None of these points has been cleared up to date.

Consequently, it would appear that teachers (and the municipal administrations) are being asked as a "basic requirement" of modernity to come up with modernity - within the context of a decentralising process which comes every day closer to the limit at which decentralisation is no longer possible because there is nothing left to decentralise - in order to obtain something: an effective school, whose attributes and characteristics are completely unknown.

50 [24], signed by the Minister of Education, the President of the Chamber of Deputies, and representatives of the following parties: Christian Democrats, National Renovation, Radical Social Democrats, Socialists for Democracy, Independent Democratic Union, Progressive Centre Union. Valparaíso, January 1995. The quotation appears as II "The Dimensions of Educational Modernisation and the Policies to be followed in accordance with them", section 4, p. 4.

51 [41].

52 [41], pp. 3, 4, 5.

In the meantime, in their actual practice, teachers are constructing and running educational "innovation" projects, while the schools are beginning to produce institutional projects, and the local authorities are coming up with annual development projects for municipal education.

As one of our tasks with regard to teacher training, we in the Colegio de Profesores have analysed the body of technical skills which is called for by participation in the modernising tasks that have been stated, and we have contrasted them with the actual situation in our schools. The result is meagre. We observed a serious deficit in mastery of planning techniques (at the various levels at which teachers are called upon to participate), of diagnosis of learning methods and of systems, of the production of curricular models, of the construction of study programmes, simulation models, the use of auxiliary technology, research techniques, and so on. As a result, teachers are accepting challenges without being able to rely on adequate working instruments. All the same, they are contributing to produce courses of educational modernisation at the expense of a bitter attempt to acquire the knowledge and techniques required, which are not provided by the current institutional set-up. The last point is connected with the relevance of the processes of initial training; of the models of professional training with reference to their institutionalisation, content and recognition; with the absence of a professional career to effectively stimulate the creative ability of the staff; and with the system of salaries. We consider that these questions have not been dealt with properly by the Ministry, and that they represent a risk whose impact on the process of modernisation may not have been properly taken into account by the ministerial teams as far as we know.

b) *PROFESSIONAL CONDUCT AND THE QUESTION OF SALARIES*

It is not easy to describe these characteristics from the point of view of the union nor from the positions supported by the authors of this study.

We would like to propose two lines of approach to the question. One is a preliminary assessment of the level of acceptance or rejection of the educational model in operation from the perspective of the philosophical and political doctrines which predominate among Chilean teachers. The other is highly subjective: it is connected with the observation of the feelings aroused in us by our daily task. In our account, we postulate that the level of income of the teachers has the character of a functional variable which affects the composition of the features that we shall proceed to describe.

In the debate within trade union circles, it is common to hear at least five series of arguments connected with the orientations of educational policy which are applied to the regular educational system:⁵³

- i) There are sectors of opinion which formulate the need to return to centralisation and to school processes regulated by a "Teaching State". We recognise the magnificent potency that this doctrine has had in the social and educational development of our country, but it would appear that nowadays it is a proposal which would be difficult if not impossible to realise. The historical, social, economic, political, religious and cultural conditions no longer exist which were in place at the end of the nineteenth century at the time when this doctrine was emerging.

On the other hand, a proposal of this kind would imply a number of modifications within the legal framework which can be raised for discussion within the general social context.

Nevertheless, those who support this line of argument insist on the existence of a "certain situation of generalised inequality and the loss of the organic unity of the educational system, which are suggested as foundations for focusing direct educational activity by the State on those areas of the population affected by the highest rate of extreme poverty".

- ii) A second group of arguments advocates the need for a public educational system, i.e. a State system, decentralised in terms of the particular regional situations, but with a centralised administration at the level of the Ministry of Education.

This is an attempt to recover a non-private institutional set-up in the hands of the State. Nevertheless, it implies a number of fairly diffuse ideas which, going beyond a proposal, tend to show the need to modify the present situation by advancing towards the production of a model of social organisation that is different from the one in force today.

- iii) Another argument that is heard within the context of current orientations of educational policies speaks of a gradual and careful process of "recentralisation", which would find expression in the organisation of administrative modules formed by two or three neighbouring municipalities or directly by the regional government.

This is perhaps the most recent idea. But like the previous one, it has not been able to produce a technical or legal model to back it up.

53 [04], pp. 50ff.

- iv) There are sectors which argue for the maintenance of the basic structure of the present system, but with the incorporation of important rectifications. Some of them were already formulated in the Brunner Report. Others refer to an "education on a human scale".
- v) Another argument is in favour of a rapid and total privatisation of the whole system, returning to the models of the 1980's, to complete the cycle of "educational modernisation" as it was conceived by its authors during the military regime.

Proposals displaying a rigorous methodological logic have emerged from this sector of opinion.⁵⁴ Experiments are being conducted on the basis of these proposals involving the transfer of the municipal administration to private organisations formed by the teachers themselves in the two districts of the Metropolitan Region characterised by their high income levels (Vitacura and Las Condes).

As can be seen, the arguments cover a wide spectrum which extends from a return to a highly centralised system to a system transferred in its entirety to the private sector.

In the language of the teachers, ideas like modernity, decentralisation, autonomy in the administration and in educational schemes, etc. are assimilated to a progressive privatising orientation which basically means a planning of policies which deprives the State of its traditional educational role.

This complex of ideas is reflected in the policies developed by the Ministry of Education.

The authors do not consider that this situation is seen in a positive light by teachers. Perhaps in venturing a description of the phenomenon we should use expressions like confusion, nostalgia for the experiences of the past, concern about access to the benefits of education and modernity by the poorest sectors; frustration at the social perception of the function of the teacher; instability, lack of professional motivation, etc.

Basically, the spirit of the teachers does not seem to be the most adequate to translate the State's attempts to recreate an educational system capable of facing the challenges of the 21st century.

In this connection, as we noted above, the system of salaries plays a key role. Teachers see that the salaries they receive are out of key with the burden of responsibilities entrusted to them.

54 See, for example, [16].

We shall try to present these problems in a more specific light in the following section.

III. WORKING CONDITIONS

PROVISIONS OF LAW 19070 AND ITS MODIFICATIONS (19410)

The Teachers Statute confers on teachers the status of "educational professionals". They must be in possession of the "qualification of teacher or educator, conferred by a teacher training college, university, or professional institute. All persons legally qualified to exercise the function of teacher and those authorized to carry it out in accordance with the legal provisions in force enjoy the same consideration."⁵⁵

Articles 5 to 9 lay down the functions of educational professionals, distinguishing between supervisory teachers, classroom teachers and technical educational auxiliary functions. They also define classroom teaching and curricular activities outside school hours. The latter include "tasks complementary to the function of classroom teacher; ancillary or additional activities to the function of the teacher as such; course supervision; co-programme and cultural activities; activities out of school; activities connected with organisations or actions which form a part of school life; activities connected with organisations or institutions in the sector which directly or indirectly affect education and any analogous ones established by decree of the Ministry of Education".⁵⁶

Note the distinction between "classroom functions" and the other tasks assigned to teachers. Nevertheless, the same law lays down that personnel contracts are made for "teaching hours".⁵⁷

Articles 14 and 15 establish the areas and forms of participation of teachers. They are assigned the **right** to participate on a consultative basis in the diagnosis, planning, execution and evaluation of the activities of the educational establishment and its relations with the community. The Teachers Council is assigned the character of a consultative body, but it has the power to take decisions on strictly educational questions, in accordance with the educational project of the establishment and its internal regulation.

55 Law 19070, Art. 2, p. 7. This law was promulgated on 1 July 1991. It is not a constitutional law, so that its modification does not require a qualified quorum. It was amended in 1995. In this section we shall refer to its current provisions (Law 19410 of 2 September 1995).

56 [22] Art. 6 (b).

57 [22] Art. 23, second clause.

Autonomy is granted in the exercise of the teaching profession, subject to the "legal provisions which bear on the educational system".⁵⁸ This autonomy will be exercised in the planning and evaluation of the teaching and learning processes, in the application of the study texts and educational materials, and in relation to the families and guardians of the pupils.⁵⁹

The prescriptions referring to participation and autonomy, in their practical application in actual schools, are significantly limited by provisions laid down by the Ministry of Education itself. These limitations are revealed, for example, in the execution of the Improvement Programmes, in the use of educational materials determined by the ministerial authority, in the execution of local programmes which are decided on without the direct participation of classroom teachers, etc.

Another limitation is formed by the various elements of School Culture to which we have already referred, whose effects permeate every level, from the most basic relation of the educational process (teacher-pupil interaction) to the highest levels of the hierarchy, where difficulties can be observed in recognising the other party ("subordinate") as a valid discussant in the design and shouldering of joint projects.

The Third Chapter of the Law refers to the "Career of Educational Professionals", but its field of application is limited to those "educational professionals who carry out functions in educational establishments of the municipal sector".⁶⁰ In general terms, the teachers who work in the grant aided private subsystems, corporate and private subsystems are still bound by the provisions of the Labour Code (which applies to all employees in the country), which has the character of a supplement, unless the Statute makes specific reference to them.

The distribution of personnel in 1992 was as follows: 82,022 teachers in the municipal subsystem; 36,801 teachers in the grant aided subsystem; 17,196 in the private subsystem; and 3,281 in the corporate subsystem.⁶¹ In other words, the provisions on the professional career only affect 58.88% of teachers. There is no justification for this distinction except the need to provide a legal framework for the conceptions of decentralisation which are dominant in the educational sector today.

The Second Paragraph of the Chapter formulates the idea of "education staff quota", defined as the "total number of educational professionals engaged in teaching, supervisory teachers or technical-educational functions, required by the functioning of the educational establishments in the municipal sector of a district, expressed in the weekly number of working hours, including those who carry out

58 [22] Art. 16.

59 [22].

60 [22], Art. 19, p. 12.

61 [23], table 31.07, p. 40.

managerial and technical-educational functions in the educational administration of this sector".⁶²

Article 22 lays down that the municipalities are empowered to "fix" and "adjust" the education staff quotas of their respective jurisdictions. Such adjustments may be necessary as the result of:

- "Variation in the number of pupils in the municipal sector of a district;
- Modifications to the curriculum;
- Changes in the type of education provided;
- Merger of educational establishments, and
- Reorganisation of the unit of educational administration".⁶³

It can be inferred from these texts that teachers who work in the establishments run by the municipalities cannot count on stability in their contracts, which can be terminated from one year to another if one or more of the causes listed above occurs. Note that none of the causes is related to the personal responsibilities of the teachers; instead, they all possess a structural character, referring to organisational aspects of the system and not to the achievements or efficiency levels of the teachers.

In particular, the fifth cause may entail a discretionary administrative act, for example, a change in the legal status of the entity which runs the municipal system of education - this is permitted under the present law -, to arrange education staff quotas as the administrator sees fit.

On the other hand, it is laid down that the variations in the education staff quota must be based in the **PADEM (Annual Plan of Municipal Educational Development)**, an annual plan produced by the administrative body of the municipal system, which is presented for consideration to the Municipal Council consisting of Councillors and the Mayor. The Plan of Municipal Educational Development is approved by the Municipal Council.⁶⁴

During 1995, there were municipalities which worked out the PADEM in consultation with the educational establishments, but the majority of them were

62 [22], Art. 20, second clause.

63 [22], Art. 22.

64 Decree with the Force of Law No. 05 of 1993, modified in 1995. The provision in question is contained in its Article 5.

produced by teams of teachers in executive functions. In some cases external consultants were called in.

It should also be borne in mind that the Municipal Councils consist of citizens elected in popular elections from a wide variety of different cultural backgrounds, who are not necessarily familiar with or capable of dealing with the problems arising from educational policies. As a result, there is a situation in which a body of legal provisions makes the "education staff quotas", i.e. the professional work of teachers, dependent on decisions taken in organisations which are completely remote from their professional activities. The programmes of municipal educational development remain in the hands of the same organisations. Consequently, they represent a field of expansion of political activities - activities whose legitimacy we do not wish to deny - rather than the real development and in-depth elaboration of the most profound educational processes.

However, in our opinion the PADEM has a potential which the organised labour movement could take up with reasonable chances of success. If the union is able to produce an educational proposal, first at the level of the school and second for the community, and to socialise in the community and obtain its support for this proposal, the political authority (District Council) will have to pay attention to this configuration.

This is also a possible way for the local authority to assume the task of education as one of its responsibilities, a question which has not been sufficiently internalised so far.

Finally, it should be noted that the PADEM represents an opportunity which could reshape the course of educational practice, at least on a local scale, thereby making it possible to put a stop to the tendency to entropy mentioned above.

All of these questions relating to participation and appropriation will depend on the extent to which teachers assume this as their shared task, for otherwise it can turn into another extra bureaucratic "event" and become installed in the school culture.

Both admission to the education staff quotas and access to administrative and technical positions within the school are competitive.

The Third Paragraph lays down the rights of teachers. Article 34 states that "qualified educational professionals will have the corresponding right to stability in the hours and functions established in their terms of appointment or employment contracts, unless they have to give them up for one of the causes of expiry of functions laid down in this Statute".⁶⁵

65 [22] Art. 34.

The causes of expiry of functions are laid down in Article 52. They are as follows:

- Voluntary resignation;
- Dishonesty, immoral conduct or a serious failure to full the obligations entailed by the function, established and attested in a memorandum;
- Expiry of the contract period;
- Obtaining of a retirement pension, allowance or endowment from a life insurance scheme connected with the respective teaching function;
- Death;
- Entry in a demerit list for two consecutive years;
- Incurable bad health or a medical condition that is incompatible with the carrying out of the function in accordance with the provisions of Law 18883;
- Permanent loss of one of the requirements for incorporation in the education staff quota;
- Suppression of the requisite hours, in accordance with the provisions of Article 22 of the Statute.

Of course, these causes of expiry of functions are complementary to the decisions taken on education staff quotas, discussed in more detail above.

Article 35 establishes the right to enjoy a "basic national minimal wage at each level of the educational system". This ruling, in 1995, meant a monthly salary of \$223,628 (1995 pesos) (approx. US\$ 542) for a teacher with 20 years of service, including all of the factors for which teachers receive remuneration.⁶⁶ In 1996, the National Minimum Wage stood at \$ 119,000 (approx. US\$ 297) a month. The factors referred to above are special bonuses for experience (years of service), further training, work in difficult conditions (geographical situation, marginal situation, extreme poverty, etc.), administrative and technical-educational responsibility. In addition, municipalities can add their own special professional incentive bonuses.⁶⁷ However, the majority of municipalities abide by the minimum laid down in the provisions.

The truth is that the composition of the monthly salary is difficult to grasp for the classroom teacher. It is also difficult to describe. In some cases, we found as many as 14 considerations which modify the initial salary. Nevertheless, only some \$100,00 of the \$223,628 - the salary for a teacher with 20 years of service - correspond to the basic minimum salary. On the other hand, around 22% is deducted for tax, health and other insurance.

Any comparison with professions or technical functions that require a similar or lower level of training (in terms of years of study) reveals a significant negative discrepancy.

66 [25], Table 17, p. 38.

67 [22], Articles 42ff.

In this connection, although some progress has been made by comparison with the situation prior to the Teachers Statute, it still does not come up to the level of teachers' salaries in 1973.

As for accidents at work and illnesses contracted during employment, teachers are regulated by the provisions of Law 16744 (Accidents at Work). In addition, the employers can join Compensation Funds and Security Schemes which offer special facilities in the cases in question. The majority of municipalities are members of these organisations.⁶⁸

The same article determines the right to sick leave on full pay and to paid leave for six working days a year. Unpaid leave can be granted for up to six months a year, and for two years for periods abroad. If permission is granted to carry out postgraduate studies, the period may (once only) be extended to twice as long.

The working day is determined as a number of hours of the working week, and may not exceed 44 hours for the same employer.⁶⁹ One-quarter of the time indicated is reserved for curricular activities outside school hours. The same proportion is maintained if the number of hours of employment is less than 44.

Article 18 lays down that teachers will be subjected to an assessment of their performance, with the right of appeal against an assessment or evaluation which they consider unjustified. Article 50 lays down a system of qualifications to measure the following aspects:

- Professional and functional responsibility
- Further training received
- Quality of performance, and
- Exceptional merits.

These provisions were embodied in a Ruling whose provisions have been contested by the Colegio de Profesores. The Union considers that the body of provisions connected with the evaluation and qualification of performance is riddled with subjectivity and constructed as a sanction. The views of the Colegio de Profesores were debated with the ministerial authorities, and a Bipartite Commission was set up to reformulate the Ruling. This task has not yet been completed. In the meantime, however, the system of teacher assessment is being used by the municipal administrations in some cases to reduce education staff quotas by accumulating qualifications in a demerit list (see causes for the expiry of functions, letter (f)).

68 [22], Art. 36.

69 [22], Art. 48.

The question is serious if one considers causes (g), (h) and (l) for the expiry of functions; among them, the one referring to impaired health is used in practice to remove teachers from the system.

IV. SOME SPECIFIC ASPECTS OF THE RECOMMENDATION AND ITS EXPRESSIONS IN THE CHILEAN EDUCATIONAL SYSTEM

PRELIMINARY IDEAS

Among the considerations with which the Recommendation begins, we would like to focus on the following:

1. "Recalling that the right to education is one of the fundamental human rights", and that it is "the obligation of every government to ensure adequate education for all", "in accordance with Article 26 of the Universal Declaration of Human Rights and with Principles 5, 7 and 10 of the Declaration of Children's Rights, and with those of the United Nations Declaration on the promotion among young people of the ideals of peace, mutual respect and comprehension between peoples".⁷⁰
2. It recognises "the essential role of teachers in educational progress, the importance of their contribution to the development of human personality and modern society".⁷¹
3. Chile is undergoing a process of profound educational changes which are aimed to provide a response to the considerations quoted above. The Ministry of Education subscribes to the following policy guidelines:
 - "Top priority: to provide a *high-quality general education for all* and to guarantee equality of access to education".
 - A task which cannot be postponed: to reform and diversify secondary education.
 - A necessary condition: to strengthen the teaching profession and to improve the statutory framework governing employment.
 - A basic requirement: the granting of increased autonomy and flexibility of management and more public information on its results in order to have effective schools.

70 [33], p. 3.

71 [33], p. 3.

- A government commitment: to increase public and private educational investment, and to stimulate educational modernisation.⁷²

4. The following observations can be noted:

- a) Law 18962 (LOCE) contains the following provisions:
 - Each educational establishment in the country must have its own educational project.
 - Each educational establishment will be able to choose between making its own study plans and programmes or accepting those elaborated by the Ministry of Education.
- b) Supreme Decree No. 40, which is complementary to LOCE, fulfils the provisions of the latter to enact a body of fundamental objectives and compulsory minimal contents (OF/CMO) for primary education and determines general regulations for their application.

In its considerations it emphasises the choice given the educational establishments "to organise their curricula to ensure that they comply with these objectives and contents"⁷³ and adds:

"The present government's commitment to guarantee freedom of education and to ensure that the principle of equal opportunity prevails means that the establishments must offer an education which, besides having a national character, takes account of the interests and expectations of the different school communities at the same time".⁷⁴

5. It is not clear to us whether these provisions really mark an advance in the direction of a "high-quality general education for all".

What is certain is that, ever since the promulgation of Supreme Decree No. 40, there is no longer a national curriculum in Chile. Educational establishments have to choose between devising their own curricular frameworks or applying the plans and programmes dictated by the Ministry of Education.

72 [25], p. 14 (our emphasis). The text is part of the Framework Agreement already mentioned (see above).

73 [26].

74 [26].

The option implies an advance in "curricular decentralisation", but at the same time it implies that the principle of State subsidy prevails, which is essential to the neo-liberal doctrine.

The question is an operational one. From the perspective of the Colegio de Profesores, we doubt whether primary school teachers have the necessary technical and methodological skills to create curricular models. We consider that if the previous problem were to be solved, that would not guarantee that the plans and programmes set up were of the same quality. Likewise, we know that the private subsystems have the resources to contract external consultants, but the municipal subsystem does not have these resources.

There is less uncertainty on the results of these "decentralisation policies" and there is also the possibility that these educational policy guidelines will increase the discrepancies that already exist between the education dispensed to the high-income sectors and that dispensed to the poor sectors of the country.

6. The general guidelines for educational policies (see section 1.3) also fill us with doubts and questions.

It is certain that the enrolment coverage in Chile is very high. For example, 98.30% in the 6-13 years age group, and 75.06% in the 14-17 years age group.⁷⁵

But such indices do not guarantee the quality of the training processes, nor do they take into account the desertion or temporary drop-out rates.

7. The ministerial teams are working at present on designing the Fundamental Objectives and Compulsory Minimal Contents for Secondary Education, which will have similar characteristics to those described for Primary Education. It is expected that this stage of the "reform" will be made public in September 1996. At the same time, tenders will be invited for the 40 "anticipation" schools promised by the President of the Republic in his last Message.⁷⁶

However, we do not know which characteristics the Ministry of Education will assign to the idea of "anticipation", and we fear that if tenders are invited for these 40 places, the President's proposal to rescue the talent and intelligence in the poorest sectors will be of no avail.

75 [25], p. 11.

76 President Frei Ruiz-Tagle announced the creation of 40 "anticipation" schools to take advantage of the talent and intelligence of the underprivileged sectors.

8. It is not clear to us what limits the authority intends to impose on the matrices of decentralisation and autonomy which are established in the educational policy guidelines.

As far as this point is concerned, it is a question of language. The Ministry of Education does not usually define the key concepts on which its decisions are based. Thus, if we consider point 1.3 of this section, it is not certain that we are talking about the same things when we use terms like "quality", "equality of access to education", "diversification of secondary education", "strengthening of the teaching profession", "improvement of the statutory framework", "autonomy and flexibility of management", or "educational modernisation".

This uncertainty about what is meant is not a whim of the authors; rather, it is indicative of the experiences that the educational system has been through at least during the last ten years. We consider that the different ways of interpreting the official discourse may be one of the factors which explain the fatigue and lethargy which can often be observed among teachers.

ON THE FORMULATION OF POLICIES ON TEACHERS

The question is raised in Chapter IV of the Recommendation: "Objectives of education and policies on teachers". This text affirms the need to "formulate a general policy on teachers which is in line with the general principles stated above (Chapter III) and in accordance with which benefit can be drawn from all the resources and capacities available."⁷⁷

The Recommendation breaks down into twelve principles and objectives to be taken into consideration by the authorities in their consequences for teachers.

In general terms, Chilean education does not diverge significantly from the principles and objectives recommended. We would only like to point out the following:

- a) In theory, and in the legal provisions, the Chilean educational system is open. It is therefore satisfactorily in lines with clauses (a), (b), (c), (f), (g) and (h).

In practice, however, this is doubtful. The fundamental right to benefit from all the advantages of education (a), without discrimination (b), so that nothing "limits the opportunities of each pupil to attain any educational level or class" (f) has various limitations. For example, in 1982 the average length of time spent in education by the economically active population was 7.76 years (for both sexes), 7.58 for boys and 8.56 for girls. In 1992 the figure had risen to 9.24 years (for both sexes), with 8.85 for boys and 10.06 for

⁷⁷ [33], p. 4. Chapter IV, no. 10.

girls.⁷⁸ So the length of time spent in school (for both sexes) has risen by almost two years within a decade. If one considers that the Chilean educational system spans 13 years (including the group of 5-year-olds corresponding to the last stage of pre-school education), the resulting difference can only be explained by processes of dropping-out which prevent the full realisation of point 10 of the Recommendation. Thus, the internal length of time spent in school,⁷⁹ at the national level, is 5.89 years out of a total of 12, in primary education 4.3 years out of a total of 8, in Academic Humanities Training 10.3 years out of a total of 12, and in Technical Professional Training 10.63 out of a total of 13.⁸⁰

The negative discriminations within the system can be better seen if one reviews the results of the SIMCE (System of Measuring Quality in Education) tests. These are held once every two years in the fourth year of primary school, in the eighth year of primary school, and in the second year of secondary school. Let us look at some of these results:

For mathematics, in the fourth year of primary school, in 1994, the percentage of correct answers in the municipal subsystem was 65.4%; the corresponding percentages in the other subsystems were 71.4% in the grant aided subsystem, and 86.4% in the private subsystem. For Spanish in the fourth year of primary school, in the same year, the percentage of correct answers in the municipal subsystem was 63.41%; the corresponding percentages in the other subsystems were 69.9% in the grant aided subsystem, and 83.7% in the private subsystem.

The differences are larger in the second year of secondary school. For Spanish, in 1994, the municipal subsystem obtained 57.97%, the grant aided subsystem 66.49%, and the private subsystem 75.51%. The corresponding figures for mathematics were 42.97% for the municipal subsystem, 51.68% for the grant aided subsystem, and 67.90% for the private subsystem.⁸¹

It should be recalled that the intake into the municipal subsystem is from the poorest sectors of the population. It is clear, therefore, that the results obtained correlate with the socio-economic background of the families and that consequently, even when this is neither the criterium of the authority

78 [23], table 643.01, p. 157.

79 Internal length of time spent in school: "An index corresponding to the arithmetical weighed average of years spent in school of pupils enrolled in the system", [23], p. 171.

80 [23], table 42.02, p. 65.

81 [25]. The data are taken from tables 3 and 5 on pages 12 and 13 resp.

nor the orientation of the educational policies, the current system does discriminate negatively against the underprivileged classes in practice.

The question can be considered from a different point of view: in 1995 the retention of the fourth year in the municipal secondary schools was 67%, while it was as high as 90% in the private secondary schools. The figures for those who left school after completing secondary education was 60% for the municipal schools, and 88% for the private ones. The average length of time spent in the municipal secondary schools was 5.7 years, as against 4.4 years in the private schools.⁸² These results later affect the occupational positions of those who pass through the system. In fact, "it can be seen that young people from the first quintile - the poorest - have the lowest rate of employment and study, and consequently the highest rate of inactivity".⁸³

- b) Clause © of the Recommendation states that if "education is a service of fundamental importance for the public interest in general, it should be recognised that the responsibility for the same devolves on the State",⁸⁴ without its "limiting the freedom of parents" or "diminishing the freedom of individual or collective persons to set up and run teaching institutions..."

The Chilean educational system adhered to the stated principles until 1973, the year in which the democratic institutions were suspended. In 1980, the authoritarian regime put an end to State responsibility for the educational processes. The 1980 Constitution transferred this responsibility to the family, and the State assumed the role of guarantor of the right to general education.

The role of the State as the entity responsible for education has therefore changed. The Minister of Education⁸⁵ formulates it clearly in the following texts: "In this new situation it is necessary to strengthen and modernise the administrative capacity of the Ministry of Education to prevent decentralisation from ending up in atomisation and to ensure that certain irrevocable functions of the State are performed. The Ministry should guarantee a framework of regulations to ensure the adequate functioning of the school system, should develop direct action by means of various instruments, endeavouring to compensate the existing inequalities, focusing its support on the population at the greatest educational risk, and it should also generate incentive mechanisms to encourage the innovation and creativity of the local educational agents, possess adequate systems of

82 [27].

83 [27].

84 [33], Chapter IV, no. 10, (c).

85 [28].

assessment and study of the educational situation, and finally, dispose of the necessary, up to date and reliable information to pass it on to the national community". As one can appreciate, the Ministry assumes a regulatory, technical and supervisory function, but not one of direct administration. As far as families are concerned, the Minister adds: "Similarly, we will not be able to achieve anything unless we guarantee the role of the parents and of the family in this great educational task. The first educators of children are those who have given them life and bring them up. For better or for worse, the family is the first and principal mirror of what the child will be in the future when it grows up. That is why it is important to include it in the formal educational task by making it an effective collaborator in the process of teaching and learning. They are the ones who can tell us, the administrators and educators, what kind of a future they want for their children. By actively participating in the education of their children, families make a vital contribution to the school". The logic expressed - a State which declines its historical responsibility for education and transfers it to families (in accordance with the provisions of the Constitution) - would be irreproachable if we really lived in a perfect society so that, as a result of that perfection, families were in a position to collaborate with the school in the process of learning and teaching and could clearly state what kind of a future they wanted for their children. But this is not the case in Chilean society. Despite the efforts of the recent democratic governments, the areas of extreme poverty still exist. And we all know how poverty is interlinked with cultural deficits and the lack of knowledge. We consider that the absence of vigorous State action in the running of the system will only make it easier for the social segmentation and widening of differences that we are witnessing today to continue.

- c) Given the legal regulations in force since 1990 (LOCE and Supreme Decree 40) which aim to create an educational system in which each educational establishment⁸⁶ has its own educational project, implying a variety of plans and programmes centred on common Fundamental Objectives and Compulsory Minimal Contents, we see an additional difficulty in the production of administrative and educational techniques to harmonise studies so that students can move horizontally within the system. This question has not been clarified. If our doubts are founded, Chilean education is moving away from the views expressed in No. 10 (f) of the Recommendation.
- d) Finally, let us state in this connection that the actions of the educational system are supported by important planning efforts. There are planning processes at the central level, closely linked to the act of sectoral planning; the need for planning at the intermediate level has been voiced; a few months ago a regulation came into force to modify the Teachers Status

86 There are 15,373 educational establishments in Chile. This number includes every level of the system and the four subsystems of administration. Source: [23], p. 3, table 1201.

- In some cases specific tests are required.
- The weighted average of secondary school qualifications.

Toro and Castro declare that "One can say that, in general, the scores obtained in the admission examination by applicants for teacher training are situated between the mean and a standard deviation to the right of the mean (between 500 and 600 points). The majority of university courses have entrance requirements above 650 points, but a score between 500 and 550 points is enough to gain admission to a teacher training course".⁹²

Our observation of the system is more extreme. In the Private Universities and Higher Institutes the score obtained in the academic aptitude test is purely referential, so that those with scores between 400 and 450 points gain admission.

In addition, we can note that, among the 5,500 with the highest scores in the academic aptitude test, those least represented "are teacher training courses, which have the lowest demand for this type of student".⁹³

There are a number of variables which interlock in these practices. Among them is the necessity for the academic establishments to fund themselves; as a result, the available vacancies are filled irrespective of the scores obtained, the skills or the motivations of the students.

The result of these situations is that students are admitted to initial teacher training courses whereas they did not obtain the number of points required for other courses with a greater social prestige. As a result, they go in for teacher training without possessing the minimum levels of motivation to become teachers.

The problem was analysed in December 1995 in the "First study workshop: Initial training for primary school teachers"⁹⁴ held in the Centre for Further Teacher Training, Experimentation and Research of the Ministry of Education and organised by this Centre and the Department of Primary Education of the Metropolitan University of Educational Sciences.

One of its conclusions indicated the complexity of the question and asked whether it was necessary to select among the candidates. It added "If it is

92 [43], p. 13.

93 Higher Education Council, "Higher Education Report", 1994.

94 The workshop was attended by representatives from the universities of Tarapacá, La Serena, Playa Ancha, Católica de Valparaíso, Católica de Chile, Bio-Bio, Concepción, UMCE, CPEIP, and the UNESCO and the Colegio de Profesores as guests. The authors of this study represented the union.

consistent with the frame of reference of the Study Plans, selection at the beginning of the course would not be advisable; it would be better to opt for natural selection during the course, since it is important to confront the student with teaching practice as well as to count on tutorial support within the course".

In the light of these considerations, it is clear that, already at the stage of entry to a teacher training course, we run up against problems that are difficult to solve connected with the quality of the candidates accepted. These difficulties become more pronounced in the course of the study.

- c) There is a tendency for the number of students in teacher training courses in Chile to drop.

Thus, with regard to enrolment in the system of universities with direct support from the State (whose minimal entrance requirement is a score of 450 on the academic aptitude test), there is a drop of approx. 46% in the enrolment figures for the period between 1980 and 1992 (33,810 and 18,237 respectively).⁹⁵

A similar situation can be observed in the private system without State support, but we would like to emphasise that the level of investment of the State is dropping substantially in relation to enrolment.

Another indicator is the number of qualified teachers in the Training Centres with State support: 5,720 in 1982; 3,603 in 1990; 3,051 in 1991; and 2,587 in 1992. This implies a drop of 54.8% between 1982 and 1992.

On the other hand, if one considers the natural growth of the population and the annual drop in the number of teachers due to leaving the profession, death and administrative factors (adjustments to the education staff quota in the municipal subsystem), one will understand that this trend entails a high risk for the maintenance of the system.

Another significant factor is that there is a strong drop in the demand for scientific subjects in secondary school teacher training.

Similarly, because of the changes which have taken place in the study plans, accentuated after the application of the LOCE and Supreme Decree No. 40, the disciplines associated with foreign languages - with the exception of English - and the technical and artistic subjects are tending to disappear or to merge, losing their traditional influence on training the mind.

95 Op. cit., supra.

- d) In view of the descriptions provided, it may be concluded that the contents of clauses 11 to 18 are generally observed in Chile, but that there are factors which tend to weaken their fulfilment.

TRAINING PROGRAMMES

It is not possible to describe the nature of initial teacher training programmes in Chile. We have already mentioned that they vary from one Higher Institute and University to another. In this field we have already reached the lack of coordination which ex-Minister Lagos feared and the fragmentation against which Minister Molina warned.⁹⁶

In the workshop held in December 1995, the academics agreed "in stating that all the courses have an explicit conceptual frame of reference, which is derived from the doctrinal frameworks of the institutions and adopts particular forms at the course level. In this connection, common conceptual elements can be singled out such as: humanist training, the development of values, emphasis on autonomy, critical capacity, creativity and openness to change. Moreover, one should stress the importance attached by the working group to a value orientation in tune with reality and without ignoring the contingencies of social dynamics".⁹⁷ These lines of convergence emerged after reviewing the study plans of the training courses for primary school teachers and observing the diversity of conceptions that they presented in their curricular set-ups.

The Ministry of Education commented that "The studies carried out by the Ministry of Education on the state of teacher training in Chile - the results of which coincide with those carried out by other official bodies - make it possible to state that there is a significant gap between the new responsibilities placed on the school by the processes of modernisation and democratisation that the country is going through, on the one hand, and the capacities for professional performance promoted by the existing systems of teacher training, on the other. In the face of this situation, there is a high measure of agreement among all of the sectors on the urgent need to reorientate and reorganise the procedures of teacher training".⁹⁸

On the same occasion, Professor de Pujadas stated that the discrepancies between teacher training and practice can be observed in three areas:

- The "great variety of teacher training plans and procedures, a situation which affects the unity of direction that should animate processes of

96 See above.

97 [48].

98 [08], p.2. Gabriel de Pujadas is a Ministry of Education consultant.

professionalisation which, taken together, are intended to materialise a national quality of education governed by the same objectives and curricular criteria".⁹⁹

- "There are important imbalances between the demand and supply of specialised teachers".
- "There are weaknesses and gaps in the personal, vocational and academic requirements which should be met by young people who opt for educational courses".¹⁰⁰

We would also like to mention a fourth area of disparity between training and practice:

The educational policies implemented since 1990 (the year in which the first democratic government took office after the military regime) are characterised by the implementation of a wide range of interventions in the system which presuppose the application of specific operations, methods, techniques and skills *"which do not necessarily correspond to the historical conception of classroom teaching"*. For example:

- Participation by teachers in the Educational Improvement Projects (PME)¹⁰¹ implies skill in drawing up projects, budgetary analysis, and the running and evaluation of projects.
- The PME will start to be implemented in Secondary Education in 1996.
- The incorporation in 406 schools of the "Programme of Initiation into the Life of Work and Creativity" which has incorporated the so-called "Halls of Technology" consisting of fully equipped workshops with machinery and tools to produce goods in such fields as electricity, electronics, metals, etc., presupposes at least two kinds of skills: one in the efficient use of the machines, tools and technologies available; and one in the concepts and behaviour linked with the production and distribution of goods.
- The modernisation programmes have channelled resources to provide the establishments with such items as computers, classroom libraries, reproduction materials (stencils, photocopies), TV sets, VCRs, overhead projectors, slide projectors, etc. All of these activities require specific skills in the adequate educational use of the media.

99 [08], p. 3.

100 [08], p. 3.

101 The following variables are taken from [31]. Ivan Nuñez is a Ministry of Education consultant.

- In 1994 computer equipment was combined with access to information networks, including the Interschool Educational Communication Network Enlaces. This network includes access to Internet, and presupposes the development of operating skills in the use of computers and the ability to effect the transfer of information technologies to educational processes.

As we have made clear, the discrepancy lies in the fact that this body of skills does not form part of the curricula of initial teacher training.

The Ministry has made training efforts in some of these areas, but these actions are not sufficient to produce the impact of change that is required.

We are therefore confronted with the paradox of having the means to modernise the processes of teaching and learning at our disposal, but lacking sufficient numbers of personnel trained in the use of these resources.

In the meantime, the union has been calling for the need to achieve growing levels of professionalisation for teachers. The Colegio de Profesores is demanding that the Government carry out its role to establish initial training policies; that instead of the fragmentary situation, a single, unified training be provided for all teachers; and a national agreement to establish a new professional profile.

In more than one sense the general situation in Chile is reflected in the analyses of the Mixed Commission, for example when it notes:

"In various countries (in a study of 16 countries) insufficient qualification was particularly concentrated in scientific and technical subjects, special education, physical education and art".¹⁰² It continues: "More generally, the studies contained complaints about the lack of - or stressed the need for - a coherent national policy with regard to those who train teachers, as well as initial and advanced teacher training. In many cases they advocated the setting up of a body (Institution or Higher Council) responsible for this coordination or recommended that such a task should be entrusted to the Ministry of Education. It was also considered that there was a need for a coordinated policy regarding the necessity of introducing new materials and methods".¹⁰³

FURTHER TEACHER TRAINING

The problem is considered in clauses 31 to 37 of the Recommendation. We consider the following to be the central ideas:

102 [36], p. 13.

103 [36], p. 13.

- The importance of further teacher training is connected with the "improvement of the quality and content of teaching, as well as with pedagogical theories" (clause 31).
- The establishment of a system - in consultation with the teachers' representative organisations - that is **free of charge** (clause 32).
- The linking of the system of further teacher training with the teacher training institutions and with those of a scientific and cultural kind (clause 32).
- Schools should be enabled to apply the results of the investigations both in the subjects and in the teaching methods (clause 35).
- The system of further teacher training should take advantage of financial and technical cooperation provided at the international or regional level (clause 37).

The preceding ideas show once again the trend towards diversification which the Chilean educational process is following with regard to the Recommendation. In fact, it contains a basic doctrine according to which the State is responsible for serving collective demands. In Chile, on the other hand, the State transfers these areas to private initiative.

Law 19070 (Teachers Statute) laid down that the regulation of the activities of further teacher training was based in the CPEIP,¹⁰⁴ but the practical carrying out of these activities was entrusted to public and private institutions which had to obtain public registration from the CPEIP.

The institutions mentioned present their course projects to the CPEIP in accordance with a pre-established planning framework. After their acceptance, the programmes are passed on to the National Public Register of further teacher training courses which are publicised nationally.

It is clear that there is no national conception of further teacher training. Nor is it possible to establish the degree of relevance of the further training courses in relation to the educational problems, demands and ideas which arise at the regional and communal levels and in the educational establishments. It is thus impossible to determine whether the working methods that are used in the further training courses and which are recommended to the teachers who are a part of the system are in accordance with the theoretical, technical and methodological developments enshrined in the Ministry of Education's policy guidelines.

104 Centre for Further Teacher Training, Experimentation and Educational Research. This Centre depends on the Ministry of Education.

A related and equally important question which is a cause of concern for the Institute for Further Teacher Training of the Teachers Union is the question of whether the further training courses which are taught in the country are capable of being transferred to the classroom. Some more or less systematic observations have been made, but the results to date have been resoundingly negative.

After the promulgation of Law 19070, it became possible to obtain a further training "**bonus**" of \$ 10,000 (ten thousand pesos)¹⁰⁵ per teacher to be spent on further teacher training. This system remained in force for two years, during which the enterprises which had arisen in the excitement of this Law managed to adjust their prices to the value of the "**bonus**" for the basic courses, most of which consist of 60 study hours. Around 28,000 teachers took advantage of this bonus,¹⁰⁶ which represents slightly more than 20% of the teachers in active service. However, this benefit was later abandoned without any follow-up and teachers therefore have to pay for the further training courses in which they are interested from their own pockets.

It is necessary to note that the MECE programme includes further teacher training, specifically in the Educational Improvement Projects (PME), as well as in the various projects already referred to that are free for teachers.

During the last few years the supply has broadened far beyond than basic courses. Factors connected with positions for which there is competition or access to professional positions carrying more prestige and a higher salary have opened up the market for Higher Education (courses of more than 640 hours) and Postgraduate Courses. The costs of these actions, which only receive support from the universities, are consequently filtering and limiting the opportunities for access to further teacher training. Thus further teacher training has become a market commodity that is only available to teachers with sufficient economic resources.¹⁰⁷ It is true that during the last few months a Bipartite Commission has been working on a project to set up grants for higher education and postgraduate courses abroad for classroom teachers, especially those who work in difficult conditions, but it is most likely that the funds which are made available will be subjected to competition. The problem is that Chilean teachers do not believe in competition. Nor is there any certainty that this project will cover all the demands for further training among teachers.

The Teachers Statute considers further teacher training as a criterion for the improvement of teachers' salaries. According to the current regulations, further training courses can lead to an increase of 40% on top of the national minimum

105 About US\$ 24.

106 [43], p. 29.

107 A rare occurrence, if one bears in mind that, after the last adjustment, the minimum salary of teachers in Chile is \$ 150,000 (approx. US\$ 360).

wage. It is calculated on the basis of the variables "number of hours of further training" and "number of years of services". This system is calculated so that the maximum increment is only possible after 30 years of service. As a result, the incentive to increase one's salary disappears, since it only starts to become significant at a late stage in one's professional career. Increments for further training have the character of additional bonuses to the salary and, consequently, they do not form part of the contractual salary when it comes to calculating compensation or pension.

The system only affects teachers in the municipal subsystem. In the grant aided and private subsystems, further teacher training is not considered as a criterion in the composition of teachers' salaries, despite the fact that the State provides the grant aided private sector with funds for this purpose.

The Colegio de Profesores has participated in these activities through its National Department of Further Training since 1985, the year in which the union was reinstated for the democratic sectors. Since then, ten Summer Schools have been held, as well as various winter courses and seven or eight courses for the training of specialists (level above 400 hours) in Educational Administration, Educational Orientation and Differential Education.

V. CONCLUSIONS

ARTICLE 3 OF THE RECOMMENDATION

1. Chile is going through a historical situation of social change which we have qualified in this document as a transition from modernity to postmodern society.

Some approaches regard it as a simple accumulation of technological elements which are being incorporated at an accelerated rate in social and community life without having much of an effect on the foundations of the social and power structure that has become established in our country after the historical events of the recent past. Others consider that we are confronted with an "**epochal change**" which will produce massive changes in every aspect of human life.

What is beyond all doubt is that, in scenarios of this kind, the economic processes, base-level social organisation and, therefore, the demands and practices of participation in the running of community activities, culture, the ways of conceiving and carrying out education, etc. are undergoing variations which are more or less significant depending on the historical period which is taken as the point of reference.

Specifically in relation to education, the forms which the regular system of education assumed between 1973 and 1980, between 1980 and 1989, or between 1990 and the present day, are profoundly diverse, divergent, different.

The modifications referred to have taken place with little or no participation by the teaching profession. It is only since 1990 that the Ministry of Education has begun to open up areas of participation to enable teachers to state their views on the educational policies and the way education is run in actual practice. However, teachers tend to think that these areas are still scarce and that they do not guarantee consideration of the demands of teachers in either the conceptions or the decisions on its running.

2. Article 3 of the Recommendation expresses what are fundamentally **"principles"** and **"values"**. This prompts us to issue a word of warning.

The actual forms which are assumed by the changes to which we referred in the previous paragraph are leading to a state of flux in the contexts of values in our country.

There are not many values which still appear stable.

Some of them, connected with the oldest traditions of the country, are growing weak and losing their force or assuming new formulations. Values are emerging that are new to our social experience; some of them are here to stay, others are ephemeral. It is therefore not appropriate to think in terms of hierarchies of values which can be extended and assumed as sources for the development of **"Chile"**.

The question takes on an educational significance when, in the guidelines of educational policies and the legal texts with their rules and regulations, we are led to accept the idea that it is necessary to formulate decentralised institutional educational projects which cater for local diversities, even when there is a compulsory national minimal core.

The decentralisation referred to is growing thanks to the processes of acculturation which are taking place as a result of the presence of many transnational organisations which operate in Chile and intervene in our cultural habits, and to the processes of the insertion of Chile into the international mega-markets which will very shortly begin to have an effect both on the employment functions and on the consumer habits of the Chilean people.

These contexts operate as variables which intervene in the planning and implementation stages of Chilean education.

3. Article 3 expresses the following values: the objective of the school should be **"the full development of the human personality"** and **"the spiritual, moral, social, cultural and economic progress of the community"**, as well as to **"inculcate a profound respect for human rights and fundamental liberties"**. It is thus hoped that education will contribute **"to peace, understanding, tolerance and friendship between all nations and between the different racial or religious groups"**.

These values have always been present in the formulations and practices of education in the history of education in Chile. We could mention infringements of these principles during the military regime, but more in the processes of execution of their implementation which, for obvious reasons known to all, was aimed at the securing of goals which were foreign to democratic conceptions.

The situation since 1990 has changed. The two democratic governments have put an enormous amount of effort into the recovery of these sets of values and into imbuing the processes of educational administration with them.

Teachers, however, consider that this is not enough. The governments should do more. It is therefore essential to formalise agreements which make the school an area for the creation of humanity.

In more than one way, we are haunted by Masslow's proposal, when he explained that the condition for attaining the **"supreme values"** - which he characterised as **"values of Being"** -, implies the establishment of a "good society" in which people can develop to the ultimate limits of their potential. It is obvious that Chile does not possess the characteristics of a "good society". It is equally clear that the efforts of the authorities are based on this when they define their policies of equality and the elimination of extreme poverty.

The Teachers Union considers that the development of personality, the spiritual, moral, social, cultural and economic progress of the community and the experience of the fundamental liberties depend on variables which are not peculiar to the school as an organisation. The school is an institution which contributes to the formation of individual and social behaviour pointing in their direction.

In the guidelines for educational policies, the school is assigned the capacity to modify situations of inequality within the community. This is not a difference of emphasis. Rather, it implies two conceptions of the purpose of educational processes. In the first case, teachers assume the main lines of processes of development which are decided **"outside the educational**

system", and they act in accordance with these frameworks. In the second case, the authority shifts the blame from the social system to education.

4. Understanding, tolerance and friendship between nations and between racial or religious groups have also been present right from the start in educational thinking in Chile.

The government of the Republic has given them preferential treatment, both in its policy statements and in the decreeing of corresponding legal frameworks. The Supreme Decree No. 40 of 1996, along with the Fundamental Objectives and Compulsory Minimal Contents, lays down the necessity to consider a body of Transversal Objectives which refer precisely to the value complexes under discussion (as well as others referring to love for one's partner, human sexuality, gender issues, ecological problems, and so on).

They are transversal because it is assumed that they will permeate all curricular activities and impregnate all of the disciplines of the Study Plans.

The doubt arises as to whether it will be possible in a highly hierarchised School Culture and because of the effects of a deeply rooted concentration on academic disciplines.

5. Teacher training is a very difficult problem at the present time. Everyday experience tells us that the institutions of initial training and continuous training through further training are weak in both their conceptions and their realisations.

It would appear that a gap has been created between the body of skills for prospective teachers and the body of demands which society imposes on the school systems. We equally believe that the discourses of the Ministry of Education and of the training institutions are not taking all of the variables into account.

However, it should be admitted that concern has taken root. Signals are coming from the universities, academic organisations and student organisations to the Colegio de Profesores of the urgent need to modify this area of the profession. There is talk of drawing up new professional profiles; of extending the operational fields of professional competencies; of an early linking of styles of training with teaching practice in schools; and so on.

The Colegio de Profesores, which has wide experience as regards Further Training, is studying the problem afresh and intends to establish new parameters for further training in order to respond to the demands - many of them new - which are being made every day in the school establishments.

6. The employment situation of teachers is perhaps the area where differences between the authorities and the representative organisations of the teaching profession are largest.

Teachers see that both salaries and general conditions of employment and professional development have very much deteriorated. We see that there is an enormous discrepancy between the statement of the authorities who assign education a strategic role of primary importance in the process of development which the country has assumed, and the employment conditions of teachers.

It is true that Bipartite Commissions from the Ministry of Education and the Colegio de Profesores are working on the problem, but we know that the problem is a difficult one, that it will take a long time to solve, and that its postponement leads to apathy and frustration in the teaching profession.

7. The idea of education as a public service and thus of teachers as professionals who provide a public service has not been defined with the necessary precision in our opinion.

There is a tendency to lose the traditional connection between the public sector and the State. This loss of significance of the concept of "**public sector**" influences the legitimation of decentralisation as a tool which leads the system to its privatisation. On behalf of teachers, the Union insists that modernisation is not an equivalent of privatisation. It is conceivable and legitimate to preserve areas of State responsibility with regard to education and at the same time to modernise and improve its operations.

This is another field of discussion which has not been resolved in our view and which consequently is relevant to the processes of development and improvement of education.

8. The clauses contained in the Universal Declaration of Human Rights, approved by the United Nations Assembly on 1 December 1948 and ratified by our country, are a part, almost in their entirety, of the Constitution of the State of Chile which includes them in the chapter on citizen rights.

This body of rights was seriously affected, in our practice, between 1973 and 1989. Since 1990, the year in which the recovery of democracy was begun under the government of President Aylwin, progress has been made towards its full reinstatement, despite the fact that some problems have not yet been solved. An important role in channelling the demands on Human Rights has been played by the National Corporation of Reparation and Reconciliation, set up with the dual purpose of dealing with complaints lodged by individuals affected by the authoritarian regime, and extending and

generalising the values and social ethics on which the Declaration is based among the population.

We believe that, in this field, a progressive social consensus has been generated which is reflected in the educational policy guidelines in this tenor and which has become common practice in the educational establishments.

All the same, the question entails complexities which it is difficult to describe. For example, almost twenty years of authoritarian rule have led the population to take on behaviour (authoritarianism, respect, fear, distrust, etc.) which can still be observed in specific social situations.

We know that this is a field of work for teachers which is far from being exhausted in any way. The indicators presented in this study are implicated in the question of Human Rights. In more than one sense, every time educational policies and practices depart from the clauses of the Recommendation, we feel that at the same time they are moving away from the Declaration. Basically, it is this situation which leads us to demand, through the Union, that the school be opened up as a permanent space for the exercise of undying humanity.

Perhaps a reflection which proceeds from the descriptions we have presented would be significant for this reason. The period in which we live is one in which the question of Human Rights is being reshaped. There are themes which did not concern anyone yesterday but which are permanently at the centre of reflection and debate today, such as gender issues, analysed in the Fourth Women's Conference held in Beijing, the life of children, with their dreams and hopes; the old and the new "geographies of hunger"; finally, the impacts of digital technologies on culture and in relation to the ontological and axiological dimension of human existence, etc. They reveal the need for new interpretations to make it possible to maintain, expand and defend humanity.

These ideas are beginning to imbue educational projects. They represent another dimension of the challenges facing teachers.

9. The Colegio de Profesores, the central representative organisation of teachers in Chile, has increasingly come to assume the role of valid and legitimate negotiator with the ministerial authorities and the rest of society.

At the time of completion of this study, the Colegio de Profesores is preparing its first National Education Congress.

Hopes have been set on this event.

It is hoped that a lively reflection and debate will be produced by the school establishments throughout the country. It is hoped that the conclusions and papers elaborated in the educational establishments will pass through the districts, provinces and regions to arrive in distilled form at the level of the national organisation. The Colegio de Profesores believes that its National Congress will enable it to have an educational discourse of its own at its disposal, not restricted to issuing demands, in which the legitimate demands for the improvement of the employment situation are based in educational ideas which make it possible to come to grips with the challenges of the coming age.

10. It is understandable that the regular educational processes in Chile are characterised by their dynamic of transformation. It might be said that we do not have stable areas. It gives the impression that everything that is going on in education in Chile is affected by a complex of activities at the planning and starting-up stage.

In the few areas where determinate centres of work have become stabilised, they are too new to be able to venture an opinion on their quality or durability.

Perhaps the only certainty that we can allow ourselves is that the matters we have presented here call for systematic and rigorous research processes. This is a field of activity that, at least in the trade union organisation of teachers, has not yet come to be seen as a necessity, nor has it been allocated sufficient resources to be established as a regular activity.

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