

# Approving the General Education Bill: One Step in the Right Direction

The poor quality of education in our country, plus the emergence of the 2006 student movement catapulted education topics to the top of the Government's agenda. Among other things, such emergence was subsequently translated into a number of legal initiatives; one of them was the General Education Bill (LGE). Finally, after 23 months of congressional debate, an alternative draft bill submitted by the *Alianza por Chile* Opposition Coalition and the signing of an educational accord between the country's political forces, the LGE was approved.

Following are some of the main aspects of the law, highlighting its major contributions toward educational development in our country. Additionally, we submit certain topics that were not tackled by this legal body and that represent the future challenges of education in Chile.

## Topics covered

As a framework law, the LGE touches on various topics related to the architecture of the country's educational system.

Its Articles define the concepts of education, the principles on which our national education system is inspired (noteworthy among which are the quality of education and the autonomy of the different educational establishments), the duties of the educational community and those of the State on this matter -such as the freedom of teaching and the

right of parents to choose the educational establishment for their children- as well as the rights of students, parents and educational staff.

In the pedagogical realm of things, the law defines the curricular cycles, going from the current model with 8 years of high school education and 4 of years of middle school education, to a 2-cycle model of 6 years duration each. Additionally, it defines the objectives for each school level (Prebasic, Basic and Middle) and the characteristics of the different study plans & programs.

On the other hand, it regulates the requirements for official State recognition as well as admission processes, permitting the selection by educational establishment by educational project; however preventing it until the 6<sup>th</sup> grade of the Basic Level, in order to safeguard academic achievement.

Then, it defines the functions of the two new institutions that are being created: the Education Quality Agency (to look after measuring educational quality) and the Education Superintendence (in charge of fiscal control and supervision).

Finally, it creates the National Education Council to replace the current Superior Education Council, thereby defining its functions and structure.

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## Main contributions

The main contributions of the LGE fall along the lines of improving existing institutions, increasing the autonomy of schools, and empowering parents/tutors.

### A better institutional framework:

One of the principal merits of the LGE is to have taken a long-term perspective on education; which is paramount in this sort of public policies, where decisions do not yield immediate results.

Along these lines, the creation of the National Education Council (CNE, in its Spanish acronym) is indeed a step forward. The CNE will be comprised of independent council members with a renowned track record, who will be alternatively renewed in their positions in order to avoid eventual manipulation by the government in power.

Additionally, the LGE created a system to ensure the quality of education through an Education Quality Agency, whose function will be to evaluate learning achievements and to report the results of such evaluations. It establishes indicative landmarks; which, if not met, will carry certain sanctions that might eventually lead such establishment to lose their official accreditation.

The foregoing constitutes an important signal to the actors of all educational establishments, by exerting even pressure over all of them to do good work.

The other institution created by this draft bill is the Education Superintendence, whose objective is to control and supervise compliance with official accreditation requirements, while looking over the allocation and use of resources, among others. Although the merits of this institution are somewhat questionable, the agreements arrived at enabled narrowing down this entity's area of supervision and control.

All these institutional changes will enable a better coordination and a greater efficiency in the work of the State in the area of Education. Moreover, for the first time ever, goals were set for educational establishments to meet and limits placed on the Ministry of Education (MINE-DUC), which heretofore had acted as "part & parcel" in these affairs.

### 1. Increased autonomy:

The LGE also made significant inroads in terms of recognizing and boosting the autonomy of schools.

Various research studies<sup>1</sup> have clearly identified Autonomy (related both to pedagogical activities and to the management of financial and human resources) as a key to a good performance. The LGE picks this up in this aspect, and –at least in the pedagogical sphere– it guarantees greater autonomy by providing free curricular time to the plans and programs<sup>2</sup> made available to them through the Ministry, thus enabling schools to allocate a greater share of their time to their specific needs.

Moreover, those establishments that so desire may choose educational programs from schools of renowned success out from a "program bank". In this manner, those schools – especially low-income ones that do not have the wherewithal to design this type of instruments– shall not be forced to use the Ministry's programs; but may, in turn, decide to use other programs that have yielded successful results.

One of the points that triggered extensive debate was the selection of students. Although certain restrictions were imposed to selecting students on Basic Level grades (until 6<sup>th</sup> year), it was permitted to choose educational projects on any given year; which is consistent with the evidence that gives special importance to the alliance between family and school in order to achieve good results.<sup>3</sup> Additionally, the draft bill also safeguards other fundamental rights such as the freedom to teach and of association.

Although the LGE does not make any reference to the Educational Statute (*Estatuto Docente*), it does indeed provide greater autonomy to the establishments upon permitting -in Mid Level grades- that professionals who do not have a professional teaching degree may, nonetheless, teach in areas akin to their professional careers for a period of 5 years, without further requisites that the approval of the director of the pertinent establishment.

Allowing persons with greater qualifications to enter the classrooms constitutes veritable progress. In light of the recent results obtained in the INICIA Test -which showed that new graduates only managed to respond correctly to about 40% of the Specific Knowledge Questionnaire<sup>4</sup> and, considering that the shortage of teachers is likely to grow because of changes to the duration of the educational cycles<sup>5</sup>- the new norm must indeed be regarded as good news.

## 2. Empowering parents/tutors

An important aspect is that -while understanding that the Chilean system is mixed; namely, that it is comprised of state and private institutions- the law does not establish any preferential treatment to municipal establishments. This safeguards the "equal treatment principle" between both types of education.

Furthermore, the State must now undertake the duty of informing. Studies demonstrate that more and better information leads to parents making better decisions regarding which school to choose for their children<sup>6</sup>. Hopefully, in the processing of the Assurance Law (*Ley de Aseguramiento*), this principle should materialize in the delivery of periodic, useful and simple information to parents.

## Future agenda

It must be recognized that approving this bill represented a significant progress in the regulatory framework of education in our country and that without it the school system's performance as a whole would have been more complex.

Nevertheless, it is clear that the effects of this law will not be reflected in the short term in the classrooms; which is where student learning takes place<sup>7</sup>. Because of this, we must move forward in several areas; mainly, in human resources management and financing.

It is also of fundamental importance to pay attention to Teacher Training. It is necessary to woo better students into pedagogical careers and to motivate them to remain in the teaching business. In this respect, it is crucial to render the Teaching Statute more flexible. Progress must also be made in terms of achieving greater autonomy in handling human resources in each school. Moreover, the Statute also weakens the effective work of

directors, whereas it is well known that good directive teams are vital toward the good operation of educational establishments.

Another aspect that has a direct impact on Educational Improvement is financing. It will be necessary to re-calculate and to continue to finance the amount of the subsidy.

Upon defining the learning standards that we intend to reach, we must calculate how much it costs to achieve them. Additionally, it must be recognized that the cost of educating vulnerable students is higher; because of this, we must make progress in terms of differentiating the subsidy into more segments and to have it piggy-back each student, regardless of

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the educational establishment chosen, thus avoiding earmarking resources dependent on additional redtape, as currently required in granting the preferential subsidy.

Finally, rationality and prudence must prevail throughout the legislative debate of the draft bill meant to create the Quality Agency and the Superintendence, so as to ensure the creation of entities that are effective and that will not stymie the educational development and diversity of o country's educational establishments.

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<sup>1</sup> OECD Report: "Going for Growth", (2008)

<sup>2</sup> It establishes percentages of 30% and 15%, respectively, of freely- available time for schools.

<sup>3</sup> Who says you can't? (*¿Quién dijo que no se puede?*) UNICEF, 2004.

<sup>4</sup> INICIA Test results, issued by the MINEDUC.

<sup>5</sup> The deficit would be of nearly 15,000 teachers. Source: Candia, A. (2008), LGE: The impact of the modification on curricular cycles. ("*LGE: Impacto de la modificación de en los ciclos curriculares*"), Special Report, Vol.XIX N° 197, Instituto Libertad.

<sup>6</sup> Hastings, J., Van Weelden, R., Weinstein, J. (2007), "Preference, Information, and Parental school Choice Behavior in Public School Choice", NBER.

<sup>7</sup> The measure that is likely to yield short-term results is allowing non-teacher professionals to enter the classrooms.