

## Comments to the Right to Education Index – Chile 2018

### 1. Introduction

RTEI is a global index developed by RESULTS Educational Fund in association with the civil society in 21 countries. The Index's aim is to be used by the countries to assess their own efforts in achieving the right to education. The Index examines data at a national level through five key dimensions: governance (the legal frame of education), availability (of institutions and certain conditions), accessibility (for all students), acceptability (quality of education), and adaptability (to satisfy the diverse necessities of the students).

In the case of Chile, our country presents a general score of 85% in the Right to Education Index. The best assessed dimensions are Governance with an 81%, and Accessibility with a 74%.

The more problematical dimensions, according to the Index, are Acceptability (55%) and Adaptability (54%).

In the case of Availability (89%), the percentage is high, but it is necessary to consider the effects of privatization, which we explain below.

Even though the research team considers that the instrument is a contribution, we see that there are certain issues to attend:

Regarding general assessment, we state it is fundamental to consider indicators that are different from the results of standardised tests. In the case of Chile, the System of Education Quality Measurement (SIMCE) is widely rejected by the citizenship for its reductionist approach to educational processes and its use, which has a census scope and is published, hence promoting competition instead of educational improvement.

Privatization of education in Chile is so high that it affects the capacity of the state to guarantee the right to education. It generates segregation, so that Chile is today the country with higher socio-educational segregation in Latin America. Besides, it implies that the benefits guaranteed by the State are increasingly private business, like the textbooks, school meals, technical assistance, among others. We think it is necessary to consider this phenomenon in the Index.

Finally, there are other sorts of phenomena that are particular for our region that we did not consider, and which are directly involved in the right to education. The best example of it is the repression against school students who protest to defend public education.

If the Index considered these issues, the Chilean case would undoubtedly score lower than it does.

### 2. About the more critical results

Regarding the **adaptability** of our education system, the main problem informing the Index is the lack of affirmative actions for the sociocultural diversity existing in the country. Among our standardised education system, neither indigenous, migrants or other marginalised minorities count with spaces that are suitable to their necessities. Despite it is true there is school offer and there are curricular projects aimed at

promoting intercultural practices, these are isolated actions, which impede making significant progresses towards a widespread recognition of interculturality as a social and cultural heritage. In addition, the legislation does not provide for a situation where indigenous people create their own schools, which could foster the appraisal and recovery of indigenous language and culture.<sup>1</sup>

In relation to the **acceptability** in our education system, the main problem informing the obtained score is the learning output (33%). According to the 2004 and 2017 OECD reports, Chile is at a standstill in terms of learning results. The lack of appropriateness and inequality of our education system impacts learning across social classes. Beside of this, there are serious questionings by experts and education actors about the instrument measuring education quality (SIMCE).

### 3. Other relevant results

While the dimensions of governance, adaptability and accessibility got high scores, the dimensions have actually serious problems that the Index does not help enough to make visible and which are relevant here to point out.

**Governance:** Two of the most important problems regarding educational governance in Chile are: the lack of constitutional guarantee of the right to education<sup>2</sup>, and the absence of a National Plan of Education since the 1973 coup d'état.

Regarding the former we can state that the right to freedom of education, which includes "the right to open, organize and maintain educational establishments" (Art. 19, item No. 11) by the private sector, is explicitly guaranteed by the constitution and has supremacy over the Right to Education. This could even entail a "legal anomaly" at a global level (Sader, 2006), situation which additionally occurs in one of the more neoliberal countries in the world. And we need to add the fact that there is a lack of a National Plan of Education which could ensure the coherency among actions and the fulfilment of the right to education.

Some of the consequences are: the growth of private enrolment, educational segregation, and education projects driven by offer and demand. We can state that Chile leaves the educational governance to the market. This is a fundamental aspect which conditions other aspects that give the country more acceptable scores in this Index dimension, such as adscription to international treaties and finance monitoring.

**Availability:** Something similar to the dimension of governance happens here. While it is true that resources are available, both the quality and the provision are in the market's hands. An example of this is teaching training, whose deregulation is highly concerning. In 2009 there were more than 900 programs of pedagogy, of which only a third had participated of an accreditation process<sup>3</sup>. Since the only requirement to practice teaching

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<sup>1</sup> Among the few benefits is the indigenous scholarship. It is a sum less than 200 dollars per year.

<sup>2</sup>The Constitution of the Republic, which strongly rules educational practice, was enacted in 1980, during the dictatorship (1973-1990), hence it lacks of citizen legitimacy for not having been created under a constitutional democracy with guaranteed rule of law.

<sup>3</sup> Final report of the Experts' Pannel for a Quality Education, First Part. July, 2010: [http://mailing.uahurtado.cl/cuaderno\\_educacion\\_26/pdf/instrumento26.pdf](http://mailing.uahurtado.cl/cuaderno_educacion_26/pdf/instrumento26.pdf).

It is necessary to say that the accreditation system for higher education was created to certify the quality of the institutions. The system has been strongly criticized, among other reasons, because it was also leaved in hands of the market:

is having been formed by an institution of higher education that provides teaching training programs, and these institutions have got total autonomy regarding their curricular plans, the programs not necessarily relate to the official curricular bases of the Ministry of Education or the shared goals regarding public education. Furthermore, one attempt to regulate teaching training is the call to take voluntarily part in a standardized test applied by the Ministry of Education at the end of the program (“Prueba Inicia”). However, this instrument focuses on teachers rather than the institutions, hence assessing individuals instead of the institution in charge of formation.

**Accessibility:** Despite the guides about school relationships given by the Ministry of Education and the recent legislation (LGE, Inclusion Law) which state that students cannot be discriminated either for pregnancy, culture, academic performance, gender, or unpaid fees, among other factors, students in the country keep facing situations of discrimination and expulsions from the educational system. In fact, a mechanism of quick expulsion for students that commit violent actions have just been approved. Social movements see in this initiative a form of breaking up students’ organisation.

**Transparency of information:** Chile’s educational system has much to progress in terms of public availability of information. Even though in 2008 the Law 20.285 about Transparency and Access to public information was enacted, the provision of official information by the Ministry of Education is inefficient and bureaucratic regarding the channels of information access. Moreover, there are many areas where it does not exist information that disaggregates per socio-economic level, or minority groups (indigenous people) or migrants, which obscures the pendant challenges in the matter. Likewise, there are aspects that for being under the rule of the market, they are not tracked by the State. That happens, for instance, with the teachers’ salaries, which is impossible to calculate given that they are tied to the fluctuations of bonuses and punishments created by the neoliberal management approach introduced by the teaching formation policies. Hence, there does not exist a detailed budget given annually by the state for the teachers’ salaries. Getting to the final sum needs research, since information about the effective annual expenditure in education is not public.

#### 4. Suggestions

We think it is urgent for the Chilean government to take the following measures, which are tuned with the proposals that several educational actors have made these years<sup>4</sup>:

- To guarantee the Right to Education in the Constitution of the Republic
- To design, implement and assess a National Plan of Education with the participation of the educational communities.
- It is necessary to fund preferentially public institutions of education. All forms of privatization should be halted and public education must be strengthened.
- Initial and permanent teaching training must be guaranteed at public universities, and regulated by them.

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<http://ciperchile.cl/2011/09/29/asi-opera-el-escandaloso-sistema-de-acreditacion-de-las-universidades/>

<sup>4</sup> See the proposals made between 2006-2015 here: <http://campanaderechoeducacion.org/post2015/wp-content/uploads/2015/08/D%C3%A9cada-luchas.pdf>

- It is necessary to make advances towards a unified and integral educational system, national, free and public, from the early child stage to higher education, with a basal funding system that has a participatory character and overcomes the current system of vouchers.