

## Education Reform in Colombia: The Elusive Quest for Effectiveness

### Introduction

Colombia has undertaken significant education policy reforms over the last decade, in attempts to make gains in the quality of service delivery, as well as the efficiency and coverage of the system. The political importance of education in the national agenda over the past three governments has been as high as could reasonably be expected, given the considerable other ongoing concerns. The last years have seen, successively, radical economic and institutional restructuring at the same time as combating drug-trafficking, a mounting dirty war of many fronts and, most recently, serious economic recession. The prestige of the Presidency, though bolstered by César Gaviria (1990-4), then suffered considerably under his successors, Ernesto Samper (1994-8) and Andres Pastrana (1998-2002). The fact that education reforms to date have not achieved their goals is underlined by the latest efforts to redesign the legislative framework of the sector, which took place over the course of 2001. Spurred by fiscal constraints and the spiralling costs of teachers' pay, those measures centred on an overhaul of the Law of Responsibilities and Resources (L60/93), which legislated the decentralising reforms of the social sectors enshrined in the 1991 Constitution. A Constitutional Amendment was required to make way for this reform. It was carried out amid considerable controversy, which pitted the public sector unions against the government, civil society leaders, the mayors and departmental governors and a reluctant Congress. As little as two years previously, such a reform would not have been feasible: the Constitution was sacrosanct and the teachers' union practically untouchable. The resultant legislation, achieved in December 2001 (Law 715), will be reviewed in the concluding section.

This study will trace the evolving national context of education reform over the last decade as it has shaped the design, legislation, implementation and outcomes of the policy measures undertaken, and the position of the key actors involved in the process. It is largely a story of reform failure. The goal of an efficient division of responsibilities and resources among the different levels of the State has not been achieved. Issues of equity and quality have been subordinated to the demands of teachers and political expediencies. In short, the reforms have failed to make an effective public education system. That does not mean that no progress has been made. Coverage of primary education rose from 61.5 percent in 1985 to 83.5 percent in 1997; secondary levels rose from 37.7 percent to 61.1 percent in the same period.<sup>1</sup> Yet although these quantitative gains are substantial, they fall far short of what is needed, and belie tremendous inefficiencies. Some 2,500,000 children are still excluded from the system. The cost per student rose 7.6 percent annually in real terms over 1993-7, as the numbers of teachers and their pay levels rose sharply – for education spending is tied to the teachers' payroll. The national average of 30 students per teacher in 1990 had fallen to 23 in 1997. Had the 1990 level

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<sup>1</sup> Social Mission of the National Planning Department, *Informe de Desarrollo Humano para Colombia*, Tercer Mundo Editores, Bogotá, 1998. In 1997 there were 57,000 primary and secondary schools, 390,000 teachers and nearly 8.5 million students at these levels. The proportion represented by private education is relatively high by regional standards, standing out 20 percent for primary levels, 35 percent for secondary and 65 percent for higher. Public spending by level is as follows: some 40 percent on primary, 30 percent on secondary and 16 percent on higher, with the remainder going to administrative costs.

been maintained, some 2.1 million children could have been included without more teachers.<sup>2</sup> Quality reforms have also tended to fall by the wayside, again in large part because the vacuum-like black hole of teachers' pay relentlessly sucked in all available funds. As the government itself recently noted, "It is clear that the problem of education in Colombia is not the lack of financial resources. Rather, what leaps to the eye is that, in spite of the magnitude of resources, Colombia faces problems in their inappropriate use, reflected in inequitable distribution, low efficiency and inadequate funding of investment in quality and equipment."<sup>3</sup> The reasons further cited are poor distribution of functions and regulation of the system by the State, and the inflexible nature of costs in the sector. These last are rather euphemistic references to the core problems that have dogged education in Colombia: its clientelist use as a source of patronage by political leaders, and the political leverage of Fecode, the Federation of Colombian Teachers, which has successfully defended those spending "rigidities".

Decentralisation of education has been the principal component of the reform process. Part of the reason why it has failed to deliver the hoped-for results lies in the widely divergent interests in play in the formulation of just what kind and degree of decentralisation, the often self-contradictory bargaining processes entailed and resulting legislative confusion. Confusion, of course, tends to serve the status quo. The resistance of the education system to reform reflects that of the Colombian political system as whole: the process of political decentralisation (the direct election of mayors from 1988 and departmental governors from 1992), was hoped in many quarters to lead to a kind of Colombian "perestroika". Greater accountability of the lower levels of government, together with greater space for participation in decision making processes was intended, certainly by the terms of the Constitution, to guarantee not only better public service provision, but a more democratic polity. There have undoubtedly been advances in those directions, more noticeable in some parts of the country than in others; but change remains uneven and, at best, incremental. That is not surprising given the conditions and the weight of vested interests in play.

However, there is one city where progress can most clearly and encouragingly be seen, and where the advances made in education reform in particular are striking, and of potentially great national significance: Bogotá. The study will, then, devote a separate section to reviewing developments in the capital as well as analysing what lessons they hold for wider national reform. The first immediate task, however, is a brief outline of some of the key characteristics of the Colombian education system by the time of the promulgation of the 1991 Constitution.

### **The Education System in Colombia by 1991**

Financing of primary and secondary education was quite decentralised up until the early 1970s, at which time the central government assumed greater responsibility in a drive to improve standards and coverage. From a mere 1.9 percent of GDP in 1973, education spending rose to 3.7

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<sup>2</sup> "Exposición de Motivos al Proyecto de Ley 120/01", Government of Colombia, 2001.

<sup>3</sup> Ibid.

percent in 1984.<sup>4</sup> With economic adjustment, it declined once more from 1985, to 3.1 percent by 1991. Indeed, one of the concerns of the Constitution was to ensure that levels of social spending should not only be raised, but that increases should be given its protection against any future cyclical cuts.

The spending impetus of the 1970s was also linked to the eventual success of the teachers' movement, in 1978, in establishing their own national labour regime, the *Estatuto Docente*. This unified the system of promotions, wages and social security. As such, it was a major and historic victory for the teaching profession, and a necessary step at the time for social development in the country as a whole; moreover, it had been hard won. Under the previous regime, wherein the departments were largely responsible for paying teachers, the situation had been chaotic. For example, there were reportedly occasions when teachers were paid in rum, spirit production being a departmental monopoly. However, there was one particular aspect of the *Estatuto* which was to have far-reaching and highly negative consequences for future developments. This was the fact that promotion in the career ladder was automatic, being dependent merely on years of service and nominal attendance of courses, and/or production of publications, and not any actual performance related criteria. Not only that, security of tenure was also virtually guaranteed and dismissal from the payroll practically non-existent.

The consolidation of the political power of Fecode as a united national federation negotiating directly with central government cemented these rigidities in place. Its membership by 1991 was over 300,000.<sup>5</sup> Its leaders established considerable influence over successive Education Ministers, as well as national and regional politicians. They have enjoyed long-term stability and control of the organisation, despite being highly ideological (and Marxist), in complete contrast to the vast majority of the membership. Factors accounting for their longevity in office have been their effective concentration on improving the labour conditions of that membership, together with the authoritarian and hierarchical nature of the organisation. As well as adamantly defending the *Estatuto*, they have equally consistently opposed decentralisation as a threat to their national level bargaining power. Their arguments combine a constant harping on "the bad old days", with a rhetoric of "anti neo-liberalism". This is also levelled at other types of reform such as school autonomy, parental participation and mechanisms for private-public co-operation. There was a group within the teachers' movement concerned for improvement in learning skills and school performance, called the Pedagogic Movement. In contrast to the Fecode leadership, the Movement tended to favour school autonomy, as well as being more open to other innovations – but its leaders were not in control of the union.

Although funding became more centralised in the 1970s, the administration of the greater part of teachers, and the distribution of resources to the municipalities remained largely in the hands of the departments. There were laws in place stipulating the appointment of teachers by open competition, but these were seldom applied in anything but the most token fashion. Teachers

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<sup>4</sup> Over the 1950-80 period impressive gains were made, albeit from extremely low starting points. Illiteracy dropped from some 50 to 15 percent, and average years of schooling rose from 1.2 to 6 years. See David Bushnell, *The Making of Modern Colombia*, Berkeley, University of California Press, 1993, pp. 238-300.

<sup>5</sup> Each of the 34 autonomous but federated unions contributes 15 percent of its annual income to Fecode, those funds deriving from one percent of each teacher's monthly pay. This sum was 10,000 million pesos (\$ US 5 million) in 1999.

were hired *en masse* at election time, with little or no regard to the availability of funding (far less actual need), since protests from subsequently unpaid new teachers could be referred to central government and the latter obliged to pay. More blatant outright corruption was also widespread. Brokers in a position to obtain teaching posts would simply sell them and distribute earnings among the members of that brokerage chain. The same applied to transfer of teachers to different posts, since there was always a good market for the more attractive, city-based jobs. For both financial and political reasons, then, there has traditionally been strong competition among local officials and political brokers to hold education posts: they were the honey pot. Aiding and abetting the overall mismanagement of teachers was the fact that, with successive new adjustments to their administration, another category or “type” of teacher was created on top of the existing ones.<sup>6</sup>

These features of the education system are not only common knowledge within the country, but also well documented.<sup>7</sup> Equally well documented is that when more administrative responsibilities began to be devolved from the departments to the municipalities there was no noticeable change. The same basic political logic continued to be in play, regardless of the structure of the State. The process of municipalisation began in 1986, when more resources were given to the municipalities and one attendant responsibility was the provision of school buildings. This accompanied the legislation that paved the way for the election of mayors in 1988. Law 29 of 1989 passed the management of the majority of teachers to the municipalities. It passed into law before Fecode organised a national strike (as it subsequently did), but was never pressed by the government, nor welcomed by the municipalities. In the case of the latter, the fear that funding would not, in fact, make its way down the system in sufficient quantities to make wholesale management an attractive proposition (as opposed to the piecemeal existing system) seems to have been the key factor. As a result, it was only very partially implemented by a few of the larger municipalities, the bulk of the administration of teachers remaining in the hands of the departmental education authorities – which at that stage remained deconcentrated units of the Ministry.

The forgotten elements of the equation have historically been the schools themselves. In their great majority they have lacked individual identity or mystique. The system has not created incentives for this to be otherwise. Teachers are often transitory and appointed by the channels described. The same applies to Heads, who, moreover, have no say in the appointment or dismissal of staff, nor control over more than the most insignificant funds. Raising these has tended to be virtually the only activity of parents’ associations. The lack of a national examination system, other than at the end of the secondary stage (which far from all students ever reach) means there is only limited control of quality.

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<sup>6</sup> Another feature of the way the system worked was the reportedly widespread practice of producing minute-run editions of spurious ‘books’ to speed up promotion.

<sup>7</sup> The most detailed and meticulous research is Jesus Duarte 1995, published in shortened form in Eduardo Posada-Carbó (Ed.) *Colombia: The Politics of Reforming the State*. London, Macmillan Press, 1998.

## The 1991 Constitution

The Constitution was the product of a unique set of political circumstances, never since reproduced in the legislative history of the country. The perceived crisis of legitimacy of the political system, registered in increasing electoral abstention and civil unrest, had already led the governments of Belisario Betancur (1982-86) and Virgilio Barco (1986-90) to adopt measures aimed at addressing the structural causes of political and economic exclusion. One such was the introduction of direct elections of mayors, finally brought into effect in 1988, after a political struggle of some four years.<sup>8</sup> This was accompanied by some fiscal strengthening of the municipalities, updating their tax base and raising their share of national sales tax (IVA) from 30.5 percent in 1986 to 50 percent in 1992.<sup>9</sup>

Nonetheless, violence both by guerrilla and drug cartel activity continued to mount, with events such as the assassination of the important Liberal reformist Luís Carlos Galán in August 1989 underlining the extent of the national crisis. His death stimulated not only a concerted offensive against drug interests, but also gave new impetus and urgency to pursuing deeper, constitutional reform. The Barco government failed in its attempts to bring this about, due in large part to resistance on the part of Congress. In the end, the balance was tipped by a student-led civic movement which, in the course of the March 1990 congressional elections, garnered an unofficial ballot of some two million votes in favour of electing a Constituent Assembly. Bending to such pressure, the authorities allowed for an official vote on the issue in the May 1990 presidential elections, which won 5,236,863 votes, 86.6 percent of the total. This paved the way for the December election of the Assembly. Of 74 seats, 19 were won by the M19 (now known as the Democratic Alliance of the M19), 25 by Liberals, 20 by Conservatives and the remainder diverse smaller groups and individuals. It appeared to be a major breakthrough in challenging the historic domination of the Liberals and Conservatives.

An opening clause of the Constitution declares Colombia to be a “socially-orientated, decentralised State”. The emphasis on deepening decentralisation, and renovating/expanding social service delivery with a view to equity were two of the defining characteristics of the new Charter. The two were also intrinsically linked: It also sought to create a gamut of new mechanisms for popular participation in public decision making processes, and to put curbs on the clientelist practices of the political parties, particularly the use of local constituencies as virtual fiefdoms by established national leaders.

In the centralised system, enshrined in the 1886 Constitution, the departmental governors were nominated by the President, and they in turn appointed the mayors in their jurisdiction. Mayoral appointments in particular tended to be short-lived, as the discretionary powers of national political leaders were absolute. These national leaders, based in Congress, effectively controlled local life through their domination of municipal and departmental councils, and brokerage of centrally-controlled funds and favours. These trends had been exacerbated from the 1970s, as the old-style party discipline under supreme chiefs had been eroded and replaced by a moveable

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<sup>8</sup> A longer evaluation of the context of the time can be found in Alan Angell, Pamela Lowden and Rosemary Thorp, *Decentralizing Development: The Political Economy of Institutional Change in Colombia and Chile*, London, Macmillan Press, 2000.

<sup>9</sup> Enacted respectively by Laws 14 of 1983 and 12 of 1986.

feast of shifting alliances among regionally-based leaders, based on calculations of electoral advantage and the potential for patronage.<sup>10</sup> One key factor behind this was the end of the National Front system which, from 1958 to 1974, enforced alternation in the Presidency between Liberal and Conservative leaders, and parity in the distribution of bureaucratic and legislative posts. The parties thus became increasingly factionalised, both at the national level among contending would-be presidential figures, and at the regional, as new bosses and would-be bosses jockeyed for position. Added to which, the ideological differences between the parties (never great on much beyond religion) had eroded to little more than vestiges of past traditions. This partisan decline therefore also provided an opportunity for new, reformist leaders to emerge under decentralisation. Not that there had been much sign of this in the first two mayoral elections, of 1988 and 1990, where, whatever their relative weakness, the two main parties' official candidates won the overwhelming majority. Moreover, such partial evidence as there is suggests that the regional bosses continued on the whole to control the mayors and their staffs.<sup>11</sup>

However, those wishing to undermine clientelism (the emerging reformist political and civic leaders and those of technocratic bent) felt that the answer was more decentralisation, by way of helping the process to mature. This lay behind the introduction of direct elections for departmental governors, and the creation of various mechanisms for public voice in local affairs. These last included a system for (in theory) enforcing the participatory formulation of local and regional development plans, with the possibility of sanctioning authorities for not carrying out agreed programmes. The struggle between those seeking to defend the status quo and the reformists came to the fore in one of the most contentious issues in the Assembly: the question of whether to tip the balance of decentralisation to the departmental or the municipal level.

There were diverse interests in play, but roughly speaking the tendency was for reformers to see the greatest hopes for making gains at the municipal level. This applied particularly to education, where the division between the sides was underlined by Fecode's stringent opposition to municipalisation. The Federation was quite strongly represented in the Assembly by the presence of two of its former leaders. Its huge membership was inevitably in the minds of the established political leaders who made up the majority of the Assembly.<sup>12</sup> Not only that, many of these had cause to fear too great a deepening of decentralisation, with its potential to erode their own power bases. The departments, even with elected governors, were easier to keep under control if only for reasons of simple arithmetic: there were 32 of them, not a thousand. More than that, however, the tacit understanding was that the governors themselves would come preponderantly from established political groups, since the parties' electoral machinery would play a determining role in their election.

For its part, in its own national plan, the Gaviria government had clearly opted for municipalisation. Thanks to the particular influence of the (highly technocratic) National Planning Department, the executive was in favour of the principles of subsidiarity and local

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<sup>10</sup> The best and most detailed description of the workings of this system traces the career of Tiberio Villareal, a political boss in Rionegro, Santander. Francisco Leal and Andrés Dávila, *Clientelismo: el sistema político y su expresión regional*, Bogotá, Tercer Mundo Editores, 1990.

<sup>11</sup> Angell, Lowden and Thorp, cited above, included detailed case studies of four intermediate size Colombian cities (Ibagué, Manizales, Pasto and Valledupar). The continuing control of the municipalities by regional bosses at that time was a constant, reported widely by key actors in all four cities.

<sup>12</sup> Congress had been dissolved for the duration of the Assembly; the next congressional elections were due in 1992.

public choice, including greater autonomy for the schools themselves. With this, too, went the hope for greater private sector involvement in service provision. Government officials worked closely with Assembly members on these issues.<sup>13</sup> Other voices heard in the Assembly were NGOs, Church groups and private school associations. These, however, played a fairly minor role since the essentially fiscal issues at stake were beyond their competence. The input of the political parties was virtually non-existent, for reasons already outlined. Two new actors who might have been expected to take an active role were Federation of Colombian Municipalities and the Association of departments. They did not. Reasons why not have been attributed to their lack of institutional consolidation, compounded in the case of the municipalities by the immense diversity of interest of members.<sup>14</sup>

The result, enshrined in articles 356 and 357, was something of a compromise, as was characteristic of the Assembly and a reflection of its composition. But the balance leaned to the departments. They maintained their previous sources of income, but were also assigned the *situación fiscal*, the primary fund for social spending. The municipalities were assigned an incrementally increasing share of current income, also to be allocated according to dictates of equity and local fiscal effort – with the details left to be defined in subsequent legislation.

The debates on education in the Assembly had tended to be predominantly fiscal and administrative, not pedagogical. The issue of equity was also to the fore. There were, moreover, a few other items which the members felt it was important to have enshrined, since the opportunity might not come again. These included the affirmation of education as a right and the raising of obligatory schooling levels. The government successively avoided an article calling for “free and mandatory education for all”, which would have undermined its hopes for greater private participation. The stage was set for the continuing struggle to determine the design and implementation of education policy reform. Round one had been, essentially, won by the old guard, albeit with important concessions as a result of the climate of desire for root and branch reform from those sectors which had successively pushed for the Assembly in the first place.

There was awareness at the time that these measures would entail considerable fiscal cost, as well as administrative effort. Thus the government was provided with powers to pass tax reform by decree, as well as authority to suppress agencies as necessary, the latter on the understanding that central spending would have to shrink in order to make the new decentralised system viable.

## **The Reforms of 1993-4**

The draft bill presented to Congress to regulate and detail the new educational policy framework was also the work of National Planning, and reflected the concerns already outlined, becoming known as the Decentralisation Bill. Fecode quickly drafted what amounted to a counter proposal, opposing decentralisation, school autonomy and private participation. For instance, it proposed a

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<sup>13</sup> This section draws partly on María Margarita López *Pluridad en la Manera de Hacer Política Educativa: Reforma de Descentralización de la Educación*, Bogotá, Fundación Corona, 1998.

<sup>14</sup> Armando Montenegro, “An Incomplete Case of Educational Reform: The Case of Colombia.” This document may be found through the World Bank website, at <http://www.worldbank.org/html/extdr/hnpl/hddflash/workp/wp-00060.html>. Armando Montenegro was the Director of National Planning at the time.

key administrative role for departmental juntas, to be under the control of union representatives, thus undermining the authority of elected departmental and municipal governments. In this, the union had the tacit support of the Education Ministry, meaning that Congress was, in effect, presented with two competing visions of the future of education, both with the support of unreconciled branches of the government.

Unsurprisingly, the debate was once again long and arduous. The inevitable – and lengthy – national teachers’ strike that formed its background came also at a time when pressures to respond to “popular” demands were high: there were a series of national power cuts and rationing, telephone strikes. A further element was the escape from jail of drug baron Pablo Escobar, responsible for the assassination of Luís Carlos Galán. Once more, then, the result was a series of compromises. Both laws were passed. The first, and more important, was the Law 60 of Resources and Responsibilities; the Decentralisation law governing the fiscal and administrative management of the key social sectors. As eventually approved by Congress, its main features were as follows. The *situado fiscal*, in the hands of the departments and special districts<sup>15</sup>, was set to rise from 22.1 percent of current income in 1993 to 24.5 percent in 1996; the municipal share of current income was fixed to rise from 14 to 22 percent over the same period. Spending of the *situado* was determined to be 60 percent for education, 20 percent for health and the remaining 20 percent discretionary. For their part, municipalities were to spend their share 30 percent on education, 25 percent on health, 20 percent on basic infrastructure and sanitation and the remaining 25 percent on a number of smaller rubrics. In terms of responsibilities, the basic regulatory and policy setting role remained with the Ministry; the departments were to administer and pay teachers and exert a supervisory role over the municipalities, which were basically left with the administration and provision of infrastructure. The devolution process was to be gradual. The now politically independent departments had to receive the ‘certification’ of the Ministry to take over their functions and funds from the deconcentrated departmental authorities. To qualify, the Department had to have an institutional structure, a development plan for education and an information system. Municipalities with populations over 100,000 (by the 1985 census) were also allowed to be ‘certified’ (that is, take over their relevant proportion of the *situado* and attendant responsibilities) once their departments had done so, and they complied with the same stipulations. The distribution of these resources to each individual Department, District and Municipality was set according to a complex formula, intended to combine criteria of regional equity with demand and the rewarding of local efficiency and fiscal effort.<sup>16</sup>

Those wanting to promote decentralisation had wanted the option for control by municipalities over 50,000. Secondly, proposals to undermine the *Estatuto Docente* as the determining statute for the payment of teachers were shelved and the *Estatuto Docente* remained intact.

The other major legislation, promoted by Fecode, became the General Education Law, 115, of 1994. Lip service was paid to the notion of school autonomy with the so-called Institutional

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<sup>15</sup> The districts are Bogotá and the coastal cities of Cartagena, Santa Marta and Barranquilla (in the case of the last three, the logic being purely one of political bargaining.) They also receive their comparable share of transfers as municipalities.

<sup>16</sup> For more details see, for example, p. 53, “La reforma a las transferencias y la descentralización” *Coyuntura Económica* Vol. XXXI, No. 2 Junio de 2001 (51-72), Bogotá, Fedesarrollo.



Education Projects, or PEIs. These allowed schools to present pedagogic projects, but gave them no financial or administrative authority. Vouchers for poor students were allowed, and there were incentives for building new public and private schools. A principal feature of the final law was that it enhanced the role of the departmental education secretariats (that is, those to be created in conjunction with the certification process), leaving the proposed Juntas with a consultative, not decisive role in the administration of teachers. Yet again in the quest for balance, it also allowed for the creation of municipal education secretariats. The actual functions of these remained vague, however, being left that they should fulfil ‘the role assigned to them by Law 60’.

There is something of a sense of “legislative fatigue” in that last clause. It is important to bear in mind that while all of these debates were going on, so was a great deal else, as the country entered a period of something like reform frenzy in the wake of the Constituent Assembly. Judicial reform was very high on the agenda, with the creation of a *Fiscalía*, or Public Prosecution Service, a system of ombudsmen, a Constitutional court and other measures designed to protect – or rescue – the rule of law. “Modernisation” of the State, was another crusade of the government, involving numerous pieces of legislation and regulation aimed at instilling professionalism and combating corruption in the public sector. A parallel economic process was also underway, one which also aimed to undermine the often rather “cosy” relations between business and government. This change had begun in the late 1980s, but now was strongly pursued. Tariff reductions and a gradual revaluation of the real exchange rate put firms under increasing pressure to become competitive.

Not for nothing had Gaviria called his government plan “The Peaceful Revolution”. Of course, not everything was peaceful in the country. Conflicts with the drugs cartels grew, as did the various fronts of the guerrilla war. Between 1988 and 1995, for example, 29 mayors were assassinated and 102 kidnapped.<sup>17</sup> Nonetheless, by the end of his government there was a sense, nationally, that the country had been put back on a path towards recovery and renovation, and Gaviria left office with approval ratings of some 70 percent.<sup>18</sup>

What did the legacy of his period in office amount to for education policy reform? It is only too easy to be wise in hindsight and reflect that the signs were not propitious. Perhaps the clearest weakness, though, was that no measures had been taken to curb the power of Fecode or rationalise the *Estatuto Docente*. On the other hand, the balance of political forces at the time was against such action. A failing which could have been avoided, or lessened, was the administrative confusion attending the design of the decentralisation process. Then again, many of those difficulties could have been ironed out during implementation – and that belongs to the next period. The other critical factor for the success of decentralisation lay, essentially, out of the government’s hands: the emergence of local and departmental governments with the political will and capacity to take over the sector responsibly. The gamut of measures taken to promote professionalism, accountability and participation were as much as the centre could contribute: such is democracy. Indeed, worth reiterating is the amount of pluralism which had gone into the

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<sup>17</sup> For more on the violence see, for example, Alfredo Rangel *Colombia: Guerra en el fin del siglo*, Bogotá: Tercer Mundo/Uniandes, 1998, and Malcolm Deas and María Victoria Llorente (comps.) *Reconocer la Guerra para Construir la Paz*. Bogotá: Cerec/Uniandes/Norma, 1999.

<sup>18</sup> That, at least, was the figure according to a poll carried out by *Semana* magazine, 2-9 August 1994.

whole reform process, stemming as it did from the exceptional circumstances of the Constituent Assembly. That in itself, given the conflicting interests in play, was a cause of much of the incoherence in the reform “package”. The determination to ensure adequate funding for a decentralised social policy, enshrined in the Constitution, was, ironically enough, to prove to be yet another – eventually fatal – stumbling block. Education had, then, been high on the government’s agenda, as it was certainly seen as a key component for modernising the country as a whole and stimulating long-term sustainable development, under a liberal economic model. Yet it was one goal among many, and during a period of considerable legislative ferment and with all the added distractions described.

### The Reforms in Practice, 1994-2000

Table 1. Macroeconomic Indicators, 1994-2000

	1994	1995	1996	1997	1998	1999	2000
<b>Real Growth of GDP</b>	5.78	5.20	2.06	3.43	0.48	4.29	2.55
<b>Fiscal Deficit (% GDP)</b>							
<i>Central Government</i>	-1.2	-2.1	-3.3	-3.5	-4.8	-6.0	-5.0
<i>Total Public Sector</i>	0	0.4	1.9	3.1	-3.9	-3.4	-3.6

Source: Prospectiva, Fedesarrollo

Ernesto Samper was elected on an essentially populist platform of seeking to redress or at least curb what were seen as the highly ‘neo-liberal’ dimensions of the previous government. This was couched in terms of making a great ‘Social Leap’ (the name given to his government plan), with renewed efforts to enhance social policy as its corner stone. Yet, not only did he find himself with increasing economic constraints, but the actual ability of the government to dictate the bulk of social policy had been taken away by the Constitution, and that agenda circumscribed to implementing the existing legislation. The further critical problem presented by the new social policy regime as dictated by L60, was that it forced the central government to transfer escalating amounts of current income to sub-national governments, regardless of prevailing economic conditions, its own finances *and of any actual results in the performance of the social sectors*. The annual rate of real growth in the value of the transfers (the *situación fiscal* and the municipal share of current income) over 1990 to 2000 was 10.5 percent, being especially high during periods of healthy national growth to 1996, at 14 percent on average, then dropping to 5.5 percent for the second period.<sup>19</sup> As a proportion of GDP they represented 2.4 percent in 1990, and 5.5 percent in 1999. In terms of Education Spending, the total in 1991 was 3.1 percent of GDP, which had risen by 1997 to 4.5 percent. 86 percent of that figure represented national transfers.<sup>20</sup>

Naturally, the relatively higher proportions of GDP also reflected declining national growth rates. The greater vulnerability of the economy to external shocks under the new more liberal model, together with the rising cost of violence and absence of effective economic management set the parameters for the conditions of mounting recession from 1996. The specific factors in

<sup>19</sup> *Coyuntura Económica*, op.cit, p.54.

<sup>20</sup> George J. Borjas and Olga Lucía Acosta, “Education Reform in Colombia”, Fedesarrollo, Working Papers Series, No. 19, August 2000.

play were many. The accusations of use of drug money in the presidential campaign of Ernesto Samper, which dogged his entire period in office, undermined the country's trade relations with the United States as well as the legitimacy of the government and its concomitant ability to lead any peace process. Key commodity prices declined, and the Asian crisis also bit. Thus the background to the Samper period was one of constant pressures to control public spending, at the same time as the institutional framework demanded ever increasing central transfers and, too, the weakness of the government made it particularly vulnerable to political expediencies in terms of its own, central spending.

A critical case in point was teachers' salary and pension levels. In 1995, bowing to pressure from Fecode, all teachers, including those working on a part-time basis were incorporated into the formal career structure, thus obligating payment of full salary rates and social security. There are a number of pension privileges enjoyed by teachers over other public sector employees, which amount to a considerable liability to public finances. One is that teachers do not have to contribute to the system in order to receive a pension, in contrast to the obligatory 13.5 percent contribution for other workers. They qualify for their principal pension at 50 years, unlike the 55 for women and 60 for men for the rest of the public sector. Moreover, the basis on which that pension is paid is considerably more generous: it is based on their level of pay on retirement, not the average of their last 10 years of employment. Not only that, there are a series of further bonuses and additional pensions which teachers are entitled to receive – simultaneously. The scale of the inconsistencies in the system, and their gravity, may be judged as follows. In 1998 the liability for the pensions of the 310,000 active teachers amounted to 30 percent of GDP. This compares with the 40 of GDP represented by the 2.3 million other active public sector workers. Given, too, that the average age of teachers is 43, this is a problem that is set to be further aggravated.<sup>21</sup> Equally seriously, the present system means that there are no incentives for teachers voluntarily to leave it. As one key commentator put it, "It's like a 35 year prison sentence with a glorious pension heaven at the end."<sup>22</sup>

To make things worse, the government also conceded an additional 8 percent pay rise, over the statutory increments dictated by the *Estatuto Docente*, for the period 1995-8. The combination of these factors, together with increased teacher enrolment, meant an increase in teachers' costs of 4 percent per year over the period in question.<sup>23</sup> Thus, in the words of one key actor:

"In 1993 central transfers covered 100 percent of the municipalities' and departments' current education costs, with sums left over for quality reforms and other investment. By 1998 all the money, 48 percent of current national income, only covered 90 percent of current costs, of which 99 percent was teachers, under the *Estatuto Docente*. In other words, in absolute terms the funds were greater, but still hadn't grown fast enough to meet teachers' pay rises."<sup>24</sup>

This situation led to the creation of the Education Compensation Fund, known as the FEC. This fund enabled the departments to cover deficits to teachers paid through the *situado fiscal*. In 2000 this fund amounted to some one billion pesos, meaning that the sum paid to education

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<sup>21</sup> Ibid, p. 8.

<sup>22</sup> Margarita Peña, Viceminister of Education, interview 24.10.01.

<sup>23</sup> For example, an additional 19,000 teachers were enrolled into the *Situado fiscal* payroll between 1996-8.

<sup>24</sup> Ana Lucia Villa, director of the Direccion de Apoyo Fiscal, Ministerio de Hacienda, 26.10.01.

through the two sources (*situado* and FEC) rose from 2.2 billion (at 1998 values) in 1994, to 3.2 billion in 2000.<sup>25</sup>

There is no question that the departments (and indeed the municipalities) faced real, structural problems in meeting their teachers' salary bills. Their difficulties, moreover, were compounded by the fact that their income, tied as it was to current income, fluctuated wildly, while those costs were fixed. Budgeting has been a longstanding problem for sub-national governments, and, time and again, it is the money assigned to quality improvements which goes by the board.<sup>26</sup> However, many departments have themselves aggravated the situation. On the whole, those departments which enrolled the greatest amount of teachers over 1995-9 were those whose coverage was either reduced or grew very little.<sup>27</sup> To make matters worse, the distribution between departments of the *situado fiscal* had as a benchmark the teachers' payroll of 1993. In other words, funds were weighted towards the historic geographic preferences of the teachers, not where there were educational needs. The inequity in the system is such that some departments receive five times more resources per capita than others. Intra-departmental inequities are equally serious, with teachers receiving payment through the *situado* tending to concentrate in larger urban centres. This has meant that smaller and poorer municipalities were forced to pay teachers through their own resources, further diminishing their capacity for quality investments. Municipal spending on teachers' pay doubled between 1993-8, and accounted for 80 of their education costs.<sup>28</sup> Coverage for outlying rural areas remained poor at best.

The government tended to meet those municipal deficits, as a matter of political expediency. Its covering them for the departments was institutionalised with the FEC. Thus, the incentives for the municipalities and departments to rationalise spending on teachers were non-existent (indeed, negative), with all the results outlined. In response to this situation came the creation of performance agreements (*convenios de desempeño*). In 2000 these were linked to credits, whereby departments agreed to meet increased coverage goals in return for the payment of the FEC. Over 2001 the conditionality was dropped, however, and the effectiveness of the programme was, inevitably, reduced. Nonetheless, it did achieve some results: coverage rose by some 240,000 with no additional enrolment of teachers, but rather redistribution of the existing body within each department. "There is room to do much, much more on these lines, if it could be enforced. One big limitation at the moment is that there is no way to redistribute teachers between departments, since there is no mechanism for the reallocation of funds to meet such shifts."<sup>29</sup>

Law 60 had allowed for the assumption of the *situado fiscal* by municipalities with populations over 100,000, subject to their certification by their department. By the end of 2001 *only one municipality*, Armenia, had received certification. Reasons for such poor progress toward municipalisation of education were political conflicts between Fecode and governors, between governors and mayors, and, too, the reluctance of many municipalities to push for control of the

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<sup>25</sup> *Coyuntura Económica*, op.cit. p. 62.

<sup>26</sup> A situation commented on by all relevant actors and stressed particularly by Gilberto Toro, director of the Colombian Federation of Municipalities, in interview 01.11.01.

<sup>27</sup> "Exposición de Motivos al Proyecto de Ley 120/01", Government of Colombia, 2001.

<sup>28</sup> *Ibid.*

<sup>29</sup> Margarita Peña, Viceminister of Education, interview 24.10.01.

system when the department refused to cover social security deficits. The picture varied from one department to another, but those were the reasons cited by key actors. Underlying those reasons, however, is clearly the bureaucratic weakness and incoherence of the education system as a whole. These begin with the Ministry and its lack of adequate information systems to evaluate educational needs and the institutional capacity of the departments and municipalities. As a result it is unable effectively to monitor the sub-national levels, far less guide and supervise them. Staffing of the Ministry has historically tended to be poor, and this situation did not change. Well trained staff, capable of leading the decentralisation process tended to be isolated from the Ministry as a whole, with little done to improve the ethos of the institution.

Thus, although decentralisation did proceed to the departmental level, it never went beyond it. Moreover, potential gains in bureaucratic efficiency thereby were not, on the whole, achieved. On the contrary, duplication of functions and confusion have reigned, thus further adding to the breach between education spending and results. Such indicators as there are of results have been extremely worrying, moreover. The ICFES test, applied at the end of the secondary level, showed a 20 percent *drop* in results in 1998 compared with 1993. Tests applied in some parts of the country at the third grade level in 1997 and 1999 showed sub-standard reading levels in over half of pupils; tests of fifth and ninth grade students showed less than 20 percent of pupils attaining adequate mathematics levels.

The reasons for such a dismal panorama are multi-faceted. In the first instance the institutional framework was confused and confusing, based as it was on the series of compromises framed in the Constitution and the subsequent legislation. The enforced rate of central transfers was economically unsound, a situation compounded by the country's financial difficulties. Yet the government itself made matters worse by deferring to Fecode as well as irresponsible municipalities and departments, and thus escalating still further spending on teachers. This was particularly true of the Samper government, for reasons outlined, but did not alter greatly with Pastrana. Once more, indeed with even greater urgency, the priority of the government had become national security, with much of social policy left, essentially, in a holding pattern.<sup>30</sup> The effort of rationalisation presented by the *convenios de desempeño* was a case of too little, too late. Only when the fiscal deficit reached proportions requiring IMF intervention, in early 2001, was action finally taken – a subject which will be taken up below.

The efficiency incentives in the decentralisation process as it was implemented, then, were negative, and also tended to work against quality gains. More funds brought poorer results – the worst possible outcome. The hope that local accountability would spur more responsible governance in the departments and municipalities proved, in general, unfounded. That is not the whole story, however. There were a number of governors and mayors who did lead innovative education reform efforts during their administrations. These included the department of Antioquia, and cities of Medellín, Cartagena, Manizales and Pasto, and involved various measures of public-private co-operation, mainly based on voucher schemes.<sup>31</sup> However, not only

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<sup>30</sup> Juan Camilo Restrepo, the first Finance Minister of Pastrana, did attempt to introduce fiscal reform before he left office in 1999, however the measure was dismissed in Congress.

<sup>31</sup> See Joel Reyes, "Colombia: Decentralized Education Management" World Bank, Human Development Department, LSCHD Papers Series No. 68, June 30 2001. The case of Pasto is somewhat different, not involving vouchers, but rather a restructuring of the organisation of the schools and an ambitious infrastructure programme.

did these tend on the whole to be only partially successful, but they seldom addressed the overall system of management in education in their jurisdictions.

The overall situation, then, begs the question of whether or not decentralisation of education is a flawed concept of itself, inevitably doomed to failure. Here it is worth considering the counterfactual of what would have happened had the system remained centralised. All the evidence, based on the working of the previous system, indicates that the situation would have been at least as bad. True, without the enforced rise in transfers, the central government would have had greater freedom of action. However, that was a flaw of the design of the transfer system at the time of the Constituent Assembly, rather than an argument against decentralisation itself. Moreover, given the weight of Fecode and the governments' political imperatives to ensure teachers' pay, together with the earlier working of the centralised political system, it is difficult to envisage better outcomes. The issue, at bottom, is what decentralisation *can* deliver which the centralised system has proved itself incapable of doing. Here there is the key issue of political will at the local level. Although the cases of Medellín and so forth just briefly referred to produced limited results, they do demonstrate that political will at the local level can lead to innovations, in spite of a poor national incentive structure. Indeed, it is difficult to imagine how quality gains in education can be made without such will in place – again (in part) regardless of the national incentive structure for the sector. In other words, if political and educational decentralisation has been a disappointment in terms of national transformation, they remain pre-conditions for education reform progress at an incremental, local level. That remains an extremely bold affirmation in the light of the evidence presented thus far. In order to justify it, therefore, we must turn to Bogotá.

Finally, however, before doing so, it should be signalled that the new legislative framework provided by Law 715 of December 2001 represents a concerted effort to reduce the deficiencies of the previous incentive structure *but still within a decentralised education system*. Indeed, the law attempts if anything to deepen decentralisation, at the same time as strengthening the faculties of the centre to regulate it – which are mutually-reinforcing measures. There is no question on the national agenda of reversing decentralisation, but rather in persisting until it delivers the required results.

### **Education Reform in Bogotá**

The most dramatic example of the potential of the direct election of mayors to shake up the political process (and performance of the local level public sector) came with the 1994 Bogotá elections. The winner, Antanas Mockus, was a former Rector of the National University and leading figure in the Pedagogic Movement, with a reputation as something of an iconoclast. He was elected on a ticket of violence control, anti corruption and against the traditional political class. In fact, he inherited from his predecessor, Jaime Castro, a city whose finances were already much improved from the past, but where the problems of education in the city had barely been addressed. Mockus' Secretary for Education, José Luis Villaveces, also came from an academic background, and this was reflected in his management style. Concerns for improving the quality of education were developed in a teacher training programme and the creation of a prize for excellence in schools, together with an ambitious scheme to spread computer access.

These initiatives, however, were all concentrated in special teams: no effort was made to improve the institutional capacity of the district secretariat (henceforward SED) itself.

Mockus' successor did come from the Liberal Party, however he was elected as the figure deemed most likely to capitalise and build upon recent improvements to the city's management.<sup>32</sup> Enrique Peñalosa did not disappoint his electorate – and one key area where his administration was most successful was education. As will become clear, this was thanks in no small part to his Secretary for Education, Cecilia María Vélez, who was to continue in her job when Peñalosa was succeeded in turn, in 2000, once more by Antanas Mockus. Thus the political background to gains made in education in the capital was one of a sustained effort, backed by the electorate, to improve the effectiveness of the city's management.

Cecilia María Vélez herself came from a strong management background, including having been sub director of National Planning at the time of the design of Law 60. Determination and clarity have been characteristics of her management style. As a key collaborator recalled:

“She's been absolutely clear and firm on her reform strategy. As she said, the essential thing was to re-organise the SED in function of proven results. That sounds just like common sense, but unfortunately it's only too revolutionary in this country. We've had other SEDs in the country producing good programmes and innovations, but without producing at the same time any real institutional change in the SED itself.”<sup>33</sup>

The first step in this process was the organisation and systematisation of information, together with the definition of goals. In the words of the key actor herself:

“My three basic goals have been coverage (always with equity); quality and the evaluation of quality; and efficiency through the management of the institutionality of the SED itself. With this, a major shift we've insisted on is to talk in terms of places for children – not teachers or classrooms, which was always the focus of attention in the past. Our first problem was establishing just what the deficit really was. The figures I was given ranged from 500,000 from the union to 10,000 from the Ministry. Seriously! We eventually pieced together our own figure at around 150,000, 90,000 of which came from income levels 1-2. Unsurprisingly, the worst problems were in poor areas.”<sup>34</sup>

By 2000 basic coverage at primary and secondary levels rose from 95.5 percent to 97.1 percent, thanks in large part to the creation of 137,000 new places in the public system.<sup>35</sup> This was achieved without creating any new teaching positions. By the end of 2001 the increase in coverage had risen to some 200,000. The gains have not just been in coverage, moreover, but in quality as well.

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<sup>32</sup> These had taken place on various fronts, including further rationalisation of finance. Mockus resigned from the mayoralty to stand as a candidate for the 1998 presidential elections, which diminished the time he had in which to execute projects.

<sup>33</sup> Margarita Peña, Viceminister of Education, interview 24.10.01.

<sup>34</sup> Cecilia María Vélez, interview 22.10.01

<sup>35</sup> Alcaldía Mayor, Secretaría de Educación, *Plan Sectorial de Educación 2001-4*.

“We’ve also insisted on concentrating on what children are actually learning: the product of education itself. This should be self-evident, but in the past everyone has thought about just about everything else. To back this up, we introduced an enhanced testing system. We focus on the quality of the schools as institutions, not the individual teachers. That’s also crucial.”

The tests elsewhere in the country at the 3<sup>rd</sup>-9<sup>th</sup> grade levels were only very partially implemented, by way of samples. In Bogotá, however, comprehensive testing was introduced. From 1998 to 2001 the tests showed modest but across the board improvements in all areas, language, science and mathematics. This applied to both private and public sectors, with the public scoring very nearly at the same level as the private.<sup>36</sup>

As well as the (considerable) improvement of institution of the SED itself, the routes to such success have been, on the one hand, effective teacher management, and, on the other, important innovations in co-operation between the public and private sectors. It is worth reviewing both these reform areas in some detail, as well as outlining further innovative reforms that the Bogotá SED has introduced.

### *Management of Teachers*

The strategy of teacher management is most effectively recounted in the words of its key implementer, Noehmy Arias, the Director of Administration of the SED.<sup>37</sup>

“Our policy has been a mix of standing firm against the unions’ confrontational positions, and undermining the basis for protest as far as possible. Most administrations in the country are slow on payments; we’re always prompt – and we quickly paid outstanding debts when we came in. Since most of teachers’ complaints are on those grounds, we achieved much demobilisation at a stroke. Then we worked to guarantee every school its basic running costs, as well as making as much physical improvement as we could. Thus we have greatly improved working conditions – another legitimate cause of teacher protest.”

Two other areas which classically undermine attempts to rationalise the distribution of teachers, are recruitment and re-location. In terms of recruitment, teachers retiring from the public sector each year average some 900. No new posts have been created. Testing for admission of new teachers to replace those retiring has been carried out by the universities, thus reinforcing the academic rigour and, above all, transparency of the process, since the universities have no vested interests at stake. In terms of the re-location and rationalisation of teachers, the story has been as follows.

“In our rationalisation process we started with fixed goals. National goals are 1 teacher per group at primary level, 1.6 at secondary. We fixed at 1.1 and 1.7 respectively, and on that basis moved teachers around. It took a year and a half, and was a very hard struggle, first to get heads to say, ‘OK, these three teachers can go’, then with the union. But we’ve been firm and managed it. Legally we can move teachers, at our initiative – it’s just that this is not usually done in the country because it’s seen as being so politically sensitive. The problem is that when you lower

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<sup>36</sup> Ibid. Bogotá has a very high level of private sector education, standing at roughly half the total.

<sup>37</sup> Interview 30.10.01.



their level and standards you have to go to court. We've been careful, and the times (not many) when we've had to go to court, we've won. We try to give those we need to move a choice of posts, which, because we're talking about movement within the city, is also easier to manage than for many other parts of the country. Those retiring each year come from the best jobs, at the end of their careers. Those next in line fill those posts, with junior ones going to worse places – that's accepted within the system. We've also done our best to give school heads as much say as possible, from short lists."

The same clarity and decisiveness came into play during teachers' strikes – with dramatically effective results:

"We've long known that when there's a strike 90 percent or more of teachers just go home that day; they're not interested in demonstrating. In the 1998 strike we decided to stand firm on not paying for days not worked (there was one 1989 precedent), and we were upheld. We also went from school to school finding out exactly who hadn't worked. In the 30-day May-June strike this year [2001], only 1000 out of 27,000 teachers here in Bogotá went on strike. If Bogotá doesn't go out massively on strike this severely undermines Fecode in the country."

Another element in the strategy of countering the previous near monopoly of power in the union was to question the previous practice of having membership considered automatic when teachers enrolled into the formal career structure. "We contested this, and threatened to use ILO rulings, so the union backed down. As a result, many new teachers aren't even bothering to join. The union has made itself unpopular by being out of date, by using a patchwork of lies instead of arguments – indeed generally being short-sighted."

On a more positive note, the SED has also worked very hard with teachers – and union leaders – in series of meetings and workshops, on the themes of the rights and needs of children, and it is also felt that this tactic is beginning to achieve changes in attitude as well.

Reflecting on what has made all this possible, Noehmy Arias concluded, "I'd say the keys to our success have been political will and clarity of objectives, together with rational management of our own resources. With this, too, we have a high quality technical team and continuity of that team – we've been able to consolidate on our gains over four years."

#### *Innovation in public-private co-operation: the "colegios en concesión"*

Some 50,000 of the new places created over the last years are owed to a particularly interesting new form of public-private co-operation, pioneered in Bogotá. This is the leasing of specially built public schools in the poorest areas of the city to private operators, a scheme known in the city as the *colegios en concesión*. Before reviewing the experience to date it is worth briefly considering the context behind it.

"The key problems we face are children in the poorest sectors who are excluded completely from the system, with no access to either public or private education. There are also a great number of poor children who are paying for extremely bad quality private education in what we call 'garajes'. The cost of a 'garaje' is about 40,000 [US \$ 20] a month. Of course that's very low

(though may well be significant to those families), which is an indication of how bad they are – shacks with unqualified ‘teachers’.”<sup>38</sup>

It was to address those problems, then, that the *colegios en concesión* were conceived. Throughout the public sector, including the *colegios en concesión*, parents pay 50,000 pesos a year (\$ US 25) in support costs – considerably less than to low quality private establishments. The origins of the particular design of the *concesión* programme were as follows.

“I’ve long been convinced of the need to work with the private sector in order to improve the public, but the problem was how to get good private institutions to work with us. Here the lack of trust on their part for working with us was the main obstacle. So, I hired the best private lawyer in the city to work out a contracting system which would demonstrate our seriousness and thus build confidence. He proposed leasing for the key reasons that it would allow both for transparency, and a long-term programme. I also hired the best architects to make the design of the new schools particularly striking and attractive – at no additional cost over traditional designs.”<sup>39</sup>

The first year of this very new programme was 2000 and began with 16 schools. Funding came from the privatisation of city’s electricity company: these, then, were special funds, to be put to special use. The SED advertised in the national press, soliciting bids by open competition, the aim being to attract the very best private institutions in the country, with the highest ICFES results. A points system took this into consideration, together with other indicators of institutional quality and financial proposals. Six private groups were awarded lease management of the 16 schools. They were a mix of individual private schools, religious teaching organisations and institutions known in Colombia as *cajas de compensación*. The last bear a brief explanation. Funded by statutory payments by employers of 4 percent of workers’ salaries, these organisations are a very important form of social enterprise in the country. Thus, CAFAM, which has been one of the most enthusiastic participants in the leasing system (one of the first of the six institutions to participate, and now with four leased schools), is the thirteenth largest private company in the country, with interests including a vast supermarket chain, and health, recreation and housing programmes. They have 105,000 children of affiliated workers enrolled in education programmes, and 65,000 adults. CAFAM has also since its creation 40 years ago run its own school in Bogotá, again for a section of children of affiliated workers. Since these are at the poorer end of the formal sector (earning less than four minimum wages) they correspond to income levels 3-4 in the national CASEN household survey system, which runs from levels 6-1, the very poorest being level 1.

The particular motivation of the private institutions for participating in the *colegios en concesión* programme has, naturally, different emphases according to their divergent institutional profiles and missions. The common denominators, however, are essentially two. Firstly, they share a common desire to extend their educational expertise to the poorest sectors of society, both as a social mission and educational experiment. Secondly, they wish to enhance their national reputations in the process – the programme has been the subject of considerable publicity and

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<sup>38</sup> Gloria Mercedes Alvarez, Director of Planning and Finance 23.10.01.

<sup>39</sup> Cecilia María Vélez, interview 22.10.01.

interest in the national media.<sup>40</sup> Thus, for CAFAM, the programme presented the opportunity of taking a pedagogical model based on a high degree of student participation, built up in its own (very successful) school to a new and more challenging social environment.<sup>41</sup> Success in the enterprise would do no harm to its natural goal of attracting new affiliates. For one of the elite private schools which took over the lease of one of the first new schools (the Gimnasio Moderno), it offered a chance for its own pupils and staff to interact and learn from the opposite end of the social spectrum. This at the same time as providing all the support for its protégé that it can muster.<sup>42</sup> There is a degree to which the psychology is something along the lines of using its exclusive status to bolster the confidence of the new school, while at the same time thereby demonstrating a departure from its previously exclusive ethos. Other prestigious private school actors indicated similar motives.<sup>43</sup>

Underlying individual institutional concerns and priorities, it is worth emphasising that the generalised consciousness of profound crisis in Colombian society is also a key factor in play. With so much of the social, institutional and economic fabric disintegrating into ever escalating chaos and civil war, there is increased awareness in many quarters of the need for the private sector to play its part. Naturally, education is a key priority in this context. Such matters are unquantifiable, but nonetheless present.

Unquantifiables apart, the private organisations were in accord that the design of the leasing scheme had also been essential to their participation in the programme. The leases are for 14 years with guaranteed funds (paid per student) over that period, subject to the meeting of agreed performance levels. Building up the performance of new schools is not a short-term undertaking, far less when they are in sectors of extreme poverty. The private participants would not have been prepared to risk their reputations and efforts on a short-term project.<sup>44</sup> There are three actors involved in the evaluation of the private organisations. The SED oversees the meeting of all the clauses in the contracts. Standard setting and evaluation of academic achievement is in the hands of a specialised organisation, a mixed private-public corporation called Corpo Educación. A further private organisation oversees the management of physical infrastructure and equipment.

There was unanimity among all actors interviewed that relations among all parties were positive and constructive; indeed the enthusiasm on all sides was palpable. There are now 22 leased schools in the hands of eight private organisations, with plans to create 17 more by 2004. Tempering the enthusiasm was a consciousness of ‘so far so good’ – and that so far has been brief indeed.

So, what of the schools themselves? However architecturally inspired and inspiring – which they are – the students remain among the poorest in the city, with all the learning difficulties that

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<sup>40</sup> There are now eight private organisations participating in the scheme. One was, on the cautious testimony of others, possibly equally profit motivated. Time and the nature of the issue did not allow for any corroboration of this. However, there was clear consensus that, insofar as this was the case, it was certainly the exception among the private groups participating.

<sup>41</sup> Nepo Torres, Director of Education, CAFAM, interview 29.10.01.

<sup>42</sup> Interview with Juan Carlos Bayona, head of the Gimnasio Moderno School, 02.11.01.

<sup>43</sup> Interview with Leopoldo Gonzalez, director of the Alianza Educativa, 25.10.01, and Father Francis Wehri, head of the Colegio San Carlos 28.10.01.

<sup>44</sup> This was recognised as an essential component by all those interviewed, both on the public and private sides.

implies. This has presented an immense challenge for private organisations used to the reverse side of the coin – although experience of working with the poor varies widely among them. A common element among them, in order to address this challenge, has been the importance attached to the choice of school heads. In one case, that of the Gimnasio Moderno school, the head was one of its own long-standing staff, an individual with particular social sensibilities and experience. In the three cases reviewed in detail, close co-operation between the heads and the private management was the order of the day.<sup>45</sup> Above all, this was a process of adjustment between the academic aspirations of the management, and the realities in hand.

“We’ve had to learn to be much less demanding and more patient on the academic demands we make on the kids than any of us previously has been used to, since our training and instincts are the reverse. As one of our school heads said, ‘Look, if you’re dealing with children who don’t know the difference between a basin and a toilet when they arrive, you can’t expect too much too soon.’ This, too, has led us to build up the community, extra-curricular work.”<sup>46</sup>

Work with the community is a common characteristic of the schools, although again with different emphases. The Alianza Educativa group, whose director was just cited, put much effort into social outreach work with parents and children. They run classes in topics such as preventive medicine and personal development. CAFAM prefers to concentrate on adult literacy classes for parents, with plans to develop these into job training courses. The Gimnasio Moderno has done some work with parents, but so far has concentrated on exchanges between its students and the lease school students, promoting for example support teaching from the former. The Alianza Educativa group has initiated similar experiences. What the management groups all provide is a system of support staff – doctors, nurses, social workers and, in some cases, psychologists. They also all have taken the day to day administrative management out of the hands of the heads, providing core administrative staff. This frees the heads to concentrate on their principal role.

Teacher training is the other key commonality of the schools. The private organisations put considerable emphasis on this, dedicating many hours of their own and their staff time to the undertaking. All reported positive advances. Of course, they do have the advantage of being able to dismiss poor quality teachers. On average, some 10 percent of teachers were replaced in the first year – all were keen to build on what they had, rather than assume overly exigent positions. Incentives for retaining good teachers were in the fore of their minds. Funds are tight, but all were providing salaries at slightly over the national equivalents.<sup>47</sup>

It is still a programme in its first stages. Academic results from the schools remain poor. No one, however, is worried about this as yet. It is quite simply too soon to expect results at that level. All, however, are also confident that the conditions are being established which will, in time, produce those results. In the opinion of the SED professional in charge of overseeing the programme, the strength of the private organisations were “dedication, management skills,

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<sup>45</sup> The three cases were the Gimnasio Moderno, which has one leased school, CAFAM which has four and the Alianza Educativa, which has five. The last is an alliance of three prestigious private schools and the University de los Andes.

<sup>46</sup> Interview with Leopoldo Gonzalez, director of the Alianza Educativa, 25.10.01

<sup>47</sup> Worth bearing in mind is the fact that these are not, on the whole, wealthy organisations. CAFAM, which is, has strict rules about using affiliates’ money to subsidise non-affiliates, so the result is the same.

pedagogic skills – overall professionalism.” As she emphasised, “There’s no getting away from it: the best of the private sector is much better than even the best of the public. (Though the worst is far worse than the worst of the public). And they have the luxury which, believe me, I’d give my eye teeth for: they can sack unsatisfactory teachers!”<sup>48</sup>

As an exercise in pedagogic experiment and innovation, the potential of the *colegios en concesión* is immense. It is also cost effective. The SED’s costs in the traditional sector are 1,050,000 pesos per year per child: that is for a 5-hour school day. For the *colegios en concesión* the cost is 1,300,000, but that is for a full 8-hour day, which also includes free lunch for the children. There are also deeper and stronger messages and lessons from the programme, however, again at least as a potential. These are essentially two-fold: one relates to the issue of equity, the other to raising standards in public (and indeed private) education as a whole.

The establishment of such physically striking new schools, with such prestigious private management in the very poorest sectors of the city has been quite controversial. This relates, as actors reflected in interview, to a generalised confusion between notions of equity and universality. Or, in other terms, it reflects limited understanding of the idea of equity as a means to create equality of opportunity. Thus the standard criticism of the programme has been along the lines of “why should the poor get better than the rest of us?” Clearly what the *colegios en concesión* are making a courageous effort at addressing is the series of barriers which need to be overcome in order to offer children of the poorest an environment in which their learning difficulties may, perhaps, be overcome. That goes to the heart of creating equity.

To express the issue of overall standard raising, again the clearest voice is that of the key actor herself:

“A critical factor in play here is one of creating imbalances within the system. That is, deliberately setting out to create some schools of excellence rather than trying to make across the board improvements. This has been very controversial. However, I have been and remain convinced that this is the only effective strategy to follow. We aim to create pressure and demonstration effects throughout the system in order to build incrementally towards overall improvement of standards. It’s a way of consciousness raising of what can be done, and what should be expected from the public system. Initially our focus was exclusively on the public system, but it’s true, the same applies in terms of demonstration effects to improve standards in the private as well.”

#### *Other principal programmes in Bogotá*

The same principle of maximising the potential for private contribution to public education which has characterised the *colegios en concesión* has also been at the heart of the other major innovations of the Bogotá SED. With the same striking architectural stamp as the new schools, one of these has been the building of four large public libraries. Again these have been funded by the sale of the district’s electricity company; again they are located in the poorest areas of the city. Equipped with the latest inter-active technology, sponsorship for the purchase of books is being sought from the private sector. Beyond basic reference and key texts, the policy is to allow

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<sup>48</sup> Marta Franco, Director of Educational Coverage, 23.10.01.

local choice in the selection of titles. “We’d rather have people reading mediocre books than ignoring ‘good’ ones and doing nothing.” The programme has been linked to the existing public and private library system, in an effort to work towards an integrated supply in the city. Outreach schemes with museums are also being developed.

Another programme is taking forward the computerisation of schools, which had not progressed far by 1998. Again the approach has been systematic, starting with legalisation of the electricity supply of the 200 schools found to be functioning illegally. A bottleneck has been finding sufficient numbers of qualified support staff.

Finally, too, considerable effort has been put into teacher training, again building on the work started under the previous administration. The latter created a separate, specialised pedagogic research centre employing some twenty professionals, the IDEP (*Investigación Educativa y Desarrollo Pedagógico*). This institute developed the teacher training programme, testing a number of models before handing the programme over to universities (particularly the National), who now run it. The principal drawback, however, remains that the public system as it stands does not allow for any link between teacher performance and promotion, thus undermining any training scheme. One effort to address this was a programme, borrowed from a Chilean model, of working *in situ* with the hundred worst performing schools in the city, which produced some results. IDEP has also begun to work with television, working with private companies to produce educational programmes. They have even produced a nationally-awarded, prime time soap opera addressing social issues in a city public school.

What of the sustainability of these considerable advances? As the SED’s Director of Planning observed, “Our main problem at the moment is that we are, in some sense, becoming the victims of our own success. As we’ve succeeded in increasing our coverage, so our fixed costs are also rising: this is an inevitable, but serious structural problem. The previous distribution of teachers was bad, so allowing much room for manoeuvre. But now we’re reaching the limits of this, the system is now quite rational.” There are two principal ways in which the SED plans to address the situation. Firstly, although it would be politically impossible for them to “shed” children from income level 3, they are making adjustments in the margins by, as a general policy, only creating coverage for levels 1 and 2. Secondly, greater efforts will be made to reduce desertion and repetition levels, which remain high: 4.7 percent and 18.2 percent respectively in public secondary schools.<sup>49</sup> Naturally, both approaches are fully in consonance with the prime goals of equity and efficiency. Given the advances made to date, there is no reason to doubt that progress can be made on those fronts.

Perhaps the strongest guarantor of this is the degree of institutional capacity built up in the SED itself. Institutional capacity is a notoriously fragile resource in Colombia, as elsewhere, being so often at the mercy of political currents and changes of leadership. Cecilia María Vélez is confident, however, that the gains are, in effect, institutionalised:

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<sup>49</sup> Alcaldía Mayor, Secretaría de Educación, *Plan Sectorial de Educación 2001-4*.

“I think that we’re so technically sophisticated by now that anyone coming to take over would have to bring in good people to manage what we’ve built. Then, too, we’ve conquered the city council, and I can’t see future councils letting things slide. Beyond that, I’d say in general that the political process in Bogotá is irreversible. For instance, my Finance Chief comes from the best economic magazine in country. A few years ago such a professional would absolutely never have dreamt of coming in to work in the public sector, still less the city. And there are examples of that across the board.”

There was, moreover, a general consensus of agreement on this issue, from a wide range of quarters. Above all, the people of Bogotá are learning to be more demanding, and less fatalistic about the state of public services in their city. Recent administrations have proven in many areas (notably, for example, the transport system) that progress can be made and standards improved. At the risk of taking hostages to fortune, it is difficult to imagine a serious reversal of this process – and it is the bedrock which educational gains can be founded and built upon.

### **Bogotá, Colombia and the New Legislative Framework (Law 715)**

It follows that the institutionalisation of such processes in the country as a whole is also an essential condition for change. That goes to the heart of the vital importance of the demonstration effect of Bogotá. This is essentially a social and political process, and it is political decentralisation that provides the space for it to develop. Political decentralisation is in place in Colombia, but it does not of itself provide any guarantee of positive progress. Bogotá also, inevitably, has a series of advantages that other parts of the country do not, on the whole, enjoy, at the same time as it also demonstrates the potential of overcoming (or at least addressing) its own, particular inherent difficulties.

The structural advantages of Bogotá, beyond those of most of the rest of the country, are largely self-evident. Although its financial resources (for example, the special funding for the *colegios en concesión*) are, naturally, greater than many, particularly small municipalities, the question of financial resources is more a matter of the institutional framework and incentive structure. As discussed, money has not been the key problem for education in Colombia. Much more at issue are Bogotá’s human and social capital resources. The kind of private sector organisations in the *colegios en concesión* simply do not exist in any kind of critical mass outside the three major cities. The same applies to the availability of the kind of staff whom the SED has been able to attract. Then, too, the capital is a magnet for teachers themselves, in a way which also applies only to the regional centres and capitals.

At the same time as noting Bogotá’s advantages, it is only just – and important – to recognise the particular challenges it faces. Teaching costs are higher than elsewhere, as noted, and the social problems represented by a continually swelling, poor immigrant population are immense.<sup>50</sup> The armed conflict in the country exacerbates the situation. In the past, there was a general sense that the capital’s problems were intractable, given its size and complexity and, too, the apparently

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<sup>50</sup> As is to be expected, Bogotá makes a substantial net contribution to the rest of the country. [Look up figures]. Although this becomes a political issue in the usual electoral contexts, it is not something that is seriously contested in principle or practice.

entrenched political interests that governed it. Something along the lines of “if you can reform Bogotá then you can reform anywhere”, applied. Now commentators are more inclined to reflect on the advantages of Bogotá compared with the rest of the country: a telling sign of great progress which, in fact, took much effort to make. How far, then, might a better institutional framework go to prompting other departments and municipalities to follow Bogotá’s lead?

The new framework, Law 715, is probably as helpful as it could be. The present leadership of the Ministry has been in favour of decentralisation, curbing teachers’ costs, and, more fundamentally, has pressed for real gains in educational results. Thus, the legislative process leading to the passage of Law 715, in December 2001, saw a united front in the government, with the joint leadership of the Education and Finance Ministries and National Planning Department – a somewhat historic departure from the norm in itself. The power of Fecode, moreover, was considerably curbed by the national context. The principal, breakthrough struggle took place in June 2001 over the necessary enabling reforms of the Constitution, and it was one which the union lost, because it found itself virtually alone. This allowed for the decoupling of central transfers from current income by setting a ceiling on the total amount to be spent, and combining the *situado fiscal*, municipal share of income and FEC into a single fund. The key element in play was the sheer fiscal necessity of rationalising the system, together with mounting awareness that spiralling spending for worsening results was a situation which simply had to be reversed for the good of the country as a whole. The associations of governors and mayors lent their support to the reform as well, partly in the interests of stabilising their incomes and clarifying their responsibilities, partly simply because the current situation was no longer sustainable, nor, therefore, in their own political interests. At a time, too, when unemployment was reaching over 20 percent, public sympathy for teachers was rather thin – a fact of which Congress was no doubt quite aware. The government, then, was determined to take the opportunity of a reform of Law 60 (it was in fact annulled) to address the overall management and incentive structure of the education system. It got its way.

The key points which Law 715 achieved are as follows, in highly summarised fashion. Firstly, the Ministry has gained considerably greater control over the management of teachers, as indeed have the governors and mayors, under the oversight of the Ministry. Teaching posts may be suppressed and teachers moved on its orders. They may now also be moved between departments, subject to mutual agreement between the departments. Rationalisation goals for teachers can now be enforced. Enforcement, indeed, is a keynote of the new law. It applies also, for example, to establishing clear and accurate information from the departments and municipalities. There are carrots as well as sticks, inasmuch as the Ministry can offer funds for the evaluation of results (subject to local contributions of 20 percent), and there will also be a further central Fund for Education Services, also on a co-financing basis, to allow schools to make infrastructural improvements (a re-introduction of a previous system, but with tighter controls). Decentralisation is to be given a boost, with facilitation of certification (the assumption of control of funds and administration from the departments) for municipalities of over 100,000 inhabitants, and, for the first time, municipalities under that size may also apply. Also for the first time, a quite high degree of autonomy is being given to school heads, including in selection and management of teachers and school funds. They may, moreover, be demoted after two years of poor results, and will be subject to annual evaluation. Again, the essential thrust of the reform is more decentralisation, but with more central enforcement capacity. There is also



greater room for municipalities and departments to work with private sector service providers, though always with stipulations against rising costs.

On teachers' pay, the law is stringent. Here, the key issue is that financing of the system will shift from the present payment of the existing payroll, to payment per student. That is a fundamental gain in terms of ensuring the long-run rationalisation of costs. Moreover, the departments and municipalities are no longer able to create teaching posts whose costs would exceed the sums assigned to them in the new combined transfer system (called the *Sistema General de Participaciones*). Teachers' ascent on the career ladder will also be slowed, with enforcement of time periods for passing through each level. To further reinforce this, the departments and municipalities may assign only very limited funds to real increases in teachers' payroll costs: 1 percent per year over 2002-5 inclusive, and 1.25 percent over 2006-8. That represents half the amount of increases proposed in draft stages of the law; a further indication of the climate of austerity which has accompanied its passage. Finally, too, the *Estatuto Docente* itself is under fire. Decree powers have been invested in the President to reform it, with a commission being formed for that purpose to determine the new statute over six months, finishing in June 2002. Significantly, the new statute will be called the *Estatuto de Profesionalización Docente*.

What concrete improvements in the effectiveness of the education system this new framework will lead to are, of course, very difficult to predict. The national context of ever mounting armed conflict is something of a double-edged sword. Inevitably, the disruption in areas of conflict (ever growing) will impede much progress for as long as that conflict continues. In the country as a whole, however, the consciousness of the need to give greater opportunities to the nation's children, and particularly the poor among them, has almost certainly grown as the national situation has continued to worsen. These latest reforms certainly provide a structure for making efficiency gains in the system. Real quality gains, however, will remain a question of the political will of the local leaders in each department and municipality. A stronger Ministry of Education could be their ally. Bogotá, it is to be hoped, will continue to take the lead and provide the benchmark.

## **Concluding Remarks**

If Law 715, together with the standing institution of political decentralisation, succeed, over time, in shaping a process that attains that elusive goal of an effective education system, it will certainly be a case whereby Colombia has had to learn the hard way. On the other hand, given the forces in play and national political history, culture and context, that may well have been the only way possible. Put in other words, perhaps the very perverseness of the situation which evolved by 2001 may prove to be the best stimulus for achieving better educational results in the future. Up till now those results have been in the minds of all too few leaders, and certainly not enough to offset the overall national picture. Too often education reform has been seen as a means to other ends, namely political capital in the short-term, clientelist sense. One can only hope that now there may start to emerge a critical mass of leaders – at all levels – who take the broader view and see political capital as a resource to be gained by demonstration of results. A

great many Colombian children, at least, would be very grateful, even if they do not necessarily offer any great vote of thanks.