



COLOMBIA

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Overview

Analyzing the Colombian schooling system from the perspectives of school choice, system accountability and autonomy of institutions yields a simple yet challenging conclusion: SES of families and the public-private divide account for most of the variation across said perspectives. Let us begin with school choice in Colombia. Low income families are, for the most, completely restricted to public schools in their geographical vicinity, thus having little choice as to what kind of institution will educate their children. The range of choices grows in the middle class but it is not always related to increased quality. Higher SES families, instead, enjoy expanded opportunities that include second language education, specialized schools and high-standards scholastic programs such as the International Baccalaureate.

Likewise, school system accountability varies greatly depending on SES and the public or private nature of institutions. Whereas elite, high-SES schools -which are private in its entirety- ought to remain competitive in standardized tests in order to

preserve their status and reputation (an output-based accountability system), public schools rely on a solely input-based system; educational outcomes of any kind can be either seriously considered or plainly disregarded by public schools without significant consequences.

Autonomy of schools and the communities they serve is protected by law. However, most of the pedagogical innovation in Colombia has been led by private, high-SES schools; hence a high diversity of educational offer is available for high-SES households. Public schools are far more uniform and traditional, at least in urban areas. Rural public schools on the other hand, constitute a notable example of innovation in Colombia, due to the mass adoption of the widely known multi-grade program “Escuela Nueva Activa” (Active New School).¹

Heterogeneity in Colombian schooling system has thus created a sharp divide in educational outcomes between high-SES private urban schools and low-SES public urban and rural schools,² a difference which has been pervasive throughout Colombian history. This in turn has led to a quest for an overall increase in quality, especially in public schools. In that regard, and despite some progress in quality as measured by international test results, many challenges are yet to be overcome. Several national and international test results in reading and math show a disturbingly high percentage of pupils not reaching basic competency levels.³ The school system in Colombia can be said to have overcome just recently some access issues, reaching over 95 percent attendance rates for populations between 6 and 10 years old, and over 90 percent for populations between 11 and 14 years-old. Children 5 years old and less, or 15 or more, have lower attendance rates, 80.4 percent for the youngest group and just 74 percent for the early-teenager population.⁴

As is the case in other Latin American countries, the education system in Colombia has undergone significant changes, partially related to the enactment of a new constitution (1991). Most notably, the school system has experienced a significant administrative transformation since 2001, allowing a decrease in the size of the system, as measured by the number of schools, and an increase in its efficiency, as measured by average spending per pupil. However, there are conflicting views on this latter issue.⁵

This chapter will further examine the Colombian schooling system by first analyzing the structure of schooling and the legal framework supporting it, in order to discuss school choice related issues such as freedom to establish non-state schools, home schooling and the degree to which family income affects school choice. We will then examine the autonomy of educational institutions focusing on aspects such as the freedom schools have to define their own mission, and to select both staff and pupils. Thirdly, we will discuss school system accountability in the light of its relation to

quality. An additional reflection on the degree to which the teaching of values is influenced by state closes this chapter.

The structure of schooling

The school system in Colombia is made up of almost 14,000 schools, approximately two thirds of them public (9,235) and the rest (4,558) private. Regardless of their nature, all schools are controlled by 94 regional Secretariats of Education: 32 *departamentos* (departments), and 62 certified territorial entities which include every municipality with more than 100,000 inhabitants (or have obtained “certification” through the accomplishment of certain requisites, even though their population is below the 100,000 threshold). The Secretariats have control over enrolment of pupils, hiring of teachers, payroll of all school related personnel, pupil supplemental services such as health screening and nutrition and teacher professional development. These 94 “Certified Territorial Entities” (CTE) as they are called in the legislation, follow a common framework of policies, decrees, laws and academic regulations which are centralized in the Colombian Ministry of Education. The ministry authorizes and regulates funds transfers to the CTE, oversees its performance, and provides support regarding some state or nationwide recommended teacher professional development programs. The Ministry is also responsible for signing agreements with multilateral institutions such as the Inter American Development Bank, or the World Bank, irrespective of whether projects sponsored by such organizations are of local or national level.

By 2010, this school system served approximately eleven million pupils (10,996,272). The vast majority were enrolled in public schools (78 percent), with 22 percent attending either private, independent schools (17 percent), or private institutions that receive government subsidies (5percent).⁶ These eleven million pupils are taught by almost half a million teachers (451,723), more than two thirds of them women. 15 percent of the teachers in the system only reached a secondary education degree. The remaining 85 percent are distributed among 63 percent with undergraduate degrees and 22percent with graduate degrees.⁷ These teachers were trained by some 1,300 teacher training undergraduate programs nationwide, of which only six percent had a “high quality accreditation” by the National Council of Accreditation, which regulates higher education in Colombia.

The school system is comprised of one mandatory preschool year, nine mandatory years of “*basic*” education, (five in primary and four in secondary school), and two final, non-mandatory years of what is called “*educación media*” (intermediate education), that precedes higher education. Together, the 4 years of mandatory basic

secondary education along with the 2 of the intermediate education are called “*Bachillerato*” (Baccaulerate).

The legal framework

In 1991 a new constitution was adopted, in which education was defined as a fundamental right (Article 67; Colombian Const., 1991) and as a public service of social function. Three years after that National General Law 115 for Education (1994) was passed in the congress, regulating the general structure and operation of the whole educational system from preschool to higher education and from mainstream to minorities. The law also includes general guidelines about the rights and status of teachers, pupils and educational institutions, along with mandatory topics in school curricula, and goals for each of the education levels.

Although including detailed guidelines, the law establishes that schools enjoy distinctive character and have a certain degree of curricular autonomy within the bounds established by law.

The General Law of Education has been further elaborated by a number of national decrees, under the competence of the National Ministry of Education, including (a) further specifications of general topics related to the school system, and (b) updates and reforms on issues such as teacher statutory tenure and academic calendars.

As for the first kind of regulations (further specifications of general topics related to the school system), the first attempt to regulate several aspects of the national general law of education was National Decree 1860 (1994), enacted just six months after the general law, concerned with two main topics. The first is the structure of schools and schooling. By “structure” we mean the organization of grade levels and cycles (groupings of grade levels) educational institutions should have, the number of years of each education level, school governance, and the structure of the “Educational Institutional Project” (*Proyecto Educativo Institucional, PEI*, by its Spanish acronym), a compendium of strategic planning, pedagogical, sociological and organizational guidelines for schools.

The second topic in the decree is the guidelines to operate in the aforementioned “structure”: what kind of goals should be set for each level or cycle, national curriculum standards, and evaluation and criteria for passing or failing grade levels.

While the structure of schooling, the first topic of Decree 1860, has remained almost unchanged since its enactment, rules regarding the operation of schooling, the second

topic in the decree, have been further developed and discussed since its early days. Particularly, curricular regulations have been made and remade since the late 1990's and up until now. These regulations, although not having the character of law, can be seen as further developments of law 115, as the law itself established that there would be further regulations understood as integral to it. However, the actual use of these regulations, which include national curriculum standards, is not clear in the educational community. The fact that these standards are not used either for mandatory nation-wide evaluations or actual curriculum design in schools poses doubts about its actual reach.

Other aspects of the "operation side" of Decree 1860 have been addressed more formally. Evaluation of pupils and particularly, criteria for passing or failing a given grade level, has been a central topic in Colombian legislation. Recently derogated National Decree 230 (2002) is an archetypal example. The decree created an ad-hoc school body called "commission of evaluation and promotion" including up to three teachers, a representative from the school families, and the principal of the school. This commission was to decide on the passing or failing of each individual pupil in school, and to determine which pupils were not to be promoted. The decree established that no matter which conclusions the commission reached, the proportion of pupils that could fail a given academic year was 5 percent at most. The decree defined an era, from its enactment in 2002 up to its replacement in 2009 by national Decree 1290, when it was almost impossible for a pupil in the public school system to fail a year and be held back.

Apart from these further regulations of law 115, both in the form of decrees or other lower status regulations, the legal framework for schooling in Colombia includes some updates and reforms to issues such as pupil calendars (the duration of school years, mandatory periods of vacation, mandatory numbers of schooling hours) and teacher statutory tenure. In this last regard, National Decree 2277 (1979), which regulated the teaching profession, was changed in 2002 by National Decree 1278 (2002). Although this reform was challenged as unconstitutional, the Constitutional Court deemed the decree constitutional. One important aspect of this new decree is that it allows professionals other than those specifically trained to enter the teaching profession. This opened the door for programs such as *Enseña por Colombia*, a program which recruits outstanding professionals to become public school teachers for the first two years of their career; this same idea underlies Teach for America, a pioneer program which started in the United States in 1990.

Private schools in Colombia must comply with national regulations regarding schooling. However, they are also subject to local regulations of each of the 94 certified territorial entities. Traditionally these regulations are of administrative nature and do not interfere with superseding regulations such as national decrees or Laws. For example, local regulations establish minimum areas for classrooms or

playground areas for schools, based on pupil numbers, which may vary across the nation; modifications in school calendars due to local environmental or public order conditions; and administrative procedures for payroll.

Freedom to establish non-state schools

As discussed above, most education in Colombia is provided by public schools managed at the regional level, but there is a substantial percentage of pupils who attend private institutions. It is the purpose of this section to discuss the framework within which non-state schools may be established.

It is important to note that the Colombian legislation allows for non-state schools to become providers of the education at the public level. This structure is primarily directed to compensate for the lack of public-school slots in certain areas of the country. The government is thus compelled to hire the services of private schools that will enroll pupils from the public sector in exchange for a payment issued by the regional authorities. This mechanism is known as *convenios*. A second variation of non-state schools providing public-level education is the so-called *concession* schools that essentially follow the structure of charter schools in the US. In this case, the motivation is not one of access, but rather one of quality: the government appoints private providers, via a bidding process, to administer schools with a significant degree of freedom in exchange for the payment of a fixed per-pupil amount. This framework remains very small in scale, and has become a very contentious issue, in spite of significant evidence of increased quality.⁸

Amongst non-state schools, both *convenios* and *concessions* are subject to the highest degree of government regulation. For example, *concession* schools must be administered by not-for-profit organizations of proven record in the education sector, in some cases religious organizations; they are bound by stringent regulations of financial management, as well as hiring procedures. While they are allowed to hire professionals who have not followed the traditional track to become a public teacher, they must comply with strict quotas of licensed teachers on their staff.

On the other hand, schools that operate under the *convenio* framework enjoy significantly higher levels of autonomy. These can be established under for-profit entities and have full independence in the process of hiring and firing. They must, however, apply to become part of the *banco de oferentes*, a pool of private schools that have gone through a relatively simple process in order to become eligible to enroll pupils from the public system and receive government payment in exchange. Most of these schools cater to a pupil body with a combination of private pupils whose

families pay tuition and public pupils whose tuition is paid to the school by local government.

Aside from *convenios* and *concessions*, there are also a significant number of private schools that have no relation whatsoever with the public education sector. These private, independent schools cater mostly to middle and upper class pupils whose families have decided to opt out of the public education system. While there is huge variance in the quality of these private schools, almost all of the top performing schools (top one percent) in Colombia, are high-SES, private schools. The standing of these schools as top performers is determined by the results its pupils attain in a nation-wide, mandatory scholastic test which every pupil must take in his final year of secondary school, called “Saber 11”. Out of the approximately 14,000 schools in Colombia, 12,273 which offer the last year of secondary education went through this testing in 2011.⁹ The national testing agency (ICFES) releases data which allows only simple average comparisons of school performance, disregarding school sample sizes and the relative performance ranking of pupils (“puesto”).¹⁰ The agency however, releases data which is used in journalistic reports,¹¹ which attest to the wide differences between private and public sector schools in Saber 11 test: only 19 public schools rank among the top 500 performers.

However, a study on the efficiency of school education in Colombia shows that these wide differences in performance between high-SES private and low-SES private schools can be explained by more favorable socioeconomic conditions of the families and communities they serve. Even most, when these context conditions are removed from consideration, efficiency levels of private and public schools are not very different.¹² This interesting result highlights the importance of families, communities and the general environment of pupils in school achievement.

Private, independent schools enjoy great freedom in almost every aspect of their operations. They can be incorporated as for-profit or not-for-profit organizations, they can freely establish structures to hire and fire staff, and are not required to hire licensed teachers. Private schools are also entitled to establish their own curriculums, benchmarks and standards, if only making sure to abide by very general countrywide specifications such as those regarded in the general law of education. (e.g the provision of sex education, environmental education, Afro-Colombian studies, etc.). This freedom has allowed for the existence of a very diverse offer of private schools. From religious to secular, from arts to technology focused, from grade-structured to personalized approaches. While a strong history of Catholic tradition and a special diplomatic agreement between the Colombian and Vatican governments which lasted from 1887 to 1995 has led to a significant number of Catholic schools, currently there is no legal provision that favors these institutions or any other confessional institutions over secular schools. The degree of autonomy enjoyed by private schools regarding their distinctive character has allowed these institutions to become the

leading pedagogical innovators: almost every innovative school, either past or present, is or was private.

Perhaps the most significant regulation to which these schools are subject relates to the amounts that can be charged as tuition. National Decree 2253(1995) established a mechanism whereby schools could determine the maximum amounts that could be charged to families, as well as the yearly increases in price. Depending on a series of criteria, schools can be classified in one of three levels of freedom: *Controlada* (controlled), *Vigilada* (supervised), *Regulada* (regulated). Belonging to either of these classifications will entail a higher or lesser degree of independence in determining and making yearly increases in tuition. Notably, none of the criteria that are used to determine the classification of the schools in any of the three levels of freedom is related to quality. It relies, instead in input-based indicators such as square meters per pupil and teacher-pupil ratio.

Homeschooling

The issue of home schooling in Colombia is far from being a mainstream topic of interest for educational authorities. Occasionally, however, press reports document isolated histories of families that for one reason or another have decided to take education into their own hands. There is an incipient level of organization for the home-schooling community in Colombia. Home schooling is not even a legally recognized issue in Colombian legislation; as such it is nor forbidden nor encouraged; it is just ignored. If parents decide to take the option of home schooling, they are not required to inform authorities, nor do their activities receive any kind of supervision. A joint research group of the main Colombian Public University, National University of Colombia and Oviedo University in Spain have been conducting an investigation about “Education without schools” in Colombia, for which they are asking families to complete a 100-question survey. The number of families involved is uncertain.

Home-schooled children can remain completely outside schooling, even if they decide to enter the higher education system. In order to do that, pupils must take a nation-wide state scholastic test (Saber 11) which is a prerequisite for entering higher education, as it grants the title of *Bachiller* (“Bachellor”). This test is administered by a national government agency. In order to register for the test, pupils are not required to be enrolled in any educational institution. If their result matches the admission requirements of the higher education institution of their choice, they could be admitted and hence have skipped formal schooling in its entirety.

Pupils of any age or grade level can level-up with formal schooling if they have been out of the system for any reason. This is done via a special process called *validación*

(“validation”), which would allow them to skip any given grade level provided that they pass a special government examination test. Then they would be able to enter the next corresponding grade level. Public and private institutions offer validation programs that also allow pupils to take two or more grade levels in a given school year. Validation is recognized by the law as a special variety of formal schooling. Although designed to be an entrance mechanism to formal education for children left out of the school system for reasons as varied as forced displacement due to armed conflict, extreme rural isolation, the repeated failure of a grade level in the private school system, or any other exceptional circumstance, validation is an entry mechanism that could also be used by home-schooled children. National Decree 2832 (2005) establishes regulations for this process.

School choice not limited by family income

The schooling system in Colombia is characteristically segregated. In spite of significant efforts by the government to guarantee universal access to public education, the differences in quality between public and private schooling remain extreme. While the focus of the public agenda has largely shifted from access to quality, the reality for most pupils remains one in which family income is the strongest predictor for the type of school that a pupil will attend, and hence the quality of the education the pupil will receive.

As a consequence of the above, there is a very limited range of options for parents in school choice not determined by family income. Practically all pupils from lower socio-economic backgrounds or who live in rural areas attend public schools in the region where they live. The two exceptions to this rule were discussed above, and relate to schools that operate under the *concession* and *convenio* structures. While these mechanisms result in pupils attending *non-state* schools, the process to admission does not imply school choice on the part of families. School choice is limited to private schools that serve pupils whose families can afford to pay tuition and other costs.

The strong correlation between school choice and family income has also yielded a significant heterogeneity in the supply of private schools. Sending their children to private school remains an aspirational goal for families, who tend to opt out of public education as soon as their disposable income allows them to do so. This phenomenon is very common in the lower middle and middle class and almost universal in the upper and upper middle class. As a result, private schools cater to each of these layers, resulting in very diverse levels of quality, infrastructure, and, unsurprisingly, price. While, on average, private schools outperform their public counterparts in what relates to quality, there are a significant number of private institutions that perform at similar and even lower levels of quality than the average public schools. Predictably, these schools typically serve families that belong to the lower middle class.

In order to understand how public and private schools are distributed across socioeconomic levels in society, it is worth mentioning how socioeconomic classification works in Colombia. For the purpose of equitably charging public utilities rates, the government has classified households and public and private facilities of every kind into six socioeconomic “strata”. The lower income strata are charged less for public utilities, which are in turn subsidized by increased charges to their higher strata counterparts. Socioeconomic strata are defined in terms of physical characteristics of households, availability of transportation, and the overall quality of their surroundings. With these criteria, six socioeconomic strata have been defined in Colombia (National decree 196, 1989): Lower-low (I), Low (II), Middle-low (III), Middle (IV), Middle-high (V) and High (VI). When looking at school strata, the existence of socio-economic segregation is evident: 80 percent of low stratum schools are public, while more than 95 percent of high stratum schools are private. In the middle class (middle low, middle and middle high - strata III, IV and V-) more than 80 percent of schools are private.¹³ If middle class families choose to send their children to middle strata schools, they could increase their degree of choice using the private school offer. However, given the limited offer of public education for middle- low income families, this increased choice turns into a particularly heavy economic burden for a population segment which would still require some government attention. On the other hand, stratum 2 (low income families) have a nearly balanced offer of public and private schools (60 percent – 40 percent) approximately.

The Colombian government has taken some measures in the past to increase school choice freedom of families in need. Notably, the government did have a school voucher program for nearly a decade. The Plan for the Expansion of Access in Secondary Education or PACES for its Spanish acronym (*Programa de Ampliación de Cobertura de la Educación Secundaria*), sought to improve access for secondary education by taking advantage of the surplus in private education supply, which contrasted with a dramatic deficit in public capacity during the early nineties. This initiative became one of the largest voucher programs ever implemented in the world. By 1997, 125,000 vouchers had been awarded to pupils from low socio-economic backgrounds.¹⁴

While the primary goal of PACES was related to access, it represented a clear example of school choice and its effects went far beyond access. It remains a widely studied case on the effectiveness of school voucher policies.

Under PACES, rising sixth graders could apply to the lottery provided that they could (a) demonstrate –via public utilities receipts- that they belonged to low SES, (b) had already been admitted to a participating private school and (c) were under 15 years old. Roughly 40 percent of the private schools in the 10 largest cities in Colombia accepted vouchers – most elite private schools opted out-, which provided expanded school choice for low SES families. Research has shown that winners of the lottery “completed more years of school

and had lower grade repetition, higher test scores, and a lower probability of working than did losers.”¹⁵

While the value of the vouchers was initially designed to cover the full costs of tuition – hence providing an unbiased option to participating families–, as the program evolved through the years, the vouchers rarely kept up with increases in tuition, which implied that most recipient families had to supplement the voucher with their own private resources.¹⁶

PACES remains the most salient example of a school choice policy implemented in Colombia, even though its *raison d'être* was the expansion of access, rather than quality, or choice itself. Despite its positive results, the program fell victim of political tensions between the teachers' union and the government. Legal and management issues also became a challenge, which resulted in payments delay that became unsustainable for schools.¹⁷ The program ceased to be a central government strategy in 1998,¹⁸ and as the government expanded its own school infrastructure and was able to achieve universal access, the relevance of PACES slowly eroded.

School distinctiveness protected by law and policy

Distinctive character

The specific and even contextual nature of the PEI, which is the source of distinctiveness for each school in the country, is both encouraged and limited by the national general law of education and the national Decree 1860. On the positive side, schools are granted autonomy regarding curriculum. This autonomy is stated in article 77 of the national general law and allows institutions: “...to organize the fundamental areas of knowledge defined for each educational level, to introduce new optional courses, to adapt certain subject areas to regional needs and characteristics, and the use of particular teaching methods...” (Law 115).

The same law, however, opens the way for limitations on this autonomy by two different means. The first is a paragraph in article 77, stating that Secretariats of Education are responsible for advising educational institutions in their jurisdiction regarding curriculum design. In the case of large and influential Secretariats of Education such as that of Bogota, during the last 8 years the relationship between local and national regulations has been unclear.¹⁹

The second limitation on autonomy is article 78 of the law, which states that the Ministry of Education will design “general guidelines of curricular processes, and will establish achievement indicators for each grade level of formal education”. Although this actually

never happened, the ministry of education has undertaken several initiatives of curriculum regulation in the past 12 years. These initiatives begun with resolution 2343 of 1996, which extensively defined curricular goals for the 8 to 13 mandatory curriculum areas in each educational cycle (a couple of grade levels) in schooling. The following project on curriculum regulation was a set of “curricular guidelines”, a 12 booklet series which presented pedagogical and theoretical considerations for curricular areas, released in 1998. These guidelines led to four booklets which define national curricular standards for mathematics, sciences, language and citizenship, released in 2006. The role of these standards as curricular guidelines for schools is unclear: how they should be “observed” is left undefined. There are no nation-wide pupil evaluations which are clearly based on these standards

This uncertainty has had widely different effects among public and private schools. While the most highly regarded pedagogical innovations in Colombia have been private, curricular autonomy in public schools is rarely attained; for the most part, their PEIs are built around a set of commonplaces, and their curriculum, even in newly established institutions, ends up being highly traditional.

Decisions about admitting pupils

As with most of the characteristics of the schooling system in Colombia, the public-private divide determines the differences in policies for pupil admission.

Private, independent schools enjoy a significantly higher level of freedom when establishing criteria for admission.

For the public system, the framework for admission rests largely on two constitutional mandates: The fundamental right to equality and the fundamental right to the free development of character. These two precepts, contained in articles 13 and 16 of the national constitution, have dominated school legislation and court rulings in relation to admission –and expulsion- of pupils from schools. As a result, public schools follow a general rule of equality, where all pupils have the right to be admitted irrespective of their race, religion, gender or intellectual ability. Public schools in Colombia are co-ed, secular and non-tracking. The obvious benefits of this rule nevertheless limits school distinctiveness.

While there has been some political pressure – especially in large cities – to establish public magnet schools with the aim of countering the pervasiveness of low quality in public schools, the legal framework of the schooling system makes it difficult to allow for such initiatives to be effectively implemented.

Private schools, on the other hand, are allowed to extend the reach of their distinctiveness into corresponding admissions policies. It is not uncommon to find private schools that are single-sex, religiously affiliated, that cater to academically gifted pupils or to pupils with special needs, and even those that admit pupils based on nationality. This characteristic of private schooling has favored the existence of highly selective private schools that can be found both at elite schools serving affluent families and at those that cater to middle class pupils.

That said, even private schools are bound by the constitutional principles of equality and free development of character, primarily in relation to decisions involving pupil expulsions. An abundant body of court rulings has established the boundaries within which private schools are allowed to expel their pupils. Motivations that were common and acceptable less than two decades ago (teen pregnancy, sexual orientation, personal appearance) have been ruled out as legitimate motivations for expulsion.

Both at the public and private levels, families can make use of the constitutional mechanism of *Tutela* – an expedited judicial action aimed to protect fundamental rights – when they feel that their children’s admission to or continuance in a school is jeopardized by a policy or decision affecting their fundamental rights to equality and the free development of character. Thousands of these actions are brought to court every year.

Decisions about staff

As in many other aspects of the Colombian education system, there are notorious differences between public and private sectors in staff management. Public sector hiring of teachers is a highly regulated government process which, in accordance with the Constitution, cannot exhibit any sort of discrimination. The process is under the management of a national government agency called *Comisión Nacional del Servicio Civil* (National Commission of Civil Service, CNSC by its Spanish acronym). This agency regulates hiring for all public jobs in the Colombian government in all of its branches: health, justice, education, etc.

What CNSC does in the case of teacher staff is to determine which persons are eligible to occupy a teaching position. The agency does so by a merit competition which is aimed at producing lists of eligible people (*lista de elegibles*) for each of the 94 Secretariats of Education. The process by which a person applies for a teaching position and consequently gets included on an eligible list can take as long as two years.

The general framework for public service in education is regulated by national Decree 1278 of 2002, which establishes the statutory tenure requirements and conditions for public teaching in Colombia. Decree 1278 specifically states the requisites, conditions and steps that the merit competition by which public teaching positions are assigned should follow, along with rights, duties, and other considerations regarding public teachers in Colombia. Significantly, the decree allows the entrance of professionals other than teachers to the teaching profession.

The process of hiring public teachers can be said to rely entirely upon formal qualifications, and does not take into account a possible fit between candidates and schools. The reason for this is that teachers apply for a teaching position, so teachers select which schools they want to work in, and not the reverse: public schools have absolutely no control about which teachers they hire.

In the private sector the situation is very different: there is no state regulation regarding hiring of teachers. The absence of regulations creates a very heterogeneous pool of potential teacher applicants. Their quality positively correlates with school SES: the higher the SES, the better the teachers and vice versa. Entry requirements vary accordingly: while high-SES, bilingual schools may not even consider candidates without graduate studies specific to the teaching of their subject areas, other schools can hire professionals with no knowledge or experience whatsoever in teaching matters.

The most organized and more well-established private schools can select their teachers on the basis of religious or philosophical agreement with the mission of the school; these selection processes are not subject to any government or other regulations. Legal requirements of non-discrimination by race, beliefs, gender or any other criteria are hence almost impossible to enforce. In this regard, private schools enjoy near absolute freedom as to whom they hire for a teaching position. Private operators of public education, *convenios* and *concesiones*, have autonomy to hire and fire personnel based on internal performance evaluations.

Accountability for school quality

It has been noted previously that the biggest challenge to the Colombian schooling system remains improving its quality. Beyond documented inequalities between the private and public education systems, the nation as a whole remains one of the bottom performers in international standardized tests. The most recent available

benchmark is the PISA 2009 examination, where pupils from 65 participating countries were measured in reading, mathematics and science scales. Colombia was ranked 52 and scored statistically significantly below average on all evaluated areas. The results of this evaluation are not isolated; the performance of Colombian pupils in earlier PISA evaluations, as well as in other examinations such as TIMSS and PIRLS, are consistent with the PISA 2009 results.

It is thus not surprising to find that the schooling system in Colombia has little focus on quality-based accountability. As a matter of fact there are very few mechanisms of accountability whatsoever (even those that do not relate to quality). A complex history of education policy development has favored a system that orbits around the highly unionized teacher profession. This reality has yielded a schooling system that – as in many Latin American Countries – remains unfavorable for most forms of accountability and even more so those that rely on quality measures.²⁰

One of the primary obstacles for quality-based accountability in Colombia is the absence of a favorable ecosystem of standards, test taking policies and information systems. Even if the country were to adopt the very contentious policy of high-stakes testing, it would find itself with no tools whatsoever to implement such an effort. The Colombian testing service is directed by ICFES, responsible for designing and administering standardized tests at the primary, secondary and higher education levels. However, at the school level, there are only 3 tests available during the entire school-life of a pupil. The SABER exam is administered at grades 5, 9 and 11. However, several characteristics of the testing undermine this standard's ability to become an input for quality-based accountability:

- At grades 5 and 9 the test is sample-based: This means that only a sample of the pupil population at such grades is tested. While the sample is representative of the population, it fails to provide information about every pupil. Only 11th grade pupils are assessed with a census methodology. A consequence of this is that many pupils will only be tested once, and in very exceptional cases, three times during their entire school life,
- At grades 5 and 9 results are not individualized: Although individual identifiable pupils take the test, the results are only released as statistical averages of performance. This allows, at the most, assessing school-level performance on the random years when a given school forms part of the sample. The general use of the tests, however, is to provide system-level information that will allow interpreting national or regional performance results.

- The tests do not follow cohort progress: Because the tests are not administered every year to every pupil in the corresponding grade, they do not provide information that can be used to track the academic progress of pupil cohorts.

In sum, the assessment tools that the school system relies on lack the necessary characteristics –both in design and implementation techniques-, to serve as reliable sources of data for quality-based accountability. As a result, the very limited mechanisms of accountability are primarily input based and, again, have very little implications for teachers or administrators. As with most of the system characteristics, these limited expressions of accountability vary depending on the public or private nature of schools.

At the public level, most accountability is based on the fact that teachers and administrators are considered public servants and as such are subject to the regulations of the public profession. However, the teaching profession is largely seniority-based and quickly grants tenure to teachers and administrators. Most of the responsibilities to which school administrators can be held accountable relate to the fulfillment of bureaucratic requirements and the submission of input- based reports. There are, however, no legal provisions that allow the dismissal or other disciplinary actions of teachers or administrators based on their pupils’ performance. However, the new tenure statutory regulations enacted in decree 1278 (2002) constitute an important advance regarding teacher accountability, as the approval of qualifying tests is a condition for teachers’ promotion in the tenure track, and better performing teachers receive economic stimulus.

In private schooling, the few expressions of accountability are primarily reliant on input-based indicators. Schools submit a yearly self-evaluation report that focuses on indicators such as teacher-pupil ratios, square meters of space per pupil, qualifications of staff, educational resources, etc. As discussed in section 3, above, this evaluation yields a score that grants schools three distinct levels of freedom or autonomy -*Controlada* (controlled), *Vigilada* (supervised) or *Regulada* (regulated). These degrees of autonomy, regulated in Decree 2253, have effect on the schools’ ability to determine yearly increases on their tuition. There are no outcome-based criteria included in this self-evaluation report. More recently, private schools that are quality certified or accredited by international organizations (such as the European Foundation for Quality Management EFQM or the International Standardization Organization ISO) experience a “bonus” in the percentage points that they can increase in the yearly cost of tuition. Likewise, being ranked at the highest (*muy superior*) level at the grade 11 SABER test also yields bonus percentage points to the

maximum yearly increments in the cost of tuition.

Teaching of values

Colombia is a secular state and as such does not prescribe a particular set of moral values to be taught in public schools. However, ethics and human values, religion and the national constitution, are amongst the mandatory subjects to be taught in schools in Colombia according to the general law of education. The Ministry of Education has implemented several strategies to respond to these requirements.

In regard to ethics and values, the Ministry produced in 1998 a twelve-booklet series on curricular guidelines which included a volume on ethics and values education, and another volume on the study of the national constitution. These booklets presented theoretical considerations about what education in values should be. By 2004 this latter considerations were even disregarded or not further developed, and instead the creation of a set of national curriculum standards in citizenship was underway. By 2006 the last version of the standards was released to the public. These standards are designed by groups of grade levels (from 1st to 3rd for example), and have a significant focus on the improvement of relating with each other in peaceful ways (*convivencia*: as living in community, coexistence) and peaceful conflict resolution. Some criticism that has been raised about an excessive idealism underlying the foundations of these standards;²¹ nonetheless these standards have been the dominant and current perspective on issues related to morals and ethics in the country since 2004.

Citizenship competence standards have also served as basis for designing tests, that although not national in nature, have involved statistically robust samples of pupils of different grade levels. Ongoing changes in standards dating from 2003 have rendered some results of the different tests not comparable. For some years, the national testing agency has been working with IEA as an advising body, and Colombia was involved in the 2009 international comparative civics study.

Besides these citizenship competencies standards, there are no further government regulations regarding ethics and values. According to the autonomy schools enjoy by law, and in accordance to their individual PEIs, schools are free to adhere to any confession or set of values they choose. In this regard, Catholic Church enjoyed special level of influence in several state matters, particularly regarding education and morals education since colonial times. Additionally, a special diplomatic agreement between Colombia and the Vatican state known as *El Concordato* was signed in 1887, and then renewed and reformed in 1973.²² However, as a result of changes derived from the new national constitution of Colombia, enacted in 1991, Colombia was declared a secular state. This ended the official recognition of the dominant position of the Catholic Church in regard to morals education. The Concordat was derogated after a Constitutional Court ruling in 1995 and following the regulation of the right to religious freedom by law 133 of 1994.

Religious education was sued, unsuccessfully, as unconstitutional in 1994; the constitutional court ruled that pupils were free to either take the religious education of their preference or refuse. National Decree 4500 of 2006, however, introduced further regulations in this matter, and established religious education as mandatory for all pupils, and its evaluation like any other academic subject. Religious education addressed in this decree is not bound to any particular set of beliefs.

There are no ideologies or sets of values whose teaching is explicitly forbidden in Colombian legislation; denial of the Holocaust and other “hate crimes” do not exist in Colombian law, but legislative projects addressing racism and related issues are known to be underway.

Endnotes

¹ McEwan, 2001.

² ICFES, 2011a; Nuñez, Steiner, Cadena, Pardo, 2002.

³ World Bank, 2008; PREAL, 2006.

⁴ MEN, 2010a.

⁵ Piñeros, 2010.

⁶ DANE, 2010a.

⁷ DANE 2010b.

⁸ Barrera-Osorio 2010; Bonilla, 2011.

⁹ ICFES, 2011b.

¹⁰ ICFES 2010.

¹¹ Dinero, 2011.

¹² Iregui, 2006

¹³ MEN, 2012b

¹⁴ Angrist et al, 2006.

¹⁵ Angrist et al, 2006.

¹⁶ Angrist et al, 2006.

¹⁷ Calderon, 1996

¹⁸ Saavedra, 2011

¹⁹ Mahecha, Borda, 2009.

²⁰ Corvalán and McMeekin, 2006.

²¹ Mejía, Perafán, 2006.

²² Martín, 1973.

References

Angrist, J., Bettinger, E. y Kremer, M., (2006). “Long-Term Educational Consequences of Secondary School Vouchers: Evidence from Administrative Records in Colombia”. *American Economic Review*, Vol. 96, No. 3, 847-862.

Barrera-Osorio (2010). The impact of Private Provision of Public Education: Empirical Evidence from Bogotá’s Concession Schools. World Bank Policy Research Working Paper 4121. Retrieved at: <http://ddp-ext.worldbank.org/EdStats/COLimp07.pdf>

Bonilla, J.D. (2011). Longer Term Educational Consequences of Contracting Out Public Schools: Evidence From Administrative Records in Colombia. Retrieved at: <http://www.depeco.econo.unlp.edu.ar/cedlas/ien/pdfs/meeting2011/papers/Bonilla.pdf>

Calderón, A. (1996). Voucher Program for Secondary Schools: The Colombian Experience. Human Capital Working Papers. WorldBank. Retrieved at: http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/1996/05/01/000009265_3970619110741/Rendered/PDF/multi_page.pdf

Colombian Constitution, 1991, Art 67. Retrieved at: http://www.secretariasenado.gov.co/senado/basedoc/cp/constitucion_politica_1991_pro02.html

Corvalán, J. y McMeekin, R. (editores) (2006). Accountability educacional: posibilidades y desafíos para América Latina a partir de la experiencia internacional. Santiago de Chile: PREAL. Retrieved at: <http://www.rinace.net/biblio/Accountabilitypercent20Corvalan.pdf>

DANE (2010a). Formal Education Statistics for year 2010. Retrieved at http://www.dane.gov.co/files/investigaciones/educacion/educacion_formal/EFormal_alumnos_sector_2010.xls

DANE (2010b). Formal Education Statistics for year 2010. Retrieved at http://www.dane.gov.co/files/investigaciones/educacion/educacion_formal/EFormal_establecimientos_Sector_2010.xls

Dinero (2011). Los mejores colegios de 2011. <http://www.dinero.com/edicion-impresa/caratula/articulo/los-mejores-colegios-2011/139064>

ICFES (2010). Examen de Estado de la educación media – ICFES SABER 11°. Qué se evalúa. Cómo se interpretan los resultados individuales. Bogotá. Pp 57. Retrieved at: http://www.icfes.gov.co/index.php?option=com_docman&task=docview&gid=3348&Itemid=59

ICFES (2011a). Examen de estado de la educación media. Resultados del periodo 2005-2010. Bogotá. Pp 49, 50. http://www.icfes.gov.co/index.php?option=com_docman&task=docview&gid=4435&Itemid=59

ICFES (2011b). Resultados de los establecimientos educativos en las pruebas saber 11°, 2011. http://www.icfes.gov.co/index.php?option=com_content&task=view&id=709&Itemid=990

Iregui, A.M., Melo, L., Ramos, J. (2006). Evaluación y análisis de la eficiencia de la educación en Colombia. Banco de la República, Bogotá, Colombia. Retrieved at: <http://siteresources.worldbank.org/PSGLP/Resources/MeloBecerra.pdf>

Mahecha, J., Borda, S. 2009. Autonomía curricular en los colegios: contradicciones entre teoría y práctica. In *Educación para el siglo XXI, aportes del Centro de Investigación y Formación CIFE, 2001 – 2008*.

Retrieved at: <http://otroblogsobreeducacion.blogspot.com/p/archivos-y-vinculos.html>

Martin-Sánchez, I. (1973). El nuevo Concordato entre la Santa Sede y La República de Colombia. *Revista de estudios políticos*, No. 192, Pp. 165-186.

McEwan, P.J., Benveniste, L. (2001). The politics of rural school reform: Escuela Nueva in Colombia, *Journal of Education Policy*, 16:6, 547-559.

Mejía, A., Perafán, B. (2006). Para acercarse al dragón, para amansarlo, es necesario haberlo amansado primero: una mirada crítica a las competencias ciudadanas. *Revista de Estudios Sociales*, 23, Pp23 - 35.

MEN (2010a). *Revolución Educativa 2002-2010. Acciones y lecciones*. Ministerio Nacional de Educación, República de Colombia. Bogotá. Pp 94 http://www.mineducacion.gov.co/1621/articles-241342_memorias_RE.pdf

http://www.mineducacion.gov.co/1621/articles-241342_memorias_RE.pdf

MEN (2010b). *Revolución Educativa 2002-2010. Acciones y lecciones*. Ministerio Nacional de Educación, República de Colombia. Bogotá. Pp 87. http://www.mineducacion.gov.co/1621/articles-241342_memorias_RE.pdf

MEN (2012a). National system of Information for Higher education SNIES. Retrieved

query: <http://snies.mineduacion.gov.co/ConsultaSnies/ConsultaSnies/consultarInfoProgramasAcademicos.jsp?metodologia=&nombreIes=&codProg=&nivelFormacion=06&id=&programa=&condicionCalidad=03&area=3&NBC=313&codIes=&municipio=&6578706f7274=1&departamento=&Submit=Buscar+programa&d-49781-e=2&departamentoL=&nivel=>

MEN (2012b). National system of Information for Midel and Basic Education “Buscando Colegio”. Retrived at: <http://www.mineduacion.gov.co/buscandocolegio/>

National Decree 196 (1989). Retrieved at: http://www.minambiente.gov.co/documentos/dec_0196_260189.pdf

National Decree 1278 (2002). Retrieved at: <http://www.mineduacion.gov.co/1621/article-86102.html>

National Decree 1860 (1994). Retrieved at: <http://www.mineduacion.gov.co/1621/article-86240.html>

National Decree 2253 (1995). Retrieved at: <http://www.mineduacion.gov.co/1621/article-104515.html>

National Decree 2277 (1979). Retrieved at: <http://www.mineduacion.gov.co/1621/article-103879.html>

National Decree 230 (2002). Retrieved at: <http://www.mineduacion.gov.co/1621/article-103106.html>

National Decree 2832 (2005). Retrieved at: <http://www.mineduacion.gov.co/1621/article-103106.html>

National General Law of Education 115 (1994). Retrieved at: <http://www.mineduacion.gov.co/1621/article-85906.html>

National Resolution 2343 (1996). Retrieved at: <http://www.ired.org/cmapserver/servlet/SBReadResourceServlet?rid=1H1GLZZ2D-N2696B-1CR>

Núñez, J., Steiner, R., Cadena, X., Pardo, R. (2002) ¿Cuáles colegios ofrecen mejor educación en Colombia?. Bogotá. Universidad de Los Andes, Documetos

CEDE.

http://economia.uniandes.edu.co/investigaciones_y_publicaciones/

[CEDE/Publicaciones/documentos_cede/2002/cuales colegios ofrecen mejor educacion en colombia](#)

OECD (2010), PISA 2009 Results: What Pupils Know and Can Do – Pupil Performance in Reading, Mathematics and Science (Volume I) <http://dx.doi.org/10.1787/9789264091450-en>

Piñeros, L.J. (2010). “Una Mirada a las cifras de la educación en Colombia 2002 – 2009”. Educación Compromiso de Todos. Bogotá. <http://www.educacioncompromisodetodos.org/ect2/index.php/publicaciones/74-2010-una-mirada-a-las-cifras>

PREAL (2006). Hay avances pero quedan desafíos. Informe de progreso educativo Colombia. Bogotá. <http://www.preal.org/Archivos/Bajar.asp?Carpeta=Prealpercent20Publicaciones\Informespercent20depercent20Progresopercent20Educativo\Informespercent20Nacionales&Archivo=RCpercent20Colombiappercent202006.pdf>

Saavedra, J.E., Bettinger, E., Kremer, M., Kugler, M. Efectos de largo plazo de las Becas PACES para la Educación Secundaria privada en Colombia. Notas de Política, Universidad de Los andes, Bogotá, Colombia. Retrieved at: http://gobierno.uniandes.edu.co/Publicaciones/Notaspercent20depercent20Politica/notas_de_politica10_internet.pdf

World Bank (2008). “The Quality of education in Colombia. An analysis and Options for a Policy Agenda” (Report No 43906-CO). Washington D.C. [http:// ddp-ext.worldbank.org/EdStats/COLstu08.pdf](http://ddp-ext.worldbank.org/EdStats/COLstu08.pdf)