

A reflection

Teachers Contracts 2009

El sistema de selección de docentes debería respetar el derecho de éstos a tener un empleo digno que le permita desplegar sus capacidades, y, a los alumnos, ejercer el derecho a aprender en su idioma materno de acuerdo con la diversidad cultural. En este artículo se reflexiona acerca de cómo el contrato oportuno del docente reivindica que los estudiantes tengan la oportunidad de contar con un profesor en su primer día de clase, para garantizar su acceso al conocimiento.

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I must begin this reflection emphasizing a better order, a bigger clarity and a speed that has characterized the recruiting process of teachers for public schools this year, which allowed them to overcome the excessive delay in the call for the written test for their selection. The awarding of the positions, in general terms, has been much more effective than in other years. Even though the examination was taken on February 15 in the majority of places, a good number of teachers had already their positions awarded at the end of month.

Two more elements justify a positive reading of this year's process: the call and the participation of the regions in the decision of the contracts. As for the first thing, having allowed every region to prepare its own test, left aside a blended vision that does not take into account the big differences among the regions. It is worth the try, although I do not necessarily follow the final agreements.

The question is whether the results of the process have really solved the two basic problems that show up every

year when hiring teachers: on one hand, students with their teachers on March 1, the first day of school, even in far places; and, on the other hand, to have selected the most qualified teachers. Also, our reflection should wonder about the "autonomy of the school" in these processes, because it is a matter of the General Law of Education.

Did we fulfil our dream to see students with a teacher on their first day of school? Unfortunately not. Something has been done, but in fact very little. In many cases, the famous distribution of the teachers' positions in "strict order"¹ represented the first difficulty. I have the feeling that this form of "selecting" teachers will never make our dreams come true, especially for the poorest.

The system has limitations. There were rural Units of Educational Local Management (UGEL – in Spanish Unidades de Gestión Educativa Local) where the processes were too long. In many of them the number of "appro-

¹ Translator's Note: According to the new legislation that modifies the Teachers Bill on the matter of the career path of public school teachers (LEY 29062 Ley que modifica la Ley del Profesorado en lo referido a la Carrera Pública Magisterial, Article 31, f) and t)), both promotion and salary will be given to teachers "in strict order of capacity and merits" of the teachers ("...en estricto orden de capacidad y méritos").



ved” teachers was the minimum: Was the test badly designed in those regions? Or, are almost all the teachers disqualified, without enough knowledge and abilities to be educators? Definitely, I believe that the problem is in the test itself.

Once again, I have seen excellent teachers with very a good performance and whose students learn, not “passing” the exam or left behind because, the famous “in strict order” criteria did not reach them. On the other hand, as a consequence of the rigorous application of this norm, children end up with teachers who don’t speak their mother tongue. However, these substitutes teachers did have better marks (although less than ten points²) than the bilingual teachers so they were awarded accordingly. The contract positions cannot be distributed as if it was a lottery.

Regarding the contracts, there have been two more difficulties in these rural areas. First, many of the selected teachers, lacking of mystic and of commitment with the children, don’t want to go to their new schools without their “resolución”³, which usually takes time to be issued. Besides, there is a norm that protects teachers

ordering not to work without a contract document. However, teachers who were assessed positively in 2008 and were willing to start on March 2 were left aside. In the farthest areas, the delay was longer; and not always because of the teacher’s fault, but because they should wait for their “resolución” and the payment of the first months and of the travel expenses.

The second difficulty is that for many teachers who were appointed a position in “strict order” the school to which they had been assigned was very far, and for this reason, many of them did not go, or just went once and never returned. Of course, they did not notify anybody either. So students spend weeks – hopefully not months – without classes. The final result is already known: children – and mainly girls – that abandon schools. Propaganda is made with the “strict order” as a transparency sign and control of corruption. Before being “formal” symbols of transparency, it should be effective for the students.

I cannot stop thinking about that teacher who worked in a multilevel school at more than 4,000 MASL: happy, creative, integrated and who would make groups with other teachers around. Boys and girls would go happy to school, because their teacher would teach them by singing, playing, observing the nature... Besides, she spoke Quechua so students learned in their own language. But... she did not pass the test! When another teacher who had approved the test arrived, did not know Quechua and the children did not understand her. The

² Translator’s note: Marking grade: 0 – 20 where 14 is the minimum passing mark in this process.

³ Translator’s note: In Peru, when a teacher is appointed a new position, he/she receives a formal document called “resolución” in which his/her new position is certified and represents a proof that entitles him/her to receive the respective salary.



songs, games, observation to learn science were substituted by “dictation”: learning by talking and asking was replaced by silence.

I cannot forget those teachers, also in a rural area and of bigger population, who increased their labour day voluntarily in the afternoons making 1,239 of effective hours of work a year with their students and 1,344 with teachers, when the average in the area is hardly 400 hours, either. They would visit the families of their students. But then they were replaced on behalf of the “norm”, and the experience finished. “They don’t pay me to work in the afternoons!”

I remember my own experience. I used to teach in a big school of the north of the country. Suddenly, the principal sent me to a primary class in charge of some hours. I lasted one week, the necessary time for the principal to realize that I was completely useless with young students: it was them or me. But together in the same classroom... incompatible. If I had given a “test of knowledge”, not only had I passed, but rather had a good position in the “order of merits.” I arrived with very good preparation. I think: poor students if I had been appointed, they would have had to stand me for the rest of their lives. They would not have learned anything, and I would have developed all the defects of a frustrated teacher.

I have no doubts about the good intentions of the authorities that look for the best teachers and more transparent possible processes. For that reason the famous “third” arose, for example, which was left aside soon after. A teacher of the last third of a well credited institution will always be better than one of the first third of a completely discredited school. The “universal” test of knowledge as a first evaluation and a second evaluation in the schools was a better road. But there were many irregularities. This year the capacity of the school to “select” was eliminated, going against the General Law of Education, and the unique national test was not taken but the “regional” one, using the “in strict order” criteria for the appointments. Have the results been better?



Yes, maybe formally; but if they are evaluated by their effectiveness, they haven’t.

There are also other limitations necessary to consider:

- The norm that approves educational activities in 2009 once again does not allow teachers to work without their “resolución”. When I wrote this article March was finishing, and most of the appointed teachers had not received their documents yet. The strict execution of the norm would force schools not to receive the new teachers in this condition. Fortunately, the rule is not generally applied. But will they pay them the month of March worked? The Ministry of Economy and Finances doesn’t like this idea.
- This year, schools whose educational projects have a strong load of Education for the Productive Work have seen their hours for such subject severely diminished, dedicated now to “reading and comprehension” subjects. Besides, they usually have specialties for which “pedagogic” qualifications don’t exist. In these cases, the norm allows to hire teachers without those qualifications, but with certain characteristics. Most of UGEL haven’t assigned these posts, because... they are waiting for “orders from the top” That is to say: students without classes and with the risk of losing quality teachers who end up emigrating to other jobs. Isn’t this technical formation the one we need more in our country and the one that politicians, business people and workers insist on? Why do we mistreat them so much?
- In secondary schools, the approval of the famous “hour charts” means a torture for principals every year and it delays the recruiting process. It is very difficult for an outsider, without any knowledge of the school and its teachers, to replace the principals in the “organization” of their schools claiming they are “specialists”. The matter gets even more complicated because of the fact that while most of the schools charts of a certain UGEL are not approved, the “resolución” documents are not handed in. The results can be predictable: teachers without contracts

and without payments. I don't know any UGEL in Lima, for example, that has issued the "resolución" documents of secondary.

- Finally, to avoid this unnecessary explanation of limitations, let me point out that some UGEL have produced a great confusion regarding the "pedagogic hours" and the "permanency hours" of the teachers. The norm of this year is very clear: teachers who have contracts will have 24 pedagogic hours if they are secondary teachers and 30 if they are of primary or kindergarten. And the norm RM 044-2009-ED is precise. In its numeral 6.10: "The application of the new curriculum won't generate, for any reason, surplus teachers." Only the teachers, who were appointed last year and, therefore, are in the "public career path", should have 24 or 30 pedagogic hours and 30 chronological hours of "permanency." However, more than one UGEL forced the principals to distribute 30 pedagogic hours to all the secondary teachers hired or appointed last year. Result: a chaos. Now there are surplus positions that schools cannot cover with their budgets and that UGEL has taken, and surplus "specialised" teachers that have nowhere to go because the subjects of Science, Technology and Environment (CTA in Spanish) and Mathematics have decreased their hours. What is being done with the "surplus" positions and vacancies, generated in an incorrect way? Why the zeal in making it? How much will they pay to those teachers forced to work 30 hours against the norm?

In spite of the efforts and good will, we have not been able to make our two dreams come true: all the teachers in their posts on the first day of classes, with their "resoluciones", and the best teachers hired. A solely academic exam as the only tool to select new teachers is not definitely the way. The strict order of priorities organizes very little. The non-participation of the school in its personnel's selection does not make the process more transparent and better. It just produces the opposite.

It is interesting to note how most of the regions refuse to give schools the possibility to select their own personnel. From my own experience, I can affirm that when we didn't have so many conditions and norms to hire

teachers, except for the pedagogic degree, we could select excellent professionals; the first day of work all were in their places and, even, we were able to train them so that they assume our educational project. Today is much more difficult, because we should wait the calls, the exams, the lists, the tumults to appoint, each official's particular interpretations. However, who thinks in the students? What happens in the classroom?

We need to do something, and do it immediately. Personally, I think that a norm should be elaborated with general obligatory limits in the whole country. Each region would regulate it according to its own reality. This norm should be made for a longer term; not only for year, as it happens now. I understand that the Ministry of

Education is thinking of that possibility, and I am glad. The axis should be the autonomy of the schools to select their personnel, as it is said in the General Law of Education.

However, it is not only the Law of Education: the idea of an educational management based on the school autonomy has a long history and it is supported by a plural and abundant reflection. The acceptance of this autonomy is not easy, because many power strings are moved for the handling of the teachers'

positions and their vacancies. The ones who argue the autonomy of the principals to select their own personnel use the cases of abuses that many of the principals commit as an argument. Those cases are doubtlessly true, but there are not enough to prevent principals to make their own personnel selection. On the other hand, the principal is controlled closely by the community.

Not long ago I wrote a kind of a draft proposal on the terms and recruitment procedures. It was published in the National Education Council bulletin CNE opina⁴. Here I will only outline the statements without further development:

- It is necessary to clear and set up the schools budgets finally so that they are not modified every year. These

Siempre será mejor la profesora del último tercio de una institución bien acreditada, que aquélla del primer tercio de una totalmente desacreditada. La prueba "universal" de conocimientos como primera evaluación y una segunda evaluación en las IE fue un mejor camino.

⁴ "Contracts and paper work in Education: speaking up", published in the en el National Education Council bulletin CNE opina N° 19, January, 2009. Available on Internet at <http://www.cne.gob.pe/CNE%20opina/cneopina19Herrero.pdf>, consulted 13 April 2009.

would only change if there were a significant increase or decrease of students.

- It would be necessary to make "reassignments" every year, present the teachers' records in October and appoint the posts in the first week of January. The norms should be also revised. For example, it is absurd to think that a principal of a "one-teacher-school" cannot self-appoint in an urban area when he/she should receive preference.
- The chart of the personnel appointed by level and modality⁵ should be approved by December each year.
- It is necessary to simplify the famous "hour charts" and free them of the torture that today they represent. Their approval consumes a very necessary time. The specialties and the vacancies for them are very easy to visualize and to define without the current complex processes and without the detailed impositions of the "specialists" unaware of the schools and their particular problems.
- The teachers that have shown good performance and got a good evaluation should remain in their positions. It is important for the student not to have different teachers every year; and so is it for the school, which is supposed to be working the identity and their educational project with the teachers.
- The vacancies not covered by any reassignment or contract and which are not surpluses, should be published at least in the first fortnight of January so that the teachers can apply. The school will define the evaluation system according to the regulation established by the Ministry of Education and the regions.
- The evaluation will be carried out in the second fortnight of January. The first week of February the principal will present the documentation of all the teachers who will cover the vacancies by contract to the UGEL. There is no reason why the "resoluciones" should not be in the first fortnight of February. If the official does not comply, he/she will be sanctioned in the same way the principals are punished when delaying the compliance of a norm.

The topic of the rural education deserves an entire reflection and a more comprehensive proposal, since it is in these schools where the biggest inequities happen. It is there, also, where the most corruption acts are produced.

There are many successful and creative network experiences; however, their effectiveness is stopped by the imposition of teachers without any mystic or commitment. Many are opposed to them because they do not want any con-

trol and they want everything to continue as always. In this way a great quantity of teachers who are committed and dedicated to their jobs are left behind, as the ones already mentioned. Why not letting the coordinators of those institutions and successful experiences define the studies they should have, the evaluation processes and teachers selection without any more conditions. Certainly, not only will they choose them on time, but rather select the best, so they could train them in the specific methodology and would be in their places the first day of work.

The other rural schools not integrated in a network could also be assisted with a lot of more efficiency and without the current dangers of sending teachers who never arrive or who arrive one day, leave and never return. If we leave political interests aside, simple and effective forms can be implemented. Unfortunately, there is no more space to elaborate them.⁶

Lastly, Education for Work also needs its own reflection. Why mistreat it considering it of second category, trying to tight it down? Why should teachers have to wait one, two or more months to see if they get anything? This can also be developed further.

To finish, it is necessary to say that all these processes are only possible if we begin to practice a "pedagogy of trust". We cannot think of a quality and fair education if not all those of us involved in it are able to trust each other, the institutions, the organizations. The "corporate logic" that see its own interests are the main enemies of all efforts to improve the quality in education. For that reason, it is urgent that UGEL and schools worked on mutual trust leaving behind the distrust that prevails in their relationships. It is also necessary and urgent to recover the mutual trust between the school and the parents, within the teachers, among them and their students. To sum up, society needs to recover its trust in the schools and the schools need to recover the trust in the authorities of education of our country. Educational management has today two important challenges: to build and to promote trust, and to negotiate conflicts with tolerance.

Being a principal of a school in this country today means a hard task, not very gratifying and always exposed to abuse and accusation if things are to be done well. However, there are voices that accuse principals of obstacles for "autonomy" of the schools. Why this abuse? What is it? It could be a topic for another long article that I carry inside with pain and, perhaps for that reason, it has not come out yet. **t**

⁵ According to the General Law of Education, one modality can be Basic Education for children and adolescents and another can be Alternative Education for adults.

⁶ See January's bulletin CNE opinions quoted before.