

Inter-American Development Bank (IADB)  
Regional Policy Dialogue – Education Network

**THE MINISTRY OF EDUCATION-CHILEAN  
TEACHERS ASSOCIATION NEGOTIATION:  
CHILE 2000**  
A personal perspective

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## **Presentation**

This paper narrates the Negotiation conducted in 2000 between the Chilean government, through the Ministry of Education (MINEDUC) and the teachers, led by the *Colegio de Profesores* (CP), the Chilean National Teachers Association. It describes the strategies employed by both sectors and the manner in which they finally concerted educational initiatives relevant to the successful development of the Educational Reform and the teaching profession. The Negotiation managed to impose cooperation over conflict, did not get stuck in wage demands, and identified fields of work that proved decisive in jointly improving the quality, equality and participation in the schooling system. In a certain way, the Negotiation had a foundational character, as it permitted to open lines of action (such as the teacher performance evaluation) that are still applied today. Finally, it suggests a number of lessons learned that may help the Ministries of Education perceive the negotiation process as a golden opportunity to push Reforms further, and to help these reforms gain legitimacy among those who will materialize them inside the classroom, namely the teachers.

### **1. Introduction**

Having been just appointed Vice-minister of Education at the beginning of the Lagos administration (2000-2006), taking part in a high-profile national Negotiation was an entirely new experience for me. Not that I was completely foreign to political experience –I had in fact been an active member of left-leaning parties since my early adolescence and had even been a student leader under Pinochet’s military dictatorship–, but there was simply no possible comparison between the national significance and the politico-technical complexity of the task ahead of me and what I had done in my past working or political life. For this reason, the experience left a profound imprint on me. I dove into it head first and made it part of my life for approximately nine months.

In the following paragraphs<sup>1</sup> I intend to narrate this experience, trying to highlight what may be of interest and hopefully helpful for others who, in one way or another, may find themselves immersed in a similar situation: trying with the educators to arrive at a successful Negotiation for the national educational system.

I have thought it would be nice to do it as a personal story told in the first person, either singular or plural, keeping a safe distance from generalizing essays, given the very singular characteristics of the events occurred and very especially because in this case the analyst happens to be an actor in the story.

In Chile, among the main tasks commissioned to the Vice-Ministers of Education (male or female), the strategic relationship with the educators has historically been in the foremost position.

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<sup>1</sup> I am grateful for the useful comments of Viola Espinola and Patricio Vilaplana to the draft version of this paper.

## 2. The Negotiation of 2000

For the new government, it was clear that the Negotiation with the educators would be a baptism of fire. President Lagos himself had warned Minister Mariana Aylwin and myself during the several meetings held prior to his taking office.

The fact that nationwide municipal elections had been scheduled for October of 2000 made the issue of probable social conflicts a very sensitive one. We knew the elections would become the first balance the citizenry would make of the new government, the first to be led by a socialist after the tragic experience of Salvador Allende and the Unidad Popular.

As far as the educational sector is concerned, the latest 1998 Negotiation<sup>2</sup> had been particularly traumatic: nearly one month of national strike –the longest since the return of democracy (1990), which implied enormous erosion on both sides– after which the educators’ leaders finally accepted the wage conditions initially proposed by the government. Besides, the days not worked were actually discounted from the teachers’ paychecks for the first time ever.

The conflict signified a feeling of animosity on the part of educators towards the Educational Reform process and MINEDUC authorities. This also brought about a disruption in the daily life (is it at all possible not to have a school child –son, daughter, nephew, niece or grandchild– in the family?) of a public opinion that was mostly sympathetic with the teachers’ cause.

Nobody wanted to repeat this scenario, especially in a government taking its first steps that had declared education to be one of its top priorities and wanted to give concrete evidence that it could actually reach agreements with the different social organizations, attending to their demands within the limits of a strong fiscal responsibility –especially given that the economic bonanza of the 1990s had come to a halt.<sup>3</sup> But the concern of the government also included a possible domino effect: the Negotiation with the educators would constitute a benchmark for other social movements, especially other powerful associations of the public sector such as the Health workers, which were set to begin their own Negotiation following the teachers’ Negotiation. The signal sent would, in one way or another, have multiple implications.

This scenario made it only logical that we should seek to establish connections with the educators and their most representative organization from the very beginning: Colegio de Profesores de Chile (Chilean National Teachers Association - CP).<sup>4</sup> In fact, the week

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<sup>2</sup> Although the Ministry of Education does not have any schools –these were transferred to the municipalities or depend on private owners called *sostenedores*–, since the return of democracy and the promulgation of the Teachers’ Statute a national Negotiation process has been habitually held between the Ministry of Education and the National Teachers Association to agree on changes to the teachers’ remuneration and labor conditions. Until the year 2000, four negotiations had been held with very dissimilar resolution modes and results. From 1994 onwards, all negotiations have been sprinkled with some days of teacher work stoppage used by the educators as a tool to exercise pressure.

<sup>3</sup> In 1999, the GDP had fallen to –0.8% as a result of the Asian crisis, following a golden decade in which the national economy had doubled in size.

<sup>4</sup> The Colegio de Profesores de Chile is a national teachers association with high affiliation rates. One of its central aspirations is to represent each and every educator in the school system, particularly elementary and secondary teachers. Although municipalized schoolteachers are the association’s baseline, it does not

before our taking office, the new Minister and myself received the Association's National Board of Directors at my place, to deepen our knowledge of each other and to explicitly express our firm intention to work jointly. We wanted them all to be present and were particularly concerned to let them know we would maintain an institutional relationship with them, honoring their internal hierarchy beyond any political stances. This was no minor detail: the Head of the CP, a high-profile leader nationwide, was an active member of the opposition communist party, while other members of the Board belonged to parties of the ruling center-left coalition. We wanted to stay away from any form of political sectarianism and also safeguard the due respect between both institutions. During the meeting, which combined work with relatively informal social mingling, we expressed our will to maintain a systematic and ongoing bond with the association that would extend beyond any specific coincidences or differences of opinion.

And we can proudly state that no two meetings with the Board of the Chilean National Teachers Association were ever more than two weeks apart during our 3-year term as a Vice-Minister.

## 2.1 Our preparation

The quickly approaching Negotiation prompted the Ministry to begin elaborating a suitable negotiation proposal that could simultaneously contribute to the Educational Reform and strengthen the teaching profession. We knew we should thoroughly discuss every subject we could possibly include in our proposal by bringing together all the background information, experience and expertise contributed by scholars or inherited from former authorities. We wanted to cover as much as possible from all the subjects involved, even more than the CP itself.

In order to seriously undertake this task it was critical to build an experienced, multidisciplinary negotiating team within MINEDUC, consisting of officials and experts whose main goal would be to elaborate the proposal and support it during the Negotiation with the educators.

Expert knowledge on various specialized fields was a *sine qua non*: educational legislation (commanding the vigorous and here-and-there legal regulations and assess the legal feasibility of any one proposal), educational policy (understanding the educational quality and equality objectives at the different levels of the schooling system and anticipating the real impact of a number of initiatives), system financing (learning financing structures and amounts involved, and forecasting the likely direct and indirect impact of the measures taken), teachers salaries (a chapter involving its own complexities resulting from its successive adaptation and differential implementation in diverse groups of educators<sup>5</sup>), and labor negotiations (technical and

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exclude those working in privately-owned educational institutions. Later on we will provide further details about the current characteristics of the Association, which has undoubtedly been responsible for the uninterrupted continuity of the Educators' long-standing tradition as a cohesive professional body with which the various governments of the ruling *Concertación* coalition have conducted the negotiations referred to above.

<sup>5</sup> This is such an intricate issue that the educators themselves are unable to explain the various entries and amounts in their payment slip.

political expertise on dealing with workers associations and therefore the ability to weigh each and every stage of the Negotiation).

Moreover, we needed the different political sectors that made up the governing coalition to be represented;<sup>6</sup> they had to ensure the maximum possible cohesion during the Negotiation.

Our team did count on professionals who had participated in previous negotiations, but we also greatly benefited from the support and conversations held with authorities who had conducted other negotiation processes in the past. They warned us of many hurdles we would come across and were a source of “practical wisdom” concerning the risks we would have to control. Such seamless contact did not necessarily imply we were going to repeat their same tactics or objectives: in fact, I remember a long conversation with a former minister in which we discussed the opportuneness of “opening” or “closing” the negotiation agenda and I recall that our conclusion, which tended towards aperture, went in exactly the opposite direction from the strategy followed during “his” past negotiations.

Another extremely valuable asset in our team were those professionals who, at one time or another, had been active members of the CP. They were able to read our proposal from the other team’s point of view, and could anticipate the different scenarios that would arise along the nine months of the Negotiation. In addition, they would bring in their relationships with current leaders of the association, thus facilitating the formal and informal contact between both sectors.

Lastly, from the very onset, we invited members of two key ministries to join us in the negotiation team: Finance and the Secretary General of the Presidency.<sup>7</sup> For obvious reasons: we wanted proposals on salaries and financing of the different measures to be known –and hopefully shared- by public finance decision makers, and also that any possible legal initiative would be sponsored by the Ministry in charge of linking the executive and the legislature. We did not want these two key ministries, with all their apprehensions and solutions, to join the long process ahead of us only in its final stages. We felt that our proposals had to be connected to the government’s social and political activity as a whole. We consequently took on the challenge of making this Negotiation a matter not only of MINEDUC, but of the administration in its entirety.

## **2.2 The Ministry’s proposal**

Although the proposal finally agreed upon with the CP was enriched through the joint efforts, taking in elements previously not considered that were nonetheless of great interest for our counterpart (e.g. amending the regulations on the administrative

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<sup>6</sup> The Coalition of Parties for Democracy, which has ruled in Chile since 1990, consists of four parties: the Christian Democrat party, the Socialist party, the Party for Democracy and the Social Democrat Radical party. These parties profess both a social-Christian and a social democrat culture and are represented in the teachers and educators community, as well as in its professional association.

<sup>7</sup> The role of this ministry is to manage the administration’s programmatic agenda and to coordinate its legislative activity by setting priorities submitting the legal initiatives of the various sectors, while seeking political support for bills among the partisan representations within the congress.

investigations conducted on municipal teachers), there was a previous general outline of what we, as a Ministry, wanted to achieve at that time.

Our intention was to avoid sitting at the negotiation table to discuss a salary increase in exchange for nothing, or, to quote the CP, to ‘settle a preexisting debt’. On the contrary, we thought this was a golden opportunity to introduce new performance requirements for educators and to boost areas of the Educational Reform that needed streamlining.

Incidentally, this will to transform obeyed to the commitment made by the President of the Republic himself in the form of an agreement reached with the CP prior to the runoff voting. In it, he undertook to strengthen public education, as well as the teaching profession, a move that tilted the teachers’ vote in his favor.

In preparing a more comprehensive proposal, we were splitting from the previous negotiation trend between the government and the association, which brought nothing more than the salary issue to the table and, more precisely, a flat adjustment applicable to all teachers. Noteworthy, the role of MINEDUC in this type of negotiations has been quite restricted, a sort of go-between of the Ministry of Finance and the association or a conflict moderator, failing to spur its purely educational interests and goals.

The proposal built from within MINEDUC, in constant consultation with the CP, comprised as follows:

- Improving the **salary items common to all teachers** (by way of a salary increase and a one-time bonus);
- Improving **differentiated salary items** of those teachers working in selected schools according to greater social and educational complexity (teachers in rural areas, and Reward for Difficult Performance);
- Implementing a special bonus for teachers who excel in their performance (Pedagogical Excellence Reward) and inviting those teachers to provide support and technical assistance to fellow teachers (**through the Educator to Educator Network mentoring initiative**);
- Improving differentiated salary items for those teachers undertaking greater **responsibilities** within their educational facilities (teachers undertaking technical or administrative responsibilities);
- Improving working conditions by increasing non-class hour time (**one extra non-class hour**), reducing the number of students per class in economically-deprived sectors (**gradually from 45 to 40 students**), and detecting and preventing the **diseases** that specifically affect teachers;
- Increasing teacher formation opportunities (**in-service training** within the country);
- Creating new spaces for teacher participation, whether as new instances of comprehensive participation arising from the agreement (**Regional Education Councils**) or by integrating educators to existing instances (the **Higher Education Council**<sup>8</sup>);
- Committing itself to move, with clearly stated deadlines, towards the creation of a **system for the professional evaluation of teachers**; and

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<sup>8</sup> The Council is a self-governing instance extending beyond the government which comprises members from different public and private institutions. In addition to its core responsibilities with higher education, it oversees strategic school matters such as the curriculum structure.

- **modernizing the Ministry of Education** by building technical and material capacity for proper supervision of the public resources which, in our decentralized system, are provided to the *sostenedores* of municipal and subsidized private schools.

In addition, the proposal included examining studies completed by independent education institutions to study some key matters for the educational policy (like the Extended School Schedule - JEC, underway since 1996 and which, through multimillion investments in school infrastructure and the extension of the school day, represented the cornerstone of the Educational Reform).<sup>9</sup>

Note that in our proposal the issue of differentiated remuneration was gaining ascendancy, which we knew would not please the CP board. Their bet has always been on raising common salaries while avoiding all types of differentiated salary other than by seniority.

The decision to increase differentiation among teachers stemmed from different areas (professional aptitude, responsibility and performance in vulnerable sectors), that shattered the CP's homogenizing logic, without forasmuch falling into a simplistic system of "performance incentives". This also meant recognizing an actual difficulty and distortion of the teaching career: the lack of significant monetary incentives for excellent teachers, who many times drop out of the profession in search of better job horizons.

The proposal also included a number of matters directly tied to the educational policy goals presented, such as a more decisive role of the teachers in professional improvement, positive discrimination (a.k.a. "affirmative action") towards the most socio-educationally deprived schools, or the creation of greater spaces for teacher participation in the system.

The fact that, for the first time ever, we suggested the need to implement a system for teacher evaluation that escaped the traditional, inefficient and bureaucratic public administration employee evaluations was no minor detail.

It is important to note that these proposals had been the subject of extensive discussion inside government spheres, analyzing their technical and financial feasibility and estimating the real impact they could have on the educational policy. One golden rule maintained along the entire Negotiation process was to only present to the CP measures that had been previously given a green light inside the government, so as to prevent any possible exposure to the uncomfortable and unfortunately recurrent situation that sectoral ministries are eventually unable to honor the initial offers made to their counterparts.

The proposal for the Negotiation was built with the entire presidential term in mind. Our intention was not to limit ourselves to just two years, the prevailing trend of the salary adjustment agreements during the 1990s, but to be able to include matters that

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<sup>5</sup> Attached as an Annex is the text of the Protocol of Agreement between MINEDUC and the CP, which provides a detailed description of each item agreed upon. Some of them were not part of our original proposal but were nonetheless included by the CP, such as teacher tenure, administrative investigation process requirements or position filling process regulations enhancement.



required longer implementation times (such as the teacher performance evaluation mentioned above). Counting on the CP's interest and agreement was also critical if any progress was to be made in that direction. The six-year term also marked the ceiling: we would only discuss and agree on measures the new government could responsibly take care of. It was this intention to have an extended agenda both in terms of the matters to be covered and the timeframe considered for the joint work that made this a foundational Negotiation.

### **2.3 Exploring possible zones of agreement**

Besides preparing our own negotiation proposal, we decided to break with a tradition: that the parties would only sit at the table if salary adjustment figures were presented. The invitation to the CP intended to revert that logic and view the issue of the amounts for resources, the adjustment and other measures more like the finish than the start line. The "let us agree that we want to do something first, and then see how much it will cost us," meant an all new form to conduct negotiations for two parties that had gotten used to playing the "I want this - I offer you this" game.

This new relationship could only be explored if trust was built and fears were overcome. The CP's main fear was that all this was nothing but a distractive tactic used to buy time and entangle the salary Negotiation. For its part, the executive was skeptical about whether or not to open the Educational Reform agenda, thus creating expectations on topics that, although popular, might not even be touched given their financial or political impact, or because of their legal unfeasibility.

In a move to erase all suspicion about a possible lack of willingness to negotiate, the first meeting took place the first week after taking office. From the beginning, we tried to survey all the areas of educational policy and strengthening of the teaching profession upon which agreements could be reached. This translated into an unprecedented review of areas that had been excluded from past negotiations and over which any improvement was seen as a matter of mutual interest. The findings of the survey were quite surprising.

Proof of it are the occupational diseases affecting teachers, an area that is not only relevant from the ethical and humane point of view, but also because of their impact on the quality of education (Is there any room for improvement with teacher absenteeism rates around 20% in municipalized schools?), which could be tackled by implementing prevention programs and providing timely care for the most frequent diseases. It was also thought appropriate to revise and extend the list of diseases directly associated with the teaching profession from the legal point of view, thus enabling teachers to have new rights in relation to them.

But this period also helped both parties clearly realize that some matters would not be included in any agreement because the other party viewed them as permanently or temporarily untouchable.

In our case, this was the situation with the so-called "historical debt" originating in the transfer from the central government (MINEDUC) to the municipalities in the 1980s, which the educators claimed the State should settle. Given the exorbitant amount

involved and the inconsistent outcomes of the legal actions undertaken by groups of teachers, we were emphatic in that such debt, in the event it actually existed, should be seen by a court of law and not brought to a Negotiation table.

For the educators, on the other hand, the Training Reward, which allows educators to automatically increase their salary depending on the professional training courses passed –and which for us was nothing but a ‘useless incentive’ for improved performance– was seen as an acquired right and replacing it was not an option without a complete overhaul of the teachers’ professional career statute.

One original aspect of this initial exploration is that both parties agreed on the need to count on technical studies. It was recognized that we lacked sufficient information to venture into some areas and make responsible decisions. Take the JEC, for example: it soon became apparent that we lacked knowledge about how schools were coping with the added school time, and very especially the ways in which the reform had impacted the teachers’ working conditions.<sup>10</sup> The decision to commission an independent study on this policy would prevent this lack of knowledge to freeze any initiatives. Besides, it would throw light on the pre-Negotiation scenario.

Only after the exploration, at a later stage, were the demands explicitly expressed. Having established which matters could be addressed, the next step was to state what the parties wanted –or could- do in each of them. Incidentally, this was not easy to do nor could it be solved by mutual agreement. The CP has a pre-established protocol to follow for presenting these demands: a National List of Demands voted by a National Assembly of the association. On many previous occasions, the Negotiation started right after the assembly. Having established a systematic previous relationship between the Ministry and the CP permitted to include some demands the leaders knew could be considered. Still, the demand regarding common salary items was completely disproportionate, by far exceeding the real possibilities of the public treasury, thus giving way to the “war of figures” discussed below.

## **2.4 Incidental events**

This exploratory phase took place between early March and June 30, the time elapsed between the Assembly and the moment the CP submitted its National List of Demands.<sup>11</sup> In those nine months, there were at least two events besides the work meetings that influenced the course of the Negotiation.

### **Student performance scores**

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<sup>10</sup> The JEC signifies an enormous demand of teachers to cover this added school time. Schools may fill these new hours by hiring more teachers or by extending the contracts of “existing teachers”. It has therefore a direct impact on teacher employment...Note that subsequent studies (e.g. I.L.O., 2005) showed the difficulties adequately catering for the new teaching needs would pose, especially in certain subjects and grades within the schooling system.

<sup>11</sup> For a chronology of the Negotiation, refer to the Annexes.

One of these events was the commotion caused in the public opinion by the poor learning results of the SIMCE education quality test<sup>12</sup>. In fact, following a period in which testing consistently showed improvements in quality, this time the results were disappointing: the test revealed that one third of the children in 4<sup>th</sup> grade had not yet learned the fundamentals of mathematics, and that the same happened with 20% of the students in relation to language. This reality evidenced a serious inequality problem, as the poor results brutally correlated to the students' socio-economic background.

It also established that no significant progress had been made from the test applied three years earlier, despite the ongoing Educational Reform and the large sums invested in the sector. The media called the situation “an educational crisis” and the political opposition used the occasion to insist on the educational policy mistakes the ruling coalition allegedly committed time and again. MINEDUC replied that learning results took a long time, so it was not appropriate to jump to general conclusions. It conceded it was necessary to extend the reach and speed of the actions taken so “the Reform could reach the classroom”, especially of the most deprived students.

### **Teacher accountability**

The “teacher issue” was not absent from the debate. On the contrary: numerous experts and media insisted that teachers were mostly accountable for the results, and suggested that many teachers did not have sufficient knowledge of what they were supposed to teach their students. It was implied that the system regulating the teachers, the “Teachers’ Statute”, was lenient regarding their professional performance, granted them too many privileges and permitted damaging immobility, as bad teachers could not be removed from the system, either temporarily or permanently. The CP had to provide explanations, which it did by transferring the accountability to the living conditions of the students, the cultural background of their families, the insufficiencies of the Reform or the lack of resources in the schools.

The specific issue of teachers’ salaries was also questioned: salaries had significantly increased during a decade, yet the performance was not sufficient nor did it clearly improve the quality of education. The doubt set in regarding the educational impact of the CP’s persistent demand “better wages for all educators”, and more and more voices rose demanding that salary increases be tied to better school results.

### **The “historical debt”**

The other event that took place during the period prior to the Negotiation had to do with the “historical debt” mentioned above. A trial court ruled against the mayor of San Ramón, a low-income district, in a trial against a small group of teachers who claimed an exorbitant amount as compensation for having gone from “state employees” to “municipal employees” during the 1980s. The mayor could not possibly obey the sentence, since paying the teachers would imply depleting the district’s investment funds, so he decided not to pay the entire sum and asked the claimant teachers to lower

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<sup>12</sup> The SIMCE test operates by standardized tests taken alternately by all students of the 4<sup>th</sup> and 8<sup>th</sup> grades at elementary level and 10<sup>th</sup> grade at secondary level. Tests cover the essential subjects (mathematics, language, sciences, natural science), making it possible to compare results through time. A description of the SIMCE test and the associated teacher preparation is available at [www.educarchile.cl](http://www.educarchile.cl)

their demands. The teachers refused, so mayor Pedro Isla was sent to prison amidst public demonstrations by some neighbors against injustice, in which they used signs to demand his liberation. The CP aligned itself with the teachers and demanded the sentence be served. Finally, after weeks of conflict, the government stepped in, provided the municipality with the resources needed and agreement was reached between the mayor and the plaintiff teachers.

Although less impacting than the SIMCE, the situation once again questioned the educators. Together with physicians, teachers have traditionally been the country's most highly regarded and endeared professionals, for the dedication they have to their job and their professional and human commitment with the communities they serve. In this incident, they put their own economic interests before those of the community, which undermined the validity of this altruistic vision. Attention was drawn on the sum each teacher demanded,<sup>13</sup> equivalent to several years of accumulated salaries for the majority of the population, and their lack of sensitivity for the other social necessities of the district.

These two events helped create an environment that encouraged a Negotiation with rather discrete demands regarding salary adjustments. The traditional warm citizen empathy with the teachers' demands was now chilled by a growing demand for improved student performance and the criticisms to put corporate interests above the general interest.

In fact, in the different public statements the minister, myself or other authorities from the Ministry made by regarding these two situations, we never ceased to stress that the time had come to take decisive steps in teacher professionalization, and that schools had to be increasingly responsible and accountable for the learning results of their students (rather than trying to give excuses).

## **2.5 The “war of figures”**

The Negotiation included the general salary adjustment for the educators sector as one of its main points.<sup>14</sup> To be quite honest, we did not want this to be the only topic covered, so we had been looking for other education-related topics to include in the agreement agenda, which is exactly what happened. But this was a central issue that called for hardly agreeable definitions since the CP would by nature always seek to maximize monetary incentives for its members.

As a first attempt to reach an agreement on a medium-term salary increase horizon (the administration's 6-year term), we identified a parameter and requested the CP to do the same thing. We all concurred that salaries had to be improved, yet we had nothing to

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<sup>13</sup> It has been estimated that each claimant teacher sued the State for sums ranging between USD 15,000 and USD 20,000, excluding all associated legal expenses.

<sup>14</sup> In Chile the average monthly salary of a teacher working 44 hours a week at the beginning of this decade was USD 1,050, well above the rest of the Latin American countries but still far below OECD figures –while in Chile they received USD 16,000 a year, the OECD average was USD 28,000. Relevant information about the situation of Chilean teachers compared with that of their peers from other Latin American and developed countries may be consulted in a previous paper (Weinstein, 2001).

justify the new figures. Put differently, what salary should the country offer its educators? On which grounds? Why that figure and not another?

Accordingly, we determined that a fair salary for teachers would be an amount equal to that of public sector professionals bearing similar levels of qualifications and responsibilities.

In turn, the CP thought it fair that salaries should regain the same level they had attained –in their own words- during the Unidad Popular administration (1970-1973). In the first scenario, salaries would be leveled with present-day professional pay scales, in which case educators could claim to have a similar social significance, whereas the second scenario involved recovering an alleged past welfare.

In view of such underlying disagreement as to how present and past teacher compensation levels could compare, the Ministry and the CP jointly commissioned a study by an external economist. Universidad de Chile's professor D. Bravo was so appointed, who following extensive research arrived at a conclusion that validated our view: teachers' remuneration had shown a significant upswing and hit an all-time high level, and that the Unidad Popular benchmark was not valid as a result of the towering inflation existing at that time.

This expert opinion fell short in its attempt to cause the CP to revise their claim –in fact, the association leaders dismissed it at once- but at least it helped clarify the assertions it had made to the public opinion, thus consolidating the idea that salaries had actually and significantly improved during the 1990s and confirming that the controversial past was not necessarily the most suitable criterion to set future salaries.

In the wake of its National Assembly, the CP waved its petition before the government and the public opinion: an actual 61.7% salary raise over the Lagos administration. Such increase signified a return to the 1972 income level, allegedly the peak remuneration reached by educators according to the findings of a study conducted by two economists (Paiva and Riesco, 2000).

This triggered an instant and reiterated rebuff from the ministry, not only concerning the fallacy of such peak, but especially stressing the unreasonably high figures involved. To prove our point, we constantly compared them with easily understandable examples: such raise would pay for thousands of social homes, or a final solution for historical infrastructure problems or an unbelievable number of school meals. Our goal was to cause the public opinion to get a real sense of such “claim” and realize that it was completely out of proportion vis-à-vis our economic reality.

Moreover, even if those resources were available, the country could and should allocate them to solve social issues inescapably more urgent than teachers' salaries. Our analogy of these figures and unemployment of half a million of Chileans was appalling: the money requested by the CP would help create jobs for a significant number, even if it were emergency employment.

We then presented our proposal: 27% actual raise over the administration's six-year term for all teachers, and additional increases for excelling teachers, teachers who worked in difficult schools, and teachers who filled positions of greater responsibility.

This 27% accounted for the gap between educators and equally qualified civil servants, and being able to agree on it would in itself represent a significant budgeting effort for the country.

Just as we did our part to demonstrate the unrealistic nature of the association's proposal, the CP made a point of showing how restricted and "stingy" our offer was. In their opinion, it would keep educators deprived of a fair compensation and prevent them from regaining their past status. Perhaps the most successfully articulated of their refutations resorted to erroneous data to prove that the Ministry's offer would barely suffice for one extra kilogram of bread a day.

What did the public have to say? Who was winning this "war of figures"? The focus group conducted during that period revealed that most of the population regarded the teachers' claim as out of place and excessively high, whereas they viewed the government's proposal as realistic and positive. Decisive factors were our persistent educational efforts towards the citizenry and the fact that President Lagos himself -who by that time already enjoyed very high credibility ratings- stated this was the government's best possible effort.

A lesson well learnt along these months was the stubborn need to communicate with the people, to make effective use of all the opportunities the media had to offer and, most of all, never to get stuck in bilateral technicalities: one should never forget that any message sent to the public opinion needs to be clear, well-founded and aimed at ordinary people who are not necessarily literate in remuneration matters inherent to educators, but who do have a powerful sense of reality based on their own harsh experience. Making sense not only to educators but also to common citizens is the greatest communicational challenge that comes along any Negotiation not held behind closed doors.

## **2.6 The President's role**

Interestingly, the President had been the first Minister of Education after democracy had been restored in the country (1990-1992), and during his term he had won important support from school circles, and mostly from the educators. Not by chance was the above-mentioned Teachers' Statute enacted or were initiatives oriented towards the most deprived schools favored at that time. His commitment to education was beyond any possible doubt, and although he was not always visible, his role in the Negotiation was paramount.<sup>15</sup> This was actually a dual role: private and public, which meant as much towards the government as outwards, reaching out to the CP and the citizenry.

The fact was that during this period, a second negotiation silently unfolded inside the government, sometimes as unrelenting as the one conducted with the teachers association. Although we had convinced senior officials from the Finance and Presidency ministries to take part in our negotiating team, and had proved our discipline

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<sup>15</sup> It might be worth noting that we endeavored to keep the President up-to-date on every single detail of the Negotiation at all times. In addition to the direct communication between him and the minister or myself, we always tried to keep his main advisory staff (the mythical "second floor" of the Presidential Palace) informed of the situation, progress, risks and setbacks so that they could step in and provide "the Palace" with accurate and timely information, as needed.

and politico-technical capacity in our relationship with the CP, in no way did this imply we were able to reach intra-government agreements in all the matters addressed. To be more precise, we had many points in common with Finance (such as the Pedagogical Excellence Reward - AEP), but also substantial differences not easily overcome, like the integration of participation matters, the evaluation of the JEC, and very especially the general salary raise.<sup>16</sup>

We never accepted to resolve these disagreements without the President's intervention, and also demanded that he be given the opportunity to know all positions before finally opting for the one he considered to be the best one. This was the case, for example, with the final raise figure presented to the CP that put an end to the Negotiation: Finance wanted one figure, we wanted a higher one, and the President eventually opted for an intermediate third one. We were convinced that this final figure, which had clear political implications, could not be the exclusive decision of the Ministry of Finance, in spite of its persistent discourse in that respect.

The person leading the Negotiation must be given the opportunity to defend their standpoints at the highest level. I believe that if we had insisted in our position to go up to the President for every point of disagreement between both ministries, the Negotiation would have been unsuccessful and many of the topics would have wrecked because of unfeasibility and lack of political support.

While internally the President oriented and arbitrated the main conflicts, externally he became the ultimate spokesman of the government's position, stepping in at the most decisive moments: the beginning, the time of greatest tension and the successful closure.

In fact, the President provided a political framework for this Negotiation by giving a preferred status to the relationship with teachers even before taking office. Having signed the agreement between candidate Lagos and the association at the CP's headquarters vouches for this privileged relationship where education quality improvement was always linked to a strengthening of the teaching profession.

This way of addressing the issue beyond the mere social demands deepened at the beginning of the service term, when the President visited the CP Assembly. There he stressed not only the teachers' foremost role in the battle for quality education for everybody, but also his desire to establish a new negotiation modality between the government and the association, one that would allow to reach longer lasting agreements and also include references to the evolution of the national economy – understanding that growth had to reach everyone.

Later, the President intervened to decompress tension when it reached its maximum -a time of decision with the CP regarding deadlines and amounts-, saying that this was a

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<sup>16</sup> In previous negotiations, educators had traditionally negotiated an additional percentage that complemented the raise granted to the public sector. What the Finance Ministry wanted to avoid, or at least diminish, was this sort of double raise to the educators, and move towards a flat general raise. Any differences would come from incentives tied to the teachers' individual performance. By doing this, it sought to sidetrack the educators association vis-à-vis the rest of the public sector, thus reducing their negotiating capacity. But Finance did not acknowledge the existence of generalized deterioration among teachers and the rest of the public sector, which was precisely the base of our arguments in support of the 27% to be leveled.

negotiation between partners sharing their interest in national educations, and not between rivals.

Finally, the definitive agreement was sealed before the President himself with a visit by CP President Jorge Pavez to the presidential palace to personally inform him of his satisfaction for the progress made and his willingness to continue to work together for the sake of our education. Attracting significant media coverage, the meeting reflected this renewed community of purposes.<sup>17</sup>

The President's internal and external participation was indicative of a fundamental characteristic that had developed inside the executive: alignment and order during the process. Thus everyone involved in the negotiation process had a clearly defined role and their own exchange spaces. Besides, everybody felt that the task transcended the merely sectoral sphere and that there was a higher instance to settle our discrepancies, if any should arise.

## **2.7 The CP as interlocutor**

Teachers in Chile have a longstanding sectoral movement tradition very closely tied with left wing and center-left political parties. It has had important presence in pedagogical renewal movements, although the pendulum has swung between moments of great decision power concerning national education (as was the case with the historical efforts to pass the Law of Compulsory Primary Education of the 1920s) and others in which it has centered on corporative demands almost exclusively. It has also entered into prolonged strike episodes and adhered to more comprehensive social movements, forming relevant alliances with other trade union organizations and quite often been the cornerstone of national workers conglomerates.<sup>18</sup>

For the Negotiation we are concerned with in this paper, this history and strength were relevant. Thus, we could count on a responsible and reasonable interlocutor which availed itself for the in-depth analysis of the different issues involved in the Educational Reform underway and which wanted to push its petition beyond the purely salary-related demands. Moreover, the board relied on its own advisory teams consisting of highly professional economists, lawyers and experts on education, allowing for a dignified analysis of the national education, well beyond common places and slogans, to revise existing empirical evidence or to accept the mutual ignorance on certain matters. Without this dialogue-slanting interlocutor, exploring the aforementioned topics would have been impossible, let alone reach any consensus on matters critical to the national public education.

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<sup>17</sup> An interesting analysis of this Negotiation process, including the role of the President, was conducted in the light of the "game theory". Accordingly, it identified the CP's main winning tactics, namely an overinflated petition, internal cohesion, desire to restore past conditions, and crowd gathering actions. For its part, the MINEDUC presented internal cohesion, statistical information on education and salaries, agenda management and the support of important stakeholders (Rojas and Ostoic, 2002).

<sup>18</sup> A historical analysis of the Chilean teacher movement can be found in the numerous works by professor Iván Núñez (some are cited in the annexes), who has had an outstanding role not only in academic research, but also as part of the directive staff of MINEDUC during the negotiations held with the educators from 1990 onwards.



Of course, the association's prudence and national sense did not imply passive acceptance, or a lack of discrepant opinions, or even the absence of critically tense moments during the process.

### **The association's weaknesses**

The CP did have two weaknesses that undermined its pressure power during the Negotiation. One of them was the dispute between hard communist regional CP leader Jaime Gajardo, the President of the Metropolitan Region chapter, and the association's National Board. The other was the teachers' own mobilization difficulties.

### **Internal dissonance**

With regard to Gajardo, the truth is that he became a permanent headache for the Board and especially his President and fellow party member, Jorge Pavez. Not a single weekend would pass in which Gajardo would not call to a press conference to question the validity of the progress made during the Negotiation and criticize not only the Government (could it be otherwise?) but also the CP itself. His desire to be in the spotlight would always emphasize his differences with Pavez's moderation.

This internal opposition was not only media material: Gajardo and the hard-line leaders of the Communist Party constantly pushed their demands further during the association's assemblies, even reaching the point of calling to conduct their own protest actions before the MINEDUC and the government. On one occasion, they occupied the Ministry building, and on another they tossed coins at us and burned mega drawings of bills to symbolize how "stingy" and "unacceptable" our salary proposals were. During the bilateral meetings conducted with the association, we often complained about Gajardo's faction excesses and lack of self-control, and invariably agreed that this factor was seriously injuring the process.

In addition, this internal division pushed the National Board to look for intricate ways to reach sectoral agreements and settle their differences, knowing there was an internal enemy stalking them and always ready to make them pay.

### **Only one counterpart**

One of the golden rules we always had at the MINEDUC was not to validate Gajardo's sector as an authorized counterpart. It was not a question of stripping him of his legitimate social representation –let us not forget he was the President of the educators of our centralist country's main Region, which concentrates nothing less than 40% of its population–, but to maintain him precisely at that level: as a regional, not national, leader. For this reason, no matter how many times he requested meetings with us through the media or using the regular procedures, he was invariably referred to the Regional Secretary of Education of the Metropolitan Region. That sent another powerful signal to the national board that we would maintain a respectful and fully committed relationship with them.

## **Mobilization capacity**

The CP's other obvious shortcoming was its mobilization capacity. Many factors conspired to make teachers incapable of active mobilization against the government, let alone to take to the streets. The causes were varied: the still fresh memory of the aborted, painful teachers' strike of 1998; a greater identification with the government – especially with President Lagos–; the endearment and respect for Minister Aylwin (the first female minister who was also a teacher –history); the recognition of the ongoing efforts towards salary improvement (more than 100% actual growth in 10 years); the public questioning of educators arising from the poor results of the SIMCE test; the generalized awareness of the ailing economic situation; and the multiple signals from the government in the sense that, despite this complex scenario, it genuinely wanted to give the teachers as much as it possibly could.

Protest did not appear as a valid option, as the CP could empirically realize when it called to a “mass teacher demonstration” in support of the 61.7% raise requested and to repudiate the government's unresponsiveness.<sup>19</sup> The announced demonstration of power was a flop: only about a thousand teachers answered the call. Pavez had no other choice but to admit the sector's lukewarm response, which prompted the National Board to drift towards favoring consensual solutions over confrontation.

## **2.8 Sealing the agreement**

I consider of interest to review the form in which the MINEDUC-CP agreement was sealed. I am not referring here to the formal steps of signing the agreement before the public opinion, camera flashes and hand-shaking de rigueur included, but to the different approaches used to ensure low internal costs after a resolution that has implied big concessions.

For example, let us recall that the CP had requested an actual 61.7% salary raise over six years, but upon finishing the process it ended up signing a two-year agreement for far less money. How did the Board manage to cool down its members' expectations? What did it do to avoid being charged the costs of the difference between the initial demand and what was finally accepted?

Reviewing the process between the moment we submitted our counteroffer (27%) to the CP's initial petition (61.7%) reveals an effort to present the agreement by highlighting its positive and original facets, away from any implications of defeat for the educators. The CP was supposed to be able to show what had been achieved (which was a lot!) and duly value it before its members.

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<sup>19</sup> There were constant mobilization threats along the entire negotiation. A review of the press of those years clearly illustrates this: “Teachers charge again for greater buying power” (La Cuarta, June 8), “All for the lousy bucks. Teachers threaten with nationwide strike” (La Cuarta, June 14), “Teachers after the millions of historical debt” (La Cuarta, July 31), “Unhappy about the 27%. Teachers ask the government to raise the offer” (La Cuarta, October 15), “Coin tossing at the ministry and burning of Little Marian's raise. Teachers to the field” (La Cuarta, October 21).

As to the demands for participation in regional or national educational policy initiatives, the gain arising from the agreement was evident. The same happened with historically held demands for better working conditions (more non-class hours or reducing the number of students in each class) which for the first time in years had been attended. The difficulties obviously stemmed from the figures of the general salary raise, and the manner to convince educators to willingly accept the denounced “extra daily kilo of bread”.<sup>20</sup>

The process of conciliating positions consisted of a gradual shift from the initial six years to a shorter period (two years) that would permit to speak with new figures in hand and new timeframes, leaving the door open for future negotiations with the educators during the Lagos administration.

The CP Board came up with an idea to transfer the weight of the decision so that it would not appear as a concession made by the National Board or its National President, but rather as a shared decision by all the directive ranks (national and regional) and even the individual base members. Let us not forget that hard-line leader J. Gajardo was always ready to criticize the National Board, which made socializing the decision even more pressing.

The method the educators used to scale down their demands consisted of several stages. First, it asked the government for a counteroffer, whether in the form of new amounts or a different timeframe to try and arrive at more similar figures. Second, the National Assembly voted MINEDUC’s proposals, so that the possible agreements were always legitimized before the CP’s highest authority. Finally, the individual members were included in the process by making them vote, via a plebiscite, between the Government’s proposal or empowering the National President to seek an agreement higher than the one being offered.

Obviously, hard opposition leader Gajardo called to reject both options, attempting to declare the Negotiation a failure and thus be able to have a new negotiation process the following year, with greater mobilization. But the plebiscite organized by the National Board had great convocation power and was supported by the great majority, which validated its negotiation performance, defeated the internal opposition faction and gave it the authority to “go after something else.” Eventually, this “something else” was only marginal (one point of a percent difference between what was offered and what was finally accepted) but it did help instill the feeling that both parties did their best among the individual members of the association.

Looking back, I believe our flexibility was important in helping the national board look for consensual solutions that helped validate a tough decision among the educators. We were flexible regarding the timeframe, so the Negotiation was for two years instead of the original three; we did not insist on abrogating certain items on the Teacher’s Statute (like the already mentioned Training Reward) but rather study changes to them for future negotiations; we acceded to make two salary proposals and eventually agree on a third one; to sum up, and without renouncing our higher goals for the Negotiation, we were able to rid ourselves of non-essential things and help our counterpart accept the reality of things and peacefully recover from its internal wounds.

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<sup>20</sup> The CP’s final version of the achievements actually reached during this Negotiation may be consulted in some academic papers by its economic advisors, for example Paiva and Riesco (2000).

## 2.9 A communication gaffe

During the Negotiation process there was another high-tension episode: the moment when, right after submitting its National List of Demands, the CP demanded a prompt reply from MINEDUC “with figures”. The ultimatum was supposedly due to expire in September, one month prior to the municipal elections.

Nevertheless, we made it clear right away to the CP that they should not expect an answer of such magnitude and detail by that date which, in our opinion, seemed completely arbitrary (the new raise would not become effective until February).

The confrontation began to escalate and the deadline was eventually used as a demonstration of power of one over the other. The association accused us of unjustified delays to provide the answers, while we retorted they artificially set earlier deadlines. That is when the aborted mass mobilization was attempted as a way to increase the pressure on us, which incidentally only weakened the CP, and also when the President stepped in to “apply cold compresses” on the debate. It is within this already heated context that I made a communication gaffe that could have meant a heavy toll for the government.

While these skirmishes took place in front of the cameras, the Negotiation’s technical work went on: there were regular work meetings and progress was made in complex topics, such as the performance evaluation or the Pedagogical Excellence Reward (AEP). Given this scenario, it was hard to accept that everything was “running too slowly” or that “there was no observable progress” as the association insisted in a move to create a sensation of sluggishness that simply wasn’t so.

In response to the question posed by a reporter in one of our habitual press rounds, I mentioned this ambivalence on the part of the CP, which in the bilateral meetings had a collaborative attitude but as soon as it crossed the door discredited all the work done, especially if there was a TV camera nearby.

The idea to denounce the inconsistency was indeed correct, but I finished my address by saying this dual behavior of the President of the Teachers Association was “a schizophrenic attitude”. Obvious as it is, the unfortunate statement and disqualification did not go unnoticed and several TV newscasts started with it.

Back then, Jorge Pavez could have perfectly demanded my head and declare, with total support from the public opinion, that I was not a valid interlocutor, that I had gravely and unjustifiably offended him and that the government should consequently remove me from the negotiation team. If that had actually happened, a complex situation would obviously have ensued in our ranks.

But Pavez decided not to take advantage of my mistake. Instead, he continued with the press along the same line: when reporters asked him to comment on his “schizophrenia”, he simply said the actual problem was that the Vice-Minister suffered from Alzheimer’s disease, as he had forgotten all pre-electoral promises. Both now victims of mental illnesses, we were once again communicationally “tied” so I could

proceed, with greater caution and tact of course, with my duties as a government negotiator.

### **3. Implementing the agreements**

Since we affirmed this is a foundational Negotiation, it seems appropriate to go through the items agreed upon that were actually implemented, and determine which ones were left aside.

#### **Agreements become laws**

Most agreements were enacted as laws –like Law 19715– that were promptly and unanimously passed by the Congress, which evidenced transversal support from all political sectors.

Common salary improvement was quickly passed. An increase was agreed upon for the coming years that exceeded that of civil servants and would permit to move towards closing the 27% gap detected. An explicit note was included in the Protocol of Agreement regarding the willingness to favor the growth of teachers' salaries: "in the 2001-2006 period, teachers' remunerations will increase at a greater rate than the remuneration growth of the public sector and well above that of the economy in general." A Negotiation itinerary was established for the rest of the presidential term<sup>21</sup> and for the first time a Bonus was granted to all educators.

#### **The teaching profession continued on its dignification path**

The efforts deployed in this matter deserve special commendation. The figures (160% actual increase between 1990 and 2004) clearly show how the teaching profession continued on its dignification process as much in its relation with its past as with other countries. This phenomenon is believed to have influenced the choice of many youngsters towards the teaching profession and possibly accounts for the increasing numbers of students with high scores in the university admission tests who opt for a career in teaching.<sup>22</sup>

Similarly, the salary rewards allocated to teachers performing in especially difficult conditions were promptly passed. In this sense, the increase in this type of allowance in the Teachers' Statute was valued, but the greatest accolades went to the decision to bestow an unprecedented and permanent monetary incentive to the 2,500 teachers working in the smallest and remotest rural schools, where one (*unidocente*), two

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<sup>21</sup> When proposing this calendar, we sought to separate the government-CP negotiations from the association's internal elections. The experience of past negotiations had shown us how difficult it was to try and reach agreements with leaders that were at the same time candidates. They would radicalize their positions and would not want to pay any internal costs for the agreements –which in the context of a Negotiation always end up in concessions.

<sup>22</sup> Between 1997 and 2004 applicants to university programs in education grew by 178%. It is no surprise, therefore, that in the comparative study conducted by Juan Carlos Navarro in 2002 this positive characteristic is seen as distinctive within a Latin American context in which the teaching profession is increasingly undervalued.

(*bidocente*) or three (*tridocente*) teachers are in charge of all students in multi-grade classes.

### **Pedagogical Excellence Reward (AEP)**

The creation of the Pedagogical Excellence Reward (AEP) deserves a special note. Our schooling system did not contemplate an individual incentive system to reward excellent teachers in their salaries.<sup>23</sup> Following a complex technical development phase, the AEP has been given uninterruptedly since 2002. Several thousands of teachers have already obtained it. Not only has the reward permitted to develop and retain the best teachers in the classroom; it has also made it possible to identify and enlist them to perform a role deemed positive for the school system as whole. Thus, among the educators with AEP it has been possible to recruit several hundred “Educator-to-Educator” mentors who provide technical assistance on the field to classroom teachers of other schools.<sup>24</sup>

Less lucky was our original idea to achieve prompt retribution via the salaries for those teachers filling managerial-teaching positions. In fact, the CP requested the initiative be postponed for another two years, waiting for changes in the recruiting and evaluation of directors system to be introduced. Still, work continued on this matter, and a law was passed to properly regulate the duties and responsibilities of managerial positions, as well as increased monetary incentives for their performance.

### **Measures to improve working conditions**

The measures to improve the educators’ working conditions were implemented with no delay. Thus, the extra non-class hour concept was included in the contracts of those teachers who were contracted for a certain minimum number of hours, which gave them more time to prepare and properly evaluate class work. Similar steps were taken towards the gradual reduction in the number of students per class in the most deprived schools (the 900 Schools Programs); along the same lines, an extraordinary subsidy (Pro-Retention Subsidy) was created to reward those schools which succeed in preventing dropouts of students with extreme poverty family backgrounds. A special retirement plan was approved which allowed 2,889 teachers at retirement age (60 years for women, 65 years for men) to retreat in very advantageous conditions, thus permitting to renew the teachers at many municipalities. Finally, a specialized study was conducted to examine professional ailments among teachers. The study concluded that some pathologies found were positively linked to the teaching profession, which resulted in the presentation of a petition to consider them in the Ministry of Labor’s Ergonomic Committee.

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<sup>23</sup> In actuality, there was a collective reward for good performance of the school as a whole in vigor since the mid 1990s: the SNED (National Evaluation System of Teacher Performance). The reward is given to all the teachers of the school and is determined by way of a method based on whether the school compares positively to a reference “homogeneous group”, which makes the comparison between the performance levels reached by the different schools impartial.

<sup>24</sup> Further information on these initiatives is available at [www.mineduc.cl](http://www.mineduc.cl), in the section devoted to CPEIP (the Centre for Training, Experimentation and Pedagogical Research) and the teachers’ professional development.

### **The in-service training program**

The in-service training program within Chile was implemented in 2001, and has already translated into very significant teacher exchange opportunities between different regions of the country. Together with the Educators-to-Educators mentoring network, these in-service training instances have come to rescue the strengths and “living treasures” in our schooling system, trying to advertise and value good teaching practices among school communities.

The initiatives seeking to promote participation had disparate fates. Although teachers were considered in the Higher Education Council, thus amending the law and integrating representatives from the CP, it was not possible to constitute solid Regional Education Councils with representatives from all the sectors involved, in all the regions of the country.

Such deficiency may be attributed to MINEDUC’s lack of political will: in fact, all regional representations were instructed to work towards that goal, and it was possible to seal a number of agreements with regional actors in that direction. Although formally constituted in all the regions the Councils were short lived, except for a couple that were enthusiastically supported by the Governor and the Regional Government. Maybe these new bodies experienced difficulties transitioning from the diagnostic stage to the construction of decentralized policies; moreover, they were especially affected by the fact that they were not legally entitled to express their opinion or decide on the functioning of regional education.

### **National evaluation system of teacher performance**

The constitution of a national evaluation system of teacher performance was a major agreement.<sup>25</sup> The system was gradually instituted, and by 2005 it had already conducted a professional evaluation of three generations of teachers who had never been evaluated before, placing them in the “unsatisfactory”, “basic”, “competent” and “outstanding” categories. Of course, falling into one category or another has very different implications for the teachers evaluated: while the “unsatisfactory” teachers must be removed from the system in case of reiterative underperformance, the “competent” and “outstanding” teachers may opt to a relevant salary reward. In order to arrive at this new system, which was enacted as Law No. 19,933 of 2004, different technical studies were conducted, which included visits to countries where such systems had been successfully implemented (Ireland, Cuba). Note that, in addition to MINEDUC and the CP, the evaluation design included municipalities, which are the entities responsible for public education administration and the contractual bonds with the teachers. In spite of the fact that implementing the system has been far from easy and that the hard-line dissidence

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<sup>25</sup> It is worth noting that the difficulties in actually transforming teaching practices has been labeled the main “Achilles’ heel” of the Reform underway in Chile for over a decade. The powerful and costly initiatives undertaken (such as JEC, the curricular change or the focalized programs in the most vulnerable schools) are indeed relevant, but the MINEDUC has been unsuccessful in its attempts to count on effective tools to transform the teachers’ work in the classroom. There is a need to introduce a change in the teachers’ initial formation and service, as well as performing systems of technical-pedagogical supervision and professional evaluation (OECD, 2004).

inside the CP has attempted to sabotage the operation, today the system is a reality that has evaluated more than 15,000 teachers a year.<sup>26</sup>

### **Modernization of MINEDUC**

Lastly, a bill was also submitted to modernize MINEDUC, which upgraded the function of supervision of the financial resources delivered to the *sostenedores* of municipal or subsidized private schools. Simultaneously, increased human resources were allocated to supervision, and new technologies were pervasively integrated into the resource transfer and control role of the school subsidy system.

## **4. Lessons learnt**

The multifaceted experience of this Negotiation between the Ministry and the teachers association can be examined from several perspectives. I would like to draw the attention on four lessons I consider interesting at this level of practical analysis referred to what the Ministry is able and prepared to do.

### **Discussion on teacher performance**

The first lesson has to do with the fantastic opportunity this type of negotiations provides to bring in educators in the discussion of matters beyond salary adjustments aimed at the heart of the Educational Reform, such as teaching practices. Very seldom does the Ministry count on such a potent tool, if used wisely, to assess teachers' commitment with the changes underway in the school system, and to ensure improved performance in key aspects of the educational reform agenda. It is not a question, then, of negotiating a salary raise for nothing or in response to protest threats, or to compensate past "debts". The goal is to achieve greater teacher professionalism on key educational areas, such as quality, equality and participation.

Put as a table, we can see that in our case the Negotiation fitted the objectives of the Educational Reform in the following way:

Scope of the Educational Reform	Agreements reached
Elementary and secondary education quality improvement	<ul style="list-style-type: none"> <li>- One extra non-class hour</li> <li>- In-service training in Chile</li> <li>- Pedagogical Excellence Reward (AEP)</li> <li>- Teacher Performance Evaluation System</li> <li>- Teachers' occupational disease</li> </ul>

<sup>26</sup> The system hinges on a commonly accepted Good Teaching Framework (MBE) that defines the performance standards teachers are expected to achieve in the different fields considered. Several techniques are used to document the teachers' professional performance: portfolio, peer and director evaluation, class filming. In the event the teacher is favorably evaluated, s/he may take a test which, if passed, can signify a salary raise for 4 years. Conversely, in case of a poor evaluation, the teacher must attend professional training courses. If the teacher is unable to improve, then after some time s/he will be removed from the schooling system. For more details, please visit [www.docentemas.cl](http://www.docentemas.cl)



	<ul style="list-style-type: none"> <li>- coverage</li> <li>- Special retirement plan for eligible teachers</li> </ul>
Elementary and secondary education equality improvement	<ul style="list-style-type: none"> <li>- Reward for Managing Rural Teachers</li> <li>- Increased Reward for Working in Difficult Conditions</li> <li>- Reduction of number of students per class in economically-deprived sectors</li> </ul>
Increased participation in elementary and secondary education	<ul style="list-style-type: none"> <li>- Creation of Regional Education Councils</li> <li>- Participation of CP in the Higher Education Council</li> <li>- Evaluation of Extended School Schedule</li> </ul>

### **Politico – technical efficiency of MINEDUC**

Secondly, I believe a solid MINEDUC performance depends on a number of factors that need to be safeguarded and bolstered up. In the light of our own experience, the following aspects should be underscored:

- Setting up a cohesive team possessing the technical and political capacity to successfully tackle a complex negotiation process;
- Building a systematic Negotiation Proposal relevant to the Educational Reform by strengthening the teaching profession in those areas deemed pertinent to the quality, equality and participation objectives;
- Gaining key political support within the government (Political, Finance Ministries, President’s Office) for both the proposal and the process, as well as devising an intra-executive conflict resolution approach;
- Lobbying with the political world, especially congress representatives who are influential in the educational arena, to ensure prompt legislation on the agreements sealed;
- Adequately managing the political timeframe of the Negotiation with the association, exercising control so as to avoid rushed, rigid and premature decisions, and to avoid extending response times to teacher petitions beyond reasonable limits;
- Balancing flexibility and strength along the process, so as to compromise in less critical aspects and succeed in the core matters of the proposal;
- Finding ways to integrate, in a way that reaps the greatest possible benefits for the ministry, incidental events which -although alien to the Negotiation- can play a favorable role in ensuring a positive outcome.

### **The MINEDUC-Educators bond**

Thirdly, a successful Negotiation greatly depends on the relationship between MINEDUC and the association. Strictly speaking, the actual possibilities of building a

good bond are highly dependent upon the association's openness to dialogue; however, there is always room for progress. The relationship will certainly outlive the negotiation itself, yet it is precisely during the latter that the former is put to the test. In this sense, besides nurturing a trusting relationship prior to and following the Negotiation, extra attention should be paid to some special elements during the process:

- State a clear and lasting political willingness to reach agreements while demonstrating their advantages over confrontation;
- Lay out an agenda for work on topics of common interest, allocating time to explore the different concerns and suggestions, and defining those that may be the object of the current negotiation process;
- Sustain uninterrupted, systematic dialogue, guaranteeing respect for the different opinions and laying the ground for discussion of the issues raised and possible solutions therefor;
- Provide for the inclusion of external studies on matters considered relevant though not sufficiently documented to base any decisions thereon;
- Be flexible enough to allow the counterpart to solve any internal difficulties (e.g. dissidence).

### **The public opinion**

Finally, and regardless of the good terms the relationship with educators may be based on, never should the public opinion be overlooked, for its sympathy with the teachers' cause or with the government's posture may tilt the Negotiation scale. There is a great difference between facing tough, tension-laden negotiation moments with a weakened counterpart, and doing so with a fully credible opponent that also has the support of the public opinion. And to favor this citizen appreciation, some communicational points need to be borne in mind:

- Permanently publicize the ministry's proposals, stating the topics on the agenda and trying to anticipate conflicts and reactive responses, while publicly showing the opportunities offered to the association;
- Always try to fill the informational gap between technical topics and common citizens by way of comparisons and examples that support the statements;
- Clearly define the spokespersons who will refer to the Negotiation, aligning the messages given by the different authorities at different times, so as to rule out vague or conflicting messages from the executive;
- Introduce authorized voices other than the usual spokespersons to contain the Negotiation and support proper unfolding even in decisive moments (such as presidential intervention as a guarantor of the process).
- Avoid rebuffing and disqualifying the opponent while maintaining control of the situation.

One may argue that the case here presented has its own very stressed peculiarities.<sup>27</sup> It occurs in a context of general political stability, with sound continuity of the policies implemented by the three successive administrations of the ruling coalition. The country enjoys sustained economic growth that allows increasing resources to be allotted to

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<sup>27</sup> Several comparative studies have pointed out this variety of situations in the region, which call for caution at the time of drawing general conclusions (Palamidessi (2003) or Gajardo and Gómez (2003).

education, and particularly to teachers' working conditions. It rests as much on an Educational Reform approved by consensual agreement pre-legislative instances (like the National Commission for the Modernization of Education, also referred to as the "Brunner Commission"), as on laws almost unanimously passed at the Congress. Furthermore, the teachers association leaders boasted ample political experience, technical competencies and a dialogue-slanting attitude.

But these characteristics can only become positive if the Negotiation with the association is effectively steered with cunning political ability, and most of all, if it is clearly conducted towards the consolidation of the Educational Reform. Consequently, a good negotiation is not one that demobilizes the teachers association or is economical on the national treasury. A good negotiation manages to introduce sustainable and consensually agreed changes to the teaching practices in favor of good educational quality for all.

## ANNEX I: BIBLIOGRAPHY

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## **ANNEX II: THE 2000 NEGOTIATION AGENDA**

- January 5: Colegio de Profesores – CP (Teachers Professional Association) and presidential candidate Ricardo Lagos execute an agreement fostering education and strengthening of the teaching profession
- March 11: new administration takes over (2000-2006) and systematic MINEDUC-CP work meetings are held as of that very week
- March 31: President Lagos opens CO Assembly with a speech whereby he expresses his wishes to modify the historical approach used for the Negotiations between the government and educators
- May 16: Mayor of San Ramón district is arrested on “failure to pay historical debt” charges pressed by a number of district teachers.
- June 30: National Assembly of the CP adopts National List of Demands, including an actual 61.7% salary adjustment effective along the administration’s term.
- July 5: MINEDUC publicly discloses the results of SIMCE education quality test.
- August 1: Education Minister and Vice-Minister pay a visit to CP headquarters to express their commitment with the Negotiation
- September 3: CP sets deadlines and requires the administration to issue an official answer to the CP’s List of Demands
- September 30: CP organizes a failed massive mobilization of teachers in the downtown of Santiago
- October 13: MINEDUC makes first formal proposal with alternate figures and various aspects of improved working conditions and professionalization
- October 20: CP dissident sector led by teacher J. Gajardo carries out a protest demonstration at MINEDUC facilities
- October 24: MINEDUC issues second formal proposal, whereby terms and general adjustment figures were modified, yet other items of the proposal remain unchanged
- October 29: national municipal elections take place
- October 30: CP National Assembly decides to call for a wide consultation on MINEDUC’s offer, including the option of commissioning the Board of the CP to bargain a better agreement
- November 8 & 9: a consultation with massive participation of teachers is carried out. As a result, the mandate of the CP is voted and defeats the dissidence’s disruptive stance
- November 10: visit of the President of CP to The Mint Palace, where he expresses the association’s satisfaction for the agreements reached
- November 14: Protocol of Agreement between MINEDUC and the CP is executed
- January 2001: Law No. 19,715 is discussed at the Congress, whereby the various agreements included in the Protocol receive transversal political support and become legally enforceable.

**ANNEX III: AGREEMENT PROTOCOL BETWEEN THE  
MINISTRY OF EDUCATION AND  
COLEGIO DE PROFESORES DE CHILE A.G.  
2000**

The agreement subject matter hereof documents for the record the commitment undertaken by and between Colegio de Profesores de Chile, A.G. (Chilean National Teachers Association - CP) and the Ministry of Education on improving the quality of education and strengthening the teaching profession. The document herein is based on the agreement executed by and between the President of Colegio de Profesores and the President of the Republic in last January.

In particular, this agreement fosters fulfillment of commitments along the 6-year term of the current administration, including improvement of the public nature of education, extension of community participation opportunities and specifically teachers participation, and improvement of teachers' working conditions and salaries.

As a consequence of this Agreement, both parties have undertaken concrete actions. The Ministry of Education is making a renovated effort to expand pre-school education, increase the resources allotted to the educational facilities at lower socio-economic sectors twofold and to reduce student drop-out rate at secondary level. In turn, the Colegio de Profesores is carrying out sustained efforts to build a Teachers Movement all along the country and fostering a Child Labor Eradication Project to address this issue in an accountable and serious manner. Actions from both parties are consistent in terms of ensuring the right to education and improved living conditions to all children.

Following a number of months of joint work, along which accountability and mutual respect prevail, the Ministry of Education and the CP have succeeded in building a dependable framework ensuring a positive medium-term relationship. This agreement relies on both parties' conviction that the educational reform and strengthening of the teaching profession are inseparable processes that require the firm commitment and best efforts of both parties.

**I. UPGRADING THE EXTENDED SCHOOL SCHEDULE**

Overall implementation and upgrading of the Extended School Schedule accounts for an objective aimed in the best interest of everyone, as well as a key requirement of improvement of the Educational Reform, and a driver for new and better conditions for strengthening of the teaching profession. In this sense, both parties –each within its own field of expertise- shall join efforts to overcome the hurdles that have delayed fulfillment and streamlined implementation of the Extended School Schedule.

The Ministry and the CP fully support execution of an assessment study they have jointly agreed to evaluate the extension of the school day in terms of how the extended schedule has been used from the educational point of view and how the Extended School Schedule has affected teachers working conditions. The various actors involved will participate in a debate on the results of the aforementioned evaluation, particularly

concerning the changes required. The agreements reached will be placed on record in a bill that, aside from extending the implementation deadline, will overcome the issues detected through the evaluation. That bill shall be submitted to the National Congress no later than the first half of next year.

## **II. STRENGTHENING THE MANAGEMENT AND SUPERVISION CAPACITIES OF THE MINISTRY OF EDUCATION:**

The Government has deemed appropriate including this aspect in the preparation of the bill aimed at restructuring the Ministry in the framework of modernization of the public sector. Incidentally, the CP has expressed its interest to cause the Ministry's management and supervision capacities to be strengthened so as to secure observance of the right to education and proper use of public resources.

In preparing the aforementioned bill, scheduled to be submitted to the National Congress during 2001, the Ministry shall carry out a consultation with the CP, particularly regarding strengthening the Ministry's management and supervision capacities.

## **III. INCREASING OVERALL EDUCATORS REMUNERATIONS**

As a first stage and for the purposes of fulfilling the commitment made by President Lagos so that educators are fairly compensated and that teacher salaries are in line with those of any public sector professional, and considering the limited resources inherent to the economic situation the country is undergoing, increasing the salaries of teachers of municipal and subsidized private schools subject to the provisions under Decree Law 3166 is agreed, thereby acknowledging the legitimacy of the CP demand in this regard.

Accordingly, the Minimum Basic National Pay (RBMN) shall grow by a nominal 6.5% in 2001. In 2002, the RBMN will be raised by a nominal 8.38%, as a result of adjustment and addition of 25% of the Professional Improvement Unit (PIU) value to the RBMN, which implies that teaching experience, additional training, working in difficult conditions, managing and geographical rewards will be significantly increased. As to private subsidized and schools ruled by D.L. 3166, a general combined salary increase will be applied, so that the entire subvention raise provided to *sostenedores* is allotted to teachers.

The salary increases so agreed shall be effective as of December and consistent with the adjustment applied to public sector salaries. The balance of the salary increase agreed upon under this Negotiation shall be paid in February 2001 and February 2002.

Salary scale values will be as follows:

	<b>2000</b>	<b>2001</b>	<b>2002</b>
<b>RBMN Elementary (hourly rate)</b>	\$5.565.-	\$5.927.-	\$6.424.-
<b>RBMN Secondary (hourly rate)</b>	\$5.857.-	\$6.238.-	\$6.761.-
<b>PIU (30 hours)</b>	\$20.111.-	\$20.111.- (*)	\$15.083.- (*)

(\*) In Chilean pesos as of 2000

The foregoing nominal salary increases forecast expected inflation rates of 3% for 2001 and 3% for 2002. Should the inflation rate expected for 2002 differ from the forecast, RBMN values of the relevant year shall be adjusted according to the expected inflation rate posted in the Budget Law which, if applicable, shall translate into a variation of the nominal values previously established.

The aforementioned salary increases are aimed at raising the RBMN based on actual percentages, according to the adjustment calculation method applied to date for public sector salary adjustments<sup>28</sup>.

Taken on an aggregate basis, the effect of the RBMN increase for the first two years of the agreement, the addition of 25% of the Professional Improvement Unit (PIU) value, and extension and implementation of rewards for the 2001-2006 period discussed further on in this document, shall result in teacher salaries growing even with those of public sector professionals bearing similar levels of qualifications and responsibilities, whose salaries are ruled by a Single Salary Scale. This will be applicable not only regarding salaries in the early stages of teachers' careers, but also upon retirement. Determination of the RBMN adjustment for 2003 through 2006 will be made along the same period.

The aforementioned implies that over the 2001-2006 period, teacher salaries will rise at a faster pace than public sector salaries, and dramatically faster than local compensations as a whole.

The RBMN corresponding to 2003 through 2006 shall be agreed upon by the parties in the framework of a Negotiation process to be undertaken as from July 2002.

## **TEACHER BONUS**

Given the tight budget situation our country is currently facing, a one-time CLP 20,000 Teacher Bonus will be granted to all teachers of municipal and private subsidized schools, and educational institutions ruled by DL 3466. This reward to teachers will be payable on the month following entry into force of the relevant law.

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<sup>28</sup> The CP will insist on an alternative calculation method for adjustment of their nominal salaries at the public sector negotiation roundtable. Any agreement reached in this regard shall be applicable to the aforementioned nominal salary calculation, based on the actual 3.5% and 5.387% salary adjustment objectives agreed for the relevant years.



## IV. IMPROVING WORKING CONDITIONS

### IV.1 TEACHER'S WORK HOURS

- **One additional non-class hour:** In accommodating the CP's proposal, teacher class/non-class time ratio will be modified. Accordingly, effective in 2002, all teachers working 38 or more hours per week under the Extended School Schedule – JEC system will be paid an additional non-class hour per week. To those ends, a procedure ensuring that extra non-class time will be devoted to technical activities helping improve the quality of class time at the school shall be provided in the Teachers' Statute. The resources needed to finance this measure are additional and have not been included in the total adjustment amount. Likewise, joint research will continue to be done in order to determine how non-class time can be better used.
- **Duration of the school year:** under Decree 1123 issued by the Ministry of Education in 1997, schools operating under the Extended School Schedule – JEC system offer a total of 1,520 and 1,680 class hours per year in elementary and secondary education, respectively. Accordingly, a regular school year comprises 38 weeks per year. Both parties acknowledge the significance of implementing such an overall structure.

Nevertheless, both the study on occupational diseases and evaluation of the JEC will provide the necessary background information and criteria necessary to assess this item.

### IV.2 IMPROVING TEACHER SELECTION AND RECRUITING STANDARDS

- **Improving the position-filling process regulation:** in order to ensure transparency in the teacher selection and recruiting process, the Ministry shall amend the Teachers' Statute Regulation by introducing related standards provided under article 1 No. 17 in Law 19,410, all of which is aimed at supporting "informe fundado", a sort of eligibility certificate that faithfully states the qualifications of the applicants and the parameters evaluated to select an applicant and propose him/her to the Mayor or Head of the educational institution's parent association, as applicable, as a viable candidate to fill in a vacant position. In addition, having a Ministry of Education official act as an Authenticating Officer during teacher selection processes will be proposed.

Moreover, in order to enforce the mandatory teacher selection process, the parties hereby agree on proposing the relevant legal modifications to be introduced in the teacher prequalification and selection processes called prior to November 15 of the year following the year of the vacancy.

Finally, concerning Principals, the Ministry shall establish applicant prequalification and selection regulations that will ensure that candidates bear the required levels of knowledge, skills and competence to fill in the managerial position.

- **Tenure:** Tenured teachers subject to 20 or more hour contracts whose actual schedules grow up to 30 hours as a result of implementation of the Extended School Schedule shall be entitled to tenure concerning the extended schedule, provided that

such hours correspond to regular hours in the Extended School Schedule project of the corresponding school.

- **Ensuring transparency and unbiased investigations:** to those ends, the parties hereby agree upon proposing modification of item b) in Article 72 of the Teachers' Statute to provide that administrative investigations or inquiries affecting an educator performing teaching or technical-pedagogical duties shall involve designation of an Investigator. The Investigator so designated shall be an educator performing teaching or technical-pedagogical duties similar to the professional subject to investigation, or else, an educator involved in the school administration.

#### **IV.3 OCCUPATIONAL DISEASES AND RETIREMENT:**

- **Occupational diseases:** based on a study scheduled to be conducted in 2001, all the diseases specifically related to or originating in teaching activities shall be identified so that the responsible entities include those ailments in the regulatory list of teachers' occupational diseases. In addition, jointly with the relevant entities, both parties shall promote the implementation of prevention plans for teachers. Those plans will have a pilot project nature during 2002 and shall be officially implemented all along the country as of 2003.
- **Special retirement compensation:** the parties hereto agree upon submitting for Congress approval a new provisional special retirement compensation for eligible municipal teachers. Such compensation shall be financed through advanced charges to the school subsidy.

Particularly, a compensation up to 11 monthly payments, equivalent to the last salary before taxes, shall be paid to educators retiring within the 6-month following day 1 in the month following enactment of the law.<sup>29</sup>

#### **IV.4 SALARY INCENTIVES FOR TEACHERS WORKING UNDER DIFFICULT CONDITIONS**

In order to favor educational equality, the parties hereto agree to introduce the following innovative provisions:

- **Reward for managing rural teachers:** this reward is granted to teachers of rural subsidized multi-grade schools that perform managerial tasks. This measure is aimed at rewarding those teachers working under difficult situations and bearing complex responsibilities, which are well beyond the conditions their fellow teachers are subject to.

This reward will be paid as from 2001 and by 2002 it shall be fully implemented. Reward values for 44-hour schedules over the first two years shall be as follows:

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<sup>29</sup> The CP claims this solution fails to be sufficient due to its temporary nature, and that compensations should be equivalent to more than 11 monthly payments.

Reward for managing rural teachers	2001	2002
Amount of reward (44 hours) (*)	\$26.079.-	\$56.531

(\*) Same ratio will be applicable to less than 44-hour schedules

- Increased reward for working in difficult conditions:** The parties hereby propose reinstating the original purpose of each reward by focusing implementation on every region and significantly increasing the amount of the rewards granted. The new criteria shall be defined by the Ministry of Education in consultation with the CP. Accordingly, this incentive shall be increased by over 33%. Increased rewards shall be paid as from 2002 based on funds provided by a CLP 2 billion fund and by 2003 the improved reward system shall be fully implemented based on a further contribution of CLP 2.5 billion. Altogether, the total fund for increased rewards shall amount to CLP 4.5 billion, in 2000 money.

#### **IV.5 REDUCTION OF THE MAXIMUM NUMBER OF STUDENTS PER CLASS:**

As a further major effort to improve the quality and equality of teachers' working conditions, a first step shall be gradually reducing the maximum number of students per class in the poorest schools and high-schools from 45 to 40 as from 2002. This measure will be financed by means of implementation of the future differentiated subvention.

#### **V. STRENGTHENING THE TEACHING PROFESSION AND OFFERING NEW CAREER OPPORTUNITIES**

Both parties shall foster building of a new career boosting the professional nature of teaching by means of the following reforms and measures that will be implemented in the short and medium run. This new career will gradually expand to cover all roles and activities. A highlight in this initiative shall be the efforts that shall be made to keep effective teachers within the profession and prevent their migration to other roles or activities, and to take advantage of their skills and commitment to raise the level of quality and equality of education.

- Training regulations:** The CP and the Ministry wish to accommodate and grant their support to the proposals submitted by the bipartite Technical Commission regarding modification of the professional training regulations, both to strengthen the powers and authorities of the Center for Training, Experimentation and Pedagogical Research (CPEIP) concerning certification of training institutions and programs in order to improve their quality, and to request the necessary funds that will need to be allocated accordingly.
- In-Service Training in Chile:** Both parties support the "In-Service Training in Chile" initiative. Effective in 2001, professional exchange projects will be developed, scheduled and financed among schools bearing similar characteristics and facing comparable issues. Through this program, teachers will exchange experiences and learn about others' successful innovative initiatives.

- **Professional performance evaluation:** Furthermore, the Ministry of Education and the CP confirm their commitment to establish, as part of a tripartite Technical Commission formed with the Chilean Association of Municipalities, no later than December 31 of the current year, the regulations for an ongoing teacher performance evaluation system.
- **Pedagogical Excellence Reward (AEP):** This innovation shall help structure a professional career for classroom teachers, who will have the opportunity to move forward in their career in better terms than solely based on seniority or through undertaking managerial tasks, as a result of which they are no longer classroom teachers.

Educators may voluntarily sign in the accreditation process. The first excellent classroom teacher accreditation will be held in 2002 as a pilot project. Teachers so certified will be paid this special reward in the form of a permanent, adjustable bonus. A Special financing fund will be created to those ends. The number of beneficiaries and the resources required for the 2002-2006 period shall be set forth in the relevant law.

- **“Educator to Educator” mentoring network** A Network consisting of the teachers who have been certified for their pedagogical excellence will be established to offer their peers the opportunity to share knowledge and experience. Both parties agree on supporting these processes referred to as the **“Educator to Educator” mentoring network**, which along with the “In-Service Training in Chile” program, are aimed at strengthening the teaching profession.
- **Reward for managing teachers:** Likewise, the parties agree on effecting a rise of the ceiling reward for managing teachers. All teachers performing managerial and technical-pedagogical tasks in municipal schools will be eligible for this reward. In particular, school principals and heads of technical-pedagogical unit will benefit from the highest reward raise percentage. Raises will be effective as from 2003.

## VI. CREATING NEW SPACES FOR TEACHER PARTICIPATION:

Both parties agree on the need to create and improve the participation opportunities of the various actors involved in pre-school, elementary and secondary education. To those ends, they shall make their best joint efforts to create a number of initiatives, which will also include other community-representative organizations.

- **Regional Education Councils:** In the framework of a public effort to streamline decentralization at a regional level, the Ministry of Education in consultation with the CO shall discuss the establishment of Regional Education Councils during 2001. These entities shall play the role of advisors of Regional Governors and Regional Education Secretaries and, their powers and authorities shall be strengthened based on their performance through legal standards agreed by the parties involved.

Regional Education Councils shall cooperate with authorities in identifying the educational problems affecting the region, facilitate the integration of the approaches and interests of the various actors involved, and complement and streamline an increasingly independent local and regional decision-making structure.

In turn, Regional Councils shall be entitled to advise the creation of Provincial Education Councils.

- **Improvement of other existing spaces for teacher participation:** Simultaneously, both parties shall discuss and agree on consultation processes with other representative entities with regard to improvement of existing spaces for teacher participation. At a district level, the experience of Annual Municipal Educational Development Plans (PADEM) shall be discussed on a joint basis with municipal authorities. At school level, the operation of School Boards and other teacher participation experiences regarding school management shall be assessed. Accordingly, measures aimed at expanding, consolidating and upgrading those experiences, as applicable, shall be proposed.

**Representation at Higher Education Council:** The Ministry of Education and the CP hereby agree on promoting a reform to the Constitutional Teaching Law – LOCE (Ley Orgánica Constitucional de Enseñanza) so that representatives of school system entities are allowed to participate in the Higher Education Council.

#### **VIII. AGREEMENT FOLLOW-UP**

Lastly, both parties hereby agree on jointly undertaking ongoing progress follow-up and assessment of the agreement along the term thereof, i.e., 2001-2006.

Santiago de Chile, November 14, 2000

<b>JORGE PAVEZ URRUTIA</b>		<b>MARIANA AYLWIN OYARZUN</b>
President Colegio de Profesores de Chile, A.G.		Minister of Education