



ARGENTINA

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Chavez, H., Agrelo, R. & Candal, C. S. (2012). Argentina. In C. L. Glenn & J. De Groof (Eds.), *Balancing freedom, autonomy and accountability in education: Volume 3* (19-33). Tilburg, NL: Wolf Legal Publishers.

Overview

During the second half of the nineteenth century, Argentina experienced an extraordinary evolution of its educational system, reaching levels comparable to those of the most developed countries in the world. Domingo F. Sarmiento, President of the Argentine Republic from 1868 to 1874, laid the foundation for subsequent progress in education, introducing free and obligatory schooling for children between 6 and 12, increasing enrolments four-fold, and creating normal schools for the training of elementary and secondary teachers, among many other important means of encouraging science, culture, special education, and research.

The Common Education Law 1420, enacted in 1884, was the organizing standard for education in the entire country for more than a century.

Education progressed rapidly in Argentina. The rate of illiteracy fell from 78 percent in 1869 to 39 percent in 1908 and, supported by the economic progress which the country experienced until 1930, Argentina found itself in the educational vanguard of all of Latin America.

The country's political instability between 1930 and 1983, with successive civilian governments interrupted by military coups, affected the development of the educational system, the adequacy of its financing, its planning, and its organization. Throughout this period, the agenda and priorities of the educational system kept changing from one decade to another in accordance with the changes in the country from dictatorial to elected governments.

With the arrival of Democracy, a National Pedagogical Congress was set up on the initiative of the national government, with responsibility for undertaking the urgent and necessary reforms of the education system. The Congress was so organized that the participation of both public and private schools and of all the organizations of society concerned with education was guaranteed. The Catholic Church, through its schools, had a strong presence in the discussions and conclusions of the Congress. Nevertheless, the conclusions of the Congress were not translated into normative form until the beginning of the 1990s.

The Argentine Republic accomplished during the 1990s major structural reforms in major aspects of the state, all of them oriented toward privatization, deregulation, and decentralization of government activities and inspired by neoliberal policies consistent with the recommendations of international organizations. The education sector did not escape from the current of changes; in 1991 a law authorized the transfer of secondary schools from the national government to the provinces, and in the 1993 was followed by the Federal Education Law which established the organization, governance, and allocation of rights and responsibilities for the education system at all levels, from pre-school to post-university. The Higher Education Law was adopted in 1995.

These laws implied an increase in the responsibilities and competencies of the provinces which, until then, under the terms of the National Constitution, had responsibility only for primary education; indeed, there was also a parallel system of primary schools dependent upon the national government created in the course of the 20th century to supplement the inability of the provinces to respond to the demand for education. With the laws enacted in the 1990s, a new organizational framework was created for the whole country and for all levels of education.

Some aspects of the 1990s reforms were changed, however, in 2006, when government passed a new Federal Law on Education. The law gives a Federal Council of Education, a body comprised on provincial education ministers, the education minister of the Federal Capital Buenos Aires, and the National education minister, the power to set broad educational goals for the entire country. Those goals are known as the Common Basic Contents (CBC) and outline expectations for what all students should know and be able to do. In addition to establishing these curricular

expectations, others overarching aims of the 2006 law are to decrease dropout rates at the secondary level, increase graduation rates overall, and provide for a students an education better aligned with the demands of the labor market. The law extends compulsory education to 13 years (the entirety of secondary school) and places a renewed emphasis on the availability of vocational technical education across the provinces.¹

More than six years after the passage of the 2006 law, debate continues in Argentina about how raise the quality of education in the country. High school attrition rates remain high and access to quality schools remains unequal between the provinces and throughout the country. Although enrollment in school at the primary level remains near universal across the provinces, at 94 percent, enrollment still drops sharply at the secondary level, to 74 percent across the provinces.²

The character of the educational system

The Argentine educational system, although legally defined as “regulated and organized, in a cooperative and coordinated form, by the national government and the provinces,” and, despite the reforms of 2006, is regulated primarily by the provincial governments. The provinces must, under the Constitution, “provide for primary education,” and by authorization of the national law 24,049 of 1991 the national government transferred to their administration the secondary schools previously under its control.

Education, whether state-managed or privately managed, is obligatory. Since 2006, this obligation extends from age five to age seventeen, although the process of implementation of this obligation is gradual and the rhythm of implementation is different in each province.

State schooling is free of charge at all levels, while private schooling is not free of charge and, in general, receives subsidies from the state. Private schools may be administered by religious organizations, NGOs, private enterprises, or individuals. The subsidies which they receive from the state in all parts of the country reduces the tuition costs and facilitates, in part, the ability of parents to choose schools. The state also has the right to regulate these schools.

By virtue of the constitutional right to teach and to learn, the system is organized on the basis of “freedom to teach” (*libertad de cátedra*) and the right to choose the education of one’s children in accordance with the convictions of parents.

The Federal Education Laws 24,195 of 1993 and 2006 established mandatory basic curricula (Common Basic Contents) which the provinces must adapt to regional realities. Each school, in turn, may develop its institutional project, which complements the basic curriculum. As a result of these recent laws, an estimated 70 to 80 percent of what is taught in schools is prescribed by a state authority.

According to 2006 statistics, the Argentine provinces and the City of Buenos Aires have altogether 12.2 million pupils in the pre-school, primary, and intermediate or secondary levels. It should be noted that, based on the disparate distribution of the population, the number of pupils by province varies considerably. More than half of the provinces have fewer than 200,000 pupils, while Buenos Aires has nearly five million, or roughly 40 percent of the total, making it the second-largest sub-national educational system in Latin America.

The private education sector, though regulated, functions with considerable independence of the public school sector and is supervised by the provinces through separate offices from those that supervise public education. Despite this separation between publicly-managed and private schools, both systems collaborate to provide education in geographically-isolated parts of the country.

It is important to note that private education is on the rise in wealthier provinces and cities in Argentina. This seems largely due to two factors: public perception of the inferior quality of public schooling and the increased availability of full day schools offered by private institutions. The vast majority of public school students in Argentina, primary and secondary alike, attend school for four hours every day, 20 hours every week. In the private sector, the number of instructional hours can be double that of the public sector.³

Pre-primary education

Pre-primary education in Albania consists of nursery schools and kindergartens. Nursery schools are institutions subordinated to the local government, for children between the ages of 0 and 3. Kindergartens are institutions subordinated to MoES for children between the ages of 3 and 6. The MoES aims to involve all 5 years old children in preschool institutions.

Pre-primary education is not compulsory, and it can be offered full or part time. Nursery schools run throughout the year.

Teaching in the pre-primary education system is conducted on the basis of educational programs approved by MoES. The mission of pre-primary education is to

provide early education and contribute to the development of children's personality, so as to prepare them for school. The teaching process in nursery schools and kindergartens of ethnic minority regions is conducted in their mother tongue.

From the total number of 1,774 pre-primary institutions registered in 2009, just 89 were private. The total number of preschool children that attended kindergartens in 2009 was 75,445, while 3,464 children were registered in the private institutions.³

Structure of the educational system

Most of the provinces have adopted, the present educational system is composed of various levels of instruction: Initial, General Basic Education, 'Polimodal' Education, and Higher Education and Special Arrangements (*Regímenes Especiales*). Obligatory education consists of thirteen years.

Initial Education consists of the education of children from three to five years of age, of which only the final year is obligatory.

General Basic Education, which is obligatory, includes three cycles of three years each, with specified curricular, pedagogical, and organizational characteristics, for children and youth between six and fourteen.

'Polimodal' Education, which became obligatory in 2006, is three years, and undertakes the education of youth from fifteen to seventeen. This education includes two types of formation, general and oriented. The first involves teaching basic common content for all pupils, and the second involves content oriented to different areas of knowledge and of social and productive competencies of five types: natural sciences, economics and organizational management, humanities and social sciences, production of goods and services, and communication, arts, and design.

The national government maintains responsibility for the public and private university system. Higher education is, properly speaking, post-secondary education and includes both institutions which provide university education and those which provide non-university education, through programs which require five or six years in the case of the former and three or four years in the case of the latter.

Special Arrangements includes (a) Special Education for pupils with special needs, (b) Adult Education to supplement the education of those who did not complete General Basic Education, and (c) Artistic Education, which must comply with the mandatory basic curriculum prescribed by Federal Education Law 24,195 of 1993,

differentiating itself only by the content of the artistic and pedagogical disciplines.

The legal framework

The National Constitution, the nation's supreme law, contains concrete references to education, establishing the undelegatable responsibility of the State and incorporating the right of the family and of society to participate in the education system. The Constitution adopted in 1853 was revised in 1860, 1898, 1957, and 1994.

In accordance with this last reform, the (Inter-) *American Declaration of the Rights and Duties of Man* (1948) has constitutional status in Argentina. Article 12 states that “Every person has the right to an education, which should be based on the principles of liberty, morality and human solidarity. . . . The right to an education includes the right to equality of opportunity in every case, in accordance with natural talents, merit and the desire to utilize the resources that the state or the community is in a position to provide.”

The *International Covenant on Civil and Political Rights* (1966) also has constitutional status, guaranteeing “respect for the liberty of parents . . . to ensure the religious and moral education of their children in conformity with their own convictions” (article 18.4), while the *Convention on the Rights of the Child* (1989), obligates signatory governments to “make primary education compulsory and available free to all” (article 28.1a).

Among the rights of all residents of Argentina, the Constitution establishes the equality of all before the law (article 16) and the right to learn and to teach (article 14). This right is one of the pillars on which has been developed the freedom of teaching in universities as well as the organization of private education.

With respect to foreigners, article 25 provides that “the Federal Government will promote European immigration, and may not restrict, limit, or burden with any fees the entrance into Argentine territory of strangers who intend to till the soil, improve industry, or introduce and teach the sciences and arts.”

The revised Constitution makes repeated reference to organizational aspects of education. Thus, for example, it charges Congress with “providing what is conducive to the prosperity of the country, to the advancement and welfare of all the provinces, and to the progress of enlightenment, prescribing plans for general and university education” (article 75.18).

The Supreme Court of Justice has interpreted this to mean that, when the National Congress, in fulfilling its obligation to prescribe “plans for general and university education,” the provinces and their constitutions must comply with these norms in virtue of the supremacy established by article 31 of the National Constitution.

Congress is also charged with “approving organizational and foundational laws on education which consolidate national unity while respecting provincial and local particularities, which ensure the undelegetable responsibility of the State, the participation of the family and of society, the promotion of democratic values and equal opportunities and possibilities free of any discrimination, and which guarantee the principles of gratuity and equity in state public education and the autonomy and independence of the national universities . . .” (article 75.19).

The reform of 1994 incorporated environmental and consumer education (articles 41 and 42) and at the same time recognizes the ethnic and cultural pre-existence of Argentine indigenous peoples and ordered the National Congress to guarantee respect of their identity and the right to a bilingual and intercultural education.

Article 5 of the *Carta Magna* establishes among the fundamental obligations of the provinces to ensure that primary education is provided.

María Rosa Albornoz affirms that “On this point an intense debate has developed about the role of the State in relation to education. Some positions place the emphasis on the right to learn and, in consequence, stress the principle of the State as guarantor of this right, while others emphasize a more limited role of the State under the principle of subsidiarity, stressing the rights of those who educate.”

Even though not referring exclusively to education, the Constitution charges the Congress with promoting means of positive action which guarantee a real equality of opportunities and treatment, to prescribe a system of social security in order to protect children in situations of neglect from pregnancy to the completion of the period of elementary education.

The Constitution enables the provinces, among other activities, to promote economic progress, human development, and the creation of employment, education, science, knowledge and culture (article 25). National Law 24,049 authorizes the national government to transfer to the provinces the secondary schools which it previously administered.

The Federal Council on Culture and Education issues non-binding resolutions which are then adopted individually by each of the provinces.

The provincial education laws regulate the exercise of all the recognized powers of the provinces, including the administration of the system and of its schools. Some provinces enact laws regulating the functioning of privately-managed education.

Each province's "statute of the teacher" regulates the careers of teachers and their rights and obligations among other matters. The great majority of provinces have followed the spirit and the letter of the national Statute of the Teacher adopted in 1958.

Freedom to establish non-state schools

Private education (or privately-managed public education, as it is officially called) has been recognized and supported by the Argentine State ever since the genesis of the national educational system. This recognition has implied the establishment of specific norms for this sector, among them notably the historic Law 934 (1878) and Law 13,047 (1947). The articulation between the public education sectors under state and under private management acknowledges its antecedents in the Law 1,420 (1884) and the Decree 940/72 and . . . [el relacionado sobre gestión propia ello se reafirma por medio de los artículos 3° y 7° de la Ley 24.195.]

The federal education law 24,195 of 1993 (chapter V, articles 36-38) accords to the Catholic Church and other religious confessions registered in the *Registro Nacional de Cultos*, to societies, associations, foundations, and enterprises with a juridical personality, and to persons, the right to create, organize, and maintain schools. This law maintained the recognition extended for more than a hundred years to private schools, and extended this obligation to all the provinces, which must legislate in accordance with its principles.

In actuality, more than two million two hundred thousand pupils, 25 percent of the national total, attend private schools. 63 percent of those students are enrolled in Catholic schools. Private school enrollment is much higher (almost 50 percent) in the City of Buenos Aires, 45 percent of students attend private schools. Private school enrollment is also higher in the wealthier provinces.

During the 1990s, in medium and large cities, there was a significant growth of privately-managed non-confessional and non-subsidized schools, initiated by individuals or groups of parents or teachers who sought approaches not considered by state schools. Most of these schools were organized as non-profit foundations or civil associations. Other educational projects, intended for families with greater resources, were organized as for-profit commercial societies.

At the end of the 1990s and the beginning of the 21st century, many privately-managed schools were forced to close as a result of the inability of families to continue to pay school fees. The state-managed educational system received some of these pupils, while others went to subsidized private schools.

While non-state schools must comply with many requirements, they enjoy more freedom to plan their activities. Within the minimum requirements established by each province, and under its supervision, these schools can appoint and remove their administrators, teachers, and support staff, and elaborate their study plans. The main obligations upon these schools are to fulfill the guidelines of the educational policy of their provinces and to provide information for the oversight of pedagogy, finances, and personnel. They must offer programs approved by the provincial government, with teachers who possess qualifications recognized by the government.

The law refers to these non-state schools as “educational services under private management.” On the one hand, this description assimilates both types of schools – government-operated and non-governmental – in the sense that both provide officially-recognized education; on the other hand, it notes the difference between the two types of schools in that the non-governmental ones are privately managed or administered. The bottom line is that, in Argentina, all recognized schools are public, but some are under state management and others under private management.

In order to operate, privately-managed schools require previous recognition and authorization from the public authorities of each province. Without this state recognition, these schools are not considered an integral part of the educational system and studies undertaken in them are not recognized as valid. Education in privately-managed schools which have been recognized is accepted as equivalent in validity to that received in state schools. Pupils can change from state schools to private schools or vice versa without any sort of limitation or obstacle. The certificates and diplomas issued by recognized private schools have full official validity.

With respect to recognition procedures, there are no substantial differences among the 24 provinces. In the course of the education reforms initiated by the Federal Education Law, many provinces enacted their own laws, decrees, and resolutions to adapt to the criteria of the federal law.

Once officially recognized – and in order to maintain the authorization to operate— schools are supervised by state authorities.

The Federal Education Law, in article 37, establishes a state subsidy for officially-recognized private schools, limited to financing teacher salaries. Receipt of this subsidy is based upon “objective criteria consistent with the principle of distributive justice in the framework of Social Justice and taking into account, among other

aspects, the social function which [the private school] fulfills in its zone of influence, the type of school, and the fees which it charges.”

Privately-managed schools are authorized to charge fees or tuition to finance their functioning and may, at the same time, receive a state subsidy if they turn out to be eligible, but in order to receive the subsidy they must limit the amount of the tuition per pupil to the amount authorized by each province. The system of subsidies and the limits on the level of tuition facilitates access by pupils from families with medium or low incomes to privately-managed schools.

The government subsidy can finance entirely or partially the salaries of the privately-managed school, consistent with the economic realities of the school community.

Schools which receive no subsidies – those which serve families with a higher income level – are not required to limit the level of tuition which they charge.

Families who choose privately-managed schools do so for religious reasons, because of the distinctive educational mission of the school, through identification with the school community, or seeking educational quality.

Homeschooling

Education in Argentina is obligatory, which implies that pupils must attend the school chosen by their parents among the alternatives offered by those schools recognized by the State, whether state-managed or privately-managed. Although there are indeed arrangements for cases of illness or of absence from the country, when the authorities allow parents to take charge of the education of their children, provided that the pupils are evaluated from a distance, parents or guardians responsible for the education of minors are not permitted to secede from the official education system.

The City of Buenos Aires, for example, takes into account home schools which have the mission of educating children who for reasons of health or physical limitation cannot attend schools. By this means, although the pupils are studying at home, they are being educated by the obligatory education system.

Law 1420 of Common Education (1884) lays heavy penalties upon parents who do not send their children to a school recognized by the State. At that time, Argentina was a country which received immigrants, mostly from Europe, and it was necessary to integrate them with the rest of the population through the educational system. At present, article 45 of the Federal Education Law establishes among the obligations of

parents or guardians that they have their children comply with the requirement of ten years of General Basic Education, or with the requirements of Special Education for children with special needs.

The obligation is also a right of children to receive a quantity and quality of education sufficient to develop their knowledge, skills, and sense of social responsibility and solidarity; they have a right to an education which respects their freedom of conscience and their religious, moral, and political convictions within the framework of democratic coexistence (article 43).

The reasons which at present justify this obligation are of a political nature and are expressed in the objectives of the education law as “the strengthening of national identity, taking into account local, provincial, and regional idiosyncrasies, the guarantee of the sovereignty of the Nation and the consolidation of democracy in its representative, republican, and federal form.” This obligation is also founded on the duty of parents, responsible for the well-being of their children, to provide them with opportunities to integrate themselves and progress in the social environment.

The obligation to study in schools recognized by the State limits the constitutional right to learn and to teach in the form that and by the means through which parents consider that most suitable if they consider that the existing supply of schooling does not represent the model that they seek.

In 1998, a case with great public resonance tested the capacity of the provincial and national governments to enforce this obligation when the Mennonite Colony of Guatraché in the Province of La Pampa maintained its decision not to send the children of the community to schools recognized by the province. The isolation of the Mennonite Colony is such that the provincial authorities did not even know the number of children of school age. The fact that the children of the Mennonite community had been born in Argentina and were Argentine citizens moved the government of La Pampa to determine that these children should be integrated into the process of obligatory schooling. The authorities started an administrative process to require them to attend provincial schools where they would have to learn Spanish.

Despite notifications from the Ministry of Education that they must comply with obligatory school attendance, the Mennonite leaders remained firm in their traditions and warned that the families might leave if the provincial authorities build schools in their locality. The subsequent negotiations centered on the possibility that the teachers chosen by the Ministry would teach Spanish and minimal notions of social science, natural science, history, and geography, using the church as a school. This idea didn't work, either, and the discussions turned to the possibility that education could occur in homes. Finally, the provincial government signed an agreement compatible with the interests of the Mennonite community. The children of the

Mennonite Colony of Guatraché, it was agreed, would learn the Spanish language at home, taught by their families and not by teachers designated by the provincial Ministry of Education. The instruction would consist of lessons in reading and writing Spanish; the curriculum materials would be analyzed jointly by government and Mennonite representatives, and provincial educators would develop a system of evaluation. If the parents did not know Spanish, the children could be taught by their relatives. The leaders of the community were given six months to put these arrangements into practice.

This conflict, with great public repercussions nationwide, included the intervention of federal authorities concerned to ensure that the obligation of schooling was complied with. It tested the possibility of enforcing this obligation and the flexibility of the system to respond to special situations presented by particular communities. The warning of the Mennonite community that it might leave the country, in which it arrived in 1921, if its children were required to attend schools recognized by the State, forced the education authorities to find a way to satisfy the requirement of minimal educational competencies and the teaching of the national language outside of schools recognized by the State. In this case they adopted an ad hoc solution which avoided the emigration of the Mennonite community or a judicial process to obligate the parents to send their children to recognized schools.

School choice not limited by family income

Argentine law and jurisprudence recognizes the right of parents to choose the school where their children will receive education consistent with their religious, philosophical, and ethical convictions. The Federal Education Law incorporates expressly the right of parents to choose schools as a general principle, and in practice this right can be exercised by choosing between publicly-managed and privately-managed schools.

With respect to the choice of state schools, the limitations are not economic, because public schools are free of charge and are prohibited from any sort of fees, but rather geographic, because of zoning; the general norm has been – though differing from province to province – that pupils who live within a determined geographical area have priority in choosing a school over those who live outside. Children of the teachers and employees of each school are an exception, as are siblings of pupils already attending the school.

In the Province of Buenos Aires, for example, 15 percent of secondary school seats are reserved for pupils who live outside of the geographic area of each school, but the difficulty of getting students to schools outside of the geographical area of their home is an economic challenge for parents. In the Province of Córdoba, in the case of state schools,

residency requirements no longer exist, and pupils can choose the school of their preference. Cases of excess demand for a school are resolved by a random lottery. Nevertheless, from the point of view of the economic resources of families, even when there are no zone limitations on the choice of schools, the cost and time for transportation to a school far from the residence of the pupils serves as an objective limit on the ability to choose. It must be kept in mind that in Argentina the government does not bear the cost of transportation required by pupils.

Most privately-managed schools, as has already been explained, receive subsidies. The basis for the allocation of subsidies is the National Decree 2543 of 1991, which in its first article states that “in order to ensure the ability of parents to choose a school for their children, within the framework of the freedom to teach and to learn which is guaranteed by the National Constitution, the State will contribute to the financing of schools incorporated into Official Instruction, in conformity with the norms of the present decree.”

This decree was enacted almost simultaneously with the law 24,049, transferring schools to the provinces, and the criteria of this decree were incorporated into the norms of each of the provinces.

Among privately-managed schools we can distinguish, as already explained, between those that do not receive public subsidies and those that do. In the second group, the size of the subsidy is determined by the level of the fees charged to parents; there are cases – schools that serve communities with very low resources – in which privately-managed schools do not charge any fees at all.

The level of the subsidy, under Decree 2452/91, can be of 40, 60, or 80 percent of the costs of the teachers at each school. Subsidies of 100 percent are provided for schools that charge no fees at all.

Decisions about admitting pupils

Argentine schools may not refuse to admit pupils on the basis of religion, sex, race, nationality, sexual orientation, or ideology. Admission of pupils on the basis of where they live still exists in many provinces, but in others has been eliminated.

Selection of pupils, on the basis of their academic ability, is in general not practiced in state schools. Nevertheless, in some state schools with distinctive educational programs, such as for example schools oriented toward the arts, music, or languages, there are objective mechanisms to select pupils who demonstrate better potential to take advantage of these programs.

In addition, the secondary schools connected with the national universities, which are considered among the oldest and the most demanding in the country, implement very demanding mechanisms of academic selection.

In 1995, the Justicia Federal intervened in a conflict involving sex equity at the Colegio Monserrat, a secondary school connected with the Universidad Nacional de Córdoba and thus by its nature public. Although the High Council of the University had ordered the inclusion of female students in this school, which selects its pupils by academic merit, the Colegio Monserrat resisted doing so. The Justicia, in response to an appeal by the Colegio that the decision of the university authorities not be applied, found that the Universidad de Córdoba had authority to order the inclusion of female students, upon which they were admitted to the school.

Privately-managed schools may establish procedures of academic selection, provided that these do not involve discrimination; the selection must be based upon the identification of the applicants with the educational mission of the school. Confessional schools may limit the admission of pupils who are not identified with the religion professed by the school.

In several instances, the courts ordered the readmission of female students who had been expelled from Catholic schools because they were pregnant. This frequent occurrence led to the prescription of Law 25,584 of 2002, which prohibits schools providing public education (thus including privately-managed but state-authorized schools), of any level or type, from any action which prevents the beginning or the continuation of studies by any pregnant student or for any other circumstance connected with pregnancy which produces the effect of marginalization, stigmatization, or humiliation.

For the same reason, in November 2001, the City of Buenos Aires approved a special arrangement of support for pregnant students (Law 709), applicable to public and private schools, with the intent of avoiding that such students lose a year of schooling as a result of their condition.

Decisions about staff

In the state-managed system, teachers must be appointed in accordance with the procedures which each province establishes, which are in general similar because aligned with the Statutes of the Teacher of each province which, as we have seen, are based on the national statute of 1958. These Statutes are the principal norms which regulate the activities of teachers in the education system, establish their rights and

obligations, the teaching career (entry and advancement), boards of qualification of personnel, disciplinary boards, and so forth.

In this system, teachers enter through competitions which are intended to guarantee their professional suitability and their respect for the obligations of educators. Promotion or advancement in a professional career should occur on the basis of individual merit and professional accomplishment. Teachers are appointed by the education authorities on the basis of the action of the qualification boards which determine the order of merit of the teachers for promotion, based upon academic preparation, the value of the courses taken and the undergraduate and graduate degrees earned, publications, and so forth.

School authorities have no role in the designation of the teachers that the provincial Ministry of Education assigns to them, on the basis of this elaborate system of qualifications.

The Statutes of the Teacher in general provide teachers with a high degree of stability, since state-managed schools do not appoint teachers nor remove them and their disciplinary authority is very limited; school directors can only apply minor sanctions, such as warnings, while major sanctions are applied through indictments carried out by provincial ministries of education.

On the other hand, in privately-managed schools, it is the authorities of the individual school who appoint and remove teachers. The State does not intervene in the process of appointment of teachers in privately-managed schools, by the Federal Education Law, article 38, establishes the required condition that the teachers appointed must have qualifications recognized according to the norms of each province.

Private schools may base their decisions about teachers on the basis of the identification of teachers with the religious or educational identity of the school.

It should be noted that while most aspects of the country's education norms were reformed during the decade of the 1990s, the norms which regulate the work of teachers remain those established in the 1950s, despite the intention to reform them.

Teachers in state-managed schools are public employees and their working relationships are regulated by the norms of administrative law, while those in privately-managed schools are regulated by the common labor laws. Salaries in the state sector are determined, not by the education sector but by the political

authorities of each province. Schools have no role in this matter, nor are there provisions to provide rewards for effort.

Privately-managed schools pay the salaries established in the collective work contracts for the private education sector; it must also be remembered that subsidized schools receive these funds from the State specifically to pay salaries. Nevertheless, these schools have no restrictions against setting salaries higher than those established in the contracts. In practice, very few private schools – those which do not receive subsidies and serve populations with high incomes in some cases pay higher salaries.

Teaching of values

The national Constitution contains an ensemble of principles and values based upon fundamental human rights. Among these, the right to teach and to learn and the other provisions cited previously establish the axiological framework for Argentine education.

The Federal Education Law, article 5, establishes as an objective of education “the strengthening of national identity, taking into account local, provincial, and regional idiosyncrasies, the guarantee of the sovereignty of the Nation and the consolidation of democracy in its representative, republican, and federal form.”

Article 6 stipulates that “the education system shall make possible the integral and permanent education of men and women, with a commitment to the nation, orientation to the region and the continent, and a universal vision, which they will realize as persons in the cultural, social, aesthetic, ethical, and religious dimensions, in accordance with their abilities, guided by the values of life, freedom, goodness, truth, peace, solidarity, tolerance, equality, and justice. Capable of elaborating, by their existential decisions, their own life-projects. Responsible citizens, critical protagonists, creators and transformers of society through love, knowledge, and work. Defenders of democratic institutions and of the environment.”

And article 8 says that “the educational system will ensure for all inhabitants of the country the effective exercise of their right to learn, on the basis of equality of opportunities and possibilities, without any discrimination.”

Among the rights of pupils is recognized the right to “be respected in their freedom of conscience, their religious, moral, and political convictions within the framework of democratic coexistence” (article 43). Parents are guaranteed the right “to choose for their children or wards the educational institution whose worldview corresponds to their philosophical, ethical, or religious convictions” (article 44).

The rights and guarantees established in the National Constitution and the Federal Education Law apply in the entire country. In addition, the provincial constitutions and laws have included provisions related to education which are consistent with the National Constitution.

Endnotes

¹ Auguste, Echarte, & Franchetti (2008), The Quality of Education in Argentina, Inter-American Development Bank.

² UNESCO Institute of Statistics, Statistics in Brief, Education Profile—Argentina, 2011.

³ Auguste et. al, 2008