

## **Yet Another Educational Reform in Mexico**

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### **Abstract**

In his inaugural speech on December 1, 2012, President Enrique Peña Nieto made an announcement that soon involved fundamental changes in the political dynamics of education. Then he and the Federal Congress promoted constitutional amendments, which mandated the creation of two new laws: one for the National Institute for the Evaluation of Education; another for the creation of the General Professional Educational Service. These laws constitute the cornerstone of institutional changes that may move the functioning of the basic education system, but they have not yet affected school structure, the curriculum, and pedagogical delivery. These reforms also imply a re-centralization of duties that the federal government had decentralized to the states in 1992. They openly attack practices of the teacher union and offer more accountability and transparent use of resources. This restructuring of political power in education attempts to dismantle the core of corruption of the system of basic education: the inheritance and selling of teaching posts. These legal and political changes have created an environment for vigorous debates, teachers' labor unrest, and political conflicts. These are the focus of this paper.

### **Introduction**

In his inaugural speech on December 1, 2012, President Enrique Peña Nieto made an announcement that soon involved changes in educational politics. He proclaimed that a new education reform must be enforced. This is the fourth attempt to change the governance of Mexican basic education in less than 25 years. The President said that he would propose to the Federal Congress amendments to the Constitution and to the General Education Act. He emphasized: "There will be clear and precise rules for everyone who wants to enter, remain and advance as a teacher, principal or supervisor, do it based on his/her work and merit" (*Excelsior*, December 2, 2012).

The reason of this message was because in Mexico retiring teachers inherit their post to their offspring or, if they have not one with teacher credentials, the position can be sold to the best bidder. This was a matter of social mortification; even more when it was published in the *Washington Post* (Jordan 2004).

The President of Mexico and the leaders of the three major political parties made public the Pact for Mexico on in December 2, 2012, the second day of the Peña Nieto administration. The presidents of the left-wing Party of the Democratic Revolution (PRD),

and the right-wing National Action Party (PAN), which was in power until November 30, 2012, and of the Revolutionary Institutional Party (PRI), the Party which lost the Presidency in 2000 and came back to power in 2012, agree on an agenda of changes. Since 1997, when PRI lost the majority in Congress, no party had had preponderancy; rather the losing factions always blockaded the proposals of the one in the Executive Branch.

This Pact comprised a package of “structural reforms” aiming at the modernization of the economy and to a more equitable political system. Supposedly, these changes will have favorable consequences on the society at large (Presidencia de la República 2013). The Pact consist of propositions to open the oil industry to private investors and so diminish the role of Pemex (a state monopoly since 1938); a progressive fiscal reform; pull to pieces the monopolist ownership of media and telecommunications; and to change the governance of education. The Pact contained 91 points, eight of which were dedicated to education.

With that political support President Peña Nieto not only promoted constitutional amendments, but steered the creation of two new laws: the one for the National Institute for the Evaluation of Education (INEE) and the General Act of Educational Professional Service. These constitute the cornerstone of institutional changes that may affect the functioning of the basic education system, but do not mark yet the school structure, the curriculum and the pedagogical delivery. These issues are in the agenda and under public debate.

The central government hungers—at least it seems by the tone of the speeches of the President and his Secretary of Public Education—a strong institutional reform. The legal amendments created an ambiance of debates, teacher’s turmoil, and political conflicts. The legislation already approved has consequences in the labor relations of teachers and produced a set of plans and programs. President Peña Nieto and his high-ranking functionaries call this set of actions “the reform of education”, while dissent teachers and analysts challenge that meaning and say that it is a simple labor reform designed to punish teachers.

The Peña Nieto reform movement has produced changes in the political decision-making structure of Mexican basic education. It also has furthered swaps in the power relations between the government and the National Teachers Union (SNTE), and between the central administration and the states. It implies a re-centralization of many decisions and duties that the federal government decentralized to the states in 1992.

The purpose of this essay is twofold. First, to do a balance of the proceedings around the legal reforms and yield arguments about their potential for failure or success. Second, due that political power in Mexico is highly concentrated in the presidency; the analysis stresses the President motivations and reasoning; that is his personal style of govern, as Cosío Villegas (1974) posted in his classic work.

Beforehand, I will examine what is the denoting of educational reform and set the frame to hypothesize if Peña Nieto will fail or prosper in his determination.

## The Meaning of Education Reform

Bacharach points out that there are many ways to conceive an educational reform. It may depend on the ends of the reformers, in detected needs of an education system, to resolve crisis in other areas, for political reasons, or in order to legitimize a given government policy (Bacharach 1990). Furthermore, as Burton Clark argued, “change is the most used concept in the social sciences”. It may refer to a system wide reform or a micro reform affecting few institutions. The reforms can be designed and operated from the top of the authority aiming at arriving at the schools settings and teachers; or otherwise, can be born in the grassroots, take momentum and spread out to other parts of the system (Clark 1984).

Another issue is to what an educational reform actually reforms or what it aims at changing. A selective review of the literature shows that most reforms, especially those that follow a top-down model, go along a similar path: legal formulation, design of strategies or policy implementation; changes in curriculum; new textbooks; and teachers’ enhancement. Others attempt to instigate a given model of pedagogical delivery, as could be the competence based approach or the constructivist paradigm. Other developments attempt to establish a centralized evaluation system and a decentralization management of schools, external accountability and punitive measures for teachers. The neo-liberal ideal hint at the privatization and deregulation of educational systems (Carnoy and Levin 1976, Hood 2001, Tyack and Cuban 2001).

Also there are the approaches that see almost all educational reforms driven by a world culture that creates analogous conditions in societies that tend to follow similar institutional patterns. It is called isomorphism (Meyer 2008, Ramirez 2008). Beech (2008) depicts the attributes of an international model of educational reform pushed for international organizations as a phenomenon of globalization; and radical scholars tend to see the neoliberal forces commanded by the World Bank imposing global patterns for the organization and governance of educational systems (Klees, Samoff et al. 2012).

The blackboard of significances of the concept of educational reform is so inclusive that every researcher can focus on whatever he or she is looking for. Yet the analyst has the obligation to lay out his or her analytical preferences.

Thus since I agree with the assertion of Antonio Gramsci (1976) that education is politics and politics is education, my analytical approach heavily relies on the political action of crucial political actors and important individuals of the educational system. Most educational reforms make sense if there are moves on the design of policy making, variations on the managerial system, and or—as I would like to emphasize in this paper—if they significantly alter power structures (Carnoy and Samoff 1990).

The Peña Nieto reform embraces the whole system of basic education. It follows a top-down path; incorporates elements from the global model of education reform, like a strong centralized evaluation structure charged with punitive actions against teachers; but contradict other: it foreshadows a centralist decision-making governance, while

the global model appeals to decentralized management. Yet the reform openly attacks corporatist practices of the leadership of the teacher union; it offers accountability and a more transparent use of resources. More important, this restructuring of the political power attempts at dismantling the core of corruption of the system of basic education: the inheritance and selling of teaching posts. These proposals helped the government to gain support in the public opinion.

Yet the constitutional amendment and the laws approved by Congress are not written in a stone. So far the moves are changing the political environment, but other education reforms have crashed in the past after a strong launching, this one can also downfall after losing momentum.

In international comparative research on educational reforms, scholars tend to explain why change efforts fail, rather than to deal with the examination of the ingredients that lead to certain success. The issue is not trivial; suffices it to say that in the history of attempts to institutional moves, there have been many more duds than accomplishments, but in no case is completely a failure or a feat; all endeavored reforms leave some institutional sediment.

Hans Weiler argues that states (the politicians who govern at some stage, more precisely) tend to maximize the political gains arising from designing and from appearing to implement educational reforms, while trying to minimize the political costs associated with carrying them through (Weiler 2007). Ginsburg and Cooper contend about the purpose of education reforms. For them, sometimes the lack of correspondence between rhetoric and action is the result of an elite group lacking commitment to change. In such cases, rhetoric functions as a “placebo” (Ginsburg and Cooper 2007). Other views emphasize the neglect of the educational actors for not crave any change in their routines and traditions. Torsten Husen claims that the common problem of school systems of modern societies is the bureaucratic “cement coverage” that stifles innovative spirit (Husen 2007).

However, there are cases of success. Hargreaves and Shirley (2012) focus on the reforms that have succeeded. They pay attention to the role of social groups in shaping the main paths of change. They illustrate how Finland, Singapore, Alberta and Ontario thrive on their purposes of change, and England and California are on the way of achieving a school system based on an inspiring and shared moral purpose; public engagement and community development; and other traits which core is the personal and professional responsibility for student learning (Malone 2013).

These scholars analyze the role of leaders who design and instrument strategies for institutional change and its consequences. Other researchers emphasize the role of key actors in the education system (teachers, administrators, students and parents) that build grassroots movements (Rincon Gallardo and Elmore 2012). However, these usually are confined to small areas and with little influence on the overall system. Still, others focus on the alternatives posed by dissent groups (Hernández Navarro 2013, Levinson 2014).

Val Rust notes that in the case of national education systems that have a history of

success in their reforms is due of two main factors. First, the systems shows an ability to change since their leaders (or proponents) maintain a high degree of awareness of educational innovations occurring elsewhere, and they are open to these novelties. Second, reformers identify well the characteristics and needs of their schools and adapt their system in such a way as to satisfy these necessities. They identify the system contradictions and so are able to derive solutions that are specific to its internal defined burdens (Rust 2007).

I tend to favor the disposition of this last sentence. I contend that although the rhetoric of the reforms uses concepts and strategies from the global model, the internal political contradictions are in command.

### **Setting Up the Pace of the Reform**

Because it has the endorsement of the Pact for Mexico, the Constitutional alteration was processed in a fast track mode. The presidential initiative was presented on December 11, 2012, and approved by the Federal Congress on December 20. Most state legislatures sanctioned it by January 20, 2013. The regulatory laws and the reforms to the General Education Act were completed and published by September 11, 2013. These rulings profoundly alter previous political power relations from which SNTE leadership benefited for decades.

In addition, there are thousands of education workers commissioned to SNTE management and other activities outside the education system but still in the payroll; in the Mexican popular jargon they are called *aviadores* (aviators). Everyone knew the existence of these irregularities, but their dimensions were mysterious so that the reform move includes a census of teachers, students and schools to know how many and where are the teachers who actually work.

SNTE is a corporate national union, created from the power of the state in 1944; it was the response to the inability of the Mexican state to deal with multiple autonomous associations formed by independent citizens (Bensusán and Tapia 2014). After the creation of SNTE, the regime of the Mexican revolution provided its leadership with many political positions in the official party, the PRI, and in the management of the education system. And so it became a central component of the governance of the education arrangement and of the stability of the Mexican political system (Castillo Alemán 2014). Soon small groups (cliques) with strong leaders (*caciques*) in command became dominant forces in SNTE. In 60 years of existence, three strong labor bosses ruled SNTE. The first one designed a long-term strategy to colonize the governance of basic education, and they succeeded (Ornelas 2010). That is the reason why the main purpose of the President with these institutional and labor reforms is to take back the political control, or the *rectoría* (stewardship) of education.

Accordingly, what is now called educational reform is actually the instatement of the political prerequisites to invest powers in the central government to act with high

degrees of independence from SNTE. The previous attempts to change Mexican education created more conflict than solutions. And it was because the government gave SNTE large concessions for their acceptance of the moves. In 1992 the Secretary of Public Education, the general secretary of SNTE and the governors of the 31 states signed the Agreement for the Modernization of Basic Education, by which the Department of Public Education (SEP) decentralized the administrations of the school system, including labor relations to the states. In 2002 the President of Mexico and the leader of SNTE signed the Agreement for the Quality of Education, without knowing effect other than the growth of SNTE power. In 2008 SEP and SNTE signed the Alliance for the Quality of Education, which became a fraud. These last two agreements promised to end with the inheritance and selling of teaching posts (Ornelas 2010, Ornelas 2012).

The Agreement of 1992 implied a tremendous transfer of assessments from the federal treasure to the states. It became a prey of SNTE leaders; the governors were unable to contest the power of the union sections, always supported by its National Executive Committee. That is why the President proposed and the Congress accepted to amend the Law of Fiscal Coordination to disappear the Federal Fund for Basic Education, which use to transfer financial resources to the states for paying the workforce. As of January 2015 SEP and the Secretary of Finance will be in charge of teachers' payroll.

Merit is the cornerstone principle of the new bylaws. The General Act of Educational Professional Service embraces clear rules for entry at teaching service and promotion to managerial positions, distribution of work, and new ways of exercising authority. The National Institute for the Evaluation of Education Act provides this establishment with constitutional autonomy. These laws furnish the central government with extraordinary powers to rule over education.

However, the new laws are one thing and its enforcement another one. After the promulgation of the legal acts, still there are many obstacles to put them into practice. Nonetheless, a centralization of power in the Federal government is on the move.

## **Obstacles to the Reforms**

Despite the speed with which the constitutional amendment and the new laws were passed, the legislative process was not an easy one; the road was strewn with pitfalls and constraints in its completion. First, SNTE's leadership opposed the reforms because it foresaw—correctly—that the government aimed to pull apart its illegitimate but longstanding power. Second, the antagonism of the dissent teachers group, National Coordinator of Education Workers (CNTE), that do not accept the execution of the new laws. Third, the governors of the states and local legislatures who do not sympathize with the cares of the President. Forth, the “coverage of cement” put up by Husen (2007), or the cultural persistence of the teachers guild.

To stop the disapproval of SNTE's leadership, the federal government put in jail the labor boss whose corruption and wealth were legendary. Elba Esther Gordillo had 24 years

being in charge of SNTE politics, since she was appointed as general secretary of the Union by President Salinas de Gortari, not the Union membership (Cook 1996, Ornelas 2012). An observer of Mexican affairs pointed out: “In a land of macho politicians, Mexico's top power broker these days is a petite union boss who loves Armani dresses and rules with an iron fist sheathed in an Escada glove ... She's Mexico's Jimmy Hoffa in a dress” (Cordoba 2003).

Ms. Gordillo was convicted of money laundry, using Union funds for personal benefit and other charges. On February 26, 2013, the Federal Police seized her, when she was in her way to preside a meeting for designing the strategy to mobilize teachers against the reform. That occurred the same day that the government published and so made official the constitutional amendment (Poder Ejecutivo Federal 2013b).

The imprisonment of Ms. Gordillo domesticated the majority of SNTE leadership, not annihilated it. Juan Diaz de la Torre, former second of Ms. Gordillo was appointed president of the Union by an agreement with the Department of the Interior. Although he proclaimed support for the Presidential reforms, at the same time was promoting agreements with state governors and local congresses wanted to mitigate the outcomes of the “harmonization” of state laws with federal legislation, which was mandated by the National Congress.

Thus with the imprisonment of Ms. Gordillo the hostility of SNTE leaders was wrecked, but CNTE's opposition to the education reforms is of a different nature, more radical and consistent. CNTE's origins are democratic. In late 1970's groups of teachers from the Southern states began to protest because of low wages and the strong rule of Jonguitud Barrios, the second cacique of SNTE. Soon became a national movement that achieved many victories against the hegemonic group and the national government. In 1989 President Salinas use the dissent teachers' strike to get rid of the labor boss and appointed Ms. Gordillo as general secretary of the Union. Teachers were happy but rapidly they realized that Ms. Gordillo was cut with the same scissors (Cook 1996). However, very soon the successors of the original CNTE leaders became as the bosses of the other groups and imitated their behaviors, but with a socialist and democratic rhetoric.

To face the reforms promoted by Peña Nieto, CNTE uses his favorite instrument: direct action, including mass mobilization, wildcat strikes, and blocking public buildings and roads. However, simultaneously to extreme actions, CNTE follows certain legal proceedings, such as requests for habeas corpus against new laws and seeking cooperation from allied lawmakers. Its leadership never rule out negotiations with the authorities, but always trying to do bargain from a position of strength.

CNTE and other protesters threatened with a national schools strike. In 2013 they paralyzed schools in the territories where they are the dominant force and mobilized against the reforms: in early April, a portion of its membership took the highway from Mexico City to Acapulco, just at the beginning of the Spring break; April 4, convened the first demonstration against the reform; the next day, thousands of protesters tried to reach for the first time the Interior Department; May 9 began to set up camp in the Zocalo of

Mexico City, just in front of the National Palace, which had its highlights in August 19, at the beginning of the school calendar, until they were evicted by the Federal Police on September 13, 2013 (*Excelsior, Reforma, La Jornada* in different dates).

After his eviction from the Zocalo, CNTE moved their base camp to the Monument to the Revolution. The belligerence of CNTE had consequences in Congress. CNTE groups invaded the House of Representatives from August 19, 2013, the key days of the legislative process. The Senate was besieged and senators and deputies approved the amendments to the General Education Act and the Law for the National Institute for Educational Evaluation at a building that Congress rented for their meetings. On September 4, the Senate approved the General Act of Educational Professional Service in the midst of a demonstration of CNTE. Although Congress passed the new regulations, SNTE and CNTE obtained concessions that softened their radical edge.

Other obstacle to the reformist move comes from the governors that do not want to bet on the changes. Reforms in education affect their interests, diminish their political capacities, and take away the few degrees of authority that the decentralist reform of 1992 provided them. Nevertheless they do not openly criticize the reform, do not want the President as their enemy, but do not act in his defense either. They do not like to invest political capital on a move that reduce their power and even threatened them to loose political allies; local bosses of SNTE helped many of them to win elections.

The Secretary of Public Education, Emilio Chuayffet, noted that one of the debts in the country's education is that state governments had not recovered the leadership on education. This, he alleged, is not synonymous with state monopoly; recover the direction of education involves making fundamental decisions about how, what, and when they should provide a public service. Then he made the call: "I call on local governments to assume the governance of basic education and prevent labor groups, such as the CNTE or even SNTE decide educational policy" (*Excelsior*, February 12, 2014).

The language of the secretary was clear. Those who rule in basic education in the states are faithful cadres of the Union, in most of them the dominant force are the local bosses of SNTE, and in others the dissent groups of CNTE. It is difficult to believe those pleas convince the governors and local congresses to fulfill their duties. The federal government does not offer them anything to win. The reforms lessen their ability to maneuver; if they try to retake the rectory of education in their states, as the Secretary requests, they may lost friends (those who helped them in their campaigns) and even local public servants who are paid with federal funds.

This is the weak link in the politics of educational reform. The central government lacks bridges to reach educators in a classroom setting. However, it makes efforts to influence teachers, school principals and supervisors through the Forums for reviewing "the educational model", for which SEP called in January 15, 2014. They were organized for basic education, teachers' colleges, and high school in several states. Eighteen regional forums and three national were carried out from February to June 2014 (Secretaría de Educación Pública 2014).



Some state governments and local congresses made deals with local bosses of SNTE and in others with CNTE leaders to evade, at least partially, the mandates of the General Act of Educational Professional Service. By March 12, when supposedly all the states must have “harmonized” its local laws, Oaxaca, Sinaloa and Baja California Sur did not do so. Moreover, a study of new NGO, “The citizen eye” showed that 13 other states avoided to establish sanctions to absenteeism, permitted the existence of *aviadores*, and even allowed the possibility that retiring teachers inherit their post (Exélesior, April 9, 2014). Thus the speeches of the Secretary and the President do not reach the conscience of the governors. To convene them to political action, as neoinstitutionalist authors argue, requires politically aware tools, as well as material and constant incentives (March and Olsen 1996).

The opposition will continue. CNTE will not surrender without giving battles; it will defend its privileges with all its experience. SNTE will seek cheeky, although not in an open battle, because of the risk of losing commissioners or perks. Though, the biggest obstacle to reforms comes from teachers who refuse to run off from the status quo. Neo-institutionalist anthropologists argue that the cultural persistence of actors of any institution is a deterrent to all types of innovation, as they defend their routines and comfort zones (Zucker 1999).

The cultural persistence is not a matter that can be removed neither by decree, nor even with a political and consistent work with allies in schools. That culture arises from the guild but flourished thanks to the vital impulse of SNTE and was also promoted by PRI and PAN administrations for decades. The practices of inheriting teaching posts infect the whole social body of SNTE. Corruption is at its core and touches all members, even against their will. Even good teachers fall into immoral actions because otherwise would not have been able to enter the profession.

For instance, when SEP launched the first national competition for the newly created positions in accordance with proposals from the Alliance for Quality Education (ACE), driven by the government of Felipe Calderon Hinojosa (2006-2012) from PAN, groups of teachers organized a revolt in Morelos that lasted 84 days. “The teachers’ arguments are straightforward. The right to sell their teaching position or pass it on to one of their children when they retire has become a property right that has been earned over the years and should not, in their view, be taken away... A placard in the state of Morelos speaks for many: Let my daughter inherit my job. No to the Alliance!” (Puryear 2008).

One can assume that the defense of the status quo indicates the survival of harmful habits that Mexican educational researchers have demonstrated: absenteeism, loss of time, tardiness, temporary abandonment of children in the classroom for other tasks, opacity on parents voluntary contributions to school maintenance, dishonesty in the management of the school cooperative, as well as maintaining the fiction of the school board, that it actually works only in few schools (Latapí Sarre 2004, Fernández Marín 2010). The most enthusiastic promoters of that guild culture are the thousands of commissioners who do not work in schools, but recite the “defense of public education” script.

This culture is an obstruction to the reform of Peña Nieto; its practitioners show no vociferous opposition and sometimes are not even aware of what is happening in their environment, dissimulation and apathy are their weapons. But this ethos is neither immutable nor omnipresent; it can be altered through institutional changes, which may take time. Although perhaps not yet noticed, the central government is moving and not everything in the balance is debit, there also are realizations.

### **Credits: the Odds of the Reform Project**

Although all the constitutional amendment process was accelerated and the reform bills emerged from the apex of the political power, may have been correctly presented as a product of consensus among the three major political parties. Ms. Gordillo and her clique had wronged the President and the other signatories of the Pact for Mexico. But it was not just the offenses suffered what drove the spirits of educational transformation. According to all available evidence, the situation of national education was a disaster. The silent disaster, as Guevara Niebla (1992) called the educational situation in the early nineties was now talkative and with a loud voice.

Worst, which is clear from the speeches of the President and his Secretary of Public Education, was that the government had lost the rectory of education. Therefore, the most important matter was to rescue the political and administrative powers that had been conquered by SNTE or granted to its leaders by previous governments, since 1946. At the ceremony of signing the initiative for constitutional reform, the President said his urgency to seek improvement in education; while the Secretary of Public Education, Emilio Chuayffet, settled that its primary purpose was to recover the rectory of education: “SEP, must put it plainly, is an archipelago. We must critically review it to make it again the federal agency exercising executive authority of the State” (*Excelsior*, December, 11 2012).

The journey of the legal reforms involved a deep political work. While the proposals of the Executive Branch were modified, its leading edges remained. Moreover, the constitutional autonomy granted to INEE, erected some basis of legitimacy by which scholars, journalist and academic organizations recognized as a step in the correct direction so their opposition diminished (Ramírez Raymundo 2013). Although the President would commit a blunder if he trusts the loyalty of SNTE, though its leaders show acceptance to the demands of the reform, it is common knowledge that disloyalty and betrayal have been the characteristics of their daily practice.

Although there was—and will remain—severe bitter criticisms because the Interior Ministry and Congress made concessions to CNTE, the government managed to lower the violent mobilizations momentum, reduced the influence of dissidents to their sanctuaries (that in Oaxaca seems an impregnable fortress), and SEP continues to advance its proposals. CNTE, if it ever had it favor, is losing ground in the public opinion arena. With its mobilizations CNTE militants help to legitimize government actions that they

say are against the teachers (Bartra 2013). It is possible that when other reforms now in the legislative oven are passed, especially in energy, the government will make stronger efforts to reduce the power of CNTE, such as economic sanctions and even the cautious use of public force, as when it drove the dissidents from the highway Mexico-Acapulco and expelled them from the Zocalo in Mexico City.

As part of the reform movement, the Peña Nieto administration instructed the National Institute of Geography and Statistics to carry an in-depth survey on the educational system. "The first ever government census of schools in Mexico shows that 13% of all people registered on the schools' payrolls do not show up to work. That is 298,000 out of a total of 2.25 million, divided among those who receive a paycheck but appear to be figments of someone's imagination (aviadores); other individuals who work somewhere else; other who are on leave (often as union representatives); still others who have quit, retired or died (*The Economist*, April 7, 2014).

SEP and the Ministry of Finance will be responsible for disbursing the payroll from January 2015 and so that with the control of financial resources, the federal government will be capable of taking over other aspects of education management. Based on the results of that census, and their match with the payroll, SEP can start making a transparent use of the money destined to pay teachers, fire aviadores, reduce the number of commissioners, expose ghost schools (schools that only existed in the payroll but without building, teachers or students), and thereby achieve savings for other actions.

Because governors are untrustworthy, it seems that the SEP is preparing to establish lines of communication between central bureaucratic areas and schools. In order to get the payments to teachers and other education workers, SEP gradually will colonize what today SNTE has under its control in the Departments of Education in each state. The payroll will be the spearhead; it already is.

The federal government did not allow that the states governors and local legislatures violated the mandate of the general laws. In April 15, 2014, President Peña Nieto ask the Supreme Court to intervene in four states that not aligned their laws with the ones approved by the federal Congress. "We will promote all constitutional disputes that are necessary to ensure that local legislation is in perfect harmony with the educational reform", said the legal advisor to the President (*Excélsior*, April 16, 2014). Other two constitutional disputes were presented in April 30 (*Excélsior*, May 1, 2014), and other three in May 21 (*Excélsior*, May 22, 2014). Several states are rapidly lining up their laws to avoid the controversy and sanctions from the federal government.

The guild culture is a difficult matter to eradicate; the patrimonial habits and ways of doing things of teachers have proven strong lineage. However, here too there is progress, though perhaps slower and minor. While not in a linear way, the government of Peña Nieto joined by the federal Congress seems to have found ways to run down the dictates of the reform. First, from the Constitution to the laws; then to the public administration by means of the Education Sector Program: 2013-2018 (PSE) and finally, towards the baselines at the schools with the national Forums for reviewing the educational model

(Ornelas 2013).

The PSE establishes objectives, strategies, goals and action plans that the SEP should continue throughout the Peña Nieto administration. It is also a bridge between the law, political action, and the bureaucratic doing (Poder Ejecutivo Federal 2013a). The consultation forums convened by SEP represented the first link between the authorities and ordinary teachers. For the content of the call and the basis for discussion, is noticeable that SEP seeks to lead, but also to conquest the good faith of teachers. The batteries concentrate on topics such as collaborative teaching, scaffolding teachers' teams to advance in their professional development, lifelong learning context for teachers, and establishing an external offer adequate to the needs of the teachers and their schools.

According to press reports, in the realization of the forums, guest speakers and volunteer presenters focused on the issues set by SEP, though some orators went out from the script, were very critical of the government policies and even insulted the Secretary of Public Education, but were not censored. The subject matter is in movement, many teachers are involved in the discussions and, although in the teacher training colleges' forums most of the papers have a defensive tone, the edges of the reform come down slowly at a language acceptable for most educators.

Not that these acts—which are between political, symbolic and ritual—will consolidate the lines of the reform; still the government acquirers some legitimacy, which enables SEP to credit its cause. I have identified three groups of teachers and principals who may be convinced and become allied with the reform of Peña Nieto.<sup>1</sup>

The first group consists of the many good teachers that populate the educational system, even if they entered by sloppy means, because somehow they had no other way. They ally the reforms since are convinced of the benefits of change; they are aware that schools are not working well, they know their institutional weaknesses and are willing to work for a change that promotes the learning of children and do good to their parents. These teachers are dedicated, care about what happens around them and actually want a quality school where everyone works and do their duty. But they would like to doin with degrees of autonomy.

The second group is composed of teachers and administrators who are in favor of the government by convenience and therefore are willing to adjust their labor habits to the new requirements. They know that the new rules will entail sanctions that may leave them outside the incentives schemes that will replace the one that was administered by SNTE cadres. They are not saints, they are people who play by the rules of the game. If the rules change, they change their behavior. They would prefer to continue in the profession rather to lose the job. Among this group are the thousands of educational technical advisors (teachers commissioned to do a work at a school but not in front of a group, in the computer classroom, for instance) who see a way to regularize their employment

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<sup>1</sup> The following paragraphs are based on evidence that I have collected over 25 years of research in basic education, countless conversations with teachers, principals and supervisors in various parts of the country. The typology is inspired in the "Sociology of Domination", by Max Weber (1964).

status; they now depend on the will of section SNTE leaders, school principals and zone supervisors.

A heterogeneous set of teachers and school principals shape the third group. They keep on the paths of the reform because are accustomed to follow orders and devote certain types of loyalty to the government; something like identification with a state profession. Many of these teachers are convinced PRI militants.

With these segments in support to the reforms, the client-patron culture will not be exhausted, but SEP may put some order on the system. There are certain possibilities that legal reforms—that has pieces of labor, administrative provisions and changes in institutions—perhaps make their way to the sanctum of education: the classroom. Consequently, perhaps what is now called education reform actually corresponds to what its name says and not just to an institutional change and a move in labor relations.

### **Battering and Tributes**

In contrast to the educational reforms analyzed by Hans Weiler (2007), in France and Germany, and also in divergence with previous reforms in Mexico in the last decades, it seems that Peña Nieto has invested political capital in his “structural change” proposals and he is willing to face opposition.

Although politics perfection is illusory, there is some congruency between the reformist rhetoric of Peña Nieto and the Secretary of Public Education, Emilio Chuayffet, with their political action. So far legal and political changes already performed prevent that the reforms turn out to be mere placebos, as Ginsburg and Cooper (2007) pointed out.

The General Act of Educational Professional Service contains the most radical design of institutional change; and it also faces more opposition; its practice still is contested in many terrains. If the primary purpose of the proposed reform is that the state “resume stewardship” of education, this Act provides the legal tools to do it, but it takes political action to achieve it.

These reforms giveaways the control of teaching posts from SNTE. SEP has begun a process of decolonization of its headquarters and, apparently, with the harmonization of laws, the recentralization payment of the payroll, and the concentration of wage bargaining with SNTE, it is aimed at gradually take back the governance of basic education in the states. The most important thing is that the legal moves set the stage for putting an end to the inheritance and sale of the teaching posts, and the imposition of school principals and supervisors by SNTE leaders. Competitive examinations will be established, although its application with high degrees of confidence will take time.

With the institutional design and achievements to date, the reform has solid legal holds and the potential to reach new institutional practices. Though INEE may suffer setbacks because of the size of the challenges it faces and the apparent absence of strategies consequential to deal with the details involving in the removal of a corrupt corporate structure. It will not be easy to elevate the merit as the guiding principle of labor

relations in the Mexican education. The persistence of patrimonial cultural habits brakes further transformations. Yet, the prescription embodied in laws is a strong medicine, not just a palliative. However, Mexico is still far away of achieving an education system with personalized learning; teachers as change-makers; responsive instruction; professional learning communities; systemic and sustainable leadership; and personal and professional responsibility for student learning, as Hargreaves and Shirley (1912) propose as the pinnacle of a democratic educational reform.

## Closing Remarks

The government of Enrique Peña Nieto, perhaps unintentionally or by the lack of a long-term vision, is planting an antidote that may ultimately roll back the reforms the President is promoting. If the main purpose of the reform is that the government resumes the rectory of education, by consenting SNTE to survive as a vertical, monopolist and robust organization, allows that in the future it will be back on track. True, the government already decolonized the Under Secretariat for Basic Education; but the situation has not changed in the states.

It could be argued that the government sought a counterpart, a single teachers' organization representative. That is way the central government eliminated the double negotiation of SNTE—with SEP and with the states—and forced the new leaders to accept the rules of the game. But it seems an illusion. Many secretaries of education in the states (and all undersecretaries in charge of basic education, as well as director generals and the middle bureaucracy) were "negotiated" by the governors with SNTE leadership, including Oaxaca, Michoacán and Guerrero, were dissent teacher are the majority. Ivonne Melgar notes that at least 20 local secretaries follow mandates of SNTE (*Excélsior*, December 15, 2012).

Those are still there, cheering the reforms and “behaving well”, following the example of Juan Díaz de la Torre, the substitute President of SNTE. But if union leaders know something is to have patience, “the President term is six years; when he leaves we will be here”, could be one of their watchwords. The officials emanating from the ranks of the Union are the guarantors of the “cement coverage”, which Husen (2007) described. They will look how to overdraw the rules, organize boycotts to proposals coming from the center and sign pacts with bunglers who always find ways to make trickeries; like cheat in competitive examinations, for example.

Peña Nieto's style differs from previous heads of state, especially those of Vicente Fox and Felipe Calderon (who are PAN militants), but also in relation to others from PRI. First, is a President that assumes political risks. His program of “structural reforms” brings lots of criticisms, but also allies, if necessary he pacts with opposing forces but without forging straitjackets. The Pact for Mexico served to promote reforms in education and telecommunications; but on the fiscal reform he accepted the proposals of the PRD, and on the energy reforms under discussion he is close to PAN program.

The President's political action is pragmatic. He tries to build alliances looking for travel companions but retains for himself the driver's seat. He does not abuse the opportunity to give long improvised speeches. Peña Nieto ponders his responses to protests against his initiatives, but do not let them sleep; he negotiates with radical teachers, but showed that he is willing to use the police force to decide matters that the Secretary of the Interior cannot solve.

These attributes have allowed President Peña Nieto to navigate with some confidence in the first portion of his term; he has not released the rudder. But if he persists in reach consensus for everything, may lose floor. To pact with SNTE is a game of betting to lose. If the union colonization of basic education is not attacked with all the power of the state and let it to survive, the stewardship of education will remain in dispute for long time. The government rout still has many obstructions to overcome!

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