

The education reform at the subnational level: harmony and dissonance

La reforma educativa en las entidades federativas: armonía y disonancia

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Abstract: The educational reform launched in 2013 in Mexico inaugurated a teachers' evaluation system based on the premise that it would improve the quality of education. After examining the political reform behind this framing that reconfigured the corporatist pact between the State and *Sindicato Nacional de Trabajadores de la Educación*, this research measures the timeliness and consistency with which local congresses harmonized their education laws according to the national normative framework. Using legislative harmonization protocols, the article proposes a method to measure normative changes and identify challenges associated with the implementation of public policies. Results suggest that opposition to the educational reform in terms of normative frameworks is geographically clustered, therefore this article offers some hypotheses to explain variations in the timeliness, compliance and consistency of the harmonization processes involved in implementing the reform at a subnational level.

Key words: education reform, teachers' unions, federalism, implementation, secondary legislation.

Resumen: La reforma educativa de México de 2013 instauró un sistema de evaluación docente bajo la premisa de que aumentaría la calidad educativa. Tras argumentar que detrás de este planteamiento discursivo se halla una reforma política que reconfiguró el pacto corporativo entre el Estado y el Sindicato Nacional de Trabajadores de la Educación, esta investigación mide la velocidad y consistencia con la que los congresos locales armonizaron sus leyes educativas, conforme al marco jurídico nacional. A partir de protocolos de armonización legislativa, el artículo propone un método para medir cambios jurídicos e identificar retos asociados con la instrumentación de políticas públicas. Los resultados muestran que la oposición a la reforma educativa en el ámbito jurídico exhibe un patrón de concentración geográfica y sugieren algunas hipótesis para explicar variaciones en la velocidad, cumplimiento y consistencia de los procesos de armonización legislativa en las entidades federativas.

Palabras clave: reforma educativa, sindicalismo, federalismo, implementación, legislación secundaria.

Introduction

The education reform launched by the Mexican government in 2013 galvanized the support of key stakeholders around a reformist narrative that equated teacher evaluation with higher educational quality, paving the way for what some academics regard as a political and labor reform hiding under a technical guise (Antón, 2018; Del Castillo, 2014). After decades of political gridlock, this framing enabled right-, left- and center-leaning political parties to negotiate a set of structural reforms whose major breakthroughs in education included giving full autonomy to the National Institute for Educational Evaluation (INEE) and the creation of a Professional Teachers' Career Service (PTCS) or Servicio Profesional Docente (SPD).

As teaching positions in Mexico were often inherited and sold, and union loyalty to the National Teachers Workers Union (SNTE) was a more profitable option for professional advancement than mere merit, due to the corporatist pact the State and the SNTE established several decades ago (Olmeda, 2014; Nieto de Pascual, 2009; Arnaut, 1998; Sandoval, 1997), the educational reform elicited strong union opposition.

While resistance by the teachers' union to the federal legislative framework was highly visible as the result of the blockades, sieges, and protests by teachers between March and September 2013 — the period in which Congress discussed changes to the *General Law of Education* and drafted the new laws that would create the Professional Teachers' Career Service and revamp the National Institute for Educational Evaluation — this article analyzes less obvious signs of union resistance: concretely, whether there is evidence that SNTE or its allies in subnational governments used the six-month period allotted by Congress between September 2013 and March 2014 for local legislatures to adapt their education laws as a window of opportunity to retain as much power as possible over teachers' careers and to modify the impact of the reform at the subnational level.

This research focuses on evaluating the degree to which states complied with the harmonization process of their education laws to assess whether a counter-reform effort occurred and if the reform simply reconfigured the corporatist relationship between SNTE and the State at the subnational level. After comparing the articles of federal laws with the states' education laws, the main objective is to create indexes of education reform harmonization to rank states according to the degree to which their education laws are in harmony with the federal legislative framework. While a perfectly harmonized state education law does not necessarily imply that subnational

governments will apply the law, its absence or its disagreement with the spirit of the federal law is problematic. One the one hand, if educational authorities willing to apply the rule of law do not have adequate legal frameworks, then the education reform will not translate into reformers' intended policy changes at the subnational level; on the other, if educational authorities have a normative framework allowing them to overturn or to dismiss critical aspects of the reform, then they may engage in counter-reform efforts without legal consequences.

The importance of this research stems from the fact that a cursory examination of the constitutional litigation brought by the federal government against some states in 2014 (Baja California, Baja California Sur, Chiapas, Michoacan, Morelos, Oaxaca, Sonora and Zacatecas) shows that pushing the reform at the subnational level has been challenging. While some local congresses failed to adapt their legislation within the six-month period (Oaxaca took more than two years), others introduced changes that put at risk the implementation of the education reform according to reformers' plans. After performing a systematic analysis of the harmonization process, this research identifies subnational entities where the implementation of the reform is in peril. Yet, more generally, this study provides a framework to assess normative compliance at the federal or national level through indexes that anticipate potential problems for public policy implementation at the subnational level from critical stakeholders such as unions.

Improving the quality of education or reconfiguring corporatism

According to Grindle (2004 and 2007: 135-136), the degree of contentious politics elicited by educational reforms depends on whether they increase the size or power of unions or educational bureaucracies (*access-oriented reforms*), or whether they curtail or diminish their control over jobs, budgets, and other decision-making processes (*quality-enhancement reforms*). In this light, four of the nine commitments of the Pact for Mexico, the political platform on which the reform was based, were not expected to garner SNTE's support as they entailed the destruction of long-existing teachers' rights and career tracts, and the establishment of novel accountability mechanisms. Therefore, the creation of the Educational Management and Information System (SIGED), the Professional Teachers' Career Service (SPD), the consolidation of the Educational Evaluation National System (SNEE), and the promise to revamp teachers' education were all *quality-enhancement reforms* expected to arouse opposition from the teachers' union (see Table 1¹).

1 All tables and figures are in the Annex, at the end of this article (editor's note).

In contrast, five commitments were *access-oriented reforms* that entailed creating more jobs for teachers, administrators and service personnel, as well as the creation of new programs and the purchase of new school equipment, and were therefore more appealing to teachers' unions.

The most contentious change the reform introduced was the creation of SPD. Since the education reform established that any aspiring teacher would have to pass INEE-designed evaluations, the education reform broke pre-existing unwritten rules that enabled teachers and bureaucrats to inherit or sell teaching jobs on the black market. As the reform also eliminated the legal provisions that made dismissing teachers after a six-month trial period extremely difficult, reformers introduced a major shock to the system by setting new examinations and a longer trial period (two years) as conditions for tenure.

The reform also introduced an element that significantly altered the mechanisms by which teachers could become school principals or supervisors. Before the reform, SNTE could appoint half of the main school related positions, including principals and supervisors, through SNTE-SEP Joint Boards, institutional bodies in which union and education authorities of the Ministry of Education (SEP) determined which candidates could fill vacant positions on equal terms as educational authorities. As SPD established that anyone aspiring to become a school principal or supervisor needed to pass competitive examinations, the reform modified the extent to which the State granted SNTE the power to reward loyal members with these positions.

The most controversial aspect of the reform was the establishment of mandatory evaluations to determine whether currently serving teachers could keep tenure. Since reformers argued that they wanted to ensure that teachers were competent, the law obliged teachers to take evaluations every four years to assess their performance. If teachers' performance was inadequate, reformers agreed in 2013 to provide teachers with courses to improve their performance and up to three rounds to pass the evaluations. Otherwise, teachers would either be transferred to clerical or non-teaching duties, or simply be encouraged to retire. Though not mandatory, the reform also established that teachers aiming to increase their salaries would have to undergo merit based performance evaluations.

Although the reform was framed as an effort to improve the quality of education, it was also aimed at dismantling the corporatist pact between the State and SNTE. According to the public statement by the Ministry of Education, the reform enabled Mexico to transition from a corporatist to a meritocratic education system (SEP, 2016). Thus, unlike previous

research, this article considers SNTE's opposition to the reform not only as opposition to quality-enhancement reforms (Grindle, 2004 and 2007; Santibañez, 2008; Murillo, 1999; Moe, 2012), but as a survival strategy to avoid its annihilation within a system previously ruled by one party through an authoritarian regime (López, 2013).

Why would reformers attempt to dismantle the corporatist pact? The origin of the corporatist pact can be traced back to the forties, when Mexico's ruling party established an alliance with the teachers' union. In exchange for mobilizing teachers for electoral purposes and peaceful labor relations within the authoritarian regime established after World War II, Mexico's former ruling party, the Institutional Revolutionary Party (PRI), gave SNTE stable resources and recognition as the sole representative of teachers (Cook, 1996; Loyo, 1997; Grindle, 2004).

While this mutually advantageous relationship worked well up to the transition to democracy in 2000, SNTE gained increasing independence from PRI and eventually from federal authorities. Nueva Alianza, SNTE's political party created to influence electoral outcomes in increasingly competitive elections, was founded in 2005, creating resentment among other political parties over the immense power the union could exert beyond the educational system (Muñoz, 2005 and 2008; Ornelas, 2008). Since no political party or government authority could rely on the original terms of the pact by which the State gave SNTE power over teachers, reformers from Mexico's main political parties decided in 2013 to reconfigure the terms of the corporatist relationship.

While the 2013 educational reform reconfigured the corporatist relationship between the State and SNTE, some aspects remained unaltered. For example, regulations protecting SNTE from competition by other teachers' unions, a pillar of the relationship, remain intact. As federal labor laws establish that only the union representing the largest number of workers in any ministry is entitled to negotiate with the government, teachers are represented in a monopolistic fashion (Gindin, 2008; Muñoz, 2008; Guevara, 2012).

In fact, since Articles 67, 68 and 69 of the *Federal Law of Workers at the Service of the State* establish that only the union representing most workers within an agency can obtain the *toma de nota*, the formal document that legitimizes the relationship between that union and the State, the federal government can condition the emission of this document to discipline uncooperative unions. The second pillar the reform left intact was SNTE's

public subsidy, which, by law, accrues to one percent of teachers' monthly salary or about \$300 million pesos per month (Loyo, 1997; SNTE, 2013).²

Although the above pillars of the corporatist relationship were unaffected by the reform, the introduction of SPD eroded SNTE's ability to discipline teachers and to enforce union loyalty. The demise of this pillar saw the emergence of a new labor relationship that signaled a transition from a Professional Union Members' Career Service to a Professional Teachers' Career Service³ (see Figure 1).

SPD was a mechanism to assert control over a system in which teachers were more loyal to their union than to their actual employer (the government). Under the Old regime, teachers had to be loyal to SNTE as key labor decisions and incentives depended entirely on complying with informal mechanisms under union control. From authorizing teachers' transfer requests or permits to perform non-teaching duties, teachers had high incentives to show obedience to SNTE as non-compliance entailed formal and informal punishments (Sandoval, 1997; Muñoz, 2008; Olmeda, 2014). Also, advancement up the professional ladder was heavily influenced by union loyalty. Although in theory SNTE had the faculty to fill 50% of vacancies, in practice it could allocate more positions due to its colonization strategy launched several decades ago to capture the education system (Ornelas, 2008).

In addition, SPD also aimed to recruit competent teachers more likely to display loyalty to the government than to the teachers' union. The requirement for aspiring teachers to pass competitive evaluations to enter the profession, and two subsequent evaluations to assess their performance before obtaining tenure, marked the end of automatic tenure following the six-month trial period. Competitive examinations also put a halt to illegal practices, such as the inheritance, sale and automatic delivery of teaching positions (Olmeda, 2014; Sanchez and del Sagrario, 2015; Nieto de Pascual, 2009); and broke the patronage-based network through which SNTE gained future teachers' loyalty based on the promise of securing a teaching position after graduation from teachers' colleges (Yescas, 2015; Muñoz, 2005).

Finally, the education reform opened the possibility for private university students to join a service previously reserved for teachers from public institutions. In a context of increased competition among graduates due to a

2 Out of 1.9 million education workers, SNTE represents 1.2 million teachers. Therefore, 1.2 million multiplied by 1% of teachers' average monthly salary — \$25,000 pesos according to Instituto Mexicano para la Competitividad (2014) — equals \$300 million.

3 The New Regime only applies to teachers (1.2 out of almost 1.9 million or 63% of SNTE's members) as the Old one still regulates the labor relationship with other SNTE workers.

cap on teaching positions (Nieto de Pascual, 2009; Arnaut, 2013), SNTE's ability to gain automatically a new cadre of loyal members diminished.

The creation of the Professional Teachers' Career Service also represented a significant disruption to currently serving teachers as tenure disappeared. On the one hand, the education reform required teachers to take mandatory evaluations every four years to prove their performance was adequate. On the other hand, since teachers' promotions were no longer automatically determined by a SNTE-SEP joint board, the union lost a critical instrument for rewarding loyal members with vertical promotions (from teacher to school principal and from school principal to supervisor).

Furthermore, the elimination or reconfiguration of more than thirty of SNTE's joint boards or working groups (Santibañez, 2008) implied losing *Carrera Magisterial*, a mechanism through which SNTE influenced teachers' earnings, especially of those excluded from the vertical promotion scheme that rewarded union loyalty. Since teachers wishing to increase their salary must now present evaluations designed by INEE, SNTE lost its ability to shape the evaluation criteria of *Carrera Magisterial* and, consequently, the ability to benefit most teachers.

The fourth pillar altered by the education reform was the establishment of clear sanctions against those not willing to abide by the New Labor Regime. The *General Law of Professional Teachers' Career Service* established various mechanisms to discipline SNTE and to reconfigure the corporatist pact. To shift teachers' allegiance from SNTE toward the State, reformers established that teachers, school principals and supervisors had to be evaluated (Article 69).

Similarly, to punish the sabotage power bureaucrats loyal to SNTE could exert by allocating positions in a non-meritocratic fashion, the law established that any access or promotion granted against SPD guidelines would be voided (Article 71). To prevent teachers' strikes and reduce protests, the new framework determined that teachers and public servants absent for more than three days within a month without justification would lose their job (Article 76).

SPD also established that anyone who accepted a job, position, commission (*comisionados*), or duty preventing them from performing their role as a teacher, school principal or supervisor, would have to request a leave of absence and to renounce their salary (Article 78). Finally, the General Law of PTCS also established that teachers who failed their evaluation for the third time would not be permitted to continue teaching, and that educational authorities would have to reassign them to non-teaching

activities (i.e., clerical duties or anything outside the classroom) or invite them to participate in early retirement programs (Transitory Article 8).

Research questions and methods

This article assesses whether local congresses harmonized their education laws in consonance with the federal legislative framework established in the *General Law of Education* and the *General Law of Professional Teachers' Career Service*. This research focuses on identifying signs of union influence on the way local congresses introduced the federal framework into their education laws and on measuring the degree to which local legislators reconfigured the corporatist relationship between SNTE and the educational authorities at the subnational level. Since assessing whether the whole education reform was accurately adapted at the subnational level demands evaluating a diverse array of components (i.e., the Education Management and Information System, school management autonomy, full time schools, among other elements: see Table 1), I focus on the operation of SPD, which was the factor that most significantly disrupted the corporatist relationship. Therefore, my research questions are:

1. How do state education laws rank according to the timeliness and accuracy with which they reflected the changes reformers introduced?
2. How do state education laws rank according to the degree to which they dismantled the corporatist pact between SNTE and the educational authorities?

The primary sources I utilized to measure the timeliness and accuracy with which local congresses adapted the federal framework at the subnational level were the thirty-one states' education laws (except Mexico City, which does not have an education law), the *General Law of Education* and the *General Law of Professional Teachers' Career Service*.⁴ After computing the

4 The references section includes all the state education laws consulted with their respective dates of most recent publication. In all cases, these are listed in alphabetical order by local congress: Congreso del Estado de Aguascalientes (2014), Congreso del Estado de Baja California (2014), Congreso del Estado de Baja California (2015), Congreso del Estado de Baja California Sur (2015), Congreso del Estado de Campeche (2014), Congreso del Estado de Chiapas (2014), Congreso del Estado de Chihuahua (2016), Congreso del Estado de Coahuila (2014), Congreso del Estado de Colima (2016), Congreso del Estado de Durango (2015), Congreso del Estado de Guanajuato (2014), Congreso del Estado de Guerrero (2015), Congreso del Estado de Hidalgo (2016), Congreso del Estado de Jalisco

delay with which local congresses approved changes to their legislations (*timeliness indicator*), and assessing if educational laws reflect all the required changes of SPD (*harmonization compliance index*), I evaluate whether these changes were consistent with the reform (*harmonization consistency index*). I also measure the degree to which subnational authorities complied in reconfiguring key aspects of the corporatist pact (*corporatist reconfiguration compliance index*) and the number of these changes (*corporatist reconfiguration degree index*). These composite measures allow me to compute a *global harmonization score* to rank states based on how harmonious or dissonant their education laws are compared to the federal framework.

The *timeliness indicator* measures the date local congresses adapted their state education laws before the deadline. As the deadline was March 12th, 2014, states that harmonized their education laws after this period are harmonization laggards. Nevertheless, as this indicator does not convey information about the actual incorporation of the articles that local congresses needed to include or adapt, I created composite indexes to assess the degree of correspondence between the thirty-one states' education laws and the *General Law of Education*, and between the thirty-one states' education laws and the *General Law of Professional Teaching Career Service*.⁵

(2015), Congreso del Estado de México (2014), Congreso del Estado de Michoacán (2014), Congreso del Estado de Morelos (2015), Congreso del Estado de Nayarit (2015), Congreso del Estado de Nuevo León (2014), Congreso del Estado de Oaxaca (2016), Congreso del Estado de Puebla (2014), Congreso del Estado de Querétaro (2015), Congreso del Estado de Quintana Roo (2014), Congreso del Estado de San Luis Potosí (2014), Congreso del Estado de Sinaloa (2014), Congreso del Estado de Sonora (2015), Congreso del Estado de Tabasco (2014), Congreso del Estado de Tamaulipas (2017), Congreso del Estado de Tlaxcala (2014), Congreso del Estado de Veracruz (2016), Congreso del Estado de Yucatán (2014), Congreso del Estado de Zacatecas (2014). The same considerations apply for the national laws: the *General Law of Education* (Congreso de la Unión, 2014) and the *General Law of Professional Teachers' Career Service* (Congreso de la Unión, 2013).

5 Since the *General Law of Education* deals more with general issues of the education reform compared to the specific guidelines of the *General Law of Professional Teachers' Career Service*, I believe this represents an integral approach to what local legislators had to modify to ensure merit would be the sole criterion to determine access, promotions, rewards and tenure. This approach seems reasonable as the *General Law of Education* reflects the doctrinaire corpus of the government leaders and the way the education system is organized (Ornelas, 1998). Thus, its combination with the specific guidelines of the *General Law of Professional Teachers' Career Service* is useful to compute harmonization indexes capable of capturing the wide-ranging and specific aspects reformers considered critical.

Before explaining the methodology behind the index construction, it is necessary to mention that there were three ways states could adapt the reform to their education laws (see Bracho and Zorrilla, 2015: 20). First, it is necessary to analyze whether all the changes reformers introduced in the *General Law of Education* modified existing articles in the state education laws; second, whether the new elements of the *General Law of Education* were included in the subnational laws; and third, whether the components reformers eliminated were also deleted in the state education laws.

Using the *General Law of Education*, the *harmonization compliance index* of the Professional Teaching Career Service assigns a value of one for each change local congresses were supposed to include and zero otherwise. The harmonization compliance index measures whether states' education laws were updated to include the following aspects of the *General Law of Education*: 1) that states are the sole authorities responsible for providing training, updating, continuing education and professional development services for elementary and middle school teachers (Article 13 Section IV); 2) that states must participate in the access, promotions, rewards and tenure evaluations, as part of the concurrent faculties they share with the federal government (Article 14 Section I Bis); 3) that states must provide induction, updating, training and professional development for high school teachers, as part of the concurrent faculties they share with the federal government (Article 14 Section II Bis); 4) that municipal governments must observe the criteria established in the *General Law of Professional Teachers' Career Service* regarding access, promotions, rewards, and tenure evaluations for teachers, school principals, and supervisors at elementary, middle, and high school levels (Article 15); 5) that states are part of the national system for teachers' training, updating, continuing education, and professional development, the operation of which must conform to the *General Law of Professional Teachers' Career Service* (Article 20); 6) that elementary, middle, and high school teachers must receive recognitions, distinctions, incentives, and rewards based on their performance and the *General Law of Professional Teachers' Career Service* guidelines (Article 21);⁶ 7) that private providers of early education must take evaluations in consonance with the guidelines of the *General Law of Education* and the National System of Educational

⁶ Article 21 includes other aspects local congresses needed to change (i.e. teachers in private schools must take performance evaluations like teachers from public schools do). However, I focus on the conditioning of teachers' rewards to evaluation performance as this is the most disruptive element for SNTE.

Evaluation (Article 59).⁷ If local legislators included all these items, this composite index equals seven (one point for each required change); otherwise, zero. This equally weighted index on a zero to seven scale distinguishes recalcitrant from compliant states based on their willingness to harmonize.

As the simple inclusion of articles does not tell us whether local congresses inserted pro- or counter-reform changes, the *harmonization consistency index* punishes or rewards states based on the nature of their compliance effort. To build this composite index, the first step was to identify whether local congresses introduced all the required changes. Then, I multiplied each change consistent with the reform by one, and each inconsistent change by minus one. Once I performed this operation with the seven items, the addition of this equally weighted index produced a composite measure ranging from minus seven – where states included all the changes in a counter-reformist fashion (dissonance) – to seven – where all the changes were pro-reformist (harmony).

The *corporatist reconfiguration compliance index* shifts the attention from the general dispositions of the *General Law of Education* to the specific guidelines of the *General Law of Professional Teachers' Career Service* (Title V). To calculate this index, I evaluated whether local congresses stipulated the following five aspects of the Professional Teachers' Career Service in their education laws: 1) that any access or promotion contrary to its dispositions is void (Article 71); 2) that noncompliance by teachers, school principals, or supervisors with Article 69 obligations would end the labor relationship (Article 74); 3) that unjustified absence by teachers and public servants absences for more than three days within a month would end the labor relationship (Article 76); 4) that any teacher, school principal or supervisor accepting any employment, position or commission must request a leave of absence and temporarily renounce their salary (Article 78); 5), that teachers failing to pass their third evaluation round would be reallocated to non-teaching duties based on educational authorities' determinations (transitory Article 8).

The *corporatist reconfiguration degree index* punishes or rewards states in a similar fashion to the harmonization consistency index. To build this index, I first identify whether local congresses introduced the five changes which signal a stronger commitment to dismantle or reconfigure the corporatist

⁷ Although Bracho and Zorrilla (2015) argue that the inclusion of the Professional Teaching Career Service implied making eleven changes, I only include seven as the others deal exclusively with federal government faculties.

pact. Then, I multiply each of these changes by one if the harmonization wording reveals a change consistent with the federal framework, or minus one otherwise. After performing this operation with the five items of the index, the corporatist reconfiguration degree index takes values ranging from minus five – where states included all the changes in a counter-reformist fashion (dissonance) – to five – where they included the five changes in a pro-reform fashion (harmony).

The *harmonization global score* is a composite index ranking states based on the correspondence between their education laws and the federal normative framework. This score is the outcome of an unequally weighted index whose formula incorporates information from the last four indexes to distinguish states with harmonious laws ($HGS = 1$) from states with dissonant ones ($HGS = -1$): $HGS = 0.8 ((HCompI * HConsI)/49) + 0.2 (CRCI*CRDI/25)$

Where:

HGS =Harmonization global score

$HCompI$ = Harmonization compliance index

$HConsI$ = Harmonization consistency index

$CRCI$ = Corporatist reconfiguration compliance index

$CRDI$ = Corporatist reconfiguration degree index

To calculate HGS , the first step is to multiply $HCompI$ by $HConsI$ and then divide this product by 49, which is the maximum possible value a state can obtain if it includes all the required changes in a pro-reform fashion ($7 \times 7 = 49$). The second step is to multiply $CRCI$ by $CRDI$ and divide this product by 25, which is the maximum value states can obtain if they included the five changes in favor of corporatist reconfiguration. The third step is to weight these products by 0.8 and by 0.2, respectively, to obtain the global harmonization score.⁸

Results

The *timeliness indicator* in Table 2 shows that most states complied with the harmonization deadline. Even though the average of the indicator is sixteen, if we focus on the median of the distribution, we can see that most states

⁸ This weighting scheme is based on the idea that it was more important to harmonize general dispositions, such as those included in the *General Law of Education*, compared to the more nuanced changes reformers introduced in the *General Law of the Professional Teachers' Career Service*. Nevertheless, to assess whether this weighting scheme was solid, I tried different combinations that, overall, did not affect state's rankings.

harmonized their education laws some days before the deadline. In fact, most local congresses approved the modified version of their education laws four days before the deadline (March 12, 2014). Despite the usefulness of looking at the median to attenuate the effect of outliers, it is worth looking at Yucatan and Oaxaca. At one extreme of the harmonization pace, Yucatan approved its education law four months before the deadline, or just about two months after the President published the decrees that modified the *General Law of Education* and that created the Professional Teachers' Career Service and the National Institute for Educational Evaluation laws. On the other end, Oaxaca took more than two years (759 days). Why do these states show such a significant variation? (See Table 2).

As both Oaxaca and Yucatan have extremely low harmonization compliance index values, their contrasting fast and slow legislative harmonization paces are intriguing. In the case of Oaxaca, this is the outcome of the poor treatment local legislators gave to specifying the reformist agenda surrounding SPD in their education law. The only change that complies with the index criteria is one article in a single paragraph (Article 55). In the case of Yucatan, its low value is the result of a deficient harmonization strategy as local legislators introduced unambiguous wording in only two of the seven changes required to obtain the maximum value. Therefore, low values in the harmonization compliance index appear to be related to both the urgency with which Yucatan legislated and the deliberate intention of Oaxaca's Congress to delay and to ignore as much of the federal framework as possible in its state's education law.

The *harmonization consistency index* identifies states that introduced counter-reform measures. The most interesting case is Baja California, a state in the north of Mexico, whose congress introduced six of the seven required changes in a manner counter to the reform. The first reason behind this score is that the local adaption of articles 14 Section I Bis, 14 Section II Bis, and 15, which must refer to the *General Law of Education*, but which instead allude to *Baja California's Professional Teacher's Career Service Law*. As states are not entitled to regulate the operation of SPD through their own laws, these changes were inconsistent with the reform.

The second reason Baja California ranks so low in the harmonization consistency index is the inclusion of terms that challenge the education reform on other grounds. The adaptation of Article 21 of the *General Law of Education*, which establishes that educational authorities must allocate teachers' rewards, distinctions, and incentives according to SPD, refer to education workers rather than teachers, which is inconsistent with the

reform. Similarly, Article 13 Section IV was not properly harmonized as it adds the term “*personal de apoyo*” [support staff] to an article which must deal exclusively with elementary teachers. Finally, the adaptation of Article 59 of the *General Law of Education* in Baja California’s normative framework did not specify that private providers of early education must take evaluations within the framework of the *General Law of Education* and the National System of Educational Evaluation.

While Baja California introduced most of the required changes in a counter-reform fashion, it was not the only one. Veracruz included most required changes (six out of seven) using counter-reformist wording which provides a glimpse into the mechanisms used by local legislators to benefit teachers’ unions. Veracruz’s low harmonization consistency score is the result of invading federal government mandates through the inclusion of inaccurate terms, and the ambiguity local legislators introduced into their state’s education law. For example, the adaptation of Article 14 of the *General Law of Education*, which regulates shared responsibilities between the federal and subnational governments, introduced mechanisms that empower the local government. Although Section I Bis of Article 14 establishes that states must participate in the access, promotion, reward and tenure evaluations, Veracruz’s law entitles the state to *partake of the formulation of the evaluations*, something inconsistent with the federal law. Similarly, while Article 14 Section II Bis only establishes that states should *provide* updating and training programs for high school teachers, Veracruz’s legislators added the word *design* to influence the implementation of these programs. The faculty to participate in the design of the evaluations and implementation of programs was a clear way to empower the union and benefit loyal teachers.

If we examine closely the most important change local congresses needed to introduce in the context of the harmonization consistency index, we can gain further insights into the mechanisms subnational authorities used to benefit the union. Article 21 of the *General Law of Education*, which conditions rewards, promotions, and other incentives for teachers’ performance, was the change that most local congresses failed to introduce at the subnational level (five out of the thirty-one states or 16%). Yet, even when they did so, nine out of the twenty-six local congresses (35%) used counter-reform wording, introduced norms that contradict Article 21, or did not unambiguously specify the role of the *General Law of Professional Teachers’ Career Service* in relation to Article 21. This was the case of Baja California, Chihuahua, Guanajuato, Michoacan, Morelos, Sonora, Tamaulipas, Veracruz, and Zacatecas.

Sonora and Chihuahua represent instances in which counter-reformist wording and the coexistence of counter-reform norms limit the implementation of the education reform. In Sonora, local legislators qualified the scope of Article 21 by conditioning it to other agreements, decrees, or even current or future legal documents. In Chihuahua, although Article 24-B of this state's education law was properly aligned with Article 21, its coexistence with other state articles provides grounds for inadequate implementation. For instance, Article 13 Section IX establishes that Chihuahua must establish a system to reward, distinguish and provide incentives to benefit workers of education who teach or do research. As this opens the possibility for alternative professional career paths, this mechanism indirectly benefits the union and simultaneously undermines the viability and legitimacy of SPD. Finally, Michoacan's, Guanajuato's, Veracruz's and Tamaulipas' noncompliance is the product of failing to specify unambiguously, as other states did, that teachers' incentives, rewards and promotions must comply with the *General Law of Professional Teachers' Career Service*.

The *corporatist reconfiguration compliance index* shifts the attention from the general dispositions established by the *General Law of Education* to the specific guidelines of the *General Law of Professional Teachers' Career Service*. Once again, this index assesses whether local congresses established sanctions aimed at shifting teachers' loyalty from the teacher's union to the State. While around 25% of local congresses failed to include any item of the corporatist reconfiguration compliance index, there is significant variation among those who included at least one element. For example, the only change Morelos and Veracruz failed to introduce was sanctions against *comisionados* and, in the case of Aguascalientes, against absent teachers. Among the seven states that introduced only one out of the five index items (Campeche, Chiapas, Durango, Michoacan, Nayarit, Sinaloa, and Yucatan), teachers' relocation rules or *reglas de adscripción* were the issue left unaddressed by six of them.

The *corporatist reconfiguration degree index* evaluates the degree to which states used the five items of the previous index to assess whether relocation rules, for instance, fragmented or maintained the corporatist pact. Even though relocation rules appear in the education laws of 23 of the 31 states (74%), in 17 of these 23 (74%) the wording follows a tone consistent with the reform as they establish that inadequately performing teachers in the third round will be relocated as determined by educational authorities. Nevertheless, in 6 out of these 23 states (26%), relocation rules suggest that lawmakers attempted to preserve SNTE's ability to shape how teachers unable to pass the third round of evaluations would be assigned to

non-teaching duties. For example, while some states established that teachers must perform non-teaching duties at the same school or one close to their locality (Morelos, Quintana Roo), others devote whole articles explaining the specific order educational authorities must follow when relocating teachers (Yucatan's Article 22 Bis and Zacatecas' Article 12 of their State Education Laws).

In terms of global rankings, Figure 2 displays the states' *global harmonization scores* in a grey colored scale based on Table 3 results. As previously mentioned, GHS helps to distinguish states with completely dissonant education laws (GHS= -1) from those with completely harmonious education laws (GHS = 1). Therefore, a state like Colima, which included all the required changes (harmonization compliance index) in consonance with the federal framework (harmonization consistency index), which also enacted measures to reconfigure the corporatist pact (corporatist reconfiguration compliance index) in a fashion consistent with the reform (corporatist reconfiguration degree index) had a score of one (the maximum value): $0.8((HCompI*HConsI)/49) + 0.2(CRCI*CRDI/25) = 0.8((7*7)/49) + 0.2(5*5/25) = (0.8*1) + (0.2*1) = 1.00$. In contrast, a state like Baja California, which introduced six of the seven required changes in a counter-reform fashion, and none of the corporatist reconfiguration items, is heavily penalized, as its score is close to dissonance: $0.8((HCompI*HConsI)/49) + 0.2(CRCI*CRDI/25) = 0.8((6*-6)/49) + 0.2(0*0/25) = 0.8*(-36/49) + 0.2*(0/25) = (0.8*0.73) + (0.2*0) = 0.59 + 0 = 0.59$ (see Figure 2 and Table 3).

The map in Figure 2 shows the existence of two enclaves where the harmonization of the education reform's federal framework faced resistance. The first enclave, in the North, includes Baja California, Sonora and Sinaloa. The second one, in the South, comprises Chiapas, Veracruz, Oaxaca, Campeche and Yucatan. In both cases, these enclaves suggest a dynamic where a handful of neighboring federal entities shared a common resistance strategy compared to more distant pro-reform states. The North enclave is an interesting case as most of the North has relatively harmonious state education laws (Baja California Sur, Chihuahua, Durango, Coahuila, Zacatecas, San Luis Potosi, Nuevo Leon and Tamaulipas). The second enclave is one of predominant resistance in which the surprising fact is the absence of dissonant education laws in states like Guerrero, Tabasco, and Quintana Roo. If we shift the analysis to pro-reform efforts, Central Mexico represents a third enclave in which Morelos is an outlier, as all the surrounding states have harmonious education laws.

Conclusions

This research evinces that the education reform has faced silent challenges at the subnational level. The harmonization process local congresses displayed during the modification of their education law reflects that, at least as regards the operation of SPD, there were two main strategies to limit the scope of the education reform. The first strategy consisted of delaying the harmonization process as much as possible. This strategy most clearly describes the case of Oaxaca, where it took over two years for its local congress to adapt its subnational framework. The fact that only one paragraph of Oaxaca's education law reflects all the required changes of the harmonization compliance index is perplexing. After months of protests, federal interventions, the use of force, and a constitutional challenge, the Congress of Oaxaca only harmonized one article. Is this a pyrrhic victory or should we regard it as a major accomplishment by the federal and state governments?

The second strategy against the education reform consisted of meeting compliance criteria but introducing counter-reformist changes. States that pursued this strategy resorted to several mechanisms to dilute the effects of the reform at the subnational level or to favor openly SNTE's subnational sections. The simplest strategy, and the one that the index penalized the most, was that followed by Baja California. Since local legislators established that SPD was going to be regulated by its own law, all the changes they introduced affected its rankings. Did tying the operation of SPD to a subnational law reflect poor legislative technique or outright ignorance? Did local legislators think that the best way to benefit or to punish SNTE in their state was by ensuring the governor and his cabinet had this tool at their disposal?

Another mechanism local legislators used to push counter-reform measures was through language. In some states, local legislators failed to convey clearly that the changes they introduced were going to be regulated by the *General Law of Professional Teachers' Career Service*. This ambiguity is problematic as it leaves a window of political opportunity which unions and subnational governments may use to avoid properly implementing the reform. In some other states, language ambiguity shifted to a clearly counter-reformist tone. Sonora's State Education Law Article 24 and Sinaloa's State Education Law Article 15 Section XXXIII establish that access, promotion, rewards and tenure for teachers, school principals, and supervisors must follow the SPD guidelines respecting at all time the rights of education workers and all the previous agreements reached in collective contracts, covenants,

agreements and pacts established between the union and the educational authorities. This wording suggests how SNTE might have influenced subnational education laws, even though Sinaloa clarifies that workers' rights in the service of education should not violate the *General Law of Professional Teachers' Career Service*.

This research enables us to hypothesize two ways in which timeliness affected compliance. First, states that harmonized their education laws with greater urgency were more prone to make errors than those which took longer to ensure they had included all the relevant changes local legislators were supposed to introduce. This is clear in the case of Yucatan as, based on the way its education law is written, it reveals a neglectful, if not sloppy and rushed harmonization process. Second, states that took a very long time to harmonize might have done so to avoid harmonization altogether. This is evident in the case of Oaxaca, as more than two years and a constitutional challenge were required for its local congress to comply with the harmonization deadline. Nevertheless, it is likely that most states fall into one of these extremes, as it appears that those which finished sooner were more likely to make mistakes than those who took longer. Similarly, it is possible that those states which harmonized shortly before or even after the deadline wanted to avoid harmonization altogether or were devising how to include counter-reform provisions in their education laws that might go unnoticed.

This research shows the existence of enclaves of resistance to education reform. The northern enclave shows an interesting pattern of defiance, where local congresses pushed counter-reform measures not only through the approval of a *sui generis* Professional Teachers' Career Service Law, such as the one of Baja California. The northern enclave also includes the enactment of counter-reformist provisions in other states. In Sonora, Article 80 Bis 2 stipulates that access to new teaching positions is limited to remaining vacant positions once *trabajadores de base* exert their right to obtain a promotion based on the *General Law of Professional Teachers' Career Service*. Therefore, even if this article respects the federal law, the fact that the only positions open to new teachers will be those remaining after benefiting existing education workers shows a counter-reform mechanism at work.

Future research should explore whether some states exerted a counter-reform diffuser effect within their enclaves. Since the wording of certain articles within the State Education Laws of Sonora (Article 24) and Sinaloa (Article 15) is similar, it is plausible that Sonora's SNTE sections 28 and 54 and Sinaloa's SNTE sections 27 and 53 collaborated, or at least had a

similar strategy to influence their local legislators. In the southern enclave, it is also possible that Oaxaca played a major role in spreading counter-reformist strategies to the surrounding federal entities. Although Oaxaca's global harmonization score is lower than Veracruz and Chiapas, it is possible that neighboring states resorted to counter-reform wording as the outcome of being unable to prevent the harmonization of their state education laws. Nevertheless, it is important to assess whether Section 22 in Oaxaca, the stronghold of dissident teachers, performed counter-reform diffusion activities in the southern enclave.

Another agenda that remains to be explored is the harmonization of other elements of the federal framework of the education reform. One limitation of the current indexes and the global harmonization scores is that they only examine the harmonization process of the most significant elements of the Professional Teachers' Career Service. Therefore, analyzing the degree of harmony or dissonance in the states' education laws regarding the faculties of the National Institute for the Evaluation of Education is important. Considering that some states such as Veracruz created their own Evaluation Institute (*Instituto Veracruzano para el Desarrollo Profesional y la Evaluacion Educativa*), in a similar manner to what Baja California enacted for the Professional Teachers' Career Service, this research agenda is a fertile ground to assess the progress of the education reform at the subnational level. Although the reasons that explain the variations in harmonization paths between states is a topic that remains to be explored (i.e., the impact of teachers' protests on legislative technique, SNTE's allies in local congresses, the political party composition of the local congresses and the relationship between governors and the union, as well as governors with the federal government), the global harmonization scores provide a glimpse into how future research might select those cases to examine them more closely.

This research also provides a method to analyze opposition to highly contentious public policies. Since timeliness and harmonization indicators show states where local congresses adopted legislative legal frameworks contrary to the reformers' plans, replicating this study should enable policymakers to emit early warnings or to deploy other strategies (i.e., constitutional challenges, media pressure on uncooperative local congresses) to anticipate stakeholder opposition. While further research should delve deeper into measuring stakeholders' opposition to contentious reforms, this study reveals that silent strategies bearing less media impact, such as street protests and strikes, are part of the strategic repertoire to which pressure groups and their allies might resort in order to weaken or halt policies they oppose.

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Annex

Table 1

Pact for Mexico: access oriented versus quality-enhancement reform classification

Commitment	Access	Quality
Educational Management and Information System		X
National System for Educational Evaluation consolidation		X
School management autonomy	X	
Full-time schools	X	
Laptops with Internet connection	X	
Professional Teachers' Career Service		X
Teacher education reform		X
College and high school enrollment rates increase	X	
National Program of Scholarships	X	

Source: Author's classification based on Pact for Mexico (2017) using Grindle's (2004) criteria.

Table 2

Timeliness, harmonization and corporatist reconfiguration indicator and indexes

State	Timeliness	Harmonization Compliance	Harmonization Consistency	Corporatist Reconfiguration Compliance	Corporatist Reconfiguration Degree
Aguascalientes	-2.0	7.0	7.0	4.0	4.0
Baja California	0.0	6.0	-6.0	0.0	0.0
Baja California Sur	41.0	7.0	7.0	5.0	3.0
Campeche	-12.0	5.0	3.0	1.0	1.0
Chiapas	-5.0	6.0	-2.0	1.0	-1.0
Chihuahua	0.0	7.0	5.0	5.0	5.0
Coahuila	-5.0	7.0	7.0	0.0	0.0
Colima	-36.0	7.0	7.0	5.0	5.0
Durango	-6.0	7.0	7.0	1.0	1.0
Guanajuato	-2.0	7.0	3.0	0.0	0.0
Guerrero	-1.0	7.0	7.0	5.0	5.0
Hidalgo	-5.0	6.0	6.0	0.0	0.0
Jalisco	-13.0	7.0	7.0	5.0	5.0
Mexico	-1.0	7.0	7.0	5.0	5.0

Michoacan	-12.0	7.0	5.0	1.0	1.0
Morelos	-5.0	3.0	-1.0	4.0	1.0
Nayarit	-4.0	6.0	6.0	1.0	1.0
Nuevo Leon	0.0	7.0	7.0	0.0	0.0
Oaxaca	759.0	1.0	1.0	0.0	0.0
Puebla	0.0	7.0	7.0	5.0	5.0
Queretaro	0.0	7.0	7.0	4.0	3.0
Quintana Roo	-14.0	6.0	6.0	5.0	5.0
San Luis Potosi	-57.0	7.0	7.0	0.0	0.0
Sinaloa	6.0	5.0	5.0	1.0	1.0
Sonora	-1.0	7.0	3.0	2.0	0.0
Tabasco	0.0	7.0	7.0	5.0	5.0
Tamaulipas	-5.0	7.0	5.0	5.0	3.0
Tlaxcala	0.0	6.0	6.0	5.0	5.0
Veracruz	-7.0	6.0	-2.0	4.0	-4.0
Yucatan	-113.0	2.0	1.0	1.0	-1.0
Zacatecas	-5.0	7.0	5.0	5.0	3.0
Minimum	-113.0	1.0	-6.0	0.0	-4.0
Maximum	759.0	7.0	7.0	5.0	5.0
Average	16.0	6.2	4.5	2.7	2.0
Median	-4.0	7.0	6.0	2.0	1.0

Source: Created by the author.

Table 3
Global Harmonization Scores and Rankings by State

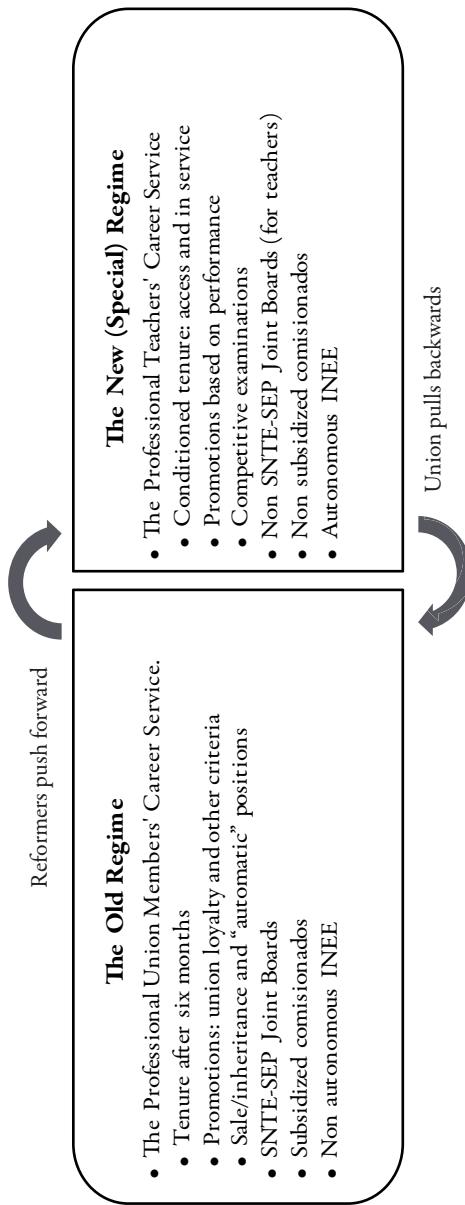
State	Global Harmonization Scores	Ranking*
Colima	1.00	1
Jalisco	1.00	2
Guerrero	1.00	3
Mexico	1.00	4
Puebla	1.00	5
Tabasco	1.00	6
Aguascalientes	0.93	7
Baja California Sur	0.92	8
Queretaro	0.90	9
Durango	0.81	10
San Luis Potosi	0.80	11
Coahuila	0.80	12
Nuevo Leon	0.80	13
Quintana Roo	0.79	14
Tlaxcala	0.79	15
Chihuahua	0.77	16
Tamaulipas	0.69	17
Zacatecas	0.69	18
Nayarit	0.60	19
Hidalgo	0.59	20
Michoacan	0.58	21
Sinaloa	0.42	22
Guanajuato	0.34	23
Sonora	0.34	24
Campeche	0.25	25
Yucatan	0.06	26
Oaxaca	0.02	27
Morelos	-0.02	28
Chiapas	-0.20	29
Veracruz	-0.32	30
Baja California	-0.59	31

Source: Created by the author.

* To avoid ties, I assigned ranking among states with the same GHI values first based on the timeliness indicator (to reward states that harmonized their education laws faster), and then by alphabetical order.

Figure 1

Education Reform and the Old to New Regime Transformation



Source: Created by the author.

Figure 2

Harmony to Dissonance? Global Harmonization Scores



Source: Created by the author.

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