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Centro para la Implementación de  
Derechos Constitucionales

# Proyecto "Camino al Aula"

Executive summary



*This document summarizes a series of reports prepared for the project "[Camino al Aula](#)". The reports show how the lack of school vacancies is affecting access to education in the Province of Buenos Aires. They are also intended to provide the affected communities with key information and to contribute to inform decisions in the planification of school infrastructure. In order to do so, the reports address the insufficient resources and budgetary issues and the deficits on production of information, as well as the lack of adequate mechanisms of participation.*

### **"Camino al Aula": Access to Education in the Province of Buenos Aires**

The Province of Buenos Aires (PBA) concentrates 40% of Argentina's population and accounts for 40% of its poverty headcount. Educational inequality among school districts is dramatic and standardized tests show that performance in public schools located in poor districts is "below sufficient". Education inequality, socioeconomic status, and immigration are deeply interrelated, and reflect in territorial disparities. School closures decided to prevent the spread of COVID-19 are affecting more seriously some of the poorest districts and neighborhoods where families don't have any access to the internet or computers.

"Camino al Aula" focused on one specific barrier to accessing education in the Province: the deficits on school infrastructure in public institutions from kindergarten and primary levels. Drawing from a case study in Cuartel V, Moreno, the project aimed to analyze educational policies through the lens of the human rights' framework and to incorporate the experiences of the affected community. This approach allowed us to better identify problems that so far, had been neglected by the authorities, such as the information gaps, the lack of efficient participatory mechanisms in administrative proceedings, the organizational problems to implement adequate solutions and the unequal and low financial investment in school infrastructure.

Even though it is evident that adequate infrastructure is crucial to ensure the minimum core of the right to education, the current sanitary crisis put a spotlight on it. Schools with overcrowded classrooms, no running water or connection to other basic services have been a part of the daily lives of many families over the past years. However, the current situation prevents authorities from authorizing the return to classes under such conditions. This context gives a good opportunity to make use of our findings and advocate for better informed and more participatory decisions in the local educational field.

### Case study: Cuartel V, Moreno

Cuartel V is a group of poor neighborhoods located in Moreno, a Municipality in the Province of Buenos Aires, Argentina. Every year, many families living in Cuartel V face the lack of sufficient spots for their children in nearby schools. As a consequence, they must enroll their kids in schools from other districts or accept they are squeezed into overcrowded classrooms. According to a poll carried out in 2016 by the Civil Association "El Arca", 34% of the kids in the neighborhood were not offered a place in nearby schools, 20% had to walk 5 km to get to school, 37% had to walk 4 km, 17% had to walk 3km and 8% commuted to other districts.

Since 2008, the community of Los Hornos, one of the neighborhoods within Cuartel V, has been demanding the construction of a primary school. Due to the lack of response from the authorities, a court ruled that the PBA had to build a new school and provide the community with a temporary solution (modular classrooms). It is estimated that the new school will be open by the beginning of 2021. In the meantime, a group of modular classrooms have been setup to accommodate approximately 300 kids.

In spite of these advancements, the problem remains: According to data gathered by the community itself, including school inspectors and student unions, an estimated number of 2500 students from primary level couldn't be enrolled in schools located within the district and the same happened for 5000 kids from kindergarten. In Cuartel V, schools are overcrowded and exceed the maximum of 30 students per classroom allowed by law (the average for the district is 36 students per classroom). In the modular classrooms the situation is more serious because they are designed to accommodate a maximum of 28 students. It is also frequent that students share their single-seat desks and classes are often suspended due to problems in facilities maintenance (such as closed bathrooms, or lack of connection to running water, electricity or gas).

Despite the lack of official information, there are reasons to think that Cuartel V is not an isolated case and other communities in the PBA suffer the same structural problem.

### Lack of official information on education and infrastructure

Despite the fact that collecting and analyzing data is crucial to design and implement educational policies, there are serious information gaps affecting planification on school infrastructure. In the PBA, there is no official information on:

- The number of kids with no place in the schools of their districts
- The number of kids enrolled in centers working as informal kindergartens ("centros comunitarios"). These centers are not officially recognized, so they are not considered to plan future necessary vacancies in k-1 schools.
- The number of kids registered in waiting lists

- The number of available vacancies in schools from each district, the number of students per classroom or idle capacity
- The educational background of each student

### Right to education and education financing in Buenos Aires

The lack of adequate school infrastructure is part of a structural problem that affects all levels of compulsory education in the PBA: from pre-k to k-12. In many school districts, schools do not comply with the minimum security requirements and basic services to ensure their students a safe and adequate learning environment.

Also, there are thousands of kids that don't attend classes due to the lack of vacancy in nearby schools. In 2020 the district of Moreno alone accounted for more than 2500 students in this situation. In other cases, students had to be enrolled in overcrowded schools because they didn't have enough money to commute to other districts.

This contrasts with the constitutional and legal duty of the Province of Buenos Aires to guarantee an adequate and quality education for all children, from pre-k to k-12. This means that there is a minimum core of the right to education that the local state must ensure for all in an equal and non-discriminatory manner. In order to do so, the Province must take positive measures to compensate existing *de facto* inequalities, including the allocation of more resources for the poorest districts. For example, it should ensure that schools located in poor areas have enough vacancy to fulfill the demand of the neighboring families.

In this context, budget analysis is a useful tool to assess whether the local government is fulfilling its financial obligations in education and allocating sufficient funds in school infrastructure. For instance, it helps to determine if the government is investing properly to ensure the minimum core of the right to education (i.e., to build up schools, appoint instructors and school employees, buy and set up the necessary technology). By 'properly' we mean sufficiently and efficiently.

Analyzing the budget is also useful to determine whether public allocations are distributed in a progressive and equal manner among the school districts, or on the contrary, if they are sub-executed. This analysis helps to partly assess if the government is fulfilling its duty to allocate the maximum available resources to advance the right.

In the Province of Buenos Aires, educational funding comes both from the federal government and local resources. Those funds are partly managed by the Ministry of Education of the Province and partly administered by each of the 135 municipalities. By 2018, only 0.7% of the funds managed by the Ministry of Education were targeted towards school infrastructure projects. In addition, these expenditures decreased significantly over the period analyzed: by the year 2017, allocations to school infrastructure represented about 1/3 of its peak value in 2009. Although in 2018 there was

a significant increase in school infrastructure expenditures, they remained below the 2009 value. Up to this day, there is no available information on budget executions for the year 2019.

Public funds allocated to subsidize private schools far exceed the money invested in school infrastructure, which represents only 5 % of the former. Although the local regulations require the subsidies to be distributed on the basis of objective criteria and distributive justice, there is no available information on the types of schools receiving these grants (i.e., whether they are secular or religious schools, whether they are schools enrolling students with certain socioeconomic status or located in poor areas, etc.). Despite this information gap, a study by CIPPEC (2010) showed the non-progressive effect of these subsidies.

The distribution of the funds that are administered by the municipalities and the boards of each school district benefit the richest districts instead of compensating those more disadvantaged. For example, the rural and richest districts receive 3.4 times the allocations granted to the poorest ones (according to its GGP). Among the districts receiving less funds, we find the districts of Conurbano, where ¾ of the provincial population lives. These districts are the ones in more need according to official indicators (such as the UBN index) and the ones that showed the lowest scores in the school performance tests ("Aprender").

This means that, at least over the last decade, the Province of Buenos Aires did not only spend more in subsidising private schools than funding the infrastructure of the public ones, but also allocated its money to the detriment of the poorest. In addition, the Province's investment in school infrastructure is below the percentages allocated by other provincial governments. Even though Buenos Aires is the most important subnational economy in the country, there are 19 other provinces that outperform it in terms of capital spending in education.

Drawing from these data, we conclude that: a.) investment in school infrastructure in the Province of Buenos Aires is not sufficient to ensure the right to education under equal terms for all; b.) the Province of Buenos Aires is not complying with its obligation to allocate the maximum of its available resources to advance the right to education; c.) Neither does it fulfil the obligation to finance education according to the principles of equality and non-discrimination.


For the Province to fulfill its obligation to ensure the right to education in compliance with the principles of equality and non-discrimination, its required:


1. To conduct an assessment on the infrastructure situation of every school along the 135 districts of the Province. This should include an evaluation about the districts that are in need of more school placements to meet the educational demand.
2. To publish detailed information on the subsidies granted to private institutions and evaluate its effects on students from different socioeconomic backgrounds.

3. To allocate more resources to school infrastructure and review non-priority expenditures.
4. Revise the distribution of the school funds administered by the municipalities ('Fondo Educativo' y 'Fondo Compensador') and establish objective criteria that benefit the poorest districts, the districts showing more educational demand and students with worse school performance scores.

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