

# La administración y gestión de los sistemas semi escolarizados de derecho, una necesidad ante la demanda universitaria.

*The administration and management of part-time legal studies schools, a  
university demand*

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## Resumen

Para abordar el análisis de la administración y gestión de planteles educativos se inicia con los pasos a realizar en la administración, estos son: la planeación, la organización, la ejecución, la dirección y el control, para ello se requiere de la gestión para la obtención de los medios necesarios para la ejecución de lo planeado, de una forma organizada, bajo la dirección de un líder o administrador, y bajo medidas de control eficaz.

Para lo anterior, es importante considerar el modelo del proceso administrativo de Fayol, quien determinó la existencia de dos fases principales, la fase mecánica y la dinámica, en la primera o mecánica se centra la planeación y la organización, en la segunda o dinámica la dirección y el control. La planeación se traduce en “que hacer”, la organización en “como hacer”, la dirección en ¿qué se haga?, el control en “como se hizo”.

Sin embargo, hace complicada la gestión, la burocracia, los procesos inadecuados u obsoletos, que no responden a las necesidades sociales, políticas y económicas, por lo tanto, creo que toda gestión debe hacerse y atenderse por quien tenga conocimiento para el asunto de que se trate, que sea práctica, segura y legal.

**Palabras clave:** Administración, semiescolarizado, derecho, universidad

## Abstract

To address the analysis of the Administration and management of schools begins with the steps to perform in the Administration, these are: planning, organization, implementation, management and control, this requires management to obtain the necessary means for the implementation of the planned, in an organized way, under the direction of a leader or Manager, and under effective control measures.

For this, it is important to consider the model of the administrative process of Fayol, who determined the existence of two main phases, the mechanical stage and dynamic one, in the first one or Mechanics focuses the planning and organization, in the second or Dynamic one address and control. Planning translates in "what to do", the Organization on "how to do", direction in "what must be done?", control in "how it was made".

However, it makes complicated management, bureaucracy, inadequate or obsolete, processes that do not respond to the social, political and economic needs, Therefore, I believe that all management must be made and met by anyone with knowledge for the topic in question, that is practical, safe and legal.

**Key Words:** administration, part-time school, law, university.

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## Introduction

The Administration is the main activity that makes difference to the extent that organizations serve to the people that they interact with. The success that an organization can have to achieve its objectives, and also to meet its social obligations depends, largely, on their managers.

With the use of the different science disciplines solution to the University demands are found, such as the part-time Bachelor in Legal Studies, without prejudice to the quality of education, goal in reach with analysis such as the one presented, therefore the use of the

technologies of the information linking them with teaching and learning techniques is necessary.

## **II. ADMINISTRATION AND MANAGEMENT OF SCHOOLS**

The Administration, is the science that deals with the study of the management and control of resources in the optimal or most profitable way, Thus in material resources, you must find the acquisition, conservation, maintenance and get the most out of them; similarly, for human resources, they should be given for the best results, since the beginning, preparation, application, conservation and substitution, always in the best way; well as with the financial resources, they must be administered spending them for what they are intended, in the best buys, in a legal and transparent way.

Each of the above points, ie, administration of the material, human and financial resources, are preceded by the management, in other words, we do manage to get material resources, I understand it's legal or appropriate way to obtaining material resources, human resources and financial resources, for example in the management of material resources must be alert to the official program for the purchase of property, to build classrooms, laboratories; so, too, must make the necessary arrangements or manage human resources for authorization or teaching posts, researchers, administrative, quartermaster that are necessary for the functioning of an institution; similarly, you must manage for obtaining financial resources, precisely for the acquisition of resources in comment and all this is achieved by management; timely, adequate, legal through the required documentation and dialogue.

This applied to educational institutions and depending on the sector where you are will be the type of management to be done, but under the same management principles, ie if it is an educational institution at the federal, state or municipal level or Private Observe the guidelines established for the management of financial, material and human resources, but also should be noted that regardless of whether the campus is federal, state, municipal or private funding programs there are of origin different applied to different schools, to explain better, there are federal programs that apply to state, municipal and even private schools, therefore we must not forget that the source of the income can be of different

origin to the legal nature of the campus concerned, to understand the situation and make appropriate management enable you to have the resources in question, concatenated with the proper administration of the same, it will have therefore an educational institution with better classrooms, laboratories, administrative buildings, student graduates of higher quality and recognition of educational programs.

Thus, it is considered that the steps to take in the management are planning, organization, implementation, management and control, this requires management to obtain the necessary means to implement than planned, of an organized, under the direction of a leader or manager, and under effective control measures, above, applied to educational institutions and in particular the semiescolarizada serious form of undergraduate and postgraduate law.

Manage is the way to go for something, manage is to take advantage of the best that way was achieved through management, so it is necessary to manage to have a campus, must be managed to furnish it, you need to manage squares to operate, you need to manage financial resources, legal permits, to work and once done it is necessary to administer managed to keep, grow and endure.

Now to perform an action should be initiated with a diagnosis, this is the instrument through which the state of the education system is, the campus, classroom of students or even a single student is established from diagnosis weaknesses, strengths are evaluated in an objective and systematic way, so that by evaluating the actions to take to maintain the strengths and address the weaknesses detected are determined. From this point consider educational planning must be born, through which consider the objectives to be achieved by establishing the actions to take for each of them, centering the correct areas of opportunity, maintain the strengths and seek new challenges of growth, therefore, the relationship of the diagnosis, evaluation and planning is dependent concatenated, that is, the first born and the three depend on each.

### **III. FEATURES AND APPROACHES TO SCHOOL MANAGEMENT**

It is considered that the characteristics and school management approaches can be summarized as follows:

The new school management is: "The magnitude and importance of the educational work that demands the future of Mexico involves the participation of all those involved in the educational process: teachers, students, parents, school officials and authorities the various levels of government "

The simplification of administrative procedures and red tape should be a feature that classifies the actions of educational organization, from the classroom, schools and various agencies.

Radically strengthen procedures for recruitment, but primarily for assessing the professionalization of education as the main factor enabling education incorporating their best human resources together with a new philosophy of stimuli the teacher to have an educational meritocracy (merit).

A structure without an information systems based on intelligent information systems for research, planning, management, for evaluation and determination of the needs of society.

A system of organization of schools where the responsibility belongs to everyone and anyone, a key organization system where the role of the teacher is to teach, the student is learning function, where the principal's role is to advise and coordinate where teachers and return to the essentials of teaching and learning processes, enhancing knowledge without fear.

Given the legal aspect that empowers a more efficient private agency with all actors involved in education, it is necessary to reorient the forms of participation in school, open spaces for dialogue and democratic coexistence and establish mechanisms for the exercise of autonomy is needed to solve the specific problems of each institution<sup>1</sup>.

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<sup>1</sup> Villegas, Oleyda, *et al*, Características y enfoques de la Gestión Escolar, <http://he.heuristicaeducativa.org/NewForo21x/FORO21/8EDICION/8.htm> 5/08/2013.

#### **IV. Theoretical and semiescolarizados legal systems of law**

The "methodological pluralism" or "freedom of method" in which the quantitative, qualitative or mixed applied research have provided significant contributions to the knowledge generated in the different sciences and disciplines, therefore, the three ways of doing scientific research is favored as long as you drive ethically, legally and with respect for human rights of participants and users and readers, is also considered, the investigator should proceed with honesty, when attempting to share their knowledge and results as well as the always seek the truth. With the implementation of the process of scientific research in all its forms new knowledge is generated, which in turn produce new ideas and questions to study. Therefore, the administration and management of systems semiescolarizados law, seen as an option or possibility of a solution to the need for admission to universities, are opportunities to be analyzed, investigated, contributing ideas and expertise covering the areas of opportunity the mode of semiescolarizados systems at the undergraduate level.

Pursuant to the above, in this analysis the topics on the constitutional and legal framework in Mexico for higher education, delimiting the selected sample which is the Autonomous University of Baja California, as the field of research in which it is addressed immersed researcher who writes well to semiescolaizada mode of Law Degree taught at the Faculty of Management and Social Sciences of the UABC, located in the Golden Valley city of Ensenada, Baja California, Mexico campus is delimited.

In the United Mexican States access to education is a fundamental right enshrined in Article III of the Constitution of the United Mexican States. This human right, is directed to every individual, this implies that regardless of immigration status you have, has the right to education, this is binding on the State and shall impart it from the kindergarten to the high school.

Education aims to develop harmoniously the faculties of the human being, being obligation of the State to guarantee the quality of education, which is kept separate from any religious doctrine, should be based on the results of scientific progress, it should be democratic, national and free , with the aim of contributing to better human relationships.

From undergraduate, education enjoys autonomy in the terms established in the third paragraph of Article VII of the Federal Constitution<sup>2</sup>.

The second paragraph of Article I of the General Law on Education refers to educational social function of universities and their regulation refers to the laws that govern them, must understand why the local constitution of the State by giving them autonomy, Organic Law of the University or institution in question, in the case of the Autonomous University of Baja California, is the Organic Law of the Autonomous University of Baja California, published in the Official Gazette of the State in the number 117 dated February 28, 1957, establishing its creation and ends in the first and second articles of the law<sup>3</sup>. That university in full exercise of their autonomy, on 25 May 2006 approved the Educational Authority of the Autonomous University of Baja California which was published on August 5 the same year by the then Rector Dr. Alejandro Mungaray lagarda.

The Educational Authority in question, seeks, among other things, regulate the legal bases of the educational programs and curricula taught at the university and in Article 115 mandates that educational programs must meet a number of conditions, including the following: "specify the curriculum and not face, mixed or blended, or any other face forms the scientific and technological development and resources for establishing the institution" of the foregoing, it is seen transparently or clear, the opening of the University for the use

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<sup>2</sup> See article dela third Constitution of the United Mexican States, this in item VII establishes policy: Universities and other institutions of higher education to which the law grants autonomy, have the power and responsibility to govern themselves; will hold its aims to educate, investigate and disseminate culture in accordance with the principles of this Article, respecting academic freedom and research and free inquiry and discussion of ideas; will determine their plans and programs; will set the terms for hiring, promotion and retention of academic staff; and administer their assets. Labor relations, both academic and administrative staff, will regulate it by paragraph A of Article 123 of the Constitution on the terms and in the manner established by the Federal Labor Law according to the characteristics of a particular job, manner consistent with the autonomy, academic freedom and research and aims of the institutions to which this section relates.

<sup>3</sup> See Organic Law of the Autonomous University of Baja California: Article 1. The Autonomous University of Baja California is created as a public service institution, decentralized state administration, with full legal capacity, and for the following purposes: to school and higher education to train professionals; promote and conduct scientific research, giving preference to those that tend to resolve state and national problems; and extend the benefits of culture. Article 2. To achieve its purpose, the University is guided by the principles of academic freedom and free inquiry and welcome in their midst, with exclusive purposes of teaching and research, all currents of thought and trends of scientific and social character but without taking part in militant activities of political groups, even if such activities are supported by those currents and trends.

of different modality or traditional method for the delivery of educational programs, considering that here the specific point of the legal basis for the semiescolarizada mode of law degree is imparted Faculty of Management and Social Sciences of the Autonomous University of Baja California.

With this support, and for the best use of the study of law degree in the open system, the use of teaching materials for each subject (methodological tools, concordadas anthologies, lessons, manuals, notes or treated), should be supplemented with academic tutoring staff<sup>4</sup>, with the above statement, it is considered as a valid recommendation system applicable to semiescolarizado law degree accounting academic tutoring for students who attend this modality.

However, innovations in education is important because it provides ideas for overcoming social problems, such as the lack of spaces in universities therefore considered an option semiescolarizados systems of law, for the case study, the modalities semiescolarizadas of law degrees; so, we start from the principle that assumes the need for an urgent demarcation between research and teaching, in order to its better understanding. This is for two main reasons: firstly, the core of the educational crisis is at the traditionalism model of teaching and learning in substantivalism involved; the restructuring of these activities, in sharp retreat in the neoliberal educational context, consent by the specific discipline of teacher training, curriculum and teaching. Moreover, the modern view of education, as overcoming the crisis, bases its innovative sense through research and graduate. Linking education system, structural aspects, and dominant functionalist systemic, precise definition of the environment, mainly economic<sup>5</sup>.

Habermas attending finding a critical social science, Carr and Kemmis (198; 142), identified five formal conditions that all must support critical educational theory: 1) reject positivist notions of rationality, objectivity and truth; 2) admit the need for interpretive

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<sup>4</sup> Cruz Mejía, Andrés, BIENES, Antología, Universidad Nacional Autónoma de México, Facultad de Derecho Sistema Universidad Abierta, México, 1996 t.II.

<sup>5</sup> Bastidas Morales, José Mateo, "*Estructura social y educación. Evaluación y sociopolítica de los cambios educativos*", México, Burócratas, 2006, p. 147.



categories of teachers; 3) provide means to distinguish the interpretations are ideologically distorted; 4) identify those aspects of the existing social order that frustrate the pursuit of rational ends and offer theoretical explanations by which teachers see as eliminate or overcome these issues and 5) to recognize that educational theory is practical.

Education is a constantly growing social and learning life and personal process. The specifics of education is learning, growing from itself permanently in harmonious relationship with the social and natural environment. It is gratifyingly learn and grow and to sow happiness in the world. The goal is to become personally and collectively what we are called to be, that is, excellently what we are called to be, that is, excellent human, in harmony with the world of life. The goal of education is learning to live in a process never finished developing our potential in view of personal and collective well-being and harmony with the world. This learning involves, in summary, the following ramifications: learning to be; learn to live; learning to know; learning to do; learn how to take or administer; and learn to enjoy.

Having analyzed the theoretical and legal foundations of semiescolarizada mode of law degree seeks to describe the same, for better comparison, explanation and understanding of the reader and search argue the theory that these modalities are viable for quality education.

The Autonomous University of Baja California in Ensenada, Baja California, has two campuses, that of "El Sauzal" and "Golden Valley" in the latter the Faculty of Management and Social Sciences is within the organization of this, is the area of legal sciences who has a doctorate in juridical science, a master's degree in legal science and a law degree; in law degree there are two modalities, schooling and semiescolarizada, both are based and are developed with the same curriculum, it has integrated its curricular map consists of three stages, the basic stage, disciplinary and terminal, with compulsory and optional subjects, organized horizontally and vertically by areas of knowledge, with a flexible program and competency model within the materials are materials of five hours a week with hours theoretical workshop which is a total 80 hours in the semester, in the same way, no matter of four hours a week with hours and theoretical workshop hours integrating a total of 64 hours in the semester, as well as seminars of three hours a week workshop, which is a total of 48 hours in the semester workshop.

Degree in law-school mode operates Monday through Friday distributing its workload with an hour daily class sessions, as appropriate to the subject. The semiescolarizada mode of law degree or work operates on Friday and Saturday with a time of 16:00 to 22:00 hours Friday and from 08:00 to 16 pm on Saturdays, two hours allocated to each subject class attendance , leaving three, two or one missing to coat called Blackboard via electronic means.

The semiescolarizada mode of law degree described, is comprised of nine semesters: the first, the subjects of legal theory, I Roman law, legal sociology, economics and history of Mexican law are held; in the second, the subjects of legal axiology, Roman law II, evolution of contemporary legal systems, civil law I, I and criminal law, legal information systems are taught; in the third, matters of general theory of the state, general theory of the process, methodology of legal research, civil law II, II and criminal law, professional ethics are taught; in the fourth, materials III criminal law, constitutional law, legal reasoning, III civil law, labor law I, mediation and oral trials are held; in the fifth, the matters of constitutional law, criminal procedural law, civil law IV, II labor law, criminology and taught electoral law; in the sixth, the subjects of human rights and individual guarantees, civil procedural law, administrative law, procedural labor law, commercial law I, forensic medicine and forensic practice family law are held; in the seventh, materials of Constitutional Litigation I, tax law, public international law, land law, commercial law II and taught Notary Law; in the eighth, materials of Constitutional Litigation II, administrative procedural law, private international law, commercial litigation, criminal law seminar, maritime law and forensic practice are taught labor law; in the ninth, half the subjects of philosophy of law, constitutional law seminar, commercial law seminar, workshop and administrative and tax law, international law seminar taught.

The main criticism that has been done to the semiescolarizada mode of law degree is that it is not possible to form two undergraduates class contact hours and the rest electronically, however, this argument is easily destroyed because the instrument measuring two types of law degree is the CENEVAL and the results have been more favorable to the degree mode semiescolarizada being analyzed.

In conclusion, it is considered that when registering globalization as a new relationship between means-end, strategic action and bureaucratic modernization of great impact for the state and its agencies, it is important to elaborate on the study of public universities to the process internationalization. Public universities are forced to change, restructure and modify their process of making educational decisions. Hence the importance of the studies compared endorses policies and international exchange and cooperation as new areas of public trading. Against the US educational model, highly standardized, limited democratic participation in the decision-making process, the European multicultural education model of linguistic pluralism, broad social, continuous and innovative mobility is exposed. Latin America, just beyond the traditional model of teaching and learning with great difficulty to conduct research and disseminate their knowledge. It emphasizes that education must be carried out less bureaucratic way, but the dominant rational decision remains bureaucratic, instrumental and systemic. Therefore, it should not be denied to innovation and new teaching methods as are semiescolarizados systems right, of course without affecting the quality of teaching, correcting the hours classes with the support of information technology and academic tutoring teachers.

The research was conducted through a mixed qualitative-quantitative study with a non-experimental design, transactional exploratory and descriptive. The description of the method plasma through the procedure, and the sample population and the instruments used. The planning methodology involved an analytical review of literature on methodology, building concepts required as inductive reasoning and deductive approaches to understand they did the authors of texts also apply methods such as analysis and synthesis review and understanding of the content, inductive and deductive analysis in the examples provided by the authors; in the same way, it had to take into account the analogy to translate the examples to the object itself and achieve capture the drafting of the final document. This methodology brings content because that issue is raised in the context of comprehensive research addressing legal doctrine on education, deductions and author sources.

The reader is invited to critical, proactive analysis, leaving lines to continue to address the issue, arguing that the administration and management of the semiescolarizadas modalities of law degrees is a way to solve the university demand, without compromising

quality education, using theoretical, legal and practical mode of that which is taught in the UABC fundamentals, seeks to argue that this is a way to solve the issues raised.

## **V. FINAL CONSIDERATIONS**

The administration and management of systems semiescolarizados right, a need to demand university is a research with a multimodal approach, descriptive, correlational and explanatory scope, addressing variables of the study as the topics on: the administration and management of educational institutions ; the characteristics and approaches of school management; and theoretical and legal bases semiescolarizados systems of law.

Regarding the administration and management of educational institutions it is concluded that the steps to take in the administration are: planning, organization, implementation, management and control, for it is required of management to obtain media needed to implement than planned, in an organized manner, under the direction of a leader or manager, and under effective control measures, above, applied to educational institutions and in particular the semiescolarizada serious form of undergraduate and graduate Right.

It is important to emphasize the model of the administrative process that determines the existence of two main phases: phase mechanics and dynamics, in the first or mechanical planning and the organization focuses on the second or dynamic management and control. Planning translates to "to do" the organization "how to" address in "is done" in control "as they did."

About postdoctoral description is considered that its last or main purpose is scientific research, so that with this work, I could refer to the importance of research as a learning process; since it has a range of key features and narrowing very compact way to capture information or to achieve the goals, we must remember that scientific research is a rigorous method in which a series of objectives is obtained proposed before and very technical way, and that research is intended to expand the scientific knowledge, without pursuing, in principle, no practical application and research is an action to clear.

It is considered that a bad administration and management at both the federal and state level results in the misapplication of resources, budget unattached to reality, no

authorization of resources, which would cause the failure of the established goals, therefore, the results would be that the objectives are met or not met poorly. Mismanagement, will mean that the budget is not authorized for not having exhausted the established channels, and if you are authorized the budget, but does not apply due to poor management, will be a subejercicio with the consequences of a poor quality the fulfillment of the objectives, that is, if we have mismanaged the institution progressed very slowly or perhaps zero in office, therefore, should have a good administration and good handles, attached to the provisions of the Act and its regulations, but also it attached to procedures for the realization for the substantive part, with this it is meant that a good administration and management on the part of the resources, but also in the substantive part is not only necessary, it is, in the application of resources for the fulfillment of the purposes, therefore, should relate the two variables, the substance of which is the purpose of the institution and that adjective as well as administrative, so that both can walk on par and good governance and management of educational units with a quality education and research will be.

The great importance of research on the importance of simplifying reductionism to the complexity of reality (summarized in the above), is that the epistemic matrix thrives on the subjectivity of the researcher, to create meanings about demonstrations human culture, experiences and knowledge, and complex thought and epistemology, an option for the construction of knowledge about any phenomenon, likewise, complexity, conceived it as a way of thinking, the reality can not reduced to a single idea, then think postdoctoral research from a transcomplex perspective involves taking an indispensable cosmovisionaria attitude to the emergence of a defiant free-spirited and problematizador but open to multiple connections of knowledge from the various disciplines of knowledge .

On general administration, it is concluded from the analyzed, that all knowledge, discipline and project raises its objectives and management aims to achieve the following: Effectiveness and efficiency, the company achieve its goals and to achieve the objectives with minimal resources, its importance, which is based on the exercise of it, mankind has achieved economic, political and social development; so it is essential for the proper functioning of any social organism, it simplifies the job for increased productivity, speed

and effectiveness. Its characteristics are: universality, instrumental value, time unit, range of exercise specificity, interdisciplinary and flexibility.

Regarding the features and approaches to school management, these consist of a programming process, comprising the steps of: Diagnosis, the actual programming, discussion and decision, implementation and evaluation, followed by organizational learning, which it occurs on two levels: First level reflection process which is not confirmed or theory in use and errors are corrected. Second level, a restructuring of the ways in which the goals, strategies, monitoring systems, evaluation and monitoring, finally, it is important simplification of administrative procedures are designed is designed, as well as red tape should be a feature that criminalize the actions of educational organization, from the classroom, schools and various agencies.

About the educational model of strategic management, it is considered that the key concepts that have are: management, strategic education management, institutional management, school management, learning management, and the interrelation between the three levels of management. The components of the educational model of strategic management are: shared leadership, collaborative work, flexible teaching practices, strategic planning, basic characteristics, evaluation for continuous improvement, responsible social participation, accountability, freedom in decision-making, and relationship between the components of educational management. Similarly, in the dimensions and standards exist: the dimensions of school management, curriculum teaching, organizational, administrative, community social participation, aspect ratio, and educational standards for this, tools basic are the strategic plan of school transformation, institutional portfolio, and the board of self, finally, regarding the principles related to educational quality they are flexibility, equity, relevance, appropriateness, effectiveness and efficiency, supported by institutional framework that is solidly founded on the legal, philosophical and social interest referred to in Article 3 of the Constitution of the United Mexican States, which states that the education provided by the State tend to develop harmoniously all the faculties precepts Human and foster patriotism and international solidarity, independence and justice.

In relation to the theoretical and legal bases of the right semiescolarizados systems, it is emphasized that education should be done in less bureaucratic way, but the dominant rational decision remains bureaucratic, instrumental and systemic. Therefore, it should not be denied to innovation and new forms of teaching, as are the systems semiescolarizados right, of course without affecting the quality of teaching, correcting the hours missing classes with the support of technologies information and academic mentoring of teachers, above, has legal basis in Article 3 of the Federal Constitution and Article I of the General Law of Education, as well as the first and second articles of the Organic Law the Autonomous University of Baja California, just as in Article 115 of the Educational Authority.

It is considered that should be taken into account in academic life jurisprudential criteria, since they regulate access to justice for the university community, legal principle necessary to create an environment of legal certainty, job security and an adequate organizational environment , which carries a quality workforce development impacting on education, under which the work must be considered as a special work, regulated by internal standards for admission, retention and promotion, which is considered essential to achieve quality education in all its forms, which is why the appointment and analysis of different legal criteria applicable to academic life is considered necessary, which is achieved (insists) an ideal organizational environment impacting teaching and learning in the semiescolarizada mode of law degree.

It is considered that the link between education, technology and law, is teaching, that is, education is the discipline that conveys knowledge, values, attitudes, skills, this education can, should and is transmitted through technology, these skills are acquired to handle them through teaching also legal science or discipline of law is acquired with education through the transfer of knowledge of the discipline, values, attitudes, skills, abilities, that is, through education, but also the application of technology in teaching and developing skills, not only the discipline of law but in all areas of knowledge makes them more effective.

## PROPOSALS

1. Build the curriculum semiescolarizada degree in law;
2. Within the curriculum of the degree, in his curriculum map, including class hours via Blackboard;
3. Within the curriculum to create a Unit of the Blackboard Learning System;
4. Create a required course for teachers who teach in the Bachelor of semiescolarizada right on the Blackboard system;
5. To propose public policies to establish and disseminate systems semiescolarizados law degree in various universities in the country with respect for their autonomy.

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