



# The Educational Policy in the context of the Federative Relations

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**ABSTRACT.** This study aimed to evidence, through an historical context, the numerous changes brought in public policies, and particularly in educational policy after the advent of the 1988 Constitution. These changes were primarily motivated by the 'new federalism' proposed therein and that placed municipalities at a federal entity status, as well as the decentralization process, represented by the decentralization of social policies. The process of decentralization occurred in response to the cry of Brazilian society in the 1980s for the democratization of social policies, greater involvement of civil society and the efficiency of public administration. We will use as a 'background' for our reflection, the Federal Constitution of 1988 and the institution of the Federative System of Brazil, which brought great innovations, however, many challenges to the implementation and enforcement of social and educational policies.

**Keywords:** Federal Constitution of 1988; Federalism; Educational Policies.

## A política educacional no contexto das relações federativas

**RESUMO.** Pretendemos evidenciar, por meio de uma contextualização histórica, as inúmeras mudanças ocasionadas nas políticas públicas e, em especial na política educacional, após o advento da Constituição Federal de 1988. Essas mudanças foram motivadas fundamentalmente pelo 'novo federalismo' ali proposto que elevou os municípios à condição de ente federado, bem como pelo processo de descentralização, representado pela municipalização das políticas sociais. O processo de descentralização ocorreu em atendimento ao clamor da sociedade brasileira nos anos de 1980 em prol da democratização das políticas sociais, maior participação da sociedade civil e a eficiência na gestão pública. Utilizaremos como 'pano de fundo' para a nossa reflexão a Constituição Federal de 1988 e a instituição do Sistema Federativo do Brasil, que trouxe grandes inovações, porém, inúmeros desafios à implantação e execução das políticas educacionais.

**Palavras-chave:** Constituição Federal de 1988, Federalismo, Políticas educacionais.

## La política educacional en el contexto de las relaciones federativas

**RESUMEN.** Pretendemos evidenciar, por medio de una contextualización histórica, los numerosos cambios ocasionados en las políticas públicas y, en especial en la política educacional, tras la llegada de la Constitución Federal de 1988. Estos cambios fueron motivados fundamentalmente por el 'nuevo federalismo' allí propuesto que elevó los municipios a la condición de ente federado, así como por el proceso de descentralización, representado por la municipalización de las políticas sociales. El proceso de descentralización ocurrió en atención al clamor de la sociedad brasileña en los años de 1980 en pro de la democratización de las políticas sociales, mayor participación de la sociedad civil y la eficiencia en la gestión pública. Utilizaremos como 'telón de fondo', para nuestra reflexión, la Constitución Federal de 1988 y la institución del Sistema Federativo de Brasil, que trajo grandes innovaciones, pero, numerosos desafíos a la implantación y ejecución de las políticas educacionales..

**Palabras clave:** Constitución Federal de 1988; Federalismo; Políticas educacionales

## Introduction

The aim of this work is to show the transformations that occurred in social policies and consequently in educational politics, starting from the democratizing movement of the 1980s and, later, in the materialization of this in the 1988 Federal Constitution (FC)<sup>1</sup>.

The FC of 1988 brought many advances in relation to social rights, social and educational policies, and these changes are inserted in a context that poses major challenges to the Union, States, municipalities and the Federal District.

These challenges are closely linked to the establishment of the Brazilian Federative System, instituted by the 1988 FC and to the process of

<sup>1</sup> We may use the acronym FC to refer to the Federal Constitution of 1988.

decentralization of social policies to municipalities in the 1990s. This process is commonly called the 'municipalization' of social policies.

The starting point for our reflection is the Federal Constitution of 1988, a revolutionary proposal of redemocratization in the country instituted after the military regime, whose milestone is the period from 1964 to 1985.

The military regime was characterized by the establishment of a 'State of Exception', that is, a period in which civil, political, social, and cultural rights, among others, were harshly vilified by the military government.

With all the problems arising from this period<sup>2</sup>, we should not steal from recognizing that this painful moment in the Brazilian political history has greatly contributed to the institution of the 'Democratic State' or the 'Rule of Law' that we have today guaranteed in our normative set, it is strengthened by the broad participation of society in the National Constituent Assembly, installed in the period from 1987 to 1988.

Thus, the Carta Magna, the Federal Constitution of 1988, was promulgated as a result of the process of redemocratization of the country. At that juncture, the Constitution had as its objective, without prejudice to the others, to guarantee the resumption of the social, civil, political and cultural rights of the Brazilian people.

In analyzing article 5 of FC (Of the individual and collective rights and duties), it is possible to perceive that many articles present there are intended to protect the Brazilian society from the atrocities that occurred during the military regime. With regard to the resumption of social rights, article 6 of Chapter II (Of Fundamental Rights and Guarantees), fully assures them in the said Constitution.

Actually,

At no time social policy find its way into the Brazilian Constitution, as in 1988 (art. 6-11): in the fields of Education (pre-school, fundamental, national, environmental, etc.), Health, Assistance, Social Security, Labor, Leisure, Maternity, Childhood and Security, specifically defining the rights of urban and rural workers, professional association, strike, participation of employees and employers in public bodies, acting off workers' representatives in direct agreement with employers (Vieira, 2001, p. 10).

We can observe that the new format of social policies, present in the Carta Magna, guaranteed the

universalization of social protection services, which until then existed only for some and innovated with the concept of social security, guaranteeing rights related to health, social assistance, the so-called social security tripod.

With regard to "[...] the trajectory of social policies in the country, the Carta Magna increased the affirmation of social rights and public responsibility to guarantee these rights. Their social policy devices have redesigned the Brazilian social protection system" (Farenzena, 2011, p.98).

As for educational policy, Vieira (2001 p. 14) reports that "[...] the Federal Constitution of 1988 grants broad rights, confirming and expanding the social interest in education". The author clarifies, however, that educational guarantees do not appear only in the 1998 Constitution, reports that "[...] since the monarchist Constitution of 1824, the first Brazilian Constitution, education breaks out as the foundation of social policy [...]" (Vieira, 2001, p.14). According to Viera (2001, p.18), "education is presented in all the Brazilian Constitutions, in the imperial of 1824 and in the other republican ones: from 1891, 1934, 1946, 1967 and 1988".

Another landmark of the rights and guarantees of the Brazilian educational policy, mentioned by Vieira (2001, p.16), is the "Universal Declaration of Human Rights, approved by the General Assembly of the United Nations, then held in Paris on December 10, 1948, of which Brazil is a signatory".

It is still pertinent to note that

[...] Brazil submits to international pacts, signed by it, such as only in the 1990s: the International Conference on Education for All, Jomtien, Thailand, 1990; The Declaration of New Delhi, India, 1993; The International Conference on Population and Development, Cairo, Egypt, 1994; The World Summit for Social Development, Copenhagen, Denmark, 1995; The Fourth Conference on Women, Beijing, China, 1995; The Affirmation of Aman, Jordan, 1996; The 45th International Conference of Unesco, Geneva, Switzerland, 1996 and the Hamburg Declaration, Germany, 1997 (Vieira, 2001, p. 17).

We can affirm that the right to education and other social rights<sup>3</sup> guaranteed in the Federal Constitution, such as the right to work, leisure, food, health, housing, security, among others, are rights that aim at guaranteeing, fundamentally, the dignity of the human person, in compliance with the provisions of the Fundamental Principles of the Federal Constitution of 1988.

<sup>2</sup> It is not our objective to detail the period of the dictatorship in Brazil or as it is also called the 'period of exception' in this work.

<sup>3</sup> Article 6 Social rights include education, health, food, work, housing, leisure, security, social security, maternity and child protection, assistance to the homeless, in the form of this Constitution.

In this way, we can consider education as “a public policy with a social dimension” (Azevedo, 1997, p. 3), which is the State in action, in compliance with the provisions of the Federal Constitution and, likewise the other social rights, was widely contemplated by the State in our Constitution.

Proof of our assertion is the fact that there is in FC an entire section in Chapter III (Of Education, Culture and Sport), containing ten articles, as well as three more in Transitional Provisions, specifically on education.

Of all the articles devoted to education in the Constitution, we consider that one of the great advances is in article 211<sup>4</sup> and its respective paragraphs, since it represented significant changes both in the administrative structures of the federated entities and in the proposal and execution of the public policies of the country. This is the process of decentralization represented by the municipalization of policies, that is, in the division of competencies of each federated entity, and especially of the municipalities that now becomes a federated entity.

Another important progress that has to be mentioned is the “[...] proposal for a collaboration system between the levels of government as an instrument that would guarantee the good implementation of the policy in all its cycles, especially basic education” (Abrucio, 2010, p. 39).

Another change that deserves attention is found in article 208, made possible through Constitutional Amendment 59/2009, which deals with the increase in the length of compulsory education for 14 years, that is, from four to 17 years of age. By 2010, this period was nine years, considering the beginning of elementary school at six years of age. It is also noted that compulsory and gratuitous education is considered to be subjective public right, that is, “[...] individuals have the right to apply to the State for educational provision, because non-compliance with this duty results in the accountability of the competent authority” (Vieira, 2001, p. 23).

Regarding the right to education, FC/88 recognizes education as a social right and, in addition to defining fundamental education as a subjective public right, expresses several other rights that refer to a process of democratization of access at all levels and modalities of basic education (Cruz, 2011).

It is necessary to recognize that, in addition to the provisions that ensure education in our Constitution, the State also made the “[...] prediction of national policies to guide and plan” (Abrucio, 2010, p. 40).

Thus, it is observed that the State materialized its duty with the formalization of several complementary legislations, as well as in the launching of plans and programs related to education, such as the Law of Directives and Bases of National Education (LDBEN), the National Education Plan (PNE), the Education Development Plan (PDE) and Decree 6,094, of April 24, 2007 (Brasil, 2007).

Regarding the conceptualization, according to LDB, Law 9,394, of 1996

Art. 1 - Education covers the formative processes that take place in family life, in human coexistence, in work, in teaching and research institutions, in social movements and civil society organizations and in cultural manifestations.

§ 1 - This law disciplines school education, which is developed, predominantly, through education, in its own institutions.

§ 2 - School education should be linked to the world of work and social practice (Brasil, 1996).

With regard to its objectives, art. 2 mentions that

[...] education, the duty of the family and the State, inspired by the principles of freedom and the ideals of human solidarity, aims at the full development of the student, his preparation for the exercise of citizenship and his qualification for work (Brasil, 1996).

The National Education Plan (PNE)<sup>5</sup>, law 13,005, approved by the National Congress and sanctioned by President Dilma Rousseff on June 25, 2014, establishes 20 goals for education and more than 200 strategies to achieve them during the decade 2014-2024 (Brasil, 2014). PNE expects Brazil to expand access to education and improve the quality of education at all levels of education (basic education and higher education) by the year 2024. To this end, it stipulates, among other goals, to eradicate illiteracy, to universalize basic education and offer full-time schools in half of the units of the country. The plan also meets a desire of society that has long claimed the allocation of 10% of Gross Domestic Product (GDP) to education.

As in the previous PNE, and in compliance with the provisions of the Federal Constitution of 1988, the priority goals of this new plan continue to be the universalization of education, the eradication of illiteracy and the improvement of the quality of education.

It is undeniable that there has been a great legislative advance in relation to education, but it is

<sup>4</sup> We will address this subject later.

<sup>5</sup> PNE is a plan of guidelines and goals for education at the national level, with a ten-year period for its implementation.

strange to note that in practice there is a long way to go. We know of the existence of citizens who have not yet accessed the right to public and quality education, referenced by the Federal Constitution. Our affirmation also starts from the significant challenges posed at all levels of the Brazilian education today.

Corroborating our statement, the following box shows the expressive demand of the Brazilian population for education:

**Box 1.** Number of children and young people at their adequate educational ages.

Age group	Corresponding educational level/stage	Population number of children and/or young people	Number of people enrolled	Numbers of children and/or young people enrolled per age group and corresponding educational level/stage
0-3 years	Children education: day care	8,112,648	2,298,707	6,980,052
4 and 5 years	Early childhood education: preschool	5,802,254	4,681,345	
6 and 9 years	Elementary school: early years	12,037,387	16,360,770	23,406,511
10 and 14 years	Elementary school: final years	17,166,761	13,997,870	
15 and 17 years	High school	10,357,874	8,400,689	5,645,263
18 and 24 years	Higher education	23,878,190	3,379,229	3,331,000
TOTAL		77,455,114	52,118,610	39,362,826

Source: Brasil, MEC/FNE (2013, p. 20).

As observed, from a population of 77,455,114, including children and young people from 0 to 24 years of age, the general number of enrollments, considering the sum of basic education and higher education, the result is only 52,118,610. However, when checking the number of enrollments per age group and corresponding educational level/stage, the number drops to 39,362,826. The differences between the number of young people and adolescents and the respective number of enrollments per level/stage and, particularly, the number of enrollments corresponding to each age group and educational level/stage show the great demand of the Brazilian population for education (Brasil, 2013).

In this sense, we can say that these numbers call attention to two major challenges of education: “1) guarantee access to education for all; b) improve the quality of education, so as to guarantee learning and reduction in distortion of age-educational level/stage, as well as correction of school flow” (Brasil, 2013, p. 20).

## The Brazilian federal system and the impact on educational policies

In addition to social and educational rights, the Federal Constitution of 1988 determined the status of the Federative Republic to the country (article 1) and inaugurated a new system of political-administrative organization, the federative system<sup>6</sup> or federalism in Brazil.

According to art. 18 of the Federal Constitution, “[...] the political-administrative organization of the Federative Republic of Brazil comprises the Union, the States, the Federal District and the Municipalities, all autonomous, under the terms of this Constitution” (Brasil, 1988).

Cury (2010, p. 152, emphasis added) clarifies that “[...] federation comes from the Latin *foedus-eris* which means contract, alliance, union, act of uniting by alliance and also to rely, to trust, to believe”. For the author, “[...] it is a system in which the powers of government are divided between governmental bodies through legally defined fields of competence” (Cury, 2010, p. 152).

Cury (2010, p. 153) points to three existing types of federalism: centripetal federalism<sup>7</sup>, centrifugal federalism<sup>8</sup>, and cooperative federalism. According to the author, “[...] centripetal federalism is inclined to strengthen the power of the Union in which relations of subordination predominate within the Federal State in the concentration/diffusion of power” [...]” (Cury, 2010, p. 153), for this type of federalism, the author exemplifies the periods of dictatorship in Brazil, since “[...] centrifugal federalism refers to the strengthening of the power of the Member State over that of the Union, in which relations of wide autonomy of the Member States prevail in the concentration/diffusion of power[...]” (Cury, 2010, p. 153), as an example, the author cites the hegemonic power of the São Paulo and Minas oligarchies in the Old Republic, and finally, “[...] the Cooperative federalism<sup>9</sup> [...]” (Cury, 2010, p. 153), a model adopted by Brazil. “The Federal Constitution of 1988, rejecting both a centrifugal and centripetal federalism, opted for a cooperative federalism under the name of an articulated regime of reciprocal, decentralized

<sup>6</sup> Although federalism had its mark in the Republican period, it reappeared in the 1988 FC with a new look.

<sup>7</sup> Centripetal federalism is exemplified as Brazil itself in the years 1930-1934, 1937-1945, 1964-1988, that is, during the period of dictatorships in Brazil (Cury, 2010).

<sup>8</sup> Centrifugal federalism is observed in the Old Republic, especially the power of the São Paulo and Minas oligarchies, from 1888 to 1930 (Cury, 2010, p. 153).

<sup>9</sup> The federative cooperative political system was instituted in 1934, in 1946 and in the Federal Constitution of 1988 (Cury, 2010, p. 153).

collaboration, with functions that are private, common and competing among federated entities” (Cury, 2010, p. 158).

According to Abrucio (2010, p. 41), “[...] federalism is a form of territorial organization of the State and, as such, has a huge impact on the organization of governments and on the way they respond to citizens”. The author explains that federalism differs from the unitary State precisely by the decision process and its basis of legitimation. Because,

While in the unitary State the central government is anterior and superior to the local instances, and power relations obey a hierarchical and pyramidal logic, the federations apply the principles of autonomy of the subnational governments and of sharing of the legitimacy and the decision-making process between federated entities (Abrucio, 2010, p. 46).

As the name itself makes explicit, “[...] cooperative federalism is characterized by forms of joint action among spheres of government, in which subnational units maintain significant decision-making autonomy and self-financing capacity” (Almeida, 2005, p. 31).

Thus, we can observe that the cooperative federalism implies a ‘task force’ or even a joint action of all spheres of government, clearly marked by the independence between central and local government, as well as in the political and financial autonomy to propose and implement their own policies.

Through the definitions of the authors it is perceived that federalism is a system, that is, a political system or a type of political-administrative organization adopted by the Federative Republic of Brazil. In this way, we can affirm that the Brazilian political system is federative, that is, we have a central government, the Union, which is a federated entity, and the other federated entities, states, municipalities and the Federal District.

This system acts through an ‘agreement’ or a ‘federative pact’ where all entities (Union, States, municipalities and Federal District) are legitimate and autonomous, there is no hierarchy of one entity over the other, but it becomes necessary a relationship of interdependence in the development of their competencies and responsibilities. “Thus, in an ideal federation, if we can not affirm that subnational units are subordinated to the national government<sup>10</sup>, it is also not possible to affirm that

they are completely autonomous” (Araújo, 2010, p. 231).

Abrucio (2010, p. 41) clarifies that a nation does not choose federalism by chance, according to the author, generally two conditions lead a country to adopt this political organization system:

The first is the existence of heterogeneities that divide a given nation. They can be territorial (large extent and/or enormous physical diversity), linguistic, ethnic, socioeconomic (regional inequalities), cultural and political (differences in the formation process of the elites within a country and/or a strong rivalry between them). And [...] a second condition: to build a national ideology, based on institutions, based on the discourse and practice of unity in diversity. [...] Countries that have varied diversities or inequalities [...] must deal with the deep nature of such nations. Federalism is the main instrument for dealing with this process (Abrucio, 2010, p. 41-42).

“The option for federalism means, to a great extent, a complexification of both the decision-making process and its legitimation, given the increasing numbers of actors and arenas capable of defining the paths of collective action” (Abrucio, 2010, p. 42).

A striking fact occurred shortly after<sup>11</sup> the federalism proposed by the Federal Constitution of 1988 refers to the decentralization process. To recall this historical change, it is worth remembering that the 1980s were marked by the struggle of the Brazilian society for the democratization of society and public management, after a historical past of unitary and centralizing governments, a federalism built “[...] based on oligarchic state autonomy at the expense of the weakening of municipalities, republican practices and the federal government” (Abrucio, 2010, p. 44), and finally, a military regime that ended democracy in the country.

In this way, decentralization was represented by the municipalization and division of the attributions of each federated entity, that is, in the meantime, the municipalities were elevated to the status of federated entity and became, like the central and state governments, to enjoy autonomy to propose and implement public policies. According to Araújo (2010, p. 236),

[...] the constitutional text approved in 1988 innovated, by including the municipality as the third autonomous federated entity, a unique case in the existing federations and, by assigning it a leading role

<sup>10</sup> It should not be forgotten that, although the federated entities are autonomous, the Nation has sovereignty, that is, it does not confuse autonomy with sovereignty. “In the federal regime, there is only one sovereign State whose subnational units (states) enjoy autonomy within the jurisdictional limits assigned and specified”

<sup>11</sup> According to Arretche (2002, p. 27), federalism and decentralization are not the same phenomenon: “The historical simultaneity of the two processes has left the false impression that these are the same thing when they are not”.

in decentralization of skills, especially in the social area.

However, it is worth analyzing that decentralization, despite being a demand of the people, also meets the interests of governments and capital, hidden in the guidelines of international organizations and later materialized in the reform of the State and, consequently, in social and educational policies.

The end of the twentieth century, more precisely between the years 1980 and 1990, was marked by great advances in the scope of social rights guaranteed by the new normative set, as well as by a scenario of crises and transformations, because, the same state that advanced in social rights in the 1980s, contradictorily, restricted them to the maximum from the 1990s, using the discourse of the need for State reform, because, according to the Liberals, the State was in crisis.

For neoliberal theory, it is not capitalism that is in crisis, but the State. The strategy, therefore, is to reform the State and reduce its performance to overcome the crisis. For the neoliberal current, it will be up to the market to overcome the failures of the State. Therefore, the logic of this must prevail even in itself, so that it can be more efficient and productive. The diagnosis is that the State went into crisis because it spent more than it could to legitimize itself, since it had to meet the demands of the population for social policies, which provoked the fiscal crisis (Peroni, Oliveira & Fernandes, 2009, p. 761).

Thus, based on the principles of the managerial public administration, in 1995, a new reform of the State in Brazil begins. This reform was conceived by President Fernando Henrique Cardoso and implemented by Minister Luiz Carlos Bresser Pereira at the head of the Ministry of Federal Administration and State Reform (MARE).

From 1995 to 2006, “[...] numerous policies were directed at redefining the role of the State in society, in a context marked by productive restructuring and aggressive capitalist expansion [...]” (Cruz, 2011, p. 81). It is during this period that social policies are considered services that are not exclusive to the State.

Thus, through the discourse of democratization and greater popular participation, as well as of the economy and efficiency in the management of public affairs, the government’s intention was in fact to reduce public spending by transferring the State’s responsibilities to civil society, collaborating with the strengthening of the neoliberal ideology.

Neoliberalism was a political-ideological movement that was born shortly after World War II,

in the region of Europe and North America where capitalism prevailed.

It was a vehement theoretical and political reaction against the interventionist and welfare State. [...] it is a passionate attack against any limitation of market mechanisms on the part of the state, denounced as a lethal threat to freedom, not only economic, but also political (Anderson 1995, p. 9).

Shiroma (2002, p. 45) reveals that they were “[...] such extensive and radical transformations in that period [...]” having “[...] effected deregulation, privatization, flexibilization, minimum State, indisputable points of what nowadays receives the designation, little precise, but of remarkable ideological effectiveness, of neoliberalism”.

In this way,

Strategies for the implementation of economic adjustment policies, coupled with the diminishing role of the State, were numerous. At the federal level, it included closing federal agencies, transferring responsibility for providing social services to other federated entities, reducing federal investments in social policies, privatizations and outsourcing and transferring services. Decentralization began to be seen as a factor capable of generating efficiency in the public policy supply system, being central to the reform of the State (Cruz, 2011, p. 82).

Abrucio (2010) explains that decentralization brings favorable and unfavorable points. Among the favorable, the author cites the democratic potential of bringing governments closer to their communities through decentralization, the innovative initiatives of several municipalities in social policies, some of which are issued at the national level, and the possibility of greater social control. Regarding the unfavorable points, the author reports the financial dependence or scarcity of resources on the part of the municipalities to meet the demand of their population, low technical, administrative and financial capacity to implement government programs, clientelism, excessive power in the figures of the mayors, the low interest of the population to act politically and to exercise the control to the governors.

The disadvantages of decentralization are closely linked to the consequences of the municipalization of policies, as well as the consequent autonomy granted to municipalities, especially when attention is paid to the great inequality, social and regional, existing in the country, causing the crucial differences among municipalities, which makes them extremely fragile and dependent, if compared to others.

According to Cruz (2011, p. 79), “[...] most of the federated regimes assume as one of their central concerns the need to establish a minimum standard of equalization in the conditions of access to public services by the population under their responsibility [...]”, but how to guarantee the minimum of equalization when considering a country that is extremely unequal, socially and regionally, marked by the fiscal war between the federative entities and with a high heterogeneous demand originating from nothing more less than 26 States, one Federal District and 5,570 municipalities? (IBGE, 2014).

We must also question the context in which the autonomy conferred on municipalities, which is sometimes the cause of intergovernmental misunderstandings, and in others is the necessary support for other entities not to make financial transfers to municipalities, causing great damage to these municipalities and the population living there.

However, we understand that for some municipalities there is no advantage in the autonomy granted to them by the 1988 FC if they do not receive financial resources. Other municipalities, in our view, even though they have financial resources passed on by the States and the Union, they do nothing, due to the low technical and administrative capacity. We can affirm in this way that “[...] the conquest of the position of federative entity, in fact, was little absorbed by most municipalities, since they have a strong dependence on other levels of government” (Abrucio, 2010, p. 47).

With regard to the Brazilian educational policy, according to Vieira (2001), it is organized along the same lines of national federalism, that is, in addition to not having a hierarchy of one educational system<sup>12</sup> over the other, there is normative and executive decentralization.

When the author makes reference on the similarity of the national federative system and the organization of the education in Brazil, we observe that it refers to some characteristics of a federated system, namely, the division of competences between the levels of government, the political autonomy of central and local governments, as well as the establishment of a system of collaboration between federated entities.

With education, it is not different, Farenzena (2011) points out three specificities in the organization of the Brazilian education, namely: 1) recognition of the autonomy of federal, state and municipal education systems; 2) the orientation of a

collaborative organization between these systems and; 3) the definition of roles and priorities of the spheres of government in education.

Art. 211 – The Union, the States, the Federal District and the Municipalities will organize their educational systems in collaboration. Paragraph 1 – The Union shall organize the federal education system and that of the Territories, shall finance the federal public education institutions and shall exercise, in educational matters, a redistributive and supplementary function, in order to guarantee equalization of educational opportunities and minimum quality standard of education through technical and financial assistance to the States, the Federal District and the Municipalities (Brasil, 2009, p. 52).

We can see that the attributions of each sphere of government are clearly defined in the Federal Constitution of 1988, that is, municipalities were responsible for child education and elementary school, and the States and the Federal District were responsible for elementary and high school.

According to article 211 § 2 and 3 – “The municipalities shall act primarily in child education and elementary school, the States and the Federal District shall act primarily in elementary and high school [...] (Brasil, 1988), the Union has a complementary and redistributive role among states and municipalities.

As we can see,

Responsibility for the provision of basic school education is shared by the three levels of government. With the definitions of stages of priority action teaching, for states and municipalities, and the provision of assistance to subnational governments by the Union. The provision of basic public education is mostly carried out in State and municipal schools; the actions of the Union include actions that supplement the maintenance of education by State governments and municipal governments, through transfers of financial resources and other resources and technical assistance (Farenzena, 2011, p. 97).

As already mentioned, in the divisions of the attributions and competences among the federated entities, private, common and concurrent tasks were defined between the levels of government.

Araújo (2010) exemplifies as a private competence the role of the Union in legislating on the directives and bases of national education, that is, when the Union sets general norms, in matters of competing competences. Competing competences, the author explains, played a prominent role in the 1988 Constitution, by the principle of cooperative federalism adopted. It is, as the name itself says of

<sup>12</sup> Education system of the Union, the States, the Federal District and the municipalities.

the independent performance of each federated entity.

"Thus, the tendency would be for a link between competing competences, moving towards forms of collaboration in the provision of the necessary services to the Brazilian population, rather than the allocation dispute" (Araújo, 2010, p. 234-235), as the name itself suggests.

As for common competences, their main characteristic is that they are not legislative, but material or administrative, that is, "[...] the Constitution grants the subnational unit the competence to carry out, for acts of execution or administration. In this case, all subnational units must exercise cumulative administrative activities without preponderance [...]" (Araújo, 2010, p. 235).

According to Araújo (2010), when the Union plays its exclusive role of legislating by setting general norms to all federated entities in the execution of recurrent competencies, federative coordination comes into the scene. When the Union, the States, the municipalities and the Federal District execute common competencies, the collaboration regime materializes.

According to Araújo (2010, p. 233, emphasis added),

The 1988 Constituents attempted to soften this organization of unequal political collectivities, characteristic of federations, from the adoption by the Federal Constitution of 1988 [...] of shared responsibilities provided for in the institute of the 'regime of collaboration', especially the provision of basic education.

In agreement with Abrucio (2010), it is fundamental a scenario of cooperation among municipalities, considering that in several public policies it is necessary to share actions among levels of government. To exemplify, the author cites the necessary collaborative articulation that must exist between States and municipalities in relation to the offer of elementary education, since in both spheres there is the public school network. We agree with the author, because in fact there are municipalities where the municipal and state schools are very close to each other and, in other municipalities, even share the same physical structure.

The collaboration scheme was conceived for this purpose, that is, the possibility of existence of "[...] collaborative links in the distribution of multiple competences through planned and articulated activities among themselves, aiming at common ends" (Cury, 2010, p. 153). In other words, "[...] the collaboration regime is nothing more than the associated management of services [...]" (Araújo,

2010, p. 239) between federal entities. According to article 23 of the FC, the collaboration regime provides "[...] the balance of development and well-being at the national level" (Brasil, 1988).

Nevertheless, contradictorily, we face a scenario of great social and regional inequality that plagues our country and the crucial need to guarantee the minimum equalization in the provision of services to the population.

Because,

The panorama that unfolds today [...] is that in which poor municipalities tend to have a poor education, remedied municipalities a remedied education and rich municipalities a more satisfactory education. Thus, a process of deepening the inequalities is established, which has only recently been sought to reverse the actions that integrate the Education Development Plan (PDE) (Saviani, 2011, p. 80).

We must clarify that the collaboration regime was established by the 1988 FC, but the great difficulty is that the forms of collaboration were not defined by the Carta Magna<sup>13</sup>. In this way, "[...] it is perceived among local federated entities, more a position of competition than of collaboration, due to scarce resources, [...] high levels of poverty and deep social inequalities. [...] historically characteristic marks of Brazil" (Farenzena, 2011, p. 98).

However, Farenzena (2011), supported by the Human Development Report 2009, warns that the country's gross domestic product (GDP) of 2007 proves that Brazil is not a poor country, besides having a high Human Development Index (HDI). Nonetheless, with regard to social inequality, the Gini Index<sup>14</sup> ranks it as the seventh most unequal country in the world, "[...] in which the poorest 10% have 1% and the richest 10% have 43% of income" (Farenzena, 2011, p. 98).

"Such regional inequalities oblige us to live disparate realities, preventing all citizens from having access to public services compatible with their dignity" (Cruz, 2011, p. 85).

It is in this scenario that social policies as well as educational policies are planned and implemented, but these were and are strongly affected by the context of federalism and the dismantling of social policies after the 1990s. According to Abrucio (2010), there is no way to talk about educational policies without referring to the impacts of federalism on them.

<sup>13</sup> We agree with Cury (2010, p. 161) and Araújo (2010, p. 236), when they report that the lack of complementary legislation that should establish the forms of collaboration proposed by the FC, in addition to "[...] put into risk the federative pact of cooperative model [...]", instigates to a highly competitive federalism if taken into account the scarcity of resources and the weaknesses of municipalities.

<sup>14</sup> It is the indicator that points the degree of income distribution of a country.



As we have seen, the Federal Constitution of 1988 crowned municipalization and the transfer of social policies to municipalities, but the great regional, political, economic and social inequality of our country was not taken into account. It also instituted the function of coordination for the Union, in addition to the redistributive and supplementary function, but it was not planned how the Union would handle such an exorbitant amount of municipalities, a Brazilian reality in the current conjuncture.

As a result, due to the scarcity of resources, some municipalities, instead of universal policies, have been limited to providing social policies only to the poorest, resulting in fragmented, punctual and focused social policies. The Ministry of Education (MEC) itself when intends to combat the Brazilian inequalities is limited to serve the poorest municipalities with low Brazilian Education Development Index (IDEB).

Araújo (2010) explains that the Fund for the Maintenance and Development of Primary Education and Valorization of Teaching (Fundef), replaced by Fund for the Maintenance and Development of Basic Education (Fundeb), large-scale tests, the curriculum definitions, the Education Development Plan (PDE) and recently the Articulated Action Plan (RAP), are examples of the coordination role implied to the Union and are mistakenly understood as collaboration.

In practice, the system of collaboration between federative entities did not happen as established in the 1988 Constitution and since then the State has been using various mechanisms to minimize the impact of socioeconomic inequalities on municipalities and consequently on services provided to the population.

Among these mechanisms, we can mention Fundef, which had a positive impact on educational policy and that had been improved for Fundeb, the PDE, the Plan of Goals Commitment All for Education and the PAR. However, as we have already said,

Adherence to this plan is, since 2007, a requirement for governments to receive voluntary transfers from the Union. Voluntary assistance is expected to be more targeted to public school networks with lower levels of basic education development and to commit themselves to the goals of the Plan and the PAR (Farenzena, 2011, p. 102).

Given this scenario, the Union needs to exercise its coordinating role more effectively and, beyond this, its role of redistribution and supplementation to the poorest municipalities, minimizing the

marked socioeconomic differences of municipalities, and consequently, reflecting in the educational quality. "The redistributive role is understood as the development of public actions based on the principle of equity, that is, the allocation of a greater volume of resources to schools and networks in a relatively disadvantaged situation" (Farenzena, 2011, p. 95).

Article 212 of the Federal Constitution establishes the guidelines for the Union to exercise its distributive and supplementary role, both financial and technical, with the States and municipalities in order to promote equity among federal entities, as well as promote equal access to quality education for all who demand it.

According to article 75 of the Law on the Directives and Bases of National Education, Law 9394/96, "[...] the supplementary and redistributive action of the Union and States shall be exercised in order to progressively correct the disparities in access and guarantee the minimum standard of education quality" (Brasil, 1996).

In addition to all the problems from social, economic and regional inequalities and the difficulties inherent to the process of decentralization for municipalities, as we have already shown, it is also worth noting that with the redefinition of the role of the State, from the 1990s, the social policies and among them, the educational ones, were also altered according to the neoliberal ideology, in a context of reduction of the State. However, "[...] it is important to emphasize that the minimum State proposed is minimal only for social policies. In reality, it is the maximum State for capital [...]" (Peroni, 2006, p. 14).

According to Peroni (2006, p. 14), "[...] the role of the State in social policies is altered, because with this diagnosis, there are two prescriptions: to rationalize resources and to empty the power of institutions".

Among the changes implemented after the 1990 Reform, it is observed the transfer of the State's role to civil society, especially in relation to social services and the substitution of public bureaucratic administration for the management administration (Peroni, 2006), bringing changes and numerous losses to education.

In this context, such a relation gains new contours, not only by passing on to the profitable sector, but also to the non-state public the execution of the policies, or even changing the logic of public management, having the private as a parameter, by judging it a standard of efficiency and productivity, with profound consequences for the construction of democratic management of education (Peroni, 2006, p. 762).

As we have seen, all changes in social policies, especially in educational policy, due to the changes proposed in the Federal Constitution of 1988, which instituted federalism and its implications, as well as the State reform proposed in the 1990s, refer us to the challenges faced by the Federal Government, States, municipalities and Federal District in establishing equalizing measures to minimize the blatant social injustices in the context of social and educational policies in Brazil.

### Final considerations

It is undeniable that after the promulgation of the Federal Constitution of 1988, as well as, after the changes resulting from the redefinition of the State's role since the 1990s, causing the dismantling of social rights, we have had significant changes in the conduct of social policies in Brazil, and in particular, in educational policy.

These changes had a strong impact on the Union, the States, municipalities and the Federal District, since these federal entities had the development of their attributions and responsibilities redrawn from the Constitution of 1988, requiring greater attention in the implementation of social and educational policies.

In this context, decentralization, represented by the process of municipalization of social policies, posed a number of challenges to the States, and especially to the municipalities, since the autonomy conferred was not properly planned, so that technical and financial assistance would be available to all the municipalities.

Thus, social and educational policies have been able to meet the criteria of greater poverty and where the Education Development Index (IDEB) has pointed out the greatest deficiencies in the educational services offered to the population.

Thus, social policies have materialized in punctual, focused and fragmented ways, serving the poorest, losing sight of the universalization of social rights provided for in the Federal Constitution.

For the federal system to be complete, it is necessary that the federal entities have administrative, technical and mainly financial capacities, so that the autonomy of the municipalities or the sovereignty of the Union is not violated, and, above all, States and municipalities are able to offer social services to their population.

We believe that the role of the Union is essential in providing redistributive and supplementary policies, as well as in the development of federal coordination, in order to equalize regional, social

and economic inequalities and to promote the possibility of equality of access to social and educational goods and services, with quality to all citizens.

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