

Public policies and Brazilian education: a modern challenge*Políticas públicas y educación brasileña: un desafío moderno**As políticas públicas e educação brasileira: um desafio moderno***Tricia Bogossian¹**

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Education as an element of culture and an instrument of mediation in human relations is an unquestionable consensus that permeates any political and ideological arena.

In addition to its transdisciplinary nature, it is an important attribute for the citizen who lives in the 21st century and integrates the knowledge society, founded on literate culture, in the field of digital technology and in the economic organization influenced by international financial flows.

The State, in turn, institutionalizes knowledge and educational processes, as a dimension of culture and an attribute of postmodern life. And from this assumption of attribution, it is up to the political entity to decide on the convenience and the opportunity on what, to whom, how and who will teach. The systematic development of this process is what we call the organization of teaching through the education system, and it materializes in school institutions.

The current political-administrative phase of the Federative Republic of Brazil has enacted basic education as a fundamental social right, to be mandatorily developed by the State and, jointly and severally, together with the family and society. The citizen, on the other hand, is legally bound by the federal entities to guarantee the provision of this right, as it constitutes a subjective public.

The systematic interpretation of the entire normative structure of the law referring to education allows us to understand that this right excels, mainly, for the quality of the teaching offer in all stages of its development. Indeed, the student's entire development, the exercise of citizenship and training for the world of work are the defining elements of the quality of education offered to individuals.

In this way, the development of quality education and the guarantee of material conditions that such education demands require the construction of public spaces of human formation as a locus of coexistence of all ethnic, cultural, and social diversities. In addition, educational policies are necessary to guarantee the access and permanence of the students while enabling the achievement of the proposed educational and social objectives of education. It was by this theoretical guideline that this work was oriented with the objective of discussing the right to education and the reality of public educational policies in Brazil.

The right to education in the 1988 Federal Constitution

The 1988 Constitution represented in national history the institution of the democratic rule of law and the "consolidation of the longest period of political stability in the country's history"^{1:360}. In this way, through the affirmation of individual, social and political fundamental rights, guided by the axiology of the dignity of the human person, it preserves the achievements incorporated into the patrimony of humanity, and at the same time, realizes the values and principles, social, democratic, and economic, as objectives in building a pluralistic and inclusive society.

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Regarding the right to education, there is a wide delimitation of the right, the obligation of the State, the educational policy to be developed, the financing of education, compulsory education, the expansion of education, the commitment to the qualitative offer of education and the joint and several liability of society. The regulation of this right is found in several chapters in the constitutional text.

Thus, the right to education is defined as a social right, "of everyone and the duty of the State and the family, it will be promoted and encouraged with the collaboration of society," aiming at the full development of the individual, his preparation so that he can exercise citizenship and obtain qualification for the job. The social realization of this right comes from the nature conferred on it by the constitution, that is, that of subjective public law.

This right is guided by the following principles:

a) equal conditions for access and permanence at school; b) freedom to learn, teach, research and disseminate thought, art and knowledge; c) pluralism of ideas and pedagogical concepts, and the coexistence of public and private educational institutions; d) free public education in official establishments; e) enhancement of school education professionals, guaranteed, in accordance with the law, career plans, with admission exclusively by public examination exam and titles, to public school teachers; f) democratic management of public education, in accordance with the law; g) guarantee of quality standards; and h) national professional salary floor for public school education professionals, under the terms of federal law^{2,73}.

The State's obligation to provide education can be classified into three main areas. The first is related to legislative competences for teaching regulation, the second is related to financing and the third is related to the establishment of guarantees for teaching.

About the legislative competences for regulating education, the Constitutional Charter states that it is up to the Union to exercise its exclusive function to resolve on the guidelines and bases of national education. It defined as the common legislative interest of the Union, States, and municipalities the promotion of means of access to culture, education, and science; and left to the States and municipalities the additional legislative exercise of serving the local and regional interest and filling in the gaps left by the general rules. Within the aspect of exclusive competence, the Union determined the organization of the National Education System and its composition through the education systems of each of the federated entities.

The decentralization of education, expressed by the way of attributing competences and organizing the systems of each federative entity, is intended to promote the universalization of education, guided by the collaboration

regime. Thus, the Federal Government was responsible for financing federal public education institutions and accumulated the redistributive and supplementary function, to ensure equalization of opportunities for access to education as well as a minimum standard of quality of education, with technical and financial assistance being provided to students. States, Federal District and Municipalities. Regarding the States and the Federal District, priority action was directed to primary and secondary education. And, finally, the Municipalities were given, primarily, primary education and early childhood education³.

It is also important to point out that, within the legislative obligation of the State, through the Union, in exclusive jurisdiction, there was a constitutional determination on the definition of minimum content that should be taught in elementary education, safeguarding a common basic education, and respecting cultural values and artistic aspects of the nation as a whole and its federal states. This constitutional positioning is placed for the first time in the constitutional text. And, currently, it materializes through the National Curriculum Parameters, covering all basic education.

Regarding the financing of education, there is a determination of minimum fixed percentages to be applied by the Union (18%), States and municipalities (25%), of the revenue resulting from taxes resulting from transfers, maintenance, and development of education. This is to ensure that the needs of compulsory education are met about universal access, guarantee of quality standards and equity³.

Education financing also includes resources from social contributions, education wages and other budgetary resources. However, public resources were not exclusively dedicated to public education, carried out by public education systems. These can be sent to private institutions that provide basic education services, in two possibilities: teaching scholarships due to the lack of regular supply from the public system, or when qualified as community, confessional or philanthropic.

And the third major aspect of the State's obligation includes the institution of guarantees for teaching. These guarantees, pursuant to Art. 208 of the CRFB / 1988, are carried out by means of:

I) compulsory and free basic education from 4 to 17 years of age, including its free offer for all those who did not have access to it at their own age; II) progressive universalization of free high school; III) specialized educational assistance for the disabled, preferably in the regular school system; IV) early childhood education, in daycare and preschool, for children up to 5 years of age; V) access to the highest levels of education, research and artistic creation, according to the capacity of each one; VI) provision of regular evening teaching, appropriate to the student's conditions; and VII) attendance to the student, in all stages of basic education, through supplementary programs of didactic-school material, transportation, food and health care⁴.

Education to private initiative was also constitutionally protected, if it was submitted to the power



of public regulation and the existence of religious education in elementary education, of an optional nature.

The broad constitutional treatment of the right to education is the result of several constitutional amendments aimed at improving and extending the right and, simultaneously, establishing the means to ensure its realization in the life of each citizen.

Given the constitutional path taken by education in the constitutional texts, it is important to make brief notes on the infra-constitutional laws that regulated different perspectives present in some Brazilian constitutions.

Educational achievements in the infra-constitutional universe

The National Education Guidelines and Bases Law expanded the mandatory education from four to eight years, free of charge in public schools, and as a result it reduced high school to three or four years. The controversial position in relation to the centrality of training for work, universal and compulsory, through professional courses, would only be undone through Law No. 7,044 / 1982. Thus, the education system was organized in three successive degrees. The first degree, configuring the 8 years of compulsory schooling; high school, with 3 or 4 years of duration; and higher education, called 3rd grade. This structure put an end to the gym entrance exams, in force since 1925⁵.

Another important point in this regulation refers to another achievement - supplementary education - aimed at catching up, updating, and training for work and necessary for the national development project⁶.

This legislation sought to ensure that changes in the organizational structure of education reached the guarantee of continuity of the "socioeconomic order and the adjustment of education to the political rupture that took place in 1964, thus striking a severe blow to popular aspirations that yearned for the transformation of the socioeconomic structure. from the country"^{7:31}.

However, this reality was not accepted peacefully among national educators who, oblivious to the discussions on issues of concern and of interest to national education, were destined only to the military-technocratic group with power. The reforms instituted by the military dictatorship soon became the object of criticism by educators. Organized in associations of different types, since the mid-1970s, these educators can be characterized, according to the author⁷, by two distinct vectors.

The first vector, concerned with the social and political significance of education, aggregates academic and scientific entities aimed at the production, discussion, and dissemination of diagnoses, analyzes, criticisms and proposals for the construction of a quality public school, open to the entire population. and, mainly, focused on the needs of the majority. The second vector, on the other hand, was related to the concern of the economic-corporate aspect. This added to this vector a more demanding character, led by the union entities of different States of the Country that promoted many strikes since 1970.

With the erosion of the military regime during the context of the democratic transition, the National Congress elected in 1986 was invested with constituent powers for the elaboration of the new constitutional text. From 1987 until the sanction of the new LDBEN, Law No. 9394/1996, there were three bills during the legislative process in the National Congress, representing different conceptions of education, teaching and their purposes. The 1996 LDBEN had the participation of several segments of society, so that the dispute for antagonistic interests intensified the debates on rights and duties. Understanding how the State's attitude towards freedom to educate and the guarantee of rights should be, in a way, inherited from the 1988 Constitution. Among its prerogatives with greater practical character, it establishes the right of access to basic education as mandatory and free⁵.

The current educational legislation has undergone many changes during its term. Through the regulation of the right to education present in the CRFB / 1988, there is the structuring of the national education system, the definition of the competences of each federative entity in carrying out teaching, the specification of financing, the expansion of the mandatory supply of basic education and its progressive expansion of hours at the discretion of each system, the organization of school education in basic education (Early Childhood Education, Elementary and Secondary Education) and higher education, curricular flexibility to meet specific demands, such as the historicity of the cultural heritage of origin of African and indigenous peoples and the peculiarities that make up the great Brazilian ethnocultural diversity⁴.

It also includes the regulation of Youth and Adult Education, aimed at those who did not have access to basic education at the right age, and the provision of professional education and special education, with the following specificities: care for people with special needs, global disorders of the development, high skills, and giftedness.

Student support programs, such as school transport, a textbook support program and food, have also been regulated, being understood as means of quality education, postulated without different documents from the Constitutional State of Law. Attributions and determination of qualification for the different levels of education are in the body of the document. And, finally, there is the presence of teaching to the private sector and the regulation of religious education in public schools as not mandatory.

The development of education in the country is linked to the proposals that ended up becoming laws. At first, education was intricately linked to the ideals of social assistance to the neediest, from the new legal statements the educational factor will gain space and become a right to education.

As the document's content is understood, it is concluded that education, as a right of all, was considered mandatory initially for elementary education, and, due to different state attitudes, this consideration extended to all basic education.

The universalization of education is an enormous challenge. Establishing equal access to school, with a quality



formal education, becomes almost a utopia in a country with contrasting realities. If one considers the issue of mandatory and free of charge, situations would still be difficult to resolve.

Although mandatory and free education guarantees, in theory, the universality of access to education, the realization of these two premises comes up against the dimensions of a country with latent social inequality and with distinct regional interests.

The right to education, being part of the fundamental rights contained in the 1988 Constitution, receives a privileged status when seeking to guarantee its effectiveness. As a fundamental right of a social order, it gains greater relevance by aiming to guarantee the constitutional precepts and the rule of law. The realization of the right to education through educational policies and programs, permeated by steps and mismatches, is the object of study for the next phase of this work.

The government's educational policy after the 1988 Federal Constitution

The CF / 1988, regarding education, presented itself as a space for many social achievements and of an inclusive character. It contains the understanding on the part of the State that education is a fundamental social right, a duty of the Public Power and the family. So, the challenge posed was the realization of the right to learn, since in many circumstances that right was found to be surrounded by interests that were distant from the majority's interest in an inclusive, plural, and universal education⁴.

A strong influence on the direction of public policies to meet social rights, such as education, health, and social assistance, from the end of the 1980s, came from the orientation of international economic policy for developing countries, by international financing agencies. This, in turn, was indicative of reforms in the state apparatus, to adjust the hegemonic scenario of globalized capital to neoliberalism.

The definition of the right to education, as the population's right to learn, walked among the popular demands recognized and made positive in the Constitution and public policies, which interposed between social ends and the new state reorientations arising from the influence of foreign economic policy⁸.

The educational policy of this time has as a challenge the continuity of the qualitative expansion of the public and universal offer of education, in the three levels, Union, States, Federal District and Municipalities.

The first challenge was found in elementary school, marked by low rates of completion and high rates of repetition and dropout. The official proposal for a solution comprised a series of measures: expansion of the school network, adequacy and minimum curricular unit, promotion of support programs for students, with the objective of avoiding school drop-out, adaptation of school periods to local / regional needs, increase of school days, compulsory elementary school, and inclusion of attendance in the regular network for people with educational needs.

One of the most prominent actions in the early 1990s was the institutionalization of a program with a comprehensive education proposal, named the Integrated Child Care Center (CIAC). These were schools in which students would be served full-time and intended to end the educational deficit, distance children from child labor, offer medical and nutritional assistance, and avoid school retention / dropout.

The proposal, inspired by the Rio de Janeiro experience of the Integrated Center for Public Education, was not successful. It started to represent high maintenance costs and disrepute from other levels of education, being finalized together with the government that implemented it.

Also, at this moment, the educational legislation initiated by the popular movements took place in the legislative branch. Political decentralization and popular participation in management spaces, demands of both the population and international economic policy guidelines, was assumed by the public authorities. However, the reasons, terms, and areas of responsibility, both in the public and private sectors, had different contents.

While popular mobilization advocated democratic participation in the management of public goods for the purpose of shared responsibilities between government and civil society, the democratic position assumed by the State was concentrated in the field of execution. The centralization of political deliberations and decisions remained as before⁹.

Thus, between steps and mismatches, education followed the path of expansion, in a formally democratic context. However, on the material plane, democracy encountered difficult biases for the constitution of an emancipatory character. The second phase of the 90's is formed by the expansion of the education network, expressed in the increase in school enrollments and in the reduction of the dropout rate.

Therefore, steps of success in basic education are evidenced, predominantly in elementary education. And this happens based on policies to foster and induce the federal public power with a view to expanding education, referenced in the Ten-Year Plan for Education for All (1993-2003) with the aim of eradicating illiteracy and universalizing basic education; "Hands to the Brazil" program; induction for funding and rationalization of resources by the federal government for the increase of municipal education networks - Fund for Maintenance and Development of Teachers (Fundef). These instruments elucidate not only the policy of access and permanence in public basic education, but also the insertion in the State's official discourse of the demand for quality education. And this becomes one of the goals of public education, present in official documents, such as CF / 1988, LDBEN / 1996, ECA and educational programs, under the terms of "guaranteeing the quality standard" and / or teaching quality^{4,5}.

In terms of academic content, it is important to highlight the presence of reform in the school curriculum through the National Curriculum Parameters. Such documents are quality references promoted and coordinated by the federal government in guiding



educational practices throughout the national territory. Its primary function was to establish minimum common teaching frameworks, binding on the public sector and indicative on the private sector. In this way, the new profile of the national curriculum was designed to develop basic skills in youth and guide the action of the teaching profession.

However, other factors that contribute to the expansion of the material quality of education have not kept pace with the expansion of basic education. In 2005, according to data from the school census, from studies carried out by INEP, only 19% of Brazilian schools had libraries, 12% computer labs, 6% science lab, 23% sports court and 15% had internet connection. In this context, it is still important to register the institution of an important political document in the early 2000s, the National Education Plan (PNE / 2001-2010)¹⁰.

This program represented the synthesis between the dispute of forces coming from civil society and the proposal of the executive branch. With this characteristic, the plan originated from many criticisms and achievements, some important goals and guidelines were not met. Among them, the expansion of assistance in the Youth and Adult education modality and in early childhood education, as well as the reduction of repetition and dropout rates and the eradication of illiteracy¹¹.

In this way, the expansion of teaching in the governments of the 90s is closed. In 2003, a new political management begins, guided by the neoliberal political philosophy of the "third way". This orientation in the formulation of government policies to bring 'social capital' to individuals so that they can respond and thrive in the global era. Seen from another perspective of understanding the "third way" policy, it was conceived and disseminated as "a certain humanization" of the neoliberal state and the free market society.

In the internal political scenario, various government plans / programs for promoting and inducing economic and social growth / development for the different social strata appear. And the educational field was included in this process. One of the main strategies for continuing the expansion of education came through the Education Development Plan - PDE.

This plan is in full swing at PNE / 2001-2010. However, it is not intended to replace it. As the study explains¹², the PDE is not a plan in the strict sense. It is characterized by being a set of articulated actions, which are intended to become the strategies for achieving the objectives and goals set out in the PNE.

The PDE comes with the main purpose of promoting and expanding the teaching quality indexes, followed by the expansion of education at different levels of education. In addition to actions in the educational field, it provided support and infrastructure strategies. To this end, it presents more than 40 programs and actions. Among the most notable recognized in the social environment are the Mais Educação Program; School bus; Basic Education Development Index (Ideb); Fund for Maintenance and Development of Basic Education (Fundeb); Brasil Literate

Program, aimed at serving young people and adults for literacy; multifunctional resource room and two other actions for Special Education students; continuing training for education professionals, distance learning; expansion of higher education, public and private, through public resources destined to student financing; and increased supply of vocational education through federal institutes, predominantly.

From this program, it is still important to point out its positioning for an education of social inclusion, not only of those officially marginalized from the educational system throughout Brazilian history: members of the popular classes and people with special needs; but they also participate in special actions of inclusion in the school culture, such as, for example, the population of the quilombola community, the indigenous population and the school-age population present in settlements of urban and rural social movements.

Such spaces are understood as spaces for the exercise of citizenship, being necessary to guarantee the right to education, through the construction of educational concepts together with the communities, respecting the specificities and traditions of each social group, keeping the differences as one. vehicle of the principle of equality.

The PDE has its validity between the existence of a National Education Plan (2001-2010) and the emergence of the new plan (2011-2020). In the wake of political programs, the expansion of Brazilian public education comes to the end of the first decade of the 21st century with significant achievements, such as the consolidation of universal primary education and compulsory education to start in early childhood education until high school; provision of special education to the school age population with special needs, reduction of the illiteracy rate, creation of the Federal Network for Professional and Technological Education offering secondary education, growth of municipal education systems through cooperation pacts between different levels of government ; recognition and specialized educational assistance to indigenous, "quilombolas", and riverside populations.

According to IDEB, an initiative of INEP, there was a quantitative increase in the appreciation of teaching, resulting from the admission, permanence and learning of public-school students, based on the analysis of basic education at the national level. Predominantly, it was possible to transpose the goals determined by the Ministry. However, some challenges remained. There is still a significant number of children of compulsory school age outside school units. Illiteracy is still a glaring reality, especially in the North, Northeast, and Midwest. This situation made the country occupy the 8th place among the ten countries that most contribute to the illiteracy of the world population and was in 38th position among 44 countries that participated in the Program for International Student Assessment (PISA)¹⁰.

This framework challenges current education policies and programs, such as PDE and the new National Education Plan (2011-2020). Furthermore, it points out that much remains to be done in favor of inclusive, universal



education for all, as a democratic means for community coexistence.

Conclusion

Education, as a specifically human practice, is a necessary phenomenon for the socialization of individuals new to a new social organization. This social practice, resulting from a cultural aspect, expresses the relevant set of values, meanings, ways of acting, and the mediated relationship of man with the natural social space.

From the cutout of this process of endoculture, there is regular, systematic, intentional educational action, which socially institutionalizes knowledge, making it legitimate to determine what is necessary for learning, the time of its occurrence and which social subjects will be its recipients. From then on, knowledge becomes official, is defended by the State, and legitimizes the social distinction of those who have access to official education. Education becomes a distinctive element of class, and the privilege of some who manage to remain in the selective educational process.

Thus, the movement of the educational, contradictory, and dualistic phenomenon continued, and when formally recognized in public-state discourse, it contained the legitimacy of naturalizing social distinctions. Among these steps and mismatches, the history of pedagogical thought presents the human concern for the public educational purpose - integral human formation.

The current legal foundations position education as a subjective right of the citizen and the obligation of the State in the qualitative offer of Basic Education to all who did not have access to this mandatory school age. It is intended, therefore, for the full development of the person, his preparation for the exercise of citizenship and qualification for work. In parallel with this positive obligation of the State, shared jointly with the family and civil society, public policies that implement this teaching are being developed.

In the public space arena, different interests move in different ways in search of predominance in the power relationship to see the conception of integral education advocated hegemonic, followed by its social ends and its forms of institution, and the definition of the scope of action the State, civil society, families, and individuals in the teaching process, so that these conceptions are expressed in education policies and plans to be promulgated and tutored by the Public Power.

Gradually, through the discourse and influence of the "educational reformers", the public administration has instituted in the educational systems a dubious space of State responsibility about the effective education of the popular classes, in addition to the growing presence of meritocracy, which disregards the diversity of social and economic realities that permeate public education at the national level, reflecting regional and local territoriality.

At the end of the study, it was concluded that it is not enough to include in the Constitution and infra-constitutional legislation, the right to education; public policies must be implemented to ensure this right.

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