

## Articles

# Public-private relations and the right to early childhood education in the municipality of Uberlândia - MG

## As relações público-privadas e o direito à educação infantil no município de Uberlândia – MG

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### Abstract

The article aims to elucidate what is the public policy in Uberlândia for Childhood Education when establishing relations with Civil Society Organisations (CSOs) and its impacts on the right to education. In order to accomplish that goal, we executed bibliographic research and documentation analysis. The research made evident, empirically, that the privatisation of Childhood Education through public-private partnerships with the CSOs contributes to the asymmetry of the educational provision within the same educational system, collapses the historical conquests regarding the educators valuation and intensifies the educators laboral precariousness.

**Keywords:** right to education; financing; civil society organisations; public-private partnership/covenants.

### Resumo

O presente artigo tem como objetivo elucidar qual a política pública do município de Uberlândia para a Educação Infantil ao estabelecer relações com as Organizações da Sociedade Civil - OSCs, e sua repercussão no direito à educação. A problematização central, orientadora deste estudo, está assim balizada: como a privatização da Educação Infantil, por meio das relações público-privadas com as OSCs, repercute no direito à Educação Infantil no município de Uberlândia? Para a consecução do objetivo proposto, realizamos uma pesquisa bibliográfica e análise documental. Empreendemos a análise documental a partir do auxílio de diversos autores e do materialismo histórico-dialético. A pesquisa evidenciou, empiricamente, que a privatização da Educação Infantil, por meio das relações público-privadas/convenimento com as OSCs, contribui para intensificar a assimetria da oferta educacional no interior de uma mesma rede de ensino, produz colapsos nas conquistas históricas no que se refere à valorização docente, e intensifica a precariedade laboral e do trabalho docente.

**Palavras-chave:** direito à educação; financiamento; organizações da sociedade civil; relação público-privada/convenimento.

### INTRODUCTION

Education is a contested field. As such, the public policies that define its scope, quality, and funding are always under scrutiny by large educational conglomerates that operate transnationally. In addition, the laws that define the rules, rights, and actions of the various actors within the educational sphere seek to position themselves in this terrain in order to secure the best “investment” opportunities. This new market-driven rationality, which arrived in Brazil in the 1990s, has further intensified competition in the field of public education policies. The privatization of education is no longer a market utopia; it has become part of the everyday reality in schools.

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The managerial state, which began under Fernando Henrique Cardoso (FHC) and intensified in subsequent administrations, not only thrived but also boosted business practices in education. In this context, education is no longer public but private, the latter being funded by public money. In other words, in a very market-oriented way, the state has transferred its responsibilities regarding education, but at the same time, it sponsors and sustains this market with public funds.

Furthermore, the issue of public funding through public-private partnerships/agreements with the “Third Sector” and its impact on the right to education is of significant relevance in the field of public education policies. This is because the way the state acts—specifically, in this case, the municipal government—will directly impact the services provided in Early Childhood Education, the first stage of basic education, which has seen major progress after the changes introduced by the 1988 Federal Constitution and the enactment of the *Lei de Diretrizes e Bases da Educação Nacional* (LDB/1996), the law that regulates education in Brazil.

Regarding the right to education, Saviani (2013) argues that it is essential to distinguish between the proclamation of rights and their realization. This differentiation is crucial because each right corresponds to an obligation. In the specific case of the right to education, while it is recognized and proclaimed by the state, it is necessary to take initiative and seek the resources needed to make this right a reality. Analyzing this distinction, Bobbio (2004, p. 15) emphasizes that the problem with rights is not their foundation, but their unenforceability. This means that the central issue regarding human rights is not limited to justifying them, but to making them effective and protected.

Finally, the central question guiding this study is: how does the privatization of Early Childhood Education through public-private partnerships/agreements with Civil Society Organizations (CSOs) affect the right to Early Childhood Education in the city of Uberlândia, Minas Gerais? Based on this central question, we aim to investigate: what type of “partnership” does the city of Uberlândia establish with CSOs in relation to Early Childhood Education? What is the financial contribution of this partnership? Is there a public policy that promotes the privatization of Early Childhood Education, based on partnerships with CSOs? In short, what are the implications of financing and the consequent privatization of Early Childhood Education in the municipality of Uberlândia, Minas Gerais, through public-private relationships/agreements with Civil Society Organizations (CSOs)?

In order to answer these questions, this text is organized into three sections, in addition to the introduction and concluding remarks. The first section focuses on education as a social right; the second examines public funding for education, particularly early childhood education; and the third section discusses funding and partnerships with Civil Society Organizations (CSOs) in the municipality of Uberlândia, Minas Gerais.

## EDUCATION AS A SOCIAL RIGHT

Social rights are considered second-generation rights. Clarifying the classification or the way in which rights have evolved throughout history, Bobbio (2004, p. 9) emphasizes that:

[...] human rights, however fundamental they may be, are historical rights, that is, born in certain circumstances, characterized by struggles in defense of new freedoms against old powers, and born gradually, not all at once or once and for all.

This means that rights are achievements, and people gradually incorporate them into their lives. In this sense, for Marshall (1967), education falls within the realm of social rights. Furthermore, the same author states that the right to education is a genuine social right of citizenship because the purpose of education during childhood is to “shape the adult” in perspective. Essentially, it should be seen not as a child’s right to attend school, but as a citizen’s right [...]. For Dallari (2020), the right to education is, above all, one of the foundations of civilization. There is no doubt that it is one of the fundamental human rights. In other words:

It is a fundamental right because, on one hand, it is a prerogative inherent to human dignity, and on the other, because it is recognized and established by international instruments and constitutions that guarantee it. (Caggiano, 2009, p. 22)

Since education is a social right, and therefore a fundamental right, it is no longer a matter of providing it in the abstract and at the convenience of the state. Education becomes a human need, one that brings with it the awareness to exercise other rights and, particularly, has the capacity to promote individual freedom and autonomy. For this reason, it is important to note that one must consider “[...] not only the guarantee of access but also the realization of quality education at all levels and educational stages (kindergarten, elementary school, high school, and university) to break with dependence on technological, scientific, and cultural production” (Rohling, 2015, p. 390). When talking about the quality of education, Santos (2019) argues that it includes access, retention, success, organization, and participation.

A very recurrent issue regarding the right to education is the recognition that it is limited to the provision of school enrollment, which would be an individual achievement. However, this right is much broader and is tied to the continuous implementation of public policies. For Cury (2008, p. 300), “[...] basic education is a right (as opposed to a privilege) and seeks, in its universal scope, to teach valid knowledge for every person, addressing the educational needs of human development as part of cultural heritage.” This stance reflects the outcomes of the full right to education.

Therefore, the right to education is not simply about being offered enrollment or about the state legislating how education should be provided. In this context, a very important component comes into play: education with a vision of citizenship. Using Marshall’s definition (1967, p. 76), citizenship “[...] is a status granted to those who are integral members of a community. All those who possess the status are equal with respect to the rights and obligations pertaining to it.” From this perspective, citizenship aims to provide equity to the members of a given community. In the case of education, it becomes a space for civic formation. And citizenship can only be consciously exercised through education. In the words of Cury (2008, p. 294), education is “[...] in itself a pillar of citizenship.”

In other words, from this perspective, education cannot be conceived and planned merely as the transmission of information. Furthermore, education should not become a “[...] quick qualification for young people who need to rapidly enter a job market from which they will soon be excluded, as they become, in a short time, obsolete and disposable” (Chauí, 2021, p. 13). In light of these assumptions about the right to education, Cury (2008) introduces another very important element: the social function of education. Based on equality as a fundamental principle of the right to education, there will be greater equality between social classes and the individuals that make them up.

Therefore, the right to education being pursued, based on the historical development of fundamental human rights, is realized through free, public, secular, compulsory, and socially relevant education.

## **THE FINANCING OF PUBLIC EDUCATION, IN PARTICULAR EARLY CHILDHOOD EDUCATION**

The achievement of public policies, and therefore their effective implementation, is linked to the resources allocated by the state. Public funding for actions, projects, and programs developed at the government level, and in many cases by organized civil society, becomes crucial. In Brazil, experience shows that laws and government planning are often no more than intentions, unable to solve the recurring lack of public resources needed to address historical problems, especially in the field of education.

Early childhood education remains a particularly vulnerable area in terms of its definition within education and public policies, especially regarding its implementation, expansion, quality, and, above all, the allocation of public resources. With the advent of urbanization, industrialization, and the active participation of women in the economic workforce, there has been increased pressure for the government to actually implement public policies that address the needs of this stage of basic education.

In this sense, early childhood education only gained its place in the legal framework—and, to some extent, in public policies—with the 1988 Federal Constitution, which recognized it as a state duty and the right of both the child and the family. In other words, it meant “[...] making

the young child a subject of rights and no longer an 'object of tutelage'" (Mello; Bertagna, 2012, p. 99). Thus, from this legal framework, the young child is elevated to the status of a developing citizen, and two particularly important constitutional definitions emerge, namely: "Art. 7, XXV - free assistance to children and dependents from birth to 5 (five) years of age in nurseries and pre-schools;" and Art. 208, IV, which establishes as a duty of the State: "IV - Early Childhood Education, in nurseries and pre-schools, for children up to 5 (five) years of age" (Brasil, 1988).

Clearly, the financing of education in the 1988 Federal Constitution (CF/1988) is addressed directly in Articles 212, 212A, 213, and in Articles 60 and 60A of the Transitional Constitutional Provisions Act (ADCT). Thus, Article 212 establishes the linkage of resources; Article 212A addresses the changes introduced to the new Fundeb, as included by Constitutional Amendment No. 108 of 2020; Article 213 provides for the possibility of transferring resources to private schools; and Article 60 outlines how the Union will complement the provisions of Article 212A, items IV, V(b), and (c), as well as Article 60A, item I of Article 212A. It is important to note the changes incorporated into the 1988 Federal Constitution with the inclusion of Article 212A and the complete overhaul of Article 60 of the ADCT.

Another very important piece of legislation that deals with funding in more detail is the LDB/1996. In this law, funding is addressed in Title VII, "Financial Resources," in Articles 68 to 77, which can be divided into four main themes: 1) Sources of funds (Art. 68); 2) Binding of resources (Arts. 69, 70, 71, 72, and 73); 3) Quality standards (Arts. 74, 75, and 76); and 4) Transfer of public resources to private schools (Art. 77) (Oliveira, 2002).

In addition to the CF/1988 and the LDB/1996, it is worth highlighting the National Education Plans (PNE). The first PNE, enacted for the ten-year period 2001-2010, and the second for 2014-2024 (which is still in force), not only address the financing of education, particularly early childhood education, but also stipulate the percentage expansion of this stage of basic education. This means that since the approval of these legal instruments, early childhood education has been treated seriously with specific public policies.

Regarding funding, EC 53/2006 expired, and EC 108/2020 was enacted, establishing the new permanent Fundeb. EC 108/2020 was regulated by Law No. 14,113 of December 25, 2020. According to Article 4 of EC/2020, this law came into force on the date of its publication, producing financial effects starting on January 1, 2021. On December 17, 2020, the Chamber of Deputies definitively approved the New Fundeb, and on December 25, 2020, it was sanctioned by President Jair Bolsonaro, without vetoes.

It is important to note that EC 108/2020 stipulates that 50% of the overall resources from the Union's complementation of the VAAT must be allocated to Early Childhood Education. Law No. 14.113/2020, in the sole paragraph of Article 9, states that "The differences and weightings between stages, modalities, length of day, and types of educational establishments [...] should prioritize Early Childhood Education" (Brasil, 2020). Article 43, paragraph 2 of Law 14.276/2021 establishes that, for the purposes of distributing the TAV complementation in the financial years 2021, 2022, and 2023, a multiplicative factor of 1.50 (one and fifty hundredths) should be applied to Early Childhood Education. This means that, for example, for full-time nursery and preschool enrollment, the weighting factor in 2021 is 1.30; for the purposes of distributing the Union Complementation of the VAAT, the weighting factor will be 1.95. In general, these changes make it possible to allocate more resources in 2021, 2022, and 2023 to "[...] municipalities that have lower total values per student and a relatively higher number of enrollments in Early Childhood Education" (Associação Nacional de Pesquisa em Financiamento da Educação, 2021, p. 12).

On the other hand, the new Fundeb has maintained the inclusion of private non-profit schools that have agreements with municipalities to offer places in nurseries and preschools. In this case, there is no barrier for nurseries; however, for preschools, there is a set time limit for universalization.

For Araújo and Adrião (2021, p. 780), "[...] the transfer of public funds to private educational institutions is characterized as the privatization of public education." This privatization can occur in various dimensions, including supply, with public funding being a key component. Regarding the transfer of public funds to private schools, another very concerning issue is that there is no specific procedure to be followed by the institutions that have signed agreements

with the Federal Government for these transfers. These transfers are made by the relevant Executive Branch, according to the conditions and clauses established in the agreement signed between the parties (the Executive Branch and the contracted entity). As Pinto (2007, p. 888) points out, “[...] the transfer that the government makes to these institutions is much lower than the costs of direct provision of services.”

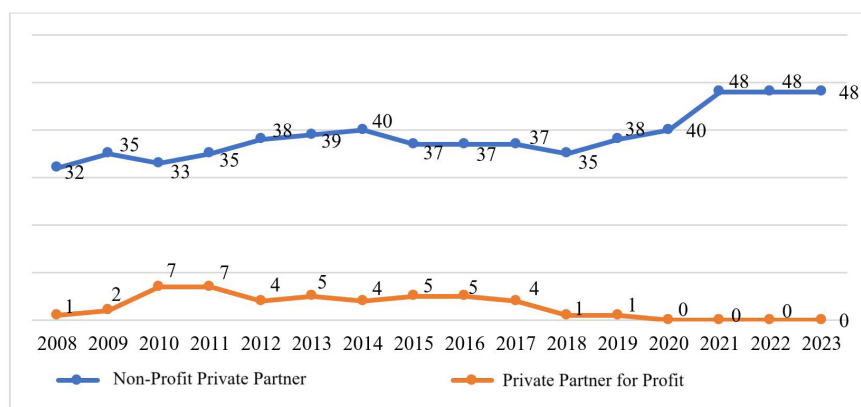
In summary, it is possible to see advances in the new Fundeb compared to the old fund. However, as Oliveira and Carvalho (2021) and Fineduca (Associação Nacional de Pesquisa em Financiamento da Educação, 2021) warn, it is necessary to pay close attention to the subsequent regulation of EC 108/2020, especially regarding the CAQ and the definition of weighting factors. In any case, for Fineduca (Associação Nacional de Pesquisa em Financiamento da Educação, 2021), there is still a need to increase public spending on Early Childhood Education, so that it reaches at least R\$107 billion, which is equivalent to 1.47% of GDP. This is based on the target of 50% of children aged 0 to 3 attending nurseries and the universalization of preschool.

## FINANCING AND PUBLIC-PRIVATE RELATIONS IN THE MUNICIPALITY OF UBERLÂNDIA-MG (BRAZIL)

Uberlândia is located in the Triângulo Mineiro/Alto Paranaíba mesoregion, in the state of Minas Gerais, in southeastern Brazil. It is the second most populous municipality in the state of Minas Gerais: according to the 2022 census of the Brazilian Institute of Geography and Statistics (IBGE), it had a population of 713,232 inhabitants (Instituto Brasileiro de Geografia e Estatística, 2022). When considering the population of the Triângulo Mineiro region, Uberlândia ranks first. The Triângulo Mineiro is one of the most developed regions in the state of Minas Gerais, thanks to the continuous modernization of its cities and the pursuit of infrastructure to accommodate new businesses, tourism, and commerce.

Regarding the structure of the municipal education network, as of 2023, there are a total of 110 schools in the urban area and 12 in the rural area. Of these schools, 67 are Escola Municipal de Educação Infantil (EMEI), 53 are elementary schools, and there is also the Escola Municipal Cidade da Música, which offers arts education (dance, music, handicrafts). Although it is part of the Secretaria Municipal de Educação (SME), this school does not provide formal education (Uberlândia, 2021a).

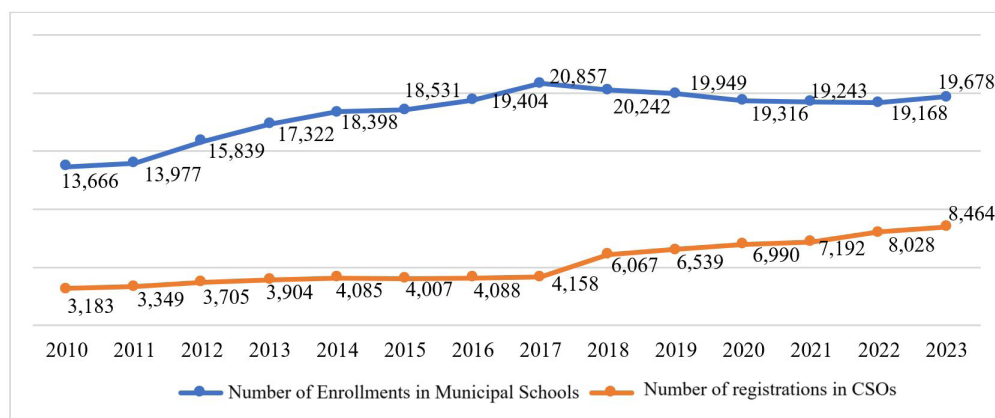
In terms of Civil Society Organizations (CSOs) working within the municipal education network, Graphic 1 shows a gradual increase in the number of these institutions with agreements with the local government. Comparing the evolution of CSOs from 2008 to 2023, there has been a 50% increase in the number of these institutions. Notably, between 2015 and 2018, the number of CSOs with agreements remained stable. However, from 2019 onwards, there was a marked acceleration in the number of CSOs entering into agreements with the municipality of Uberlândia (Uberlândia, 2021a).



**Graphic 1.** Number of schools with an agreement with the municipal government in Uberlândia – MG.  
**Source:** Prepared by the author based on the LDE (Laboratório de Dados Educacionais, 2020).



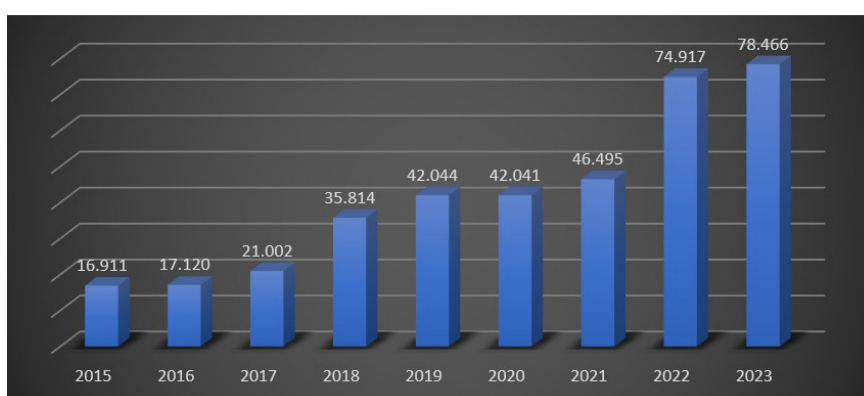
When it comes to the municipal education network, there has been a decline in nursery school attendance since 2017, which coincides with the period when public-private relations/ agreements with CSOs began to intensify. Graphic 2 confirms this trend, showing a downward trajectory in enrollment in municipal Early Childhood Education schools, while at the same time, there has been a significant 93% (ninety-three percentage points) increase in CSOs from 2017 to 2023. In other words, enrollment in the public network has decreased, while the contracted network has experienced considerable growth.



**Graphic 2.** Number of Early Childhood Education enrolments in Uberlândia's Municipal Education Schools and Partner CSOs - 2010 to 2023.

**Source:** Prepared by the author based on the LDE (Laboratório de Dados Educacionais, 2020).

To understand the relationships between the Municipal Department of Education (SME) and Civil Society Organizations (CSOs), it is essential to assess the financial contributions, which include transfers from Fundeb and grants from the Uberlândia City Hall. The data in Graph 3 shows that, starting in 2017, the SME began allocating a significant amount of funds to CSOs. These transfers stabilized in 2019 and 2020, before increasing again in 2021, 2022, and 2023. It is important to note that these amounts do not include various contributions provided by the SME to the CSOs, such as the purchase of uniforms for all enrolled students, school kits, and meals. In other words, the CSOs have access to the same infrastructure as the schools created and maintained by the municipal government, as outlined in the 2022 work plan (Uberlândia, 2021b).



**Graphic 3.** Transfers to private non-profit institutions in R\$ million.

**Source:** Prepared by the author based on the Transparency Portal (Uberlândia, 2021b).

Graphic 3 also shows that from 2017 to 2018, there was an increase in resources of approximately 70% (seventy percentage points), and from 2018 to 2019, an increase of 17% (seventeen percentage points). These figures grow even more significantly when comparing 2017 to 2019, as the transfer to CSOs increased by 100% (one hundred percentage points). In 2022, the amounts increased again by 61% (sixty-one percentage points) compared to 2021.

In other words, over a five-year period, the SME doubled the resources allocated to the “Third Sector” in the city of Uberlândia. This highlights a broader trend in governments at all levels, reflecting the decision to maintain relationships/agreements with private institutions at the expense of expanding their own network and providing public education that is accessible to all.

In addition, with the policy of agreements, there has been public “de-funding” in various areas of education, such as the construction of new school units and the professional development of teaching staff. In summary, the data suggests that the privatization of Early Childhood Education is on the agenda in the municipality of Uberlândia. This reality has been facilitated by existing legislation, which allows municipal management to finance education through agreements. Moreover, the strengthening of agreements with CSOs directly impacts students’ right to education, particularly in terms of initial and ongoing training, working conditions, and salaries for workers in these institutions.

In this context, achieving quality education that ensures meaningful learning for students and values education workers involves both initial and ongoing training. This appreciation is rooted in “[...] processes that involve training appropriate to the societal project expressed in the pedagogical and management plans of school units, encompassing both initial and continuing education” (Uberlândia, 2015, p. 59). This principle is clearly stated in Uberlândia’s PME, which is the guiding document for the municipality’s public education policies. However, while CSOs are generally seen as part of the municipal education network, the valuation of their workers does not align with what the PME recommends, especially concerning ongoing education.

It’s important to note that we could not find any reference in the SME’s Work Plan or Collaboration Agreement with the CSOs regarding the qualifications required for positions such as nursery assistants, child educators, teachers, and pedagogues. Data from the Educational Data Laboratory (Laboratório de Dados Educacionais, 2020) reveals that two teachers only completed secondary school, while 57 teachers have completed normal high school, without any degree. The majority of teachers, however, 218 in total, hold university degrees.

For those working in the municipal public school system, the minimum qualifications for working from Early Childhood Education onward include: a full degree in Pedagogy or Higher Normal Education, with a specific qualification in a particular area; or a full degree in Pedagogy with a qualification in the initial series of Basic Education (Uberlândia, 2014).

Given these findings, and based on the assumption that the right to education is not only about providing a vacancy but also ensuring quality education, we conclude that two types of education exist in the municipality of Uberlândia: one that follows municipal legislation, providing minimum training and a career plan with progression for civil servants, and another where professional development is not prioritized and initial training does not meet the standards set by the SME in its contracts with its civil servants.

In other words, one of the challenges arising from public funding and agreements with private non-profit institutions is related to the working conditions of the professionals hired by these institutions. This issue becomes even more apparent when comparing them to the treatment of civil servants in the municipal school system, who perform the same duties, albeit under less-than-ideal conditions.

One piece of legislation that governs municipal civil servants in Uberlândia, Law No. 11.967/2014, provides the legal framework for the career plan for civil servants in the education sector. It establishes not only material conditions but also the working hours and salary conditions for these workers. Article 9-A of this law specifies that early childhood educators and school support professionals should work 25 hours per week, teachers 20 hours per week, and pedagogical analysts and school inspectors 30 hours per week (Uberlândia, 2014).

In addition to the shorter working hours, public education workers holding the position of teacher are also entitled to 1/3 (one third) of their weekly working hours for planning activities, study, collaboration with the unit’s administration, participation in meetings, work events and other activities inherent to the unit’s Pedagogical Political Project, thus constituting out-of-class activities (Uberlândia, 2014).

Given the number of CSOs with agreements with the public authorities in Uberlândia, there have been some advances in terms of working hours for pedagogues and teachers. However,

these advances still fall short of being considered adequate. Of the 46 CSOs with agreements, in 11, teachers work 40 hours a week, and in 19, they work 44 hours. Childcare workers/daycare assistants work 40 hours a week in 14 CSOs and 44 hours in 32 CSOs.

In general, the position of pedagogue shows the greatest variation in working hours, with a considerable number of CSOs requiring 40 and 44 hours a week, in 10 and 14, respectively (Uberlândia, 2021b). In other words, despite greater variability among CSOs in terms of compliance with the required workload, most professionals continue to work far more hours than those in the municipal education network.

Another relevant issue concerning CSO employees, which directly affects their performance, is their salaries. Again, comparing with the municipal education network, a starting teacher in the municipal system earns a basic salary of R\$2,065.10 for a 20-hour week, while the same teacher in CSOs earns an average of R\$1,700.00 for a workweek ranging from 20 to 44 hours (Uberlândia, 2021b). In other words, teachers are paid less to work in the private network, despite often working longer hours. Furthermore, there is no career progression in CSOs, as they are private institutions governed by the Consolidation of Labor Laws (CLT).

For pedagogues, who are referred to as pedagogical analysts in the municipal education system, the salary discrepancy is also evident. A pedagogical analyst starting in the municipal system earns R\$3,097.66 for 30 hours a week, while in CSOs, this professional typically earns R\$2,500.00. In only 4 CSOs is the workload 20 hours a week; in 10, it's 30 hours; in 10 more, it's 40 hours; and in 13 CSOs, the weekly workload is 44 hours (Uberlândia, 2021b).

With regard to early childhood educators, the salary in CSOs is based on the minimum wage, which in 2019 was R\$1,100.00. In the municipal system, the starting salary for early childhood educators is R\$1,668.30 (Uberlândia, 2021b). Notably, in 14 CSOs, early childhood educators work 40 hours a week, and in 32, they work 44 hours.

This implies a greater discrepancy in relation to the early childhood educator/school support professional who works in the municipal education network, since they work 25 (twenty-five) hours a week. In all of these positions, two important components must be taken into account: progression through qualification (*lato sensu* and *stricto sensu* postgraduate courses) and the number of hours worked.

In conclusion, the data suggests that public funding for private institutions, which materializes through agreements, leads to precarious working conditions for education professionals. These professionals often work long hours, with salaries that do not match their workload.

Furthermore, these conditions directly affect the quality of education provided to students, which does not meet the standards required by legislation. According to the Uberlândia PME, working conditions “[...] must offer possibilities for the educational process to occur in a way that allows students to learn and, at the same time, contributes to the professional development of educators]” (Uberlândia, 2015, p. 59).

## FINAL CONSIDERATIONS

The neoliberal policy employed by governments, whether at national, state or municipal level, is leading to public education policies being handed over to the private sector. These policies are implemented mainly through privatization, using various legal instruments, including agreements. The data shows that this policy can be seen most strongly at the Early Childhood Education stage, in both the nursery and pre-school segments.

Based on the findings gathered from documents dealing with the relationships/agreements in Uberlândia, and from municipal documents and legislation, we came to the conclusion that, in addition to fostering the process of privatizing early childhood education, relations with CSOs have a direct impact on the right to education in the following aspects: initial and continuing training and working conditions in terms of career, working hours and salary. These elements are important when it comes to providing socially-referenced quality education, as they have a direct impact on the classroom and the teaching and learning process.

Finally, it has become clear that the municipal government has opted for the instrument of agreements with Civil Society Organizations (CSOs) to meet the demand for Early Childhood



Education. The data shows that, especially since 2019, there has been a noticeable increase in the number of CSOs that have entered into agreements with the Municipal Department of Education, thus demonstrating a rapid process of privatization of Early Childhood Education. This consolidation of the agreement is established by the Uberlândia City Hall's offer of a technical and financial structure that translates not only into financial support, but also the provision of structural conditions in public buildings.

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#### Authors contribution

MALP: research and writing of the article. LFV: writing of the article.

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