

POLÍTICA DE CONVENIAMENTO DA EDUCAÇÃO INFANTIL: A PRIVATIZAÇÃO É A ALTERNATIVA PARA SUPRIR A DEMANDA COM QUALIDADE?

POLÍTICA DE CONVENCION DE EDUCACIÓN INFANTIL: ¿ES ALTERNATIVA LA PRIVACIDAD PARA CUMPLIR LA DEMANDA DE CALIDAD?

CHILD EDUCATION CONVENTION POLICY: IS PRIVACY ALTERNATIVE TO MEET QUALITY DEMAND?

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RESUMO: O estudo tem como objetivo compreender os processos de conveniamento na Secretaria Municipal de Educação de São Paulo e Campinas para suprir a demanda por atendimento educacional na primeira infância, especificamente em creches que atualmente denomina-se Centro de Educação Infantil (CEI). Com o intuito de buscar soluções para a falta de vagas em creches, a Prefeitura de São Paulo e de Campinas optaram pela parceria com a iniciativa privada. Para coleta de dados foram utilizadas as bases Scielo, Google scholar e Capes Periódicos. De 18 artigos pesquisados, 6 foram selecionados por apresentarem relevância para a pergunta da pesquisa. Os resultados apontaram que há inúmeros entraves para resolver o problema e suprir a demanda de crianças sem acesso à escola. Destacam-se a falta de qualidade de atendimento nos centros conveniados e a precária formação em serviço dos profissionais de educação além de inadequação de espaço físico para atendimento às crianças.

PALAVRAS-CHAVE: Educação infantil. Convênios. Neoliberalismo.

RESUMEN: *El estudio tiene como objetivo comprender los procesos de acuerdo en la secretaria municipal de educación de são paulo y campinas para satisfacer la demanda de atención educativa para la primera infancia, específicamente en las guarderías que actualmente se llama centro de educación. Educación de la primera infancia (cei). Para encontrar soluciones a la falta de plazas en guarderías, la ciudad de são paulo y campinas decidieron asociarse con el sector privado. Para la recolección de datos utilizamos las bases de datos scielo, google scholar y capes periódicos. De los 18 artículos buscados, 6 fueron seleccionados porque son relevantes para la pregunta de investigación. Los resultados mostraron que existen numerosas barreras para resolver el problema y satisfacer la demanda de los niños sin acceso a la escuela. Cabe destacar la falta de calidad de la atención en los centros y la escasa capacitación en el servicio de los profesionales de la educación, así como el espacio físico inadecuado para atender a los niños.*

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PALABRAS CHAVE: *Educación infantil. Pactos. Neoliberalismo.*

ABSTRACT: *The study aims to to understand the processes of agreement in the municipal department of education of são paulo and campinas to supply the demand for early childhood education, specifically in crèches currently called the center for early childhood education (cei). In order to find solutions for the lack of vacancies in day care centers, the city of são paulo and campinas opted for the partnership with private initiative. For data collection, scielo, google scholar and periodic capes databases were used. Of 18 articles surveyed, 6 were selected because they were relevant to the research question. The results pointed out that there are many obstacles to solving the problem and supplying the demand of children without access to school. The lack of quality of care in the agreed centers and the precarious training in the service of the education professionals, besides the inadequacy of physical space for the care of children.*

KEYWORDS: *Child education. Covenants. Neoliberalism.*

Introduction

The present study intends to approach the arrangements related to the Neoliberal perspective with its policy of privatization and outsourcing in Early Childhood Education in daycare centers, now called Center for Early Childhood Education (CEI, Portuguese initials) in the city of São Paulo and Campinas.

The problematization of public policies to assist children from 0 to 3 years old in Basic Education, falls on the great increase of CEI accredited. The data pointed out by Borghi and Bertagna (2016) denote an increase of almost 34% in enrollment in daycare centers in the city of São Paulo and almost 39% of enrollments in the State of Rio de Janeiro.

This easing in enrollments, as well as the expansion of CEI agreements, reveals the transfer of public resources to the private sector, with the justification of meeting the demand, many of them arising from actions of the judiciary to guarantee the right to enroll in daycare centers, in a so-called phenomenon of judicialization of early childhood education.

It is worth remembering that, according to Nascimento and Silva (2015), the policy of covenant is seen as a transitory option, which would dazzle its end, but in the case of the municipality of São Paulo this situation is considered permanent, worsening when we think that the Indirect CEI in which the building owner is the city hall itself, shows that the lack of physical spaces for the implementation of new CEI is, in fact, a great fallacy.

According to a study by Oliveira and Ferreira (1986), the lease of daycare centers are not new to the new Neoliberal wave. In the years from 1973 to 1980, the municipal administrations of São Paulo did not emphasize the construction of new day-care centers,

favoring agreements with private entities. There is a record of a movement to lighten the construction of new daycare centers between the years 1980 to 1982 with the construction of 120 daycare centers, meeting popular demands of the Movement for Daycare centers. Due to its electoral character, the construction of buildings unfit for operation, had to be renovated before being put into use.

When analyzing data from the Municipality of São Paulo, regarding early childhood care, we can see similarities in the agreements proposals across the state to a greater or lesser degree.

An example of this structuring is in the city of Campinas, located in the interior of the state of São Paulo, which, in order to meet the demand, adopted the following proposal to assist children from 0 to 3 years old:

CEMEIs: Municipal Centers for Early Childhood Education: Full-time attendance for groups I and II and partial attendance for groupings III, under municipal management. CEIs: Center for Early Childhood Education (Mothership): full-time care for groups I and II and partial for group III with public-private management. The service format at the CEIs Mothership in Campinas is very similar to those of the CEIs leased in the city of São Paulo with financial transfers so that private entities can manage each educational Unit I (BARDELA *et al.*, 2014, p. 41).³

For the development of this research, we intend to understand the processes of convocation of the Municipal Secretariat of Education of São Paulo and Campinas to meet a demand for Educational assistance in early childhood, and think on the quality of the service and convocation in the Municipal Secretariat of São Paulo and Campinas (interior of the state of São Paulo).

Theoretical Reference

In order to understand the perspective of care for children aged 0 to 3 years in affiliated institutions and the prevalence of this option of educational public policy by the government, it is necessary to remember some historical facts such as the growing industrialization in Brazil, immigration and the increase population in large metropolises, mainly in the city of São Paulo, and the entry of women into the labor market.

³ CEMEIs: Centro Municipais de Educação Infantil: atendimento em período Integral para agrupamentos I e II e parcial para agrupamentos III, sob gestão municipal. CEIs Centro de Educação Infantil (Nave- Mãe): atendimento em período Integral para agrupamentos I e II e parcial para os agrupamentos III com gestão público-privada. O formato de atendimento nos CEIs Nave-Mãe em Campinas é muito semelhante com os do CEIs conveniados no município de São Paulo com repasses financeiros para que entidades particulares possam gerenciar cada Unidade educacional I (BARDELA *et al.*, 2014, p. 41).

According to Oliveira and Ferreira (1986), the first attendances, in the city of São Paulo, of children in institutions refer to the years of 1935 when the first parks were created in neighborhoods with a large concentration of workers. In the mid-1950s, the public authorities showed great interest in financing philanthropic entities through the Secretariat of Social Welfare, thus ensuring that the public authorities appeared to the population as benefactors and concerned about their demands.

Under the Faria Lima administration, SEBES (Social Welfare Secretariat) was created, the entity responsible for daycare centers and other social services in the municipality. Covenants were established with 13 social entities that maintained daycare centers, enabling an increase in attendance.

Between 1967 and 1969, 16 daycare centers were created by the City Hall which guaranteed part of their maintenance, but management was carried out by private entities that guided the work with the children.

There is an attempt by the Secretariat of Social Welfare to provide day care centers with supervision and technical guidance in 1968, with a focus on administrative aspects to guarantee the adequate use of the financial resources received. This attempt was thwarted by the heads of the entities, who received the funds under guidance of preventing the attendance of daycare administrators of centers under their responsibility.

The great increase in daycare centers in São Paulo occurred between the years 1976 to 1982 due to social movements. In 1976 the goal was to reduce the number of children in direct daycare centers, increasing agreements with entities that served children in boarding schools. With a reduced budget, cost reduction was adopted by the Secretariat, which ended up harming the service provided, in addition to discouraging supervisors who had difficulties in analyzing, proposing, carrying out and evaluating daycare work due to the diversified and unsystematic work of the attendances.

The public authorities built about 120 daycare centers, with Direct Administration in most of them, in 1980, attending to demands spearheaded by the Movement of Fight for daycare centers. This intensification of the construction of new daycare centers had a clear electoral purpose and the construction of many of them was made in buildings unsuitable for operation, which had to be renovated before being occupied.

Until the end of the 1980s, according to a study by Oliveira and Ferreira (1986), the Secretariat's arguments were that daycare leases were the least costly resource to public coffers when compared to the cost of a daycare with direct administration.

Educational Legislation and the phenomenon of Judicialization of Early Childhood Education

After the 1988 Constitution (BRASIL, 1988), education is treated as a subjective and regulated public right through a legal framework with the establishment of different guidelines, regulations, principles and norms that emphasize the importance of this right in Brazilian society (OLIVEIRA *et al.*, 2018, p. 652).

This new educational legislation obliges the public authorities to guarantee access to quality education in the different stages and modalities of teaching. Regarding the first stage of basic education, which is infant education, Federal Law 9.394/96 in its Article 29 says:

Art. 29: Early childhood education, the first stage of basic education, aims at the integral development of the child up to 5 (five) years old, in its physical, psychological, intellectual and social aspects, complementing the action of the family and the community (BRASIL, 1996).⁴

Regarding the provision of this teaching stage, the specific Article 30:

Art. 30: Early childhood education will be offered at:
I – Daycare centers, or equivalent entities, for children up to three years of age;
II - Pre-schools, for children from 4 (four) to 5 (five) years of age (BRASIL 1996).⁵

Early childhood education, until then referred to the care of the Secretariat of Social Assistance, starts to be part of the public agenda as a priority especially when there is an old problem to be solved: the lack of places in daycare centers.

Mandatory and free education allows it to be demanded in court. The request for a place in early childhood education far exceeds other lawsuits, such as: request for school transportation, lack of teachers and access for students with disabilities. However, the time for government officials to adapt to the new legislation resulted in a shortage of places in the public early childhood education system.

Still in São Paulo, during the government of the mayor of Marta Suplicy (2001-2005), Decree no. 40.268/01 is published, which presents, within the scope of the legal text, orientations and guidelines for the transition of the daycare system between the agencies of the

⁴ Art. 29: A educação infantil, primeira etapa da educação básica, tem como finalidade o desenvolvimento integral da criança de até 5 (cinco) anos, em seus aspectos físicos, psicológicos, intelectuais e sociais, complementando a ação da família e da comunidade (BRASIL, 1996).

⁵ Art. 30: A educação Infantil será oferecida em:

I – Creches, ou entidades equivalentes, para crianças até três anos de idade;

II – Pré-escolas, para crianças de 4(quatro) a 5 (cinco) anos de idade (BRASIL 1996).

Social Assistance for the Municipal Department of Education. There was an expansion of the direct network of daycare centers due to the followed Terms of Adjustment of Conduct (TAC) between municipal management and the public ministry. In the administrations of Jose Serra (2005-2006) and Gilberto Kassab (2006-2008 and 2008-2012), the strategy adopted to try to reduce the demand for places in daycare centers was the expansion of the affiliated network. There was no organization regarding a list of vacancies. In 2006, a public digital system for registering the demands for vacancies was created, based on the need to effectively organize and know the demand for vacancies in the daycare centers of the system, this due to the great pressure from the civil society movements (OLIVEIRA *et al.*, 2018).

In 2014, Law no. 13,005/14 (National Education Plan, BRASIL, 2014) was published, which presents 10 guidelines and 20 goals for national education, among which the number one goal stands out for this study:

Universalize pre-school education in 2016 for children aged 4 (four) to 5 (five) years of age and expand the offer of early childhood education in daycare centers in order to meet at least 50% (fifty percent) of children up to 3 (three) years old until the end of the term of this PNE (BRASIL, 2014).⁶

Although there is this legal framework focused on early childhood education as mentioned above, the number of places in daycare centers is still far from the established goal and the problem of inequalities in access and quality of care in the public system has not yet been resolved. The Municipal Education Secretariat of São Paulo, following the National Education Plan, signed on September 17, 2015 by the mayor Fernando Haddad, Law no. 16.271 (SÃO PAULO, 2015) referring to the Municipal Education Plan. Among the 12 goals, we highlight goal number 5 which says:

Universalize, until 2016, Early Childhood Education for children aged 4 (four) and 5 (five) years of age and ensure, during the term of the Plan, care for 75% of children aged 0 to 3 years and 11 months or 100% registered demand, whichever is greater (SÃO PAULO, 2015).⁷

It is worth mentioning that among the 12 strategies for achieving this goal, that of investing in expanding the offer of early childhood education from 0 (zero) to 3 (three) years in the direct, indirect and accredited network, ensuring its quality (SÃO PAULO, 2015).

⁶ Universalizar até 2016, a educação infantil na pré-escola para crianças de 4 (quatro) a 5 (cinco) anos de idade e ampliar a oferta de educação infantil em creches de forma a atender, no mínimo, 50% (cinquenta por cento) das crianças de até 3 (três) anos até o final da vigência deste PNE (BRASIL, 2014).

⁷ Universalizar, até 2016, a Educação Infantil para as crianças de 4 (quatro) e 5 (cinco) anos de idade e assegurar, durante a vigência do Plano, atendimento para 75% das crianças de zero a 3 anos e 11 meses ou 100% da demanda registrada, o que for maior (SÃO PAULO, 2015).

There was no expansion of the direct network in the city of São Paulo, as the new units of the Early Childhood Education Centers are managed by the so-called partner networks, which are nothing more than private entities that receive financial resources from the Municipal Department of Education for educational attendance in early childhood.

The analysis of CEI attendance in the city of São Paulo shows that after the publication of the Municipal Education Plan of São Paulo, the network of daycare centers has been expanding the service. In 2015, more than 240 thousand children were served full-time - 10 hours a day - in direct institutions or covenants. Teachers from the direct network work 5 hours a day with the children and professionals from the partner network work 8 hours a day with the children, thus requiring a smaller number of teachers per child (NASCIMENTO; SILVA; OLIVEIRA, 2015).

Another fundamental point of transfer of public resources to the private initiative or to philanthropic and/or confessional entities, occurred after the publication of Constitutional Amendment no. 53 of December 19 of the same year, converted by Law 11,494 of June 20, 2007 and Decrees no. 6,253 and 6,278 of November 13 and 29, 2007. This legislation implements FUNDEB (Fund for Maintenance and Development of Basic Education and Valorization of Education professionals). According to Borghi *et al.*:

[...] the implantation and authorization of this Fund for community, philanthropic and / or confessional institutions, in addition to the elaboration of an orientation booklet to the municipalities for the establishment of agreements and the implementation of educational policies of a Neoliberal nature, show a “national policy of leasing” (2014, p. 509).⁸

The perspective of a permanent policy for the leasing of early childhood education is pointed out not only in São Paulo, but throughout Brazil.

The Motherships of Campinas: a new nomenclature for the old educational privatization policy

The city of Campinas, in the interior of São Paulo, has approximately 1,194,094⁹ inhabitants. The population aged 0 to 4 years totals 63,871¹⁰ children, approximately.

To serve this child population in daycare centers, the city has the following organization:

⁸ [...] a implantação e autorização desse Fundo para instituições comunitárias, filantrópicas e/ou confessionais, além da elaboração de uma cartilha de orientação aos municípios para instituição de convênios e a concretização de políticas educacionais de cunho Neoliberal, evidenciam uma “política nacional de conveniamento” (2014, p. 509).

⁹ Source: IBGE – Cidades 2018.

¹⁰ Source: IBGE – Cidades 2018.

Since 2001, the Municipal Department of Education has maintained a partnership with nonprofit institutions in the Third Sector, for the management of educational equipment, built and financed by the municipal government, with the purpose of expanding the provision of Early Childhood Education to children from 00 (zero) to 05 (five) years and 11 (eleven) months of age and to promote qualification actions for this service. As of Complementary Law no. 101/2015, with the changes introduced by Municipal Complementary Law no. 117 of 09/18/2015 and the public partnership signed with Social Organizations, the Technical Reference Term is intended to guide the planning and executing the contracts to be signed between the Municipality of Campinas and the Social Organizations. Currently, the Municipal Education Secretariat (SME) maintains 25 Child Education Centers - CEI's co-managed. The organization of groups of children in municipal units of Early Childhood Education follows the criterion of Grouping (AG) of children by age group. Groups I and II are made up of children to be served full-time for 11 (eleven) hours, and Group III is made up of children to be served for a partial period of at least 04 (four) hours. Annually, the Municipal Department of Education publishes a specific Resolution in which it defines the birth dates of the children to separate each one of them in the Groups, this resolution must be fulfilled in all CEIs. The age groups of the children served in each group are defined annually.

The organization of classes / groups for 2018 should be in accordance with Resolution no. 10/2017 published in the Official Diary of the Municipality on 08/30/2017, observing, in particular, the following: I. Grouping I Integral: children born between 01/07/2016 to 12/31/2018; II. Grouping II Integral: children born between 01/11/2014 to 06/30/2016; III. Grouping III Partial: children born between 01/04/2012 to 10/31/2014, IV. Grouping III Integral: children born between 01/04/2012 to 10/31/2014. V. Group III may consist of children who are in the mandatory age group for Early Childhood Education, born between 01/04/2012 to 03/31/2014 and of children with optional enrollment, born between 01/04/2014 a 10/31/2014 (CAMPINAS, 2018).¹¹

The Child Education Centers (CEI) called Motherships were created by the then mayor of Campinas Hélio de Oliveira Santos in accordance with Law no. 12,884 of April 4, 2007. As a measure to meet the demand for Child Education places in the municipality Campinas (BARDELA *et al.*, 2014).

These Centers are nothing more than the political option for the huge demand for places in daycare centers, forming a public-private partnership in response to a request for early childhood care by the Judiciary. Regarding the transfer of funds from Fundeb to institutions

¹¹ Desde 2001, a Secretaria Municipal de Educação mantém parceria com Instituições sem fins lucrativos do Terceiro Setor, para a gestão de equipamentos educacionais, construídos e financiados pelo poder público municipal, com o propósito de ampliar o atendimento de Educação Infantil à crianças de 00 (zero) a 05 (cinco) anos e 11 (onze) meses de idade e, promover ações de qualificação desse atendimento. A partir da vigência da Lei Complementar nº 101/2015, com as alterações introduzidas pela Lei Complementar Municipal nº 117 de 18/09/2015 e da parceria pública firmada com as Organizações Sociais, o Termo de Referência Técnica tem o propósito de orientar a elaboração e a execução dos contratos a serem firmados entre a Prefeitura Municipal de Campinas e as Organizações Sociais. Atualmente, a Secretaria Municipal de Educação (SME) mantém 25 Centros de Educação Infantil – CEI's cogeridos.

that manage motherships and the quality of care, we have the following analysis by Domenciano (2012) on the topic:

[...] it can be said that the provision of Early Childhood Education via the 'Mothership' Project leads to differences in the standard of care for young children as there are two 'models' of schools, the public ones, managed and maintained by the public power with public servants working in the public sector, and CEIs 'Motherships' which, even regulated by the public sector, are the private institutions that carry out everything from hiring employees to organizing the functioning of the school. Another point to be highlighted refers to the student/year amount passed on by the city government to the institutions that manage the 'Motherships'. In the year 2012 for Group I (children from 4 months to 1 year and 8 months) in full-time the per capita/year was equivalent to R\$ 4,567.91, for Group II (children from 1 year and 9 months to 2 years and 5 months) also from full-time was R\$ 3,472.68 and finally, to Group III (children aged 2 years and 6 months to 5 years and 11 months) the partial period was transferred R\$ 1,896.62. Comparing these values to Fundeb's student/year transfer in 2012, which was R \$ 4,619.83 for day-care centers (children aged 0 to 3 years) and full-time pre-schools (children aged 4 to 5 years and 11 months) and, R\$ 2,842.98 and R\$ 3,552.82, respectively, for Daycare Centers and pre-schools that work in part periods, it appears that for Group I the values are practically equivalent, for Group II, which corresponds to the age of the children who still belong to the daycare stage, the value was lower by R\$ 1,147.15. As for the partial shift of Group III, which mixes children who belong to the daycare and pre-school stage, the transfer was also lower than that practiced by Fundeb. (DOMENCIANO, 2012, p. 41).¹²

As for the quality of care for children, training and appreciation of the education professionals who work in the motherships, we have to consider that there is a precariousness in this aspect and a lack of clarity on the part of the entity responsible for aligning the Pedagogical Political project of the units with the proposal of quality of education in the Municipality of Campinas.

¹² [...] pode-se dizer que a oferta da Educação Infantil via Projeto 'Nave-mãe' acarreta diferenciações no padrão de atendimento à criança pequena à medida que se tem dois 'modelos' de escola, as públicas, geridas e mantidas pelo poder público com servidores públicos concursados atuando, e os CEIs 'Naves-mãe', que mesmo regulados pelo setor público, é a instituição privada que realiza desde a contratação de funcionários até a organização do funcionamento da escola. Outro ponto a se destacar refere-se ao valor aluno/ano repassado pela prefeitura às instituições que gerem as 'Naves-mães'. No ano de 2012 para o Agrupamento I (crianças de 4 meses a 1 ano e 8 meses) no turno integral o per capita/ano equivaliu a R\$ 4.567,91, para o Agrupamento II (crianças de 1 ano e 9 meses a 2 anos e 5 meses) também do turno integral foi R\$ 3.472,68 e por fim, ao Agrupamento III (crianças de 2 anos e 6 meses a 5 anos e 11 meses) do turno parcial se repassou R\$ 1.896,62. Comparando tais valores ao repasse aluno/ano do Fundeb em 2012 que foram R\$ 4.619,83 para creches (crianças de 0 a 3 anos) e pré-escolas (crianças de 4 a 5 anos e 11 meses) de turno integral e R\$ 2.842,98 e R\$ 3.552,82, respectivamente, para Creches e Pré-escolas que funcionam em turno parcial, verifica-se que para o Agrupamento I os valores praticamente se equivalem, para o Agrupamento II, que corresponde a idade das crianças que ainda pertencem a etapa de creche, o valor foi menor em R\$ 1.147,15. Já para o turno parcial do Agrupamento III, que mistura crianças que pertencem a etapa de creche e pré-escola o repasse também foi inferior ao praticado pelo Fundeb. (DOMENCIANO, 2012, p. 41).

The challenge is to monitor the quality of care and the pedagogical proposal of each Ship that are not in proper working conditions. (BARDELA *et al.* 2014).

The discussion on how care is provided in the affiliated networks still needs further studies. The relevant factor is that the option for transferring child education services to the private initiative with the justification of complying with judicial determinations, hides other facets about the Neoliberal project, among them the emptying of direct actions by the State towards the fundamental rights of the citizen. Privatization is in line with the fallacious discourse that an Education Center financed and managed solely by the government does not meet the demand for places, in addition to high maintenance costs.

Methodology

The article constitutes a bibliographic review on public educational policies in early childhood. Data collection took place through a survey of scientific articles related to the theme in databases such as SCIELO, SCHOLAR GOOGLE and CAPES PERIÓDICOS.

Of the 18 articles researched, 6 articles were selected, 1 with an old date (1986) that goes back to the historical survey of the proposal for attendance in daycare centers in the city of São Paulo. The other articles were selected using the relevance criterion for the preparation of this article and the publication date of up to 8 years.

After selection, an initial exploratory reading was made as well as a summary of the articles selected through recordings.

Studies on Early Childhood Education legislation were selected to compose text about the results, discussion and conclusion.

Results

To analyze the results based on the hypothesis raised, three categories were considered: Policy on covenants and privatization in Early Childhood Education; Quality of service in the covenanted CEIS and Judicialization in Early Childhood Education. Documents such as the Annual Report of the Court of Accounts of the Municipality of São Paulo and the Plan of Goals of the Municipality of Campinas were added to the analysis.

Category 1: Policy of Covenants and Privatization in Early Childhood Education

Regarding the first aspect, we can consider that the proposal for the CEIs to be covenanted is permanent among the municipalities surveyed.

Subcategory 1: Analysis of the expansion of enrollments in the network of covenanted and partners in the city of São Paulo

In the city of São Paulo, according to the annual report of the municipality's Court of Auditors (TCM), R\$ 1,977,124,188.19, or 17.55% of the total Constitutional expenses, were spent on maintenance of CEIs and covenanted daycare centers and other partner modalities (SÃO PAULO, 2017, p. 189). The table below shows the total expenses with Elementary and Child Education in the municipality:

Table 1 - Constitutional Expenses (MDE) 25% - Fiscal Year 2017 (In R\$)

FUNDAMENTAL EDUCATION AND EARLY CHILDHOOD EDUCATION - MDE	AUDIT	%
Remuneration of Teaching Professionals	3,827,119,837.54	33.96%
Operation and Maintenance of the Municipal Education System	2,405,769,696.96	21.35%
Operation and Maintenance of CEIs and daycare of the covenanted network and other partner modalities	1,977,124,188.91	17.55%
Employer's Obligations and Contributions	1,108,421,796.50	9.84%
Retirements and Pensions	463,087,790.15	4.11%
Unit Administration	368,362,483.14	3.27%
Supply of Uniforms and School Supplies	232,019,412.72	2.06%
School Transportation	212,203,213.91	1.88%
Bus system fare compensation	198,655,026.00	1.76%
Operation and Maintenance of Unified Educational Centers	128,828,103.56	1.14%
Acquisition of Material, Equipment and Information and Communication Services	72,315,810.08	0.64%
Complementary Actions of the Municipal Education System	65,513,179.77	0.58%
Special Education - Learning without limit	48,281,345.33	0.43%
Transfer of Financial Resources to Educational Units	39,624,928.99	0.35%
Didactic-Pedagogical Educational support actions and materials	17,012,872.33	0.15%
Construction of Early Childhood Education Centers - CEI	16,156,871.88	0.14%
Construction of Municipal Schools for Early Childhood Education - EMEI	14,841,206.73	0.13%
Initiation to Teaching and Literacy at the Right Age	13,951,902.87	0.12%
Maintenance of Information and Communication Systems	12,588,428.77	0.11%
Literacy for youth and adults	11,094,849.60	0.10%
Expansion of the school day – Program “Mais Educação”	9,772,501.20	0.09%
Covenants to Assist Children and Adolescents with Special Educational Needs	8,562,434.10	0.08%
Construction, renovation and expansion of educational equipment	5,724,150.68	0.05%
Capacitation, Formation and Improvement of Servers	3,717,784.73	0.03%
Educational Equipment Reforms	3,585,380.23	0.03%
Publications of Interest to the Municipality	2,839,651.12	0.03%

Program for the Expansion and Qualification of Early Childhood in Its Most Diverse Aspects, with Possibility of Relocation	815,672.50	0.01%
Elevator Installation at CEI Menino Jesus	254,783.77	0.00%
National Youth Inclusion Program - PROJOVEM Urbano	164,218.76	0.00%
Capacitation of teachers of the Municipal Education Network - Federal Laws 10,639/2003 and 11,645/2008	436.31	0.00%
TOTAL	11,268,409,959.12	100.00%

Source: Court of Accounts of the Municipality of São Paulo (2017).

The operation and maintenance of CEIs and daycare centers of the partner network occupies the third position by order of magnitude of expenses with Education in the city of São Paulo (SÃO PAULO, 2017 p. 190).

These data confirm the findings of Nascimento et al. (2015), which demonstrates an increase in attendance at covenanted daycare centers between 2007 and 2014 in São Paulo.

According to Borghi and Bertagna (2016), this growth in the attendance of early childhood education through a covenanted network, occurs throughout the country, with prevalence in the south and southeast regions.

The achievement of the goal of expanding 20,000 vacancies through the Budget Guidelines Law (LDO) of São Paulo in the year of 2017 occurred with the expansion of 24,868 vacancies in CEIs and daycare centers of the covenanted network and other types of partnership (SÃO PAULO, 2017, p. 213).

Subcategory 2: Analysis of the expansion of the covenanted network of daycare centers in the city of Campinas

Concerning the city of Campinas, Domeciano's analysis (2012) showed that the city government between the years 2009 to 2012, with 12 CEIs called Mothership in operation increased the supply of daycare centers by 65.90%.

In the Municipal Education Plan of the City, among the 22 goals, goal 1 is observed, which points to the expansion of daycare centers until the end of the Municipal Education Plan of the Municipality. (CAMPINAS, 2015).

Among the strategies to achieve this goal, the number 1.8 stands out, which says that the expansion of the public network of direct early childhood education and articulating the offer of free enrollments in charitable entities of social assistance in the area of education (CAMPINAS, 2015).

The expansion took place through the inauguration of the Motherships CEIs, with an objective to a 260.87% growth between the years 2008 and 2012 (DOMECIANO, 2012).

Category 2: Quality of Service at the Covenanted CEI

As for the issue of quality of care in the CEIs under covenants, the studies by Borghi and Bertagna (2016) highlight the low quality of the attendance. When quoting Nunes (2011 p. 12), the authors argue that the covenant is not linked to the quality of education.

Subcategory 2.1: Quality of care at the Covenanted CEIs in São Paulo

According to (OLIVEIRA *et al.*, 2018, p. 664), contracting covenanted units is faster than the construction of new direct CEIs, but this alternative is not always the best, in terms of the quality of the education offered, given that the control of the units contracted by the public management is very precarious.

According to the Court of Auditors of the Municipality of São Paulo (TCM), early childhood education schools fail to comply with the minimum infrastructure standards established, requiring improvement in the supervision and inspection of the units (SÃO PAULO, 2017, p. 216).

Another aspect raised by TCM, corresponds to the properties of partner entities, which, in general, do not have elevators and do not have an external area with adequate dimensions or green areas that provide children with contact with nature (SÃO PAULO 2017, p. 217) .

The process of expressive increase in enrollments in the affiliated network does not guarantee the quality of service in the institutions, showing that the proposal to contemplate the repeated Terms of Adjustment of Conduct (TAC), issued by the judiciary is a palliative measure.

Even so, there is a pent-up demand for vacancies, even with the creation of approximately 31 thousand vacancies by the city of São Paulo. The table below shows this large increase in vacancies in the network affiliated between the years 2012 to 2017:

Table 2 - Number of students enrolled at RME-SP

Teaching Modality	2012	2013	2014	2015	2016	2017
Child education	397,351	414,828	430,498	465,298	499,228	529,635
Direct Network	242,540	251,561	252,425	254,748	265,462	271,001
Daycare Center	61,202	56,406	57,305	56,500	57,181	57,519
Pre-school	181,338	195,155	195,120	198,248	208,281	213,482
Partnership System	154,811	163,267	178,073	210,550	233,766	258,634

Daycare Center	152,892	58,054	170,899	204,285	226,998	252,757
Pre-school	1,919	5,213	7,174	6,265	6,768	5,877

Source: Court of Accounts of the Municipality of São Paulo, 2017. Adapted by the author.

On this point, NASCIMENTO *et al.* (2015, p. 10) reports that the main policy of expanding the municipal network of early childhood education in daycare centers in São Paulo took place, and continues to be so, through the signing of agreements with nonprofit and economic private institutions, but not forgetting to consider lobbies that are placed in the relationship established between the maintainers and public agents.

In the case of teachers, the same authors point out that:

[...] The teachers of the direct network work 25 hours a week with children and 5 hours in capacitation, they also have four days a year for pedagogical meetings of 6 hours each and a Statute of the Mastership that allows, among other guarantees, progression in career; the teachers of the partner network work 40 hours a week with children, having only one day per month to deal with their formation and school organization (NASCIMENTO *et al.*, 2015, p. 10).¹³

This demonstrates the assistentialist nature of the service provided in a daycare center, in fact not fulfilling the proposal to treat daycare centers through the Educational route.

Subcategory 2.2: The quality of care at the CEIs Motherships in Campinas:

According to a survey by BARDELA *et al.* (2014), the working conditions, the number of children per class, the quality of interactions, the adult-child and child-child interaction and the work proposals at the CEIs Motherships, need further reflection. When focusing on the professionals who work in these CEIs, there is no identification on the part of them with an institution, in view of the employment bond to occur through the signing of a contract via the Consolidation of Labor Laws (CLT). There is a favor to the rotation of these professionals who often resign and seek higher remuneration in other jobs.

There is still a lack of further studies regarding the quality of care in the motherships, but it is assumed that, due to the simple fact that these CEIs are managed by different Social Organizations (SOs) in regions considered peripheral of the municipality. Thus, the thesis

¹³ [...] Os docentes da rede direta trabalham 25 horas semanais com crianças e 5 horas em formação, possuem ainda quatro dias no ano destinados a reuniões pedagógicas de 6 horas cada e um Estatuto do Magistério que permite, entre outras garantias, progressão na carreira; já os docentes da rede conveniada trabalham 40 horas semanais com crianças, tendo somente um dia por mês para tratar de sua formação e organização da escola. (NASCIMENTO *et al.*, 2015, p. 10).

pointed out by Borghi *et al.* (2015) that it is important to pay attention to the Law of Directives and Bases of Education (LDB) in defense of a public education maintained and administered by the government.

Category 3: Judicialization in Early Childhood Education

The intervention of the Judiciary, through the Public Ministry to guarantee places in daycare centers, demonstrates the State's lack of interest in the first stage of basic education.

Borghi and Bertagna (2016), demonstrate a resolution of the problem of lack of places in daycare centers, through the covenants, alleging an increasing demand and lack of financial resources for the construction of new Early Childhood Education Centers.

The report of the Court of Accounts of the Municipality of São Paulo, reinforces this thesis. The table below shows that the City of São Paulo predicted the construction of 16 new centers, according to the Budget Guidelines Law (LDO) in 2017, but only 10 were built, not reaching the expected goal:

Table 3 - Projected goals x accomplished in 2017

Projects/Activities	Physical			Financial (in thousands R\$)		
	Planned	Accomplished		Planned	Accomplished	
		Year	%		Year	%
3360 – Construction renovation and expansion of CEUs	6	0	0	0	0	0
3359 - Construction of Early Childhood Education Centers - CEI	16	10	62.5	82,500	66,002	80.0
3358 - Construction of Children's Education Schools - Emei	*	3	33.3	32,657	14,841	45.5

Fonte: Court of Accounts of the Municipality of São Paulo, 2017.

The results make it clear that the option for covenants is not a naive option, but aims at the proposal to transfer public sector properties to the private sector with a view to transforming it into an institution to and of the market (BRASIL, 1995).

Casagrande and Borghi (2015), point out in their studies on the covenanting of daycare centers in medium-sized São Paulo municipalities that, under the allegation of meeting the demand due to lawsuits, established partnerships with the private sector.

This was not only an alternative in the city of Campinas, but it permeated an entire government plan for early childhood education in the municipality, resulting in the scrapping of attendance at CEIs Motherships.

Judicialization served as an alibi for the neoliberal project to privatize early childhood education, with the ratification of this proposal through the elaboration of municipal education

plans and the setting up of a single curriculum for the entire network aiming at the establishment of a supposed quality control, but without taking into account different Brazilian realities.

Final considerations

The data obtained from the literature review allowed us to conclude that covenants as a public policy to guarantee places in daycare centers should be temporary and only to comply with judicial determination. However, this way of offering assistance to children from 0 to 3 years of age in the so-called Childhood Education Center (CEI) has gained a permanent character.

The two cities studied in the article (São Paulo and Campinas) adopted the policy of not expanding the Direct CEIs (with fully public administration) and offering new vacancies only through the Covenanted CEIs (with public-private administration). The administrators of the affiliated institutions are not, for the most part, philanthropic or confessional in character.

Another point to be considered concerns the quality of service provided by the covenanted CEIs. The annual inspection report of the Court of Auditors of the municipality of São Paulo, evidenced the low quality of care and pointed out flaws in the minimum standard of infrastructure, lack of accessibility for people with disabilities, lack of contact of children with nature and lack of adequate capacitation for education professionals working in these institutions (SÃO PAULO, 2017, p. 216).

The studies by BARDELA et al. (2014), denote the need for further studies in relation to the different quality indicators in the associated Early Childhood Education Centers called Motherships. The referred article took into account the format of public policy in the CEIs under covenants, questioning the existence of quality service.

It is worth pointing out the lack of deepening in issues related to the practices of education professionals who work in partner institutions. There is evidence in the literature of the lack of investment in continuing education and low remuneration in the two cities surveyed.

The aspect of the increase in the intervention of the Judiciary in the public agenda (Judicialization in Early Childhood Education), showed that the judicial determinations are fulfilled, but not in its entirety, in view of the repeated Terms of Adjustment of Conduct (TAC) issued to the city halls.

Another point is the need for new debates on educational policies in early childhood, asking the public agent to fulfill the duty of offering vacancy in Early Childhood Education

Centers with fully public administration and with quality, not admitting palliative solutions through privatization.

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How to quote this article

SANTOS, José Fernando Ribeiro dos; LARA, Patrícia Tanganelli. Política de conveniamento da educação infantil: a privatização é a alternativa para suprir a demanda com qualidade? **Revista on line de Política e Gestão Educacional**, Araraquara, v. 24 n. 1, p. 100-116, jan./abr. 2020. e-ISSN: 1519-9029. DOI: <https://doi.org/10.22633/rpge.v24i1.12868>

Submitted: 13/05/2019

Required revisions: 20/08/2019

Approved: 30/09/2019

Published: 06/01/2020