

**UNITY AND DECENTRALIZATION: CHALLENGES IN BASIC EDUCATION IN BRAZIL FACING FEDERAL RELATIONS**

**UNIDADE E DESCENTRALIZAÇÃO: DESAFIOS DA EDUCAÇÃO BÁSICA FRENTE ÀS RELAÇÕES FEDERATIVAS NO BRASIL**

**UNIDAD Y DESCENTRALIZACIÓN: DESAFÍOS DE LA ENSEÑANZA FUNDAMENTAL FRENTE A LAS RELACIONES FEDERATIVAS EN BRASIL**

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**ABSTRACT:** This article analyzes the current configurations and challenges of elementary education, considering the model of federative relations constitutionally instituted in Brazil. With regard to the division of responsibilities and educational resources, federative relations are based on a sui generis model, giving rise, at times, to the Union's actions and mediation strategies. Seeking alternatives for collaboration and cooperation in the field of education, this article, developed from a bibliographic and documentary analysis, aims to discuss how federative relations in education are organized, deepening the historically defended approach of a National Education System (SNE). The study concludes with the understanding that the establishment of an SNE is a necessary measure for the equitable provision of education in Brazil.

**KEYWORDS:** Education. Decentralization. National Education System.

**RESUMO:** Neste artigo são analisados as configurações atuais e os desafios da Educação Básica frente ao modelo de relações federativas constitucionalmente instituídas no Brasil. No que tange à divisão de responsabilidades e recursos educacionais, as relações federativas estão pautadas em um modelo sui generis, ensejando, por vezes, atuação da União e estratégias de mediação. Na busca pela compreensão de alternativas de colaboração e cooperação no campo da educação, este artigo, desenvolvido a partir de uma análise bibliográfica e documental, tem por objetivo discutir como se organizam as relações federativas na educação, aprofundando a abordagem historicamente defendida de um Sistema Nacional de Educação (SNE). Conclui-se o estudo com a compreensão de que o estabelecimento de um SNE é uma medida necessária à oferta equitativa de educação no Brasil.

**PALAVRAS-CHAVE:** Educação. Descentralização. Sistema Nacional de educação.

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**RESUMEN:** *En este artículo se analizan las configuraciones actuales y los desafíos de la enseñanza fundamental en Brasil, frente al modelo de relaciones federativas establecido por la constitución del país. En lo que respecta a las divisiones de responsabilidades y de recursos educacionales, las relaciones federativas están fundamentadas en un modelo sui generis, ocasionando la necesidad de actuación de la Unión y estrategias de mediación. En la búsqueda de comprender alternativas de colaboración y cooperación en el campo de la educación, este artículo, desarrollado a partir de un análisis bibliográfico y documental, tiene como objetivo discutir cómo se organizan las relaciones federativas en la educación, profundizando el enfoque históricamente defendido de un Sistema Nacional de Educación (SNE). El estudio concluye con el entendimiento de que la creación de un SNE es una medida necesaria para la provisión equitativa de la educación en Brasil.*

**PALABRASCLAVE:** *Educación. Descentralización. Sistema Nacional de Educación.*

## Introduction

Brazilian federalism was constitutionally born together with the republic itself, conforming with very specific characteristics throughout the country's history. With its origins in the United States, the cradle of federalism worldwide, the system evolved in Brazil, adapting itself to the social, historical, political and geographical characteristics of the country, adopting its own specific rules of operation.

The most specific characteristic of Brazilian federalism is the figure of the municipality as a federative entity, endowed with autonomy, government and its own competencies, which in many aspects make it equal to the other entities of the federation, the states and the Union. This unique conformation of federative relations in Brazil brings challenges to the field of education, especially to Basic Education, whose responsibilities for the supply, in certain stages, are intertwined.

In analyzing education in Brazil, one notices the inequalities arising from the asymmetry between the economic conditions of the federated entities and the distribution of competencies foreseen constitutionally. The Federal Constitution (BRAZIL, 1988), in the forecasts as to what is up to each one to accomplish, as regards the provision of education, ends up contributing to different conditions of supply (OLIVEIRA; SOUSA, 2010).

Finding mechanisms to better conduct education in Brazil is the challenge that is presented given the conditions currently posed regarding the distribution of responsibilities, the redistribution of resources, the organization of curricula, the management of education networks, among several other issues related to the educational responsibilities of the federated entities.

In this sense, the institution of a National Education System (SNE in the Portuguese acronym), a proposal defended since the Manifesto of the Pioneers of Basic Education, in 1932, up to the most recent and current national legislations, such as the Federal Constitution (BRASIL, 1988) and the National Education Plan 2014-2024 (BRAZIL, 2014) emerges as a possible response to the questions presented here.

The objective of this work is to discuss how Brazilian federative relations are organized in the context of education, contributing to a better understanding of such relations and deepening the historically defended approach of a National Education System (SNE), which will effectively act towards national unity, respecting our constitutional diversities and autonomies.

To this end, a qualitative research was carried out, based on a bibliographic and documental study. According to Marconi and Lakatos (2003, p. 158, our translation), the bibliographical study is "a general overview of the main works already carried out, which are important because they are able to provide current and relevant data related to the theme".

Thus, this article was based on scholars of reference in the theme of federative relations and education, such as: Abrucio (2010, 2017), Soares (2013), Soares and Machado (2018) and Saviani (2018), on current legislation such as FC/1988 (BRAZIL, 1988) and the National Education Plan - PNE 2014-2024 (BRAZIL, 2014), as well as on the Complementary Law Projects in flux in the National Congress, PLP 25/2019 and PLP 235/2019 (BRAZIL, 2019a, 2019b).

In view of the above, this article is organized in sections, which are entitled: Federalism and Federalism in Brazil; Federal Relations and Education after FC/1988; The SNE: a historical project. The mentioned sections are followed by our final considerations and the references used for the accomplishment of the work.

## **Federalism and Federalism in Brazil**

Originated in the United States of America (USA), the federalist system of government organization was born to reconcile two main objectives: establish an effective central power capable of making and implementing decisions throughout the national territory and ensure the maintenance of political autonomy to subnational states, i.e. territorial units (SOARES, 2013).

As a form of political organization, federalism is basically characterized by dual territorial autonomy, centered on the central national government and decentralized

subnational governments. In this context, the federated entities have unique and concurrent powers to govern over the territory and the people, with agreed competencies (SOARES, 2013). In this sense, Cury (2010, p. 152, our emphasis, our translation) clarifies,

A federation is the union of federated members that form a single sovereign entity: the nation state. In the federal regime, there is only one Sovereign State whose subnational federated units (states) enjoy autonomy within the assigned and specified jurisdictional limits. **Hence, such subunits are neither independent nations nor administrative units only.**

For Abrucio (2010), Brazilian federalism was formed in a centrifugal way, without a single proposal of nation and interdependence among the federated entities. In the same direction, Oliveira and Sousa (2010) point out that, although the Brazilian federation was born in the perspective of decentralization of powers, it tends to incorporate greater inequality, if the center does not propose to exercise a counterweight in order to implement supplementary actions.

Confirming the tendency of widening disparities in the evolutionary process of our federalist state, Abrucio (2010) points out as a characteristic of the early periods of Brazilian republican history, the lack of a national project of federation, which resulted, among other scenarios, in the increase of territorial inequality in Brazil.

Throughout the 20th century, with the alternation between democratic periods (1946 to 1964) and military governments (1964 to 1985), movements such as that of greater democratization of the country and delegation of powers to federated entities were followed by centralizing and technocratic State models, and reduction of autonomy, besides a clientelistic relationship with state and municipal governments (ABRUCIO, 2010).

The centralizing and authoritarian pattern, in force during the military governments, was called into question after the Federal Constitution of 1988 (CF/1988) (BRASIL, 1988), which established new ways of organizing public policies.

The CF/1988 implements in Brazil a paradigm of decentralized federalism, based on reciprocal collaboration, with private, common and concurrent functions among the entities. In face of the constitutional text, Brazil is organized in a system of distribution of competencies and legislative attributions, within express limits, recognizing the dignity and autonomy of each entity (CURY, 2010).

Facing the complex federative organization foreseen in the Magna Carta (BRASIL, 1988), we are intrigued to understand the impacts of this model of federative collaboration in

the organization of Basic Education in Brazil. In the next section, we will focus on this subject with great attention.

### Federative Relations and Education after FC/1988

With regard to the organization of education networks, the Brazilian constitutional regime determines the responsibilities of each entity, foreseeing that they articulate themselves in a collaborative way. The federative pact dynamization format proposes, in theory, to mitigate problems of coordination of educational policies and foster the sharing of good practices with the intention of ensuring the right to education to citizens, regardless of the locality to which they belong (CURY, 2010).

It happens that cooperative relations become more complex as municipalities are elevated to the category of autonomous federated entities, which increases the need for coordination of public policies to reduce inequalities. When discussing the sui generis condition of municipalities as federated entities of the Brazilian state, Abrucio (2017) calls them the "Brazilian jabuticaba", alluding to the native fruit of our flora.

The peculiarity of the municipal figure as a federated entity occurs, in particular, due to the fragile condition of most Brazilian municipalities, which, although constitutionally autonomous, do not have the necessary means for the full exercise of such autonomy, such as revenue collection, administrative and logistical structures.

In the division of responsibilities regarding educational systems, the Constitution of 1988 provides in its Article 211, §§ 1º to 3º, the repartition as presented in the following chart 1,

**Chart 1 – Levels, Stages and Responsibilities of Basic Education**

Levels	Stages	Responsibility (on a collaborative basis)
Basic Education	Early Childhood Education	Municipalities (priority)
	Elementary School I	Municipalities / States / Federal District (priority)
	Elementary School II	Municipalities / States / Federal District (priority)
	Secondary Education	States/Federal District (priority)

Source: Research data. Prepared by the authors based on Art. 211 of FC/1988

According to scholars of the theme (ABRUCIO, 2010; ABREU, 2019, SAVIANI, 2018), in the proposed model, the responsibilities of the entities overlap, especially in elementary education, and this may generate contexts not always favorable, with shading, or worse, with worrying gaps in educational care. About this, Abrucio (2010 apud ARAÚJO; OLIVEIRA, 1988, our translation), says,

In the case of basic education, we have a tower of Babel protected under the politically convenient concept of 'collaboration regime'. According to this concept, the three instances can operate (or not) education networks; can finance (or not) education; and can choose where they want (or do not want) to operate. The result: there is not an instance of public power that is responsible (and accountable) for the supply (or not) of elementary education. Each instance does what it can and what it wants, supposedly in a regime of collaboration.

The authors' emphatic observation sheds light on a context of little clarity in the division of educational responsibilities, which is both a favorable aspect (in terms of the principle of collaboration) and a fragile one in our organization, for which mechanisms of articulation and organization among the federative entities are required.

Thus, based on what the scholars mentioned here point out and reflected in our many national realities, how, in fact, are the school systems organized in each of the Brazilian states? The survey in Chart 2 below seeks to answer this question by presenting, for the first and second stages of elementary school, the percentages of attendance by state and municipal systems.

**Chart 2** – Attendance percentages of the state and municipal systems in Basic Education

State	Early Years (%)		Final Years(%)	
	Municipal	State	Municipal	State
Acre	55,2	39,9	13,5	82
Alagoas	76,6	3,7	65,9	18,9
Amapá	59,5	30,9	5,1	86,2
Amazonas	71,6	20,5	48,0	46,0
Bahia	79,5	0,3	72,0	14,2
Ceará	76,0	0,5	80,6	2,3

Distrito Federal	0	73,3	0,0	74,3
Espírito Santo	77,3	9,4	53,8	34,1
Goiás	78,5	1,7	24,0	60,1
Maranhão	85,8	1,0	87,7	3,7
Mato Grosso	63,3	24,1	25,4	63,6
Mato Grosso do Sul	74,2	12,2	40,7	48,5
Minas Gerais	60,1	25,2	27,0	61,6
Pará	84,2	6,1	70,7	20,5
Paraíba	69,1	6,6	57,9	24,8
Paraná	83,8	0,4	1,1	85,3
Pernambuco	70,4	1,1	55,8	25,0
Piauí	84,1	0,8	71,9	15,7
Rio de Janeiro	67,0	0,1	52,3	19,4
Rio Grande do Norte	63,6	12,8	53,1	28,1
Rio Grande do Sul	55,2	30,0	46,4	41,4
Rondônia	75,8	12,6	14,0	77,9
Roraima	78,7	13,2	4,0	89,7
Santa Catarina	62,4	23,4	42,5	45,4
São Paulo	58,0	20,6	22,9	57,3
Sergipe	60,3	14,5	49,0	30,4
Tocantins	81,2	7,4	26,6	66,5

Source: Research data. Prepared by the authors, based on TPE data (2021)

Table 2 shows that although responsibilities among the networks are mostly distributed according to the logic of the early years being the responsibility of the municipal networks and the final years being the responsibility of the state networks, the distribution percentages are completely different and do not seem to meet any criteria other than this

primary logic. With the exception of the Federal District, whose specific condition of not having municipalities in its administrative organization differentiates it with a single public network, all states in the federation have attendance percentages of both networks in both stages of elementary school.

In the final years of elementary school, the heterogeneity of attendance is even more present, revealing distinctions such as those noted between the states of Piauí, where the municipal network assumes 71% of the teaching in the second stage of elementary school and the state of Paraná, where the same network assumes only 1.1% of this stage. The reasons for such heterogeneity could be explained by the historical, political and social perception of each unit of the federation, but possibly also by the absence of a clearly articulated national coordination.

This coordination could be achieved through the adoption, by the country, of a SNE. This is what many national education thinkers have historically advocated, and this is what we will deal with in the following section.

### **The SNE: A Historical Project**

As Saviani (2018, p. 19, our translation) conceptualizes, a system is "the unity of several elements intentionally brought together so as to form a coherent and operating whole. In this sense, a national system of education presupposes the union of the federative entities in coordinated action, pursuing common goals.

The search for the consolidation of the national education system is a long-standing discussion, so dealing with the SNE requires reference to historical documents and norms of great expression in the national context.

The debates about this system date back to the Manifesto of the Pioneers of Basic Education (AZEVEDO *et al.*, 2010), a document that presages,

[...]Unity does not mean uniformity. Unity presupposes multiplicity. As little as it may seem at first sight, it is not, therefore, in centralization, but in the application of the federative and decentralized doctrine  
decentralized doctrine, that we must seek the means to carry out, throughout the Republic, a methodical and coordinated work, in accordance with a common plan, of complete efficiency, as much in intensity as in extension.

[...]

Educational unity - that immense work that the Union must accomplish, or else perish as a nationality, will then manifest itself as a living force, a common spirit, a national state of mind, in that free regime of exchange, solidarity and cooperation, which [...] will open the way to an uninterrupted succession of efforts fruitful in creations and initiatives.



(Manifest of the Pioneers of New Education) (AZEVEDO, *et al.* 2010, s/p, our translation).

The excerpts reveal the thoughts of education exponents such as Fernando de Azevedo, Anísio Teixeira and Darcy Ribeiro and twenty-two other signatories, portraying the ideas that marked a unique moment in national education. For Lemme (2005), the Pioneers' Manifesto became undeniably a founding document, for it was the only one of its kind in the entire history of education in Brazil.

The comprehensive character and ahead of its time of the Pioneers Manifesto is perceptible in many aspects and, notably, when it comes to the relevance attributed to the need to seek a national unity, with respect to education and federalism, and in their role in achieving even national sovereignty.

Indeed, the achievement of a SNE found resonance in more recent national norms, among them the current Magna Carta, which, with the wording given by Constitutional Amendment 59/2009, in its Article 214, determined "The law will establish the national education plan, ten-year duration, with the objective of articulating **the national education system** in a collaborative regime [...]" (BRAZIL, 1988, our emphasis, our translation).

Thus, in goal 20, in strategy 20.9, of the PNE 2014-2024, promulgated by Law No. 13.005/2014 (BRASIL, 2014), it is provided,

Regulate the sole paragraph of art. 23 and art. 211 of the Federal Constitution, within 2 (two) years, by complementary law, in order to establish the norms of cooperation among the Union, the States, the Federal District and the Municipalities, in educational matters, and **the articulation of the national educational system in a collaborative regime, with balance in the distribution of responsibilities and resources and effective fulfillment of the redistributive and supplementary functions of the Union in combating regional educational inequalities, with special attention to the North and Northeast regions** (BRAZIL, 2014, our emphasis, our translation).

The goal of the PNE, as well as the strategies that comprise it, conclude the national intentions for the decade 2014-2024, with regard to the financing of education in the country, in order to expand public investment for the achievement of its actions and favor greater coordination between the federated entities. In this sense, the forecast for the establishment of the SNE in the scope of this goal relates it directly to issues related to educational financing.

Urgent measures in the Brazilian educational context, such as the reduction of inequalities in supply and the guarantee of equalization of infrastructure, personnel and curricular conditions, necessarily go through the issue of distribution of financial resources.

However, the establishment of the SNE has to face the historical conjunctural questions of national education, especially the inexistence of negotiation, cooperation and pacting instances between the Union, states and municipalities.

The creation of negotiation instances is pointed out as a basic strategy to achieve the objectives, which have been pursued for a long time, of greater clarity in the division of responsibilities among the federation entities, of cooperation among the teaching systems, and of the guarantee of their participation in the decisions about educational policies, based on the creation of instances of agreement and social participation.

In this sense, the National Education Forum (FNE in the Portuguese acronym), a collegiate representative entity, has been leading the debates related to the SNE, especially in the scope of the National Education Conference (Conae), a quadrennial event promoted by the public power, as the MEC, and organized by the FNE. Conae, besides being a major event, is understood as a space of visibility, which aims to provide opportunities for the participation of society in the development process of Brazilian education. The PNE in the articulation of the SNE was the central theme of the Conaes held so far (2010, 2014, 2018). In the scope of the 4th Conae, to be held in 2022, the SNE will constitute one of the axes of debates to be conducted at the Conference (BRAZIL, 2021a).

As far as the theme is concerned, in its legislative routines, it should be noted that, according to the TPE (2021), since 2011, eight projects of complementary law (PLP) have been processed in the National Congress in order to establish the SNE. Two of these projects are still being processed, concomitantly, in the House and Senate.

PLP 25/2019, authored by Representative Prof. Dorinha, was presented in February 2019, and is being considered by the Education Commission, with approved requests, in March 2021, for public hearings. The project is joined by three other PLPs, namely: PLP 47/2019; PLP 216/2019; and PLP 267/2020. The three joined projects deal with related issues to the PLP 25/2019, discussing rules for cooperation among the federated entities, regarding education.

An innovative aspect of this bill is the creation of a tripartite (federal) commission and bipartite (state) commissions for federal pacts. These commissions, with three-year mandates, can be reappointed once (Art. 6, §2). Among the diverse attributions of the tripartite commission, the following stand out,

[...]V- establish mechanisms of articulation and joint accomplishment of educational policies, programs, and actions, especially to reach the goals of the National Education Plan in effect; [...]

VIII - agree on voluntary transfers for supplementary and distributive actions of the Union and the States, promoting the decentralization of resources and strengthening the redistributive character of the programs, defined in a non-imposing way, considering the policies and needs of the different federated entities; [...]

IX - stimulate horizontal cooperation among the federated entities, for the joint implementation of policies, programs, and actions aiming at the development of education in their respective territories; [...] (BRAZIL, 2019, our translation).

On the other hand, the PLP 235/2019, authored by Senator Flávio Arns, is, at the time of writing, being discussed in the Education, Culture and Sports Commission, with Senator Dário Berger as rapporteur. The PLP 235/2019 proposes the definition of the guidelines and objectives of the National Education System; the attribution of the entities and the structure of the system; the role of the Education plans and the integration of the evaluation of the education systems in the system; and the source of resources for financing Education.

In September 2021, according to the indication of the Request nº 1796/2021, public debate sessions were held with the purpose of discussing the issue between senators and representatives of education entities, such as the Ministry of Education (MEC), the Brazilian Union of Secondary School Students (Ubes), the National Campaign for the Right to Education (CNDE), among others (AGÊNCIA SENADO, 2021).

The opinion approving the PLP 235/2019, in the terms of the substitute presented in October 2021, by the rapporteur Dário Berger, states that:

In summary, we think that, through these modifications in the PLP under analysis, we will contribute to the construction of a SNE that effectively reflects the federative pact conceived by the original constituents. This perspective of the constitutional text considers that the division of responsibilities, without prejudice to autonomy, should be understood from a systemic dimension, in which the country is thought of as a whole, without disregarding the specific needs of each federated entity, school system and school, and that shared parameters of decision-making and implementation of programs, projects and actions are adopted, as well as the use of financial resources (BRAZIL, 2021b, p. 14, our translation).

In view of the discussions observed, both in the recent debate sessions in the Federal Senate, and in others that have taken place in public, academic, and social arenas in general, it can be observed that the SNE theme has been gaining space on the agendas and that its institution has, day by day, been seen as a necessary measure for mutual collaboration among the Brazilian federation entities.

## Final remarks

The Brazilian federalism, although based on the form of government instituted in the USA, was created with very unique characteristics, based on our political and social history.

The most notorious singularity of our federalism is the presence of municipalities among the entities of the federation, endowed with autonomy and responsibilities, similarly to the states and the Union. This "Brazilian jabuticaba", an analogy presented by Abrucio (2017), provides our nation with multiple collaboration possibilities, but also with enormous challenges. Considering the conditions of collection and distribution of resources in the country, municipalities are generally the most fragile entities in the intricate model of Brazilian federation.

In the field of education, the autonomy attributed in the CF/1988 to the federated entities, as well as the responsibilities underlying each one, were not clearly accompanied by the necessary conditions for an equitable educational offer in our territory. Hence, despite the constitutional and supra-constitutional precepts in effect, there is still a long way to go to achieve educational unity in Brazil.

On the eve of its ninetieth anniversary, the Manifesto of the Pioneers of National Education continues to be highly contemporary, as it predicates unity as indispensable to the success of our nationality. What the educational theorists proclaimed back in 1932 is, even today, the reason for intense debates in the political and educational field, since, although it is foreseen in the Constitution of 1988 and in the National Education Plan 2014-2024, Brazil still does not have a National Education System and continues to skate in the search for mechanisms to agree on educational public policies and collaboration.

Establishing a SNE is, therefore, a necessary measure for the equitable provision of education in Brazil. Initiatives in the legislative sphere for the implementation of the SNE are still under analysis in our parliament. Moreover, non-governmental entities and forums that debate education are making efforts to support and strengthen the debates.

Certainly, it is understood that the mere institution of a SNE in the legislative sphere will not be enough for us to achieve in Brazil the "uninterrupted succession of fruitful efforts in creations and initiatives", dreamed of by the educators who signed the Pioneers Manifesto. It is believed, however, to be one more great and necessary effort towards this goal, as well as towards an effectively collaborative, cooperative, fair and equitable model of the Brazilian federation.

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