Policy discourses and multi-scalar interactions in curriculum development: Institutionalizing and translating ethnicity/race issues in Brazilian education
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Citation for published version (APA):

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Appendix I Some notes on the Brazilian Education System

Brazilian education is organized at two levels: basic education (comprising early childhood education, primary and secondary education, and vocational and technological education) and higher education (including various types of graduate and post-graduate courses). The national education system, as it exists today, is rooted in the 1988 Federal Constitution and in the 1996 Education Act (Lei 9.394/96 de Diretrizes e Bases da Educação Nacional). In its chapter on education, the constitution (Brasil, 1988) guarantees compulsory and free primary education for all. It regards education as “a right that belongs to everybody; the duty of the State and of families, promoted and stimulated with the co-operation of society, with a view to the full development of the individual for the exercise of citizenship and preparation for work” (UNESCO, 2010: 2).

Education in Brazil is financed with funds from both the public sector (through direct and indirect administrative agencies at the federal, state, and municipal levels of government) and the private sector (the latter charging tuition fees) (UNESCO, 2010). In 2011 the total expenditure on education in Brazil corresponded to 5.1 per cent of the Gross Domestic Product.

The 1988 Federal Constitution and the 1996 Education Act defined the basis for the development of the extremely decentralized education system that Brazil knows today. The decentralization of the system should be understood in relation to wider processes of decentralization in the country taking place in the late 1980’s and mid 1990’s, strongly stimulated by global processes and actors. Accordingly, national legislation recognizes the federal system, the state systems of the 26 semi-autonomous self-governing states, and the education systems of education of the 5,564 municipalities, which are also relatively autonomous. In addition, the Federal District (Brasília) also has a system with the same powers and responsibilities as the states. These different systems are organized hierarchically, in accordance with the 1996 Education Act, but with each maintaining its autonomy to act within the federal agreements in effect in the country (UNESCO, 2010).

Important for this study is the fact that the decentralization processes gave great organizational autonomy to the sub-national state and municipal governments in organizing their educational systems. Essential is to note that where it regards public education, the municipalities, the states, and the Federal District are in charge of primary education, the states and the Federal District are accountable for secondary education, and the federal government is in charge of higher education. Moreover, it is necessary to highlight the fact that the 1996 Education Act also provided for the decentralization and autonomy of schools, which now are held responsible for drafting and implementing their pedagogic proposals, and managing their personnel, and material and financial resources (UNESCO, 2010).

Besides determining the administrative responsibilities of the different education systems, the 1996 Education Act also stipulates that the Union, the states, the Federal District, and the

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244 Amendment No. 59 to the Constitution from 2009 included a gradual shift (until 2016) to increased compulsory education from nine to fourteen years, thereby also including secondary education.


246 In Brazil, the decentralization took place in two stages. A first stage in the decentralization process was intertwined with the process of redemocratization in the end of the 1980’s (UNESCO, 2005). It was in this period that municipal government started to become more open to interests from the urban popular sector (Melo and Rezende, 2004:42, see also Souza, 1997), also in the education sector. In the mid-1990’s, the globally propagated neoliberal agenda stimulated a second stage of decentralization (UNESCO, 2005: 23). In this second stage, from 1995 to 2002, the focus was on redefining the responsibilities of the Union, states and municipalities, decentralising the curriculum and the model of teacher training and strengthening the coordinating role of the federal state (UNESCO, 2005: 24).
municipalities should organize their respective school systems in collaboration, that is, in a so-called *regime de colaboração* (see 1988 Federal Constitution, Art. 211; Sari, 2009).247

<table>
<thead>
<tr>
<th>Table Ia</th>
<th>Main responsibilities of different spheres of the Union as described in the 1996 Education Act (Articles 9-11, Brasil, 1996)</th>
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<tbody>
<tr>
<td><strong>Federal Union</strong></td>
<td><strong>States</strong></td>
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<tr>
<td>- Drafting the National Education Plan*&lt;br&gt;- Organization of federal education system&lt;br&gt;- Technical and financial assistance to states, Federal District, and municipalities&lt;br&gt;- Drafting the National Curriculum Directives for basic education*&lt;br&gt;- Developing education information and evaluation systems*&lt;br&gt;- Defining general norms for graduate and post-graduate courses&lt;br&gt;- Authorization, recognition, evaluation, and supervision of higher education courses and institutions belonging to the federal system</td>
<td>- Organization of the state education system&lt;br&gt;- Collaboration with municipalities in providing primary education&lt;br&gt;- Defining education policies and plans integrating municipalities’ actions&lt;br&gt;- Authorization, recognition, evaluation and supervision of higher education courses and institutions belonging to state system&lt;br&gt;- Defining complementary norms for the state education system&lt;br&gt;- Providing school transport for state school pupils</td>
</tr>
</tbody>
</table>

*In collaboration with states, the Federal District, and municipalities
**This is only a responsibility for those municipalities with their own education systems
Source: Sari (2009: 36), adapted by the author

For this study, which focuses on the implementation of Law 10.639 in primary education institutions, it is important to keep in mind that the 1988 Federal Constitution (Article 211, clause 4) reads that states and municipalities are primarily responsible for the provision of education at this level. States and municipalities must define forms of collaboration in order to assure the universalization of public primary education for all. The 1996 Education Act (Art. 10, clause 11) reaffirms this fact and indicates a proportional distribution of these responsibilities based on two criteria: the population to be served, and the financial resources available in each sphere (Sari, 2009: 33).248 Mention should be made of the fact that in the end the Brazilian federal government is responsible as well, as it always has the redistributive and supplementary function in relation to the other entities (Sari, 2009: 34).

With regard to financing, in addition to the 18 per cent of federal taxes reserved for education, each of the public educational systems is responsible for its own maintenance,

247 Consequently, in the case of Brazil, the concept “education systems” (*sistemas de ensino*) should not be confused with the singular concept “education system” (*sistema educacional*) that refers to the Brazilian education system as a whole.
248 Sari affirms however that in the process of drafting the Constitution no consensus was reached on exact division of responsibility. The author points out that the definition of participation of the state is vague, both in the constitution and in the 1996 Education Act, and can therefore be interpreted in various ways (Sari, 2009: 34).
administering funds, as well as providing other resources, supervision, and regulation. However, the federal constitution obliges local governments (states, municipalities and the federal district) to spend at least 25 per cent of the tax revenues income to education.249

The federal union, besides maintaining and organizing the own education system, has the responsibility of coordinating national education policies and executing normative, redistributive and supplementary functions to guarantee the equalization of educational opportunities and a minimum level of quality of education (see Table Ib). The Union should basically do this through the provision of technical and financial assistance to the states, the Federal District, and the municipalities. The federal union is also tasked with the coordination of information processes and evaluation of education. The main institutions in, or associated with, federal government responsible for these tasks are the Ministry of Education (MEC), the National Institute for Studies and Research in Education Anísio Teixeira (Instituto Nacional de Estudos e Pesquisas Educacionais, INEP), and the National Education Council (Conselho Nacional de Educação, CNE).

Table Ib | Responsibilities of the Federal Union

<table>
<thead>
<tr>
<th>Tasks related to the coordination of national education policies</th>
<th>Examples of programs and actions</th>
<th>Responsible department in, or associated with, federal government</th>
</tr>
</thead>
<tbody>
<tr>
<td>Redistributive and supplementary tasks: technical and financial assistance</td>
<td>Fund for the maintenance and development of basic education and the valuing of education professionals (FUNDEB, 2007)250</td>
<td>MEC</td>
</tr>
<tr>
<td></td>
<td>National Fund for the Development of Education (FNDE) programs251</td>
<td>MEC</td>
</tr>
<tr>
<td></td>
<td>Other programs administered by MEC, such as the Plan for the Development of Education (PDE)252</td>
<td>MEC</td>
</tr>
<tr>
<td>Normative function</td>
<td>Federal laws253 and decrees</td>
<td>CNE</td>
</tr>
<tr>
<td></td>
<td>CNE (National Education Council) resolutions and advices254</td>
<td>CNE</td>
</tr>
<tr>
<td>Dissemination &amp; coordination</td>
<td>The school census (Censo)</td>
<td></td>
</tr>
</tbody>
</table>

249 Of this amount 60 percent must go to primary education.
250 FUNDEB is a mechanism developed envisioning the redistribution of financial resources between the sub-national units, until 2007 called FUNDEF. Through FUNDEB financial resources are passed on to the state and municipal secretariats of education (see: http://www.fnde.gov.br/index.php/financ-fundeb access 03/03/2012).
251 FNDE is a state body linked to MEC responsible for collecting and distributing financial resources to various programs and projects linked to basic education. In line with the strategies defined by MEC, the Fund distributes the finances to states, the Federal District, municipalities, and NGOs (FNDE, 2008, www.fnde.gov.br) (see Sari, 2009: 43).
252 The PDE, drafted in 2007, aims to improve the quality of basic education in Brazil. The program proposes various programs and actions that should contribute to identifying and solving problems that directly influence Brazilian education. The program proposes actions and programs that should be further developed in coordination with the Union, the states, and the municipalities (see Brasil, 2007). The plan for the development of education is entitled "Reasons, Principles and Programs." (Brasil, Ministério de Educação. http://portal.mec.gov.br/arquivos/livro/index.htm, accessed on August 16th, 2013).
253 Such as, for example, the federal 2003 Law 10.639.
254 Such as, for example, Advice 003/2004 and Resolution CNE/CP 01/2004, which both regulate Law 10.639.
Also relevant with regard to Law 10.639 is that, where it concerns the definition of norms and curricula for basic education, general aims and objectives of national education are expressed in specific statutory laws. The Federal Government is in charge of legislation - like developing and adapting the Education Act - coordinating and developing national education plans, and providing technical and financial assistance to the states, the Federal District, and the municipalities for the development of their educational systems. Moreover, Federal Government is responsible for assistance in providing primary education. This role of Federal Government does not exclude the responsibility of the local governments to – in their own areas of jurisdiction – concurrently and supplementarily legislate matters related to their own educational systems, provided that the federal legislation (the constitution and the Education Act, including amendments made to the latter) is respected. Moreover, local governments are responsible for defining the exact curriculum content.

With regard to supervision in the national government, the National Education Council is the primarily responsible institution, after the Ministry of Education. The national institute for studies and research in education Anísio Teixeira (Instituto Nacional de Estudos e Pesquisas Educacionais, INEP), a MEC linked institute, gathers and evaluates information on different aspects of the Brazilian education system. In addition, all states and the Federal District have their own education councils that supervise the education institutions providing primary, secondary, and lower vocational education in their area.

255 Through the yearly school census nationwide statistical data on education are gathered. INEP and the state and municipal secretariats of education coordinate the execution of the census, but all public and private schools are responsible for gathering the data. Based on the data gathered (enrollment rates) the distribution of financial resources through FUNDEB is decided (see: http://portal.inep.gov.br/basica-censo, accessed on March 3, 2003).
256 Implemented in 1990, Saeb was the first national education evaluation system. Saeb consists of two complementary evaluations (the National Evaluation of Basic Education, Aneb, and the National Evaluation of Educational Outcomes, Anresc, also referred to as Prova Brazil) conducted each two years. The two evaluations consist of exams in Portuguese language and Mathematics. Besides, through surveys information on the socio economic situation of pupils and the community is collected (see http://portal.inep.gov.br/web/prova-brasil-e-saeb/prova-brasil-e-saeb, accessed on March 2, 2012).
257 Provinha Brasil is an little exam applied on children subscribed in the second year of primary education in public schools that envisions to evaluate the level and development of literacy (see: http://portal.inep.gov.br/web/provinha-brasil/apresentacao, accessed on March 3, 2012).
258 Enem is an exam created by MEC in 1998. The exam is used to evaluate the quality of secondary education in the country. It is the biggest exam conducted in Brazil, in which 4.5 million students participate (see: http://portal.inep.gov.br/web/enem/sobre-o-enem, accessed on March 3, 2012).
259 The objective of Encceja is to evaluate the abilities and competences of youngsters and adults who did not have the opportunity to follow formal education at the appropriate age. A certain number of points entitles participants to a certificate (see: http://portal.inep.gov.br/web/enceja/enceja, accessed March 2, 2012).
260 Sinaes is an instrument created by INEP/INEP in 2004. It evaluates higher education institutions, the courses offered, and the student outcomes (see: http://portal.inep.gov.br/superior-sinaes, accessed March 2, 2012).