

Controversies over the discussions around the new Fund for Maintenance and Development of Basic Education and Appreciation of Education Workers (Fundeb), Brazil

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Abstract

This paper aims to discuss controversies around the new Fundeb, which was approved in August 2020 through Constitutional Amendment No. 108. It is assumed that the origin of the policy of funds in education and of Fundeb itself goes back to the disputes fought since the Education Pioneers' National Movement in the 1930s, extending until at least 1960, being taken up by social movements since 1990. In methodological terms, bibliographic and documentary research was used, focusing on articles, legal frameworks concerning public funds, revised versions of the Constitutional Amendment No. 15, 2015, and Fineduca's manifestations about the new Fundeb from February to July 2020. The main findings are as follows: The Union should invest more resources in basic education without compromising other educational actions; and the need to carry out researches that take into consideration deeper historical aspects connected to the public policy education funding.

Keywords: **Education. Basic Education. Education Financing.**

Polêmicas ao longo das discussões em torno do novo Fundo de Manutenção e Desenvolvimento da Educação Básica e de Valorização dos Profissionais da Educação (Fundeb), Brasil

Resumo

O objetivo deste artigo é discutir polêmicas em torno do novo Fundeb, que foi aprovado em agosto de 2020 por intermédio da Emenda Constitucional n.º 108. Assume-se que a origem da política de fundos na educação e do próprio Fundeb remonta às disputas travadas desde o Movimento Nacional dos Pioneiros da Educação na década de 1930 e que se estendem até pelo menos 1960, sendo retomadas pelos movimentos sociais a partir de 1990. Em termos metodológicos, recorreu-se à pesquisa bibliográfica e documental, tendo como foco artigos, marcos legais sobre fundos públicos, substitutivos à Proposta de Emenda Constitucional n.º 15/2015 e as manifestações da Fineduca sobre o novo Fundeb de fevereiro a julho de 2020. As principais descobertas são: a União deveria investir mais recursos na educação básica sem comprometer outras ações educacionais; a necessidade de se realizar pesquisas que levem em consideração de maneira mais aprofundada os aspectos históricos relacionados à política de fundos na educação.

Palavras-chave: **Educação. Educação Básica. Financiamento da Educação.**

Controversias sobre las discusiones en torno al nuevo Fondo de Mantenimiento y Desarrollo de la Educación Primaria y Valorización de los Profesionales de la Educación (Fundeb), Brasil

Resumen

El objetivo de este artículo es discutir las controversias en torno al nuevo Fundeb, que fue aprobado en agosto de 2020 mediante la Enmienda Constitucional n° 108. Se asume que el origen de la política de los fondos en la educación y del propio Fundeb remonta a las disputas entre el Movimiento Nacional de los Pioneros de la Educación en la década de 1930 y se extiende hasta por lo menos 1960, siendo retomado por los movimientos sociales a partir de 1990. En términos metodológicos, se utilizó una investigación bibliográfica y documental, centrándose en artículos, marcos legales sobre fondos públicos, sustitutos de la Propuesta de Enmienda Constitucional n° 15/2015 y las manifestaciones de Fineduca sobre el nuevo Fundeb de febrero a julio de 2020. Las principales conclusiones son: la Unión (União) debería invertir más recursos en la educación básica sin comprometer otras acciones educativas; la necesidad de realizar investigaciones que tengan en cuenta de forma más profunda los aspectos históricos relacionados con la política de fondos en la educación.

Palabras-clave: **Educación. Educación primaria. Financiamiento de la Educación.**

Introduction

This paper aims to discuss controversies around the new Fundeb, which was approved in August 2020 through Constitutional Amendment No. 108. Indeed, it points out the consolidation of the Brazilian public policy education funding, which began a long time ago. That will be called from now on “fund policy” in this study¹. Fund for Maintenance and Development of Elementary Education and Valorization of Teaching.

In Brazil, the education financing model is determined by constitutionally linked tax resources (art. 212 of the Federal Constitution). Such a model has shown to be quite limited for the development and maintenance of quality education at the basic level. Even with the existence of the fund policy, first with the Fund for Maintenance and Development of Elementary Education and Valorization of Teaching - FUNDEF (1998-2006) then by with the Fund for Maintenance and Development of Basic Education and Appreciation of the Education Workers - FUNDEB (2007-2020)², which generated significant improvement concerning the redistributive aspect of financial resources, the material and human conditions of schools, in general, are still very precarious.

Another source of resources that make up the financing model of Brazilian education is the education salary (SE). Due to its nature, which is a social contribution, it is possible to use it more flexibly than the tax resources. It means the amount coming from the SE does not need to be used within the limits of the maintenance and development of education (MDE)³. A

¹ This paper was published in English to reach no Portuguese speakers. It might start an important discussion about the new Fundeb, which from now on is permanent.

² The new Fundeb, which is permanent from now on, was approved in August 2020 through Constitutional Amendment No. 108.

³ Tax resources must necessarily respect the articles 70 and 71 of the National Education Law (LDB), which clarify what should be considered MDE or not.

significant part of the SE's resources arrives at the school through federal programs, such as the National School Feeding Program (PNATE), the National Textbook Program (PLND), the National School Transport Support Program (PNATE), the Direct Money School Program (PDDE) and others.

Given this, it is correct to assert that Brazilian education, in general, lives from the constitutionally linked tax resources, which explains the importance of the new Fundeb, especially because it, indeed, is a double constitutionally linked tax resources to basic education only.

The paper is organized in the following way: first, a straightforward approach to fund policy origin in Brazil. Second, it will set out four controversies around the new Fundeb.

In terms of Fundeb's history, it is assumed its origin dates back to the disputes that have taken place since the Education Pioneers' National Movement came out in the 1930s. It extends to the 1960s, at the time public education funding emerged more directly on educational academic production. Anísio Teixeira, according to Amaral (2001, p. 277), presented in the 1960s "[...] a model for financing primary education system... which is, in its methodological aspects, similar to the Fund for Maintenance and Development of Elementary Education and Valorization of Teaching⁴ (Fundef)⁵".

At a later time occurred a kind of gap in terms of focusing the debate on public education funding, being resumed only in the 1990s, at least more directly, which ends up with the creation of Fundef in 1996, through the approval of the Constitutional Amendment No.14 (CA No. 14, 1996). Therefore, it officially started the so-called fund policy in education. Afterward, a defense of the fund model would encompass the entire basic education (from daycare to high school) that would end up in the current Fundeb, created in 2006 through the approval of the CA No.53 and valid until December 31st, 2020.

As for the new Fundeb's controversies, the following will be addressed: a) the federal government complementation for the new fund overall resources; b) the use of the so-called education salary⁶ (ES) and the percentage of the federal government's constitutional destined tax revenues to complement states and municipalities that do not reach the national minimum expenditure per student; c) the money allocation in the public school systems under their improvement in terms of education management, enrollment increasing and students' learnings with inequality reduction; d) the public money allocation for private teaching institutions

The federal government complementation issue will be approached concerning its percentage of contribution for the states and municipalities and the origin of the sources used to it (SE and Union constitutional destined tax revenues). At issue, then, is how the Union will help the states and municipalities' education systems.

The other controversy goes over the unprecedented introduction in the law of allocating money based on merit. The risks might lead to a kind of distortion, sending more money to well-off education public systems and turning weaker the public school's social function.

⁴ This Fund does not include daycare, kindergarten, high school, and other students how Fundeb does.

⁵ This one and other references used and cited, originally published in Portuguese, were translated by the author.

⁶ It is a complementary fund source to the Brazilian public basic education.

Finally, but not least, the last controversy about allocating public money for private teaching institutions will be tackled. Even though it is unavoidable to stop it right away at this historical moment, especially concerning the daycare situation, it points out that Brazil needs to overcome it as soon as possible through a transition plan.

Methodological Procedure

In methodological terms, this study has chosen a bibliographic and documentary research approach, focusing on articles, legal frameworks on public education funding, revised versions of the CA No.15, 2015, and National Education Financing Research Association (Fineduca) on the new Fundeb.

As stated in Fonseca (2002, p. 32), “scientific work begins with a bibliographic search, which allows the researcher to know what has already been studied on the subject”. Regarding documentary research, Fonseca (2002, p. 32) asserts that it “uses more diverse and dispersed sources, without analytical treatment, such as statistical tables, newspapers, magazines, reports, official documents, letters, films, photographs, paintings, tapestries, company reports, television program videos, etc.”.

In addition to the use of scientific articles on the subject of Fundef and Fundeb published on national education magazines, which for the most part are available in the Scientific Electronic Library Online (SciELO) and in The Academic Journal of the National Education Financing Research Association, the following documents were also taken into account: 1988 Constitution of the Federative Republic of Brazil (FC, 1988), precisely the articles from education area (205 to 214); 1996 National Education Law (LDB), in particular articles 69, 70, and 77 which deal with tax revenues to public education and the very chance of sending them to the private teaching institutions; CA No.14, 1996 (Fundef creation); Federal Law No. 9,424, 1996 (Fundef regulation); CA No. 53, 2006 (current Fundeb creation); Federal Law No. 11,494, 2007 (current Fundeb regulation); Constitutional Amendment Proposals (CAP No. 15, 2015 and No. 26, 2020); revised versions of the Constitutional Amendment No. 15, 2015 (CAP No.15, 2015); CA No. 108, 2020 (new Fundeb creation); Proposed Legislations No. 4,372, 2020 (Chamber of Deputies) and No.4519, 2020 (Senate) which dealt with the new Fundeb regulation; Fineduca’s criticisms on the new Fundeb from February to July 2020.

Brief Fundeb’s History: rescuing its untold and invisible past to get a better future

Fundeb’s history begins decades before its creation in 2006. It is important to draw attention to the fact that the discussion about the existence of public education funding starts in the first decades of the 20th Century with the pioneers of education, and years later, it is strengthened through the approval of Fundef in 1996 and ten years later the current Fundeb.

According to Martins (2014, p. 115), the Fundeb “[...] was inspired by the pioneers’ new education proposals and... [by Fundef as its] remote inspiration”. Cunha and Limeira reinforce it since the 1932 Education Pioneers’ Manifesto (2015, p 421) “[...] proposed a public education reformulation in the country through a series of actions, including the creation of specific public education funding from tax revenues”. According to the 1932 Education Pioneers’ Manifesto, economic autonomy could not be achieved without the existence of special or public school funding, which would be “... constituted by its assets, taxes, and income [and] ... run by the

own education departments in charge of its direction and applied exclusively in the development of the educational work” (BRAZIL, 2010, p. 47). Amaral, in turn, brings back what one of the pioneers of education, Anísio Teixeira (2001, p. 277), presented in the 1960s: “a model of primary education financing... which based on its methodological aspects is similar to the Fund for Maintenance and Development of Elementary and Middle School Education and Teacher Valorization (Fundef)”.

Nevertheless, the fund policy would still have to wait about 30 years to start over its discussion more directly and concretely in Brazil. Silva (2012, p. 1277) asserts that the fund policy dates back “[...] to the period marked by the Education Pioneers’ Movement but only adopted as a public policy since the 1990s”.

In the National Congress, the formal debate on Fundef begins more directly through CAP No. 233, 1995, which would end up on the creation of Fundef in September 1996 with the approval of CA No. 14, 1996 and on its regulation by the Federal Law No. 9,424 in December that same year. It is important to remember and emphasize the National Confederation of Education Workers (CNTE)⁷ participation, more precisely through the National Pact for the Professorship Enhancement and the Quality of Teaching. It resulted from the debates around the Decennial Education Plan, triggered by Minister Murílio Hingel’s administration, characterized by the dialogue resumption with the organized sectors” (FONSECA, 2009 *apud* MARTINS, 2014, p. 118-119).

Moreover, such an important role by the CNTE over the Fundef’s debates in the 1990s has occurred, although the federal government initially had chosen other entities to take part in the decisions around the public education issues. So it is an interesting episode about the grassroots organization’s history and its importance towards the defense and assurance of education as a right just like any other.

In this regard, Martins (2014, p. 119) says the “[...] priority partners or interlocutors [would be] ...the National Union of Municipal Education Managers (Undime) and the National Council of Secretaries of Education (Consed)”. However, the matter of fact is that CNTE gave a fundamental contribution to creating the Pact of Education in 1994, pointing out the need for a more robust basic education funding model and that it should be accomplished based on the calculation of the student cost. It means to recover the initial idea adopted by Anísio Teixeira.

It is also noteworthy to mention the role of deputies from the Workers’ Party, once they had attempted to include the resumption of Fundef’s discussion on the parliamentary agenda. They insisted on it and presented, when Fundef was still in operation, the CAP No.112, 1999, which included the entire basic education (daycare to K12). The deputies intended to insert the Fundef as a permanent element inside the Constitution by proposing its withdrawal from the Transitional Constitutional Provisions Act (ADCT in Portuguese). Subsequently, CAP No. 191, 2012 suggested the inclusion of article 212-A on the Constitution to make the Fundef a permanent instrument for the public basic education funding, but it would receive approval from the Constitution and Justice Commission of the Chamber of Deputies just in 2014. However, unfortunately, at the “turning off the lights” of Fundef, the federal government presented CAP No. 415, 2005, which was seen as a setback by several specialists and a significant part of the

⁷ CNTE also had an active participation during the drafting of the 1988 Federal Constitution throughout its participation in the National Forum for the Defense of Public Schools (FNDEP), officially created in 1987.

social movements. Davies (2006), for example, criticized the exclusion of the daycare professionals and all schools' non-professional personnel staff in the article that defined the minimum percentage that should be applied in the payment of wages.

The fact is that the current Fundeb was created in December 2006, with the approval of the CA No.53, 2006, regulated by the Federal Law 11,494, 2007. On the one hand, during these legal mechanisms, important changes were included, such as the enrollment of 0 to 3 years old children and the creation of the nationwide professional minimum salary. On the other hand, the Union complementation for the states below the national minimum expenditure per student was established at only 10 percent of the Fundeb overall resources. At that time, it was already considered by the grassroots organizations a percentage below the public education needs.

Recently, the new Fundeb was created by CA No. 108, 2020. The most significant aspect of this Fund is: It has become permanent, which means from January 2021 on, it will be inside the Constitutional text forever. Moreover, there are other several advantages on the new Fundeb in comparison to the current one as follows: a) greater contribution from the federal government, since it will gradually be up to the minimum of 23 percent, and no longer 10 percent, for the new Fundeb overall resources; b) the distribution of the Union complementation will be made not only on the state, but also on the municipal level, which will correct the distortion of the current Fundeb since there are "poor" municipalities in "rich" states and the other way around; c) consideration of the student's total year value (VAAT) of each state and municipality, which means that the overall education resources will be considered for the expenditure per student calculation; d) the reservation of at least 70 percent of the new Fundeb resources for the payment of all education workers, and not 60 percent for the teachers only like in the current one.

It is presumed that, despite the breakthrough of the new Fundeb, controversies around it will remain, and some of them will be addressed here.

Controversies over the discussions around the new Fundeb: no end in sight for the long-term disputes

Even though the new Fundeb has achieved consensus to make it permanent on the Constitution, there are still controversial long-term issues as follows: a) the federal government complementation for the new fund comprehensive resources; b) the use of the so-called education salary (ES) and the percentage of the federal government's constitutional destined tax revenues to complement states and municipalities that do not reach the national minimum expenditure per student; c) the money allocation in the public school systems under their improvement in terms of education management, enrollment increasing and students' learnings with inequality reduction; d) the public money allocation for private teaching institutions. These four controversies point out what is at stake beyond the new Fundeb.

Regarding the first controversy (the percentage of the federal government complementation to the Fundeb overall resources), it is important to highlight that it has always been a point of fierce debates since the approval of Fundef, when the participation of the Union was no more than 5 percent, perhaps due to the lack of a fixed percentage in 1996. As for the current Fundeb, this distortion was duly repaired, for article 6. of the Federal Law No. 11,494,

2007 established a minimum level of complementation by the federal government, of at least 10 percent of the Fundeb overall resources.

Concerning the new Fundeb, the leading grassroots organizations' point over the discussions around the CA No. 15, 2015 has always been towards demanding more participation from the Union on the Fundeb overall resources. It is, strictly speaking, a defense of the Federal Constitutional text.

[...] in educational matters, a redistributive and supplementary function [from the Union] to guarantee the equalization of the educational opportunities and minimum standard of quality education through technical and financial assistance to the States, the Federal District and the municipalities (Paragraph 1, article 211, FC, 1988).

It is noteworthy that along with the CAP No. 15, 2015 debates, a consensus was reached on the percentage of federal government participation on the Fundeb overall resources of between 30 and 40 percent. This consensus was built over the discussions of the new Fundeb between the political forces linked to the rapporteur of the Proposed Constitutional Amendment no. 15 (Deputy Dorinha Seabra Rezende) and some entities representing civil society, such as the National Association for Research in Education Financing (Fineduca), National Campaign for the Right to Education (CNDE), National Confederation of Workers in Education (CNTE), and others. It would end up with complementation for more states and municipalities. After many disputes, the revised CAP No. 15, 2015, welcomed a proposal to reduce the Union participation in the new Fundeb to 20 percent. Such a decision would lead to a direct decrease in the number of municipalities, student enrollments, teachers, and schools benefited. Fineduca's manifestation (2020a)⁸ shows an interesting comparison between the 20 percent accepted in the revised CAP No. 15 in March 2020 and the 40 percent claimed by the left-wing grassroots organizations⁹: a) the number of municipalities covered would go from 4,431 to 1,732; b) the number of students would decrease from 27.4 million to 19.8 million; c) the number of teachers from 1.2 million to 909,3 thousand; d) the number of schools benefited from 111,1 thousand to 86,1 thousand. The result would be 2,699 municipalities, 7.6 million students, 291 thousand teachers, and 25 thousand schools out of the new Fundeb's complementation. In monetary terms, the difference, taking 2017 as a reference, would be a few billion (R\$ 26.2 billion with 20 percent of the federal government participation and R \$ 52.4 billion with 40 percent).

Fortunately, the CA No.108, 2020 establishes a slightly higher percentage, 23%, divided as follows: 10% acquired from current Fundeb VAAT (total annual value per student) as a calculation reference for distributing funds from the Union's complementation in the range above 10%. VAAT considers the entire amount collected from the municipality or the state to define which ones can receive the complementation. 10.5% percent in accordance with VAAT (total annual value per student) as a calculation reference for distributing funds from the Union's complementation in the range above 10%. VAAT considers the total amount collected from the municipality or the state to define which ones can receive the complementation of the

⁸ Source: analytical data from Siopé/FNDE, microdata from Finbra/STN, and microdata from the School Census / INEP 2017.

⁹ Fineduca, CNDE, CNTE, National Education Policy and Administration Association (Anpae), Brazilian Union of Secondary Students (UBES), Partido dos Trabalhadores (PT), Partido do Socialismo e Liberdade (PSOL), Partido Democrático Trabalhista (PDT), and others.

total annual value per student (VAAT), which is based on the states and municipalities' overall resources.

2.5% will be provided under the improvement in education management, enrollment increasing, and students' learnings with inequality reduction¹⁰. Unfortunately, on the other hand, the rise of the percentage up to a minimum of 23 percent will be carrying out progressively as follows: 2021 (12 percent); 2022 (15 percent); 2023 (17 percent); 2024 (19 percent); 2025 (21 percent); 2026 (23 percent). It might compromise urgent public school needs, especially in poor places.

It is important to highlight the federal government's proposal to allocate part of the additional complement of the Union (23%) to a social program called "Renda Brasil". It had a clear objective of reducing the transfer of resources from the Union to the Fund. It generated many controversies, considering that Fundeb resources should be used to maintain and develop education (MDE), not for social expenditure expenses. The fact is that the government, on the eve of Fundeb's approval and under strong political pressure from the civil society, backed down and agreed to expand the Union's complementation to 23%, provided that 5% was destined exclusively for early childhood education.

The second controversy over the new Fundeb also refers to the federal government complementation but focusing on the resources chosen to it: education salary (SE in Portuguese) and the percentage of the federal government's constitutional destined tax revenues by the article 212 of the FC, 1988. In other words, this issue goes beyond the federal government complementation on the Fundeb overall resources since it is necessary to pay attention to their sources.

Concerning the SE's use by the federal government complementation, it is not mentioned in CA No. 108, 2020 and up to now even forbidden. It is important to keep in mind this threat might come back in the future, especially because the new Fundeb starting from January 2021 will be permanent. If so, it might hinder the implementation of national supplementary programs, since many of them are funded largely by the SE, such as National School Feeding Program, Direct Money School Program, National Textbook Program, and National School Transport Program. According to Fineduca, these "programs funded by the federal government's SE quota are essential in that they provide access to goods that students would be deprived of if they depended exclusively on the resources from their states and municipalities" (2020a, p. 9). So the Union would contribute less. In addition to this, the state and municipal quotas of the SE cannot be ruled out, resulting in an even greater disaster. Anyhow, there would be a setback, for "[...] instead of guaranteeing a new source of money to increase the federal government complementation, the outcome would be the opposite... the reduction of the Union's investment for programs funded with education salary" (FINEDUCA, 2020b, p. 3).

Nevertheless, in addition to the problem of using the SE to complement the Fundeb in states and municipalities which do not reach the national minimum expenditure per student, there is another controversy on the federal government complementation: the use of the destined constitutional resources by the article 212 of the FC to it. Currently, "the destined

¹⁰ It is foreseen to be in force only in 2023 and must be detailed under the national basic education assessment system.

allocation of resources for the maintenance and development of education established in the art. 212 of the FC allows, at the most, 30% of the Union complementation” (Paragraph 2, article 4, Federal Law 11,494, 2007). The new Fundeb percentage was limited to 15%, until its update on March 3rd, 2020, when it was suddenly increased to 30% in the revised CAP No 15, 2015. Unfortunately, it happened arbitrarily, therefore, against the democratic debates on the new Fundeb that have been taking place since 2015. However, why is it under suspicion, for it could even guarantee more money for basic education? It is because the apparent advantage will result in loss. The explanation lies in the fact that the money put aside to it has already its destination, in this case, the federal education system (universities, federal institutes, and other structures). In other words, the federal government complementation would be made as it is popularly said: with someone else’s “hat”. Strictly speaking, allowing this increase from 15 to 30 percent places the federal government in a really easy going situation regarding its responsibility to the Brazilian public basic education. The Union would not need to make any extra effort since it would only transfer higher education resources to the states and municipalities. However, the consequences could be terrible for education as a whole, given the strategic role the universities and federal institutes have on the production of knowledge, science, and technology. If the current Fundeb had established 15% and not 30% as a limit to the Union complementation, it would remain 34.2 billion *reais* (Brazilian currency) from 2010 to 2018¹¹ to be used on the federal government expenses, which would have resulted in the need to seek other sources by the federal government to put in the Fundeb. “Contrary to what may seem, the higher this limit goes, the smaller amount of resources will go to the financing of programs currently maintained with federal money” (FINEDUCA, 2020c, p. 2).

In this sense, “[...] the increase in the value of complementation should not be done by decreasing the resources of programs and actions in progress, at any level of education” (FINEDUCA, 2020c, p. 1). Therefore, the two mechanisms (use of the SE and a higher percentage of the constitutional destined federal government resources) considered to guarantee greater complementation from the Union to states and municipalities should not be seen as a panacea of the lack of resources on basic public education. What is Brazil supposed to do? Although truly hard to implement, the answer is quite simple: the federal government must assume its role under the federal education pact without compromising programs and strategic policies. It means the federal government should complement the Fundeb as follows: a) without using any resources from the SE; b) with a maximum of 15% of the constitutional destined federal government resources. Perhaps it is time to resume, for example, the debate over the regulation on large fortune tax (IGF). The civil society is willing to go over it, at least, since the promulgation of the FC in 1988. At any rate, “[...] rising the federal government investment in basic education is the only way to increase public schools’ resources, given the financial difficulties that have plagued states and municipalities along the past few years” (FINEDUCA, 2020d, p. 10).

The third controversy concerns the 2.5% Union complementation, which will be provided under the improvement in education management, enrollment increasing, and students’ learnings with inequality reduction. It is more salutary and beneficial to start asking: what is the problem with providing resources according to improvements in the education management and learning indicators? In principle, the answer would be: there is no problem at all, as the

¹¹ Source: National Transparent Treasury - values updated by the IPCA (December 2018).

important thing is to encourage public education systems and schools to do better in education. However, this answer is a kind of oversimplification of the issue since it is necessary to define parameters on school management improvement and understand the learning indicators beyond the large-scale assessment results.

Besides, the reduction of inequalities announced in the text of the law requires a more complex approach. It is essential to defend the public school as a space of production, creation, participation, and strengthening of democracy because, without them, the purpose of contributing to the reduction of social, economic, and other inequalities would be almost impossible. In this sense, school management must not lose “[...] the existing connections between the pedagogical and curricular practices within schools and the ‘external’ structures of domination inside the society” (APPLE, 1989, p. 57). It means to recover - obviously within the limits that a capitalist society allows - the social function of the school not only in terms of guaranteeing access to the knowledge accumulated by humanity throughout its history but also on creatively producing new knowledge and deeply articulated to the reality experienced by the school community. Thus, the requirements for improving education management cannot be based on foreign categories, generally far from the nature of the public school; otherwise, the redistribution of new Fundeb’s resources might result in the deconstruction of the public nature of the school. It is not a question of totally ignoring categories such as efficiency, effectiveness, cost-benefit, and others, but it is necessary to emphasize that they must not, in any way, determine and define the requirements set out in the CA No. 108, 2020.

The learning indicators’ improvement will require special attention to reducing inequality since the Basic Education Development Index (IDEB) has been overrated in Brazil. It has dragged the schools from themselves, i.e., disavowing them from the complexities in terms of “learnings” at schools. It is noteworthy that the term adopted here is “learnings”, precisely to make it clear that it has to do with knowledge and not restricted to content that might be measured at certain times, either through standardized assessments or in their school-level versions. “Learnings” has a direct relationship with the elements that are inside the schools, such as human rights, diversity, sustainability, among others. Moreover, it is worth clarifying that its improvement based on these categories does not mean an attempt to “escape” from the contents and scientific rigor.

On the contrary, more commitment, pedagogical organization, and collective dedication from those who “inhabit” education (schools and other levels of the administration) will be necessary to the contents being scientifically approached but in a way related to social reality and thoroughly linked to a purpose of contributing to a social transformation. Education and schools should improve people’s lives in their neighborhoods, in the city, in the state, in the country, and even in the world. In summary, improving learning indicators by reducing inequalities cannot come into practice based on indicators that have already failed in the business capitalist world and have less or no connections with democratic and participatory practices. It might lead to a punishing education network that is already very unfavorable to the students throughout the country. According to CNTE (2001, p. 2), “[...] the purpose [of the evaluation] ... is to diagnose realities, analyze results, and reformulate policies. Never punish or reward”.

Furthermore, it is expected that the discussion process on this 2.5% will lead to an understanding that the merit, in general, linked to national evaluations, is not acceptable in this

situation. It is not a question of denying the national assessment system as a “vigorous technical instrument to give credibility and legality to the administrative and political measures promoted by the high state bureaucracy” (DIAS SOBRINHO, 2002, p. 40) but affirming that it should contribute to accurate diagnoses of the reality of education, especially at the school level, and not a kind of penalty. It is also important to bear in mind that there have been many challenges “haunting” the schools for decades, without being significantly affected by national assessments.

For example, Sousa and Ferreira (2019, p. 17) note that “[...] since the first large-scale assessments in the late 1980s, a close relationship has been demonstrated between socioeconomic level, class size, school structural conditions and student performance”. On the one hand, it is impossible to deny the connections between the performance and the infrastructure, equipment, consumable items, and human resources conditions inside the schools. On the other hand, it requires realizing the whole picture coming from real-life inside the schools to react to the reactionary education ideas; on the contrary, nefarious arguments that link, for example, better or worse wages to students’ performance might thrive. “A deviation of this magnitude would seem to justify that less learning would justify less salary - and vice versa -, through a dynamic to legitimize the lack of quality and the promotion of inequality as proper to the nature of the school process” (ABICALIL, 2002, p. 266). Furthermore, it would be hard to reach performance

[...] because, in addition to lacking annual data sources for measuring performance at the municipal level, it might harm the education networks of the localities whose students have a more unfavorable socioeconomic situation, which goes against the promotion of equity (FINEDUCA, 2020a, p. 2).

Finally, distributing resources based on results, even if it is an insignificant percentage (2,5 percent), might exacerbate educational inequalities. Furthermore, these inequalities have to do not only with the conditions outside the school, such as parental education, location, type of housing, family income, among others. But also with the school’s internal limitation. Perhaps it would be more effective if there was a relationship between the federal government complementation and the schools’ data and the school community’s real situation (education workers, students, and parents). It would tend to promote more equity in contrast to the distribution of resources based on merit and consequently to public education systems that are already in a favorable situation.

The fourth controversy concerns the permission to use resources from the new Fundeb by the private teaching institutions. This possibility adds up the list of historical disputes between the public and the private sector and Brazilian education history. According to Peroni (2012, p. 26), “historically, the dividing lines between the public and the private sector in our country were very thin”. For Pinto (2018, p. 853), “[...] this controversial issue has a long history in the country, starting with the Jesuit period a public-private partnership through Parents and Teachers Association [*Caixa Escolar*] system [...] a sad memory, foreseen in the 1937 Constitution”.

The same author also states that “[...] the creation, within the dictatorial period of Getúlio Vargas, the National Industrial Apprenticeship System (SENAI) in 1942, which lasts until today [...]” (PINTO, 2018, p. 135), is also important to consider when it comes to analyzing the allocation of public resources, directly or indirectly, to the private sector. However, in Brazil,

the idea of this partnership still continues “[...] because of the fragile collaboration initiatives between the federated entities or maybe because of the capacity of the private sector to present itself as a tempting alternative to the interests of local policies” (ADRIÃO; GÁRCIA; ARELARO, 2009, p. 813). Fernandes (2018, p. 62), in turn, notes that “[...] both neoliberals and those advocating for the Third Way defend the reduction of the State through fiscal adjustment and the reduction of the border between public and private”.

This possibility of providing public resources to private teaching institutions, which is also present in the current Fundeb, remains in the new one; both cite the confessional or non-profit philanthropic institutions linked legally to the public power.

In the current Fundeb, the possibilities of using public funds in the private sector “[...] in early childhood education offered in daycare centers for children up to 3 years [and] in field education offered by accredited institutions whose pedagogical proposal is the alternating training [...]” (I and II, Paragraph 1., art. 8., Federal Law No. 11,494, 2007) and in specialized schooling for the handicapped, and pre-schools until its universalization (Paragraphs 3 and 4). In other words, “only” students from the daycare, field education, special education, and pre-school are encompassed. In the new Fundeb there is no change in terms of leaving the way free for the private teaching institutions, especially the CA No. 4,372 (Chamber of Deputies), for CA No. 4,519 (Senate) has already accepted and incorporated in the text of the law some interesting proposals from the left-wing organizations.

However, the setback is hidden behind pre-school students’ permission to keep on studying in the private schools by 2026 (CA No. 4,372), which is pretty much a way of holding up what Brazil should have changed when the current Fundeb was approved in 2006. Maybe better than running on it, it is time to make questions: How many years do Brazilian citizens have to wait until the Union, the states, the Federal District, and the municipalities undertake all students from 0 to 5 years? How many Fundeb’s do politicians have to approve of making it real?

In this regard, it is important to take into consideration at least two positions. The first defends all public money to public schools without any exception. The second one argues that public money should be sent to the private sector based on the argument that it is still necessary since the state, especially in the early childhood stage, cannot offer genuinely public places at a reasonable level.

[...] it represents a serious blow to the principle that public funds should be allocated to public institutions... [but that] stemmed from the finding that a significant number of city halls maintain agreements with those institutions and their exclusion would mean leaving thousands of children unattended (PINTO, 2007, p. 888).

Even though this position is hard to surpass in its terms, it is urgent to remember that the same argument rose when the current Fundeb was approved in 2006, which means 14 years ago. In any case, it should be considered provisional so that in the medium-term, 100% of public funds will be invested in the public institutions only, under penalty of this stage of education being delivered to the private sector definitively in the future. Undoubtedly, if it comes true, it will be the worse scenery since basic education is a right and should not be subject to the rules and market logic. In addition to it, “[...] in the public sector, there is the condition of secular education, which means the service is indistinguishable from religious or ideological confessions, a principle that does not reside in the private sector” (FINEDUCA, 2020d, p. 21).

If this reality of sending public resources to the private sector does not change, it would not be an exaggeration to state that childhood might be overlooked just like Brazil did over its past history. Besides, there is no guarantee the private sector will not encompass the entire basic education as soon as the next “blink of an eye” from the left-wing grassroots organizations.

Final Considerations

This study called attention to some controversies about the new Fundeb from the federal government complementing public money based on merit and private teaching institutions.

The controversies about the federal government complementation to the new Fundeb pointed out the requirement of putting more money on it and figuring out where the resources come from. Therefore, both ways cited (use of the SE and the Union constitutional destined tax revenues) should not be seen as a panacea to the federal government complementation to states and municipalities. In the case of the SE, based on a study carried out by Fineduca, it is clear this mechanism might make programs such as school meals, school transportation, direct school money, and others not viable (2020a). Furthermore, when it comes to using the federal government’s constitutional destined tax revenues, the problem is to withdraw resources from the public universities, federal institutes, and other structures under federal government responsibility. In other words, in both cases, the cruel and nefarious “short blanket” policy arouses, precisely at a time when Brazil needs to move forward to consolidate all types of social policies.

In conclusion, the debate on the percentage of the Union complementation for the new Fundeb is as important as the origin of the resources that will be used for it. It means the new Fundeb cannot be understood as an “island” and be used to take the Brazilian education funding as a whole down. The new Fundeb must be placed on the battles towards better social policies and even on the defense of democracy in Brazil.

It also becomes necessary to pay attention to the money allocated to the public school systems according to their improvement in education management, enrollment increasing, and students’ learnings with inequality reduction. It might lead to a punishing education network that is already very unfavorable to many students throughout the country. Therefore it is urgent to bring inequality reduction to the center of the discussion and at the same time reject the idea of merit¹². Hence, it is urgent to require the regulation of the Basic Education National Assessment System (SINAEB). This system, which already envisions the National Education Plan (PNE), must consider students’ learnings and other aspects like infrastructure, equipment, all kinds of consumable items, and valorization of the education workers, and so on.

As for public resources that are allowed to be applied in the private teaching institutions, concerning early childhood education, rural schools, and special education, it is worth noting that it is already an existing mechanism in the Constitution (art. 213) and the National Education Law (art. 77). However, the problem is not exactly the permission to implement it, but the lack of perspective of changing it in the future. It means that a transition plan is fiercely required so that constitutional destined tax revenues are sent only to public institutions, at least within 15 or 20 years.

¹² CAP No. 4519, 2020 has already incorporated the initial idea of reducing inequality.

However great such initiatives may be, such as the National Program for Restructuring and Acquisition of Equipment for the Public School System for Early Childhood Education (“Proinfância”), instituted by the Resolution No. 6, 2007 of the Ministry of Education, they were distorted by delivering the daycare centers (all or a large part of them) to private early childhood education teaching institutions through grant agreements. At the very end, it points out that even an outstanding program like this contributed to the continuity of the vicious cycle of transferring public money to the private sector. One major question arises, Is it made to avoid the private sector’s bankruptcy or really to make a better future for the children? So it is necessary to overturn the privatization of the new Fundeb.

Other historical and controversial aspects around the new Fundeb deserve further investigation, such as cost per pupil and its historical process until the formulation of the initial cost-student-quality (CAQi) and the cost-student-quality (CAQ) by the National Campaign for the Right to Education (CNDE). According to this organization,

CAQi is a mechanism ..., which translates into values how much Brazil needs to invest per student per year in each stage and modality of basic public education to guarantee, at least, a minimum quality standard of the teaching (CNDE, 2018, p. 14).

As for the CAQ, it “[...] represents Brazil’s effort to take a step beyond the minimum quality standard, in order to get closer to the most developed countries in the world. in terms of financing education” (CNDE, 2018, p. 14).

However, it is obvious that they did not emerge from anywhere in 2002 when the National Campaign for the Right to Education started managing debates on the subject and issuing relevant publications. According to Monlevade (2014, p. 176), the CAQ, for example, is a little bit older, for “[...] there are references at least ... since Anísio Teixeira’s writings and lectures in the 1950s”. As for the CAQ, according to the same author, it “[...] had already been suggested in the late 1980s during the Constituent Assembly, precisely by the former Brazilian Teachers Confederation (CPB) during the Board of Directors’ Meeting” (MONLEVADE, 2014, p. 185).

In this sense, CAQ as education workers’ demand is older than many people might imagine and maybe accept. In any case, it will undoubtedly become the focus of the debates that will take place during and even after the new Fundeb’s regulation.

Finally, it is necessary to assert that even though the CA No. 108 is a huge achievement, the regulation of the new Fundeb will probably not take place this year not only because of the municipal elections but also due to the controversies around the new Fund. Why? Because the devil lies in the details!

References

- ABICALIL, Carlos Augusto. Sistema Nacional de Educação Básica: nó da avaliação? **Educação & Sociedade**, Campinas, v. 23, n. 80, p. 253-274, set. 2002.
- ADRIÃO, Theresa; GARCIA, Teise; BORGHI, Raquel; ARELARO, Lisete. Uma modalidade peculiar de privatização da educação pública: a aquisição de ‘sistemas de ensino’ pormunicípios paulistas. **Educação & Sociedade**, Campinas, v. 30, n. 108, p. 799-818, out. 2009.
- AMARAL, Nelson Cardoso. Um novo Fundef? As idéias de Anísio Teixeira. **Educação & Sociedade**, Campinas, ano XXII, no 75, agosto/2001, p. 277-290.

APPLE, Michael. **Educação e poder**. Porto Alegre: Artes Médicas, 1989.

BRASIL. PEC nº 233, de 23/10/95. Modifica o artigo 34 e o Capítulo III, Seção I, da Constituição Federal e o artigo 60 do ADCT. **Diário Oficial da União**, Brasília, 1995.

BRASIL. EC nº 14, de 12 /09/96. Modifica os arts. 34, 208, 211 e 212 da Constituição Federal e dá nova redação ao art. 60 do ADCT. **Diário Oficial da União**, Brasília, 13 set. 1996a.

BRASIL. Lei n.º9.394, de 20/12/96. Estabelece as diretrizes e bases da educação nacional. **Diário Oficial da União**, Brasília, DF, 1996b.

BRASIL. Lei n.º 9.424, de 24/12/96. Dispõe sobre o Fundo de Manutenção e Desenvolvimento do Ensino Fundamental e de Valorização do Magistério. **Diário Oficial da União**, Brasília, 1996c.

BRASIL. PEC nº 112, 22 /09/99. Modifica os arts. 208, 211 e 212 da Constituição Federal e o art. 60 do ADCT e cria o Fundeb. **Diário Oficial da União**, Brasília, 1999.

BRASIL. PEC nº 415, de 16/05/2005. Dá nova redação ao § 5º do art. 212 da Constituição Federal e ao art. 60 do ADCT. **Diário Oficial da União**, Brasília, 2005.

BRASIL. EC nº 53, de 19/12/2006. Dá nova redação aos arts. 7º, 23, 30, 206, 208, 211 e 212 da Constituição Federal e ao art. 60 do ADCT. **Diário Oficial da União**, Brasília, DF, 9 mar. 2006.

BRASIL. MEC. FNDE. Resolução nº 6, de 24 de abril de 2007. Estabelece as orientações e diretrizes do Programa Nacional de Reestruturação e Aquisição de Equipamentos para a Rede Escolar Pública de Educação Infantil (Proinfância). **Diário Oficial da União**, Brasília, 2007a.

BRASIL. Lei nº 11.494, de 20/06/2007. Regulamenta o FUNDEB. **Diário Oficial da União**, Brasília, DF, 2007b.

BRASIL. MEC. **Manifestos dos pioneiros da Educação Nova (1932) e dos educadores 1959**. Fernando de Azevedo et al. Recife: Fundação Joaquim Nabuco; Editora Massangana, 2010. 126 p. (Coleção Educadores).

BRASIL. PEC nº 191, de 15/06/2012. Insere o art. 212-A na CF/88, de forma a tornar o Fundeb instrumento permanente de financiamento da educação básica pública. **Diário Oficial da União**, Brasília, 2012.

BRASIL. PEC n.º 15, de 07/04/2015. Dispõe sobre o Fundeb; altera ADCT. **Diário Oficial da União**, Brasília, 2015.

BRASIL. Constitution of the Federative Republic of Brazil. **Diário Oficial da União**, Brasília, 2019.

BRASIL. PEC n.º 26, de 22/07/2020. Dispõe sobre o Fundeb; altera o ADCT. **Diário Oficial da União**, Brasília, 2020a.

BRASIL. EC n.º 108, de 26/08/2020. Dispõe o Fundeb; altera o ADCT. **Diário Oficial da União**, Brasília, 2020b.

BRASIL. PL n.º 4372, de 27/08/2020. Regulamenta o FUNDEB, de que trata o art. 212-A da CF/88. **Diário Oficial da União**, Brasília, 2020c.

BRASIL. PL n.º 4519, de 09/09/2020. Regulamenta o FUNDEB, de que trata o art. 212-A da CF/88. **Diário Oficial da União**, Brasília, 2020d.

CNDE. Campanha Nacional pelo Direito à Educação. **CAQi e CAQ no PNE: quanto custa a educação pública de qualidade no Brasil?** São Paulo: CNDE, 2018. 206 p.

CNTE. Confederação Nacional dos Trabalhadores em Educação. **Retratos da Escola 2 - a realidade sem retoques da educação no Brasil**. Brasília, 2001.

CUNHA, Célio da; LIMEIRA, Luciana Cordeiro. A consolidação do regime de cooperação e a criação de um sistema nacional de educação: da atualidade do manifesto dos pioneiros de 1932 ao novo plano nacional de educação. **RBPAE**, Goiânia, v. 31, n. 2, p. 419-435 maio/ago., 2015.

DAVIES, Nicholas. Fundeb: a redenção da educação básica? **Educação & Sociedade**, Campinas, v. 27, n. 96, p. 753-774, out. 2006.

DIAS SOBRINHO, José. **Universidade e Avaliação: entre a ética e o mercado**. Florianópolis: Insular, 2002.

FERNANDES, Eliane. **Financiamento da Educação Infantil no Brasil: descrição e análise da participação do Governo Federal no período de 2000 a 2016**. 2018. 251 f. Dissertação (Mestrado em Educação) – Faculdade de Educação, Universidade Estadual de Campinas, Campinas, 2018.

FINEDUCA. Associação Nacional de Pesquisa em Financiamento da Educação. **Por um Fundeb mais justo e com maior compromisso da União!** Manifestação pública sobre o Substitutivo à PEC n.º 15/2020. São Paulo, 28/02/2020. 2020a.

FINEDUCA. Associação Nacional de Pesquisa em Financiamento da Educação. **Por que o salário-educação não pode ser fonte da complementação da União ao Fundeb**. Manifestação pública sobre o Substitutivo à PEC n.º 15/2020. São Paulo, 26/03/2020. 2020b.

FINEDUCA. Associação Nacional de Pesquisa em Financiamento da Educação. **Em defesa de novos recursos para complementação da União ao Fundeb**. Manifestação pública sobre o Substitutivo PEC n.º 15 de 2015/2020. São Paulo, 13/04/2020. 2020c.

FINEDUCA. Associação Nacional de Pesquisa em Financiamento da Educação. **Não é hora de retroceder no Fundeb!** Nota da Fineduca sobre algumas tentativas, de última hora, de minar o esforço da Comissão Especial do Fundeb. São Paulo, 20/07/2020. 2020d.

FONSECA, João José Saraiva. **Metodologia da pesquisa científica**. Fortaleza: UEC, 2002.

FONSECA, Marília. Gestão escolar em tempo de redefinição do papel do Estado: planos de desenvolvimento e PP em debate. **Retratos da Escola**, v. 3, n. 4, p. 185-198, jan./jun. 2009.

MARTINS, Paulo de Sena. Fundeb: passado, presente e futuro do mecanismo central de financiamento da educação básica brasileira. **Cad. de Educação/CNTE**, Brasília, ano XVIII, n. 27, p. 115-136, jul./dez. 2014.

MONLEVADE, João Antônio Cabral de. Quem garante o CAQ a educação básica? **Cad. de Educação/CNTE**, Brasília, n. 27, p. 175-190, jul./dez. 2014.

PERONI, Vera Maria Vidal. A gestão democrática da educação em tempos de parceria entre o público e o privado. **Pro-Posições**, Campinas, v. 23, n. 2 (68), p. 19-31, maio/ago. 2012.

PINTO, José Marcelino de Rezende. A política recente de fundos para o financiamento da educação e seus efeitos no pacto federativo. **Educação & Sociedade**, Campinas, v. 28, n. 100, p. 877-897, out. 2007.

PINTO, José Marcelino de Rezende. O financiamento da educação na Constituição Federal de 1988: 30 anos de mobilização social. **Educação & Sociedade**, Campinas, v. 39, n. 145, p. 846-869, out./dez. 2018.

SILVA, Isabelle Fiorelli. A política de fundos e os contornos federativos do estado brasileiro. **Educação & Sociedade**, Campinas, v. 33, n. 121, p. 1277-1280, out.-dez. 2012.

SOUSA, Clarilza Prado de; FERREIRA, Sandra Lúcia. Avaliação de larga escala e da aprendizagem na escola: um diálogo necessário. **Psic. da Ed.**, São Paulo, v. 48, p. 13-23, 2019.

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