

COMPULSORY EDUCATION IN BRAZIL: PRIVATIZATION TRENDS AND LIMITS THE RIGHT TO EDUCATION

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Abstract

This research aims to present a result on three educational policies in force in Brazil that link public education at the stage of compulsory schooling to the interests of corporations or sectors linked to them. The first is called Integral Secondary Education and was implemented in one of the poorest regions of the country, the state of Pernambuco; The second identified as Education - Commitment Program São Paulo is being developed in the richest region of Brazil, the state of São Paulo, where the third policy was also disseminated with the adoption of so - called Private Education Systems in public schools. The research, of a qualitative nature, derives from research in primary documentary sources and semi-structured interviews with educational managers. The results confirm the trends identified in the literature, according to which education, when it is a field for business expansion through the performance of private companies directly in the management of public education, accentuates inequalities of access to schooling processes. In the analyzed cases, these inequalities are observed in the unequal access to the time of permanence in the school; In the unequal working conditions of teachers and in the allocation of public funds to profitable companies, to the detriment of investment in public education.

Keywords: public primary education, privatization of education, right to education.

Introduction

The corporations and venture philanthropy seeking to transform the public educational systems to expand their businesses has been studied critically by different authors in different contexts. Klees and Samoff (2012) associate this movement with international bodies, such as the World Bank, through funding government programs to stimulate public-private partnerships in education. Robertson and Verger (2012), Bonal and Verger (2016) and Ball (2016) focus their analysis in the European contexts while Scott's (2009) studies focus on United States.

This work analyzes formats by which the Brazilian public primary education is submitting to a market logic. This privatization process of education, introduced in Brazil in the early century, arising from:

- 1) The transference of the public schools' management to private entities;
- 2) The transference of school curricula to private companies through the purchase of "private systems of education";
- 3) The definition of educational policies by the private sector, with or without profit.

Private sectors involved refer to both corporations, including transnational corporations, as the so-called venture philanthropy (OECD, 2014).

However, there are few studies published in English that analyze the actions of corporations and their foundations in Brazil.

It is obvious that the understanding of the processes of privatization of compulsory education in Brazil is needed to better understand the peculiarities of a globally perceived phenomenon, inasmuch as the impact on public education systems in Brazil involves 34,803,316 million students from 4 to 17 years of age enrolled in 146,065 public schools.

The association between the size of the Brazilian educational system and the lack of regulation on the use of public resources has been an element of propagation of this "educational market constituted by public schools". In 2010 the Brazilian Educational System (a business group) disclosed to shareholders that public schools have an important positive return on investment "with a potential market of 24.3 million students" (Croso, Ortiz, Adrião & Garcia, 2015; Adrião, Garcia, Borghi, Bertagna, Paiva & Ximenes, 2016; Adrião, 2012).

The research is based on data collected from primary sources (government documents and institutional information of the sectors involved), in carrying out semi-structured interviews with public officials involved in the implementation of programs and secondary sources.

The empirical field consists of policies in force in the educational system of the State of São Paulo (the richest state of the Federation); in municipal systems of more than 50% of the 645 municipalities that make up the state of São Paulo and Pernambuco State Education System (one of the poorest in the country).

The choice for these cases is based on the fact that they are precursors of forms of compulsory education privatization in Brazil subsidized by public funds as identified by previous studies (Pinto, 2002; Adrião, Garcia, Borghi & Arelaro 2009), among others.

The analyzed programs are financed by public funds provided by law for use in the maintenance of public schools. According to the National Education Act of 1996 the public school is not just in which the education is free but it is also kept/maintained, funded and regulated by the different levels of government: federal, state or municipal.

The theoretical framework that supports the assumption of this work converses with previous research (Levin, 2001; Klees & Edwards, 2012; Afonso, 2010; Ball & Yodell, 2004; Bonal, 2001; Bonal & Verger, 2008; Adrião & Garcia, 2014; Adrião, 2015) which, analyzing different contexts, indicate that education privatization processes promote and accentuate inequalities between students and schools.

Therefore, it could be concluded that in relation to the privatization models of compulsory education analyzed, they present:

- a) evidence concerning the increase in inequality in educational provision, even in settings where universal access to school was practiced, hindering the realization of education as a human right;
- b) evidence regarding the precarious working conditions of educators, who work in these types of schools compared to the professionals, who work in schools where it does not occur;

In addition, the direct presence of corporations or foundations linked to different business groups in government bodies shows the practice of "corporate governance of education systems"

... 'Expression designating the direct participation of representatives of corporations in defining the agenda of public education, through mechanisms that do not consult spaces of social participation set in motion for deliberation and democratic decision-making on public policy' ... (Clade, 2014, p. 21)

We believe that the presence of the corporate sector in the definition and priorities of educational policies in the mandatory stage tends to deepen the inequalities in the educational

offer, as identified in the cases analyzed in this research. In addition, analyzing the behavior of corporations and risk philanthropy becomes an important instrument for the realization of the right to education.

On the Brazilian Basic Education: Compulsory and Privatization Stage

Compulsory education includes the educational services for all children (including children with disability) from 4-17 years-old. Being an organized country as a federation, there is a division of responsibilities for the provision of education between the three spheres of government that include the federal government; state governments (total of 26 states) and local governments (5,570 in total), plus the federal capital - Brasília that has state status.

Since the Federal Constitution of 1988 this division of responsibilities for the provision of basic education is asymmetric due to the fact that it is up to local governments (municipalities) to offer and maintain pre-school education (which is also divided into two groups: for children from 0 to 3 years, which supply of care is not required and from 4 to 5 years, in which enrollment is mandatory) and primary education (compulsory from 6 to 14 years). State governments must support the municipalities in primary school supply and provide mandatory enrollment on secondary school to young people aged 15 to 17 years.

The extension of compulsory education (from 4 to 17 years from 2016) demands an increase in public spending on education. Spending on education in percentage of GDP rose from 3.9% in 2010 to 6.1% in 2014, according to *Education at a Glance*. However, the same *Education at a Glance* (EAG, 2014) states that the amount spent per student in Brazil is the second lowest among OECD countries: Brazil spends US \$ 2,985 per student each year, while the average OECD is US \$ 8,952. Still, by 2014, a period for which we have available data, a decrease in public spending for investment in education has not been observed in Brazil.

Previous research (Adrião & Peroni, 2012; Adrião, 2015) shows that, in the poorest regions of the country, there are similar organizations linked to different corporations that focus on the educational agenda. This movement resembles what has been observed by Robertson & Verger (2012) and Scott (2009) and identifies the presence of "venture philanthropists" in the definition and management of educational policies in different contexts. This "new philanthropy" acting as government partners were identified in studies in the state of São Paulo and the state of Pernambuco. The combined presence of business groups that sell products and services to governments are already observed in the richest municipalities in the country. Finally, the transfer of the development and management of school curricula to private corporations has been identified in hundreds of municipalities. The process corresponds to the implementation of educational policies in public systems sold by private corporations called private education systems. (Adrião *et al*, 2009; Adrião, Garcia, Borghi & Arelaro 2012; Adrião, 2015).

The growth of this sector by the public education expands from 2010, when the major Brazilian publishing groups such as Grupo Abril (acquiring smaller companies) and Editora Moderna (with international capital composition) are to compete in the market of the "education systems". It is also observed the presence of multinational groups like Pearson and Santillana (Adrião *et al*, 2012; Adrião, 2015).

Full-time Education Program in the State of Pernambuco

Pernambuco is one of the poorest states in Brazil. With 9,345,173 inhabitants, its share in GDP is around 3%. The state education system met (the last year for which data are available) about 594,200 students in 2014, accounting for over 50% of enrollments in primary and secondary education. In 2014 the average government spending per year per student attending public schools in Pernambuco not exceeded \$ 800.

Still, it was in Pernambuco that the transference of management policies of public schools to the private sector with the implementation of the Comprehensive Education Program operated

by the Institute of Co-Responsibility for Education (ICE) occurred. The ICE was created in 2004 by the former President of Philco Group for Latin America with the aim of introducing a management model based on public schools and modeled by business management called Social-educational Business Technology (TESE) (Adrião & Garcia, 2014).

The school management is an important leader in this proposal and the Institute also highlights the relevance of the private institution partners in achieving the program, which is designated as 'social investors' (ICE.s.d).

The program sets targets for school units, which are part of the school management action guidelines. Important roles are assigned to the school management and the "social investors", who are private entities associated with ICE and who operate the program.

The program was first implemented in one of the most traditional public schools of the state that turned into an Experimental Teaching Center and was managed by ICE. In 2008, the Program becomes public policy of the State and in 2014, 100 government schools were managed by ICE (Adrião & Garcia, 2015).

After the implementation of the Comprehensive Education Program, these schools had their pedagogical project aligned to the corporate management model called "Social-educational Business Technology" (TESE) and defined by ICE as "a tool for planning, management and evaluation". It introduced significant changes in the way the activities were organized and in the teaching routines in the form of recruitment of teachers and school principals, teacher's working hours and student's hours in school. The Institute also participates actively in the selection of school managers (Adrião & Garcia, 2014).

Schools that have integrated full-time education program offer additional salary and different working hours to selected teachers allowing a wage difference of the order of 125%.

In 2014 the teachers who worked in that program received at least US \$ 1,112.52 (if considered as a reference starting salary) as they were benefiting from special bonus of US \$ 572.35. The teachers who worked in other schools kept the base salary of US \$ 540.17 for the same monthly working hours than their colleagues.

The total number of public schools in Pernambuco was 1052 in 2014. In the same year, only 100 schools were full time, which corresponded to 10% of the public schools and means a great limitation in relation places offered in full time education.

Finally, the private management model of public schools was undertaken without any social control mechanism or exogenous evaluation of its results. It was instituted a test-based performance assessment implemented by ICE itself and the result of which leads to distribution of "bonus" for the best performance.

Analyzing the allocation of public resources for education carried out by the state government of Pernambuco in 2014, 2.4% of total expenditure on education derived from lending to private organizations, while only 1.7% was allocated by the local governments of that state, which are among the poorest in the country. The total expenditure includes the set of all expenses of the state government, including spending on pensions. (FNDE, SIOPE)

The Education Program - Commitment São Paulo: Comprehensive Education and Private Education Management

São Paulo is the state of the federation with greater participation in the Brazilian GDP and also the most populous accounting for 32% of national GDP. According to estimates of the population census 2014, 44,035,304 million Brazilians were living in the state (IBGE, 2014). In 2014, 1,047,471 adolescents and young people aged 15 to 19 years left school and 27,540 never attended.

The state is governed, since the end of military dictatorship (eighties), by the same political group, which now integrates the Brazilian Social Democracy Party (PSDB). So for more than 30 years it has been operating the same political orientation which, since 1995, encourages the presence of the corporate sector and their social umbrellas in the management

of state public education (Adrião 2006). A recent example of this orientation is the Full-time Education Program in force since 2011 as part of the Education Program Commitment of São Paulo, developed and governed by a private network illustrated in the following chart:

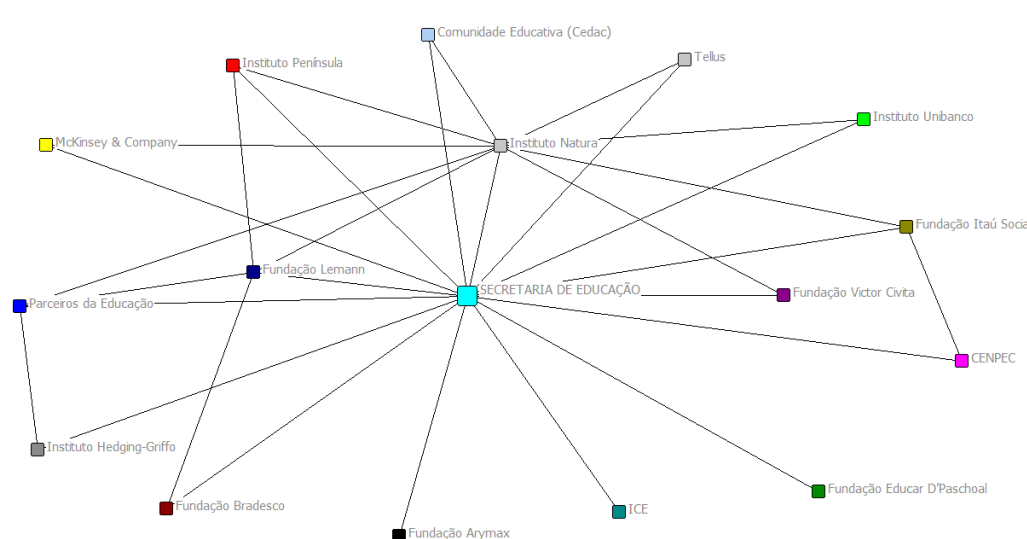


Figure 1: Commitment São Paulo - network of private partners of the state secretariat of education (In: Adrião & Garcia, 2015).

The Figure 1 shows the network of private agents that focus directly on the development and implementation of the Comprehensive Education program of the São Paulo state government. It also shows the relationship between themselves - "partners" private. Exemplary is the Natura Institute (company's social umbrella for the NATURA COSMETICS S / A), and the Lemann Foundation (established in 2002 by businessman Jorge Paulo Lemann, a report of its activities for the year 2014 says that four million Brazilians were impacted for its initiatives), both appearing as articulators of other groups.

The literature designates this direct presence of companies or social groups linked to corporations in government bodies and in the definition of public policy and governance (Jessop, 1999).

Noteworthy is also the set of private agents acting in governance of the State of São Paulo, the role in the implementation of the program played by Mckinsey Consulting, responsible for performing a diagnosis of the São Paulo state public education that formed the basis for the lines advocated by *Commitment of Sao Paulo*. Natura Institute assumes the financial manager function in the *Commitment* and, finally, the Institute of Co-Responsibility for Education (ICE) responsible for the preparation of comprehensive education program. The program, as occurred in Pernambuco, introduces the extension of the school day, the curricular organization in relation to other schools of public schools and the journey of 40 hours a week for all teachers with salary increase (Adrião & Garcia, 2014).

Teachers who work in the program receive salaries higher than their peers by 75%. The teacher's base salary with a maximum journey in education state system is US \$ 680.47. Teachers who work in Full-time Education receive \$ 1, 190.80 for the same journey.

The number of schools with full time education is very restricted in public, only 257 in 2014, of a total of 5,666 units. The higher education network limited at 4.3% the number of schools with full time Education.

School principals are selected by tests and titles. Teachers are selected by the principals and program managers through interviews. In the case of teachers and school managers do not

reach what has been set as a goal or expected, their employment contracts can be suspended. Professionals with negative evaluation are asked to leave the program and return to teach in their schools of origins.

The allocation of public funds for education carried out by the Government of the State of São Paulo in 2014 was distributed as follows: 0.56% of the total expenditure on education was transfers to private organizations, 0.048% to consulting and 2.33% to municipal governments (ENDF, SIOPE).

Private Education Systems (PES) in Municipal Networks in São Paulo State

Another way in which the expansion of privatization of compulsory education in Brazil can be seen is by the growing number of municipalities that buy the so-called "private education systems." Such systems are composed of a set of products and services that involve standardized courseware, offering professional training courses for use of these materials, systematic evaluation of schools and students, virtual resources among others, consolidating in a process of purchase of a curriculum policy of the municipality (Adrião *et al*, 2009).

The transformation of public school ground for this type of market (Hill, 2004) is initiated by owners business groups of private schools¹ geared to preparing students to prestigious universities. From 2010, another configuration is presented for this segment of the "Brazilian educational market" and that results from mergers and acquisitions of these educational enterprises by large national and transnational publishing groups, as is the case of Santillana and Pearson.

More recently, a third phase begins with the opening of capital by these corporations in the stock exchanges, a situation that allows the presence of investment funds, primarily speculative capital, into the management of municipal public education. This is the case of the business group *We are education*: the biggest group of primary education in Brazil and one of the world's largest education groups (We are Education, S.D.). The "We are Education" group started in 2015, when the fund Tarpon investment takes control of Abril Education. Abril was part of Abrilpar holding belonging to one of the Brazilian families who monopolized for decades, the printed media in the country (Adrião *et al*, 2016).

Owned by sub national governments, "private systems of education" have been spreading along the public networks from 1998. In many cases, they explicitly consist of a form of market expansion through transformation of public enrollments in commodities, as they are the enrollments base considered in the negotiations between the involved business groups (Adrião *et al*, 2009; Adrião, 2015). Businesses in this case thus involve directly the students and the main activities of the school.

They are the municipal education systems' governmental sphere in which this "market" fastest growing: in 1998 only one municipality in Brazil adopted this privatization model, in 2006 there were already 144 and in 2010, only in the state of São Paulo, total municipalities adopting it increased to 325. In the state of São Paulo, growth is impressive: a percentage of 22% in 2006 and in 2010, 50.3% of municipalities transfer to corporate management and organization of their curricula (Adrião *et al*, 2009; Adrião *et al*, 2012).

Studies show that the political decision on the purchase of Private Systems of Teaching is regularly taken by the municipal manager without consulting the other segments or discussions with education professionals and families. Research also indicated that there is no form of social control over the quality of purchased products and their unsuitability to regional diversity, because the materials are standardized as are pre-set rhythms to use in class. Regarding costs, at best the practice of bidding for purchase of the SPE, not practiced in all municipalities, can contribute to the purchase of cheaper, which does not mean, of course, the most appropriate (Adrião *et al* 2009; Adrião, Garcia, Boghi, Bertagna, Paiva & Ximenes, 2015).

Another aspect to consider is the allocation of public funds for municipalities to purchase SPE, since in Brazil the public schools choose and receive at no cost to the municipalities,

textbooks previously evaluated by experts and distributed by the federal government. In addition, for being strongly oligopolistic publishing market in Brazil, the companies, that sell the SPE to sub national governments are the same that sell textbooks to the federal government, incurring a doubling of expenditure for the same purposes (Adrião *et al*, 2015).

A recent research located at least two municipalities in the State of São Paulo, which intended more important percentage of the private sector in the purchase of SPE considering their total annual spending on education: the city of Brotas, which consumes 4.58% and the municipality of Capivari, with 5.69% annual expense SPE.

Following is a summary table with the information discussed and organized according to the evidence of inequality analyzed.

Table 1. Basic education privatization formats in Brazil and evidence of increasing inequality in educational provision, precarious working conditions and struggle for public fund.

Privatization Process	Full-time Pernambuco Education Program	Deprived of education systems	Education Program Full-São Paulo
Evidence in analysis	Transfer management of public schools to private entities	Transfer of school curricula for private companies	Corporate governance of the education system
Increased inequality in educational provision	<p>Limit in places offered - establishments offering full time education in 2014 Total number of schools: 1052 With full time education: 100 (i.e. 10% of the network)</p> <p>Differentiated infrastructure for the Program Schools participating in the program have theme rooms, reading rooms and laboratories-features not available in other schools</p> <p>Impossibility of access to resources for the student worker</p>	<p>Standardization denies diversity Standardization of teaching and routines - disregarding various demands of the locality</p>	<p>-Up in places offered- establishments offering full time education in 2014 Total number of schools: 5,666 With full time education: 257 (i.e. 4.3% of the public)</p> <p>Infra differentiated structure for the Program Schools participating in the program have theme rooms, reading rooms and laboratories-features not available in other schools</p> <p>Impossibility of access to resources for the student worker</p>
Precarious working conditions for teachers	<p>Differentiation of wages relative to the rest of the professional category Initial teacher's salary base calculated by 200 hours monthly: US \$ 540.17</p> <p>Special bonus for teachers who work full time: U \$ 572.35, totaling \$ 1,112.52.A bonus corresponds to 105.5% of basic salary.</p>	<p>Routine standardization limits the educational performance Teaching materials and teaching plans with work routines determined by the private company</p>	<p>Differentiation of wages relative to the rest of the professional category Initial teacher's salary base calculated by 40 hours per week: US \$ 680.47 Special bonus for teachers who are linked to the program: 75% additional salary of \$ 1,190.80 for 40 hours a week.</p> <p>Instability in the program -The teachers leave the program and resume their activities in other schools if they are poorly evaluated according to the goals established in partnership with the private sector, having their income reduced immediately by 75%.</p>

Disputes between private entities by public funds and public control over these funds	Transfer of public resources to the private sector in 2014 and transfers to municipalities - 2.3% of total expenditure on education for private institutions; 1.7% for municipal governments.	Tarpon, manager of investment funds, acquires group responsible for the sale of textbooks to the federal government and private educational systems and to public networks. Trading in the amount of US \$ 436.5 million. Example of transfer of public resources to private companies for profit: Brotas-SP 4.58% of the expenditure on education-SPE City of Capivari-SP 5.69% of the costs of education- SPE	Transfer of public resources to the private sector in 2014 and transfers to municipalities -0.56% For private non-profit institutions; -0.048% For consulting; Totaling 0.61% total expenditure on education in private institutions; - 2.33% for municipal governments.
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Source: the authors from data available at: INEP / MEC; SIOPE; press; SITEPE; Adrião et al, 2015.

Finally, considering the stated and necessary respect to the specific diversity and demands, it stresses that the SPE in mentees to increase the performance of students in proficiency testing, ignore the needs of care for children with disabilities or even cultural diversity between social groups such as indigenous and traditional populations.

Conclusions

The Constitution of Brazil, in force since 1988, that inaugurated the rule of law by the end of the dictatorship, states that education should be promoted aimed at "full development of the person, his preparation for the exercise of citizenship and his qualification for work" (CF / 88, art. 205). In Article 206, the Constitution states among other principles that public education, which is understood as the one that happens in public schools should ensure equal conditions of access and permanence in school, that public schools should be free and that teaching must respect plurality of ideas and pedagogical conceptions.

Considering these constitutional principles, it is believed that the displayed educational policies would expected in most law.

With regard to the breach of equal conditions of access and permanence in schools, both comprehensive education programs, as private education systems exclude entire parcels of students. For example, in the case of schools with extended day, especially those who work or live far from schools selected for that expansion. Already the SPE institute inequality among students in that standardized curricula ignores learning difficulties, disabilities and cultural singularities, such as indigenous villages. The standardization imposed by the purchase of materials and services from the private sector induces no consideration of local needs, such as the service quality to the specific conditions of students with disabilities, or the demands of diverse communities such as quilombos, indigenous or populations riverside.

In the case of Full-time Education, teachers are also subjected to unequal working conditions: they receive different salaries, even though they have the same training and perform the same teaching activity. Finally, another difference between school units is that schools with a full time curriculum also have physical structure and therefore special equipment, which is not available to all schools.

Private education systems, as another form of privatization of education, contribute to the establishment of inequality in educational provision in different local networks. The

standardization of procedures and products provides the idea that contents, routines and practices are the same from north to south of the country.

The precariousness of working conditions, second point highlighted as evident aspect of the private sector incursion on public education, is revealed in the compositions of teacher working hours in comprehensive education programs and in hiring methods that are characterized by work instability and the stimulating competitiveness. In relation to the precariousness of work when adopting the SPE, there is the impoverishment of the performance of teachers by standardizing routines and the adoption of the monitoring of their performance via performance of their students in company tests. This situation induces *performativity* - identified by Ball (2004) - in English schools, and as identified by Garcia et al (2012). It can be considered that the allocation of scarce public funds from municipalities to purchase this type of product competes with investment in better and professional qualification.

Finally, there is the competition for public funds, as evidenced in the trade of private education systems. The bulky negotiations involving mergers and acquisitions groups that sell private education systems show how public funds are subject to disputes between corporations that identify public enrollment as potential consumers. (Adrião et al 2009). The sale process in April of Education stock market completed in 2015 is an example of a movement involving corporations interested in the public fund. The group, publishers' owner and several private educational systems have been acquired by an investment fund under the Tarpon Investment Management, a trade which value was announced around US \$ 436.5 million.

We have to remember that in Brazil by 2014, public funds for the maintenance of basic education were extended, unlike government options guided by neoliberalism (Klees and Edwards Jr, 2015). However, these funds were intended in part to the private sector. In this regard research completed in 2015 identified cases of municipalities in the country, where the spending with SPE exceeded 5% of the total available for the cost of education (Adrião *et al*, 2015)

It remains to consider corporate governance as privatization of view of education: in this light, there is not only the establishment of an immediate market, but the interest of the business community in that school education will constitute a business field.

The information provided in Figure 2 highlights the seriousness of the transfer of educational management, school management and the development and management of the curriculum to the private sector in view of the consequences for the expansion of educational inequalities and hindering the achievement of the human right to education.

It is the interest of corporations, and assumption of responsibilities for education, either by profitability for business coming from public funds or the ability to focus on the national social policies aligning them to private interests. These interests, as the case studies show, make precarious the possibilities of achieving universal right to education as provided for in the Brazilian Constitution.

Finally, the cases analyzed refer to three government policies designed to favor the entry of segments of the educational market (corporations and associated foundations) into public education systems. The presence of corporations managing public systems, as in the case of Pernambuco and São Paulo, or defining their curricula, as in the cases of "private education systems", increase the segmentation of school education. Directly when they differentiate school models by offering full-time education to only a few; The salary differentiation between educators of the same education system; Investment in improving infrastructure conditions for some schools and, ultimately, increasing school segmentation when subordinating whole educational systems to the interests of a given business group that is empowered to define the curricula. It is still necessary to consider that in a country like Brazil, whose lack of accountability in the use of public resources fuels corruption, there is one more element to indicate that the advance of the private sector over public education tends to compromise the achievement of the universal right to education provided for by the Brazilian Constitution.

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