



Educar em Revista

ISSN: 0104-4060

ISSN: 1984-0411

Setor de Educação da Universidade Federal do Paraná

Miranda, Maura da Silva; Cunha, Maria Couto; Pereira, Rodrigo da Silva
Arranjos institucionais para a gestão da educação em
territórios da Bahia: tensões entre o público e o privado
Educar em Revista, vol. 36, e70085, 2020
Setor de Educação da Universidade Federal do Paraná

DOI: <https://doi.org/10.1590/0104-4060.70085>

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Institutional arrangements for education management in Bahia territories: tensions between public and private¹

Arranjos institucionais para a gestão da educação em territórios da Bahia: tensões entre o público e o privado

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ABSTRACT

The article presents the first results of a research that investigates a new way of managing educational systems through the promotion of institutional arrangements for territorial management of education through Public Consortia (CP) and Education Development Arrangements (ADE) in public-private partnership. This is to be seen the background of conceptual and operational gaps of the collaboration regime and the forms of cooperation of Brazilian federalism and the silence of the federal government over the institution of the National Education System. From the analysis of documents and semi-structured interviews with subjects involved in the process, the study seeks to investigate under which legal systems, conceptions and political interests such arrangements are based, as they have been disseminated in the country, demonstrating the ongoing initiatives in the state of Bahia with the Public Consortia under the governmental initiative. The preliminary results indicate the growth of public-private partnerships within the scope of the New Public Management principles that support the conformation of the arrangements, through corporate governance networks of educational policy that are resistant to progressive guidelines,

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with interests in the rupture of democratic processes in the management of education, through the ADEs, a market strategy to consolidate the reach of their profitable goals.

Keywords: Public Consortium. Education Development Arrangements. Territorial management. Education shared management.

RESUMO

O artigo apresenta os primeiros resultados de pesquisa que investiga uma nova forma de gestão dos sistemas educacionais a partir da promoção de arranjos institucionais de gestão territorial da educação por meio dos Consórcios Públicos (CP) e Arranjos de Desenvolvimento da Educação (ADE) em parceria público-privada, frente às lacunas conceituais e operacionais do regime de colaboração e das formas de cooperação do federalismo brasileiro e diante do silenciamento do governo federal sobre a instituição do Sistema Nacional de Educação. A partir da análise de documentos e entrevistas semiestruturadas com sujeitos envolvidos no processo, o estudo busca investigar sob quais ordenamentos jurídicos, concepções e interesses políticos tais arranjos se fundamentam, como eles vêm sendo disseminados no país, demonstrando as iniciativas em curso no estado da Bahia com os Consórcios Públicos sob a iniciativa governamental. Os resultados preliminares sinalizam o crescimento de parcerias público-privadas no âmbito dos preceitos da Nova Gestão Pública que sustentam a conformação dos arranjos, por meio de redes de governança corporativa da política educacional que apresentam resistência a pautas progressistas, com interesses na ruptura dos processos democráticos vislumbrando, na gestão da educação, por intermédio dos ADEs, uma estratégia de mercado para consolidação do alcance dos seus interesses lucrativos.

Palavras-chave: Consórcios Públicos. Arranjos de Desenvolvimento da Educação. Gestão territorial. Gestão compartilhada da educação.

Introduction

This study has as purpose discussing theoretical and political grounds which are base for institutionalization of arrangements of management public policies in territorial space, widespread in Brazil and implemented in the state of Bahia, focusing on the debate of educational policies management.

In recent years, the territory has been perceived as a potential possibility for the institutionalization of shared management arrangements of public poli-

cies, as a possibility of promoting articulation and social participation in the provision of services to the population, guided by the principle of reciprocal collaboration among federated entities to achieve the right to social policies and their public purposes.

However and paradoxically, hegemonic groups linked to large companies have used this same decentralized management discourse to disseminate projects of neoliberal orientation in the state public arena, blurring the boundaries between public and private. This happens through governance networks and in line with the precepts of the New Public Management, understood here as a neoliberal strategy of the current particular period of capitalist development and which aims to appropriate significant portions of the public fund to meet their interests (PEREIRA, 2019).

The challenge placed for studies and discussion in this work is the need to understand how and with which interests Brazilian State and Bahia government intend to regulate education management in territorial space by indirect administration formats, through CPs and Public-Private Partnerships (PPs), as strategies for collaboration and cooperation in Brazilian federalism.

Thereunto, in the first moment the authors discuss the legal landmarks for education management in Brazilian federalism. In the second one the debate involves conceptual and political bases that support the territory as public policy space, among them the educational arrangements policy. Next, the text searches for distinguish the two formats of regulated arrangements in the country, one of them public, through Public Consortia (CP), and another private, by Education Development Arrangement (ADE). When discussing the CPs, it analyzes how this arrangement has been developed in the political-administrative scenery of the state of Bahia.

The interest of investigation is to perceive the differences and confluences that exist between the two models: one with a democratizing base, which defends the territory as a space for social inclusion; and another of neoliberal basis, in which political discourse and right of democratization of interest management of public agents and business, which envision decentralization of territorial education management as a profitable business.

Municipal education management in Brazilian federalism

One of discourses in Brazil last decades regarding education says that technical-financial limitations of a great number of municipalities to ensure the

right to a public education with quality are due to a complex federalism, even with gaps in its regulation. This is verifiable because the National Education System is not able to materialize the Federative Pact established by the Constitution of 1988. It should establish rules for: a) regulamentation of federative ways for effective fulfillment of the Union redistributive and supplementary function in combating regional educational inequalities; b) operationalization of collaboration regime among federated entities, in order to promote a shared management among the teaching systems and ensure balance in allocation of the competing and priority responsibilities of each federated entity in the educational field.

According to Cury (2010), regulation for federative cooperation in Brazil through a National Education System (SNE) is the most important and significant subject to the set of public action, especially for education maintenance and development. Creating a SNE has been advocated since the Education Pioneers in the 1930s, and it gains strength mainly after the National Education Conference – CONAE, 2010.

As referral to meet CONAE 2010 recommendations, the Ministry of Education (MEC) created the Education Systems Articulation Secretariat (SASE) in 2011, whose main purpose was the deepening of studies for the formulation of a sufficiently collaborative and cooperative SNE regulation proposal capable of guaranteeing a systemic management and the equitable financing of the educational policy. This required constant efforts and dialogues from SASE with the Union of National Education Leaders (UNDIME), National Union of Municipal Councils of Education (UNCME), National Council of State Directors of Education (CONSED), National Education Council (CNE), National Education Forum (FNE), among others. In the bulge of discussions and studies performed, both SASE and CNE proposed the institution of educational arrangements in territorial spaces through new horizontal inter-federative relations of municipal associations in two models: Public consortia and Education Development Arrangements in public-private partnership.

The Advice CNE number 09/2011, homologated by MEC, approved the regulation of these educational arrangements by proposing they could contribute to reduce discontinuities of public policies in educational area, to overcome difficulties due to the lack of technical specialized teams in municipalities, to make possible the elaboration of education financing plans and projects and to accelerate educational development. Public or private arrangements are seen as another way turn into real practice the collaboration regime and they might congregate participation of state, Union, private institutions, non-governmental institutions that take over “the common objective to contribute to education development in a determined territory, without the need to transfer public resources to such institutions” (PARECER CNE/CEB Nº 09/2011).

However, educational management models through territorial educational arrangements which have been approved in the country before and independently of the approval of the National Education System are questionable. Only after the approval of the National Education Plan (PNE) by the Law 13,005/2014 the SNE institutionalization becomes the main matter in educational agenda. In the article 13 it is described as an institutional requirement of public power, and the Strategy 9 of the Goal 20 in the Plan, to be fulfilled within 2 years from the publication of the law. PNE prevents the SNE regulation through complementary law, according to the single paragraph of the 23rd article of Federal Constitution, in a way to establish rules for federative cooperation among Union, states, Federal District and the municipalities.

To contribute for the achievement of this PNE goal, in 2014 the PLP 413/14 was presented to the House of Deputies, by the deputy Ságuas Moraes, of PT of Mato Grosso. The Project establishes the existence of a Tripartite Commission of the Union, states and municipalities for a joint definition of the annual minimum spending per pupil, mandatory to ensure an education with quality in municipalities and states. In June 2015, MEC, through SASE with the contributions of Carlos Augusto Abicalil (OEI), Carlos Roberto Jamil Cury (PUC/MG), Luiz Fernandes Dourado (UFG e CNE) and Romualdo Luiz Portela Oliveira (USP), formalized the document *Establishing a National Education System: mandatory agenda for the country (Instituir um Sistema Nacional de Educação: agenda obrigatória para o país)*. The document orientates that the institution of the National Education System must articulate four dimensions: changes in the LDB, adequacy of educational systems to national rules, regulation of article 23 of the Federal Constitution, with the Educational Responsibility Law and adequacy of funding rules. In 2016, National Education Forum (FNE) systematized the *Proposed Document for Extended Debate (Documento Propositivo para o Debate Ampliado)*, approved in April 1st 2016, proposing definition to the SNE taking into account elements of the National Education Conferences – CONAEs 2010 and 2014.

However, despite efforts, after the deadline set in the PNE to establish the SNE, which would be 2016, this debate is still without decision. Since 2017, the PLP 448/17 has been in the House of Deputies, formalized by the rapporteur of the Education Commission, Deputy Glauber Braga, from Rio de Janeiro - PSOL, who integrated the project with the contributions of previous proposals. The proposed regulation of the SNE, based on the referred bill, establishes guidelines for federative cooperation, foreseen that the amount invested to guarantee the standard of educational quality is initially defined by the CAQi mechanism - Initial Student-Quality Cost, and later modified by CAQ - Student Quality Cost. These calculation bases demonstrate how much Brazil must invest in each

student per year, in each stage and modality of Basic Education, and define the Union supplementation for states and municipalities with lower revenues. Due to profound inequalities in the country, numerous states and municipalities often need supplementation to ensure the necessary investments to fulfill the goals of PNE. However, significant political changes have recently occurred in Brazil, and they culminated in the parliamentary coup in 2016. This led to authoritarian interventions in the National Education Council and Education Forum, and the consequent approval of Constitutional Amendment 95/2016 that froze the increase in public spending in the areas of Education and Public Health over the next 20 years, this matter was removed from the urgent agenda of national education debates.

After almost a decade of debates and democratic propositions, the result might be summarized as: on one hand, we have watched a great national mobilization for institutionalization of SNE from requirements of CONAEs of the years 2010 and 2014, and, on the other hand, the Federal House is silent regarding the institutionalization of a National System to define the vertical collaboration regime among the federated entities to establish the responsibilities for each one with reference to issues of education (art. 211 of Federal Constitution) and to the regulation of federative cooperation (art. 23 of Federal Constitution) to define the financing policy.

Parallel to these movements we saw the pressure of business groups, with the support of SASE, CNE and MEC's own endorsement for the approval of horizontal institutional arrangements among subnational entities in territorial spaces. In this perspective, legally regulated in the country currently, there are education development arrangements of territorial clipping in a field of possibilities of education management. Given such context, this research sought to investigate how these arrangements are being disseminated in Brazil and implemented in territories of Bahia.

Territory as a public policy management space

Territorial space is presented as a propitious place for institutionalization of institutional arrangements, in a way to ensure formulation and management of public policies. Referential landmark for the State political-managerial organization in territories leads to the geographic space concept in Milton Santos' vision, who conceive it as an inseparable set of material object systems, technical action systems, formal aspects of social organization and symbolic aspects, which must

not be considered in isolation (SANTOS, 1999). Based on the author, territory has been perceived as a potential space for shared management of public policies, with possibilities to promote articulation, negotiation, social participation and a new deliberative democracy.

In 2003, Ministry of Agrarian Development started in the country a series of discussions to implant public policies that had territory as a management space. Federal government, in order to attend territories in Brazil, which have had less favorable economic and social indices, initiated a diagnosis and planning process for appropriate policies to the diverse territorial spaces.

This new perspective of territorial management disseminated in Brazil reveals rural territories in Bahia, and in 2007 it has encouraged the government of this state to work with the concept of identity, sense of belonging, dividing Bahia politically into 26 territories, called Identity Territories. These territories became the state's planning unit. From 2012 on, they became 27 territories in total, constituted according to the specificities of each region. In the government of Bahia's concept, shared management in territorial space enables an increase in the capacity of municipal governments' performances and higher efficiency in the use of public resources, ensuring the continuity of policies within the context of each Identity Territory (BAHIA/SEPLAN, 2013).

Institutional models of development began to be disseminated in all Bahian territories, among them Public Consortia and public-private partnership ADEs. From the discourse of the texts of the policies and social subjects involved, our research sought to understand how such arrangements are being developed in Bahia, and to discuss the relationships of these territorial management models and their education projects. Analyzing them separately is important.

Public arrangement model: Public Consortia experiences in Bahia

Public Consortia (CP) as an association way only among federated entities have the aim at promoting territorial development through shared management in order to reach effective management of public services. In the last decades, the number of CPs among municipalities has grown in Brazil, due to the new regulations of this management way in State indirect administration. However, although this expansion in the number of consortia is a recent phenomenon, the CPs are not new in the Brazilian state. Since the first Federal Constitution in 1891 they existed, although they were constituted only as contracts between municipalities or states (PRATES, 2010). In CF-1937, consortia became the

association of municipalities, as a legal entity governed by public law. The CF-1946 expanded the view of this management format as a regional federative cooperation strategy (RIBEIRO, 2006).

With the Brazilian re-democratization in the 1980s and the approval of the Federal Constitution of 1988, the municipalities were constituted in federated entities, and political-administrative competences of public services in several areas were transferred to them, making imperative the search for fundraising for the public local development. The constitutional text opened possibilities for various formats of consortia, agreements, association and service contracts. In 1998, Constitutional Amendment number 19 changed the article 241 of the Federal Constitution, indicating the need for accurate standardization of CP formats. Through the article 26, this amendment has made possible the specific law edition for the consortium management, Law number 11107/2005.

According to that law, Public Consortia now have standards, become a robust shared management arrangement model, by which municipalities can carry out joint actions that they would face difficulties and limitations whether alone. From this new legal system, consortia were constituted as an important territorial articulation model in Brazil. Numerous municipalities, wishing to strengthen the institutional dialogue and promote a cooperative articulation, have been organized in consortia to define common agendas and fundraising in public policies management at territorial level.

The Law number 11107/2005 was regulated by the Decree number 6017, of January 17th 2007, which defines consortium as follows:

Legal entity formed exclusively by entities of the Federation, pursuant to Law number 11107/2005, to establish federative cooperation relations, including the achievement of common interest objectives, constituted as a public association, with legal personality of public law and autarchic nature, or as a non-economic private entity (BRASIL, Decreto 6017/07).

Recent laws emphasize the CPs public interest and considerably expanded its areas of activity, namely: associated management of public services; provision of services, technical assistance, execution of works and supply of goods; sharing of instruments, equipment, personnel, bidding and staffing; information production and technical studies; exchange of experience between consortium members; administration of consortium services and resources; technical assistance, extension, training, research, and local and regional socioeconomic development policy actions, educational policies management are included.

This expansion of possibilities of consortia action has made municipalities articulate themselves to search for partnerships by means of this new format. Numerous municipalities, in order to strengthen the institutional dialogue and promote cooperative articulation, have been organizing themselves in CP to define common agendas and fundraise for public policy management (RAMOS; ABRÚCIO, 2012).

In 2010, Ministry of Planning, Budget and Management started to guide the formation of consortia in the country, stating that consortium management, in addition to enabling the sharing of power, can produce local social capital with the participation of civil associations, trade unions, the press and political leaders in the management of policies, forming a collaborative network of institutional relations able to combat the fragmentation and discontinuity of public policies in local contexts.

On the other hand, through the joint ordinance of Planning Secretary (SEPLAN) and of Urban Development Secretary (SEDUR) number 003, of September 13th 2010, Bahia government created a work group (GT) in order to support the Public Consortia formation. GT is composed by technicians from SEPLAN and SEDUR and from Strategic Planning Superintendence, and it is coordinated by Territorial Planning Directorate (BAHIA/SEPLAN, 2013).

Through the institutionalization of these policies and articulation between government secretariats and civil society of the territories, the State mobilized the implementation of Public Consortia in the State Identity Territories, totaling thirty public consortia of public law in 2013, constituted or undergoing formation. (BAHIA/SEPLAN, 2013). There is at least one Public Consortium in each Identity Territory, and it/they might act in several areas. SEPLAN, together SEDUR, when formatting the encouraging policy to the formation of state Public Consortia has been evaluating municipalities in order to train municipal managers to form consortium arrangements. Consortium management has been strongly implemented in Bahian Identity Territories in recent years. To develop the policies in territories, SEPLAN has its own planning instruments, formalized from the social listening of the Multi-Year Plan (PPA) and the propositions of the Territorial Collegiate of Sustainable Development (CODETER's) and the State Council of Territorial Development (CEDETER). They are advisory and consulting boards linked to SEPLAN, whose purpose is to subsidize the preparation of public policy proposals for sustainable and solidary territorial development in the State of Bahia.

It is important to add that, in the implementation of CPs in the State of Bahia, Education has not been appropriately considered. Studies and researches have revealed that the performance of the CPs in Bahia has been greatly strengthened, especially in agriculture, environment, health and infrastructure areas.

However, the experiences in the educational area are still very shy. Among the thirty consortia present in Bahia Identity Territories, 08 (eight) foresee in its bylaws or policy development in the educational field, and of these, only four of these educational activities deserve to be highlighted, and they were quite limited. In interviews with managers of SEPLAN on the CPs performance in educational area, Manager 1 answered:

I do not say that SEPLAN [is] unaware [of] these CNE guidelines for CP's role in education. CPs' performance with education management instruments – PNE, PEE, PAR – maybe some CP has an isolated action, but in an articulated way with the Secretary and SEPLAN, with all this systematic, I believe there is not yet.

We observe with this statement that development of Bahia Identity Territory has not put public education in the agenda as a strategic policy for its territorial development model. For its part, the education folder of the Bahian government has not been articulated with this movement either. In an interview with a member of CEDETER, Counselor 1 emphasizes:

In other area, the CPs act in a very cohesive and targeted way. Municipalities have some goals to fulfill within the federative pact, and the CPs may develop policies that the state, Union and the municipalities by themselves would have difficulties [to accomplish]. In Education it is not this way, it requires other level of planning, a militant work of educational institutions is necessary. There is omission or misinformation. The State Department of Education was expected to think its policy guidelines for education for territorial development in partnership with the consortia. I dare to say that it is not clear which model of education would be able to promote the development of territories.

Here we see the need for articulation between education and territorial development policies. This lack of articulation in the territorial space, in turn, reflected the need for greater articulation between the policies of SEPLAN and the State Secretary of Education.

In view of the explicit and implicit discourses in the text of the Public Consortia policy for Territorial Development, a democratizing State project

seems to be the issue at hand, aiming at the construction of strengthened territories with active participation of social subjects to build a local development agenda. However, discourses of the social actors and political agents, based on their experiences in the development of this agenda, reveal many challenges to overcome, which demand the political articulation necessary to promote the territory endogenous development. Understanding this articulation is important, especially by technical teams of secretariats and consortia.

Discussing a systemic management of territorial education cannot only be on the social movements' agenda, because there are other more urgent demands for these subjects and because this is a complex area that requires in-depth knowledge. Then, apparently, there is a lack of subjects and institutions to look more systematically in this field, as CEDETER's advisor says:

Teachers, Territorial Nuclei and even Universities participate a lot. There is territorial listening in public hearings to perform the territorial planning. Education unions discuss teachers' wage, but they did not use to discuss how to educate. There is few people in territorial debates in education matters. CEPETS managers are people who play this role. But NTEs are not active in this territorial development.

Despite the subject's speak presents contradictions on "how to educate", which in our opinion also is connected with education professionals appreciation, from the analysis of subjects who work directly in policy implementation in consortia in Bahia, the need for an institutional cohesion is clear, from the own State Secretary of Education to strengthen the education consortium arrangements, especially from the dialogue with professors and universities, to make convergent real public networks of direction and execution of territorial educational policies.

However, with this lack of cohesion linked to the interests of a state capitalist logic configured in the New Public Management (PEREIRA, 2019), CPs limitations in educational area before the numerous requirements for training, guidance, and technical advice in education field of several municipalities, other subjects arouse interest in signing contracts with these federated entities, in other management formats along the lines of the public-private partnership.

Education Development arrangements (ADE) in public private partnership

While public consortia in Bahia have not understood education as a strategic agenda to promote the development of the territories, national, regional and international agents of private initiative, like foundations and institutes, with the discourse of promotion of local governance, they have been articulating and proposing the format of Development Arrangements of Education (ADE) to actively work in educational area.

Mobilization for advances of this process is supported by the European Union and funded by the Inter-American Development Bank (IBRD) and incentives from the All For Education Commitment (*Compromisso Todos pela Educação*²) and the Brazil Municipalities Project (*Projeto Brasil Municípios*³), through the construction of governance networks. This management model has been considered as an educational policy (CLADE, 2014; PEREIRA, 2019), gathering a set of elements classified by Ball and Yodell (2007) as a process of covert form of privatization of education.

Such process also is in line with the precepts of the New Public Management, a peculiar model of state administration, in which the criteria of efficiency and effectiveness from the private-mercantile model, subsume the public functions of administration and management, redefining the role played by the State and imposing dilution of barriers between public and private (VERGER; NORMAND, 2015).

ADE proposition stems from the federal government's launch of the Education Development Plan (PDE) in 2007, when São Paulo's business community tends to support a set of measures to encourage business flow in educational management, which culminated in the All for Education movement (TPE). The movement has national coordination, supported by Rede Globo, among other Radio and News Broadcasters, Victor Civita Foundation, Ayrton Senna

2 Goal Plan Commitment All for Education is a set of measures to increase the quality of Brazilian public education and represents the combination of the Union, States, Federal District and Municipalities efforts in collaboration, with the participation of families and the community in order to improve the quality of basic education (BRASIL/MEC, 2007).

3 Brazil Municipalities Project is an initiative of the Secretariat of Management of the Ministry of Planning (SEGES), whose objective is promoting the strengthening of municipal management in the country by training municipal managers and technicians, consulting and technical assistance to municipalities, aiming at guiding them in solving municipal management problems, encouraging them in fostering and developing innovative local management experiences through the strengthening of intermunicipal associations.

Foundation, Bradesco Foundation, Itaú Foundation, Votorantim Institute, among other companies.

In Bahia, the proposal for formalization of the ADE begins in 2009; then it was the first state of the federation to materialize this arrangement. With the partnership of several institutions, including the Votorantim Institute, the Recôncavo Baiano ADE was created, composed of 12 Municipalities. Although the initiative did not achieve significant success in Bahia, the experience was later disseminated in Pernambuco, Pará, Tocantins, Sergipe, Paraná, Espírito Santo and São Paulo. The result of research in public documents has revealed that the number of ADE in the country has grown a lot in recent years⁴. All for Education movement encouraged and guided many Brazilian municipalities to organize themselves in educational networks under the discourse that these networks would promote local governance.

National Council of Attorneys General of the Public Prosecution Service has joined the TPE movement. In 2010, a commission was created in the Chamber of Basic Education – CEB of the National Education Council – CNE, through the Ordinance number 7/2010 in order to analyze the ADEs' proposal as a strengthening model of collaboration regime. After the Ordinance CNE number 09/2011 approval, CNE has published the Resolution CNE number 01/2012, which regulates the role of ADEs in territories, and asserts, in its article 1st, that the management format in ADE intends to contribute to the structuring and acceleration of a National Education System (BRASIL/RESOLUÇÃO CNE nº 1/2012).

CNE considers, through an integrated planning of ADEs in territorial scope, that municipalities might perform some actions such as: school physical network planning, mutual assignment of servers, school transport management, continuous training policies, assessment system organization, fundraising for associated services, structuring Intermunicipal Education Plans in order to a territorial integrated development and reducing local economic and social disparities. Then, municipalities with less technical capacity might use these plans in the elaboration and execution of their educational goals.

CNE defines ADE as a territorial collaboration way that is basically horizontal. Thereunto, its implementation should prioritize to identify endogenous educational institutions and organizations that exist and operate in territorial spaces. However, the formation of the ADEs in Brazil has not had this democratizing focus to consider the social organizations of the territories

4 The number of private ADEs has significantly increased in Brazil, starting from 12 municipalities in 2009 to reach 126 ones in 2012, corresponding to a percentual raise of 950% (RAMOS; ABRÚCIO, 2012).

in this articulation when institutionalizing them. Several large national and international companies of the business area are occupying spaces for education shared management. The ADE model that has been implemented in the country is characterized as a management in public private partnership, through which foundations, institutes, among other entities of the Third Sector, under the aegis of the principle of subsidiarity, have come to play a significant role in the management of public affairs, imprinting the precepts of New Public Management in education (VERGER; NORMAND, 2015).

Considering that such companies has private legal nature, whose purpose is to get profits, a conflict of interests is seen. These companies envision, given that in the shared management of education with the state is not the guarantee of the population rights, the possibility of big business.

Researches (ARAÚJO, 2012; 2013) warn that ADE forms of collaboration - based on concepts of territoriality, voluntary intermunicipal association, networks, public private partnerships, ideals of local leadership and strategic vision, of corporate matrix - may represent a tendency to suppress the Union shared responsibility in basic education development. ADE, according to the author, reinforces the ideal of municipalization of primary education, without qualitatively changing the Union's funding policy for federated entities. About this fact, Araújo (2012) warns that these formats of business based ADEs have been imprinting the logic of Local Productive Arrangements from a neoliberal perspective, leading to the depolitization of the collaborative regime.

We stress the need to deepen the debate on the characterization and public purposes of social organizations, coming from social movements, which may contribute to the arrangements. In Bahian context, for example, there are organizations installed in the territories that can act as protagonists of these initiatives, such as those of the Community Organization Movement (MOC), based in the city of Feira de Santana, which acts in the education policy field; Foundation APAEB, based in Valente and which, in the educational area, operates in the implementation of educational policies aimed at the pedagogy of alternation in Agricultural Family Schools and with teacher training on child protection network.

Such institutions, despite their profile of legal entities governed by private law, they are organizations of public interest, constituted by local subjects, such as mission and social and democratic commitments, aimed at the development of territorialities. Thereunto, we want to point out that, even opting for such a form of arrangement, there are possibilities that they can be thought as supporters of the state democratization and education, while not strengthening private-commercial interests in this process.

Other element considered as central refers to the participation of the State University of Bahia (UNEB) in the formulation, constitution, direction and execution of educational policies in territories and in conjunction with municipalities. UNEB is the largest public institution of higher education in state, with 24 campuses in all the identity territories and may significantly contribute in this process. In the speech of one of the interviewees we saw that, although the professors and the University have been attending public hearings on consortia, the State has neglected such contributions. This element points to a certain preference of state public authorities for the agreements logic with the private sector instead of the public sector itself.

Education Shared Territorial Management and democracy

Understanding the logic of the capitalist state in this particular period of its development, and how it moves in the construction of a hegemonic-conservative project (PEREIRA; SILVA, 2018), we can better understand the basis for the proposal of the ADE for the management of public education in Brazil, in its broader political dimension. At the present time, the country has educational policies that seek to redefine the direction of national education. Such movements, in the political and legal field, need to be monitored based on the local contexts' requirements. It is up to the academy, researchers, educators and representative movements of civil society to position themselves in the arenas of debate, knowledge and power. Then, from the collective reflections, understand the role and interests of the Brazilian State with the arrangements policy, reflecting on the viability and dangers of these new management proposals for education.

It is important to clarify to whom the Brazilian State is articulated is serving, through official speeches and its executive and normative bodies in educational matters, in order to ensure the right to education through the formats of institutional arrangements, and not through a SNE regulated according to the recommendations of the CONAEs. The research on the real possibilities for operationalization of the collaboration regime is urgent and necessary, also on the cooperation ways through these arrangements recently instituted in the country.

Investigating local experiences and shared management proposals between public entities, in our vision, must be followed by reflections on definitions of new legal system of the superstructure of the contemporary capitalist state, its accommodation strategies in the present spacetime. Amidst diffuse regulations of education management, in a capitalist state that has market interests but also

has to worry about securing citizenship rights and guaranteeing democracy, Dagnino (2004) signals a moving discursive crisis, resulting from what she calls a 'perverse confluence'. The author points out that there is, on the one hand, a neoliberal project with the emergence of a minimal state project that progressively exempts itself from its role as guarantor of rights, through the shrinking of its social responsibilities and its transfer to civil society and private initiative. On the other hand, the author points out that there is a democratizing project that arises from the resistance of social movements to democratic deepening, which is expressed in the creation of public spaces for discussions and decisions and the increasing participation of civil society in public management, whose formal framework is the 1988 Constitution. Both bring the territory as a negotiation and politics articulation space.

According to Dagnino (2004), the perversity of this confluence would be based on the fact that, although the two projects point and intend directions in opposite and even antagonistic directions, both present the ideals of an active and purposeful civil society in their discourses, with apparently common interests of participation, citizenship and democracy. However, according to the author, in fact they are not. Both tendencies harbor very different meanings but present a seemingly homogeneous discourse that obscures conceptual differences and reduces existing antagonisms. Because of this obscurity, channels are constructed through which neoliberal conceptions advance, with projects of initiatives and private interests in lands that would be of the public sphere.

In these semantic conflicts, in which "displacements of meaning are the main weapons, the terrain of political practice is a minefield where any misstep leads us to the opposing camp" (DAGNINO, 2004, p. 198). Considering that the proposal of arrangements accommodates two management models, one public through CP and another by public private partnership, further research is needed to distinguish them, given the diffuse confluence that Dagnino warns us.

Considering the discourse present in the documents that guide the territorial management in public bias arrangement through the CP, we observe that the ideals of territorial management have as principles the strengthening of democratization models of public management and the strengthening of local power. It also accommodates ideas that safeguard participatory management, the inclusion of social subjects, endogenous territorial entities of territories, aiming at the autonomy and political emancipation of the most localized contexts, in order to ensure their governance and institutional sustainability. Its relations involve federal entities in defense of the public interest, including political agents, civil servants or contractor ones, with provision for social control by bodies such as territorial councils and the Court of Auditors.

The arrangement in PPP format presents diffuse interests between the public and private, with the participation of a faceless civil society and shy identity, and exclusion of the territorial subjects who act in social movements network. Local population participation occurs through sporadic hiring, some of them regulated by the law of voluntary, in a temporary character. The management of this policy guarantees a restricted role to third sector agents, institutes or foundations that are members of ADE. Exclusion of the territorial community and the possibility of a relationship of dependence on local actors are envisioned as long as the institution's interest in acting in the territorial space lasts. As previously published, in policy texts there is a discourse to enable good governance, articulated by accountability policies around the reach of educational indicators. Social control does not count on the participation of the local community through councils or the Court of Auditors, the rendering of accounts is performed at the Federal Revenue, because they are companies.

Considering that the ADE takes place through the public private partnership with the intention of ensuring the transfer of public resources to these ADEs, this constitutes a peculiar form of appropriation of the public fund for private-commercial interests. Deepening studies on this type of arrangement is important, in order to better understand its political project, both in the legal, political, theoretical and empirical fields, to unveil its principles and its real possibilities of composing, as an institutionalized instance, one of collaborative and cooperative management ways of SNE.

Some considerations

The non-institutionalization of the National Education System as a strategic policy to rethink the federative pact and put into practice the discussion of the collaboration regime among federated entities demonstrates that the conflict of public and private interests, within the state sphere, has compromised the materialization of the goals of the National Education Plan.

Preliminary results of the research reveal that the format of Public Consortia in the educational area in Bahia needs to be further improved in order to explore their potential and expand their action in the area to better assist municipalities in achieving educational goals, always observing the principle of education democratic management, embodied in the Federal Constitution, the Law of Guidelines and Bases and the National Education Plan.

On the other hand, the formats of public-private arrangements conform to the parameters of effectiveness and efficiency from the business world. They are in line with the precepts of New Public Management, a neoliberal strategy within the state to meet the demands arising from this particular period of capitalist development and to maximize the expropriation of the public fund and private-mercantile interests, in contradiction with the public and subjective law of national education and its democratic principle.

Deepening the reflections on how such educational arrangements have enabled the articulated management and systemic view, with the potential to ensure horizontal and vertical cooperation and collaboration in the implementation of educational policies aimed at consolidating the right to education, representing effective gains for the territories where they are inserted, reveals itself a study of great public interest in the current context. Let's be attentive.

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Text received on: 07/12/2019.

Text approved on: 10/26/2019.

