

## **Reflections on the Actions of Civil Society in Building the PNE 2014/2024**

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**ABSTRACT – Reflections on the Actions of Civil Society in Building the PNE 2014/2024.** Based on concepts such as democracy and social participation, this essay discusses the civil society incidence into building the National Education Plan 2014/2024, from the work of the Brazilian Campaign for the Right to Education. For this purpose, some aspects of the CONAE/2010 are described, some elements from the official text in process in the National Congress are presented and the actions of the *Campaign* along each of these steps are reported. At the end, the limits for civil society intervention, the weak mechanisms for its participation and the disproportion between the mobilized effort and the changes that actually take effect, elements that may discourage future participation of civil society, are highlighted.

**Keywords: Educational Policy. National Education Plan. Social Participation.**

**RESUMO – Reflexões sobre as Ações da Sociedade Civil na Construção do PNE 2014/2024.** Apoiando-se em conceitos como democracia e participação social, este texto discute a incidência da sociedade civil na construção do PNE 2014/2024, a partir da atuação da Campanha Nacional pelo Direito à Educação. Para tanto, descrevem-se aspectos da realização da CONAE/2010, apresentam-se elementos das tramitações do texto oficial no Congresso Nacional e relatam-se as ações da *Campanha* ao longo de cada uma dessas fases. Ao final destacam-se os limites das intervenções da sociedade civil, a fragilidade dos mecanismos de participação e a desproporção entre os esforços mobilizados e as alterações efetivadas, elementos que podem asfixiar os estímulos à futuras participações.

**Palavras-chave: Política Educacional. Plano Nacional de Educação. Participação Social.**

## Introduction

Governing with reference to planning is, in what concerns the Brazilian education, a relatively new attribute, developed only after the 1930s. Although designed for different purposes, the idea is expressed in the *Manifesto of New Education Pioneers*, which, in turn, influenced the Brazilian Constitution of 1934; is the subject of intense dispute between the years 1946 and 1964, at which time the idea suffers a substantial shift, when “[...] the leading role within the educational planning is transferred from educators to the technocrats, which, in organizational terms, is expressed in the subordination of the Ministry of Education to the Ministry of Planning” (Saviani, 1999, p. 128).

The Federal Constitution of 1988, which restored the legal framework after the military governments, in addition to defining education as a right of all and a obligation of the State and the family (Art. 205) and specifying what the role of the State is in ensuring education as a individual right (Art. 208), advocated also the need for a specific law that would establish a national multi-year educational plan.

Unlike previous proposals, marked by links to specific governments, the Decennial Plan for Education for All, prepared during the administration of Minister Murílio Hingel (Brazil, MEC, 1993) had a decennial perspective, however, it did not include all levels and categories of Brazilian education.

At its time, the Law of Directives and Bases of Education - LDBEN (Law No. 9394/1996 - Lei de Diretrizes e Bases da Educação Nacional) established, with regards to the transitional arrangements<sup>1</sup>, a period of one year for the executive to formulate a decennial National Education Plan – PNE (Art. 87, § 1).

The disputes regarding the preparation and execution of new educational regulatory frameworks, since the arguments that aimed to influence the chapter about regulating the Education, Culture and Sport, in the 1988 Federal Constitution, fueled scientific and students associations, unions, academic institutions, professional and organized sectors of social movements, a context that gave rise to the National Forum in Defense of Public School (FNDEP), which maintained continuous action, as in the preparation period of the Federal Constitution and the LDBEN as during the formulation of the National Education Plan proposal<sup>2</sup>. It held National Congresses of Education (CONEDs) in Belo Horizonte (1996 and 1997), Porto Alegre (1999), São Paulo (2002) and Recife (2004).

In the last quarter of the past century we also witnessed the emergence of other social actors, organized in associations, which without being corporate, governmental or unions, achieved a high degree of capillarity and some empowerment. Having arrays of different compositions, very different performing arenas and also different purposes

densities, some have done important work in monitoring and social controlling public policies, especially in the field of the right to education.

Stimulated by civil society organizations articulated around participation in the World Education Forum, to be held in Dakar in 2000, the Brazilian Campaign for the Right to Education (CNDE - Campanha Nacional pelo Direito à Educação) was founded in October 1999, having intervention strategies as demonstrations, political pressure actions and spreading its agenda in the media and communication spaces.

In 2001 the CNDE mobilized to overthrow the veto of President Fernando Henrique Cardoso to PNE 2001/2011 (Law 10.172/2001) and, since 2002, among other things, it has promoted a series of activities aiming to concretize the concept *Cost of Initial Quality Education per Student (CAQ - Custo Aluno-Qualidade)*, a process that culminated in a publication (Carreira; Pinto, 2007) that served as a reference to the Recommendation 8/2010, by the Basic Education Chamber of the National Council of Education.

Its current organization can be defined as *a network of networks* of social movements, which operates more than 200 articulated groups and associations on regional committees distributed in 22 of the 27 Brazilian states. Its operational functioning is managed by a coordination based in São Paulo and is run by a national committee of eleven institutions<sup>3</sup>. It is a co-founder of the Latin American Campaign for the Right to Education (CLADE) and of the Global Campaign for Education (GCE). The participation and mobilization actions during the conferences processes that culminated in the CONAE/2010 and CONAE/2014, as well as the interventions during the formalities of the PNE in the National Congress, were supported by the Fondo Regional de la Sociedad Civil para la Educación (FRESCE), by ActionAid and the C&A Institute.

Recognizing the differences in social, economic and political conjunctures in the periods 1997/2001 and 2008/2014, this article, in essayistic nature, aims to reflect on the current possibilities of decision-making interventions of civil society in the construction of the National Education Plan for the decade 2014 / 2024<sup>4</sup>, taking as reference the particular case of the actions of the Brazilian Campaign for the Right to Education, due to its intense and continuing participation since the preparatory conferences for the CONAE 2010.

## Democracy and Participation

There are, in the current Brazilian democratic scenario, polarized considerations about possible advances and setbacks of social participation in the course of political life. At a time when many recognize a crisis of representation in the current political-party system, and the demonstrations of June 2013 provided explicit signs of fatigue of these

structures, there has been substantive focus of resistance in the mechanisms of implementation to ensure greater direct participation of citizens in the country's political life; geographically and temporally situated experiences have not achieved significant capillarity.

I recognize, along with Henri Weber (1980), for example, that the State is not monolithic and that the expansion of democratic processes may allow the popular and working classes to conquer institutional spaces wherever they advance with their claims. On the other hand, I recognize, too, that these improvements are / have been limited, since the portions of power achievable in these disputes are restricted and often constituted more like "[...] resistance devices as elements of corrosion or stress of the internal contradictions of the State" (Poulantzas apud Weber, 1980).

A delicate result from these assumptions is that while they open limited possibilities of policies inserts for the working class and the popular classes, "[...] the smooth functioning of democratic institutions (regular elections, party pluralism, political liberties etc.) has also contributed to the legitimacy of the bourgeois order" (Toledo, 1994, p. 34).

The point defend here is that in the current Brazilian scenario, considering the multiple combinations of economic, political and social nuances, as well as restrictions imposed on the progress of the working and popular classes' achievements, bourgeois democracy yet creates conditions in its contradictions, so that citizens workers from popular classes struggle for a more just and egalitarian society, which is why it is good that the democracy is institutionally consolidated and expanded continuously (Callinicos, 1992 apud Toledo, 1994).

Bobbio (2000, p. 371), in order to deal with its foundations, notes that, "[...] by democracy, the ancient men understood direct democracy, modern men, representative democracy." Immediately afterwards, discussing the complementary nature of the participation and the election within those two conceptions, he claims:

In both forms of democracy the relationship between participation and election is reversed. While today the election is the rule and direct participation is the exception, formerly the rule was the direct participation, and the election, the exception. We could also say as follows: Today's democracy is representative democracy sometimes complemented by forms of direct popular participation; the ancient men democracy was a direct democracy, sometimes corrected by the election of some magistrates (Bobbio, 2000, p. 374).

Discussing the concepts that emerged in the second half of the twentieth century, Santos and Avritzer (2002) characterize democracy as an organizing grammar of society and of the relationship between State and society; discussing the role of social movements and their integration into political life, they say: "Social movements would be

inserted into movements for the widening of politics, for the transformation of dominant practices, the expansion of citizenship and the inclusion in the excluded social actors policy” (Santos; Avritzer, 2002, p. 52).

It means thus, in the context of building new social grammars, to seek to insert these new actors into the political life, which could not be deceived by the lure of participation in formal rites without effective capabilities for transformation. In a text that discusses the concept of civil society articulated with the concept of democracy, Duriguetto (2008, p. 87) states:

In the field of political institutions, [Coutinho]<sup>5</sup> defends the permanent articulation of popular organizations with ‘traditional’ indirect representation. [...] It is this permanent link between representative democracy and direct basic democracy that would allow, according to Coutinho, the permanent projection of the lower classes in the State, transforming it.

In a work in which they seek to characterize the political phenomenon of national conferences held in the period 2003/2011, Souza et al. (2013) identify different treatments to which can be assigned: “institutionalized public spaces”, “participation channels”, or “parts of institutional arrangements”. In addition to its formal characterizations, it is our interest, here, to look out at the duties assigned to this social participation, since it is due to them it may, for example, assign greater powers to civil society, institutionally expanding the channels of social influence in the definitions of the country’s political direction.

Supported by the conceptual apparatus of deliberative theory, Souza et al. (2013) discuss the possible decision-making character of these conferences, showing a duplicity of interpretations. After listing a group of authors for whom the decision-making nature is incorporated into the deliberative character of the event<sup>6</sup>, which should ensure to the decisions their inclusion into government agendas, they illustrate this perception, noting that

[...] National conferences are institutionalized spaces of social participation in which civil society and the State are mobilizing, dialoguing and deliberating on specific public policies, producing results to be incorporated into the government agendas and actions (Oliveira, 2011, apud by Souza et al., 2013, p. 10).

Similarly, after quoting authors to whom the conferences would not have a binding deliberative character<sup>7</sup>, they illustrate this perception with this quote:

The delegates attending the conferences discuss in groups the institutional policies, vote for demands and build the

final report. The limit of this participation is on the advisory character of these decisions, which despite being requested by the government, legally have no responsibility for them (Pinto, 2009, apud Souza et al., 2013, p. 10).

Considering civil society as the set of spaces in which can be developed political processes that contribute to the organization of the interests of the popular classes, towards the construction of a more just and egalitarian society (Duriguetto, 2008), it is possible to conjecture that the conferences processes stimulated during the Workers Party (PT) governments could have been created as strengthening spaces of decision-making participation of civil society channels. As a result, in this work we consider important to understand the roles that have been assigned by the mechanisms/ instruments of participation in municipal, state, district and national education conferences that culminated in the CONAE/2010 as well as processing elements, in the national congress, of Law n. 13.005/2014, discussing the dialoguing capabilities and the intervention possibilities of the social movements in the results of these processes.

### **Civil Society and Government in PNE 2001/2011**

Convinced of the importance of continuing the resistance movement to the advances of the new world economic order, particularly for having seen its project for a democratic construction of LDBEN being replaced by a proposal cunningly articulated by the executive power, the coordination of the National Forum in Defense of Public School “[...] representing a significant portion of the organized civil society, took upon itself the task of democratically draft a PNE proposal that could contemplate the desires and idea of education, State and society of the associations that were part of the Forum” (Bollmann, 2010, p. 661).

The text that became known as *PNE - Proposal of the Brazilian Society* was built from open debates organized around local and national thematic seminars, whose elaborations converged on the First and Second National Education Congresses – CONED, both held in Belo Horizonte<sup>8</sup>. The final document, consolidated in the closing plenary, was registered in the House of Representatives on February 10, 1998, through a proposal endorsed by Deputy Ivan Valente plus 70 other parliamentarians (Bill 4.155/1998).

This civil society movement forced the government of President Fernando Henrique Cardoso “[...] to withdraw its plan and submit it on February 11, 1998, to the House of Representatives, where it would be processed, in a *sui generis* way, as an addendum to the PNE of the Brazilian Society” (Valente; Romano, 2002, p 98.). We must remember that even though the legislation determined the establishment of a national education plan (LDBEN/96, Art. 87, § 1), the federal government, until that moment, had not shown any commitment to its preparation.

The PNE approved in the parliament, after heavy conflicts between the government and organized sectors in defense of public education, was even more weakened by the nine vetoes imposed by President Fernando Henrique Cardoso (Cury, 2011), which tainted its execution, turning it into a letter of intent (Valente, Romano, 2002); it is appropriate to note that, despite expectations to the contrary, those vetoes were maintained throughout the duration of the PNE 2001/2011, in the two governments of President Luis Inácio Lula da Silva.

### **Civil Society and Government at the National Conference of Education/2010**

In an interview with the Editorial Board of the journal *Educação & Sociedade*, the general coordinator of the National Conference on Education, in 2010, identifies in the Basic Education Conference (CONEB), held in 2008, the matrix of the CONAE proposition; according to him, from that emerged the indications for a conference “[...] including all levels, stages and modalities of education, with the participation of civil society and government entities” (Fernandes, 2010, p. 1033).

Thus, unlike what happened with the previous PNE, the Ministry of Education took upon itself the task of carrying out, linking up with civil society, the National Conference on Education – CONAE 2010 that, in the words of its general coordinator, would “[...] adopt guidelines for the national system and, within these guidelines, would also approve guidelines for the National Education Plan” (Fernandes, 2010, p. 1037).

Being understood as necessary that the National Conference on Education was preceded by a series of discussions in the states and municipalities, it was organized a calendar indicating the achievements of municipal steps (or intermunicipal) and states’, preceding the national event, scheduled between March 28 and April 1, 2010. The central theme, which explains its intent, was *Building the National Articulated System of Education: the National Education Plan, its Guidelines and Action Strategies*. The discussions, proposals and deliberations were carried out from the Reference Document (Brazil/MEC, 2009), a text produced by the National Organizing Committee of the CONAE, organized into six themes.

The proposals of changing the reference text were accomplished by the submission, from the municipal (or intermunicipal) conferences, of suppressive (partial and total), substitute or additive amendments; presented within the axesto which they were linked, those amendments, when approved, were incorporated into the original document.

In order to include modifications to the original text, the Brazilian Campaign for the Right to Education organized the participation of activists from its regional committees, guiding them to be distributed into the axes that would unfold discussions, as a way to ensure impact on all subjects.

In order to give effect to this participation, aiming that their amendments were presented in at least five different states, which would facilitate their inclusion in the final document (CONAE 2010, Internal Rules, Art. 15, § 2 and Art. 21, § 1.), the coordination of CNDE organized a unified book of proposals to be defended both in municipal or intermunicipal conferences, as in the state and in the Federal District conferences.

### **The Bill 8035/2010 and the Project of the Chamber 2013/2012**

#### *The Bill 8035/2010 and the CONAE /2010*

For those who had participated in the construction, through discussions and deliberations throughout each stage of CONAE/2010, particularly those who had been in the plenary of the national phase, the text submitted by the executive power to the House of Representatives (Bill 8035/2010)<sup>9</sup> was frustrating because it disregarded important decisions, all of them reaffirmed during the deliberative processes of conferences (Educação & Sociedade, Editorial Jul./Sep. 2013), while incorporated actions of the federal government that had not been discussed during this process.

We can quote, for example, the text of goal 1, which proposed “to expand, by 2020, the supply of early childhood education in order to meet 50% of the population at the age of 3” (Bill 8035/2010), while the resolution of CONAE determined the universal demand service manifested in childcare by 2016 with “[...] the financial support of the Federal Government for the construction, renovation, expansion of schools and funding personnel” (Brasil/MEC, 2010, p. 68). There is, to stay on the same goal, another discrepancy that may also be mentioned: while the strategy 1.4 of the Bill 8035/2010 proposed “[...] to stimulate the supply of free enrollment in childcare centers by granting a social assistance charity in education certificate”, the final plenary of CONAE ruled that the agreements for enrollment offers in childcare centers should be frozen in 2014 and dissolved in 2018, ensuring the fulfillment of all the demand directly to the public networks.

Despite many others, the most striking disrespect was that linked to the resolution of the CONAE 2010 to “[...] expand investment in public education in relation to GDP at the rate of at least 1% per year, in order to achieve at least 7% of GDP by 2011 and at least 10% of GDP by 2014” (Brasil/MEC, 2010, p. 110) that, in the official text, appears as “[...] progressively increasing public investment in education until at least the level of 7% of gross domestic product” (Brasil, Bill 8035/2010), in deep disagreement by the decisions of the national conference.

It also draws attention the inclusion of proposals that were not discussed during the conferential process, such as: (i) the goal 7, which

established the implementation of IDEB<sup>10</sup> as an indicator of the evolution of the quality of Brazilian schools, (ii) the strategy 13.1, which proposes to intensify and improve the SINAES<sup>11</sup> and (iii) the strategy 13.2, which proposes extending the coverage of ENADE<sup>12</sup>. Interestingly, the conference that was convened to lead the construction of the National Articulated System of Education, was used for the government to move forward, in leaps and bounds, the institutional consolidation of a *National Evaluation System*.

### *The Bill 8035/2010 in the House of Representatives*

In normal course, this bill should go through three specific committees (Committee on Education and Culture, on Finance and Taxation and on Constitution, Justice and Citizenship), and subsequently put to vote in a plenary session (513 votes). However, contrary to the position of various institutions, expressed in a letter to the president of the House<sup>13</sup>, the processing of Bill 8035/2010 in the House of Representatives was made through a special committee, consisting of 52 parliamentarians (26 sitting members and 26 alternates).

It does not seem unreasonable to assume that the intention of this referral has been linked to the degree of governance that the executive power might have during the voting, after all, in a House where much of the five hundred votes can migrate due to personal (or party) interests, concessions that might need to be made could represent high political price to be paid for the adoption of a text more at the mercy of government positions; on the other hand, in a narrower committee, where the executive could, with greater control, have the desired majority of votes, political costs would be minimized.

After intensive and extensive processing in this legislative House, the final opinion of the rapporteur was approved in June 2012, then referred to the Senate, where it received the identification of PLC 103/2012; among the changes incorporated into the original text, the most important, without doubt, was the text of the goal 20, which included an amendment of Congressman Paulo Ruben Santiago to approve the allocation of 10% of GDP for public education.

### *The PLC 103/2012 in the Senate*

Unlike what happened in the House of Representatives, in the Senate the course of the PNE text followed ordinary rite, through three committees and then submitted to a vote in plenary session<sup>14</sup>.

Some of the advances made in the House of Representatives, which allowed to recover part of the deliberations of CONAE 2010, suffered setbacks during its passage through the revising House; it deserves special mention the new concept of *public investment in education*, introduced

in the text approved in the Economic Affairs Committee, which had its nefarious scope enlarged in the Committee on Constitution and Justice. This concept began to allow funds to be transferred to the private sector or non-profit institutions, as incentives and tax exemptions or subsidies, besides agreements for nurseries and pre-schools services or for the realization of inclusive education proposals were accounted for as *investment in public education*.

Another significant setback with regards to basic education funding parameter; the Cost of Initial Quality Education per Student (CAQi) and Cost of Quality Education per Student (CAQ) propositions were kept, withdrawing the Federal Government's responsibility to complement states funds that did not come to reach the benchmarks.

### *The Bill 8035/2010, back to the House of Representatives*

Changes made by the Revising House forced the text of the PNE to return to its process in the House of Representatives, where some of the setbacks were returned to the previous textuality.

On its return to the Special Committee of the House of Representatives, the discussions over the Bill 8035/2010 were centered around three points: (i) section III of Article 2, due to the maintenance of the original expression that was approved in that House "[...] emphasizing the promotion of racial, regional, gender and sexual orientation equalities"; (ii) the goal 20, associated with § 5 of art. 5<sup>15</sup>, because, even if the goal text kept the explicit reference to public funds to be invested in public education, in the body of law, the modification made by the Senate allowed the transfer of such funds to the private sector, to non-profit institutions and to some convenants to be accounted as public investment in public education, and (iii) the recovery of the text adopted by the Special Committee of the Board, with regards to the completion of the Federal Government to the states that failed to achieve the minimum CAQi/CAQ values.

Negotiations between parliamentarians directly involved with the Special Commission and the presiding members of the House managed to overcome procedural barriers, ensuring the vote of the matter in plenary, on June 3, 2014 and the text, sanctioned by the President of the Republic on June 25, 2014, became the Law 13.005.

### ***Brazilian Campaign's actions in the processing of Bill 8035/2010 and PLC 103/2012***

Because it understands that the deadline for the submission of amendments could have been counted since the previous legislature, the coordination of the *Brazilian Campaign* gave the president of the Education Committee, in February 2011, a set of 75 amendments to be

incorporated into the official proposal; as the deadline for submitting amendments began, in fact, to be counted only from 23/05/2011, the CNDE may review and extend the initial proposal, submitting a total of 113 original amendments to change that text.

The presentation strategy of the amendments by federal deputies was carried out by regional committees of the *Brazilian Campaign*, which proposed them to the parliamentarians with whom they had dialogue. By forwarding the same amendments with different parliamentarians, the CNDE intended to ensure the greatest number of adhesions to these proposals, understanding that these recurrences increased their political densities, subsequently enlarging thus the chances of being accepted by the rapporteur.

By the time the propositions' deadlines were closed, it was accounted 2,915 amendments to the Bill 8035/2010, a number higher than those connected with the process of the project that consolidated the Federal Constitution of 1988, a relevant fact by itself.

As it understood that the chances of success in the conflicts that would take place in the parliament would depend on a political force greater than the Brazilian Campaign for the Right to Education's alone at the time, its coordination worked to structure a national movement that could add new members, based on this particular subject. It constituted thus the *Movimento PNE pra Valer* [Movement PNE for Real], a broad and plural joint of institutions, organizations, networks and citizens who, individually or collectively, took upon themselves the task of making pressure on the Congress so the creation of PNE law would reflect the resolutions adopted at the CONAE 2010, the driving force of the *Movement*.

It is difficult to determine how many individuals or institutions acted in line with the proposals and incentives for *PNE for Real*. In any case, one can account for, among others, inclusion of academic and scientific institutions (ANPED, ANFOPE, CEDES and FINEDUCA, for example), of unions (CNTE, SINTE and SINTESE, for example)<sup>16</sup>, student bodies (UNE and UBES, for example), civil society associations (Youth and Adult Education from Piauí, Ceará and São Paulo and Early Childhood Education from Ceará, Pernambuco and Minas Gerais, for example), besides the UNDIME, an organization that brings together the municipal secretaries of education.

The geographical capillaries of the institutions and individuals that have come to constitute the *Movement* allowed extensions of spaces for performances, and this did not involve the loss of focus of the proposals and, at the same time, have made possible at least two forms of action, namely: meetings in/of specific communities and demonstrations in public places in defense of their demands<sup>17</sup>.

As part of the very dynamic of the Special Committee installed in the House of Representatives to deliver an opinion on the National

Education Plan, numerous meetings were held to dialogue with the *civil society*. In Brasilia, several thematic hearings were carried out and the *Brazilian Campaign* was present in many of them, part of the times as a guest to compose the board of debates and present its positions; examples of such participation are that of May 11, 2011<sup>18</sup>, whose theme was the quality of education, the hearing on May 25 of the same year, whose theme was *Education Financing*<sup>19</sup>, or yet that one which dealt with the policies to early childhood education, held in August 17, 2011<sup>20</sup>.

In several Brazilian states public hearings were held for the same purposes, not being restricted to specific thematic approaches; the first one took place in Fortaleza, on May 16, 2011, and was attended by the *Special Committee's* president and the rapporteur. Wherever there were hearings of this nature, the Brazilian Campaign for the Right to Education was present through the regional board members and, whenever possible, also through members of its coordination.

An important strategy, which imposed a constant dialogue between members of CNDE with several congressmen and senators, was the *face to face* approach with members of parliament who, directly or indirectly, might affect the PNE text directions in those Houses. Depending on the institutional hierarchy or the positions advocated, some lawmakers have been regularly addressed, with more elaborate speeches and documents; fall into these cases, besides the president and rapporteurs of the committees concerned, some party leaders, government leaders in addition to those who had a dialogue, in the field of education, with social movements.

Prominent role was that of the regional committees of the *Brazilian Campaign* which, working from the constituencies of parliamentarians, were an important factor in convincing or embarrassing, which made them remember, always, that there were sectors of the civil society who were aware of their positions and who accompanied their votes.

A very important point, which helped changing the inflection in the curve of discussions around the PNE was the release, in August 2011, of the technical note "Why 7% of GDP for education is not enough: Calculation of investments needed for the new PNE ensure a minimum quality standard"<sup>21</sup>.

Adopting the same calculation methodology used by the federal government for drafting the cost spreadsheet of the document titled *Investment forecast required to comply with PNE, beyond the current investment of 5% of GDP*<sup>22</sup>, but taking as reference the Cost of Initial Quality Education per Student (CAQi), in the manner in which it was proposed by the Opinion CNE/CEB 8/2010 of the National Council of Education, the result achieved by the CNDE was that it would be necessary additional resources equivalent to 5.403% of GDP, a quite different value from the calculations presented by MEC, which was estimated at 1.943% of GDP<sup>23</sup>. As in 2010 it was assumed that investments in education had

been of 5% of GDP, the value estimated by the Campaign indicated that, for Brazil to accomplish the PNE, it would require resources of about 10.403% of GDP, an amount significantly different from that advocated by the federal government.

Aware that the interventions, the mobilization ones, the ones regarding production of documents and texts and acting with congressmen would gain greater political density if they were linked to media effects, the coordination of the Brazilian Campaign for the Right to Education has always sought to establish contacts with the print and televised media, holding dialogues with both local and national vehicles; in the first case the committees of the *Brazilian Campaign* played an important role, sometimes giving interviews, sometimes writing articles, holding events to which media vehicles were always invited.

Knowing the force and the reach of social networks, especially in dialogue with individual actors, the CNDE, in addition to maintaining their own website<sup>24</sup>, creating another one, specific to the Movement PNE for Real<sup>25</sup> and maintaining a national e-mail list, stimulated the creation of local groups, besides memberships in Facebook and Twitter, as ways of ensuring the dissemination of information on the movements of the processing of the PNE. At times submissions of collective electronic correspondence to congressmen were encouraged, as well as affiliation to their pages on Twitter and Facebook; specific hashtags circulated, at appropriate times, with some intensity through internet networks.

During the proceedings in the Federal Senate, the *Brazilian Campaign* kept the uses of the strategies used during the rites in the House of Representatives, although changing the intensities and frequencies of some of them; it was continued, for example, dialogue with lawmakers / senators, while recognizing the Upper House as less permeable to dialogues with civil society, at the same time it intensified the disclosure of official notes, on which CNDE explained public positions at each new stage of the procedure or at every new threat of regression in the text in preparation. The documents “PNE in the Senate: The text needs to be improved, not deconstructed”<sup>26</sup> and “PNE in the Senate: State responsibility is taken up in the text of the Committee on Education”<sup>27</sup>, are examples of such initiatives. On December 18, 2013, shortly after the vote in a plenary session of the Senate of PLC 103/2012, the coordination of the Brazilian Campaign released the *Letter to the Brazilian Society: PNE for real is the one by the House of Representatives*, where it explained regressions included in the text end approved in that House.

## **Final remarks: the actual incidences of civil society in the PNE 2014/2024**

### *Advisory, Deliberative or Decision-making CONAEs?*

With some justification, the *Final Document* of the 2010 CONAE emphasizes the democratic character of the conferencial process, mentioning the participation of 450,000 delegates in the various stages of the event and the involvement of about 3.5 million people. However, a reflection, although initial, on the effective capacity of these hundreds of thousands of persons who in principle have participated in the construction of the text of the approved law, raises concerns.

A first important aspect to be considered is the status that the government gave to the CONAE 2010's deliberations by sending to the House of Representatives the Bill 8035/2010, incorporating only proposals which were convenient to the government, excluding those with which it had disagreements and including others that, not being discussed at the national or subnational plenaries, represented the official interest.

In addition to the non-incorporation of vital amendments to the feasibility of the PNE, such as those linked to the financing of public education, for instance, another behavior that deserves special attention is the incorporation of certain federal executive programs among the PNE strategies without sending them to the plenaries; in doing so, the government claimed that the actions *of* a specific government term were transformed, without discussion, in *platforms of the Brazilian society*. Ten-year plans have been advocated from the prerogative according to which they are configured as State proposals, and should not be linked exclusively to specific governments.

It is interesting to note that the very coordinator of CONAE 2010 defends the conferencial process as a Brazilian State action, independent from the government that was organizing it; in an interview published in September 2010. So, after the conference, he said:

I always tend, meant and tried to say as the conference coordinator that it was important for us to move towards a concept for the conference and be a State conference, even if it was called by a government, but it should be a State conference, because the perspective we have is that it is independent of the government (Fernandes, 2010, p. 1037).

In a quite enlightening way, he shows that he does not have the same understanding when it comes to the construction of the National Education Plan and the role that MEC could play in its development, saying:

For example, let's say the conference had not approved the systemic action of education, but, as MEC has worked in recent years on the view that the action of education should be systemic from early childhood care centers to graduate schools, it should have been included, in the new PNE, the advances made in this direction. MEC will certainly try to make a proposal of PNE to proceed in relation to the systemic action. I am giving an example that the Ministry of Education is preparing a PNE draft proposal that will take into account what the conference adopted, but also the concepts that are being developed during this period (Fernandes, 2010, p. 1038).

It seems natural to him that MEC includes a conception that, according to the Ministry itself, is considered a breakthrough, *the systemic action of education*, even though it has not been considered in the conferencial process; without intending to discuss the merits of the proposal, it is necessary to consider the meaning of the acceptance of such procedures. It may not be overly biased to cogitate, as aspects implied in his speech, that “[...] the Ministry of Education is preparing a PNE draft proposal that will take into account what the conference adopted [*those propositions to which it agrees*], but also the concepts that are being developed during this period [*even if they have not been discussed in CONAE 2010*]<sup>28</sup>.

By acting in this way, given itself the right to incorporate only certain decisions of the national conference, or, depending on its point of view, to include strategies that have not even been discussed, the executive power is placed next to the authors who defend the deliberative character, but not the decision-making one, of the national conferences which surely defeats the participation of many delegates, who were not aware of the condition of CONAE 2010, while that may be turning the participation of civil society in cooptation for actions of the executive interest.

This routing consolidates also a duplicity of meaning given to this concept in the context of conferences, because the application of the *deliberative* concept, present in the internal regulations of municipal, state and district conferences preparatory to the national conference gives them the *decision* attribute once the proposals are accepted – under conditions defined *a priori* – in the later stages as the same concept (deliberative) does not have the same binding decision character when referring to proposals approved at the national conference.

This contradiction may become more evident when the Federal District, the states and municipalities are involved in the elaboration of the respective district, state and municipal plans. It is possible that one comes to work with a double proposal for *deliberative* concept under the own federative entity, since, to keep the current standards, the sub-steps would be (have been) deliberative and decision-making as part of

the preparatory steps to the CONAES and have not binding deliberative character, when they referred to the construction of their own education plans.

If it is possible to find arguments/authors who can justify the current status, decision-making and non-decision-making, given to the national education conference, the least expected is to make explicit, clearly and publicly, that this is the understanding that has led the Article 1, § 2, of the Bylaws, both in CONAE I and in CONAE II. At the same time, it is also necessary that we discuss the character, possibly double, of the sub-conferences. In both cases it is necessary that the actors who are committed to the strengthening of the democratic processes, with a seat in the National Education Forum, to evaluate portions of responsibilities of that instance, in those procedures.

### *In the Middle of the Way there was an Election*

There is no denying that general elections, as occurred in October 2010, are important catalysts of the country's political life, so it should not surprise the fact that the government submitted the draft of the National Education Plan to the House of Representatives only after the electoral process; this action, continually postponed, became effective only on December 15, 2010, after explicit pressure from key political actors, among them the Brazilian Campaign for the Right to Education.

Although the presidential election has been won in the first and second round by the candidate Dilma Rousseff, it is worth remembering that at the time the conferencial process of CONAE 2010 was held, the election scenario was quite different<sup>29</sup>, and that, with this background, MEC built the outline of the proposed National Education Plan to be submitted to the Congress.

It seems plausible to think that if the PSDB candidate had won the election, important parts of the document would be substantially different from what was proposed, in which case the Bill 8035/2010 text might have been incorporated into the decision to allocate 10% of GDP in education by 2014, with the irrefragable argument that it was a resolution resultant of the mobilization of more than 450,000 delegates who had participated in the various stages of CONAE.

It is, indeed, a speculation which cannot be substantiated; however, the most important of this consideration is that it evidences possibilities of manipulation of the resolutions endorsed by hundreds of thousands of delegates, according to narrow interests of certain administrations of governments, a risk that will continue to be present in the future if the rituals of conferencial processes are maintained, as practiced in both CONAES. If the government has incorporated the National Education Conference 2010 decisions that interested to it and in a complementary way, included strategies that had not been discussed, it does not seem

unreasonable to think that, conversely, it tried to impose to its opponent an agenda that it itself considered inconvenient.

### *The Disproportionality between Efforts and Modifications*

When sanctioned by President Dilma Rousseff, the law establishing the PNE was not able to mobilize great enthusiasm in the segments related to the defense of public education as a right; in fact, the strongest feeling, present after its promulgation, was that of relief, for example, by maintaining the 20.10 strategy that was at risk of being vetoed. If, on the one hand, it was possible to maintain the Federal Government complementation for the resources to the states that failed to achieve the minimum values of CAQi/CAQ (Strategy 20.10), on the other, the law imposed a flexible and delicate concept of “[...] public resources invested in public education” (Art. 5, § 4) that, in addition to divert substantial sums for private and philanthropic institutions, leaves open the possibility of future inclusion of new beneficiaries of this conception, an expansion that took place in the transition from the Economic Affairs Committee to the Committee on Constitution and Justice of the Senate.

It is important to remember that, if there was no presidential veto to overturn the 20.10 strategy, there was also no one to weed out the institution, by law, of a bonus policy supported by the IDEB as a way to value the work done in schools (Strategy 7.36).

Apart from these, there are a number of other points – goals and strategies – of contribution at least doubtful for the implementation of a proposition of education as a social right in which stands out, as proposed by the Document-Reference of CONAE 2010 itself,

[...] on the one hand, the defense of *public, free, secular, democratic, inclusive education and with social quality for all and, on the other, universal access, expanding the school day and ensuring the successful permanence* for children, teenagers and adults in all stages and types (Document-Reference CONAE 2010, p. 20).

It remains to be done an effective balance of the modifications to the body of Law 13.005/2014 as derivations of the actions of civil society, however, it is fair to say that the text would have been worse if it was not for the actions and pressures of social movements

It is possible that when actual advances, mobilized efforts and the specific weight of legitimacy transferred to that law is confronted, on the basis of social participation in its formulation, the final result will not be pretty; perhaps it would be concluded that civil society has achieved, only to prevent further damage, constituting it as a resistance trench. Anyway, one cannot avoid performing these reflections, even if it might lead to the recognition of the vulnerability of social participation in educational conferences processes.

### *FNE's Autonomy and the Postponement of CONAE 2014*

If there were doubts about the secondary character given to the social participation in drafting the PNE 2014/2024, the suspension of CONAE in 2014, on the eve of its completion, made explicit, beyond doubt, the role assigned by MEC to the participation of civil society in this process, as well as the fragility of the institution organizing the conference, the National Education Forum. Scheduled to take place in the period February of 17-21, the conference had its postponement announced on January 24, less than a month before its expected completion.

On the official justification<sup>30</sup>, the Secretariat for Administrative Affairs of the Ministry of Education argues that the amounts needed for its realization would have made impossible for it to be accomplished, as if on the eve of its completion, they had been aware of its budget; it is important to remember that the event was scheduled since December 2012<sup>31</sup>.

In a short note, in which it reports the postponement of CONAE 2014 to November, the National Education Forum points out that “[...] it complied with all the steps required for the realization of the national phase of CONAE in 2014, from February 17 to 21” (20. FNE NOTE on the postponement of the CONAE 2014), thus transferring all responsibility to the Ministry of Education. Anyway, the rapid acceptance by the FNE of this proposition, besides highlighting its total budget dependence on the Ministry of Education, a delicate situation that should be reproduced in the subnational levels, shows a limited range of this political instance.

Despite many associations have manifested, with different foci, contrary to its cancellation<sup>32</sup>, such positions do not seem to have shaken, minimally, the convictions of the Ministry of Education.

It seems more reasonable to look for the reasons for such *cancellation/postponement* on the coincidence of the conference period with the beginning of the legislative calendar, especially in a year when we had elections for the House of Representatives, rather than the fragile administrative and financial arguments which, if accepted, would demonstrate a primary managerial incompetence.

### *In Order to Conclude the Text*

There is no denying that the field of education is a special area of disputes of conceptions, and that the characteristic struggles of these confrontations have in the actions of the governments clarifications of positions of a political field that, in many situations, oppose the theses defended by social movements, including significant portions of the academic sectors.

If we look at our institutional political life and, in this particular case, with the inclusion of national education conference processes

(2010 and 2014) and its consequences, it can be said that the demands of civil society have failed to overlap the solid entrenchment of the governments and their allies, causing the well qualified democratic participation contribute almost exclusively to the legitimacy of bourgeois democracy, as Coutinho (1979) warns, not being helpful even to mark the internal contradictions of government speeches, as it would be liked (Poulantzas apud Weber, 1980).

For these conferencial processes to be able to fulfill the political role of extensions of the powers to be exercised by social actors excluded from the institutional decision-making rites, as Santos and Avritzer (2002) advocate, it would have been necessary to prioritize the characteristic dynamics of direct democracy which, in the case of the education conference, would implicate, for example, the explanation, in the regiments of the conferences, of the commitments of the executives with decision-making character of the deliberations that have been built in these collective bodies.

The manipulation of the deliberations of CONAE 2010 in the construction of the Bill 8035/2010, which could have taken a diametrically opposed direction, if the PSDB had won the presidential election, are doors that remain open while the education conferences are not deliberative nor decision-making, which contributes to the strengthening of the interests of governments and parties that give it support, asphyxiating the channels of participation that could oxygenate the direct democracy and the possibilities of state transformations.

We reaffirm up, therefore, the need to strengthen effective channels of direct democracy that, at this conjuncture, should be understood as complementary to representative democracy, which could enable the civil society to exercise decision-making that is, today, concentrated in government institutions, an important route towards the necessary social changes.

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## Notes

- 1 A possible duplicity of interpretation was overcome by the publication of Constitutional Amendment 59/2009, which changed the wording of Article 214 of the Federal Constitution, claiming the need for a specific law to establish a national plan for education, decennial (Cury, 2011).
- 2 I refer to the National Education Plan: proposal of the Brazilian society, consolidated in the closing plenary of the Second National Education Congress, held in November 1997.
- 3 The Committee's Board of the Brazilian Campaign for the Right to Education is made up by the following institutions: Ação Educativa, ActionAid, Culture

- Center Luiz Freire, Cedeca Ceará, CNTE, Fineduca, Abrinq Foundation, MIEIB, MST, UNCME and Undime.
- 4 Law 13.005 of June 25, 2014, approving the National Education Plan - PNE and other measures.
  - 5 It refers to the text *A Democracia Como Valor Universal* [Democracy as a Universal Value], by Carlos Nelson Coutinho, published in 1979.
  - 6 The authors are: Escorel et al. (2005), Ferrarezi and Oliveira (2010), Oliveira (2011) and Avritzer (2012).
  - 7 In this case, the authors quoted are: Maricato and Santos Junior (2006), Souza (2008), Pinto (2009), Silva (2010), Brittos, Rocha and Nazário (2010), Zimmermann (2011) and Almeida (2012).
  - 8 The first CONED was held between July 31 and August 3, 1996, and the second CONED in November, 1997.
  - 9 The Bill 8035/2010, which approves the National Education Plan for the decade 2011-2020 and other measures, was submitted to the House of Representatives on December 20, 2010.
  - 10 The IDEB is an index created in 2007 and aims to be an indicator of the quality of basic education in Brazil.
  - 11 The SINAES, National Assessment System of Higher Education, was created by Law 10.861 of April 14, 2004.
  - 12 ENADE - National Examination of Student Performance is part of SINAES.
  - 13 The mentioned letter, dated March 3, 2011, was signed by the board of CNDE, by ANFOPE, ANPAE, ANPEd, CEDES and INESC.
  - 14 The Economic Affairs Committee's opinion was adopted on 28/05/2013, the Committee on Constitution and Justice's on September 25, 2013, the Committee on Education's on November 27, 2013 and then, in a plenary session, the text was approved on December 17, 2013.
  - 15 In the final text that paragraph has become § 4.
  - 16 SINTE, Sindicato dos Trabalhadores em Educação de Santa Catarina [Union of Education Workers of Santa Catarina]; SINTESE, Sindicato de Trabalhadores de Educação de Sergipe [Union of Education Workers of Sergipe].
  - 17 More information can be found at: <<http://pnepravalor.org.br/>>. Accessed June 17 2013.
  - 18 The *Brazilian Campaign* was represented by its general coordinator, Daniel Cara.
  - 19 The *Brazilian Campaign*, on this occasion, was represented by Professor José Marcelino Rezende Pinto, of Universidade de São Paulo.
  - 20 In this session, the *Brazilian Campaign's* positions were defended by Professor Malu Flores, from the Early Childhood Education Forum of Rio Grande do Sul, linked to MIEIB.
  - 21 Available at: <[http://arquivo.campanhaeducacao.org.br/Documentos/NotaTecnica\\_10PIBeducacao\\_17agosto2011.pdf](http://arquivo.campanhaeducacao.org.br/Documentos/NotaTecnica_10PIBeducacao_17agosto2011.pdf)>. Accessed June 17 2013.
  - 22 The mentioned spreadsheet was followed by the text in which the federal government exposed their options for the proposed goals (PNE 2011-2020: goals and strategies).

- 23 The methodology used in the two studies worked as if all goals defined were met in 2009 and, consistent with that, used that year's GDP as a reference.
- 24 Available at: <<http://www.campanhaeducacao.org.br/>>. Accessed June 18 2013.
- 25 Available at: <<http://pnepravalor.org.br/>>. Accessed June 18 2013.
- 26 Released on May 9, 2013, right after the presentation of Senator Pimentel's substitute in the CAE.
- 27 Released after the text's approval in the Education Committee of that parliamentary House.
- 28 The fragments between brackets and in italics are the author's responsibility.
- 29 Throughout the year 2009, the also candidate Jose Serra appeared in first position in the survey carried out, keeping it until May 2010, when both alternated in the lead. Since August, with the beginning of the Free Airtime on radio and TV, the PT candidate took the lead, never to leave it.
- 30 Technical Note No. 001/2014/SAA/SE/MEC, of January 23, 2014.
- 31 Ordinance MEC1410, of December 3, 2012.
- 32 For example, we can mention, ANPAE, ANPEd, ANFOPE, Brazilian Campaign for the Right to Education, CNTE, CONTEE, FEE-Ceará, MST and UNE.

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