

ARTICLE

SPECIAL EDUCATION PUBLIC-PRIVATE FUNDING: WHO WINS AND WHO LOSES IN THE BENEMERENCE MARKET?¹

LORRANA OLIVEIRA NUNES¹

ORCID: <https://orcid.org/0000-0002-4450-4652>
<lorrana.olnunes@gmail.com>

ANA CLÁUDIA DA SILVA RODRIGUES¹

ORCID: <https://orcid.org/0000-0001-6621-1861>
<anaclaudia@ce.ufpb.br>

¹ Universidade Federal da Paraíba (UFPB). João Pessoa, Paraíba (PB), Brazil.

ABSTRACT: This article aims to analyze the game of disputes and negotiations for public resources between public-private partnerships in special education funding. The discussions come from the bibliographic and documental review of works aligned with our objective, supported by the theoretical assumptions of historical-dialectical materialism (MARX, 1985). In the context of the State's exoneration concerning social policies, we perceived in the consulted sources that the public-private partnerships win the dispute in the benemerence market to the expense of the special education public, seeking the resources of public funding and participation in the direction of educational policies. It was also evident that the partnership between the State and the private sector contributed to public education precariousness, fueling tensions between conquered and effective rights and the non-compliance with PNE 2014-2024 goals and the agreements signed between Brazil and international organizations, such as the Declaration of Salamanca (1994). On the other hand, the findings revealed some exit ways to combat the social and educational *apartheid* disseminated by the business class seeking to dispute for the public fund: develop organization capacity, access to information, and internal communication to ensure public investments; overcome centralized management in school spaces; and strengthen social control through social and popular participation.

Keywords: public-private, educational funding, special education, market.

PÚBLICO-PRIVADO NO FINANCIAMENTO DA EDUCAÇÃO ESPECIAL: QUEM GANHA E QUEM PERDE NO MERCADO DA BENEMERÊNCIA?

RESUMO: Este artigo objetiva analisar o jogo de disputas e negociações pelo fundo público entre as parcerias público-privadas no financiamento da educação especial. As discussões derivam da revisão bibliográfica e documental de escritos alinhados ao objetivo eleito e estão sustentadas nos pressupostos teóricos do materialismo histórico-dialético (MARX, 1985). Na análise das fontes consultadas, verificou-se que, no contexto de desoneração do Estado, em relação às políticas sociais, as parcerias público-privadas ganham a disputa no mercado da benemerência, em detrimento ao público-alvo da educação

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especial, e buscam os recursos do fundo público e a participação nos direcionamentos das políticas educacionais. Evidenciou-se, ainda, que a parceria entre o Estado e o setor privado contribuiu para precarizar o ensino público, alimentar tensões entre os direitos conquistados e os direitos efetivados e descumprir as metas do PNE 2014-2024 e dos pactos firmados entre o Brasil e os organismos internacionais, como a Declaração de Salamanca (1994). Por outro lado, os achados revelaram algumas saídas para combater o *apartheid* social e educacional, que tem sido disseminado pela classe empresária na saga da disputa pelo fundo público: desenvolver a capacidade de organização, de acesso à informação e de comunicação interna para garantir os investimentos públicos; superar a gestão centralizada nos espaços escolares e fortalecer o controle social por meio da participação social e popular.

Palavras-chave: público-privado, financiamento educacional, educação especial, mercado.

FINANCIACIÓN PÚBLICO-PRIVADA DE LA EDUCACIÓN ESPECIAL: ¿QUIÉN GANA Y QUIÉN PIERDE EN EL MERCADO DE LA BENEMERENCIA?

RESUMEN: Este artículo tiene como objetivo analizar el juego de disputas y negociaciones por el fondo público entre las asociaciones público-privadas en la financiación de la educación especial. Las discusiones se derivan de la revisión bibliográfica y documental de escritos alineados con el objetivo elegido, y se basan en los supuestos teóricos del materialismo histórico-dialéctico (MARX, 1985). En el análisis de las fuentes consultadas, se verificó que en el contexto de la exoneración del Estado en relación a las políticas sociales, las asociaciones público-privadas ganan la disputa en el mercado de la benemerencia en detrimento del público objetivo de la educación especial, y buscan los recursos del fondo público y la participación en las direcciones de las políticas educativas. También se evidenció que la asociación entre el Estado y el sector privado contribuyó para precarizar la educación pública, alimentar las tensiones entre los derechos conquistados y los derechos efectivos, y para el incumplimiento de las metas del PNE 2014-2024 y de los pactos firmados entre Brasil y los organismos internacionales, como la Declaración de Salamanca (1994). Por otro lado, los resultados revelaron algunas salidas de combatir el *apartheid* social y educativo, que ha sido diseminado por la clase empresarial en la saga de la disputa por el fondo público: desarrollar la capacidad de organización, el acceso a la información y la comunicación interna para asegurar las inversiones públicas; superar la gestión centralizada en los espacios escolares y fortalecer el control social a través de la participación social y popular.

Palabras clave: público-privado, financiación de la educación, educación especial, mercado.

INTRODUCTION

In mediating the relationship agreed between the public and the private to offer specialized services to the target audience of special education, we begin the discussion based on the understanding of the term 'partnership'. According to Oliveira and Borghi (2013), it designates the formal agreements concluded between the public authorities and the private sectors, which “[...] also implies the capacity for the intervention of the private sector with the public administration, through the total or partial assumption of responsibilities previously attributed to the public power in its entirety” (BEZERRA, 2008, p. 62-63). Thus, the partnership “[...] is the newly proposed solution, which seeks to replace words such as 'service providers' and 'agreements', as it gives a more positive connotation to the services provided, of exchange between equals, with, always certainly, the same objective –the public 'interest'” (SILVA, 2000, p. 166).

The origin of public-private partnerships dates back to the program created in 1992, in England (United Kingdom), by the government of former Prime Minister John Major (1990-1997), called the Private Finance Initiative (PFI). At the end of that same decade, under the command of former British Prime Minister Tony Blair (1997-2007), the PFI underwent a series of modifications, regarding

the limits of public and private responsibility, and assumed the identification that currently we know as public-private partnerships (NAKAMURA, 2019).

Circumscribed within the neoliberal prescription, these partnerships have spread internationally and, sparingly, have been established in Brazil, mainly since the 1990s. This was a period that coincided with attempts to overcome the stagnation experienced in the country's economy and social development and which were initially implemented during the government of Fernando Collor de Mello (1990-1992), with the National Privatization Program (PND) (1990-2015), continued during the government of Fernando Henrique Cardoso (1995-2003), especially with State reform, and gained notoriety during the government of Luiz Inácio Lula da Silva (2003-present).

The agreement signed with public-private partnerships was seen by FHC's government as a means to enable the Master Plan for the Reform of the State Apparatus (PDRAE – *Plano Diretor da Reforma do Aparelho de Estado*) and its strategies to 'redefine the role of the State' (BRASIL, 1995c). On the other hand, some authors (BRANDT, SALLES, 2018; MAZETTO, 2015; NEVES, 2001) emphasize that such strategies were an attempt by this government to circumvent the inefficiencies of the Brazilian State as a provider of public services and, therefore, sought, in private entities, a way to finance and execute such services.

However, Peroni (2009, p. 2) adds that “the State is the movement to redefine the role of the State triggered by the diagnosis that the culprit for the current crisis, which spent a lot meeting the demands of society, generating inflation and crisis fiscal” and therefore, it is “inefficient and unproductive and the market must be the new regulator of social relations as a whole” (PERONI, 2009, p. 2), it is a manifestation of neoliberal ideology, even shared by the 'Third Way' (GIDDENS, 2001).

Also, as in every partnership interests often differ, so it was necessary to standardize the concession and permission of public services through legal provisions, such as Law 8.987/1995, which, supported by art. 175 of the Federal Constitution of 1988, granted federated entities the authority to enter into contracts with private institutions to carry out public works or services by carrying out a bidding process.

The privatization scenario inaugurated in Brazil in 1990 with the PND, and intensified with the reform of the State, reached its peak when President Lula (2003-present) sent to the National Congress, on February 17, 2003, the Message Presidential n° 623/2003, in which he declared: “The economic situation of our country has been vulnerable for several years, being in a harsh trap: stagnation or mediocre growth” (BRASIL, 2003b, p. 10). As one of the solutions to the crisis established in the Brazilian State, the government proposed the implementation of measures to strengthen public-private partnerships, which resulted in the Bill 2.546/2003, sent to the Chamber of Deputies, and which was the background for establishing the Public-Private Partnerships Law (Law 11.079/2004), which provides general rules for bidding and contracting public-private partnerships by the public administration.

As we saw in the PL, the proposition of the Public-Private Partnerships Law derives from the need to adapt the rules imposed by Laws 8.987/1995 and 9.074/1995 – both establishing the rules for concessions and permissions of public services – and by the Law 8.666/1993 (Public Administration Tenders and Contracts Law, repealed by Law 14.133/2021), regarding risk sharing and financing of private entities.

In this dimension, we highlight the interpretation, *ipsis litteris*, of the jurist Celso Antônio Bandeira de Mello (2007) on the implementation of the public-private partnership (PPP) in the Brazilian legal system:

The “public-private partnership”, which was sponsored¹ by the governing party, once committed to the interests of the working class, and today the spearhead of bankers' aspirations, constitutes the *crème de la crème*² of neoliberalism, due to its passionate dedication to protecting big capital and financial companies [...]. (MELLO, 2007, p. 743, emphasis added).

With the support of these premises, we can consider that partnerships between the public and the private “are an instrument of public policy of a neoliberal State, specifically determined by the logic of capital accumulation, pointing towards the ideology of privatization and outsourcing, founding elements of the neoliberalism” (MAZETTO, 2015, p. 1). Seen as a lifeline to reconfigure the role of the

State and maintain the status quo of the capitalist system, over the last few decades, these partnerships have been established in various sectors of civil society, in which entities are present “[...] business, directly involved with obtaining profits; social, focused on assistance and/or philanthropy, including religious ones, and those allegedly challenging the bourgeois social order, as is the case of workers unions, for example” (CÊA, 2017, p. 7).

Therefore, in this article, we aim to analyze the game of disputes and negotiations for public funds between public-private partnerships in financing special education, so that we can answer the following question: *Who wins and who loses in the benemerence market?* In Brazil, in the dynamics of the historicity of special education, we observed that the movement organized by public-private partnerships, mainly between the State and non-profit philanthropic entities, inaugurated what we can call the charity market, which, by assuming the disguise of support for those marginalized in civil society, hides the reproduction of bourgeois hegemony, conquers important spaces in the directions of public policies and reinforces the exclusion of the target audience from this type of teaching.

In an attempt to escape apparent and enter into the essence of the ‘thing in itself’ (KOSIK, 2002), these discussions, derived from the bibliographic and documentary review of writings referring to the defined objective, are anchored in the theoretical assumptions of historical-dialectic materialism (MARX, 1985), considering that this epistemology points the way to the interpretation of social reality, whose concreteness (totality) can only be revealed with the elimination of pseudo-concreteness. This means that we need to move from primary representations and consensual meanings, in their sensitive immediacy, to the unveiling of the multiplicities of reality, since “just what is *visible to the eyes* cannot be enough for us, as knowledge of reality, in its objectivity, requires the *visibility of men’s maximum intelligence*” (MARTINS, 2006, p. 11, author’s emphasis).

To contribute to the debate on the impact of agreements signed by public-private partnerships to offer specialized services in special education, in the first section, we address the relationship between public and private and the emergence of the new educational economy, materialized in the context of the privatization policy built on non-democratic and mercantilist bases and which deepens the dispute over public funds and devalues the provision of public education. We discuss the inflection points produced by the participation of philanthropic entities in financing special education, mainly the strengthening of these entities through the propositions of Bill 69/2015. In the final comments, we make some reflections on the multifaceted path of public-private partnerships, in the scenario of precarious public education and the charitable market, in which hegemonic contours are reproduced and reaffirmed by the business class in the services offered to the target audience of special education.

THE PUBLIC AND THE PRIVATE IN THE NEW EDUCATIONAL ECONOMY

In the unequal ways that prevail in the correlation of forces of the capitalist and neoliberal State, the mercantilist logic and all its commodifications produced in Brazilian public education raise the idea “of a unity that encompasses a particular strategy of capital accumulation, a particular set of social forms and class relations and a particular hegemonic project” (BALL, 2006, p. 15). Thus, the movement of bourgeois domination, manifested by private entities in the Brazilian educational field, gave rise to the ‘new Education Economy’ – *‘nova Economia da Educação’* (CÊA, 2017, 2021), guided by the ‘Third Way’ (GIDDENS, 2001) and the search for ‘Education for All – EPT’ – *‘Educação para Todos – EPT’* (UNESCO, 2000), also known as ‘All for Education’ – *‘Todos pela Educação’* (CÊA; SILVA; SANTOS, 2019), the tendency is for us to move even closer to a ‘meritocratic’ school model, which creates ‘losers’ and naturalizes the academic failure of students considered ‘less good and less worthy’, and in which “[...] ‘success for all’ – *‘o sucesso para todos’* is an empty slogan, as it contradicts the meritocratic principles in which the school is founded” (DUBET, 2004, p. 551, emphasis added).

In this regard, we can only ask: *What are the dark points of this new educational economic standard, which distances us from true human training for the exercise of citizenship, mediated by the guarantee of fundamental rights, such as education?* To get to the bottom of this problem, firstly, we need to understand what Anthony Giddens (2001) understands to be the ‘Third Way’:

Third Way refers to a structure of political thought and practice that aims to adapt social democracy to a world that has fundamentally transformed over the last two or three decades. It is a Third Way in the sense that it is an *attempt to transcend both old-style social democracy and neoliberalism*. (GIDDENS, 2001, p. 36, emphasis added).

Therefore, the proposal of the 'Third Way' is to remodel the structure and management of the State, decentralizing power to local governments, which must adapt to the new demands of the globalized economy, in which market society is present. For Giddens (2001, p. 79), “the reform of the State and government should be a basic guiding principle of Third Way politics”, due to its intrinsic relationship with the 'process of deepening and expanding democracy', reflected in the commitments of the governments, which will be able to establish partnerships with institutions organized by civil society to promote improvements in the community.

With the creation of the 'Third Way', Giddens (2001) proposes that not only social democracy be transcended but also the neoliberal principles embedded in the State. However, we found that this strategy causes the opposite effect: “preservation of social democracy and basic elements of neoliberalism” (ANTUNES, 1999, p. 95). Also, as part of the proposed reconfiguration of the State, it aims to establish partnerships between the public and civil society entities, which are inserted in the sphere of the third sector (FERNANDES, 1994; MONTAÑO, 2002; PERONI, ADRIÃO, 2004), another problem arises: the allocation of public resources to the private sector.

In general terms, the third sector can be designated as a 'non-state public', which, despite presupposing the existence of the State and the market, is not inserted in any of these superstructures. For this reason, it is a complex of manifestations of the private sectors covered by public purposes (FERNANDES, 1994; PERONI, ADRIÃO, 2004), which, as it generally does not have the means to carry out 'self-financing', the State is responsible for forming partnerships with institutions in this sector to transfer public resources and guarantee the contracted services (MONTAÑO, 2002; PERONI, ADRIÃO, 2004).

On the other hand, the incorporation of public-private partnerships in education, as an essential element for the development of educational policies implemented in Brazil, ended up further fueling the sagacity of businesspeople, who, every day, have transformed the struggle of social movements into in favor of the right to education in an authentic market of competitiveness and generation of exorbitant profits (CÊA, 2017, 2021; GENTILI, 1996; FREITAS, 2016; LAVAL, 2019; PERONI, 2012; PERONI, ADRIÃO, 2004). Just like the health and transport sectors, education is considered one of the areas with the highest percentage of profitability for the private sector, mainly “through ePPPs,³ which achieve an average of 34% profitability for the companies involved in contracts of this nature” (CÊA, 2017, p. 12).

In the book entitled *What companies can do for education – O que as empresas podem fazer pela educação* (1999), from the Ethos Institute of Business and Social Responsibility, we observe that the partnership between the company and the school or between the public and the private is a great attraction for the business class. Compared to the US scenario, which establishes more than 400 thousand partnerships between companies and schools, in which 7 million volunteers generate a total of US\$ 20 billion (INSTITUTO ETHOS, 1999), data from Brazil's educational context in 1998, despite being lower, demonstrate the impact of these partnerships on companies' profitability:

In Brazil, these data are lower, but not as much as one might think. After all, in 1998, 15 million Brazilians donated money to a social cause and this figure increases to 21 million if we consider the donation of material goods in general. *Philanthropy has generated R\$12 billion annually*. (INSTITUTO ETHOS, 1999, p. 14, emphasis added).

The profitability of Brazilian companies in the area of Education can also be seen in the partnership established between the public and private sector to ensure the provision of higher education within the scope of the Higher Education Student Financing Fund (FIES – *Fundo de Financiamento ao Estudante do Ensino Superior*). In analyzing the Financial Statements from 2011 to 2014 of Estácio Participações S.A. and Kroton Educacional S.A., Locateli et al. (2017) found that the transfer of financial resources from the student financing policy has substantial importance in the composition of assets and

the profitability index of these educational institutions. According to the findings of the aforementioned research,

[...] the values of FIES transfers represented considerable amounts in the Current Assets of Estácio Participações S.A., accounting, in the periods analyzed, for an average of approximately 9% of the total Current Assets. For Kroton Educacional S.A., such transfers represented almost double this percentage (on average, around 18% of total Current Assets in the years studied). Such percentages highlight the importance of this Ministry of Education Financing Fund in the assets of the two institutions.

It was also observed that this program impacted the profitability of both institutions. At Kroton Educacional S.A., the increase in profitability was significant from 2011 to 2013. Only in 2014, the profitability index was lower than in the previous year because the investment in the company Anhanguera was acquired. This caused the Net Equity of this Institution to increase but caused profitability to decrease in the last year, however, if this had not happened, the consequences of FIES would have been equally positive. When analyzing the profitability of Estácio Participações S.A., it is clear that, in 2011, profitability, which was already around 11%, increased to around 16% to 18% between 2012 and 2014. (LOCATELI et al., 2017, p. 12-13).

Supported by the 'Education for All' movement (UNESCO, 2000) and art. 205 of CF/1988, the business force justifies that, as it is up to the State and all strata of civil society to ensure the right to education, and public education still falls short of a minimum quality standard, "if the business community [...] to act in the social field to improve the living conditions of low-income groups, there is a consensus that education – and public schools – is one of the priorities" (INSTITUTO ETHOS, 1999, p. 13).

Under the motto "Let's put our talents at the service of Brazilian education, after all, public schools belong to all of us!" (INSTITUTO ETHOS, 1999, p. 15), the business class' proposal is to get to know the inside of public schools from the perspective of those who face daily difficulties in the school process. Thus,

[...] when the company knows the reality of the school from the "inside", of those who are faced with difficulties of all kinds, the company's employees broaden their vision of public school problems and can help the school team to seek solutions. This involvement can also generate the possibility for the business community to ally with the school and contribute more actively to the design of public policies so that they meet the needs of students. For example: it may be that the school in a region is overcrowded, and unable to meet demand. In this case, the company can join efforts to claim a new school unit and help the public authorities find solutions, renting a building while another is built. In addition to directly benefiting the student, joint *company-school* action can become a *lesson in citizenship*: the exercise of partnership work and social participation. (INSTITUTO ETHOS, 1999, p. 14-15, emphasis added).

Using the discourse of social participation to improve the quality of public education and "help the underprivileged as a way of 'minimizing' social differences and social class conflicts" (LEHMKUHL, 2021, p. 12), the business community has increasingly conquered more space in the Brazilian educational context. However, concerning the structural crisis of capital, corporate philanthropy, especially that exercised in the educational field, is a mechanism disguised as humanizing actions to introduce the "[...] deforming and biased character of social co-optation that the capitalist system proposes to the working class" (ARAÚJO; FRERES; SEGUNDO, 2014, p. 80).

Also, the ideology of the 'Education for All' movement (UNESCO, 2000), which, since Lula's government, has been operating under the slogan 'All for Education' – *Todos pela Educação*, has been transformed into a 'flag of business' and is configured as yet another strategy of class domination, which, through manipulation mechanisms inspired by the neoliberal project, obtains the consensus of different segments of civil society and reaffirms not only bourgeois hegemony but also the 'capital offensive in education' (CÊA; SILVA; SANTOS, 2019).

Regarding the 'All for Education' movement, Martins and Krawczyk (2018) state that it was created in 2006 due to the relevance that education gained in the development process of the Brazilian State at the beginning of the 21st century, and shared by civil society representations, which since the first term (2003-2006) of Lula's government, they began to occupy sectors of national power. In a similar

way to the understanding of Cêa, Silva, and Santos (2019), the authors understand that the 'political-educational production' disseminated by the 'All for Education' movement is not only of a market heritage nature, as it also asserts as a 'heritage ideological' of the Brazilian bourgeoisie, which “is realized by reconfiguring the country's public spaces and generating new mechanisms of social control beyond formal instances of participation” (p. 15).

Based on this, we can infer that the obscure points of the 'new Education Economy' (CÊA, 2017, 2021), which emerged in the articulated movement between the public and the private, can be summarized in the following equation: education + neoliberalism + publicization + privatization + outsourcing = reproduction of bourgeois hegemony in maintaining capital. This situational diagnosis represents such a serious obstacle to Brazilian public education that we agree with Mészáros (2005, p. 35) when he argues that “limiting a radical educational change to the self-interested corrective margins of capital means abandoning all at once, consciously or not, the objective of qualitative social transformation”. In this context, non-profit communities, confessional or philanthropic institutions, and agreements¹¹ with public authorities are inserted, to offer specialized services to special education students, whose hegemonic contours we will address below, mainly about the central discussion of this article: the dispute over public funds.

PHILANTHROPY IN FINANCING SPECIAL EDUCATION: WHAT ARE THE IMPASSES?

Bueno and Kassir (2005, p. 127) clarify that, “in special education, the concomitance of public services is so strong that the limits and roles between the services offered by the state public power and those offered by private welfare institutions have been established in an unclear way”. One of the explanations for this process derives from the path towards establishing special education, in which care for people with disabilities was attributed to families and philanthropic care institutions, reinforcing “the argument that partnership and meeting demands by society (NGOs and other social institutions) would be the acceptable and expected way of referral by public authorities” (VIEGAS; BASSI, 2009, p. 3).

The assumption of the State as supervisor, instead of being responsible for the direct provision of care for this population, is based on the main legislation that regulates the right to education, such as CF/1988 (art. 208, item III) and the National Education Guidelines and Bases Law of 1996 (arts. 58 and 60, of Law 9.394/1996), and which determine the provision of specialized educational services, 'preferentially', in the regular education network and, in parallel, in non-profit private institutions. For Viegas and Bassi (2009, p. 21), this practice is a contradiction and “is made explicit from the moment that legislation and public educational policies assume inclusion as a principle, but subsidize private institutions for educational services of people with disabilities”.

In this sense, if we consider all the challenges faced daily by students with and without disabilities, in situations of social vulnerability, and who require the provision of specialized educational services (*AEE – atendimento educacional especializado*), we will see that, in the absence of this service in public schools, provision in the private education network is an acceptable solution, as long as it is made possible on a provisional basis, as a supplement, and not as a substitute for public education. However, we often observe the opposite, public education becomes supplementary, and institutions such as the Association of Parents and Friends of the Exceptional (APAE – *Associação de Pais e Amigos dos Excepcionais*) “[...] are considered as educational institutions, and the population assisted continues as students to effect of the School Census and receipt of possible resources from the Ministry of Education” (KASSAR; REBELO, 2018, p. 56).

Sharing the same thinking as Bueno and Kassir (2005), Lehmkuhl (2021) reinforces that the presence of private welfare institutions in special education does not reflect the State's lack of responsibility for assisting students in this type of education, but the reproduction of the 'advance' of agreements signed between the public and private sector during the State reform (1995), as we will see later:

In special education, private welfare institutions took over the education of people with intellectual and multiple disabilities from the beginning, unlike what happened in regular education, not as a form of omission by the State, but as a negotiation by the public for assistance, an “advance” of the proposals for publicizing the 1995 State reform project. (LEHMKUHL, 2021, p. 7).

On the other hand, Peroni (2009) considers that, historically, the public authorities 'did not take responsibility for special education', and when this type of teaching was asserted as a right, the restructuring of the State's role produced negative effects on the implementation of policies inclusive schools and the expansion of public special education schools. The author adds that

the practice of transferring public resources that were already destined to non-governmental public institutions, such as APAE, Pestalozzi, etc., to carry out tasks that would be the responsibility of the public authorities, is currently strengthened by the movement in which the State withdraws or diminishes its role in implementing policies, passing them on to civil society. (PERONI, 2009, p. 2).

Thus, “[...] civil society was called upon to participate in the implementation of social policies as a way of reducing public spending and as a strategy to pass on social policies to non-governmental organizations in the 'third sector'” (LEHMKUHL, 2021, p. 7), which, in the context of special education, can be represented by APAE, considered the largest 'private-philanthropic service' network in the country (LEHMKUHL, 2021). In this dimension, when investigating the influence of the Apaean movement on the development of Brazilian special education based on the analysis of three periods – 'traditional philanthropy' (1974-1990), 'professionalization of philanthropy' (1990-2006), and the 'new philanthropy and the third sector' (2006-2016) – the author concluded that

[...] despite the changes in how philanthropy was expressed in the actions of APAES and the area of Special Education, the essential remained: the State continues to outsource services in the area to private philanthropic entities, especially to “disadvantaged”, as the only space to assist people diagnosed with intellectual and multiple disabilities – an aspect promoted by the institution, over time, as one of excellence, surrounded by charitable feelings and benevolence. (LEHMKUHL, 2021, p. 13).

Given this, we can infer that the expansion of non-profit philanthropic institutions, such as APAES, which currently has “more than two thousand units spread across the country, with state federations and a national federation” (LEHMKUHL, 2021, p. 2), is the result of State support, mainly manifested by the transfer of financial resources to these institutions to perform specialized services.

According to data from 2010, available on the online portal of the Ministry of Education (MEC) and referring to the transfer of resources from the Basic Education Maintenance and Development Fund (FUNDEB – *Fundo de Manutenção e Desenvolvimento da Educação Básica*) to APAES and other private specialized care institutions, in 2009, 'R\$ 285.758.717.93' (two hundred and eighty-five million, seven hundred and fifty-eight thousand, seven hundred and seventeen reais and ninety-three cents)⁴ and, in 2010, 'R\$ 296.863.736 .03' (two hundred and ninety-six million, eight hundred and sixty-three thousand, seven hundred and thirty-six reais and three cents) were transferred.⁵ Between 2008 and 2010, the National Education Development Fund (FNDE – *Fundo Nacional de Desenvolvimento da Educação*) allocated the amount of 'R\$ 53.633.206.95' (fifty-three million, six hundred and thirty-three thousand, two hundred and six reais and ninety-five cents)⁶ for the cost of school meals, purchase of books and actions derived from the Direct Money Program at School (PDDE – *Programa Dinheiro Direto na Escola*) within the scope of these private institutions (BRASIL, 2010a).

Regarding PDDE, in research published by the National Institute of Educational Studies and Research Anísio Teixeira (INEP – *Instituto Nacional de Estudos e Pesquisas Educacionais Anísio Teixeira*), Peroni and Adrião (2007) analyzed the impact of this policy in public schools and an APAE, both located in the city of Porto Alegre/RS and came to the following conclusion:

As for APAE, attention was drawn mainly to the diversity of sources of public resources, and the PDDE, even though it transferred more resources to these schools than to public ones, was

still responsible for only 4% of the total public resources received in 2003. Another aspect to highlight is that, despite being an Institution originating from the organization of society, management is completely centralized, as is the allocation of resources. In the research, we did not find *any trace of democratic management* at the Institution, in addition to *little transparency* in the allocation of resources, since public accountability, including published in a local newspaper, is very general and in accounting language. (PERONI; ADRIÃO, 2007, p. 146, emphasis added).

The authors' research findings pointed out that there are deficiencies in the mechanisms of “social control, both about the choice of where the resource would be spent and to accountability for the educational community, which is lower in APAE than in the public schools studied” (p. 146). These implications reflect the weaknesses that are present not only in social control but also in the transparency of the allocation and execution of public resources within public schools, especially private institutions.

The symptoms of this problem are exacerbated in the absence of democratic management, which, according to Gadotti (2014, p. 1), “is not only a pedagogical principle, but also a constitutional precept”, guaranteed in art. 1st, sole paragraph of CF/1988 and in which it determines that “all power emanates from the people, who exercise it through elected representatives or directly [...]”, through “representative democracy and participatory (direct) democracy, understanding social and popular participation as an inherent principle of democracy” (GADOTTI, 2014, p. 1).

From this perspective, we understand that, if there is no democratic management, we cannot speak of school democracy (GADOTTI, 2014), since one only takes place in the presence of the other. Furthermore, it is not possible to identify possible flaws in educational financing policy if institutions benefiting from public resources do not adequately report the amount received and how and where these resources were applied. We understand that this problem is not only of a technical and political nature but also an attempt to hide the true destination of public resources.

On the other hand, the deficiencies perceived by Peroni and Adrião (2007) in social control or, in other words, in the (de)social control of PDDE resources that were allocated to the researched institutions, are nothing new, especially if we take into account that the business class – represented, in the authors' research, by APAE – routinely dictate the rules in the areas of formulation, implementation, evaluation, and monitoring of social policies, especially educational ones. FUNDEB, for example, is a clear expression of this domination, because, as Arelaro (2008) infers, in the context of special education, it gave *carte blanche* to the incorporation of non-profit private institutions in the calculation of enrollments carried out in the municipal public network of teaching. In these terms:

Special education offered in non-profit communities, confessional or philanthropic institutions, in partnership with the public authorities, operating exclusively in this modality, carried out in common or special classes and regular schools, in special or specialized schools, may also be computed by the public sphere respective municipality as yours. (ARELARO, 2008, p. 61).

Arelaro (2008) highlights that professionals who work in public schools and who are assigned to work in private institutions, in partnership with the public authorities to offer specialized services in special education, are included in 60% (now 70%) of the resources allocated by FUNDEB to the remuneration of Education Teaching professionals (currently, basic education professionals). According to Viegas and Bassi (2009, p. 19), agreements are “other forms of direct and indirect public support to the private sector”, in which it transfers “financial resources, accompanied or not by the transfer of teachers and staff, equipment, food, teaching material, something that is customary in public and private relations” (VIEGAS; BASSI, 2009, p. 19).

We also highlight that the change in the name 'education teaching professionals' to 'basic education professionals', which was proposed by the new fund, is yet another obstacle to the remuneration of teachers inserted in the context of public schools since the expression 'basic education professionals' can cover a wide range of professionals who work in the educational field, such as social workers, psychologists, speech-language therapists, nurses, doctors, among others. Thus, despite the increase in the percentage of FUNDEB transfers from 60% to 70%, when the fund's resources are shared among all professionals included in the new category, the remuneration of education teachers basic education will continue to be out of date, which will result in the precariousness of the work of these

professionals, which is directly reflected in the quality of education offered to students with and without disabilities.

Continuing the debate on the new funding policy, which, since the sanction of Decree 6.571/2008 (repealed by Decree 7.611/2011), already determined the double calculation of enrollments of special education students in common classes in the regular network teaching and, after hours, in AEE, which can be offered by both the public network and the private network, generating a double transfer of resources to the institutions responsible for these services, we saw that, with the implementation of the new fund, which adopted a hybrid model of redistribution of public resources to federated entities, the business class gained more strength with the guarantee of resources for the private network in the absence of places in public schools and, mainly, with the expansion of coverage of transfers to philanthropic institutions without non-profit, which operates in the segment of articulated secondary technical professional education and professional technical training.

Therefore, when reflecting on the impact of publicizing services offered in education with FUNDEB resources, we agree with Arelaro (2008, p. 61-62) when she states that

It is difficult to imagine that, with all the facilities that FUNDEB regulations granted to public-private relations in education, the public spheres strive to build service alternatives different from those that have been established as the most agile and viable for service, especially the emergency, for young children, with the significant (lack of) responsibility of the State for direct educational assistance.

We also consider that it is difficult to imagine and accept that, in a country where there is so much talk about democracy and the valorization of public education, private institutions that already share privileges granted by the State in the transfer of public resources and tax exemptions also receive “resources from donations from individuals and legal entities, which are deducted from Income Tax, in the so-called tax waiver. That is, resources that would go to public education through earmarked revenue end up going to the third sector” (PERONI, 2009, p. 12). Thus, in an attempt to reconcile the interests of capitalist society with neoliberal logic, we observe that the Brazilian State reconstructs the conception of democracy and “ends up giving way to the naturalization of what is possible, with philanthropic policies, carried out by citizens of good will, but not always built on democratic foundations” (PERONI, 2009, p. 13).

Bill 69/2015 and the strengthening of non-profit philanthropic institutions

As if the package of benefits granted by the State to private institutions, especially non-profit philanthropic ones, were not enough, the game of disputes and negotiations for the public fund, carried out between public-private partnerships, has several allies, mainly in the political field, through parliamentary amendments and legislative projects such as Bill 69/2015, proposed on March 3, 2015 by Senator Romário de Souza Faria, representative of Rio de Janeiro for the Brazilian Socialist Party (PSB).

The Bill provides, in art. 1st, “on the hiring of APAES [...] and Pestalozzis, non-profit entities, as public service providers, specializing in special education to serve students with intellectual or multiple disabilities with no age limit” (BRASIL, 2015b, p. 1). Based on the example of the partnerships signed between the Government of the state of Espírito Santo and these institutions and the ‘difficulties’¹⁷ that philanthropic entities encounter in ensuring the full exercise of their activities, the senator justifies that it is necessary to consolidate the quality of services offered by these institutions so that their ‘autonomy and financial sustainability’ are ensured:

This proposal is inspired by the negotiation carried out by the Government of the state of Espírito Santo, through its Department of Education, in which an agreement was signed between APAES and local PESTALOZZIS with the Government to create a document guiding a provision relationship service contract.

The current form of partnership, between these non-profit entities and governments, is through agreements and FUNDEB transfers, which are problematic and have generated situations of abandonment in several APAES throughout Brazil.

As it is not something unified, these agreements vary from state to state and municipality to municipality, which is why APAES are operating in full conditions and others in regrettable conditions.

The idea is to *unify the quality of the service provided*, including providing the necessary assistance so that they have *autonomy and financial sustainability* [...]. (BRASIL, 2015b, p. 2, emphasis added).

From this perspective, the Bill reinforces that “the third sector deserves the attention of the public authorities, as it is filling a flaw in its system, by generating public services to fill the gaps left by state governments” (BRAZIL, 2015b, p. 2). However, we have to be careful with proposals formulated based on the idea that the market is the solution to the inefficiencies of the State as a provider of public services, as this distorted vision is imposed by the neoliberal prescription, which “proposes the minimum State and restrictions to democracy, as it hinders the free movement of the market by redistributing income through social policies” (PERONI, 2009, p. 2).

In addition to the proposal for strengthening between APAES, Pestalozzi Societies, and public authorities, to ensure autonomy, financial stability, accounting management, supervision of professional hiring, preparation of the Political-pedagogical Project, and formulation and implementation of public policies aimed at special education, Bill 69/2015 proposes the provision of specialized services offered by these philanthropic institutions, as a way of “preserving the inclusion policy” (art. 2nd) to “students who have not adapted to regular education” (art. 2nd, single paragraph).

From the analysis of art. 2nd of the Bill and the clashes between public-private partnerships in the provision of AEE in special education, França and Prieto (2021, p. 360) reflect that this legislative instrument

[...] corresponds to an attempt to ratify the State's connection with the maintenance and operation of private special education institutions through financing, that is, contracting to provide services, but also so that these institutions are reinvigorated to carry out AEE after school hours with students enrolled in regular schools, as well as substitute special education work for those who do not adapt to the school context, as noted in art. 2nd.

Regarding the preservation of the inclusion policy determined in art. 2nd of the Bill, the authors state that it is a “[...] strategy both to support the students’ permanence in the common class and to encourage separate spaces and forms of service, in the name of defending the reception of specific needs of these subjects” (p. 361). This corroborates the provisions of Decree 10.502/2020 (revoked by Decree 11.370/2023), which establishes the National Special Education Policy: equitable, inclusive, and with lifelong learning (PNEE).

Regarding the possibility of “students who have not adapted to regular education” (art. 2nd, single paragraph, of Bill 69/2015) and after-school hours attending AEE offered by private institutions, with the consent of their parents or guardians in a declaration, we emphasize that this strategy does not add anything new to the Bill proposal, because it only emphasizes the provisions of arts. 58 and 60 of LDB/1996 and in Decree 7.611/2011, which deliberates on special education, AEE, and, among other prerogatives, guarantees the transfer of public resources to these institutions (FRANÇA; PRIETO, 2021), as is assured in art. 213 of CF/1988.

As we can understand, the Bill 69/2015 is yet another mechanism for reaffirming the hegemony of bourgeois businesspeople, with the support of political forces that share similar interests, aiming to privatize public education, reduce the role of the State in the direct provision of services public and obey neoliberal and capitalist logic. The aforementioned Bill is still being processed in the Federal Senate, but, if approved, it will be the dream nurtured for years by philanthropic institutions, which provide services in the area of Special Education: recognition as schools in the Brazilian education system.

França and Prieto (2021, p. 356) clarify that the integration of these institutions into the country's educational system, especially in this type of teaching, would lead to “[...] their participation in the development of special education policies and teacher training, as well as ensuring public resources aimed at its maintenance and development”. The authors emphasize that the changes proposed by Bill 69/2015, regarding the allocation of public resources to APAES and Pestalozzi Societies, could make financing for public schools precarious, which should be intended to improve the educational context to implement the inclusive policy:

This proposal could represent if approved, changes in the financing of special education, especially in the way of directing public resources to private institutions, in addition to the funds secured in FUNDEB, which can be allocated to these institutions through AEE registration, there is provision for additional resources through the contracting of private non-profit institutions, as service providers to the public authorities, regulated in detail in the major education law.⁸ Such changes will certainly result in *precarious financing aimed at public schools* which should be applied to improving education to consolidate *inclusive education policy*. (FRANÇA; PRIETO, 2021, p. 366, emphasis added).

FINAL CONSIDERATIONS

Given the arguments presented, we can summarize the nebulous path of non-profit philanthropic institutions in Brazilian education in the equation elaborated by Saviani (2013, p. 754): “philanthropy + procrastination + fragmentation + improvisation = general precariousness of education in the country”. With the support of the Brazilian State, whose neoliberal contours are increasingly defined, corporate philanthropy “seeks class conciliation through charity, without resolving economic and social differences” (LEHMKUHL, 2021, p. 10) and, gradually, will conquer prominent spaces in the formulation and implementation of public policies, while transforming education into a true benemerence market.

This market finds fertile ground in the area of Special Education, as the State continues to “outsource special education services to private-philanthropic entities, taking no responsibility for the education of a portion of the population considered unproductive for capital and leaving at the mercy of charity and benemerence” (LEHMKUHL, 2021, p. 11). These are symptoms of publicity implemented on a large scale following the State reform (1995), which created the illusion that “the private sector is more efficient than the public, giving up its public apparatus which, arguably, has more capacity to reach the recipients of public policy – students with disabilities” (OLIVEIRA; CÉLIO SOBRINHO, 2020, p. 7).

In this universe of State exemptions in social policies, especially those aimed at special education, *who wins and who loses in the benemerence market?* Certainly, public-private partnerships are victorious to the detriment of the target audience of this modality, as they are an extension of the state apparatus, which, in the logic of the rules imposed by this market – built on capitalist and neoliberal bases – aim not only at public resources public fund but also participation in the direction of educational policies to ensure the hegemony of their interests. And what was supposed to be the safeguard of the State became a means of making public education precarious, fueling tensions between the rights achieved and the rights realized, distancing us from meeting the goals established in the National Education Plan (PNE) 2014-2024 (Law 13.005/2014) and in the pacts signed between Brazil and international organizations, through normative means, such as the Declaration of Salamanca (1994).

Even so, after a brief analysis of the contradictory elements of disputes and negotiations over public fund resources between public-private partnerships in the financing of special education, we can observe some possible solutions to this social and educational *apartheid*,⁹ which has been widely disseminated by the business class in its incessant search for public resources and the domination of public schools. Thus, in the saga of the dispute over public funds, whose decision-making processes are permeated by conflicts and fierce competition between the actors involved, it is essential to develop “the capacity for organization, access to information and internal communication” (VIEGAS; BASSI, 2009, p. 4), which are essential elements for guaranteeing public investments.

Furthermore, it is necessary to overcome centralized management, which traditionally assumes power in school spaces, especially when these spaces are built by non-profit philanthropic institutions that share public resources but do not reveal the destinations of these resources. Furthermore, it is necessary to 'live democracy' (CELIBERTI, 2005) by strengthening social control in instances of social participation (councils, conferences, ombudsman offices, etc.) and popular participation (social movements, unions, residents' associations, etc.) since, in this way, we will be able to realize the long-awaited right to education for the target audience of this type of teaching.

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NOTES

¹ The jurist uses the expression ‘jucundously auspicious’ to refer to the emphasis given by the Brazilian State to public-private partnerships.

² Expression of French origin that means ‘the cream of the cream’ or, in other words, ‘the best of the best’.

³ The author refers to public-private partnerships in education.

⁴ Real values corrected by IPCA/IBGE, from 01/1980, and updated in July 2022 using the Central Bank of Brazil's Citizen's Calculator.

⁵ Real values corrected by IPCA/IBGE, from 01/1980, and updated in July 2022 using the Central Bank of Brazil's Citizen's Calculator.

⁶ Real values corrected by IPCA/IBGE, from 01/1980, and updated in July 2022 using the Central Bank of Brazil's Citizen's Calculator.

⁷ We highlight the word 'difficulties', because, due to the arguments presented in the text, we understand that, in Brazil, private institutions enjoy more benefits granted by the State for the execution of non-state public services than public institutions, which should be the priority in public policies.

⁸ The authors use the expression ‘major education law’ to refer to the National Education Guidelines and Bases Law (Law 9.394/1996), popularly known as LDB/1996 (*Lei de Diretrizes e Bases da Educação Nacional*).

⁹ Officialized in 1948, *apartheid* – Afrikaans translation: separation – was the political regime of racial segregation implemented in South Africa by the National Party (NP).

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CONFLICT OF INTEREST

The authors declare that there is no conflict of interest with this article.