

Secondary Education reform in the Temer administration: corrosion of the right to education in the context of a financial crisis in Brazil

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ABSTRACT

This paper analyzes the secondary education reform initiated with the provisional measure n. 746/2016 and its relation with the financial crisis. Other than pointing out contradictions between law n. 13.415/2017 and other education laws, a counterpoint was made between the first reactions of the progressive field of education and the arguments representing neoconservative and neoliberal elites that took the power through the political-media-aided-juridical coup in August 2016. The flexibility and the hollowing out of the secondary school curriculum can result in the corrosion of the right to education. Restrictive measures of primary expenses by the State (DRU, PEC 241/55 and both welfare and labor reforms) aim to stifle the state's "expenditures" on welfare in order to deepen fiscal adjustment and guarantee better accumulation conditions by rentier sectors of the capital.

KEYWORDS

reform; secondary education; financial crisis; curriculum.

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A REFORMA DO ENSINO MÉDIO DO GOVERNO TEMER: CORROSÃO DO DIREITO À EDUCAÇÃO NO CONTEXTO DE CRISE DO CAPITAL NO BRASIL

RESUMO

Este trabalho analisa a reforma do ensino médio iniciada pela medida provisória n. 746/2016 e sua relação com a crise do capital. Além de apontar as contradições da lei n. 13.415/2017 para com as demais leis da educação, é apresentado um contraponto entre as primeiras reações do campo progressista da educação e os argumentos representantes das elites neoconservadoras e neoliberais que assumiram o poder com o golpe político-midiático-jurídico de agosto de 2016. A flexibilização e o esvaziamento do currículo do ensino médio podem resultar na corrosão do direito à educação. As medidas de restrição dos gastos primários do Estado brasileiro (DRU, PEC 241/55 e as reformas trabalhista e da previdência) visam asfixiar o “gasto” social estatal para aprofundar o ajuste fiscal e garantir melhores condições de acumulação dos setores rentistas do capital.

PALAVRAS-CHAVE

reforma; ensino médio; crise do capital; currículo.

LA REFORMA DE LA ENSEÑANZA MEDIO DEL GOBIERNO TEMER: CORROSIÓN DEL DERECHO A LA EDUCACIÓN EN EL CONTEXTO DE CRISIS DEL CAPITAL EN BRASIL

RESUMEN

El trabajo analiza la reforma de la enseñanza media iniciada por la medida provisional n. 746/2016 y su relación con la crisis del capital. Además de apuntar las contradicciones de la ley n. 13.415 / 2017 a las demás leyes de la educación, hacemos el contrapunto entre las primeras reacciones del campo progresista de la educación y los argumentos representantes de las élites neoconservadoras y neoliberales que asumieron el poder con el golpe político-mediático-jurídico de agosto de 2016. La flexibilización y el vaciamiento del currículo de la enseñanza media debe resultar en la corrosión del derecho a la educación. Las medidas de restricción de los gastos primarios del Estado brasileiro (DRU, PEC 241/55 y las reformas laborales y de la previsión) apunta a asfixiar el “gasto” social estatal para profundizar el ajuste fiscal para garantizar las mejores condiciones de acumulación de los sectores rentistas del capital.

PALABRAS CLAVE

reforma; enseñanza media; crisis del capital; currículo.

INTRODUCTION AND CONTEXTUALIZATION

The financial crisis in the 1960s and 1970s initiated the beginning of the disassembling process of the foundations of the Welfare State and the interventionist State, which has a Keynesian conception in countries that make up the organic core of the global capital system. In the 1990s, neoliberal governments in Latin America, following the instructions of the International Monetary Fund (IMF) and the Washington Consensus, led to the implementation of a formula that combined economic opening, fiscal adjustment, and economy privatization.

Despite the advances obtained through the 1988 Brazilian Constitution, which reorganized and, in some cases, established social rights in Brazil, the FHC Administration established (1995-2002), through the Real Plan, the macroeconomic management formula consisting of floating exchange rate, inflation targets and primary surplus,¹ aiming to include the country into the new logic of a globalized and “financialized” capital. The most apparent elements of this stabilization plan were, and still are, the productive restructuring, increased imports, privatizations, deindustrialization, and denationalization of the country’s economy. Such process, initiated by neoliberal governments in the 1990s, organized the economy and controlled the hyperinflation process; however, it caused a huge expansion of public debt and a deep fiscal adjustment that stagnated the economy in the medium term, increasing unemployment rates and making the achievements of the civil constitution unfeasible, as well as causing the deterioration of public health and education services.

In 2002, the previous government was defeated in the elections, and a new era began in terms of investments in social rights, bringing many advances into education, such as the National Education Plan (in Portuguese, *Plano Nacional da Educação* – PNE), the Reorganization and Expansion Plans for Federal Universities (in Portuguese, *Programa de Apoio a Planos de Reestruturação e Expansão das Universidades Federais* – REUNI), constitutional amendments n. 53/2006. The Fund for Maintenance and Development of Basic Education and Appreciation of Education Professionals (in Portuguese, *Fundo de Manutenção e Desenvolvimento da Educação Básica e de Valorização dos Profissionais da Educação* – FUNDEB) was created, as well as law n. 59/2009, which extended compulsory education to include the last stage of basic education, among others. This was considered by the most optimistic to be a stage of neo-development, from the point of view of macroeconomics, but the same structural elements of the recessive triad were put to practice. However, benefited by a slight growth in the world’s economy influenced by the growth of commodity imports (cellulose, oil, animal protein, iron ore, among others), the Brazilian economy got into gear. Likewise, the Lula Administration (2003-2007) undertook a countercyclical policy, implementing a Program of Accelerated Growth (in Portuguese, *Programa de Aceleração do Crescimento* – PAC) (great constructions

1 Primary surplus results from the positive value of the relation between the tax revenues and the compulsory and discretionary primary “expenditures” of the Brazilian State.

and great events — Belo Monte Dam, the transfer of the São Francisco river, the construction of stadiums and the legacy left by the World Cup and the Olympics, as well as the restructuring of airport infrastructure and shipbuilding industry), which resulted in the expansion of the domestic market (through the expansion of credit, especially housing credit) and the growth of State revenues, triggering a series of social policies.

In Lula's second-term administration (2007–2011), but especially in Dilma Rousseff's (2015–08/31/2016) second term administration, these models ceased to exist, and the depth of the structural financial crisis was revealed, demonstrating the weaknesses and limits of neo-development policies. In a highly financialized economy with very high interest rates, in which companies pay 5% fees while the consumer pays 70% a year (Braga and Nakatani, 2016), much of the consumption generated by income transfer programs and by the strengthening of the minimum wage served to sustain credit consumption instead of durable goods that would create quality jobs.

Facing a critical economic crisis, Brazilian elites defeated in the 2014 elections and constituted mainly of neoliberal and neoconservative sectors² took advantage to establish a juridical and media-aided institutional coup, leading to a process of impeachment. After Dilma Rousseff — a legally elected president — was overthrown, her vice-president, Michel Temer (PMDB), took office in the executive branch on August 31st, 2016.

With a moralist and opportunist speech³ against the left and with a wide base of supporters in the National Congress, the coupist government deepened the fiscal adjustment and promised to stifle primary expenses, reforming its legal pillars. The degree of institutionality and breadth of social rights, considered expensive by the elites, began to be questioned, as they threatened the viability of the fiscal surplus arithmetics, to which the social "expenditure" is less important than the interests of parasitic financing. Thus, in an initial context of high inflation and unemployment (reaching more than 9.99%, with a value between 10% and 15%), the Temer Administration, despite its illegitimacy and the recent criticism, has been successful in not only approving the hollowing out of social rights, but especially in promoting reforms with the purpose of containing social expenditures and ensuring governability that is able to offer the predictability needed to deepen the process of accumulation⁴ of the rentier capital.

2 It is worth distinguishing the structure of these two "non-identical Siamese siblings", whose interests in the coup were the same, in spite of their structures being relatively distant from each other. neoconservatives were connected to agribusiness and evangelical organizations (*Democratas* – DEM; *Partido Progressista* – PP; *Partido da República* – PR; *Partido da Mulher Brasileira* – PMD; entre outros etc.); and neoliberals were connected to rentier capital and communication sectors (*Partido da Social Democracia Brasileira* – PSDB; *Partido Popular Socialista* – PPS; *Partido do Movimento Democrático Brasileiro* – PMDB).

3 From the point of view of the elites, investment in public services is seen ideologically as expenditures and as a waste, financed by taxes that sustain a bureaucratic and useless State, which ultimately renders capitalist accumulation unfeasible.

4 It is worth remembering that the core members of the current government are increasingly involved in the same accusations that were systematically attributed to Lula and Dilma's administrations in an (ongoing) attempt to disqualify them.

While not making the structural changes needed to decrease the country's deep inequality, the "new" government keeps supporting a heavily financialized economy, where predominantly foreign-based rentier finance hardly pays remittance taxes on profits and dividends. In this context, the non-repayment of public debt, which apparently would be a problem for the country, became the only way out for the fictitious capital in times of international crisis.

In this scenario, the current power block exerts its command by turning its back on the interests of the majority of the population, but with open arms to the elites. It builds a "bridge to the future" based on the fragile and deceiving pillars of austerity reforms and policies; but in order to do so, it must deprive the country of social rights, regressing all advancements regarding the right to education in decades.

IMPACTS OF THE DISSOCIATION OF UNION REVENUES AND PEC 241/55 IN THE NATIONAL EDUCATION PLAN

In order to assure the fulfillment of the right to education, the 1988 Brazilian Constitution established the need to formulate a PNE, setting up guidelines, goals and strategies that would guarantee a progressive improvement in the maintenance and development of the school offering, aiming to achieve unified policies among public entities. The current PNE, approved by law n. 13.005/2014 and effective until 2024, has twenty goals, which are translated into strategies, aiming to expand access and provide high quality education through actions that go from literacy to training and appreciation of education professionals.

All actions planned in the PNE are found in the recently approved Dissociation of Union Revenues (in Portuguese, *Desvinculação de Receitas da União* – DRU), as well as in the approval of PEC 241/55. This represents an almost insurmountable obstacle, given that the DRU authorized the federal government to invest 30% less of the Union's revenues in social spending (education and health), which, in practice, will reduce the investment in education to less than the 18% predicted in the Constitution. On the other hand, PEC 241/55 established that national primary expenditures on personnel, social spending and investments should be readjusted yearly from 2017, up to the maximum limit of the Annual Consumer Price Index (in Portuguese, *Índice de Preços ao Consumidor* – IPCA), a measure which may freeze investments.

Braga and Nakatani (2016) argue that the essence of PEC 241/55 conceal deeper intentions than just reducing primary expenditures (health, education, security, among others) to produce a supposed balance in the government's accounts. According to data from these studies, in recent years, the primary expenditures of the Brazilian State have been much lower than what was collected. Therefore, there would not be a financial crisis, nor a fiscal crisis, but a capital crisis that requires the perpetuation of the parasitical logic that combines the low taxation of speculative financial capital with the rollover and expansion of public debt, which has been in place since the 1980s, but mainly since 2007. For these authors, the real intentions of PEC 241/55 would be

[...] recomposing, in a higher level, what Brazilian or foreign entrepreneurs and bankers expect to gain from the activities of their large transnational companies, placing *the readjustment of government functions* as imperative, once the income for these entrepreneurs will be assured through the redistribution of taxes collected by the government. (Braga and Nakatani, 2016, p. 2)

These budget procedures have not immediately considered that, in addition to the public services already carried out, there are numerous historical demands that still have not been fully met, thus lacking quantitative expansion. The impact on health, education, housing, and social assistance that resulted from the increase in population were also disregarded, while ignoring the growing pressure put mainly on young people, due to their access higher levels of education, culture, and technology.

In the face of the capital crisis and its most phenomenal aspect, the fiscal crisis, the DRU and PEC defined a limit not only to expenditures, but also to the granting of the right, which could stifle public funding destined to essential activities. In order not to hide this stifling, PEC determined that the annual adjustment of expenses is based on the inflation accumulated in twelve months. However, the annual expansion of the financing needed to pay for operational expenses, personnel, and investment does not have its need for readjustment based only on that index. This happens because, apart from wages, other inputs that sustain and structure schools, hospitals, police stations, prisons, roads, among others, not only have high maintenance costs, but also need to be expanded based on the real needs of the population, which are increasing and unpredictable.

Analyzing only the impacts of PEC 241/55, the Inter-Union Department of Statistics and Socioeconomic Studies (in Portuguese, *Departamento Intersindical de Estatísticas e Estudos Socioeconômicos* – DIEESE, 2016), through technical note 161, pointed out that had this amendment been in force since 2003, spending on education and health would have been much lower than the actual values currently practiced, reaching, in the case of education, a reduction of 47% in the period from 2002 to 2015 (Table 1).

This means that the structuring policies of the right to education carried out by the previous government — expansion of compulsory schooling for the 4 to 17 years old age group, expansion of Federal and Higher Education Institutes: PROUNI and REUNI, the Science Without Borders program, among others (in Portuguese, *Programa Universidade para Todos* – PROUNI —, and *Ciências sem Fronteiras*) —, as well as those of a countercyclical nature (increase of the minimum wage with a direct impact on social insurance, *Programa Bolsa Família*, *Programa de Benefício Continuado*, *Minha Casa, Minha Vida*, among others), would not be possible and thus would not produce the results already known.

Specifically on PNE, Amaral (2016) argues that the effects of PEC 241/55 may condemn it to death, as the plan's core proposes to increase resources by at least 10% of the gross domestic product (GDP) until 2024. This percentage is essential for the fulfillment of the twenty goals expressed in it, which are constituted in an articulated nature, demanding an increase in real investments by the Union, the states, and municipalities. In order to have an idea of the investment needs gener-

ated by PNE to meet its goals and strategies, two of them are listed as examples: the goal that refers to secondary education (Goal 3) and the full-time education goal (Goal 6).

Regarding secondary education, in order to correct the percentage of students who still do not have access it, PNE 2014-2024 planned that, by 2016, this educational stage should be universalized for the population aged 15 to 17, and that, by the end of its term, the net enrollment rate should reach 85%. The fulfillment of this goal requires the adoption of strategies that go from the reformulation of secondary education — certainly, not the one predicted by provisional measure 746 — to the acquisition of equipment, didactic materials, continuing teacher training, adoption of school flow correction programs, universalization of the National High School Exam (in Portuguese, *Exame Nacional do Ensino Médio* – ENEM), and the expansion of enrollments, including in Secondary Education integrated with professional education. It also requires education and culture programs, a resizing of the offer, including all shifts, and expansion of the territorial scope, reaching students with specific needs, implementation of policies to prevent evasion and encouraging student to participate in scientific and technological courses (Brasil, 2014).

Table 1 – Expenditures on education and health versus Expenditures on education and health by PEC 241 – Brazil 2002-2015 (in R\$ bi).

Year	Expenditures	PEC 241/55	Difference in Education	Expenditures	PEC 241/55	Difference in Health
2002	30.1	30.1	0.0	57.8	57.8	0.0
2003	28.2	29.5	-1.3	53.9	56.7	-2.8
2004	27.0	30.2	-3.2	61.3	58.2	3.1
2005	28.2	30.4	-2.3	63.5	58.6	4.9
2006	32.8	30.9	1.9	67.8	59.4	8.4
2007	39.2	30.7	8.5	73.7	59.1	14.5
2008	43.1	30.4	12.7	76.4	58.4	18.0
2009	53.3	30.7	22.6	84.5	59.0	25.5
2010	67.1	30.5	36.6	85.6	58.6	27.0
2011	75.9	30.3	45.6	93.8	58.2	35.6
2012	89.4	30.6	58.8	98.4	58.8	39.6
2013	95.4	30.5	64.9	98.9	58.6	40.3
2014	102.4	30.3	72.1	102.6	58.4	44.2
2015	90.3	29.6	60.7	94.6	57.0	37.6
Total	802.4	424.7	377.6	1.112.8	816.8	295.9

Source: DIEESE, 2016.
Elaborated by the authors.

Regarding full time education, considered as a priority in provisional measure n. 746, PNE states that it must be offered in 50% of public schools by 2024, reaching at least 25% of students in basic education that same year.

The strategies required to achieve this goal are: increasing students' length of stay for seven or more hours, extending teachers' workload in a single school, building schools with the adequate architectural and furniture standards required for this service, expanding and restructuring public schools, producing teaching and training material for education professionals, fostering the school's articulation with diverse external training spaces, and so on (Brasil, 2014).

It is immediately apparent that the goals and strategies set out in PNE 2014-2024 require the expansion of investments to be carried out. However, given a scenario in which public expenditures will be frozen and will have their absolute values reduced, these goals and strategies will be difficult to achieve.

SECONDARY EDUCATION REFORM

In Brazil, secondary education, the final stage of basic education, is defined as a right of the population aged 15 to 17, as well as of those who did not have access to its completion when expected. Crossed by many issues since its configuration as "*colegial*" and "*segundo grau*", in the 1960s and 1970s, respectively, this stage of education is constantly undermined in its role and function.

Authors such as Zibas, Aguiar and Bueno (2002), Kuenzer (2010), Cunha (2000), Silva (2009), and Souza (2009), indicate that the goals, contents, and course of action of this educational stage are of great concern. This generates debate around its curriculum and quality, almost always questioned based on the data on school flow data available in the 2015 School Census, which show that more than 80% of the enrollments are offered by state education networks, and the net rate (disregarding age-series distortion) is less than 50% (INEP, s/d.).

Even with these alarming data on evaluation and school flow, there are still governments trying, in the style already analyzed by Cunha (2000), to carry out secondary education "reforms" that try to reinvent the wheel. This same author called such policies "zigzag administration", which are characterized by electioneering, political voluntarism and pedagogical experimentation. This can be seen when analyzing the secondary education reform in depth, upon which he points out "[...] the enthusiasm with curricular proposals elaborated without scientific bases [that are] announced as being able to solve educational problems [...]", which are "[...] extended hastily to the whole school network, before being sufficiently tested [...]" (Cunha, 2009, 122).

Since the 1970s, compulsory education has been expanding, from 4 years/grades to 8 grades in LDB (in Portuguese, *Lei de Diretrizes e Bases da Educação Nacional*) law n. 5.692/1971 (Brasil, 1971) to twelve years/grades (nine years of primary education + three years of secondary education), with the incorporation of constitutional amendments n. 56/2006 and 59/2009 of the 1988 Brazilian Constitution to LDB 9.394/1996 (Brasil, 1996), thus including a secondary education stage, as well defining the right to the complete basic education.

Law n. 9.394/1996 defined that secondary education should have a duration of at least three years (600 days and 2,400 hours — 25% diversified and 75% national common core). With a series of subjects and compulsory curriculum components, secondary education carries an extensive set of contents that must be consolidated with primary education to allow the continuation of studies in higher education. This stage of education, when integrated with technical professional secondary education, can reach up to four years with part-time programs, or three years in full-time programs, totaling a workload ranging from 3,000 to 4,000 hours — depending on the professional field, to be defined in the national course catalog. In addition, secondary education, in its course, must allow transfers between educational systems and units, as well as provide students, upon its conclusion, with the appropriation of the scientific and technological basis available in modern production (Brasil, 1996).

ANALYSIS OF THE SECONDARY EDUCATION REFORM: FROM PROVISIONAL MEASURE N. 746/2016 TO LAW N. 13.415/2017

This section analyzes the changes proposed by provisional measure n. 746/2016, comparing them with the previous LBD text, as well as the changes caused by the approval of law n. 13.415/2017, which materialized Temer's secondary education reform. To do so, the text of these legislations and the opinions of the reform makers, as shown in the media, will be taken as a starting point. The objective is to make a counterpoint between these legal texts and other normative elements of Brazilian education, dialoguing with the analysis and the positions of the entities and authors that represent the education field.

Before analyzing the contents of the reform, it should be noted that provisional measures are tools used to implement emergency policies, and should be enforced immediately. Considering that it is necessary to ensure the ongoing educational processes, and that current curricula need to be completed for new ones to be implemented, we question the use of this type of legislative expedient to promote a reform in secondary education.

For the Associação Nacional de Pós-Graduação e Pesquisa em Educação (ANPEd), the National Education Forum and other organizations in this field, the use of provisional measure as a resource reflects the authoritarian stance of a government that was not legitimized by vote, becoming, according to Simões (2016), an abusive instrument “[...] unprecedented in Brazilian history after democratization [...]”. In the name of an urgency based on school flow indicators and the stagnation of the Basic Education Development Index (in Portuguese, *Índice de Desenvolvimento da Educação Básica* – IDEB), supposedly making an attempt to overcome the problems in secondary education, Michel Temer's administration tries to justify the use of the provisional measure, stating that there had been talks of modifying secondary education for decades, and that the time to do so has come (Temer, 2016).

In this regard, the Attorney General's Office, in an opinion sent to the Federal Supreme Court on December 19th, 2016, stood for the unconstitutionality of the

provisional measure, claiming that it did not meet the requirements of relevance and urgency required for the editing of a device of this nature; in addition, its content disrespected universal access to education, imposing barriers to overcoming inequalities in the educational and social fields.

In an interview, the executive secretary of the Ministry of Education (MEC), Maria Helena Guimarães de Castro, stated that

[...] since 2013, a law project has been underway in the National Congress (6.840/2013) in order to reform this stage of education. The creation of a curriculum divided into areas of knowledge (languages, mathematics, natural sciences, and humanities) is among its proposals [...]. (Castro, 2016)

According to her,

[...] the measure derived from the criticism of the existence of 13 obligatory disciplines that interact very little among themselves. A full-time workload of at least seven daily hours and the integration of professional training into the regular curriculum are among the suggestions of the project [...]. (Castro, 2016)

In the words of the secretary, known for working for PSDB's government in the past,

[...] secondary education has the highest rates of school dropout and failure. In 2014, more than 620,000 students dropped out of school at this stage, according to the School Census. It is triple of that registered in primary school. In the Basic Education Development Index (Ideb), secondary education reached only 3.7 points on a scale from 0 to 10. (Castro, 2016)

In her opinion, these “data [...] have exposed the reality of a failed secondary education, unable to meet the goals and needs of its students [...]” (Castro, 2016).

Similarly, former Education minister Mendonça Filho, in an interview with *Globo News*, said he did not consider the provisional measure an authoritarian measure, and that it is urgent, as the problems are serious. He also stated that this instrument does not preclude debate, since it allows amendments and changes. However, the current administration, in its “immediate enforcement” character, seized the opportunity to make reforms in an hegemonic framework.

Concerning specifically the secondary education reform, the provisional measure n. 746/2016 has brought up full-time education in its 5th article. Although also being the subject of LDB's article 34 and PNE's Goal 6 (2014-2014), when dealt in the provisional measure, no means, guarantees or obligations of the State, educational systems and schools were provided to enable it. According to Simões (2016), “[...] the provisional measure does not establish a deadline, and its text has no immediate impact [...]”. It only “[...] characterizes an intention that had already been provided for the PNE [...]”. This extension of full-time education in secondary education was maintained in law n. 13.415/2017, thus changing the LDB, stipulating that, in a maximum period of five years from the PNE's edition,

all secondary education schools should have their workload extended to 1,400 hours, which raises the current daily workload from four to seven hours.

By making this expansion, the legal text ignores the reality of many young Brazilians, who need to reconcile work and studies. It also does not take into consideration the previous experiences with full-time education carried out by Brazilian states, such as the “Reinventing Secondary Education” project, developed in Minas Gerais from 2010 to 2014, which proves that the extension of school days without the appropriate infrastructure can aggravate school dropout instead of inhibiting it (FaE/UFMG, 2017).

Regarding the limits and implications of the implementation of the full-time workload, Ramos (2016) asks: “[...] if full-time education will be compulsory in secondary education, how many young people may be prevented from studying because their life, structurally, requires reconciling education and work, or helping at home and studying?” According to the author, “[...] the objective conditions for this extension to correspond to a right or a need of the students themselves, and not be an imposition that will lead to exclusion [...]” must be taken into consideration.

Still on the secondary education workload, law n. 9.394/1996, in its article 24, provided that

The basic education, on the primary and secondary education levels, will be organized according to the following common rules:

I – The minimum annual *workload* will be *eight hundred hours*, distributed for a minimum of two hundred days of effective school work, excluding the time reserved for the final exams, if any. (Brasil, 1996, emphasis added)

The provisional measure n. 746/2016 established, in a single paragraph, that

The minimum annual workload referred in item I of the *caput* should be progressively extended in secondary education to one thousand and four hundred hours, observing the respective education system norms and in accordance with the guidelines, goals, and implementation strategies established in the National Education Plan. (Brasil, 2016)

This extension of the annual workload in secondary education proposed in the provisional measure, as said, was maintained in law n. 13.415/2017, which, in theory, would represent an increase of “[...] 600 hours per year, which is more or less the equivalent of one extra shift a day, exactly the full-time [...]” (Ramos, 2016). The increase in the number of hours, however, does not constitute an extension of compulsory basic training that guarantees all young people the same conditions of professionalization and access to higher education, given that the National Common Curricular Base (in Portuguese, *Base Nacional Comum Curricular* – BNCC) has been limited to a maximum of 1,800 hours of the total secondary education workload. The workload was shorter in the provisional measure previously, as BNCC should only reach a maximum 1,200 hours, but during the debate, even the conservative

congress realized that it would be an inadequate reduction of the workload. Even so, the retrogression is huge, since the LDB's previous version discussed minimum workload, and not maximum workload.

For Simões (2016), the reform is controversial, since, while it intends to extend school time to 1,400 hours per year, it defines the national base at 1,800 hours (maximum), which would imply a limited base. Moreover, according to Li (2016), a year and a half cannot be considered enough time for a student to have access to the minimum contents of the subjects, which means expropriating them of the right to access such knowledge.

Thus, if the LDB previously provided a daily basic training workload of 800 hours per year, totaling 2,400 hours, with the approval of the law that establishes the secondary education reform, the common basic training was reduced by 600 hours, showing that, in fact, the reform expands the diversified part, increasing the specialization training (Ramos, 2016).

Moreover, it can be noticed that the changes planned do not ensure a physical or curricular structure prepared to enable the increase in the workload in schools in a universal manner and throughout the national territory, in the public and private sectors, disregarding other existing policies, such as the *Mais Educação* and *Brasil Profissional* programs.

Another major change proposed in the provisional measure referred to the compulsory subjects in secondary education. With the amendment made by law n. 12.287/2010, LDB n. 9.394/1996, in paragraph 2 of its article 26, it now predicts that “*Art education, especially in its regional expressions, will constitute a compulsory curriculum component in the various levels of basic education, in order to promote the cultural development of students*” (Brasil, 1996, emphasis added).

The provisional measures text intended to remove Art education as a compulsory curricular component in secondary education, as expressed in paragraph 2 of LDB's article 26: “*Art education, especially in its regional expressions, will constitute a compulsory curriculum component of early childhood education and primary education, in order to promote the cultural development of students*” (Brasil, 2016, emphasis added).

The proposal to eliminate the compulsory nature of Art education in secondary education reveals a pragmatic and reductionist view of education by the current administration, harming a basic aspect of human formation that is linked to the idea of integral formation, exposed in several sections of educational legislation and articulated with article 205 of the Constitution, which states: “[...] education aims at the full development of the human person [...]”. This proposition, however, did not remain in the final text approved. As a result of popular pressure, the exclusion of the discipline was reconsidered, and the new law reinstated Art as a compulsory curriculum component in basic education.

From the amendment made by law n. 10.793/2003, LDB n. 9.394/1996, in its 3rd paragraph, article 26, still provided that “[...] *Physical education, integrated with the school's pedagogical proposal, is a compulsory curricular component of basic education, and its practice is optional to the student [...]*” (Brasil, 1996, emphasis added). The provisional measure, however, proposed to make it compulsory only in early

childhood education and primary education. The proposal was strongly opposed and criticized by society in general and, upon approval of law n. 13.415/2017, the subject was reinstated, becoming a compulsory curriculum component in basic education again.

However, the same law contradictorily states, in its article 35-A, that the common basic training defined by the BNCC should include studies and practices related to these disciplines. In this respect, consideration should be given to what it means to take the BNCC as a reference for the organization of common basic training, since the document is actually just a set of content requirements and does not even contemplate the general principles necessary for integral training, which is so necessary at this stage of teaching, thus limiting part of the secondary education to a set list of contents.

In addition, the third version of BNCC, presented by MEC on April 6th, 2017, excluded topics whose discussion is essential in various knowledge fields, such as issues related to gender, disguising the consolidation of an “unpolitical school”, thus dismissing the approval of law project n. 815/2015, which attempted to abolish debates on gender, race, ethnicity, diversity, and so on.

MEC’s positioning in suppressing concepts and themes that are essential for the promotion of human rights and the valuing of diversities, in a country marked by sexism, homophobia, and misogyny, ignores the fact that there are people being marginalized inside and outside educational institutions, being victims of prejudice and violence and, consequently, abandoning school life and/or having countless life opportunities taken from them. (Coordenação do Fórum Nacional..., 2017)

In the scope of this reform, well-articulated to BNCC’s content, the same incoherent treatment received by Physical Education and Art was given to Philosophy and Sociology, which were removed from secondary education by the provisional measure, being omitted in the text of law n. 11.684/2008, which ensured the provision of these subjects in all the grades of this educational stage (Brasil, 2008). Law n. 13.415/2017, paragraph 2, article 26, provides that “[...] the National Common Curricular Base for secondary education will include, compulsorily, Physical Education, Art, Sociology and Philosophy studies and practices [...]” (Brasil, 2017).

In a quick reading of article 35-A of the same law by inattentive eyes, the text may lead to the understanding that Sociology and Philosophy were reinserted as compulsory subjects in BNCC. However, that is not exactly what the law text ensures, as it states that what must be assured are studies and practices, and not the compulsory inclusion of the curriculum component. This change disregards that Philosophy and Sociology are fields of knowledge, opening the possibility that their contents are even treated as transversal themes, diluted in other subjects of BNCC.

Not least, in the new secondary education announced, the ethical, aesthetic, and scientific training of students is impoverished, especially when the measure refers to “studies and practices”, changing the sense of the subjects, as in the case of Sociology and Philosophy, for instance. (FaE/UFMG, 2017)

According to a note from the National Education Forum (Coordenação do Fórum Nacional..., 2017), the change proposed by the provisional measure

[...] disregards, in reality, the body, soul, aesthetics, and ethics of our young people with the suppression of Art, Physical Education, Sociology, and Philosophy, which, contrary to being recognized as essential fields for the integral development of the individual and the development of citizenship, are seen as hindering to education [...].

Foreign languages, compulsory in secondary education, were also changed by the provisional measure. Concerning this, LDB stated in paragraph 5, article 26, that “the diversified part of the curriculum *will include, compulsorily from the fifth grade, the teaching of at least one modern foreign language*, which would be chosen by the school community within the institution’s possibilities [...]” (Brasil, 1996, emphasis added). The provisional measure also suggested that the foreign language subject should be included from the sixth year of primary school, and that English Language must be offered compulsorily.

This amendment had the effect of repealing law n. 11.161/2005, which determined the freedom of choice of schools in the provision of foreign language education, limiting the possibility of articulation between the school and the community and culture in which it is inserted (*quilombolas*, Germans, Italians etc.) to define the offer. In addition, such changes disregard the process of regional integration in Mercosur, which revalued the teaching of Spanish in Brazil, by making it a preferential option for a second foreign language offer. On that regard, law n. 13.415/2017 maintained the text of the provisional measure, reaffirming the obligation to offer English as the first modern foreign language option, reinstating the preference of Spanish as a second foreign language option.

To Frigotto (2016), the withdrawal of the subjects based on the argument that secondary education has too many subjects hides what is really being removed from the school curriculum: Sociology and Philosophy, as well as the reduction of Geography and History. Under the argument that today’s student is “[...] digital, and cannot stand an education model based solely on content [...]”, it disregards the fact that what students really cannot stand are deteriorated schools with no laboratories, auditoriums, places for the development of cultural and leisure activities, which became clear with the school occupation movements carried out in response to the reform promoted by the Temer Administration, which demanded nothing more than decent conditions to study.

Contrarily, for MEC’s executive secretary, the school curriculum no longer suits the profile of young people, based on a seductive speech launched by the government, touted by the mainstream media.

[*Students*] find the curriculum boring, tiring and demotivating. This happens regardless of whether the school is public or private, worse or better, expensive or cheap. Students nowadays have other goals from the point of view of languages. They are interested, for instance, in street art production, which encour-

ages youth protagonism. How can we use this interest in something that can be written by students, in a collective authorship, not necessarily following a traditional text production ritual? Young people are connected to another culture. They use social networks and smartphones all the time. Technologies have been so accelerated and the dynamics of change have been so intense that there is no way for a young person to identify with the current secondary education model. It does not meet the students' aspirations. (Castro, 2016)

According to Ramos (2016), the argument that the school is not attractive to young people does not address the fundamental issue, which is the fact that public schools are in precarious working conditions and, therefore, even with the best curricula, cannot be attractive, as it does not offer all conditions for the effectiveness of the learning process. Moreover, the curriculum itself must systematize not only the interests of young people, but also educate these interests, regardless of their social condition, confronting them with their curriculum needs and aiming at a society project (Ramos, 2016).

To think of this curriculum in all dimensions of a student's life, to bring science, knowledge, work, culture in all its dimensions — youth culture, media, erudite culture, and so on. There must be a convergence between the educational project and the youth's interests. Before this convergence, in fact, there must be a confrontation in order to find and reconstruct the convergence between the purpose of school and the interests of young people. (Ramos, 2016)

In addition to the above, in our opinion, the main and most relevant change suggested by provisional measure n. 746/2016 refers to LDB's article 36, proposing the creation and inclusion of educational itineraries in secondary education.

Article 36. The secondary school curriculum shall be composed of the National Common Curricular Base and specific training itineraries to be defined by the educational systems, with emphasis on the following areas of knowledge or professional activity:

- I – Languages;
- II – Mathematics;
- III – Natural Sciences;
- IV – Human Sciences; and
- V – Technical and professional training. (Brasil, 2016)

This article had few changes upon approval of law n. 13.415/2017 (Brasil, 2017):

Art. 36. The secondary school curriculum shall be composed of the National Common Curricular Base and educational itineraries, which must be organized through the provision of different curricular arrangements, according to their relevance to the local context and to the possibilities of the educational systems, namely:

- I – Languages and their technologies;
- II – Mathematics and its technologies;
- III – Natural Sciences and their technologies;
- IV – Applied Human and Social Sciences; and
- V – Technical and professional training.

It should be noted that the new text included that the training itineraries must be organized through the provision of “different curriculum arrangements”, but not defining what they would be for sure. The term does not appear anywhere else in the LDB.

Maria Helena Guimarães de Castro, MEC’s executive secretary, says that with this proposal “[...] students [*have the possibility to*] acquire two degrees in three years: one for regular education and another for technical education [...]”. According to her,

[...] currently, this is not possible. Secondary education students are required to follow a curriculum that is common to all students, with 13 subjects and a duration of three years. Those who want a professional training certificate — offered to those who seek technical education in any modality — must undergo another two years of study or attend classes in two shifts. (Castro, 2016)

However, according to Li (2016), public schools may not be able to offer all five routes due to budget constraints and available staff. In discussing this issue based on data from *Instituto Nacional de Estudos e Pesquisas Educacionais Anísio Teixeira* (INEP), Toledo (2017) argues that, currently, only 15.7% of municipalities are able to offer all five training routes, which demonstrates the fallacy spread by the government that young people will be able to choose the itinerary that they want to attend, when, in fact, they will be obliged to study what the municipality in which they live is able to offer.

In that case, another issue is even more alarming: there is a risk that “[...] [*students from*] the peripheries will only have the option to take the professionalizing course [...]” (Li, 2016). That is,

in the absence of teachers for some of the curriculum components of the national base, educational systems may choose not to offer the “educational itineraries” that correspond to the most deficient areas in terms of teachers duly qualified for professional practice. And, consequently, public education may be led to prioritize “technical and professional training”, since, in order to work in this field, institutions are authorized to hire “*professionals with notable knowledge*” according to the PM [*provisional measure*]. (Li, 2016, emphasis added)

Still regarding the provision of training itineraries, the provisional measure stated, in paragraph 10, that “upon availability of spaces in the educational systems’ networks, students that concluded secondary education will be able to attend another training itinerary described on the *caput*, in the school year subsequent to its completion” (Brasil, 2016).

This text was amended by law n.13.415/2017, which removed the determination that the student could only attend another itinerary in the school year subsequent to the completion. However, it is clear that the possibility of taking a new itinerary is not defined as a student's right, but is linked to the possibility of provision by educational systems.

In this arrangement, Maria Helena Guimarães de Castro that

it will be up to each teaching system to define the educational itineraries, that is, the possibilities of study that open up from the end of the stage that is common to all. The Base may also determine the in-depth curriculum in Portuguese Language and Mathematics that must be maintained until the end of secondary education. For the second stage of secondary education, when there is a possibility of flexibility, we want to wait for the approval of the law that will reshape the cycle. (Castro, 2016)

Thus, a student who chooses a certain itinerary will hardly have contact with another area, nor can they compensate for their ignorance in a given field, obtaining an education through BNCC that is increasingly scarcer epistemologically and temporally. In this sense, students may complete their studies without ever having contact with an area of knowledge other than the one they had studied. This was exactly what happened when, before law n. 4.024/1961, students had to choose between the classic, the normal and the scientific fields.

It is interesting to compare the interview given by Michel Temer to Rede TV (Temer, 2016) and the lecture given by Celso Ferreti,⁵ in which the latter criticizes the fact that he did not have the opportunity to learn the content of the fields not chosen by him at the time he was a secondary education student, while the former praises this possibility with some nostalgia, revealing how the provisional measure and the government operate with an anachronistic and fragmentary educational view. In other words, in addition to hollowing out BNCC's compulsory content base and structuring times, the secondary education reform minimizes the contents that can be accessed through other ways than solely school education.

In order to comply with the curricular requirements of secondary education, education systems may recognize, through their own regulation, knowledge, skills and competences, through different forms of evaluation, such as:

- I – practical demonstration;
- II – supervised work experience or other experience acquired outside the school environment;

5 This lecture part of the roundtable named "*O ensino médio e o PL 6840: retrocesso e perda de direitos*" (Secondary education and PL 6840: retrocession and loss of rights), presented at III Intercrítica, held in Curitiba, Paraná, 2016. It can be accessed at: <<https://www.youtube.com/watch?v=OaGKJJ8sOwk>>. Access on: June 23th, 2018.

- III – technical education activities offered in other educational institutions;
- IV – courses offered by occupational centers or programs;
- V – studies carried out in national or foreign educational institutions; and
- VI – long-distance education or face-to-face education mediated by technologies. (Brasil, 2016)

It should be noted that the new text given by law n. 13.415/2017 to LDB's article 36, paragraph 11, with minor changes to the original text, retained its essence, reaffirming the public-private partnership in the implementation of the secondary education. In addition to all these elements that are harmful to the right to secondary education, this law changed LDB's article 61, making the choice of teachers more flexible, by providing that "professionals with notable knowledge recognized by the respective educational systems" can work in this function "to deliver content related to their training or professional experience" (Brasil, 1996), in order to comply with item V of the *caput* of article 36, which deals with the training itinerary corresponding to professional education.

In other words, the notable knowledge instituted by the provisional measure was maintained on the text of law n. 13.415/2017 in a worsened way: in addition to allowing these professionals to teach content related to their professional training, it allows them to teach subjects related to areas in which they have professional experience. For the Temer Administration,

teachers no longer need a bachelor's degree, they just need "notable knowledge". This is directly related to the approach to the market. Probably, lots of people from corporations are going to administer courses in schools. This has a tremendous impact on undergraduate courses, where the poorest layer of public universities student is found. Not to mention the impact on students, who will be taught by people with no educational training. It raises unemployment rates among teachers, as well as the deterioration of their work conditions. (Li, 2016)

According to Frigotto (2016), this further devalues "[...] teachers who have been crumbled in their time [...]" of work and who are often forced to work "[...] in two or three schools in three shifts to earn a salary that does not allow them to meet their basic needs [...]". Not by chance, these "[...] teachers [are] increasingly becoming ill [...]". In addition, the non-requirement of a degree through notable knowledge represents an attempt by the government to solve structural problems of secondary education, such as the lack of teachers in certain fields and the cost they represent.

For Ramos (2016), this is "the logic of economics". According to the author, as the offering of training itineraries will be chosen by the education system, it may do so according to the area in which there are more teachers available, thus disregarding the issue of lack of teachers in other fields.

Contrary to this, although the provisional measure does not require teacher training, MEC's executive secretary recognizes that this is an issue to be solved.

Teacher training is the most important aspect to implement any curricular change. In order to achieve this (which the reform advocates) in the medium and long term, we must go through the first steps: the approval of law project that will change secondary education and the completion of the National Common Curricular Base. Teachers receive a very fragile initial training that is unable to promote a different, more innovative and creative education. The school must encourage tolerance, pluralism of ideas, coexistence with differences. Our teachers are not prepared to work with this reality. Of course, the problem is not with the teachers themselves, but with the institutions that train them. Teacher training is our greatest challenge. (Castro, 2016)

This argument prompts doubts that emerge in the following questions: how to value teachers' professional education, if the demand for initial training is reduced with the application of the notable knowledge mechanism? How to overcome the history of low investment in the training and remuneration of teachers in the State networks, accounting for 85% of secondary education enrollment rates, considering the effects of DRU and PEC 241/55?

CONCLUSION

In order to try to impose and enable PEC 241/55 and to avoid an explicit legal collision with other devices that still guarantee social rights, the government, caring exclusively about dominant sectors and in articulation with the media and reactionary political segments, edited provisional measure n. 746/2016 to promote changes in secondary education. Such device had its content preserved in law n. 13.415/2017, which implemented the reform, and intends to hollow out the school curriculum, eroding the compulsory contents of this educational stage.

Just as in the FHC Administration, which has made compulsory only primary education, restricting the allocation of resources to this stage of education, the current administration, under the pretext of allowing young people to choose what they want to learn, denies access to sets of knowledge that simultaneously structure the right to basic education and provide access to higher education.

Not by chance, the current administration uses the authoritarian appeal of a provisional measure as a way to prevent society from discussing and resisting the "privatist" project that seeks to deconstruct the social function of secondary education and the national common core, by de-structuring the temporal and epistemological foundations that throughout history have established, though precariously, a uniform curriculum for all, inducing to the conformation of a school for rich people, and another for poor people (Frigotto, 2016), burying the possibility of an integral and unitary perspective for education.

As for the flexibility in choosing the curriculum, recommended in the arguments of MEC's current management, several inferences can be made, as the law does not guarantee that students will be able to take the secondary education course in the field they want, being dependent on the education system. When it comes to the private network, schools are likely to offer a complete portfolio to

satisfy their paying customers. In this case, students are placed as clients, not citizens. For these clients, being able to choose is more valuable than the obligation of what they should study. In contrast, for those who cannot pay for the educational menu available in the private network, only the most precarious courses, or those deemed less difficult, will remain.

Thus, in spite of the arguments that oppose this view, a process of corrosion of the temporal, epistemological, and disciplinary bases of the right to the secondary education is strengthened. This process becomes a reality in the secondary education reform curriculum, which, by making the contents and subjects flexible, non-mandatory and unstructured, points to the hollowing out of the guarantee of knowledge provision by the school, which may result in the structural and educational duality of Brazilian society.

Articulated with advocates of the “unpolitical school”, which is friendly to the private education sector and unable to respond, especially after PEC 241, to the financial needs of state educational systems (articulated in the *Conselho Nacional de Secretários de Educação* — CONSED), this avant-garde movement of backwardness generated by the coup deteriorates the teaching profession, making the processes of teacher selection and remuneration more and more fragile, aiming at the removal of the right to education in Brazil.

In our perspective, the erosion of the right to education, which can be seen in the content of law n. 13.415/2017, is linked to the stifling process of public expenditure, made possible by DRU and PEC 241, which will serve as “a device to have schools with an even more impoverished infrastructure [...]” (Ramos, 2016). In the end result, the Temer Administration’s secondary education reform is a greater setback than the one promoted by law n. 4.024/1961 or by law n. 5.692/1971 and, in certain aspects, worse than decree n. 2.208/1997 (Brasil, 1997) and law n. 6.840-A/2013 (Brasil, 2013). We can infer that, in the short and long term, the real purpose of these measures is meeting the demands of the capital crisis, driven by the project of power of neoliberal and neoconservative Brazilian society sectors.

Currently, according to Mônica Ribeiro da Silva,⁶ we have 10.5 million young people aged 15 to 17 in Brazil, of whom less than half are in secondary education, three million are in primary school and two million have no school ties at all. Analyzing the schools according to the School Census 2014, Silva (2016) states that 44% of secondary education schools do not have a library, 56% do not have a science laboratory, 10% do not have internet, and 30% do not have a sports court or any other place for sports.

Thus, aside from the need to include over five million young people in secondary education, there is a need to restructure teaching conditions, while also valuing teachers, of whom more than half do not have appropriate training. Therefore, any legal modification that changes the curriculum but does not touch these

6 Speech performed at the public hearing held on November 9th 2016, for discussion of the provisional measure n. 746 in the National Congress. It can be accessed at: <<http://legis.senado.leg.br/comissoes/audiencias?codcol=2065>>. Access on: July 5th, 2018.

aspects seems only superficial to these problems, with a supposedly modernizing rhetoric in which flexibility and full-time would be a panacea that distorts its main goals. Finally, the text of this first educational policy by the Temer Administration, before expressing concern for the youth, seeks to meet the dictates of the capital crisis, by hollowing out the right to education. The adaptability of the curriculum results in the erosion of the right to basic and professional education, whose root lies in meeting the demands of the capitalist crisis, which, by choosing to stifle the State's social "expenditure", intends to appropriate the public fund in order to serve the interests of the rentier capital, represented by neoliberal and neoconservative sectors of Brazilian politics.

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